AGENDA

Meeting Type:	Z
Date	01-21-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

1/21/86

council agenda

Charlotte

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

Meetings in January '86

JANUARY 1 - JANUARY 4

1	Wednesday	NEWS YEARS DAY All City Government Offices Closed.
3	Friday, 7·30 a.m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room

THE WEEK OF JANAURY 5 - JANUARY 11

6	Monday, 4·00 p.m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
7	Tuesday, 6 00 p.m.	PARKS ADVISORY COMMITTEE - City Hall, 3rd Floor Conference Room
8	Wednesday, 9·00 a.m.	CIVIL SERVICE BOARD - City Hall 3rd Floor Conference Room
	Wednesday, 2·30 p.m.	PRIVATE INDUSTRY COUNCIL (Press Conference) - City Hall, Council Chamber
	Wednesday, 4 00 p m	CITY COUNCIL/COUNTY COMMISSION/PLANNING COMMISSION (Ordinance Revision Workshop) - City Hall Annex, Training Center
	Wednesday, 7·30 p m.	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
9	Thursday, 4·00 p.m.	CITY COUNCIL/COUNTY COMMISSION/PLANNING COMMISSION (Ordinance Revision Workshop) - City Hall Annex, Training Center

THE WEEK OF JANUARY 12 - JANUARY 18

13	Monday, 11 30 a.m.	PLANNING COMMISSION/Plan Implementation Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 12 Noon	PLANNING COMMISSION - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 7 00 p.m.	CITIZENS HEARING - Midwood Center (Old Midwood School), 1817 Central Ave.
	Monday, 7·30 p.m.	CITY COUNCIL MEETING - Midwood Center, 1817 Central Avenue
14	Tuesday, 9 00 a.m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 4·30 p.m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg , 3rd Floor Conference Room
	Tuesday, 6·00 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
15	Wednesday, 4·00 p m.	EMERGENCY PREPAREDNESS CITIZENS COMMITTEE - County Service Center, Agriculture Extension Conference Room
16	Thursday, 8·00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., Community Development Conference Room, 5th Floor
	Thursday, 11 00 a.m.	MARKETPLACE GROUNDBREAKING - Site on College St. between 5th & 6th STs.
	Thursday, 3·30 p.m.	CITIZENS CABLE ADVISORY COMMITTE - Central Piedmont Community College, Terrell Administration Bldg., 3rd Floor
	Thursday, 7·30 p.m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road
17-18	Friday - Saturday	MAYOR/CITY COUNCIL RETREAT - Southern Pines, N. C

(Continued on back)

THE WEEK OF JANUARY 19 - JANUARY 24

20	Monday	MARTIN LUTHER KING'S BIRTHDAY - City Holiday All City Government Offices Closed.
	Monday, 7 00 p.m.	COMMUNITY RELATIONS COMMITTEE (Martin Luther King Observance) - First Baptist Church, 301 S. Davidson Street
21	Tuesday, 8:00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room
	Tuesday, 2·00 p.m.	HOUSING AUTHORITY - Administrative Offices, 1301 S. Boulevard
	Tuesday, 5·00 p.m.	COUNCIL/MANAGER DINNER -Education Center, Central Conference Room
	Tuesday, 6·00 p m.	CITY COUNCIL (Zoning Hearing) - Education Center, 4th Floor
22	Wednesday, 11·00 a m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
	Wednesday, 4·30 p.m.	PRIVATE INDUSTRY COUNCIL (To Honor Bob Person, Retiring Director of Employment and Training Dept) - Adam's Mark Hotel
	Wednesday, 4 30 p m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E. Morehead St.
23	Thursday, 4·00 p.m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room

JANUARY 26 - JANUARY 31

27	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
28	Tuesday, 3·00 p.m.	COMMUNITY FACILITIES COMMITTEE - Utility Dept., 5100 Brookshire Blvd.
	Tuesday, 4·00 p.m.	SPECIAL USE PERMIT HEARING - City Hall, Council Chamber
30	Thursday, 6·00 p.m.	SPECIAL ZONING HEARING (Re Derita & Hidden Valley Small Area Plan) - City Hall, Council Chamber

The organizations listed below will <u>not</u> meet in January·

Specialized Transportation Advisory Board
Advisory Energy Commission

Charlotte

IN MEETING JANUARY 21, 1986

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

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

ITEM NO.

1. Invocation by the Reverend Bill Phipps, First Pentecostal Holiness Church.

PUBLIC HEARINGS

2. Hearing on 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 604 Hawthorne Lane.

Attachment No. 1-A

3. Hearing on Petition No. 86-2 by Carolina Conference Association, Inc. for a change in zoning from B-1(CD) to B-1(CD) Site Plan Amendment for a 4 acre site located 6000 Conference Drive.

Attachment No. 1-B

4. Hearing 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 tract located 305 Archdale Drive.

Attachment No. 1-C

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. 86-4 by Richard E. Atkinson for a change in zoning from R-9 to O-6(CD) for a .69 acre tract located on Sharon Amity Road, adjacent to 2501 Sharon Amity Road.

   Attachment No. 1-D

6. Hearing on Petition No. 86-5 by Lucile M. Long and Russell C. Long, for a change in zoning from R-15 to R-15MF(CD) for a 2.62 acre site located on Swan Run Road.

   Attachment No. 1-E

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

   Attachment No. 1-F

8. 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.

   Attachment No. 1-G

9. Hearing on Petition No. 86-9 by the Charlotte-Mecklenburg Planning Commission for text amendments to the City of Charlotte. Zoning Ordinance to clarify the administrative approval authority for planned multi-family developments.

   Attachment No. 1-H

10. Hearing on Petition No. SUB 86-1 by the Charlotte-Mecklenburg Planning Commission for text amendments to the City of Charlotte Subdivision Ordinance to clarify the administrative approval authority for subdivisions.

    Attachment No. 1-I

POLICY AGENDA

11. Decision on Petition No. 85-78 by Dennis J. Hall for a change in zoning from O-6 to R-6MF for a .16 acre site on Romany Road near Kenilworth Avenue.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 2

12. Decision on Petition No. 85-51 by the Charlotte-Mecklenburg Planning Commission for consideration of a text amendment to the City of Charlotte Zoning Ordinance, to regulate Demolition Landfills.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-J

13. Decision on Petition No. 85-58 by the Charlotte-Mecklenburg Planning Commission for consideration of a text amendment to the City of Charlotte Zoning Ordinance to add a new Section 1019; Transfer of Right-of-way Development Rights (Street Classification)

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

Attachment No. 3-K

ITEM NO.

14. Decision on Petition No. 85-66 by L. R. Associates, for a change in zoning from R-12 to O-15(CD) for a 3.25 acre site at the southeast corner of Little Rock Road and Tuckaseegee Road.

The Planning Commission recommends that this petition be denied.

Attachment No. 3-L

15. Decision on Petition No. 85-82 by Good Shepherd Luthern Church for a change in zoning from R-9MF(CD) to R-9 for a 6.2 acre site located at 7700 Lawyers Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-M

16. Decision on Petition No. 85-84 by Cottage Place Residents for a change in zoning from R-6MF to R-6 for approximately 6.2 acres of the 100 and 200 blocks of Cottage Place.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-N

17. Decision on Petition No. 85-85 by Anne Swacker Davis for a change in zoning from R-9 to O-6 for a 29,295 square foot site located at 2815 Eastway Drive.

Based on a motion to deny, the Planning Commission vote resulted in a tie, and no recommendation is transmitted. A summary of both sides of the discussion is provided.

Attachment No. 3-O

18. Decision on Petition No. 85-86 by Eagle Wood, Inc., for a change in zoning from R-9MF to I-1(CD) for a 1.18 acre site on the south side of Grier Road, west of Newell-Hickory Grove Road.

The Planning Commission recommends that the petition be denied.

Attachment No. 3-P

19. Decision on Petition No. SUB 85-1 by the Charlotte-Mecklenburg Planning Commission for consideration of a text amendment to the City of Charlotte Subdivision Ordinance, various sections, to implement the Street Classification system.

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

Attachment No. 3-Q

20. Recommend adoption of a resolution calling for public hearings on Monday, February 17, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petitions No. 86-21 through 86-24 for zoning changes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 27, 1985

Mayor and City Council

RE Rezoning Petitions to be Heard in January, 1986

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

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

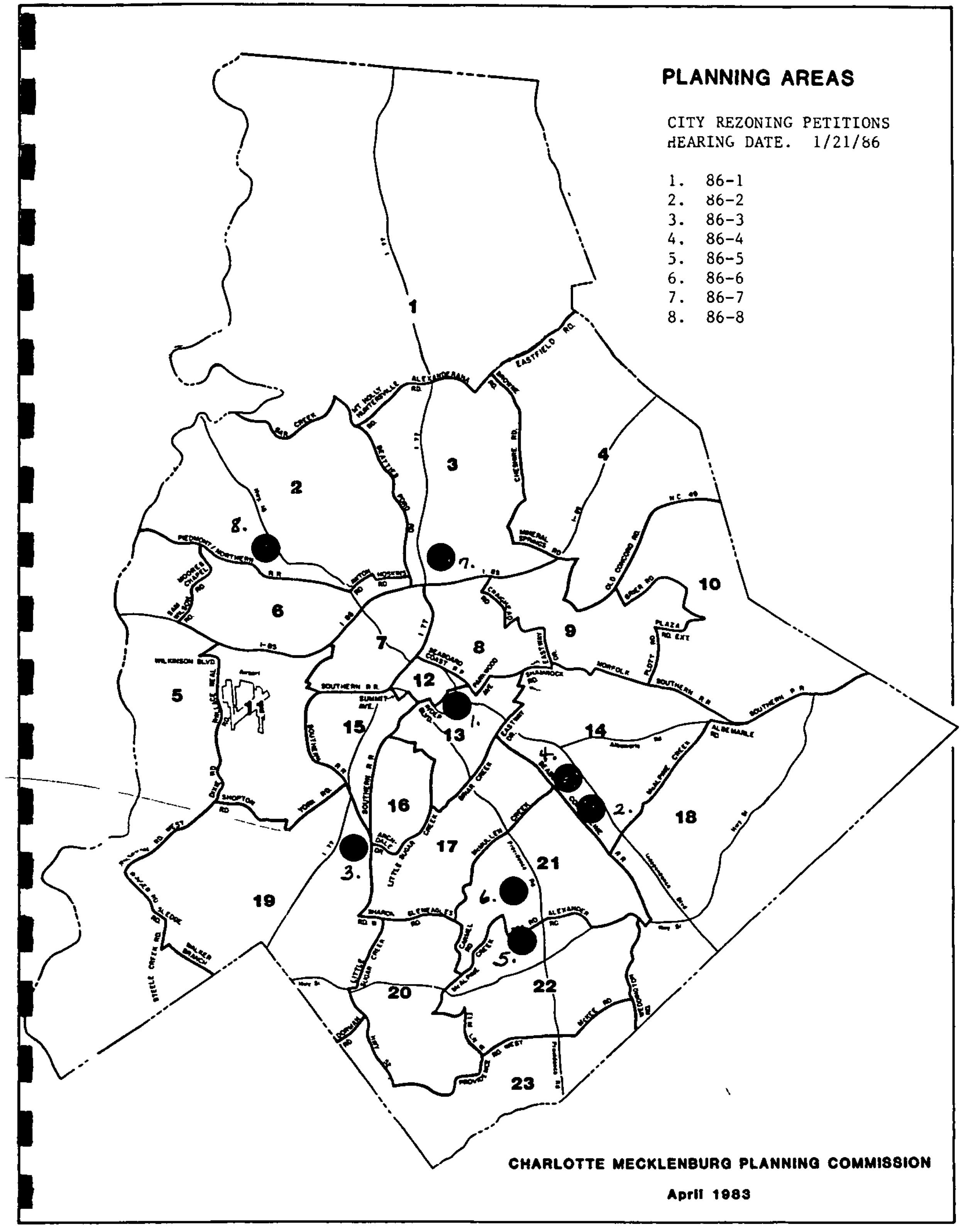
Sincerely,

Robert G. Young
Land Development Manager

RGY oj

Attachments

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


PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE. 1/21/86
1. 86-1
2. 86-2
3. 86-3
4. 86-4
5. 86-5
6. 86-6
7. 86-7
8. 86-8
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-1

Petitioner	Zoy A Kokenes
Location	A 18 acre site located at 604 Hawthorne Lane
Request	Change from R-6MF to O-6 R-6MF = multi-family residential O-6 = office development

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 O-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 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 It runs contrary to publically adopted plans for the area, which involved extensive amounts of time on the part of the neighborhood and the public sector

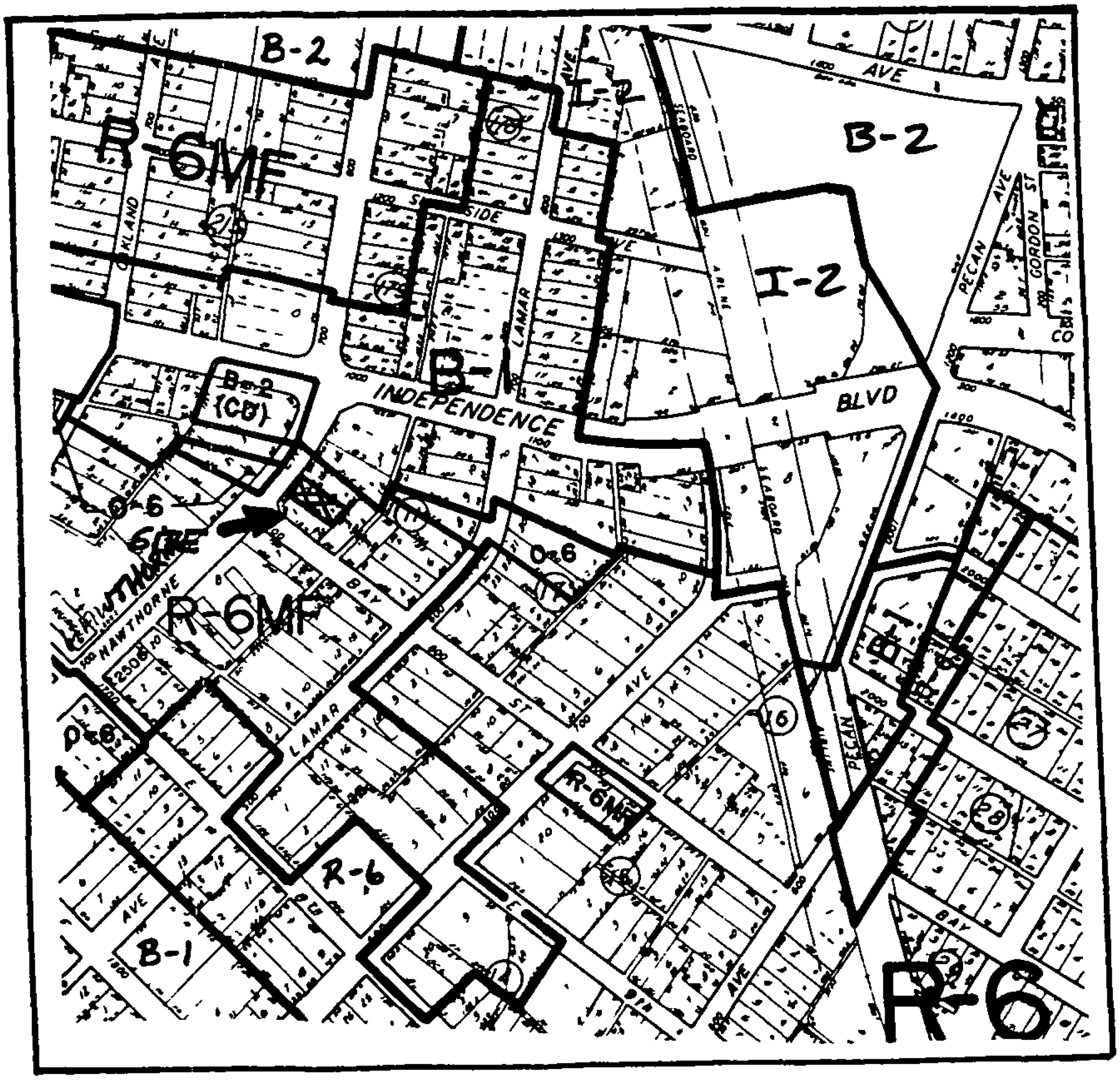
*Subject to further refinement following public hearing

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-1
Date Filed 12-2-85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner: Zoy A. Kokenes (Mes Thomas G) sole owner

Owner's Address: 604 Hawthorne Ln.
Charlotte, N C 28204

Date Property Acquired: 1953

Deed Reference: 1609 - 276 Tax Parcel Number: 127-011-16

Location Of Property (address or description)

604 Hawthorne Lane
Charlotte, N.C. 28204

Description Of Property

Size (Sq Ft -Acres): 53 x 146 (.18 acre) Street Frontage (ft.) Hawthorne Ln. 53 ft.

