AGENDA

Meeting Type:	Z
Date	06-16-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

6/16/86

council agenda

Charlotte

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

Meetings in June '86

THE WEEK OF JUNE 1 - JUNE 7

2	Monday, 5 00 p m.	COUNCIL/MANAGER DINNER - Sedgefield Jr. High School, 2700 Dorchester Pl
	Monday, 6 00 p.m	CITY COUNCIL/PLANNING COMMISSION MEETING (Special Meeting on Mineral Springs/Research Park Annexation and Myers Park Rezoning Petition) - Sedgefield Jr High School, 2700 Dorchester Place
3	Tuesday, 4 00 p.m	BUDGET WORKSHOP - City Hall Annex, Training Center
	Tuesday, 6 00 p.m	CHARLOTTE ADVISORY PARKS COMMITTEE - Hornets Nest Park, Shelter #1
	Tuesday, 7 30 p.m.	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room
4	Wednesday, 7 45 a.m.	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A
	Wednesday, 8.00 a.m.	PLANNING COMMISSION/Ordinance Revision Workshop - UNCC, Cone Center
	Wednesday, 4 00 p.m.	BUDGET WORKSHOP - City Hall Annex, Training Center
5	Thursday, 4 00 p.m.	BUDGET WORKSHOP - City Hall Annex, Training Center

THE WEEK OF JUNE 8 - JUNE 14

9	Monday, 10 30 a m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
	Monday, Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 5 00 p.m.	COUNCIL/MANAGER DINNER - Randolph Junior High School, 4400 Water Oak Rd
	Monday, 7 00 p m.	CITIZENS HEARING - Randolph Junior High School, 4400 Water Oak Rd.
	Monday, 7:30 p m.	CITY COUNCIL MEETING (Public Hearing on 1986-87 Budget) - Randolph Junior High School, 4400 Water Oak Rd
10	Tuesday, 9 00 a m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 2 00 p m	PUBLIC REVIEW OF AIRPORT MASTER PLAN - Charlotte/Douglas International Airport, Terminal Bldg., 3rd Floor Conference Room
	Tuesday, 4 00 p m	BUDGET WORKSHOP - City Hall Annex, Training Center
	Tuesday, 5 30 p m.	AIRPORT MASTER PLAN COMMITTEE/Dinner Meeting - Charlotte/Douglas International Airport, Conference Room
	Tuesday, 7 00 p.m.	PUBLIC HEARING (Proposed Amendments and Fees for the City of Charlotte Soil Erosion and Sedimentation Control Ordinance) - Cameron-Brown Bldg , Engineering Dept , 4th Floor Conference Room
	Tuesday, 8 00 p m.	PUBLIC MEETING ON AIRPORT MASTER PLAN - West Mecklenburg High School Auditorium, 7400 Tuckaseegee Rd.

(Continued on Back)

THE WEEK OF JUNE 8 - JUNE 14 (Continued)

11	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 9 30 a m.	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 7 30 p m.	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
12	Thursday, 7 00 p m	PUBLIC HEARING ON ANNEXATION - Education Center, Board Room
13	Friday, 7 30 a.m.	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room

THE WEEK OF JUNE 15 - JUNE 21

16	Monday, 5 00 p.m	COUNCIL/MANAGER DINNER (Presentation by Citizens Cable Advisory Committee) - Education Center, Rooms 237 - 239
	Monday, 6 00 p.m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, 4th Floor Board Room
18	Wednesday, 8 00 a.m.	PLANNING COMMISSION - Cameron-Brown Bldg., 1st Floor Conference Room
	Wednesday, 1 00 p m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Bloulevard
	Wednesday, 2 00 p m.	TECHNICAL COORDINTING COMMITTEE - City Hall Annex, Dept of Transportation Conference Room
	Wednesday, 4.00 p m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE (Reviewing Citizens Cable Advisory Committee Report - City Hall, 3rd Floor Conference Room
	Wedneday, 7 00 p.m.	METROPOLITAN PLANNING ORGANIZATION - City Hall Annex, Dept of Transporation Conferene Room
19	Thursday	MAYORS' DAY - North Carolina League of Municipalities, Raleigh, N.C.
	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 4 00 p m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 7 30 p m	CHARLOTTE TREE COMMISSION - Park Operations Conference Room, 700 Tuckaseegee Road

THE WEEK OF JUNE 22 - JUNE 28

23	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2.00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING (FY87 Budget Adoption) - City Hall, Council Chamber
	Monday, 4 00 p m	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 4.30 p.m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - Alexander St. Center, 910 N Alexander Street
24	Tuesday, 8 00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	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
26	Thursday, 7 30 a m.	PLANNING COMMISSION/Ordinance Revision Advisory Task Force - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 3 00 p m	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - Mecklenburg County Police Dept , Emergency Operations Center, 618 N. College St.
	Thursday, 3 30 p m.	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - Metrolina Independent Living Center, 1012 South Kings Drive, Suite G-2
27	Friday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room

These organizations will <u>not</u> meet in May
- Advisory Energy Commission
- Community Relations Committee
- Insurance & Risk Management Agency

FORMAL

Charlotte

CITY COUNCIL AGENDA
Monday, June 16, 1986

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

Presentation - Citizens Advisory Committee on Cable Television Refranchising

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

ITEM NO.

1. Invocation by The Reverend Joe Burnette, First Baptist Church.

PUBLIC HEARINGS

2. Hearing to consider designation of the William Henry Belk House, (specifically the exterior, interior and the actual ground upon which the house sits) located at 200 Hawthorne Lane as historic property.

The Historic Properties Commission bases its judgement on the following considerations:

1. The house completed in late 1924 or early 1925, was the home of William Henry Belk, a merchant and philanthropist of local regional importance.

2. The architect of the house was Charles Christian Hook, an architect of local and regional importance, who specialized in the Colonial Revival-Classical Revival tradition of which this house is a striking example.

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 Q. Patterson
Minette Conrad Trosch
Richard Vinroot
Velva W. Woollen

3. The house is one of the few mansions which survives on Hawthorne Lane, which was once an elegant residential street in Elizabeth, one of Charlotte's oldest suburbs.

The property is tax exempt.

The property owner has not responded to a letter requesting support for designation, and it is assumed that there are no objections. The Department Review Process revealed no conflicts between the historic designation and City projects.

Recommend adoption of an ordinance designating the William Henry Belk House, (the exterior and interior of the house, and the actual ground upon which the house sits) located at 200 Hawthorne Lane, as historic property.

Attachment No. 1

3. Hearing to consider designation of the Scott-Hoke House, (specifically the exterior, interior and the entire lot upon which the house sits) located at 1717 Cleveland Avenue as historic property.

The Historic Properties Commission bases its judgement on the following considerations:

1. It is among the last houses of the Queen Anne style of architecture to be erected in Charlotte.

2. It is one of the oldest residences surviving in Dilworth, Charlotte's initial streetcar suburb.

3. It has associative ties with individuals of local prominence.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $281.77.

The property owner fully supports the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects.

Recommend adoption of an ordinance designating the Scott-Hoke House (the exterior and interior of the house and the entire lot upon which the house sits) located at 1717 Cleveland Avenue, as historic property.

Attachment No. 2

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

This petition was deferred at the May 19, 1986 meeting.

Attachment No. 3-A

5. Hearing 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, to bring City standards into line with County standards for the same districts.

Attachment No. 3-B

6. Hearing on Petition No. 86-65 by Charlotte-Mecklenburg Planning Commission, for a change in zoning from I-2 to BD for a 9 acre tract located between Pineville Road and the Southern Railroad from just north of Old Pineville Road to the City Limits, to comply with the Sterling Special Project Plan.

Attachment No. 3-C

7. Hearing on Petition No. 86-66 by Charlotte-Mecklenburg Planning Commission, for a change in zoning from I-1 (Part 1) and from I-2 (Part 2) to R-15MF for approximately 23 acres located at the end of Sterling Lane adjacent to Kings Branch, to comply with the Sterling Special Project Plan.

Attachment No. 3-D

8. Hearing 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, to comply with the Sterling Special Project Plan.

Attachment No. 3-E

9. Hearing on Petition No. 86-68 by 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.

Attachment No. 3-F

10. Hearing 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.

Attachment No. 3-G

11. Hearing on Petition No. 86-70 by Fairfax Properties, for a change in zoning from R-6MF to I-1(CD) for a 53.3± acre site located on the southeast side of Morris Field Drive, east of Billy Graham Parkway.

Attachment No. 3-H

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

Attachment No. 3-I

13. Hearing on Petition No. 86-72 by SLAG Realty, for a change in zoning from R-6MF to O-6 for approximately 27,747 square feet located on the corner of Central Avenue and Medallion Drive.

Attachment No. 3-J

14. Hearing on Petition No. 86-73 by John Crosland & Associates, Inc. for a change in zoning from B-1(SCD) to B-1(SCD) Site Plan Amendment for a 4.86 acre site located at 4100 Carmel Road.

Attachment No. 3-K

15. Hearing on Petition No. 86-75 by Charlotte-Mecklenburg Planning Commission, for a text amendment to the Zoning Appendix, Section 3053.2, relating to outside open markets on private or public property.

Attachment No. 3-L

POLICY AGENDA

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

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

Attachment No. 4-M

17. Decision on Petition No. 85-67 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and B-1 to R-12MF for a 44.12 acre site that fronts on York Road directly across from the York Road Landfill site.

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 vote resulted in a tie, therefore no recommendation is transmitted, but a summary of both viewpoints is provided.

Attachment No. 4-N

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

The Planning Commission recommends that the petition be approved.

Attachment No. 4-O

19. Decision on Petition No. 86-35 by the Charlotte-Mecklenburg Planning Commission for text amendments to the City of Charlotte Zoning Ordinance, Section No. 3045.2 and 3065.3 to change the development standards for multifamily development in office business districts.

The Planning Commission recommends that the text amendment be approved.

Attachment No. 4-P

20. Decision on Petition No. 86-36 by the Charlotte-Mecklenburg Planning Commission, for a text amendment to the City of Charlotte Zoning Ordinance, Section No. 3053.7, to delete the regulations for temporary decorative signs which will now be regulated in another part of the City Code.

The Planning Commission recommends that the text amendment be approved.

Attachment No. 4-Q

21. Decision on Petition No. 86-38 by Tuckaseegee Road Community Organization, for a change in zoning from R-9MF to R-12 for a 10.14 acre site located on Toddville Road, north of its intersection with Tuckaseegee Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-R

22. Decision on Petition No. 86-47 by Ed Sadler for a change in zoning from R-12 to R-15MF(CD) for a 43.2 acre site located between I-85 and Tuckaseegee Road, south of West Mecklenburg High School.

The Planning Commission recommends that the petition be denied.

Attachment No. 4-S

23. Decision on Petition No. 86-48 by Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from R9-MF to R-9 for a 128 acre site located south of Cinderella Road and east of West Sugar Creek Road; Part 2 from R-9MF to R-15MF for a 30 acre site located in the general vicinity of Hershey Street, Burroughs Street and Lambeth Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-T

24. Decision on Petition No. 86-51 by the Charlotte-Mecklenburg Hospital Authority for a change in zoning from O-6 to R-6MF for a .422± acre site located at the southwest corner of Romany Road and Kenilworth Avenue.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-U

25 Recommend adoption of a resolution calling for public hearings on Monday, July 21, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petitions No. 86-76 through 86-84 for zoning changes.

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- SCHEDULE OF MEETINGS -
June 16 - 20, 1986

Monday, June 16	COUNCIL/MANAGER DINNER Presentation - Citizens Advisory Committee on Cable Television Refranchising Rooms 237-239	5·00 p. m.
	ZONING HEARINGS & DECISIONS Board Room, Education Center	6:00 p. m.
Tuesday, June 17	MAJOR SPECIAL USE PERMIT HEARING Council Chamber, City Hall	4.00 p. m.
Wednesday, June 18	PLANNING & PUBLIC WORKS COMMITTEE 3rd Floor Conference Room City Hall	4:00 p. m.
Thursday, June 19	MAYORS' DAY Civic Center - Raleigh N. C. (registration begins 12·30 p. m.)	2:30 p. m. - 7:30 p. m.

#1

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "WILLIAM HENRY BELK HOUSE" (THE EXTERIOR OF THE HOUSE, THE INTERIOR OF THE HOUSE, AND THE ACTUAL GROUND UPON WHICH THE HOUSE SITS) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 200 HAWTHORNE LANE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 127-038-01 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the day of , 19 , on the question of designating a property known as the "William Henry Belk House" as historic property; and

WHEREAS, the "William Henry Belk House", completed in late 1924 or early 1925, was the home of William Henry Belk, a merchant and philanthropist of local and regional importance; and

WHEREAS, the architect of the "William Henry Belk House" was C. C. Hook, an architect of local and regional importance, who specialized in the Colonial Revival-Classical Revival tradition, of which the "William Henry Belk House" is a striking example; and

WHEREAS, the "William Henry Belk House" is one of the few mansions which survive on Hawthorne Lane, which was once an

elegant residential street in Elizabeth, one of Charlotte's oldest suburbs; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "William Henry Belk House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "William Henry Belk House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "William Henry Belk House" is vested in fee simple to the Presbyterian Hospital.

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

1. That the property known as the "William Henry Belk House" (the exterior of the house, the interior of the house, and the actual ground upon which the house sits) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location

of said property is noted as being situated at 200 Hawthorne Lane, Charlotte, North Carolina, and recorded on Tax Parcel Number 127-038-01 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergencyrepairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition.

Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

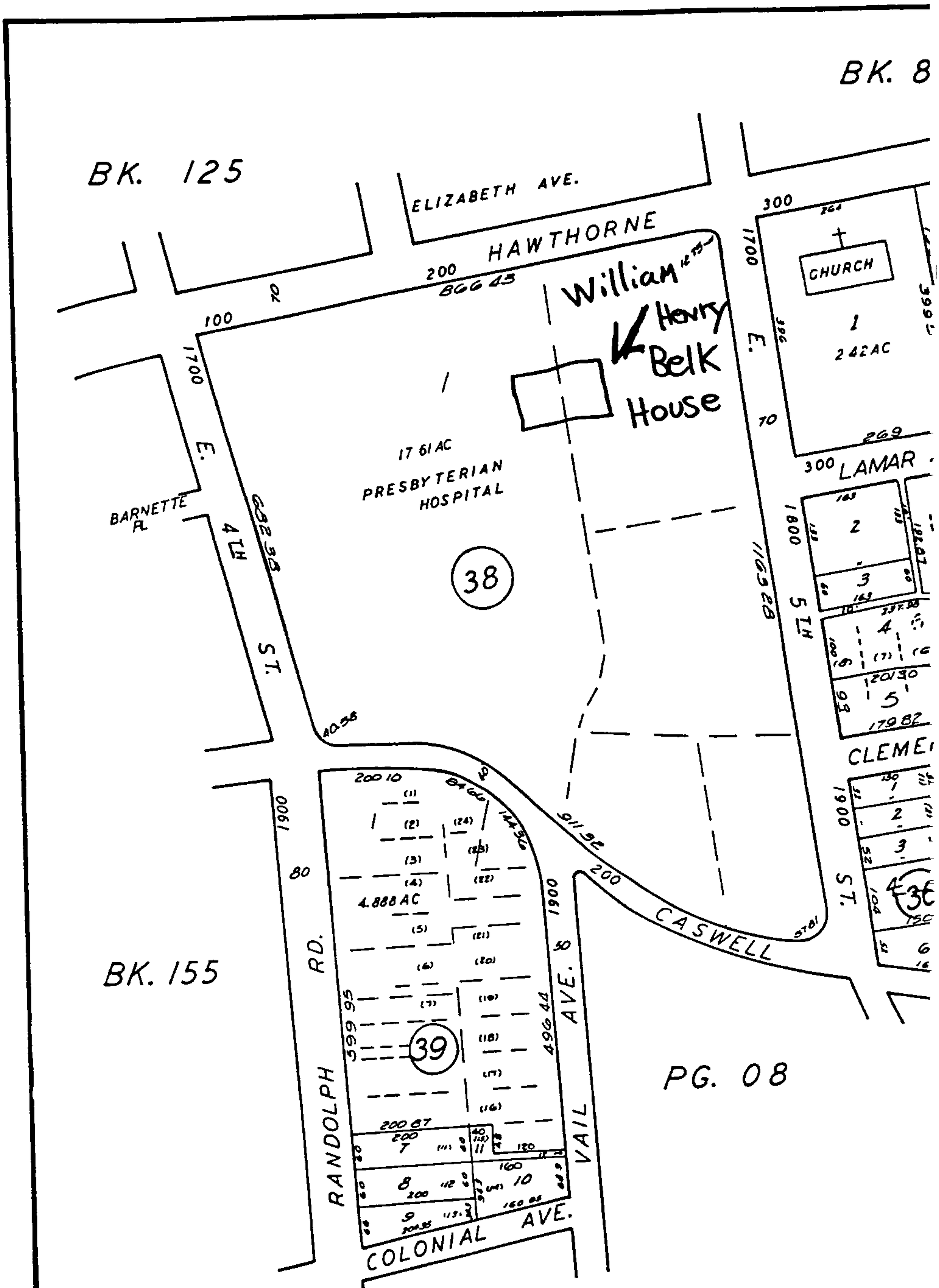
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "William Henry Belk House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds,and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney


BK. 8
BK. 125
ELIZABETH AVE.
HAWTHORNE
William Henry Belk House
CHURCH
1
2.42 AC
17.61 AC
PRESBYTERIAN HOSPITAL
38
LAMAR
2
3
4
5
CLEME
BARNETTE PL
4TH ST.
5TH ST.
CASWELL
4.888 AC
39
RANDOLPH RD.
VAIL AVE.
COLONIAL AVE.
BK. 155
PG. 08

#2

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "SCOTT-HOKE HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE AND THE ENTIRE LOT UPON WHICH THE HOUSE IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1717 CLEVELAND AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 123-075-21 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the day of , 19 , on the question of designating a property known as the "Scott-Hoke House" as historic property; and

WHEREAS, the "Scott-Hoke House", erected in 1900-01, is one of the finest local examples of the Queen Anne style of architecture; and

WHEREAS, the "Scott-Hoke House" is one of the oldest houses in Dilworth, Charlotte's initial streetcar suburb; and

WHEREAS, the "Scott-Hoke House" is an especially well preserved example of early Dilworth architecture; and

WHEREAS, the "Scott-Hoke House" has been owned by locally prominent individuals; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the

"Scott-Hoke House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Scott-Hoke House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Scott-Hoke House" is vested in fee simple to Mrs. Erma R. Hoke.

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

1. That the property known as the "Scott-Hoke House" (the exterior and the interior of the house and the entire lot upon which the house is located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1717 Cleveland Avenue, Charlotte, North Carolina, and recorded on Tax Parcel Number 123-075-21 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the

Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the

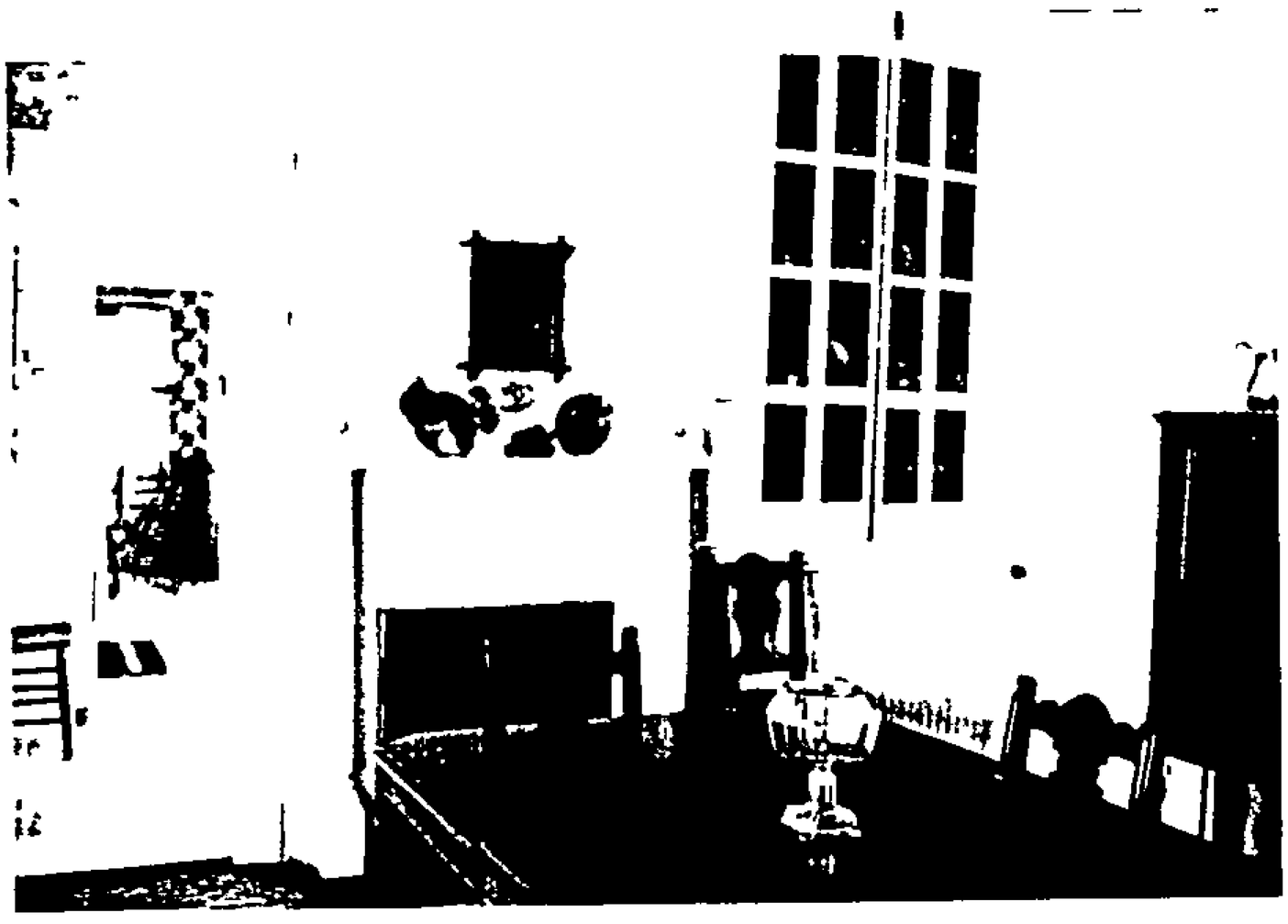
sign may be placed on said property.

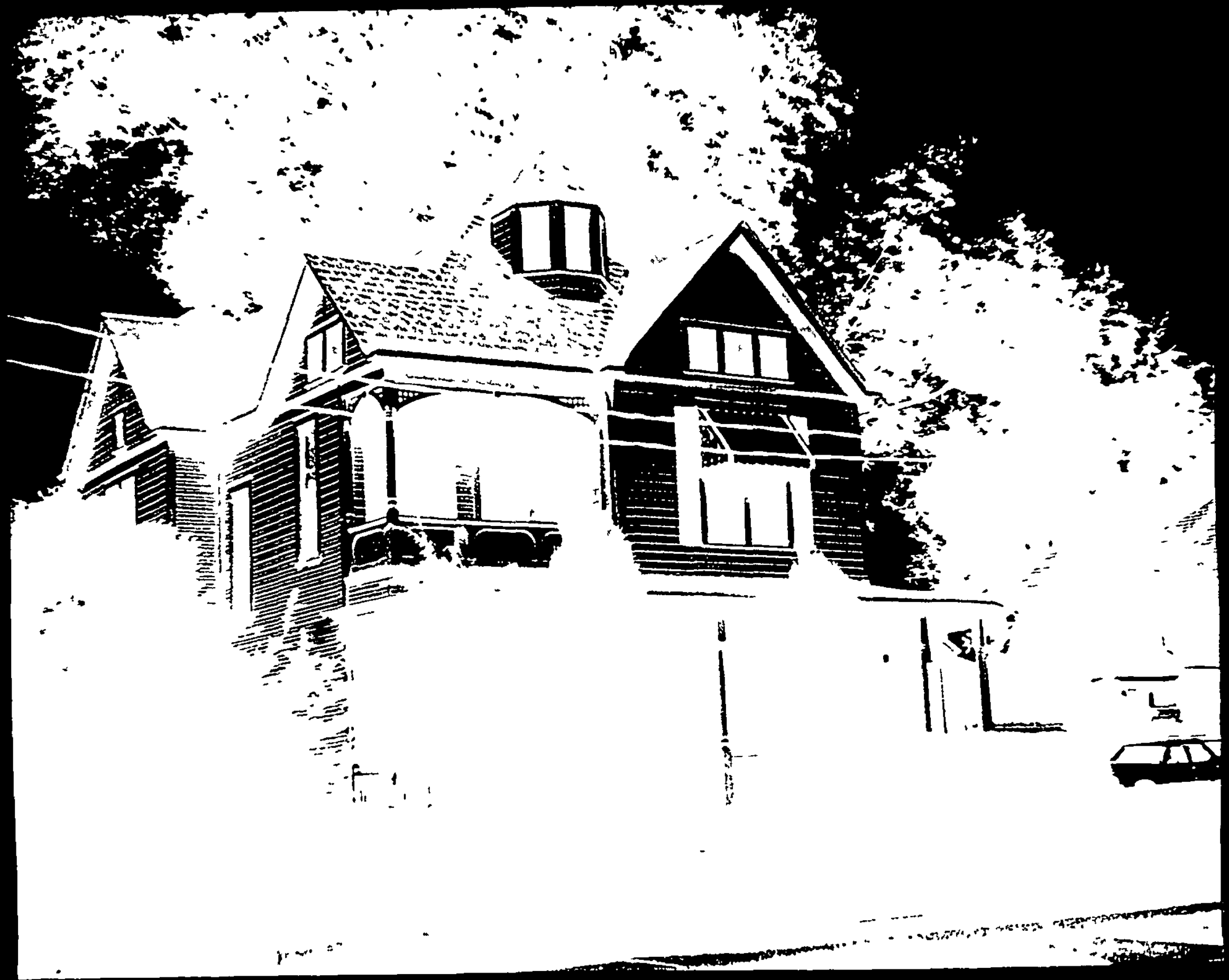
5. That the owners and occupants of the property known as the "Scott-Hoke House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

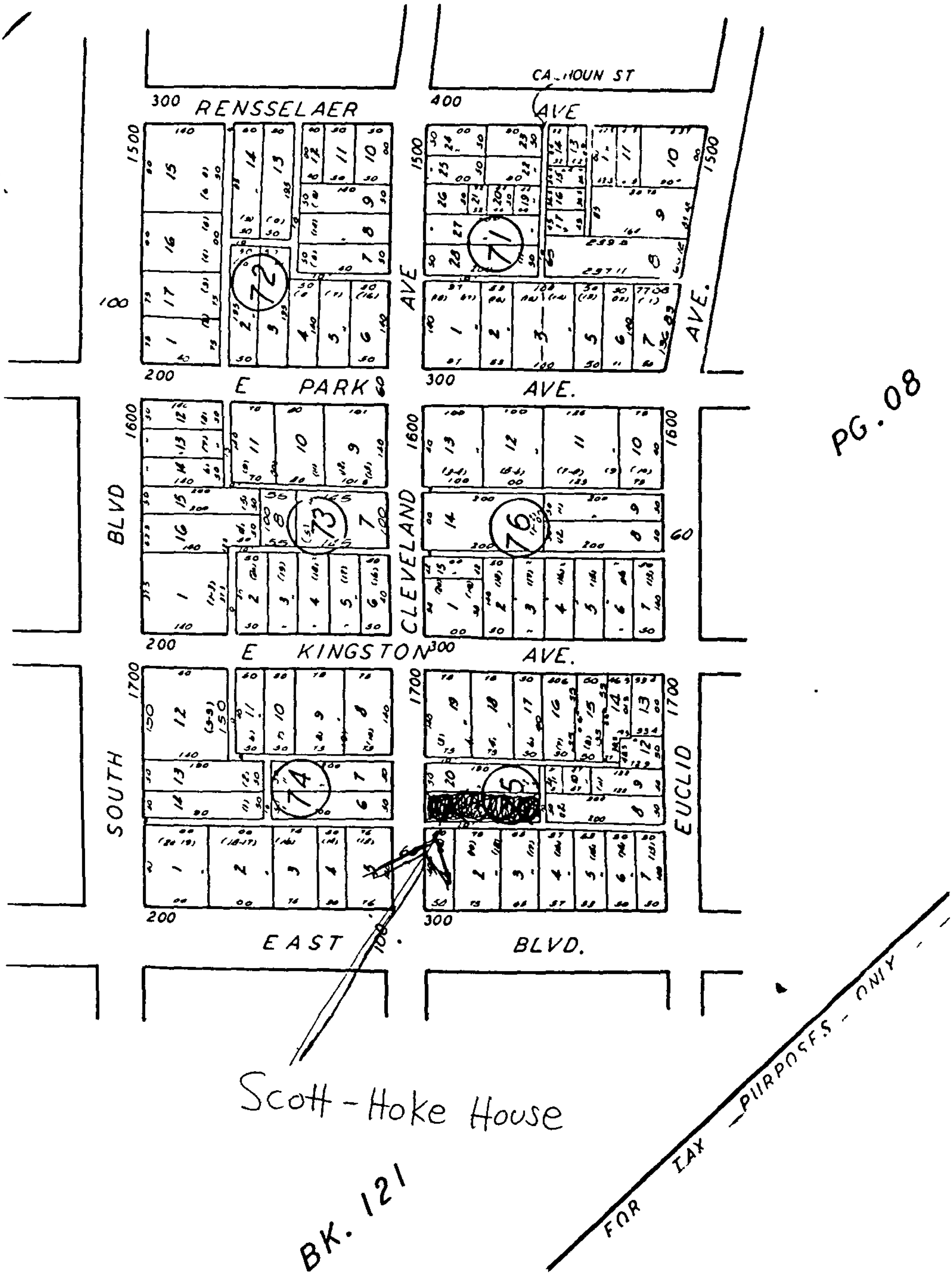
Approved as to form:

Henry W. Underhill Jr.
City Attorney





Page 6



Scott-Hoke House

BK. 121

PG. 008

#3

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 15, 1986

Mayor and City Council:

RE: Rezoning Petitions to be Heard in June, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearings on June 2, 1986 at 6:00 o'clock P.M., Sedgefield Junior High School, 2700 Dorchester Place and on June 16, 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.

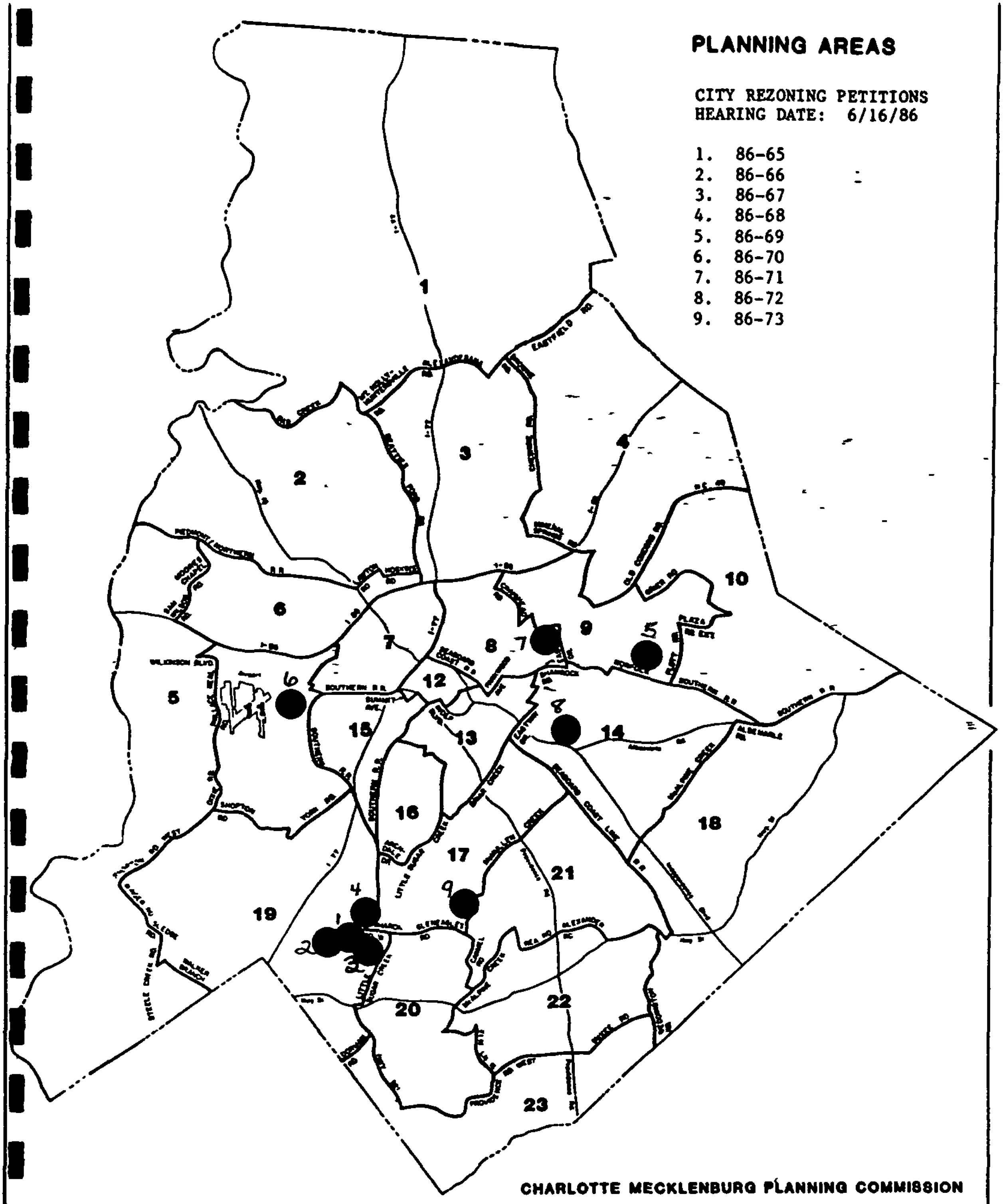
Sincerely,

Robert G. Young
Land Development Manager

RGY:oj

Attachments

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

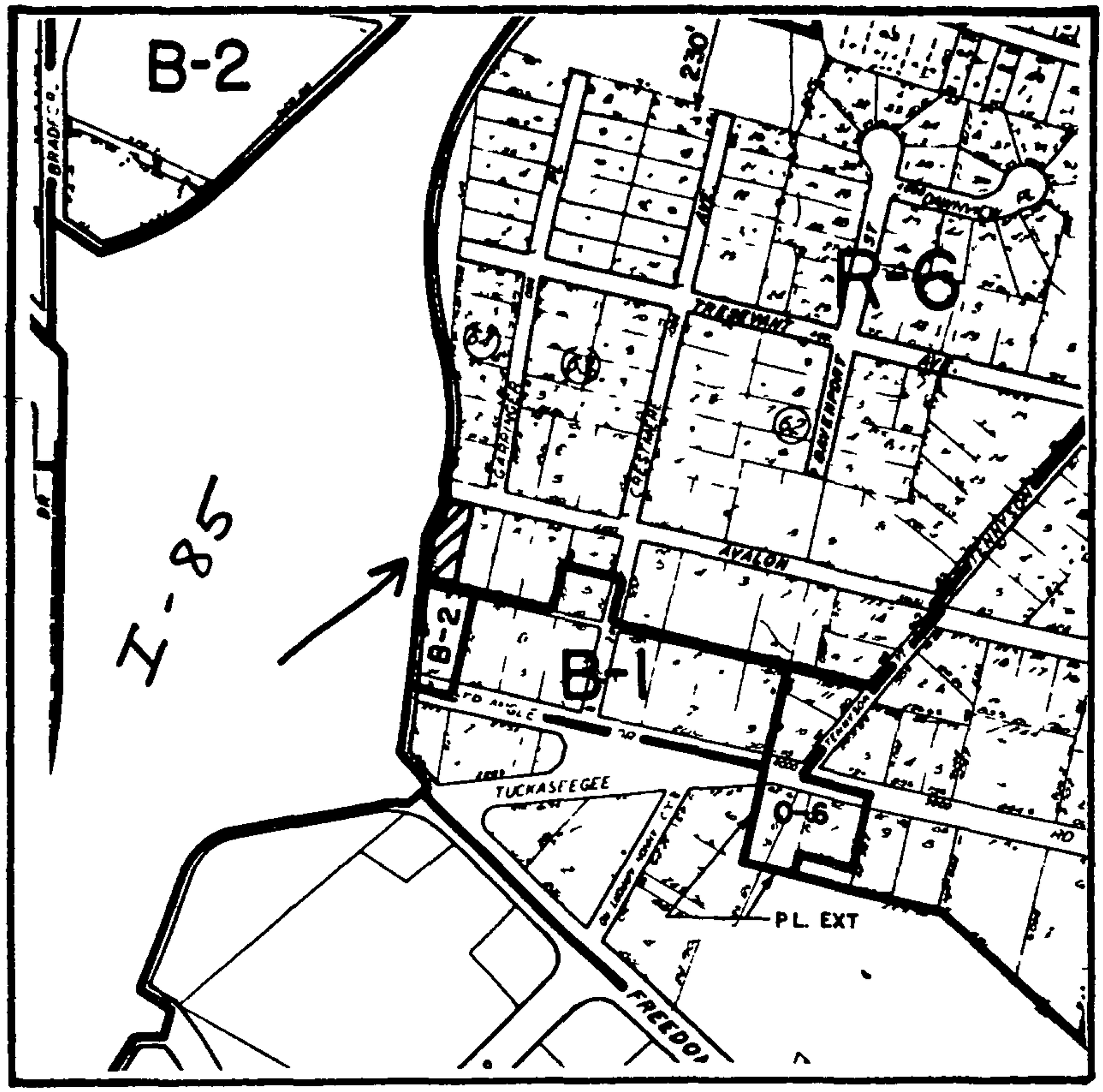

PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE: 6/16/86
1. 86-65
2. 86-66
3. 86-67
4. 86-68
5. 86-69
6. 86-70
7. 86-71
8. 86-72
9. 86-73
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1986

PETITIONER Tommy L. Helms and Joe G. Clark

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

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-2

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



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-53
Date Filed 4/1/86
Received By DJS
OFFICE USE ONLY

Ownership Information

Property Owner TOMMY L. HELMS and JOE G. CLARK

Owner's Address 3131 Tuckaseegee Road, Charlotte, N. C. 28208

Date Property Acquired June 8, 1983

Deed Reference Deed Book 4673, Page 911 Tax Parcel Number 065-033-10

Location Of Property (address or description) 4131 Avalon Avenue, Charlotte, N. C.

Description Of Property

Size (Sq Ft -Acres) 11446, sq. ft. Street Frontage (ft) 50.72 feet

Current Land Use One single family unit

Zoning Request

Existing Zoning R-6 Requested Zoning B-2

Purpose of zoning change To make more appropriate use of this parcel which abuts I-85 and is unsuitable for residential use. The adjoining properties have already been rezoned for business use, and the highest and best use of the property is for business purposes.

Name of Agent
H. PARKS HELMS

Agent's Address Hamel, Helms, Cannon, Hamel & Pearce
2300 First Union Plaza
Charlotte, N. C. 28282

Telephone Number
(704) 372-4884

Name of Petitioner(s)
TOMMY L. HELMS and
JOE G. CLARK

Address of Petitioner(s)
3131 Tuckaseegee Road
Charlotte, N. C. 28208

Telephone Number
(704)

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-53

Petitioner: Tommy L. Helms and Joe G. Clark

Location: An 11,446 square foot site located at 4131 Avalon Avenue.

Request: Change from R-6 to B-2.

ISSUES:

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

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

BACKGROUND:

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

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

GENERAL FINDINGS

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

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

3. Pre-Hearing Departmental Comments (Summary)

   1. Fire Department. No comment.

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

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

4. Building Standards. No comment.

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

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

DETAILED FINDINGS:

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

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

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

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

5 Further, the request is unconditional in nature and a wide variety of potential business uses could result here including many which could be harmful in terms of noise, lights, traffic, etc A billboard would also be possible under this requested zoning classification Even if a conditional approach were involved and one is not advised here, staff would nonetheless not favor this request

6. There are improvements planned to I-85, but in the case of the Tuckaseegee Road and Freedom Drive improvements, all of those would take place within the existing right-of-way according to preliminary designs. There would be no impact on the site involved in this request Thus the property's existing relationship to I-85 will be the same as in the future. The property seems well suited under its current zoning and should not be rezoned as requested in this case.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 86-64
Date Filed 5/1/86
Received By DFS

OFFICE USE ONLY

Section No.' 3020: Research Districts & 3128: Country Clubs, etc.
(Title)

Purpose of Change

To update the Research district regulations and to bring the City standards into line with County standards for the same districts. This change is needed at this time so that land which is zoned in a Research classification and which is being considered for annexation will be covered by the same basic regulations as are presently in force. The amendment to 3128 is a minor technical amendment which is needed to allow some of the same uses as are allowed by County standards.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)
301 S. McDowell St. - 28204
Address of Petitioner(s)
336-2205
Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 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 Hygienists 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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-65
Date Filed 5/1/86
Received By DJS
OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired: N/A

Deed Reference: See attached list

Tax Parcel Number: See attached list

Location Of Property (address or description)

See attached Description

Description Of Property

Size (Sq Ft -Acres): 9 acres

Street Frontage (ft):

Current Land Use: vacant, wholesale trade

Zoning Request

Existing Zoning: I-2

Requested Zoning: BD

Purpose of zoning change: To comply with the Sterling Small Project Plan

Name of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

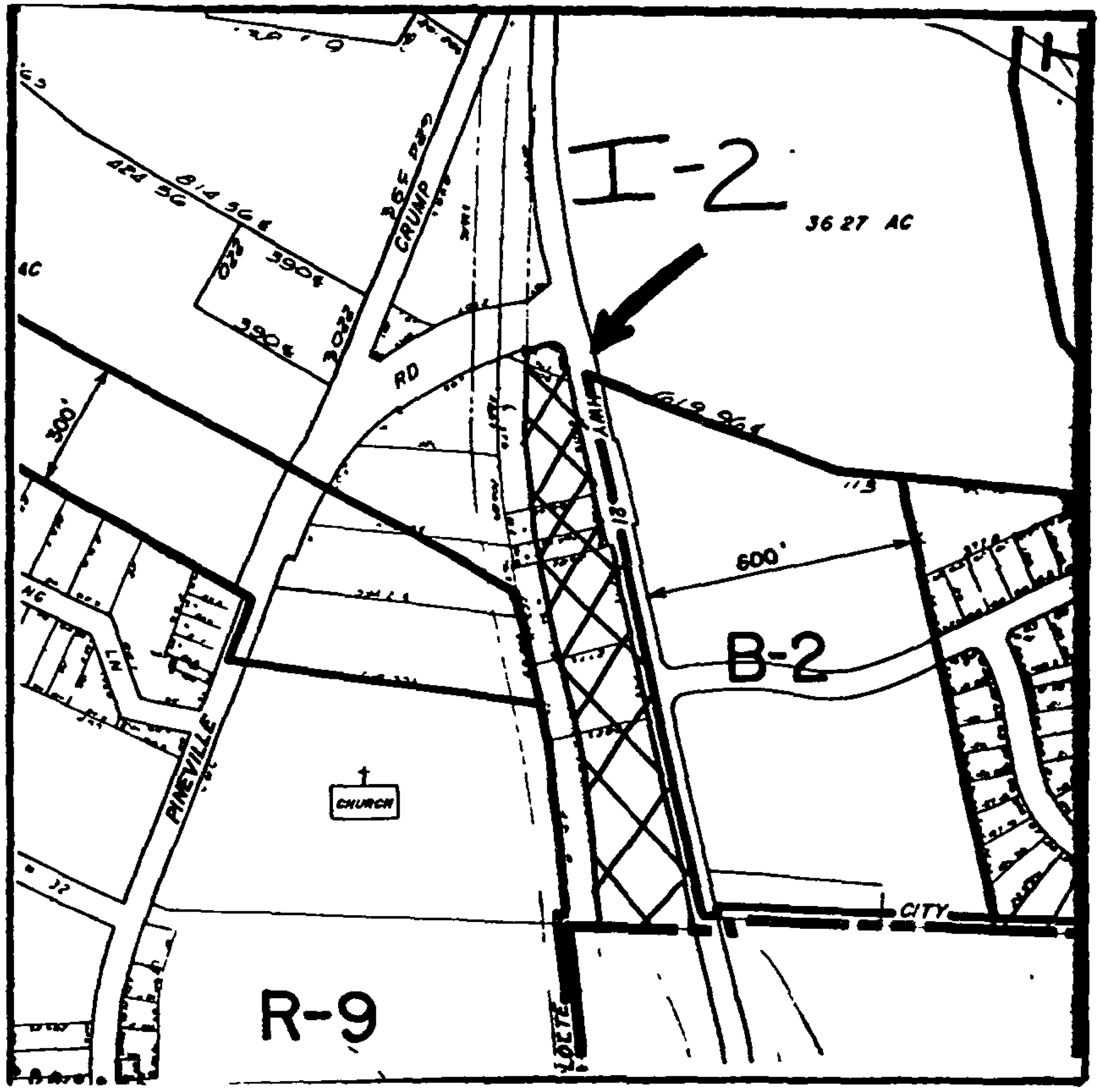
Signature of Property Owner If Other Than Petitioner

PETITIONER Charlotte Mecklenburg Planning Commission

PETITION NO. 86-65 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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-66
Date Filed 5/1/86
Received By DLS
OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired: N/A

Deed Reference: See attached list

Tax Parcel Number: See attached list

Location Of Property (address or description): See attached list

Description Of Property

Size (Sq Ft -Acres): 23.340 acres

Street Frontage (ft.):

Current Land Use: Part 1: Vacant Part 2: Vacant

Zoning Request

Existing Zoning: Part 1: I-1 Part 2: I-2

Requested Zoning: Part 1: R15MF Part 2: R15MF

Purpose of zoning change: To comply with the Sterling Special Project Plan

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

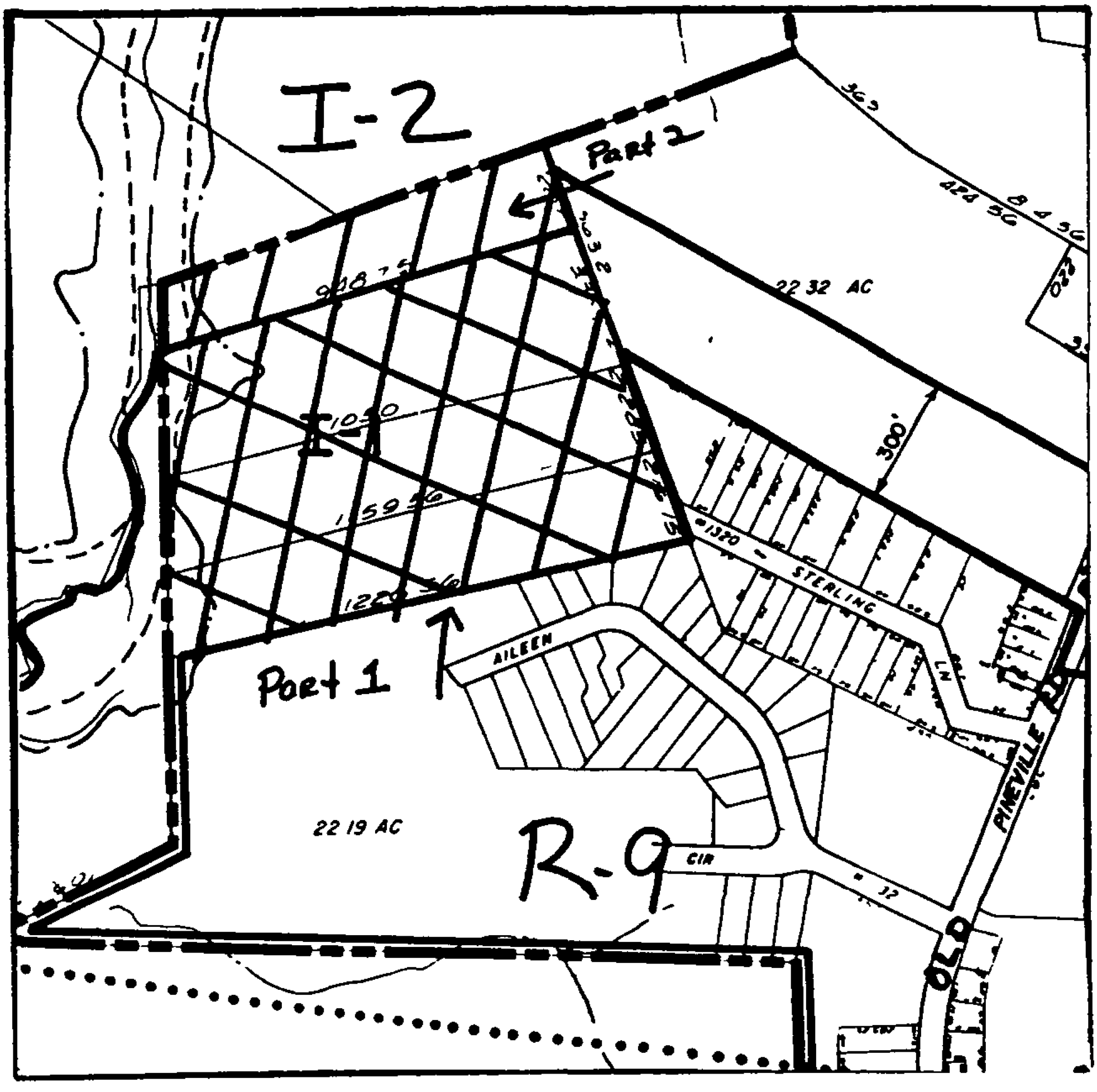
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-66 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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-67
Date Filed 5/1/80
Received By DLS

OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired: N/A

Deed Reference: See attached list

Tax Parcel Number: See attached list

Location Of Property (address or description)

The I-2 section east of Packard Street and north of the proposed Pineville Bypass.

Description Of Property

Size (Sq. Ft.-Acres): 4 acres

Street Frontage (ft.)

Current Land Use: vacant and service

Zoning Request

Existing Zoning: I-2

Requested Zoning: R-9

Purpose of zoning change: to comply with the Sterling Special Project Plan

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

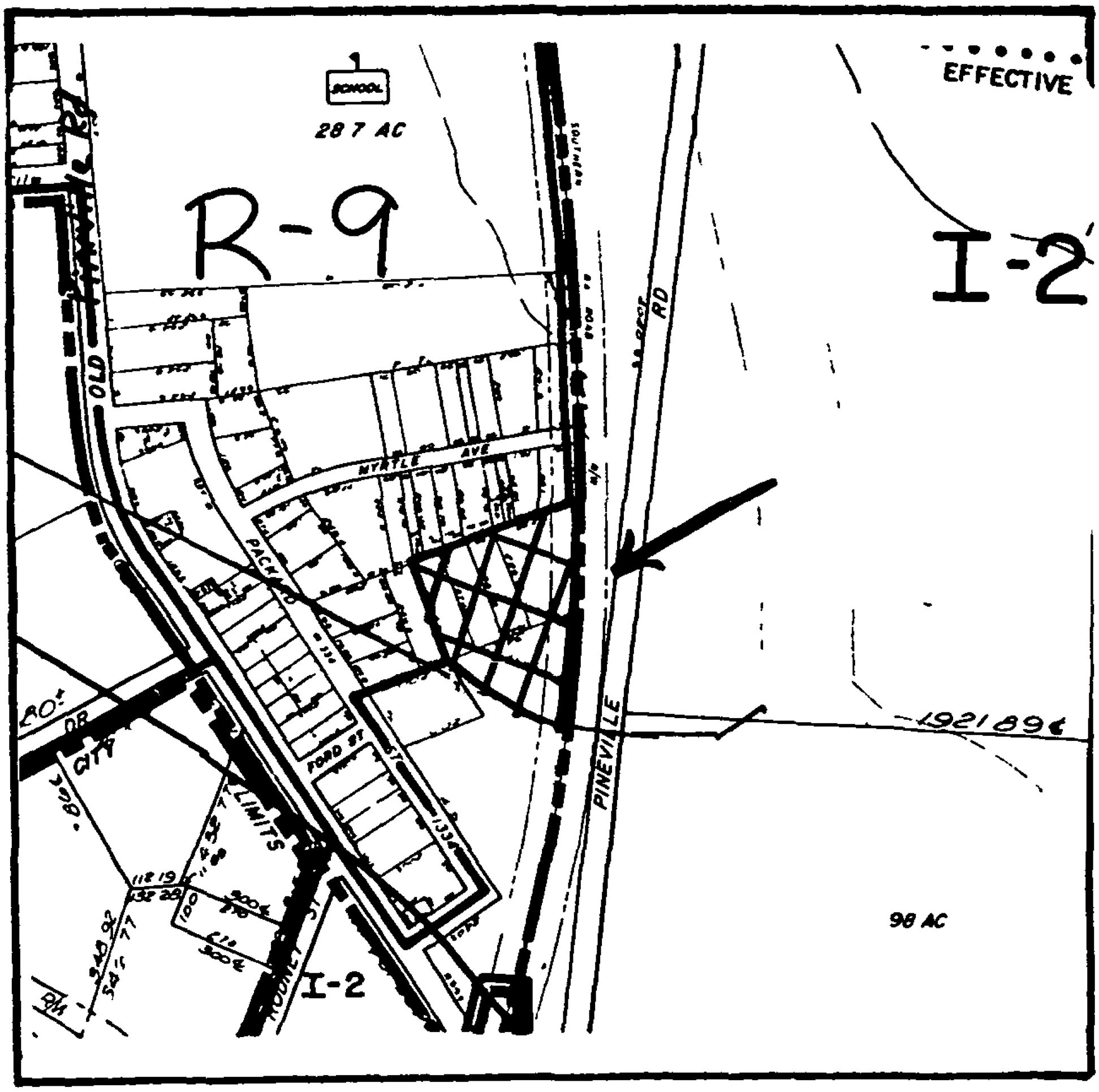
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-67 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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-68
Date Filed 5/1/86
Received By DRS
OFFICE USE ONLY

Ownership Information

Property Owner: Package Products Company, Inc.

Owner's Address: 2635 Century Parkway #900
Atlanta, Georgia 30345

Date Property Acquired: N/A

Deed Reference: 053072 Deed 3187-213 Tax Parcel Number: 205-121-08

Location Of Property (address or description) Located southwest of the intersection of Crump Road and Old Pineville Road

Description Of Property

Size (Sq. Ft -Acres): 1.85 acres (for use as a buffer strip) Street Frontage (ft.)

Current Land Use: Vacant

Zoning Request

Existing Zoning: I-1 & I-2 Requested Zoning: R-9 (100 ft, & 50 ft.buffe

Purpose of zoning change: To comply with the Sterling Special Project Plan

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 South McDowell Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

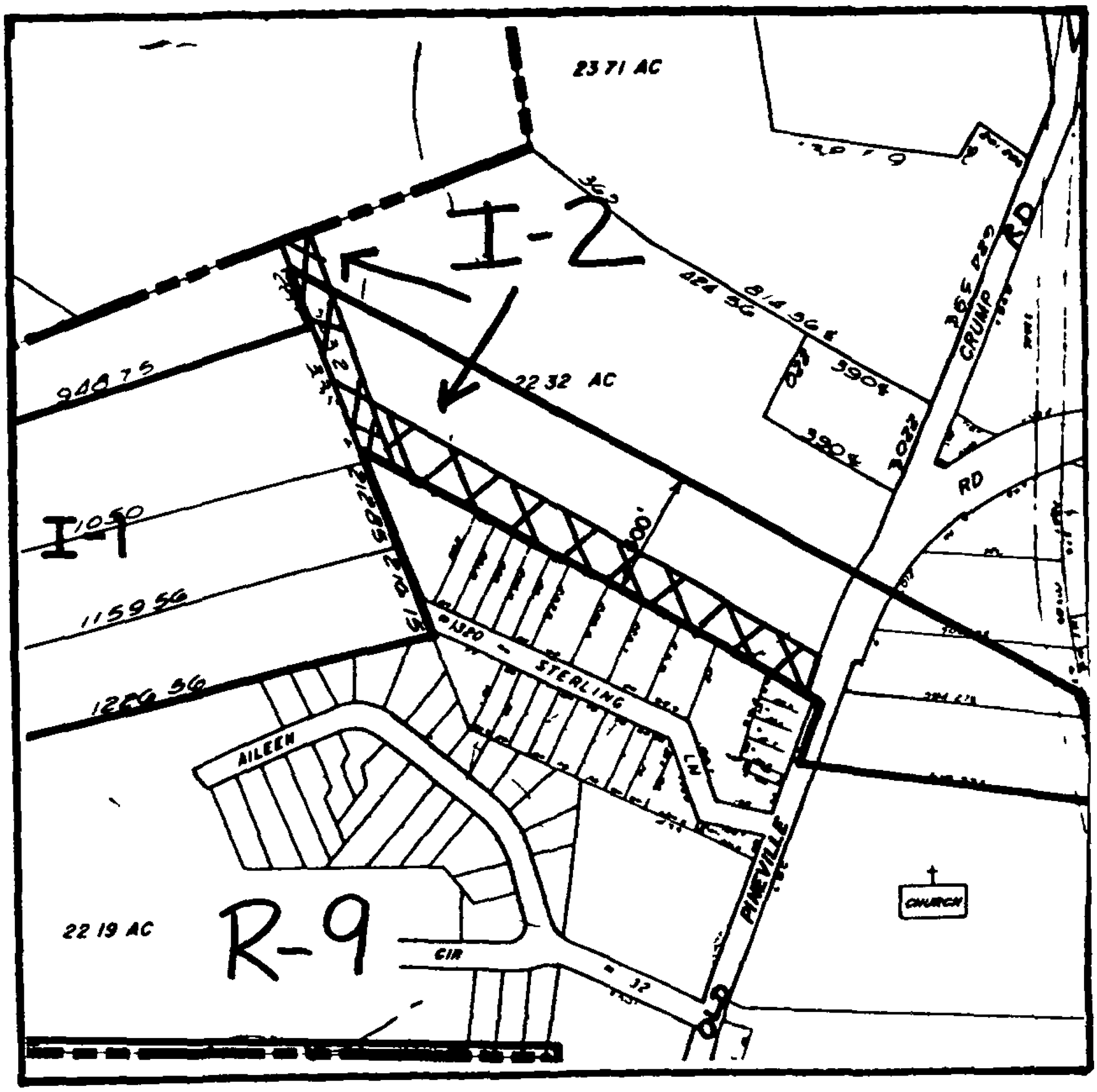
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-68 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'

STERLING REZONING PETITIONS

Petition No. 86-65

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 parcels involved in the petition are vacant but there are a few light industrial/wholesale trade type uses within the petitioned area. 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 separate petition which is located immediately south of the one involved here. 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.

Petition No 86-66

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 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 taken no action on the I-2(CD) petition pending the hearing and recommendation regarding the application in this request.

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

Petition No. 86-67

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 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.

Petition No. 86-68

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.

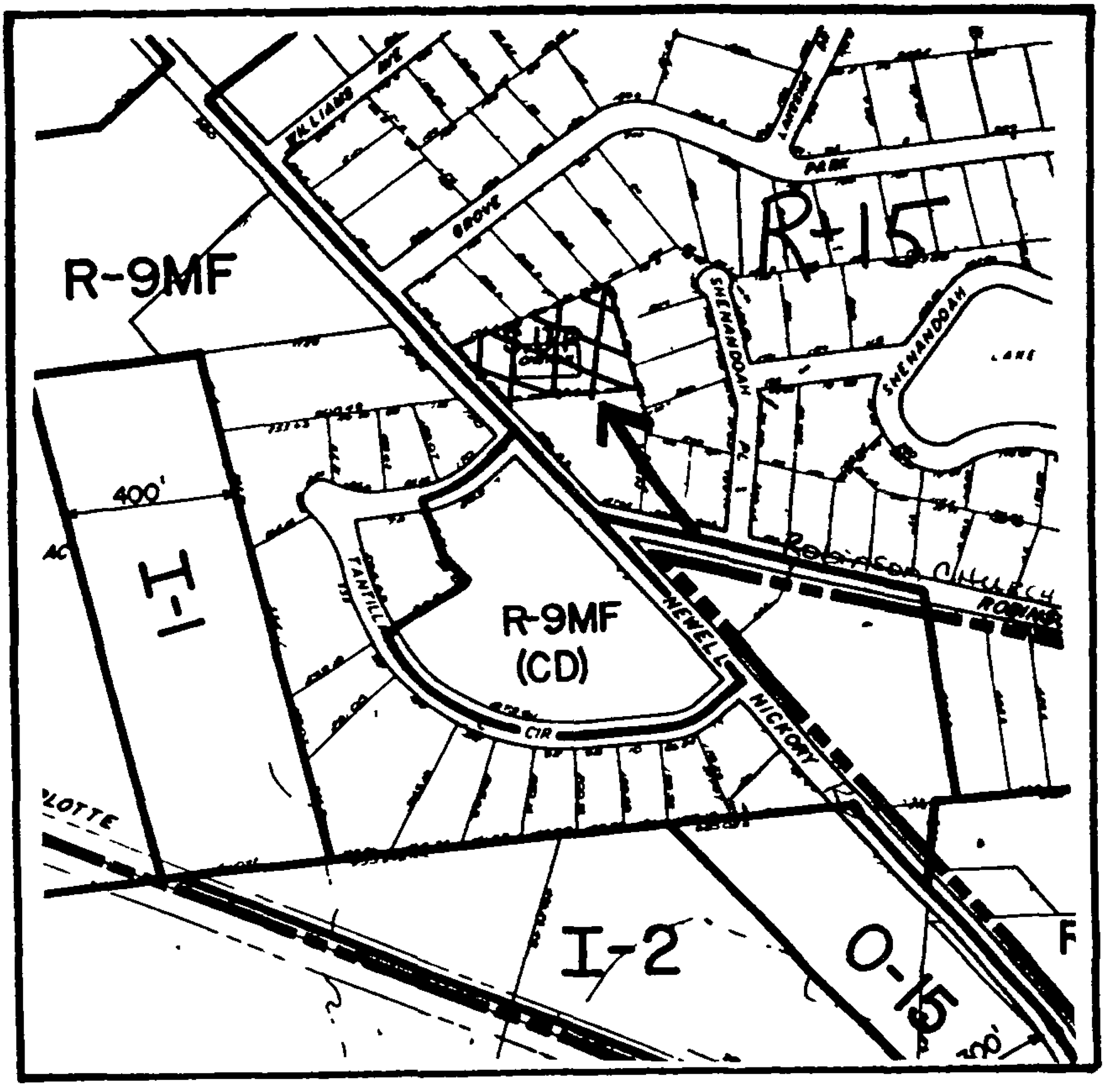
As mentioned above this request is brought forward to public hearing as part of the implementation package of the Sterling Small Area Plan. The intention is to create a buffer which will have a positive effect on the neighborhood and create more of a stablizing effect for this fragil area.

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-69
Date Filed 5/1/86
Received By DRS
OFFICE USE ONLY

Ownership Information

Property Owner Mr. R. N. Blythe, Sr.

Owner's Address 3311 Well Road
Charlotte, NC 28212

Date Property Acquired October 26, 1982

Deed Reference 4590-039 Tax Parcel Number 107-291-01

Location Of Property (address or description) East side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Boulevard

Description Of Property

Size (Sq Ft -Acres) 1.71 acres Street Frontage (ft.) 159.5 feet

Current Land Use Child Development Center

Zoning Request

Existing Zoning R-15 Requested Zoning R-9MF(CD)

Purpose of zoning change To permit the construction of a new building to more adequately meet the community need for child care facilities

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Hickory Grove Child Development Center
Name of Petitioner(s)

7218 Newell-Hickory Grove Road, Charlotte, NC 28215
Address of Petitioner(s)

568-0450
Telephone Number

Signature

R. N. Blythe, Sr.
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-69

Petitioner: Hickory Grove Child Development Center

Location: A 1.7 acre site located on the east side of Newell-Hickory Grove Road between Robinson Church Road and Grove Park Boulevard.

Request: Change from R-15(SUP) to R-9MF(CD).

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.

*Subject to further refinement following public hearing.

PETITIONER Fairfax Properties

PETITION NO. 86-70 HEARING DATE 6/16/86

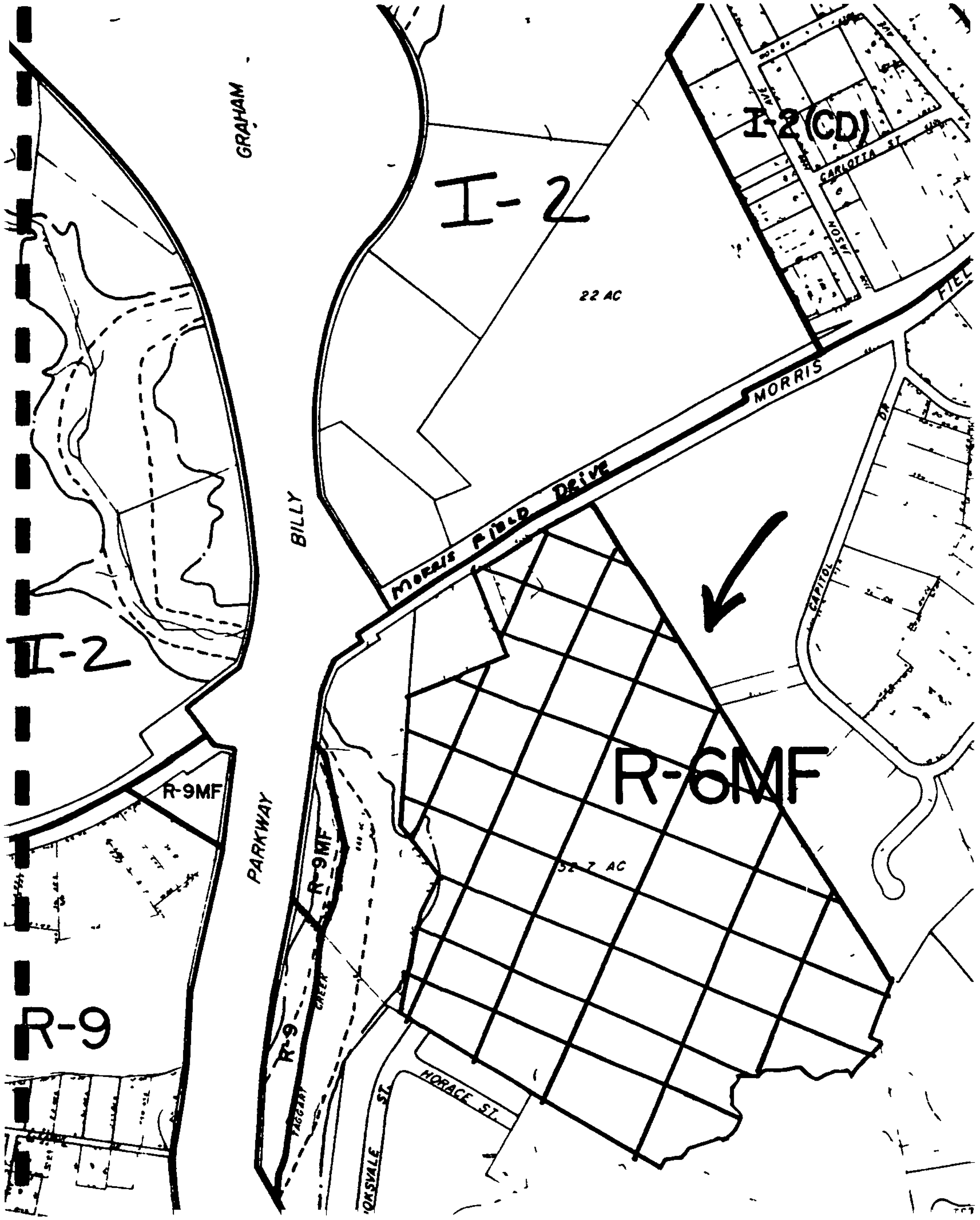
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-1(CD)

LOCATION A 53.3 acre site located on the southeast side of Morris Field Drive east of Billy Graham Parkway

(See Attached Map)

ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


GRAHAM
I-2
I-2 (CD)
CARLOTTA ST
JASON
22 AC
MORRIS
MORRIS FIELD DRIVE
BILLY
CAPITOL
I-2
R-6MF
R-9MF
PARKWAY
R-9MF
R-9
TAGGART CREEK
7 AC
HORACE ST.
R-9

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-70
Date Filed 5/1/86
Received By DLS
OFFICE USE ONLY

Ownership Information

Property Owner Fairfax Properties

Owner's Address 3490 Piedmont Road, NE Suite 1212

Atlanta, GA 30305

Date Property Acquired 115-051-06 (11/20/45) and 115-051-08 (3/25/70)

Deed Reference 1168-273 and 3182-462 Tax Parcel Number 115-051-06, 08

Location Of Property (address or description) Southeast side of Morris Field Drive, east of Billy Graham Parkway

Description Of Property

Size (Sq. Ft -Acres) 53.3 acres ± Street Frontage (ft) 500 feet ±

Current Land Use Vacant

Zoning Request

Existing Zoning R-6MF Requested Zoning I-1(CD)

Purpose of zoning change To allow the development of a carefully planned office and business park facility

Fred E. Bryant, Planner
Name of Agent
1850 E. Third St., Charlotte, NC 28204
Agent's Address
333-1680
Telephone Number

Fairfax Properties
Name of Petitioner(s)
3490 Piedmont Rd., NE Suite 1212
Address of Petitioner(s) Atlanta, GA 30305
(404) 233-9797
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-70

Petitioner: Fairfax Properties

Location: A 53.3 acre site located on the southeast side of Morris Field Drive just east of the Billy Graham Parkway.

Request: Change from R-6MF to I-1(CD).

ISSUES:

1. Relationship to Adjoining Residential Areas. How does this proposal and the details of the site plan relate to adjoining residentially zoned and developed land?

2. Billy Graham Parkway Relationship. Considering the property's location relative to the Billy Graham Parkway, what positive land use and zoning relationships can be established if this request is approved?

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

BACKGROUND:

1. Existing Zoning The subject property is presently zoned R-6MF. Property which lies immediately surrounding is likewise zoned Directly across Morris Field Drive from the site is an area of I-2 zoning and to the northeast of that is an area of I-2(CD) zoning. Land which lies across the Billy Graham Parkway is zoned a combination of I-2 north of Morris Field and R-9 generally to the south of Morris Field Drive.

2. Existing Land Use The petitioned property is undeveloped. Across Morris Field from the site is a large industrial use, the Trane Corporation. Winston Container Company is located diagonally across the Billy Graham Parkway from the site as well Some vacant property adjoins the rezoning property, but other portions of it adjoin residential development which is located off of Capital Drive.

3. Site Plan. The conditional site plan proposes an office/storage project which would total 493,935 square feet. Of that total 342,939 is office space Access into the property is gained by way of driveway connections to Morris Field Drive A 70 foot landscaped area adjoining the northeasterly side of the site will be observed as well as a 140 foot building setback. Other edge treatments of the site are similar. The building setback from Morris Field Drive will be 100 feet

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan identifies the area as existing residential, but also envisions that non-residential development will continue along portions of the Billy Graham Parkway corridor. The plan recommends the preparation of an area plan for West Boulevard to focus on neighborhood conservation and reinvestment strategies.

2 Billy Graham Parkway Study. This property lies outside the study boundaries.

3. Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application. Staff in general had positive comments about the potential request although there were some concerns about the relationship of this project to adjoining residential areas and perhaps the long term effect of other potential zone changes for the area.

4. Pre-Hearing Departmental Comments (Summary).

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

   2 Fire Department. The proposed light industrial use would present a lesser fire risk/potential than the current zoning. Fire Department officials have, however, discussed with the petitioner's agent the potential need for "built-in" fire protection systems in the buildings planned for the site. The potential need for these systems is based upon the water supply capacity of the existing water main in Morris Field Drive.

   3. Engineering Department. No comments except those which are normally associated with the building permit process No additional right-of-way along Morris Field Drive is necessary.

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

5 Neighborhood Context The petitioned property is located in the West Boulevard neighborhood

DETAILED FINDINGS

1 This petition involves a 53 3 acre site located on Morris Field Drive just to the east of the Billy Graham Parkway The current zoning is R-6MF and the petitioner is seeking I-1(CD).

2. In this case the petitioner is planning an office/warehouse project (For further details refer to Background #3)

3. The site is situated within very close proximity to the Morris Field/Billy Graham intersection as well as across from existing I-2 zoning and uses. It seems given these circumstances the potential for light industrial

zoning here has merit. Other land which is generally associated with the Parkway is either currently zoned for non-residential development or in some cases it is anticipated that future office or business park zoning will be established.

4 With regard to the immediately above comment, the site is not located within the study boundaries of the Billy Graham Parkway. However, that plan does recognize the potential for non-residential zoning and development in the form of office and business park development

5. Consequently the Billy Graham corridor is rapidly becoming an employment based area. Public commitments such as the extension of Tyvola Road and the new Coliseum have spurred a tremendous amount of private interest. These developments along with the close proximity to the airport and the easy access afforded by the area's thoroughfares makes the site in question a desirable one for the proposed development.

6. However, there are a few aspects of the conditional site plan which as of the preparation of this material are pause for some concern. Much of the concern deals with matters of interpretation or clarification, but staff does believe that there should be a greater area of protection afforded to the adjoining residential area along the northeasterly side of this property. Currently a 70 foot buffer is established through the plan, but it is believed that at least a 100 foot buffer is more appropriate In addition, the property in question here does not include land which is located adjoining this site at the immediate corner of Morris Field and the Billy Graham Parkway It is anticipated that that land will also be the subject of a rezoning application and perhaps, therefore, the site plan in this case should anticipate that in terms of potential vehicular access or land use relationships.

7 If needed site plan adjustments can be made and/or clarified, staff would endorse the request. It is compatible with overall planning objectives for the area Further, the zoning and land use pattern relationships are appropriate and the approval and implementation of this request is seen as a positive proposal for the development of the area

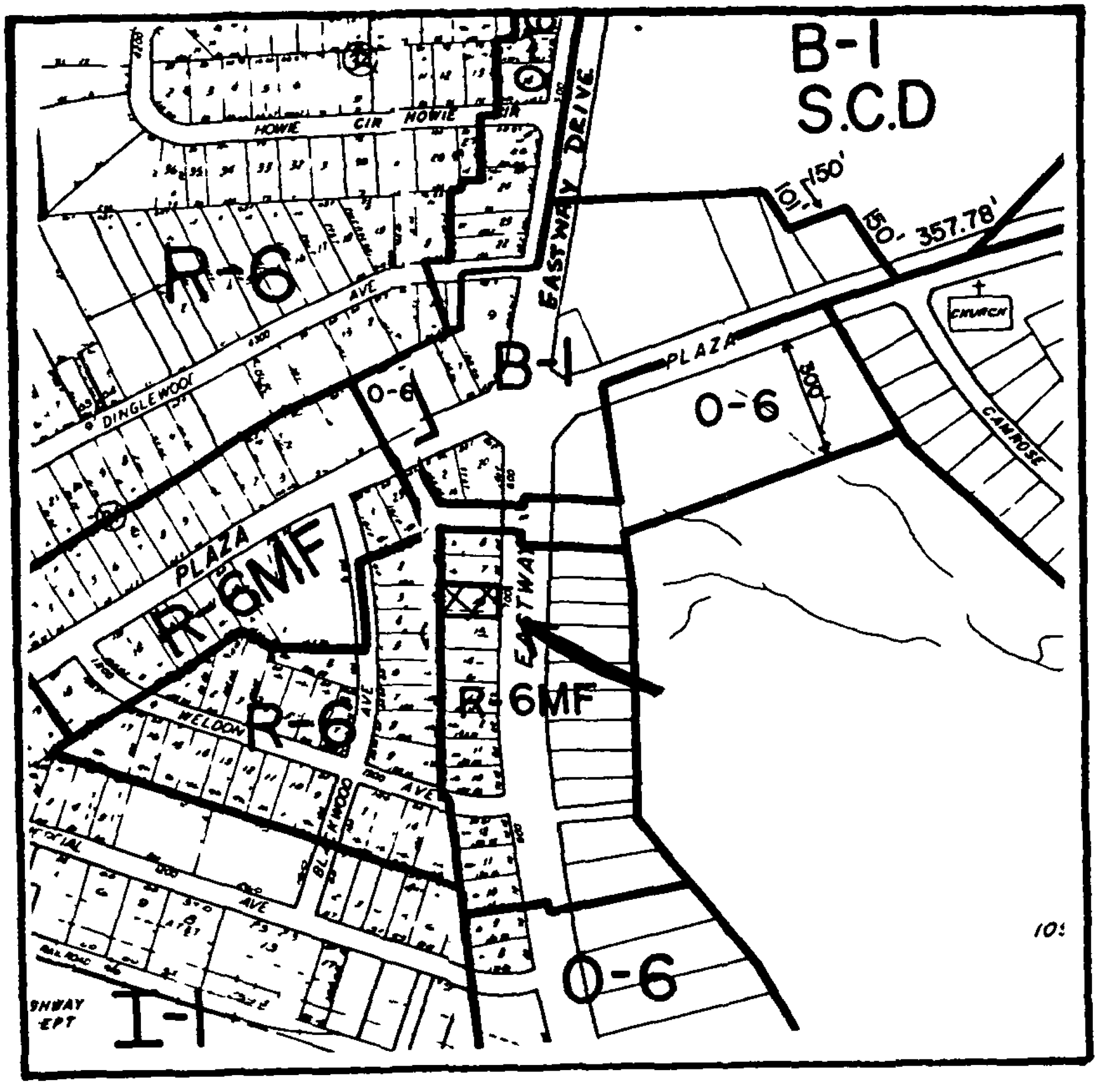
*Subject to further refinement following public hearing

PETITIONER Michael L. Stout

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-71
Date Filed 5/1/86
Received By DRS
OFFICE USE ONLY

Ownership Information

Property Owner Michael L Stout

Owner's Address 1311 Fox Run Dr
Charlotte, N.C. 28212

Date Property Acquired May 31st 1985

Deed Reference 5026 Book 164 Page Tax Parcel Number 09301116

Location Of Property (address or description) 628 Eastway Drive

3rd building from Corner of Plaza & Eastway

Description Of Property

Size (Sq. Ft -Acres) 160' x 75.0' Street Frontage (ft) 25.5'

Current Land Use Multifamily / Residential
Used as rental property

Zoning Request

Existing Zoning R_6MF Requested Zoning O_6

Purpose of zoning change Dental Office - Can be professionally achieved
I would like to enhance property and simultaneously
keep the residential flavor & appeal of the neighborhood

Michael L. Stout, DDS
Name of Agent

Same as agent
Name of Petitioner(s)

1311 Fox Run Dr. Charlotte, NC 28212
Agent's Address

Address of Petitioner(s)

(704) 392-4428 (w) 567-9706 (Home)
Telephone Number

Telephone Number

Michael L Stout, DDS
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-71

Petitioner	Michael L. Stout
Location	A 12,000 square foot site located at 628 Eastway Drive near The Plaza.
Request:	Change from R-6MF to O-6.

ISSUES:

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

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

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

BACKGROUND:

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

2. Existing Land Use. The property is presently used for residential purposes Most of the lots situated nearby are used for single family purposes There is a concentration of commercial and some office usage, however, at the Eastway Drive/Plaza Road intersection Other non-residential development is located along Commercial Avenue and there is one insurance office located south of the rezoning site on Eastway opposite the Commercial Avenue intersection The Eastwood Golf Course is located just to the east of the site. Single family development is the predominant residential unit for the area although some multi-family development is in the area as well.

GENERAL FINDINGS

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

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

3. Pre-Hearing Departmental Comments (Summary).

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

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

DETAILED FINDINGS:

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

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

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

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

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

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

7. In summary, the petition should be rejected It is inconsistent with overall goals for the Eastway Drive corridor and the area in general Such a change would potentially lead to others and the removal of valuable housing stock for the area as well as create a proliferation of unwanted signs, driveways, etc. along this thoroughfare

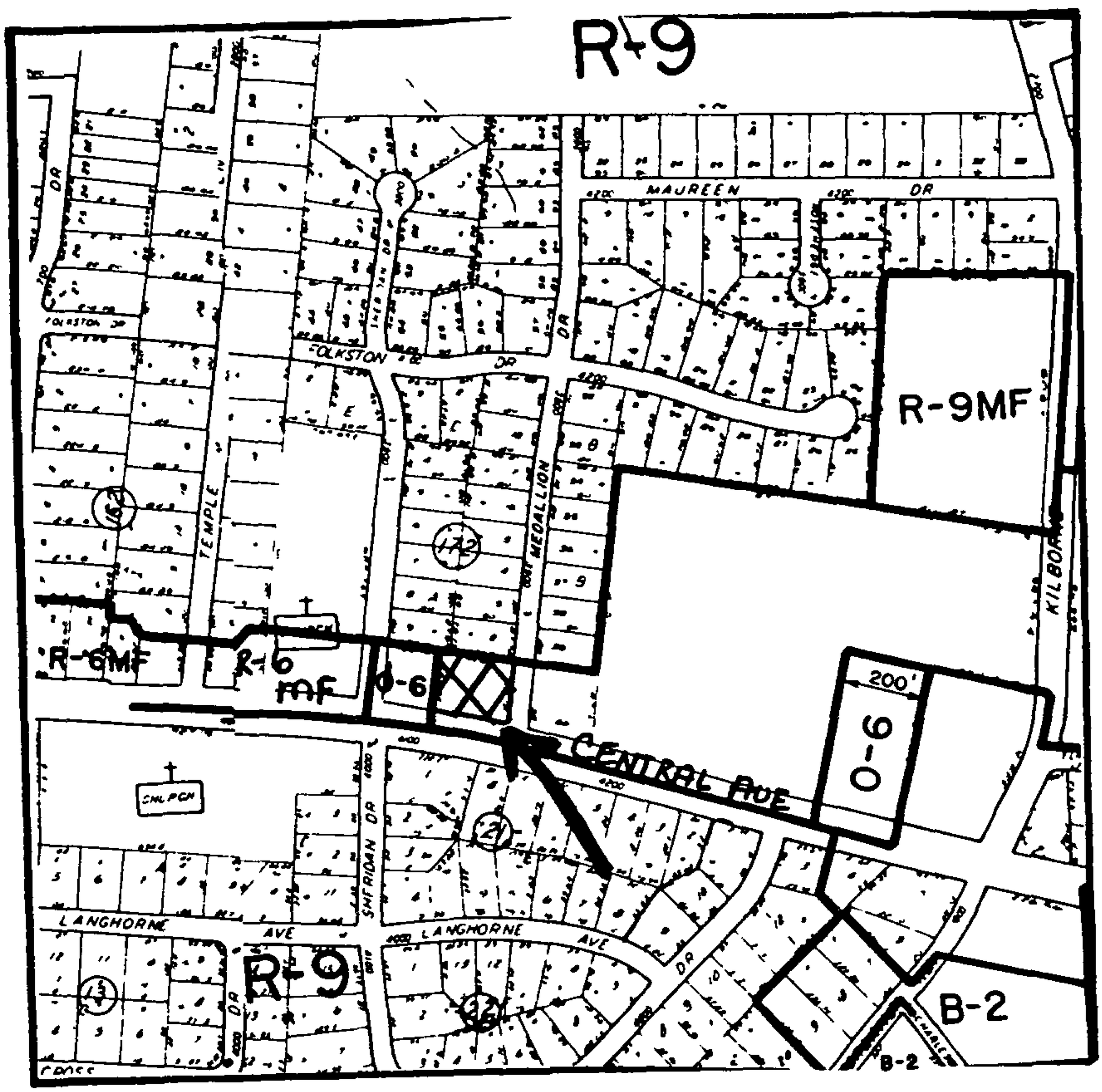
*Subject to further refinement following public hearing

PETITIONER Slag Realty

PETITION NO. 86-72 HEARING DATE 6/16/86

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

LOCATION An approximately 27,747 s.f. site located on the corner of Cental Avenue and Medallion Drive



ZONING MAP NO. 100 — SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-72
Date Filed 5/1/86
Received By DLS
OFFICE USE ONLY

Ownership Information

Property Owner SLAG Realty, as petitioner, (under contract from Morris Investment Co. Inc.)

Owner's Address ~~4017~~ 4101 Central Avenue, Charlotte, N.C. 28205

Date Property Acquired Under contract to close subject to rezoning.

Deed Reference _____ Tax Parcel Number 101 172 11

Location Of Property (address or description)

Vacant property located at the intersection of Central Avenue and Medallion Drive.

Description Of Property

Size (Sq. Ft -Acres) Approximately 27,747 Square Feet Street Frontage (ft.) Medallion Dr:165 ~~Central Av: 176.~~

Current Land Use Vacant

Zoning Request

Existing Zoning R6MF Multi-Family Requested Zoning O-6 Office

Purpose of zoning change To allow purchasers to enlarge existing Medical Clinic structurally and to provide adequate parking for staff and patients.

Republic Equities, Inc. c/o Lewis W. Davis
Name of Agent

5600 Executive Center Drive, Suite 117
Agent s Address Charlotte, N.C. 28212

563-0873
Telephone Number

SLAG Realty, a Partnership
Name of Petitioner(s)

4019 Central Avenue, Charlotte, N. 28205
Address of Petitioner(s)

537-0020
Telephone Number

Signature

Signature of Property Owner If Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-72

Petitioner: Slag Realty

Location: An approximately 27,747 square foot site located at the corner of Central Avenue and Medallion Drive.

Request: Change from R-6MF to O-6.

ISSUES:

1. Relationship to Single Family Neighborhood. How does the parcel in this request relate to the neighborhood along Medallion Drive and other streets in the vicinity?

2. Potential Adverse Effects. Considering the site's location, what potential adverse effects could result to the neighborhood environment if the petition is approved and the lot used for parking as described in the application?

3. Future Effect. A vacant, similarly situated lot is located across Medallion Drive from this lot. If this petition is approved, what effect might it have on future land use and zoning on that parcel?

4. Conditional Approach How might a conditional rezoning application be viewed in light of the above concerns?

BACKGROUND:

1 Existing Zoning The subject property is presently zoned R-6MF as is a lot directly across Medallion Drive. A larger area of R-6MF zoning is located immediately east towards Kilborne Drive as well as a strip of R-6MF zoning along the north side of Central Avenue just to the west of the site. An adjoining O-6 lot is located at the corner of Central Avenue and Sheridan Drive. Commercial zoning is established at the Kilborne and Central Avenue intersection Otherwise, the remaining zoning pattern is generally comprised of R-9 zoning on both sides of Central Avenue in the general vicinity.

2. Existing Land Use. The petitioned property is vacant. The other corner lot at the entrance into the neighborhood is also vacant. New multi-family development in the form of the Pepper Tree Apartments is immediately east including the expansion of that project An adjoining parcel to the west is developed with a small medical office and across Sheridan Drive from that is a church. Another church is located on the southerly side of Central Avenue, but for the most part the predominant land use pattern is single family residential development. That pattern does change at the Kilborne intersection where there begins a mixture of retail and office

along with some residential development in a pattern that continues towards the area of the Eastland Mall.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates this general area as both existing residential along with existing employment along the Central Avenue corridor.

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

3. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this application is not conditional in nature, no substantive comments were received from departments who normally comment on rezoning applications.

4. Neighborhood Context. This property is located in the Kilborne neighborhood.

DETAILED FINDINGS:

1. The subject of this rezoning application is a parcel of land located at the northwesterly corner of Central Avenue and Medallion Drive. The current zoning is R-6MF and the petitioner is seeking O-6.

2. The petitioner has stated on the application that the purpose of the rezoning is to enlarge the existing medical clinic which adjoins the rezoning lot immediately to the west. The expansion of that medical clinic means that additional parking for staff and patients will be necessary and apparantly such parking or the bulk of such parking would be located on the rezoning parcel.

3. This site is quite strategically located in that it is one of two vacant lots at the entrance into the single family neighborhood along Medallion Drive and other streets. Single family homes are located along Medallion including a lot which adjoins the rezoning property as well as other single family development across Central Avenue from the property. Multi-family development is also under construction just to the east of the property in question The only office development at the present time is the aforementioned medical clinic

4. As an unconditioned rezoning application staff is opposed to the application Very little is known about the request at this time and without any sort of site plan to provide additional information and guidance there is no way to adequately judge the potential merits of this application. The result of the approval of this petition as submitted is potentially quite negative as far as the adjoining neighborhood is concerned.

5. The approval of this request would undoubtedly lead to a similar request for the other vacant parcel on the other corner. Once again that situation would establish two non-residential parcels at the entrance into the single family neighborhood.

6. The situation in this case is somewhat similar to at least one other situation nearby. Lansdale Drive, which is several blocks to the east of this site, was denied a non-residential rezoning request a couple of years ago based upon neighborhood concerns. There is also, again, some recent interest about a new rezoning application or applications for office zoning again in that area.

7. In general, then, staff is quite concerned about this application and the potential signal it could give as far as other rezoning applications is concerned here as well as to other situations along Central Avenue. The property as presently zoned could support a small amount of multi-family development which probably can better relate to the neighborhood than the office zoning as proposed.

8. Despite all of the above criticisms staff also explored and discussed the option of an office conditional approach here, though that is not the preferred option.

9. This application has therefore generated considerable discussion by staff. A conditional approach which would include the rezoning site might possibly provide an alternative to the multi-family that is presently associated with this lot. One thing that was pointed out at the discussion though was the fact that since the petition states the lot in this case is used to provide expansion for the existing medical clinic, it might be desirable to include this lot and the clinic in one rezoning application under a comprehensive site plan approach. Such an approach would require a new public hearing since the existing medical clinic lot has not been petitioned for rezoning In any event the site plan would have to be extraordinarily sensitive to the neighborhood and provide the assurance that it would not pose the negative concerns as staff anticipates it might Otherwise staff would certainly recommend against it

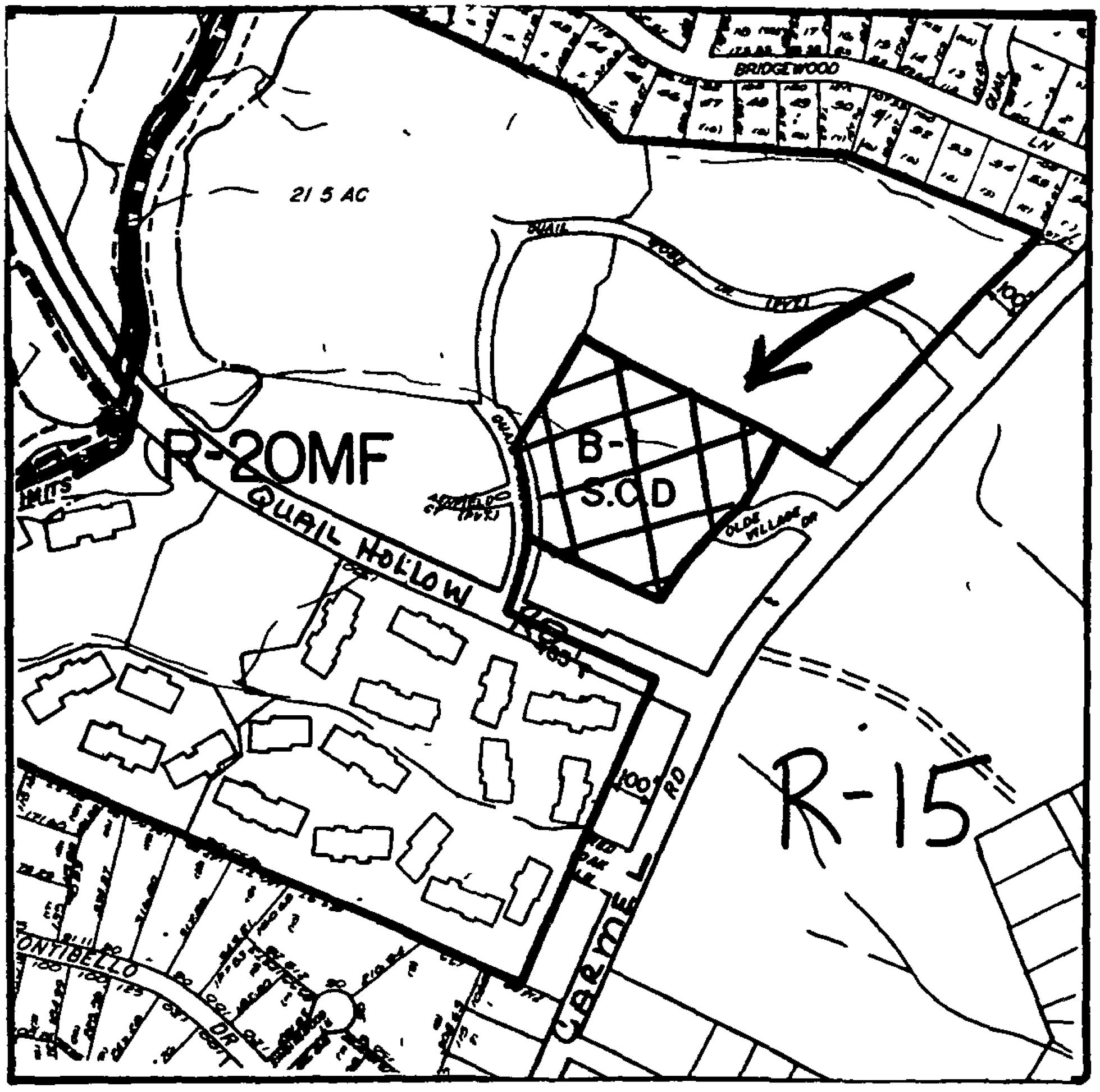
*Subject to further refinement following public hearing

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-73
Date Filed 5/1/86
Received By KOS-5
OFFICE USE ONLY

Ownership Information

Property Owner John Crosland & Associates, Inc., dba ~~Crosland-Erwin-Associates~~
(formerly John Crosland Realty Company)
Owner's Address 125 Scaleybark Road
Charlotte, NC 28209

Date Property Acquired Shopping center built 9/78 - Acquired March 26, 1974

Deed Reference 3664-484 Tax Parcel Number 209-171-02

Location Of Property (address or description) 4100 Carmel Road

Description Of Property

Size (Sq. Ft -Acres) 4.86 acres Street Frontage (ft.) 252.21 Quail Forrest Dr.

Current Land Use Neighborhood Shopping Center known as Olde Towne Shopping Center

Zoning Request

Existing Zoning B-1SCD Requested Zoning B1SCD site plan amendment

Purpose of zoning change To allow Harris Teeter to enclose vestible and add greenhouse.

Total square feet added - 1,145

Name of Agent

Agent's Address

Telephone Number

John Crosland & Associates, Inc.
~~dba Crosland-Erwin-Associates~~
(formerly Crosland Realty Company)
Name of Petitioner(s)
125 Scaleybark Road
Charlotte, NC 28209
Address of Petitioner(s)

(704) 523-0272
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-73

Petitioner: John Crosland and Associates, Inc.

Location: A 4.8 acre site located at the intersection of Carmel Road and Quail Hollow Road.

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

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 would encourage the plan amendment

*Subject to further refinement following public hearing

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-75

Date Filed

Received By

OFFICE USE ONLY

Section No Appendix A - Zoning Code §3053.2 "Permitted Uses"

(Title)

Purpose of Change To allow for temporary outdoor farmer's markets, for the selling of fresh food, in Uptown Charlotte. This would allow such markets no more than once per week at any particular location.

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

600 East Trade Street

Address of Petitioner(s)

336-2241

Telephone Number

Signature

Thomas M. Flynn
Assistant to the City Manager

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE CITY ORDINANCE, APPENDIX A-ZONING, OF THE CITY 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, Code § 3053.2, "Permitted uses", #19. shall be deleted in its entirety and in lieu thereof shall be a new #19 to read as follows:

> "19. Outside, open market on private or public property, not including the streets and sidewalks, for the selling of fresh food, not to be consumed on the premises, and plants, to occur no more than once a week at the particular location. Such an open air, fresh food market need not comply with the developments standards of Code § 3053.6 et seq. nor the parking standards of Code § 3053.8.1."

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

Henry W. Underwood 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, 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

#4

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 30, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in meetings of the Planning Commission on May 12, and May 22, 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 June 9, 1986 This will then permit these matters to be placed on your agenda for consideration on June 16, 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 May 12, 1986

PETITION NO 85-51

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

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

VOTE Yeas Clodfelter, Emory, Griffin, Lawing, Lewis and S Smith

Nays Curry

REASONS

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

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

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

After consultation with the County Attorney, it was determined that some parts of the Planning Commission's recommendation related to topics or issues which were not advertised or made part of the record of the public hearing Therefore, a second public hearing was held with the Planning Commission's recommendation serving as the basis for the hearing

Subsequent to the second hearing, and based on comments and discussions at the hearing, the Planning Commission evaluated the need for additional minor changes These changes all addressed specific issues or language which emerged at the hearing and related to such matters as separation from adjoining properties, the length of operation of a landfill, restrictions on the site, hours of operation, surety bonding, the site plan, and amortization of existing uses It is felt that these minor changes result in a workable and reasonable approach to this very complex land use issue.

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

Staff Opinion
The staff agreed with the Planning Commission.

ORDINANCE NO _____

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

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

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

Section 1 Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1 Amend Section 1102 Definitions by adding the following new terms in proper alphabetical order

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

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

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

2 Amend Section 3003 by adding the following new uses

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

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

3 Amend Section 3013 by adding the following new uses

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

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

4 Amend Section 3023 by adding the following new uses

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

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

5 Amend Section 3033 by adding the following new uses.

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

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

6 Amend Section 3043 by adding the following new uses

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

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

7 Amend Section 3063 by adding the following new uses

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

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

8 Amend Section 3073 by adding the following new uses

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

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

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

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

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

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

2 Any such landfill may not be operated for more than 12 months, after which time it must be closed in an approved fashion

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

4 No portion of any such landfill may be located within 75' of any exterior property lines This includes structures, equipment storage, parking areas and fill areas except that access drives may cross this area

5 Any on-site demolition landfill which is located in an industrial district is exempt from the 12 month requirement provided that no portion of the landfill is located within 300 feet of any adjoining residentially zoned property

10 Amend Section 3100 by adding a new Section 3141 as follows

3141 <u>Off Site Demolition Landfill</u>

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

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

2 Any such facility may not be operated for a period exceeding 24 months from the time that any activity begins on the site

3 No portion of any such landfill may be located within 75' of any exterior property line This includes structures, equipment storage, parking areas, and fill areas except that access drives may cross this area

4 The actual fill area must be located at least 300' from any existing residential structure and at least 300' away from any existing or former demolition landfill site However, the 300' requirement from a residential structure may be waived if the residential structure and the landfill are on the same property and the owner of the property waives the separation requirement in writing

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

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

7 Use of the site for any purpose is limited to the hours of 7.00 a m to 6.00 p m Monday through Saturday if the site is located in a residential district or adjoins any property which contains existing residential dwelling units.

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

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

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

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

12 A surety bond or irrevocable letter of credit in an amount equal to 25 times $1,000 00 per acre or portion of an acre of the total area to be filled must be provided to insure that the facility will be closed out in an approved fashion No more than 25% of the total area to be filled may be actively used at any one time

13 A site plan showing how all of the above standards will be met must be submitted to the Charlotte-Mecklenburg Building Standards Department for review and approval prior to the issuance of a zoning permit for the proposed landfill The Building Standards Department staff will consult with the Department of Environmental Health to assure that all applicable standards to protect public health, safety, and welfare are met The site plan which must be submitted to obtain an operating permit may contain the information required for this ordinance

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

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

Size of Site	Compliance required within this time after adoption
0-10 acres	2 years
over 10 acres	3 years
over 20 acres	4 years
over 30 acres	5 years

The process for the issuance of a minor special use permit must be completed, not simply begun, prior to the expiration of the time period listed above Any such use which does not comply with these standards within the prescribed time will be in violation of this ordinance

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

3335 Off-Site Demolition Landfill

3335 1 Special Use Requirements Off-site demolition landfills may be established as a minor special use within any district subject to the pertinent provisions of this ordinance Additional property shall not be acquired to extend the life of a specific site initially approved under these provisions

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

1 The method(s) of landfilling proposed

2 The method(s) proposed to control vectors

3335 3 Findings As a prerequisite to approval of an application for this minor special use, the Special Use Permit Board must find that the evidence presented at the hearing establishes

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

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

3 That the proposed use of the site complies with all of the site and location standards for off-site demolition landfills found in Section 3141 except for the 10 acre and/or 2 year requirements.

4 That the proposed use will not endanger the public health or safety

3335 4 Zoning Map Designation Following Special Use Permit Board approval of a minor special use permit application, the property for which approval was granted will be labeled "S U P 3335" on the Official Zoning Map

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE May 12, 1986

PETITION NO 85-67

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF and B-1 to R-12MF

LOCATION A 44 1 acre site that fronts on York Road directly across from the York Road Landfill

ACTION· Based upon a motion to approve the petition for B-1(CD) and R-12MF in lieu of the original R-12MF for all land in the petition, the Planning Commission vote resulted in a tie Therefore no recommendation is transmitted, but a summary of both viewpoints is provided

VOTE Yeas Curry, Griffin and Lawing

Nays. Emory, Lewis and S Smith

(Commissioner Clodfelter abstained from voting)

REASONS

Members of Planning Commission voting in favor of the motion cited the following factors

1) The petition represented a good zoning plan and reasonable use of the property

2) The project was located at the intersection of two major roads

3) As the area grows, shopping/retail as proposed here will be needed

Members of Planning Commission voting against the motion cited the following factors

1) The B-1(CD) violated the Small Area Plan recommendation

2) Traffic from the shopping center will be an adverse effect

3) Commercial development on Tyvola Road could set in motion other similar requests

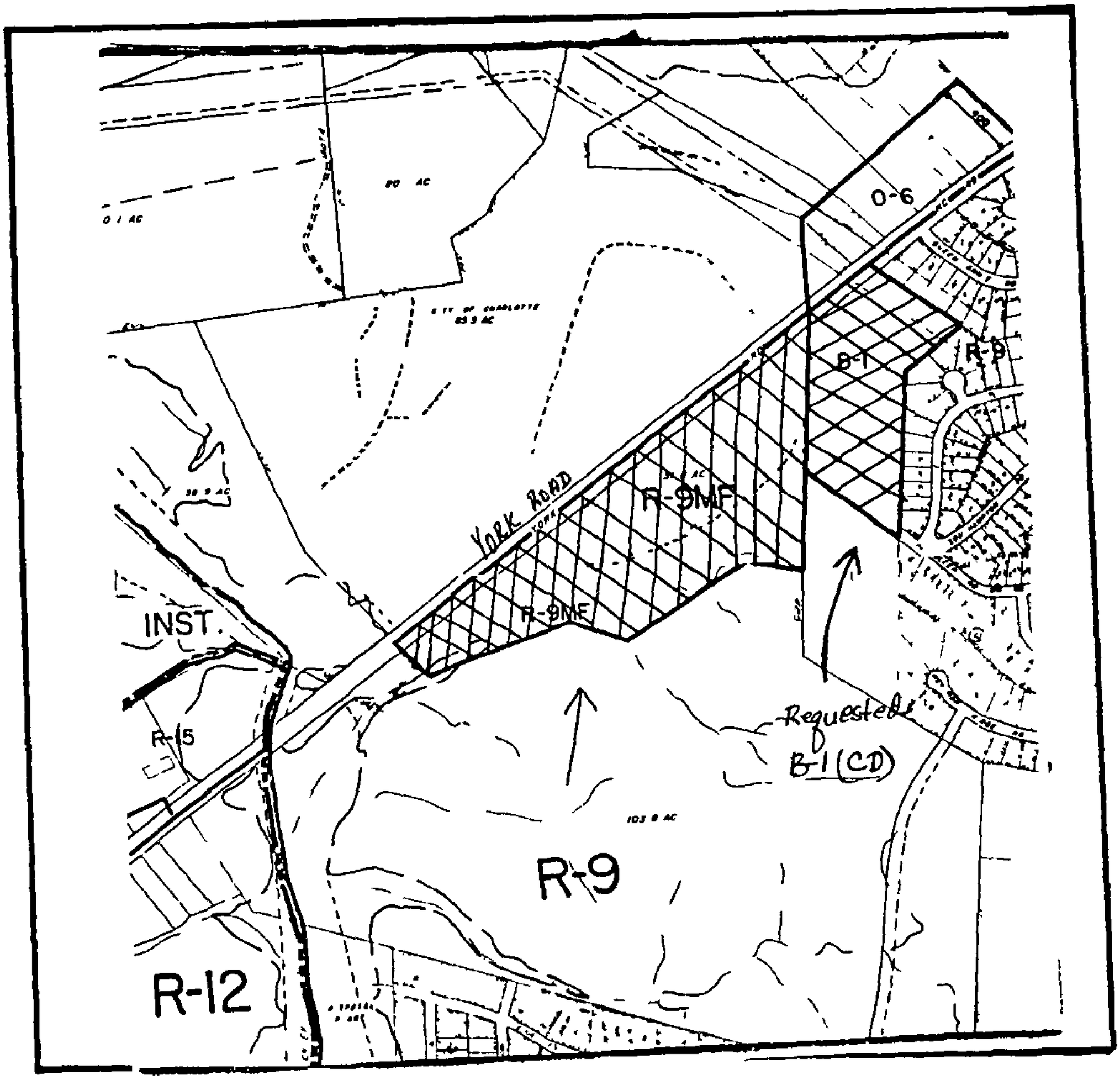
Staff Opinion
Staff supported the Small Area Plan recommendation for the property

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 85-67 HEARING DATE September 16, 1985

ZONING CLASSIFICATION, EXISTING R-9MF & B-1 REQUESTED R-12MF

LOCATION A 44.12 acre site that fronts on York Road directly across from the York Road Landfill site.



ZONING MAP NO. 122 & 133 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 22, 1986

PETITION NO 86-24

PETITIONER(S) F & J Corporation

REQUEST Change from R-12 to B-2(CD)

LOCATION A portion of an 11 92 acre site located in the 6600 block of North Tryon Street

ACTION. The Planning Commission recommends that the petition be approved

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

Nays None

REASONS.

ISSUES

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

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

BACKGROUND

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

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

3 Site Plan The area lying within the CD site plan principally involves parking and circulation for the new location of the Derita Branch of the U S Post Office It should be noted that the bulk of the Post Office development will be located on property which is already zoned B-2 and not the subject of rezoning. The rezoning site is merely the rear area where immediate parking and circulation will occur The remainder of the area is to be left unused including a 140 foot minimum undisturbed buffer where the site adjoins single family lots, except for a portion indicated on the plan where some grading will take place to facilitate storm water retention methods. A small area indicated in this petition also encompasses part of a lot immediately north which is also proposed for B-2(CD) and any uses allowed in B-2 will be permitted

GENERAL FINDINGS

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

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

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

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

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

6 Pre-Hearing Departmental Comments (Ssummary)

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

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

3 Building Standards Comments related only to parking and screening

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

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

DETAILED FINDINGS

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

2 The area in question will be developed as the new site of the Derita Post Office The actual property involved in the rezoning is principally for additional parking in conjunction with the post office to be located at the rear of the structure Much of the area in the rezoning, however, will not be used An area separate from the Post Office is also being rezoned and uses there will be any of those allowed in B-2

3 The conditional site plan provides for an unusually large separation between the use and adjoining single family lots The plan indicates that a minimum of 140 feet will be left undisturbed and there is that much distance or more to the actual parking lot itself. Therefore, such a separation should not cause any adverse impacts to those adjoining single family lots (Note A plan amendment will allow for some specified grading in the buffer, but a minimum of 100± feet will still be left as buffer in that area)

4. During their deliberations Planning Commission did express some concern about access to the Post Office Presently no convenient left turns are available due to a median located in U S. 29 That problem has been solved, though NCDOT has given its approval for a median cut

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

6 Other B-2(CD) has been established recently where it adjoins this site Thus, the pattern of B-2(CD) here is consistent with that rezoning (Stuckey Furniture)

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

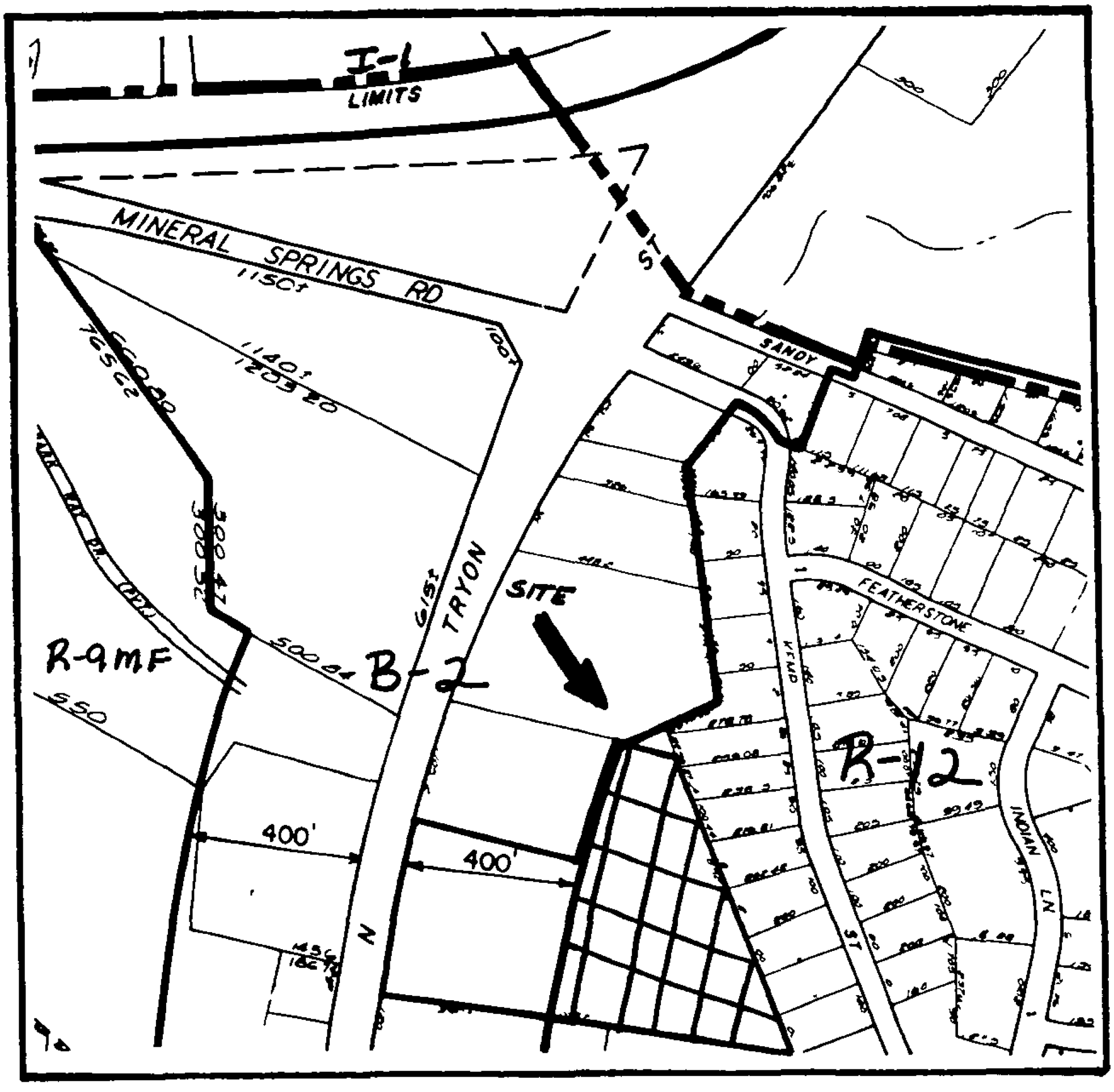
Staff Opinion
Staff agreed with Planning Commission

PETITIONER F & J Corporation

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

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

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



ZONING MAP NO. 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	May 22, 1986
PETITION NO ·	86-28
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from R-9MF to R-9
LOCATION	An approximately 76 acre site located along Lambeth Drive and north of North Tryon Street
ACTION	The Planning Commission deferred action pending further study

DATE May 12, 1986

PETITION NO 86-35

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Sections 3045 2 and 3065 3, Development Standards in Office and Business Districts Purpose of this change is to change the development standards for multi-family development in office and business districts, which will have the effect of lowering the permissible density

ACTION The Planning Commission recommends that the text amendment be approved

VOTE Yeas Clodfelter, Curry, Lewis and S ,Smith

Nays Emory, Griffin and Lawing.

REASONS

For a number of years concerns have surfaced from time to time about the "by right" development standards for multi-family housing in non-residential districts This exists in both the 0-6 office and B-1 and B-2 business districts which allow multi-family development at 42 units per acre

The principle concern of the Planning Commission who initiated the petition, is that very often this potential high density, high impact housing may be located directly adjacent to single family areas It was felt that the interests of those areas were not adequately addressed by the limited standards for this type of development This concern is compounded somewhat by the fact that this development takes place without any special "public" process except for planned multi-family review

An additional consideration was that while the new ordinance is under study and development, there was still a need to address this issue in a timely fashion It was felt that this proposal offers some relief to residential areas which may adjoin one of these non-residential districts, without completely restricting the development of multi-family housing in these areas (an option which was seriously discussed)

Therefore, for the reasons stated above, and to align the City and County Ordinances with regard to these standards, the Planning Commission recommends that the amendment be approved

Staff Opinion
The staff felt that these issues should be addressed in the overall ordinance rewrite

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 3045 2 by deleting paragraphs 1 and .2, by renumbering the remaining paragraphs as 2 and 3 respectively, and by substituting a new paragraph as follows

1 All residential development in the 0-6 or 0-15 districts must conform to the development standards of the R-9MF or R-15MF district respectively

2 Amend Section 3065 3 by deleting the language from paragraph 1 and by substituting the following new language.

1 All residential development in either the B-1 or B-2 district must conform to the development standards of the R-6MF district

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 May 12, 1986

PETITION NO 86-36

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section 3053.7, Signs in the Urban Mixed Use District The purpose of this change is to delete the regulations for tempory decorative signs which will now be regulated in another part of the City Code

ACTION The Planning Commission recommends that the text amendment be approved

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

Nays None

REASONS

This text amendment removes the regulations for temporary signs from the U-MUD zoning regulations It has become apparent that these regulations would be better placed in another area of the City Code for ease of administration This determination was reached after consultation between City Attorney, Planning, Operations and Zoning Enforcement staffs The effective date of this amendment should be tied to the adoption of similar regulations elsewhere in the City Code so that one set of the standards is in force at all times Section 2 of the amendment should be changed to reflect the coordination of the effective date with language similar to the following

Section 2 This shall not be effective until City Council adopts Code Section 10-26 which will replace this section

For the reasons stated above, the Planning Commission recommends that this amendment be adopted

Staff Opinion
The staff agreed with the Planning Commission

Staff Note
Subsequent to the meeting of the Planning Commission, the staff discovered that the amendment, as drafted, would inadvertently eliminate the standards for all signs, not just temporary signs The amendment and the recommendation should be modified to eliminate all of the language in Section 3053 7 except the second sentence in 3053 7 1 Therefore, the section would read

3053 7 Signs
Identification , business, or other signs on private property are regulated in accordance with Section 2111

The part of the recommendation relative to the effective date of this amendment is still applicable

ORDINANCE NO._____ AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY 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, § 3053.7, "Signs", which consists of § 3053.7.1 through 3053.7.6 shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"§ 3053.7 Reserved."

Section 2. This shall be effective upon 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, 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

DATE May 22, 1986

PETITION NO 86-38

PETITIONER(S) Tuckaseegee Road Community Organization

REQUEST Change from R-9MF to R-12

LOCATION. A 10 1 acre site on Toddville Road just north of the intersection with Tuckaseegee Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays· Griffin

REASONS:

ISSUES

1 Property Owner Interests Versus Neighborhood Interests. What interests of the property owner as well as those of the neighborhood should be weighed when evaluating this request?

2 Overall Zoning and Land Use Pattern How does the rezoning request relate to existing zoning and development patterns?

3 Potential Compromises What potential compromises with regard to the development of this property could be envisioned that would promote the interests of the developer as well as enhance the overall development of the neighborhood?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-9MF R-9MF zoning extends generally along Tuckaseegee at Toddville Road and extends southward towards Interstate I-85 The R-9MF classification is also located directly across Toddville from this site Otherwise R-12 single family zoning is located around the site and generally comprises the zoning classification for the area

2 Existing Land Use. The property involved in the rezoning petition is undeveloped at the present time Most properties in the area have been developed with single family homes There is, however, one church on the south side of Tuckaseegee at the Toddville intersection and another which is located somewhat west of the site

GENERAL FINDINGS

1 2005 Plan The 2005 Plan denotes the area surrounding the site as existing residential. In this general vicinity it is an overall goal of the 2005 Plan to sitmulate development of quality employment areas, followed by significant residential growth.

2 Pre-Hearing Staff Input. Staff assisted the petitioner with regard to the necessary information to file the rezoning application Staff has also recently met with the property owner to discuss the petition Staff was presented with a proposal for a multi-family project on the property Staff urged the property owner to discuss this with the neighborhood group and it is understood that such a meeting will shortly take place

3 Pre-Hearing Departmental Comments (Summary)

1. C-DOT. The site on Toddville Road could generate 1400 to 1500 trips per day as currently zoned Under the proposed zoning it could generate 400 to 500 trips per day Current volume on Toddville Road is 3900 vehicle trips per day, on Tuckaseegee Road, 6900 trips per day The traffic volume generated by the proposed rezoning will have no adverse effect on traffic conditions in this area

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

3 Fire Department. No comment.

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

DETAILED FINDINGS.

1 The property in this petition is a 10 1 acre site on Toddville Road just north of the intersection with Tuckaseegee Road Current zoning is R-9MF and the petition seeks R-12

2 The petitioner in this case is the Tuckaseegee Road Community Organization, a neighborhood group, who has filed the petition in order that this parcel of land conform to the surrounding land uses in the area

3 The subject property is undeveloped Other parcels across Toddville and nearby, however, are developed with single family homes despite the fact that they zoned for multi-family purposes

4 The neighborhood first became concerned about this property recently when it was proposed for a multi-family project that would utilize the assistance of the N C Housing Finance Agency Resulting from that was the neighborhood's broader concern about the development of their neighborhood and the future potential development of this site Consequently, they filed this petition

5 Planning Commission has evaluated the petition in light of existing zoning and development patterns as well as the interest of the neighborhood at large and the property owner as well as new information which has emerged since the public hearing on this matter.

6 The neighborhood has filed a second petition which proposes to rezone the remaining R-9MF area north of Tuckaseegee Road. Those properties include residences of the neighborhood concerned about multi-family zoning and development That petition will be heard in July

7 Further, the property owner filed a CD plan request for the subject property in this petition That plan proposes an overall density of 8 dwelling units per acre and 75-100 foot undisturbed buffers around the property The current zoning on the site permits about 17 5 dwelling units per acre

8. Having received this new information Planning Commission accepted the neighborhood's idea to rezone the site and rejected any multi-family CD approach

9 Planning Commission questioned the wisdom and reasonableness of multi-family zoning north of Tuckaseegee Road and applauded the residents for their willingness to now rezone their property as well The neighborhood recognized that multi-family zoning in the area is better suited for property lying south of Tuckaseegee Road and extending over to I-85

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

Minority Opinion
Mr Griffin opposed the petition on the grounds that the property owner was opposed to the request

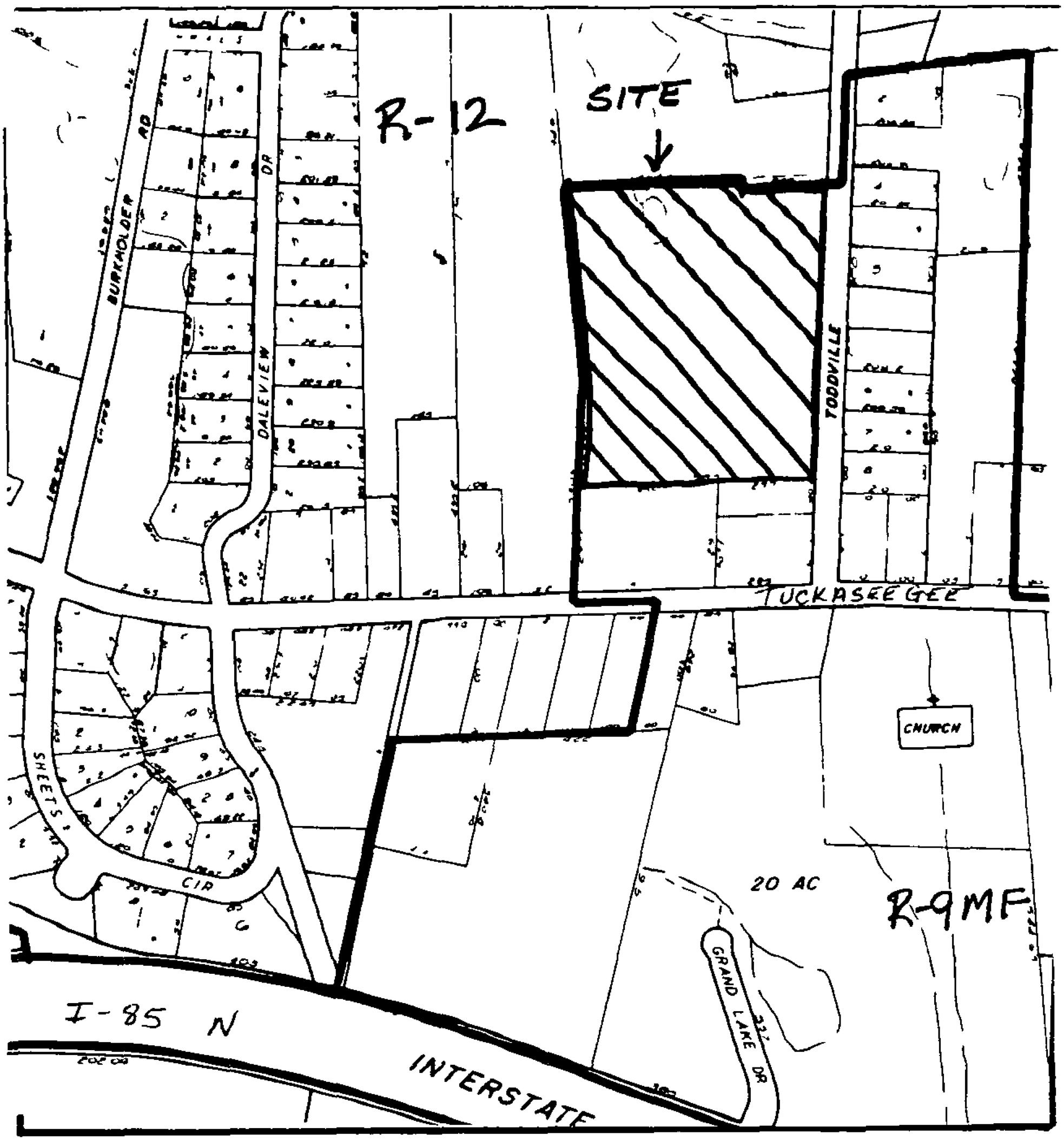
Staff Opinion
Staff believed the petition was reasonable, especially in light of the new petition filed by the neighborhood

PETITIONER Tuckasee gee Road Community Organization

PETITION NO. 86-38 HEARING DATE 4-21-86

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

LOCATION a 10.14 acre site on Toddville Road north of its intersection with Tuckaseegee



ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	May 22, 1986
PETITION NO	86-46
PETITIONER(S)	Belk Brothers Company and Ivey Properties, Inc
REQUEST	Change from B-1SCD and O-6 to B-1SCD and B-1SCD Site Plan Amendment
LOCATION	Approximately 69 acres located near the intersection of Sharon Road and Fairview Road
ACTION	The Planning Commission deferred action pending further study

DATE May 22, 1986

PETITION NO 86-47

PETITIONER(S) Ed Sadler

REQUEST Change from R-12 to R-15MF(CD).

LOCATION A 43 2 acre site located between I-85 and Tuckaseegee Road across from West Mecklenburg High School

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

(Commissioner Lawing abstained from voting.)

REASONS

ISSUES:

1 Site Plan What aspects of the conditional site plan are important to evaluate, including such things as density, relationships to adjoining property, access, etc ?

2 West Side Planning Goals How does this request relate to overall planning and housing goals for the west side of Charlotte?

BACKGROUND

1 Existing Zoning The property involved in the rezoning request is presently zoned R-12 Property that surrounds it is zoned the same classification The R-12 district is located generally throughout this area

2 Existing Land Use The subject property is vacant Single family homes are located along Tuckaseegee Road in this area as well as a concentration of homes which adjoin the site along its easterly boundary A small park is located further west of the site on Tuckaseegee and two schools are immediately across the site West Mecklenburg High School and Wilson Junior High School

3 Site Plan The conditional site plan outlines a residential project that would include a total of 358 units on the property The overall density would be 8 7 dwelling units per acre Access would be gained by way of two private streets which would both intersect with Tuckaseegee Road The

plan is designed such that two separate projects could be established on the property One area would contain a patio home development containing 38 dwelling units at an overall density of 3.7 units per acre while the remaining balance of the site would be an apartment project with 320 units The overall density of the apartment project would be 9.7

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates an area of existing residential development surrounding the subject property Residential development is promoted in the area and should fill in the remaining open land interspersed with areas which are already developed

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

3 Pre-Hearing Staff Input Staff discussed this matter with the petitioner prior to the submission of the application. Staff indicated that some form of attached or higher density housing could be appropriate depending upon the exact nature of a conditional site plan

4. Pre-Hearing Departmental Comments (Summary)

1 Fire Department The Fire Department indicates that the water supply in the area is marginally supportive for multi-family development Several factors will have to be taken into consideration including such things as building construction classification, height and arrangement to other buildings on the site when seeking Fire Department approval

2 Engineering No comments except that an additional five feet of right-of-way should be secured along Tuckaseegee Road

3 C-DOT The site as currently zoned could generate 1900 to 2100 trips per day whereas the proposed zoning would raise that to a total of 3100 to 3300 trips per day The increased traffic generated by this site would change the level of service in the peak hours at Little Rock and Tuckaseegee Road from Level of Service 'B" to Level of Service "D" in the A M peak hour and Level of Service "C" in the P M peak hour C-DOT also commented that a left turn lane should be provided into the project, but due to some constraints that could be difficult considering the placement of existing private streets It is suggested that the private street serving the patio homes should be moved west The relocated street could connect internally with the street that would serve the apartment complex

4 C-MUD Water is located on Tuckaseegee Road and sewer service is in the general vicinity

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

5 Neighborhood Context The site is located in the Forest Pawtuckett neighborhood

DETAILED FINDINGS

1 The site involved in this petition is approximately 43 acres and located between I-85 and Tuckaseegee Road on the south side of Tuckaseegee between West Mecklenburg High School and Wilson Junior High School Current zoning on the property is R-12 and the petitioner is seeking R-15MF(CD)

2 The petitioner has filed a conditional request and is planning a residential development for the property (For further details refer to Background #3)

3 The property is located in western portions of Charlotte Historically the west side has not been a strong residential market, but recently more attention has been paid to the need for greater housing opportunities in the area.

4 The site's location between Interstate I-85 and Tuckaseegee Road along with the relationship to schools in the area does present the opportunity for definite housing possibilities for the site Considering its relationship to the major thoroughfare some higher density also seems appropriate To date only single family development has occurred in the area, however.

5 Although Planning Commission did comment that multi-family might be appropriate for the site they had many problems with this request

6 Principally the plan represented a "speculative CD" The property owner, not a developer, was attempting to secure the rezoning Planning Commission was bothered by that and predicted the plan, if approved, would come back for changes

7 Traffic was also a concern Planning Commission cited C-DOT's problems with the petition

8 There was also a comment that the project's density was greater than it appeared Pond areas, which are being retained, artifically reduced the density Without those the plan has too much building and parking areas

9 Some site plan problems were mentioned including the location of the trash dumpster

10 One potential problem which was mentioned at public hearing turned out to be no problem upon further research That involved the relationship of this site to the airport Noise cones do not affect this property as was at first believed

11 All in all Planning Commission raised many concerns to the point that a unanimous recommendation to deny was reached by the Planning Commission

Staff Opinion

Although staff supported the concept of multi-family zoning here, staff had many similar problems with this request as the Commission did

PETITIONER Ed Sadler

PETITION NO. 86-47 HEARING DATE May 19, 1986

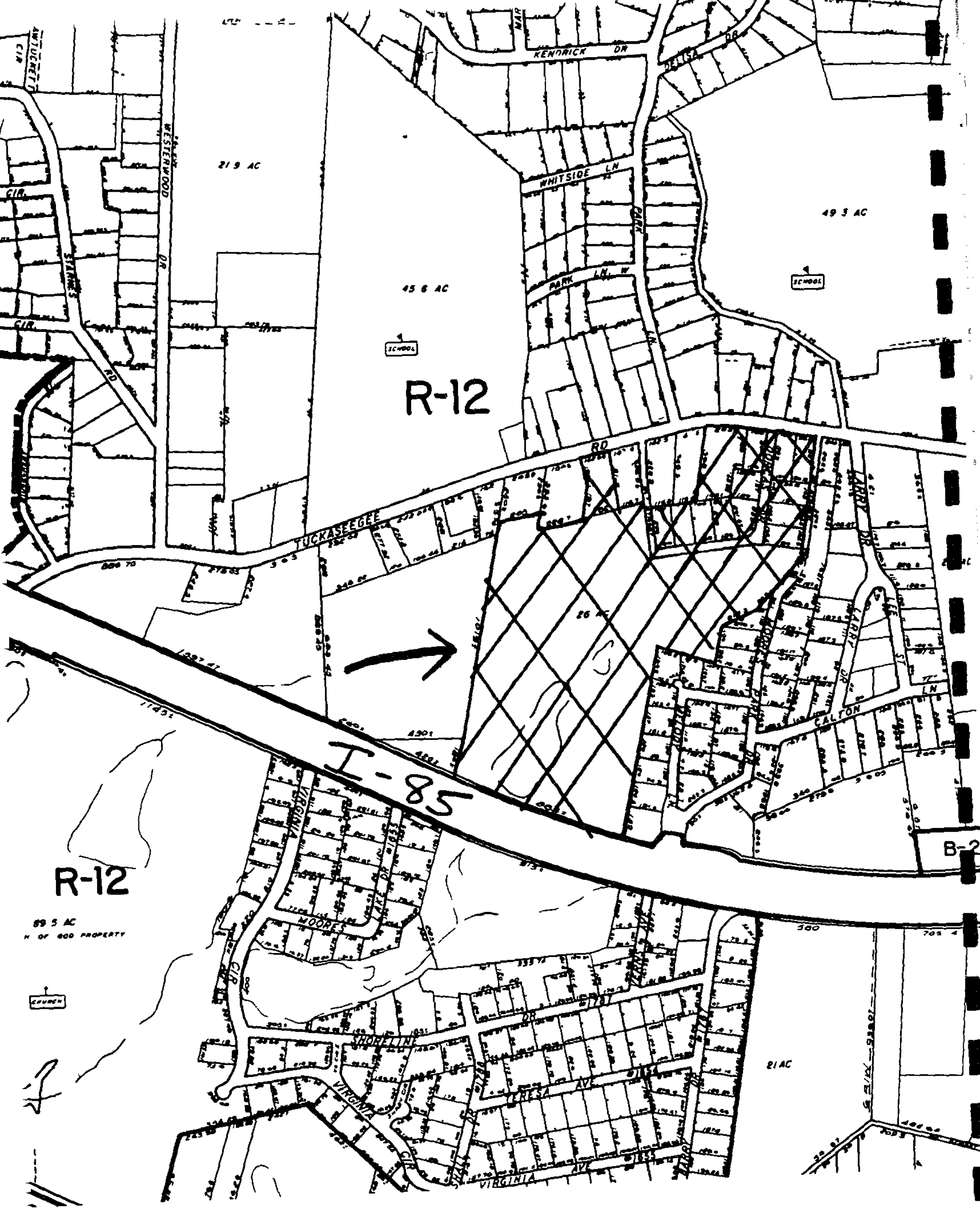
ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-15MF(CD)

LOCATION A 43.2 acre site located between I-85 and Tuckaseegee Road south of West Mecklenburg High School.

(See Attached Map)

ZONING MAP NO. 85 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE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CHURCH
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DATE May 22, 1986

PETITION NO 86-48

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Part 1 - Change from R-9MF to R-9.
Part 2 - Change from R-9MF to R-15MF.

LOCATION Part 1 - Approximately 128 acres located south of Cinderella Road and east of West Sugar Creek Road
Part 2 - Approximately 30 acres in the vicinity of Hershey Street, Holloway Street, Burrough Street and Lambeth Drive

ACTION The Planning Commission recommends that the petition be approved.

Part 1 - Change from R-9MF to R-9

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

Nays. Griffin

(Commissioner Lewis was not present when vote was taken)

Part 2 - Change from R-9MF to R-15MF

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

Nays Clodfelter and Griffin

(Commissioner Lewis was not present when vote was taken)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission as part of the zoning implementation measures proposed in the small area plan for this vicinity The petition is comprised of two parts Part 1 is approximately 128 acres located generally south of Cinderella Road and east of West Sugar Creek Road This area is presently zoned R-9MF and the petition is requesting R-9 Part 2 of this petition is approximately 30 acres of land in the general vicinity of Hershey Street, Burroughs Street and Lambeth Drive The present zoning here is R-9MF and the requested zoning classification is R-15MF

The area encompassed in the petition is residential in character with the predominant residential type being a single family residence A small amount of duplex and multi-family development is also included in the request Along Rolling Hill Drive is a mixture of single family development along with a limited amount of duplex units and one small apartment That area is proposed

for single family zoning and therefore the duplex and apartment development would become non-conforming The remaining area of Part 1 is spread out along a number of minor neighborhood streets in the general vicinity and the property which is residentially developed is done so with single family homes, except for one small apartment Thus, except for that parcel the change to single family in these areas will not create any adverse effects

South of this area lies the portion of the rezoning request which comprises Part 2 That area is also largely single family in character though some limited amounts of multi-family has also occurred. The change to R-15MF would not create any non-conforming uses

The change to multi-family in Part 2 will provide a transition between the proposed single family areas to the north and the commercial zoning to the south which is oriented along North Tryon Street. The portion of the request dealing with proposed single family areas is a recognition of the strong single family pattern and neighborhood character of the area as well as its relationship to other currently zoned single family areas north of its location

Planning Commission believed the petition to be meritorious and implemented goals contained in the North Tryon/Hidden Valley Small Area Plan Therefore, they recommended approval of the petition

Minority Opinion
Mr. Griffin opposed the petition due to opposition of some property owners Mr Clodfelter was not opposed, but would rather have supported single family zoning for the entire petitioned area

Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-48 HEARING DATE May 19, 1986

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: R-9MF REQUESTED Part 1: R-9 Part 2: R-15MF

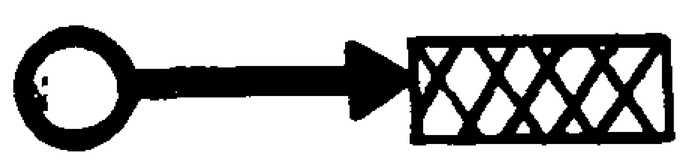
LOCATION Part 1: Approximately 128 acres located south of Cinderella Road and east of West Sugar Creek Road.

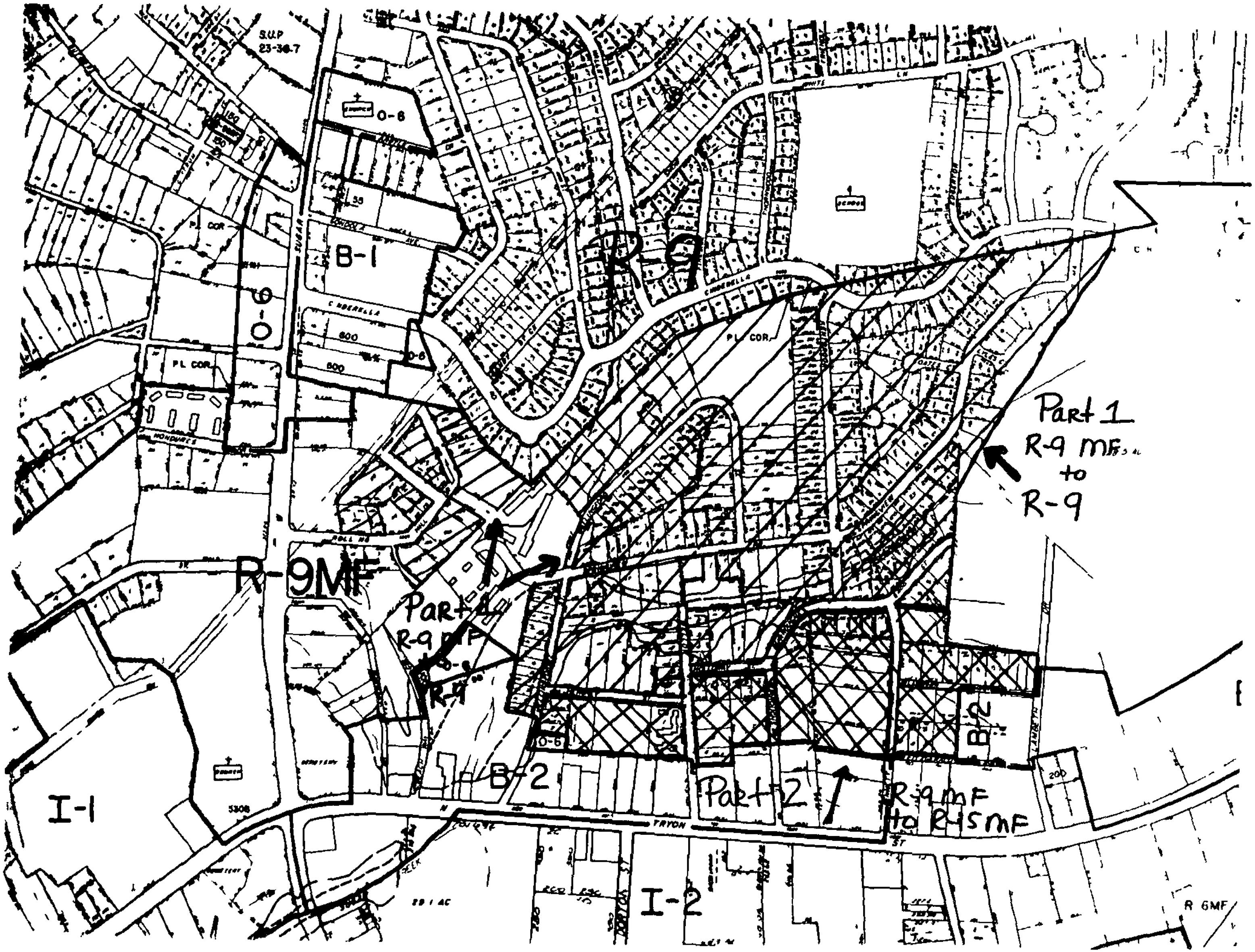
Part 2: Approximately 30 acres in the vicinity of Hershey St., Burroughs St. and Lambeth Drive.

(See Attached Map)

ZONING MAP NO. 77 & 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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Part 2
R-9MF
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DATE	May 22, 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 deferred action pending further study.

DATE	May 22, 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 deferred action pending further study

DATE May 22, 1986

PETITION NO 86-51

PETITIONER(S) Charlotte-Mecklenburg Hospital Authority

REQUEST. Change from O-6 to R-6MF.

LOCATION A 422 acre site located at the southwest corner of Romany Road and Kenilworth Avenue

ACTION The Planning Commission recommends that the petition be approved.

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

Nays None

(Commissioner Emory was not present when vote was taken)

REASONS

ISSUES

1 Relationship to Dilworth Neighborhood How does the property relate to the Dilworth neighborhood?

2 Benefits Derived From Change What benefits to the neighborhood would be derived if this zoning change were approved? How would those benefits relate to overall goals for the preservation of inner city neighborhoods?

BACKGROUND

1 Existing Zoning The property involved in this petition is currently zoned O-6 Generally at the Romany/Kenilworth Avenue intersection and extending northward is a pattern of O-6 zoning The O-6 pattern also extends southward along Scott Avenue towards the direction of East Boulevard Other portions of Kenilworth Avenue are zoned R-6MF and much of the Dilworth neighborhood itself is zoned either R-6 or R-6MF Commercial zoning is concentrated along East Boulevard

2 Existing Land Use The subject property is used for multi-family residential purposes Three duplex units are located on this site at the present time Nearby along neighborhood streets is a wide variety of residential uses, though most are single family in character The pattern does change along Scott and Kenilworth where there is a larger percentage of lots used for office purposes Many of these offices are medical in nature and are

in some way a spin-off of the Charlotte Memorial Hospital, which is the single most dominant land use feature of the immediate area

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates an area of existing residential development in the vicinity of the subject property. The plan also recognizes the location of the Charlotte Memorial Hospital The plan calls for the preservation of older inner city neighborhoods, including the Dilworth area

2 Dilworth Small Area Plan The plan speaks to the Scott/Kenilworth corridor by indicating that existing land uses should be retained. The plan proposes no land use changes within this corridor.

3 Pre-Hearing Staff Input Staff accepted the submission of the application, but had had no detailed conversations with the petitioner prior to the submission of the application

4. Pre-Hearing Departmental Comments (Summary).

Due to the fact that the petition is a downzoning and not conditional in nature, departments that normally comment did not in this case

5. Neighborhood Context The property lies within the Dilworth neighborhood The petitioner in this case worked very closely with the neighborhood and has filed it based on conversations with the neighborhood group

DETAILED FINDINGS

1 The property involved with this request is a parcel of land located at the corner of Romany Road and Kenilworth Avenue Present zoning is 0-6 and the request seeks R-6MF for the property

2 The property is currently used for residential purposes despite the 0-6 classification Three duplex units are located on the site The existance of office zoning here does pose a potential threat to the residential character of the lot

3 The petitioner in this case, the Charlotte-Mecklenburg Hospital Authority, has worked closely with Dilworth neighborhood representatives in the past and on this case as well The hospital and the neighborhood have worked closely in order to insure that the hosiptal can be a good neighbor to Dilworth As far as this case is concerned, the Hospital Authority is proposing the zone change in order that the R-6MF classification would provide for a single zoning designation for the entire tax parcel.

4 Further, the removal of the 0-6 zoning will help insure the stability of the neighborhood and maintain residential usage of the property Other areas zoned 0-6 to the north of the property have converted for the most part to office usage

5 The 2005 Plan strongly encourages the preservation of valuable inner city neighborhoods The proposed zoning in this case would obviously enhance that goal and enhance the overall planning and preservation goals for Dilworth

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

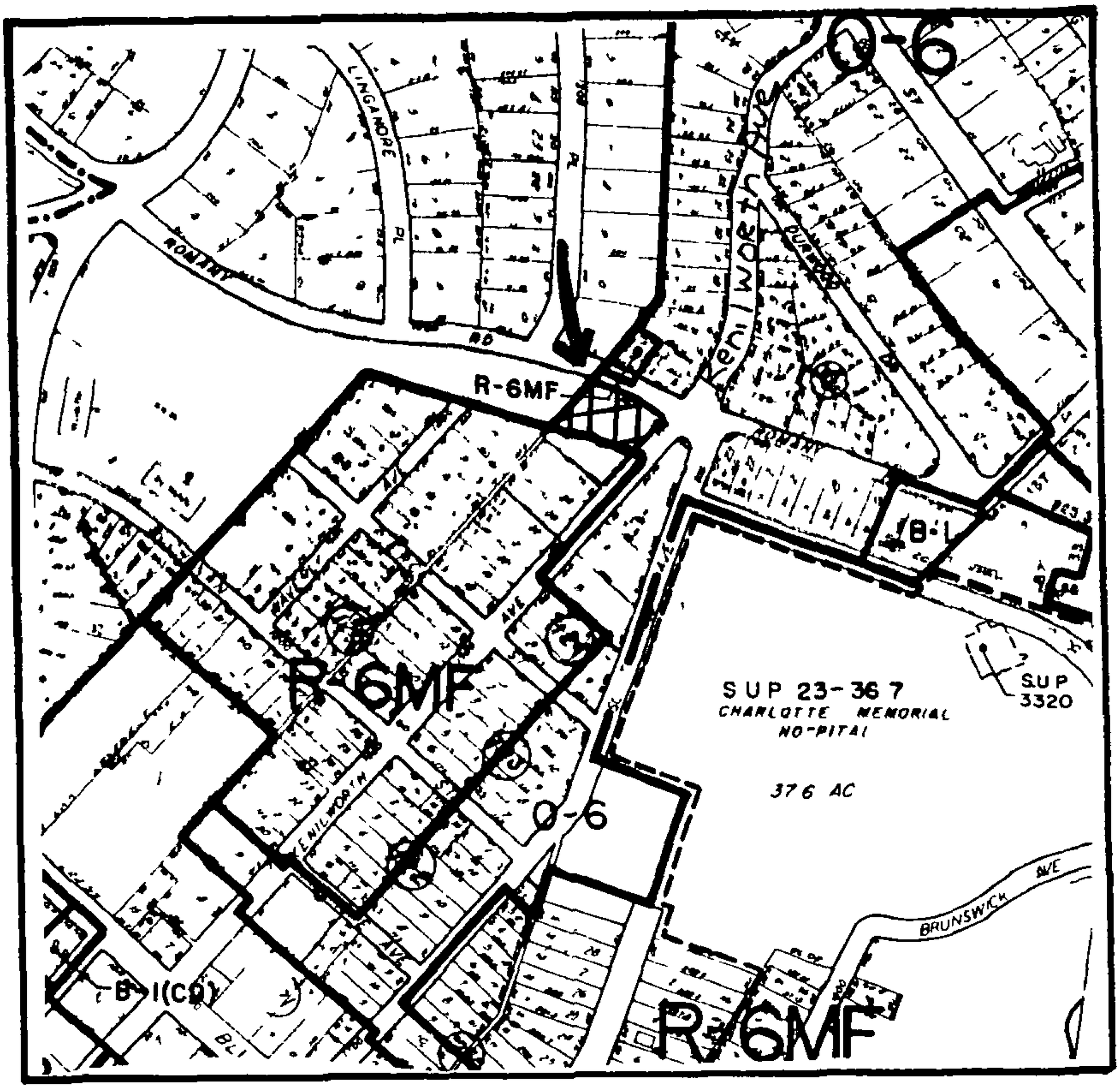
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Hospital Authority

PETITION NO. 86-51 HEARING DATE May 19, 1986

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

LOCATION A .42 acre site located at the southwest corner of Romany Road and Kenilworth Avenue.



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 22, 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 pending further study

DATE	May 22, 1986
PETITION NO	86-54
PETITIONER(S)	Carley Capital Group
REQUEST	Change from U-MUD to U-MUD-O
LOCATION	Approximately 2 6 acres located on the block bounded by Fifth Street, Sixth Street, North College Street and North Tryon Street.
ACTION	The Planning Commission deferred action pending further study