AGENDA

Meeting Type:	Z
Date	07-21-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

July 21, 1986

council agenda

Charlotte

CITY COUNCIL AGENDA
Monday, July 21, 1986

4:30 p.m. - Executive Session
Room 411, Education Center

5:00 p.m. - Dinner
Rooms 237 and 239, Education Center
Discussion of Wilkinson Boulevard
Special Project Plan.

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

ITEM NO.

1. Invocation by the Reverend Joe Barnette, First Baptist Church.

PUBLIC HEARINGS

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

Attachment No. 1-A

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

Attachment No. 1-B

council agenda

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

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

4. Hearing on Petition No. 86-78 by J. D. Sims & Company and Piedmont Kennel Club for a change in zoning from R-9MF to B-ISCD, for a 25 acre site adjoining I-77 north of Tyvola Road Extension and east of Nations Ford Road.

Attachment No.1-C

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

Attachment No.1-D

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

Attachment No. 1-E

7. Hearing on Petition No. 86-81 by HouReal Corporation for a change in zoning from R-9, R-9MF, and R-6MF to B-2(CD) for a 16.265 acre site located on the southeast corner of the intersection of Billy Graham Parkway and Morris Field Road.

Attachment No. 1-F

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

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

Attachment No. 1-G

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

Attachment No. 1-H

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

Attachment No. 1-I

POLICY AGENDA

11. Recommend adoption of the Wilkinson Boulevard Special Project Plan as a policy guide for future land use and zoning decisions.

Attachment No. 2

12. Decision on Petition No. 86-46 by Belk Brothers Company and Ivey Properties, Inc. for a change in zoning from B-1(SCD) and O-6 to B-1(SCD), and a B-1(SCD) Site Plan Amendment for a 69.64 acre site located at 4400 Sharon Road.

Councilmembers Leeper and Vinroot previously were excused from participating in the hearing on this petition.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-J

13. Decision on Petition No. 86-49 by Jack's Cookie Company for a change in zoning from I-1 and R-6MF to I-1(CD) for a 3± acre tract bounded by Louise Avenue, Belmont Avenue and Pegram Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-K

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

The Planning Commission previously recommended that the petition be denied. However, the petitioner filed a new rezoning petition under Petition No. 86-50. Denial of 86-2 is a "house-keeping" matter and will remove it from the records.

Attachment No. 3-L

15. Decision on Petition No. 86-50 by Carolina Conference Association of Seventh-Day Adventists for a change in zoning from B-1(CD) to O-15(CD) for a 4 acre tract located at 6000 Conference Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-M

17. Decision on Petition No. 86-64 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section Nos. 3020 (Research Districts), and 3128 (Country Clubs, etc.) of the Zoning Appendix to the City Code. The purpose of this change is to update the Research District regulations and to bring City standards into line with County standards for the same districts.

The Planning Commission recommends that the text amendment be approved.

Attachment No. 3-N

18. Decision on Petition No. 86-65 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-D for a 9 acre tract located between Pineville Road and the Southern Railroad, just north of Old Pineville Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-O

19. Decision on Petition No. 86-66 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 and I-2 to R-15MF for approximately 23 acres located at the end of Sterling Lane adjacent to Kings Branch.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-P

20. Decision on Petition No. 86-67 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to R-9 for an approximate 4-acre site located east of Packard Street and north of the proposed Pineville By-Pass.

The Planning Commission recommends that the petition be denied.

Attachment No. 3-Q

21. Decision on Petition No. 86-68 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 and I-2 to R-9 for a 1.9 acre strip located off Old Pineville Road near Crump Road.

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

The Planning Commission recommends the petition for I-1(CD) in lieu of the requested R-9.

Attachment No.3-R

22. Decision on Petition No. 86-69 by Hickory Grove Child Development Center for a change in zoning from R-15(SUP) to R-9MF(CD) for a 1.71 acre tract located on the east side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Boulevard.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-S

23. Decision on Petition No. 86-73 by John Crosland & Associates, Inc. for a Site Plan Amendment to an existing B-1(SCD) zoning located on a 4.8 acre site at the intersection of Carmel Road and Quail Hollow Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 3-T

24. Recommend adoption of a resolution calling for public hearings on Monday, August 18, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-45 and 86-86 through 86-95 for zoning changes.

- PENDING MATTERS -

In meeting on Monday, August 11, 1986, City Council will make nominations to fill positions on the following committees:

1) Community Facilities Committee - The terms of the two Council appointees expire September 1, 1986. Both are eligible for reappointment. Terms are for two years.

2) Firemen's Relief Board of Trustees - One appointment for an unexpired term to fill the vacancy caused by the death of Clarence Prince. The term will expire January 18, 1988.

3) Citizens Advisory Committee - Convention and Visitors Bureau - One appointment for an unexpired term to fill the vacancy caused by the resignation of Boris G. Sellers. The term will expire March 26, 1988.

SCHEDULE OF MEETINGS
July 21 - August 8, 1986

Monday, July 21	EXECUTIVE SESSION Room 411, Education Center	4·30 p. m.
	DINNER Rooms 237 and 239	5:00 p. m.
	ZONING HEARINGS and DECISIONS Board Room	6·00 p. m.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 18, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in July, 1986

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

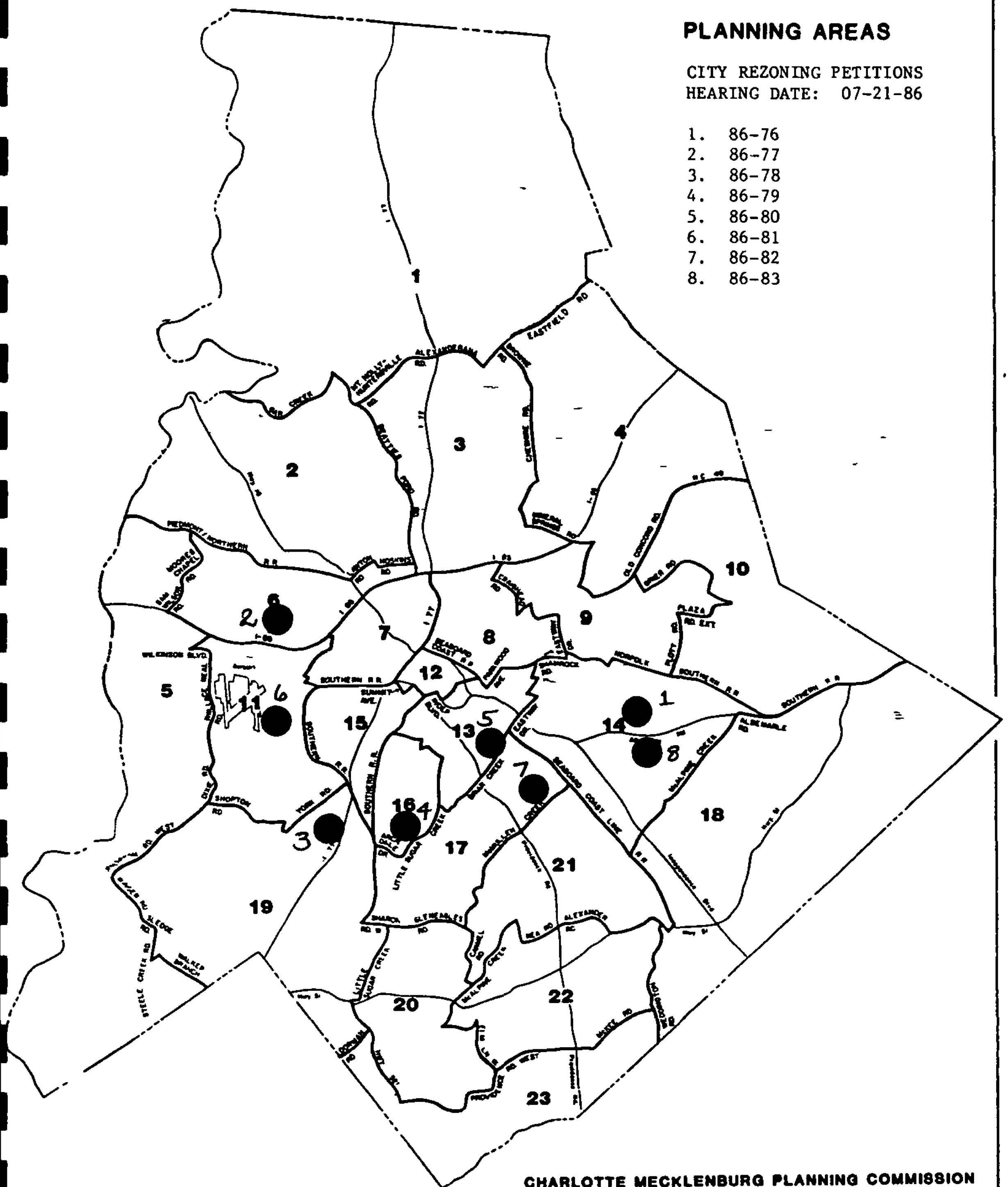
Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachments

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

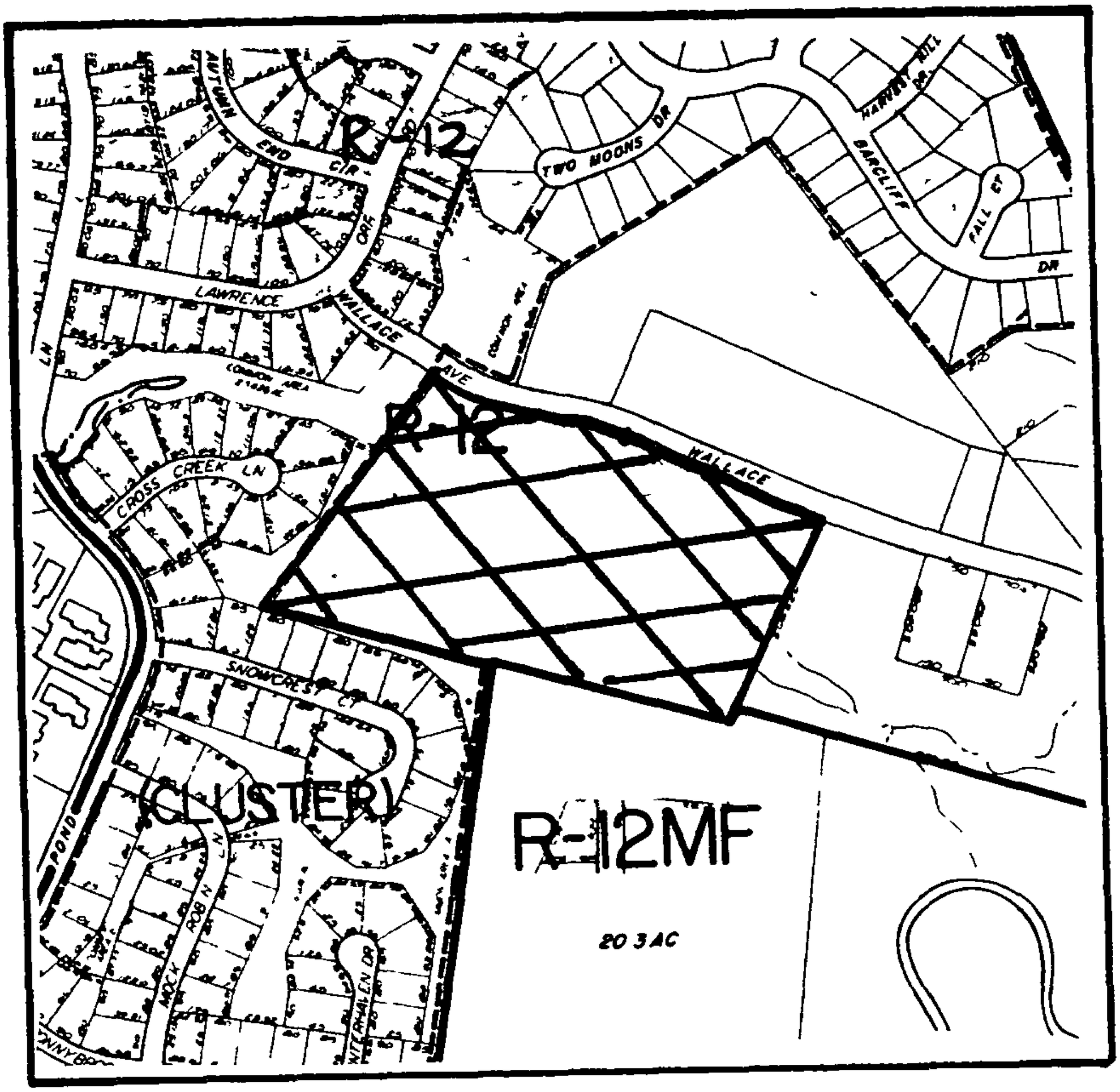

PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE: 07-21-86
1. 86-76
2. 86-77
3. 86-78
4. 86-79
5. 86-80
6. 86-81
7. 86-82
8. 86-83
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PETITIONER Bascom V. Belk, Jr.

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

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

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



ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-76
Date Filed 6-2-86
Received By LA
OFFICE USE ONLY

Ownership Information

Property Owner: Bascom V. Belk, Jr.

Owner's Address: 4900 Unaka Avenue
Charlotte, NC 28205

Date Property Acquired: June 22, 1981

Deed Reference: 4447-586 Tax Parcel Number: 103-311-01

Location Of Property (address or description) South side of Wallace Lane

west of Delta Road

Description Of Property

Size (Sq Ft -Acres): 13.72 acres Street Frontage (ft): 959.49 feet

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-12 Requested Zoning: R-12MF(CD)

Purpose of zoning change: To permit the development of a medium density attached housing project to use effectively the natural features of the site.

Fred E. Byrant, Planner
Name of Agent

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

333-1680
Telephone Number

Bascom V. Belk, Jr.
Name of Petitioner(s)

4900 Unaka Ave., Charlotte, NC 28205
Address of Petitioner(s)

537-7610
Telephone Number

B V. Belk Jr.
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-76

Petitioner Bascom V Belk, Jr

Location A 13 72 acre tract located on the south side of Wallace Avenue west of Delta Road

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

ISSUES

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

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

BACKGROUND

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

2 Existing Land Use The subject property is presently undeveloped It fronts along a portion of Wallace Avenue that is unopened A portion of Wallace Avenue in the Four Seasons Community has been constructed but is barricaded at the edge of the subdivision The land use pattern for the area is one of predominantly residential uses Land generally to the west of the site is developed with single family detached housing and land which adjoins the site to the south is presently being developed for multi-family housing with its orientation and access related to Albemarle Road Land along Wallace Avenue between the subject property and Delta Road is largely undeveloped except for a few scattered single family detached homes Albemarle Road lies a short distance to the south of the site and is developed with office and commercial uses

3 Site Plan The proposed site plan indicates a residential development pattern of multi-family housing adjoining two lakes The plan calls for 128 total dwelling units or a proposed project density of approximately 9 3 dwelling units per acre The plan indicates that Wallace Avenue will provide the only access to the site and shows a cul-de-sac along Wallace Avenue which would indicate no connection to the Four Seasons Community The plan indicates the provision of buffer areas along the existing single

family properties to the west and south and minimum yard requirements for the remainder of the property A note on the plan specifies that additional screening and planting will be provided in those buffer areas where existing vegetation is insufficient

GENERAL FINDINGS

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

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

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

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

5 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards No comments

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

4 Fire Department Comments from the Fire Department indicate that the water mains in Lawrence Orr Road are not sufficient to provide protection for multi-family housing Further, the site plan indicates that some of the buildings may be located too far away from the private street which provides access to the site to ensure accessibility by emergency equipment

5 Department of Transportation Comments were unavailable as of the preparation of this material

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

DETAILED FINDINGS

1 The property involved in this petition is a 13 7 acre tract of land located in the Four Seasons area off of Albemarle and Delta Roads It is proposed to be developed along Wallace Avenue which is presently an

unopened street which connects to Delta Road The request is for R-12MF(CD) for the construction of 128 multi-family housing units

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

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

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

5 A fundamental issue regarding this petition is the matter of the appropriateness of multi-family housing in this location Virtually all of the property which adjoins this site is zoned for single family use and is in single family usage at this time A small portion of the site adjoins an area which is zoned for and used for multi-family use, but that use has its orientation and access from Albemarle Road If this site were to be zoned for multi-family uses, it would not be unreasonable to expect the remaining properties along Wallace Avenue back towards Delta Road to also be petitioned for multi-family rezonings Delta Road provides a logical and strong physical barrier between single family zoning to the west along Wallace Avenue and multi-family zoning to the east and south along Delta Road Inasmuch as there are a number of single family uses already located along Wallace Avenue, it is believed that maintaining a strong single family residential environment along Wallace Avenue is desirable

6 Based on the above circumstances, staff can not recommend approval of this petition as submitted Staff believes that even if the technical issues of the site plan can be resolved that a strong single family environment should be maintained along Wallace Avenue to compliment the existing residential areas in the Four Seasons Community

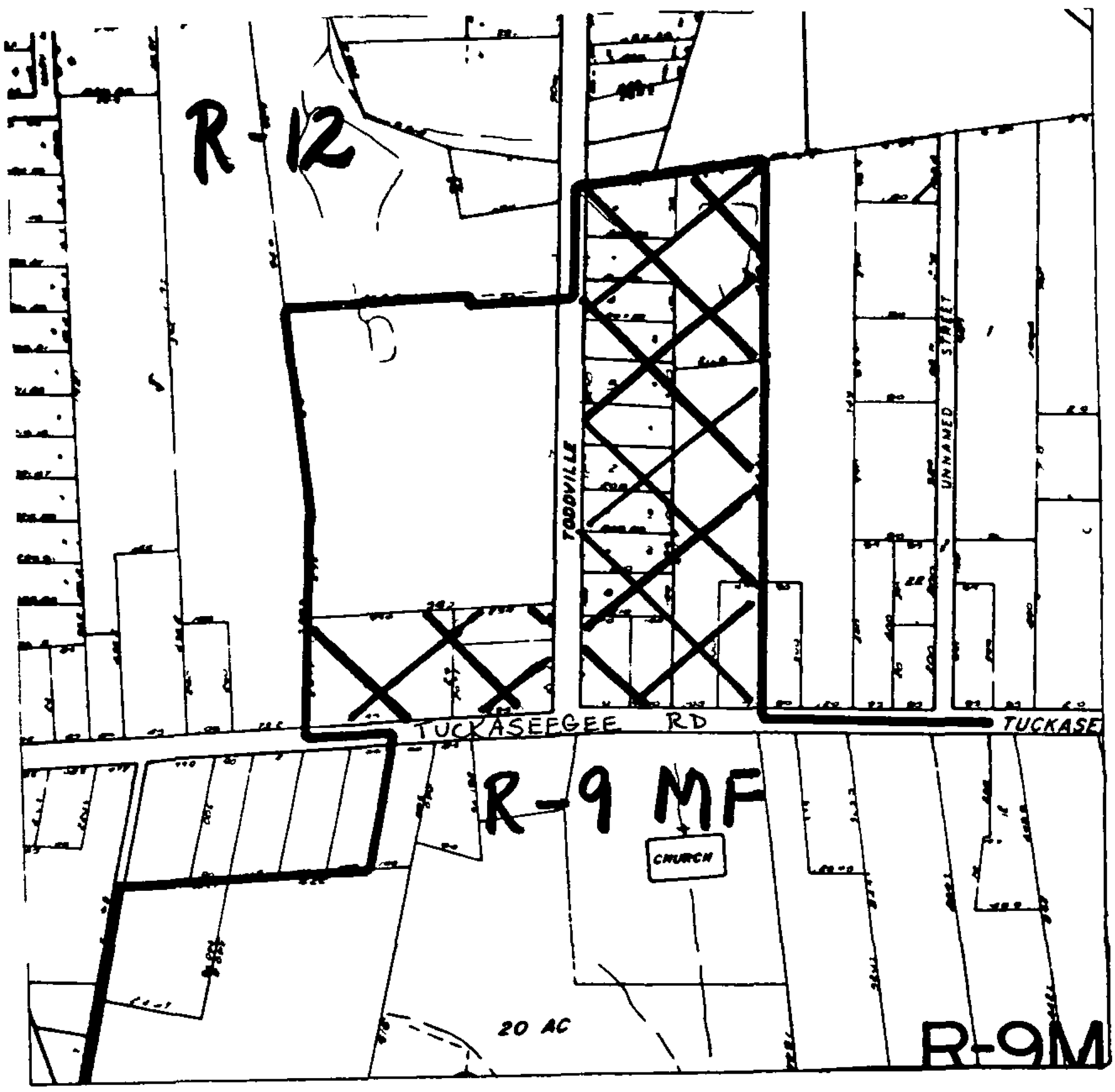
Subject to further refinement following public hearing

PETITIONER Tuckaseegee Road Community Organization

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

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

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



ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-77
Date Filed 6/2/86
Received By L S
OFFICE USE ONLY

Ownership Information

Property Owner: See Attached Sheets

Owner's Address:

Date Property Acquired:

Deed Reference: Tax Parcel Number:

Location Of Property (address or description)

Land at the intersection of Toddville and Tuckaseegee Road 16.079 Acres (See attached maps)

Description Of Property

Size (Sq Ft -Acres): 16.079 Street Frontage (ft):

Current Land Use: Residential

Zoning Request

Existing Zoning: R9-MF Requested Zoning: R-12

Purpose of zoning change: To enable these parcels of land to conform to the land use of the surrounding area

Joel M. Long
Name of Agent

5601 Tuckaseegee Road
Agent's Address

399-1009
Telephone Number

Tuckaseegee Road Community Organization
Name of Petitioner(s)

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

399-1009
Telephone Number

Joel M. Long
Signature

Signature of Property Owner if Other Than Petitioner

RECORDS THRU DECEMBER 1985

PARCEL #	DEED #	LAND OWNER & ADDRESS	ACREAGE	ZONED
059 11330	1186-461	WILLIAM A SPRINGS 6100 TUCKASEEGEE RD 28214	1.117	R9MF
05911329	1205-584	NOBEL S CARLSON 6112 TUCKASEEGEE RD 28214	2 250	R9MF
05911331	3638-756	MRS MARGARET R JAMES 2728 TODDVILLE RD 28214	.483	R9MF
05911328	4425-104	DAVID N MOORE 8935 STEELEBERRY DR 28208	9.93 (ADJACENT LAND OWNER)	R-12
5911333	5062-431	MARVIN THOMAS COLE 2622 TODDVILLE RD 28214	8.010 (ADJACENT LAND OWNER)	R 12
5907109	1682-288	MELVIN C. McINTOSH 6034 TUCKASEEGEE RD 28208	.568	R9MF
5907110	1680-39	CECIL E LINK 6030 TUCKASEEGEE Rd 28208	.494	R9MF
05907111	2463-133	MRS. EVELYN P. EATON (L.P) 6026 TUCKASEEGEE RD 28208	3.470	R9MF
05907112	2939-344	MRS EVELYN P EATON (L.P) 6026 TUCKASEEGEE RD 28208	.723	R9MF

RECORDS THRU DECEMBER 1985

PARCEL #	DEED #	LAND OWNER & ADDRESS	ACREAGE	ZONED
05907113	3202-493	RUTH E. MARTIN 6018 TUCKASEEGEE RD 28208	.620	R 12
		(ADJACENT LAND OWNER)		
05907114	1087-52	DAVID C. CAUBLE, SR 6012 TUCKASEEGEE RD. 28208	5.700	R-12
		(ADJACENT LAND OWNER)		
05907108	1672-236	HENDERSON HOWELL GREENE 6030 TUCKASEEGEE RD 28208	.473	R9MF
05907107	5062 968	DWAYNE RAY HERRING 5419 LEWHAVEN DR 28208	436	R9MF
05907106	2885-51	BRETT E. GILBERT 2719 TODDVILLE RD 28214	.480	R9MF
05907121	3356-245	BRETT E GILBERT 2719 TODDVILLE RD. 28214	.480	R9MF
05907105	4986-637	WILLIAM R CURLEE 2701 TODDVILLE RD 28214	.480	R9MF
05907124	3837-372	WILLIAM R CURLEE 2701 TODDVILLE RD 28214	.478	R9MF
05907123	3808-733	WILLIAM R CURLEE 2701 TODDVILLE RD 28214	.475	R9MF

RECORDS THRU DECEMBER 1985

PARCEL #	DEED #	LAND OWNER & ADDRESS	ACREAGE	ZONED
05907104	3805-670	WILLIAM R CURLEE 2701 TODDVILLE RD 28214	.413	R9MF
05907103	5074-551	EMERSON RANDALL ENLOE 2635 TODDVILLE RD 28214	2.740	R9MF
05907102	5074 551	EMERSON RANDALL ENLOE 2635 TODDVILLE RD 28214	.519	R9MF
05908124	4559-726	JOHN R DEMPSEY 2607 TODDVILLE RD. 28214	3.630	R-12
			(ADJACENT LAND OWNER)	
		ZONED R9MF 16.079 ACRES		
		ZONED R-12 27.890 ACRES		
		TOTAL BOTH 43.969 ACRES		

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-77

Petitioner	Tuckaseegee Road Community Organization
Location	16 079 acres located at the intersection of Toddville Road and Tuckaseegee Road
Request	Change from R-9MF to R-12

ISSUES

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

BACKGROUND

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

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

GENERAL FINDINGS

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

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

3 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department No comment

3 Building Standards Department No comment

4 Department of Transportation Comments were unavailable as of the preparation of this material

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

DETAILED FINDINGS

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

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

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

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

5 As noted in the previous petition, the staff feels that multi-family zoning in the area is better suited for property lying south of Tuckaseegee Road and extending south towards Interstate 85 It appears that multi-family on the north side of Tuckaseegee was established in association with the Toddville Road intersection but no multi-family development has ever occurred In view of the fact that many of the lots in this particular petition are already developed for single family purposes, the staff would question whether or not the remaining lots could be appropriately developed at an R-9MF density at all

6 Based on the above circumstances, the staff would encourage that this petition be approved

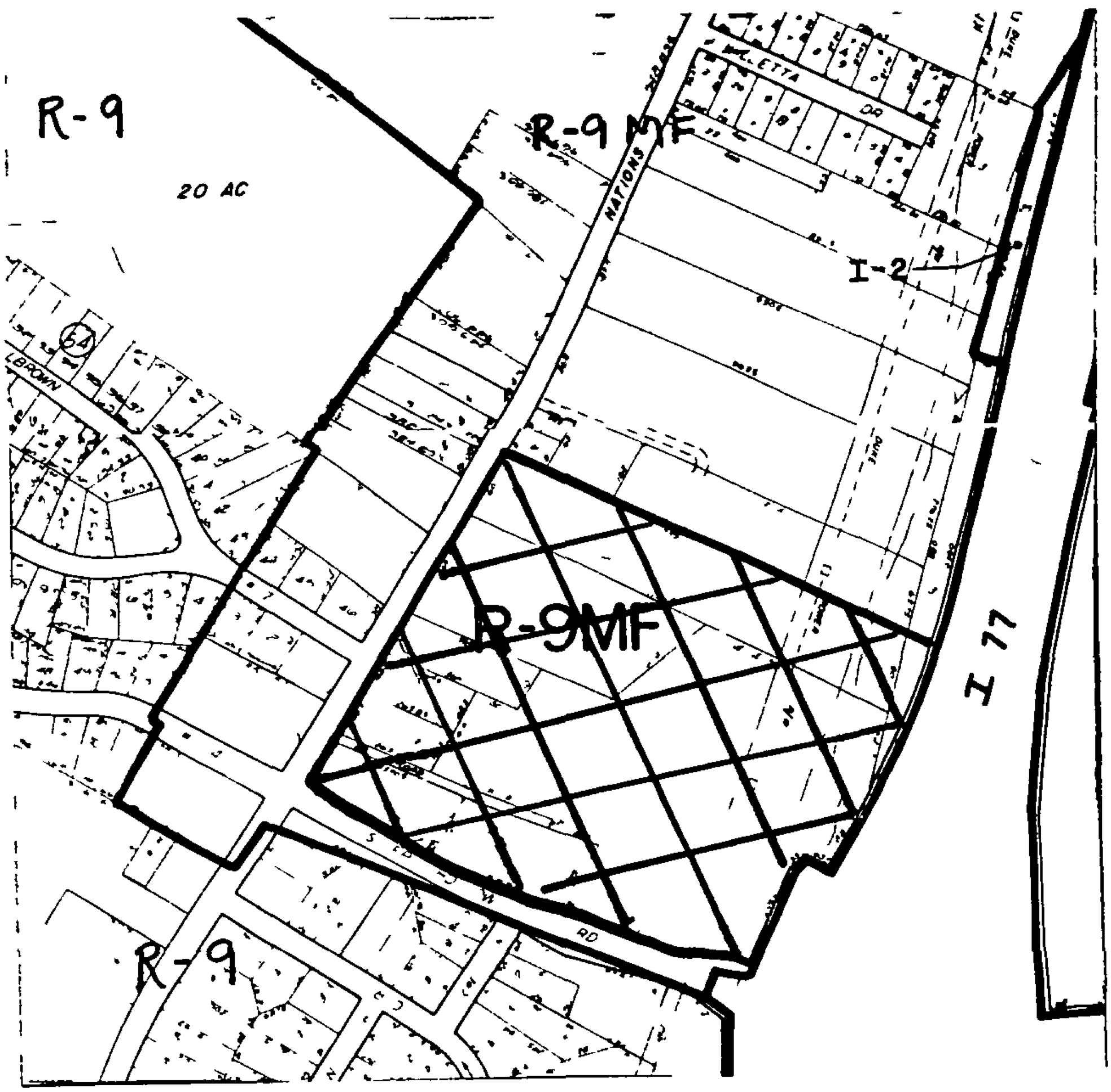
Subject to further refinement following public hearing

PETITIONER J. D. Sims and Company

PETITION NO. 86-78 HEARING DATE July 21, 1986

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED B-1 SCD

LOCATION 25 acres adjoining Interstate 77 north of Tyvola Road Extension and east of Nations Ford Road



ZONING MAP NO. 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. [redacted]
Date Filed [redacted]
Received By LS
OFFICE USE ONLY

No 86-78
Filed 6/2/86

Ownership Information

Property Owner: J.D. Sims & Company and Piedmont Kennel Club

Owner's Address: 4421 Stewart Andrew Boulevard
Charlotte, North Carolina

Date Property Acquired: April, May 1965 and February 8, 1955

Deed Reference: See Attached Schedule

Tax Parcel Number: See Attached Schedule

Location Of Property (address or description)

25 acres adjoining I-77
Tyvola Road Extension and Nations Ford Road

Description Of Property

Size (Sq. Ft.-Acres): 25 acres

Street Frontage (ft.): Approx. 475 ft., 1155 feet, and 1059 feet

Current Land Use: sand and gravel company, kennel club, residential, vacant

Zoning Request

Existing Zoning: R9MF

Requested Zoning: BISCD

Purpose of zoning change: to allow development of property for office purposes or a combination of office/hotel purposes under a conditional site plan

Name of Agent: Phillip E. Gerdes

Agent's Address: P.O. Box 30068, Charlotte, N.C. 28230

Telephone Number: (704) 372-3180

Note: Piedmont Kennel Club, Inc. only owns parcel 169-121-15.

J.D. SIMS & COMPANY

Name of Petitioner(s): [signature]

Address of Petitioner(s): 4421 Stewart Andrew Blvd. Charlotte, N.C.

Telephone Number: 527-0372

By: [signature]

Signature: PIEDMONT KENNEL CLUB, INC.

Signature of Property Owner if Other Than Petitioner

By: Elizabeth S. Turner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-78

Petitioner	J D Sims & Co and Piedmont Kennel Club
Location	A 25 acre site adjoining I-77 north of Tyvola Road Extension and east of Nations Ford Road
Request	Change from R-9MF to B-1SCD

ISSUES

1 Relationship to Plans for the Area How does this request relate to the overall planning objectives for this area including its relationship to the Billy Graham Parkway/Tyvola Road Special Project Plan?

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

3 Traffic and Transportation System How does this proposal relate to plans for transportation system improvements in the area?

BACKGROUND

1 Existing Zoning The property involved in this request is presently zoned R-9MF, a multi-family classification Land to the north of the subject site and land immediately to the west along Nations Ford Road is also zoned R-9MF Land further to the west of the subject site and south of the subject site across Sleepy Hollow Road (Tyvola Road Extension) is zoned R-9, a single family classification Land to the east of the site across Interstate 77 is zoned I-2, a heavy industrial classification

2 Existing Land Use The subject property presently contains a number of different land uses A portion of the site is occupied by a sand and gravel operation and another portion of the site appears to be a former demolition landfill The frontage of the site along Nations Ford Road contains a number of dilapidated single family residences and the Piedmont Kennel Club is on this site fronting on Sleepy Hollow Road Land immediately to the west and south of the site is occupied by single family residences and land north of the site is occupied by a mixture of single family, multi-family and one or two non-residential uses Land east of the site across I-77 is used primarily for business, office and hotel uses

3 Site Plan The conditional site plan submitted with this petition shows the site divided into three building development areas which would accommodate four office buildings and one hotel of 200 rooms The total amount of office floor area would be 365,000 square feet The site plan shows a 100 foot heavily landscaped buffer along the western margin of the property at its frontage with Nations Ford Road and a 50 foot heavily landscaped

buffer along Sleepy Hollow Road, the future Tyvola Road Extension The plan also indicates landscaped buffers along the northerly side of the site and along the easterly side of the site along the I-77 frontage, however, no dimension for this buffer is provided The plan proposes approximately 1460 parking spaces which is roughly 20 percent more than the minimum required by the ordinance The office and hotel buildings range in size from two stories to six stories The plan indicates that access will be available both from Tyvola Road Extension and from Nations Ford Road with the Tyvola Road access being limited to a right turn-in only The site plan also indicates that a portion of the existing Tyvola Road right-of-way would be abandoned on the petitioner's property The site plan recognizes the new alignment with Tyvola Road Extension but otherwise proposes no additional right-of-way along Tyvola Road or Nations Ford Road and indicates no improvements on either road

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing employment in the vicinity of the petitioner's property The plan also calls for the extension of Tyvola Road to serve the new coliseum and the actual construction of the Tyvola Road Extension is scheduled in FY 1986-1987

2 West Side Policy Study The West Side Policy Study recommends the promotion of residential stability and residential growth at single family densities Options for higher densities would be considered on a case by case basis

3 Billy Graham/Tyvola Road Special Project Plan This plan recommends residential use between Nations Ford Road and I-77 from Tyvola Road north to N C 49

4 Tyvola Road/I-77 Interchange The pending extension of Tyvola Road through to serve the new coliseum and the rapid pace of development in the western part of the community have caused local staff to consider seriously the need for improvements to the Tyvola Road/I-77 Interchange far in advance of what had been originally expected State and local transportation staffs are presently engaged in an assessment of the needs and timing for this improvement and the determination of the final configuration of the interchange may impact the petitioner's site, especially as it regards its access to Tyvola Road Extension

5 Pre-Hearing Staff Input The planning staff met on several occasions with the petitioner and the petitioner's agents preceeding the filing of the application During those meetings a number of different configurations of the site were discussed The petitioners have also been engaged with discussions with the City staff regarding access from Tyvola Road and the provision of right-of-way on the petitioner s property for the extension of Tyvola Road Subsequent to the filing of the application staff met with the petitioners and discussed a number of issues which have emerged including the conditional site plan, the relationship of the proposal to the Billy Graham/Tyvola Road Special Project Plan, and the access the petitioner proposes from Tyvola Road Extension

6 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department Comments from the Engineering Department include notations regarding curb, gutter and sidewalk along Nations Ford Road and Tyvola Road, the need for a grading permit, storm water detention facilities, driveway permits, trees and landscaping, and the Charlotte Floodway Regulations They also expressed serious concern about the need to protect the future right-of-way which will be required for the improvements to the Tyvola Road/I-77 Interchange, suggesting that dedications should be required but at the very minimum the necessary right-of-way should be reserved from future development They note that the traffic generated by this project will require turn lanes on Nations Ford Road which may require additional rights-of-way beyond what presently exists Developers should be advised that roadway improvements on Nations Ford Road including construction, engineering fees and right-of-way costs for parcels not not controlled by the petitioner will be the petitioners responsibility The Engineering Department's Real Estate Division, along with the Department of Transportation, are presently negotiating with the developer regarding the dedication of all right-of-way along the parcel frontage that is necessary for the Tyvola Road Extension All agreements pertaining to the construction and right-of-way responsibilities should be finalized prior to approval of this rezoning petition

2 Department of Transportation Comments from the Department of Transportation recommend that the petitioner provide a traffic impact study for this site to assist the impact that this rezoning has on three locations 1) the Tyvola Road/I-77 Interchange, 2) the Billy Graham Parkway/Tryon Street/Woodlawn Road/Yorkmont Road intersections, and 3) the proposed Nations Ford Road, Tyvola Road intersection The Department of Transportation suggests that any approved access from Tyvola Road should be limited to a period of ten years from the date of first occupancy of a structure This is directly related to the concern that controlled access will be required along the entire frontage of the petitioner's property in conjunction with the Tyvola Road/I-77 Interchange improvements There are also a number of comments relating to the impact this project would have on Nations Ford Road and the need for additional right-of-way and improvements along Nations Ford Road This concern is especially critical in view of the fact that the majority of the traffic serving the site will enter and leave on Nations Ford Road even if a temporary right turn access is afforded from Tyvola Road Extension In addition there are a number of detail comments about the internal configuration of streets and parking areas and the ability of the petitioner to be able to locate driveways at the points noted on the conditional site plan

3 Building Standards Department The Building Standards Department indicates that additional information is needed to be able calculate the parking requirements for the site

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

5 Fire Department Comments from the Fire Department suggest that built-in fire protection systems be installed in all the buildings

7 Neighborhood Context This site is located in an area which is defined as the Yorkmont neighborhood

DETAILED FINDINGS

1 This application involves a 25 acre tract of land which has frontage on Nations Ford Road, Sleepy Hollow Road which is the future Tyvola Road Extension, and I-77 The current zoning of the site is R-9MF and the petitioner requests a rezoning to B-1SCD

2 As part of the application the petitioner has filed a conditional site plan which proposes up to 365,000 square feet of office space plus a hotel with up to 200 rooms The proposal indicates that the primary access points would be off Tyvola Road Extension and two access points off of Nations Ford Road The access point from Tyvola Road would be an exclusive right turn-in only access

3 The site is strategically located along Tyvola Road Extension which will be the main access route to the City's new coliseum The site is almost surrounded by a pattern of residential land use which is almost exclusively single family to the south and west of the subject property and a mixture of single family and multi-family to the north The Billy Graham/Tyvola Road Special Project Plan indicates that the petitioner's property and the area to the north of the petitioner's property between Nations Ford Road and I-77 be residential in nature

4 The petitioner has been working for some time with the planning staff and with other City departments to solve serveral issues regarding this site The principal issue involved in this petition and one which is yet to be resolved is a question of access to Tyvola Road Under the best of circumstances, the petitioners would only gain a partial access from Tyvola Road, that is a right turn-in only All traffic exiting the site plus traffic coming from other directions than westbound Tyvola Road would have to gain access to the site from Nations Ford Road It is not at all certain that the access point from Tyvola Road will ever exist and at best it will only exist for a limited period of time Therefore, for the purposes of evaluating this petition serious consideration should be given to the relationship of this site to Nations Ford Road as the only means of access to the site

5 The magnitude of development proposed on the site combined with the limiting of access to Nations Ford Road only raises serious concerns about the intensity of the proposed development Nations Ford Road is a minor arterial street with a right-of-way of 60 to 70 feet Transportation staff has serious reservations about whether or not Nations Ford Road and the intersections that Nations Ford Road has with other arterial streets

in the area have the capacity to deal with the development of this magnitude In addition, questions remain to be answered about the extent of right-of-way which will ultimately be required for the improvements to the Tyvola Road/I-77 Interchange The resolution of that issue may indicate that a portion of the petitioner's property along I-77 may be required for future access and that the configuration on the petitioner's conditional site plan would be seriously impacted

6 Another issue central to the resolution of this petition is the extent to which it complies with the Billy Graham/Tyvola Road Special Project Plan At the time that plan was adopted the City Council specifically indicated that the area between Nations Ford Road and I-77 north of Tyvola Road should be used for residential purposes The petitioner's plan proposes an exclusive non-residential development of office and hotel facilities With that policy in mind, this petition raises serious qustions about the future of land to the north of the subject site if this petition is approved In addition, serious concerns exist about the compatibility of this proposal with the well established residential community to the west and south Staff has discussed with the petitioner the need to include a residential component with this proposal in order to better integrate it into the existing residential community

7 Based on the above circumstances and the need to resolve several major issues including access, compatibility with the plan, traffic impact and site design, the staff can not recommend approval of this petition as submitted and will wait for resolution of these issues and improvements to the plan before rendering a final recommendation

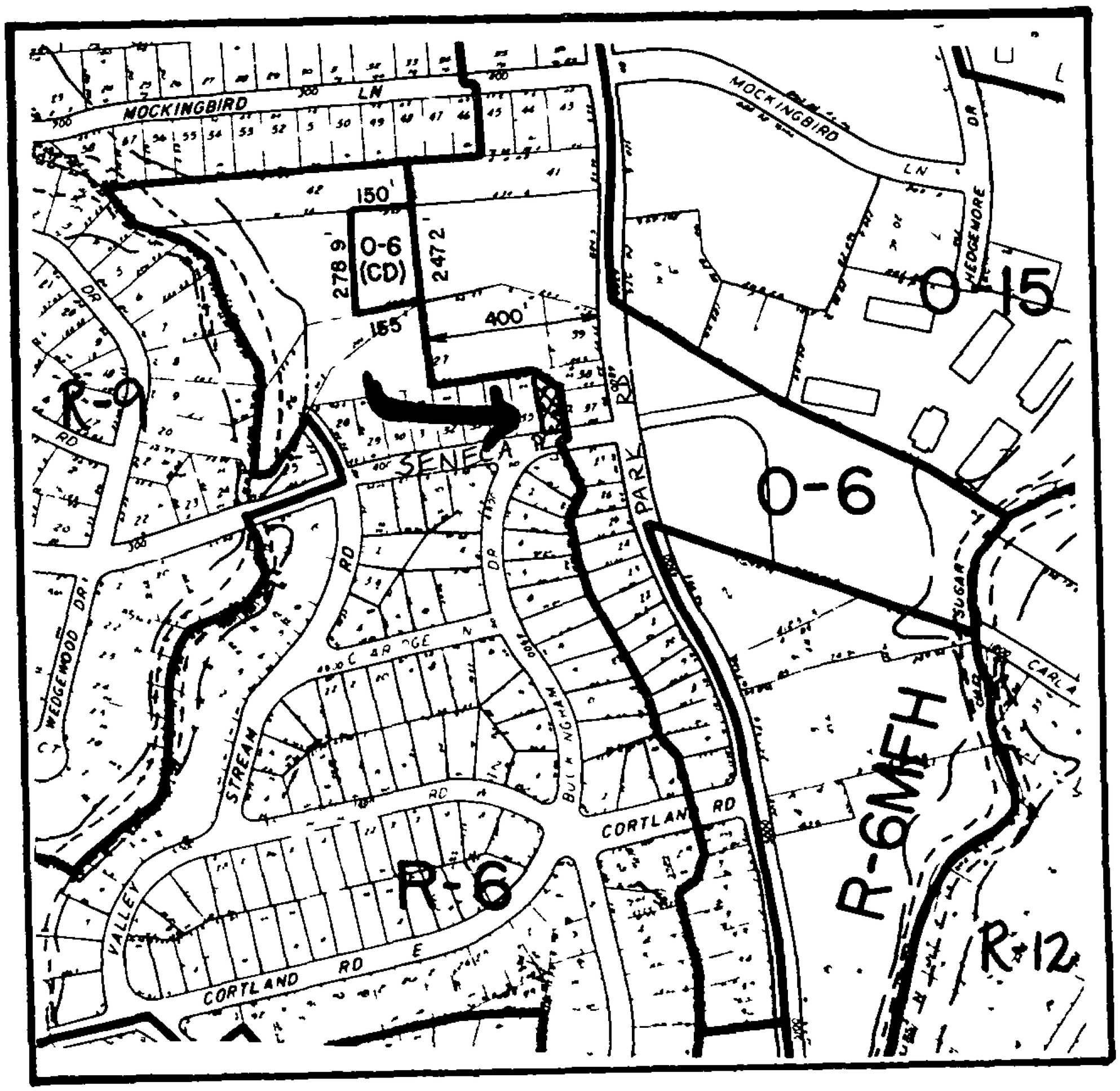
Subject to further refinement following public hearing

PETITIONER Butterfly Seven, Limited

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

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

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



ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-79
Date Filed 6-2-86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: Butterfly Seven Limited (Melvin and Peggy Flemming)

Owner's Address: 1208 South Boulevard
Charlotte, North Carolina 28203

Date Property Acquired: Pending Closing

Deed Reference: 4789-738 Tax Parcel Number: 171-091-36

Location Of Property (address or description) 100 feet west of the corner of Seneca Place and Park Road

Description Of Property

Size (Sq Ft -Acres): .165 acres Street Frontage (ft): 60 feet

Current Land Use: vacant single family dwelling

Zoning Request

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

Purpose of zoning change: To incorporate a unified site plan for a single story office structure. This parcel is needed to provide a more usable development plan.

Gifford Nielson & Williams, Inc.
Name of Agent

1710 Charlotte Plaza; Charlotte, NC 28244
Agent s Address

(704) 373-1907
Telephone Number

Butterfly Seven Ltd.
Name of Petitioner(s)

1208 S Blvd.
Address of Petitioner(s)

372-4298
Telephone Number

By W. Pato Jones Pres.
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-79

Petitioner	Butterfly Seven, Limited
Location	A 165 acre parcel located on Seneca Place approximately 100 feet west of the intersection of Seneca Place and Park Road
Request	Change from R-6 to O-6(CD)

ISSUES

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

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

BACKGROUND

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

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

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

GENERAL FINDINGS

1 2005 Plan The 2005 Plan denotes the subject property as lying in a border area between existing residential uses and existing employment uses along Park Road One of the major goals of the 2005 Plan with regards to

the central area is the conservation of existing neighborhoods and the preservation of housing therein No small area plan has been prepared which includes the subject area

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

3 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards No comments

3 Fire Department No comments

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

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

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

DETAILED FINDINGS

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

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

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

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

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

6 Based on the circumstances cited above, the staff strongly discourages the approval of this rezoning request

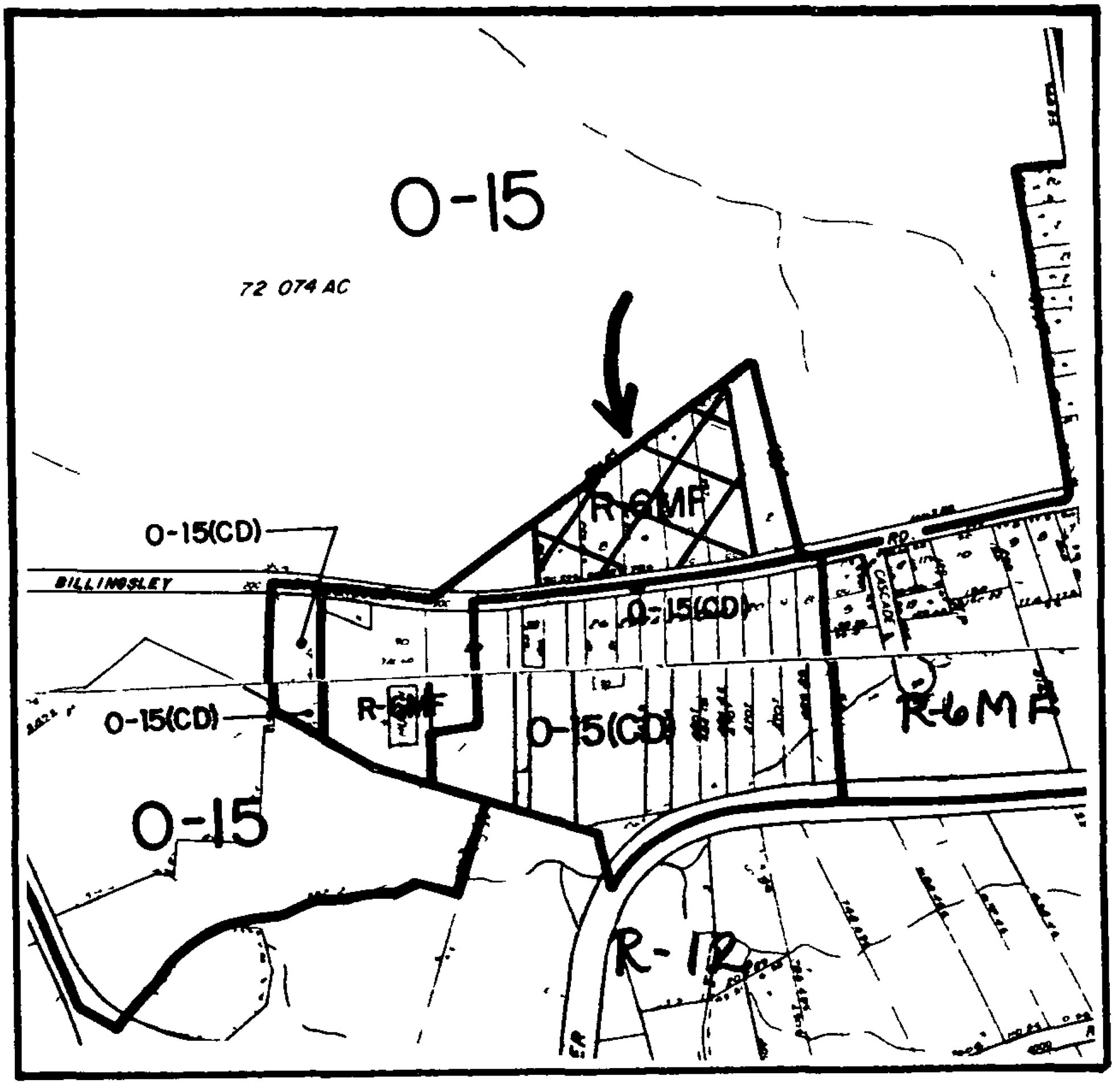
Subject to further refinement following public hearing

PETITIONER Dr. Joseph Estwanik and Dr. Thomas Hampton

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

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

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



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-80
Date Filed 6-2-86
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Dr. J. Estwanik & Dr. T. Hampton

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

Date Property Acquired

Deed Reference 1166/473 2654/109 2415/620 2655/173 Tax Parcel Number 157-41-7,8,9,10,11

Location Of Property (address or description)

North side of Billingsly Road just east of Randolph road

Description Of Property

Size (Sq Ft -Acres) ± 2.9 AC Street Frontage (ft) ± 480'

Current Land Use Vacant

Zoning Request

Existing Zoning R-6 MF Requested Zoning O-15 (CD)

Purpose of zoning change to permit office use on site currently zoned for multi-family

Sandra R. Turnbull, DPR Associates, Inc.
Name of Agent

2036 East Seventh Street
Agent s Address

332-1204
Telephone Number

Dr. J. Estwanik & Dr. T. Hampton
Name of Petitioner(s)

1516 Elizabeth Avenue
Address of Petitioner(s)

334-4663
Telephone Number

Thomas M. Hampton, Joseph J. Estwanik
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-80

Petitioner	Drs Joseph Estwanik and Thomas Hampton
Location	A 2 9 acre site on the north side of Billingsley Road east of Randloph Road
Request	Change from R-6MF to O-15(CD)

ISSUES

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

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

BACKGROUND

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

2 Existing Land Use The subject property is presently vacant Along the north side of Billingsley Road there is a large recreational facility and the Mecklenburg County Social Services and Mental Health Services offices Directly across from the subject property is a new medical office complex Along Billingsley Road to the east there exists a combination of single family and multi-family housing and along Billingsley Road to the west towards Randolph Road there exists an institutional use, specifically a church and a large medical complex at the intersection Properties to the south of the subject site along Wendover and Randolph Road are used primarily for single family detached housing The subject site is almost completely surrounded by existing office uses

3 Site Plan The proposed site plan indicates a maximum development potential of 40,000 square feet of office floor area on this site in three buildings The site plan indicates minimum front, side, and rear yards with the bulk of the lot being used to accommodate parking The plan indicates tree planting and landscaping in the parking areas but contains minimal notes describing the exact extent of those improvements Neither the site plan nor the application indicate the exact type of offices that would be

accommodated on this site The determination of the type of offices is important in terms of calculating the necessary parking requirements

GENERAL FINDINGS

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

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

3 Pre-Hearing Departmental Comments (Summary)

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

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

3 Fire Department No comment

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

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

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

DETAILED FINDINGS

1 The property involved in this request is a 2 9 acre site on the north side of Billingsley Road It is presently vacant and consists of five small lots The present zoning is R-6MF and the requested zoning is O-15(CD)

2 The petitioner has filed a conditional site plan The site plan indicates a maximum of 40,000 square feet to be placed on the site in three buildings with the remainder of the site used for parking and yards The site paln indicates few details about the extent of landscaping and screening of the parking lot The site plan also fails to distinguish the specific type of office use which will have a bearing on the amount of parking required

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

purposes and land generally to the west along Billingsley Road is used for recreational and medical office purposes

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

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

6 Based on the circumstances above and assuming the technical problems with the site plan can be adequately addressed, this petition is encouraged for approval

Subject to further refinement following public hearing

(one word)

PETITIONER Hou Real Corporation (Steve Peacock)

PETITION NO. 86-81 HEARING DATE 7-21-86

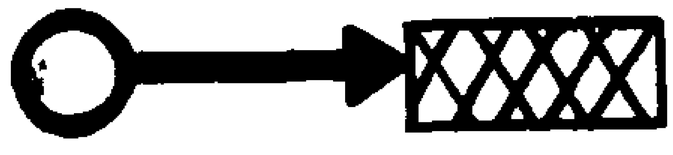
ZONING CLASSIFICATION, EXISTING R-6MF R-9, R-9MF REQUESTED B-2(CD)

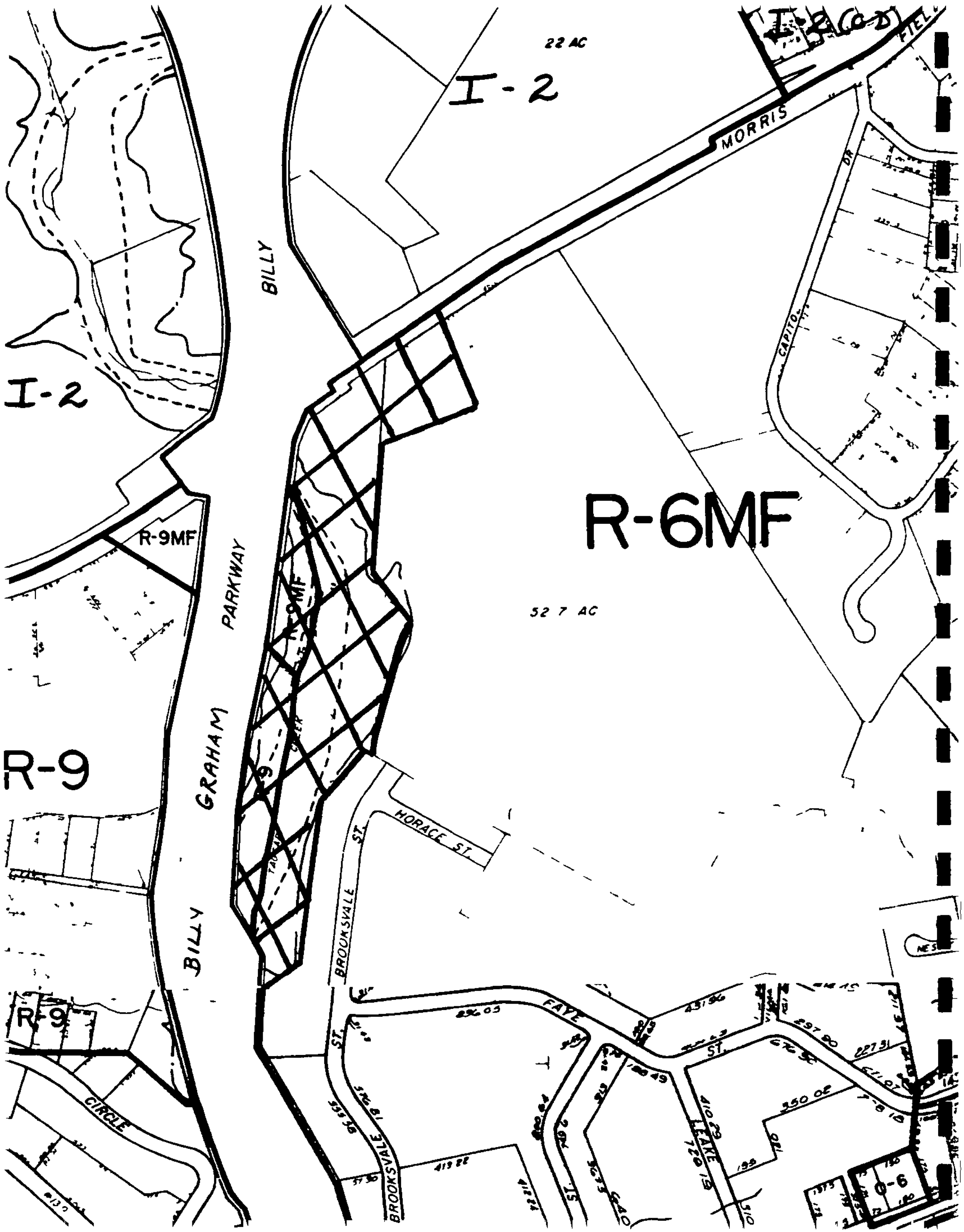
LOCATION 16.265 acres located on the southeast corner of the intersection of Billy Graham Parkway and Morris Field Road

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




22 AC
I-2
MORRIS
DR
CAPITO
I-2
BILLY
R-6MF
R-9MF
PARKWAY
52 7 AC
GRAHAM
R-9
HORACE ST.
BROOKSVALE ST.
BILLY
FAYE ST.
R-9
CIRCLE
BROOKSVALE ST.
LEAKE ST.
O-6

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-81
Date Filed 6-2-86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner HouReal Corporation

Owner s Address 3220 Interfirst Plaza

Houston, Texas 77002

Date Property Acquired Property Under Option (See contract attached)

Deed Reference 3772-357, 1250-193, 658-126 Tax Parcel Number (See attached)

Location Of Property (address or description) Southeast corner of

Billy Graham Parkway and Morris Field Road, Charlotte, NC

Description Of Property

Size (Sq Ft -Acres) 708, 503, 400SF 16.265 Acres Street Frontage (ft) 2650 LF

Current Land Use Vacant - Approximately 10 acres of the parcel lies in the flood plain.

Zoning Request

Existing Zoning R-9, R-9MF, R-6MF Requested Zoning B-2 (CD)

Purpose of zoning change To allow for the construction of a 250 room hotel serving the airport area.

Paul B. Poetzsch, AIA
Name of Agent

341 North Caswell Road, Charlotte, NC
Agent s Address

704/372/1860
Telephone Number

Steve Peacock
Name of Petitioner(s)

3220 InterFirst Plaza
Houston, Texas 77002
Address of Petitioner(s)

(713) 751-7000
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-81

Petitioner	HouReal Corporation
Location	A 16 265 acre tract located on the southeast corner of the intersection of Billy Graham Parkway and Morris Field Road
Request	Change from R-9, R-9MF and R-6MF to B-2(CD)

ISSUES

1 Planning Objectives How does this request relate to the overall planning objectives for the area and especially for those along Billy Graham Parkway?

2 Billy Graham Parkway/Tyvola Road Special Project Plan How does this petition relate to the goals of the Billy Graham Parkway/Tyvola Road Special Project Plan?

3 Site Plan What aspects of the conditional site plan are important to evaluate? What suggestions can be offered to improve the plan?

BACKGROUND

1 Existing Zoning The subject property presently contains three residential zoning classifications, R-9, a single family classification, and R-9MF and R-6MF, both multi-family classifications Morris Field Road provides a boundary between two major groups of zoning classifications Land to the north of the site and north of Morris Field Road is zoned I-2, a heavy industrial classification Land to the south, east and west of the site is zoned for residential use and classifications which include R-9, R-9MF and R-6MF The R-9 zoning is concentrated in a single area which is located across Billy Graham Parkway from the subject property It should be noted that the property immediately to the east of the subject property which is presently zoned R-6MF is under consideration for a rezoning to I-1(CD)

2 Existing Land Use The subject property is largely undeveloped but contains two dilapidated residential structures along Morris Field Road A large portion of the site which lies along Billy Graham Parkway is included in regulatory floodplain The property immediately to the east of the site along Morris Field Road is presently vacant however residential single family and multi-family uses can be found further east along Morris Field Road in the direction of Wilkinson Boulevard Land on the north side of Morris Field Road includes existing industrial sites, and a number of large vacant tracts Land west of the site across Billy Graham Parkway contains a number of single family detached houses and includes multi-family, mobile home, duplex and institutional uses Land further to the west of the subject property contains Charlotte-Douglas International

Airport Land to the south of the site contains the Boulevard Homes Assisted Housing Project

3 Site Plan The conditional site plan proposes a 250 room hotel with 150,000 square feet of floor area Access into the site is provided by way of two driveway connections to Morris Field Road Approximately ten acres of the site lies within the regulatory floodplain which will be used only for recreational purposes and left largely undeveloped The main structure would not exceed nine floors or 100 feet in height A 20 foot buffer area is shown along the frontage of the property on Morris Field Road

GENERAL FINDINGS

1 2005 Plan The 2005 Plan identifies the area as existing residential land use but also envisions that non-residential development will continue along portions of the Billy Graham Parkway corridor

2 Billy Graham Parkway/Tyvola Road Extension Special Project Plan The subject site lies outside the boundaries of the Billy Graham Parkway Study However, the parkway study does recognize that the new coliseum will generate demand for hotels in the immediate area

3 Pre-Hearing Staff Input Staff had no formal discussions with the petitioner prior to the application being filed The staff has met with the petitioner subsequently and discussed issues involving the site plan accompaning the application

4 Pre-Hearing Departmental Comments (Summary)

1 Building Standards Department No comment

2 Fire Department Comments from the Fire Department indicate that the existing water supply in the area is marginal The Fire Department recommends that the building include a built-in fire supression system

3 Engineering Department Comments from the Engineering Department include a number of comments dealing with curb and gutter requirements and associated storm drainage and sidewalk, grading permit, storm water detention facilities, driveway permits, trees and landscaping, and the Charlotte Floodway Regulations

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

5 Department of Transportation Comments were unavailable as of the preparation of this material but are expected by the time the public hearing is held

5 Neighborhood Context The site is located within an area defined as the West Boulevard neighborhood

DETAILED FINDINGS

1 The application involves a 16 265 acre tract at the southeast corner of Billy Graham Parkway and Morris Field Road The current zoning of the site is R-9, R-9MF and R-6MF and the petitioner has requested the B-2(CD) classification

2 As part of the application the petitioner has filed a conditional site plan which proposes a 250 room hotel of approximately 150,000 square feet to be located on the site The site plan also indicates that approximately ten acres of floodplain will be used only for recreational amenities and will remain largely undeveloped

3 The site is located along Billy Graham Parkway in an area which is undergoing rapid growth and development Major public investments in the area include the development of a new coliseum and the expansion of the Charlotte-Douglas International Airport In addition to public investment, the area has enjoyed a substantial amount of private investment in the form of business park, light industrial, office, hotel and related uses Property immediately east of the subject site is presently being considered for a rezoning to I-1(CD) to allow the development of an office and business park

4 Some concern has been expressed about the size of the proposed facility The plans indicate that a hotel of nine stories or 100 feet in height would be constructed on the site The elevation of the site is approximately 20 feet above the elevation of the adjoining Billy Graham Parkway While there are no specific height limitations in this area other than those provided in the zoning ordinance, the bulk of new development along Billy Graham Parkway has generally been in the three to four story range If built according to plan the proposed hotel would have an effective height of approximately 11 stories above the Billy Graham Parkway It should be noted, however, that a large portion of this site directly adjacent to Billy Graham Parkway will be left essentially undeveloped Further, the developer is proposing to locate all of the required parking away from Billy Graham Parkway

5 Another concern which has emerged is the requested zoning classification of B-2(CD) A hotel use can be accommodated in either an O-15 or O-6 office district The staff expressed concern to the petitioner that the B-2 classification might also allow uses which would be inappropriate at this location The B-2 classification would also permit the erection of outdoor advertising signs unless specifically eliminated by conditions on the site plan

6 Another issue which remains to be resolved with this specific request is the need for a connection between the subject site and the adjoining site to the east which is presently being considered for rezoning for a business and office park The petitioners in that request have also been advised to work with the petitioners in this request to arrive at a reasonable solution to accommodate connection between the sites thus reducing the need for multible access points along Morris Field Road

7 Finally the staff has discussed with the petitioner the need for minor improvements of the site plan including better treatment of large parking areas that front on Morris Field Road Greater detail is also required in terms of the screening and buffering areas along Morris Field Road and along the adjoining property to the east The petitioner was advised that in the event the adjoining property is not rezoned to I-1(CD) but remains R-6MF that adjustments may be required in the placement of the building and screening on the site

8 Based on the above circumstances, and assuming that the issues involving the site plan and access to adjoining properties may be satisfactorily resolved, the staff believes that this use is appropriate for the site in question While the scale of the project remains of some concern, the staff generally encourages the approval of this petition

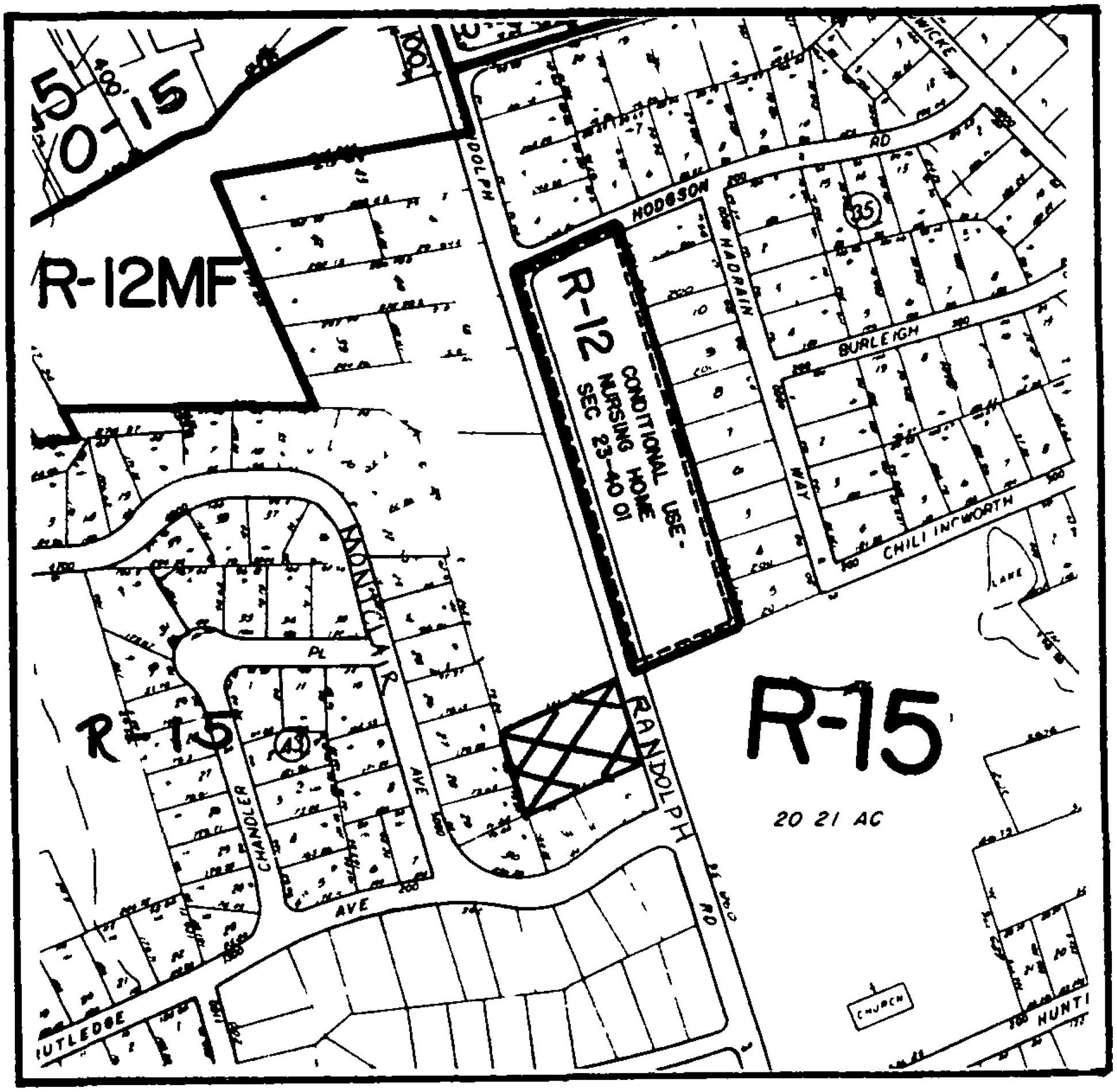
Subject to further refinement following public hearing

PETITIONER Dr. Joseph Woody and Dr. Walter Bullington

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

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED O-15

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



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-82
Date Filed 6-2-86
Received By LA
OFFICE USE ONLY

Ownership Information

Property Owner: Charlotte Opthalmology

Owner s Address: 4335 Colwick Rd.
Charlotte, NC 28211

Date Property Acquired: 1972

Deed Reference: 3743-977 Tax Parcel Number: 185-021-33

Location Of Property (address or description): 4814 Randolph Rd.
Charlotte, NC 28211

Description Of Property

Size (Sq Ft -Acres): 1.373 Ac. Street Frontage (ft): 200

Current Land Use: R-15

Zoning Request

Existing Zoning: R-15 Requested Zoning: O-15

Purpose of zoning change: To develop the property into traditional one-story offices primarily for medical use.

Wightman, George E., Jr.
Name of Agent

2034 Randolph Rd.
Agent s Address

704-333-9864
Telephone Number

Dr. Joseph Woody
Dr. Walter Bullington
Name of Petitioner(s)

4335 Colwick Rd.
Address of Petitioner(s)

704 364 7400
Telephone Number

Walter G. Bullington MD
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-82

Petitioner	Dr Joseph Woody and Dr Walter Bullington
Location	A 1 373 acre site on the west side of Randolph Road north of Rutledge Avenue
Request	Change from R-15 to O-15

ISSUES

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

BACKGROUND

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

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

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

GENERAL FINDINGS

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

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

3 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comment

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

3 Building Standards No comment

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

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

DETAILED FINDINGS

1 The property involved in this request is a 1 37 acre site on the west side of Randolph Road near Rutledge Avenue The present zoning of the site is R-15 and the requested zoning is 0-15

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

3 There is no site plan which accompanies this application Inasmuch as the request is for a conventional 0-15 district a site plan is not allowed However, the application indicates that the proposed use of the property is for medical offices

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

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

6 In view of the availability of existing commercial and office zoning in the Cotswold area as called for by the 2005 Plan, the conversion of this single lot to an office use would be inappropriate While the probability that this single rezoning would stimulate additional rezonings along Randolph Road is low, the development of this site for office purposes could be disruptive to both the land use and the zoning pattern in the area Even if the petition included a site plan for a conditional request, the use of this property for office should be discouraged

7 Based on the circumstances cited above, this petition is not encouraged for approval

Subject to further refinement following public hearing

PETITIONER John Crosland Company

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

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

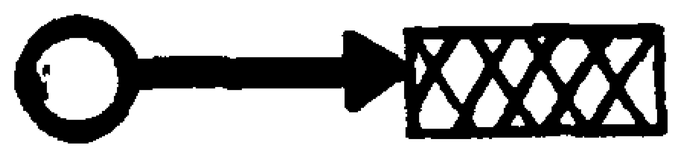
LOCATION 67-851 acres on the southeasterly side of Idlewild Road north No

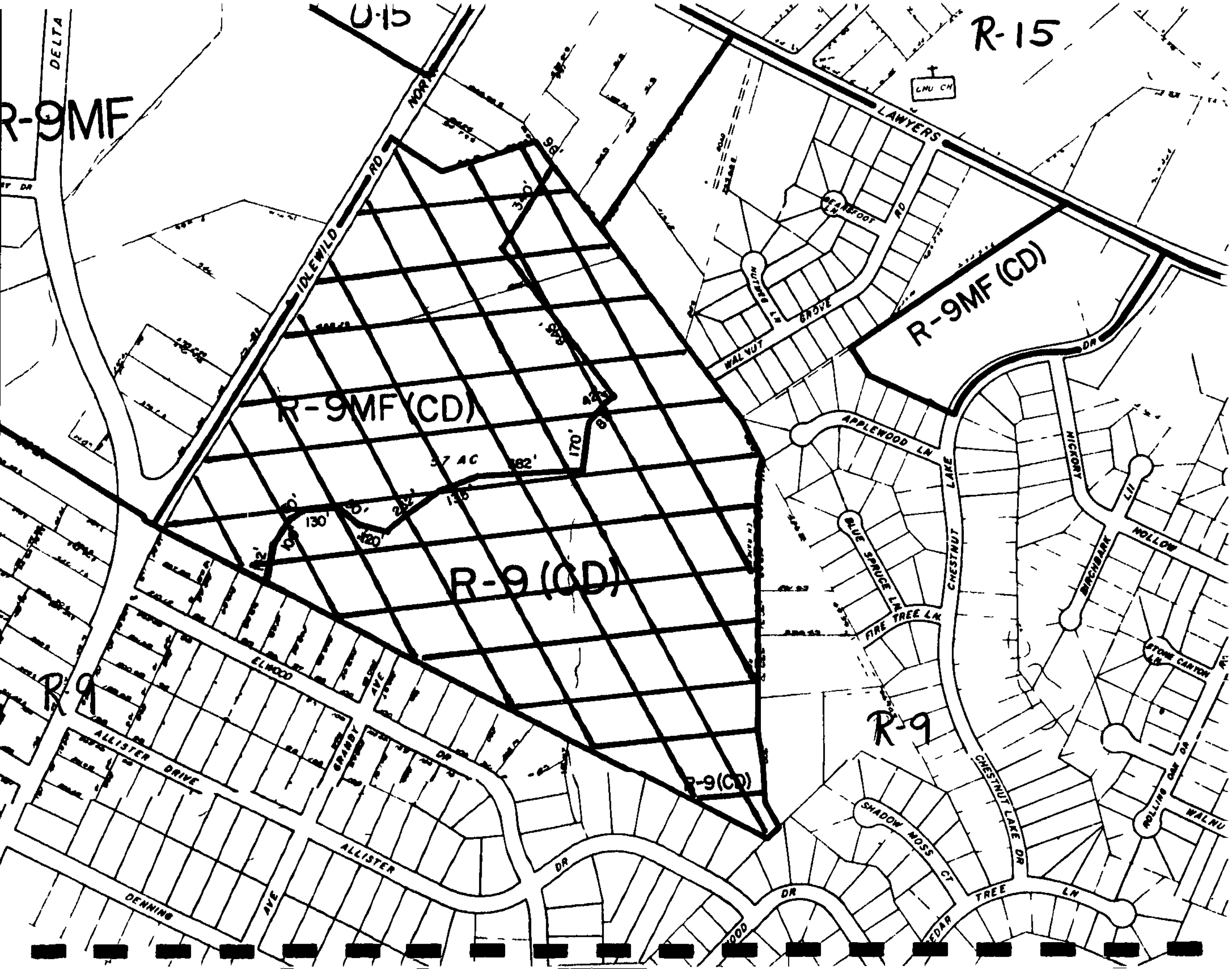
beginning approximately 850 feet southwest of Lawyers Road

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




R-15
R-9MF
R-9MF (CD)
R-9MF (CD)
R-9 (CD)
R-9(CD)
R-9
R-9
LAWYERS
IDLEWILD RD
DELTA
CHURCH
WALNUT GROVE
APPLEWOOD LN
LAKE
CHESTNUT
NICKORY
HOLLOW
BIRCHBARK
STONE CANYON
BLUE SPRUCE LN
FIRE TREE LN
SHADOW MOSS CT
CHESTNUT LAKE DR
ROLLING OAK DR
ELMWOOD AVE
GRANBY
ALLISTER DRIVE
ALLISTER
DENNING
AVE
DR
TREE
LN
340'
170'
130'
57 AC
382'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-83
Date Filed 6-2-86
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: John Crosland Company, Horace B. Edwards, and Martha J. Edwards

Owner's Address: John Crosland Company, P.O. Box 11231, Charlotte, NC 28220 | Horace B. Edwards, 1937 Summey Avenue, Charlotte, NC 28205 | Martha J. Edwards, 5130 Ildewild Road N., Charlotte, NC 28212

Date Property Acquired: May 21, 1986, also see attached Exhibit A

Deed Reference: Deed Book 5019 Page 0880, see attached Exhibit A

Tax Parcel Number: 135-021-04, 135-021-05, 135-021-08

Location Of Property (address or description)

Fronts on southeasterly side of Ildewild Road North, beginning approximately 850 feet southwest of Lawyers Road.

Description Of Property

Size (Sq Ft -Acres): 67.851 acres

Street Frontage (ft): 1,585.46

Current Land Use: Primarily vacant, single family homes presently under construction on 135-021-08

Zoning Request

Existing Zoning: R-9 (CD) and R-9MF(CD)

Requested Zoning: Site Plan Amendmen

Purpose of zoning change: To accommodate three (3) points of access to Ildewild Road North as compared to two (2) points of access presently permitted

Name of Agent

Agent's Address

Telephone Number

NOTE The Petitioner, John Crosland Company, has purchased approximately 40 acres of the Subject Property from the two owners (Edwards) listed above and identified on Exhibit A. A Contract of Sale exists for the balance of the Subject Property. Attached is a copy of the pertinent part of the Contract to evidence the owners' approval of this Petition and their authorization of John Crosland Company to handle the proceedings with respect to the rezoning request.

John Crosland Company
Name of Petitioner(s)

P.O. Box 11231 (Attn Thomas W. Scott)
Address of Petitioner(s)

523-8111
Telephone Number

Thomas W. Scott
Signature

See "Note" at left
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-83

Petitioner	John Crosland Co
Location	A 67 851 acre site on the southeasterly side of Idlewild Road North approximately 850 feet southwest of Lawyers Road
Request	Change from R-9(CD) and R-9MF(CD) to R-9(CD) and R-9MF(CD) Site Plan Amendment

ISSUES

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

BACKGROUND

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

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

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

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates residential land uses in the area of the subject property It also identifies a community commercial center at

the intersection of Albemarle Road and Delta Road The 2005 Plan also seeks to conserve the established residential areas which exist in this portion of the community while accommodating the area's strong growth pressures

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

3 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comment

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

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

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

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

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

DETAILED FINDINGS

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

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

3 This site plan amendment is consistent with the originally approved site plan for the site and, therefore, is encouraged to be approved

Subject to further refinement following public hearing

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-84

Date Filed 5/29/86

Closing 6-2-86

Received By LS

OFFICE USE ONLY

Section No 1206.2 Signs

(Title)

Purpose of Change To require the owner of a parcel for which a sign permit is sought to sign the sign permit application and to require that a state sign permit (if required) be presented to the Building Standards Department within 30 days after the issuance of the local sign permit.

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._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, § 1206.2 of the City Code shall be amended by adding a new paragraph to read as follows:

> "If the applicant for an outdoor advertising sign permit is not the owner of the property upon the which the advertising sign is to be located, then the owner of the property must sign the advertising sign application. If the applicant must also receive an advertising sign permit from the State of North Carolina, then the applicant must submit a sign permit from the State of North Carolina within 30 days after the filing of the application with the department for a sign permit. The department shall have the authority to revoke any sign permit upon the same basis as stated in N.C. Gen. Stat. § 160A-422, 'Revocation of permit'."

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

adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

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

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

_____
Pat Sharkey, City Clerk

WILKINSON BOULEVARD
SPECIAL PROJECT PLAN

PREPARED BY: CHARLOTTE-MECKLENBURG PLANNING COMMISSION

FEBRUARY, 1986

WILKINSON BOULEVARD SPECIAL PROJECT

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Appendix A - GUIDELINES FOR REDEVELOPMENT AND NEW DEVELOPMENT IN THE WILKINSON BOULEVARD CORRIDOR

INTRODUCTION

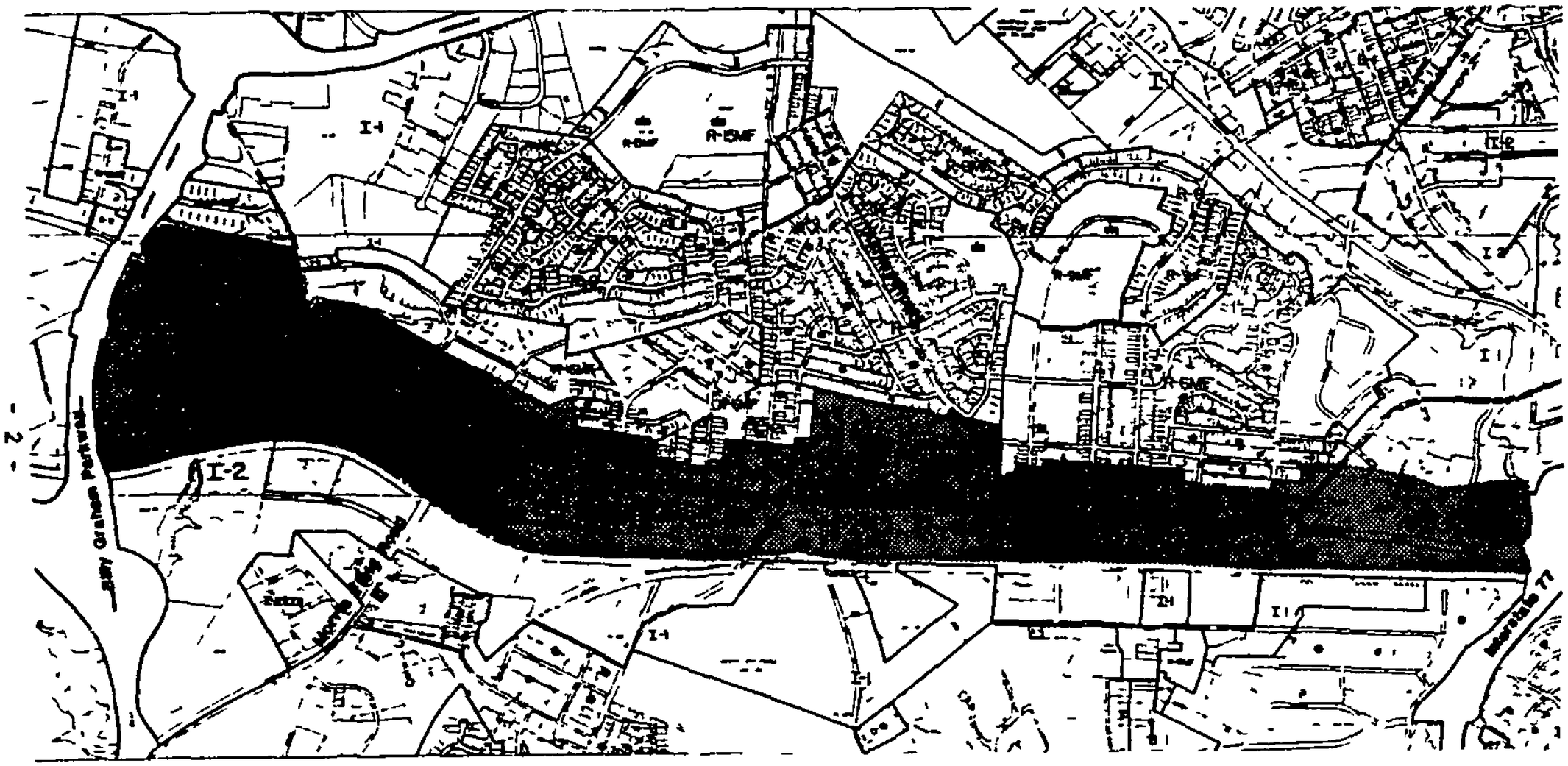
Long time Charlotte residents remember Wilkinson Boulevard as a thriving, gateway corridor It was the main link between Gaston and Mecklenburg Counties Since I-85 opened in the early 60's, taking a significant amount of traffic off Wilkinson, the boulevard has deteriorated considerably Many businesses have closed leaving a hodge-podge of land uses, and the streetscape has become chaotic in appearance. Wilkinson Boulevard today portrays a very negative image

In preparing the Westerly Hills/ Ashley Park Small Area Plan, residents identified Wilkinson Boulevard's image as the most critical issue facing their neighborhoods As a major gateway between Douglas Airport and the Uptown, the corridor also creates an unfavorable first impression of Charlotte for newcomers to the City

This special project plan addresses this image problem It focuses on land use, economic development, transportation and streetscape issues, all of which contribute to the corridor's overall image Although problems exist along the entire length of Wilkinson, the boundaries of this project were narrowed to include a three mile stretch from I-77 to Billy Graham Parkway Areas to the west will be studied in the future

WILKINSON BLVD. CORRIDOR STUDY

STUDY AREA



CHARLOTTE-MECKLENBURG PLANNING COMMISSION
COMMUNITY PLANNING SECTION

Study Area

WILKINSON BLVD. CORRIDOR STUDY MAP

INTRODUCTION

Long time Charlotte residents remember Wilkinson Boulevard as a thriving, gateway corridor It was the main link between Gaston and Mecklenburg Counties Since I-85 opened in the early 60's, taking a significant amount of traffic off Wilkinson, the boulevard has deteriorated considerably Many businesses have closed leaving a hodge-podge of land uses, and the streetscape has become chaotic in appearance Wilkinson Boulevard today portrays a very negative image.

In preparing the Westerly Hills/ Ashley Park Small Area Plan, residents identified Wilkinson Boulevard's image as the most critical issue facing their neighborhoods As a major gateway between Douglas Airport and the Uptown, the corridor also creates an unfavorable first impression of Charlotte for newcomers to the City

This special project plan addresses this image problem It focuses on land use, economic development, transportation and streetscape issues, all of which contribute to the corridor's overall image Although problems exist along the entire length of Wilkinson, the boundaries of this project were narrowed to include a three mile stretch from I-77 to Billy Graham Parkway Areas to the west will be studied in the future

PLAN OBJECTIVES

The objectives that guided development of this plan were

- To support Wilkinson Boulevard as an employment corridor
- To enhance the visual image of the streetscape
- To encourage the use of Wilkinson Boulevard as a direct route from the airport to the uptown
- To protect the surrounding residential neighborhoods from encroaching non-residential uses.

LAND USE

Land uses, ranging from single family to heavy industrial, exist along Wilkinson Boulevard Numerous parcels and buildings are vacant The following chart identifies land uses in the study area and reflects the total acreage of each use

EXISTING LAND USE

LAND USE	ACREAGE	PERCENT OF TOTAL
Single Family	21	4
Multiple Family	5	1
Office	22	4
Business	150	30
Light Industrial	37	7
Mobile Home Park	3	1
Parking	9	2
Recreation	36	7
Vacant	118	24
TOTALS*(rounded off)	503	100%

Very little new construction has occurred along the boulevard since the early 60's The retail character that once existed has diminished, as evidenced by the predominately vacant Queensgate Shopping Center, situated between Ashley Road and Westerly Hills Drive Marginal uses such as X-rated lounges and used car lots are typical of the type of retail businesses presently located on the corridor

RECOMMENDATION.

- Support the location of employment uses such as office or light manufacturing along the corridor

ZONING

The Wilkinson Boulevard study area consists of approximately 503 acres Seventy-three percent (73%) is currently zoned for heavy industrial use, much of which is located on the south side of the corridor General business, the next largest zoning category, accounts for 91 acres or 18% of the total acreage The remaining 9% combines land zoned for business, office, and multiple family zoning Existing zoning by acreage is charted below

EXISTING ZONING

CATEGORY	ACREAGE	PERCENTAGE
R-6MF	4	1
0-6	9	2
B-1	18	3
B-2	91	18
I-1	15	3
I-2	366	73
TOTALS* (rounded off)	503	100%

Potential problems exist with the current zoning First, several large parcels on the north side of Wilkinson Boulevard are zoned for business/retail use With the market somewhat limited for commercial in the area, business zoning may hinder solid development of these parcels

Second, an office buffer zone exists between many non-residential and residential properties on the corridor's north side Office zoning does not create the best buffer because of traffic impacts resulting from it during peak hours

Finally, a number of lots on the north side of Wilkinson and along West Morehead Street are zoned I-1, industrial Industrial zoning does not reflect the existing use or most appropriate zoning for these parcels

RECOMMENDATIONS

- o Develop a Gateway Corridor Zoning District for Wilkinson Boulevard as a prototype for other gateways in Charlotte Emphasis in the new district would be placed upon visual quality through the use of design performance standards This concept would be developed within the ordinance revision process
- o Establish a policy to favorably consider conditional I-1 or office zoning for all B-2 properties on the north side of Wilkinson Boulevard Rezonings should emphasize good edge relationships between residential and non-residential uses
- o Publically initiate the following corrective rezonings
  - A Rezone the O-6 zoned property and part of the B-2 zoned property east of Westerly Hills Drive to R-6MF
  - B Rezone the O-6 zoned properties north of Wilkinson from Westerly Hills Drive to west of Midland Avenue to R-6MF
  - C Rezone the O-6 zoned properties (2) on the west side of Remount Road to R-6MF
  - D Rezone the O-6 zoned properties off West Morehead Street and adjoining the Ashley Park neighborhood from Evergreen Drive to just south of Greenland Avenue to R-6MF

E Rezone the O-6 zoned properties and part of the B-2 zoned properties on the north side of Wilkinson from Camp Greene Street to just north of Weyland Avenue to R-6MF

F Rezone the I-2 properties on the north side of Wilkinson Boulevard between Billy Graham Parkway and Mulberry Church Road and south of Havelock Avenue to I-1

G Rezone the I-2 properties on the north side of Wilkinson Boulevard between Billy Graham Parkway and Mulberry Church Road and north of Havelock Avenue to I-1

H. Rezone the vacant I-1 zoned property at the northeast corner of Arty Avenue and Berryhill Road to B-1

I Rezone the I-1 properties on the east side of Remount Road to O-6

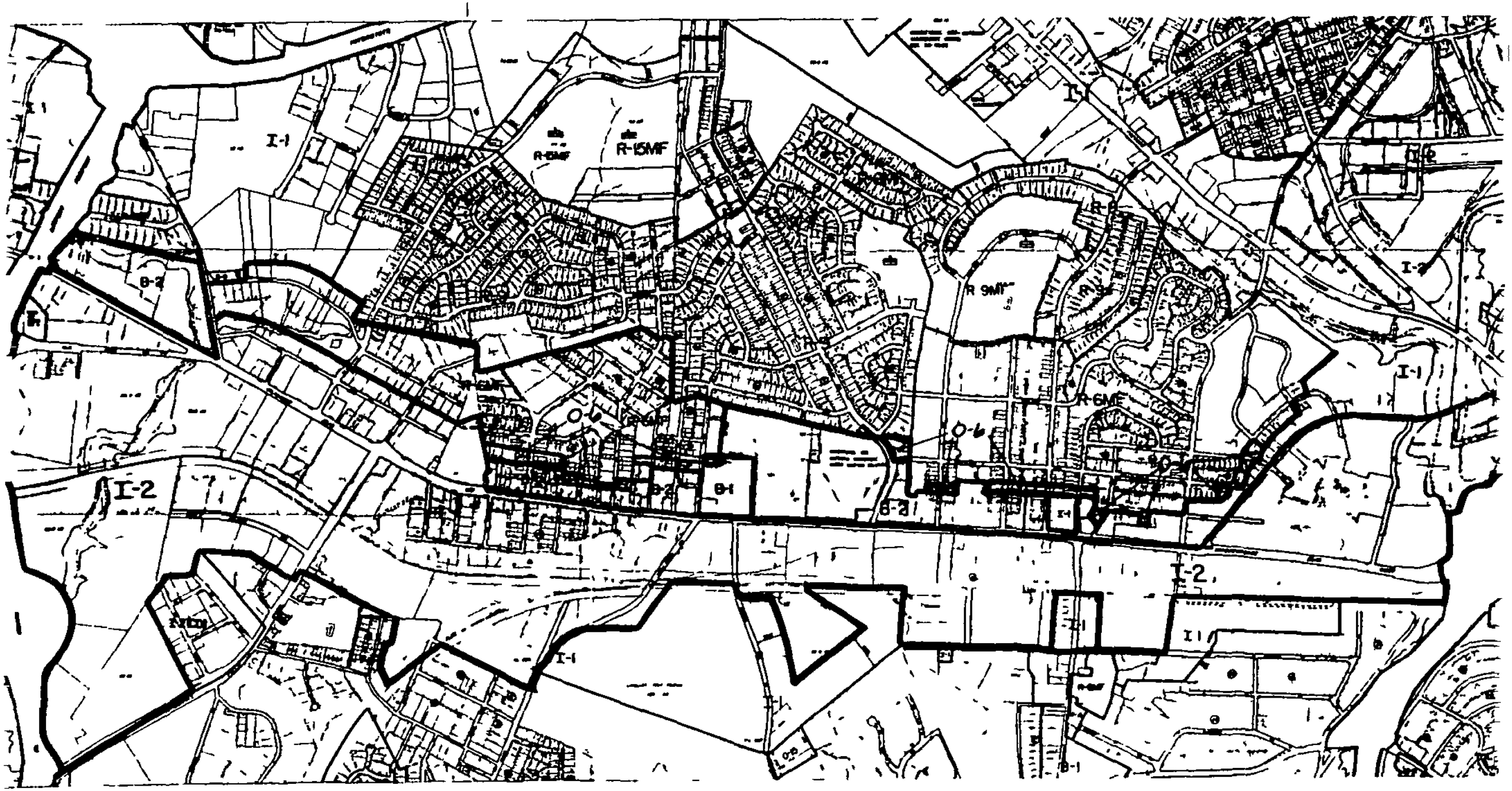
J Rezone the I-1 properties on the north side of Wilkinson between West Morehead Street and Monument Street to B-1

K Rezone the B-2 properties between Mulberry Church Road and Billy Graham Parkway to I-1

L Rezone the I-2 properties between Old Dowd Road, Wilkinson Boulevard, and Billy Graham Parkway to I-1

WILKINSON BLVD. CORRIDOR STUDY

EXISTING ZONING

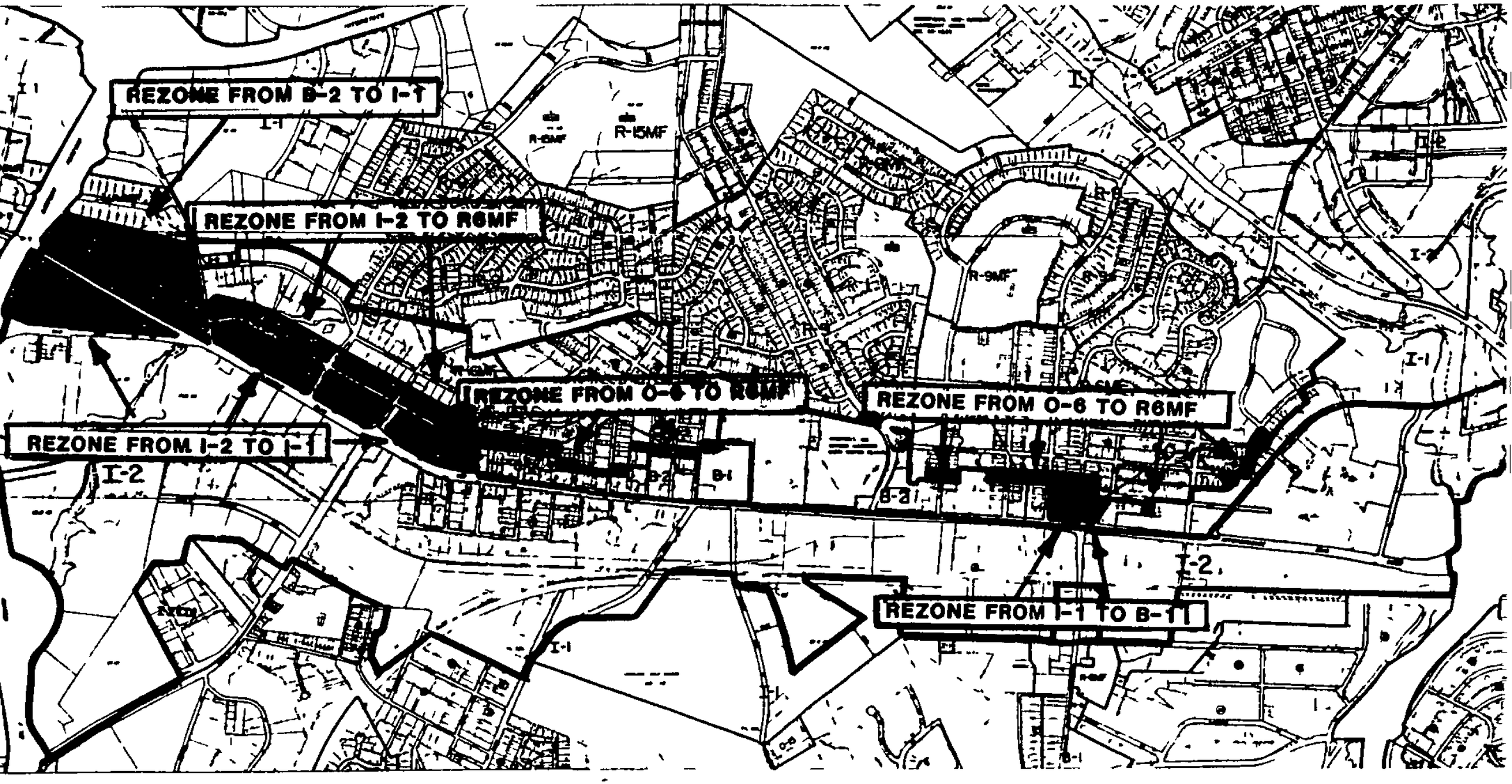


CHARLOTTE-MECKLENBURG PLANNING COMMISSION

COMMUNITY PLANNING SECTION

WILKINSON BLVD. CORRIDOR STUDY

PROPOSED ZONING CHANGES



CHARLOTTE-MECKLENBURG PLANNING COMMISSION

COMMUNITY PLANNING SECTION

TRANSPORTATION

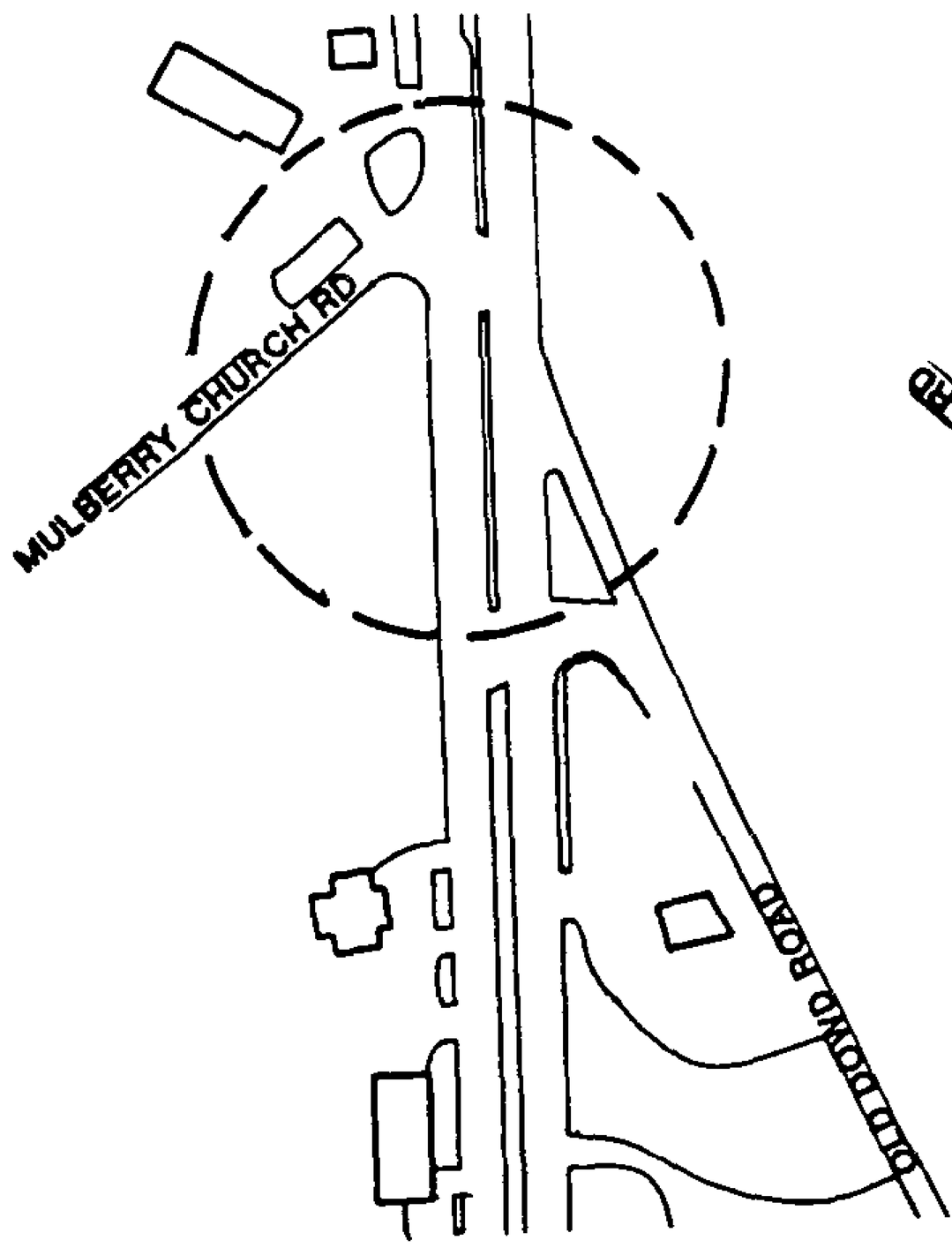
Within the study area, Wilkinson Boulevard is a major six-lane thoroughfare having the capacity to carry 50,000 vehicles per day Current traffic volumes range from 16,500 to 26,500 vehicles per day, but are expected to decrease with the completion of the I-85 widening project

As stated earlier, Wilkinson is a major gateway between the airport and Uptown Charlotte, but it is ineffective as such Besides having a poor image, another problem hinders the use of Wilkinson as a direct route, Billy Graham Parkway was designed without an interchange with Wilkinson The proposed Airport Entrance Road that will in effect replace Little Rock Road will provide only marginal access to the boulevard Therefore, access to the uptown that the corridor could provide is not being taken advantage of

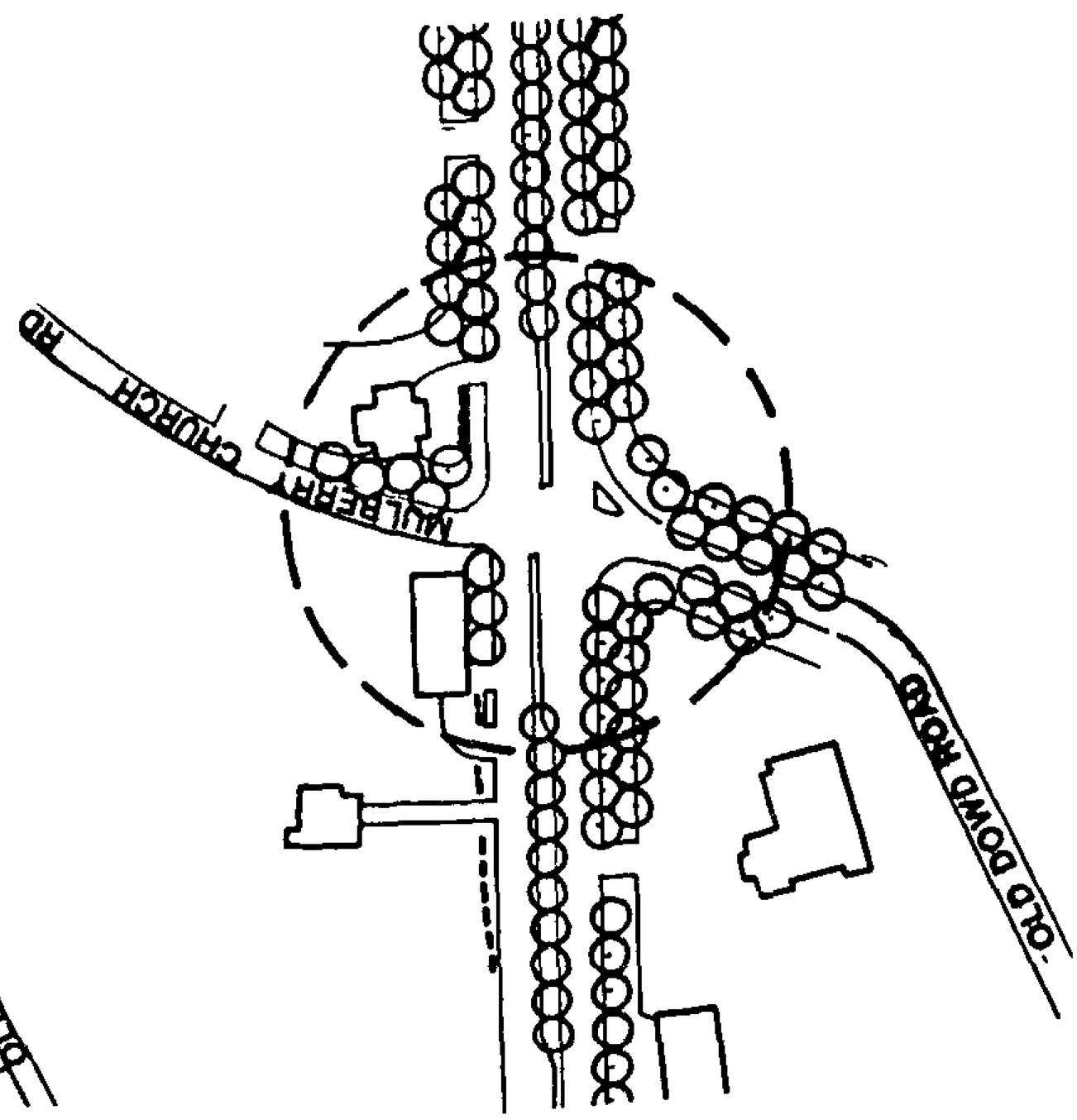
RECOMMENDATION·

- Improve the connection to Wilkinson Boulevard via Old Dowd Road as indicated in the following schematic design

Existing Intersection



Proposed Intersection Improvement



STREETSCAPE

Driving along Wilkinson Boulevard, one encounters a very unattractive view

Significant visual problems contributing to this are

1 The expanse of six lanes of pavement with a concrete median is overwhelming

2 Utility poles and overhead wires dominate sight lines on both sides of the street

3 Large, obtrusive signs, including billboards, clutter the corridor

4 Minimal landscaping exists in the right-of-way, parking lots, and around building entrances

5 Excessive and irregular curb cuts interfere with linear continuity

6 Parking lots spill into the right-of-way with no buffer provided

7 In most cases, visual separation between adjacent land uses is non-existant A parking lot of one business flows into the parking lot of another

8 Little attention is given to the rear of buildings Unscreened garbage dumpsters and debris are scattered, and minimal peripheral screening exists where residential lots abut non-residential uses

9 Many buildings are deteriorating Poor maintenance and vacancy are the culprits

10 Outdoor storage enclosed by overgrown, chain-link fences, further clutter the boulevard's appearance

SUMMARY OF RECOMMENDATIONS

- Create linear green spaces planted with trees along the boulevard and its side streets A repetition of trees will help frame the view of the road, soften the concrete environment, and lend continuity to the streetscape

- Bury, relocate, or at least minimize the number of utility poles and overhead wires.

- Reduce the number and size of signs along the corridor including the elimination of billboards

- Minimize the number of unncessary curb cuts Shared access should be considered

- Construct sidewalks where they do not exist and repair existing ones
- Provide standards for new development or redevelopment that address design relationships (See Appendix A)
- Initiate a corridor-wide clean up campaign to improve deteriorating properties and buildings

DESIGN CONCEPTS

Right-of-way conditions vary on the corridor Along some stretches of the road, a sizable concrete median exists, while in other, more narrow locations, only a two foot wide divider bisects the corridor In all cases, though, the right-of-way is limited Unfortunately the right-of-way between the curbs and private property lines is also consistently narrow

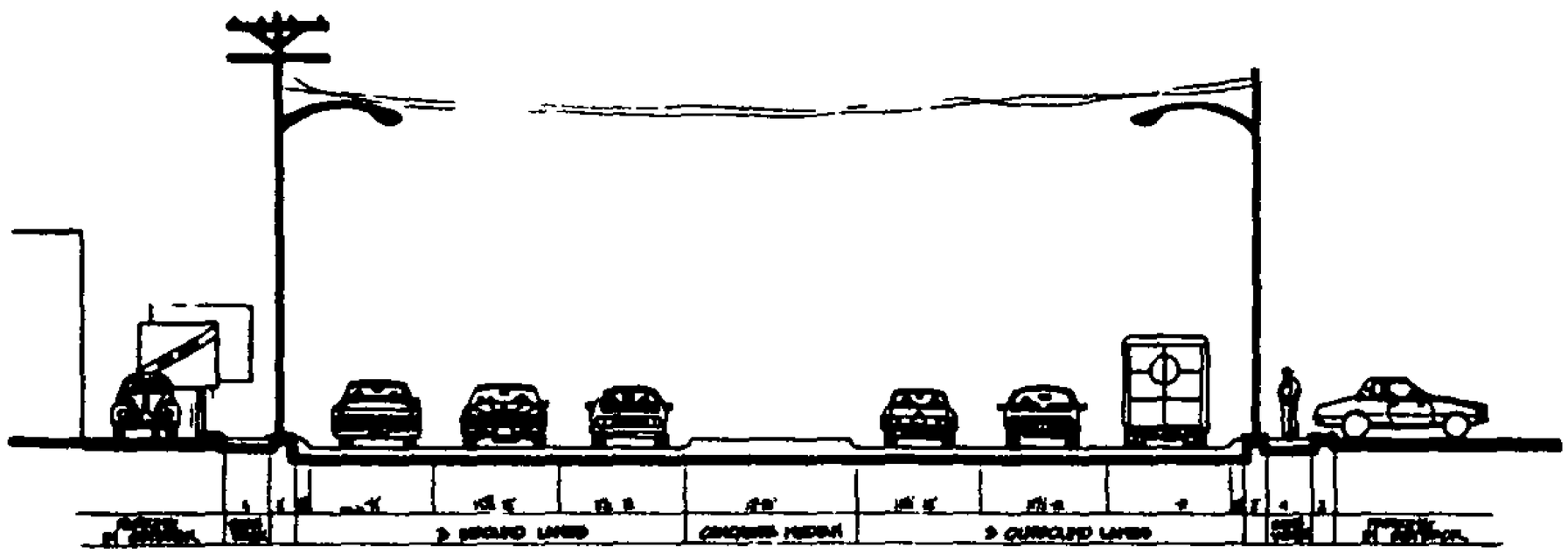
How are planting areas created in a limited right-of-way? No one design solution can be applied uniformly along Wilkinson Boulevard Several options are recommended for the various cross sections that exist

Median Redesign

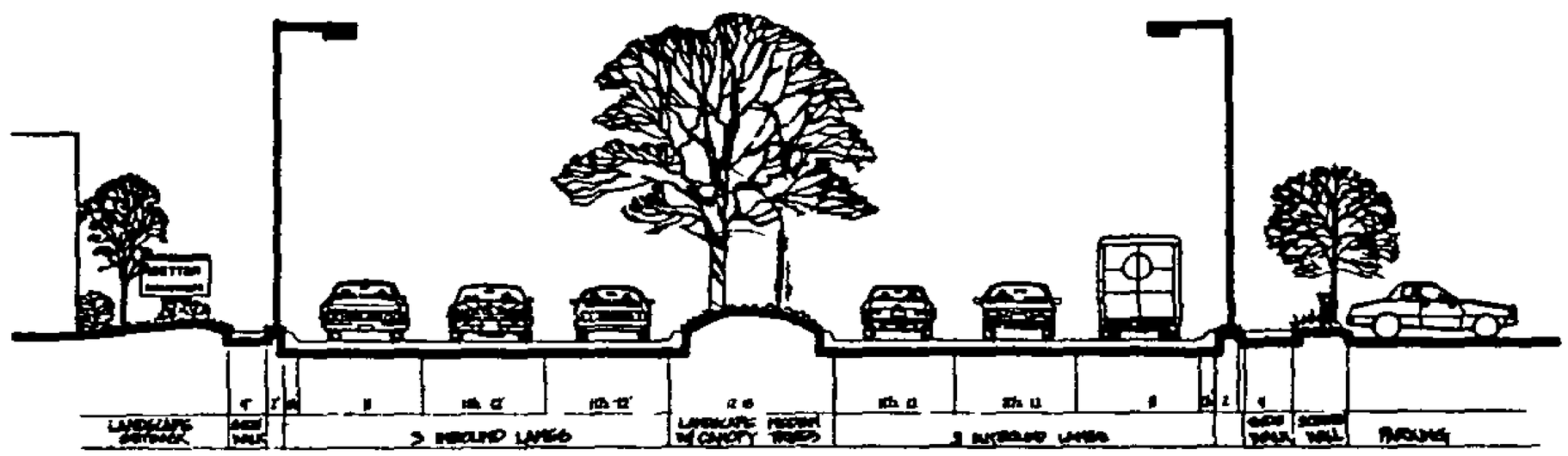
Option 1

Where the existing median width spans from 12-15 feet, the concrete cap should be removed and replaced with a sufficient soil base, drainage, and an irrigation system to allow for the growth of medium-sized trees

Existing

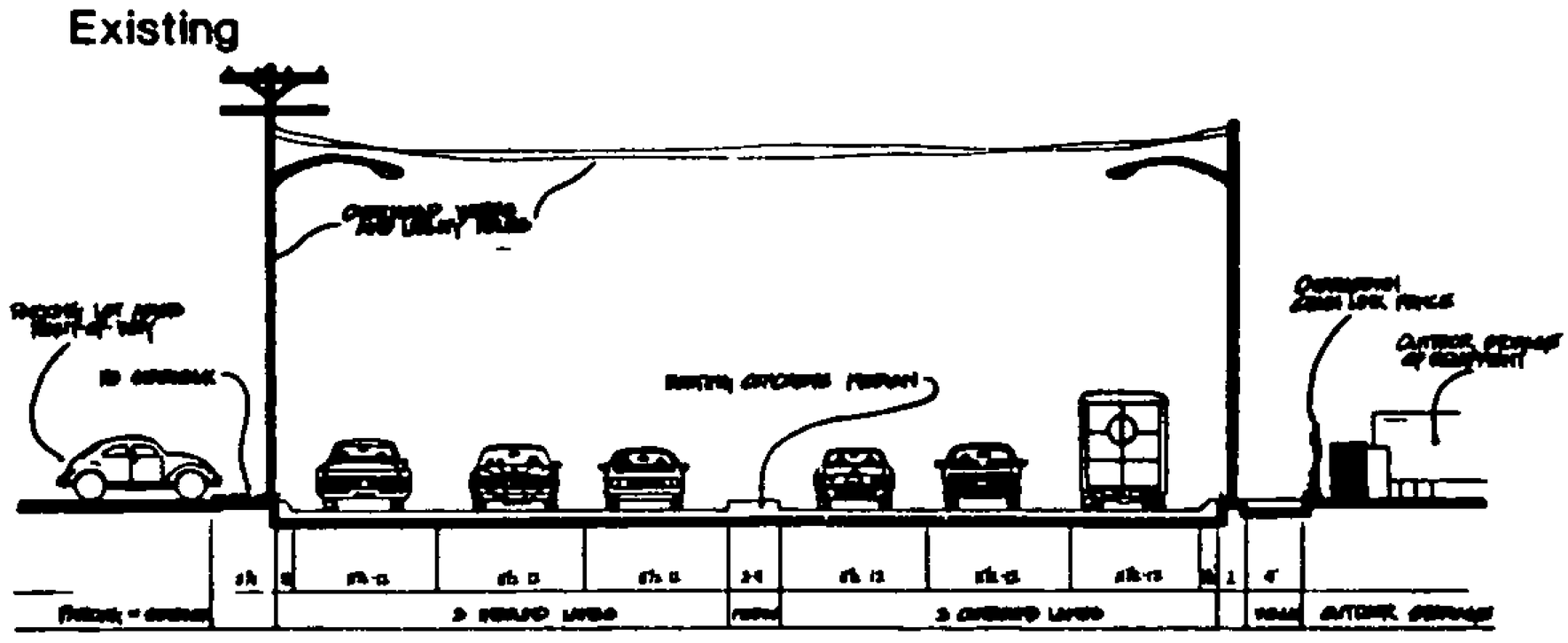


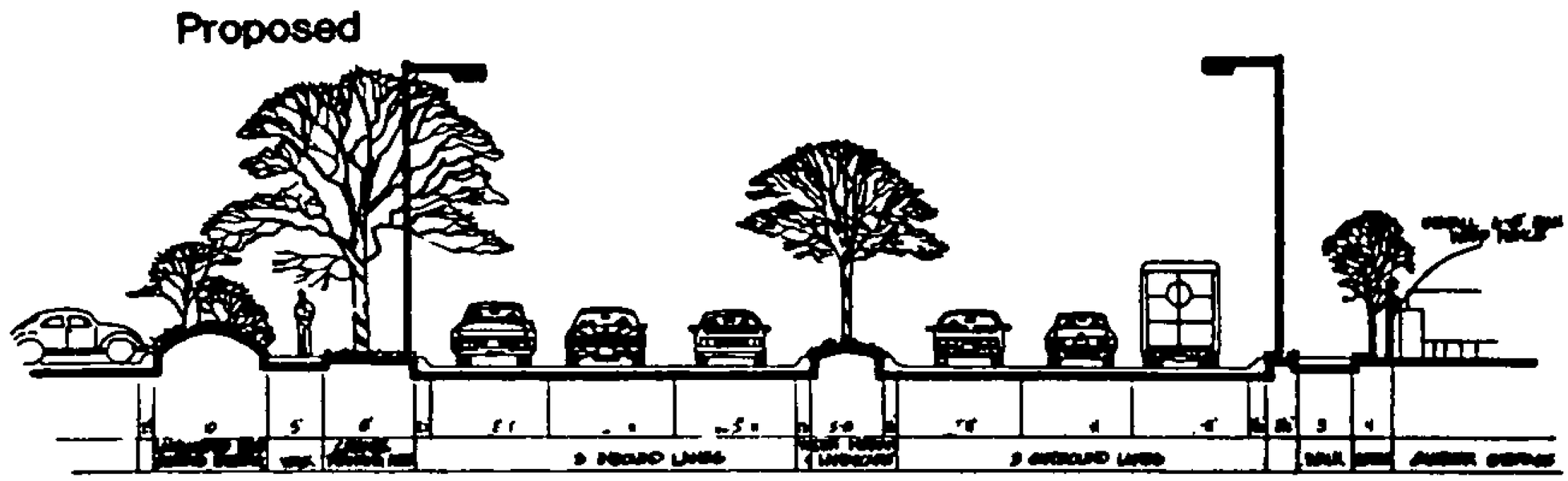
Proposed



Option 2

In several locations the existing median width is from 4 to 6 feet, this width is not adequate for creating a planting island Therefore, the median should be widened to a minimum of 8 feet The additional median width can be accomplished by narrowing the existing lanes to a minimum width of 11 feet Large shrubs and/or small trees are appropriate for these redesigned medians



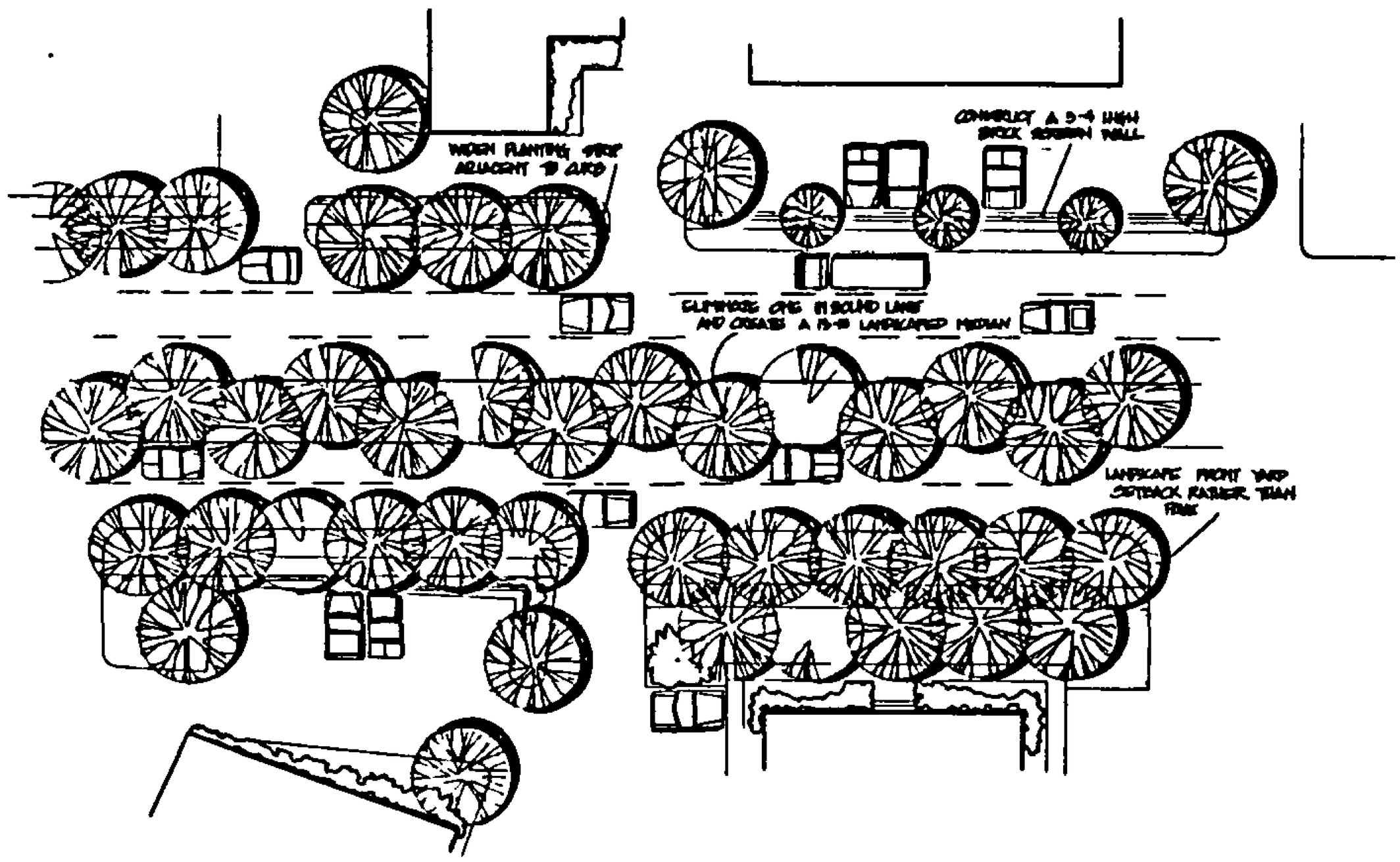


Option 3.

From Suttle Drive, just west of I-77, to Remount Road, the existing median is only 2 feet wide The lane widths along this section of Wilkinson are already narrowed to the minimum allowed The only solution for continuing the linear landscaping in the median here is to eliminate one in-bound lane, and apply the width to a newly created median Justification for removing the lane is based on current and projected traffic volumes for this leg of the corridor Also, because one inbound lane is already used for a left turn lane onto West Morehead Street (eastbound), inbound traffic is already funneled into two lanes at that intersection

Developing this segment of a landscaped median is important to the overall plan because it is in effect the major entry from the uptown The appearance here sets the tone for the streetscape

PLAN VIEW OF MEDIAN DESIGN



Option 4

The need for turning lanes coupled with a narrow road width, prohibit the construction of medians in a few lengths throughout the boulevard Therefore, the option is to do nothing in these locations These distances are not long enough to significantly detract from the linear affect created by the medians landscaped elsewhere

Street Edge Treatment

Although the landscaped medians will have a dramatic impact on the streetscape, attention must also be given to the street's edges The lack of continuity between adjacent land uses draws the eye in many different directions as one passes through the corridor

To tie the otherwise disjointed properties together visually and to create a sense of enclosure, vertical elements such as trees or in some cases walls for screening, are needed along the street's edges Limited right-of-way again creates a problem Generally the public space between the curbs and private property lines consists of a sidewalk and a two to three foot grass strip in which utility poles are located

The first proposal recommended for the street's edge is to eliminate utility poles This is quite an expensive undertaking, but the results will be a much cleaner looking streetscape Decorative street lights could then be introduced

Second, because the public right-of-way is too narrow in many places to develop adequate planting strips, easements should be obtained from property owners This would be similar to other tree planting programs throughout Charlotte in which street trees are planted and maintained by the City on private property In situations where the property owner is unable to give up land because of parking configurations or other design problems, walls that screen parking lots should be considered Attractively designed wood fences or brick walls should also replace chain link fences that surround outdoor storage areas

Another recommendation is to reduce the number of curb cuts along the corridor Many curb cuts are located six to eight feet from each other, as well as a few feet from corners These excessive cuts onto the road create both safety and visual problems It is difficult to achieve linear continuity with all the interruptions Instead, curb cuts should be combined where possible with greater design attention given to clearly identifying entrances and exits

Finally, more effective sign controls and design standards for individual developments are needed Discussion of these is included in Appendix "A"

Recommended Tree Planting Specifications

LOCATION	PLANT	SPACING
12-15' MEDIAN	WILLOW OAK* OPTION JAPANESE ZELKOVA	30' O C PLANTED IN A STAGGERED PATTERN
8-12' MEDIAN	WASHINGTON HAWTHORN GLENN DAWN AZALEA	12' O C 5-8' O C
STREET EDGE (LARGE PLANTING STRIP)	WILLOW OAK OPTION JAPANESE ZELKOVA	30' O C **
STREET EDGE (SMALL PLANTING STRIP)	WASHINGTON HAWTHORN	20' O C.**

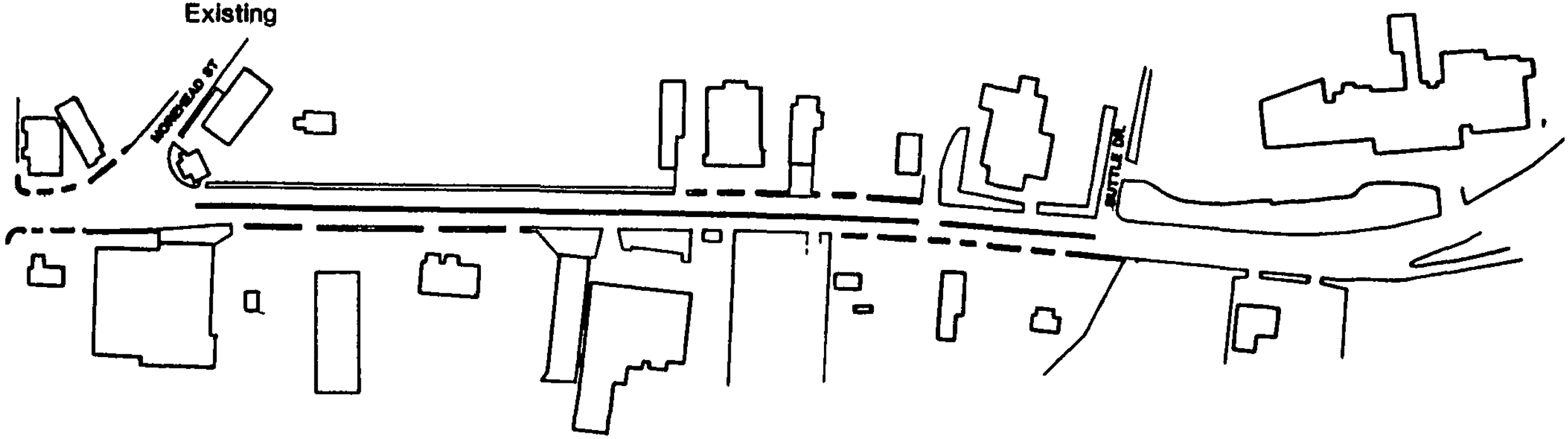
*The policy of the State Department of Highways is to limit trees in medians of this size to small or medium sized trees The intent of this planting design is to create a canopy effect in the medium, which can only be achieved by the use of large trees Thus, the City should negotiate with the State to allow the use of canopy trees

**Where space permits, a double row of trees should be planted

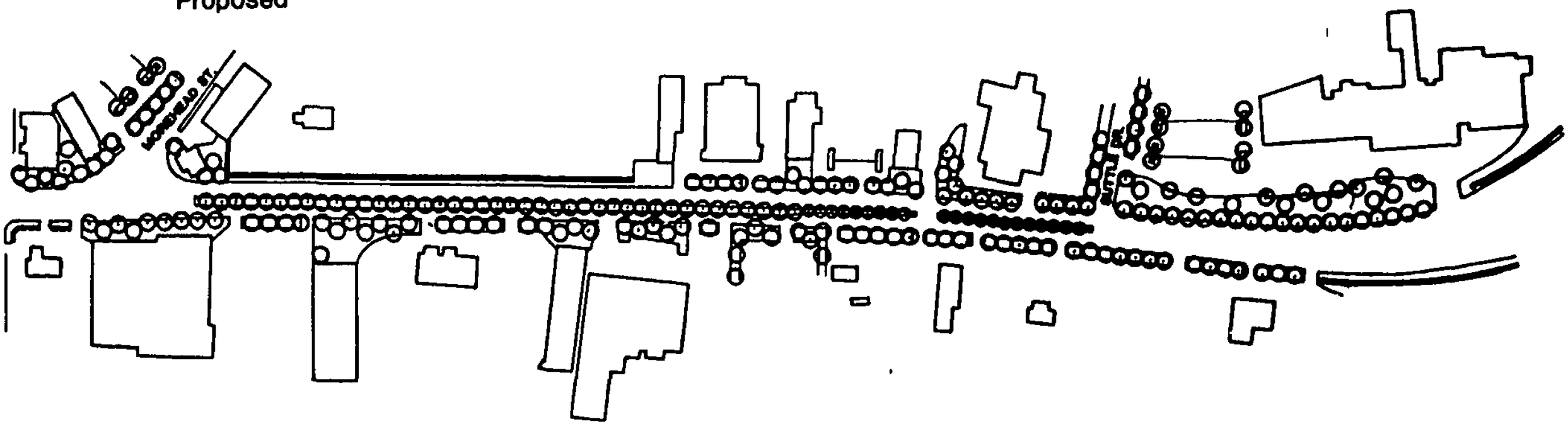
The following schematic plans indicate how the various design concepts would be applied to Wilkinson Boulevard Both existing conditions and proposed improvements are shown

I-77 TO MOREHEAD STREET

Existing

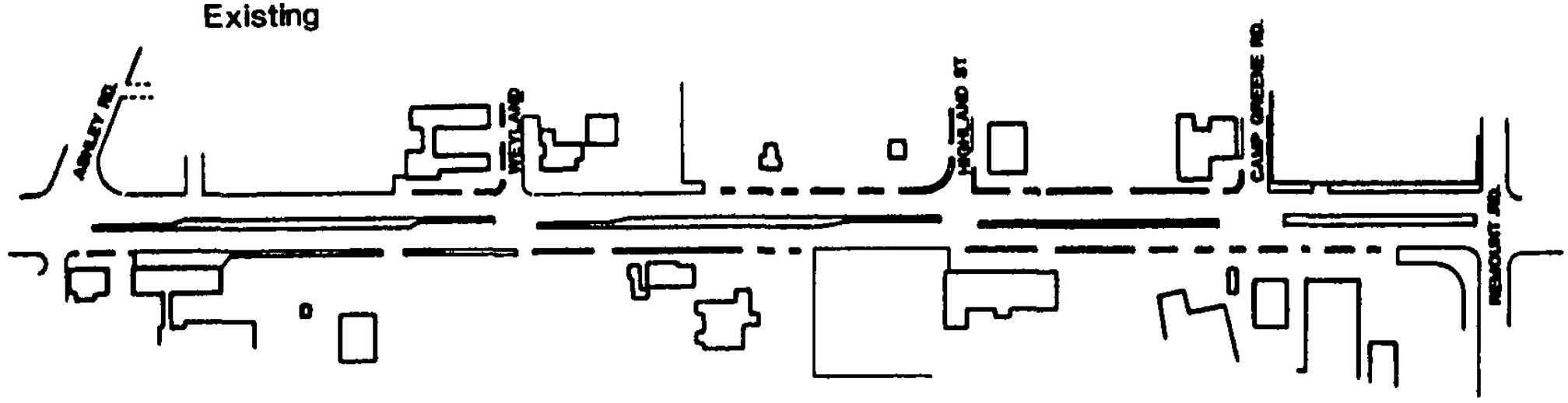


Proposed



REMOUNT ROAD TO ASHLEY ROAD

Existing



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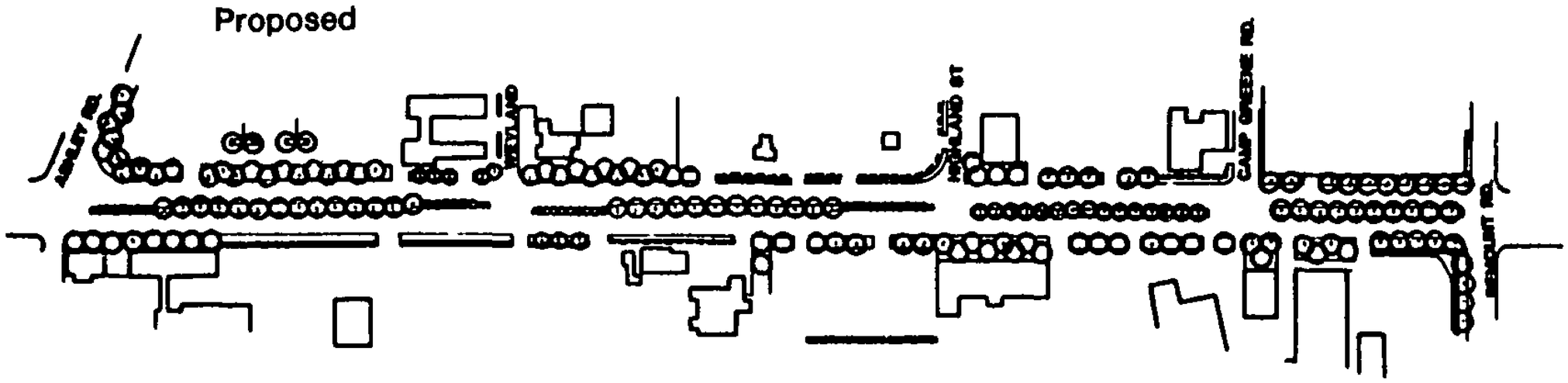
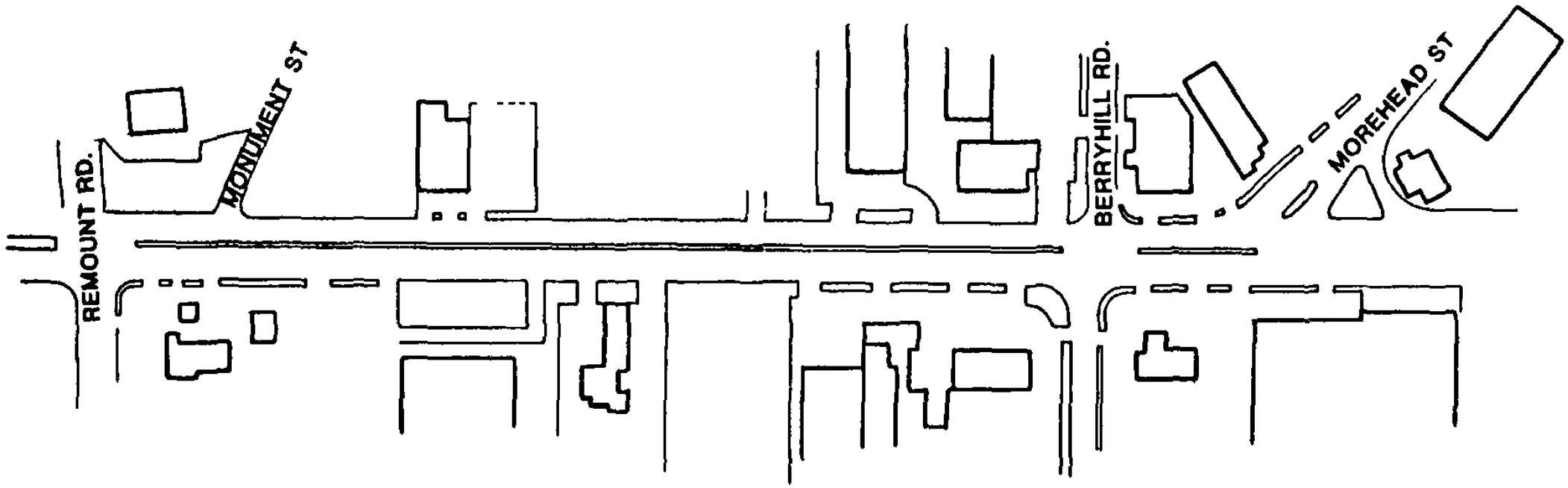
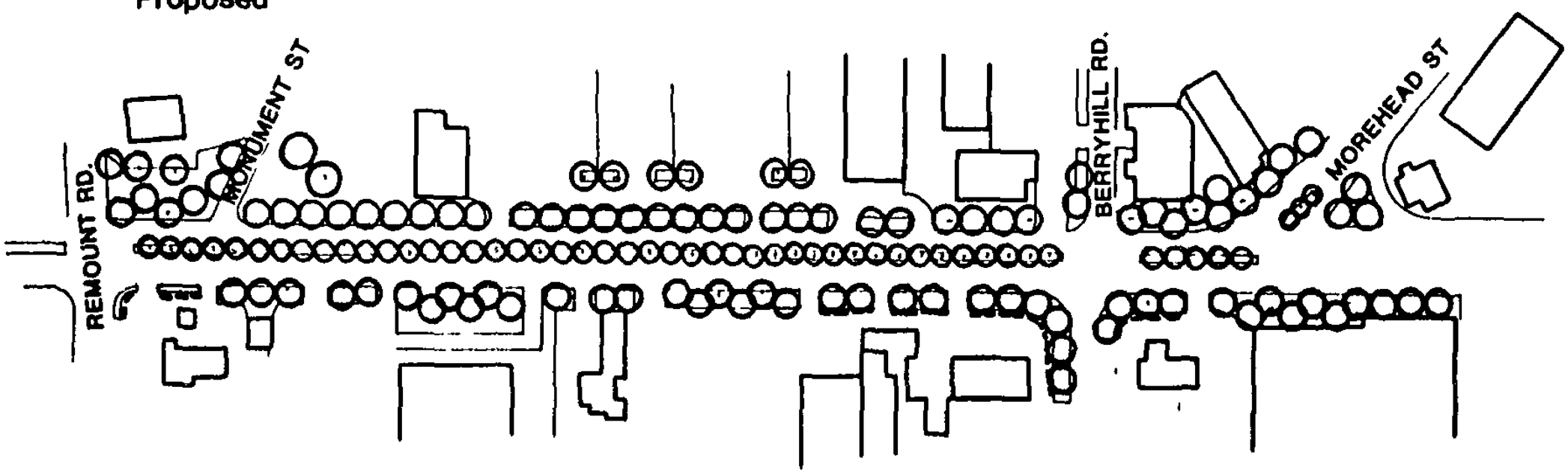


MOREHEAD STREET TO REMOUNT ROAD

Existing

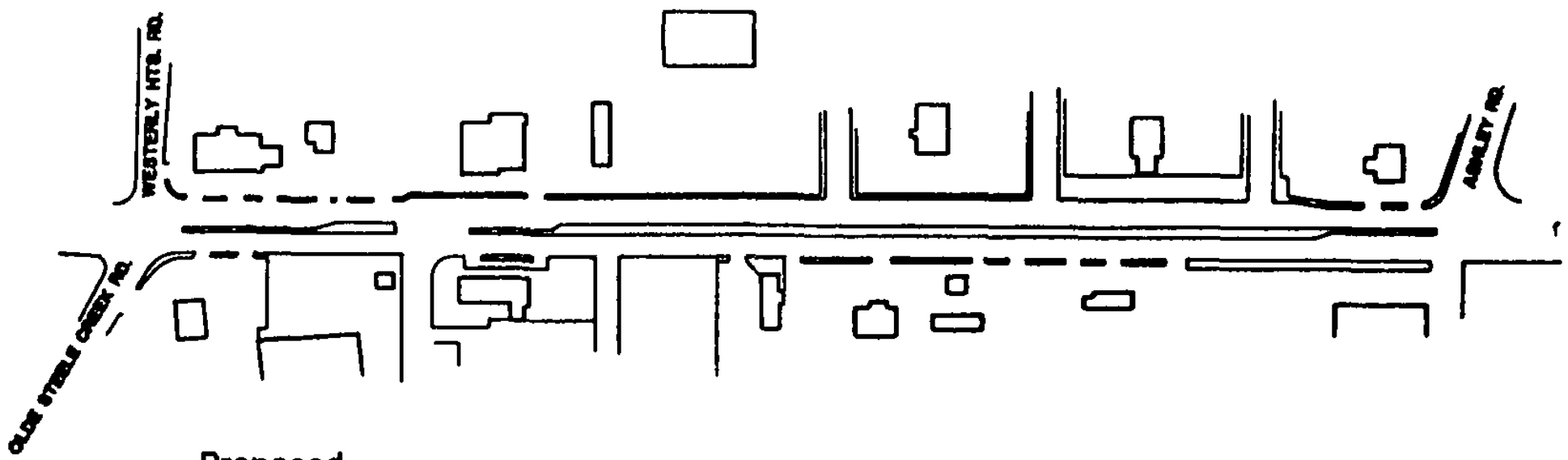


Proposed



ASHLEY ROAD TO WESTERLY HILLS ROAD

Existing



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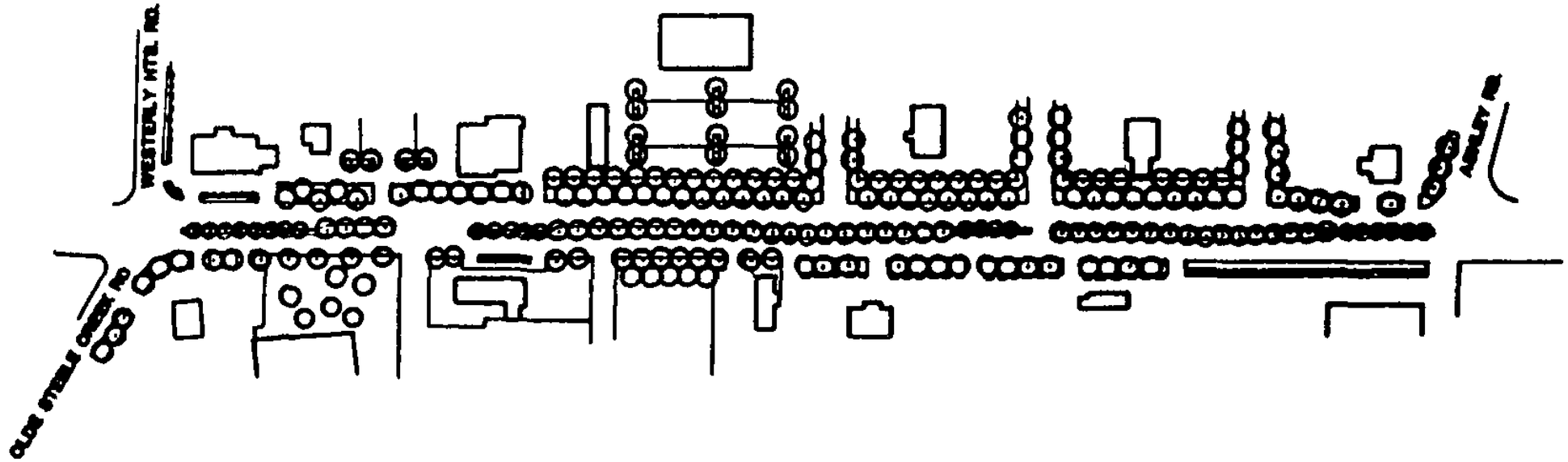
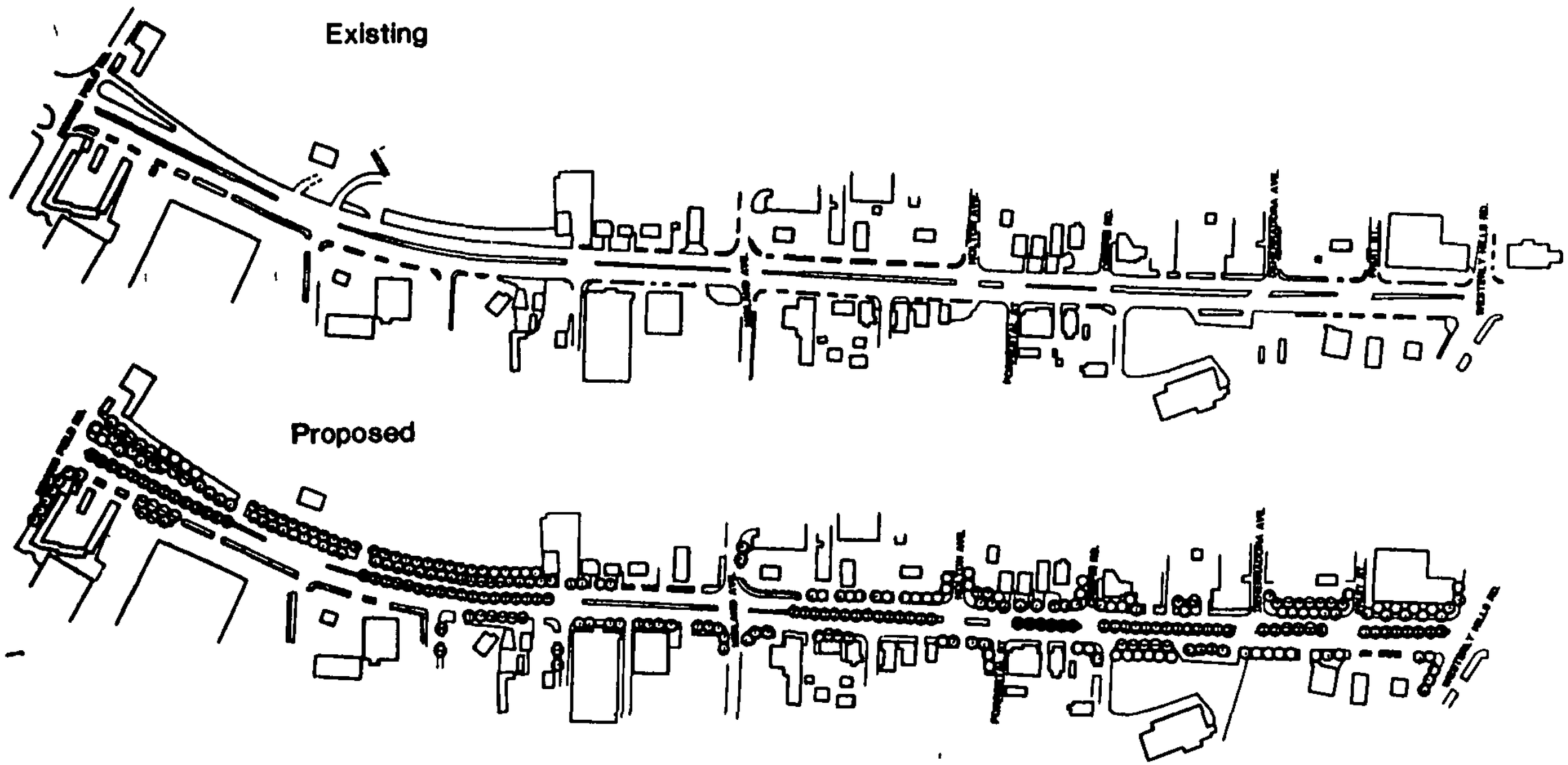
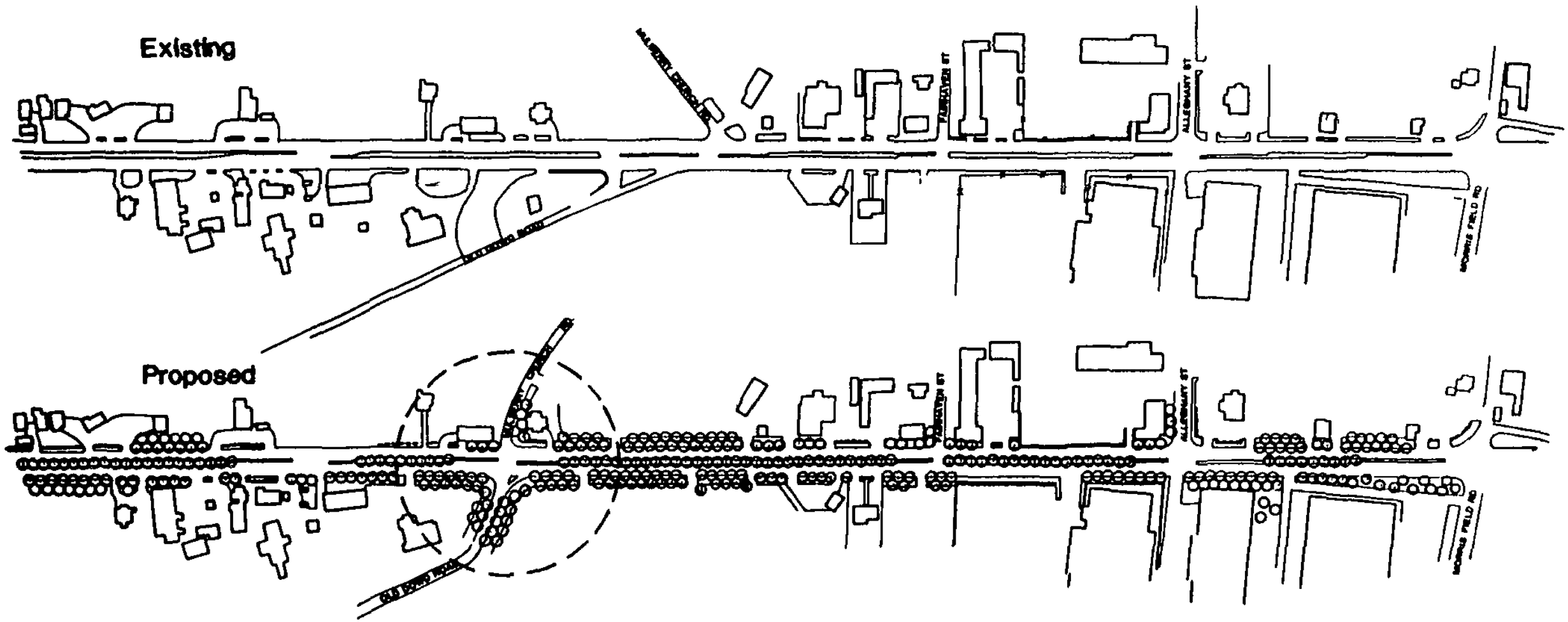


WESTERLY HILLS ROAD TO MORRIS FIELD DRIVE



MORRIS FIELD DRIVE TO BILLY GRAHAM PARKWAY



IMPLEMENTATION

To instill confidence in Wilkinson Boulevard, a dramatic physical change must be made Planting a few trees here and there over an extended period of time will not create the impact needed to draw attention to the corridor Implementing a significant chunk of the streetscape design at one time will

But how is a project of this magnatude implemented when funds are limited? Since the project is, in effect, paving the way for improving other major gateways in Charlotte, it should be packaged as a "demonstration" project in which special financing could be obtained Financing the improvements through a bond referendum is recommended

The project would most likely be phased according to the following priorities

(1) Remount Road to Billy Graham Parkway (including Old Dowd Road intersection improvement)

(2) Suttle Drive to Morehead Street

(3) Billy Graham Parkway to Little Rock Road

(4) Little Rock Road to the county line

Obviously, additional plans would be required to examine Wilkinson Boulevard west of Billy Graham Parkway

In addition to the strategy to finance the project, other means of implementing the plan are as follows

APPENDIX "A"

GUIDELINES FOR REDEVELOPMENT
AND NEW DEVELOPMENT IN THE
WILKINSON BOULEVARD CORRIDOR*

*These are general guidelines that will be considered when preparing design standards for "Gateway Corridor Districts" in the Zoning Ordinance rewrite.

Appendix "A"

Guidelines for Redevelopment and New Development

Parking Lot Design

- o Provide simple, continuous circulation Parking aisles should be in parallel alighment
- o Eliminate the situation where cars must leave the site and re-enter to search out parking spaces.
- o Consider shared parking with adjacent uses, especially with uses having differing operating hours or peak times
- o Locate parking at rear or sides of buildings where space is adequate
- o Minimize the number of aisles pedestrians must cross Parking stalls located perpendicular to buildings will facilitate pedestrian movement

  Break up large parking lots into smaller ones
- o Minimize curb cuts, and consider shared access
- o Separate drive-thru window lanes from parking lots with a landscaped median
- o Reduce the "sea of asphalt" effect of parking lots by creating landscaped islands Planting islands also help direct traffic

Screening

- o Provide a 100% screen where non-residential uses abut or are across from residences This can be accomplished by planting dense evergreens, trees, and shrubs or by the use of a 7' high wood fence or wall in conjunction with plantings
- o Screen parking lots from public view by providing berms, shrubs, trees, or screen walls The planting area between the right-of-way should be a minimum of 8 feet wide
- o Provide screening from dumpsters and loading areas

General Landscaping

- o Give definition to side property lines by creating a landscaped planting strip
- o Install landscaping around the periphery of buildings Shrubs, evergreens, and small trees should be used to soften the effect of long expanses of wall and to enhance architectural features Planting large trees behind buildings will help to give a sense of enclosure to the streetscape

- Preserve existing trees on the site when possible
- Accent entrances and exists with the use of plants and/or low walls
- Cluster shrubs when planting for a massing effect

Building Relationships

- Locate buildings at the front of the site with parking at the sides or rear of the structure
- Orient buildings entrances towards Wilkinson Boulevard

Signs

- Signs will be addressed in the Sign Ordinance rewrite

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 27, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 19, 1986

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on July 7, 1986 This will then permit these matters to be placed on your agenda for consideration on July 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 June 19, 1986

PETITION NO 86-46

PETITIONER(S) Belk Brothers Co and Ivey Properties, Inc

REQUEST Change from B-1SCD and O-6 to B-1SCD and a B-1SCD Site Plan Amendment

LOCATION An approximately 69 acre site located at the intersection of Sharon and Fairview Roads

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

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

REASONS

ISSUES

1 SouthPark Land Use Study How does the proposed expansion of the SouthPark Mall as requested in this case relate to overall goals contained in the SouthPark Land Use Plan?

2 Benefits of Proposed Expansion What benefits can be derived from the expansion of this mall in terms of overall planning, zoning and land use policy for the area?

BACKGROUND

1 Existing Zoning The property involved in the request is presently zoned B-1SCD B-1SCD zoning is also located across the site on Morrison Boulevard A small area of B-1 zoning is located at the southwest corner of Sharon and Fairview Roads as well as parcels on each of the remaining corners at the intersection Office zoning is concentrated in several areas around the site including portions of Morrison Boulevard and Rexford Road, Fairview Road across from the site as well as Barkley Downs, and to the east of the site near Sharon Road along Fairview Otherwise the pattern is residential in character and includes both single family and multi-family districts

2 Existing Land Use The subject site is the location of the SouthPark Mall The Sharon Shopping Center is also located across from the site as well as the specialty center, Specialty Shops on the Park A large

concentration of office development is generally associated with the immediate SouthPark area Offices are located along Fairview to the west of the site, particularly between Barkley Downs and Park Road Extension Another concentration is located north of Morrison Boulevard and a smaller area to the east of the site near Sharon Road There are also wide areas of concentrated multi-family development including several apartment projects along Colony Road as well as smaller projects on Sharon Road south of the Fairview Road intersection Otherwise the area's residential development pattern is single family in character

3 Site Plan. The proposed site plan outlines a planned expansion of the SouthPark Mall The plan proposes two new department stores each of which would total 140,000 square feet as well as other new mall stores which would include a maximum of 40,000 square feet Thus, the planned expansion is a combined total of 320,000 square feet The plan also includes a present area zoned 0-6 which would be rezoned and used for parking purposes The parking would be internally accessed Also, the additional retail space will require additional parking and that will take place both in terms of new surface lots as well as some new deck parking There are no other changes to the plan by way of building arrangements, driveway access points, etc

GENERAL FINDINGS

1 2005 Plan The 2005 Plan envisions a major mixed use center generally at the intersection of Sharon Road and Fairview Road

2 1978 SouthPark Land Use Study This study recognizes SouthPark as a regional shopping facility As far as the mall itself is concerned the study further recognizes its potential expansion The plan calls for the expansion and indicates that it should be concentrated at the SouthPark Mall block

3 Fairview Road Improvements This project will widen Fairview Road between Park Road and Barkley Downs Drive to provide an unbalanced six-lane section comprised of three east bound lanes, two west bound lanes and a sixth lane for left turns This project is scheduled for FY 86

4. Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the request based on proposals contained in the SouthPark Land Use Study.

5 Pre-Hearing Departmental Comments (Summary)

1 C-DOT Comments were unavailable as of the preparation of this report, but are expected to be completed by the time of the public hearing on this matter

2 Fire Department No comment

3 C-MUD Water and sewer services are available

4 Engineering Department Comments were unavailable as of the preparation of this report, but are expected by the time of the public hearing on this matter

6 Neighborhood Context The site is located in the area defined as the SouthPark area

DETAILED FINDINGS

1 This request involves property located at the intersection of Sharon and Fairview Roads, which is the present location of the SouthPark Mall The zoning request seeks to amend the existing B-1SCD site plan for the mall as well as to rezone a small area from O-6 to B-1SCD, also

2 The purpose of the request is to provide for the expansion of the mall Two new major department stores and other shops are proposed which would increase the size of the mall by another 320,000 square feet The present mall size is approximately 1,000,000 square feet

3 The mall is at the hub of a major mixed use center in Charlotte Retail, office and residential development are generally associated with this immediate vicinity

4 Despite its size the mall has for some time been recognized for the potential of an expansion such as proposed here The 1978 SouthPark Land Use Study which has been adopted as an overall policy guide for the area recognized such an expansion

5 The land use plan believed that the potential expansion should be recognized because of its practically as well as the need to plan for the area in such a way as to concentrate the retail activity in one location The best location for that high concentration is the mall itself

6 Thus, the planned expansion here is entirely consistent with what has been anticipated and what is called for in publicly adopted plans

7 Staff has not identified any technical concerns or problems with the site plan As of the preparation of this material, however, the Charlotte Department of Transportation had not submitted its comments Obviously there will be an increase in traffic associated with the expansion, but it is believed that the positive aspects of the expansion and its benefits will outweigh any potential traffic issues that may arise as a result of the expansion (Note C-DOT did prepare a memo for public hearing as well as subsequent information which outlined the consequences of the expansion That memo is attached)

8 The SouthPark area has been one of high quality development including all phases and types of development activity The SouthPark Mall itself at the present time is undergoing major renovations in order to maintain its status as a well designed mall This expansion will fit in with those overall plans for the mall and the area

9 Planning Commission did wish to convey to City Council their concerns about traffic and asked that C-DOT's memo be attached Although their recommendation of approval is not conditioned in any way by the memo, they did want Council to understand they agreed with C-DOT and were not minimizing the traffic issue However, when weighing all the information to make this land use/zoning decision Planning Commission did believe that the petition should be approved for the above reasons as well as others In particular the Planning Commission recognizes the community investment represented by SouthPark and all the development that has been established in the area As the hub of Charlotte's premier suburban mixed use area it has served as the catalyst for the area's growth.

10 Further, the denial of this petition will continue to add pressure to fulfill the demand for retail services in South Charlotte Rather than concentrate the retail here as has been envisioned, the retail will spread out to other areas which are less desirable. In summary the approval of the request represented a good planning, zoning and land use decision

11 No comment here would be entirely complete without a reference to the large landholdings of the Harris family across Sharon Road from SouthPark Mall. Time and again it has been rumored for zoning changes that would intensify it The 2005 Plan indicates this general area as the focus for a major mixed use center, which obviously would include the SouthPark Mall, but also the potential for some changes in zoning on the Harris property that would compliment the mixed use concept here

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

Staff Opinion
The staff agreed with Planning Commission

MEMORANDUM

DATE: June 6, 1986

TO: Bob Young
Land Development Manager
Planning Commision

FROM: W. B. Temple for
R. D. Gillis, Manager
Transportation Engineering Division
Department of Transportation

SUBJECT: SouthPark Zoning Change

We have reviewed the revised "Access and Parking Improvements" study prepared by Wilbur Smith and Associates for the SouthPark Expansion. The revised study dated April 21, 1986, assesses the impact of the expansion on area streets and intersections. Our comments follow:

- We agree with the estimate of 49,740 total trips for the expanded mall and the 4,230 total trips estimated for the p.m. peak hour.

- We feel that the trip generation rates measured by the consultant in 1984 are high. The high rates result from traffic "cutting through" the shopping center. These through trips should be subtracted out of the 1984 Design Day volumes.

- We estimate that 12,000 additional trips will be generated by the expansion (1,243,500 total square feet). The consultant estimates 9,400 additional trips. The difference in the two estimates occurs because the consultant uses the higher trip generation rates measured in 1984 to estimate trip volume for the existing mall.

- Critical lane volumes at nearby intersections already at Level of Service F in the p.m. peak hour will increase between 5.0% and 9.5%. This increase is sizeable considering current congestion. Improvements of the Fairview Road intersections with Barclay Downs Drive and Park Road address current capacity problems. The improvements will reduce the impact of the additional trips to some extent.

- The critical lane volumes for the Fairview Road/Sharon Road intersection will increase 5.0% due to the expansion. Capacity at the intersection cannot be increased from a practical standpoint since additional through lanes on Fairview Road and/or Sharon Road would be required. The future extension of Colony Road between Sharon Road and Carmel Road could redirect some through trips on Sharon Road. There is no schedule for completing Colony Road Extension, however.

- We estimate that the Mall expansion would increase Saturday trips by 11,000. This increase is sizeable. While congestion in the South Park area is not the problem it is during weekdays, the additional trips will add to the congestion, and hubbub typical of the SouthPark area on Saturdays.

- The effect of the expansion on Barclay Downs Drive and other residential streets is not assessed in the study. We are not able to estimate how many additional trips might use area residential streets. Neighborhood through traffic restraints are in place on Barclay Downs Drive; however, these have not reduced through traffic volumes on Barclay Downs Drive.

- Using the consultants shopper approach distribution percentages and our estimate of 12,000 additional trips due to the expansion, we estimate that daily traffic volumes on Fairview Road will increase by 1,650 trips east of SouthPark and 2,950 trips west of SouthPark. Trips on Sharon Road would increase by 2,850 trips north of SouthPark and 1,250 trips south of SouthPark. Trips on Barclay Downs Drive between Fairview Road and Morrison Boulevard would increase by 2,200. Trips on Roxborough Road would increase by 1,100.

We feel that consideration of the zoning change should recognize the significant impact of the 12,000 additional trips on area thoroughfares and nearby, key intersections. Planned and proposed thoroughfare improvements in the SouthPark area, which are designed to alleviate current congestion, will soften the impact, but no improvements can overcome the existing and projected traffic problems in the SouthPark area. Additional improvements that would reduce the impact and which should be considered if a zoning change is approved are as follows:

- Installation of and improvement of medians on Fairview Road and Sharon Road. Our Department has discussed median improvements on Fairview Road with area businesses. SouthPark could participate in median improvements by constructing necessary revisions to its driveway entrances. SouthPark could also assist in the relocation of utilities and granting of easements for utility improvements associated with the median construction. Key improvements to the median on Fairview Road include closing the opening at the Sears Tire and Battery Store and providing a dual left-turn lane into the signalized SouthPark entrance on Fairview Road.

- Cooperation in providing utility easements and participation in relocating utilities at SouthPark entrances to facilitate installation of traffic signal system improvements.

- Installation of sidewalk improvements on streets surrounding the SouthPark Mall.

- Dedication of 250 to 500 parking spaces for a Park-N-Ride lot within the Mall. The provision of the spaces would encourage ridesharing and transit useage, which would reduce overall trips on thoroughfares in the SouthPark area. These spaces should be located adjacent to internal driveways that would support Charlotte Transit Bus traffic.

If additional information is need, please advise.

RDG:nak
cc: Ms. C. L. Jennings
Mr. B. N. Pressley, Jr.
Mr. W. B. Finger
Ms. Debra Shockley
Mr. Bob Sink
Mr. Don Ingold
Mr. Tim Foster

PETITIONER Belk Brothers Co. and Ivey Properties, Inc.

PETITION NO. 86-46 HEARING DATE May 19, 1986

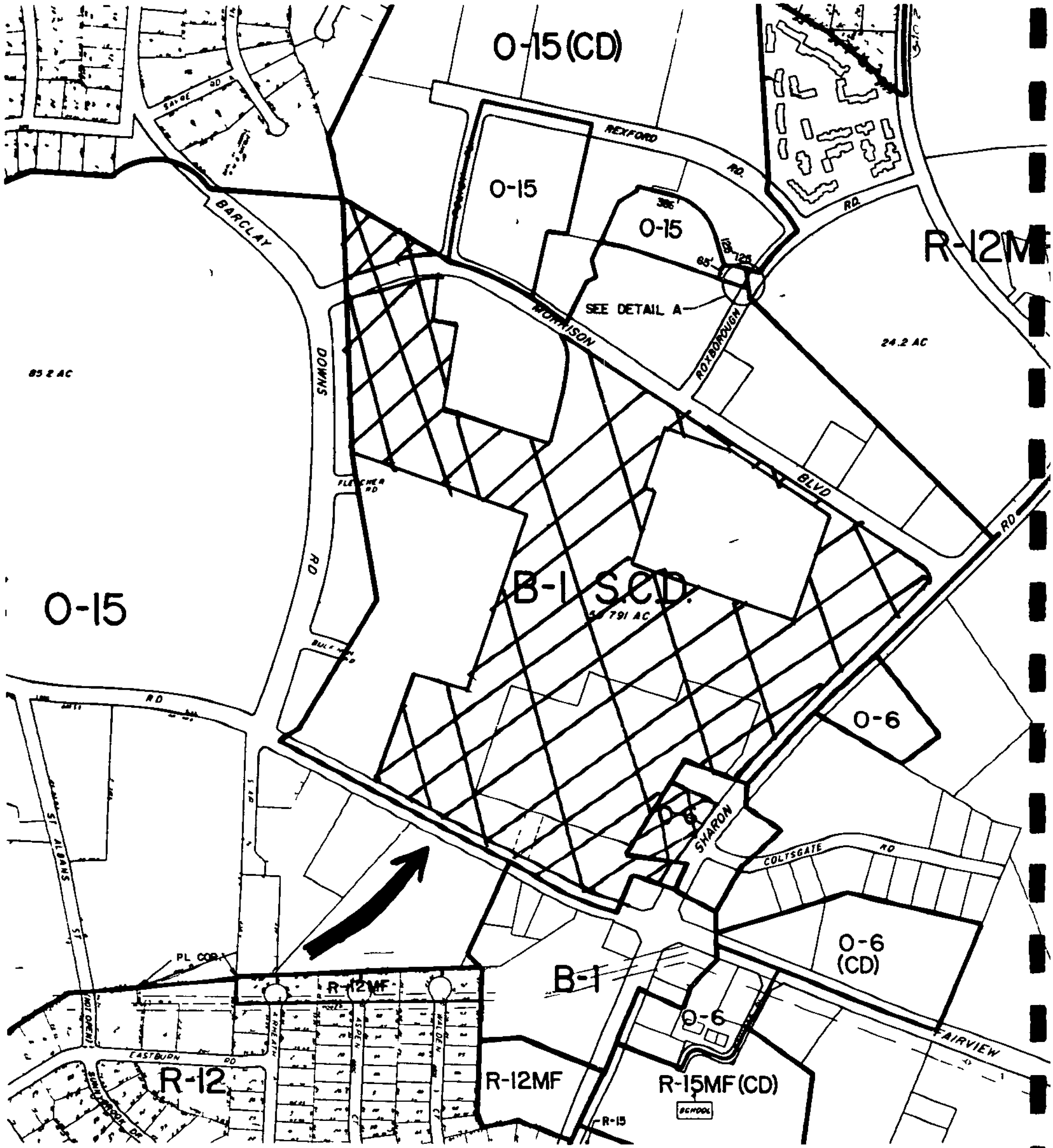
ZONING CLASSIFICATION, EXISTING B-1SCD & O-6 REQUESTED B-1SCD and a B-1SCD Site Plan Amendment

LOCATION An approximately 69 acre site located near the intersection of Sharon and Fairview Roads.

(See Attached Map)

ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


O-15(CD)
REXFORD
RD.
O-15
O-15
R-12MF
BARCLAY
SEE DETAIL A
ROXBOROUGH
24.2 AC
85.2 AC
SHAMOO
RD
BLVD
RD
B-1 S.C.D.
O-15
O-6
SHARON
COLTSGATE
RD
O-6
(CD)
B-1
O-6
FAIRVIEW
PL COR
R-12MF
R-12
R-12MF
R-15MF(CD)
SCHOOL
R-15

DATE June 19, 1986

PETITION NO 86-49

PETITIONER(S) Jack's Cookie Company

REQUEST Change from I-1 and R-6MF to I-1(CD)

LOCATION Approximately 3 acres bounded by Louise Avenue, Belmont Avenue and Pegram Street

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Clodfelter was not present for discussion and vote because of conflict of interest Commissioners Emory and Griffin were not present when vote was taken)

REASONS

ISSUES.

1 Likelihood of Residential Development for this Property What is the potential likelihood of residential development occurring on the portion of the site presently zoned for multi-family purposes?

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

3 Relationship to Overall Zoning Patterns How would this zone change relate to overall zoning and land use patterns that presently exist in this area?

BACKGROUND

1 Existing Zoning The petitioned property is presently zoned both I-1 and R-6MF The area of I-1 zoning is oriented to Louise Avenue whereas the multi-family is oriented to Pegram Street The site is also bounded by I-2 zoning across Louise Avenue and across from the Seaboard Railroad right-of-way Other portions of the site are bounded by R-6MF zoning as well as a portion which is zoned B-1 The B-1 area extends along both sides of Belmont Avenue from Pegram Street and extends for several blocks northwest from the site

2 Existing Land Use The petitioned property is vacant at the present time The petitioner operates a bakery across Louise Avenue from the property as

well as on a site at the intersection of Otts Street and Louise Avenue Otherwise much of the area nearby is devoted to residential purposes, although many lots in the immediate vicinity are vacant or have dilapidated housing associated with it Along Pegram Street at the Belmont intersection there is also an area of rundown business uses, also

3 Site Plan The conditional site plan proposes the property for warehouse purposes The maximum building area for the warehouse will be just over 56,000 square feet A new parking area containing some 88 spaces is also shown adjacent to Louise Avenue Two driveway points from Louise Avenue are shown as well as one from Pegram Street Screening along Belmont Avenue and Pegram Street will consist of a combination of trees and evergreen plantings The entire area will be enclosed with a chain link fence

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan indicates an area of existing employment and residential development surrounding the subject property As a general goal the plan calls for the preservation of inner city neighborhoods

2 Central Avenue/Hawthorne Lane Intersection Improvements. This project would provide left turn lanes on each approach on Central Avenue. Hawthorne Lane would be widened near the intersection to allow for two southbound thru lanes

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff generally encouraged the request although there was some mention of possible concern as the rezoning related to residential areas nearby However, given the fact that half of the site is already unconditionally zoned I-1 it was believed that it was certainly reasonable to look at an overall CD approach for the site that would allow for the expansion of Jack's Cookie Company

4 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comments

2 C-MUD The area is served presently by water and sewer

3 C-DOT Comments were unavailable as of the preparation of this material, but are expected by the time the matter is heard at public hearing

4 Engineering Comments were unavailable as of the preparation of this material, but are expected by the time the matter is heard at public hearing

5 Neighborhood Context The property is located in the Belmont neighborhood

DETAILED FINDINGS

1 This petition involves approximately 3 acres bounded by Louise Avenue, Belmont Avenue and Pegram Street Present zoning for this property is a combination of I-1 and R-6MF and the petitioner is seeking to rezone the entire property to I-1(CD)

2 The purpose of the change is to permit the construction of a storage/ warehouse building as an addition to the existing Jack's Cookie Bake Plant

3 Half of this property is already zoned I-1 and would permit the proposed use, but obviously the portion zoned multi-family does require the zone change The request to combine all of the site under a CD plan is desirable in that it permits restricted development for this property under the control of the CD plan.

4 Jack's Cookie Company has been an operating business in this area for many many years The present bakery is no longer sufficient for the needs of the business and expansion will facilitate the goals of the company

5 In examining the present land use pattern and zoning pattern it becomes apparant that there really is very little neighborhood to protect in this case Many lots stand vacant and on others there is dilapidated housing Much of the housing that does exist is very marginal It is therefore highly unlikely that given this setting new residential development will occur on the portion of the property zoned for residential purposes

6 The site also has a direct relationship to existing I-2 zoning as well as portions which abut B-1 zoning The residential zoning associated with this site is somewhat squeezed in between two areas of non-residential zoning

7 The proposed expansion will now utilize the property rather than it remain in a vacant/derelict state The expansion and the improvements to the site will improve the area

8 Some opposition to the request was encountered at public hearing Planning Commission deferred the matter once to allow neighborhood representatives and the petitioner to discuss concerns Following those discussions the neighborhood opposition was removed

9 Based upon the above circumstances, the petition is recommended for approval The request is seen as an opportunity to fulfill necessary and needed expansion for a viable business in the area while at the same time help to improve the area's appearance by providing for new construction and new employment opportunities in the neighborhood

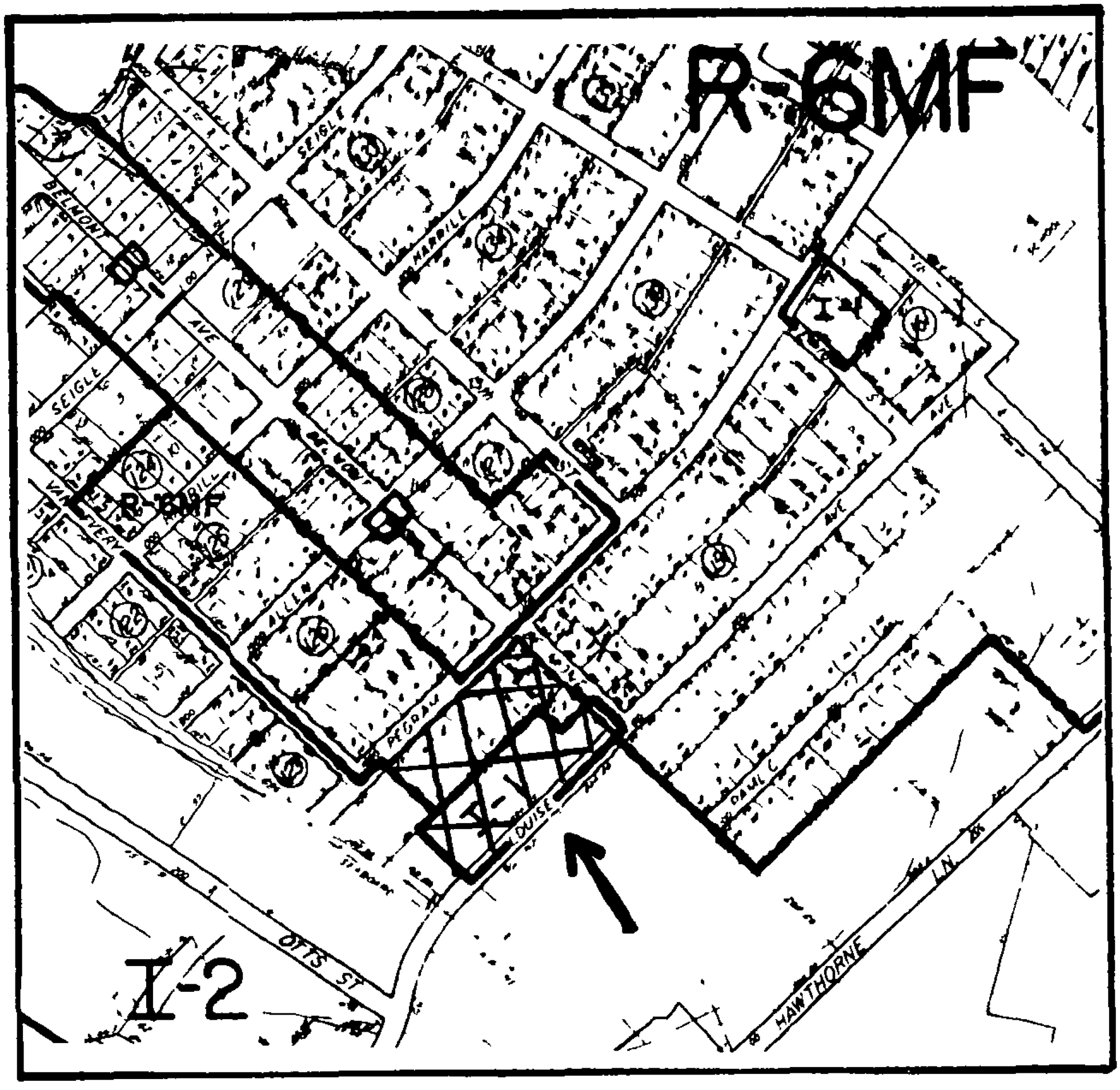
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Jack's Cookie Co.

PETITION NO. 86-49 HEARING DATE May 19, 1986

ZONING CLASSIFICATION, EXISTING I-1 & R-6MF REQUESTED I-1(CD)

LOCATION Approx. 3 acres bounded by Louise Avenue, Belmont Street and Pegram Street.



ZONING MAP NO. 101 & 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-2

PETITIONER(S) Carolina Conference Association

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

LOCATION A 4 acre site at 6000 Conference Drive

ACTION The Planning Commission previously recommended that the petition be denied. (Note This denial is a "house-keeping" matter in relation to Petition 86-50.)

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

Nays None

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

DATE June 19, 1986

PETITION NO 86-50

PETITIONER(S) Carolina Conference of Seventh-Day Adventists, Inc

REQUEST Change from B-1(CD) to O-15(CD)

LOCATION A 4 acre site located at 6000 Conference Drive

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

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

REASONS

ISSUES

1 Background/Explanation of Zoning Request What has been the recent zoning background for this site and how has that led to the submission of the application request in this case?

2 Conformancy with Overall Zoning/Land Use Patterns How would the approval of this request better relate the site to existing and anticipated zoning and land use patterns in the area?

BACKGROUND

1 Existing Zoning The subject property is presently zoned B-1(CD) The area immediately south and west is zoned R-12 whereas areas just north are zoned multi-family The remaining boundary of the site adjoins an area of O-15 zoning and then from that point extending to Independence Boulevard is an area of B-2 zoning which extends along both sides of Independence

2 Existing Land Use The property is the Carolina Headquarters of the Seventy-Day Adventists Across Monroe Road from the site is East Mecklenburg High School whereas a church is across Wallace Lane from the property An apartment complex is located north of the site whereas other residential development in the area is mostly single family, although there is another apartment complex located east of the site along Wallace Lane and another under construction Some office development lies adjacent to the site, but most property in the vicinity towards Independence Boulevard is retail and service oriented

3. Site Plan The site plan proposes expansion of the existing facility which is located on the property A total of 54,000 square feet of space is proposed for the site A proposed phase one expansion would include new space totaling 7,500 square feet This expansion along with the existing square footage of the present building would total 25,000 square feet Thus, future building development on the site would be limited to an additional 29,000 square feet

4 Recent Rezoning This site was rezoned from O-15 to the present B-1(CD) in 1984 The plan at that time was intended to recognize some retail sales activity that had been going on for some time at the property A 5,000 square foot area devoted to the retail sale of religious literature, religious records, tapes and visual aids as well as non-flesh protein foods for vegeterian diets was approved That plan did not provide for any other expansion of any sort on the property.

5 Proposed Request/Explanation Considering the restrictions of the B-1(CD) zoning listed above, the petitioner found it necessary to propose this site plan in order to allow for other expansion which would utilize the site for further office space. The petitioner is in desperate need of additional space but was restricted by the B-1(CD) plan Following some discussion it was determined that the petitioner could file a request to rezone the property back to an O-15 classification and utilize a CD concept which would permit the expansion that was desired At the same time the retail sales which had been legitimized and recognized under the B-1(CD) zoning could also continue, but now those activities will be non-conforming and no other additional retail space will be permitted if the rezoning is approved

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area near the site as existing residential development

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Because of the unusual nature of the request, staff and the petitioner sat down to review notes and conditions of the plan to insure that the petitioner's needs were being met as well as providing for a plan that could be understood and administered

3 Pre-Hearing Departmental Comments (Summary)

1 Engineering No comments except for one which references street improvements which are planned at the intersection of Conference Drive and Monroe Road Engineering Department indicated that street improvements accomplished as part of this rezoning should be in accordance with those plans No right-of-way is needed, however

2 Building Standards Department Building Standards commented that some additional parking is needed in order to comply with those required of the proposed expansion Although the existing building

is located outside of the required side yard, one notation does have an incorrect dimension for a side yard and that was noted

3 Fire Department No comments

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

5 C-DOT Comments were unavailable as of the preparation of this report, but are expected by the time the public hearing on this matter is held

4 Neighborhood Context The site is located within the area defined as the East Mecklenburg and Parkview East neighborhoods

DETAILED FINDINGS

1 The property involved in this petition is a 4 acre site located at 6000 Conference Drive This site is the headquarters for the petitioner and is currently zoned B-1(CD). The petitioner is seeking a change to 0-15(CD)

2 This request represents a downzoning which in this case is a return to office zoning on this property As was noted earlier, the property was changed in 1984 to the current classification in order to recognize retail sales on the site (Refer to Background #3 and #4 for further details)

3 The petitioner needs additional office space for expansion The proposed rezoning would allow that The site plan provides adequate guidelines and restrictions for such expansion, while at the same time limiting the current amount of retail sales on the property.

4 The return to office zoning here will be consistent with the former zoning on the property and more in line with overall zoning patterns in the area Staff had a concern in the 1984 petition when the property was rezoned for business purposes and is glad to see the property return to a more suitable zoning classification

5 It is believed that with this request and this site plan the problems associated with this site have now been adequately addressed and solved The petitioner has worked closely with staff, the Planning Commission and City Council to insure that the zone change here is done in an orderly fashion

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

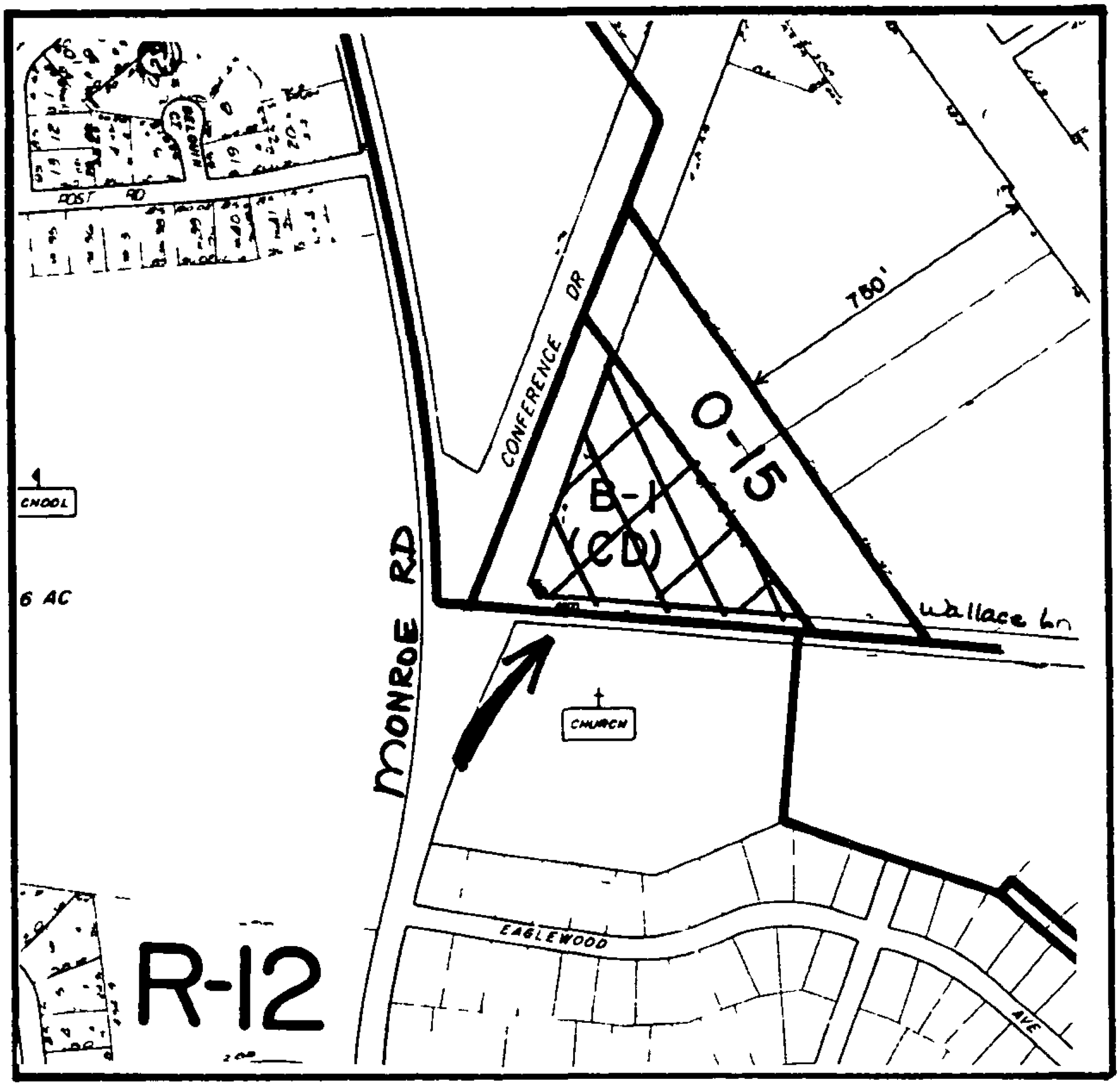
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Carolina Conference of Seventh-Day Adventists, Inc.

PETITION NO. 86-50 HEARING DATE May 19, 1986

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

LOCATION A 4 acre site located at 6000 Conference Drive.



ZONING MAP NO. 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-52

PETITIONER(S) Maurice and Laura McClettie

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

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

ACTION The Planning Commission deferred action on this petition

DATE· June 19, 1986

PETITION NO 86-53

PETITIONER(S)· Tommy L Helms and Joe G Clark

REQUEST Change from R-6 to B-1

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

ACTION The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-55
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from R-6MF to R-12
LOCATION	Three lots totaling approximately 2 387 acres on Selwyn Avenue between Westfield and Bucknell, known as 2200, 2205 and 2217 Selwyn Avenue
ACTION	The Planning Commission deferred action on this petition

DATE. June 19, 1986

PETITION NO 86-56

PETITIONER(S) Myers Park Homeowners Association, Inc

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

LOCATION Two parcels at 1550 Queens Road totaling 1 059 acres.

ACTION The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-57
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from R-6MF and 0-6 to R-12 and R-15MF
LOCATION·	Several parcels totaling approximately 4 37 acres near the intersection of Queens Road and Providence Road
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-58
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from R-15MF and R-12MF to R-12
LOCATION	Several parcels totaling approximately 4 95 acres located in the vicinity of Queens Road, Granville Road, Queens Road West and Ardsley Road
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-59
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from R-6MFH to R-6MF
LOCATION	A 917 acre tract at 453 Edgehill Road
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-60
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from O-6 and R-15MF to R-9
LOCATION	Several parcels totaling approximately 4 48 acres at the intersection of Queens Road and East Morehead Street
ACTION	The Planning Commission deferred action on this petition

DATE. June 19, 1986

PETITION NO 86-61

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from R-15MF to R-12

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

ACTION The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-62
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from R-15MF to R-12
LOCATION	Several parcels on the west side of Queens Road in the area generally between Bromley Road and Hermitage Place
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-63
PETITIONER(S)	Myers Park Homeowners Association, Inc
REQUEST	Change from B-1 and O-6 to R-15MF.
LOCATION	Several parcels totaling approximately 2 319 acres located generally in the area of East Morehead Street between Henley Place and Bromley Road, and at the intersection of Henley Place and Kings Drive
ACTION	The Planning Commission deferred action on this petition

DATE June 19, 1986

PETITION NO 86-64

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Oidinance, Section No 3020 Research Districts, and 3128 Country Clubs, etc Purpose of this change is to update the Research District regulations and to bring the City standards into line with County standards for the same districts

ACTION The Planning Commission recommends that the text amendment be approved

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

Nays None

(Commissioner Griffin was not present when vote was taken)

REASONS.

Some years ago the County Commission instructed the Planning Commission to revise the regulations in the Research Districts (RE-1, RE-2) The principal objective of that revision was to recognize the need to modernize some of the standards and to provide greater opportunities for more "manufacturing" activities These changes facilitated the location of the IBM facility in the Research District and created additional opportunities for similar uses in the future

At that time, all of the land zoned for Research uses was located in the County and therefore only the County standards were amended Now it appears that there may be land zoned for Research within the City of Charlotte Without implementing similar amendments to the City Zoning Ordinance, some of the present uses on that land will become non-conforming

The Planning Commission is proceeding on a program to develop a new City/County land use code which will include an evaluation of the Research District regulations That process will take approximately 18 months The Planning Commission feels that this amendment is appropriate at this time and will evaluate any additional changes as that process continues

For the reasons stated above, the Planning Commission recommends that the text amendment 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 3020 entitled "Research Districts" by deleting all of the present language in Sections 3021 through 3028 inclusive, and by susbtituting the following new language in its place.

3020. RESEARCH DISTRICTS

3021. Purpose The RE-1 and RE-2 research districts, are designed to provide areas in which research and related operations may be established and may be given assurance of wholesome surroundings in the future. The standards established for these districts are designed to promote sound, permanent research installations and also to protect nearby residential areas from undesirable aspects of research operations In addition, the RE-2 is heavily oriented toward research, development and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and the employment of professional, technical or kindred workers Development within these districts should be characterized by spacious and extensively landscaped settings with emphasis on aesthetic and environmental considerations

3022 Permitted uses The following uses are permitted by right in research districts and noted

1 Arboretum
2 Auction sale of real property and such personal property as is normally located thereon for the purpose of liquidating assets
3 Parks and playgrounds, operated on a non-commercial basis for purposes of public recreation
4 Public utility transmission and distribution lines
5 Radio and television stations and/or offices
6 Reservoirs, municipal
7 Railroad rights-of-way
8 Telephone booths
9 Parking for uses permitted in the districts
10 Prototype production facilities and pilot plants
11 Pharmeceutical preparation and production facilities RE-2 only
12 Production facilities for electronic, computing and communications equipment and related devices RE-2 only

13 Optical, dental and medical laboratories RE-2 only
14 Applied and basic research laboratories
15 Graphics research and production facilities RE-2 only
16 Offices, business, professional and corporate
17 Uses similar to those listed above

3023 Uses under prescribed conditions The following uses are permitted subject to the conditions governing each use as specified in the appropriate section

1 Community recreation centers See Section 3128
2 Country clubs and swimming clubs operated on a non-commercial membership basis See Section 3128 RE-1 only
3 Day care centers See Section 3119
4 Fire and Police Stations See Section 1626
5 Golf courses, public and private See Section 3128
6 Sewage treatment plants and pumping stations See Section 3123
7 Commercial uses in conjunction with office and laboratory, buildings including Restaurants lounges, cafeterias and snack bars See Section 3105
8 Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction
9 Laboratories for testing products, if such products could normally be manufactured or assembled in the district RE-2 only
10 Drive-in service window as an accessory part of the principal structure or operation subject to the requirements listed in Section 3116 RE-1 only
11 Electric and gas sub-stations See Section 3123
12. Radio, telephone and television masts, towers, antennas and similar structures See Section 1605
13 Telephone repeater stations and huts See Section 3123
14 Water storage tanks See Section 1605
15 Buildings for dramatic, musical, or other cultural activities with more than 1000 seats and stadiums and coliseums with more than 5000 seats as a Major Special Use under Section 3322

3024 Accessory uses The following accessory uses are permitted in all research districts

1 Accessory residential uses and structures clearly incidental to the permitted principal use RE-1 only
2 Accessory uses and structures clearly incidental to the permitted principal use
3 Petroleum storage, accessory to a permitted principal use or building
4 Parking for uses permitted within the districts
5 Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings
6 Heliports and helistops as an accessory use RE-2 only

3025 Area, Yard and Height Regulations

The following standards apply to uses in research districts

Min lot area	4 acres
Min lot width	400 feet*
Min side and rear yards	for lots of 4 to 10 acres - 35 feet for lots greater than 10 acres - 50 feet
Min setback	for lots of 4 to 10 acres - 100 feet for lots greater than 10 acres - 150 feet
Max height	40' except that height may be increased if minimum side and rear yards are increased by 1 foot for each 2 feet in building height over 40'
Min. unobstructed open space	70%

*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 200 feet as the minimum lot width

3026 Development standards for various uses

Uses in the research districts must be developed in accordance with the following standards

1 Outside storage and utility lines in the RE-1 and RE-2 districts

1 Outside storage of any materials, supplies, or products shall not be permitted in the research districts.
2 All utility distribution lines must be placed underground in the research districts
3 A gate or security station may be located in a required yard or setback

2 The following performance standards are applicable to uses in the RE-1 district

1 It is the intent of this subsection to provide that research activities are established and maintained so that each permitted uses will be consonant to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, gases, radiation, waste, etc It is the further intent of this subsection to state the conditions of construction and operation with which research uses will be expected to comply In many cases the relation of a prospective use to all these performance standards cannot be judged properly at the time of building permit issuance In those cases the recipient of the building permit must be aware that these performance standards, like all other provisions of this chapter, are continuing obligations and that all research uses will be expected to operate in compliance with these standards
2 The performance standards set forth in subparagraph 5 below, must be complied with, and any use which fails to comply with these standards will be in violation of this chapter. The

Director of Environmental Health Services of Mecklenburg County will review and approve building plans to determine compliance with the appropriate standards set forth below

3 Each measurable standard must be measured at the appropriate indicated location

4 The sum total of the effects of concurrent operations on 2 or more tracts or lots measured at any property line shall not be greater or more offensive to the senses than the standards contained in this ordinance Compliance with provisions of this subparagraph by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted

5 Noise will be measured on any property line of the tract on which the operation is located Noise must be controlled so as not to become objectionable At the property line the sound pressure levels of noise normally radiated from a facility must not exceed those values indicated with the "C" level rank as defined in paragraph 8 3 4 , page 119, in 5th edition of "Handbook of Noise Measurement" published by General Radio Company Sound pressure levels will be measured in conformance to specifications published by the American Standards Association

TABLE 1

Maximum permissible sound pressure levels of normally radiated noise as measured at perimeter property line

Cycles per Second	Decibel Level
20 - 75	71
75 - 150	57
150 - 300	49
300 - 600	44
600 - 1200	40
1200 - 2400	37
2400 - 4800	33
4800 - 10000	31
10000 & up	Controlled to avoid interference with animal experiments

While the data in Table 1 is to be considered as a general guideline, consideration must also be given to correction factors as also defined in paragraph 8 3 4 of the "Handbook of Noise Measurement" noted above.

6 Odors emanating from any activity must not be discernable beyond the property line to such degree or of such characteristic as to be considered objectionable or irritating to humans or animals For operations known to be malodorous, detailed control plans will be required prior to the issurance of a building permit The evaluation and

control plans will be required prior to the issuance of a building permit The evaluation and control of odors must be in general conformity with procedures described in the "Odors" chapter of the latest published edition of "Air Pollution Manual" published by The American Industrial Hygiene Association

7 Glare, whether direct or reflected, which may present a driving hazard or other optically hazardous contition, must not be visible beyond any property line

8 Any lights used for exterior illumination should direct light away from adjoining properties

9 Vibration must not be discernible beyond any property line to the human sense of feeling for three minutes or more duration in any one hour At no time should vibrations result in conditions in excess of the safe range of Table 7, U S Bureau of Mines Bulletin No 422 The evaluation of vibration characteristics will be in accordance with U S Bureau of Mines Bulletin No 422 and the latest published edition of Handbook of Noise Measurement published by The General Radio Company

.10 The measurement of smoke will be at the point of emission The U S Bureau of Mines Ringlemann Smoke Chart will be used for this measurement Smoke no darker nor more opaque than No 2 on the chart may be emitted for brief periods not exceeding 3 minutes during any 60 minute period These provisions apply to smoke of any color but with any equivalent apparent opacity

11 The emission of dust or other particulate matter must be controlled to a degree consistent with modern air cleaning capability At no time should it exceed a No 1 on the Ringlemann Chart noted above, nor should it be of such a nature or quantity as to interfere with operations on nearby properties Control methods described in the latest published edition of "Industrial Ventilation" published by the American Conference of Governmental Industrial Hyginenists are considered as standards

12 The emission of gases or fumes must be controlled to a degree consistent with modern air cleaning capability At no time should gases or fumes be discharged into the atmosphere in such concentrations or of such a nature as to be toxic, corrosive or noxious to personnel, plants or animals, or to interfere with operations on nearby property. "Standards for Ambient Air Quality, State of California" and the latest published edition of "Air Pollution Manual" published by the American Industrial Hygiene Association are guidelines for the control of gaseous emissions.

.13 All operations must be carried on with reasonable precautions against fire and explosion hazards

.14 All operations involving the use of radioactive materials or involving or causing the generation of ionizing radiation must conform to the requirements of the U S. Atomic Energy Commission and the regulations of the State of North Carolina

15 All operations involving the use of, or generation of, nonionizing electromagnetic radiation, including but not limited to microwaves, R F , radar, lasers, etc , must be controlled and operated in accordance with required practices of the U S Armed Forces for safe operation of such devices
16 Radioactive waste materials shall be handled in accordance with Atomic Energy Commission regulations

3027 Signs

Signs are permitted in all research districts in accordance with the provisions of Section 2100

3028 Parking and Loading Standards

Development of any use in a research district must conform to the parking and loading standards in Section 2000 and with those standards below

1 Parking of motor vehicles is not be permitted in any required setback nor within 20 feet of any interior lot line The parking area must be paved with dust-free, all-weather surface and must be properly drained and landscaped The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area
2 Underground parking structures are permitted in accordance with Section 2014

2 Amend Section 3128 by adding the words

and Reserach Districts

to the end of the title of the section and by adding the words

and Research districts

between the words "district" and "subject" in the first sentence

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE June 19, 1986

PETITION NO 86-65

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-2 to B-D

LOCATION Approximately 9 acres located between Pineville Road and the Southern Railroad, just north of Old Pineville Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays Lawing

(Commissioner Lewis abstained from voting Commissioners Emory and Griffin were not present when vote was taken)

REASONS

This petition is comprised of approximately eight (8) acres between Pineville Road and the Southern Railroad right-of-way, just south of Old Pineville Road The present zoning is I-2 and the petition is seeking B-D

Much of the land involved in the petition is vacant but there is one light industrial/wholesale trade type use within the petitioned area and a lounge Both of these will become non-conforming if the zoning is changed As far as the remaining land use pattern in the area is concerned, there is vacant property located directly across Pineville Road from the site and to the east of that begins a single family neighborhood (Pine Valley) To the west of the site is the Sterling Community which is also predominantly single family residential with some institutional uses, including Sterling Elementary School To the north of the site are various industrial developments including a new industrial park under construction to the northwest

The proposed district in this case complies with the Sterling Small Area Plan proposal The district designation is also consistent with a county petition for a site which is located immediately south of the one involved here However, at the time of decision the County Commission chose to rezone the area to B-1 instead of B-D Based upon the property's configuration and location, it is believed that the B-D designation is more compatible with the area than the potentially negative I-2

Minority Opinion
No reason was expressed for the minority opinion

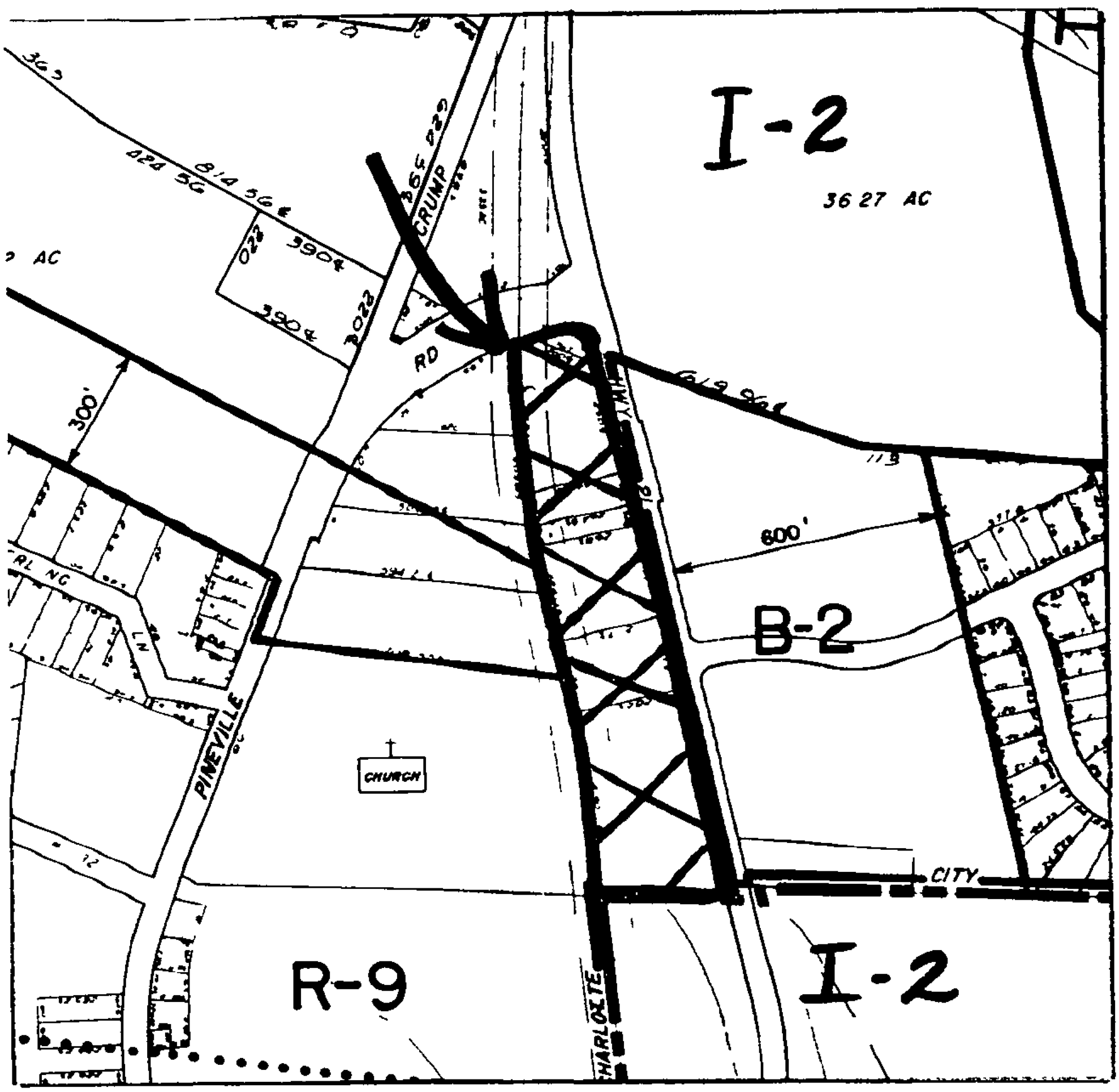
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte Mecklenburg Planning Commission

PETITION NO. 86-65 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED B-D

LOCATION Approximately 8 acres between Pineville Road and the Southern Railroad, just north of Old Pineville Road



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-66

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-1 and I-2 to R-15MF

LOCATION Approximately 23 acres located at the end of Sterling Lane adjacent to Kings Branch

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Curry, Lewis, Lowery, M Smith and Wheeler

Nays Griffin and Lawing

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

REASONS

The property involved in this petition is comprised of approximately 23 acres of land located at the end of Sterling Lane adjacent to Kings Branch The property is zoned both I-2 and I-1 and the petition is requesting R-15MF

The subject property is vacant Other properties nearby along Sterling Lane and Aileen Circle are developed for residential purposes whereas other land to the east is being developed for industrial park purposes Land which is immediately north is owned by the Lance Company and is undeveloped and it should be noted that a 50 foot area adjoining the common property line has recently been heard at a County public hearing and proposed for I-2(CD) The CD involves the establishment of a buffer with the intention being that the buffer will provide a transition between the industrial I-2 and the R-15MF development which would occur on this property if the petition is approved (The Planning Commission has recently recommended approval of the I-2(CD) petition)

The request for multi-family zoning here is compatible with the Sterling Small Area Plan recommendation The development of this property for industrial purposes is seen as a negative influence on the Sterling Community The use of the property for residential purposes will help to create new housing opportunities and create more of a stablizing influence Planning Commission does, therefore, recommend that the petition be approved

Minority Opinion
The minority opinion expressed the viewpoint that there was no firm response from the property owner

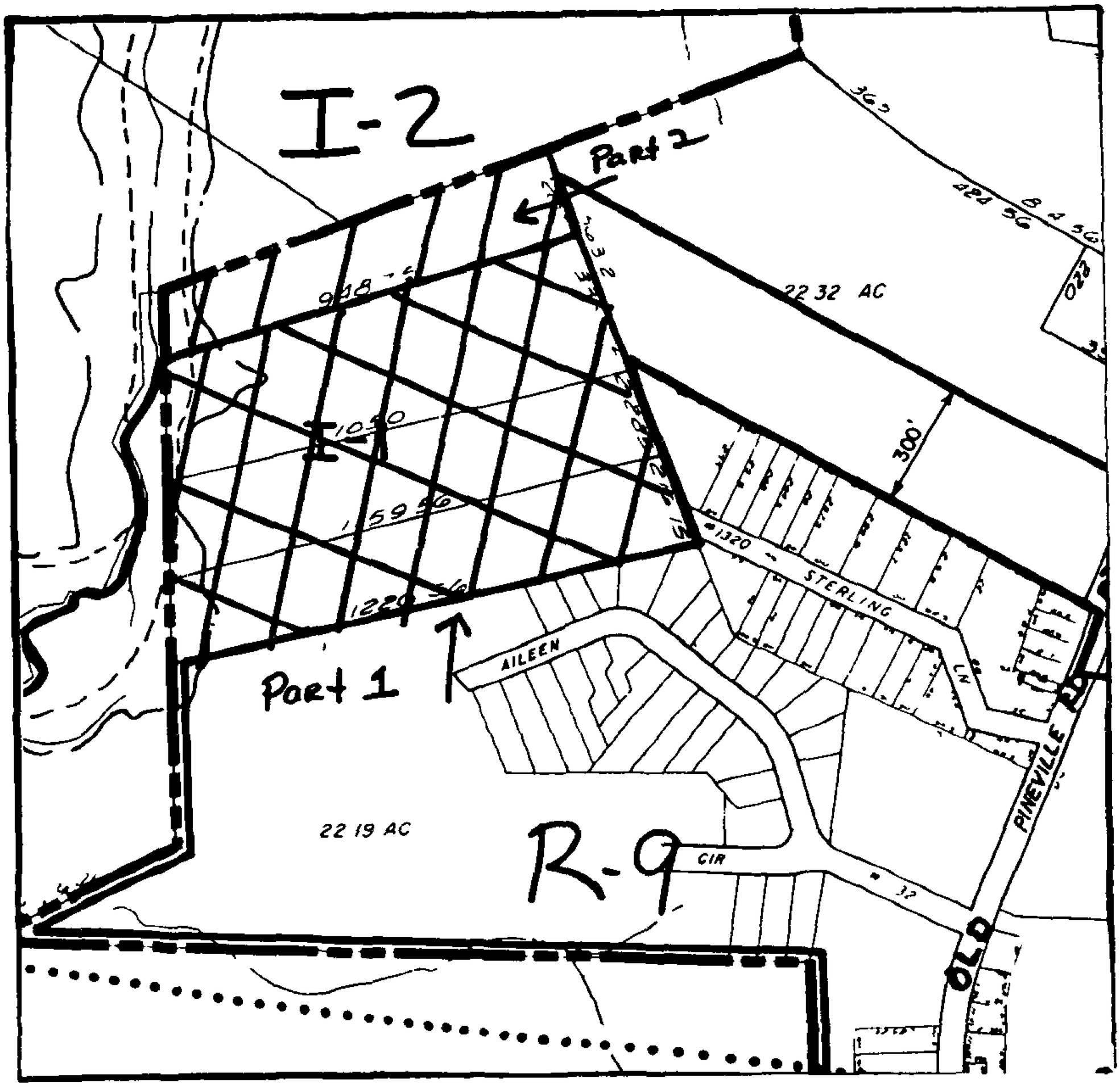
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-66 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING Part 1 I-1 Part 2 I-2 REQUESTED R-15MF

LOCATION Approximately 23 acres located at the end of Sterling Lane adjacent to Kings Branch



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-67

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-2 to R-9

LOCATION Approximately 4 acres located east of Packard Street and north of the proposed Pineville Bypass

ACTION The Planning Commission recommends that the petition be denied

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

Nays Clodfleter and Lewis

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

REASONS

The property which is involved in this request is presently zoned I-2 and the petition is requesting R-9 The land area involved comprises approximately four (4) acres and is located east of Packard Street and north of the proposed Pineville Bypass right-of-way

The subject property is undeveloped Areas to the north are used for residential purposes and comprise part of the Sterling neighborhood Further north is the elementary school and there is also one church in the vicinity To the east across Pineville Road land is undeveloped

This petition seeks to implement the Sterling Small Area Plan by establishing the R-9 zoning here The property is directly contiguous to R-9 zoning to the north and west and in the future will be separated by industrial zoning due to the construction of the Pineville Bypass Like other small area plan petitions similarly situated, it is felt in the small area plan that the bypass will provide a future barrier between the neighborhood and industrial development to the south Those properties which are located on the neighborhood side such as the property in this case should be related to the neighborhood by way of zoning and, thus, the rationale for the residential request in this petition The zoning change will enable the use of this property to relate much better to the neighborhood than the existing industrial zoning

However, in this case the Planning Commission was bothered by the circumstances of the property's relationship to the future bypass and the consideration of compensation by the state to the property owner The property owner appeared at public hearing to protest the change citing the fact that rezoning the

property now would hurt him economically The Planning Commission agreed. Planning Commission believed that access to the petitioned area was going to be a problem and in all likelihood this site would be purchased by the state A zone change would impose a hardship that the majority of the Planning Commission was not comfortable with

Minority Opinion
The minority opion expressed the viewpoint that the small area plan should be supported, particularly since it was not exactly known whether or not the site would be purchased (Although voting in favor of the motion to deny, Mr Lowery did so assuming this site would be purchased)

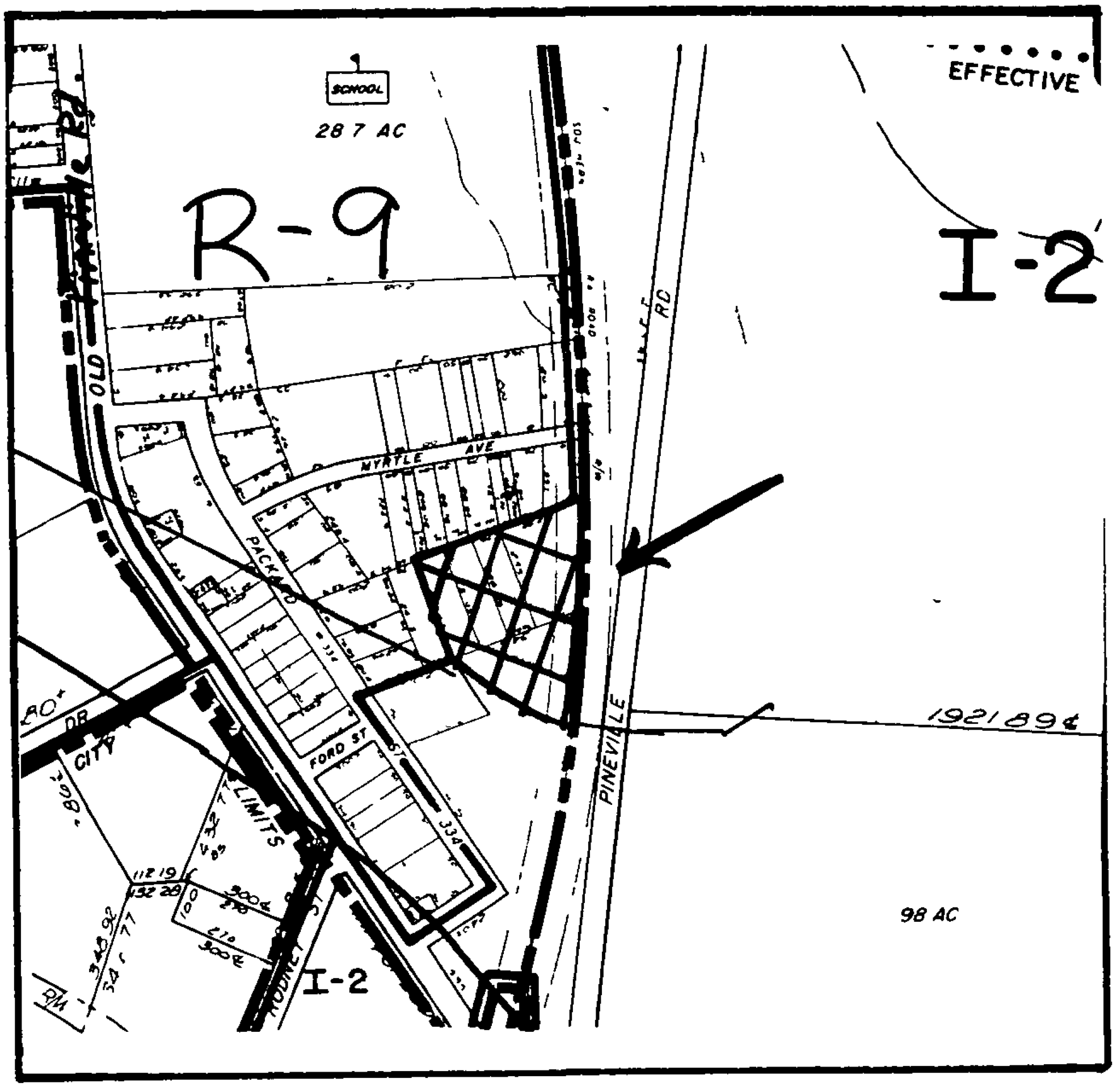
Staff Opinion
Staff supported the request as filed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-67 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED R-9

LOCATION Approxmately 4 acres located east of Packard Street and north of the proposed Pineville By-Pass



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-68

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-1 and I-2 to R-9

LOCATION A 1 8 acre strip off Old Pineville Road near Crump Road

ACTION The Planning Commission recommends the petition for I-1(CD) in lieu of the requested R-9

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

Nays None

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

REASONS

The area involved in this petition is a 1 9 acre strip of land off Old Pineville Road near Crump Road The present zoning is mostly I-1 though a small tip of the site is zoned I-2 The petition is requesting R-9 for the site

The depth of the rezoning area is a combination of 50 and 100 foot strips which lie adjacent to property which is presently zoned for residential purposes or is being requested for residential zoning The request is to comply with the Sterling Small Area Plan proposal to create a buffer between industrially zoned property and those which are zoned and developed for residential purposes

The property in the petition is undeveloped Property which borders the southern most property line is developed with single family homes which are located on Sterling Lane Other residential and associated neighborhood uses are further south within the Sterling Community To the north is an industrial park which is in the early stages of construction and the zone change, if approved in this request, would provide the desirable buffer Further north are other industrial uses including the Lance facility

As mentioned above this request is brought forward to public hearing as part of the implementation package of the Sterling Small Area Plan The intention is to create a buffer which will have a positive effect on the neighborhood and create more of a stablizing effect for this fragil area At the public hearing on this matter the property owner indicated a willingness to establish a buffer, but wanted to make the areas 50 to 65 feet, respectively Further, instead of R-9 the property owner wanted I-1(CD) Accordingly two alternatives were presented; one which left the buffer strips intact and the other which

would create an 8 to 10 foot berm in the 65 foot strip Planning Commission agreed with the property owner's request and chose the second of the options

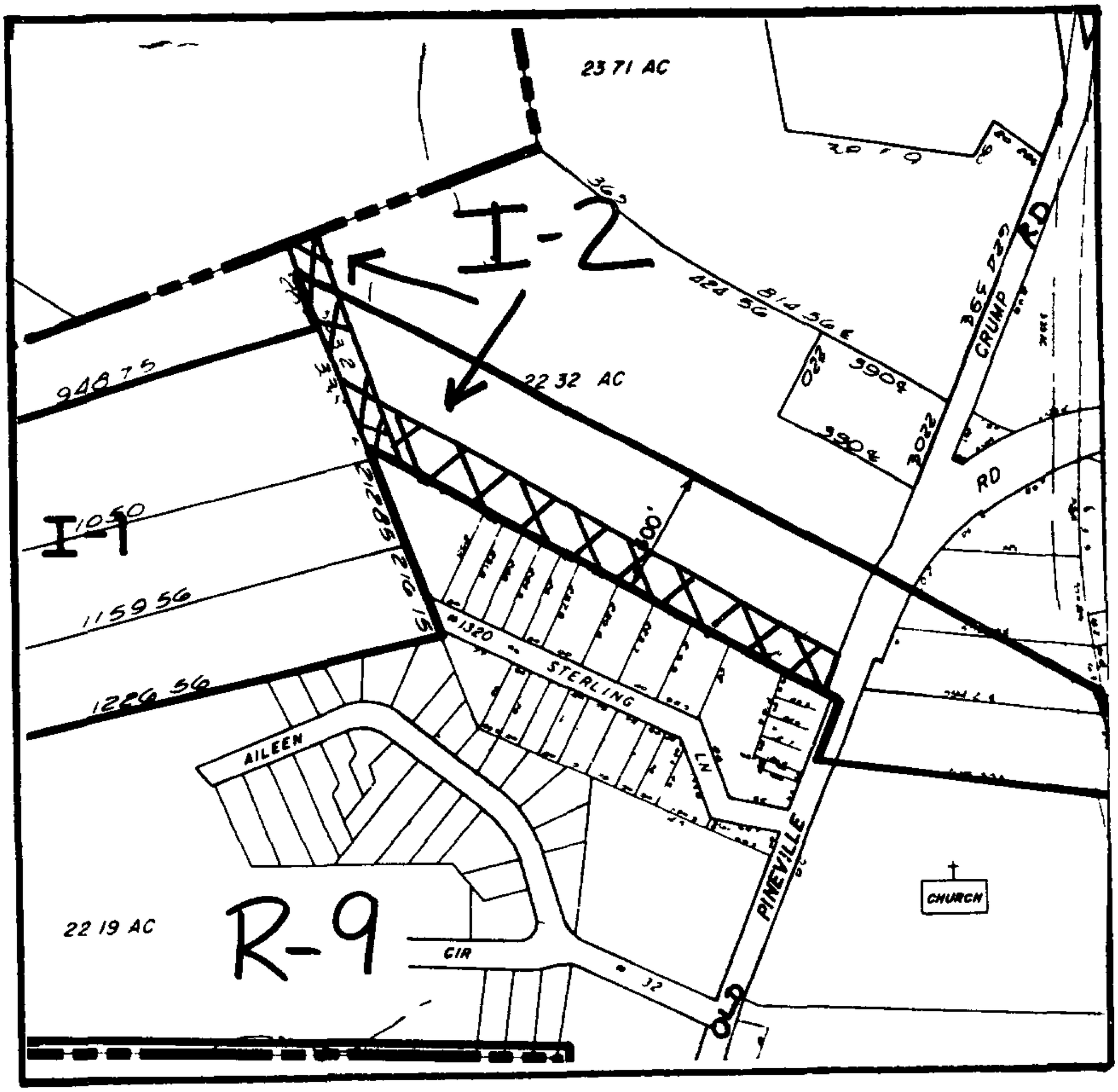
Staff Opinion
Staff agreed completely with the conditional approach, but preferred the other site plan option

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-68 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING I-1 & I-2 REQUESTED R-9

LOCATION A 1.9 acre strip off Old Pineville ROad near Crump Road



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE June 19, 1986

PETITION NO 86-69

PETITIONER(S) Hickory Grove Child Development Center

REQUEST Change from R-15(SUP) to R-9MF(CD)

LOCATION A 1 7 acre site located on the east side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Boulevard

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

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

REASONS

ISSUES

1 Explanation of Rezoning Request. Since a day care center already exists on this site and is being proposed for expansion, why is it necessary to rezone the property to multi-family from the present Minor Special Use Permit designation?

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

BACKGROUND

1 Existing Zoning The property which is the subject of this request is presently zoned R-15, but is also the subject of a Minor Special Use Permit which is specifically approved for a day care center Surrounding lots are also zoned R-15 whereas across Newell-Hickory Grove Road the zoning pattern changes to R-9MF and R-9MF(CD) Farther south of the property is other multi-family zoning as well as some O-15 and I-2 zoning, also To the north at the Milton Road intersection are areas designated for B-1SCD zoning

2 Existing Land Use The subject property is the site of an existing day care facility The immediate area is generally developed with single family homes with the largest concentration located in the Grove Park Subdivision nearby To the north is a mixture of apartment and condominium development along with new retail shopping, which is in the final

stages of construction To the south is other multi-family development and more retail which either exists or is under construction along and near the Newell-Hickory Grove Road/Delta Road intersection

3 Site Plan The proposed site plan indicates that the property is presently developed with a day care facility building totaling 4500 square feet. A proposed new building of the same square footage is proposed The new building will be located as a separate building towards the rear of the parcel Existing paved parking will be added to in order to accommodate the expansion Some parking which is presently located in front of the building is being removed and the area will be seeded An additional 20 feet of right-of-way is being dedicated along the frontage of the lot adjacent to Newell-Hickory Grove Road

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates this area as one of existing residential development

2 Transportation Improvement Program Newell-Hickory Grove Road is scheduled for widening from its present two-lane configuration to a multi-lane facility from Albemarle Road to Plaza Road

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the submission of the request.

4 Pre-Hearing Departmental Comments (Summary)

1 Fire Department. No comment

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

3 C-DOT Rezoning would generate approximately double the current trips associated with this use An expected 140 peak hour trips would be associated with the expansion.

4 Engineering No comments except to request an additional 20 feet of right-of-way along Newell-Hickory Grove Road

5 Neighborhood Context The site is located in the Grove Park neighborhood

DETAILED FINDINGS·

1. The property involved in this petition is a 1 7 acre site located on the east side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Road The property is presently zoned R-15 in association with a Minor Special Use Permit for a day care center The petitioner is requesting that the site be rezoned to R-9MF(CD)

2 In connection with the request the applicant has filed a site plan which outlines a proposed expansion for the day care facility (For further details refer to Background #3)

3 Recently there have been text changes to the zoning ordinance concerning certain institutional uses which are located in residential districts, including day care centers Whereas before these uses could be permitted in single family zoning districts with a Minor Special Use Permit, they must now be zoned at least a multi-family classification in order to be permitted In this case since a facility already exists and an expansion is proposed it is also necessary to rezone the property to a multi-family district in order to accommodate the expansion

4 Therefore it should be kept in mind that even though the property is being rezoned to a multi-family district, the use of the site will continue to be for the purpose of operating a day care center The rezoning will allow this established use to continue and expand to meet the growing demands of this area

5 Staff has reviewed the site plan and found it to be generally acceptable As has been mentioned the use is an established one and has operated very successfully in this location for a number of years As this area grows there will be a greater demand for services such as a day care center and the rezoning will enable that expansion to take place

6 If the rezoning is approved it should not be interpreted that multi-family zoning here is an indication that other tracts which may be vacant or proposed for redevelopment are suitable for multi-family usage The approval merely recognizes the change in the law which requires multi-family zoning for this type of use

7 One final note It should be kept in mind that an existing Special Use Permit for the property is still in effect and will need to be terminated in order for the conditions of this site plan to be fulfilled and implemented

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

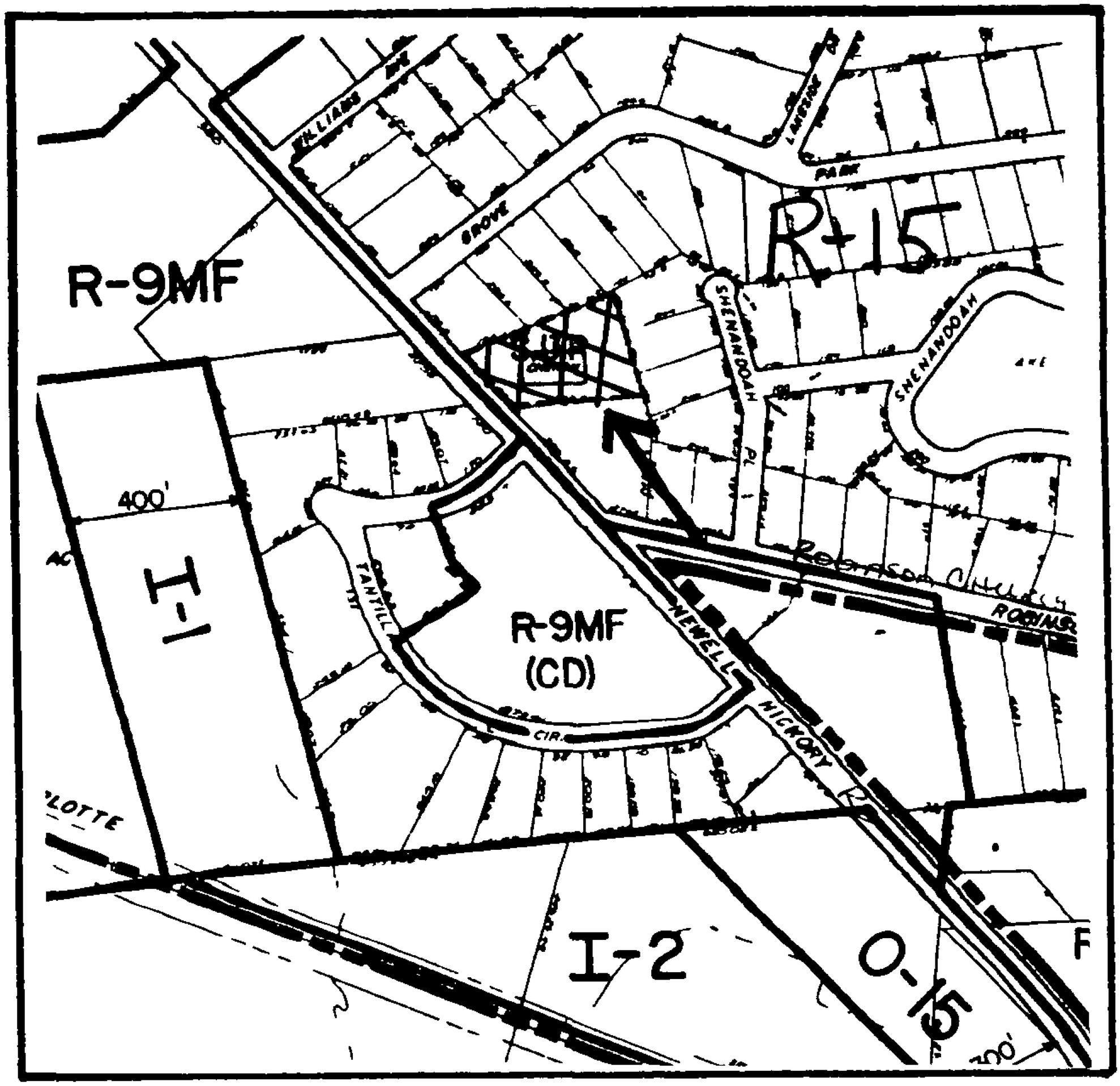
<u>Staff Opinion</u>
The staff agreed with Planning Commission

PETITIONER Hickory Grove Child Development Center

PETITION NO 86-69 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING R-15(SUP) REQUESTED R-9MF(CD)

LOCATION A 1.71 acre site located on the east side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Boulevard



ZONING MAP NO. 91 & 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	June 19, 1986
PETITION NO	86-70
PETITIONER(S)	Fairfax Properties
REQUEST	Change from R-6MF to I-1(CD)
LOCATION.	A 53 3 acre site located on the southeast side of Morris Field Drive, east of Billy Graham Parkway
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-71
PETITIONER(S)	Michael L Stout
REQUEST	Change from R-6MF to O-6
LOCATION	A 12,000 square foot site located at 628 Eastway Drive near The Plaza
ACTION	The Planning Commission deferred action on this petition

DATE	June 19, 1986
PETITION NO	86-72
PETITIONER(S)	Slag Realty
REQUEST	Change from R-6MF to O-6
LOCATION.	A 27,747 square foot site located on the corner of Central Avenue and Medallion Drive
ACTION	The Planning Commission deferred action on this petition

DATE June 19, 1986

PETITION NO 86-73

PETITIONER(S) John Crosland and Associates, Inc

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

LOCATION A 4 8 acre site located at the intersection of Carmel Road and Quail Hollow Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

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

REASONS

ISSUES.

1 Proposed Plan Amendment What plan amendment is being requested here and is the amendment consistent with the overall plan objectives for the site and the area?

BACKGROUND

1 Existing Zoning The petitioned property is zoned B-1SCD An area adjoining the site at the Quail Hollow and Carmel Road intersection is zoned R-15 and the R-15 pattern generally extends throughout the area The exception is property which is located on either side of Quail Hollow near the Carmel Road intersection which is zoned R-20MF as well as other conditional multi-family zoned properties along most other portions of Quail Hollow Road extending towards Sharon Road

2. Existing Land Use The property in question is the site of the Old Towne neighborhood shopping center Surrounding the center are several apartment and condominium projects including Ashfield Court and the Carmel Hollow projects Subdivisions such as Montibello and Rockbridge are nearby, too

3 Site Plan The site plan amendment for this case is a relatively simple one in that the food store is planning a 1,145 square foot addition The food store approved under the original B-1SCD rezoning has an established maximum square footage of 28,100 square feet, which has been built Therefore it was necessary to file the amendment in order to allow for the expansion All other aspects and conditions of the B-1SCD as it relates

to the overall shopping center remain identical and unchanged (Just for information purposes, the total square footage of the Old Towne Center is 50,000 square feet)

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates this site as the location of a community commercial center The plan also proposes a greenway in this general vicinity as well

2. Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and indicated that a public hearing would be necessary in order to accomplish the proposed expansion. Staff indicated no problems could be foreseen and generally encouraged the plan amendment request

3 Pre-Hearing Departmental Comments (Summary)

   1 Fire Department. No comment

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

   3. Engineering No comment except those that would normally be associated with the development process

   4 C-DOT Comments were unavailable as of the preparation of this material, but are expected in time for the public hearing

4 Neighborhood Context This site is located in the Kingswood neighborhood

DETAILED FINDINGS

1 This petition requests a B-1SCD Site Plan Amendment for a 4 8 acre site located at the intersection of Quail Hollow Road and Carmel Road The property is the site of the Old Towne Shopping Center

2 The plan amendment request is a very simple one in that only a minor expansion to the overall shopping center is proposed Specifically, a 1,145 square foot addition to the Harris-Teeter food store is planned No other changes to the center are requested

3 This type of change is consistent with the original rezoning for the shopping center Because the plan change is so insignificant, no adverse impacts have been established with regards to the proposed addition

4 The shopping center is a facility that is very much needed and used in this area Although it was the subject of a very controversial rezoning petition back in the mid 1970's, it has nonetheless proven to be a valuable community facility and has been generally regarded by staff as a well designed neighborhood shopping center Staff encouraged the plan amendment

5 Based upon the above, Planning Commission recommended the petition be approved

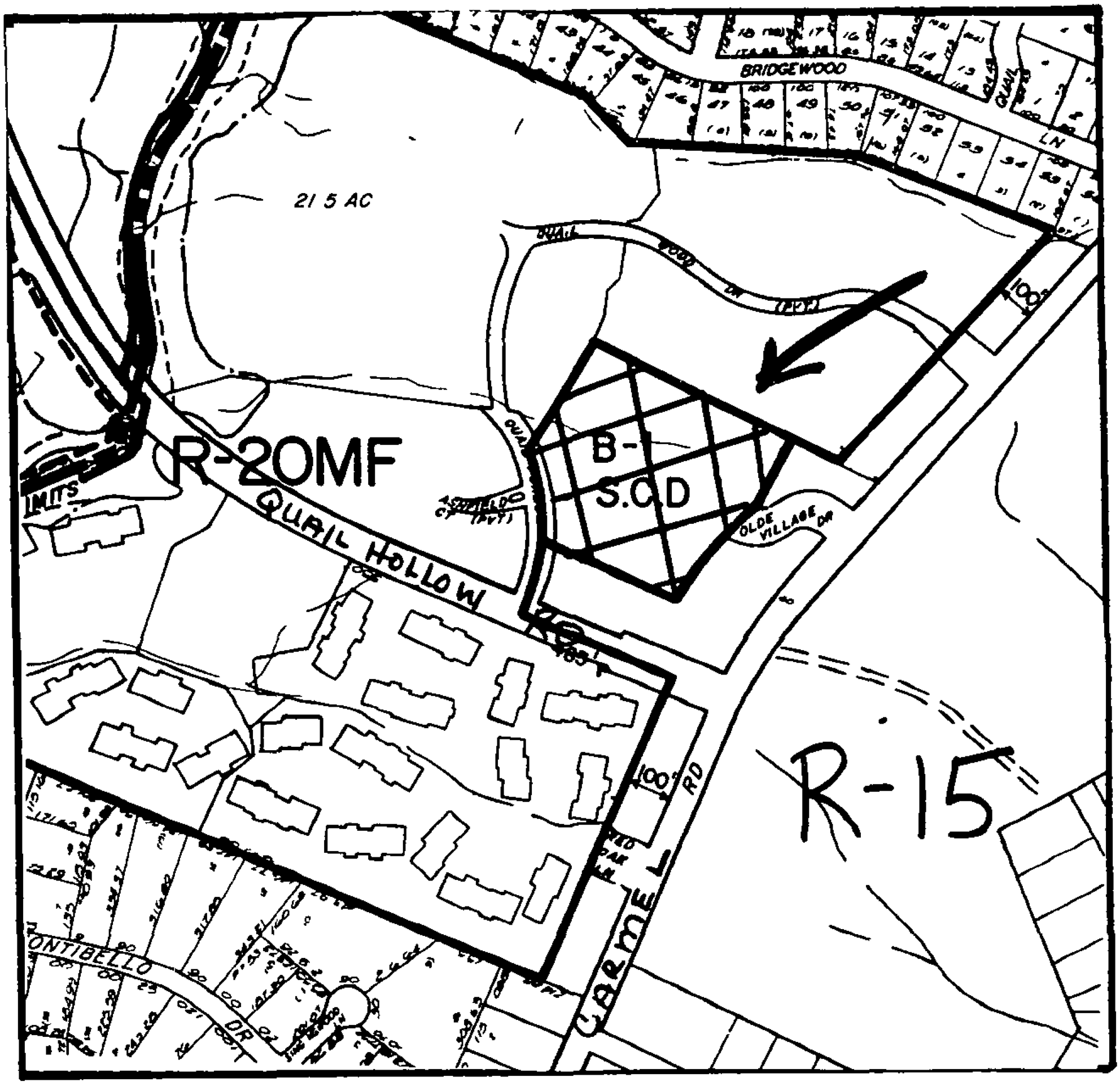
Staff Opinion
The staff agreed with Planning Commission

PETITIONER John Crosland & Associates, Inc.

PETITION NO. 86-73 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING B-ISCD REQUESTED Site Plan Amendment

LOCATION A 4.86 acre site located at 4100 Carmel Road



ZONING MAP NO. 158 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested CONSIDER RECOMMENDATION OF THE OPERATIONS COMMITTEE THAT THE CITY NOT BECOME AN INTERVENOR IN THE PROPOSED DUKE POWER RATE INCREASES AND FOR CITY STAFF TO DISCUSS WITH DURHAM CITY STAFF THEIR CITY'S EXPERIENCE WITH BEING AN INTERVENOR.

Responsible Department BUDGET AND EVALUATION

This request should be organized according to the following categories Background Explanation of Request, Source of Funding, Clearances, Bibliography

Background:

The City received requests several weeks ago from United Neighborhoods for No Utility Increases requesting information about the budgetary impact of the proposed Duke Power rate increase on the City's budget, and also that the City act as an Intervenor with the North Carolina Utilities Commission. The requested budgetary impact has been provided. Council considered the request for Intervenor Status at its July 14th meeting and referred this request to the Operations Committee for consideration.

At the Committee's meeting, Budget and Evaluation presented information that the City actually would receive a net increase in revenue from the proposed rate increase, due to the revenue received from the utility franchise tax gained from the increased gross sales (see Attachment A). Duke Power officials were given the opportunity to speak, and their statement is attached as Attachment B. Melvin Whitley, representing United Neighborhoods for No Utility Increases, restated the requests for Council Action.

Explanation of Request:

The Operations Committee recommends that no action be taken on the request to assume Intervenor Status. The Committee also recommends that the City staff contact the City of Durham to ascertain the requirements and advantages of Intervenor Status, and that the City continue to keep an open interchange of communication with Duke Power Company and neighborhood groups such as United Neighborhoods for No Utility Increases.

Source of Funding: None

Clearances: None

Bibliography: None

ATTACHMENT A

City of Charlotte
Operations Committee
July 17, 1986

Utility Rate Increases

Cost Consideration

FY86 City Billing

Street Lights	$ 4,056,832
Power for Pumping	3,577,000
Other	2,946,028
Total	$10,579,860

Estimated Rate Increase 15.9% (Less Street Lights)	$ 1,037,161
Estimated Revenue Increase (Duke Power Estimate)	1,214,000
Difference	$ 176,839

The City receives revenue from the utility franchise tax of 3% of gross sales within the City limits.

Options for Council Participation

1. Intervene: This allows the City to participate in the review proceedings including cross examination of witnesses, calling of expert witnesses, gives the right to receive all documents; gives right to appeal the Commission's decision.

   To become an intervenor, the City must file a petition based on its interest in the hearing.

   The cost can vary in that staff time can range from one to ten weeks depending on the level of effort pursued. ($5,000 to $20,000).

2. Public Witness Testimony: This allows the City to provide testimony at one of the scheduled public hearings held by the Utilities Commission; the statements becomes a part of case record as evidence to be considered.

   To provide testimony, a hearing will be held on August 12, 7:00 p.m., in Superior Court 305.

   The cost will be in staff time.

3. Written Comment: This allows the City to provide written comments in a resolution or letter to be placed in an official file which is not considered evidence.

   To provide written comment, adopt a resolution or letter to be mailed to the Utilities Commission.

   The cost is minimal.

4. Do Nothing: Council takes no action and has no costs.

Process Overview

The major actors in the review of utility rates are as follows:

Utility Commission: makes rate decision.

Public Staff of the Utility Commission: an independent group named to represent the consumer.

Attorney General's Office: ordinarily acts as intervenor using its staff.

Utility Companies

Other Intervenors: there are several organized groups that have participated as well as individuals.

ATTACHMENT B

Charlotte Operations Committee
Duke Power Presentation
Fred West
July 17, 1986

Thank you for the opportunity to meet with your committee today. You have a tough job as you look at our rate increase and its effect on the city and your constituents. No one likes rate increases, and oftentimes it's difficult to look beyond the numbers. We at Duke Power have a tough job also because behind this rate request are a number of good reasons that are often difficult to communicate.

One job the city of Charlotte and Duke Power have handled successfully together is the economic development of our area. I want to talk with you this afternoon about that development and how this rate request ties in to growth. I'd like to step back and take a look at the whole picture of which this rate request is only a part.

Our current request is tied directly to economic development. Sixty percent of the request that will be heard later this summer is associated with the second unit at our Catawba electric generating station. We are asking that our customers begin paying for their use of this unit. Catawba was built over a twelve-year period. Like all of our plants, it was built at

the lowest cost of any comparable unit in the country, and it was built to meet the energy needs of the Piedmont Carolinas and the citizens of Charlotte.

Our area is in an enviable position. Across the Piedmont Carolinas last year, the area served by Duke Power saw 30,000 new jobs. We saw 43,700 new customers, and we saw business invest $2.3 billion in the economy of this area.

Here in Charlotte, the changes were even more significant. In the Charlotte area over the last two years we've seen an almost 10 percent increase in the number of customers. As we look ahead to 1987, we're projecting 7500 new homes, 918,000 square feet of new retail space, 11 major office projects at just under three million square feet, 5 major hotels, 3 major retirement centers, a new coliseum which should become the catalyst for development along Billy Graham Parkway, airport expansion and a major hospital project. The point is, Charlotte leadership has well managed growth as a primary objective. Duke has managed to keep up, and we are dedicated to quick, effective response to this growth.

These new customers and these business investments don't come about by chance. They come about because cities like Charlotte and companies like Duke Power plan ahead. When a decision was made to build a coliseum on Billy Graham Parkway, you didn't have to call Duke Power and ask us if the power was going to be

there. It will be, and that's as it should be. That's our obligation. But in order to have the power there, we must build new generating facilities -- facilities that are years in the planning and construction -- facilities that come into service at a higher cost than older ones. Just as new automobiles cost more than old ones, and today's hamburgers cost more, new power plants cost more than old ones. And when customers begin using the electricity from these new plants, they see the effect on their bills.

Our current rate request will not affect the tax rate to residents of Charlotte. Changing rate structures that are a part of this request will allow the city of Charlotte to take advantage of our time-of-day rate. An increase in gross receipts taxes will also come about. These two items are significantly greater than the effects of the rate request.

Although I know that you are interested in the effect of this request on the city of Charlotte, you're also concerned about its effect on your constituents -- our customers. We, too, know that there are a number of people who have difficulty paying their power bill. That is one reason we will continue to offer our Community Challenge Heating Fund and Share the Warmth Fund -- to help the needy keep warm. During this last winter our shareholders provided 632 thousand dollars of seed money that was matched by individuals and agencies that are probably here today to bring a total of $1.8 million to help customers. Here

in the Charlotte-Mecklenburg area Duke was the catalyst in providing more than 200 thousand dollars to help more than 5,000 people pay their winter heating bills. We will continue to be driven by this social conscience because we believe strongly in putting more into this community than just a reliable supply of electricity. We have acted positively on this belief for more than 80 years.

Our commitment to this area extends to our 6,000 employees and their families who live here. Our employees have met their obligation in any number of ways. One is the Mecklenburg/Union United Way where we contributed $1,173,113 in 1985, and we are proud to be this fund's largest contributor. Our folks work with you in a number of areas -- the Charlotte Treatment Center, Boy Scouts, Arts and Science, Johnson C. Smith, Junior Achievement, Jewish Community Center, uptown development, assisting in the schools, providing free legal counsel for the indigent, and so on. We have been recognized for this leadership. This year we received the top national award for affirmative action among utilities. We proudly fly the C-flag which we received from President Reagan last month in recognition of our employees volunteer efforts with schools. Wherever there is a need, our employees are there. We're proud to be a part of making Charlotte an even better place to live and work.

We do understand your concern for the effect increased power bills will have on those who are less able to pay -- and we share that concern. It's hard fact, though, that without a guaranteed, continuing supply of electricity there can be no economic growth and no new or better jobs for anyone. That would have disastrous consequences for the less privileged in this area. And as I've mentioned, the major purpose of this proposed increase is to guarantee electricity for that continued growth.

We also understand your wish to remain informed about the facts in the rate increase. Fortunately, the system in North Carolina allows for that. All hearings held by the N. C. Public Utilities Commission are public and well covered by the media; all facts in the case are a matter of public record; and the state's consumers -- including your constituents -- are ably represented in the deliberations by attorneys, accountants and engineers on the Public Staff. To help keep you informed, I've brought you a copy of the testimony we will use in the hearings.

As you look at our rate request, I urge you to look at the whole picture and consider all factors including the economic development of our area. In order for this area to attract businesses that will provide jobs, there must be a reliable supply of electricity available from a financially sound company. Our rates are competitive. You can look at other parts of the country and other parts of the southeast and confirm that. As we look ahead, we're looking at greater rate

stability because Catawba's low-cost electricity along with McGuire's will make us more inflation resistant for the long term.

I urge you to look at all of these factors and make decisions that are based not just on the short-term effects of what the rate increase does to a power bill -- but on what it all means to the long-term future of a city and the well-being of all its people.

Thank you.

Charlotte

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

JULY 1 - JULY 5

1	Tuesday, 10 00 a.m.	PLANNING COMMISSION (Minor Special Use Board) - Cameron-Brown Bldg., 1st Floor Conference Room
2	Wednesday, 2 00 p.m	HEZEKIAH ALEXANDER HOMESITE STUDY COMMITTEE - Mecklenburg Design Center, 520 Providence Road
4	Friday	4th OF JULY HOLIDAY, ALL CITY GOVERNMENT OFFICES CLOSED

THE WEEK OF JULY 6 - JULY 12

7	Monday, 4 00 p.m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
8	Tuesday, 8 00 a.m.	CHARLOTTE-MECKLENBURG ARTS COMMISSION - J.N. Pease, Independence Blvd
9	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
9	Wednesday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
10	Thursday, 7 30 a.m.	PLANNING COMMISSION/Ordinance Revision Advisory Task Force - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 4 00 p.m.	CITY COUNCIL OPERATIONS COMMITTEE - City Hall, 2nd Floor Conference Room

THE WEEK OF JULY 13 - JULY 19

14	Monday, 12 00 Noon	PLANNING COMMISSION (Regular Meeting & Work Session) - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 12 00 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber
15	Tuesday, 7 30 a m.	PLANNING COMMISSION/Coordination Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 9 00 a.m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 3 30 p.m.	COMMUNITY RELATIONS COMMITTEE - Metrolina Independent Living Center, 1012 S. Kings Drive, Suite G-2
16	Wednesday, 1 00 p.m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Wednesday, 2 00 p.m.	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 4 00 p.m.	CITY COUNCIL/PUBLIC WORKS COMMITTEE - City Hall, 2nd Floor Conference Room
	Wednesday, 7 00 p.m	METROPOLITAN PLANNING ORGANIZATION - City Hall Annex, Dept. of Transportation Conference Room
17	Thursday, 7 30 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Operations Conference Room, 701 Tuckaseegee Road

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THE WEEK OF JULY 20 - JULY 26

21	Monday, 5 00 p.m.	COUNCIL/MANAGER DINNER - Education Center, Rooms 237 - 239
	Monday, 6·00 p.m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, 4th Floor Board Room
22	Tuesday, 3 00 p.m.	COMMUNITY FACILITIES COMMITTEE - Utility Dept., 5100 Brookshire Blvd.
	Tuesday, 4.30 p.m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room
23	Wednesday, 4.30 p.m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E Morehead Street
24	Thursday, 7 30 a.m.	PLANNING COMMISSION/Ordinance Revision Advisory Task Force - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 4.00 p.m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg , 1st Floor Conference Room

THE WEEK OF JULY 27 - JULY 31

28	Monday, 4·00 p m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room

These organizations will <u>not</u> meet in July.

Advisory Energy Commission
Citizens Advisory Council for Hazardous Chemicals
Clean City Committee
Specialized Transportation Advisory Committee