Current Land Use: multi-family rental

Zoning Request

Existing Zoning: R6 - MF Requested Zoning: O-6

Purpose of zoning change: to conform to neighborhood office buildings of similar nature. Building to be used as small office with low key character.

John Plumides, atty.
Name of Agent

112 N. Myers St., Charlotte 28202
Agent's Address

333-8665
Telephone Number

Zoy A. Kokenes
Name of Petitioner(s)

604 Hawthorne Ln.
Address of Petitioner(s)

334-9394
Telephone Number

Zoy A. Kokenes
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-2

Petitioner	Carolina Conference Association
Location	A 4 acre site at 6000 Conference Drive
Request	Change from B-1(CD) to B-1(CD) Site Plan Amendment B-1(CD) = neighborhood retail with a conditional plan

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 0-15 and there is also an area of 0-6 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 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 as of the preparation of this material

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 expand the use of the property based upon the growth of the sale of religious literature, religious records and tapes, sale of health food items, etc

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

4 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

5 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 now legitimatized through zoning the petitioner is attempting to intensify the activity on this site by amending the plan

6 Staff reiterates its concerns about the rezoning and the plan amendment as proposed here and does not recommend the plan amendment for approval

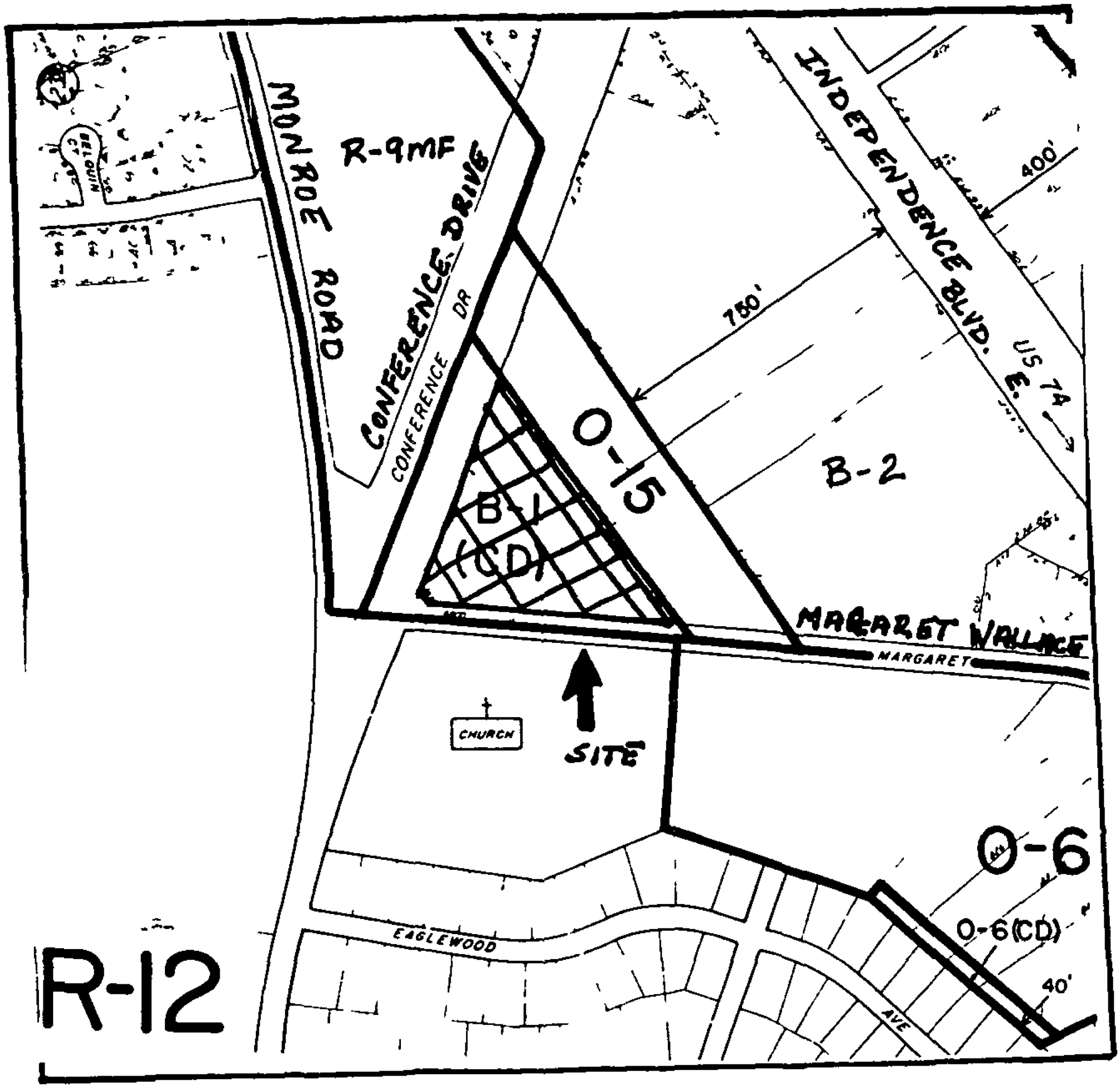
*Subject to further refinement following public hearing

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-2
Date Filed 12.2.85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Carolina Conference Association of Seventh-day Adventists

Owner's Address 6000 Conference Drive, Charlotte, NC 28212

Date Property Acquired 1/14/71

Deed Reference Boox 3258 Page 205 Tax Parcel Number 191-22-6

Location Of Property (address or description) 6000 Conference Drive Charlotte, NC 28212

Description Of Property

Size (Sq Ft -Acres) 4 acres Street Frontage (ft) See attached copy

Current Land Use Administration of church activities of Seventh-day Adventists for North and South Carolina

Zoning Request

Existing Zoning B-1(CD) Requested Zoning B1CD Site Plan Amendment

Purpose of zoning change To accommodate retail sales of religious literature, tapes, visuals and health food items in a separate building to be erected on adjacent property.

Name of Agent

Agent's Address

Telephone Number

Carolina Conference Association Inc
Name of Petitioner(s)

6000 Conference Dr. Charlotte NC 28212
Address of Petitioner(s)

(704) 535-6720
Telephone Number

Signature
Herman Davis
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-3

Petitioner Daly Seven, Inc

Location A 1 9 acre site at 305 Archdale Drive

Request Change from O-6 to B-1 O-6 = office development B-1 = neighborhood retail

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 potential of a retail or restaurant nature that would add to development pressures and traffic in the area?

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 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 0-6 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 support some additional development Rezoning the property to the business classification would allow a restaurant, for example, to locate there

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 The staff does not believe 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 president that other business zoning at this interchange is feasible, when in fact that is strongly advised against

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 Based upon the above circumstances, the petition is not encourage

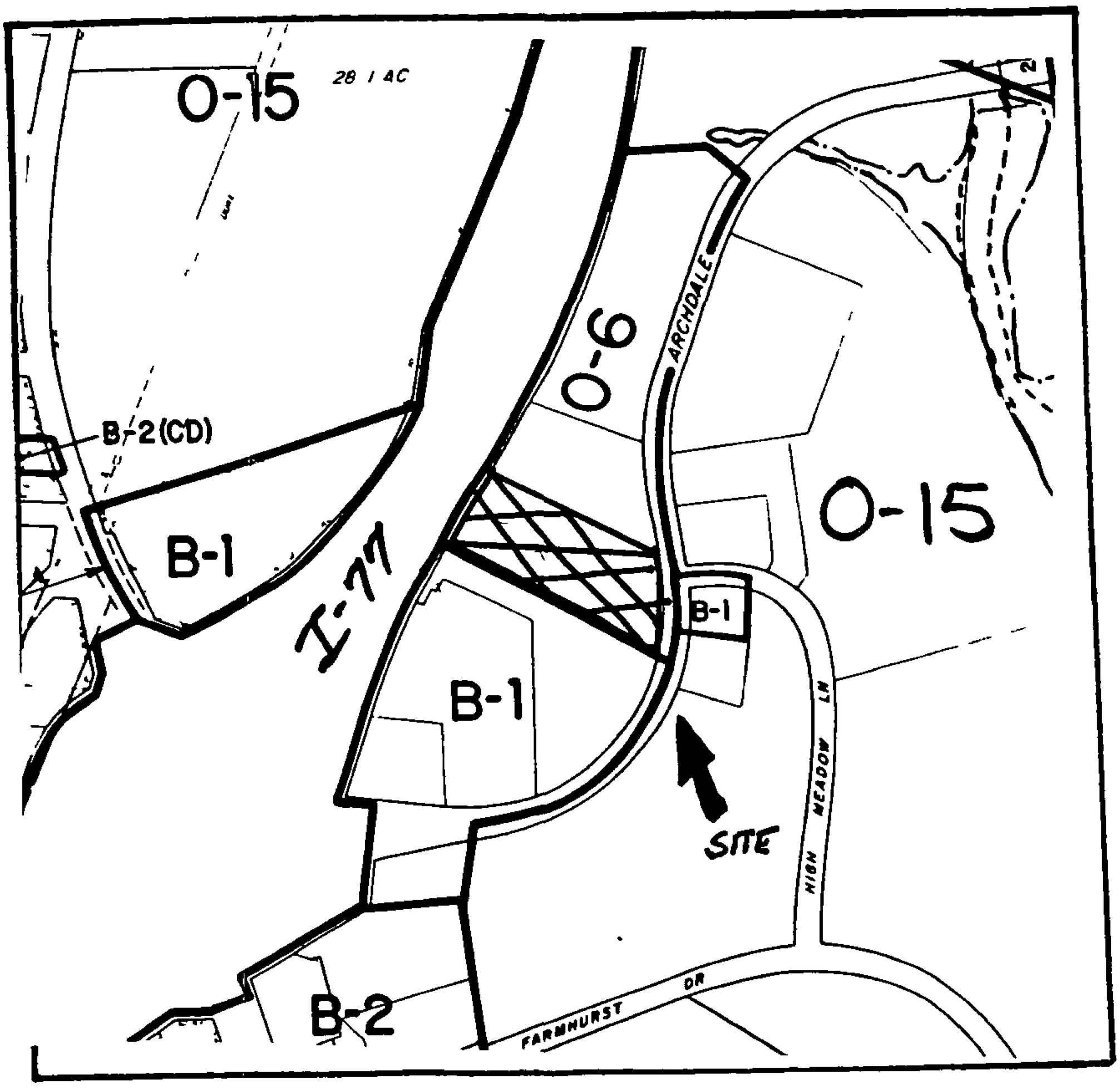
*Subject to further refinement following public hearing

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-3
Date Filed 12 2 · 85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Innkeeper Motor Lodge of Charlotte, Inc.

Owner's Address 305 Archdale Drive, Charlotte, NC 28210

Date Property Acquired October 17, 1984

Deed Reference Book 4921 - Pages 0795,0796,0797,0798 Tax Parcel Number 169-182-10

Location Of Property (address or description) 305 Archdale Drive

Charlotte, NC 28210

Description Of Property

Size (Sq. Ft -Acres) 84,942 sq. ft./1.95 acres Street Frontage (ft) 248.15

Current Land Use Motel

Zoning Request

Existing Zoning Office - 6 Requested Zoning B-1

Purpose of zoning change Motel property is 3.68 acres with split zoning of B-1 and O-6. In order to have continuity throughout the property in regard to zoning requirements we prefer to have the same zoning for the entire parcel.

Name of Agent

Agent's Address

Telephone Number

Daly Seven, Inc.
Name of Petitioner(s)

1020 Piney Forest Rd., Danville VA 24540
Address of Petitioner(s)

(804)793-6162
Telephone Number

Robert J. Daly
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-4

Petitioner	Richard Atkinson
Location	A 69 acre site located on Sharon Amity Road between Buena Vista Avenue and Unaka Avenue
Request	Change from R-9 to O-6(CD) R-9 = single family residential O-6(CD) = office development with a conditional plan

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 9,000 square feet Two driveway entrances to Sharon Amity are 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 the Sharon Amity Road 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 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 Further the site plan proposes to develop the property rather intensely All of the site is virtually used for building and parking This is an especially critical factor since both the Engineering Department and the Charlotte Department of Transportation indicate that additional right-of-way is needed along Sharon Amity Securing such right-of-way would make it virtually impossible to develop the plan as it has been submitted

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 not encouraged for approval

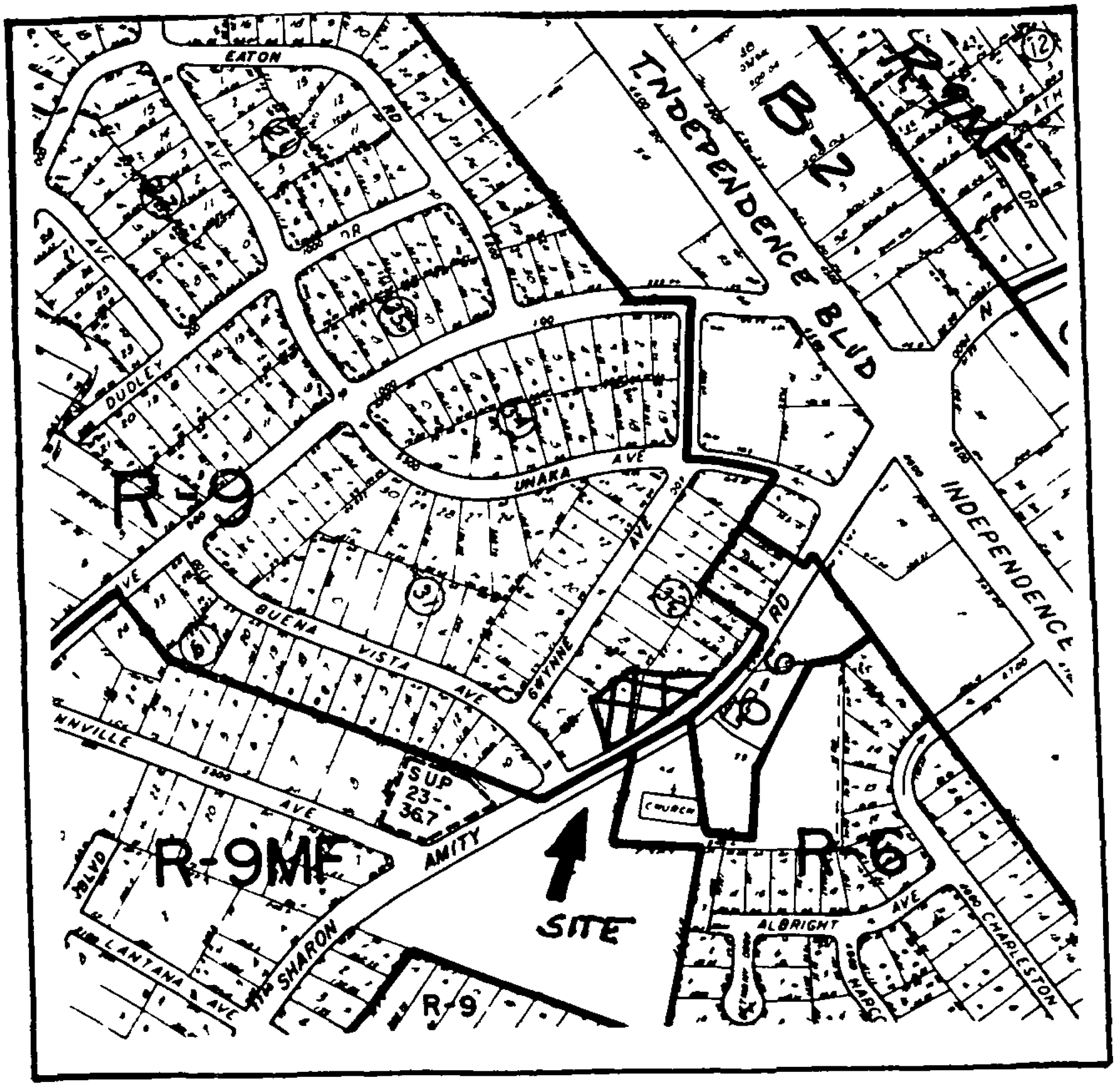
Subject to further refinement following public hearing

PETITIONER Richard Atkinson

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

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED 0-6(CD)

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



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-4
Date Filed 12 2 85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Bernie L. Pence

Owner's Address P. O. Box 25602
Charlotte, N. C. 28212

Date Property Acquired May 7, 1985, Rec. May 8, 1985

Deed Reference Book 5015 Page 0160 Tax Parcel Number 161-032-12 & 13

Location Of Property (address or description) Lots #12 & 13

Sharon Amity Road Adjacent to 2501 Sharon Amity Rd.

Description Of Property

Size (Sq. Ft -Acres) .69 Acres Street Frontage (ft) 324.14

Current Land Use Vacant

Zoning Request

Existing Zoning R-9 Requested Zoning O-6 CD

Purpose of zoning change To Build An Office Building

ATKINSON/DYER ARCHITECTS, P.A.
ATT: Richard E. Atkinson
Name of Agent

5101 Monroe Road, Charlotte, N. C. 28205
Agent's Address

704-568-5382
Telephone Number

Richard E. Atkinson
Name of Petitioner(s)

5101 Monroe Road, Charlotte
Address of Petitioner(s)

568-5382
Telephone Number

Signature
Bernie L Pence
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-5

Petitioner	Russell and Lucile Long
Location	A 2 62 acre site on Swan Run Road
Request	Change from R-15 to R-15MF(CD) R-15 = single family residential R-15MF(CD) = multi-family residential with a conditional plan

ISSUES

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

2 Land Use/Zoning Patterns Based upon the area's existing land use and zoning patterns, is this request reasonable?

BACKGROUND

1 Existing Zoning The rezoning site is presently zoned R-15 It is surrounded on three sides by the same zoning The R-15 classification is one which is generally located throughout the vicinity However, one side of the site is adjacent to R-15MF zoning which generally extends along most portions of Swan Run Road There is also an R-PUD classification just to the east of the property as well

2 Existing Land Use The property in question is undeveloped Several single family residences are located just north of the site with frontage on Swan Run Road Property located immediately to the west of the site is vacant whereas other portions of Swan Run Road are developed with mostly multi-family forms of housing For example, there is a concentration of duplex units just across the site on Swan Run Road and there are also other multi-family units in the vicinity also Single family residential homes are located generally throughout the vicinity There is also one church which is located at the intersection of Swan Run Road and Rea Road

3 Conditional Site Plan The conditional site plan proposes a retirement/ rest home facility for this property Two buildings are planned each of which will be 7,000 square feet in size and contain 12 beds Access to the property is from Swan Run Road A total of 10 parking spaces are shown Buildings shown on the plan set back from Swan Run Road and adjacent properties anywhere from a minimum of 50 feet along one side to a maximum of 110 feet along the rear

GENERAL FINDINGS

1 2005 Plan The 2005 land use map indicates the site is located in an area of existing residential development 2005 Plan strategies indicate the

widening of Highway 51 between Pineville and Matthews and the construction of the Southern Outer Belt between N C 51 and U S 74

2 Highway 51 Widening This project will widen N C Highway 51 to four lanes from Pineville to Matthews The project will construct intersection improvements at major intersections The first phase of the project involves the redesign and construction of the intersection of N C 51 and N C 16 and is anticipated to begin construction in late summer 1986 The remaining phases of the project are expected to begin in 1988 and concluded in 1990

3 Pre-Hearing Staff Input Staff provided advice and guidance regarding the submission of the application Staff offered the opinion that this site was better suited for the proposed use than an earlier site rejected for the same concept in a recent Minor Special Use Permit decision on Spring Circle (See Detailed Finding #3)

4 Neighborhood Context The site is located in the Old Providence neighborhood

5 Departmental Comments (Summary)

1 Engineering Department Other than normal Engineering permits and administration no other comments were made

2 C-DOT Comments from the Charlotte Department of Transportation were not available as of the preparation of this material

3 Fire Department The Fire Department comment related to a recommendation concerning the installation of fire sprinklers throughout both buildings in order to provide an optimum level of fire safety

4 Building Standards Building Standards had no problems in their review of the site plan and application

5 Planning The Planning staff raised the question about the sufficiency of the number of parking spaces being provided as well as a technical comment regarding the proposed size of the sign for the project

DETAILED FINDINGS

1 The property in question is presently zoned R-15 The petitioner is seeking R-15MF(CD) The property is approximately 2 6 acres in size and is located on Swan Run Road

2 The petitioner is planning a retirement/rest home for the property (For further details refer to Background #3)

3 A brief bit of background might help to explain the rezoning request here Until recently the proposed use would have gone through a Minor Special Use Permit instead of a rezoning, but due to changes in the zoning ordinance a rezoning is now required It should be noted that the petitioner

in this case did in fact go through a Minor Special Use hearing, but was denied a permit for a very similar proposal for property which is located off Spring Circle Spring Circle is located off of Highway 51, but portions of it including the area of the Special Use Permit site are not maintained as a public street In that setting the retirement home encountered difficulties with the neighborhood as well as difficulty in meeting some of the findings required under the Special Use Permit hearing

4 The site lies in an area of mixed residential development Single family detached homes are located just to the north of the site whereas other portions of Swan Run Road are devoted to other forms of residential types, including duplex and multi-family type units The site is also across the street from an area of R-15MF zoning, but is bordered presently by single family zoning on the remaining sides

5 The proposed use is one which by virtue of its characteristics and operating nature is one that would generate very little traffic The size, mass and bulk of the buildings is similar to those of some of the nearby multi-family buildings The plan also provides for acceptable building setbacks from adjoining properties and plans to retain trees around the perimeter of the site These characteristics help make the use compatible with the neighborhood

6 It would be desirable, though, if the plan could be added such that the architectural rendering of the buildings could be attached so as to insure an even greater level of compatibility in terms of architectural style as it relates to a residential look and feel

7 There are no development impacts that have been identified with regard to this petition Consequently the major focus of the request involves its compatibility in terms of land use and zoning with the area As mentioned above it is believed that the site plan and the use are compatible with the area given the existing development and zoning patterns

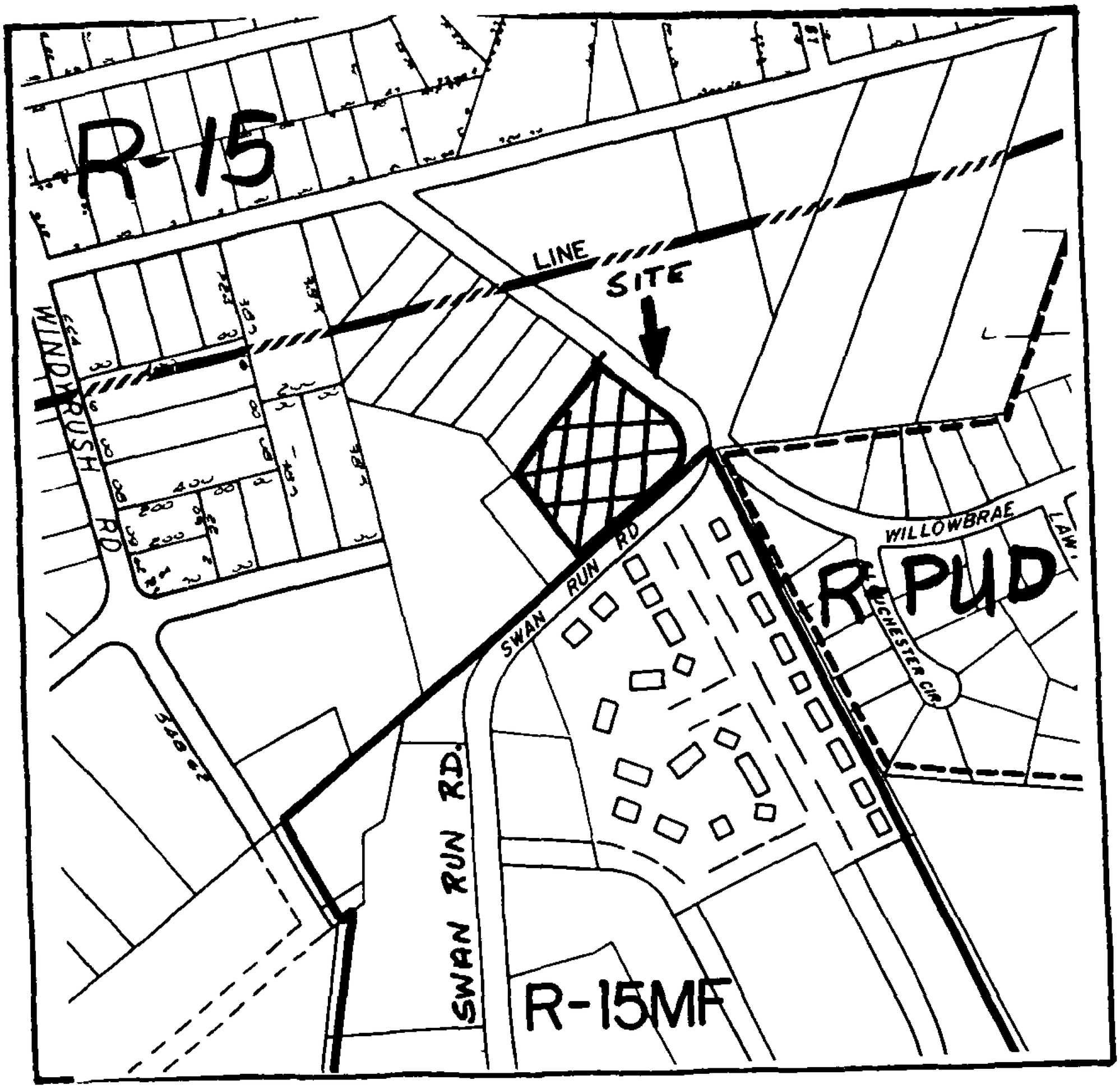
*Subject to further refinement following public hearing

PETITIONER Russell and Lucile Long

PETITION NO. 86-5 HEARING DATE 01/21/86

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

LOCATION A 2.62 acre site on Swan Run Road



ZONING MAP NO. 159 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-5
Date Filed 12 2 85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner Kenneth C Browder, Jr.

Owner's Address 1366 E. Morehead St.

Charlotte, N .C. 28204

Date Property Acquired 9/11/85

Deed Reference 5086-0259 Tax Parcel Number 211-291-31

Location Of Property (address or description)

Swan Run Road, Matthews, N.C. 28105

Description Of Property

Size (Sq Ft -Acres) 2.62 acres Street Frontage (ft) 670'

Current Land Use Unimproved.

Zoning Request

Existing Zoning R-15 Requested Zoning R-15MF CD

Purpose of zoning change To permit the building of homes for the aged.

Robert E Wilburn
Name of Agent

4012 Park Rd.,Charlotte, N.C. 28209
Agent s Address

704-527-0660
Telephone Number

Russell C Long and/or Lucile M Long.
Name of Petitioner(s)

6336 Providence Rd.,Charlotte,NC.
Address of Petitioner(s)

704-364-0513
Telephone Number

Lucile M Long and/or Russell C Long M.D
Signature

Kenneth C Browder Jr
Signature of Property Owner If Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-6

Petitioner	Martin Development Group
Location	An 11 3 acre site along the southerly side of Sharon View Road between McAlpine Creek and Old Providence Road
Request	Change from R-15 to R-20MF R-15 = single family residential R-20MF = conditional multi-family residential development

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 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 Based upon the above circumstances, the rezoning is encouraged 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

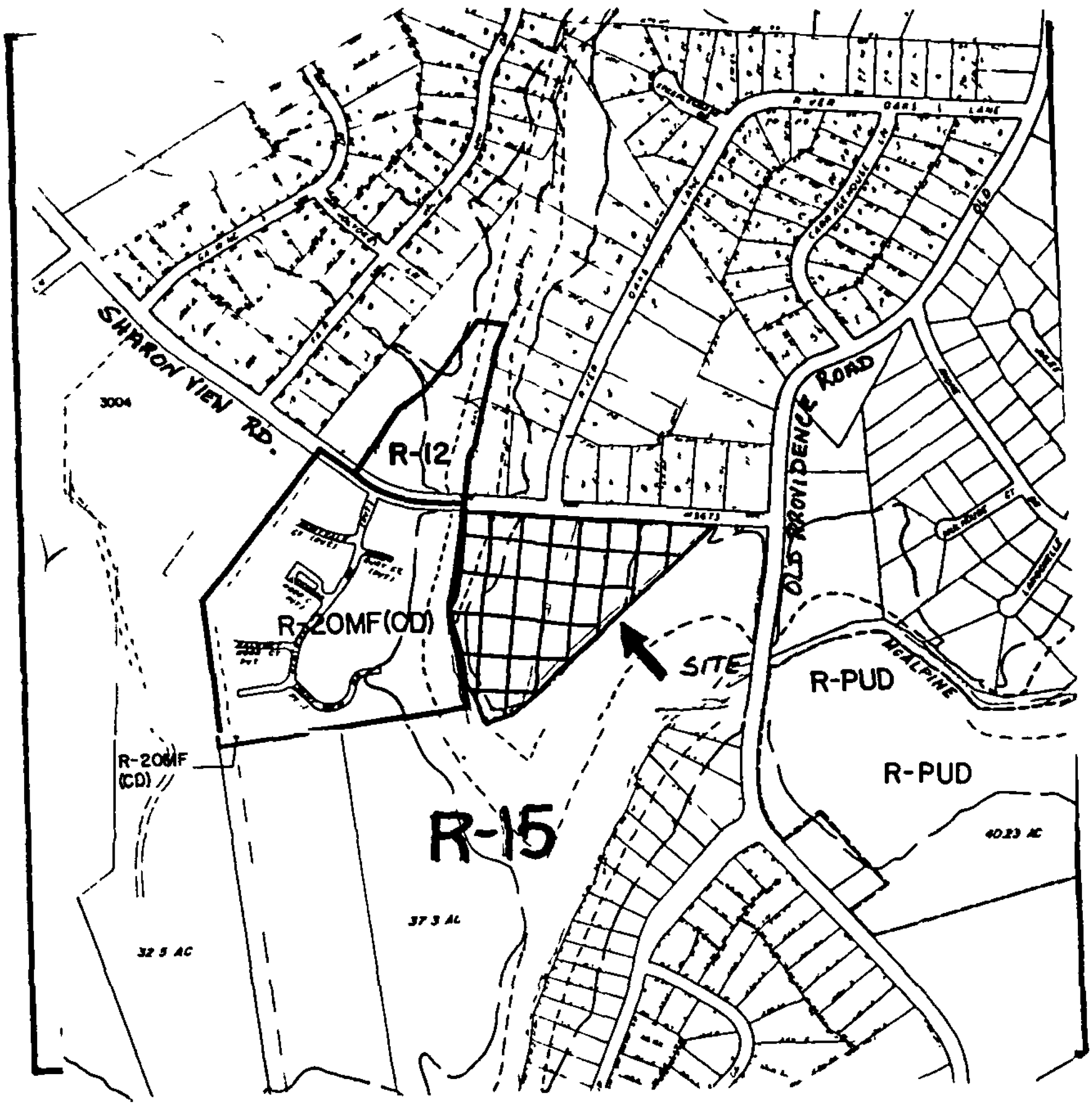
*Subject to further refinement following public hearing

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'~~

map has been reduced

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-6
Date Filed 12-2-85
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner William M. Porter, Sr., William M. Porter, Jr. and Dorothy Porter

Owner's Address 5900 Sharon View Road
Charlotte, North Carolina 28226

Date Property Acquired 1944

Deed Reference Book 211, page 10 Tax Parcel Number 211-101-25 211-101-24

Location Of Property (address or description) 5828 and 5900 Sharon View Road, Charlotte, N.C.

Description Of Property

Size (Sq. Ft.-Acres) 11.379 acres Street Frontage (ft) 989.5'

Current Land Use 2 residential homes

Zoning Request

Existing Zoning R-15 Requested Zoning R-20 MF (CD) Innovative Development

Purpose of zoning change To permit innovative housing development as allowed under R-20 MF conditional districts

Thomas H. Wright III
Name of Agent
c/o Martin Development Group, Inc.
Agent's Address
One Tryon Center, Charlotte, N.C.
Telephone Number
1-704-332-1242

Martin Development Group, Inc.
Name of Petitioner(s)
One Tryon Center, Charlotte
Address of Petitioner(s)
332-1242
Telephone Number
William M. Porter Jr. 366-3698
Signature Dorothy G. Porter
William M. Porter Jr.
Signature of Property Owner If Other Than Petitioner

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

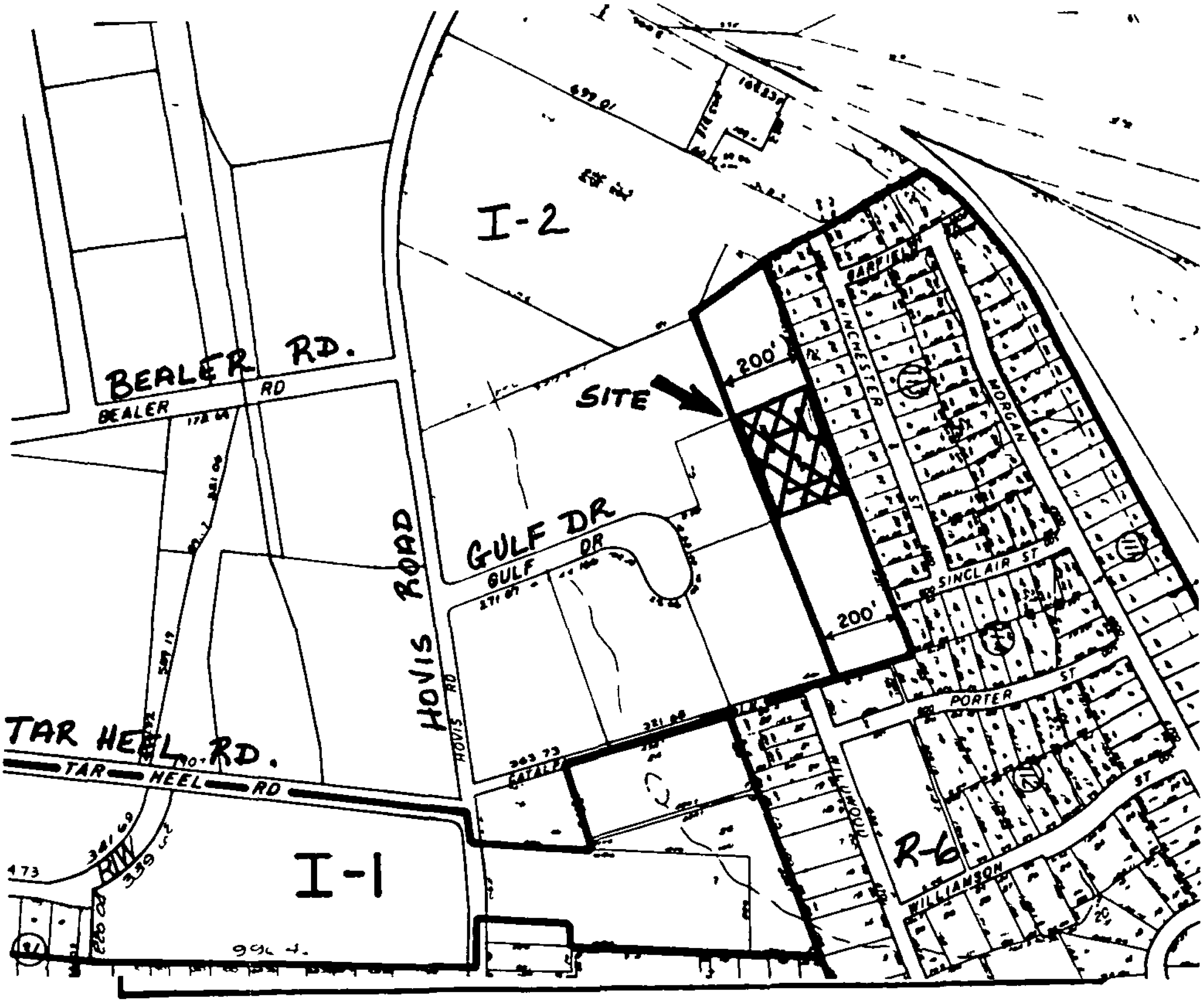
*Subject to further refinement following public hearing

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'

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 1981

Deed Reference _____ 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) 4 acres Street Frontage (ft) 118.55

Current Land Use Trucking Terminal

Zoning Request

Existing Zoning I-1 Requested Zoning I-1 to I-2 Conditiona District Rezoning for Truck Terminal addition

Purpose of zoning change

To be able to add to an existing trucking terminal.

Donald C. Neal Construction Co., Inc.
Name of Agent

618 Rountree Rd. PO Box 240847 Charlotte, NC 28224
Agent's Address

704-523-7569
Telephone Number

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

PO Box 220 Chambersburg, PA 17201
Address of Petitioner(s)

717-264-4184
Telephone Number

H. C. Gabler Jr. Pres
Signature

Signature of Property Owner if Other Than Petitioner

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-9

Date Filed 12/02/85

Received By CL

OFFICE USE ONLY

Section No An ordinance amending Appendix A - Zoning of the code of the City of Charlotte, including bur not limited to amendments to Sections 3101.1 and 3101.10.

(Title)

Purpose of Change To clarify the administrative approval authority for planned multi-family developments.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

301 South McDowell Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

ORDINANCE NO. AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, § 3101, "Planned Multifamily Developments" .1, shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows.

> "§ 3101 1. A planned multifamily development is a group of two or more multifamily buildings or three or more duplexes established on a single tract of land It has a unified design of buildings and a coordinated organization of open spaces and service areas. It is developed in accordance with an approved site plan and standards required by the Subdivision Ordinance and in accordance with § 3101, "Planned Multifamily Developments," et seq Wherever the term "Planning Commission" appears in § 3101, et seq., it shall refer and mean the Planning Commission staff.

Section 2. Appendix A-Zoning, § 3101.10 shall be amended by the deletion of the words "in accordance with the requirements of the Subdivision Ordinance" and in lieu thereof shall read as follows.

> "in accordance with the requirements of the Subdivision Ordinance and the requirements of Code § 3101, "Planned Multifamily Developments", et seq., stated hereinbefore "

Section 3. This ordinance shall be effective upon adoption.

Approved as to form:

_____

City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an ordinance adopted by City Council of the City of Charlotte, in meeting held on the _____ day of_____, 1985, and recorded in full in Ordinance Book_____, beginning on page_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the_____day of_____, 1985.

_____
Pat Sharkey, City Clerk

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. SUB 86-1

Date Filed 12/02/85

Received By CL

OFFICE USE ONLY

Section No An ordinance amending Chapter 20, entitled "subdivisions" of the code of the City of Charlotte, including but not limited to amendments to Sections 20-3, 20-9 & 20-11. (Title)

Purpose of Change To clarify the administrative approval authority for subdivisions.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

301 South McDowell Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

ORDINANCE NO. AMENDING CHAPTER 20

AN ORDINANCE AMENDING CHAPTER 20, ENTITLED "SUBDIVISIONS", OF THE CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Section 20-3, "Definitions", of the City Code shall be amended by the addition of a new term, "Planning Commission", which shall appear between the term "Planned multi-family development" and "School board" and shall read as follows

> "Planning Commission Except as provided herein, whenever the term 'Charlotte-Mecklenburg Planning Commission' or 'Planning Commission' is used in this chapter, the term shall mean and refer to the Planning Commission staff Pursuant to its authority in N C Gen Stat § 160A-361 'Planning agency', the City Council designates the Planning Commission staff as the designated planning agency to administer the Subdivision Ordinance and to carry out the authority stated in N C Gen Stat. § 160A-373 Provided however, that references to the planning commission in § 20-9(d), § 20-11(4) and § 20-41 shall mean the Charlotte-Mecklenburg Planning Commission.

Section 2. Section 20-9(d) shall be deleted in its entirety and in lieu thereof a new section 20-9(d) to read as follows·

> "(d) If the staff (planning agency) disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval shall be stated in writing After such disapproval, an appeal from the decision of the staff may be taken to the planning commission If the planning commission disapproves the preliminary plan or final plat, then an appeal of the disapproval may be taken to the city council An approved, final plat of a subdivision shall be eligible for recording by the county register of deeds "

Section 3. Section 20-11(4) shall be deleted in its entirety and in lieu thereof a new section 20-11(4) to read as follows:

> "(4) The action of the staff (planning agency) of the planning commission may be approval, tentative approval with conditions, or denial of the preliminary site plan. When granted tentative approval with conditions, the developer shall submit a revised plan that is in conformance with those conditions.
>
> a If the planning commission staff disapproves a preliminary site plan, the grounds for such disapproval shall be stated in writing After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. If the planning commission disapproves the preliminary site plan, then an appeal of the disapproval may be taken to the city council.

Section 4 This ordinance shall become effective upon adoption.

Approved as to form

_____

City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an ordinance adopted by the City Council of the City of Charlotte, in meeting held on the _____ day of _____, 1985, and recorded in full in Ordinance Book _____, beginning on page _____

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 1985

_____

Pat Sharkey, City Clerk

DATE· November 21, 1985

PETITION NO · 85-78

PETITIONER(S) Dennis J Hall

REQUEST Change from O-6 to R-6MF

LOCATION A 16 acre site on Romany Road near Kenilworth Avenue

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Griffin abstained from voting)

REASONS

ISSUES

1 Non-Owner Petition This request represents a non-owner petition What neighborhood preservation issues are involved as well as those of the interest of the property owner?

2 Dilworth Objectives. What overall planning objectives for Dilworth are proposed for the area, particularly along and near Kenilworth Avenue?

BACKGROUND

1 Existing Zoning The parcel of land involved in this petition is currently zoned O-6 Property which borders this site on three sides is also zoned O-6 and the O-6 classification generally extends along and near Kenilworth Avenue The remaining side of the site borders an area zoned R-9 Nearby are areas zoned R-6MF as well as smaller areas zoned B-1 There is also a large tract of land approved as a Major Special Use Permit for the Charlotte Memorial Hospital complex

2 Existing Land Use The subject property has on it at the present time a duplex structure Single family, duplex and small apartment development comprise the residential land use pattern nearby Along Romany there is a mixture of office and residential usage The Charlotte Memorial Hospital complex represents the largest user of land in the neighborhood Nearby on Morehead Street and East Boulevard are retail and shopping opportunities

3 Property Owner Notification The property owner in this case is Butler-Sidbury, Inc , but they are not the petitioner They were notified of the request but as of the preparation of this material the staff has not received any word from them

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates residential usage at an overall density of 0-6 dwelling units per acre in the vicinity of the site along with the identification of resitential transition areas This document is in the process of being updated

2 Dilworth Small Area Plan The plan proposes no land use changes within the Scott Avenue/Kenilworth Avenue Corridor Broad policy goals contained within the plan urge the protection of Dilworth s historic character as well as the need to conserve existing single family and multi-family housing stock

3 Neighborhood Context The site is located in the Dilworth neighborhood

DETAILED FINDINGS

1 The rezoning site is a small parcel of land which fronts on Romany Road near the intersection with Kenilworth Avenue Present zoning is 0-6 and the petitioner is seeking R-6MF

2 The petitioner in this case is not the property owner The petitioner in this case is one of the adjoining property owners The property owner in this case also owns three other adjoining parcels which front on Kenilworth Avenue

3 The petitioner states in the application that the purpose of the zoning change is to rezone the property to conform to the historic and current usage of the site and to enhance its compatibility with abutting residential (R-9) areas

4 As was noted above the property is zoned 0-6 The 0-6 designation generally stretches along Kenilworth Avenue Some residential structures still remain but many have been converted for office purposes

5 The Dilworth Plan does not recognize any changes within this corridor, but does go on to express the need to preserve and protect the housing stock and Dilworth's historic character

6 One of the central questions in this case is that of weighing the interest of the neighborhood versus those of the property owner

7 The Dilworth neighborhood year after year becomes stronger as more areas are revitalized and new famlies move into this inner city neighborhood Measures have been taken in other areas within the neighborhood to rezone property to protect and preserve the residential character Dilworth and

other neighborhoods form the building blocks of our community and is very definitely a public purpose to save the residential environment and housing stock

8 Obviously the property owner has relied upon the existing zoning in order to fully utilize the property But when weighing the interests of the overall community and the Dilworth neighborhood in particular versus those of the property owner, it does seem that the petition has merit Though the area along Kenilworth is zoned for office usage and is used extensively for those purposes, the existing structures have been retained and thereby some of the character of the neighborhood has likewise been retained It would be undesirable to lose the housing stock in this case to construction of an office complex

9 Planning Commission deferred the matter once for 30 days, but upon taking up the matter again felt that the matter was worthy of recommendation for approval despite any discussion which might be taking place between the property owner and the neighborhood

10 The significant factor cited by Planning Commission was the fact that the rezoning site fronts on Romany Road, which is a completely different street and environment than nearby Kenilworth where the balance of the property owner s land lies

11 Planning Commission also questioned whether or not the property owner could actually build the office complex as proposed They believed the project to be too intense for the site and could not legally make all the standards of the zoning ordinance for setback/yards and parking in particular

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

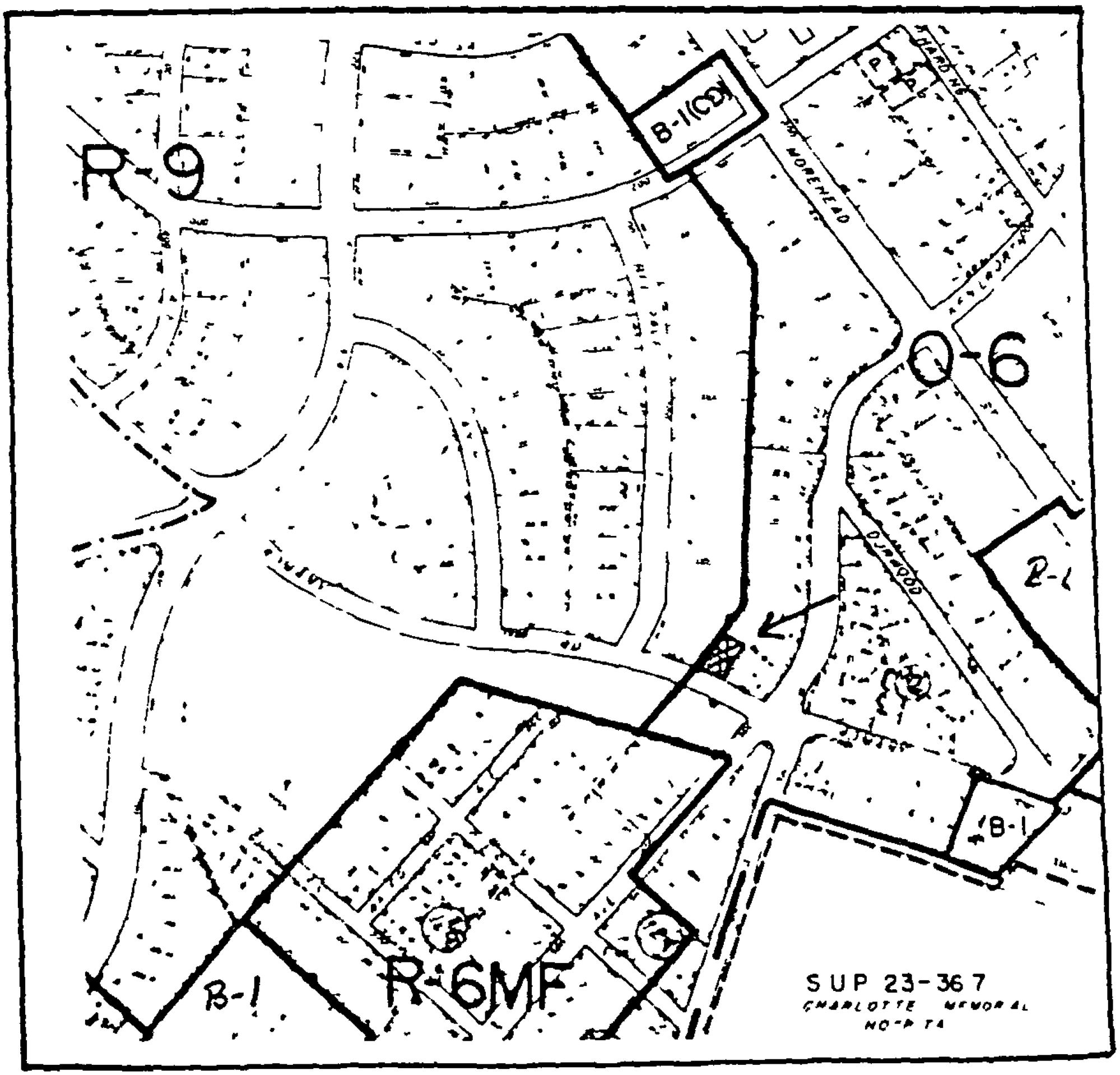
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Dennis J. Hall

PETITION NO. 85-78 HEARING DATE October 21, 1985

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

LOCATION A 160 acre site on Romany Road.



ZONING MAP NO. 111 SCALE 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 3, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in meetings of the Planning Commission on December 3, 16 and 19, 1985

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on January 13, 1986 This will then permit these matters to be placed on your agenda for consideration on January 21, 1986

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

Respectfully submitted,

Robert G Young
Land Development Manager

RGY oj

Attachments

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

DATE 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 may 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. <u>Off Site Demolition Landfill</u>

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

DATE December 16, 1985

PETITION NO 85-58

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the Zoning Ordinance for a new section 1019, Transfer of Right-of-Way Development Rights (Street Classification)

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

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

Nays None

REASONS

The Comprehensive Plan 1995 called for the development and adoption of a "road classification system based on the functional uses of various roads " In response to that charge the Comprehensive Street Classification System was developed and adopted in November, 1982 by the Charlotte City Council and in January, 1983 by the Mecklenburg County Board of County Commissioners The Street Classification System establishes a functional hierarchy of street types, identifies needed rights-of-way for various street types, and establishes right-of-way dedication, reservation and improvement requirements

The central focus of the Street Classification system is the assurance of the necessary rights-of-way to accommodate future street needs Accordingly the requirements for the dedication of rights-of-way for public streets was increased from the present 60' requirement to a 100' requirement In addition, any additional rights-of-way which may be required in excess of 100' must be reserved for future acquisition, although that right-of-way may also be dedicated at the option of the developer

In consideration of the increased requirement for the width of the dedicated and reserved right-of-way and for the increased required dedication, the Street Classification System recommends a shifting of improvement responsibility for major streets from the private sector to the public sector During the Planning Commission discussion sessions on the initial draft of the ordinance to implement Street Classification, it became clear that some consideration should also be given to the development rights lost to the wider rights-of-way in addition to the trade-off of "land for improvements" As a result, the public hearing draft contained a provision which allowed for the recovery of the development rights lost to the larger rights-of-way

Subsequent to the public hearing considerable discussion ensued regarding this proposal, including suggestions that there should be a "bonus" of up to four times the original development rights for right-of-way dedication The staff investigated the matter and recommended that no bonus be provided During continued discussions, an alternative was proposed which, while not a "bonus" per se, would allow the use of development rights which were heretofore lost to the first 60' of dedicated right-of-way The recommended language contains that alternative

The Planning Commission, therefore, recommends that this ordinance amendment, as modified, be approved This change along with the accompanying subdivision ordinance amendments will implement the Street Classification System

Staff Opinion

Amen'

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. Add a new Section 1019 as follows:

1019. <u>Effect of Certain Street Dedication on Computation of Density</u>

The subdivision ordinance requires the dedication of up to 100' of right-of-way (50' on either side of the centerline) for public street purposes. In addition, any minimum right-of-way requirement in excess of 100' must be reserved for future street purposes may be offered for dedication at the option of the developer or property owner. All of the area which is dedicated for any public street except Class V or Class VI streets may be used to compute the number of lots or dwelling units allowed on the entire site. To compute the number of lots or dwelling units that could have been built in the right-of-way area the following method will be used.

For single family districts. Total right-of-way area expressed in square feet divided by the minimum lot area for the district

For multi-family districts: Total right-of-way area expressed in square feet divided divided by the minimum lot area for each additional unit for the district

The lots in a single family subdivision outside of the areas to be dedicated may be reduced in size to accommodate the total number of lots which could have been derived from the right-of-way area so long as no more that 50% of the total number of lots in the subdivision are so reduced and so long as the reduction of the lot sizes does not fall below the lot standards of the next least restrictive single family zoning classification. In the case of multi-family development, the total number of units which could have been derived from the right-of-way area may be constructed elsewhere on the site so long as the overall project density does not exceed the maximum allowable density of the next least restrictive multi-family zoning district or result in a 25% increase in the total number of dwelling units on the site, whichever is less.

Any such computations are a mandatory submission requirement for a single family subdivision and must accompany the preliminary plan, and are a mandatory submission requirement for a multi-family development and must accompany the planned multi-family review submission or the rezoning petition if one is required.

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE December 19, 1985

PETITION NO 85-66

PETITIONER(S) L R Associates

REQUEST Change from R-12 to O-15(CD)

LOCATION A 3 26 acre site at the southeast corner of Little Rock Road and Tuckaseegee Road

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Clodfleter, Emory, Lewis, Lowery, S Smith and Wheeler

Nays Griffin

(Commissioner M Smith abstained from voting)

REASONS

ISSUES

1 Tuckaseegee Road Streetscape/Objectives What overall planning objectives are important to keep in mind as this petition is being discussed? For example, how does the proposal relate in terms of use, driveways, streetscape, etc , to Tuckaseegee Road?

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

3 Recent Petition How does this rezoning request relate to a recent rezoning petition which immediately adjoins the southerly boundary of this site?

4 Long Term Objectives for the Area What are the long term planning/zoning/land use objectives for the area?

BACKGROUND

1 Existing Zoning The rezoning site is currently zoned R-12 and property which surrounds it at the present time on three sides is likewise zoned (Note the southerly boundary has recently been petitioned for B-1(CD)) Across Little Rock Road from the site is an area of B-1SCD zoning while south of the site at the Little Rock and I-85 interchange land there is zoned B-2 On the southerly side of I-85 the pattern changes to industrial zoning The general pattern of the area beyond I-85 and Little Rock is one of single family residential zoning

2 Existing Land Use The subject property is vacant at the present time A small neighborhood sized shopping center is located across Little Rock Road from the site and other retail uses including fast food restaurants and motels are located south along Little Rock Road at the I-85 interchange North of the site is mostly single family development as well as some institutional uses such as schools and churches South of I-85 the pattern reflects business and industrial development

3 Site Plan The conditional site plan outlines office development for the property A 60 foot setback measured from Tuckaseegee Road will be observed in which no parking will be allowed and a 50 foot setback from the existing Little Rock Road right-of-way is shown Within that 50 feet, 14 feet is being dedicated for future right-of-way Notes on the plan indicate that setback areas shall be grassed and shall incorporate new and existing plant materials to promote a residential image Further, buildings constructed on the site shall incorporate architectural design features such as roof lines, window treatment, etc , to promote a residential image also Parking will be located internally and driveway access from both streets will be provided Berms and plantings at the corner of Tuckaseegee and Little Rock will tie into the natural vegetation already existing in designated setback areas One driveway from Little Rock Road is shown as are two from Tuckaseegee Road

GENERAL FINDINGS

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

2 I-85 Improvements Interstate 85 is planned for widening and a reconstruction of the interchange at I-85 and Little Rock Road

3 Pre-Hearing Staff Input Staff discussed this matter with the petitioner prior to the submission of the application The petition is a "piggyback" to an earlier petition filed by the applicant for property south of this one Staff indicated in the pre-application discussion that the site plan should provide for protection along Tuckaseegee Road and that the overall feel of a development here should promote a residential scale and look

4 Neighborhood Context The site is located within the area known as the Pineville Road neighborhood

DETAILED FINDINGS

1 The rezoning site is comprised of a 3 2 acre site at the southeast corner of Little Rock Road and Tuckaseegee Road Current zoning is R-12 and the petitioner is requesting O-15(CD)

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

3 The site is rather strategically located at the intersection of Little Rock Road and Tuckaseegee Road Its development is important in that it will set the tone for the remainder of the intersection development here

4 Therefore, it is imperative that future development promote a site design that does not perpetuate a strip commercial pattern which would extend all the way from I-85 to this corner and then perhaps beyond

5 It should be noted that this petition represents the second of two filed by the petitioner The first sought B-1(CD) zoning for an area just south of this site which will have frontage along the newly constructed service road off I-85 Planning Commission, in recognition of that relationship, recommended that that petition be approved and City Council did approve that request However, the Commission and staff were concerned about the effects of that application on this property and sought to have the petitioner file an application which specifically would stop the business zoning at the area of influence at the service road

6 The petitioner responded by filing this application and proposing office development

7 Planning Commission discussed and/or deferred this matter on several occasions The central topic of concern related to the effect of the plan on Tuckaseegee Road, especially with regards to driveways Planning Commission felt that driveway connections to Tuckaseegee might be a negative influence and sought to have those deleted

8 On the other hand C-DOT was concerned about driveway connections to Little Rock Road due to the possible congestion as it relates to future plans to re-align the I-85 service road The petitioner had originally proposed two driveways onto Little Rock, but dropped one at staff's suggestion based on this concern Therefore the petitioner throughout always proposed two driveways to Tuckaseegee Road

9 In the final analysis Planning Commission believed that a good site plan relative to the aforementioned problem could not be achieved Further, they had all along been concerned about creating a good "holding pattern" here and ulitmately decided that the best way to do that was to leave the existing single family zoning intact until a better, specific proposal came along

10 In recommending denial Planning Commission was somewhat uncomfortable in that they (and staff) had urged the petition However, Planning Commission did recognize the possibility that a better plan might come along within two years and should this petition be denied they indicated the possibility of recommending favorably to City Council about hearing a new petition within the prescribed two year waiting period

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

Minority Opinion
The minority opinion expressed the viewpoint that the petitioner in effect was forced to file the application and had worked diligently on the site plan relying upon Planning Commission direction

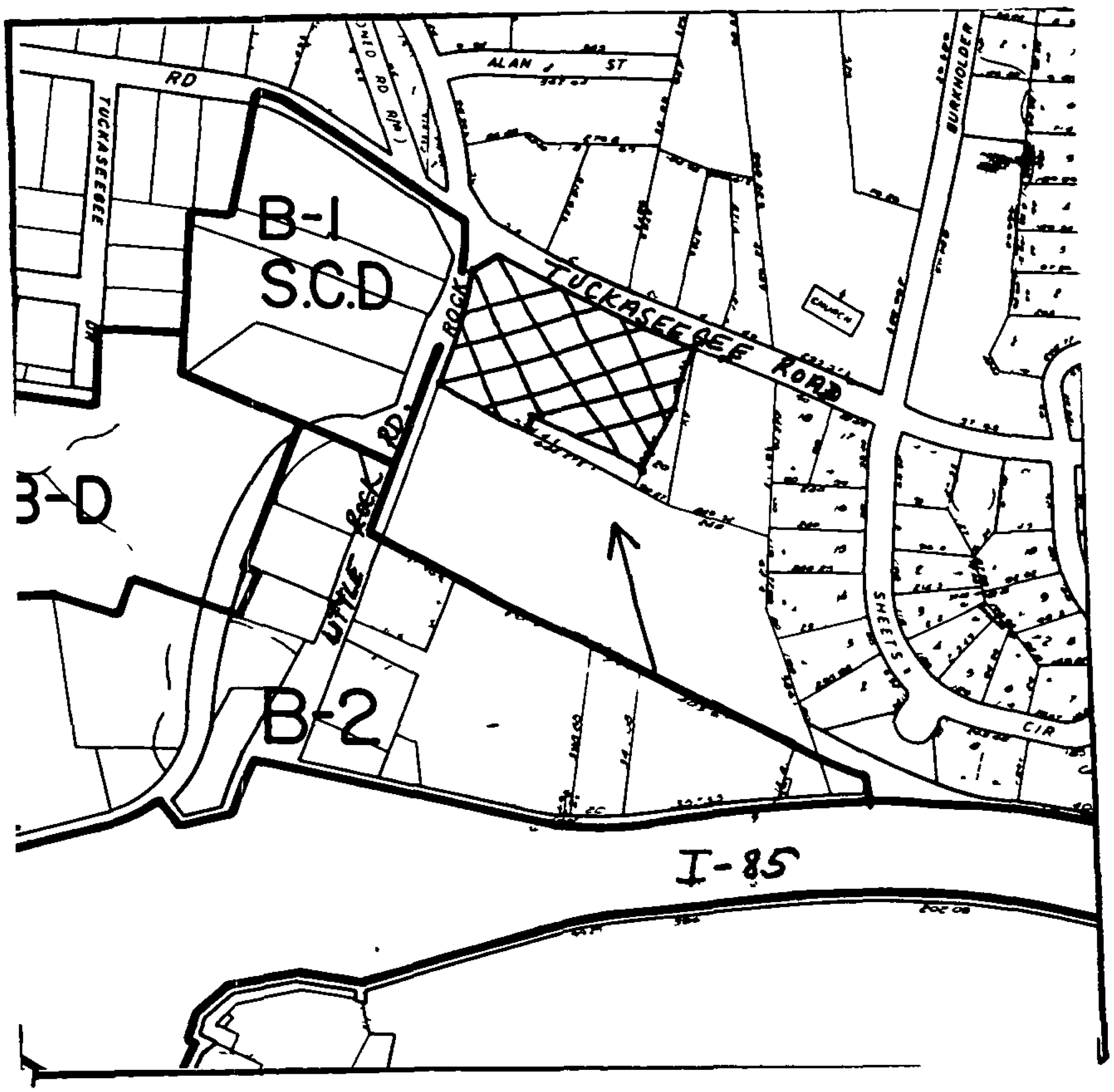
Staff Opinion
The staff disagreed with Planning Commission Staff felt the rezoning and site plan achieved the proper goals for this property Design treatment along Tuckaseegee Road promoted a residential-looking environment, which would reduce any temptation to install non-residential or strip-commercial development

PETITIONER L. R. Associates

PETITION NO. 85-66 HEARING DATE September 16, 1985

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

LOCATION A 3.26 acre site at the southeast corner of Little Rock Road and Tuckaseegee Road.



ZONING MAP NO. 86 SCALE 1" = 400'

DATE December 19, 1985

PETITION NO 85-82

PETITIONER(S) Good Shepherd Lutheran Church

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

LOCATION A 6 2 acre site located at 7700 Lawyers Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

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

REASONS

ISSUES

1 Proposed Use/Reason for Rezoning Request What is the proposed use of the property and why is it necessary to secure a rezoning to locate it on the site?

BACKGROUND

1 Existing Zoning The property involved in the petition is presently zoned R-9MF(CD) The zoning which surrounds the site is R-9 which is single family Across the street on Lawyers Road the pattern is again single family but the district changes to R-15 Some multi-family zoning is located just to the north of the site and is located on both sides of Lawyers Road near the Idlewild Road North intersection

2 Existing Land Use The property in the petition is vacant Single family development has occurred in the general vicinity A couple of duplex units have been constructed at the entrance to the Chestnut Lake Subdivision and these two units adjoin the rezoning site Some institutional development including churches have also located in the area

3 Existing Site Plan The rezoning site is presently conditionally zoned R-9MF(CD) and is approved for 15 lots each to be developed with a duplex Two of those units were constructed, but they have been separated out and are not part of the rezoning request This site plan was the result of a 1975 rezoning petition by the John Crosland Company

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates an area of residential development at an overall density of 0-6 dwelling units per acre in the vicinity of the rezoning site This plan is being replaced by the 2005 Plan

2 Pre-Hearing Staff Input Staff provided assistance and guidance in the preparation of the rezoning request

3 Neighborhood Context The site is located in the Chestnut Lake neighborhood

DETAILED FINDINGS

1 This rezoning request involves the 6 2 acre site located at 7700 Lawyers Road The site is presently zoned R-9MF(CD) and the petitioner is seeking R-9

2 The petitioner in this case is the Good Shepherd Lutheran Church and they intend to move their congregation to this site and construct a new church here The present church site is located on Albemarle Road near the Sharon Amity Road intersection

3 The site was rezoned to R-9MF(CD) in 1975 and is approved for 30 units, which are of the duplex type Two of those units were constructed with frontage on Chestnut Lake but the balance of the site was not built upon

4 Because this site is conditionally zoned and specifically approved for duplex units the church cannot automatically located on this site It is therefore necessary to rezone the property, in this case back to the original R-9, in order for the church to located here It should be noted that it is not anticipated that the church would fall under new church regulations which would require securing either a Minor Special Use Permit or a Major Special Use Permit or the new residential institutional classification The congregation is a small one and all the zoning change that is necessary here for the foreseeable future is simply the request at hand in this petition

5 Approval of this rezoning request will not create any adverse impacts Planning staff and all other departmental comments have been favorable The Charlotte Department of Transportation indicates that approval of the request actually will be beneficial in that a decrease in traffic trips would result

6 Approval of this petition will mean that the zoning pattern will return to a more consistent one Further, the approval will benefit the church and help provide a community wide service need

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

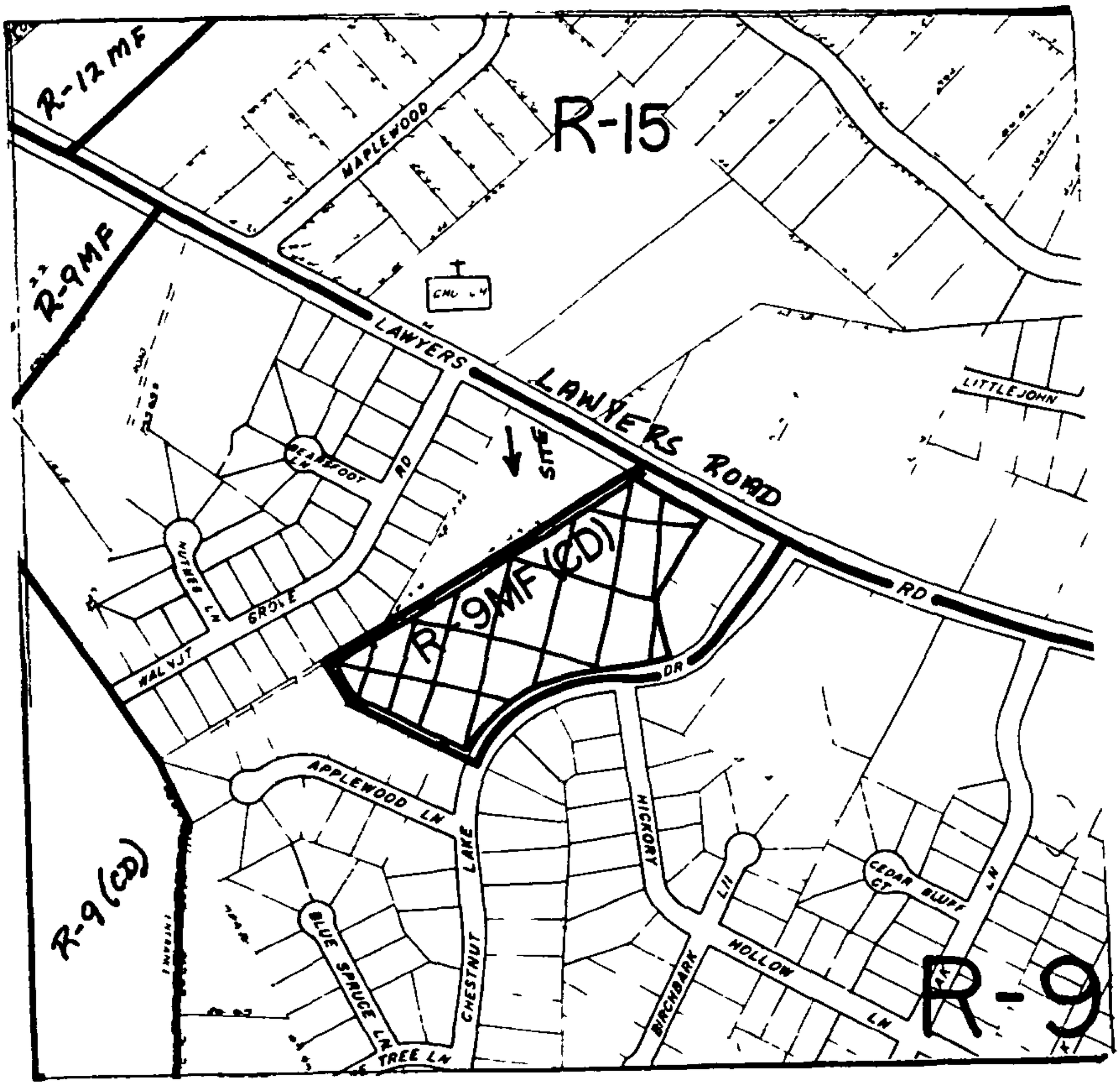
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Good Shepherd Lutheran Church

PETITION NO. 85-82 HEARING DATE December 16, 1985

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

LOCATION A 6.295 acre site located at 7700 Lawyers Road.



ZONING MAP NO. 114 SCALE 1" = 400'

DATE	December 19, 1985
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 pending further study

DATE December 19, 1985

PETITION NO 85-84

PETITIONER(S) Cottage Place Residents

REQUEST Change from R-6MF to R-6

LOCATION The 100 and 200 blocks of Cottage Place

ACTION The Planning Commission recommends that the petition be approved

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

Nays Lewis

REASONS

ISSUES

1 Neighborhood Preservation How would the approval of this petition foster neighborhood preservation goals in this area?

2 Adverse Effects/Non-conforming Uses Would any adverse impacts or non-conforming uses be created by the approval of this petition?

3 Similar Petitions How is this petition similar to other neighborhood petitions which have occurred in the community?

BACKGROUND

1 Existing Zoning The property involved in this petition is currently zoned R-6MF Other parcels which are located along Middleton Drive and Perrin Place just south of this site are also zoned R-6MF whereas parcels which are located along Altondale Avenue are zoned R-6 To the east of the site begins a pattern of R-6 zoning Other single family and multi-family family classifications are located throughout the general vicinity Some office zoning is located along the westerly side of Providence Road beginning at approximately the Hermitage Road and Cottage Place intersection with Providence Road and extending down to about Huntley Place Along the easterly side of Providence Road is an area of B-1 zoning Between that area and the aforementioned residential zoning along Cottage, Middleton, Perrin and Altondale is a strip of O-6 zoning which serves as a transitional district

2 Existing Land Use The properties involved in this request are generally developed with single family homes Single family development is the general predominant characteristic of the residential streets in the vicinity except for their respective intersections at Providence Road where a combination of small retail establishments and limited amounts of office usage have occurred in accordance with the zoning patterns The Eastover Elementary School is located at the end of Perrin Place and that street also has townhouse multi-family development as well Several institutional uses are located nearby including several churches as well as the South Branch Library

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates residential development at an overall density of 0-6 dwelling units per acre with neighborhood shopping located to the south This plan is being replaced by the 2005 Plan

2 Providence Road/Queens Road Intersection Improvement This TIP program provides for the addition of a traffic lane on the north side approach of Providence Road, a right turn lane on the east approach of Providence Road and to realign the other approaches to the intersection

3 Pre-Hearing Staff Input Staff provided guidance and assistance to the petitioner regarding the necessary application information and requirements

4 Neighborhood Context The site is located in the Eastover neighborhood

DETAILED FINDINGS

1 The rezoning request is comprised of 29 parcels which are located on Cottage Place The petitioner in this case is the neighborhood called the Cottage Place Residents The existing zoning for the area is R-6MF and the petitioner is seeking R-6 zoning

2 The neighborhood has secured favorable signatures indicating approval of the request from 24 of the 29 parcels The others either expressed a negative indication or could not be reached

*3 The area in question is entirely single family in character except for some duplex structures Therefore only those non-conforming uses would be created by the zoning change and, of course, they would be allowed to remain as is

4 No adverse impacts can be associated with the approval of the petition

5 Indeed approval of the petition would be quite beneficial and a positive decision for the area Similar rezoning requests over the last several years have been approved in order to help preserve and maintain residential settings such as this one As a matter of fact the adjoining street to the north, Altondale Avenue, a couple of years ago secured a similar

rezoning which resulted in having those parcels rezoned to the same R-6 classification

6 It is clear that our neighborhoods represent building blocks for our community and especially our inner city neighborhoods represent a valuable asset that should be afforded protection whenever possible Approval of this request is seen as such protection and it is very definitely encouraged for approval

7 Planning Commission therefore recommends approval of the petition

At public hearing and during Planning Commission discussion staff indicated that all lots were developed with single family homes It recently came to staff's attention that four or five duplex units are built on lots in the petitioned area

Minority Opinion
The minority opinion expressed the opinion that the reasons for those who opposed the rezoning were not known

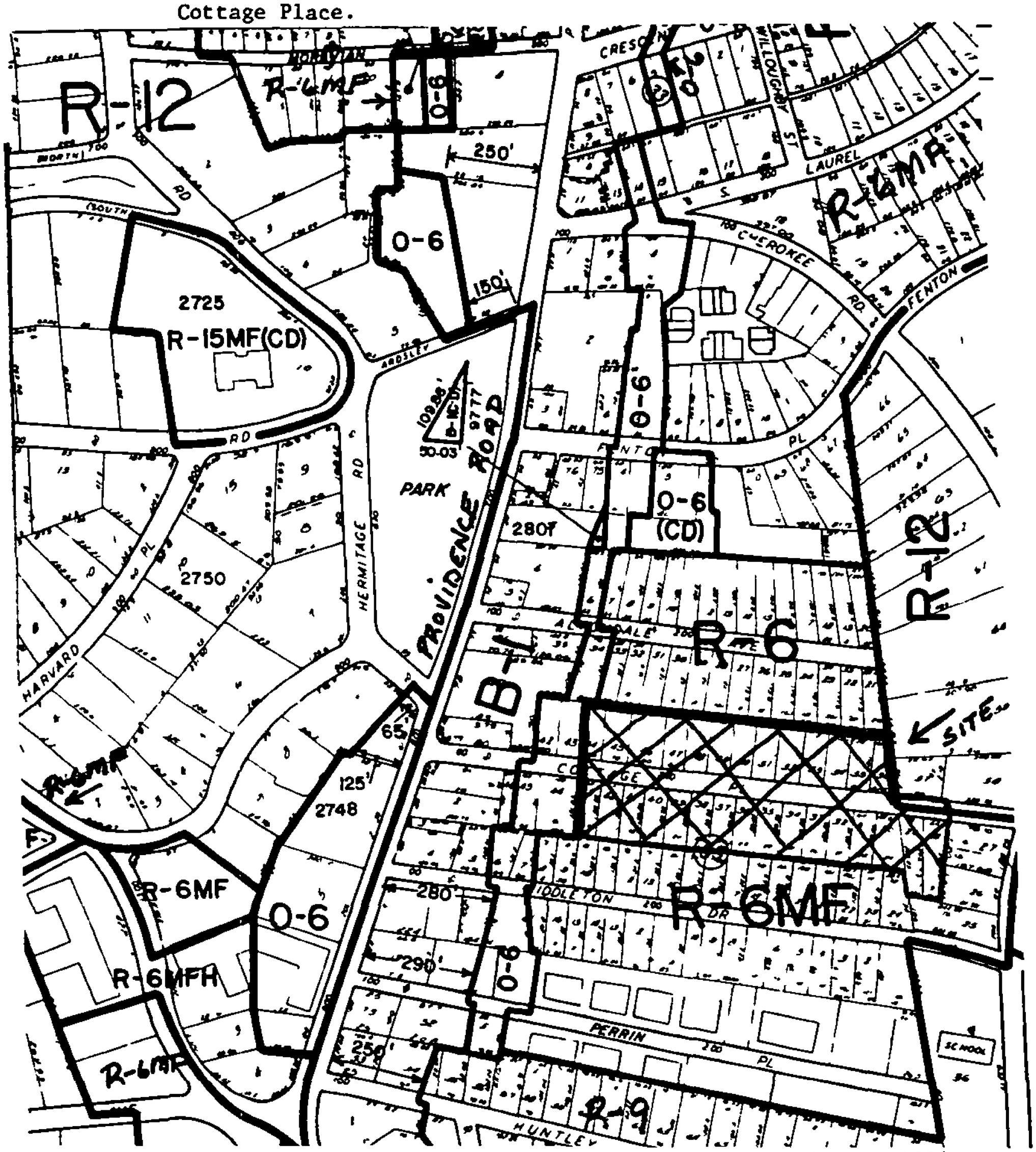
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Cottage Place Residents

PETITION NO. 85-84 HEARING DATE December 16, 1985

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

LOCATION Approx. 6.2 acres of the 100 and 200 blocks of Cottage Place.



ZONING MAP NO. 111 SCALE 1" = 400'

DATE December 19, 1985

PETITION NO 85-85

PETITIONER(S) Anne Swacher Davis

REQUEST Change from R-9 to O-6

LOCATION A 29,295 square foot site located at 2815 Eastway Drive

ACTION Based on a motion to deny the Planning Commission vote resulted in a tie According to procedures no recommendation is transmitted, but a summary of both sides of the discussion is provided

VOTE Yeas Clodfelter, Emory, Lowery and S Smith

Nays Griffin, Lewis, M Smith and Wheeler

REASONS

Those members of the Planning Commission who supported the motion to deny expressed the following viewpoints

1 The current use of the property (single family residence) is reasonable and does not represent a hardship Other single family residences are developed throughout the area

2 The existing zoning pattern is best for the area today irregardless of the zoning established 20+ years ago

3 Approval of the petition would run contrary to long standing zoning policy along Eastway Drive and potentially lead to other requests

Those members of the Planning Commission who did not support the motion to deny expressed the following viewpoints

1 The rezoning represented a hardship since the rezoning site represented one-half of the tax parcel (the other half already being zoned O-6)

2 A further hardship was recognized due to the fact that the property was in an estate and the single family residence now on the property was not marketable The will directs the property to be sold

3 Rezoning the property would not create any long-term adverse impacts to Eastway Drive or the area nearby nor undermine the zoning policy for the area

Staff Opinion

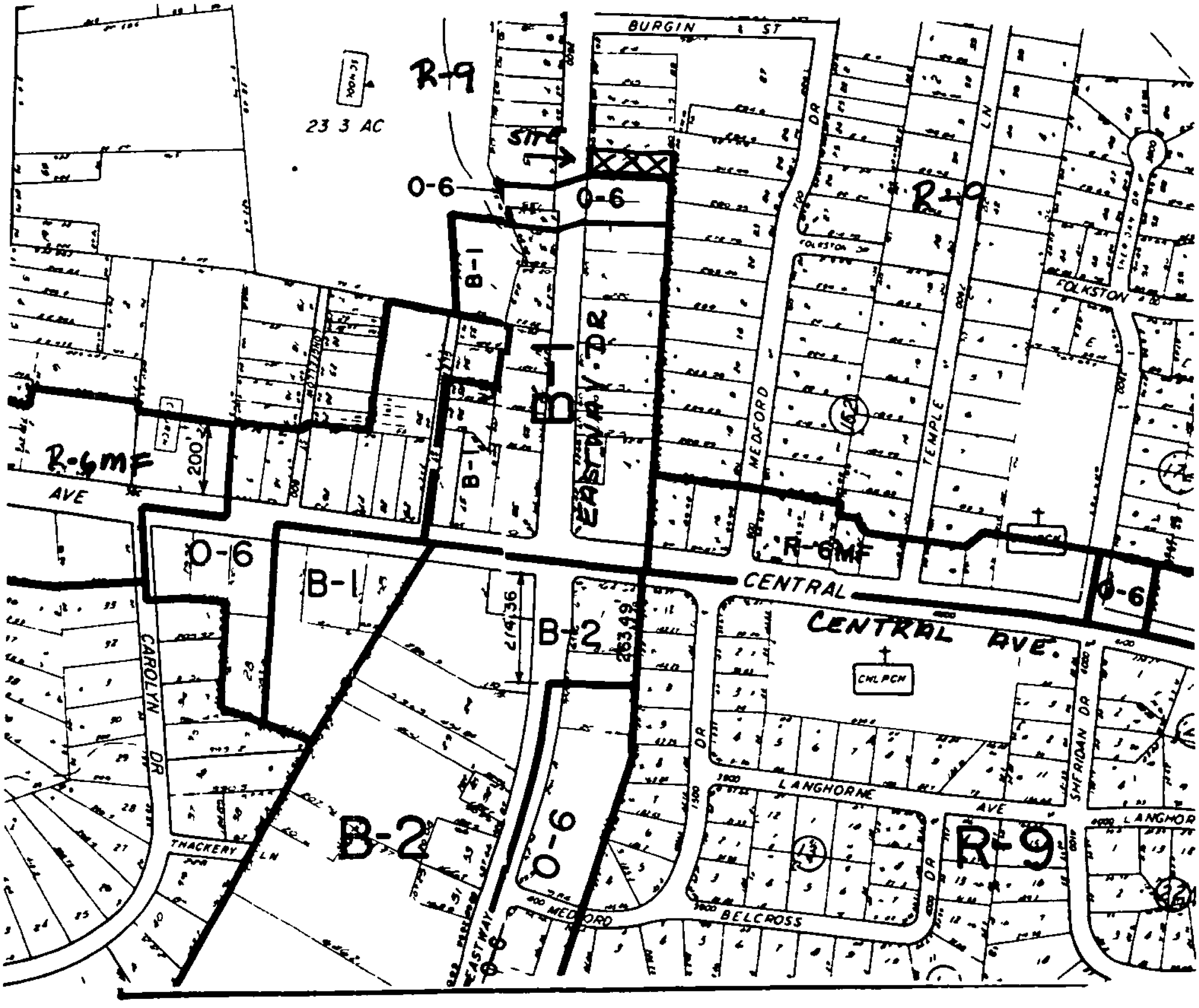
The staff supported the motion to deny

PETITIONER Anne Swacker Davis

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

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED O-6

LOCATION A 29,295 square foot site located at 2815 Eastway Drive.



ZONING MAP NO. 100 SCALE 1" = 400'

DATE December 19, 1985

PETITION NO 85-86

PETITIONER(S) Eagle Wood, Inc

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

LOCATION A 1 8 acre site on the south side of Grier Road, west of Newell-Hickory Grove Road

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Griffin was not present when vote was taken)

REASONS

ISSUES

1 Overall Objectives Would the approval of this petition enhance the overall planning objectives for this area?

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

3 Need for Additional Industrial Zoning Is there an identified public need for additional industrial zoning in this vicinity?

BACKGROUND

1 Existing Zoning The property involved in this petition is currently zoned R-9MF Property which borders it on two sides is likewise zoned Across Grier Road from the site is an area of B-1 zoning while the remaining side of the property lies adjacent to a large area of I-1 zoning which extends along Grier Road Other zoning in the area is generally related to single family classifications, either R-9 or R-12

2 Existing Land Use The subject property is presently developed with a single family residence Adjoining the site on two sides is the Meadowbrook Apartments Other single family development is scattered about the area or is located in nearby subdivisions such as Newell Acres A small mobile home park is located close by along Grier Road and there is also a concentration of industrial uses located in the general vicinity as well

along and near Grier Road and Old Concord Road Other parcels particularly to the east of the site are still undeveloped

3 Site Plan. The conditional site plan proposes an office use and storage for the site The office would be used for a contractor's office Access to the site would be from a driveway connected to Grier Road The plan also proposes two storage buildings and associated parking areas The maximum building area for the site will be 8500 square feet

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates residential usage at an overall density of 0-6 dwelling units per acre and 10-20 dwelling units per acre in the vicinity This plan is being updated with the 2005 Plan

2 Harris Boulevard East Extension (Old Concord Road to Newell-Hickory Grove Road) This project will construct a two lane roadway on right-of-way adequate for widening to a four lane divided highway in the future The project limits are from Old Concord Road to Newell-Hickory Grove Road

3 Pre-Hearing Staff Input Staff discussed the matter briefly with the petitioner on a couple of occasions, but did not encourage the submission of the application

4 Neighborhood Context The site is located in the areas known as Newell and the Northeast Community neighborhoods Staff has received a few calls regarding the petition

DETAILED FINDINGS

1 The proposed rezoning involves a 1 8 acre site on the south side of Grier Road just west of the Newell-Hickory Grove Road intersection Current zoning is R-9MF and the petitioner is seeking I-1(CD)

2 The petitioner has filed a conditional site plan in conjunction with the petition The petitioner desires to transform an existing single family residence for use as a contractor's office (For further details refer to Background #3)

3 This general vicinity especially an area to the east towards Newell and the Harris Boulevard road alignment is receiving a great deal of attention as plans for the area and the new roadway become firmer The area is designated for new growth with the extension of Harris Boulevard and much of that will be residential with the exception of a development enterprise area near Old Concord Road and the Harris Boulevard intersection

4 The site in this case is currently zoned multi-family and adjoins an existing apartment complex The site does adjoin industrial zoning on one side

5 Staff and Planning Commission are concerned about this petition It is believed that approval of it would run contrary to overall planning objectives for the area which were cited in #3 above

6 As the area grows there will be an emphasis on housing opportunities that will also include multi-family Though this site is small it does represent an opportunity for some higher density housing that might develop instead of encroaching the industrial zoning further to the east along Grier Road

7 Planning Commission and staff are also concerned about the abundance of industrial zoning which already exists in this area There does not appear to be a need to add to that supply when so much of it still lies vacant and unused at the present time

8 The plan also provides for a good deal of parking in areas which are now the front lawn of the existing structure It is likely that these areas and the use in general will have a great deal of heavy vehicles and other associated construction activity related to the site, which again are not considered in the best interest for the area or long-term planning for the neighborhood Significant vacant parcels for multi-family and business areas lie within the immediate vicinity of the site and the approval of this request would tend to intensify the industrial activities and perhaps depress potential markets for commercial service centers or other, new multi-family housing

9 Based upon the above circumstances the petition is recommended for denial by the Planning Commission

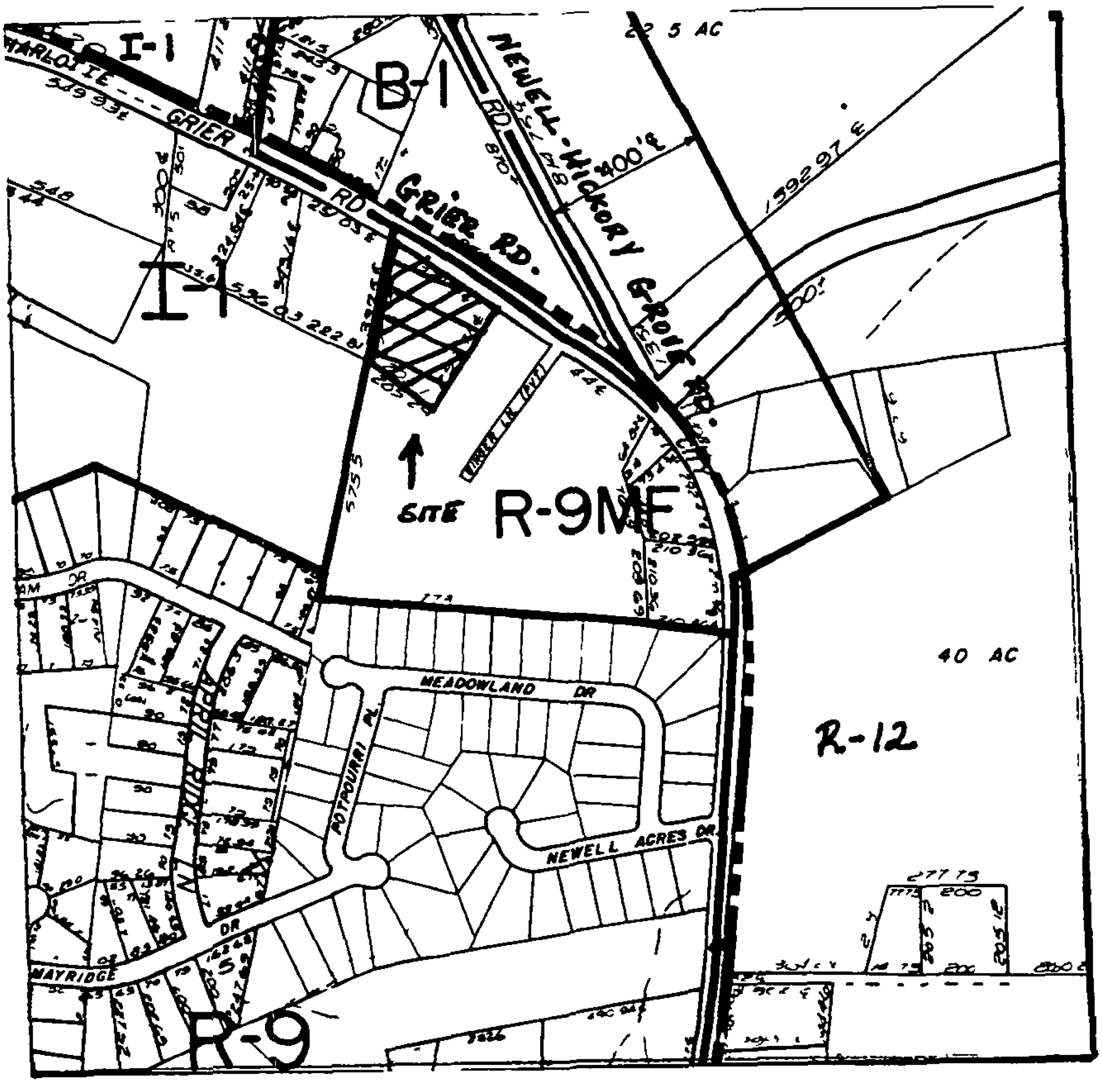
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Eagle Wood, Inc.

PETITION NO. 85-86 HEARING DATE December 16, 1985

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

LOCATION A 1.8 acre site on the south side of Grier Road, west of Newell-Hickory Grove Road.



ZONING MAP NO. 76 SCALE 1" = 400'

DATE	December 19, 1985
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 pending the submittal of a CD site plan

DATE	December 19, 1985
PETITION NO	85-89
PETITIONER(S)	P E A for Marriott Corporation
REQUEST	Change from R-15 to B-1(CD)
LOCATION	A 5 696 acre site on north side of Fairview Road, east of Sharon Road
ACTION	The Planning Commission deferred action pending further study

DATE December 16, 1985

PETITION NO SUB 85-1

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the Subdivision Ordinance, various sections, to implement the Street Classification System

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

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

Nays None

REASONS

The Comprehensive Plan 1995 called for the development and adoption of a "road classification system based on the functional uses of various roads " In response to that charge the Comprehensive Street Classification System was developed and adopted in November, 1982 by the Charlotte City Council and in January, 1983 by the Mecklenburg County Board of County Commissioners The Street Classification System establishes a functional hierarchy of street types, identifies needed rights-of-way for various street types, and establishes right-of-way dedication, reservation and improvement requirements

This amendment is intended to address a number of issues in the subdivision ordinance that must be considered in implementing Street Classification including rights-of-way, street types and definitions, street improvements and improvement responsibility, collector street designation, and development rights transfer out of dedicated arterial street rights-of-way These changes while appearing complex, will actually simplify the subdivision ordinance by removing many pages of detailed construction and improvement standards from the ordinance Those standards will be added to the Charlotte-Mecklenburg Land Development Standards Manual which was also a direct result of the Street Classification System

During the development of this text amendment, the Planning staff maintained close contact with both public and private interests which would be dealing with any changes that were eventially adopted This contact included numerous meetings and almost a dozen versions of the proposed changes prior to the one finally heard at public hearing in August Subsequent to the hearing, the staff, interest parties, the Planning Commission Implementation Committee and the full Planning Commission further refined several matters including improvements to certain arterial streets, the mandatory use of reverse frontage along new arterial streets, and allowances for development rights lost to arterial street rights-of-way

The loss of development rights to arterial street rights-of-way became a major issue in arriving at a final recommendation Presently, only 60' of right-of-way may be required under law even though larger rights-of-way are often needed The Street Classification System established a hierarchy of streets and prescribed minimum rights-of-way for those streets The land developer will be required by these amendments to dedicate up to 100' of arterial street right-of-way and to reserve any additional right-of-way for future acquisition It was felt that since the land developer was being required to provide more right-of-way, that he or she should be allowed to recover the development potential for the land in the right-of-way A number of variations on this matter were discussed which ranged from no credit for the land in the right-of-way to a 400% credit The public hearing draft contained a 1 for 1 credit for dedicated right-of-way in excess of the presently required 60', thereby allowing the development rights of only a portion of the right-of-way to be recovered After considerable additional discussion of alternatives, the Planning Commission settled upon what is felt to be a reasonable and equitable standard which secures for the public the necessary rights-of-way for future streets but also allows the land developer to recover the development rights attendant to the land Development credit will be allowed for the full dedicated arterial street right-of-way, including the 60' presently required and for which no development credit is presently allowed The details of this allowance are more properly located in the zoning ordinance and are contained in a companion zoning text amendment

It is recognized that there may be other City Codes or ordinances which overlap or conflict with the provisions of this amendment The appropriate agencies are already studying how those regulations and this amendment will be brought into conformance However, the adoption of this amendment should proceed so that the necessary future rights-of-way may be protected as soon as possible

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

Staff Opinion
The staff agreed with the Planning Commission

ORDINANCE NO. _____

AMENDING CHAPTER 20
ARTICLES I and II

AN ORDINANCE AMENDING CHAPTER 20, ARTICLES I AND II, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

Section 1. Chapter 20, Articles I and II are hereby amended as follows:

1. Amend Section 20-3 by deleting the existing definitions for minor residential access street, minor industrial access street, marginal access street, secondary street, arterial street, and freeway and by inserting the following new definitions;

Freeway or Expressway (Class I). A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the Interstate, Federal or State primary highway system. A Class I road will be built to or approaching interstate design standards. There will be little opportunity for significant variations on minimum 250 foot rights-of-way in urban areas and 350 foot rights-of-way in non-urban areas. Substantially larger rights-of-way may be required for interchanges or unusual topographic features

Limited Access Arterial (Class II). A multi-lane, limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only at cross streets rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road. The minimum required right-of-way for a Class II road is 200 feet. Additional right-of-way may be necessary in the vicinity of the intersections.

Commercial Arterial (Class III-C). A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road also connects this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing, as a major part of its function, direct access to non-residential high trip generating land uses. A Class III-C road may be part of State primary or secondary highway systems. These roads will usually be built to State or Federal design standards on minimum rights-of-way of 150 feet. However, Class III-C roads may be build on rights-of-way ranging up to 220 feet in certain instances.

Major Arterial (Class III). A multi-lane major roadway connecting Class I, II or III roads with lesser streets in the network. The Class III road also provides connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

The minimum required right-of-way for a Class III road is 100 feet. Additional right-of-way may be necessary in the vicinity of intersections.

Minor Arterial (Class IV). A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this to other regions. Therefore, it usually only handles trips for short to moderate distances. The minimum right-of-way for a Class IV street is 70 feet.

Collector (Class V). A two-lane roadway which assembles traffic from local streets and distributes it to the nearest arterial street, the Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds. The minimum required right of way for a Class V street is 60 feet.

Local (Class VI). This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. The minimum required right-of-way for a Class VI street is 50' except that a 40' right-of-way may be permitted for a Local Limited (VI-L) street. A Local Limited street serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include planned unit developments and other similar techniques, or cul-de-sac streets in conventional subdivisions.

Street Right-Of-Way Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State or North Carolina or the City of Charlotte, or has been established as a public street prior to the adoption of this ordinance, or has been dedicated for public travel by the recording of a plat of a subdivision which has been approved by either the Planning Commission, the Charlotte City Council, or Board of County Commissioners.

Charlotte-Mecklenburg Land Development Standards Manual The manual of construction standards and details jointly prepared by the City Engineer and Mecklenburg County Director of Engineering which regulates and controls the provision and construction of public and private improvements relating to streets, sidewalks, drainage, and other facilities. Whenever, in this ordinance, reference is made to "standards" or "Manual" it refers to this document.

and, by adding a sentence to definition of Thoroughfare as follows:

The words throughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-C, or IV.

and, by adding a sentence to the definition of Thoroughfare Plan as follows:

The words throughfare plan and arterial street plan are used synonymously.

2 Amend Section 20-5 by adding the following sentence to the end of the section:

However, the standards of Chapter 19 of the City code which regulate the development of streets, sidewalks, and other facilities must be complied with except as may be varied under the provisions of Section 20-41(b).

3. Amend Section 20-6 by deleting the language in the first sentence between the words "in" and "Area" inclusive, and by substituting the following new language.

subject to the jurisdiction of this ordinance

4. Amend Section 20-7(i) by changing the title of the section to "Parallel Streets along Thoroughfares" and by deleting the words "a marginal access" from the 1st sentence.

5. Amend Section 20-7(l) by deleting the words "and the Charlotte Perimeter Area" from the 1st sentence.

6. Amend Section 20-10(5) by deleting the existing language and substituting the following new language:

The accurate location of monuments which shall be established along the rear property lines of lots with a minimum of one (1) per block, including coordinates computed from the North Carolina Plane Rectangular Coordinate System and the City of Charlotte Primary Control System as extended therefrom, provided a control monument is within two thousand (2,000) feet of the subdivision. Design and material of the concrete monument shall be in accordance with the standard detail contained in the Land Development Manual. The corners of all lots and parcels shall be marked with iron posts driven flush with the ground. The iron posts shall be placed where lot boundaries intersect railroad, City of Charlotte, or North Carolina Department of Transportation rights-of-way

7. Amend Section 20-13 by deleting the existing language in (a) and substituting the following new language.

Right of Way. A proposed street right-of-way must be of sufficient width to accommodate the required crosssection. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the standards below unless the City Engineer certifies that special circumstances exist which make the dedication or reservation of the full right-of-way unnecessary or impractical.

Street Type		Minimum R.O.W.
Freeway or Expressway	(Class I)	250' - 350'
Limited Access Arterial	(Class II)	200'
Commercial Arterial	(Class III-C)	150'
Major Arterial	(Class III)	100'
Minor Arterial	(Class IV)	70'
Collector	(Class V)	60'
Local	(Class VI)	50'
Local Limited	(Class VI-L)	40'

The Charlotte-Mecklenburg Planning Commission, after consulting applicable plans and programs, and after consulting with appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the maximum required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, or cut/fill areas and will be negotiated on a case by case basis. Where a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet. The Class VI-L street may only be used subject to the following conditions:

(1) it serves no more than 50 dwelling units
(2) all land which touches the street must be subdivided into lots or is otherwise platted so that a further street extension is not possible
(3) it is designed to be permanently dead-ended or is a loop street with no additional street connections except at the ends

8. Amend Section 20-13 by deleting Section (b).

9. Amend Section 20-13 by adding new language to the end of the existing language in Section (c) as follows

The subdivider is responsible for the maximum right-of-way up to 100' (50' or either side of the centerline). The remainder of the minimum required right-of-way over 100' must be reserved for future right-of-way use and must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way. All of the area of the dedicated right-of-way for any public street except Class V or Class VI streets may be used in the computation of development rights, but may not be used for the computation of lot area, open space, required parking, storm water detention, or to fulfill any other mandatory requirement. The procedure for calculating the allowable number of lots or unit density is contained in Section 1019 of the Zoning Ordinance. In addition, a developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation.

and by redesignating this section as (b), and by redesignating section (d) as (c).

10. Amend Section 20-13 by deleting the existing Sections (e) through (j) inclusive and by redesignating Section (k), (l), (m), and (n) as (d), (e), (f), and (g) respectively.

11. Amend Section 20-13 by adding a new paragraph as follows.

(h) Collector Street Designation. The designation of a collector street, or the determination of the need for a collector street will be based on the criteria below. If the street in question meets at least two of the criteria, then the street will be designated as a collector street and must be built to the appropriate collector street standard.

(1) The street intersects directly with an arterial street and provides access to an area with an overall density of more than 1.0 dwelling units per acre, or serves as the only access to more than 150 dwelling units.

(2) The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.

(3) The street extends into an undeveloped area in such a manner as to serve a future collector function.

(4) The street serves as a primary access to a significant non-residential or institutional land use, as well as an access to a residential area.

12. Amend Section 20-14 by substituting the word "collector" for the word "secondary" in Section (d).

13. Amend Section 20-31 and 20-32 by deleting the existing title and language in Section 20-31 and by substituting the following new title and language

Section 20-31 Standards and specifications.

Except as herein after provided, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the City, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the City Engineer in accordance with the standards and specifications of the City Engineering Department

and by deleting the title of Section 20-32 making the text of Section 20-32 the second paragraph of Section 20-31, and by deleting the words "or the Charlotte Perimeter Area." from the first sentence.

14. Amend Section 20-32 by adding the following new title and language:

20-32. Improvement Responsibility.

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in Section 20-13(b).

Class I (Freeway-Expressway)

Right-of-way - 100' dedicated and the remainder reserved for future acquisition.

Improvements - installed by the public

Class II (Limited Access Arterial)

Right-of-way - 100' dedicated and the remainder reserved for future acquisition.

Improvements - installed by the public.

Class III-C (Commercial Arterial)

Right-of-way - 100' dedicated and the remainder reserved for future acquisition, except where specific improvements are required to meet the traffic demands of a particular development, in which case the necessary right-of-way must be dedicated.

Improvements - installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the appropriate costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Engineer and the Planning Commission to construct all or a portion of the street if the developer wants to make use of the street for access to the development.

Class III (Major Arterial)

Right-of-way - developer is responsible for the dedication of up to 100' (50' each side of the centerline). Any development along a Class III street which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the necessary right-of-way to accommodate those improvements.

Improvements - installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the appropriate costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Engineer and the Planning Commission to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new Class III streets or extensions of Class III streets must utilize reverse frontage with the only access points being public streets or Type III driveways.

Class IV (Minor Arterial)

Right-of-way - developer is responsible for the dedication of up to 70' (35' each side of the centerline). Additional right-of-way which may be required along existing streets must be dedicated by the developer.

Improvements - Streets which lie within a project must be constructed by the developer. Improvements along existing streets are the responsibility of the developer unless a public improvement program for the street is programmed and funded. However, improvements to minor arterial streets, except where specific improvements are needed to meet the traffic demands of the particular development, are not required if the subject property abuts the minor arterial street and is developed in either a through lot situation or with side lot lines having no access to the minor arterial, developed with reverse frontage and the use of a parallel street providing access to the lots, or developed in lots with a minimum dimension of 300 feet each along the minor arterial right-of-way. Development along new Class IV streets or extensions of Class IV streets must utilize reverse frontage with the only access points being public streets or Type III driveways.

Class V (Collector)

Right-of-way - dedicated by the developer

Improvements - constructed by the developer.

Class VI (Local)

Right-of-way - dedicated by the developer.

Improvements - constructed by the developer.

All streets must be constructed to comply with the minimum standards of the Charlotte-Mecklenburg Land Development Standards Manual and all appropriate applicable city requirements Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrance of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

The standards in this ordinance for the reservation and dedication of rights-of-way will not apply to any development which was approved under the Parallel Conditional Use District process found in Section 3200 of the Zoning Ordinance so long as that approval occurred prior to the effective date of this amendment.

15. Amend Section 20-33 by deleting the existing language and by indicating that Section 20-33 is Reserved.

16. Amend Section 20-34 by changing the title to "Drainage and Stream Crossings", by deleting sections (a) through (g) inclusive, redesignate section (h) as (c), deleting sections (i) and (j), and substituting the following language as sections (a) and (b).

(a) Adequate storm drainage must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with City standards, and has been dedicated and accepted or otherwise conveyed to the City, the City will assume the responsibility for maintenance of the said drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner.

(b) In addition to the drainage improvements as required by this section, the subdivider may provide for storm water detention, at a minimum standard as provided in Section 1603 of the Zoning Ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the City Engineer. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, roof tops and other impervious covers as proposed by the subdivider.

17. Amend Section 20-35 by deleting the existing language and by indicating that Section 20-35 is Reserved.

18. Amend Section 20-36 by changing the title of the Section to "Curb and Gutter", by deleting the existing sections (a), (b), and (c), by redesignating the remaining section (d) as (a), by deleting the words "industrial and business access" and substituting the words "and commercial" in the first sentence, by substituting the words "local" and "collector" for the words "minor" and "secondary" respectively in the last sentence, and by deleting the word "access" in the last sentence

19. Amend Section 20-37 by deleting the words "Industrial" in paragraph (1) and "Nonindustrial" in paragraph (2) and substituting the words "Non residential" and "Residential" respectively, by deleting the third sentence in paragraph (2), by changing the word "secondary" to "collector" in subsection (1) of paragraph (2), by deleting sections (4) and (5) completely, and by deleting the existing language in paragraph (3) and substituting the following new language.

Approval of sidewalks construction plans shall be obtained from the engineering department of the City of Charlotte. When sidewalk facilities are required, the city engineer will specify the location of the required facilities. If existing public street right-of-way is not available, the city engineer may require the sidewalk to be constructed outside the street right-of-way.

20. Amend Section 20-38 by deleting the words "twenty four (24) hours" and substituting the following new language.

one business day

21. Amend Section 20-39 by deleting paragraph (a) and (c) completely, by redesignating paragraph (b) as (a), by deleting the second sentence from the redesignated paragraph (a), and by substituting the word "manual" for the word "plan" in the last sentence of the redesignated paragraph (a).

22. Amend Section 20-40 by deleting the terms "North Carolina State Highway Commission" or "State Highway Commission" in paragraphs (a) and (b) and substituting the term "North Carolina Department of Transportation", by deleting paragraph (c) completely, by redesignating paragraph (d) as (c) by deleting the words "in Sections 18-18, 18-26, 18-26(b) and 18-26(c)" and substituting the following language "by this ordinance" in the first sentence of redesignated paragraph (c).

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk