AGENDA

Meeting Type:	B
Date.	03-17-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

3/17/86

council agenda

Charlotte

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

Meetings in March '86

THE WEEK OF MARCH 2 - MARCH 8

3	Monday, 7 00 p m	CITIZENS CABLE TV ADIVSORY COMMITTEE/Public Hearing - Board Room, Education Center, 701 E Second Street
4	Tuesday, 4 00 p m	CITY COUNCIL WORKSHOP - City Hall Annex, Training Center
	Tuesday, 6 00 p.m	CHARLOTTE ADVISORY PARKS COMMITTEE - Parks Operations, 701 Tuckaseegee Rd
	Tuesday, 7 00 p m	PLANNING COMMISSION/Implementation Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 7 30 p m.	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room
5	Wednesday, 8 30 a.m	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 2 00 p m	HOUSING AUTHORITY - Administrative Offices, 1301 South Blvd
	Wednesday, 4 00 p m	CITY COUNCIL WORKSHOP - City Hall Annex, Training Center
6	Thursday, 7 45 a m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 2 00 p m to 4 00 p m	OPEN HOUSE (Preliminary Airport Development Plan) - N C. Air National Guard Assembly Hall, Morris Field Drive
	Thursday, 3 30 p m	CITIZENS CABLE TV ADVISORY COMMITTEE/Technical & Financial Review Subcommittee -CPCC, Terrell Administration Bldg , Board Room
	Thursday, 4 00 p m	CITY COUNCIL (Orientation on Transportation Issues) - City Hall Annex, Training Center
	Thursday, 8 00 p m	AIRPORT MASTER PLAN ADVISORY COMMITTEE/Public Meeting - N C Air National Guard Assembly Hall, Morris Field Drive

THE WEEK OF MARCH 9 - MARCH 15

10	Monday	CONGRESSIONAL CITIES CONFERENCE - Washington, D C (No City Council Meeting)
	Monday, 12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room
11	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 9 00 a m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
12	Wednesday, 9 00 a m	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
13	Thursday, 7 30 p m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road
14	Friday, 7 30 a m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room

(Continued on Back)

THE WEEK OF MARCH 16 - MARCH 22

17	Monday, 5 00 p.m.	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p m	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, 4th Floor Board Room
18	Tuesday, 10 30 a.m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - County Office Bldg., Finance Dept., 4th Floor Conference Room
19	Wednesday, 1 00 p.m.	HOUSING AUTHORITY - Belvedere Homes Community Center, 2919 West Trade St
	Wednesdav, 2 00 p m	TECHNICAL COORDINATING COMMITTEE - Dept of Transportation, City Hall Annex, Conference Room
	Wednesday, 3 30 p.m.	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Briefing Room
	Wednesday, 4 00 p m.	STORMWATER MANAGEMENT CITIZENS ADVISORY COMMITTEE - Education Center, 2nd Floor, Central Conference Room (City Council, County Commission, Planning Commission & Mayors of Small Towns)
	Wednesday, 4 30 p m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 East Morehead St.
	Wednesday, 7 00 p m.	METROPOLITAN PLANNING ORGANIZATION - Department of Transportation, City Hall Annex, Conference Room
20	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 8 30 a m	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Thursday, 9 30 a m	CIVIL SERVICE BOARD (Hearing) - City Hall, 3rd Floor Conference Room
	Thursday, 3 00 p m	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - Fire Dept., City Hall Annex, 3rd Floor Conference Room
	Thursday, 4 00 p m	PLANNING COMMISSION (Deferred Rezonings) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 4 00 p.m.	CITIZENS CABLE TV ADVISORY COMMITTEE - CPCC, Hagemeyer Learning Center, Pease Conference Hall
21	Friday, 12 00 Noon	ARBOR DAY CEREMONY - Marshall Park

THE WEEK OF MARCH 23 - MARCH 29

24	Monday, 12 Noon	COUCIL/MANAGER LUNCHEON City Hall Annex, Training Center
	Monday, 2 00 p.m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING - City Hall, Council Chamber
	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 St
	Monday, 7 00 p.m	PUBLIC HEARING (Proposed Changes to Charlotte Tree Ordinance - Education Center, Board Room
25	Tuesday, 8 00 a m	PLANNING COMMISSION/Planning Liaison Committee - Education Center, 2nd Floor, Central Conference Room
	Tuesday, 3 00 p.m	COMMUNITY FACILITIES COMMITTEE - Charlotte-Mecklenburg Utility Dept , 5100 Brookshire Blvd
	Tuesday, 4 30 p m	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg , 3rd Floor Conference Room
26	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
27	Thursday, 3 00 p m	ADVISORY ENERGY COMMISSION - Education Center, Board Room
	Thursday, 3 30 p m	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - James K Polk State Office Building, 500 West Trade St., 2nd Floor Conference Room

FAOGREMNADLA

Charlotte

IN MEETING MARCH 17, 1986

5:00 p.m. - Dinner - No Dinner Presentation.
Rooms 237 and 239, Education Center

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

ITEM NO

1. Invocation by Elder Frank Ottati, Sharon Seventh-Day Adventist Church.

PUBLIC HEARINGS

2. Hearing to consider designation of the "Old Good Samaritan Hospital", (including the exterior of the building erected in 1891, the interior of the chapel on the second floor of the 1891 building, and a parcel of land between the southern wall of the 1891 building and West Hill Street, extending in a straight line to South Mint Street), located at 400 West Hill Street, Charlotte, North Carolina as historic property.

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

   1. The Old Good Samaritan Hospital is reportedly the first private hospital in the United States to have been built exclusively for the treatment of blacks.

   2. Opening in 1891, Good Samaritan Hospital resulted from the great talents, skills, and energy of Jan Renwick Smedberg Wilkes (1827-1913), a leader in philanthropic activities in this community for more than fifty years.

council agenda

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

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

3. The Old Good Samaritan Hospital is the only surviving remnant of a once-flourishing black neighborhood in Third Ward.

The property is tax exempt.

The property owner 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 Old Good Samaritan Hospital, the exterior of the building errected in 1891, the interior of the chapel on the second floor of the 1891 building, and a parcel of land between the southern wall of the 1891 building and West Hill Street, extending in a straight line to South Mint Street, as historic property.

Attachment No. 1

3. Hearing to consider designation of the Excelsior Club (including the interior, exterior and the land upon which the building sits) located at 921 Beatties Ford Road, Charlotte, North Carolina, as historic property.

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

1. The original owner, "Jimmie" McKee (1913-1985) was a leading black philanthropist, political activist, and businessman in Charlotte.

2. The Excelsior Club has enjoyed the reputation as being among the most influential social institutions in the black community of Charlotte.

3. The Excelsior Club attained architectural appointments in 1952 which make it perhaps the finest example of the Art Moderne style in Mecklenburg County.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $692.96.

After several notifications without response, it is assumed that the property owner has no conflict with historic designation. The Department Review Process revealed no conflicts between the historic designation and City Projects.

Recommend adoption of an ordinance designating the Excelsior Club, the interior, exterior and the land upon which the building sits, as historic property.

Attachment No. 2

4. Hearing to consider designation of the "Belk Facade" (specifically the entire facade except for the first floor level) located at 115 East Trade Street, Charlotte, North Carolina as historic property.

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

1. The Belk Facade, erected in 1908 and enlarged in 1926-27, is a compelling manifestation of the growth and development of the Belk Department Store in Charlotte, North Carolina.

2. The original owner of the facade, William Henry Belk (1862-1952), was a businessman and civic leader of enormous importance in Charlotte and its environs.

3. The architects of the facade, Wheeler and Stern in 1908, and, more especially, C. C. Hook in 1926-27, were architects of local and regional prominence.

4. The Belk Facade is one of the finest turn-of-the-century commercial facades which survives in Charlotte-Mecklenburg.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $173.11.

The property owner does not support the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects.

Recommend adoption of an ordinance designating the Belk Facade as historic property.

Attachment No. 3

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

At the February 17, 1986 Zoning meeting, the petitioner requested a postponement for one month so that he could submit a letter withdrawing this petition.

Attached is a copy of that request.

Attachment No. 4

6. Hearing on Petition No. 86-25 by Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from R-9MF to R-15MF, and for Part 2 from R-9MF to R-6 and R-15MF for total of 21.29 acres. Part 1 is located east of the intersection of Elgywood Lane and Austin Drive; Part 2 is located between Tom Hunter Road and I-85.

Attachment No. 5-A

7. Hearing on Petition No. 86-26 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from R-9MF to R-12, and for Part 2 from B-2 to O-6 for a total of 3.954 acres. Part 1 is located southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive. Part 2 is located east of the intersection of Graham and Princess Street.

Attachment No. 5-B

8. Hearing on Petition No. 86-27 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF, I-1 and O-6 to R-15MF and R-9 for a total of 65 acres located along Glory Street, West Sugar Creek Road, Penney Way and Montgomery Drive.

Attachment No. 5-C

9. Hearing on Petition No. 86-28 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 and R-12MF for a 76 acre site located along Lambeth Drive and north of North Tryon Street.

Attachment No. 5-D

10. Hearing on Petition No. 86-29 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and O-6 to R-6MF, R-15MF, and R-9 for a total of 12.14 acres located along West Sugar Creek Road at Cushman Street and Rutgers Avenue, north of Sofley Road, and along Cinderella Road and Gondola Avenue.

Attachment No. 5-E

11. Hearing on Petition No. 86-30 by Excelsior Lodge No. 261 AF & AM for a change in zoning from R-12 and R-9 to R-12MF(CD) for a 5.3 acre site located 3900 Litchfield Road.

Attachment No. 5-F

12. Hearing on Petition No. 86-31 by the Charlotte-Mecklenburg Hospital Authority, for a change in zoning from R-6MF, O-6, B-1 and B-2 to O-6(CD) for an approximately 40 acre site located at 1000 Blythe Boulevard.

Attachment No. 5-G

13. Hearing on Petition No. 86-32 by Schurgin Development Corporation for a change in zoning from O-15, O-15(CD) and R-9 to B-1(CD) and R-9(CD) for an approximately 7 acre site located off Grafton Place and Albemarle Road.

The Petitioner has written a letter requesting a postponement of this hearing until April 21, 1986.

Attachment No. 5-H

14. Hearing on Petition No. 86-33 by James Howard Cherry, Jr., for a change in zoning from I-1(CD) to B-2 for a 5.107 acre site located off Village Lake Drive.

Attachment No. 5-I

15. Hearing on Petition No. 86-34 by John Crosland, Jr. for a change in zoning from B-1 to B-2(CD) for a 6.742 acre site located at 800 Clanton Road, northwest corner of intersection of I-77 and Clanton Road.

Attachment No. 5-J

BUSINESS AGENDA

16. Consider issuance of a Floodway Special Use Permit that would allow construction of a box culvert within Little Sugar Creek, grading and construction of driveways, parking lot, and commercial buildings along East Morehead Street at Kings Drive.

The Planning Commission recommends that the request be approved.

Attachment No. 6

17. Consider the following actions for the management of the Hezekiah Alexander Homesite:

(a) Approval of a proposed charge to the Hezekiah Alexander Study Committee.

(b) Adoption of a budget ordinance transferring $7,500 from the General Fund Contingency to an account for the Committee.

(c) Nomination of two persons to the Committee.

Attachment No. 7

POLICY AGENDA

18. Decision on Petition No. 85-83 by Sturnbridge Homeowners Association for a change in zoning from O-15 to R-15MF for a 20± acre site on Carmel Road next to Sturnbridge Subdivision, 1/4 mile north of Highway 51.

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

The Planning Commission recommends that the request by the petitioner be denied, but accepts the voluntary O-15(CD) petition by the property owner.

Attachment No. 8-A

19. Decision on Petition No. 85-87 by Jessie E. Oxendine for a change in zoning from R-12MF to O-15(CD) for a 2.24 acre site east of the Sardis Road North, Monroe Road intersection.

The Planning Commission recommends that the petition be denied.

Attachment No. 8-B

20. Decision on Petition No. 86-9 by the Charlotte-Mecklenburg Planning Commission to amend the City of Charlotte Zoning Ordinance at Sections 3101.1 and 3101.10 to clarify the administrative approval authority for Planned Multifamily Developments.

The Planning Commission recommends that the petition be denied.

Attachment No. 8-C

21. Decision on Petition No. 86-10 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-15MF for approximately 70 acres located on both sides of Oneida Road, and parcels between Dalecrest Drive and I-85, and from R-9MF to R-12 for approximately 3 acres between Oneida and Allen Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 8-D

22. Decision on Petition No. 86-11 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-12 for approximately 35 acres; from B-1 to R-15MF for approximately 8 acres; and from I-1 and I-2 to B-1 for approximately 7 acres in the vicinity of Nevin, Eargle and Gibbon Roads.

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

The Planning Commission recommends that the petition be approved.

Attachment No.8-E

23. Decision on Petition No. 86-12 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from I-2 to I-1 for approximately 45 acres located on both sides of North Graham Street between Pickway Drive and the I-85 Service Road.

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

The Planning Commission recommends that the petition be approved except for parcels noted.

Attachment No. 8-F

24. Decision on Petition No. 86-13 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from I-1, B-2 to B-1 for approximately 7.8 acres at the intersection of North Graham Street and West Sugar Creek Road, and for 8 acres on the west side of West Sugar Creek Road from Harris Teeter Shopping Center to Hewitt Drive, and from O-6 to R-12 for approximately 1.5 acres located on the west side of Derita Avenue.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 8-G

25. Decision on Petition No. 86-14 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from B-2 to R-9MF for approximately 9.84 acres on the east side of West Sugar Creek Road, south of Cole Memorial Methodist Church; from B-2 to R-15MF for approximately 17 acres on the east side of North Graham Street, between Derita Floral Supply and Princess Avenue; and from R-9MF to R-15MF for a 38,533 square foot site located on the north side of Princess Avenue.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property, except for the 9.84 acre parcel on the east side of West Sugar Creek Road.

No recommendation is offered by the Planning Commission due to a tie in the voting.

Attachment No. 8-H

26. Decision on Petition No. 86-15 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from B-2 to R-9 for a .97 acre site located at 4724 Statesville Road; and from B-2 to B-1 for approximately 7 acres located between Cindy Lane and Hutchinson McDonald Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 8-I

27. Decision on Petition No. 86-16 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-15MF for approximately 62 acres located south of I-85 and north of Tom Hunter Road.

The Planning Commission recommends that the petition be approved in part.

Attachment No. 8-J

28. Decision on Petition No. 86-17 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-6 for approximately 25 acres located on Tom Hunter Road, north of Hidden Forest Drive intersection.

The Planning Commission recommends that the petition be approved in part.

Attachment No. 8-K

29. Decision on Petition No. 86-18 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-9 for approximately 25 acres located on Dawn Circle and Austin Drive.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 8-L

30. Decision on Petition No. 86-19 by the Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-9MF to R-6 for approximately 5.45 acres located in the vicinity of Elgywood Lane and Arrowhead Drive.

The Planning Commission recommends that the petition be approved for R-9 in lieu of R-6.

Attachment No. 8-M

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

The Planning Commission recommends that the petition be approved.

Attachment No. 8-N

32. Decision on Petition No. SUB 86-1 by the Charlotte-Mecklenburg Planning Commission to amend the City of Charlotte Subdivision Ordinance at Sections 20-3, 20-9 and 20-11 to clarify the administrative approval authority for subdivisions.

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

Attachment No. 8-O

33. Recommend adoption of a resolution calling for public hearings on Monday, April 21, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petitions No. 86-35 through 86-44 for zoning changes.

- SCHEDULE OF MEETINGS -
March 17 - 21, 1986

Monday, March 17	Council/Planning Commission Dinner Education Center - Rooms 237, 239	5 00 p. m.
	Zoning Hearings Board Room	6.00 p. m.
Tuesday, March 18	Finance & Long Range Funding Committee Public Hearing and Discussion - Business Privilege License tax fee structure Council Chamber, 2nd Floor, City Hall	4 00 p. m.
Wednesday, March 19	Finance & Long Range Funding Committee Continued discussion of Privilege License tax fee structure 2nd Floor Conference Room, City Hall	2 30 p. m.
	Stormwater Management Presentation Education Center - 2nd Floor Conference Room	4·00 p. m.

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "OLD GOOD SAMARITAN HOSPITAL" (THE EXTERIOR OF THE BUILDING ERECTED IN 1891, THE INTERIOR OF THE CHAPEL ON THE SECOND FLOOR OF THE 1891 BUILDING, AND A PARCEL OF LAND BETWEEN THE SOUTHERN WALL OF THE 1891 BUILDING AND WEST HILL STREET, EXTENDING IN A STRAIGHT LINE TO SOUTH MINT STREET) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 400 WEST HILL STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 073-135-07 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 "Old Good Samaritan Hospital" as historic property; and

WHEREAS, the "Old Good Samaritan Hospital" is believed to be the first privately-funded, independent hospital in North Carolina to have been built exclusively for the treatment of blacks; and

WHEREAS, the "Old Good Samaritan Hospital", opening in 1891, resulted from the great talents, skills, and energy of Jane Smedberg Wilkes (1827-1913), a leader in philanthropic activities in this community for more than fifty years; and

WHEREAS, the "Old Good Samaritan Hospital" is the only surviving remnant of a once-flourishing black neighborhood in Third Ward; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties

Commission has demonstrated that the property known as the "Old Good Samaritan Hospital" 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 "Old Good Samaritan Hospital" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Old Good Samaritan Hospital" is vested in fee simple to the Charlotte-Mecklenburg Hospital Authority.

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

1. That the property known as the "Old Good Samaritan Hospital" (the exterior of the building erected in 1891, the interior of the chapel on the second floor of the 1891 building, and a parcel of land between the southern wall of the 1891 building and West Hill Street, extending in a straight line to South Mint Street) 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 400 West Hill Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 073-135-07 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 "Old Good Samaritan Hospital" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the

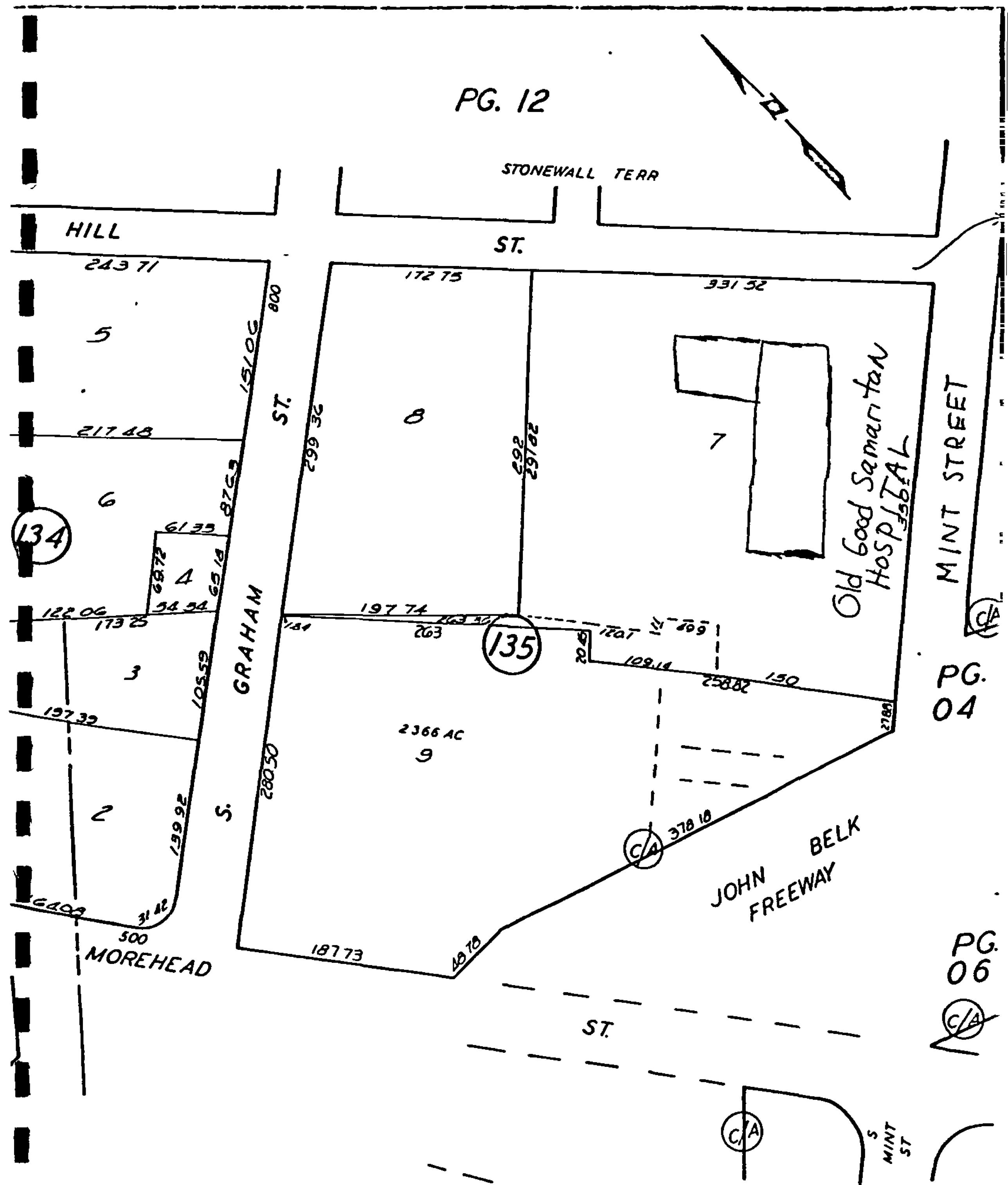
offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

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

Approved as to form:

Henry W. Underhill Jr.

City Attorney



TAX LINE MAP BOOK 73 PAGE 13	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 100'

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "EXCELSIOR CLUB" (THE EXTERIOR OF THE BUILDING, THE INTERIOR OF THE BUILDING, AND THE LOT UPON WHICH THE BUILDING IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 921 BEATTIES FORD ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 069-066-21 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 "Excelsior Club" as historic property; and

WHEREAS, the original owner of the "Excelsior Club", "Jimmie" McKee (1913-1985), was a leading black philanthopist, political activist, and businessman in Charlotte; and

WHEREAS, the "Excelsior Club" has enjoyed the reputation of being among the most influential social institutions in the black community of Charlotte; and

WHEREAS, the "Excelsior Club" obtained architectural appointments in 1952 which make it perhaps the finest example of the Art Moderne style in Mecklenburg County; and

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

WHEREAS, the property known as the "Excelsior Club" is vested in fee simple to HKL, Inc.

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

1. That the property known as the "Excelsior Club" (the exterior of the building, the interior of the building, and the entire lot upon which the building 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 921 Beatties Ford Road, Charlotte, North Carolina, and recorded on Tax Parcel Number 069-066-21 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.

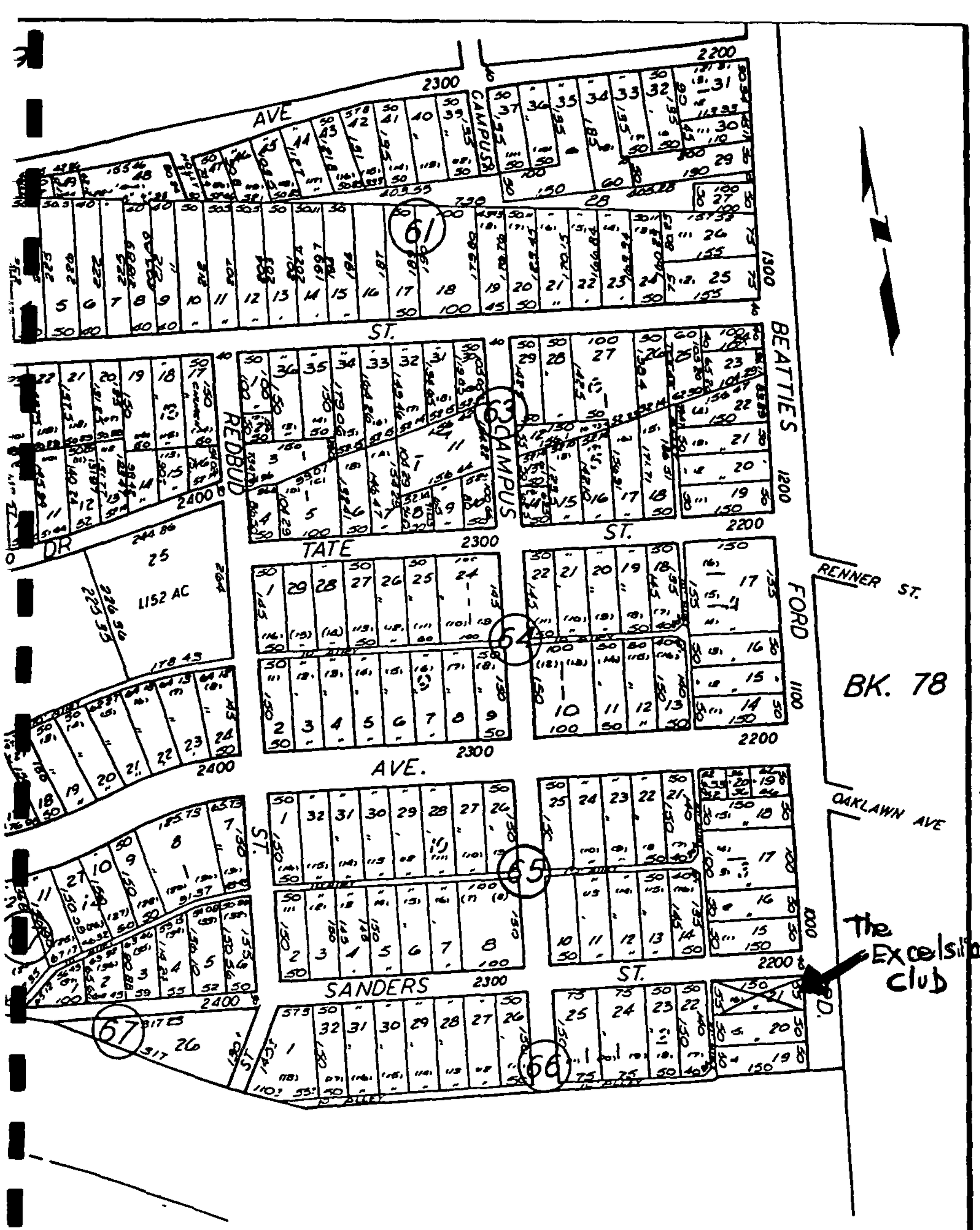
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "Excelsior Club" 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 ot it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney



PG. 03

TAX LINE MAP BOOK 69 PAGE 06	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 200'

EXCELSIOR CLUB

1944

Jimmie McKee

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "BELK FACADE" (THE ENTIRE FACADE EXCEPT FOR THE FIRST FLOOR LEVEL) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 115 EAST TRADE STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 080-012-16 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 "Belk Facade" as historic property; and

WHEREAS, the "Belk Facade", erected in 1908 and enlarged in 1926-27, is a compelling manifestation of the growth and development of the Belk Department Store in Charlotte, N.C.; and

WHEREAS, the original owner of the "Belk Facade," William Henry Belk (1862-1952), was a businessman and civic leader of enormous importance in Charlotte and its environs; and

WHEREAS, the architects of the "Belk Facade", Wheeler and Stern in 1908, and, especially, C. C. Hook in 1926-27, were architects of local and regional prominence; and

WHEREAS, the "Belk Facade" is one of the finest turn-of-the-century commercial facades which survives in Charlotte-Mecklenburg; and

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

WHEREAS, the property known as the "Belk Facade" is vested in fee simple to Belk Brothers Company.

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

1. That the property known as the "Belk Facade" (the entire facade except for the first floor level) 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 115 East Trade Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 080-012-16 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.

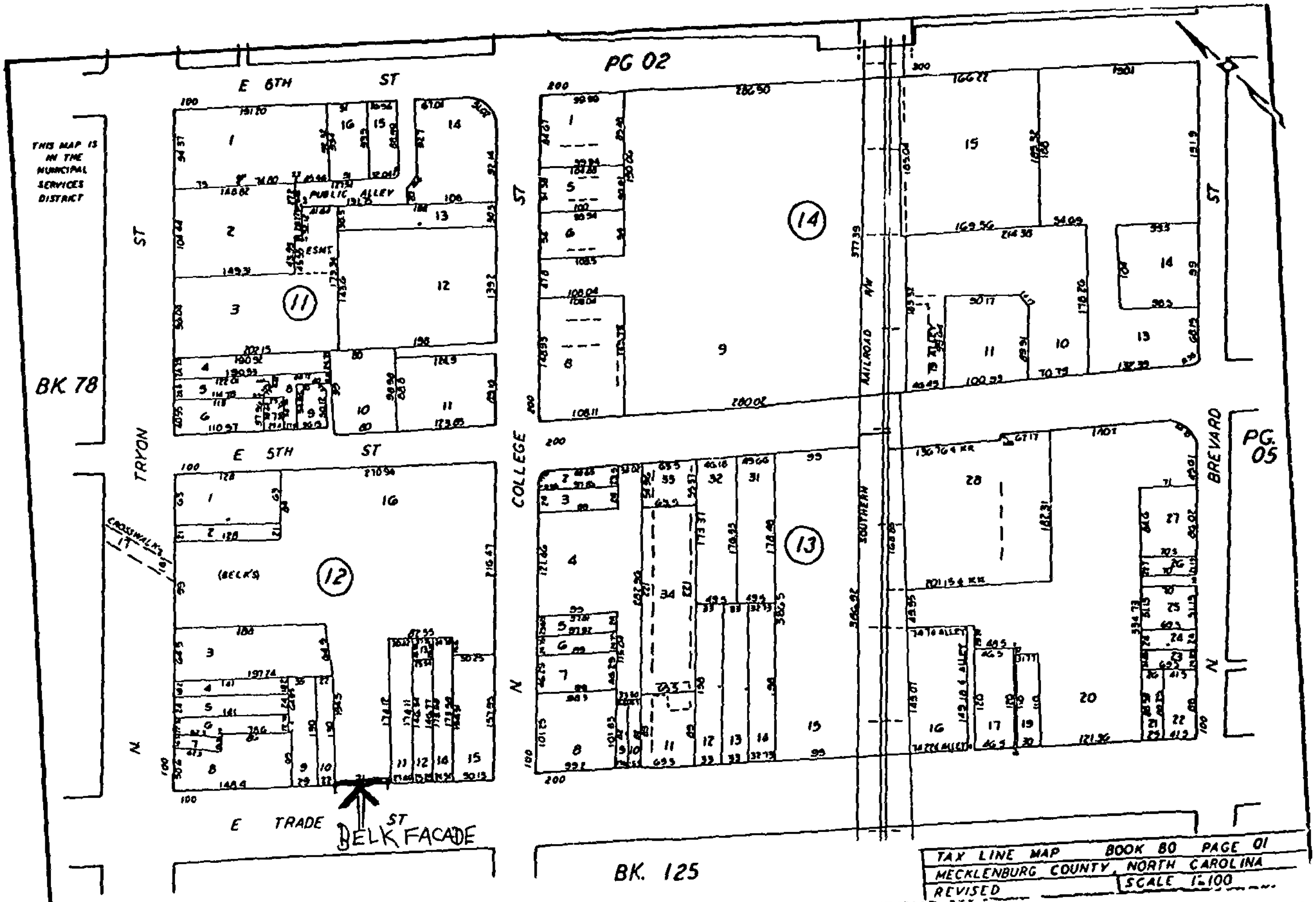
5. That the owners and occupants of the property known as the "Belk Facade" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg

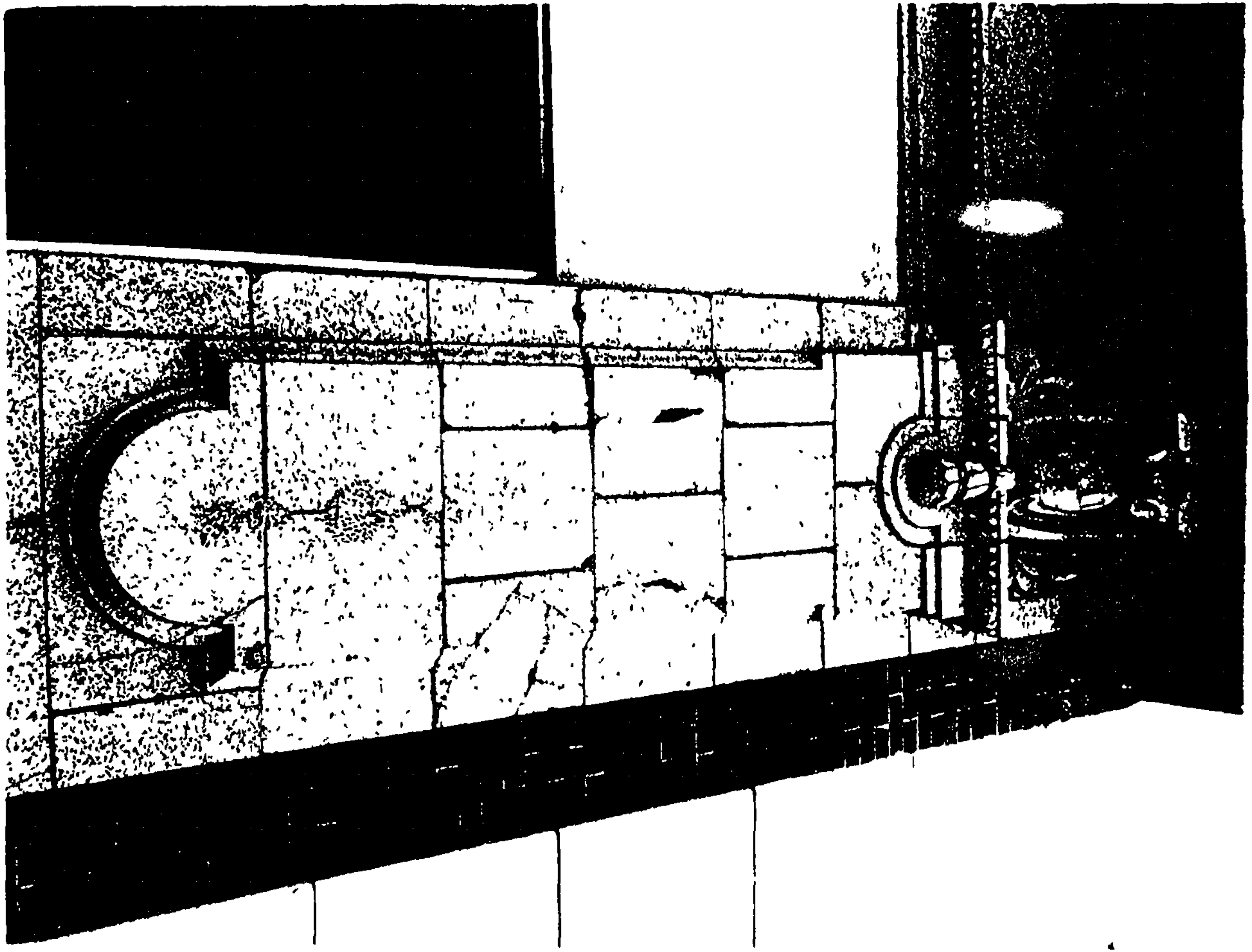
County Register of Deeds, and the Tax Supervisor, as required by applicable law.

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney


PG 02
E 6TH ST
E 5TH ST
E TRADE ST
TRYON ST
COLLEGE ST
BREVARD ST
SOUTHERN RAILROAD
THIS MAP IS IN THE MUNICIPAL SERVICES DISTRICT
BK 78
PG. 05
BK. 125
PUBLIC ALLEY
ESMT
CROSSWALK
(BELK'S)
BELK FACADE
TAX LINE MAP BOOK 80 PAGE 01
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED
SCALE 1"=100'



KENNEDY COVINGTON LOBDELL & HICKMAN
ATTORNEYS AT LAW
3300 NCNB PLAZA
CHARLOTTE, NORTH CAROLINA 28280
704/377 6000

MARCUS T H CKMAN
CLARENCE W WALKER
HENRY C LOMAX
EDGAR LOVE III
CHARLES V TOMPKINS JR
GLEN B HARDYMON
J DONNELL LASSITER
ROSS J SMYTH
A ZACHARY SM TH III
DAVID GRIER MARTIN JR
W LLIAM F DREW JR
CHARLES O DuBOSE
RALEIGH A SHOEMAKER
JOHN M MURCHISON JR
STEPHEN M S COURTLAND
RICHARD D STEPHENS
F FINCHER JARRELL
MAYNARD E TIPPS
WAYNE P HUCKEL
J NORFLEET PRUDEN III
WILLIAM C L VINGSTON
LEE WEST MOVIUS
JOSEPH B C KLUTTZ
JONATHAN A BARRETT
EUGENE C PRIDGEN
STEPHEN K RHYNE
E ALLEN PRICHARD
RAYMOND E OWENS JR
HENRY W FLINT
DAVID H JONES
NANCY BLACK NORELLI
PETER McLEAN III
B PALMER McARTHUR JR
MYLES E STAND SH
KIRAN H MEHTA
MICHAEL S HAWLEY
R DOUGLAS HARMON
JAMES P COONEY III
AMANDA BRANTLEY ANDERS
DONALD H BAKER JR
JEFFERSON W BROWN
LYNN OLIVER WENIGE
GEORGE C COVINGTON
DANIEL L JOHNSON JR
DENNARD L TEAGUE
L CAMPBELL TUCKER
DEAN A WARREN

FRANK H KENNEDY
1893 975

HUGH L LOBDELL
1906 982

W T COV NGTON JR
OF COUNSEL

TELECOPIER
704/376 8386

SOUTH PARK OFFICE
6739 FAIRVIEW ROAD
CHARLOTTE N C 28210

March 12, 1986

VIA HAND DELIVERY

Ms. Pat Sharkey
City Clerk
600 East Trade Street
Charlotte, NC 28202

Dear Ms. Sharkey:

I hereby respectfully withdraw the enclosed Petition for Rezoning.

Thank you for your assistance.

Sincerely,

George C Covington

George C. Covington
For the Firm

GCC/dej
Enclosure

RECEIVED
MAR 12 1986
OFFICE OF CITY CLERK

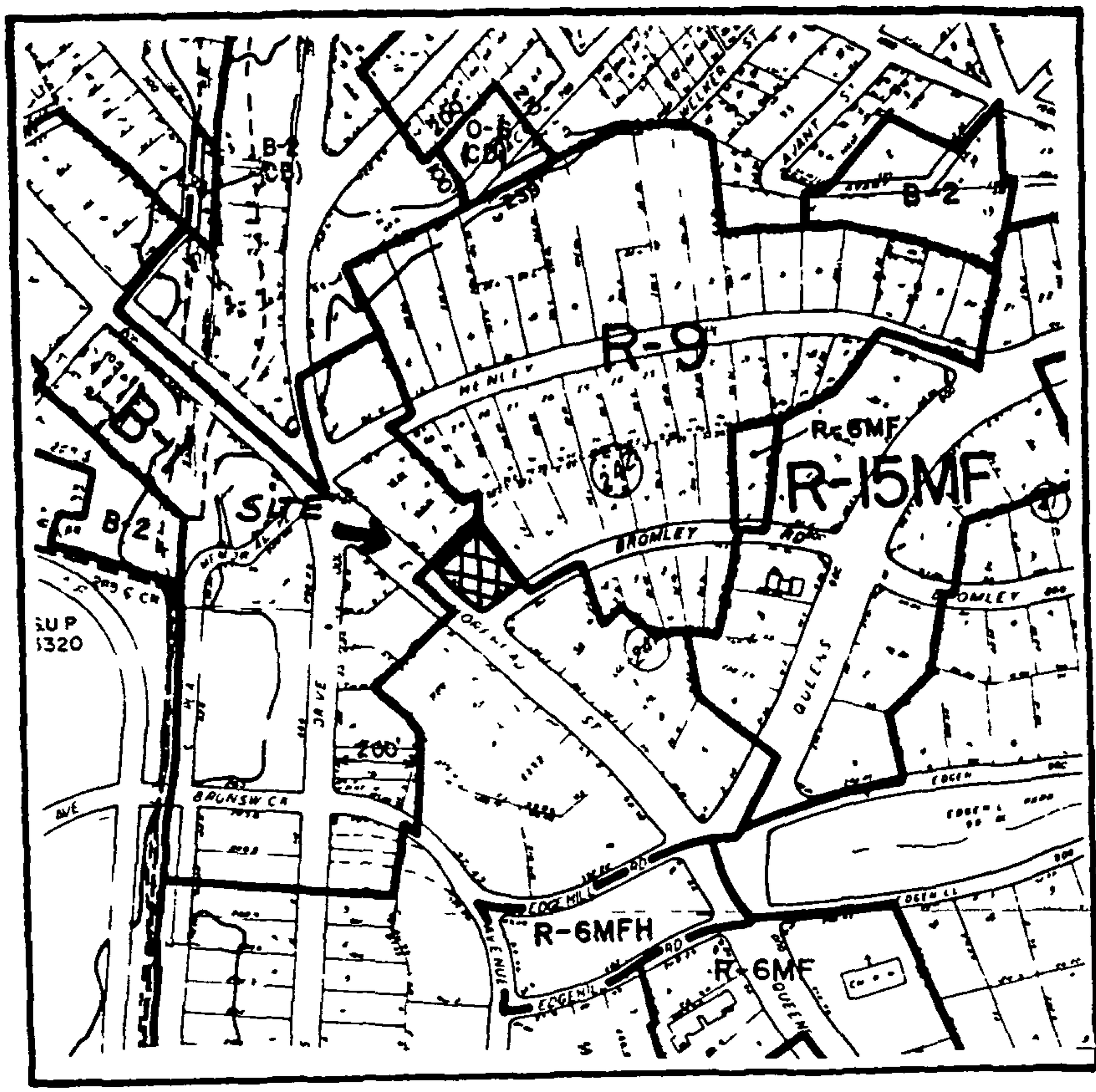
PETITIONER George C. Covington

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

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

LOCATION A .45 acre site located at 1529 East Morehead

(corner of Bromley Road and East Morehead)



ZONING MAP NO. 111 SCALE 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

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

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

Date Property Acquired July 11, 1985

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

Location Of Property (address or description)

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

Description Of Property

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

Current Land Use Vacant subsequent to demolition of residence

Zoning Request

Existing Zoning O-6 Requested Zoning R-12 MF

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

Name of Agent

Agent's Address

Telephone Number

George C. Covington
Name of Petitioner(s)

934 Bromley Rd
Address of Petitioner(s)

704 - 377-6000
Telephone Number

George C. Covington
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-21

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

ISSUES

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

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

BACKGROUND·

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

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

GENERAL FINDINGS

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

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

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

4. Pre-Hearing Departmental Comments (Summary)

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

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

DETAILED FINDINGS.

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

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

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

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

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

*Subject to further refinement following public hearing

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 18, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in March, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on March 17, 1986 at 6 00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

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

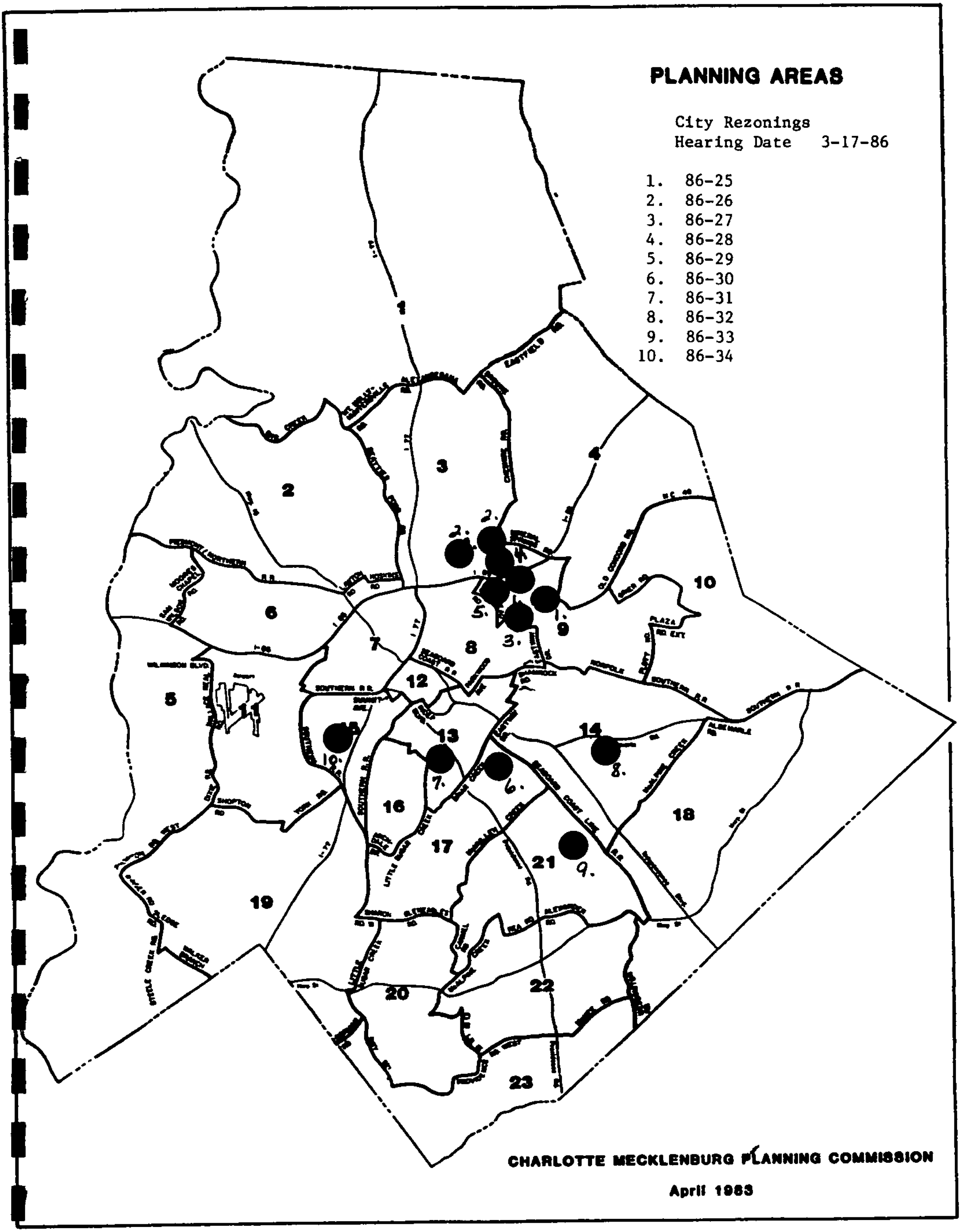
Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachments

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


PLANNING AREAS
City Rezonings
Hearing Date 3-17-86
1. 86-25
2. 86-26
3. 86-27
4. 86-28
5. 86-29
6. 86-30
7. 86-31
8. 86-32
9. 86-33
10. 86-34
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

SMALL AREA PLAN PETITIONS

Petition No 86-25

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and represents the implementation through zoning of goals contained in the Hidden Valley Special Project The petition has two parts Part 1 is a change from R-9MF to R-15MF and Part 2 is a change from R-9MF to R-6 as well as a portion which is a change to R-15MF

The area included in Part 1 is comprised of several lots which front on Austin Drive between Elgywood Drive and Dawn Circle All of the lots except one are vacant and the one lot has a single family residence on it. Rezoning the property to R-15MF will, therefore, not create a non-conforming situation here

The area included in Part 2 is generally located in the vicinity of Tom Hunter Road and I-85 This area is comprised of several parcels Two individual parcels which front on Tom Hunter Road are proposed to go to R-6 zoning whereas several others which are located closer to I-85 are proposed for R-15MF

The properties involved in this petition are either vacant or have a single family residence on it Approval of the petition will not create any non-conforming use on any individual parcel.

Generally, the land use pattern in the overall vicinity is a mixture of vacant property, single family development, some multi-family development as well as a few institutional uses.

The justification for proposing single family R-6 zoning is to maintain and strengthen the existing single family character along this portion of Tom Hunter Road It provides a good land use relationship and streetscape with existing development to the south and breaks up the massing of multi-family development to the north of Tom Hunter Road by providing a variety of housing types in that area The justification for changing the R-9MF area to R-15MF is based upon the premise that the R-9MF density is too intense for this area and would not provide a good transition with the single family proposed for area one

Petition No 86-26

The property involved in this petiton is located in two areas The area designated as Part 1 located in an area along Garvis Drive and Onieda Road The property in this petition is presently zoned R-9MF and R-12 is requested The area located in Part 2 is located at the corner of Graham Street and Princess Avenue That property is zoned B-2 and O-6 is requested in the petition.

Property located within the boundary of Part 1 is developed with single family residences. The zoning line established in this area was a rather arbitrary one and as a result when a subdivision was laid out the lots were partially

developed with both single family and multi-family zoning The change here is simply to recognize the fact that the usage of the property is single family and, thus, rezoning the property to single family will make it consistent with the zoning with other lots in this subdivision The area located in Part 2 has a single family residence on one parcel at the corner of Princess Avenue and Graham Street, but the rear portion of the property is part of a larger tax parcel upon which is an office The other half of that tax parcel is already zoned 0-6 and is used for parking purposes to support the office structure However rezoning both parcels in this request to 0-6 would not create any non-conforming use

Petition No 86-27

This petition involves approximately 65 acres of land located along both sides of Sugar Creek Road generally just north of North Tryon Street to just south of Cinderella Road The current zoning for these properties is a combination of R-9MF, I-1 and 0-6 and the petition requests that zoning be changed to a combination of R-15MF and R-9.

Most of the properties associated with the rezoning are vacant, though there is some single family development Generally, the land use pattern in this area is mostly residential and mostly single family for that matter. There are several institutional uses located along Sugar Creek Road including several churches, a day care center and a couple of fraternity houses in association with UNCC. There are also a few neighborhood business uses along a strip adjacent to the easterly side of Sugar Creek Road between Cinderella Road and Argyle Drive.

The justification for this rezoning is based on several factors. The area in the petition which is located on both sides of Sugar Creek south of Glory Street and Rolling Hill Drive is presently zoned R-9MF but is requested for R-15MF. It appears to be best suited for multi-family development given its proximity to two major thoroughfares (North Tryon and Sugar Creek Road). However, in keeping with the main objective of the North Tryon/I-85 Residential Corridor Special Study, which is to reduce the potential housing density in the area, it is recommended that the density be reduced to approximately 12 units per acre or the R-15MF district. Further, the area does suffer presently from traffic congestion and the reduction in density would also help alleviate additional future problems associated with traffic

The area of the petition lying north of Glory Street and Rolling Hill is currently zoned a combination of R-9MF and 0-6 This area is proposed for R-9 zoning

The overall strategy for this area is to accommodate single family attached development and densities up to 8 units per acre To accomplish this it is recommended that this area be rezoned initially to R-9 It may be possible also in the future to entertain a conditional rezoning to R-20MF which would permit the attached housing at appropriate densities Given existing land use and possible intensification under the current zoning pattern, attached single family development would minimize traffic impacts in the area, providing a good relationship with existing land use and maintain a residential character along this portion of Sugar Creek Road

The final area of this petition lies along the south side of Glory Street and is currently zoned R-9MF and I-1 The property is vacant and the proposal is to rezone this property to R-15MF

The majority of the area is currently zoned I-1 It is believed that industrial uses are totally incompatible for this area because of the existing development pattern Adjacent uses are residential and other industrially zoned areas to the south are used for retail purposes and likely to remain so For these reasons it is recommended that Area 13 be changed to R-15MF and used for multi-family residential The R-15MF district is chosen because of the potential traffic considerations as well as the massing of multi-family in that area The change would result in an overall increase in the number of dwelling units allowed since residential development is not allowed in industrial districts.

Petition No 86-28

The land area in this petition comprises approximately 76 acres and is located off of Lambeth Drive just north of North Tryon Street The present zoning is R-9MF and the petition is requesting R-9 and R-12MF

Practically all of the property in this area is vacant though one parcel on Lambeth Drive is developed with a small mobile home park Property just to the south of the site with frontage along Tryon Street is generally used for commercial purposes whereas areas around other sides of the site are more generally oriented to residential uses.

The area of the petition which is proposed for change to R-9 represents one of the largest areas of vacant property in the area. Two sides are adjacent to single family developments. Portions of this area also abut Tryon Forest Apartments and a small mobile home park. At this point access to this property would be via Lambeth Drive and there is also a stub street called Bilmark Avenue which is part of the Hidden Valley Subdivision. The amount of development allowed under current zoning would cause problems at the intersection of Lambeth and North Tryon as well as impact traffic volumes in the Hidden Valley neighborhood. In order to lessen some of the possible traffic impacts and also provide a suitable land use relationship for the area it is therefore recommended that this portion be rezoned to R-9

The remaining area within this petition is a proposed change from R-9MF to R-12MF It lies immediately south of the area described just above This area of the petition creates an opportunity to provide transitional land uses from businesses along North Tryon to the proposed single family described just above Therefore, multi-family development is appropriate at densities up to those allowed in the R-12MF district A reduction in the total units allowed for this area is based on general objectives to reduce housing densities and probable impacts to the street network system. Rezoning would meet these objectives and have a positive effect.

Petition No 86-29

The area in this petition comprises slightly over 12 acres and located along West Sugar Creek at Cushman Street and Rutgers Avenue, north of Sofley Road and along Cincerella Road and Gondola Avenue The application requests to change the present B-1 and O-6 zoning associated with this property to R-6MF, R-15MF and R-9

The portion of this request which lies on the southerly side of Cinderella Avenue is presently zoned B-1 and O-6 and the petition seeks R-15MF This area is comprised of two lots of which the majority is zoned B-1 If commercial development of these lots were to occur, it would penetrate too far into the Hidden Valley residential neighborhood. If residential development were to occur, it would be of very high densities under current zoning. Given these concerns and considering adjacent land uses, multi-family for this area seems most appropriate and it is therefore recommended that the R-15MF district, which accommodates densities up to approximately 12 units per acre, be utilized for this area.

The area of the petition lying north of Cinderella to Gondola Avenue is presently zoned B-1 and the petition is seeking R-6MF The property is the site of the Hidden Valley Apartments. The recommendation associated with this is based upon the desire to have zoning reflect the actual land use. Rezoning the site to R-6MF will do that and will preclude and commercial development on this site if it were to ever occur.

The area of the petition located on the north side of Gondola comprises property currently zoned B-1 and the petition seeks R-9. This area is similar in character to the previously described area to the south of Cinderella in that it penetrates into the Hidden Valley neighborhood However, since single family homes are adjacent to one side a lower density would be more appropriate. The recommendation here is to rezone the property to R-9 initially, with the possibility to later consider conditional rezoning to the R-20MF district. This would allow single family attached development at densities up to about 8 units per acre

The remaining area of the petition lies along the westerly side of Sugar Creek opposite Gondola Avenue This area is presently zoned O-6 and the petition seeks R-9 zoning. This area is comprised of several lots which are used for single family purposes, though it appears one residential structure is used in conjunction with an office or as an office in and of itself

In order to prevent further stripping of non-residential uses along Sugar Creek Road and to maintain the existing housing stock it is recommended that this area be rezoned to single family R-9 Subsequently, under a conditional rezoning, single family attached could be entertained at densities up to 8 units per acre utilizing the R-20MF district. Rezoning this property will strengthen a residential character along Sugar Creek Road and will serve to impede further commercial and office use in the general area.

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

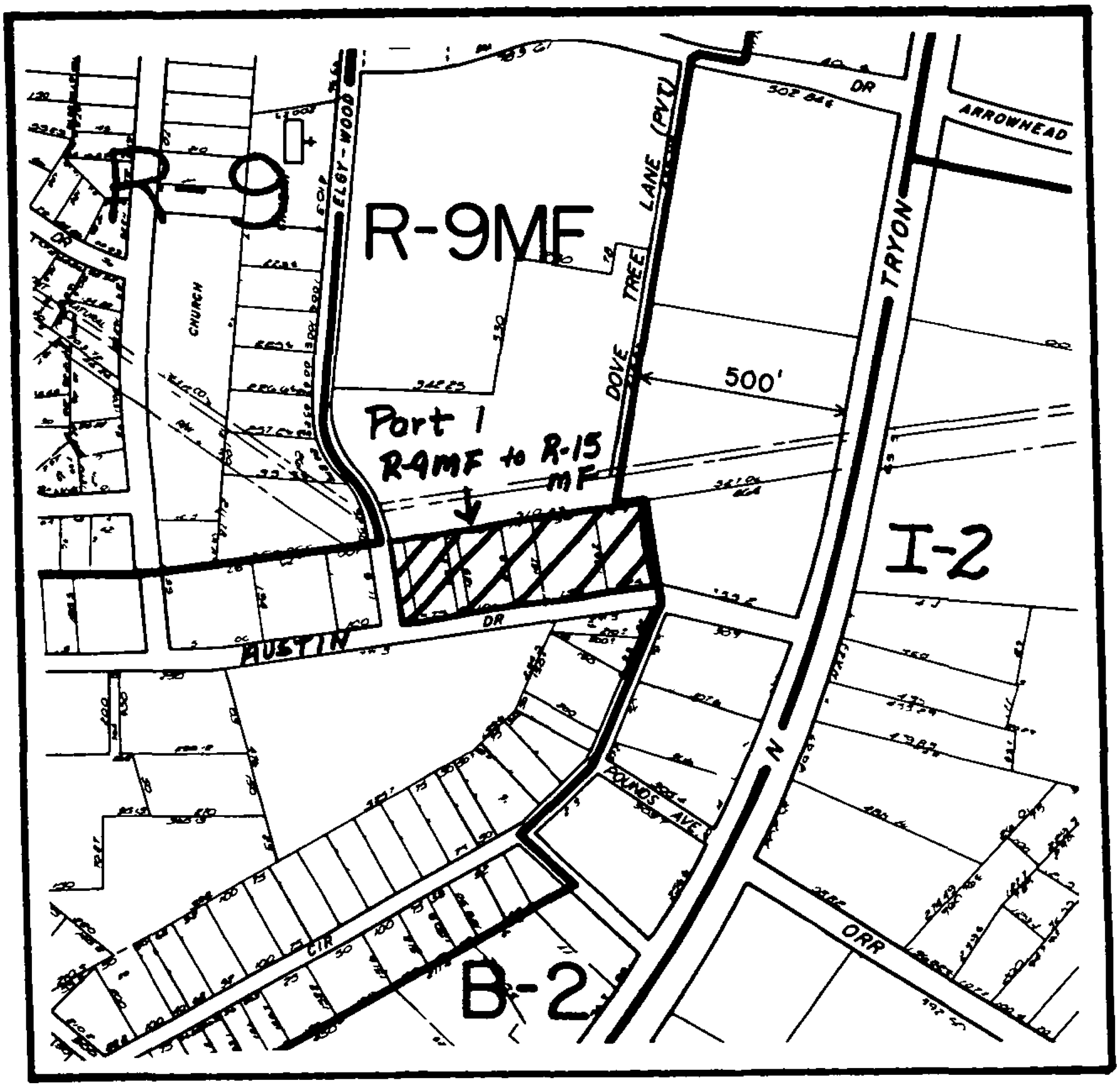
PETITION NO. 86-25 **HEARING DATE** 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: R-9MF **REQUESTED** Part 1: R-15MF Part 2: R-6 and R-15MF

LOCATION A 21.29 acre site

Part 1: east of the intersection of Elgywood Lane and Austin Drive

Part 2: between Tom hunter Road and I-85



ZONING MAP NO. 71, 77 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

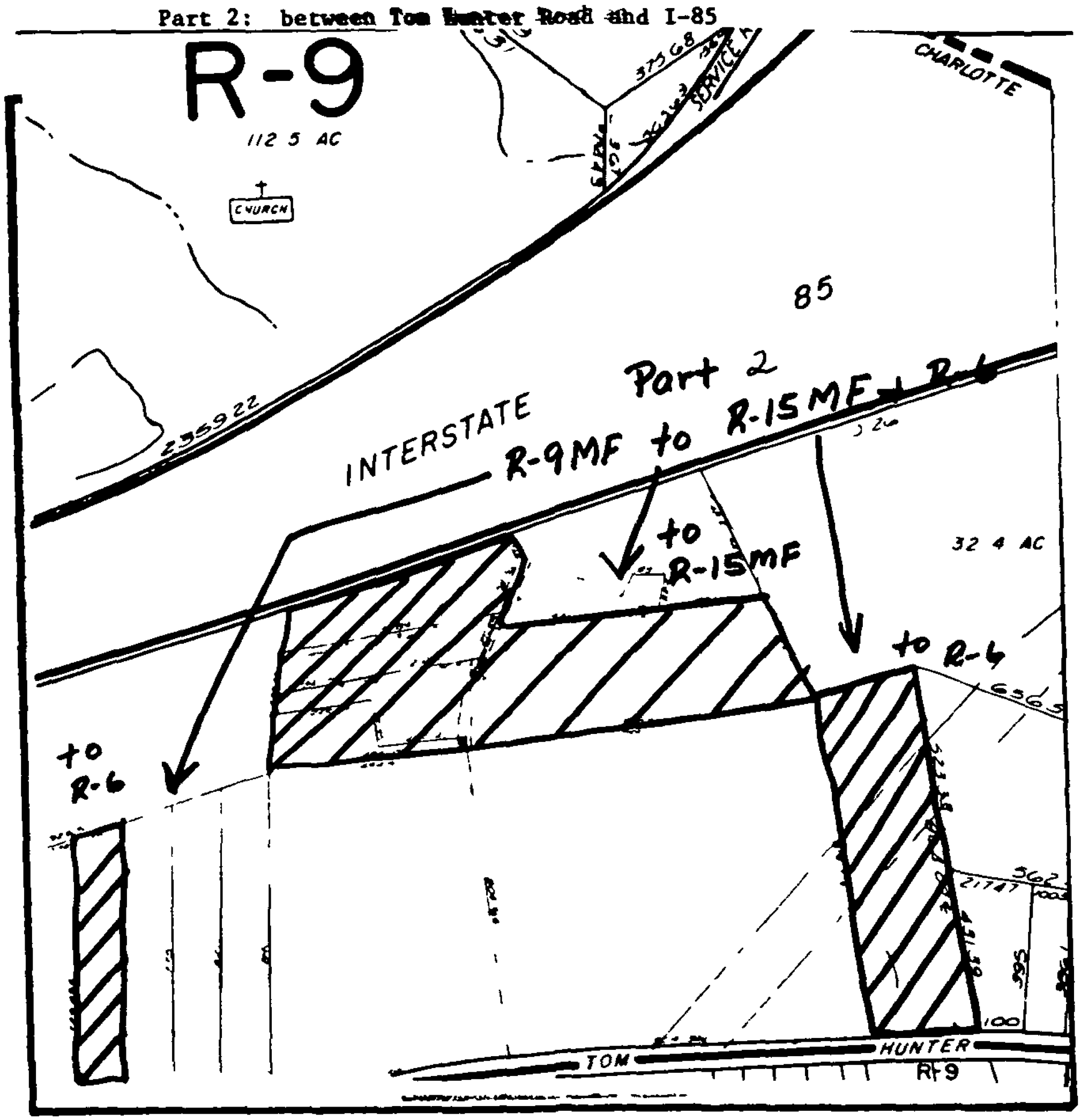
PETITION NO. 86-25 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: R-9MF REQUESTED Part 1: R-15MF Part 2: R-6 and R-15MF

LOCATION A 21.29 acre site

Part 1: east of the intersection of Elgywood Lane and Austin Drive

Part 2: between Tom Hunter Road and I-85



ZONING MAP NO. 71, 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-25
Date Filed 2 3 86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED COMPUTER LIST

Owner's Address SEE ATTACHED COMPUTER LIST

Date Property Acquired N/A

Deed Reference SEE ATTACHED COMPUTER LIST Tax Parcel Number SEE ATTACHED COMPUTER LIST

Location Of Property (address or description)

SEE ATTACHED DESCRIPTION

Description Of Property

Size (Sq Ft -Acres) 21.219 Street Frontage (ft)

Current Land Use Vacant and Single-family

Zoning Request

Existing Zoning Part 1 - R-9MF Part 2 - R-9MF Requested Zoning Part 1 - R-15MF Part 2 - R-6 & R-15MF

Purpose of zoning change To bring parcels into compliance with the adopted North Tryon/I-85 Residential Corridor Special Study.

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

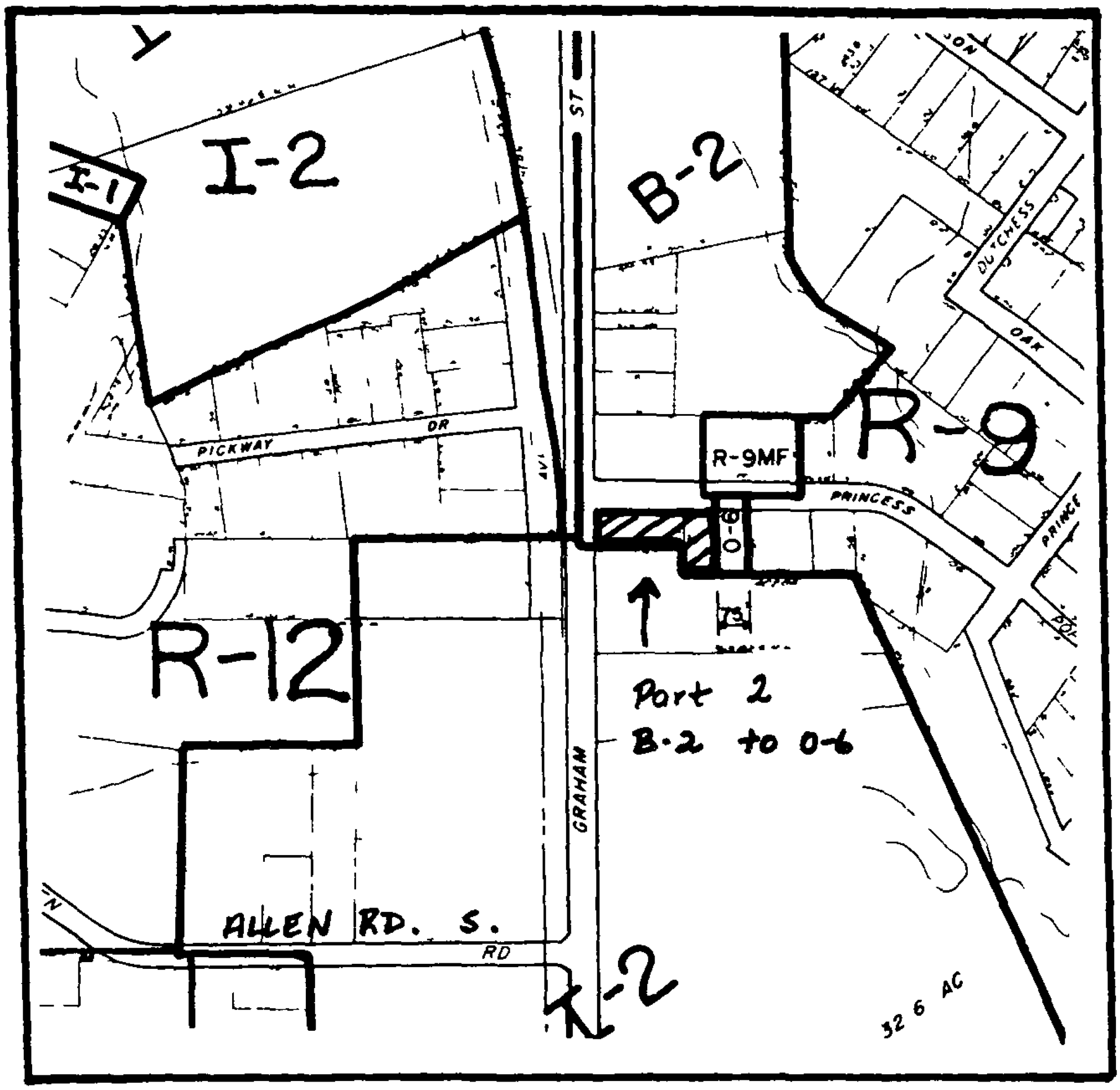
PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-26 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: B-2 REQUESTED Part 1: R-12 Part 2: O-6

LOCATION Part 1: southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive

Part 2: east of the intersection of Graham and Princess Street



ZONING MAP NO. 20 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

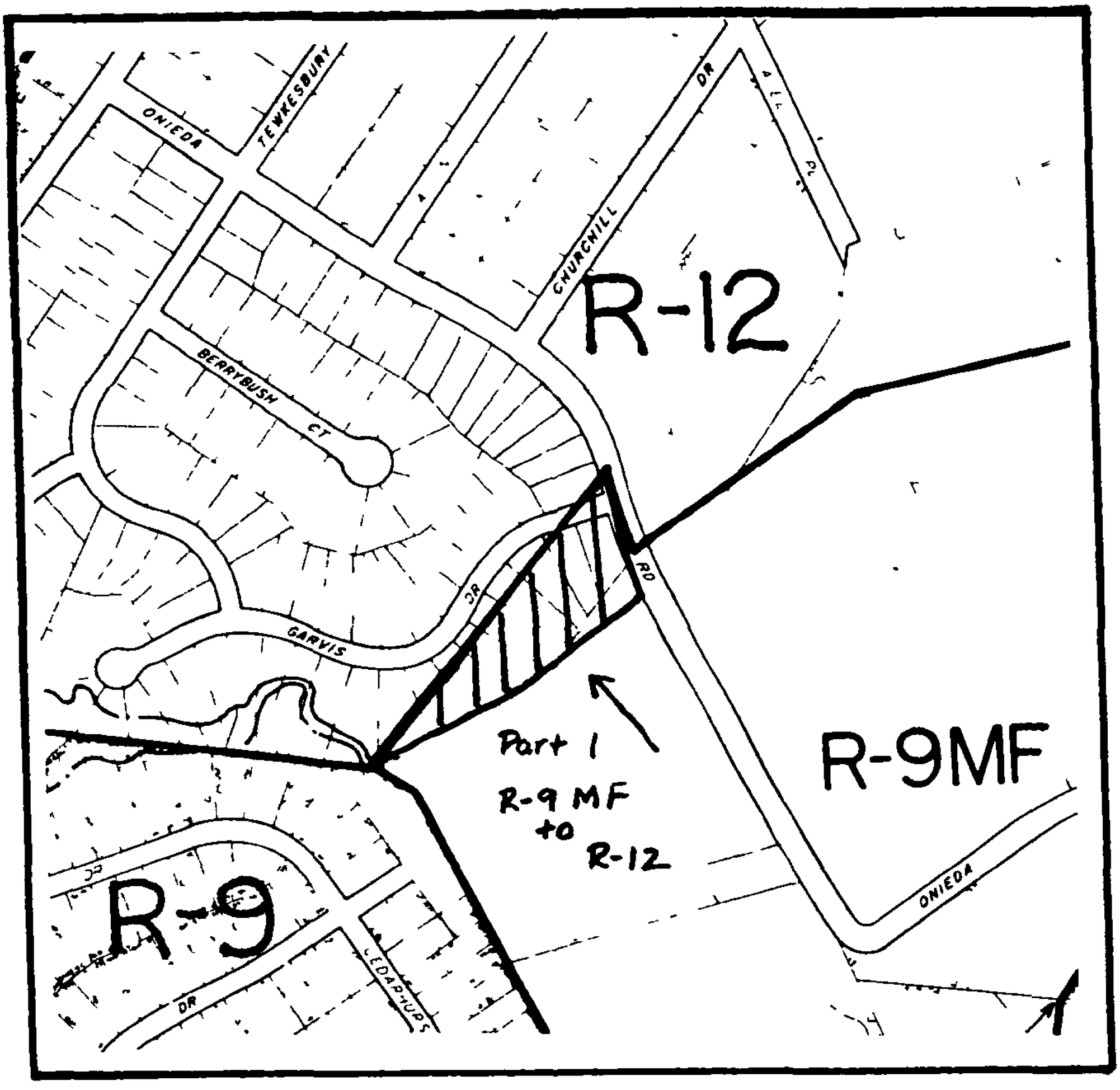
PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-26 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING Part 1: R-9MF Part 2: B-2 REQUESTED Part 1: R-12 Part 2: O-6

LOCATION Part 1: southwest of the intersection of Oneida Road and Garvis Drive, also the parcel north of the intersection of Oneida Road and Garvis Drive

Part 2: east of the intersection of Graham and Princess Street



ZONING MAP NO. 20 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-26
Date Filed 2-3-86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner: SEE ATTACHED COMPUTER LIST

Owner's Address: SEE ATTACHED COMPUTER LIST

Date Property Acquired: N/A

Deed Reference: SEE ATTACHED COMPUTER LIST

Tax Parcel Number: SEE ATTACHED COMPUTER LIST

Location Of Property (address or description)

SEE ATTACHED DESCRIPTION

Description Of Property

Size (Sq Ft -Acres): 3.954

Street Frontage (ft.):

Current Land Use: Single-family

Zoning Request

Existing Zoning: Part 1 - R-9MF Part 2 - B-2

Requested Zoning: Part 1 - R-12 Part 2 - O-6

Purpose of zoning change: To bring parcels into compliance with the adopted Derita Small Area Plan

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s): 301 South McDowell Street

Telephone Number: 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-27 HEARING DATE 03/17/86

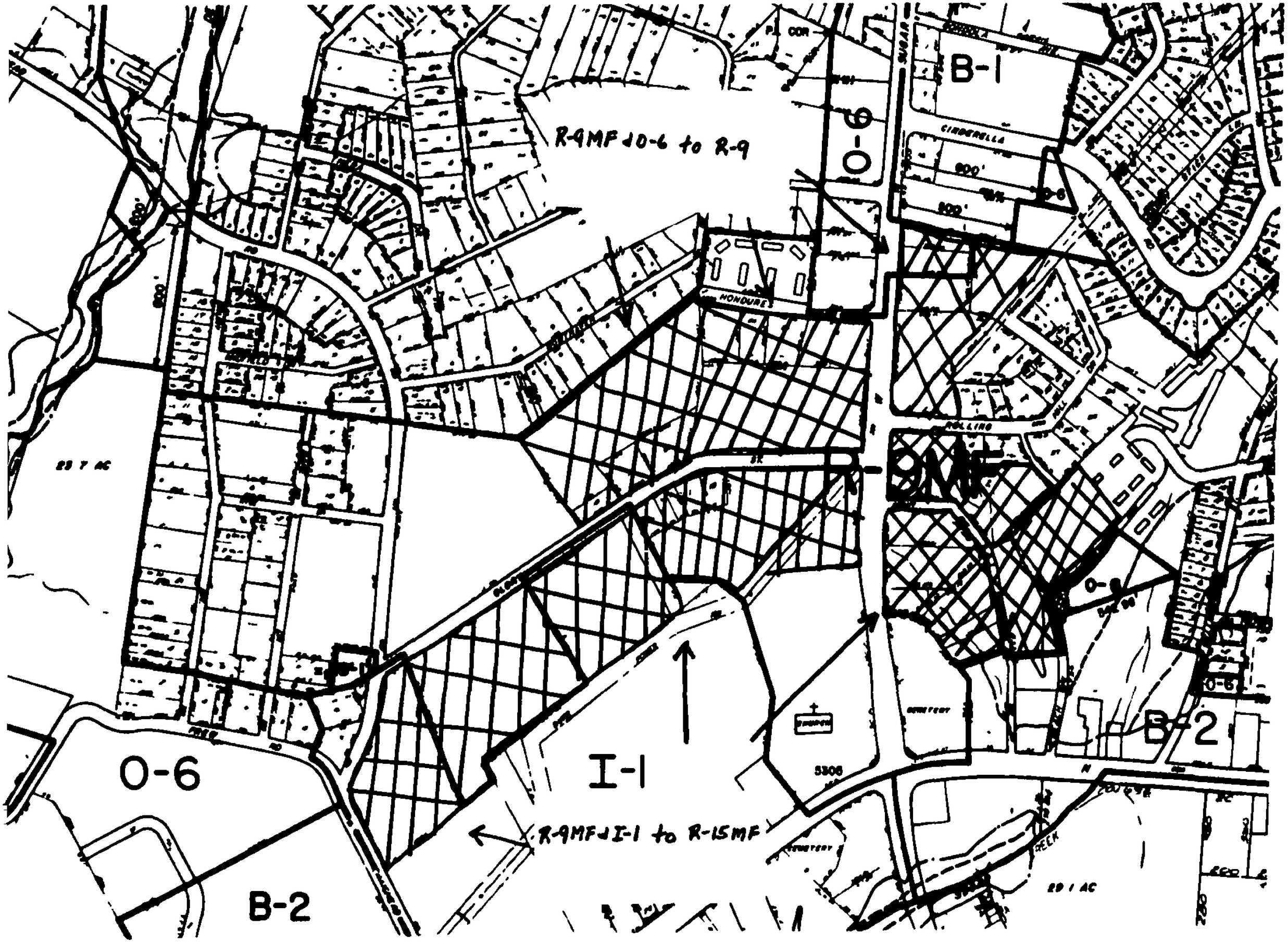
ZONING CLASSIFICATION, EXISTING R-9MF, I-1 and O-6 REQUESTED R-15MF and R-9

LOCATION 65 acres located along Glory Street, W. Sugar Creek Road, Penney Way and Montgomery Drive

SEE ATTACHED MAP SHEET

ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9MF to O-6 to R-9
O-6
B-1
CINDERELLA
900'
900'
HONDURAS
SUGAR
ROLLING
I-1
R-9MF to I-1 to R-15MF
O-6
B-2
B-2
3306
CREEK
29.7 AC
29.1 AC

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-27
Date Filed 2-3-86
Received By CL
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) 65 acres Street Frontage (ft)

Current Land Use Predominantly vacant with some single-family development

Zoning Request

Existing Zoning R-9MF, I-1 and O-6 Requested Zoning R-15MF and R-9

Purpose of zoning change

To comply with North Tryon/I-85 Residential Corridor Special Study

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. 86-28 HEARING DATE 03/17/86

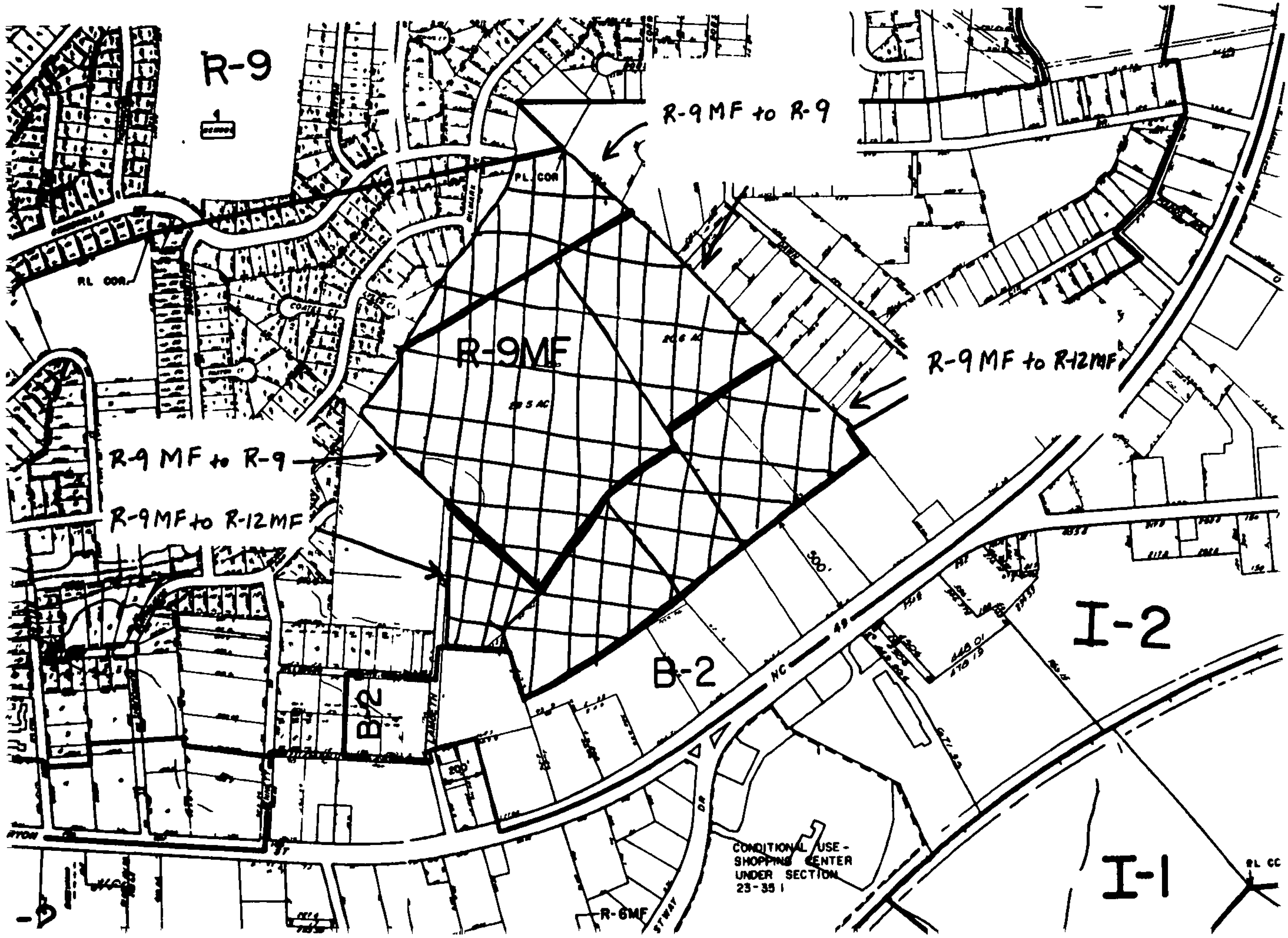
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9 and R-12MF

LOCATION 76 acre site located along Lambeth Drive and north of N. Tryon St.

SEE ATTACHED MAP SHEET

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

PROPERTY PROPOSED FOR CHANGE


R-9
R-9MF to R-9
PL COR
RL COR
R-9MF
R-9MF to R-12MF
R-9MF to R-9
R-9MF to R-12MF
B-2
B-2
NC 49
I-2
I-1
CONDITIONAL USE - SHOPPING CENTER UNDER SECTION 23-351
R-6MF
RL CC

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-28
Date Filed 2-3-86
Received By CL
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 SHEET

Description Of Property

Size (Sq Ft -Acres) 76 acres Street Frontage (ft)

Current Land Use Mobile home park and vacant

Zoning Request

Existing Zoning R-9MF Requested Zoning R-9 & R-12MF

Purpose of zoning change

To comply with the North Tryon/I-85 Residential Corridor Special Study

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

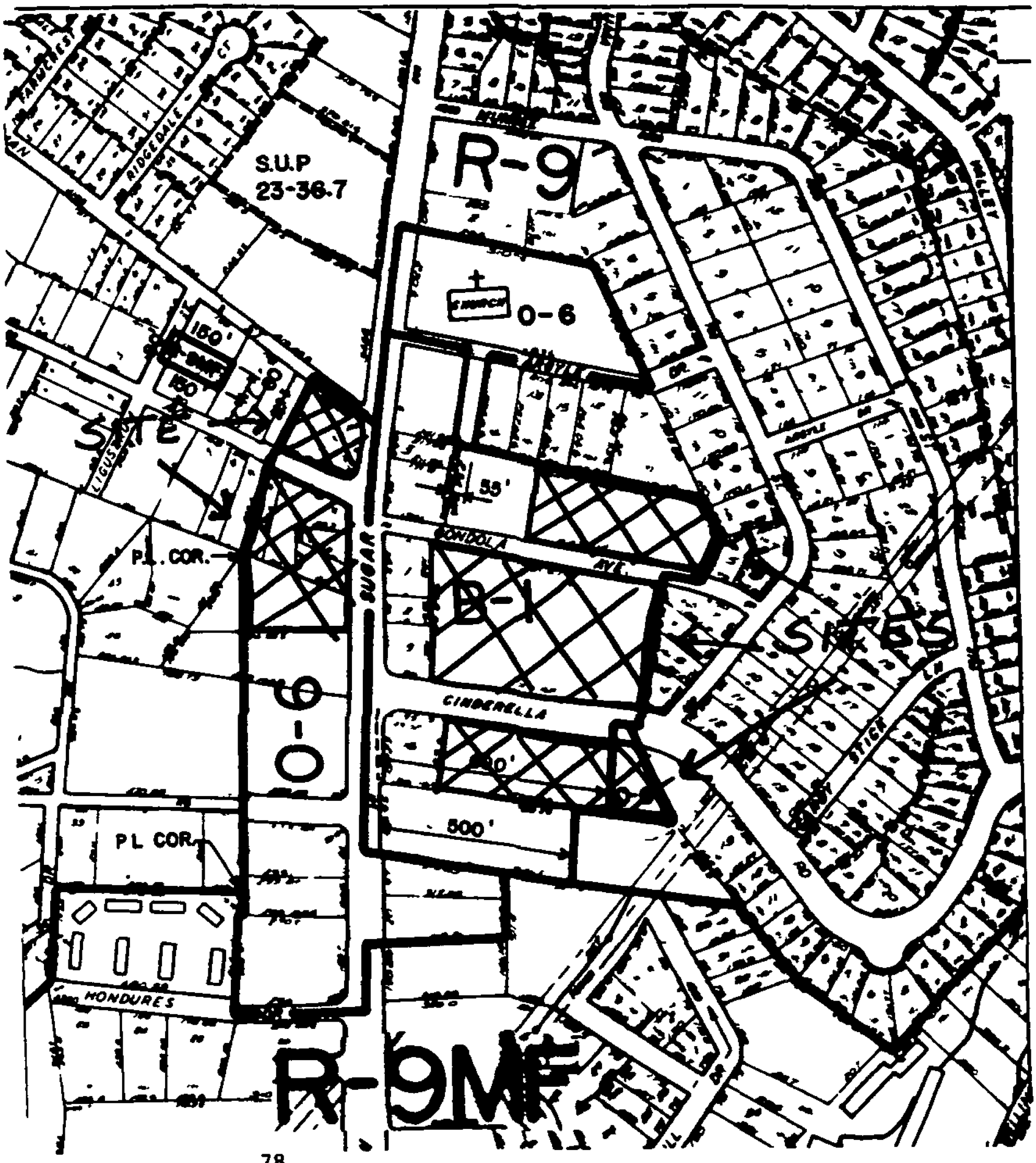
Signature of Property Owner if Other Than Petitioner

PETITIONER CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PETITION NO. 86-29 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING B-1, O-6 REQUESTED R-6MF, R-15MF and R-9

LOCATION 12.14 acres located along W. Sugar Creek at Cushman Street and Rutgers Avenue, north of Sofley Road and along Cinderella Road and Gondola Avenue



ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-29

Date Filed 2-3-86

Received By CL

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 LIS

Location Of Property (address or description)

SEE ATTACHED SHEET

Description Of Property

Size (Sq Ft -Acres) 12.14 acres Street Frontage (ft.)

Current Land Use Vacant, [redacted], Single-Family and Multi-Family

Zoning Request

Existing Zoning B-1, O-6 Requested Zoning R-6MF, R-15MF, R-9

Purpose of zoning change

To comply with North Tryon/I-85 Residential Corridor Special Study

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 Oth Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-30

Petitioner	Excelsior Lodge
Location	A 5 3 acre site at 3900 Litchfield Road
Request	Change from R-9 and R-12 to R-12MF(CD)

ISSUES

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

2 Existing Use Versus Proposed Use. Considering the fact that there is an existing school on this property, what similarities between the school operation and the fraternal lodge can be expected? Would there be any significant change to the site or its effect on the adjoining neighborhood?

BACKGROUND

1. Existing Zoning. The property involved in the petition is currently zoned a combination of R-12 and R-9. However, the bulk of the site is zoned R-12 and only a very small portion of the site with access to Litchfield Road is actually zoned R-9. Properties along Litchfield and other nearby streets are zoned R-9. Otherwise single family zoning in the area is R-12 and the R-12 pattern does border the site on the southerly and westerly sides. There is also multi-family zoning in the general vicinity. Finally, there is an area of I-1 zoning just off of Craig Avenue

2 Existing Land Use. The property involved in the petition is currently used as a school. The northerly boundary of the site borders several single family lots which front on Litchfield Road There are also a couple of single family homes which border the site along the westerly edge The general pattern in the immediate vicinity is a concentration of single family homes along Litchfield, Richland Drive and Topsfield Road along with Craig Avenue There is also another concentration of single family along Walker Road and nearby streets The area is also developed with several multi-family projects and, again, these are located along both Walker Road and Craig Avenue

3 Site Plan The conditional site plan proposes a Masonic Lodge for the property which would utilize an existing 5,720 square foot building on the property The site has access currently from Litchfield Road and that access would continue to be used. There is no access to Goshen Place

GENERAL FINDINGS

1 2005 Plan Specifically this site is located in an area of existing residential development The only major strategy plan for this area is

the development of a light rail system along the existing railroad right-of-way near Monroe Road

2 Pre-Hearing Staff Input Staff assisted the petitioner in the preparation of the application

3 Neighborhood Context This site is located within the area defined as the Cotswold neighborhood

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering No comments except for normal development permit requirements

2 Fire Department No comment.

3 Building Standards. No comment.

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

5 C-DOT The change in zoning will have no significant impact on traffic conditions.

DETAILED FINDINGS.

1 The property requested for rezoning is a 5.3 acre site at 3900 Litchfield Road. The current zoning on this property is R-12 and R-9 and the petitioner is seeking R-12MF(CD).

2. The petitioner has filed a conditional site plan which would establish a Masonic Lodge on the site The property is presently used as a private school (For further information refer to Background #3)

3. Until recently the proposed use would have required a minor special use permit and no zoning change, but due to recent text changes this type of use now requires a multi-family zoning classification and therefore the necessity to rezone the property.

4 As has been noted above, the site is already used as a private school and an existing building and parking is associated with the property No change in building configuration is planned nor any change in access to the site Some additional parking is being added and that is noted on the plan

5 No development impacts resulting from the change in use on the property have been identified However, there is some concern about screening along the area where single family residences back up to the site. This is especially true since additional parking is planned for that area. It is necessary for the petitioner to provide for a plan that establishes a solid screen between those cars and the rear area of the homes which front on Litchfield Road

6 Otherwise staff has no problem with the petition and would recommend that it be approved

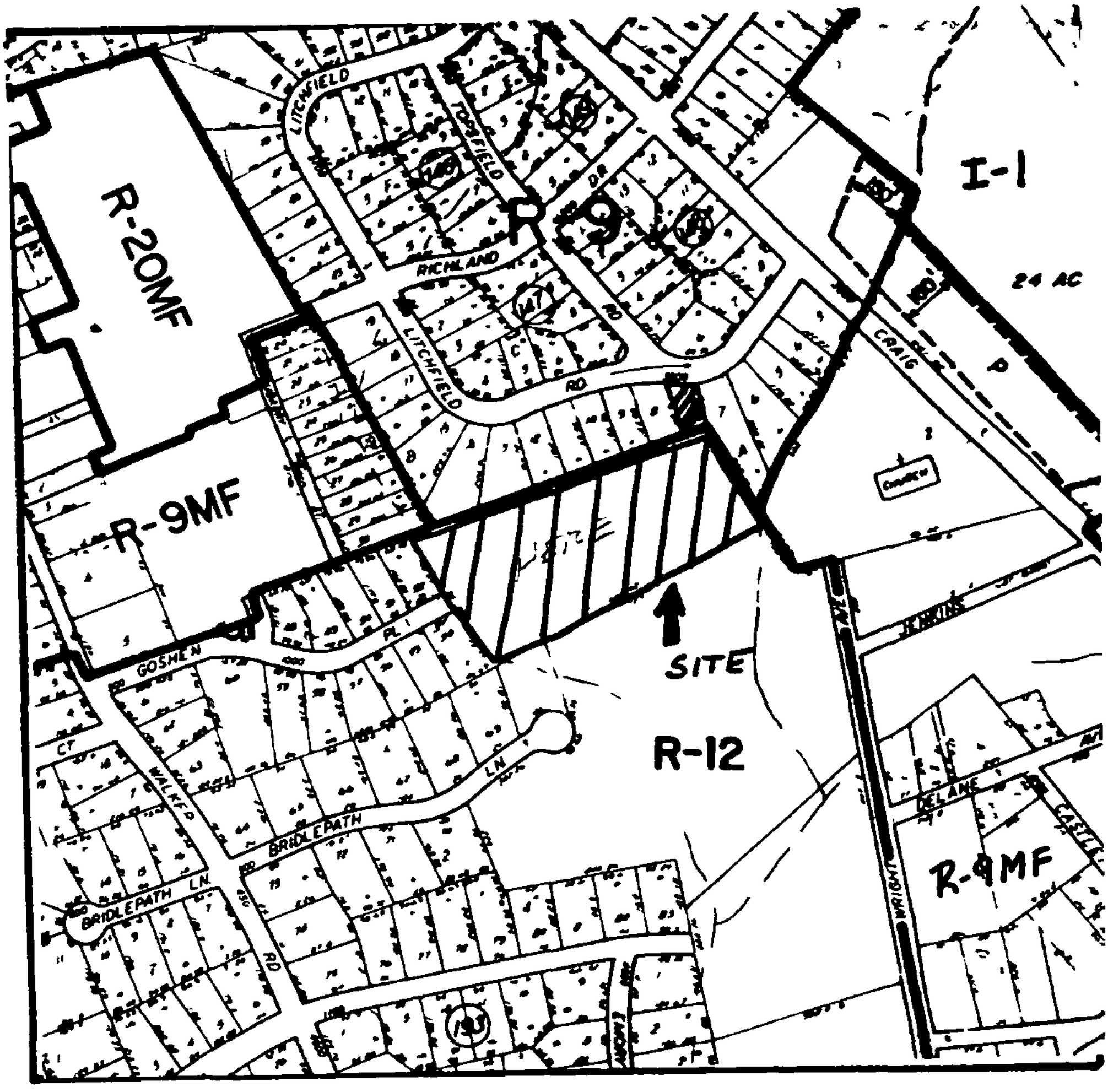
Subject to further refinement following public hearing

PETITIONER EXCELSIOR LODGE

PETITION NO. 86-30 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING R-12, R-9 REQUESTED R-12MF(CD)

LOCATION 5.3 acre site at 3900 Litchfield Road



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-30
Date Filed 2-3-86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner The Carolina Conference Association of Seventh Day Adventists, Inc.

Owner's Address 3900 Litchfield Road, Charlotte, North Carolina 28211

Mailing Address: P. O. Box 25848, Charlotte, North Carolina 28212

Date Property Acquired May 20, 1960

Deed Reference 2134-406 Tax Parcel Number 157-152-53

Location Of Property (address or description) 3900 Litchfield Road

Charlotte, North Carolina 28211

Description Of Property

Size (Sq. Ft -Acres) 5.3 acres Street Frontage (ft.) 63.42' on Litchfield Road

Current Land Use Private school and playground area

Zoning Request

Existing Zoning R-12 + R-9 Requested Zoning R-12 MF (CD)

Purpose of zoning change To utilize the property for fraternal meetings (Masonic Lodge)

David C. Carriker
Name of Agent

5533 Cold Harbor Drive, Charlotte, N.C. 28208
Agent s Address

Work: 336-3696 Home: 393-5533
Telephone Number

Excelsior Lodge No. 261 AF & AM
Name of Petitioner(s)

P. O. Box 30761, Charlotte, N.C. 28230
Address of Petitioner(s)

332-1234
Telephone Number

David Carriker
Signature

Louis Carson Secretary
Signature of Property Owner or Other Than Petitioner

Carolina Conference Association of Seventh Day Adventists, Inc.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-31

Petitioner	Charlotte-Mecklenburg Hospital Authority
Location	Approximately 40 acres located at 1000 Blythe Boulevard
Request	Change from R-6MF, O-6, B-1, and B-2 to O-6(CD)

ISSUES

1 Reason for Request. What is the reason behind rezoning the property to the requested classification?

2 Neighborhood Goals and Hospital Goals. If the petition is approved, what neighborhood goals can be accomplished by it as well as those of the hospital?

BACKGROUND.

1 Existing Zoning The property within the petition boundary is zoned a variety of districts· R-6MF, O-6, B-1 and B-2 Because the site is located within the inner city a wide variety of zoning districts are dispursed throughout the immediate vicinity Residential areas nearby are zoned R-6MF while many streets, particularly the major ones, are zoned either for office or business uses.

2. Existing Land Use The property is presently the site of Charlotte Memorial Hospital and the Florence Crittenton Home along with associated parking and other support uses. The Charlotte Rehabilitation Hospital is also located on the property Nearby areas are developed with residential uses particularly along portions of South Kings Drive, Garden Terrace, and many other nearby neighborhood streets Major thoroughfares in the area such as East Boulevard, Morehead Street and portions of Kings Drive are developed with a variety of non-residential uses, most of which are neighborhood retail and service oriented

3 Site Plan The proposed site plan proposes to tie all of the property under a uniform O-6(CD) classification to promote a medical center campus The plan provides for various screening and landscaping improvements throughout the property and other measures that would enhance the overall appearance of the property

GENERAL FINDINGS

1 2005 Plan The plan specifically indicates this area as one of existing employment bordered by existing residential. A community commercial center is to be located at East Boulevard and Kenilworth Strategies will include the development of an enterprise area which will include the three

hospitals encouraging high intensity districts of office, shops and housing

2 Pre-Hearing Staff Input Staff assisted in the submission of the rezoning application

3 Neighborhood Context The site is located in the Dilworth neighborhood

4 Pre-Hearing Departmental Comments (Summary)

1. C-MUD Water and sewer is available to service this site.

2. Engineering. No comment except to observe the normal development permit process.

3. Fire Department. No comment except that any additional trees or landscaping should not reduce the access of fire apparatus to buildings

4 C-DOT. Rezoning will not affect existing traffic conditions.

5. Building Standards. No comments.

DETAILED FINDINGS:

1. The petitioner in this request is the Charlotte-Mecklenburg Hospital Authority The request encompases approximately 40 acres in property with current zoning being a combination of R-6MF, 0-6, B-1 and B-2. Portions of the property also are associated with a special use permit. The request seeks to rezone all of the property to 0-6(CD).

2 The petitioner has filed a conditional site plan which emphasises landscaping and screening improvements spread throughout the property in question. The intent of the request is to tie all of the property into a medical center campus-like setting.

3 The petitioner has had extensive conversations and input with the Dilworth neighborhood. It is understood that the neighborhood is in favor of the request.

4 Staff has no problem with the request generally speaking A few observations are noted, however First of all, the special use permit which does act as an overlay to portions of this property does need to be terminated Until such time as the termination takes place through action by the Minor Special Use Permit Board the special use permit conditions will still be in effect despite the possible rezoning of the property.

5. Further, the plan filed with the application is silent as to expansion possibilities for existing buildings or for new buildings. It is assumed that the Hospital Authority does have expansion ideas and the plan definitely needs to address this situation or else there will be subsequent plan amendments

6 The petitioner has also been advised that the site plan and the notes attached to it are rather difficult to follow and potentially difficult to enforce In effect the material is not easily understood and the petitioner has been encouraged to make modifications to the plan that would help it to be more easily administered

7 It is commendable that the neighborhood and the hospital officials have gotten together to recognize the significant impact that the hospital and its environment has on the community Obviously, the community at large needs this facility and it is likely to expand as future needs dictate By addressing common needs and concerns that expansion can proceed in a more orderly fashion with little or no conflict to surrounding areas Thus both the hospital and neighborhood benefit from the request.

8 Based upon the above circumstances, staff would encourage the approval of the petition so long as the matters noted above can be taken care of as part of the site plan.

*Subject to further refinement following public hearing

PETITIONER CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY

PETITION NO. 86-31 HEARING DATE 03/17/86

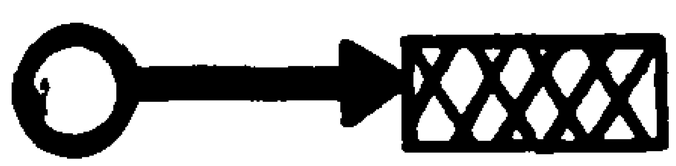
ZONING CLASSIFICATION, EXISTING R-6MF, O-6, B-1, B-2 REQUESTED O-6(CD)

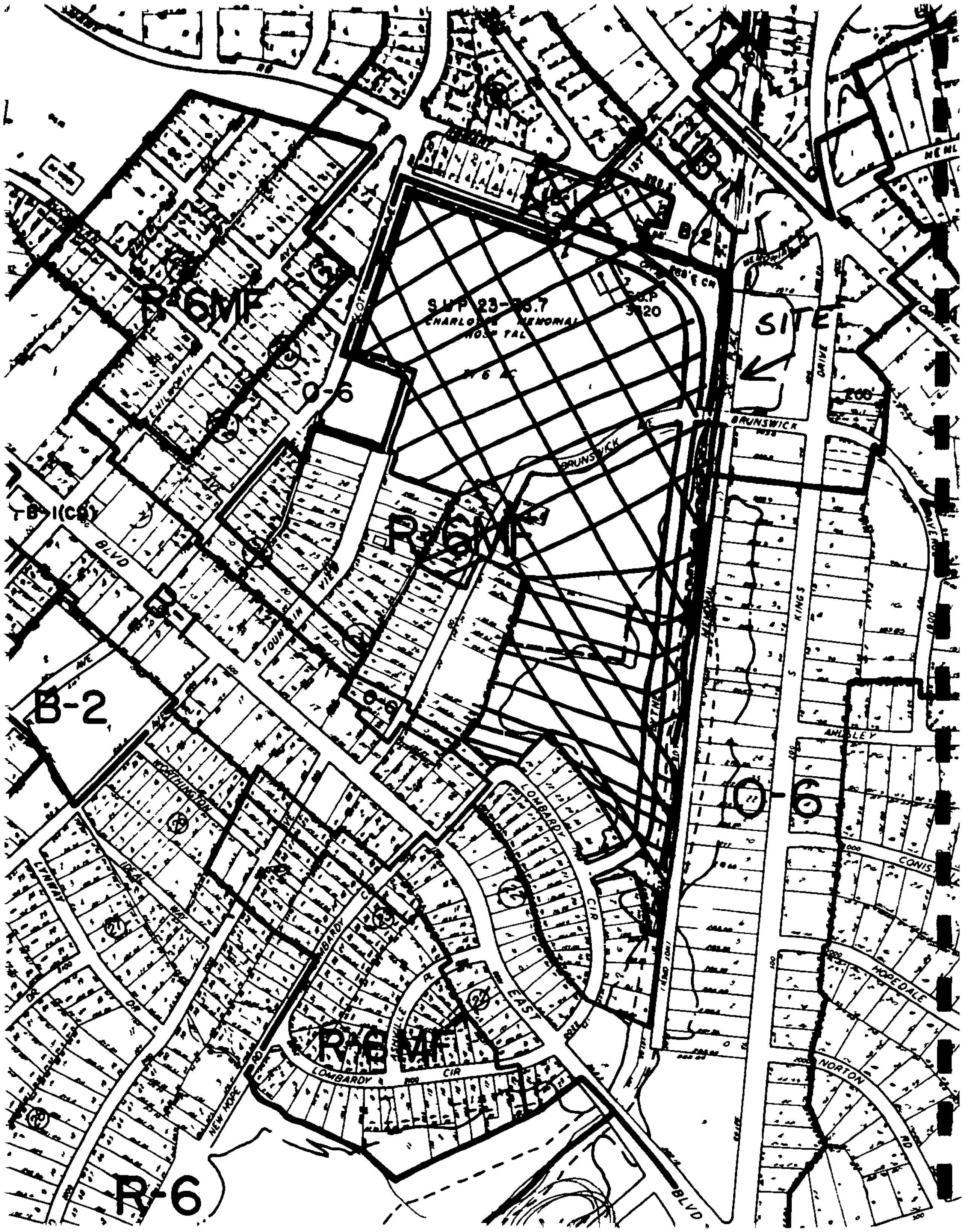
LOCATION Approximately 40 acre site located at 1000 Blythe Blvd.

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




SITE
BRUNSWICK
KINGS
ANDSLEY
CONIS
HOPEDALE
NORTON
RD
BLVD
LOMBARDY
CIR
EAST
NEW HOPE
IDEAL
WAY
LYNWAY
DR
NORTHINGTON
FOUNTAIN
VIEW
B-2
R-6
O-6
B-1(CD)

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-31
Date Filed 2 3 86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner: The Charlotte-Mecklenburg Hospital Authority

Owner's Address: P.O. Box 32861, Charlotte, North Carolina 28232

Date Property Acquired: 1943

Deed Reference: See Exhibit A Tax Parcel Number: See Exhibit B

Location Of Property (address or description)

1000 Blythe Blvd.
Charlotte, NC (See Attached Plan)

Description Of Property

Size (Sq Ft -Acres): 40 acres ± / 2 acres (F.C.S.) Street Frontage (ft.): See Attached Plan

Current Land Use: Medical Center Campus

Zoning Request

Existing Zoning: R-6 MF, O-6, B-1, B-2 Requested Zoning: O-6 CD

Purpose of zoning change: To permit the future development of the campus as a conforming land use.

Zachary J. Zapack, AIA
Name of Agent

P.O. Box 32861, Charlotte, NC 28232
Agent's Address

338-2139
Telephone Number

The Charlotte-Mecklenburg Hospital Authority
Name of Petitioner(s)

P.O. Box 32861
Charlotte, NC 28232
Address of Petitioner(s)

(704) 338-2145
Telephone Number

Signature Harry A. Murkin, Ph.D.

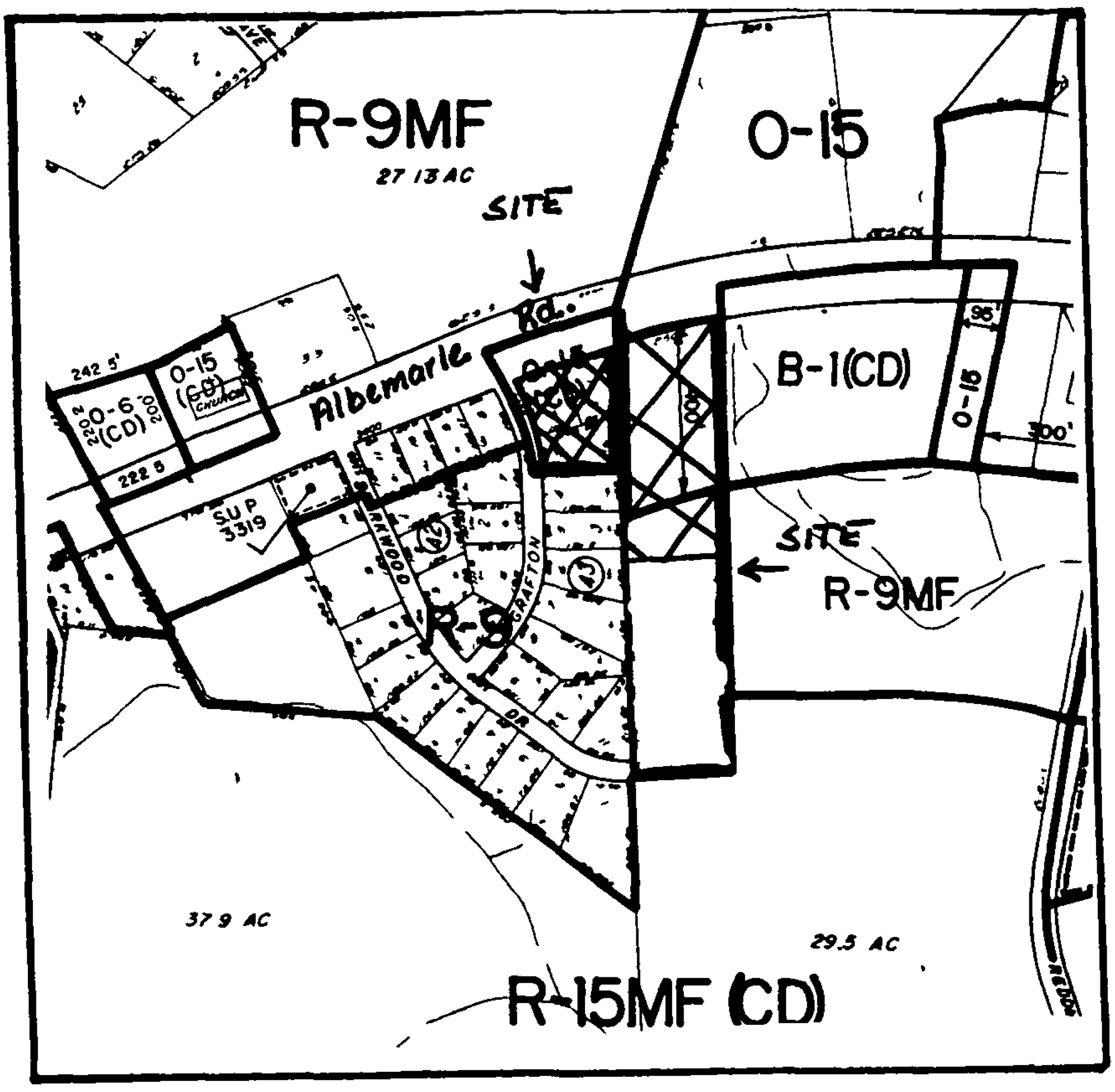
Signature of Property Owner If Other Than Petitioner
Florence Crittenton Services

PETITIONER SCHURGIN DEVELOPMENT CORPORATION

PETITION NO. 86-32 HEARING DATE 03/17/86

ZONING CLASSIFICATION, EXISTING O-15, O-15(CD), R-9 REQUESTED B-1(CD) and R-9(CD)

LOCATION An approximately 7 acre site located off Grafton Place and Albemarle Road



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-32
Date Filed 2 3 86
Received By CL
OFFICE USE ONLY

Ownership Information

Petitioner ~~Owner~~ Schurgin Development Corporation

Petitioner's ~~Owner's~~ Address 3425 McLaughlin Avenue, Suite 201
Los Angeles, California 90066

Date Property Acquired Two tracts - see Attachment A

Deed Reference See Attachment A

Tax Parcel Number 133-043-01
133-043-02
133-043-03
133-051-01

Location Of Property (address or description) See attached survey

Description Of Property

Size (Sq. Ft.-Acres) See attached survey

Street Frontage (ft.) See attached survey

Current Land Use Vacant

Zoning Request

Existing Zoning 0-15 and 0-15(CD) and R-9

Requested Zoning B-1(CD) and R-9(CD)

Purpose of zoning change To accommodate a neighborhood shopping facility as per the attached site plan.

Benjamin S. Horack/Russell J. Schwartz
Horack, Talley, Pharr & Lowndes
Name of Agent

1600 One Tryon Center, Charlotte, NC 28284
Agent's Address

704/377-2500
Telephone Number

Schurgin Development Corporation
Name of Petitioner(s)

3425 McLaughlin Avenue, Suite 201
Address of Petitioner(s) Los Angeles, CA 90066

213/208-2097
Telephone Number

Allen J. Lynch, Asst. V.P.
Signature

ALLEN J. LYNCH, Asst V.P.
~~Name of Petitioner~~
~~Owner~~

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-33

Petitioner	James Howard Cherry
Location	A 5 1 acre site off of Village Lake Drive near Independence Boulevard
Request	Change from I-2(CD) to B-2

ISSUES:

1 Area Patterns How does the proposal in this case relate to existing zoning patterns in the vicinity?

2 Status of Existing I-2(CD) on This Property This site was rezoned to the current I-2(CD) in 1979 What is the current development status of this site?

BACKGROUND

1 Existing Zoning The property involved in the request is presently zoned I-2(CD). It is surrounded by B-2 zoning. The B-2 classification generally stretches along both sides of Independence Boulevard in this vicinity. There is one parcel at the corner of Independence Boulevard and Margaret Wallace Road which is zoned B-D(CD). Other areas nearby on Village Lake Drive are zoned R-12MF.

2. Existing Land Use. The petitioned property is vacant. The site adjoins a corner lot at Village Lake Drive and Independence Boulevard which is the site of an ABC store. A mini warehouse project is located across Independence Boulevard from the site. Other portions of the site which adjoin frontage property on Independence Boulevard is generally associated with small business uses and much of the property which currently fronts on Independence Boulevard is developed for commercial purposes, particularly those that are oriented to automobiles and automobile dealerships. There is, however, a relatively large B-2 site which is vacant on the south side of Village Lake Drive at Independence. Otherwise much of Village Lake Drive is developed with multi-family uses

GENERAL FINDINGS

1 2005 Plan The site is located within an area of existing employment as well as existing residential to the west. McAlpine Greenway is located south of the site and community commercial centers are located along Independence Boulevard.

2 Independence Boulevard Improvements As both part of the TIP and the 1990 Transportation and Land Development Policy, Independence Boulevard is scheduled for widening from Wallace Lane to N C 51 The project would

widen Independence to six lanes and possibly in the long term become an expressway design Such a project would increase capacity and help alleviate present congestion Priority for such a project is 10th of 15 and cost is estimated at $7,000,000

3 Pre-Hearing Staff Input Staff provided assistance and guidance to the petitioner in the preparation of this petition

4 Neighborhood Context The site is located in the Village Lake neighborhood

5 **Pre-Hearing Departmental Comments (Summary)**

No comments since petition is not conditional in nature

DETAILED FINDINGS.

1. The petitioner in this case is requesting a change from I-2(CD) to B-2 The property is slightly over 5 acres in size and is located on the north side of Village Lake Drive just off of Independence Boulevard

2. The petitioner states in his application that there is no usage for the conditional zoning on the property and simply requests the return to the original B-2 zoning on the site.

3. The property was rezoned in 1979, but development under the plan has never taken place. The current plan involves a maintenance facility for vehicles, both to service and equip them for their activities and to be a storage site for cables and poles. The approval of the rezoning was based upon the special needs of the utility company to have facilities which must service the community.

4 The site in 1979 was surrounded by B-2 zoning and is still surrounded as such. Returning the site to B-2 would therefore make for a more consistent zoning pattern.

5. The request is not conditionally natured and there was some discussion about this point. However, inasmuch as the property surrounding it is B-2 and areas along Independence Boulevard are devoted to B-2 uses it seems unnecessary to approach the reversion of this site back to B-2 on a conditional basis. The area development and zoning pattern speaks for itself

6. Based upon the above circumstances staff would encourage the approval of the petition.

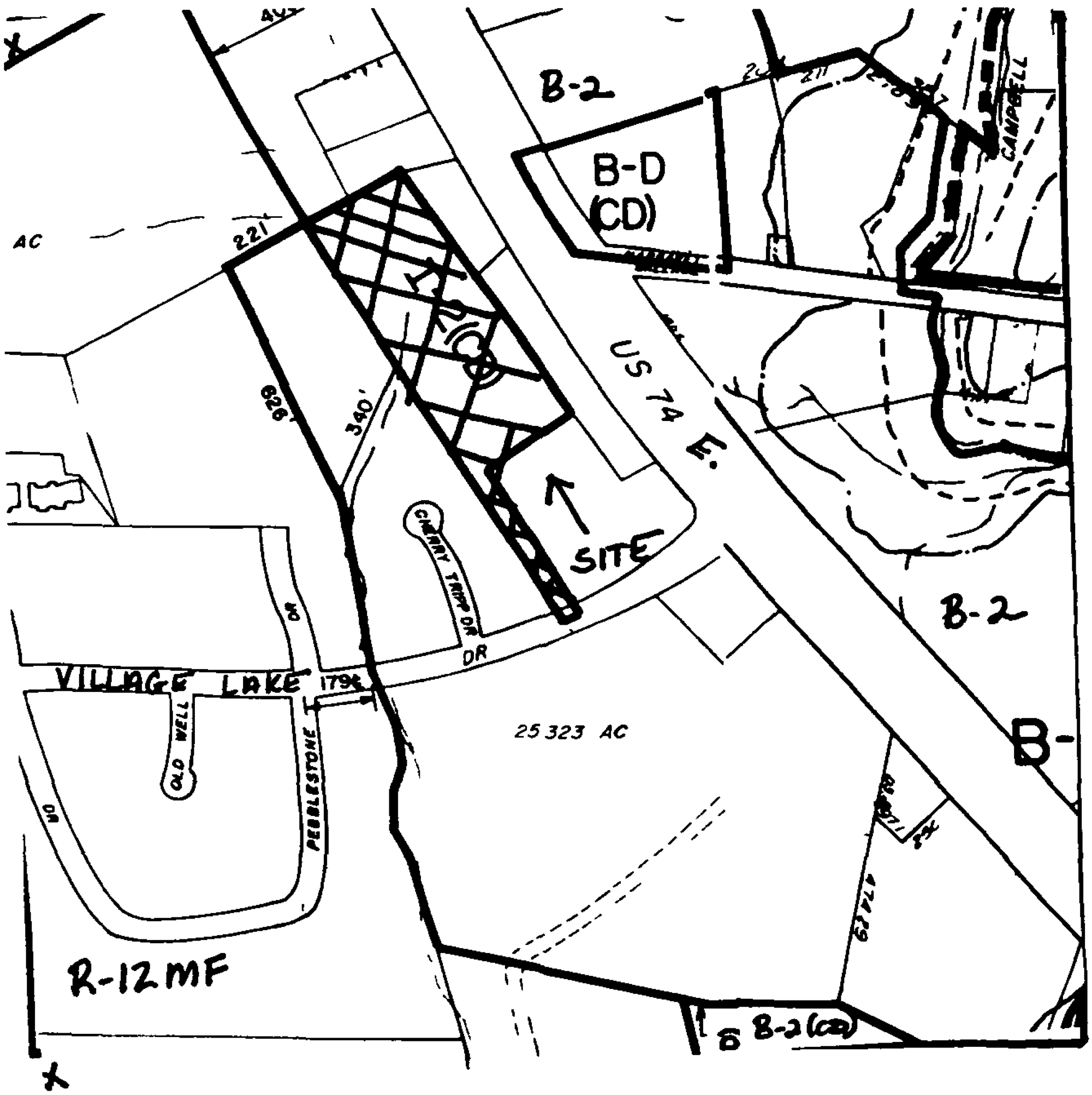
*Subject to further refinement following public hearing

PETITIONER JAMES HOWARD CHERRY

PETITION NO. 86-33 HEARING DATE 03/17/86

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

LOCATION 5.107 acre site off Village Lake Drive



ZONING MAP NO. 137 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-33
Date Filed 2 3-86
Received By CL
OFFICE USE ONLY

Ownership Information

Property Owner: Jim Cherry Interest Inc.

Owner's Address: 2301 Village Lake Drive
Charlotte NC 28212

Date Property Acquired: October 5, 1984

Deed Reference: 4913-003 Tax Parcel Number: 19110305

Location Of Property (address or description) Off Village Lake Drive

Description Of Property

Size (Sq. Ft -Acres): 5.107 AC Street Frontage (ft.): 46 ft.

Current Land Use: Raw Land

Zoning Request

Existing Zoning: I-2 Conditional Requested Zoning: B2

Purpose of zoning change: No usage for I-1 Conditional zoning.
Request original zoning of B2.

Cal Chesson
Name of Agent

Suite 1540 112 S Tryon St Char
Agent's Address

377-8511
Telephone Number

James Howard Cherry, Jr.
Name of Petitioner(s)

2301 Village Lake Drive
Address of Petitioner(s)

(704) 568-8060
Telephone Number

James Howard Cherry Jr.
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-34

Petitioner	John Crosland
Location	A 6 7 acre site at 800 Clanton Road, at the intersection of I-77 and Clanton Road
Request	Change from B-1 to B-2(CD)

ISSUES

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

2 Relationship to Adjoining Single Family Areas With regard to #1 above, what is the relationship of the proposal in this case to adjoining single family homes?

3 Area Patterns If this petition is approved, how would it relate to area patterns in terms of land use and zoning?

BACKGROUND:

1. Existing Zoning The property involved in this petition is presently zoned B-1 Property generally associated with the interchange of Clanton Road and I-77 is zoned for business purposes including a tract of land zoned B-D directly across Clanton Road from the site. There is also a concentration of industrial zoning along the westerly side of I-77 beginning just south of Clanton Road. The northerly boundary of the site adjoins a large area of R-9 single family zoning.

2 Existing Land Use. The subject property is vacant Beside it on Clanton Road is a convenience store and there is another convenience store across the street from it A small business park is also located across Clanton Road from the site A concentration of single family development, including a number of single family homes adjoining the site, is located nearby. Other forms of highway and service oriented businesses are located at this interchange as well as a large concentration of employment and industrial uses just south of Clanton Road

3. Site Plan An office/show room project is planned for this site The total square footage amounts to 100,938 square feet Access is gained by way of Clanton Road Screening is provided along the edge adjoining single family homes. Any lighting associated with the use would be directed away from the rear yards of those residential homes which adjoin Finally, a number of uses will not be permitted on this site including apartments, hotels and motels and condominiums

GENERAL FINDINGS

1 2005 Plan The plan indicates this is an area of existing employment along with existing residential development to the west

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff indicated a general concurrence with the request so long as the site plan was judged to be a good one, especially with regard to screening and buffering between the proposed project and adjoining single family homes Staff has recently advised the petitioner of several technical problems as well as to reinforce the concept that a stronger screening/buffering plan is necessary

3. Neighborhood Context The site is located in the Clanton Park neighborhood.

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering No comments except that normal development permits will be required

2. Building Standards. Building Standards commented that a proposed use, warehousing, is not a permitted use in B-2 as well as the fact that it appears that parking as proposed is deficient

3. C-MUD Water and sewer services are available to the site.

4. C-DOT As currently zoned the property could generate 7600 to 7800 trips per day Under the proposed zoning trips would be reduced to 1400 to 1600 The traffic generated by this proposal will not have any significant impact on current traffic conditions. C-DOT noted that the driveway width should be wider.

DETAILED FINDINGS

1. The property involved in this petition is a 6.7 acre site located at the northwesterly intersection of I-77 and Clanton Road. Present zoning on this property is B-1 and the petitioner is requesting B-2(CD).

2 The petitioner has filed a conditional site plan proposing an office/show room type development (For further details refer to Background #3)

3 Property at the intersection of Clanton Road and I-77 is presently zoned for business purposes. The site in this case is already zoned for neighborhood retail which could by right today permit a wide variety of uses including fast food restaurants, grocery stores, hardware stores and other neighborhood and convenience oriented shopping

4 One zoning change in the area has already accomplished a similar project across the street.

5 The rezoning in this case does allow the opportunity for restrictions on the site, particularly in terms of screening and buffering to adjoining

single family areas As of the preparation of this material, staff is still somewhat concerned that the petitioner has not adequately addressed that particular edge, but overall staff does agree with the concept of this rezoning

6 The easy access to I-77 makes the site a suitable one as an employment center The area nearby, particularly to the south of Clanton Road, is fast growing as an employment area Thus, the rezoning in this case is very much consistent with area development patterns both those which are existing as well as those which are emerging

7. The proposed development is also more restrictive in terms of the potential negative effects on the adjoining single family areas In other words typical B-1 uses may operate until late hours in the evening and create an adverse impact whereas the office/show room proposal in this case is going to be more similar to office and observe hours which are typical of the work day, thereby avoiding the problem mentioned just above.

8 Based upon the above conditions, staff would encourage the approval However, the approval is conditioned upon the petitioner doing a better job of buffering and screening than is proposed in the current site plan More attention should be paid to establishing a landscaped berm which provides a visual separation rather than the fence that is proposed which may become a maintenance problem and unsightly over time

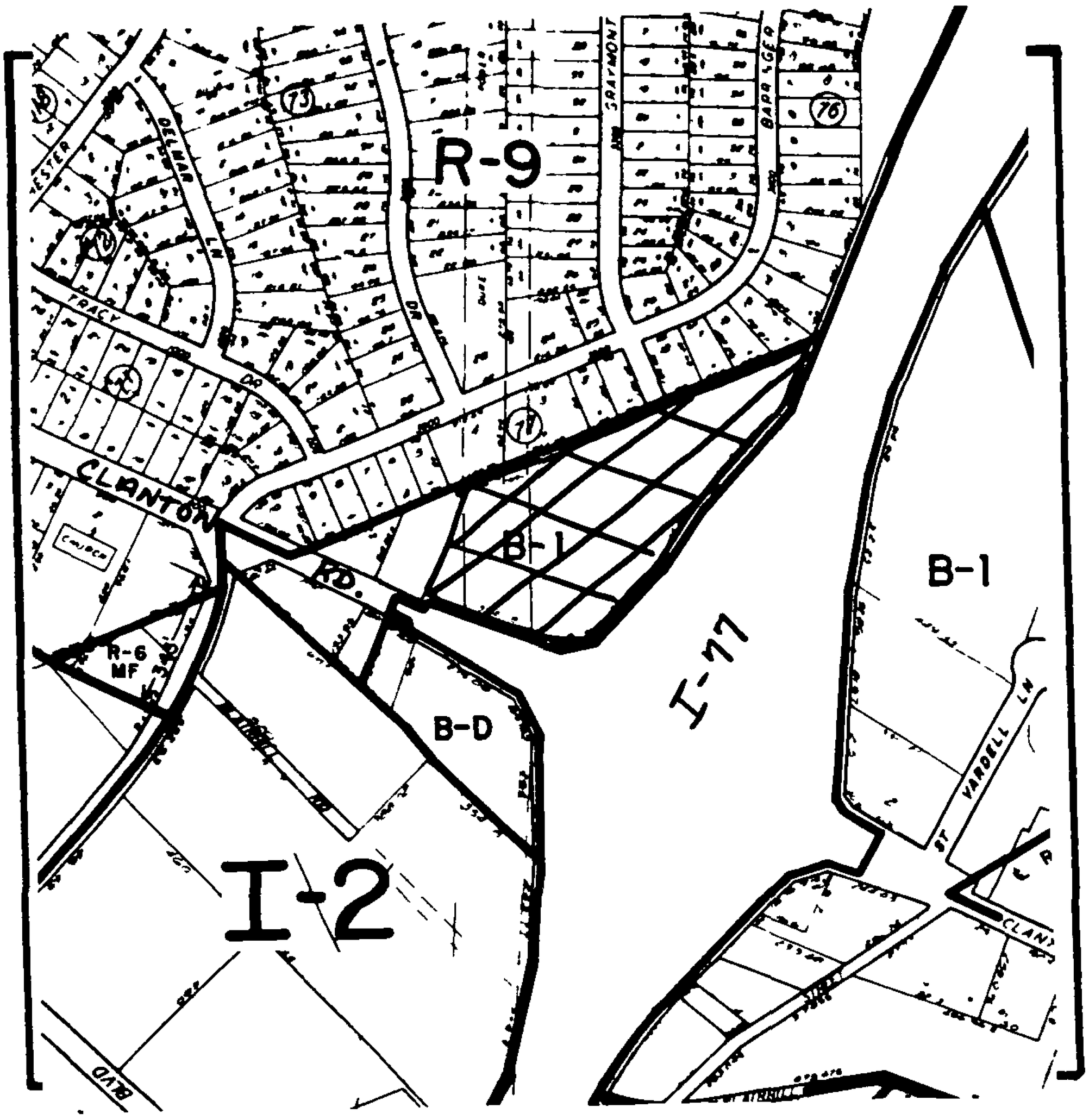
*Subject to further refinement following public hearing.

PETITIONER JOHN CROSLAND

PETITION NO. 86-34 HEARING DATE 03/17/86

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

LOCATION A 6.742 acre site at 800 Clanton Road, northwest corner of intersection of I-77 and Clanton Road



ZONING MAP NO. 110 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-34

Date Filed 2-3-86

Received By CL

OFFICE USE ONLY

Ownership Information

Property Owner John Crosland Jr

Owner's Address 145 Scaleybark Road, Post Office Box 11231

Charlotte, NC 28209

Date Property Acquired 2/81

Deed Reference 4404-304 Tax Parcel Number 145-062-01

Location Of Property (address or description) 800 Clanton Road

Northwest corner of intersection of I-77 and Clanton Road

Description Of Property

Size (Sq Ft -Acres) 6.742 acres Street Frontage (ft) 430' on Clanton 900' on I-77

Current Land Use vacant

Zoning Request

Existing Zoning B-1 Requested Zoning B-2 C-D

Purpose of zoning change to permit wholesale sales with related storage and warehousing in addition to existing permissible business uses.

Crosland Erwin Associates
Name of Agent

125 Scaleybark Road, Charlotte NC 28209
Agent's Address

523-0272
Telephone Number

John Crosland Jr.
Name of Petitioner(s)

145 Scaleybark Road, Charlotte NC 28209
Address of Petitioner(s)

523-8111
Telephone Number

John Crosland Jr
Signature

Signature of Property Owner if Other Than Petitioner

Request for Council Action

Charlotte

To the City Council

From the City Manager

Action Requested City Council is requested to consider issuance of a Floodway Special Use Permit which would allow construction of a box culvert within Little Sugar Creek, grading and construction of driveways, parking lot, and commerical buildings along E. Morehead Street at Kings Drive.

Responsible Department Charlotte-Mecklenburg Planning Commission

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

BACKGROUND

The Charlotte Floodway Regulations generally prohibit any encroachment into areas designated as Floodway Districts. These same regulations provide, however, for the issuance of Floodway Special Use Permits which if granted would allow some minor degree of encroachment into these restricted areas. Section 8A-5 of the Charlotte Floodway Regulations prescribed the method and consideration which should be given to such requests. City Council upon recommendation from Planning Commission takes final action on this type request. This process does not involve a public hearing, but does involve notifying adjacent property owners about the request and when the request will be considered at a public hearing.

EXPLANATION OF REQUEST

In accordance with Section 8A-5 of the Charlotte Floodway Regulations a Floodway Special Use Permit has been applied for by Morehead/Kings Association. The proposal would allow construction of a box culvert within Little Sugar Creek, grading and construction of driveways, parking lot, and commercial buildings along E. Morehead Street at Kings Drive. A Floodway Special Use Permit was approved for this site on April 15, 1985, by City Council. Changes in the approved site plan necessitated the application for additional permit approval.

The Planning staff, Zoning Administrator, and Engineering Department staff find that this request is approvable and that the effect of the proposed box culvert, parking lot and commercial buildings is not significant.

At the Monday, March 10, 1986 meeting of the Charlotte-Mecklenburg Planning Commission, the Commission voted to recommend approval of the request.

Yeas: Clodfelter, Griffin, Lowery, Wheeler.

Nays: Lawing, M. Smith, S.Smith.

SOURCE OF FUNDING

N/A

For Office Use Only

Date Submitted March 11, 1986

Agenda Date Requested March 17, 1986

Consequences if Agenda Date is Delayed or Action is Deferred Action delayed for an additional month

Contact Person for Questions from the City Manager's Office Debra Luckadoo-Shockley

Authorized by Martin Cranton / by
Department Head

Approved by
Assistant City Manager

List Attachments

Floodway Special Use Permit Application

APPLICATION
FLOODWAY SPECIAL USE PERMIT
CHAPTER 8A-CITY CODE
FLOODWAY REGULATIONS
CHARLOTTE, NORTH CAROLINA

No. FSUP 86-2

February 28, 1986
DATE SUBMITTED

What will occur in the Floodway District that will require a Special Use Permit? (structure, fill, dredging, etc.) Construction of bridge structure supports covering Little Sugar Creek; fill and grading for construction of driveways and parking lot located in part on the deck of the bridge; and construction of two buildings and improvements, as shown on attached plans.

Proposed activity will occur at: 1401 - 1425 East Morehead Street, between Harding Place and Kings Drive

125-213-09
125-213-08
125-213-07
Parcel Number

Little Sugar Creek
Floodway Involved

#15 of 23 for Little Sugar Creek (City Floodway Map #2)
Floodway Sheet No.

From grade proposed vertical encroachment is _____ feet.

Proposed Horizontal Encroachment into the Floodway District is _____ feet.

Four plans are attached as required by Section 8A-5(b) of The City Code.

APPLICANT

Signature W. Edwin McMahan

Morehead/Kings Associates
5815 Westpark Drive
Street Number

Charlotte, NC 28210
City State

704/523-8661
Phone

(If different than applicant)
PROPERTY OWNER

Signature

Street Number

City State

Phone

Request for Council Action

Charlotte

To the City Council

From the City Manager

Action Requested (1) Request Council approval of a proposed charge to the Hezekiah Alexander Study Committee; (2) Request approval of a budget ordinance transferring $7500 from the General Fund Contingency to an account for the Hezekiah Alexander Homesite Study; (3) Nomination of two persons to the Hezekiah Alexander Homesite Study Committee.

Responsible Department City Manager's Office

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

At its February 25 meeting, Council was presented with several options for the management of the Hezekiah Alexander Homesite. At that time, Council voted to form an ad hoc study committee to study a number of issues regarding the Homesite and recommend a management option that would maximize the use of the Hezekiah Alexander Homesite as a community resource.

Council is asked to approve a proposed charge which would be given to the Hezekiah Alexander Homesite Study Committee as an outline of what they are expected to accomplish. The charge has been reviewed by both the Mint Museum and representatives from the Hezekiah Alexander Homesite Group and all parties feel that the charge accurately represents their interests.

Council is also asked to approve a budget ordinance transferring $7500 from the General Fund Contingency account to a special Hezekiah Alexander Homesite Study account. These funds would cover any expenses incurred by the committee, including a facilitator to gather information and reimbursing the expenses of representatives from the Historic Sites Division of the State Department of Archives and History who have been asked to serve as consultants to the committee. City staff does not anticipate using all of these funds, but we felt that money should be available to allow the committee to adequately handle the work it is charged to perform.

Council is also asked to make nominations for membership to this committee so that the two members selected by Council may be appointed at the March 24 meeting.

Charge for the Hezekiah Alexander Homesite Study Committee

The Hezekiah Alexander Homesite Study Committee is charged to perform the following tasks:

- Define the mission and focus of the Hezekiah Alexander Homesite, including resolution of the issue of whether the Homesite is and should be a history museum or a historic site.

- Determine the long range objectives of the Homesite.

- Examine some of the policies and procedures that have been disputed in the past and, in light of the focus and mission identified for the museum, make recommendations for their resolution.

- Examine the present management structure of the Hezekiah Alexander Homesite including the legal and financial matters relating to the Homesite's present affiliation with the Mint Museum and its Board of Trustees.

- Identify and study alternative management structures for the Hezekiah Alexander Homesite, including the positive and negative aspects of each and any resulting legal and financial implications.

- Make a recommendation to City Council as to the most effective way of managing the Homesite to maximize its potential as a community resource.

- Determine the feasibility of using the recommended management options for the Hezekiah Alexander Homesite as a model for other public historic sites in the city.

The Committee is charged with making its recommendations within 60 days.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1733-X, THE 1985-86 BUDGET *ORDINANCE, PROVIDING AN APPROPRIATION FOR THE HEZEKIAH ALEXANDER* HOMESITE STUDY/TASK FORCE.

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

Section 1. That the sum of $7,500 is hereby transferred from the General Fund Contingency account 0101.530.00 to the Hezekiah Alexander Homesite Study, account 530.32.821. These funds will be used to fund the activities of the Hezekiah Alexander Homesite Study/Task Force.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 28, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions 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 February 10, and February 20, 1986

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on March 10, 1986 This will then permit these matters to be placed on your agenda for consideration on March 17, 1986

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

Respectfully submitted,

Robert G Young
Land Development Manager

RGY oj

Attachments

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

DATE	February 20, 1986
PETITION NO	85-51
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Sections 1102, 3000, 3100 and 3300 (Demolition Landfills)
ACTION	The Planning Commission deferred discussion until March 4, 1986

DATE February 20, 1986

PETITION NO. 85-83

PETITIONER(S) Sturnbridge Homeowners Association

REQUEST Change from O-15 to R-15MF

LOCATION A 20± acre site on Carmel Road just south of the Sturnbridge Subdivision

ACTION The Planning Commission recommends that the request by the petitioner be denied, but accepts the voluntary O-15(CD) petition by the property owner (See map)

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

Nays Clodfelter, M Smith and S Smith

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

1 Property Owner Interest Versus Neighborhood Interests What interest on both the side of the neighborhood as well as the property owner must be weighed and evaluated in deciding this petition?

2 Pending Development Plans What development plans, specifically an apartment complex, have prompted this petition? What aspects of that plan have been identified as concerns of the neighborhood?

3 Petition Effect If this petition were to be approved what effect would it have on the property in question?

BACKGROUND

1 Existing Zoning The property contained within this request is presently zoned O-15 The O-15 classification extends southerly between Carmel Road and McMullen Creek to an area along and somewhat south of Highway 51 The general exception to this pattern is a tract of land at the southwest corner of Carmel Road and Highway 51 which is zoned B-1SCD Beginning immediately north of the rezoning tract is a large area devoted to an R-15 pattern Across McMullen Creek from the site is a tract of land zoned R-12MF(CD) and other multi-family conditional districts are in the general vicinity as well

2 Existing Land Use The rezoning site is vacant at the present time The Sturnbridge Subdivision lies immediately north of the site and other single family development is concentrated to the north in various other subdivisions South of the site is a concentration of office development which extends along Carmel Road and Highway 51 The Carmel Commons Shopping Center is also located at the Carmel Road and 51 intersection Other residential development including several multi-family projects is likewise included in the general description of the area's development pattern

3 Property Owner Site Plan In response to the petitioner's rezoning application, the property owner submitted an O-15(CD) plan which proposes a 75 foot buffer adjacent to Sturnbridge This strip is associated with the westerly half of the property owner's land In addition to establishing the buffer the other condition of this plan allows the developer to count the buffer area towards the calculation of density

4 Petition Background The petition was filed by the Sturnbridge Homeowners Association in response to the property owner's proposal to develop an apartment complex on a portion of the rezoning site Multi-family development is permitted in the O-15 district The overall density permitted in the district as a maximum is about 17 4 units per acre and the first phase of the proposed apartment complex proposes about 16 units per acre The developer submitted plans for the administrative plan multi-family review in June, but staff had had previous preliminary discussions prior to that submission Staff has recently completed and approved the review of the plans and the Planning Commission has reviewed the plans, but is not scheduled to make a decision until December 9, 1985 (Planning Commission did approve Phase I, but conditioned the approval upon the submission of a revised plan based upon agreements between the neighborhood and property owner That plan has yet to be received)

The review of this project has raised concerns regarding the process of approval Staff for many years has approved the plans and applicants have then secured building permits, sometimes in advance of a formal Planning Commission approval As a result public hearings are scheduled for January to amend both the zoning and subdivision ordinance to clarify the practice of years past In the interim the Planning Commission will officially approve multi-family plans and subdivision requests officially before any building permits will be issued Years ago the Planning Commission delegated the approval of such requests to the staff even though the ordinance language specifically calls for their approval The neighborhood raised this issue and upon advice of the City Attorney the text changes have been drafted and approved by the Planning Commission for hearing (Hearings have been held)

It should also be noted that the Planning Commission has requested staff to investigate and report back to them some potential changes to the zoning ordinance regarding multi-family development in office and business districts The Planning Commission believes that there appears to be some merit still in permitting apartment or other multi-family development in these districts, but does feel that the density is too high and is seeking

a reduction so that concerns regarding intensity of development, density, traffic, etc , could be reduced by removing the high density now associated with those districts (Planning Commission recently recommended text changes and public hearings)

Finally, it should be recognized that due to agreements reached regarding Phase I of the proposed project, the area under consideration for rezoning is only the westerly half of the site, about 20± acres

GENERAL FINDINGS

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

2 Pre-Hearing Staff Input Staff provided the petitioner with advice and guidance regarding the submission of the application

3 Neighborhood Context The site is located within the area defined as the Carmel neighborhood Staff has received several calls about the petition

DETAILED FINDINGS

1 The petitioner in this case is a neighborhood group, the Sturnbridge Homeowners Association The petition involves about 20 acres of land, part of a parcel which fronts on Carmel Road and extends to McMullen Creek Current zoning is 0-15 and the petitioner is seeking R-15MF The hearing on this matter was in December, 1985

2 The subject property lies immediately south of the Sturnbridge Subdivision Though it is zoned office the site is being planned for an apartment project The first phase has been proposed and has been approved by Planning staff and the Planning Commission, though Planning Commission expects to receive a revised plan based upon agreements between the property owner and the neighborhood

3 The neighborhood is bothered by plans for the apartment project In particular the neighborhood has sought unsuccessfully to establish a 100 foot or greater buffer between their neighborhood and the apartment project Throughout, the neighborhood has wanted a single family buffer as well as to rezone the bulk of the property to multi-family The neighborhood is also concerned that the boundary line between Phase I and Phase II has shifted slightly even though the acreage and the dwelling unit count has not According to the developer the minor shift is necessary to accommodate neighborhood desires to alter the site plan for Phase I

4 By achieving a positive Planning Commission decision on this matter, building permits for Phase I were issued However the proposed zoning change could effect the as yet undeveloped rear portion by reducing the density to the R-15MF level or perhaps even further

5 This petition perhaps more than any other similar to it has generated considerable discussion and controversy There have been the usual arguments of the neighborhood to protect their residential setting, housing values, privacy, etc , while the developer has expressed the fact that they have only done what they are legally entitled to do and proceeded accordingly

6 In this case staff and Planning Commission have evaluated the issues raised by the neighborhood and those of the developer and concluded that the zoning which has been established on this property for some time is a legitimate district Development patterns which have evolved over the years have utilized the O-15 district and the developer in this case should be entitled to the same However, all along there has been concern about the neighborhood's concerns While the developer is perfectly within the limitations of the law and standards of the O-15 district in presenting a plan which observes 30 foot building setbacks and parking and circulation areas within that (which was done originally), it is neverthe-less customary in today's setting when a rezoning to establish multi-family is requested to expect a larger buffer to be proposed by the developer seeking the rezoning Those buffers typically range from 75 to 100 feet

7 The developer in this case has done two things to address this problem First, an amended Phase I plan will be presented to Planning Commission which observes a greater building setback and other changes the neighbor-hood wanted Secondly, the developer offered at public hearing to establish a 75 foot buffer in Phase II and volunteered to rezone a 75 foot strip adjacent to Sturnbridge to O-15(CD) for such a purpose A site plan was submitted for Planning Commission and neighborhood approval

8 The Planning Commission in rejecting the neighborhood's request did, however, accept the property owner's conditional site plan They believed that would establish a reasonable relationship to the neighborhood and provided a compromise solution and equity for both parties

9 Based upon the above, then, Planning Commission recommends that the petition be rejected, but does accept and recommend approval of the property owner's request to rezone a 75 foot buffer strip adjacent to the neighborhood to O-15(CD) (See map)

<u>Minority Opinion</u>
The minority opinion expressed the viewpoint that the density associated with Phase II is likely to exceed R-15MF densities and is, therefore, too high

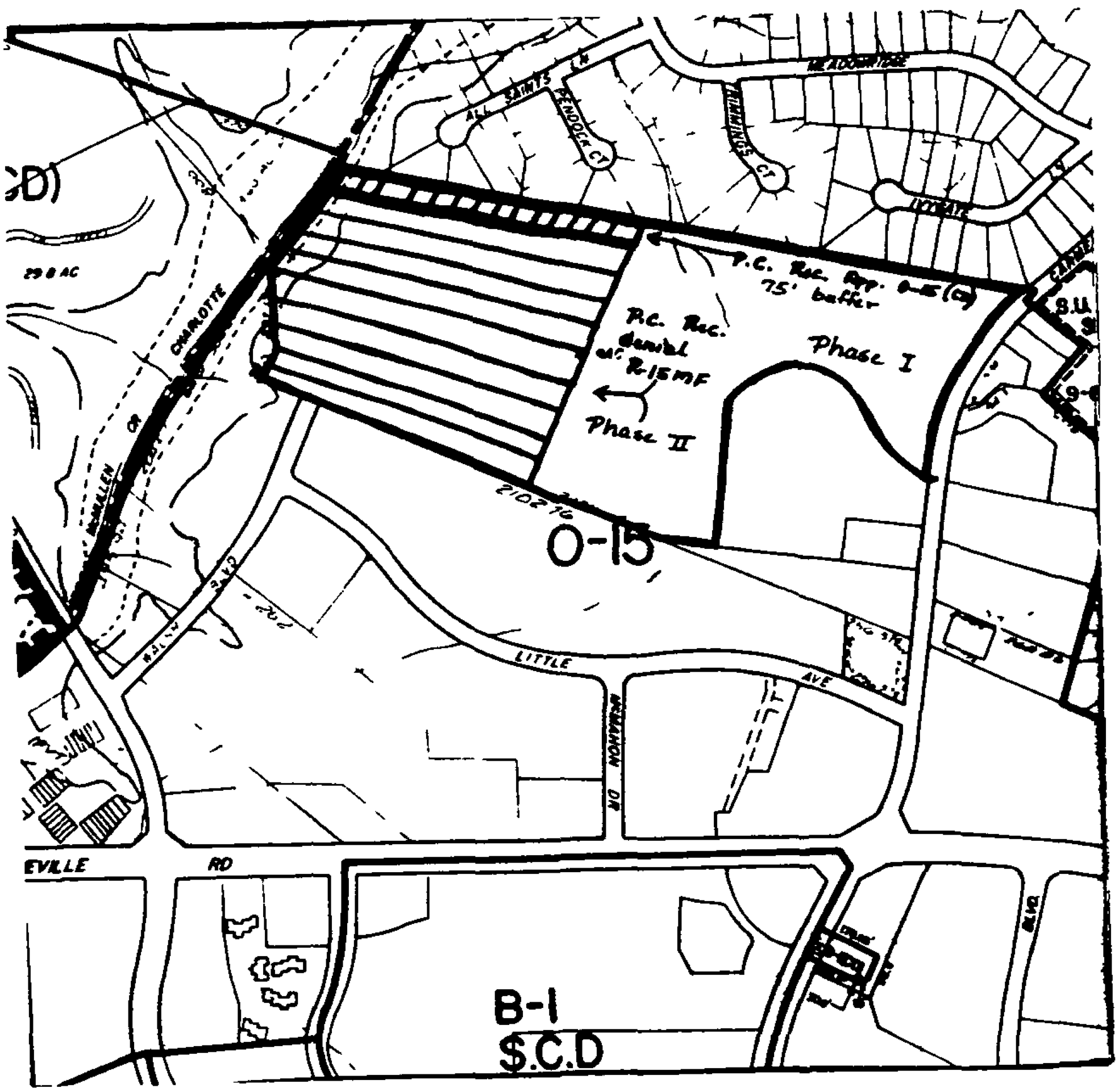
<u>Staff Opinion</u>
The staff agreed with Planning Commission

PETITIONER Sturnbridge Homeowners Assoc.

PETITION NO. 85-83 HEARING DATE December 16, 1985

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

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



ZONING MAP NO. 167 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE February 20, 1986

PETITION NO 85-87

PETITIONER(S) Jessie E Oxendine

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

LOCATION A 2 24 acre site located along the westerly side of Old Monroe Road just south of the Sardis Road North intersection

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

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

REASONS

ISSUES

1 Existing Zoning and Land Use Patterns What are the existing zoning and land use patterns in this vicinity and how does that pattern relate to the request in this petition?

2 Conditional Approach How could this petition be enhanced by utilizing a conditional site plan approach? If such approach were to be achieved, what site plan elements should be considered?

BACKGROUND

1 Existing Zoning The property involved in the request is currently zoned R-12MF as is property to the south of it as well as a narrow stretch of land which entends along the westerly border of the site back to Sardis Road North Immediately along the northerly border of the site is a tract of land zoned O-15(CD) and north of that at the Sardis Road North and Monroe Road intersection is a B-1(CD) site Across Monroe Road is a large area of industrial zoning Other areas with frontage on Monroe Road are zoned business (B-2) at the Sardis Road intersection and R-15MF further south of the site Otherwise the area generally away from the major thoroughfares are zoned single family in the vicinity

2 Existing Land Use The rezoning site is vacant A small day care center is located just to the north and a small shopping center at the Sardis

Road North and Monroe Road intersection A newer shopping center called Sardis Crossing is nearing completion also at the intersection Other commercial development including a new complex of movie theatres is also in the immediate vicinity of the intersection Along Monore Road are several large employment centers including Alltel, Family Dollar Stores and Pic and Pay The Sardis Forest Patio Homes are located to the south of the site and other single family development is also in the general vicinity with a general orientation off of Sardis Road North

3 Site Plan The petitioner modified the plan to a conditional O-15(CD) An office project is proposed One driveway access to Monroe Road is shown A 10 foot planting area on the southerly border is also shown as is other landscaping

GENERAL FINDINGS

1 Comprehensive Plan 1995 (Adopted 1976) The plan indicates that the subject property is located in an area of residential usage at an overall density of 0-6 dwelling units per acre as well as one with a concentration of industrial and distributive uses, also This plan is being replaced by the 2005 Plan

2 Monroe Road Widening The widening of Monroe Road to four lanes with left turn lanes at major intersections is currently underway This project will widen Monroe Road to a multi-lane facility from Village Lake Drive to 1500 feet inside the Matthews City Limits

3 Pre-Hearing Staff Input Staff provided assistance and advice in the preparation of the application

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

DETAILED FINDINGS

1 The rezoning petition involves a 2 2 acre site with frontage on Old Monroe Road just south of the Sardis Road North intersection Current zoning is R-12MF and the petitioner is seeking O-15 for the property

2 The site is a rectangular one in shape with more depth involved than there is frontage By its shape and configuration, therefore, some design restriction whether it be under the current multi-family or office may be anticipated

3 The property is bordered along the northerly side by an existing O-15(CD) district and is across the street from industrial zoning The site has frontage on Monroe Road which is being widened

4 The immediate area is rapidly growing The extension of Sardis Road North from Monroe Road to Independence Boulevard will shortly be completed In addition a new shopping center is also nearing completion The Crown Point development is also nearby

5 Thus the area continues to add to its importance as an employment and service center for the population in this area

6 It would seem that because of the existing patterns in the area and the changes that are occurring that the site in question can be reasonably considered for the requested change Because of the development of the Sardis Road Patio Homes immediately to the south there is no fear of a non-residential strip pattern extending down Monroe Road Further, a small office complex such as the one that would inevitably locate on this site would offer a nice alternative to the very large industry and employment centers in the area

7 It was strongly recommended, however, that a conditional approach be achieved in this case The petitioner agreed Such a site plan needed to take into account the size and configuration of the property and particularly the southerly edge where it adjoins multi-family zoning and development The plan should try and create by the size and shape of buildings as well as the materials involved a residential look, feel and scale This will help to relate to the multi-family development to the south The matter was deferred twice, once at staff's suggestion to continue to work on the plan

8 Despite staff attempts, the effort to acheive a satisfactory site plan failed Staff worked with the petitioner but could not get the plan in a shape suitable to recommend approval Even though the site is restricted, the design of the project was very unimaginative Even getting the basic data, such as the size of the office space, proved difficult That information was not on the final site plan Without such data and especially an adequate site/design plan staff and Planning Commission concluded that the zoning change could not be supported

9 It should also be pointed out that the change in zoning here would have a minor impact on the traffic conditions in this area

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

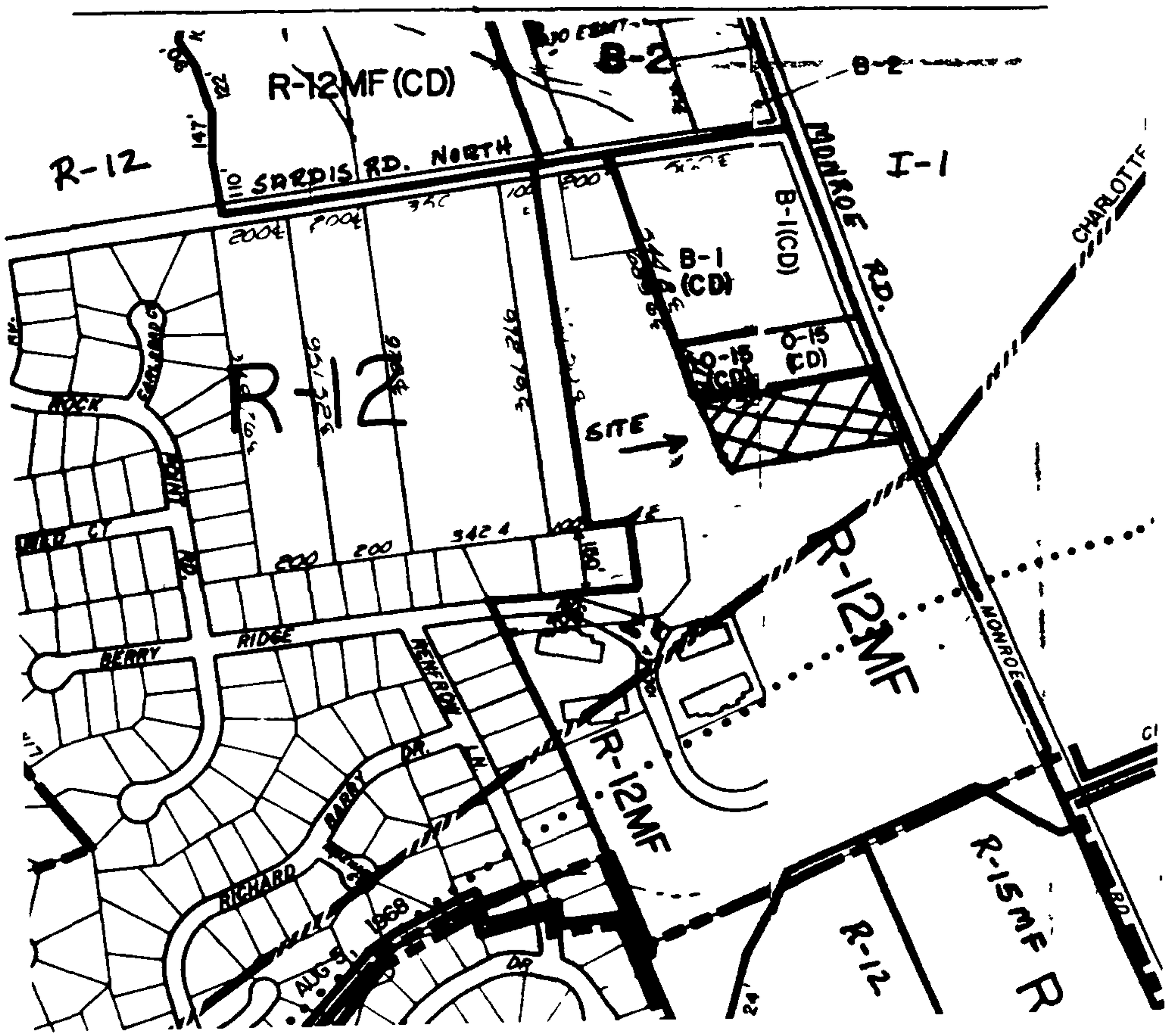
<u>Staff Opinion</u>
The staff agreed with Planning Commission

PETITIONER Jessie E. Oxendine

PETITION NO. 85-87 HEARING DATE December 16, 1985

ZONING CLASSIFICATION, EXISTING R-12MF REQUESTED O-15

LOCATION A 2.24 acre site east of the Sardis Road North, Monroe Road intersection.



ZONING MAP NO. 144 & 145 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	February 20, 1986
PETITION NO	86-8
PETITIONER(S)	H C Gabler
REQUEST	Change from I-1 to I-2(CD)
LOCATION	An approximately 2 acre site located at 550 Gulf Drive
ACTION	The Planning Commission deferred action pending further study

DATE February 10, 1986

PETITION NO 86-9

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the City of Charlotte Zoning Ordinance at Sections 3101 1 and 3101 10 to clarify the administrative approval authority of Planned Multi-family Developments

ACTION The Planning Commission recommends that the petition be denied

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

Nays None

REASONS

This text amendment proposal arose through a conflict between a proposed by-right multi-family development in an office district and an adjoining neighborhood During the course of events, it was pointed out that the explicit letter of the law required Planning Commission approval of such a development as well as conventional subdivisions In practice, the staff had been checking off on multi-family and subdivision proposals for over twenty years with the Planning Commission only becoming involved in controversial matters and conferring pro forma approval on a monthly basis

This amendment was proposed to bring the ordinance in conformance with actual practice, that is, the staff conducting the review and the Planning Commission serving in an oversight and appeal capacity However, after comments at the public hearing, the Planning Commission concluded that it should retain the approval authority under the present ordinance The only exception would be to allow the staff to approve final plats for recording Once a development reaches the final plat stage, it is essentially built and the Commission felt that there was no need to re-review the project at that stage

Therefore, the Planning Commission recommends that this amendment be denied This will leave the final approval authority for Planned Multi-family Developments with the Planning Commission

Staff Opinion
The staff agreed with the Planning Commission

ORDINANCE NO. AMENDING APPENDIX A-ZONING

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

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

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

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

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

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

Section 3 This ordinance shall be effective upon adoption

Approved as to form.

_____

City Attorney

CERTIFICATION

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

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

_____
Pat Sharkey, City Clerk

DATE February 20, 1986

PETITION NO 86-10

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-15MF, and from R-9MF to R-12

LOCATION R-9MF to R-15MF for approximately 70 acres including parcels on both sides of Oneida Road and parcels between Dalecrest Drive and I-85, and from R-9MF to R-12 for approximately 3 acres between Oneida and Allen Roads

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Clodfelter, Curry, Emory, Lawing, M Smith and S Smith

Nays Griffin and Lewis

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

REASONS

The area involved in this petition is approximately 73 acres in size and is located generally along either side of Oneida Road Current land use in the area is a combination of vacant land as well as some single family and multi-family development The current zoning is R-9MF and the petition seeks to rezone the site principally to R-15MF, although a narrow area along portions of the northwest boundary are proposed for R-12 (See map)

Much of the property located in this petition is undeveloped There are a few single family homes as well as one multi-family project at the end of Woodstone Drive There is also a multi-family complex which fronts on Oneida Road

No one spoke at the public hearing against the petition No non-conforming uses would be created by the zoning change

A motion to approve the request was passed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-10 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING R-9MF (R-9MF) REQUESTED R-15MF (R-12)

LOCATION Approx. 70 acres including parcels on both sides of Oneida Road and parcels between Dalecrest Drive and I-85 and approx. 3 acres between Oneida and Allen Road. Approx. 73 acres total

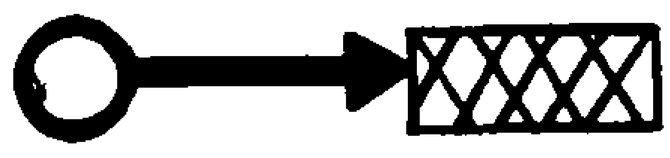
SEE ATTACHED MAP

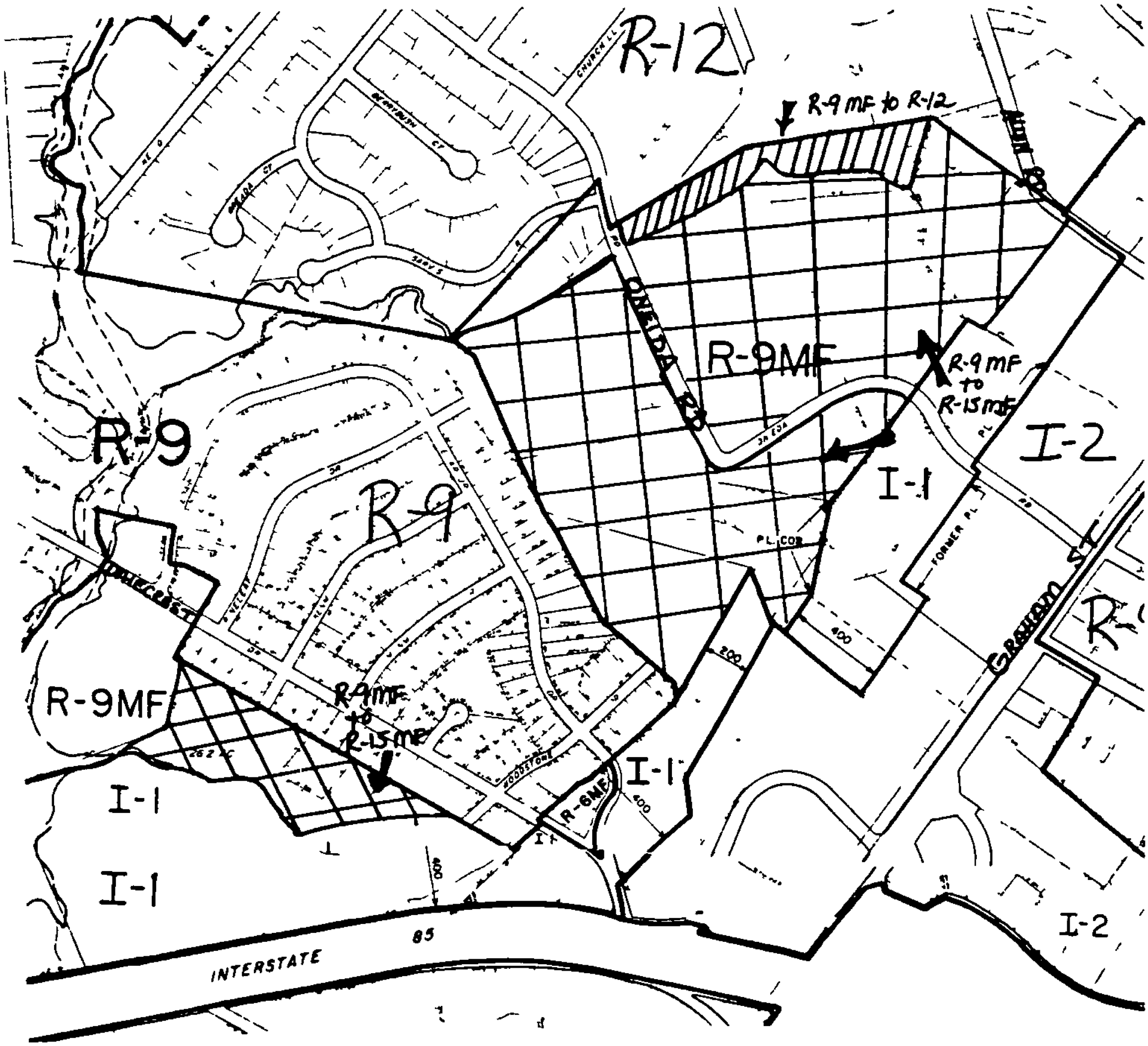
ZONING MAP NO. 70, 78

SCALE 1" = 400'

Reduced .35

PROPERTY PROPOSED FOR CHANGE




R-12
R-9 MF to R-12
R-9MF
R-9 MF to R-15 MF
R-9
R-9
R-9MF
R-9MF to R-15 MF
I-1
I-2
I-1
I-1
I-1
I-2
R-6MF
ONEIDA RD
GRAHAM ST
INTERSTATE 85
CHURCH LL
FORMER PL
PL COR
200
400
400
800

DATE February 20, 1986

PETITION NO 86-11

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-12, from B-1 to R-15MF, from I-1 and I-2 to B-1

LOCATION Change from R-9MF to R-12 for approximately 35 acres, from B-1 to R-15MF for approximately 8 acrea, and from I-1 and I-2 to B-1 for approximately 7 acres in the vicinity of Nevin, Eargle and Gibbon Roads

ACTION The Planning Commission recommends that the petition be approved

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

Nays Griffin and Lawing

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

REASONS

This petition involves approximately 50 acres in the vicinity of Nevins, Eargle and Gibbon Roads Existing zoning for the area involved is R-9MF, B-1, I-1 and I-2 Specifically the petition seeks to rezone areas on both sides of Eargle from R-9MF to R-12, the area presently zoned B-1 is requested to change to R-15MF and the industrial I-1 and I-2 areas to B-1

Current land use for the petition involves single family, industrial, retail and vacant property The area presently zoned R-9MF is largely undeveloped although there are a few single family homes which front on the south side of Nevins Road Rezoning this property to R-12 would not create any non-conforming uses The area which is presently zoned B-1 is undeveloped Rezoning that property to R-15MF would create no non-conforming uses One property owner spoke at public hearing and before the Planning Commission in opposition to this particular part of the rezoning Her property is located at the intersection of Nevins Road and Eargle Road The industrially zoned land in this petition is principally a combination of retail uses along with some land which is yet to develop The change would not have any effect upon these uses However, there is one industrial use, B & B Leather Manufacturers, and an auto glass replacement shop which would become non-conforming if the zoning is approved A representative of B & B spoke in opposition to the rezoning A motion to approve the petition omitting B & B failed for lack of a second A motion to approve the petition as requested then passed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-11 HEARING DATE 01/30/86

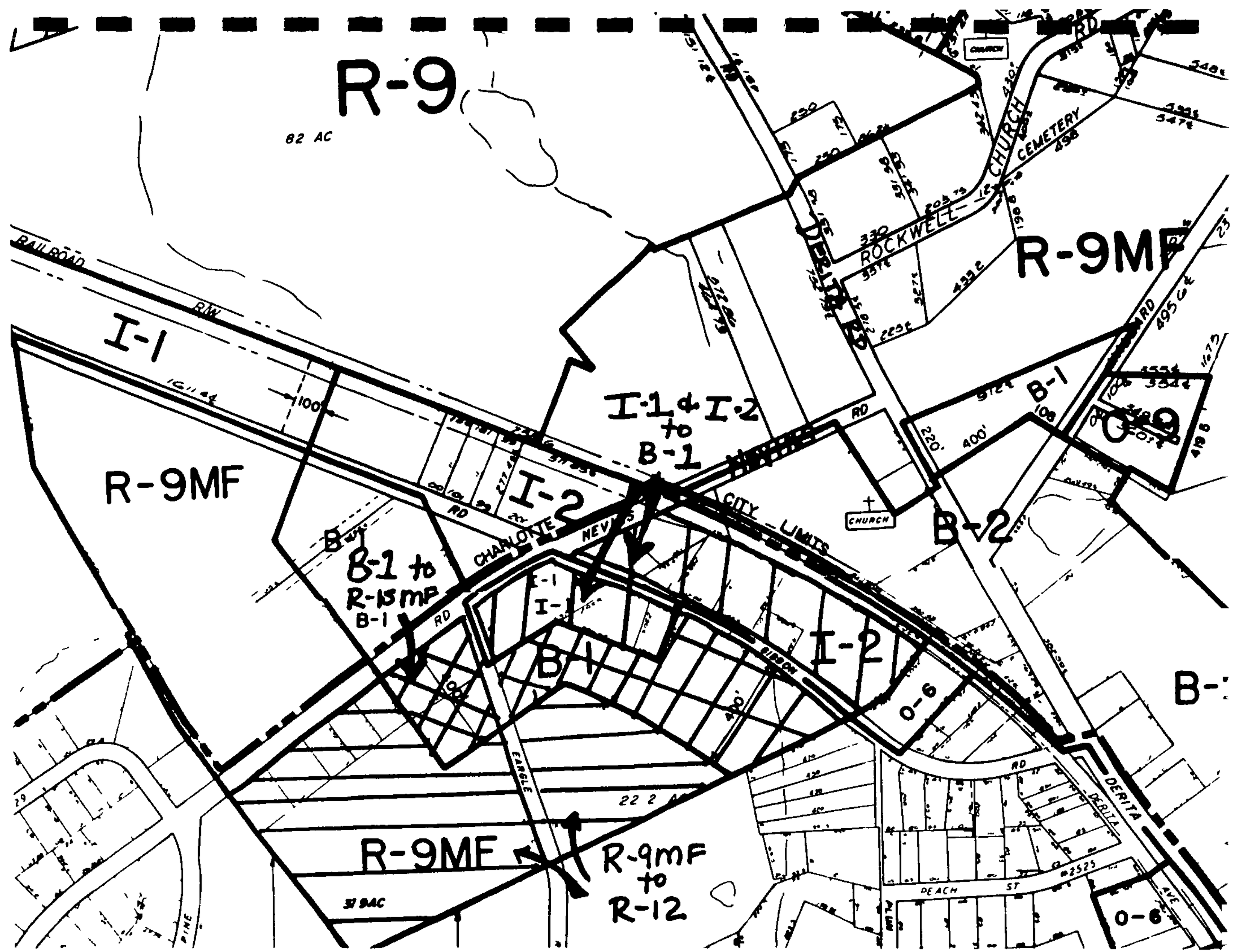
ZONING CLASSIFICATION, EXISTING R-9MF, B-1, I-1 & I-2 REQUESTED R-12, R-15MF, B-1

LOCATION Approx. 50 acres total in the vicinity of Nevin, Eargle and Gibbon Roads.

SEE ATTACHED MAP

ZONING MAP NO 59, 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
82 AC
RAILROAD
R/W
I-1
R-9MF
I-1 & I-2
to
B-1
I-2
B-1
CHARLOTTE
NEVINS
CITY LIMITS
B-1 to
R-15MF
B-1
I-1
I-1
B-1
I-2
O-6
B-2
B-1
R-9MF
R-9MF
R-9mf
to
R-12
31 AC
22 2 AC
EAGLE
DERITA RD
ROCKWELL
CHURCH
CEMETERY
CHURCH
CHURCH
B-1
O-6
O-6
DERITA
PEACH ST
PINE
AVE

DATE February 20, 1986

PETITION NO 86-12

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-2 to I-1

LOCATION Approximately 45 acres on both sides of North Graham Street, between Pickway Drive and the I-85 Service Road

ACTION The Planning Commission recommends that the petition be approved except for parcels noted (See attached map)

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

Nays Griffin, Lawing and Lewis

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

REASONS

The property in this petition totals approximately 45 acres on both sides of North Graham Street, between Pickway Drive and the I-85 service road All of this property is presently zoned I-2 and the petition seeks to rezone this area to I-1

Much of the property involved in the petition is not developed One area along Allen Road is principally used for retail purposes involving a convenience store and a house in combination with an instant printing business Also the Adams Concrete finishing facility, which is an office/distribution center, is located here Mr Adams spoke in opposition to the request He opposed the rezoning due to the fact that his business would become non-conforming Staff confirmed that after the public hearing

One area of the rezoning on the southeasterly side of Graham Street involves property associated with Overnite Trucking That area is fenced in and though it is grassed it is used in association with the freight terminal Also, a single tract of land located on the north side of Oneida Road to the east of Graham Street is presently used as a parking lot for Overnight Other industrial development near the North Graham Street and the I-85 service road (E F Craven Co) would also be affected by the zoning change to I-1 That property is used for the servicing and storage of heavy industrial equipment and would become non-conforming if rezoned

Prior to the public hearing staff had concluded that some parcels included in the petition should be deleted This was based on the fact that it is not the intent of the small area plan to negatively affect any use Therefore, it was

recommended that the above mentioned Overnight parcels should be omitted from the rezoning Similarly, a parcel to the rear of Moss Supply intended for expansion was recommended to be left I-2

During their discussions Planning Commission felt that it was important to be consistent throughout this petition Since property in the petition associated with the Adams Concrete facility and E F Craven would also become non-conforming, they recommended that these parcels should also be deleted (See map)

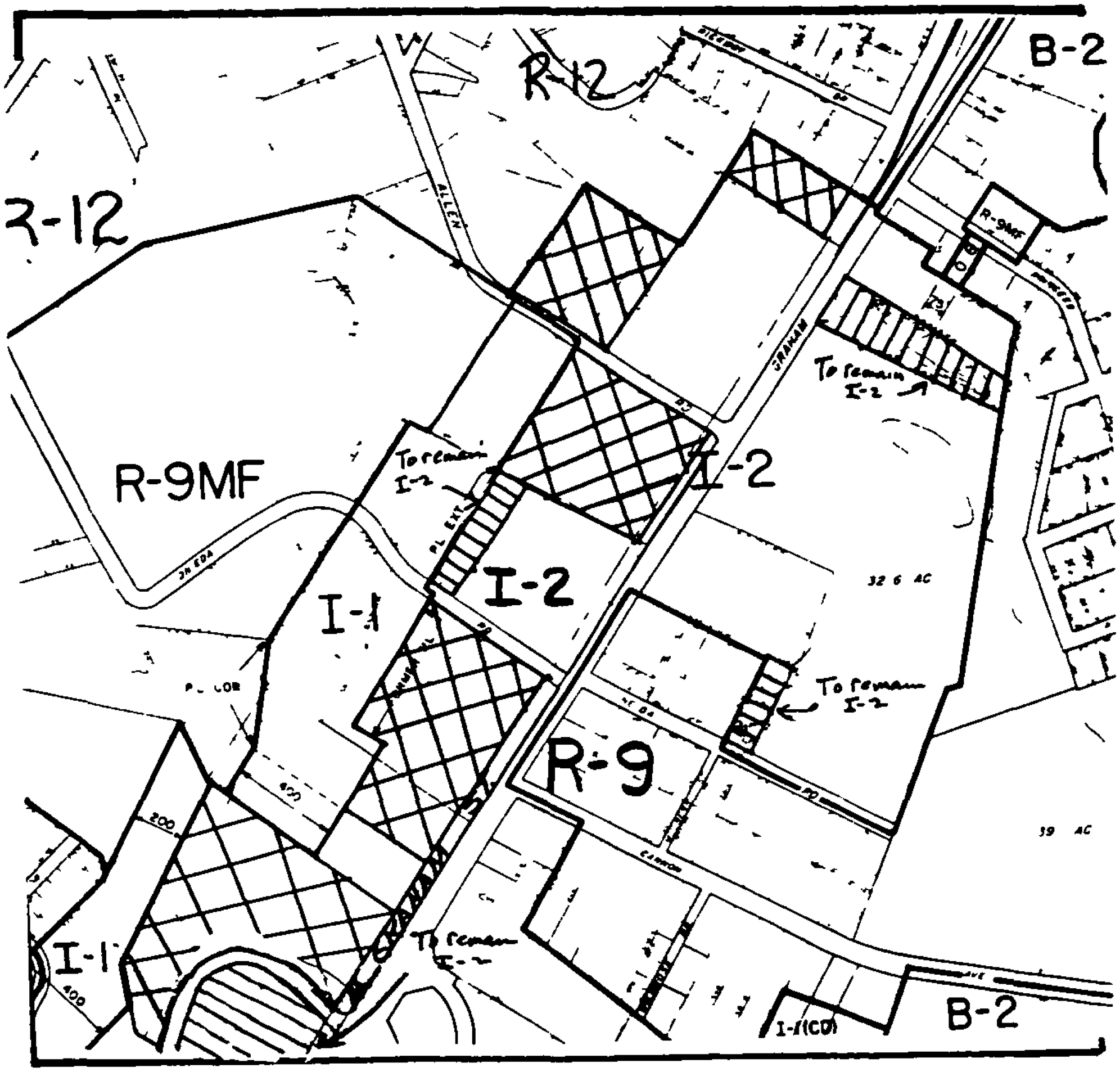
A motion to approve the petition minus the parcels mentioned above was passed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-12 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED I-1

LOCATION Approx. 45 acres on both sides of N. Graham St., between Pickway Drive and the I-85 Service Road



ZONING MAP NO. 70 SCALE 1" = 400'

Reduced .35

PROPERTY PROPOSED FOR CHANGE

DATE Febuary 20, 1986

PETITION NO 86-13

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-1 and B-2 to B-1, and from 0-6 to R-12

LOCATION Change from I-1 and B-2 to B-1 for approximately 7 8 acres at the intersection of North Graham Street and West Sugar Creek Road, and for 8 acres on the west side of West Sugar Creek Road from the Harris Teeter Shopping Center to Hewitt Drive, and from 0-6 to R-12 for approximately 1 5 acres located on the west side of Derita Avenue

ACTION The Planning Commission recommends that the petition be approved

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

Nays Griffin and Lawing

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

REASONS

The property in this petition totals approximately 17 acres About 7 8 acres is located at the intersection of North Graham Street and west of Sugar Creek Road and 8 acres is located on the west side of West Sugar Creek Road to Hewitt Drive The remaining 1 5 acres is on the west side of Derita Avenue

The 1 5 acres is presently zoned 0-6 and the petition is seeking R-12 The area extending along the west side of West Sugar Creek from the Graham Street intersection to Hewitt Drive is presently zoned B-2 and B-1 is requested in the petition The remaining acreage at the intersection of North Graham Street and West Sugar Creek is zoned I-1 and B-1 is sought by the petition

The 0-6 area is the present location of a single family residence and the Derita Branch of the U S Post Office Rezoning the residence will have no effect on the residence, but the Post Office will become non-conforming The B-2 to B-1 area of the petition is presently developed with a used car lot, an attorney's office, an auto parts/beauty salon facility and a dilapidated structure Other tracts in the petition are vacant Rezoning this area to B-1 would cause the auto sales lot to become non-conforming The I-1 to B-1 area of the petition is presently developed with a small shopping area on the west side of Graham Street (a Harris-Teeter store and an Eckerds Drug Store) and some nursery operation and that is continued as part of the Ratcliffe greenhouse facility across the street A spokesman for Ratcliffe appeared at public

hearing in opposition to the request Staff felt the Post Office site should be deleted from the request However, Planning Commission rejected that and recommended that this petition be approved as requested

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86 13 HEARING DATE 01/30/86

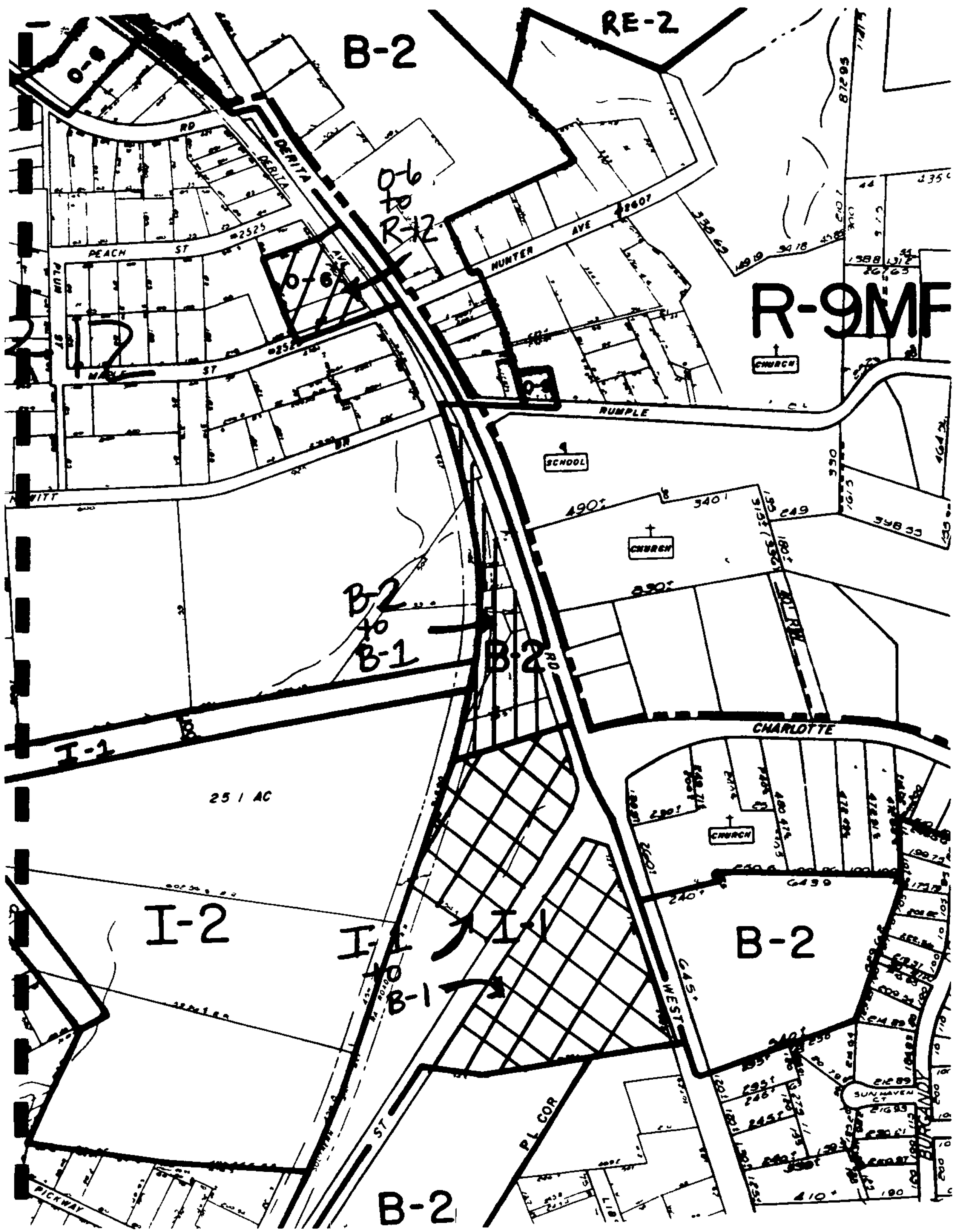
ZONING CLASSIFICATION, EXISTING I-1 & B-2 O-6 REQUESTED B-1 R-12

LOCATION Approx. 17 acres total. 7.8 acres at intersection of N. Graham St. and W. Sugar Creek Rd. and 8 acres on west side of W. Sugar Creek Rd. to Hewitt Drive and 1.5 acres on west side of Derita Ave.

SEE ATTACHED MAP

ZONING MAP NO. 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


B-2
RE-2
O-6
O-6 to R-12
R-9MF
DERITA
PEACH ST
HUNTER AVE
RUMPLE
CHURCH
SCHOOL
CHURCH
B-2
B-1
B-2
CHARLOTTE
I-2
25 / AC
I-2
I-1
B-1
CHURCH
B-2
WEST
PL COR
B-2
PICKWAY

DATE February 20, 1986

PETITION NO 86-14

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from B-2 to R-9MF, from B-2 to R-15MF, and from R-9MF to R-15MF

LOCATION Change from B-2 to R-9MF for approximately 9 84 acres on the east side of West Sugar Creek Road, south of Cole Memorial Methodist Church, from B-2 to R-15MF for approximately 17 acres on the east side of North Graham Street, between Derita Floral Supply and Princess Avenue, and from R-9MF to R-15MF for a 38,533 square foot site located on the north side of Princess Avenue

ACTION Based on a motion to approve this petition the vote resulted in a tie In accordance with procedures no recommendation is forwarded

VOTE Yeas Clodfelter, Emory, Lewis and S Smith

Nays Curry, Griffin, Lawing and M Smith

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

REASONS

This petition involves approximately 9 8 acres on the east side of West Sugar Creek Road approximately 17 acres on the east side of North Graham Street north of Princess Avenue and a 38,533± square foot site on the north side of Princess Avenue

The area on the east side of West Sugar Creek is presently zoned B-2 and the petition seeks to rezone the property to R-9MF The property associated with North Graham Street is also zoned B-2 and the petition is seeking R-15MF The small tract of land on the north side of Princess Avenue is presently R-9MF and the petition is seeking R-15MF

The B-2 to R-9MF tract is largely vacant although recently some foundation footings have been constructed It is believed that some retail construction is underway The 17 acres presently zoned B-2 and sought for R-15MF is largely undeveloped though a couple of residences and a couple of mobile homes are located on the property as well as one tanning salon The tanning salon would become non-conforming through the rezoning and the two mobile home units are already non-conforming The small tract petitioned for change from R-9MF to

R-15MF on Princess Avenue is vacant and, therefore, no non-conforming use would be established through the rezoning

Prior to the hearing staff had concluded that the retail area under construction (the Coppala property) should be omitted from the petition A building permit has been issued for portions of a planned neighborhood shopping center The building permit allows the developer to proceed under that permit regardless of zoning changes Staff saw no need to continue to propose the rezoning considering the circumstances Mr Coppala spoke at the hearing and before the Planning Commission in opposition to the zoning change

Property owned by the Ratcliffe family and proposed for rezoning from B-2 to R-15MF was also opposed The site lies immediately south of the greenhouse operation at the Graham/Sugar Creek intersection

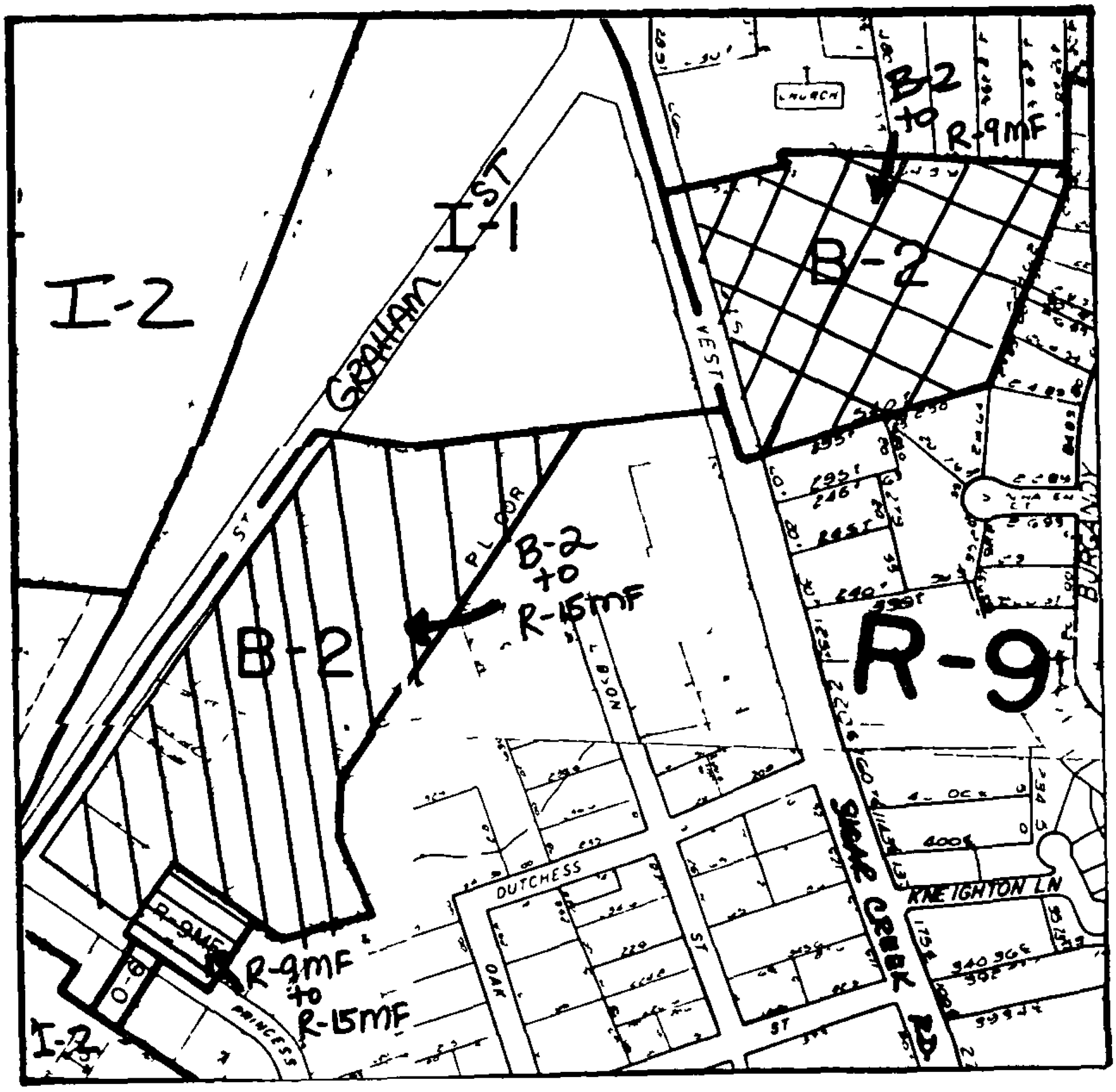
Based on a motion to approve this petition, the Planning Commission vote resulted in a tie In accordance with their procedures no recommendation is forwarded Those who voted in favor of the motion did so in support of the small area plan The reasons for recommending the zoning changes as part of the small area plan were still valid Members voting against the motion were not in favor of the zoning changes when the small area plan was discussed as well as the fact that some are philosophically opposed to downzoning

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-14 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING B-2 / R-9MF REQUESTED R-9MF / R-15MF

LOCATION Approx. 9.84 acres on east side of W. Sugar Crk. Rd. and approx. 17 acres on east side of N. Graham St., north of Princess Ave. and 38,533 sq. ft. site located on north side of Princess Avenue



ZONING MAP NO. 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE February 20, 1986

PETITION NO 86-15

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from B-2 to R-9, and from B-2 to B-1

LOCATION Change from B-2 to R-9 for a 97 acre site located at 4724 Statesville Road, and from B-2 to B-1 for approximately 7 acres between Cindy Lane and Hutchinson McDonald Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays Griffin and Lawing

(Commissioner Lowery was not present when vote was taken Commissioners Lewis and Wheeler abatained from voting)

REASONS

This petition involves a 97 acre site located at 4724 Statesville Road along with an area which is approximately 7 acres in size located on Statesville Road generally between Hutchison-McDonald Road and Cindy Lane

The 7 acre area is currently zoned B-2 and the petition is seeking B-1 and the 97 acre site north of that is also presently zoned B-2 and this petition seeks to rezone that tract to R-9

The B-2 to R-9 request would create a non-conforming use if approved That site is developed with an auto wrecker service at the present time The other portion of the petition which involves a B-2 to B-1 change would also create one non-conforming use That involves an auto sales business (N 21 Motor Sales) at the corner of Statesville Road and Nevins Road Otherwise the development pattern in the petition includes single family development as well as a convenience store at the southeasterly corner of Nevins Road and Statesville Road There is also one tract of land at the northerly boundary which is vacant Changing these properties to B-1 would not create non-conforming uses No one spoke at public hearing in opposition

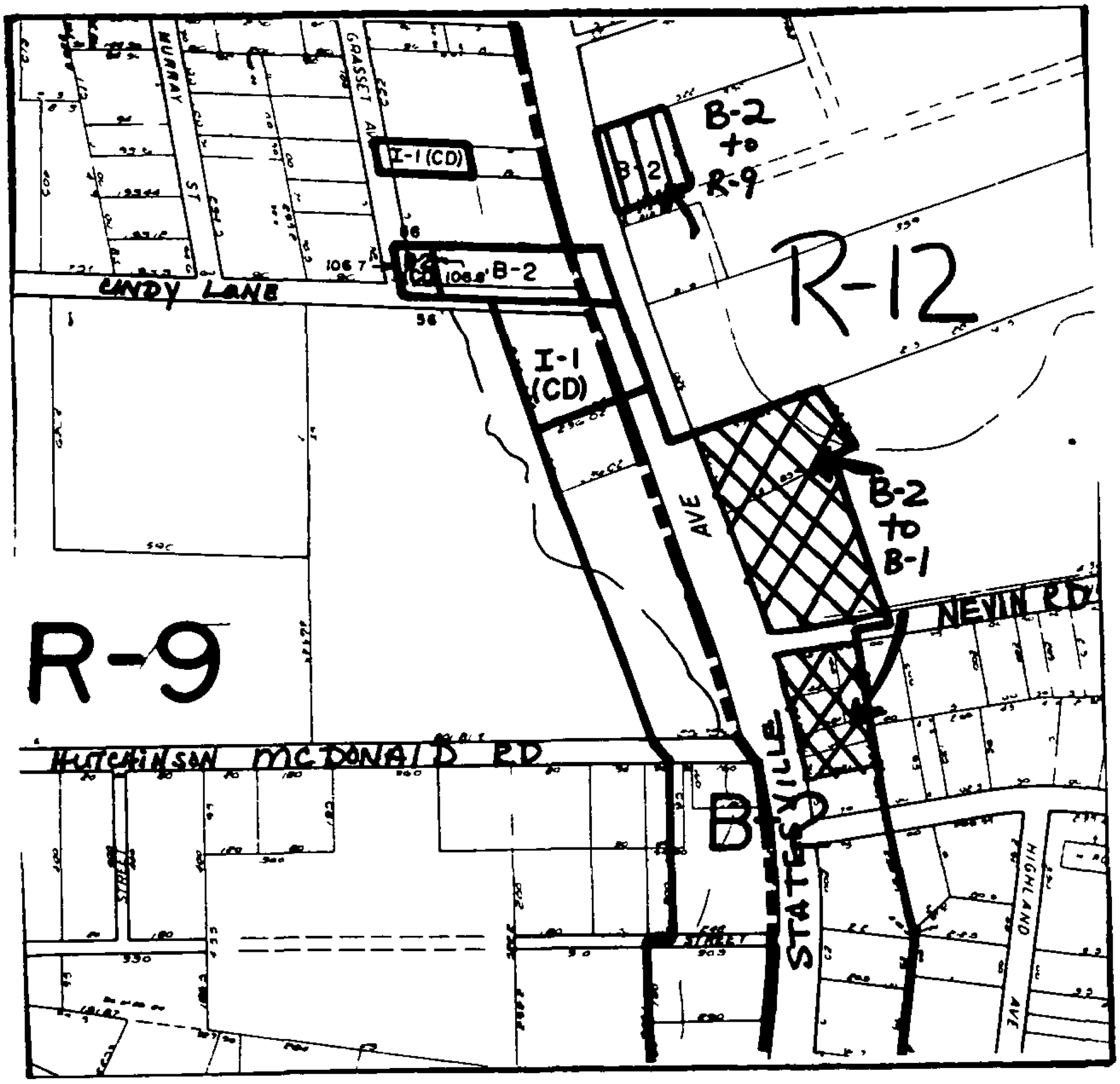
A motion to recommend approval passed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-15 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING ~~B-2~~ B-2 REQUESTED ~~R-9~~ B-1

LOCATION .97 acre site located at 4724 Statesville Road and for approx. 7 acres between Cindy Lane and Hutchinson McDonald Road



ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE February 20, 1986

PETITION NO 86-16

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-15MF

LOCATION Approximately 62 acres located south of I-85 and north of Tom Hunter Road

ACTION The Planning Commission recommends that the petition be approved in part (See map)

VOTE Yeas Curry, Emory, Lawing, Lewis, M Smith and S Smith

Nays Clodfelter and Griffin

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

REASONS

This petition involves approximately 62 acres located between Tom Hunter Road and Interstate 85 The present zoning for this area is R-9MF and the petition is seeking to rezone it to R-15MF

Much of the land involved in this petition has not been developed to date Portions which have been built upon principally relate to tracts of land which front on Tom Hunter Road Two churches have been built, Landmark Baptist Church and Christ Gospel Church There are also a few single family homes and one mobile home along this area as well The mobile home is non-conforming

Rezoning this area to R-15MF would not create any non-conforming uses

During their deliberations on this matter, Planning Commission recalled that earlier discussion at the time the small area plan was being considered focused on the Duke Power right-of-way as being a logical dividing line Planning Commission felt that idea still had merit After some discussion of this idea and various alternatives Planning Commission passed a motion which recommends that the area south of the right-of-way be changed to R-15MF, but the area between the right-of-way and I-85 should remain R-9MF They believe that the R-9MF area related more directly to I-85 and could better support higher densities whereas the portions which were more oriented to Tom Hunter Road should not be allowed to develop at the R-9MF density

A motion passed reflecting the above discussion (See map)

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-16 HEARING DATE 01/30/86

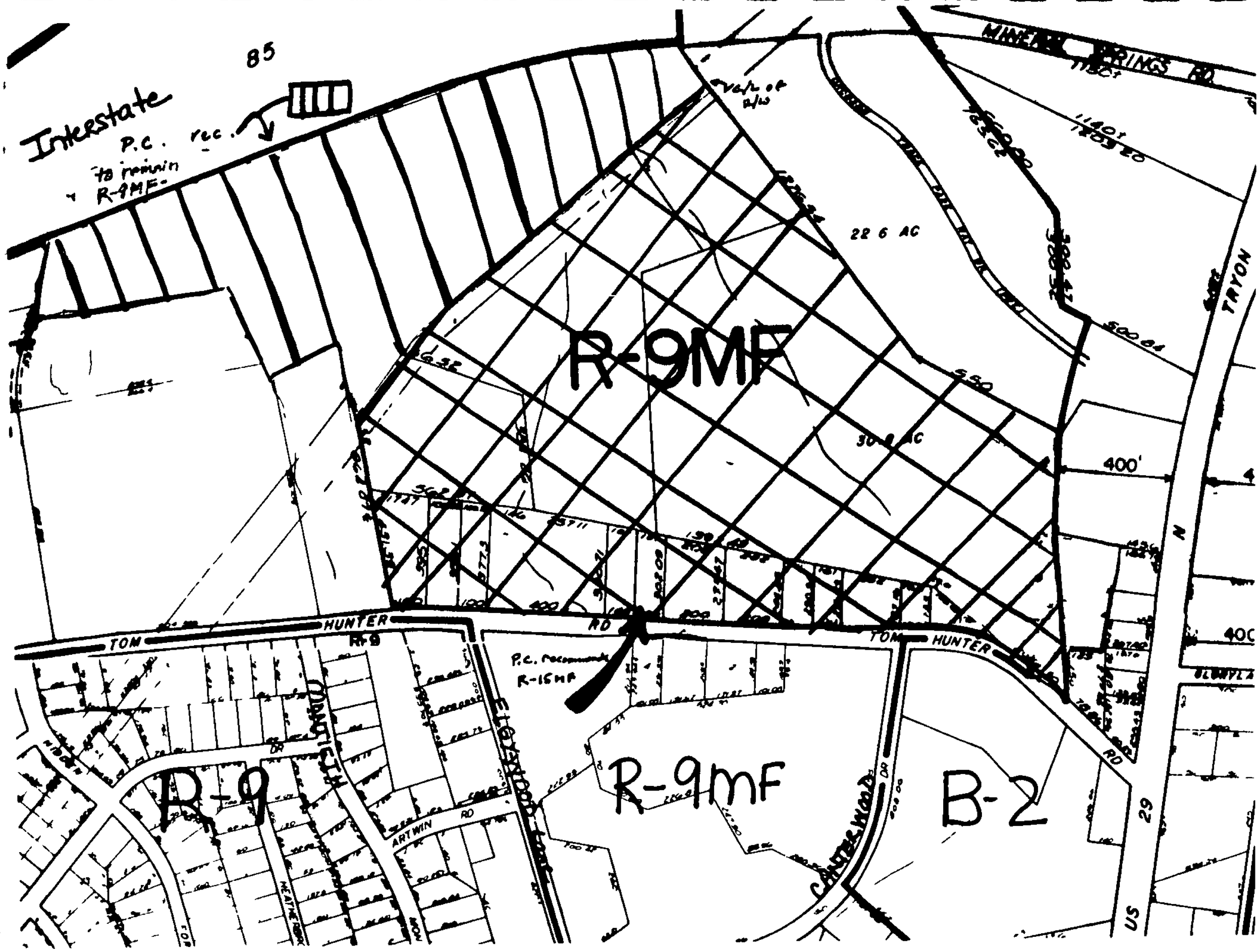
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-15MF

LOCATION Approx. 62 acres located south of I-85 and north of Tom Hunter Road

SEE ATTACHED MAP

ZONING MAP NO 71, 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


85
Interstate
P.C. rec.
to remain
R-9MF
R-9MF
22.6 AC
30.8 AC
400'
TOM HUNTER RD
TOM HUNTER RD
P.C. recommends
R-15MF
R-9
R-9mf
B-2
ARTWIN RD
HEATHERBROOK
CANTERBURY RD
US 29
TRYON

DATE February 20, 1986

PETITION NO 86-17

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-6

LOCATION Approximately 25 acres located on Tom Hunter Road near Hidden Forest Drive

ACTION The Planning Commission recommends that the petition be approved in part (See map)

VOTE Yeas Curry, Emory, Lawing, Lewis, M Smith and S Smith

Nays Clodfelter and Griffin

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

REASONS

This petition requests rezoning on approximately 25 acres of land located on Tom Hunter Road near Hidden Forest Drive This area is presently zoned R-9MF and R-6 zoning was originally requested

Much of the acreage which is associated with this petition has not been built upon at the present time However, there are five single family residences withing the petition boundary Rezoning the area would not create any non-conforming uses

Planning Commission treated this area the same as Petition No 86-16 Using the Duke Power right-of-way as a boundary line The area to the north side was left zoned R-9MF while a small portion of the site to the south was recommended for R-15MF (See map)

(As a matter of information, at public hearing there was a question regarding the zoning boundaries drawn for petitions in this area Staff discovered that several parcels were inadvertently omitted and in one case this created an unusual pattern by leaving one tract of land unpetitioned between #86-16 and 86-17 That tract and a few others will be included in petitions in March)

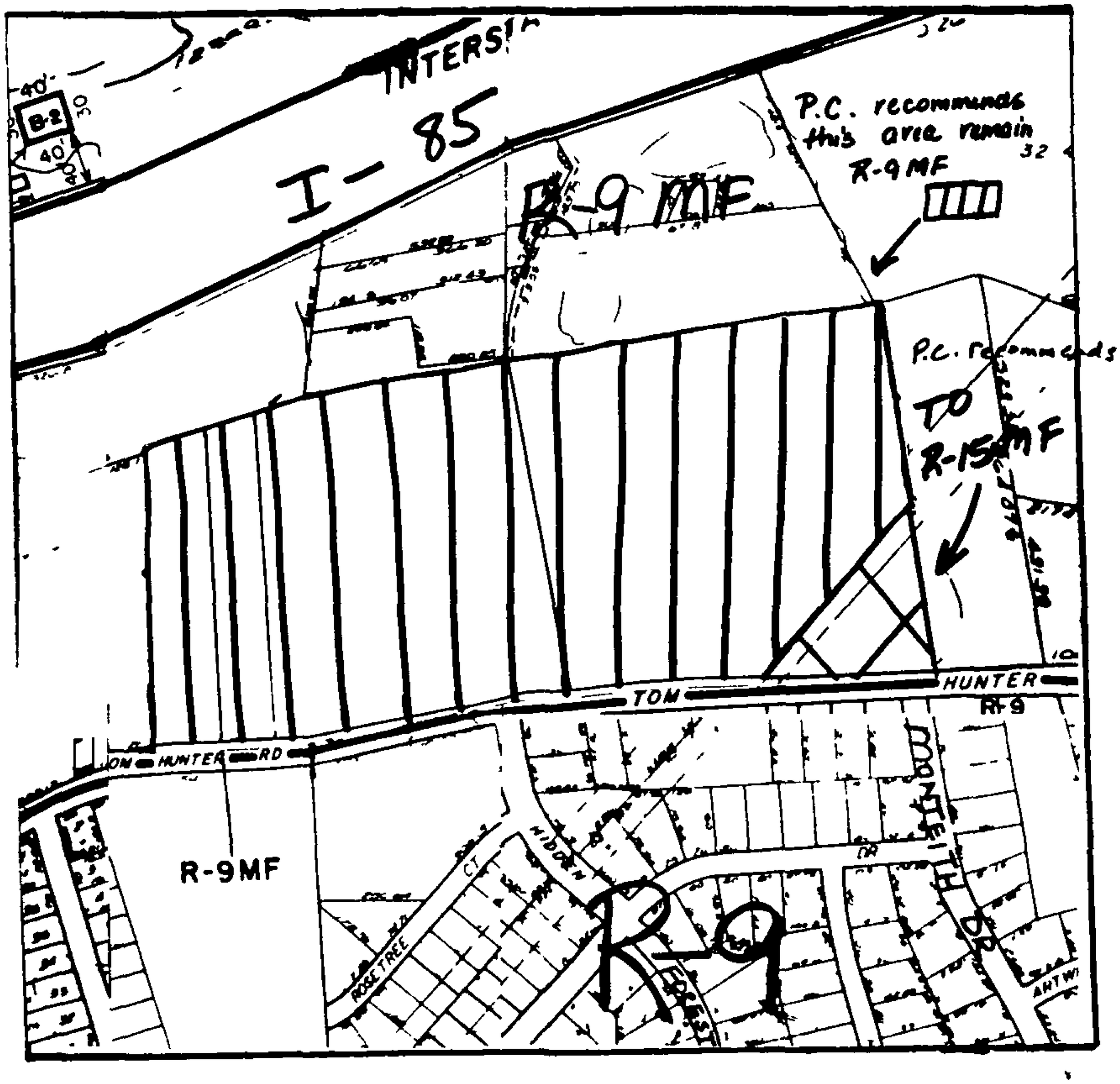
PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-17 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-15MF

LOCATION Approx. 25 acres located on Tom Hunter Road near Hidden Forest Drive

NOTE: Planning Commission recommended all but a small front portion of the property be omitted.



ZONING MAP NO. 77, 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE February 20, 1986

PETITION NO 86-18

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-9

LOCATION Approximately 25 acres located on Dawn Circle and Austin Drive

ACTION The Planning Commission recommends that the petition be approved

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

Nays Griffin and Lawing

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

REASONS

Property in this petition is presently zoned R-9MF and the petition seeks to rezone the area to R-9 There is approximately 25 acres of land involved on Dawn Circle and Austin Drive

Much of the property involved in the petition is developed with single family residential homes although there are a few vacant lots as well as a scattering of lots which have been devoted to mobile home development These mobile homes are already non-conforming There is also an institutional use the Metropolitan Community Church located on the south side of Austin Drive opposite Elgywood Lane One duplex unit is also developed on Dawn Circle A property owner (property at the corner of Austin Drive and Monteith Drive) appeared at public hearing to protest the change due to the fact that property which she owns is being considered for some multi-family development under the current zoning Rezoning the land will preclude that from happening

Rezoning the property would make the duplex unit non-conforming As mentioned above the mobile homes are already non-conforming

A motion to approve the petition passed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-18 HEARING DATE 01/30/86

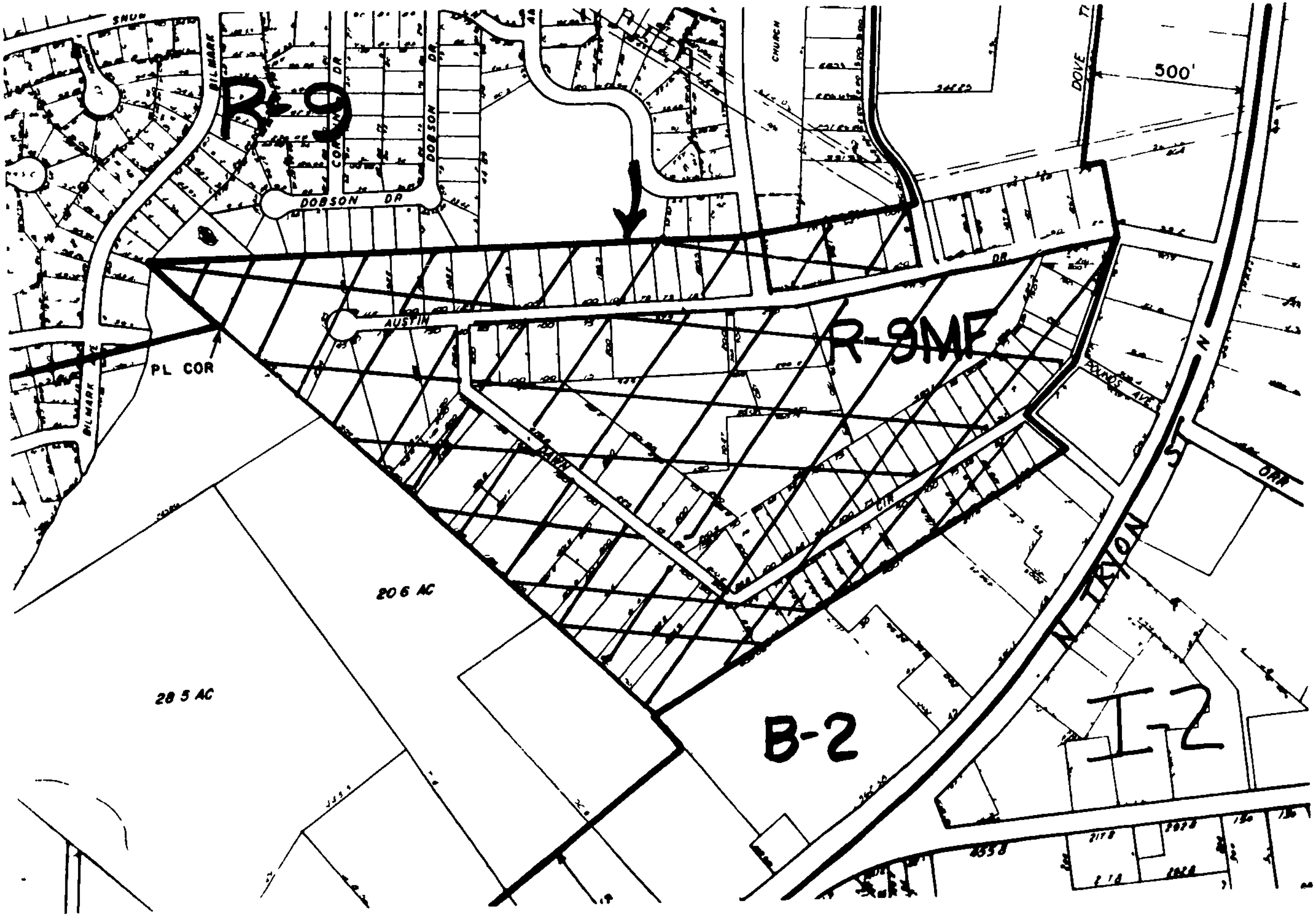
ZONING CLASSIFICATION, EXISTING R 9MF REQUESTED R-9

LOCATION Approx. 25 acres on Dawn Circle and Austin Drive

SEE ATTACHED MAP

ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
DOBSON DR
CORK DR
DOBSON DR
CHURCH
DOVE
500'
AUSTIN
R-9MF
PL COR
BILMARK
POUNDS AVE
N TRYON ST
ORR
20 6 AC
28 5 AC
B-2
I-2

DATE February 20, 1986

PETITION NO 86-19

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-9MF to R-6

LOCATION Approximately 5 45 acres located in the vicinity of Elgywood Lane and Arrowhead Drive

ACTION The Planning Commission recommends that the petition be approved for R-9 in lieu of R-6

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

Nays Clodfelter, Griffin and Lawing

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

REASONS

This petition involves approximately 5 4 acres located on the easterly side of Elgywood Lane between Arrowhead Drive and Canterwood Drive This area is currently zoned R-9MF and the petition is seeking R-6

This property is vacant at the present time Rezoning the site to R-6 would not create a non-conforming situation

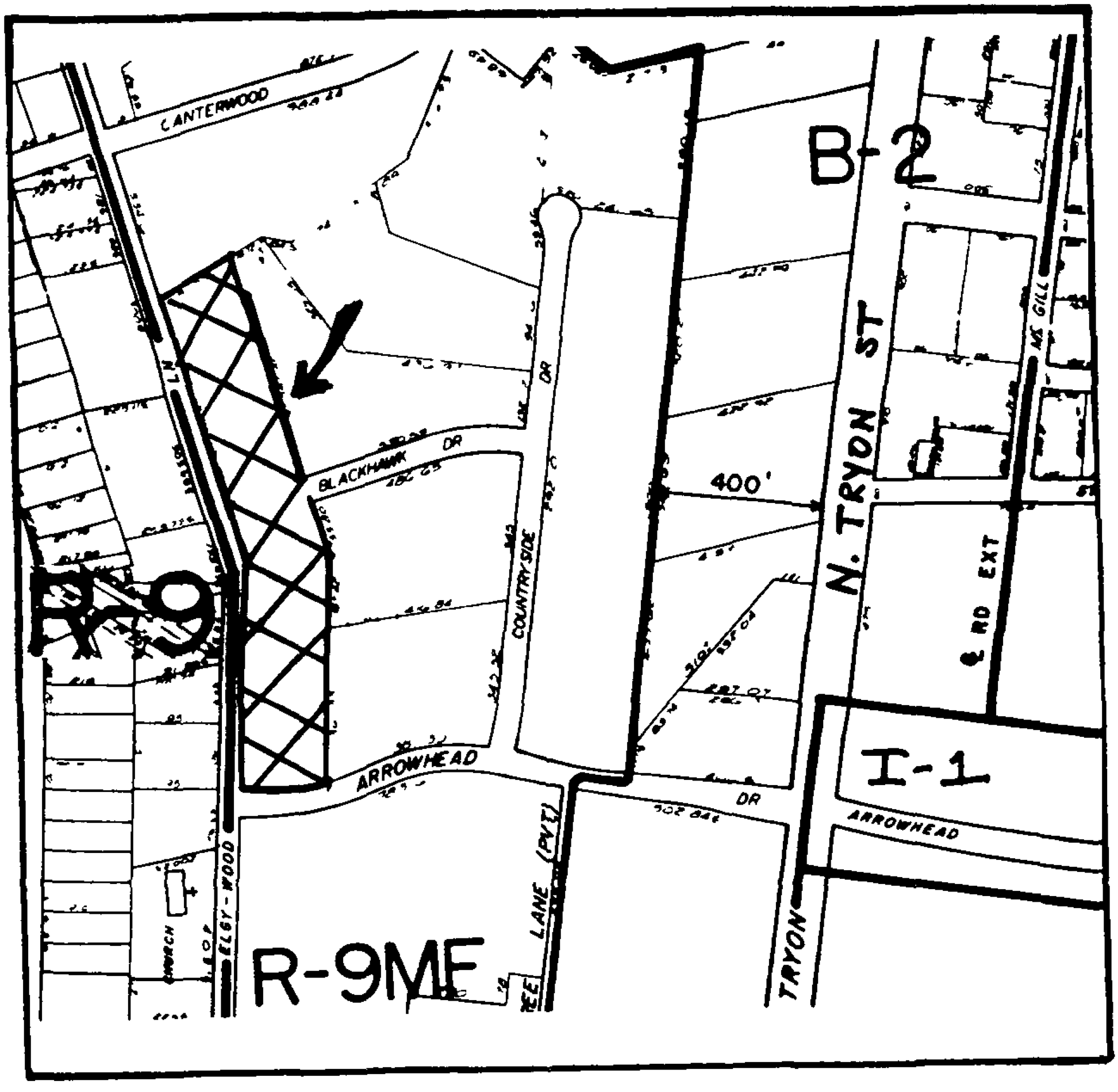
Planning Commission was somewhat uncomfortable with the proposed R-6 classification believing that it might possibly lead to a potentially inferior housing product They felt better about R-9 for the property instead and recommended that

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-19 HEARING DATE 01/30/86

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-6

LOCATION Approx. 5.45 acres located in the vicinity of Elgywood Lane and Arrowhead Drive



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	February 20, 1986
PETITION NO	86-22
PETITIONER(S)	R M Industrial Products Co , Inc
REQUEST	Change from I-1 to I-2(CD)
LOCATION	A 21 257 acre site on Hamilton Street, bordering also on I-77 and the Seaboard Coastline Railroad right-of-way
ACTION	The Planning Commission deferred action based on a request by the petitioner

DATE February 20, 1986

PETITION NO 86-23

PETITIONER(S) Browning Properties, Inc

REQUEST Change from R-12MF(CD) to R-6(CD)

LOCATION A 9 9080 acre site located in Selwyn Farms at 830 Marsh Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

(Commissioner Lowery was not present when vote was taken)

REASONS

ISSUES

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

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

BACKGROUND

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

2 Existing Land Use The subject property is vacant Other portions of the Selwyn Farms development have been developed with attached housing projects along with one single family development across Marsh Road A concentration of single family development borders the site including new single family development which has occurred as a result of the original Selwyn Farms rezoning Other multi-family housing including one public housing project is also in the general vicinity Sedgefield Elementary School is just

north of the site on Marsh Road and other institutional uses including churches, day care centers and the YWCA are located along Park Road

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

4 Proposed Zoning Change The proposed change involves rezoning the property from its present R-12MF(CD) to R-6(CD) and replacing the multi-family development with single family homes A total of 40 lots will be developed in lieu of the 100 units The plan also provides for special landscaping and streetscape conditions along Selwyn Farms Lane The plan also removes the proposed 50 foot buffer where the property adjoins new lots on Heather Lane

GENERAL FINDINGS

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

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

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

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

5 Pre-Hearing Departmental Comments (Summary)

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

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

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

4 Planning No comments

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

DETAILED FINDINGS

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

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

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

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

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

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

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

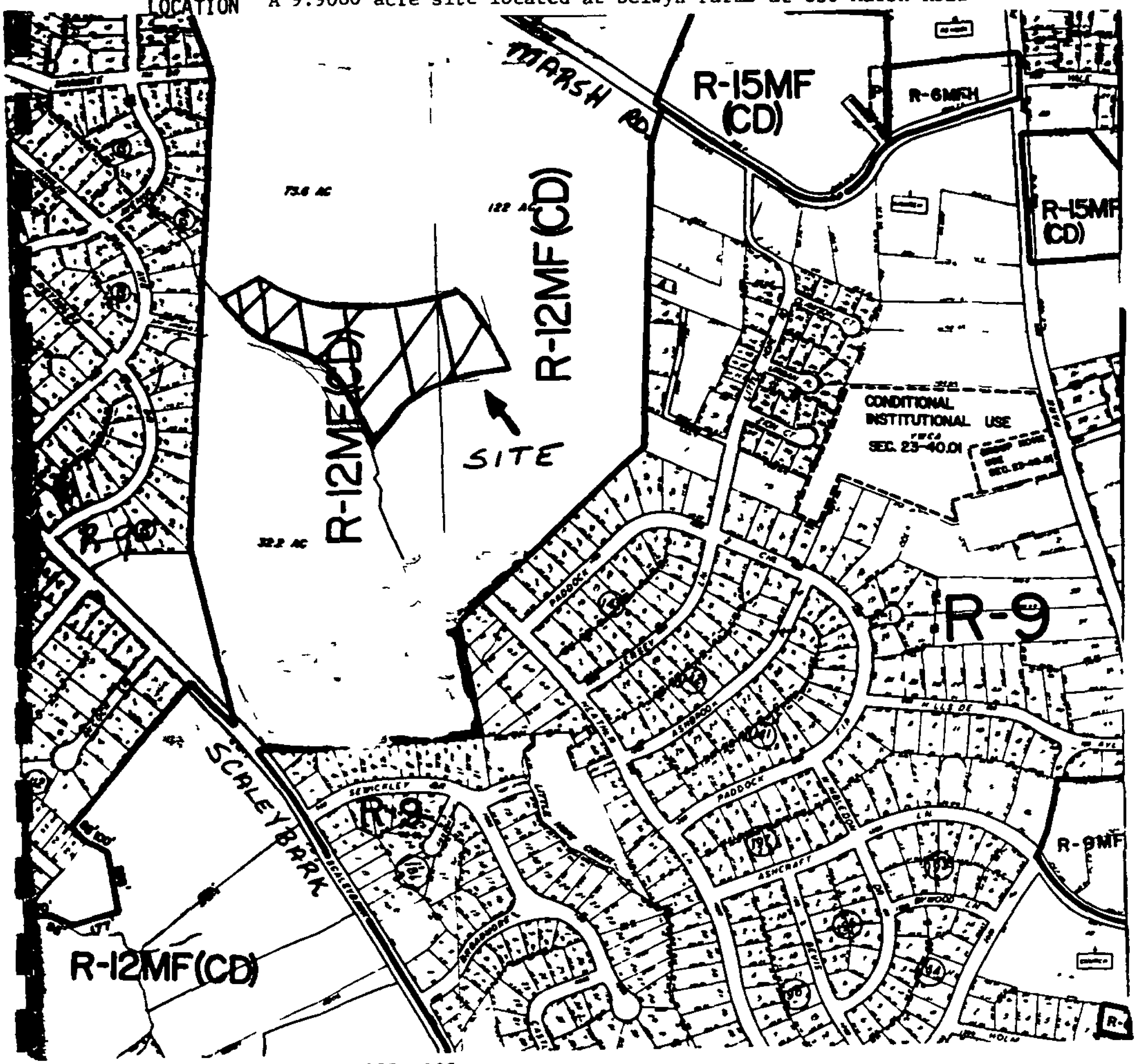
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Browning Properties

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

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

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



ZONING MAP NO. 125, 126

SCALE 1" = ~~400'~~

This map has been reduced

PROPERTY PROPOSED FOR CHANGE

DATE	February 20, 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 deferred action based on a request by the petitioner

DATE February 10, 1986

PETITION NO SUB 86-1

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Amend the City of Charlotte Subdivision Ordinance at Sections 20-3, 20-9 and 20-11 to clarify the administrative approval authority for subdivisions

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

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

Nays None

REASONS

This text amendment proposal arose through a conflict between a proposed by-right multi-family development in an office district and an adjoining neighborhood During the course of events, it was pointed out that the explicit letter of the law required Planning Commission approval of such a development as well as conventional subdivisions In practice, the staff had been checking off on multi-family and subdivision proposals for over twenty years with the Planning Commission only becoming involved in controversial matters and conferring pro forma approval on a monthly basis

This amendment was proposed to bring the ordinance in conformance with actual practice, that is, the staff conducting the review and the Planning Commission serving in an oversight and appeal capacity However, after comments at the public hearing, the Planning Commission concluded that it should retain the approval authority under the present ordinance The only exception would be to allow the staff to approve final plats for recording Once a development reaches the final plat stage, it is essentially built and the Commission felt that there was no need to re-review the project at that stage

Therefore, the Planning Commission recommends that the text amendment, as modified to give staff approval authority for final plats only, be approved Inasmuch as the approval authority for the final plat was a part of the original proposal which went to public hearing, no rehearing of the amendment should be necessary

Staff Opinion
The staff agreed with the Planning Commission

AMENDING CHAPTER 20

ORDINANCE NO _____

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1 Chapter 20, Article 1, Section 20-9(c), shall be amended by the addition of the following sentence to the end of paragraph (c):

The City Council hereby authorizes the Charlotte-Mecklenburg Planning Commission to assign the approval of final plats to the Planning Commission staff

Section 2 This ordinance shall become effective upon adoption

Approved as to form·

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

2/9/86