# AGENDA

| | |
|---|---|
| Meeting Type: | Z |
| Date. | 11-17-1986 |
| SUBJECT | |

City of Charlotte, City Clerk's Office

CHARLOTTE

*Council Agenda* November 17, 1986

FILE COPY

Charlotte

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

# Meetings in November '86

## THE WEEK OF NOVEMBER 2 - NOVEMBER 8

| | | |
|---|---|---|
| 3 | Monday, 4 00 p m. | CITY COUNCIL (Plaza Park Design Introduction) - City Hall Annex, Training Center |
| 4 | Tuesday, 6 30 a.m.- 7 30 p m | ELECTION DAY |
| | Tuesday, 8 00 a.m. | AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Manager's Conference Room |
| 5 | Wednesday, 8 00 a.m | PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room |
| | Wednesday, 6 30 p.m. | YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber |
| | Wednesday, 7 30 p.m. | PLANNING COMMISSION - Cameron-Brown Bldg., 1st Floor Conference Room |
| 7 | Friday, 7 30 a.m. | PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room |

## THE WEEK OF NOVEMBER 9 - NOVEMBER 15

| | | |
|---|---|---|
| 10 | Monday, 12 Noon | PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room |
| | Monday, 2 00 p m. | CITIZENS HEARING - City Hall, Council Chamber |
| | Monday, 3 00 p m | COUNCIL MEETING - City Hall, Council Chamber |
| 11 | Tuesday | VETERANS DAY. City Holiday. All City Government Offices Closed |
| 12 | Wednesday, 7 45 a m | PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A |
| | Wednesday, 8 00 a m | PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room |
| | Wednesday, 8 30 a m | CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room |
| | Wednesday, 9 00 a m | HISTORIC DISTRICT COMMISSION - Edwin Towers, Commission Office |
| | Wednesday, 11 30 a m | AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - New Coliseum Site, Billy Graham Parkway |
| | Wednesday, 12 Noon | CITY COUNCIL (Coliseum Tour) - Bus leaves from behind City Hall |
| | 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 a m. | PLANNING COMMISSION (Special Meeting on South Mecklenburg) - Cameron-Brown Bldg , 1st Floor Conference Room |
| 14 | Friday, 7 30 a m | PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room |
| | Friday, 9 30 a m. | PARADE PERMIT COMMITTEE - City Hall, Dept. of Transportation Conference Room |

(Continued on Back)

## THE WEEK OF NOVEMBER 16 - NOVEMBER 22

| | | |
|---|---|---|
| 17 | Monday, 5 00 p.m. | COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239 |
| | Monday, 6 00 p.m. | CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room |
| 18 | Tuesday, 6.00 p.m. | CHARLOTTE ADVISORY PARKS COMMITTEE - Revolution Golf Course, Club House (Corner Barringer and Remount Roads) |
| 19 | Wednesday, 1 00 p.m. | HOUSING AUTHORITY - Administrative Office, 1301 South Boulevard |
| | Wednesday, 2 00 p.m. | TECHNICAL COORDINATING COMMITTEE - Dept of Transportation, City Hall Annex, Conference Room |
| | Wednesday, 4 30 p.m. | COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church |
| | Wednesday, 7 00 p m. | METROPOLITAN PLANNING ORGANIZATION - Dept. of Transportation, City Hall Annex, Conference Room |
| | Wednesday, 8 00 p m | PUBLIC MEETING/AIRPORT MASTER PLAN ADVISORY COMMITTEE - West Mecklenburg High School, 7400 Tuckaseegee Road, Auditorium |
| 20 | Thursday, 8 30 a m.- 5 00 p m | HOUSING GAP SYMPOSIUM - Radisson Plaza Hotel |
| | Thursday, 4 00 p.m | PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg , 1st Floor Conference Room |
| | Thursday, 7 30 p.m | CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road, Conference Room |

## THE WEEK OF NOVEMBER 23 - NOVEMBER 29

| | | |
|---|---|---|
| 24 | Monday, 12 Noon | COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center |
| | Monday, 2 00 p m. | CITIZENS HEARING - City Hall, Council Chamber |
| | Monday, 3 00 p.m. | COUNCIL MEETING - City Hall, Council Chamber |
| | Monday, 4 00 p m | PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg , 1st Floor Conference Room |
| 25 | 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 | THANKSGIVING. City Holiday All City Government Offices Closed |

These organizations will <u>not</u> meet in November

Advisory Energy Commission
Citizens Advisory Council for Hazardous Materials
Specialized Transportation Advisory Committee
Charlotte Clean City Committee
Community Facilities Committee

CHARLOTTE

Mayor Harvey B. Gantt  Mayor Pro Tem Al Rousso

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

# Council Agenda

Monday, November 17, 1986

5:00 p.m. Dinner
Rooms 237 and 239, Education Center
Update report on North Charlotte Study commissioned by Historic Properties Commission.

-Jim Hammond, Doug Burns, AEC

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

ITEM NO.

1. Invocation by Reverend Benjamin W. Stewart, St. Mark's United Methodist Church.

PUBLIC HEARINGS

2. Hearing to consider designation of the David Henderson House, including the exterior and interior of the house and the entire lot upon which the house sits, located at 1510 Russell Avenue, as historic property.

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

1. The house was completed in 1830 and is one of the few ante-bellum plantation houses which survive within the current boundaries of the City of Charlotte.

2. David Henderson (1805-1879), the original owner and occupant, was a prominent cotton planter of the nineteenth century, who also participated in the economic life of Charlotte.

3. The house is a locally significant example of a Federal style plantation house, especially when one considers its location so near to the center of the largest city in North Carolina.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $172.32. However, the 1983, 1984, and 1985 taxes are not paid and there is currently a tax lien in the amount of $1,165.63 on the property.

The department Review Process revealed no conflicts between the historic designation and City projects. The N. C. Division of Archives and History concurs in the proposed designation.

After several notifications without response, it is assumed that the property owner has no conflict with historic designation.

Recommend adoption of an ordinance designating the David Henderson House, (the exterior and interior of the house, and the entire lot upon which the house sits) located at 1510 Russell Street, as historic property.

Attachment No. 1

3. Hearing to consider designation of the Hamilton C. Jones House, including the exterior and interior of the house and the entire lot upon which the house sits, located at 201 Cherokee Road, as historic property.

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

1. The initial owner of the house, Hamilton C. Jones, III (1884-1957), was a prominent attorney, jurist, civic leader and, from 1946 until 1952, a member of the United States House of Representatives.

2. It was designed by Martin Boyer, an important figure in the history of architecture in Charlotte-Mecklenburg.

3. It is one of the finest local examples of the Tudor Revival style of architecture.

4. It occupies a pivotal position in terms of the townscape of Eastover, one of Charlotte's premier suburbs, designed for the E. C. Griffith Company by Earle Sumner Draper.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $2,192.03.

The property owners support the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects. The N. C. Division of Archives and History concurs in the proposed designation.

Recommend adoption of an ordinance designating the Hamilton C. Jones House, (the exterior and interior of the house and the entire lot upon which the house sits) located at 201 Cherokee Road, as historic property.

Attachment No. 2

4. Hearing on Petition No. 86-102 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-15MF for a 9.5 acre site located east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street.

   Attachment No. 3-I

5. Hearing on Petition No. 86-103 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for a 34 acre site located east of Beatties Ford Road, north of Oaklawn Avenue and South of Russell Avenue.

   Attachment No. 3-J

6. Hearing on Petition No. 86-104 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6 for a .40 acre site located on the southeastern corner of the intersection of Beatties Ford Road and Saint Paul Street.

   Attachment No. 3-K

7. Hearing on Petition No. 86-105 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to R-6 for a .33 acre site located on the southeastern corner of the Vest Treatment Plant property, east of Beatties Ford Road and north of Patton Avenue.

   Attachment No. 3-L

8. Hearing on Petition No. 86-106 by John W. McDonald for a change in zoning from R-9 and B-1 to B-1(CD) for a 3.092 acre site located east of Beatties Ford Road between "A" Avenue East and Wilson Avenue.

Attachment No. 3-M

9. Hearing on Petition No. 86-107 by Dr. Mark A. Goodson, D.C. for a change in zoning from R-9 to O-6(CD) for a .3157 acre site located at 4601 Central Avenue (northeast corner of the intersection of Central Avenue and Lansdale Drive).

Attachment No. 3-N

10. Hearing on Petition No. 86-108 by Byrel M. Triggs for a change in zoning from R-15 to B-1 for a 9.3908 acre site located at 3327 Carmel Road, between Dovewood and English Garden Drive.

The hearing on Petition No. 86-108 has been properly advertised; however, the petitioners through their attorney are requesting that the City Council allow the petition to be withdrawn (see attached letter).

Attachment No. 3-O

11. Hearing on Petition No. 86-109 by Mammoth Oaks Homeowners Association for a change in zoning from R-15MF to R-15 for approximately 7 acres bounded by Providence Road, Sardis Road and Mammoth Oaks Drive.

Attachment No. 3-P

12. Hearing on Petition No. 86-110 by University Research Park, Inc., for a text amendment to the Zoning Appendix, sections 2108, 3024, 3025, 3026 and 3028, relating to standards for satellite dishes and towers; increased sideyard requirements on corner lots; standards for maintaining vegetation and natural features around sites and parking lots; standards for parking lot locations; and standards for signage to be located on development sites.

Attachment No. 3-Q

13. Hearing on Petition No. 86-111 by Hope Haven, Inc. for a text amendment to the Zoning Appendix, section 3032, relating to Institutional District-Permitted Uses by adding group homes for up to 10 clients.

Attachment No. 3-R

POLICY AGENDA

14. Decision on Petition No. 86-78 by J. D. Sims and Company and Piedmont Kennel Club for a change in zoning from R-9MF to B-1SCD, for a 25 acre site adjoining I-77 north of Tyvola Road Extension and east of Nations Ford Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-S

15. Decision on Petition No. 86-100 by Schurgin Development Corporation for a change in zoning from R-9, B-2 and B-2(CD) to B-1SCD for a 26.9 acre site located on Independence Boulevard north of Idlewild Road.

Two protest petitions have been filed and are 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 Amity-Aspindale Homeowners have withdrawn their protest; however, the second protest on its own is sufficient to invoke the 3/4 rule.

The Planning Commission recommends that a portion of the property be approved for B-1SCD and the balance denied.

Attachment No. 4-T

16. Recommend adoption of a resolution calling for public hearings on Monday, December 15, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-57 and 86-112 through 86-121 for zoning changes.

- SCHEDULE OF MEETINGS -
November 17 - 21, 1986

| | | |
|---|---|---|
| Monday, November 17 | COUNCIL/PLANNING COMMISSION DINNER<br>Rooms 237-239<br>Education Center<br><br>Update Report on North Charlotte Study Commissioned by Historic Properties Commission | 5:00 p.m. |
| | ZONING HEARINGS<br>Board Room<br>Education Center | 6:00 p.m. |
| Tuesday, November 18 | OPERATIONS COMMITTEE<br>2nd Floor Conference Room<br>City Hall | 4:00 p.m. |
| Wednesday, November 19 | METROPOLITAN PLANNING ORGANIZATION<br>Department of Transportation<br>Conference Room<br>City Hall Annex | 7:00 p.m. |
| Thursday, November 20 | HOUSING GAP SYMPOSIUM<br>Radisson Plaza Hotel | 8:30 a.m. -<br>5:00 p.m. |

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "DAVID HENDERSON HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE AND THE ENTIRE LOT UPON WHICH THE HOUSE IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1510 RUSSELL AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 075-061-04 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 "David Henderson House" as historic property; and

WHEREAS, the "David Henderson House", erected c. 1830, is one of the few ante-bellum plantation houses which survive within the current boundaries of the City of Charlotte;; and

WHEREAS, the "David Henderson House" is a locally significant example of a Federal Style plantation house; and

WHEREAS, David Henderson (1805-1879), the original owner and occupant, was a prominent cotton planter of the nineteenth century, who also participated in the economic life of Charlotte; and

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

"David Henderson House" possesses integrity of design, setting, workmanship, materials, and/or association; and

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

WHEREAS, the property known as the "David Henderson House" is vested in fee simple to Matthew Brown and wife, Lillie Mae Brown.

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

1. That the property known as the "David Henderson House" (the exterior and the interior of the house and the entire lot upon which the house is located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1510 Russell Avenue, Charlotte, North Carolina, and recorded on Tax Parcel Number 075-061-04 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.

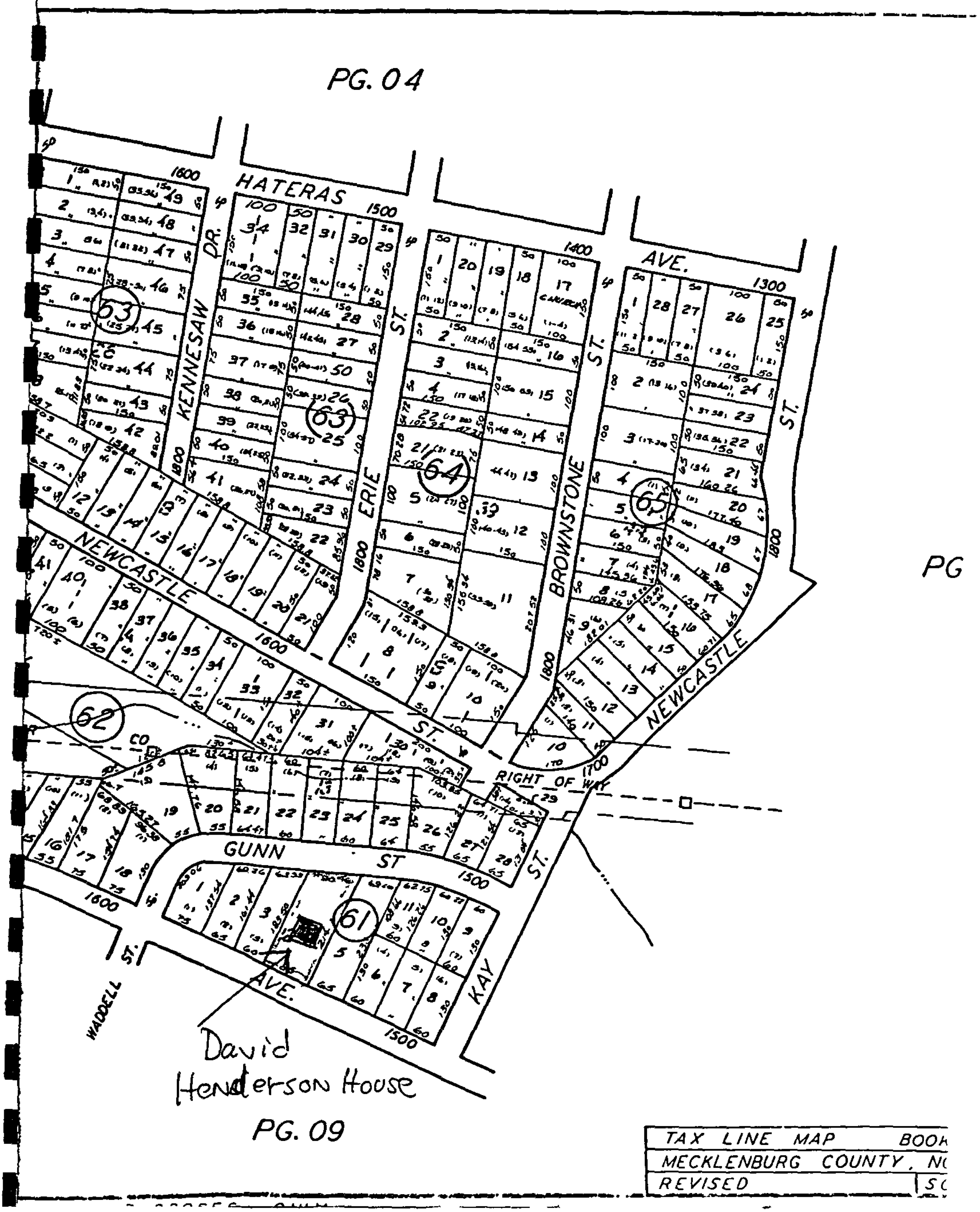
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

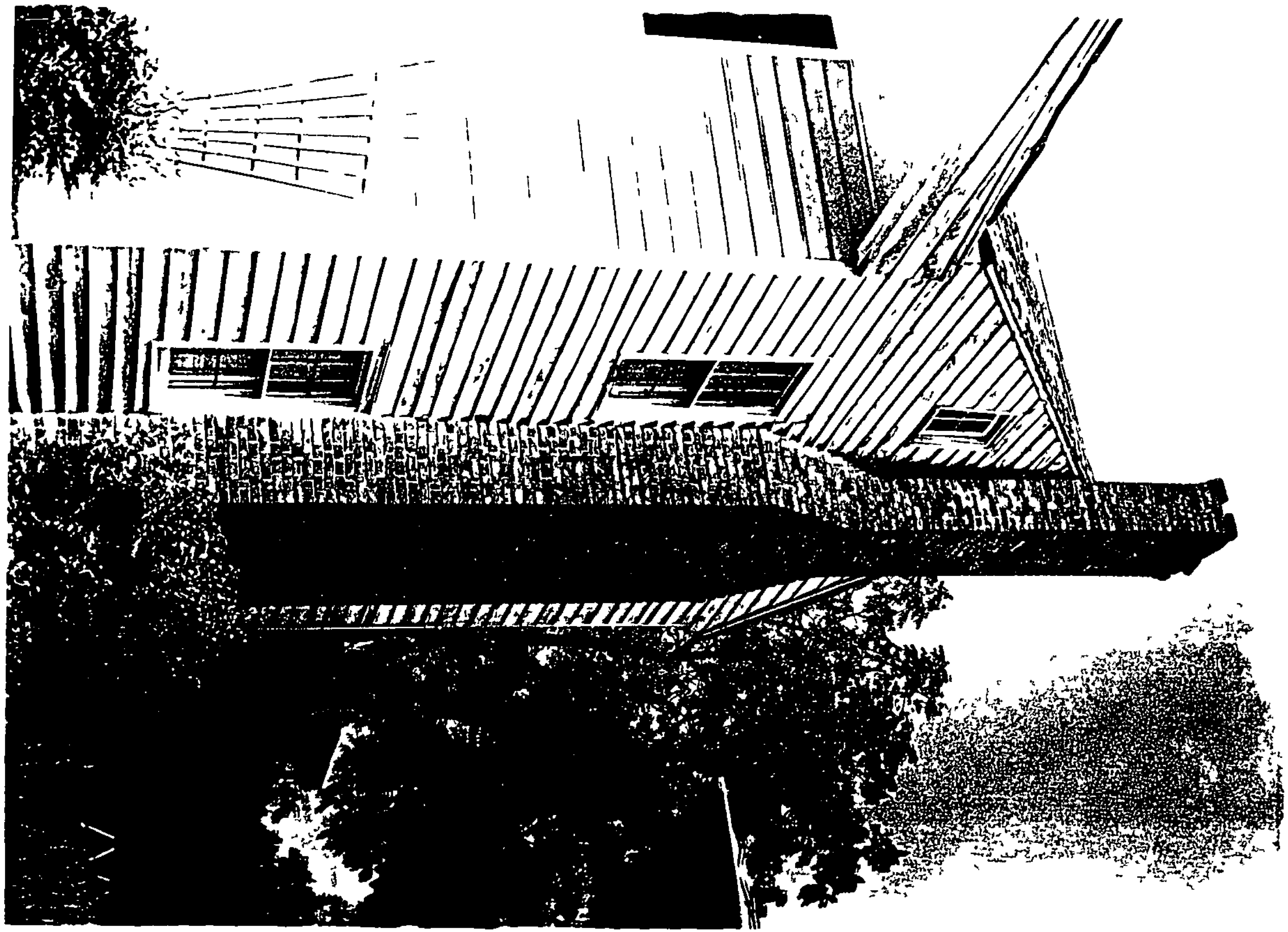
5. That the owners and occupants of the property known as the "David Henderson House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of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

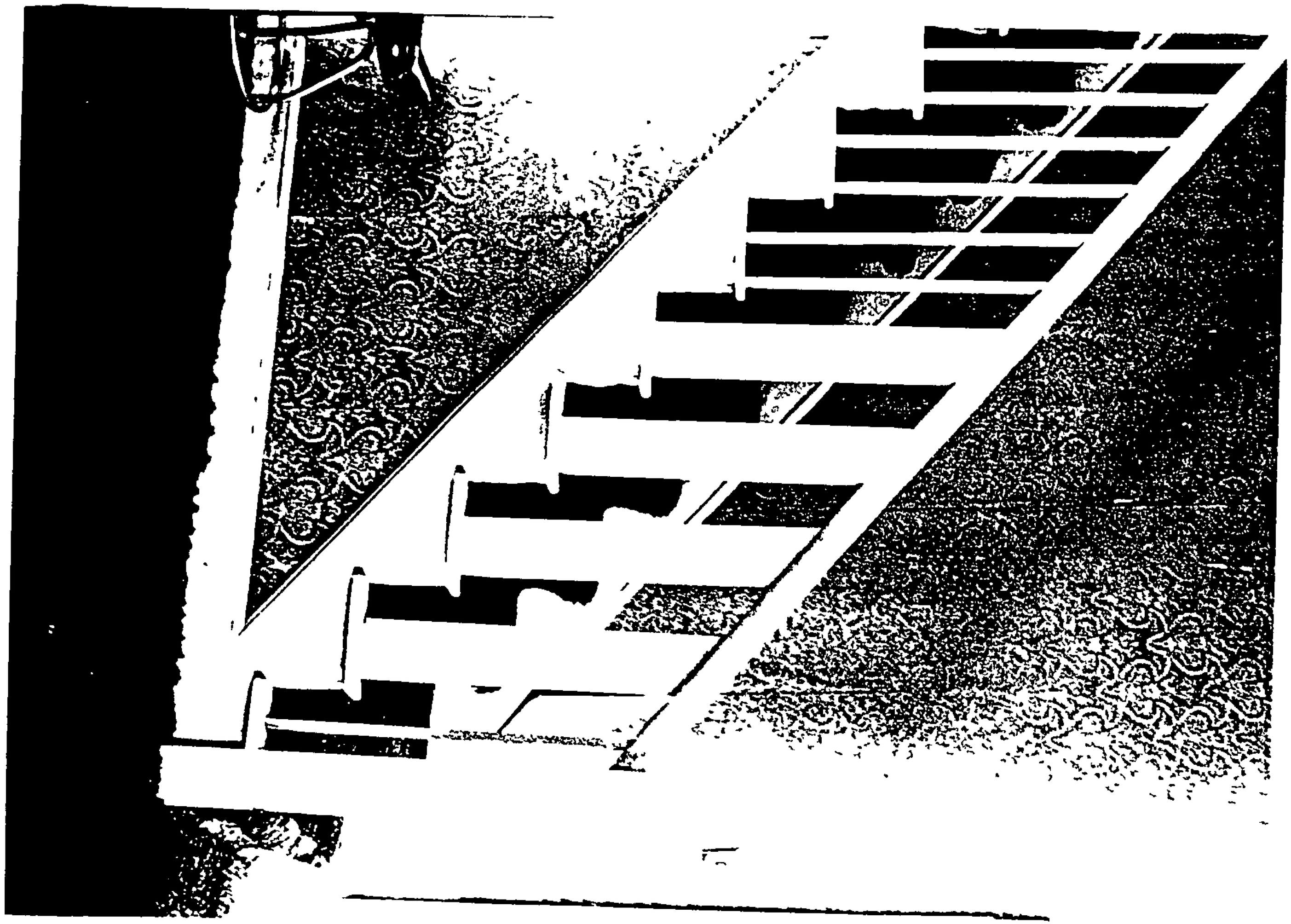
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

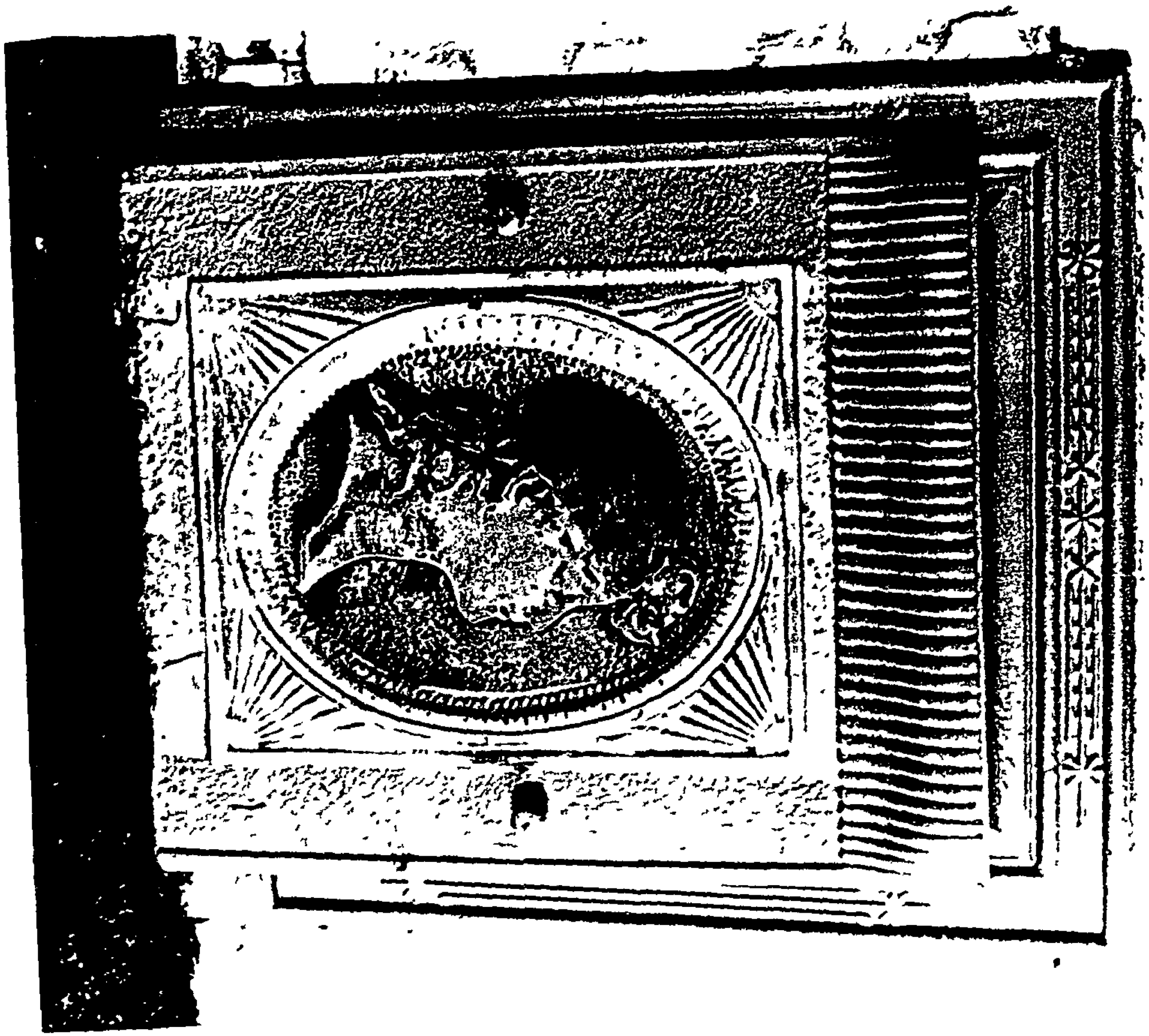
Approved as to form:

Henry W. Underhill Jr.
City Attorney


PG. 04
HATERAS
KENNESAW DR.
ERIE ST.
BROWNSTONE ST.
AVE.
NEWCASTLE
NEWCASTLE ST.
RIGHT OF WAY
GUNN ST
WADDELL ST.
AVE.
KAY ST.
David Henderson House
PG. 09
PG
TAX LINE MAP BOOK
MECKLENBURG COUNTY, NC
REVISED







AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "HAMILTON C. JONES HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE AND THE ENTIRE LOT UPON WHICH THE HOUSE IS LOCATED) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 201 CHEROKEE ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 155-074-01 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Hamilton C. Jones House" is one of the finest local examples of the Tudor Revival style of architecture"; and

WHEREAS, the "Hamilton C. Jones House" was designed by Martin Boyer, an important figure in the history of architecture in Charlotte-Mecklenburg; and

WHEREAS, the "Hamilton C. Jones House" occupies a pivotal position in terms of the townscape of Eastover, one of Charlotte's premier suburbs, designed for the E. C. Griffith Company by Earle Sumner Draper; and

WHEREAS, the initial owner of the "Hamilton C. Jones House",

Hamilton C. Jones (1884-1957), was a prominent attorney, jurist, civic leader, and, from 1946 until 1952, member of the United States House of Representatives; and

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

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

WHEREAS, the property known as the "Hamilton C. Jones House House" is vested in fee simple to James A. Risser & Wife, Virginia C. Risser.

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

1. That the property known as the "Hamilton C. Jones House" (the exterior and the interior of the house and the entire lot upon which the house is located) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 201 Cherokee Road, Charlotte, North

Carolina, and recorded on Tax Parcel Number 155-074-01 in the Mecklenburg County Tax Office.

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of 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.

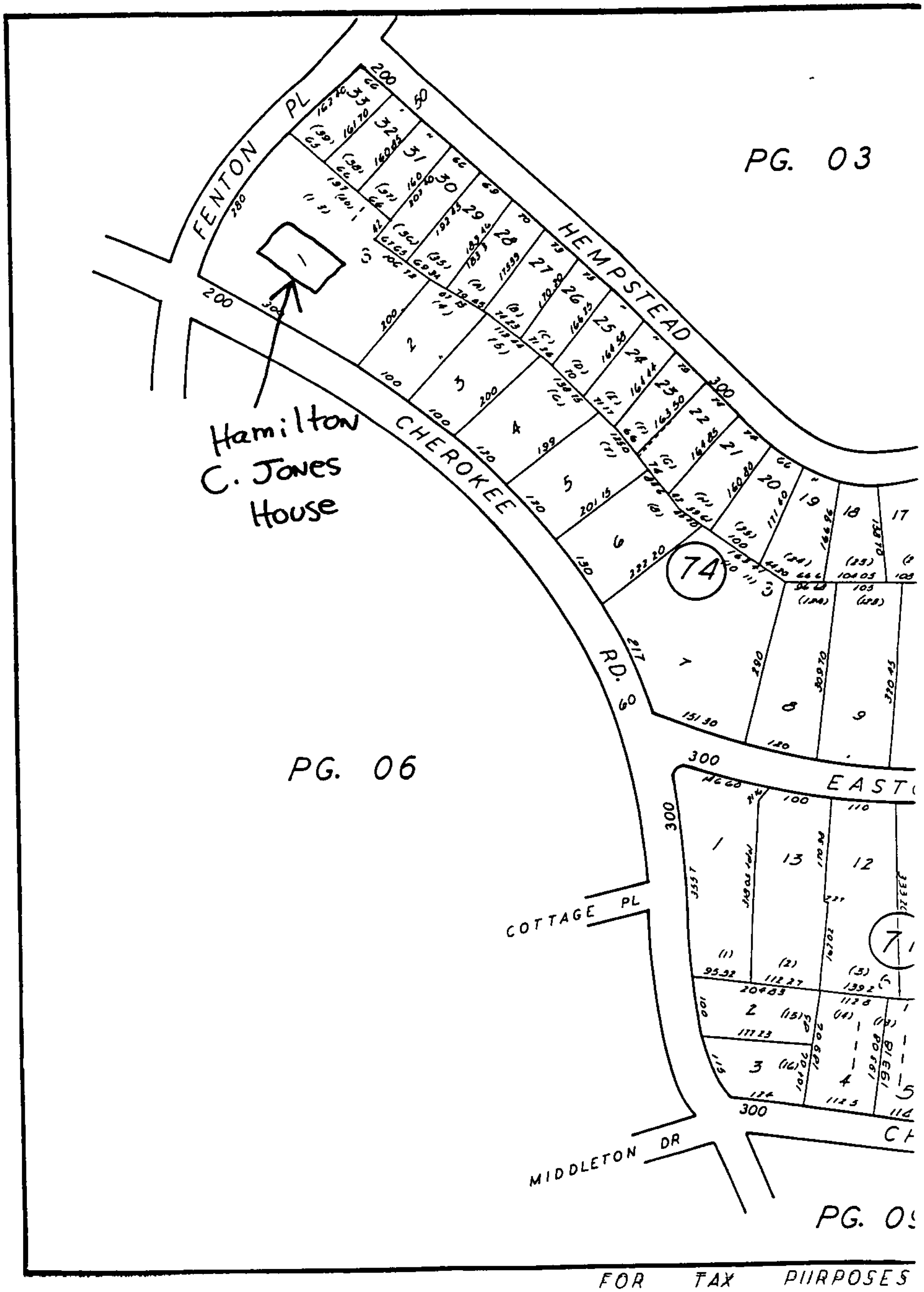
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

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

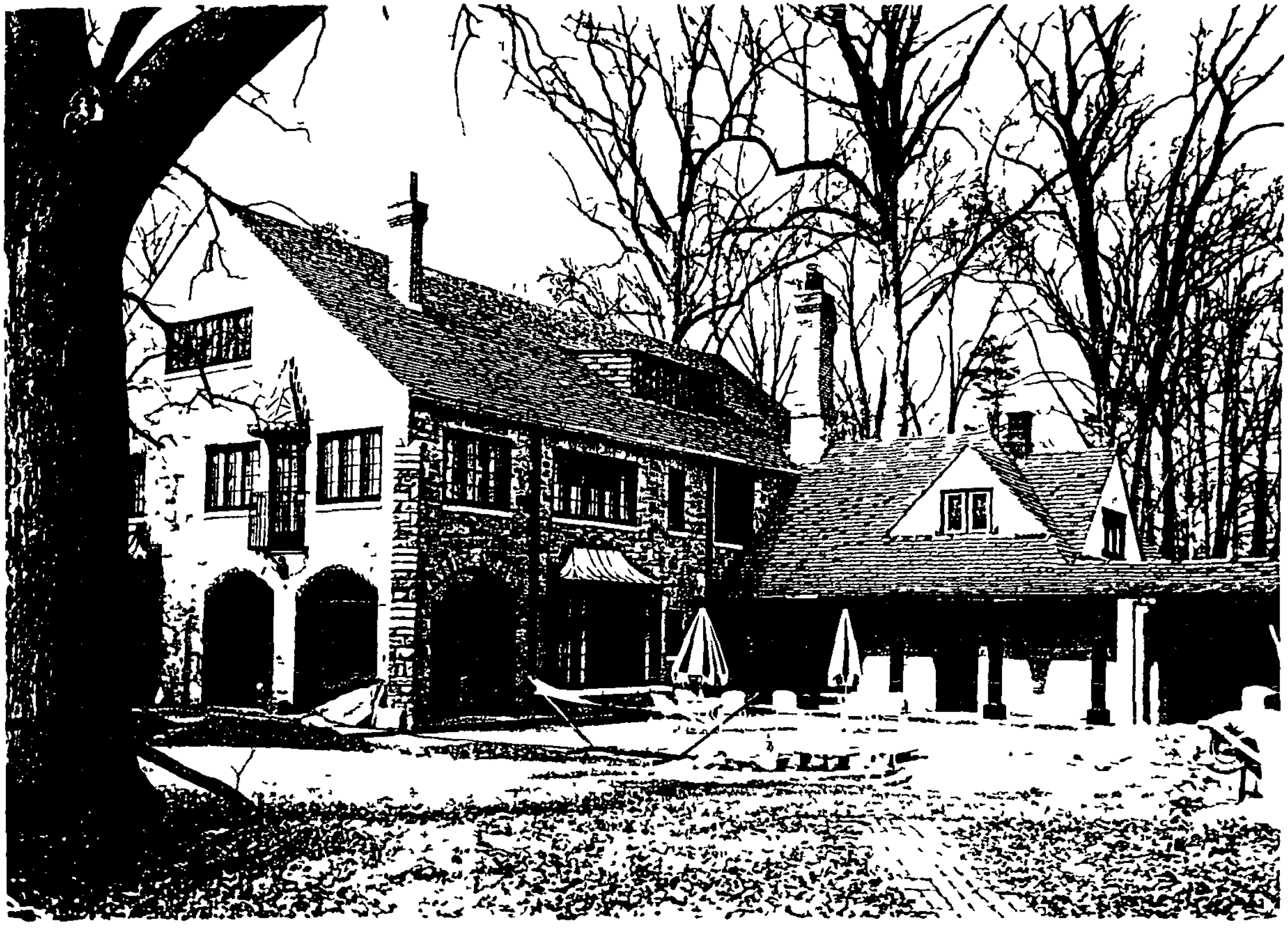
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

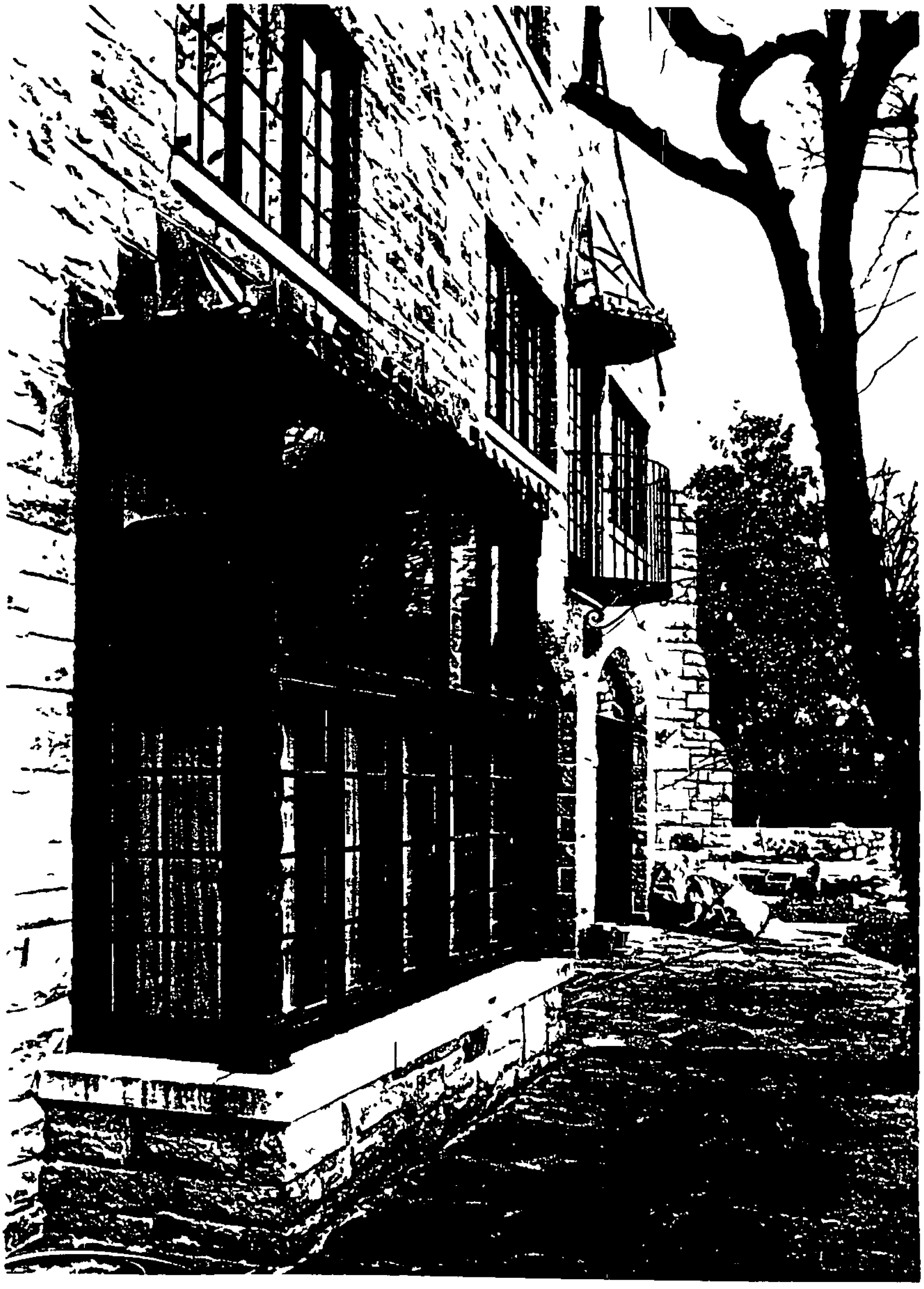
Approved as to form:

Henry W. Underhill Jr.
City Attorney




FOR TAX PURPOSES





# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 14, 1986

Mayor and City Council·

RE Rezoning Petitions to be Heard in November, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on November 17, 1986 at 6.00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

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

Sincerely,

Robert G Young
Land Development Manager

RGY oj

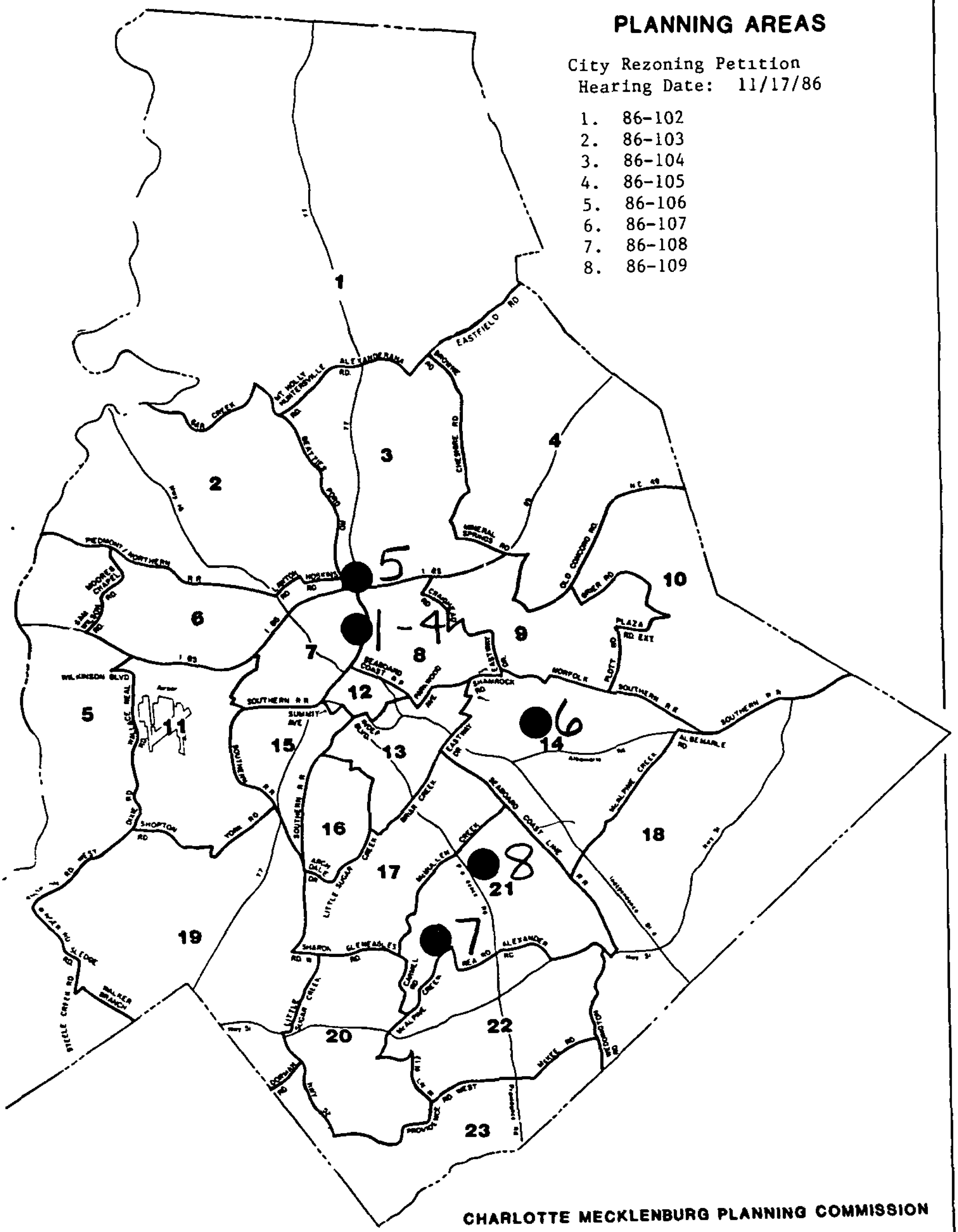
Attachments

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

# PLANNING AREAS

City Rezoning Petition
Hearing Date: 11/17/86

1. 86-102
2. 86-103
3. 86-104
4. 86-105
5. 86-106
6. 86-107
7. 86-108
8. 86-109




CHARLOTTE MECKLENBURG PLANNING COMMISSION

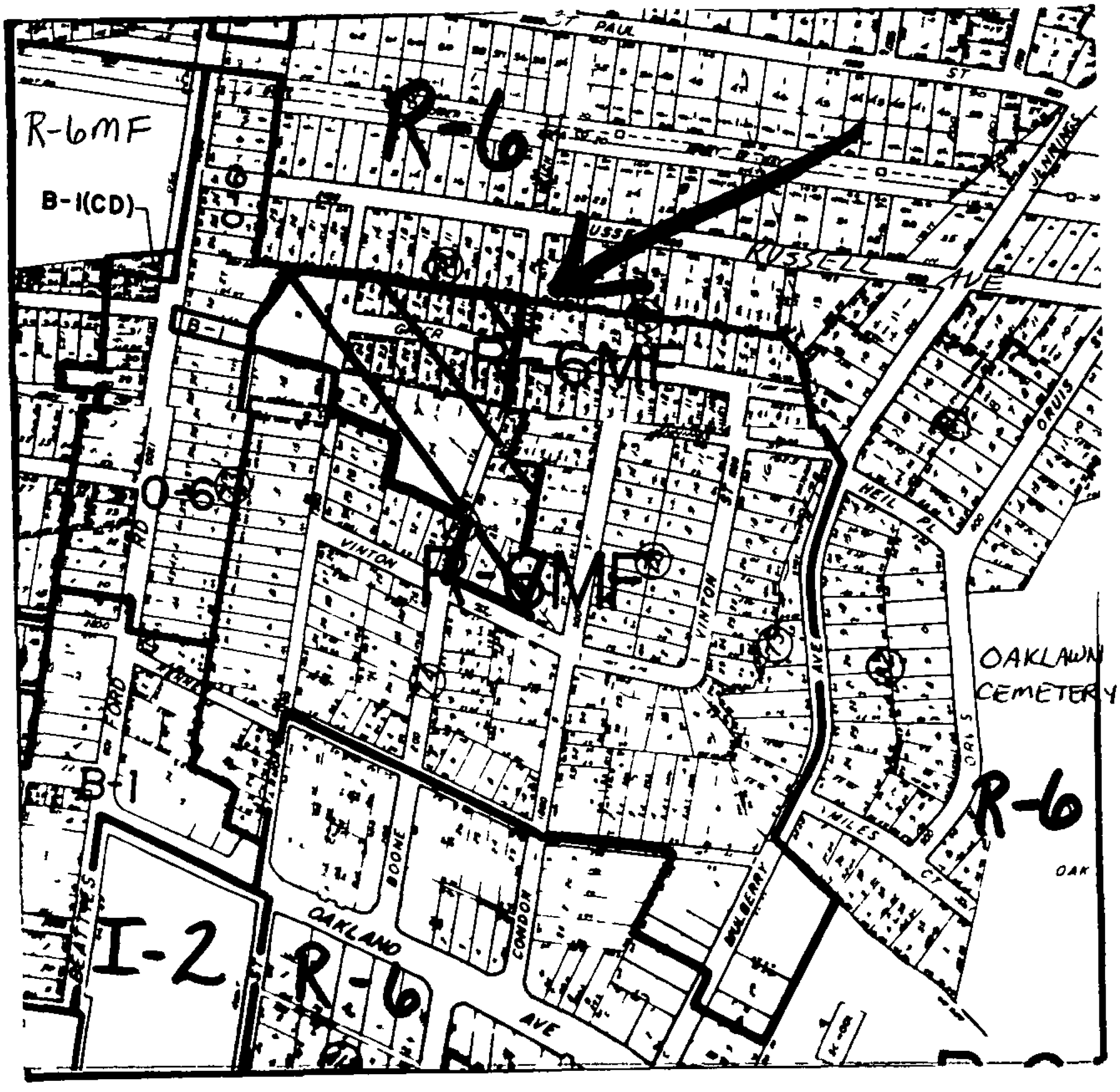
April 1983

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-102 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-15MF

LOCATION A 9.5 acre site east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street




ZONING MAP NO. 79 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-102
Date Filed 9/1/86
Received By LS
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): 9.5 acres

Street Frontage (ft ):

Current Land Use: vacant, multi-family and duplex

## Zoning Request

Existing Zoning: R-6MF

Requested Zoning: R-15MF

Purpose of zoning change: to comply with the Beatties Ford Community 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

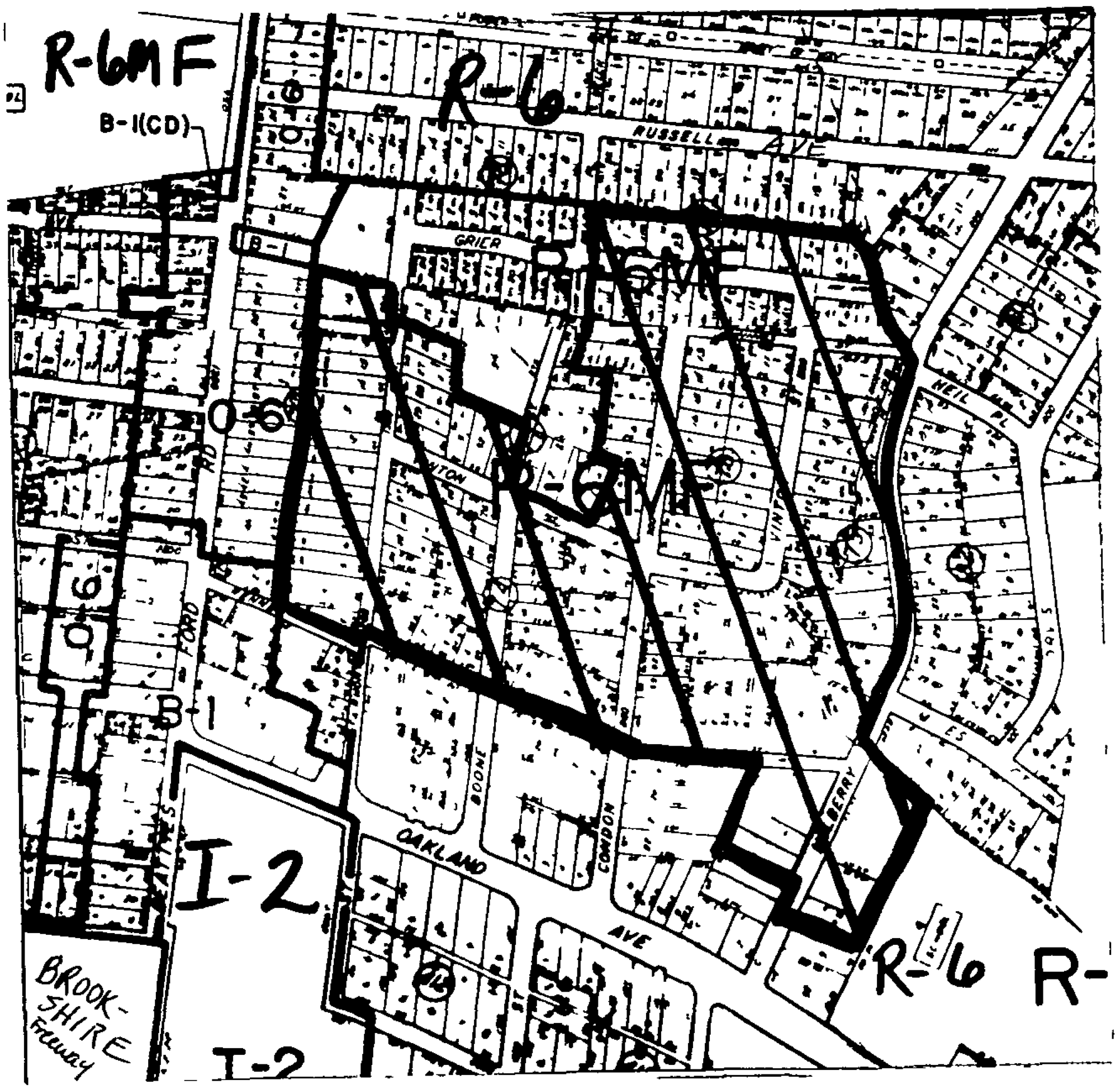
79 and 88

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-103 HEARING DATE 11/17/86

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

LOCATION A 34 acre site located east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue




ZONING MAP NO. 79 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-103
Date Filed 9/1/86
Received By LS
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) 34 acres Street Frontage (ft )

Current Land Use vacant, single family, multi family, duplex, office, and institutional

## Zoning Request

Existing Zoning R-6MF Requested Zoning R-6

Purpose of zoning change to comply with the Beatties Ford Community Small Area Plan

Name of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 South McDowell Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

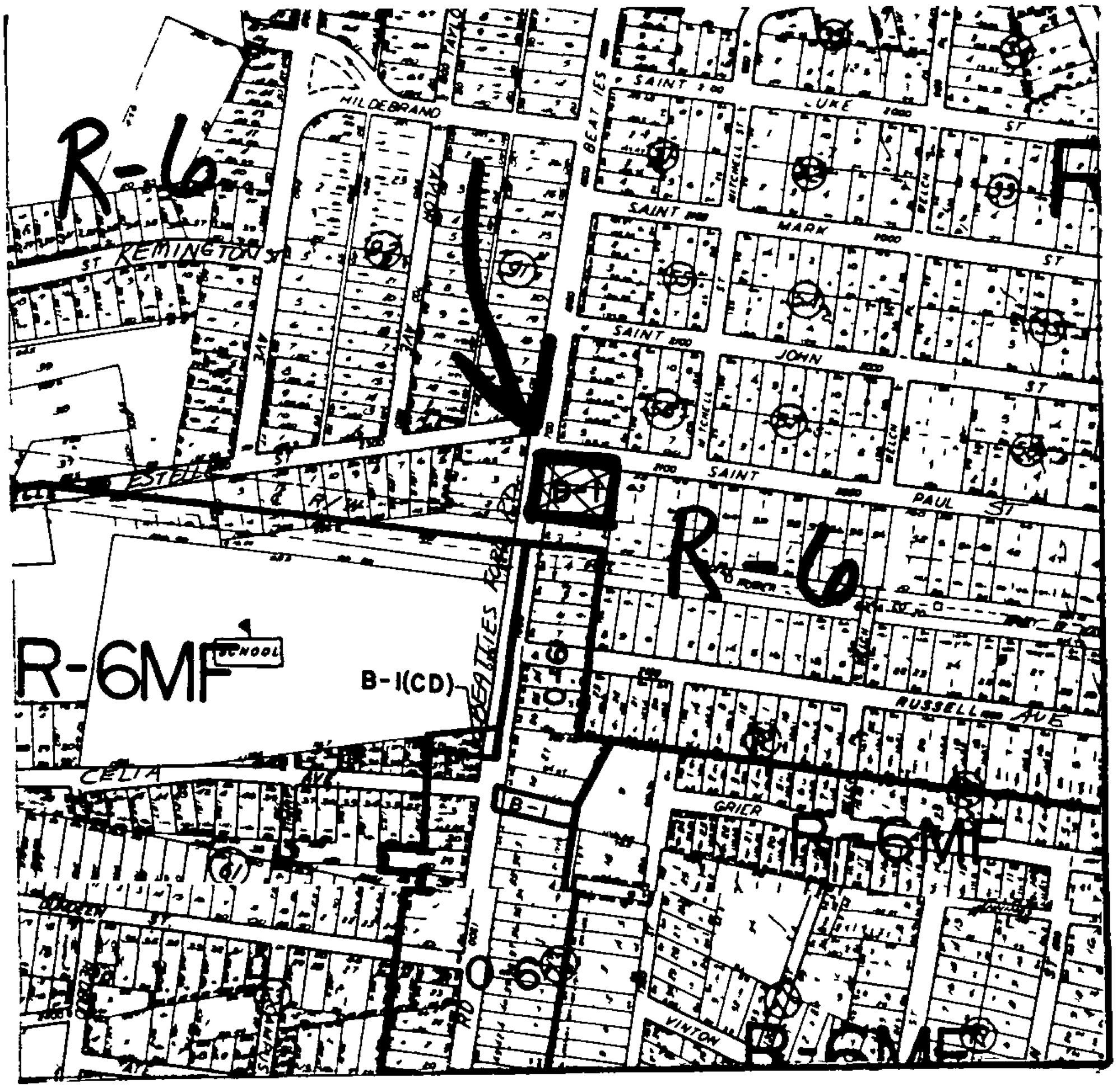
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-104 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED R-6

LOCATION A .40 acre site on the southeastern corner of the intersection of Beatties Ford Road and Saint Paul Street




ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-104
Date Filed 9/1/86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner Mrs. M. L. Wilson

Owner s Address 1526 Beatties Ford Road
Charlotte, NC 28216

Date Property Acquired N/A

Deed Reference 1705-509 Tax Parcel Number 075-059-01 075-059-02

## Location Of Property (address or description) The immediately two parcels south of Saint Paul Street facing Beatties Ford Road

## Description Of Property

Size (Sq Ft Acres) .40 acres Street Frontage (ft )

Current Land Use single-family and business

## Zoning Request

Existing Zoning B-1 Requested Zoning R-6

Purpose of zoning change To comply with the Beatties Ford Community Small Area Plan

Name of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 South McDowell Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

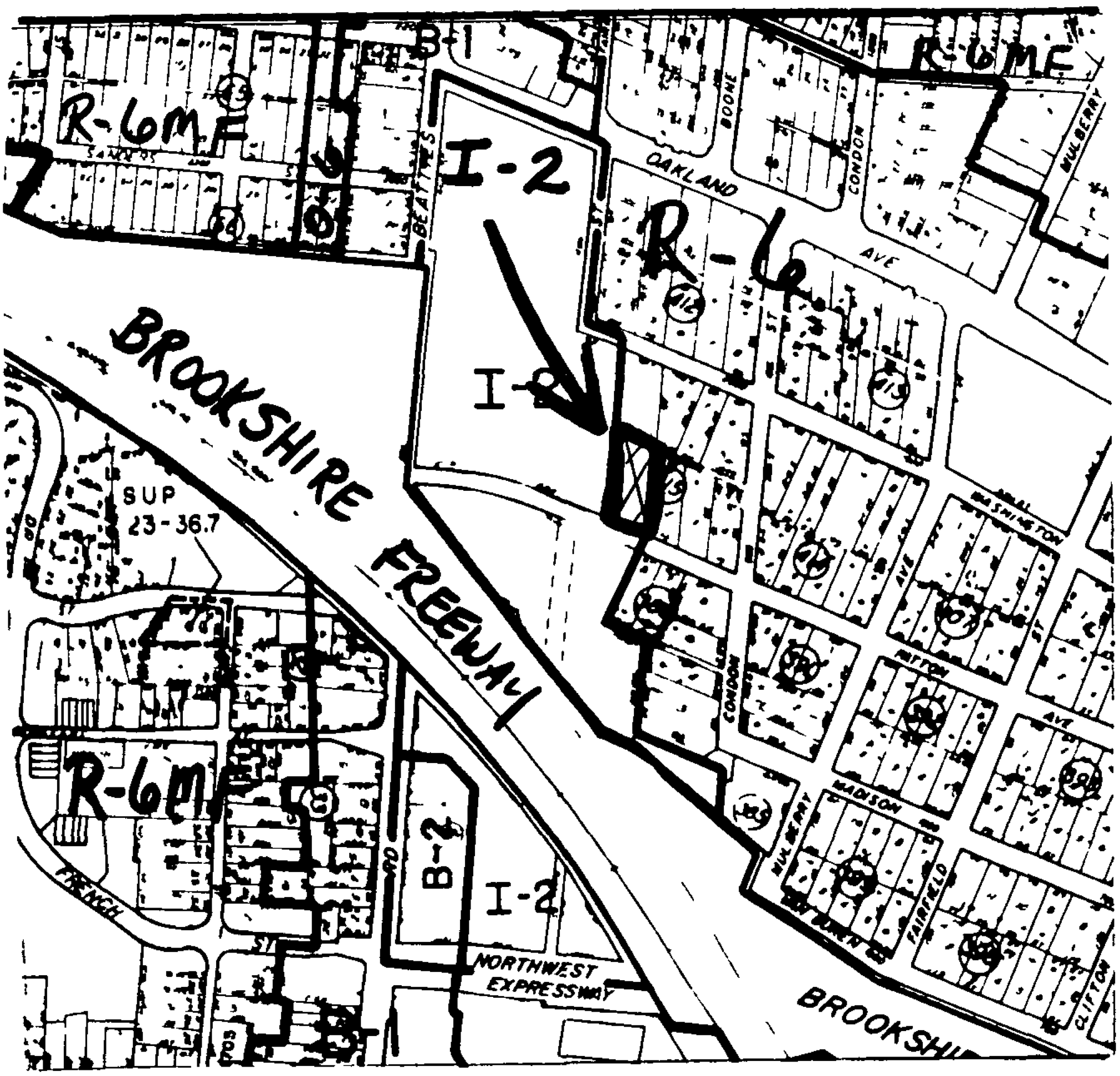
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-105 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED R-6

LOCATION A .33 acre site on the southeastern corner of the Vest Treatment Plant property, east of Beatties Ford Road and north of Patton Avenue




ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-105
Date Filed 9/1/86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner City of Charlotte-Water Works

Owner s Address Patton Avenue

Charlotte, NC 28216

Date Property Acquired N/A

Deed Reference _____ Tax Parcel Number 078-415-01

## Location Of Property (address or description) the south-eastern corner of the Vest Water Treatment Plant Property - east of Fairmont St. facing Patton Ave.

## Description Of Property

Size (Sq Ft -Acres) Approx. .33 acres Street Frontage (ft )

Current Land Use office

## Zoning Request

Existing Zoning I-2 Requested Zoning R-6

Purpose of zoning change to comply with the Beatties Ford Community Small Area Plan

Name of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 South McDowell Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

Signature of Property Owner Other Than Petitioner

# BEATTIES FORD ROAD REZONINGS

## Background

The following petitions represent rezoning applications along the Beatties Ford Road Corridor. The Beatties Ford Road Corridor extends from the Brookshire Freeway to Interstate 85 and serves as the main thoroughfare of the community Upgrading of this corridor will be the catalyst for improving the entire study area of the small area plan. Enhancement of this area focuses on the issues of urban design, transportation, economic development and land use. In general the plan attempts to reinforce and help stabilize residential areas along the corridor. The petitions below are representative of that overall plan goal.

## Petition No. 86-102

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and encompasses about 9.5 acres east of Beatties Ford Road, north of Vinton Street and south of Russell Avenue along Grier Avenue and Boone Street. Zoning in this area is R-6MF and the request seeks R-15MF.

Both of these districts are multi-family, but the R-6MF district allows about 21 units per acre whereas the R-15MF district allows about 12.5 units per acre Practically all of the area included within this petition is developed, there being only a couple or three lots which have yet to develop. The area is generally some form of multi-family housing with a concentration of duplex units located on both sides of Grier Avenue and other smaller apartment buildings/complexes located throughout the remaining areas of the petition. Therefore, the plan recognizes the fact that multi-family housing represents the character of this area and simply seeks to change the district so that the land use and zoning will more closely correlate with one another Rezoning the area to R-15MF will not create any non-conforming uses

## Petition No 86-103

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission The area is approximately 34 acres and is located generally east of Beatties Ford Road, north of Oaklawn Avenue and south of Russell Avenue The current zoning is R-6MF and the request in this case is for R-6

The R-6MF district is a multi-family one which allows about 21 units per acre, but the R-6 district is single family residential. The area is dominated by single family homes although there are a few duplexes interspersed throughout the area and two small apartment complexes In addition, several lots are undeveloped and there is one non-conforming dry cleaning business which apparently is vacant. A small portion of the Oaklawn Elementary School site is included in this petition, also.

Because the area is so strongly oriented to single family development, the petition recognizes the need to provide the corresponding stability that an R-6 district would have. Any duplex structure which is not located on a corner lot would become non-conforming as would the two small apartment complexes Further, vacant lots which would now permit multi-family development would be restricted to future single family if proposed for development.

Petition No 86-104

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and includes two lots which together occupy about .40 acres at the southeast corner of Beatties Ford Road and St Paul Street These two lots are currently zoned B-1 and the petition is seeking R-6 zoning.

The lot immediately at the corner of the two streets is used for a single family dwelling, but the other lot included in the petition is used for business purposes. Apparently this lot has a history of several businesses moving in and out, but at the present time a florist shop occupies part of the building and the other uses apparently include a clothing business and an insurance office. It is also worth noting that the adjoining lot to the south, while not developed with any building nor any paving, is apparently used for some circulation and parking in association with those businesses.

Beginning at Beatties Ford Road and Russell Avenue, which is just south of this site, there is a strong pattern of single family development along the Beatties Ford Road frontage. The small area plan seeks to reinforce that by changing the zoning here to R-6 even though one lot is used for non-residential purposes. Obviously, if approved this petition would render the business property as a non-conforming use. The other lot would be conforming since it is developed as a single family residence.

Petition No. 86-105

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission The location of the property is a 33 acre tract at the southeastern corner of the Vest Treatment Plant property, east of Beatties Ford Road and north of Patton Avenue The current zoning is I-2 and the request seeks R-6 zoning

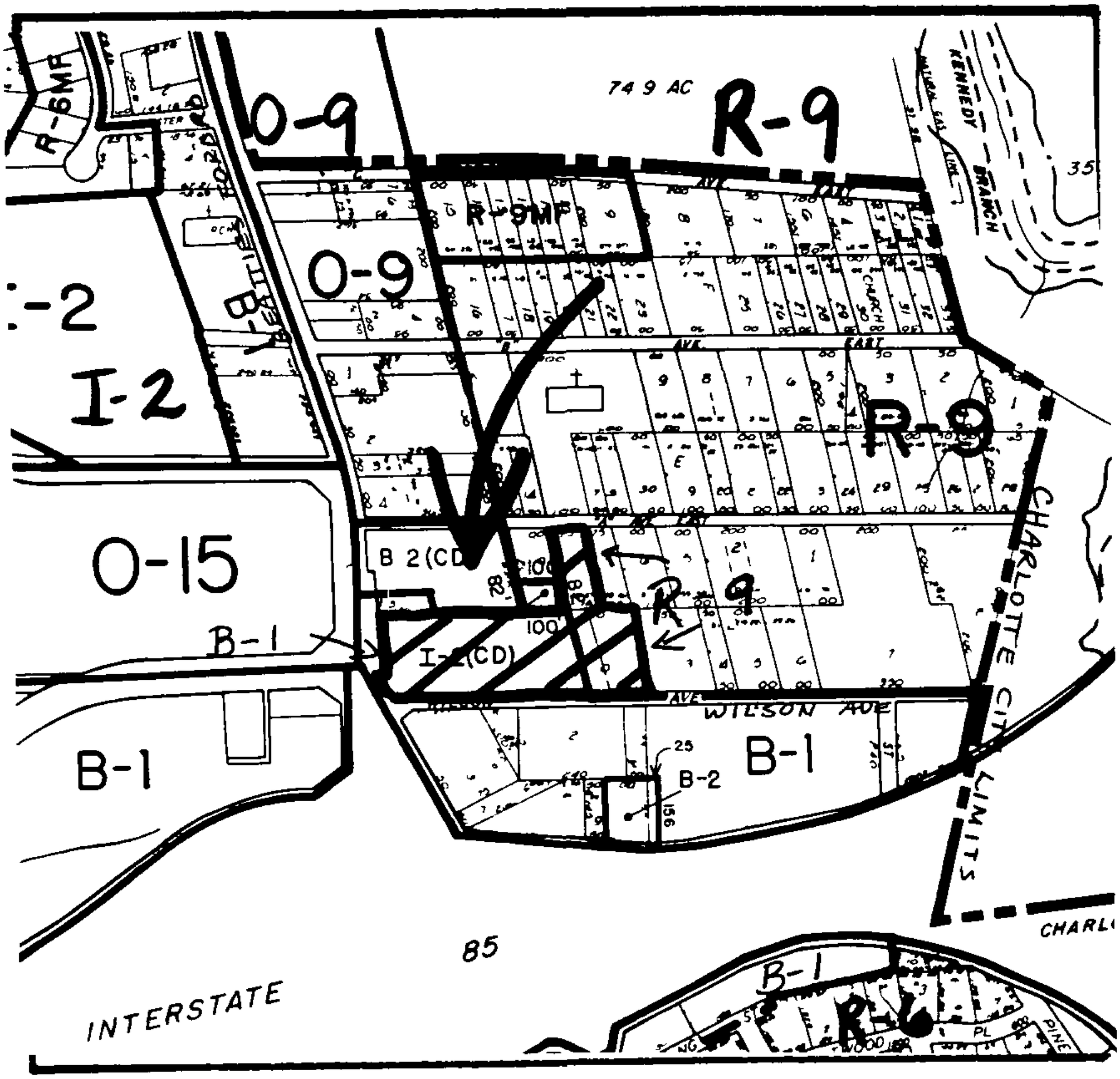
The site has two single family structures on it, but apparently is used in connection with the Vest Treatment Plant. The structures are used for office purposes Other land uses immediately to the east of the site along Patton and other streets are single family in nature The small area plan hopes to recapture these two structures and utilize them for residential development as well and therefore the request to establish R-6 zoning here. The property could continue to be used as part of the Vest Treatment Plant, but would become non-conforming if the zoning is changed to the R-6 single family classification.

PETITIONER John W. McDonald

PETITION NO 86-106 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING R-9 & B-1 REQUESTED B-1(CD)

LOCATION A 3.092 acre site located east of Beatties Ford Road between "A" Avenue East and Wilson Avenue




ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-106
Date Filed 9/1/86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner McDonald's Mini Center, Inc.

Owner's Address 2812 Beatties Ford Road
Charlotte, North Carolina 28216

Date Property Acquired January 7, 1985

Deed Reference Book 5030, Page 529 & 4496 Page 184 Tax Parcel Number 041-014-04 041-012-40 & 43

## Location Of Property (address or description) 2812 Beatties Ford Road
Charlotte, North Carolina 28216

## Description Of Property

Size (Sq Ft -Acres) 134,680.82 Square Feet, 3.092 Acres Street Frontage (ft) 203.44 Feet

Current Land Use Restaurant and Parking Lot

## Zoning Request

Existing Zoning R - 9 and B-1 Requested Zoning B-1 Conditional

Purpose of zoning change

Calvin L. Brown
Name of Agent

401 East Second Street, Suite 205 Charlotte, NC 28202
Agent's Address

704/376-1521
Telephone Number

John W. McDonald
Name of Petitioner(s)

2812 Beatties Ford Road
Address of Petitioner(s)

393-8110
Telephone Number

John W. McDonald
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-106

Petitioner. John W McDonald

Location· A 3 09 acre site located east of Beatties Ford Road between "A" Avenue and Wilson Avenue

Request: Change from R-9 and B-1 to B-1(CD).

ISSUES:

1 Beatties Ford Road Corridor How would the approval of this request help to enhance the image of Beatties Ford Road in this area?

2 Site Plan. What aspects of the conditional site plan are important to evaluate, especially with regard to the areas most closely associated with "A" Avenue?

BACKGROUND:

1. Existing Zoning. The property involved in this request is presently zoned a combination of B-1 and R-9. Property immediately south of Wilson Avenue is zoned B-1, although one parcel is zoned B-2 adjacent to the I-85 right-of-way. Immediately north of the site is an area of B-2(CD) zoning and north of that on the easterly side of Beatties Ford Road is a strip of 0-9 zoning Across from the site is more office zoning, though the district is 0-15. Business zoning is located both north and south of the office area There is also a small area of I-2 zoning in the vicinity Otherwise the pattern is residential in nature with the R-9 district representing the single family classification for the area

2 Existing Land Use The subject property is the site of the McDonald's Cafeteria Other portions of the property are undeveloped at the present time South of the site between Wilson Avenue and I-85 are several uses including an ABC Store, funeral home and auto sales and auto garage businesses The Health Department operates a facility across Beatties Ford from the site and another automobile related (engine repair) business is immediately north of the subject property here Other small businesses are located just north of the site on the west side of Beatties Ford Road Some multi-family development is located in the area, but mostly residential development is in the form of single family homes. South of I-85 both sides of Beatties Ford Road are used for business purposes and include a wide variety of uses.

3. Site Plan. The conditional site plan takes into account the existing McDonald's Cafeteria and banquet facility That building is located immediately at the corner of Wilson Avenue and Beatties Ford Road. A new McDonald's Hotel containing 106 rooms would tie into the existing cafeteria building. The remaining area of the property would be used for parking

and circulation areas although all access would be restricted to Wilson Avenue. Parking areas adjacent to residentially zoned areas will be screened by way of a six-foot high redwood fence

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan land use map indicates a community commercial center surrounded by developing employment land uses in the area northeast of the intersection of I-85 and Beatties Ford Road. Strategies for the area include the widening of Beatties Ford Road, the widening of I-85, streetscape improvements along Beatties Ford Road, and water and sewer line extensions from Beatties Ford Road east towards Statesville Road

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

3. Pre-Hearing Departmental Comments (Summary).

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

   2. Fire Department. An additional fire hydrant will be needed to be installed.

   3. Building Standards Department. No comments were available as of the preparation of this material, but are expected by the time the public hearing on this matter is held.

   4. Engineering Department. The Engineering Department indicates that Beatties Ford Road is classified as a major thoroughfare and would warrant a 100 foot minimum right-of-way It is also noted that some parking appears presently in the existing right-of-way and should be relocated within the site to accommodate the future expansion of Beatties Ford Road.

   5. C-DOT This site on Beatties Ford Road generates 500 to 600 trips per day as currently zoned and under the conditional zoning proposed could generate 1600 to 1700 trips per day The developer is encouraged to donate 12 additional feet of right-of-way for future use along Beatties Ford Road C-DOT is also concerned that the Wilson Avenue driveway is too wide and should be redesigned for proper traffic flow in and out of the driveway

4 Neighborhood Context The property is located in the Northwood neighborhood

DETAILED FINDINGS:

1 The property in question encompasses about 3.1 acres at the intersection of Wilson Avenue and Beatties Ford Road. Current zoning is R-9 and B-1 and the petitioner is seeking B-1(CD).

2. Presently portions of the site are developed with McDonald's Cafeteria, but the petitioner is planning to construct an hotel as well. The hotel will contain a total of 106 rooms.

3. The site lies at the intersection/interchange of Beatties Ford Road and I-85 Zoning at this intersection is non-residential in nature

4. It is believed that the development as proposed here does have the advantage of helping to enhance the Beatties Ford Road Corridor

5. Although the property lies outside the study boundaries of the Beatties Ford Road Small Area Plan, it should be noted that the plan seeks to upgrade and stabilize the area This is particularly true south of I-85 where the plan concentrates on residential areas But in those areas where commercial development is appropriate, as in this place, the proposed development can help become part of a gateway into the Beatties Ford community from the Interstate corridor.

6. As far as the site plan is concerned staff has no problems except that the area closest to "A" Avenue should have greater attention to the street in terms of screening and landscaping. It would be desirable to remove some of the parking spaces in that area and have additional open space instead. The plan is responsive to adjoining residential areas by providing for a six-foot high wooden fence to provide for a solid screening barrier where parking lots adjoin the residential zoning.

7 Based upon the above circumstances, the petition is encouraged for approval. Some minor changes to the site plan are necessary, though, in order for staff to totally sign-off on this petition.

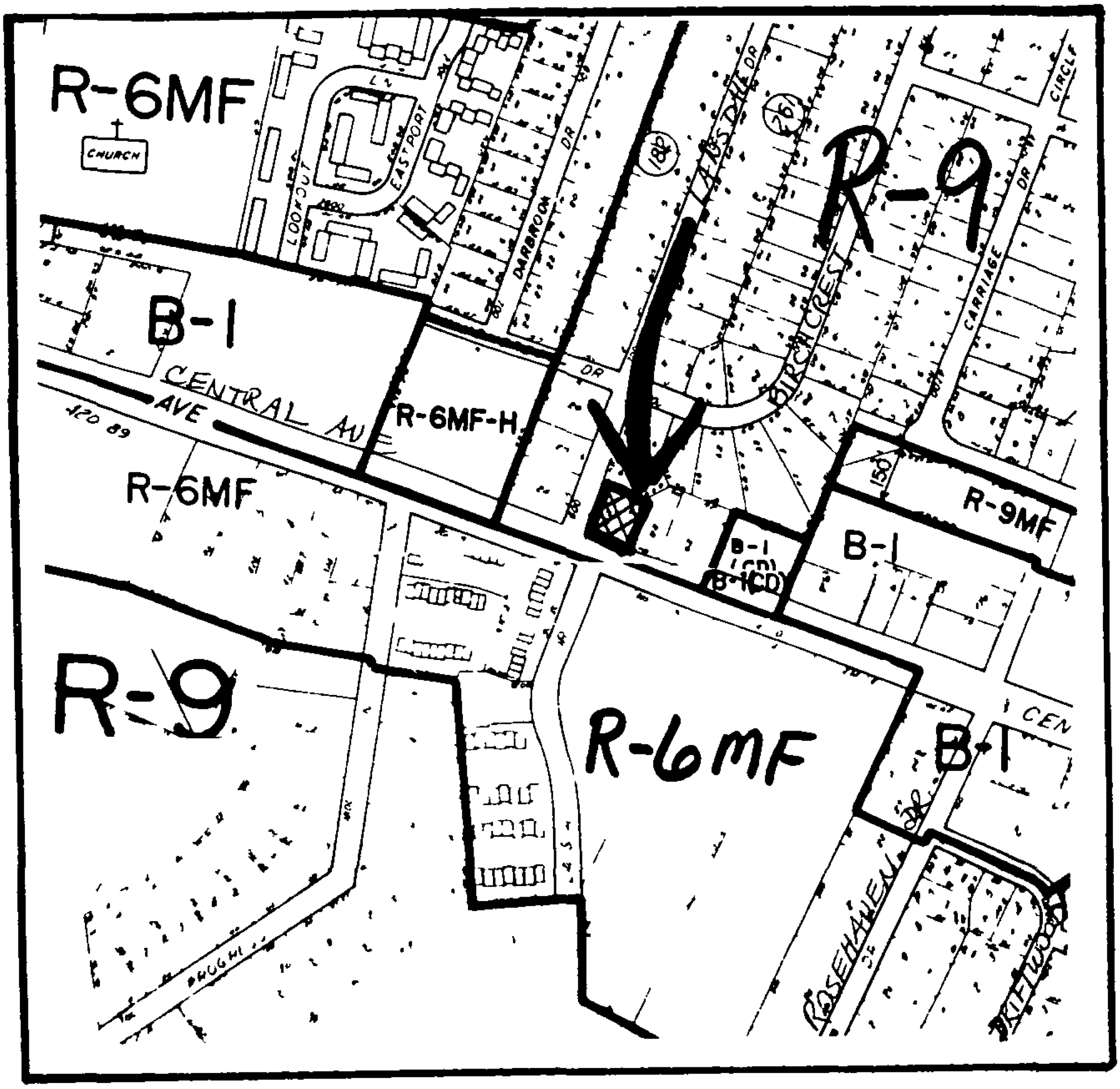
*Subject to further refinement following public hearing.

PETITIONER Dr. Mark A. Goodson

PETITION NO. 86-107 HEARING DATE 11/17/86

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

LOCATION A .3157 acre parcel located on the northeast corner of the intersection of Central Avenue and Lansdale Drive




ZONING MAP NO. 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-107
Date Filed 9/1/86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner Dr. Mark A. Goodson, D.C.

Owner s Address 4601 Central Avenue
Charlotte, North Carolina 28205

Date Property Acquired March 12, 1986

Deed Reference Book 5185, page 658 Tax Parcel Number 101-191-27

## Location Of Property (address or description) 4601 Central Avenue
Charlotte, North Carolina 28205

## Description Of Property

Size (Sq Ft Acres) 13,750 sq. ft.; .3157 ac. Street Frontage (ft ) 110' front 125' side

Current Land Use Residential/Office

## Zoning Request

Existing Zoning R-9, Single Family Requested Zoning O-6 (CD), Office (Conditional District)

Purpose of zoning change To change existing use of property, without changing character of residential structure, from residential to medical office for property owner, Dr. Mark A. Goodson, D.C.

John M. Burtis
Name of Agent
Cansler & Lockhart, P.A., 1010 BB&T Center
200 South Tryon Street, Charlotte, NC 28202-3278
Agent s Address

704/372-1282
Telephone Number

Dr. Mark A. Goodson, D.C.
Name of Petitioner(s)
4601 Central Avenue
Charlotte, North Carolina 28205
Address of Petitioner(s)

704/567-1888
Telephone Number

Mark A Goodson D.C.
Signature

N/A
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-107

Petitioner Dr. Mark A Goodson

Location: A .31 acre parcel located on the northeast corner of the intersection of Central Avenue and Lansdale Drive

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

ISSUES:

1. Neighborhood Impacts What impacts, if any, would result to the integrity of the neighborhood if this rezoning application were approved?

2 Site Plan. What aspects of the conditional site plan are important to evaluate, particularly with reference to Issue #1 above?

3. Future Effect. If this petition were approved, what potential effect might it have on other zoning and land use decisions in this area in the future?

BACKGROUND:

1. Existing Zoning. The property which is the subject of this petition is presently zoned R-9. Properties adjoining it in the neighborhood are likewise zoned as are other single family lots nearby Across Central Avenue from the property is an area of multi-family zoning, R-6MF An area to the east is zoned for business purposes at the intersection of Central Avenue and Rosehaven Drive and there is another business area to the west extending along Central Avenue from Kilborne Drive The B-1 district ends there at a parcel which is zoned R-6MFH, which immediately adjoins a lot at the corner of Lansdale and Central Avenue Other multi-family areas are located nearby, including a large area to the northwest of the site

2 Existing Land Use The subject property is principally used as a single family residence, but the petitioner does operate a chiropractic practice here as a customary home occupation. Other lots in the neighborhood are used exclusively for single family residential purposes The Darby Terrace Apartments front on Central Avenue nearby as do the Oaks Condominiums which are located across from the site along with the Eastland Garden Apartments A series of small neighborhood business uses are located on Central just to the east of the subject property and are generally centered around the Central Avenue and Rosehaven Drive intersection. Another shopping center is located just to the west with frontage on Central Avenue, also.

3 Site Plan. The conditional site plan proposes using the structure here for office purposes. The existing structure would be retained with only

very minimal changes Existing trees on the lot would be retained Most parking areas are shown to the rear of the structure and would be screened by a six-foot high wooden fence

GENERAL FINDINGS

1. 2005 Plan. The 2005 land use map indicates existing employment land uses in the area No strategies are identified for the general area The basic theme for the East Mecklenburg area is to conserve the established residential areas while accommodating strong growth pressures.

2. Central Avenue/Sharon Amity Intersection Improvement. At the present time improvements are being made to the Central Avenue/Sharon Amity intersection. This intersection has been identified in the past as a high congestion, high air quality problem intersection The improvements provide for additional left turn lanes

3. Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff indicated some concerns about the potential zoning and land use change here. Staff cautioned that such a change might have some negative impacts to the existing residential neighborhood and could possibly lead to other zone changes. Staff did encourage a conditional approach here. The CD plan could address some of the neighborhood issues

4. Pre-Hearing Departmental Comments (Summary).

   1 C-MUD. Water and sewer services are available to this site.

   2 Fire Department No comment.

   3 Engineering No comment except for those normally associated with typical development.

   4 C-DOT Under the current zoning the site could generate 10 to 12 trips per day while under the proposed zoning the trips could jump to 80 to 90 trips per day. This increase would have a minor impact on traffic conditions in the area Further, C-DOT had several technical comments dealing with such things as the width and location of driveway points, parking spaces and circulation

5 Neighborhood Context. The site is located in the Robinhood Woods/Windsor Park neighborhood. Staff has received a few calls regarding this matter.

DETAILED FINDINGS:

1. The subject property in this case is a .31 acre parcel located at the corner of Central Avenue and Lansdale Drive Current zoning is R-9 and the petitioner is seeking O-6(CD)

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

3 Lansdale Drive serves as the entrance into a single family neighborhood. Only a few lots zoned for and used for single family development are located along Central Avenue at this location. Otherwise the pattern is one of non-residential zoning and development as well as multi-family

4. A petition for B-1 zoning for a lot across Lansdale from this site was resoundingly defeated a few years ago based upon the fact that such a rezoning was felt to be inconsistent with efforts to preserve the integrity of the neighborhood.

5 Although the petition in this case is also non-residential, the requested district is office rather than business and the application is conditional in nature. Many of the conditions associated with the site plan are good ones, especially those dealing with the preservation of the structure, retention of significant trees around the perimeter of the site and parking to the rear surrounded by a six-foot high wooden fence. In other words, the existing environment of the lot would change very little.

6. This petition has stirred considerable debate among staff. Legitimate reasons exist for recommending approval as well as denial of this petition In the end, though, staff does recommend the application so long as certain site plan conditions can be modified.

7. For example, signage should be more restrictive than the office district allows and be in keeping with the neighborhood setting. Further, all parking should be located to the rear. These conditions will maintain open space currently associated with the front of the site as well as providing signage which is in harmony with a residential street.

8. Considering the zoning pattern and intensity of development along Central Avenue, including the immediate area of this site, it does not seem plausible that this lot is particularly suited for single family development any longer It is known that the corresponding single family lot across Lansdale has not been successful in terms of a sale for single family development for some time These conditions do not mean that the integrity and stability of the neighborhood should be abandoned, but alternative uses which can continue to preserve the look and feel of this lot should be explored.

9 Based upon the above circumstances, the petition is encouraged for approval so long as the site plan improvements mentioned above can be gained

*Subject to further refinement following public hearing

WARDLOW, KNOX, KNOX, FREEMAN & SCOFIELD
ATTORNEYS AT LAW
1490 BB&T CENTER
CHARLOTTE NORTH CAROLINA 28202-3281
(704) 372 1360

CHARLES E KNOX
H EDWARD KNOX
JOHN S FREEMAN
MICHAEL S SCOFIELD
JOHN B YORKE
LISA G CADDELL
MARK T SUMWALT
ALLEN C BROTHERTON
C TODD WILLIFORD

KANNAPOLIS OFFICE
211 SOUTH MAIN
KANNAPOLIS N C 28081
(704) 932-4144

November 4, 1986

Ms. Pat Sharkey, Clerk
City of Charlotte
600 East Trade Street
Charlotte, North Carolina 28202

Dear Ms. Sharkey:

My clients, Byrel and Rebecca Triggs, filed a petition to rezone approximately nine acres on Carmel Road, said petition having been assigned application number 86-108. The matter has been set for public hearing on November 17, 1986.

The purpose of this letter is to request that the City Council allow the petition to be withdrawn.

If you need any other information from me, please do not hesitate to call.

Very truly yours,

Eddie Knox

H. Edward Knox

HEK/sjm

cc: Mr. Henry Underhill, City Attorney
Charlotte-Mecklenburg Planning Commission

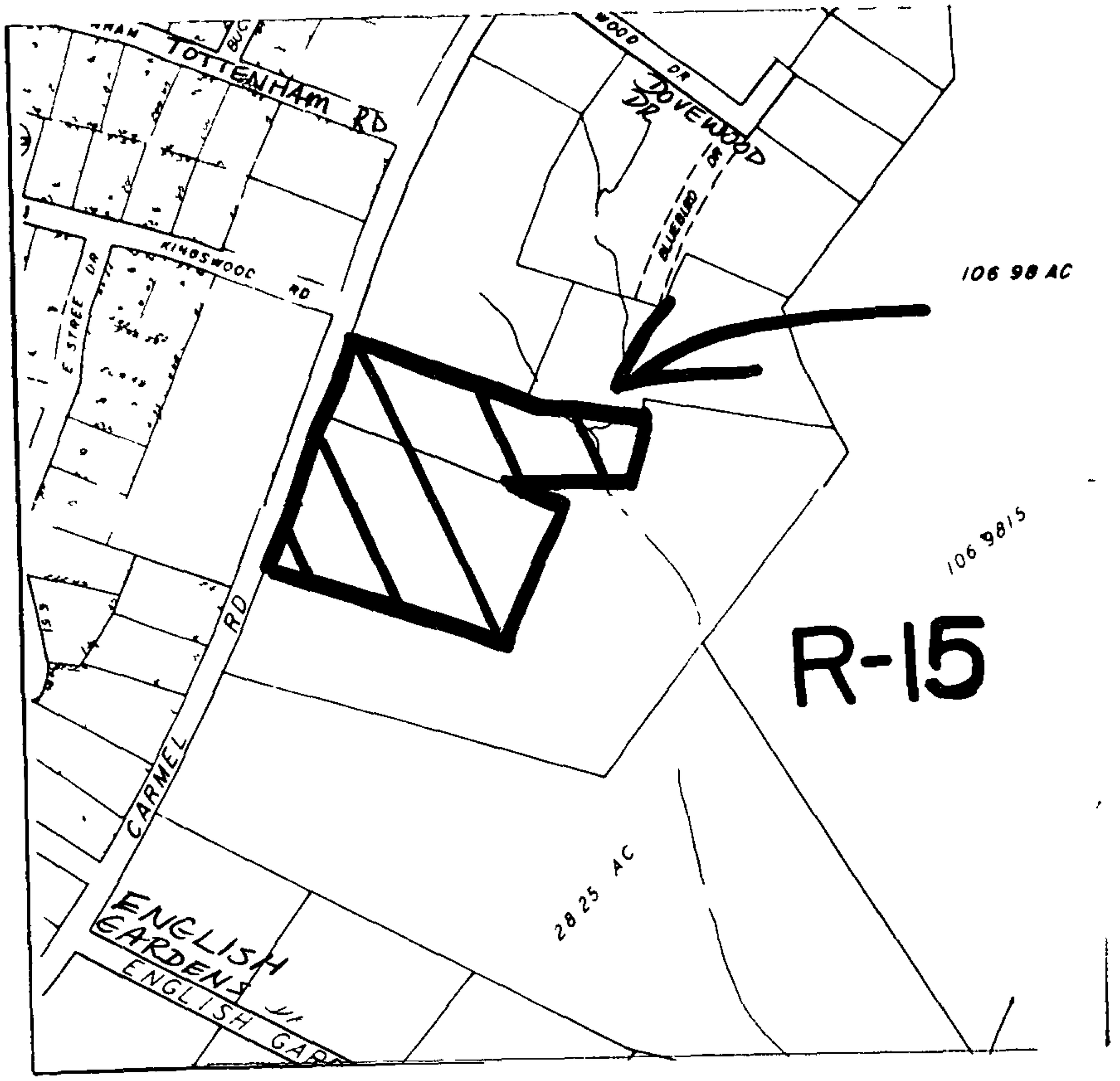
RECEIVED
NOV 7 1986
OFFICE OF CITY CLERK

PETITIONER Byrel M. Triggs

PETITION NO. 86-108 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED B-1

LOCATION A 9.3908 acre site located on the east side of Carmel Road between Dovewood Drive and English Gardens Drive




ZONING MAP NO. 146 & 159 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 86-108
Date Filed 9-1-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner: Byrel M. Triggs and wife, Kay H. Triggs

Owner's Address: 3327 Carmel Road
Charlotte, North Carolina 28226

Date Property Acquired: October 15, 1971; May 28, 1976

Deed Reference: 3354-475; 3849-257

Tax Parcel Number: 211-151-31
211-151-21

## Location Of Property (address or description)

3327 Carmel Road, Charlotte, North Carolina 28226

## Description Of Property

Size (Sq Ft -Acres): 9.3908 acres

Street Frontage (ft): 600 feet

Current Land Use: Single-Family Residence; Bed and Breakfast

## Zoning Request

Existing Zoning: R-15

Requested Zoning: B-1

Purpose of zoning change: To accommodate wedding receptions, banquets, and private parties.

H. Edward Knox
Name of Agent

1490 B B & T Center, 200 S. Tryon St.
Agent's Address

Charlotte, North Carolina 28202-3281

Telephone Number
704/372-1360

Byrel M. Triggs
Name of Petitioner(s)

Signature of Petitioner

3327 Carmel Road
Address of Petitioner(s)

Charlotte, North Carolina 28226
704/542-9431
Telephone Number

Byrel M. Triggs
XXXXXXXX NAME OF PETITIONER
Signature

Signature of Property Owner if Other Than Petitioner

146
159

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 86-108

Petitioner Byrel M. Triggs

Location. A 9 4 acre site located on the east side of Carmel Road between Dovewood Drive and English Gardens Drive

Request· Change from R-15 to B-1

ISSUES:

1. Zoning Pattern. Would the approval of this request be compatible and consistent with existing and anticipated zoning patterns in this area?

2 Proposed Use/Impacts What is the proposed use of the property in this case? Why has it come forward to public hearing? What impacts might be associated with the use of the property if the zoning change is approved?

BACKGROUND:

1 Existing Zoning. The subject property in this case is zoned R-15. All of the surrounding property is likewise zoned and in fact the R-15 district represents the general zoning category for the area.

2. Existing Land Use. The petitioned property is presently developed as a single family home In conjunction with the home is a bed and breakfast inn The pattern of development in this area is solidly single family development which is contained either in subdivisions or located on individual lots fronting on Carmel Road The closest development pattern which is not single family is located at the Carmel/Quail Hollow intersection where a small neighborhood shopping center is located as well as several multi-family projects

GENERAL FINDINGS

1 2005 Plan. The 2005 Plan indicates existing residential land uses in the area The plan proposes the Colony Road Extension east of the subject property to provide a connection between Colony Road near SouthPark and Rea Road to the south of the subject property

2 Thoroughfare Plan The Thoroughfare Plan proposes the extension of Colony Road as described above.

3. Pre-Hearing Departmental Comments (Summary).

Due to the fact that the request is not conditional in nature, some departments which normally report did not do so. However, comments were received from C-DOT and the Fire Department. C-DOT indicates that there is no available data to determine the trip generation in

relation to the bed and breakfast facility on the site. However, under the current R-15 zoning a maximum of 28 dwelling units could be placed on the site which would generate between 300 and 400 trips per day. Under the B-1 zoning the site could accommodate a maximum of 100,000 square feet of retail space and such a shopping area could generate 8400 to 8500 trips per day This would have a negative impact on traffic conditions in the area. The Fire Department indicates that the change would require a fire hydrant to be installed so that the existing building will not be greater than 500 feet from a fire hydrant.

4 Pre-Hearing Staff Input Staff met briefly with the petitioner's agent prior to the filing of the application. Staff did not encourage the petition. The possibility of a conditional district approach was discussed at that time, although once again staff did not encourage that

5. Neighborhood Context The site is located in the Carmel neighborhood. From time to time staff has received a number of calls about this piece of property and the functions which have occurred there.

DETAILED FINDINGS.

1. The application in this case involves a 9.4 acre tract of land located on Carmel Road just opposite the intersection of Kingswood Road. The present zoning is R-15 and the petitioner is seeking to rezone the site to B-1 R-15 is single family development while B-1 is neighborhood retail.

2 A single family residence is constructed on the site, but there is also a bed and breakfast facility on the property as well. It is that facility which is the purpose of the request to rezone to B-1.

3 The general land use pattern in the area is single family development No multi-family or non-residential zoning is located in the immediate vicinity of this site

4 The bed and breakfast facility associated with this property has been operated beyond the restrictions of the zoning ordinance Although no such term exists in the zoning ordinance, it has been interpreted that these types of facilities, which are becoming increasingly popular can accommodate four guests The property in this case has been used for bed and breakfast style accommodations for apparently more than four guests as well as the fact that many other activities such as weddings, receptions, corporate meetings, parties and dinners have also taken place on the property and have been advertised for such.

5 Neighbors in the area have complained of such activities and the property owners have received notices from the Building Standards Department outlining their zoning violations. To continue the use of the property requires the zone change and therefore the request by the petitioner to do just that

6. Approval of this petition is clearly inconsistent and incompatible with zoning and land use patterns in the area. The area is solidly planned for single family development and no non-residential zoning is anticipated for the general area Clearly this petition is "out of sync" with plans for the area and its merit is based solely on the individual desire of the petitioner The public interest and welfare would not be served by the approval of this request.

7. Further, the unconditioned B-1 would allow a further intensification of the uses on the site and might even lead to the sale and redevelopment of the property for a wide variety of commercial purposes, including a shopping center of up to 100,000 square feet Again, clearly the use of the property under that scenario is not envisioned. The Department of Transportation has commented that such development would negatively impact traffic conditions in the area

8. Even though a conditional plan has not been proposed, it is staff's belief that a CD approach would not be acceptable.

9. In summary, this petition should be denied Approval of this will recognize what has become an intensive use of the property and would only be legitimized through the rezoning process As noted earlier, the bed and breakfast facilities have become very popular and without strict adherence to zoning regulations could become a very serious problem in other residential settings. Approval of this petition would also be a false indicator that other commercial rezonings would be viewed similarly, which is not the case.

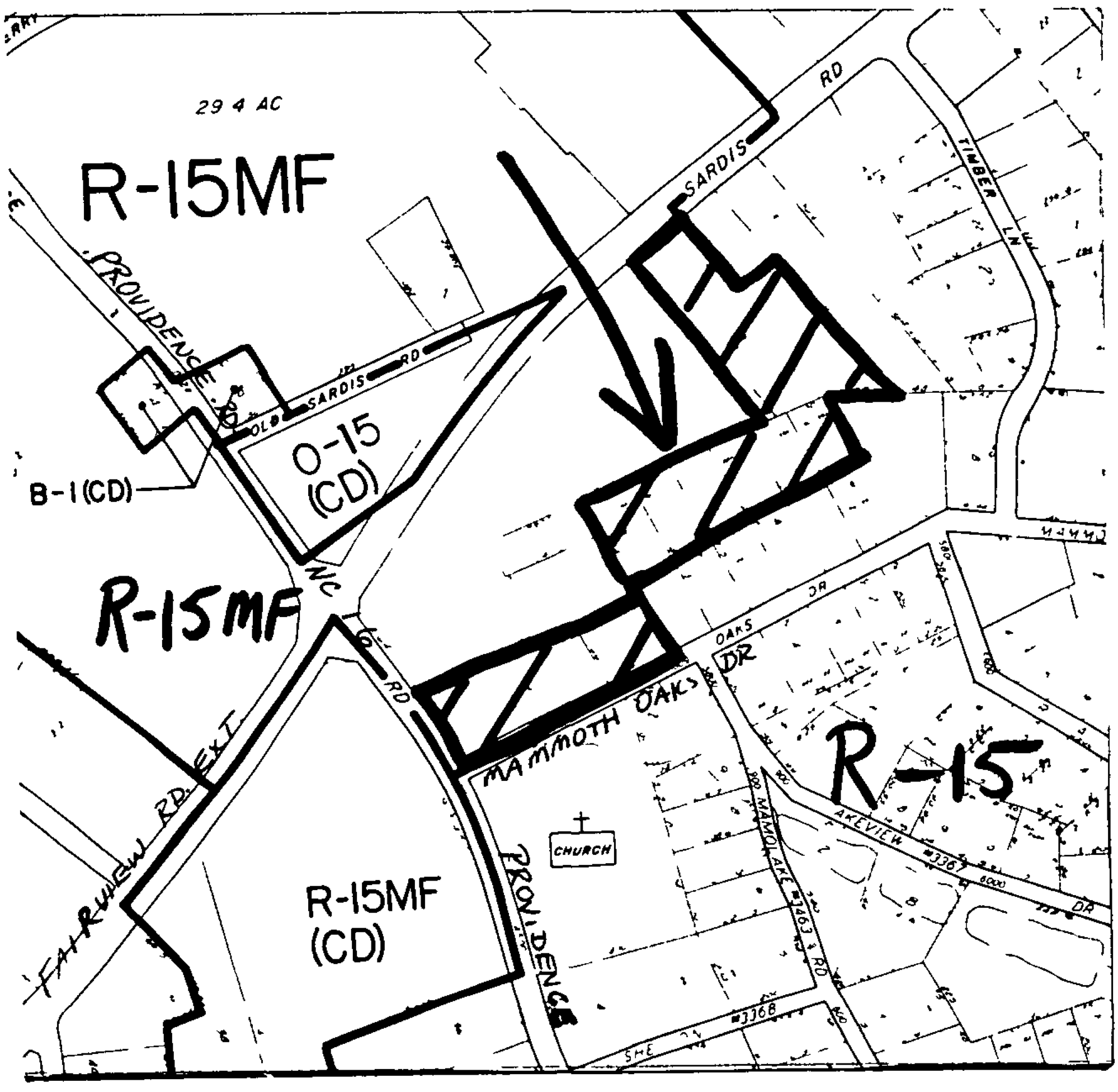
*Subject to further refinement following public hearing

PETITIONER Mammoth Oaks Homeowners Association

PETITION NO. 86-109 HEARING DATE 11/17/86

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

LOCATION Approximately 7 acres bounded by Providence Road, Sardis Road and Mammoth Oaks Drive




ZONING MAP NO. 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 86-109
Date Filed 8-25-86
Received By LS
OFFICE USE ONLY

## Ownership Information

Property Owner See Attached List

Owner s Address " " "

Date Property Acquired

Deed Reference

Tax Parcel Number See attached list

## Location Of Property (address or description) southeast corner of Providence Road and Sardis Road

## Description Of Property

Size (Sq Ft -Acres) Approx 7 acres Street Frontage (ft )

Current Land Use 1 duplex, 1 vacant lot, and single-family homes

## Zoning Request

Existing Zoning R-15MF Requested Zoning R-15

Purpose of zoning change to preserve character of neighborhood

Peter Bardwell
Name of Agent

456 Mammoth Oaks Drive
Agent s Address
Charlotte NC 28226
366-4082 (h) 364-8660 (w)
Telephone Number

Mammoth Oaks Homeowners Assoc
Name of Petitioner(s)

456 Mammoth Oaks Drive
Address of Petitioner(s)

366-4082 (h)
Telephone Number 364-8660 (w)

Peter Bardwell
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 86-109

Petitioner Mammoth Oaks Homeowners Association

Location· Approximately 7 acres involving several tracts of land with frontage on Sardis Road and Mammoth Oaks Drive

Request: Change from R-15MF to R-15.

ISSUES·

1. Neighborhood Preservation. How would the approval of this petition enhance the stability and preservation of the single family character of this area?

2. Appropriateness of Entire Area for Rezoning. Considering the configuration and location of some of this multi-family development, is it appropriate that those portions be left zoned R-15MF? If so, why?

BACKGROUND:

1. Existing Zoning. The property involved in the petitioned area is presently zoned R-15MF. Other R-15MF zoning is contiguous to this site towards the Fairview Road/Sardis Road intersection. That intersection is generally associated with multi-family development with the exception of an area zoned O-15(CD) on the northeast corner In addition, two parcels of land immediately north of the office zoned area are zoned B-1(CD) on either side of Providence Road Otherwise the general zoning pattern reflects the R-15 single family district.

2 Existing Land Use The subject property is presently a combination of vacant land, single family development and one area which is used in conjunction with the Essex Condominiums The vacant tract fronts on Sardis Road whereas the single family area is associated along Mammoth Oaks Drive Mammoth Oaks and other nearby streets are developed with single family homes The intersection of Providence and Sardis/Fairview is a combination of several multi-family projects and one small bank. In addition, just north of the bank are two convenience stores which are located on either side of Providence Road.

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates existing residential land uses in the area Strategies for the general area include the extension of water lines along Providence Road from Sharon Amity to Sardis Road and the establishment of the County Greenway System along McMullen Creek north of the area.

2. Transportation Improvement Program The TIP proposes intersection improvements to the Providence/Fairview intersection, but the project is not funded

3. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this petition is not conditional in nature, most departments which normally report did not However, the Charlotte Department of Transportation indicates that the site could generate 600 to 700 trips as currently zoned, but under the proposed zoning would drop to 200 to 300 trips per day

4. Pre-Hearing Staff Input. Staff advised the petitioners as to application requirements.

5 Neighborhood Context. The property is located in the Randolph/Sardis neighborhood.

DETAILED FINDINGS:

1. The property involved in this petition comprises approximately 7 acres and includes several different pieces of property. The petitioner in this case is the Mammoth Oaks Homeowners Association which has filed the property in order "to preserve the character of the neighborhood".

2. Several of the property owners affected by this petition have signed a letter concurring with the zoning change, but it appears that three property owners did not. Those property owners include the Essex Condominiums, a property owner with frontage on Sardis Road and another property owner at the corner of Mammoth Oaks and Providence Road.

3 It appears very reasonable to rezone the areas which have been supported by the actual property owners In those cases the multi-family zoning represents the back half of their lots which front on Mammoth Oaks and which are developed with single family homes. The rezoning there would indeed help preserve the character of the area for single family

4 However, the lot which fronts on Sardis Road should be retained for multi-family zoning This is due to the fact that the property is oriented to a major thoroughfare and is adjacent to the Essex on one side and across from the Strawberry Hill Apartments on the other It seems given those factors that multi-family development here is appropriate.

5 Further, a portion of the tax parcel upon which the Essex Condominiums is located does have frontage on Mammoth Oaks Drive. However, that area is needed by the condominiums in order to remain conforming as far as density is concerned If the zoning were approved for single family then the condominiums would become non-conforming It is felt that that one area should remain multi-family The area which fronts on Mammoth Oaks Drive is not used for building or access purposes, but rather is simply open space and is a manicured lawn area. Buildings sit well back from the road and have no visual impact on the neighborhood

6 Finally, the lot located at the intersection of Mammoth Oaks Drive and Providence Road is developed either as a single family home or a duplex (it is not sure which) In either event rezoning the property to single family will mean that the property will be conforming and as such it is felt that such a zone change is appropriate. It is important to keep in mind that Mammoth Oaks Drive is the entrance into the single family area here and functions as an important gateway into the neighborhood Use of the property for single family, duplex or related institutional use is important to maintain the neighborhood/residential character

*Subject to further refinement following public hearing

# ZONING ORDINANCE TEXT AMENDMENT APPLICATION

# CITY OF CHARLOTTE

Petition No 86-110
Date Filed 9/1/86
Received By LS
OFFICE USE ONLY

Section No 2108 (Signs)
3024, 3025, 3026,3028 (Pesearch Districts)
(Title)

Purpose of Change

The Research District is a restricted district designed to encourage quality development on large parcels. Experience in development within the research district has indicated the need to improve requirements in some areas. The changes proposed involve: (1) establishing standards for satellite dishes and towers; (2) increasing sideyard requirements on corner lots; (3) establishing standards for maintaining vegetation and natural features around the site and interior parking lot landscaping; (4) creating additional standards for parking lot locations; (5) amending the standards for signage to be located on development sites It is anticipated that these changes will result in better achievement of the purpose envisioned for this district.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

University Research Park, Inc.
Name of Petitioner(s)

1980 First Union Plaza, Charlotte, NC 28282
Address of Petitioner(s)

375-6220
Telephone Number

Signature

86-110

ORDINANCE NO. _____

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

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

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

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

A. Amend portions of the Research District as follows

1 Add to Section 3024, Accessory Uses, a new Item "7." as follows:

"7 Satellite dishes and towers See Section 3026.3."

2 Add a new subsection ".3" to Section 3026 Development Standards for Various Uses

".3 The following standards apply to satellite dishes and towers in the RE-1 and RE-2 districts

.1 Satellite dishes and towers are permitted only when they are a necessary part of a permitted use utilizing such equipment as part of its normal operation.

.2 Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot.

.3 Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 1601. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site."

3. Add a new standard to Section 3025, Area, Yard and Height Regulation as follows

"Minimum side yards on corner lots--for exterior side yards on lots greater than 10 acres--100 feet, on lots 4 to 10 acres--75 feet."

4. Add a new subsection ".4" to Section'3026, Development Standards for Various Uses, as follows

" 4 The following standards apply to all uses in the RE-1 and RE-2 districts.

.1 At least one-half of the exterior depth of the setback, side and rear yards, except where driveway access or utility easements are required, must be maintained with existing vegetation and natural features, unless a site plan is submitted and approved by the Planning Director showing an alternate method of landscaping and screening.

.2 As a minimum the requirements of Section 1601, Screening shall be enforced for all uses.

.3 An area equal to at least 10% of the paved surface of any parking area containing more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot. The minimum width of landscaped islands or planting strips where provided shall be 8 feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to 6 feet."

5. Amend the first sentence of Section 3028.1 to read as follows.

"Parking of motor vehicles is not permitted in any required setback or in the front one half of any required exterior side yard of a corner lot or within 20 feet of any interior lot line, except that on through lots adjacent to an Interstate Highway parking is permitted in the setback to within 50 feet of the Interstate right-of-way."

6. Amend Section 2108.2 (Research District Signs) by rewriting the portion on "Permitted Number of Signs" as follows

"Permitted Number of Signs· Identification-Attached 1 per building except on lots having frontage on 2 or more streets in which case 2 signs per building are permitted (1 for each street front). In the event more than 1 building is located on a lot, buildings permitted to have 2 signs are limited to those having either front and rear or front and side yards adjacent to streets

Identification-Detached 1 per building except on lots having frontage on 2 or more streets in which case 2 signs per building are permitted (1 for each street front) In the event more than 1 building is located on a lot, buildings permitted to have 2 signs are limited to those having either front and rear or front and side yards adjacent to streets. No limit on number of signs not exceeding 4 square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading or unloading facilities."

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

# ZONING ORDINANCE TEXT AMENDMENT APPLICATION

# CITY OF CHARLOTTE

Petition No 86-111

Date Filed 9/1/86

Received By LS

OFFICE USE ONLY

Section No 3032 Institutional District-Permitted Uses
(Title)

Purpose of Change

The Institutional District is designed to allow a variety of institutional and residential uses in a controlled relationship to other districts. Through proper standards protection to nearby uses is provided.

While related uses (such as day care centers, dormitories, multi-family dwellings, room renting) are allowed, group homes are not. This change proposes to add "Group homes for up to 10 clients" as a permitted use in the Institutional District.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Hope Haven, Inc.
Name of Petitioner(s)

P. O. Box 35307, Charlotte, NC 28235
Address of Petitioner(s)

334-0413
Telephone Number

Fred E. Bryant
Signature AGENT FOR PETITIONER

86-111

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 3032 Institutional District - Permitted Uses by adding a new item:

   "16. Group home for up to 10 clients."

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 31, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on October 23, 1986.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on November 10, 1986 This will then permit these matters to be placed on your agenda for consideration on November 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 October 23, 1986

PETITION NO · 85-79

PETITIONER(S): City of Charlotte Community Development Department

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

LOCATION A 2 6 acre site bounded by Statesville Avenue, Spratt Street and Oliver Street.

ACTION The Planning Commission deferred action for further study and information

DATE· October 23, 1986

PETITION NO 86-45

PETITIONER(S) Trammell Crow Company

REQUEST Change from UDC-V and R-15 to B-1SCD and R-15(CD)

LOCATION Approximately 139 acres lying on all four corners of the intersection of N.C 16 and N C 51 It should be noted that the action taken on this petition will also establish City of Charlotte zoning jurisdiction on the northeast corner which has been annexed by the City of Charlotte.

ACTION The Planning Commission deferred action for further study and information

DATE: October 23, 1986

PETITION NO. 86-78

PETITIONER(S): J. D. Sims & Co. and Piedmont Kennel Club

REQUEST: Change from R-9MF to B-1SCD.

LOCATION A 25 acre site adjoining I-77 north of Tyvola Road Extension and east of Nations Ford Road.

ACTION. The Planning Commission recommends that the petition be approved.

VOTE Yeas· Emory, Griffin, Lawing, Lewis, Lowery, M. Smith, S Smith and Wheeler

Nays: None

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

REASONS

ISSUES·

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

2. Site Plan What aspects of the conditional site plan are important to evaluate? What changes have occurred since the public hearing?

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

BACKGROUND

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

2 Existing Land Use The subject property presently contains a number of different land uses A portion of the site is occupied by a sand and gravel operation and another portion of the site appears to be a former demolition landfill The frontage of the site along Nations Ford Road contains a number of dilapidated single family residences and the Piedmont

Kennel Club is on this site fronting on Sleepy Hollow Road. Land immediately to the west and south of the site is occupied by single family residences and land north of the site is occupied by a mixture of single family, multi-family and one or two non-residential uses Land east of the site across I-77 is used primarily for business, office and hotel uses.

3 Site Plan The conditional site plan submitted with this petition shows the site divided into three building development areas Development Area 1 will contain 64 multi-family units Development Area 2 will contain either one office building (100,000 square feet, 5 stories) or one hotel (200 rooms and 5 stories) Development Area 3 will contain two office buildings (total of 265,000 square feet and 7 stories). The site plan shows a 90-100 foot heavily landscaped buffer along the western margin of the property at its frontage with Nations Ford Road and a 50 foot heavily landscaped buffer along Sleepy Hollow Road, the future Tyvola Road Extension. The plan also indicates landscaped buffers along the northerly side of the site and along the easterly side of the site along the I-77 frontage. The plan indicates that access will be available both from Tyvola Road Extension and from Nations Ford Road with the Tyvola Road access being limited to a right turn-in only The site plan also indicates that a portion of the existing Tyvola Road right-of-way would be abandoned on the petitioner's property. The site plan recognizes the new alignment with Tyvola Road Extension as well as many additional improvements to Nations Ford Road and the Tyvola Road/Nations Ford Road intersection.

GENERAL FINDINGS

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

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

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

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

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

6 Pre-Hearing Departmental Comments (Summary).

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

2. Department of Transportation Comments from the Department of Transportation recommend that the petitioner provide a traffic impact study for this site to assist the impact that this rezoning has on three locations 1) the Tyvola Road/I-77 Interchange, 2) the Billy Graham Parkway/Tryon Street/Woodlawn Road/Yorkmont Road intersections, and 3) the proposed Nations Ford Road, Tyvola Road intersection The Department of Transportation suggests that any approved access from Tyvola Road should be limited to a period of ten years from the date of first occupancy of a structure This is directly related to the concern that controlled access will be required along the entire frontage of the petitioner's property in conjunction with the Tyvola Road/I-77 Interchange improvements There are also a number of comments relating to the impact this project would have on Nations Ford Road and the need for additional right-of-way and improvements along Nations Ford Road. This concern is especially critical in view

of the fact that the majority of the traffic serving the site will enter and leave on Nations Ford Road even if a temporary right turn access is afforded from Tyvola Road Extension In addition there are a number of detail comments about the internal configuration of streets and parking areas and the ability of the petitioner to be able to locate driveways at the points noted on the conditional site plan

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

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

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

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

DETAILED FINDINGS.

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

2 As part of the application the petitioner has filed a conditional site plan which proposes multi-family development and office space plus a hotel with up to 200 rooms. The proposal indicates that the primary access points would be off Tyvola Road Extension and two access points off of Nations Ford Road. The access point from Tyvola Road would be an exclusive right turn-in only access (See Background #3 for additional details )

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

4. The petitioner has been working for some time with the planning staff and with other City departments to solve several issues regarding this site Among the transportation issues that have been discussed are. access from Tyvola Road, improvements to Nations Ford Road, design of the Tyvola/Nations Ford intersection and improvements to the intersection south of the site The developer in this case has committed to many improvements with regard to the above. Specifically

a) Dedication of all on-site right-of-way required for the improvement of Nations Ford Road north of Tyvola Road, Tyvola Road from Interstate 77 to Nations Ford Road, and required future right-of-way for the improvement of the Tyvola/I-77 interchange as shown on the conditional site plan.

b) To pay for the design and changes in construction requirements to accommodate the design needs for Tyvola Road between Interstate 77 and Nations Ford Road and Nations Ford Road from Tyvola Road north to the edge of the site.

c) To pay for the construction cost to change the alignment of Nations Ford Road south of Tyvola Road in order to relate satisfactorily to overall intersection design for a distance along Nations Ford Road of 560 feet from the center of the intersection

d) To contribute to the cost of any additional right-of-way requirements in accordance with an agreement entered into by the petitioner, City Engineering Department and City Real Estate Division These funds will be used by the City for the acquisition of the land, as well as any court costs and other administrative costs associated with these acquisitions

5 The land issues principally boiled down to an assessment of whether or not this request complied with the goals and objectives set forth in the Billy Graham/Tyvola Road Special Project Plan The plan envisions a residential gateway westward towards the Coliseum However, an agreement by Planning Commission and City Council some time ago to allow a new application within the normal two year waiting limit (an earlier petition was denied on part of this land) resulted in the approval in concept of a well-designed mixed use project that would contain non-residential and residential development

6 Many plans were presented by the developer to resolve this issue Staff continually felt that the goals set forth in the Billy Graham/Tyvola Road Plan were being sacrificed and too little effort was being paid to the objective of preventing further non-residential development in the area The most recent plan came closest to that objective, but staff still maintained that non-residential, specifically near the Nations Ford/Tyvola intersection, should be interjected as part of the plan

7 Planning Commission, however, felt otherwise They believed that there was a misinterpretation of mixed use In their opinion the petitioner had worked diligently to arrive at a suitable plan that satisfied the interests of many involved in this case

8 The plan is a good one It will provide a handsome, attractive gateway towards the Coliseum

9 Further, housing near the southwest corner was inappropriate due to the noise and congestion anticipated once Tyvola Road is opened Many Planning Commission members expressed personal reservations about living near the

intersection. They felt satisfied that the multi-family shown elsewhere on the property was a good location and suitable enough to maintain policy goals

10 Otherwise Planning Commission was satisfied the developer had addressed and satisfied all other issues.

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

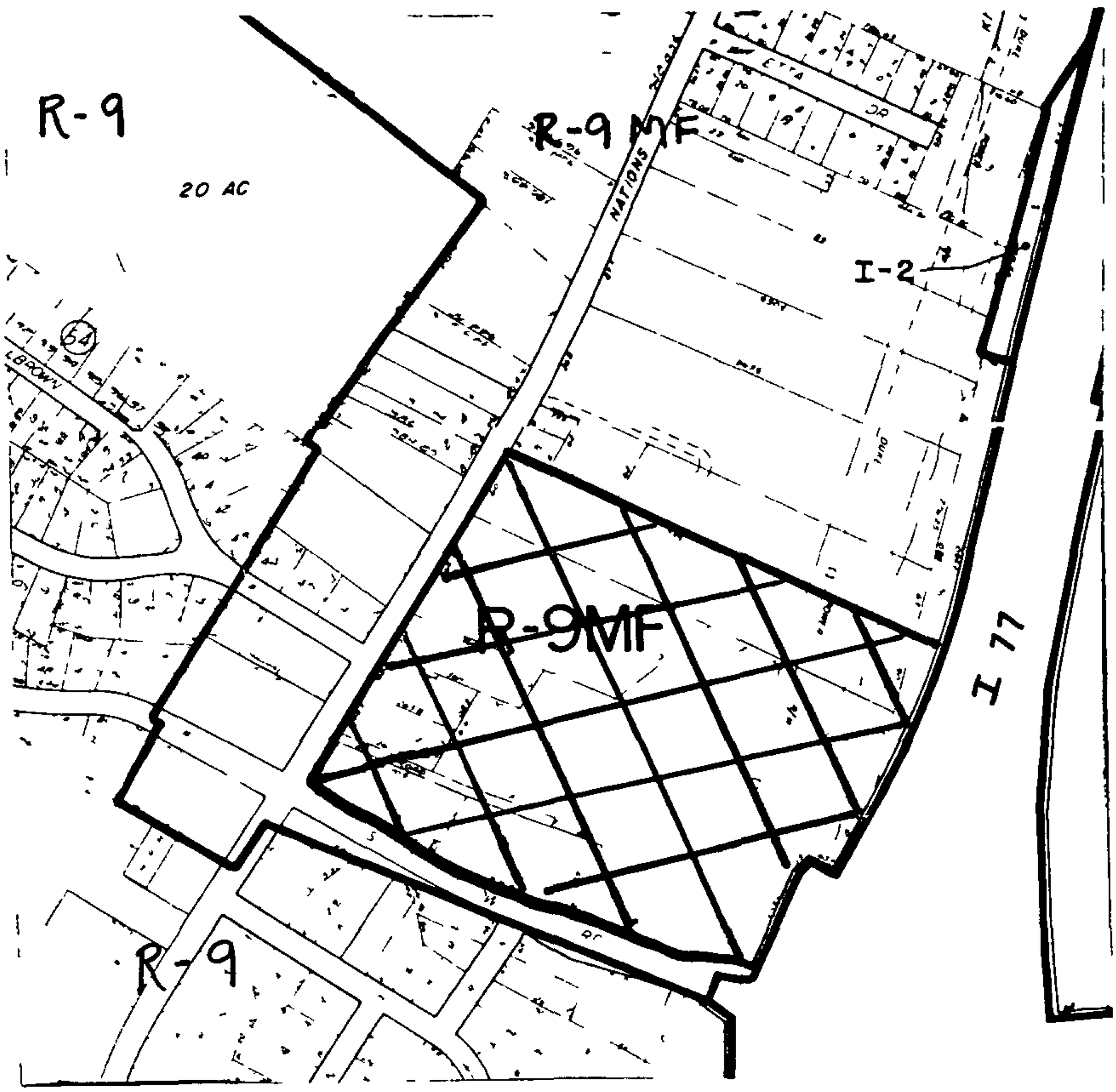
Staff Opinion
The staff disagreed See Detailed Finding #6.

PETITIONER J. D. Sims and Company

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

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

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




ZONING MAP NO. 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 23, 1986

PETITION NO.. 86-86

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST· Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section 3053. Uptown Mixed Use District. The purpose of the change is to incorporate a number of recommendations from various sources and is submitted in compliance with the requirement contained in the ordinance itself for periodic review and update. It relates to setbacks and yards, parking standards, landscaping, building facades, open space, plan review, renovated and rehabilitated buildings, access to Transit Mall, tree size and spacing, retail uses in new buildings, canopies, and other minor technical changes.

ACTION The Planning Commission deferred action for further study and information

DATE: October 23, 1986

PETITION NO · 86-100

PETITIONER(S). Schurgin Development Corporation

REQUEST: Change from B-2 and B-2(CD) to B-1SCD.

LOCATION Approximately 7.01 acres located on Independence Boulevard north of Idlewild Road

ACTION: The Planning Commission recommends that a portion of the property be approved for B-1SCD and the balance denied (See Map)

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

Nays Lewis

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

REASONS·

ISSUES:

1 Site Plan. What aspects of the conditional site plan are important to evaluate, including such things as access and edge conditions? Is the size of the shopping center too large?

2 Small Area Plan. The site is located within the boundaries of the Albemarle Road Small Area Plan. What does the plan outline as far as this area is concerned?

3 Neighborhood Intrusion versus Independence Boulevard Orientation Given issues Number 1 and 2 above is this request an intrusion into an existing residential area or can it be considered as being oriented to Independence Boulevard without intrusion?

4 Post-Hearing Changes What changes to the site plan occurred following the public hearing?

BACKGROUND

1 Existing Zoning. The property involved in this petition is zoned three different classifications· B-2, B-2(CD) and R-9. B-2 zoning is prevalent along the Independence Boulevard Corridor and is buffered in many spots by office zoning The office zoning or occasional multi-family zoning is used as a transition to nearby residential areas For example, a large area of R-9 zoning adjoins the rezoning petition

2. Existing Land Use. Much of the property in question is undeveloped, but portions are developed, principally the Nova Plaza Hotel which fronts on Independence Boulevard. Independence Boulevard itself is developed with a wide variety of shopping and highway service type uses. Auto dealerships comprise many of the individual uses in the immediate vicinity. Also adjoining the site are single family homes which front on Aspendale Lane or Amity Place. There is also multi-family development which is oriented to Idlewild Road

3. Original Site Plan. The conditional site plan outlines a shopping facility for this site A total of 215,000 square feet of retail space is planned The existing Nova Plaza Hotel on the property will be removed. Access is gained by way of a driveway connection to Idlewild Road and there is no other access to the site including a stub street from the adjoining residential area Adjoining the residential neighborhood is a 150 foot undisturbed/landscape buffer

4 Amended Site Plan. An amended plan was proposed following the public hearing Under this plan the area currently zoned R-9 is being deleted from development Consequently the building area is reduced to 112,000 square feet

GENERAL FINDINGS

1 2005 Plan The 2005 Plan Land Use Map indicates existing employment land uses along the frontage of Independence Boulevard. The map further indicates existing residential uses to the rear of the site. Strategies for the general area include the widening of Independence Boulevard, the widening of Idlewild Road, and extension of water lines along Idlewild Road.

2. Albemarle Road Small Area Plan. The site is located within the boundaries of the Albemarle Road Small Area Plan. The plan identifies the rear portion of the site, which is currently zoned R-9, as preferable for four dwelling units per acre, which is roughly equivalent to the R-9 zoning

3 Transportation Improvement Program. The TIP includes both the widening of Independence Boulevard and Idlewild Road as projects Both are scheduled for FY 86-90

4 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application. Staff made it clear that a typical shopping center layout would not be preferred in this location However, with special treatment given to edge conditions and with access solely to Independence Boulevard staff did indicate the possibility that a shopping center might be feasible at this location Staff mentioned that in this case a buffer of at least 150 feet minimum would be necessary to provide this special edge treatment adjoining the single-family neighborhood. Other conditions would have to be evaluated as part of the site plan submittal

5 Pre-Hearing Departmental Comments (Summary).

1 Engineering Department No comments except for those normally associated with the development/permit process.

2. Building Standards. No comments.

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

4. Fire Department The Fire Department noted that the proposed buildings exceed the maximum permitted distance to existing fire hydrants Further, the existing water system in Amity Place and Aspendale is suitable for existing residential uses, but not capable of providing the quantities of water necessary for fire fighting operations associated with commercial properties The Fire Department recommends the proposed buildings be equipped with fire sprinkler systems to reduce the quantities of water needed for fire fighting.

5 C-DOT. The proposed rezoning could generate approximately 11,000 trips per day with an additional 1,000 p m peak trips at the intersection of Idlewild Road and Independence or Sharon Amity and Independence. Both of these intersections have 18,000 p.m peak trips and both are rated at Level of Service F Also, both have air quality problems associated with them. Independence Boulevard now carries approximately 51,000 trips per day near this site C-DOT believes that the petition should be denied due to these associated problems.

6. Neighborhood Context. This petition is located within the Cedars East neighborhood.

DETAILED FINDINGS:

1. The original petition involved a 26 9 acre site located off of Independence Boulevard just north of the intersection with Idlewild Road That area is currently zoned a combination of R-9, B-2 and B-2(CD) The request has been modified to reduce the area to about 7 acres and removes the R-9 from consideration Thus the request is from B-2 and B-2(CD) to B-1SCD.

2. The petitioner has plans to construct a shopping center on this property (For further details, refer to Background Number 3 and 4 )

3. At the present time, the site is occupied by the Nova Plaza Hotel and some additional parking in association with a nearby auto dealership Those uses would be removed and would become part of new buildings in association with the shopping center development. (A berm established at the rear of the parking will remain )

4 Historically Independence Boulevard has been a major preferred shopping corridor Staff is continually asked about additional rezoning requests along Independence, especially farther south in areas where the zoning is

residential in nature. Staff has attempted to hold the retail/shopping zoning at its current boundary, which is approximately McAlpine Creek

5. Nonetheless the popularity of Independence for additional shopping opportunities continues to grow In some ways the development and redevelopment of this site, then, might be looked upon as a sort of infill commercial development site. The access and orientation of the shopping center will be solely to Independence Boulevard in keeping with the orientation of other retail and highway oriented uses along this major thoroughfare

6. Following the public hearing on this matter, the petitioner modified the site plan. Planning Commission during early discussions was concerned about several potential impacts, including the relationship to the adjoining neighborhood

7. Planning Commission was also concerned about the R-9 land included in the request, both from the perspective of the relationship to existing homes as well as the fact that the Albemarle Road Small Area Plan recognizes residential development at 0-4 dwelling units per acre density.

8. In response to those concerns the petitioner chose to scale back the request. The size of the center was cut roughly in half to 112,000 square feet. Further, the area of the petition now includes property either zoned B-2 or B-2(CD) with the majority being B-2. In essence, the petitioner is redeveloping unrestricted B-2 for the most part, but submitting to a controlled B-1SCD plan

9 The site plan is a good one Parking areas will be landscaped and no billboards will be permitted

10 It should be noted that the earlier plan envisioned significant storm water plans and improvements, including off-site improvements. Those plans have been dropped, but the petitioner will adhere to the storm water detention ordinance No additional impervious cover will result beyond what is already associated with the site if the application is approved

11 Based upon the above, Planning Commission recommends the petition be approved

Minority Opinion
The minority opinion expressed the viewpoint that approval of this request would sanction flooding in the area.

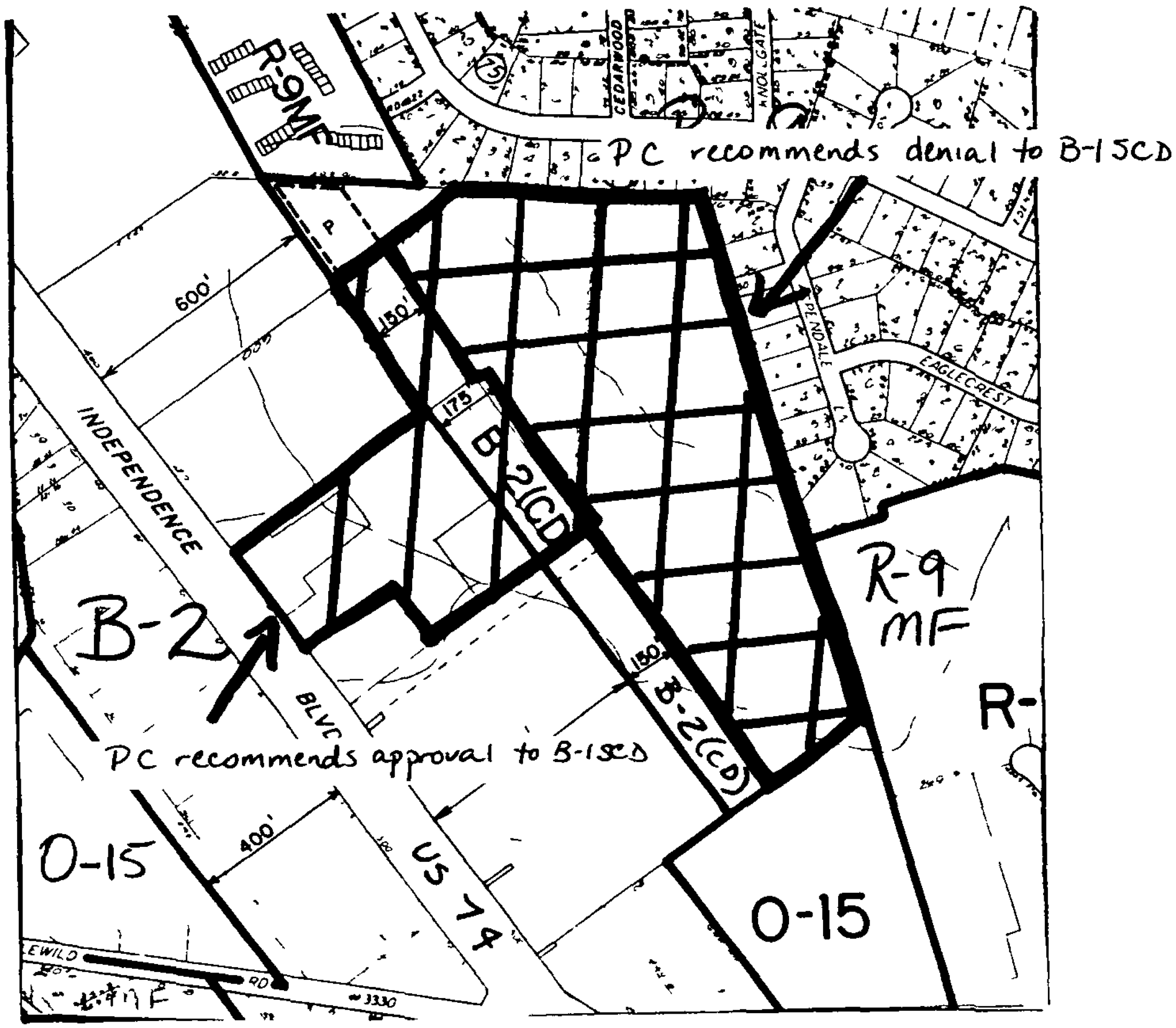
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Schurgin Development Corporation

PETITION NO. 86-100 HEARING DATE 9-15-86

ZONING CLASSIFICATION, EXISTING R-9, B-2 B-2(CD) REQUESTED B-1SCD

LOCATION A 26.9 acre site located on Independence Boulevard north of Idlewild Road




ZONING MAP NO. 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE