AGENDA

Meeting Type:	Z
Date	09-15-1986
SUBJECT	

City of Charlotte, City Clerk's Office

Charlotte

FILE COPY

9/15/86

council agenda

Charlotte

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

Meetings in September '86

SEPTEMBER 1 - SEPTEMBER 6

1	Monday	LABOR DAY - City Holiday. All City Government Offices Closed.
2	Tuesday, 6 00 p m.	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Center, Director's Office
	Tuesday, 7 30 p.m.	PLANNING COMMISSION (Special Meeting) - Cameron-Brown Bldg., 1st Floor Conference Room
3	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
4	Thursday, 7 30 a.m.	PLANNING COMMISSION/Ordinance Revision Task Force - Cameron-Brown Bldg., 1st Floor Conference Room

THE WEEK OF SEPTEMBER 7 - SEPTEMBER 13

8	Monday, 12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 5 00 p.m	COUNCIL/MANAGER DINNER - Myers Park High School, 2400 Colony Road
	Monday, 7 00 p.m.	CITIZENS HEARING - Myers Park High School, 2400 Colony Road
	Monday, 7 30 p.m	CITY COUNCIL MEETING - Myers Park High School
9	Tuesday, 8 00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Conference Room A
	Tuesday, 9 00 a.m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 10 00 a m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center Conference Room
	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Bldg , Finance Dept , 6th Floor Conference Room
10	Wednesday, 7 45 a.m	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, Action Room A
	Wednesday, 8 00 a m.	PLANNING COMMISSION/Planning Committee - City Hall Annex, DOT Conference Room
	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
11	Thursday, 8 15 a.m.	BUSINESS OPPORTUNITY NETWORK - Chamber of Commerce

(Continued on Back)

THE WEEK OF SEPTEMBER 14 - 20

15	Monday, 5·00 p.m.	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6.00 p.m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, Board Room
16	Tuesday, 4 00 p.m.	CITY COUNCIL/Zoning Ordinance Revision Consultants - City Hall Annex, Training Center
17	Wednesday, 1.00 p.m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Wednesday, 2 00 p.m.	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 3 00 p.m.	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS MATERIALS - City Hall Annex, 3rd Floor Conference Room
	Wednesday, 7 00 p m	METROPOLITAN PLANNING ORGANIZATION - City Hall Annex, Dept. of Transportation Conference Room
18	Thursday, 8.00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 3.00 p.m.	ADVISORY ENERGY COMMISSION - Marshall Bldg., 700 N. Tryon St., Agriculture Extension Service Conference Room
	Monday, 4·00 p.m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 7 30 p.m.	CHARLOTTE TREE ADVISORY COMMITTEE - Park Operations, 701 Tuckaseegee Rd.
19	Friday, 9·00 a.m.	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber

THE WEEK OF SEPTEMBER 21 - 27

22	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 3 00 p.m.	SPECIAL USE PERMIT BOARD - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 4.30 p.m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - Belmont Regional Center, 700 Parkwood Ave.
23	Tuesday, 4 30 p.m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room
24	Wednesday, 4 30 p.m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church

THE WEEK OF SEPTEMBER 28 - 30

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

These organizations will <u>not</u> meet in August:

COMMUNITY FACILITIES COMMITTEE
PARADE PERMIT COMMITTEE

FAGOREMNADLA

Charlotte

CITY COUNCIL AGENDA
Monday, September 15, 1986

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

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

ITEM NO.

1. Invocation by Dr. Calvin Hood, Johnson C. Smith University.

PUBLIC HEARINGS

2. Hearing on Petition No. 86-86 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section No. 3053 (Urban Mixed Use District) of the Zoning Appendix to the City Code, to incorporate a number of recommended changes as a result of periodic review and update of the ordinance.

This hearing is continued from the August 18, 1986 meeting.

Attachment No. 1

3. Hearing on Petition No. 86-96 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-15MF for a 35 acre site located north of the Brookshire Freeway along Pitts Drive, Dundeen Street and Celia Avenue.

Attachment No. 2-A

council agenda

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

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

4. Hearing on Petition No. 86-97 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to R-6 for a .473 acre site extending from the southeast corner of Redbud and Sanders Street to the Brookshire Freeway.

Attachment No. 2-B

5. Hearing on Petition No. 86-98 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for an 83 acre site located north of the Brookshire Freeway along Booker Avenue, Dundeen Street and Celia Avenue.

Attachment No. 2-C

6. Hearing on Petition No. 86-99 by Hickory Grove Properties for a change in zoning from R-9 and B-1 to B-1(CD) for a 4.9154 acre site located on the west side of The Plaza and Newell-Hickory Grove Road intersection.

Attachment No. 2-D

7. Hearing 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.

Attachment No. 2-E

8. Hearing on Petition No. 86-101 by C. D. Spangler Construction Company for a text amendment to Section No. 3072 (Permitted uses in the I-1 Industrial District) of the Zoning Ordinance of the City Code, to bring the Ordinance into conformity with the County Zoning Ordinance.

Attachment No. 2-F

POLICY AGENDA

9. Decision on Petition No. 86-63 by Myers Park Homeowners Association for a change in zoning from B-1 and O-6 to R-15MF for 5 lots (a total of 2.319 acres) located on East Morehead Street between Henley Place and Bromley Road, and at the intersection of Henley Place and Kings Drive.

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

Decision on this petition was deferred from the August 18 meeting.

Councilmember Vinroot previously was excused from participating in the hearing on this petition.

The Planning Commission recommends that the petition be approved.

Attachment No. 3

10. Decision on Petition No. 86-57 by Myers Park Homeowners Association for a change in zoning from R-6MF to R-12 for site at 1348 Queens Road; from O-6 to R-12 at 600 Hermitage Road; and from O-6 to R-15MF at 802 and 830 Providence Road - a total of 3.760 acres.

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

Councilmember Vinroot previously was excused from participating in the hearing on this petition.

The Planning Commission recommends the following actions with regards to this petition:

1. Approve the request for R-12 zoning on the lot on the corner of Providence Road and Hermitage Road.
2. Deny the request for R-15MF zoning on the lot which is presently occupied by a savings and loan institution, thus leaving the zoning as O-6.
3. Deny the request for R-15MF zoning on the vacant lot which adjoins the savings and loan lot, thus leaving the zoning as O-6.

4. Send the proposed "CD" site plan for the lot at the corner of Queens Road and Hopedale to public hearing to give all parties an opportunity to comment.

Attachment No. 4-G

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

The Planning Commission recommends that the petition be approved.

Attachment No. 4-H

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

The Planning Commission recommends that the petition be approved to B-1(CD).

Attachment No. 4-I

13. Decision on Petition No. 86-87 by Forest Hills Presbyterian Church for a change in zoning from R-12 to R-I for a 23.82 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farms Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-J

14. Decision on Petition No. 86-88 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-12MF for a 34 acre site located on the northern side of Brookshire Boulevard and east of I-85, and the area south and east of Kentucky Avenue.

A protest petition has been filed and found insufficient to invoke the 3/4 rule.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-K

15. Decision on Petition No. 86-89 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for a 63 acre site located north of Kentucky Avenue and east of I-85.

A protest petition has been filed and found insufficient to invoke the 3/4 rule.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-L

16. Decision on Petition No. 86-90 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-9MF for a 7.81 acre site located at the end of Southwest Boulevard.

The Planning commission recommends that the petition be approved.

Attachment No. 4-M

17. Decision on Petition No. 86-91 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to R-9 for a 30 acre site located north of Brookshire Freeway, south of Venice Street, west of the proposed greenway, and east of the R-6MF zone line.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-N

18. Decision on Petition No. 86-92 by NCF Financial Corporation for a change in zoning from UR-2 to UR-C for a .67 acre site located at the corner of West 9th and North Smith Streets.

Approval of this Petition will enable Council to adopt the amendment to the Fourth Ward Redevelopment Plan at its meeting on September 22, 1986. Legal requirements for advertising notice prohibited placing the amendment on tonight's agenda.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-O

19. Decision on Petition No. 86-93 by JACMACBRUTER Associates for a change in zoning from I-3 to U-MUD for 49,963.32 square feet located at 427 West Fourth Street between Graham and Mint Streets.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-P

20. Decision on Petition No. 86-94 by JACMACBRUTER Associates for a change in zoning from I-3 to U-MUD for 35,518.19 square feet located at 416 West Third Street between Graham and Mint Streets.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-Q

21. Decision on Petition No. SUP 86-1 by Whitner Farms, Inc., to provide a retirement center in a R-9 residential district on a lot located on Park Road, south of the YWCA.

Eligible to vote on this petition are Councilmembers Fenning, Hammond, Matthews, C. Patterson, P. Patterson, Rousso, Trosch and Woollen.

The Planning Commission recommends that the special use permit be denied.

Attachment No. 4-R

22. Decision on Petition No. SUP 86-2 by Alcohome, Inc., for a Major Special Use Permit for a hospital in an R-9MF Residential District, located on a 20.058 acre lot at 1715 Sharon Road West.

Eligible to vote on this petition are Councilmembers Fenning, Hammond, Matthews, P. Patterson, Trosch and Woolen.

The Planning Commission recommends that the special use permit be approved.

Attachment No. 4-S

- SCHEDULE OF MEETINGS -
September 15 - 19, 1986

Monday, September 15	COUNCIL/PLANNING COMMISSION DINNER Rooms 237-239	5 00 p m
	ZONING HEARINGS Board Room Education Center	6 00 p m.
Tuesday, September 16	ZONING ORDINANCE REVISION CONSULTANTS Training Center City Hall Annex	4:00 p. m
Thursday, September 18	TRANSPORTATION COMMITTEE 2nd Floor Conference Room City Hall	4 00 p. m.

#1

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 86-86

Date Filed 7/1/86

Received By LS

OFFICE USE ONLY

Section No 3053. Urban Mixed Use District
(Title)

Purpose of Change

This amendment incorporates a number of recommended changes 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.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 S. McDowell St., Charlotte, N.C. 28204
Address of Petitioner(s)

336-2205
Telephone Number

Signature

ORDINANCE NO _____

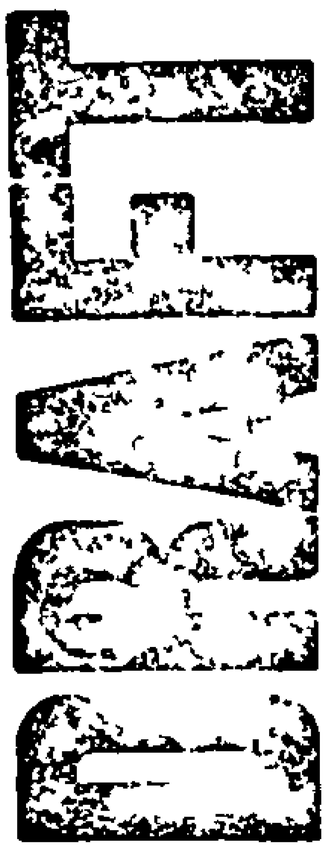
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1 Amend Section 3053.1.2 by adeleting the existing language and by substituting the following new language.



Periodic Review. In order to assure that the regulations contained in this section are functioning in an efficient fashion to accomplish the purpose of the district, the Charlotte Uptown Development Corporation and other interested parties may furnish suggestions and comments to the Charlotte-Mecklenburg Planning Commission. These suggestions may be submitted every two years on the anniversary of the ordinance adoption (November 17, 1983). The Planning Commission will evaluate any comments or suggestions that it receives and will consider whether amendments are appropriate. If the Planning Commission concludes that amendment of the ordinance is necessary or desirable, an amendment will be initiated by the Planning Commission. If the Planning Commission concludes that amendment is not necessary or desirable, a report to that affect will be transmitted to the City Council. Nothing in this section prevents the City Council or the Planning Commission from initiating an amendment to this ordinance at any time, nor does it prevent any party from filing a petition for an amendment to this ordinance at any time

2 Amend Section 3053 2 5 by deleting the existing language in its entirety and by substituting the following language

Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, covents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theatres, and art galleries, orphanages, children's homes and similar non-profit institutions providing domiciliary care for children, police and fire stations, public and private elementary, junior and senior high schools, and pumping stations

3 Amend Section 3053.2 12 by adding the following language before the period

, including open air or sidewalk cafes

4 Amend Section 3053.2 16 by adding the following language after the word "parking",

structures, but not surface lots, as a principal use providing for public parking, private parking, or parking in conjunction with other permitted uses Surface parking lots may only be established to meet the minimum parking standards of a specific principal use;

and by deleting the remainder of the sentence

5 Amend Section 3053 3 1 by deleting the existing language in its entirety and by substituting the following language

Entertainment establishments such as lounges, night clubs, bars taverns and cabarates provided they are located at least 100 feet from any residential structure located in a residential district

6 Amend Section 3053.3 2 by deleting the present language after the word "centers" and by adding the following new language;

, nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities·

7 Amend Section 3053 3.3 by deleting the existing language in its entirety and by renumbering the remaining items from 4 to 10 respectively

8. Amend Section 3053.4.1 by placing a period often the word "use" and by deleting the remainder of the sentence

9. Amend Section 3053 4.4 by placing a period after the word "building" and by deleting the remainder of the sentence

10 Amend Section 3053 5 1 by deleting the first and second sentence under "minimum setback," by substituting the following new language,

12 feet from the back of the curb

and by adding new language at the end of the paragraph as follows

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure in oriented. The public is responsible for at least 6' of sidewalk or planting strip on the public right-of-way in all cases and no more than 6' of sidewalk may be required to be located and constructed on private property The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases

11 Amend Section 3053 5 1 by deleting the parenthetical phrase "(excluding UR-C)" from the first sentence under the heading "Maximum Height"

12 Amend Section 3053 5 1 by adding the following language to the "minimum side yard" requirement

, but if any side yard is provided, it must be at least 12' wide.

13 Amend Section 3053 6 1 by deleting the phrase ", except renovated and rehabilitated buildings," from the second sentence, by adding a new third sentence to the existing paragraph as follows,

rehabilitated and renovated buildings must meet all of the requirements of this district except those for setback and urban open space

and by adding the following new language to the end of the first paragraph.

This includes the adopted Central Area Plan and any more specific or detailed plans which may be adopted in the future.

14. Amend Section 3053.6.1.2 by deleting the existing language and by substituting the following new language.

Street Walls The first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian-scale activity It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and accessible to the street on at least 70% of the length of the first floor street frontage. Works of art, fountains and pools, street furniture, landscaping and garden areas, architecturally articulated facades, and display areas may also be considered in meeting this requirement Where windows are used they must be transparent. Where expanses of solid wall are necessary, they may not exceed 20 feet in length The first floor and street level must be designed with attention to adjacent public or private open spaces and existing streetscape improvements The provision of multiple entrances from the public sidewalk or open spaces is encouraged

Amend Section 3053 6 1 2 by adding the following language to the end of the paragraph

Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space

16 Amend Section 3053 6 1 3 by deleting the word "Permanent" from the beginning of the second sentence, by deleting all of the language in the second sentence after the word "shrubs" and by substituting the following new language in its place,

and/or evergreen trees planted at the most appropriate spacing for the species used or by solid walls or fences not exceeding 4 feet in height

and by deleting the forth sentence, and by adding the following new language to the end of the third sentence,

on private property in planters, a planting strip, berm, or tree lawn, any of which must be at least 8' wide and at least 2' deep; the areas between the trees to be landscaped or grassed The trees must be of a small maturing evergreen variety and be at least 10' tall at the time of planting Plant material used to fulfill this requirement must be provided with an automatic irrigation system which does not rely on drainage from the street, sidewalk, or buildings. All plant material must conform to the "American Standard for Nursery Stock" published by the American Association of Nurserymen The developer must provide written certification that the plant material meets this standard. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements. Any lot which becomes vacant through the removal of a structure for any reason must be screened from all abutting public rights-of-way in accordance with the provisions of this section

17 Amend Section 3053.6 1 4 by adding the following new sentence to the end of the paragraph

No vehicular access from surface or structured parking will be allowed from the Transit Mall.

18 Amend Section 3053.6.1 6 by adding the following new sentence to the end of the paragraph

Renovated and rehabilitated structures that are already in place do not have to comply with the setback requirements or urban open space requirements, but must not modify or add to the existing structure in any fashion that would result in a reduction in the distance from the back of the curb to the existing building front

19 Amend Section 3053 6 1 7 by deleting the existing language and substituting the following new language in its place

Street Trees In addition to all other requirements of this subsection, at least one tree of 5 inches caliper for large maturing trees or 3 inch caliper for small maturing trees must be planted for each 25 feet or fraction over 25 feet for small maturing trees and for each 35 feet or fraction of 35 feet for large maturing trees of the entire building lot which abuts any public right-of-way Trees must not be planted closer than 2 5 feet to the back of the curb Above ground planters may not be used to fulfill the street tree requirement

For the purposes of this section all specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen The developer must provide within certification that the plant material meets this standard. Trees used to fulfill this requirement may be located on public or private property Any such trees proposed to be located on public property must conform to the permit requirements in Chapter 21 of the City Code Any such trees proposed to be located on private property

must relate to the street frontage for which they are required. All trees planted to comply with this requirement must be approved by the City Park and Recreation Department as to compliance with the Street Tree Planting program and must be irrigated by an automated system, sidewalks, or building surfaces. Trees planted under this section may not be used to satisfy the tree planting requirements for screening or urban open space

20 Amend Section 3053.6 1 by adding a new paragraph as follows

3053 6.1 9 Building Facade The design of the base of the building is most important because it is an integral part of the streetscape. For this reason, this section specifies the inclusion of certain design features to better relate the building to the pedestrian environment. Buildings up to 5 stories in height must be topped by a cornice Buildings over 5 stories in height must include a cornice line at the top of the third floor level. The cornice must extend at least 6 inches from the face of the building or the upper floors of the building above the cornice must be set back at least 18 inches from the lower floors on the street side of the building to create a visual break in the building facade. Windows at the street level must be recessed at least 6 inches from the face of the building. Doorways must be placed in a recess designed to provide shelter and protection from the elements and to enhance the sense of entry The size of the entry recess must be at least 15 square feet but need not exceed 100 square feet for each separate entrance. Multiple doorways in one location will be treated as a single entrance.

21 Amend Section 3053 6 3.1 by deleting the second sentence.

22 Amend Section 3053.6.3.4 by changing "18" to "24" in the second sentence, by changing "12" and "20" to "16" and "36" respectively in the third sentence, and by adding the following language between the words "inches" and "and" in the sixth sentence,

, a maximum height of 36 inches,

23 Amend Section 3053 6 3 5 by deleting the existing language and by substituting the following new language

Trees Within the open spaces area(s), 1 tree must be planted for each 500 square feet or portion thereof up to 2,000 square feet One additional tree is required for each additional 1,000 square feet of urban open space. Trees planted on unenclosed urban open spaces must have minimum caliper of 5 inches at the time of planting. Trees planted on enclosed urban open spaces must have a minimum caliper of 3 inches at the time of planting Maintenance of trees required under these provisions must conform to Section 1601 6 All specifications for measurement and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

All specifications for measurment and quality of trees must be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen

24. Amend Section 3053 6 3.6 by changing the word "third" to"half" in the third sentence, and by deleting the fourth sentence

25 Amend Section 3053 6 3 8 by changing the word "is" to "are" and by adding the words "jointly and severaly" after the word "are" in the first sentence

26 Amend Section 3053 6.5 by deleting the existing language and substituting the following new language in its place,

Preliminary Review Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff at 2 points in the design process (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance

27 Amend Section 3053.6 by adding the following new paragraph

3053 6 7 First Floor Retail Required In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building must devote 75% of the net floor area to retail activities No more than 30% of this area may be occupied by financial or branch banking activities. This requirement may be reduced on a 1 for 1 basis when enclosed urban open space is provided on the first floor up to a maximum of 30%, which is the upper limit for enclosed urban open space For the purposes of this section, net floor area does not include stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas, or service areas All street level retail tenants which have sidewalk frontage must be furnished with direct access to the sidewalk in addition to any other access that may be provided. The street level walls must have at least 70% glass window or door area and the glass may be transparent or lightly tinted but not reflective This standard applies to all new development which occurs in the area bounded by or along either side of College Street, 10th Street, Church Street, and Stonewall Street

28 Amend Section 3053 6 by adding the following new paragraph

3053 6 8 Canopies and other Building Entrances In addition to being permitted in urban open spaces areas, canopies, awning and similar appurtenances are permitted at the entrances to buildings. Such a feature may be constructed of ridgid or flexible material designed to compliment the streetscape of the area Any such facility may extend from the building up to one half of the width of the sidewalk area in front of the building or nine feet, which ever is less If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required In no case may any such facility extend beyond the curb line of any public street, nor should it interfere with the growth or maintenance of street trees An overhead clearance of 8 feet from the sidewalk must be maintained

29. Amend Section 3053.8.1.1 by deleting the existing language and by substituting the following new language in its place

3053 8 1 1 New office and commercial uses which contain more than 20,000 square feet of gross floor area and are located on lots with a street frontage greater than 40 on any single street must provide parking at the rates specified below

Floor Area	Parking spaces per 1000 sq. ft.
Up to 200,000	0.5 for each 1000 sq. ft.
200,001 - 500,000	0.75 for each 1000 sq ft over 200,000
500,001 - 800,000	1 0 for each 1000 sq. ft over 500,000
Over - 800,000	1.25 for each 1000 sq. ft over 800,000

30. Amend Section 3053 8 1 9 by adding the following new sentence to the end of the present language

This limitation does not apply to parking which extends into the setback area in a parking structure above the 20 foot limit

31 Amend Section 3053 8 3 by deleting the section in its entirety

32 Amend Section 2111.2 by deleting the words "this section" and by substituting the words "Section 3053.6 8" in the first sentence

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
Attorney

DRAFT

[illegible] approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, [illegible], the reference having been made in Minute Book _____, and recorded in [illegible] in Ordinance Book _____, at page _____

_____
Pat Sharkey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 19, 1986

Mayor and City Council

RE Rezoning Petitions to be Heard in September, 1986

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on September 15, 1986 at 6 00 o'clock P M , Fourth Floor, Education Center, 701 East Second Street

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

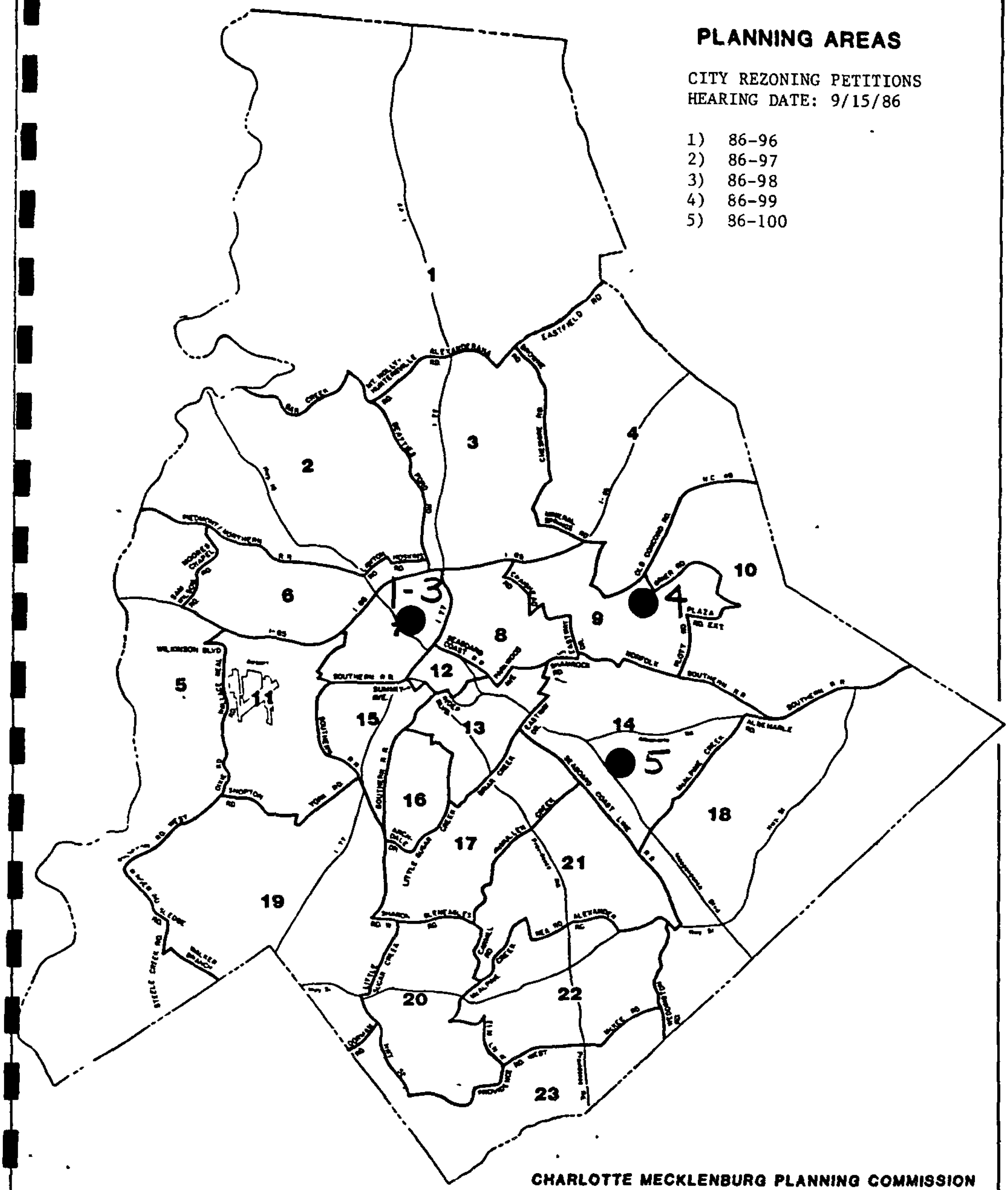
Sincerely,

Robert G Young
Land Development Manager

RGY oj

Attachments

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

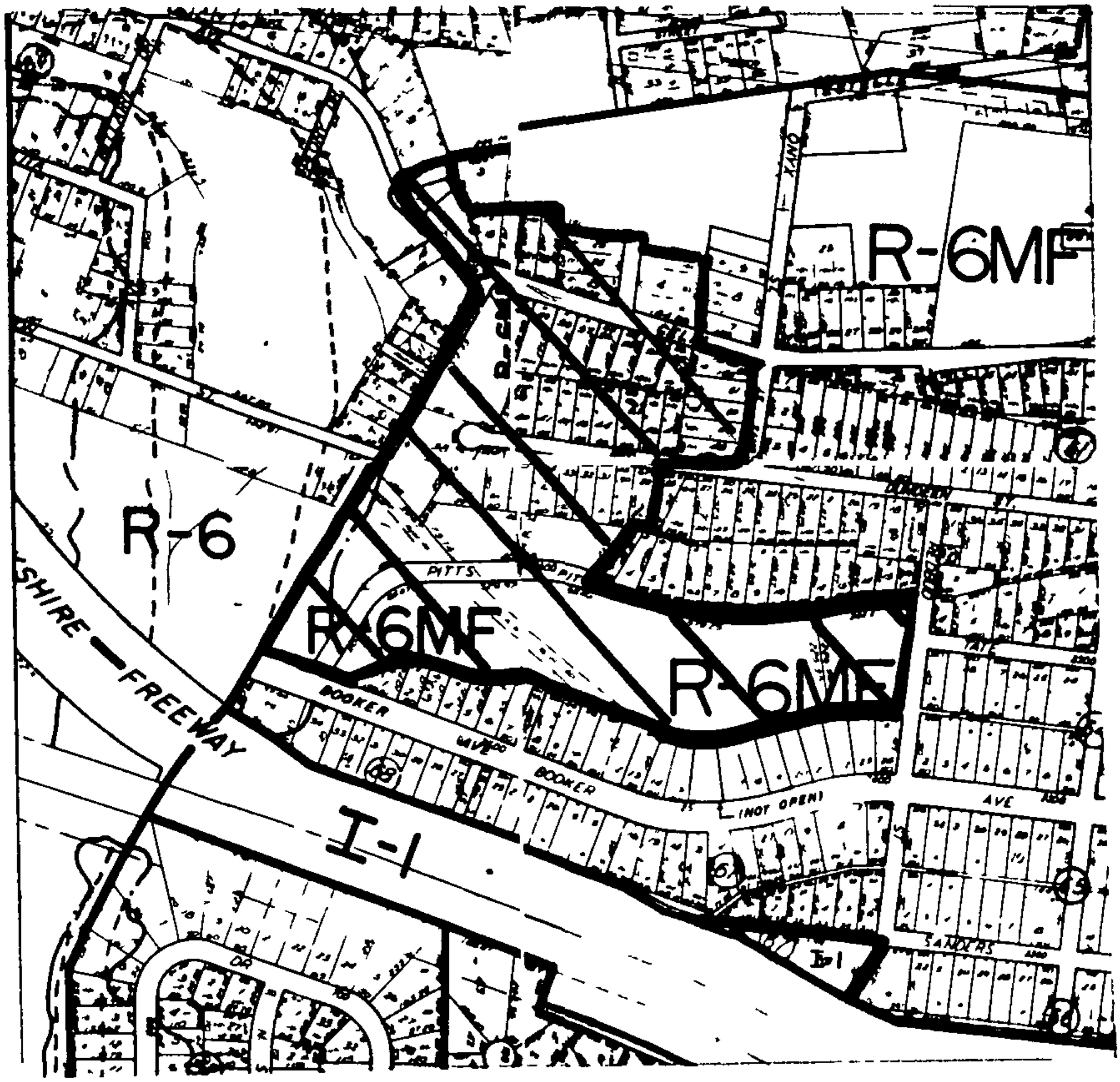

PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE: 9/15/86
1) 86-96
2) 86-97
3) 86-98
4) 86-99
5) 86-100
1-3
4
5
1
2
3
4
5
6
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-96 HEARING DATE 9-15-86

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

LOCATION An approximately 35 acre site north of the Brookshire Freeway along Pitts Drive, Dundeen Street and Celia Avenue



ZONING MAP NO. 79, 80, 87 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section V

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-96

Date Filed

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 list

Description Of Property

Size (Sq Ft -Acres): 35 acres

Street Frontage (ft.)

Current Land Use: single and multi-family, duplex, institutional, and vacant.

Zoning Request

Existing Zoning: R-6MF

Requested Zoning: R-15MF

Purpose of zoning change: to comply with the Beatties Ford 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

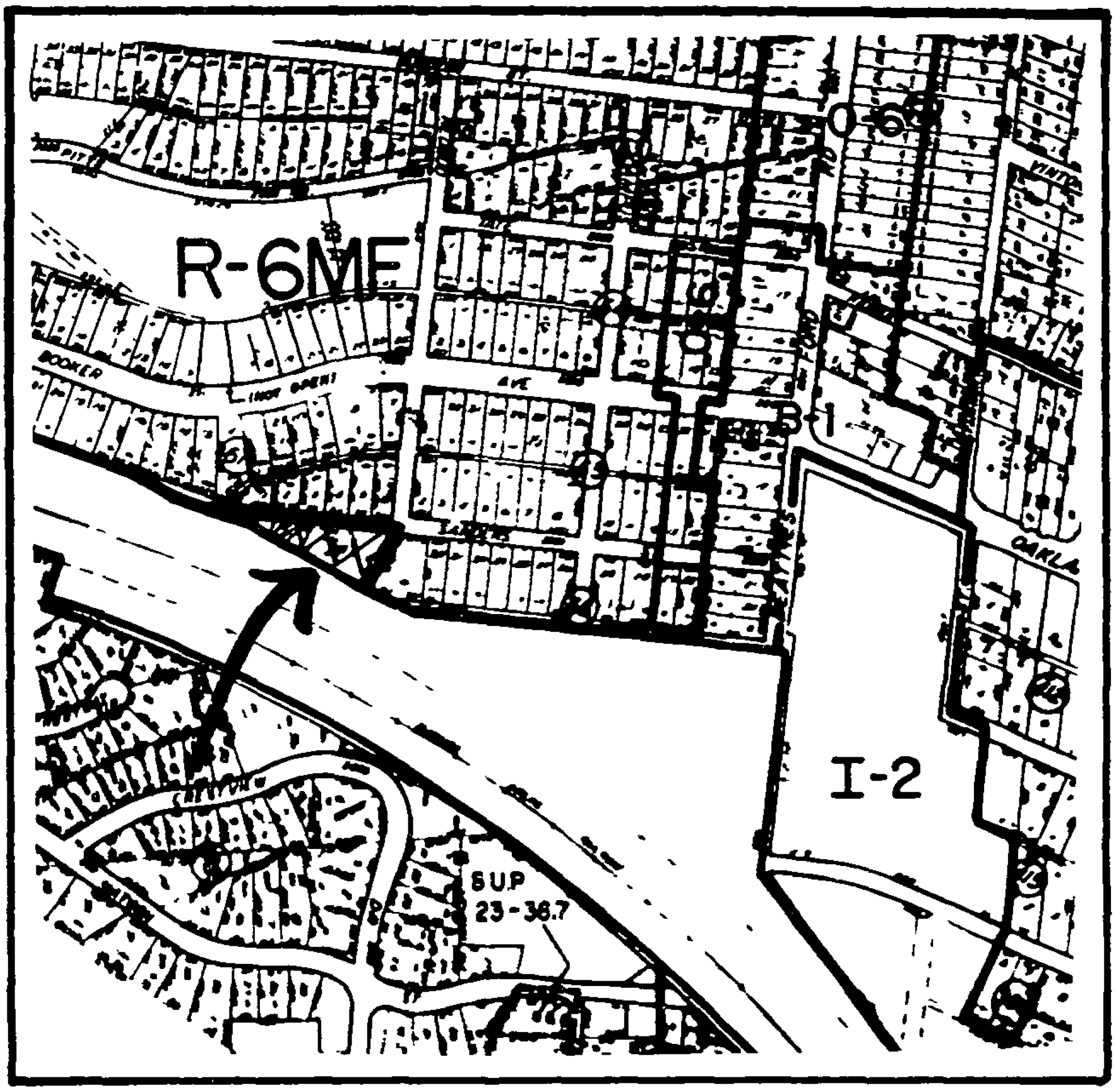
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-97 HEARING DATE 9-15-86

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED R-6

LOCATION A .473 acre parcel extending from the southeast corner of Redbud Street and Sanders Street to the Brookshire Freeway



ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Section VI

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86 97

Date Filed

Received By

OFFICE USE ONLY

Ownership Information

Property Owner Peeler Oliver Estate

Owner's Address 3011 Maplegrove Drive

Charlotte, NC 28216

Date Property Acquired N/A

Deed Reference 010175 Deed 0321-300 Tax Parcel Number 06906726

Location Of Property (address or description) The parcel zoned I-1; extending fro

the southe-east corner of Redbud Street and Sanders Street to the Brookshire Freewar

Description Of Property

Size (Sq Ft -Acres) .473 acres Street Frontage (ft.)

Current Land Use vacant

Zoning Request

Existing Zoning I-1 Requested Zoning R-6

Purpose of zoning change To comply with the Beatties Ford 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. 86-98 HEARING DATE 9-15-86

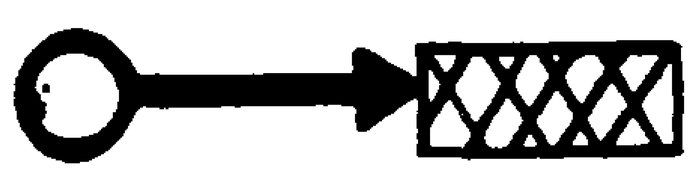
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

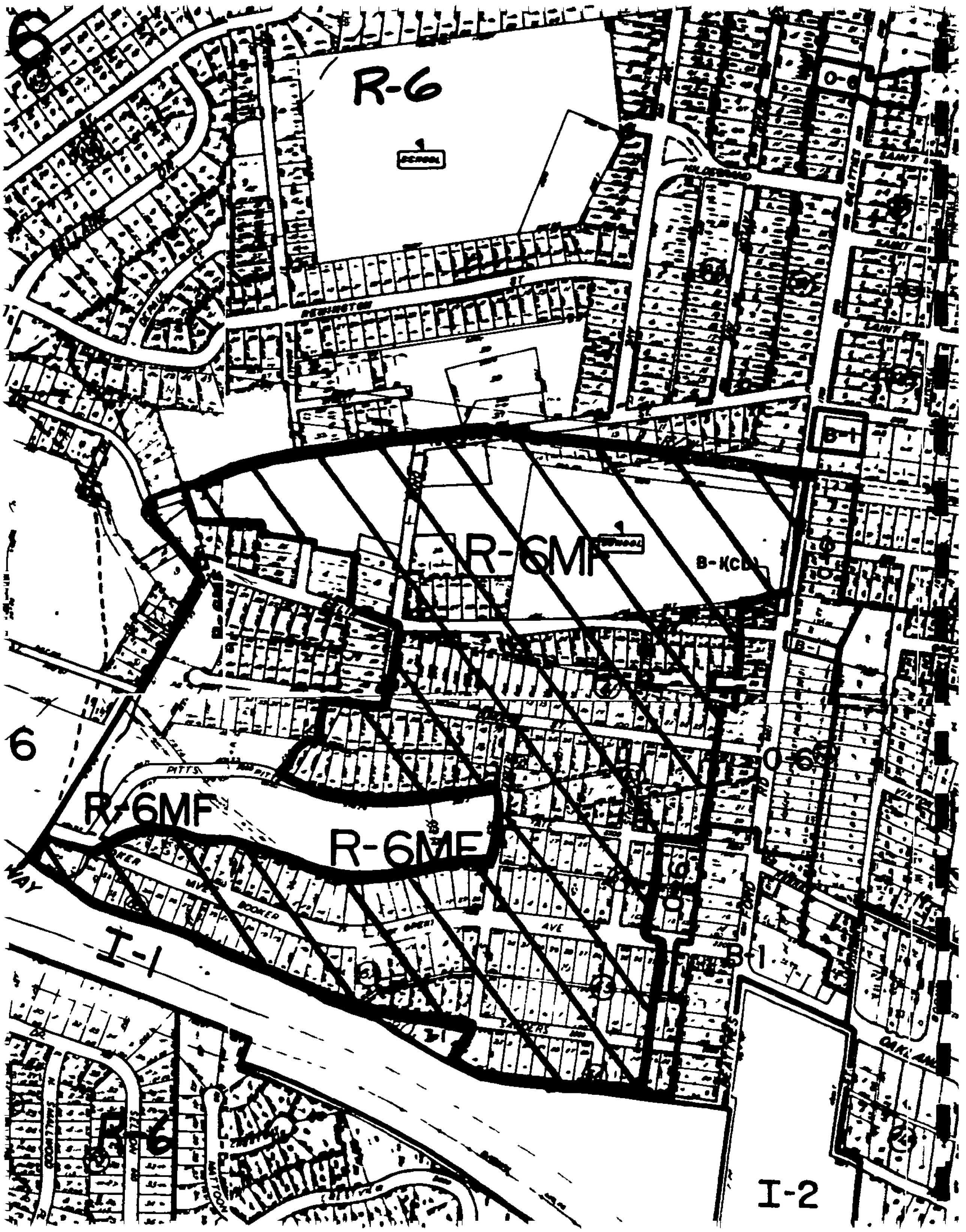
LOCATION Approximately 83 acres north of the Brookshire Freeway along Booker Avenue, Dundeen Street and Celia Avenue

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 79, 80, 87 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




R-6
SCHOOL
R-6MF
B-KCD
O-6
B-1
R-6MF
R-6MF
I-1
I-2
R-6
BOONE
AVE
PITTS
OAKLAND

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 86-93

Date Filed

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 list

Description Of Property

Size (Sq Ft -Acres): 83 acres

Street Frontage (ft.)

Current Land Use: single family, multi-family, institutional, duplex, parks and vacant

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

BEATTIES FORD ROAD SMALL AREA PLAN REZONINGS

BACKGROUND The following rezoning petitions represent a part of the implementation of rezoning goals contained in the Beatties Ford Road's Small Area Plan, which was adopted by the City Council in November of 1985 The plan contains a recommendation for zone changes as well as capital improvements The Beatties Ford Road Small Area Plan is to be used as a general policy guide for land use decisions in the community

The Beatties Ford Community is located northwest of and adjacent to the Charlotte Central Business District It is comprised of several neighborhoods The following petitions are located in the Washington Heights neighborhood Although the community in general does have much to offer its residents there are on the other hand some problems which need to be addressed The Washington Heights neighborhood is facing a number of problems Most of the land in the neighborhood is in single-family usage but is zoned for high density multi-family Also, approximately 62% of the residential structures are either deteriorated or dilapidated The plan proposes that the future of this area should be single family with pockets of existing multi-family housing

Petition No 86-96

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and encompasses approximately 35 acres north of the Brookshire Freeway along Pitts Drive, Dundeen Street and Celia Avenue The current zoning is R-6MF and the request seeks to change the zoning to R-15MF Both destricts are multi-family, but the R-6MF classification allows about 21 units per acre whereas the R-15MF District allows approximately 12 units per acre

Land uses within this petition are generally multi-family in nature, but there is some single family residential development as well An area of duplex structures along Celia Avenue and Dundeen Street as well as apartments off of Pitts Drive comprise the majority of the land use pattern, though

Since much of the area is already developed for multi-family the resulting change in the multi-family district would have no effect on those uses No non-conforming uses would be created by the zoning change Reducing the zoning to the R-15MF classification will reduce the intensity and density of future developments on those parcels which are still vacant at the present time The reduction of density is seen as a positive influence on the stablization of the neighborhood while at the same time maintaining the flexibility for various housing opportunities

Petition No 86-97

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and covers a small parcel, approximately one half acre, extending from the southeast corner of Redbud Street and Sanders Street to the Brookshire Freeway The current zoning here is I-1 and the request seeks to rezone the area to R-6 I-1 is the light industrial classification and R-6 is a single-family residential district.

This tract of land is undeveloped Surrounding land uses are mostly single-family in nature with an occasional duplex along nearby streets Except for this one parcel of I-1 zoning all of the immediate vicinity is zoned and developed for some form of residential housing This pattern changes only once the area along Beatties Ford Road is considered and in that area much of the zoning is either office or business

This vacant I-1 parcel represents an intrusion into an otherwise solid pattern of residential development Rezoning the property to the R-6 classification will conform to the predominant development pattern of the area and will go hand and hand with Petition No 86-98, which seeks to rezone other areas immediately by to the R-6 district as well

Petition No 86-98

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and covers approximately 83 acres of land north of the Brookshire Freeway along Booker Avenue, Dundeen Street and Celia Avenue The current zoning is R-6MF and the petition is requesting R-6 zoning for this area R-6MF allows approximately 21 units per acre and can include either single-family for multi-family development, but the R-6 District is strictly single-family usage except for an allowable duplex on a corner lot

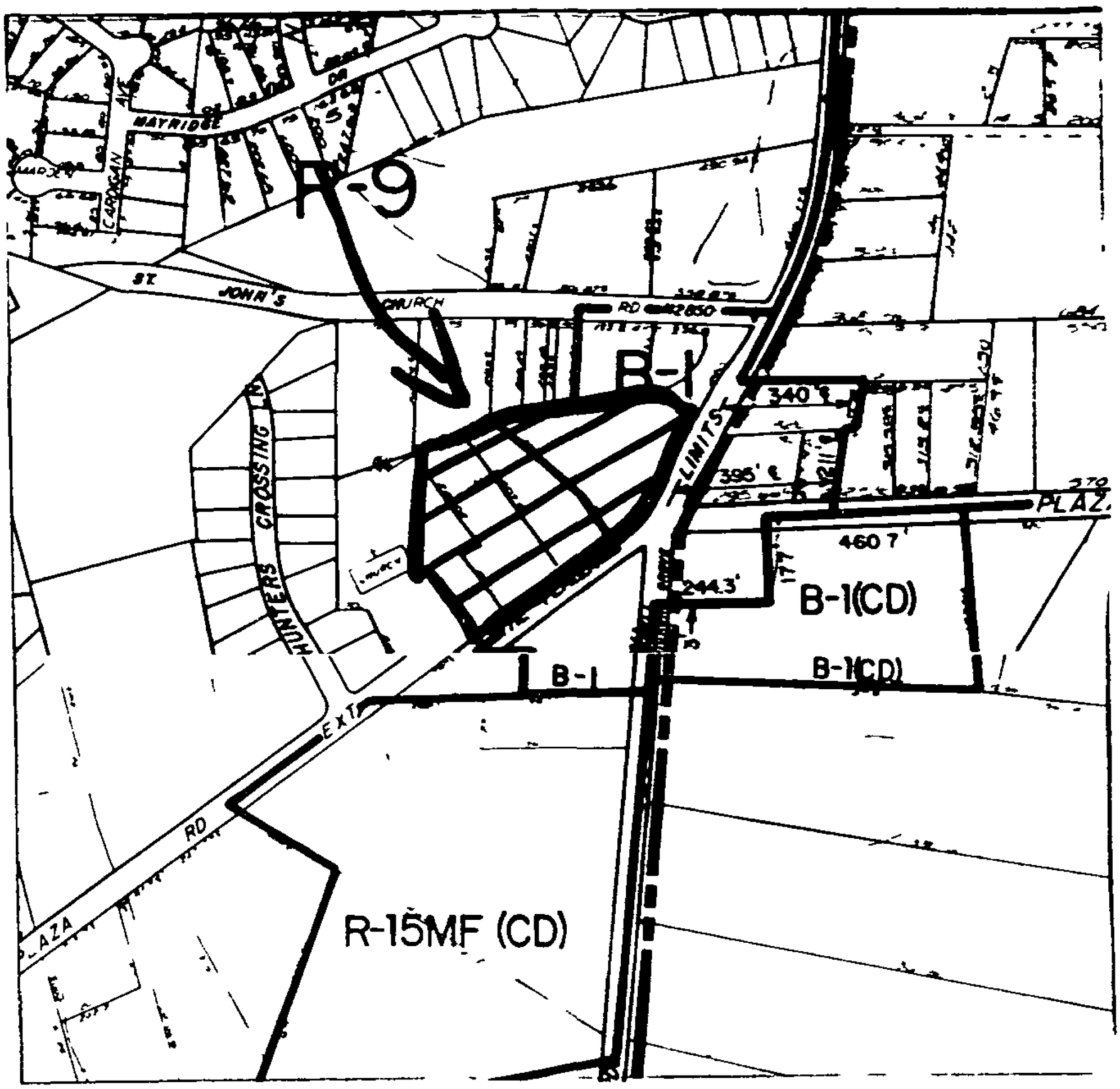
The current land development pattern in this petition is varied, including areas of single-family development, multi-family, duplex development, institutional and park uses as well as some parcels which are still vacant Approval of this petition will mean that those properties which are multi-family in character will become non-conforming. However, it should be noted that the predominant pattern here is one of single-family and associated development and hence the request to change the zoning to the R-6 single-family district. Changing to the single family classification is not only more in line with the overall development pattern, but is also seen as a stabilizing and positive influence on the residential environment for the future

PETITIONER Hickory Grove Properties

PETITION NO. 86-99 HEARING DATE 9-15-86

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

LOCATION A 4.9154 acre site located on the west side of The Plaza and Newell-Hickory Grove Road intersection.



ZONING MAP NO. 76 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 86-99
Date Filed
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: Joseph L. Bolton | Howard A. Hilton & Wife | Hickory Grove Properties

Owner's Address: 7109 Plaza Road | 7205 Plaza Road | 4425 Randolph Road #315

Charlotte, NC 28212 | Charlotte, NC 28215 | Charlotte, NC 28211

Date Property Acquired: 8-29-58 | 1/14/55 | 9/10/85, 8/4/85

Deed Reference: Bolton- 2013-248, Hilton- 1727-91, Hickory Grove Prop.- 5082-940,5066-019

Tax Parcel Number: 097-031-05,06,07,08

Location Of Property (address or description) West side of The Plaza and Newell-Hickory Grove Intersection

Description Of Property

Size (Sq Ft -Acres): 4.9154 acres

Street Frontage (ft): 486±-Plaza Road, 308±-N-Hickory Grove Road

Current Land Use: vacant except for two single-family residences

Zoning Request

Existing Zoning: R-9 & B-1

Requested Zoning: B-1(CD)

Purpose of zoning change: To permit a small planned neighborhood commerical center to be built

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

Hickory Grove Properties
Name of Petitioner(s)
4425 Randolph Rd. #315, Charlotte, NC 28211
Address of Petitioner(s)
364-8004
Telephone Number
X John A Poletes Partner
Signature

SEE ATTACHED
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-99

Petitioner	Hickory Grove Properties
Location	A 4 9 acre site located on the west side of The Plaza and Newell Hickory Grove Road intersection
Request	Change from R-9 and B-1 to B-1(CD)

ISSUES

1 Need for additional shopping/business zoning Given the fact that one neighborhood size shopping center and other commercial zoning is already located at this intersection, is there a need to establish additional neighborhoood retail shopping at this site?

2 Overall zoning/transportation goals How does this request relate to overall zoning goals for this area particularly in light of the site's relationship to Newell Hickory Grove Road and the planned connection to Harris Boulevard?

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

BACKGROUND

1 Existing Zoning The subject property is presently zoned a combination of B-1 and R-9 B-1 zoning is situated on all corners of The Plaza/Newell Hickory Grove Road intersection The intersection also includes a tract of B-1(CD) zoning on the southeasterly corner R-9 zoning is located adjoining the site and is spread throughout the general vicinity Somewhat south of the property is a tract of R-15MF(CD) zoning which extends from Plaza Road Extension over to Newell Hickory Grove Road There are also areas of R-12 and R-15 zoning located east of Newell HIckory Grove Road

2 Existing Land Use The subject property has two single-family structures on it at the present time Elsewhere in the vicinity is a large concentration of single-family subdivision spread throughout Most of these areas are located more off of The Plaza Road Extension area than Newell Hickory Grove Road, although somewhat further south of the site off Newell Hickory Grove Road are both older as well as some newer subdivisions Several small churches are scattered throughout the area and there is one small mobile home park immediately northeast of the site with frontage on Newell Hickory Grove Road One convenience store is located at the intersection and across from that a small neighborhood shopping center Also, one small apartment complex is located immediately north of the property on Saint John's Church Road Some property in the immediate vicinity is still undeveloped

3 Site Plan The conditional site plan proposes a shopping center for the property The main shopping center will contain 46,000 square feet of building area and there is one detached building which would contain 2,200 square feet Two driveway points are shown on the southerly end of the site adjoining The Plaza and one other entrance is shown on the north end on Newell Hickory Grove Road Generally a 10 foot buffer is shown around the perimeter of the site

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan Land Use Map indicates a community commercial center at the intersection of The Plaza and Newell Hickory Grove Road with existing residential land uses surrounding the commercial center. Strategies include the construction of a thoroughfare belt road which will include an extension of Harris Boulevard and the widening of Newell Hickory Grove Road The basic 2005 theme for the general area is to conserve the established residential areas while accommodating the areas' strong growth pressures

2 Transportation Improvement Program The TIP schedules the widening of Newell Hickory Grove Road for construction in FY92 and the extension of Harris Boulevard East for construction in FY86-91 The TIP lists both projects as priority projects

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application, but did not encourage the petition Staff felt that enough business development and zoning existed at the intersection to satisfy the demands of the area

4 Pre-Hearing Departmental Comments (Summary)

1 Normal comments associated with development and development permits along with a desire for the petitioner to dedicate an additional 20 feet of right-of-way along The Plaza
2 The Fire Department The proposed center exceeds the maximum distance from fire hydrant codes which requires buildings to be within 500 feet of hydrants
3 C-MUD Water and sewer are available to service this project
4 Building Standards No Comments
5 Department of Transportation Written comments were unavailable as of the preparation of this material, but are expected in time for the public hearing C-DOT did provide some technical comments with regard to driveway locations, circulation, etc.

3 Neighborhood Context The property is located within the area defined as the Northeast Community

DETAILED FINDINGS

1 This petition involves a 4 9 acre site on the west side of The Plaza and Newell Hickory Grove Road intersection. Current zoning on the site is

both R-9 and B-1 and the petitioner is seeking to rezone all of the site to be B-1(CD)

2 The petitioner is seeking to locate a neighborhood sized shopping center on the property (For further details, refer to Background No 3)

3 The intersection currently has a neighborhood sized center located across from the petitioned property and other business zoning including some on this site which is yet to be developed

4 Further, the site is strategically located The Newell Hickory Grove/Plaza Road intersection will be reconstructed as part of the Harris Boulevard East project The widening of Newell Hickory Grove Road and its connection to Harris Boulevard East will create a major thoroughfare throughout eastern Charlotte which will connect Newell and Northeast areas to those down in the southeast

5 The general area is experiencing growth pressures The University Area continues to be a catalyst for growth with such new developments as University Place, University Memorial Hospital, and other developments New housing opportunities are forseen in the Newell Area along with a development enterprise area at Old Concord Road and the Harris Boulevard intersection That intersection will become a major focus for other commercial, office and business park development

6 Staff is quite opposed to this petition Community and convenience shopping needs are already available at the intersection and other business zoning has yet to be developed This supply seems adequate to serve the demands of the area, particularly in light of planned commercial areas nearby along the new portions of Harris Boulevard East in the Newell community Other new centers close by such as East Town Market also fill community shopping needs

7 It is also important to keep in mind that the improvement to Newell Hickory Grove Road and Harris Boulevard East are designed to facilitate the flow of traffic in East Charlotte Intensifying the zoning along this major thoroughfare will negatively impact the desired transportation goal for this thoroughfare To intensify zoning in light of that major project is certainly contrary to overall zoning, land use and transportation objectives

8 As far as the site plan itself is concerned, staff also has many concerns Very little buffer is shown around the perimeter of the site, especially in service areas That could also tend to be a negative influence on adjoining properties Several other technical comments regarding driveway locations, circulation and other matters have been identified to the petitioner

9 The 2005 Plan recognizes the growth pressures of this area, but has done so by identifying needed services in select locations The Plan recognizes a shopping center here, but that center is already in place In addition,

the Plan foresees Newell Community as a major focal point for other non-residential activities The petition here is ill advised in light of broader goals which have already been identified and adopted through a public plan

10 Based upon the above staff would not encourage the approval of this petition

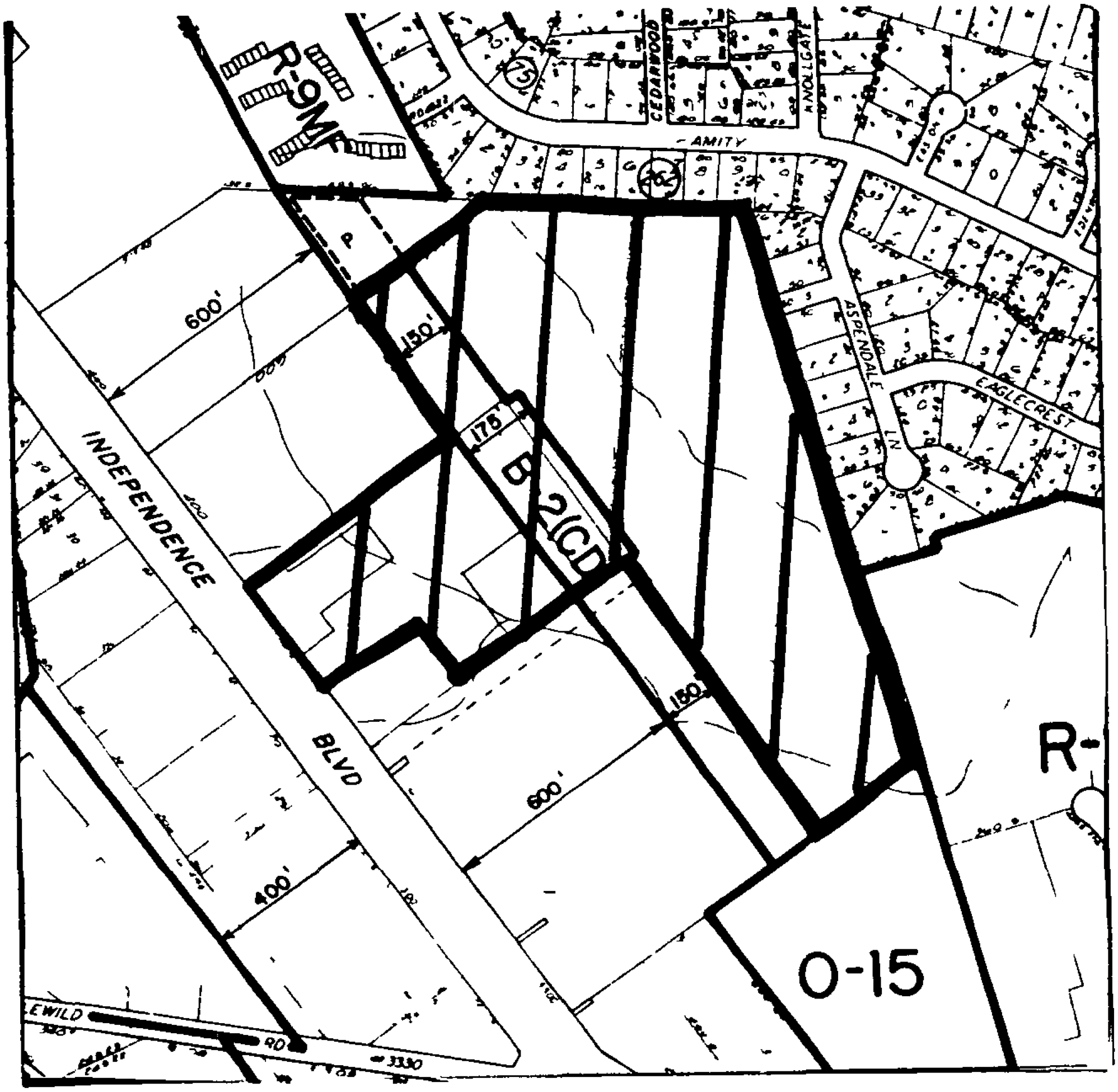
*Subject to further refinement following public hearing

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

Petition No 86-100
Date Filed
Received By LS
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Petitioner ~~Property Owner~~ Schurgin Development Corporation

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

Date Property Acquired Three tracts - see Attachment A

Deed Reference See Attachment A

Tax Parcel Number 133-081-19
133-081-20
133-081-22
133-081-24

Location Of Property (address or description) See attached survey

Description Of Property

Size (Sq Ft -Acres) See attached survey

Street Frontage (ft) See attached survey

Current Land Use Large portion of property is vacant. A portion of the remainder is occupied by the Nova Plaza Hotel

Zoning Request

Existing Zoning R-9, B-2 and B-2(CD)

Requested Zoning B-1 (SCD)

Purpose of zoning change To accommodate a shopping center as detailed on the attached Site Plan

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

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

704/377-2500
Telephone Number

Schurgin Development Corporation
Name of Petitioner(s)

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

213/208-2097
Telephone Number

Signature

Allen J. Lynch, Assistant Vice President
~~Signature, Title of Owner~~

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 86-100

Petitioner	Schurgin Development Corporation
Location	26 9 acre site located on Independence Boulevard north of Idlewild Road
Request	Change from R-9, B-2 and B-2(CD) to B-1SCD

ISSUES

1 Site Plan What aspects of a 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 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?

BACKGROUND

1 Existing Zoning The property involved in this petition is zoned three differenct 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 Site Plan The conditional site plan outlines a shopping facility for this site A total of 200,000 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 connnection 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

GENERAL FINDINGS

1 2005 Plan The 2005 Plan Land Use Map indicates existing employment land uses along frontage of Independence Boulevard 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, an 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 FY86-90

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 pmp trips at the intersection of Idlewild Road and Independence or Sharon Amity and Independence. Both of these intersections have 18,000 pmp trips and both are rated as 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 This petition involves a 26 9 acre site located off of Independence Boulevard just north of the intersection with Idlewild Road The current zoning is a combination of R-9, B-2 and B-2(CD) The petitioner is seeking to rezone all of the land to B-1SCD

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

3 At the present time, much of the rear of the site is undeveloped property whereas the frontage is the current site of 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

4 The property is located within the boundaries of the Albemarle Road Small Area Plan The Plan did not address any retail development concerning the rear portion of the site, but did recommend residential development at a density that approximates the existing R-9 zoning for that portion

5. 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

6 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

7 Early on it was staff's assessment that a typical shopping center layout here would not be viewed favorably However, with some special edge treatments such as unusually large buffers and access only to Independence Boulevard, it was believed that B-1SCD zoning here could be possibly entertained

8 As of the preparation of this material, written comments from Charlotte Department of Transportation are unavailable, but it is their opinion that from a traffic standpoint the center will create and add to problems already associated with the area On that basis it is recommended from that department's viewpoint that the petition be denied

9 Similarly, there has been widespread community interest and concern about the rezoning proposal as well The petitioner has met many times with neighborhood representatives and some concerns have apparently been

eliminated Still there are some problems which concern the neighborhood Principally these issues deal with the relationship to the homes which front on Amity Place at Aspendale and a recurring drainage problem which is currently associated with the area The petitioner has attempted to respond to those concerns by providing additional detail with regard to the edge treatment and as of the preparation of this material it is understood that the petitioner is also working on plans to improve the drainage system beyond what would normally be expected in a case like this These measures would include even some off-site drainage improvements Staff has also advised the petitioner of suggested changes to the site plan as well Many of these are minor changes or are technical in nature

10 Generally, though, staff is satisfied with the site plan especially in light of adjustments that have been discussed with the petitioner It is assumed those changes will be made

11 As was mentioned above it could be argued that this property represents an infill commercial site Because of continuing demand perhaps the approval of this request would help "stem the tide" for future or continued demands Obviously the site plan must fit into the area and that question raises the point of whether or not the approval represents an intrusion into a residential district

12 The property does lie within the Albemarle Road Small Area Plan and commercial development was not envisioned here On the other hand the petitioner has taken extraordinary measures to ensure a favorable and harmonious relationship to the adjoining properties That, combined with efforts to help alleviate current drainage problems, indicates to staff that the proposal here is meritorious Orienting this project to Independence Boulevard will keep cut-through traffic away from the neighborhood and large buffers will provide a substantial visual barrier between the rear of the single family homes and the rear of the shopping center The 150 foot depth of the buffer approximates the depth of the lots for single family homes which back up to the rezoning property

13 In summary, staff believes the petition does have merit However some concern remains i e traffic, storm drainage and edge conditions If the size of the center could be reduced then potential problems relative to the above concerns can be reduced or removed A smaller center will mean less traffic, less impervious cover and the opportunity for a somewhat increased buffer depth adjacent to the existing neighborhood Staff would urge that more study be given to this before finally committing to a recommendation

*Subject to further refinement following public hearing

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 86-101

Date Filed

Received By LS

OFFICE USE ONLY

Section No 3072 (Permitted Uses in the I-1 Industrial District) of Appendix A "Zoning" of the Code of the City of Charlotte
(Title)

Purpose of Change

Amend Section 3072 of the Code of the City of Charlotte to permit the operation of garment manufacturing, limited to cutting and assembly from previously manufactured textile material, in the I-1 Light Industrial District, so as to bring the City Zoning Ordinance into conformity with the County Zoning Ordinance.

Petitioner desires to lease to a t-shirt manufacturing company a manufacturing facility owned by it located on an I-1 parcel of land in the City of Charlotte, North Carolina.

When its prospective tenant applied for a license, it was advised that while this particular use was permitted in an I-1 District under the County Zoning Ordinance [Section 3072 (102) of the Mecklenburg County Zoning Ordinance], it was not allowed in an I-1 District under the City Zoning Ordinance.

Proposed Amendment to Section 3072 of the Code of the City of Charlotte:

Amend paragraph 95 of Section 3072 of Appendix A "Zoning" of the Code of the City of Charlotte, which is currently designated "Not Used," to read as follows:

"95. Garment Manufacturing, limited to cutting and assembly from previously manufactured textile material."

Bailey Patrick, Jr.
Name of Agent

900 Baxter Street, Suite 300, Charlotte, NC 28204
Agent's Address

(704) 372-1120
Telephone Number

C. D. Spangler Construction Company
Name of Petitioner(s)

1110 East Morehead Street, Charlotte, NC 28204
Address of Petitioner(s)

(704) 372-4500
Telephone Number

Scott B. Carter, Vice President
Signature

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23
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 Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1. Amend paragraph 95 of Section 3072 of Chapter 23 "Zoning" of the Code of the City of Charlotte, which is currently designated "Not Used," to read as follows

   "95 Garment Manufacturing, limited to cutting and assembly from previously manufactured textile material "

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

#3

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 25, 1986

Mayor Harvey B. Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

You will recall that at your recent zoning meeting you deferred a decision on Myers Park Neighborhood [illegible]on No 86-63 which is the area at the intersection of Henley Place [illegible] King[illegible] Drive. The property is presently zoned O-6 and B-1 and the recommendation by the Planning Commission is for R-15MF.

During the discussion of this matter, Council members asked for a planning staff recommendation with regard to potential multi-family densities which would be acceptable for the site. The R-15MF designation was the district sought by the Myers Park Homeowners Association and staff and the Planning Commission agreed with that. The importance of the zoning change relates to the fact that Henley Place is a gateway into the neighborhood and should, therefore, be residentially developed rather than non-residential as currently zoned. In this case density is not as crucial as in some other situations. It is staff's opinion that many of the multi-family districts would be acceptable for this site, ranging from the recommended R-15MF to R-6MF.

Therefore, at Council's discretion you may approve R-15MF at about 12 units per acre, R-12MF at about 14 units per acre, R-9MF at about 17 units per acre, or R-6MF at about 21 units per acre. This would insure residential development and at any density would relate better to the neighborhood than the current office and business zoning.

If you need further information, please feel free to contact me.

Sincerely,

Robert B. Young,
Land Development Manager

cc: Mrs. Carol Jennings, Assistant City Manager
cc: Mrs. Pat Sharkey, City Clerk

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

DATE. July 24, 1986

PETITION NO 86-63

PETITIONER(S) Myers Park Homeowners Association, Inc

REQUEST Change from B-1 and 0-6 to R-15MF

LOCATION Several parcels totaling approximately 2 319 acres located generally in the area of East Morehead Street between Henley Place and Bromley Road, and at the intersection of Henley Place and Kings Drive

ACTION The Planning Commission recommends that the petition be approved

Part 1 Motion to approve, R-15MF for the northeast corner lot at Henley and Morehead

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

Nays Curry, Lawing and Lowery

Part 2 Approve balance of petition - R-15MF

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

Nays Curry and Lawing

REASONS

This petition requests R-15MF zoning for parcels which are currently zoned B-1 and 0-6 The properties involved are located along Kings Drive and Morehead Street generally between Bromley Road and Henley Place The total acreage of the parcels combined is approximately 2 3 acres

Of the five tax parcels which are involved here three are vacant and two are used as duplex structures Because the property is located at the convergence of several streets including two major thoroughfares there is a concentration of non-residential uses Some new commercial development is being constructed across Kings Drive from the property and there is in general a wide assortment of other retail and personal service uses along Morehead and Kings Otherwise as parcels move geographically away from this intersection, the pattern changes to one that is more residential in character along streets such as Henley and Bromley

Parcels here are strategically located in that they signal the entrance into the Myers Park neighborhood Abuting parcels in the neighborhood are residentially developed None of the parcels are used for non-residential purposes Commercial and office usage of these parcels represent a real threat to the neighborhood since they are located on a sensitive edge of the neighborhood in

general Such non-residential development could pose negative effects on the residential properties nearby

Therefore, the Planning Commission believes that this request has merit The lots which are developed are done so already with residential development and the vacant lots developed for residential purposes can combine to create a gateway entrance into the Myers Park neighborhood much better than non-residential uses of the property can

Minority Opinion
A minority felt that the lot at the corner northeast of Henley Place and East Morehead was inappropriate for multi-family use and that the existing B-1 zoning was appropriate.

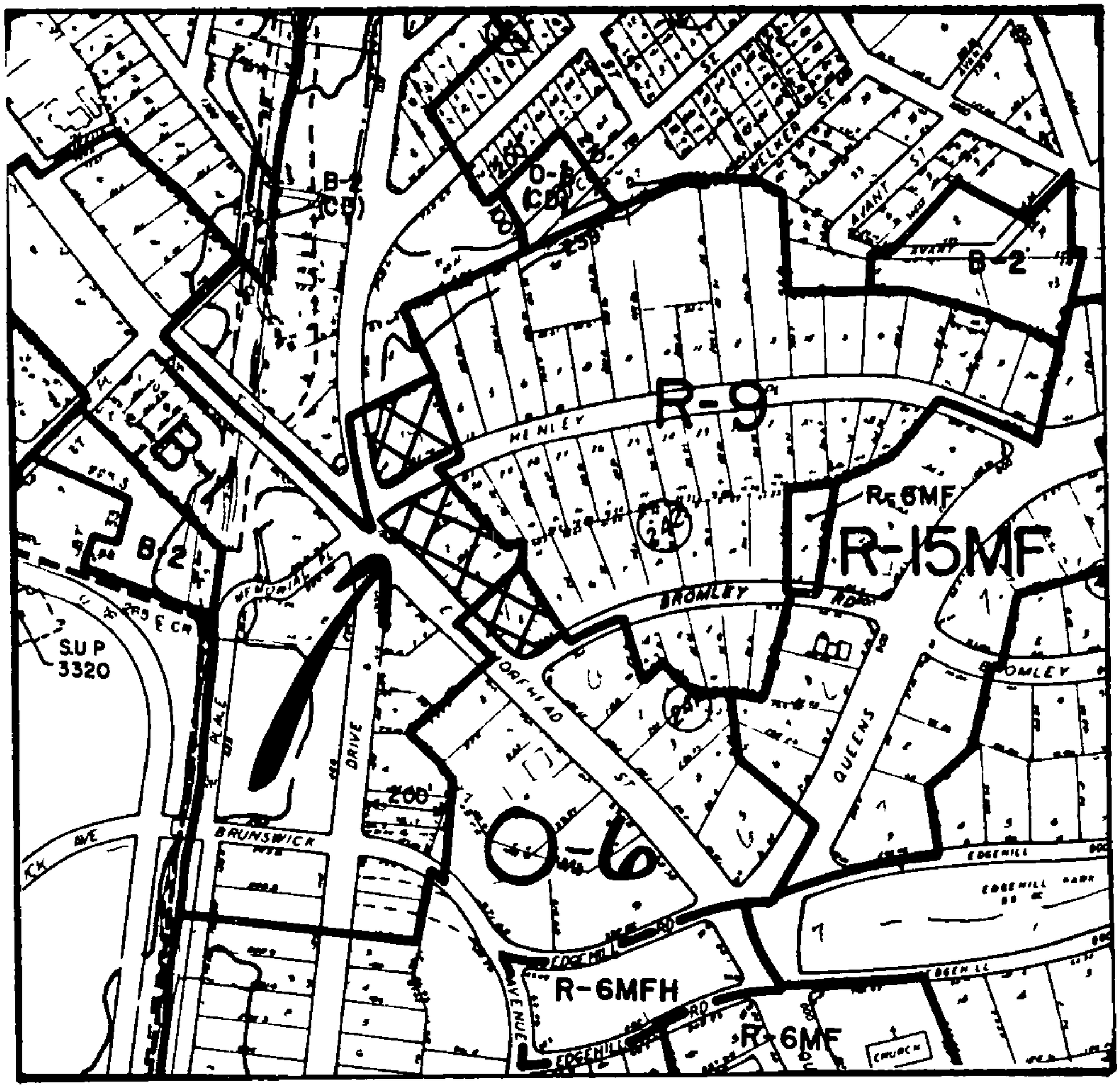
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO. 86-63 HEARING DATE 6-2-86

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

LOCATION Approximately 2.3 acres located on East Morehead between Henley Place and Bromley Road, and at the intersection of Henley and Kings Drive



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 29, 1986

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in meetings of the Planning Commission on July 24, August 11, and August 21, 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 September 8, 1986 This will then permit these matters to be placed on your agenda for consideration on September 15, 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	August 21, 1986
PETITION NO	86-28
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from R-9MF to R-9 and R-12MF
LOCATION	An approximately 76 acre site located along Lambeth Drive and north of North Tryon Street
ACTION	The Planning Commission deferred action pending further study

DATE	April 21, 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 pending further study

DATE: July 24, 1986 and August 21, 1986

PETITION NO.: 86-57

PETITIONER(S): Myers Park Homeowners Association, Inc.

REQUEST: Change from R-6MF and O-6 to R-12 and R-15MF.

LOCATION: Several parcels totaling approximately 4.37 acres near the intersection of Queens Road and Providence Road.

ACTION: The Planning Commission recommends the following actions with regard to this petition.

1. Approve the request for R-12 zoning on the lot on the corner of Providence Road and Hermitage Road.
2. Deny the request for R-15MF zoning on the lot which is presently occupied by a savings and loan institution, thus leaving the zoning as O-6.
3. Deny the request for R-15MF zoning on the vacant lot which adjoins the savings and loan lot, thus leaving the zoning as O-6.
4. Send the proposed "CD" site plan for the lot at the corner of Queens Road and Hopedale to public hearing to give all parties an opportunity to comment.

(See Attached Map)

Part 1 - Corner of Providence Road and Hermitage Road

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

Nays: None.

Part 2 - Lot Occupied by Savings and Loan

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

Nays: None.

(Commissioner Lawing abstained from discussion and vote, declaring a conflict of interest.)

Part 3 - Lot Adjoining Savings and Loan

VOTE: Yeas: Clodfelter, Curry, Emory, Lawing and Lowery.

Nays: M. Smith, S. Smith and Wheeler.

Part 4 - Send Proposed "CD" Site Plan to New Public Hearing

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

Nays: Lewis and Wheeler.

REASONS:

This petition involves four parcels of land. Three parcels contiguous to each other and front on Providence Road opposite Cottage Place and Middleton Drive. The fourth parcel is located at the intersection of Queens Road and Hopedale Avenue. That parcel is presently zoned R-6MF and the petition is requesting R-12 zoning for it. The other three parcels are zoned O-6 with the corner property at Providence Road and Hermitage Road proposed for R-12, and the two remaining parcels proposed for R-15MF.

Presently there is a single family house located on the rezoning parcel at the Hopedale/Queens Road corner. The other three parcels include a parcel which is vacant, another vacant area at the Providence/Hermitage intersection, which is part of a larger tax parcel. The middle parcel between those two has a savings and loan institution on it. The land use pattern in the general vicinity includes a wide variety and mixture of uses. For example, across Providence Road from these properties is a solid concentration of small businesses, boutiques, shops, etc. There is also a concentration of mid-rise, high density multi-family housing associated with Queens Road and Providence intersection. Other single family development is dispursed throughout other neighborhood streets in the area.

The Planning Commission agrees with the requested rezoning for single family at the Hermitage/Providence intersection. That would make the entire tax parcel there zoned R-12. As far as the middle tax parcel is concerned, which contains a savings and loan institution, it is believed that the multi-family zoning here is inappropriate due to the usage of the site at the present time as a savings and loan. The Planning Commission does not believe that a non-conforming use should be created here. The third of these parcels is vacant. Not too long ago a house was situated on this parcel but was moved to front on Granville Road on a lot zoned for single family purposes. Given the mixture of uses here which is typical of a major intersection in an inner city location, the Planning Commission believes that the present O-6 is acceptable. The property as O-6 will permit the construction of office development which can certainly compliment the development pattern along Providence Road as well as the adjoining savings and loan institution. Just as compatible would be some form of multi-family housing. Multi-family development is associated with the area including a mid-rise complex on the adjoining parcel. The O-6 district under a recent text change would allow a maximum multi-family density of approximately 21 units per acre.

Regarding the fourth parcel at the corner of Hopedale and Queens Road, the property owner has offered to bind the site to a conditional site plan while keeping the existing R-6MF zoning. The Planning Commission is interested in this potential compromise, but feels that the proposed site plan should be sent to a public hearing so that all parties may have an opportunity to comment.

Staff Opinion

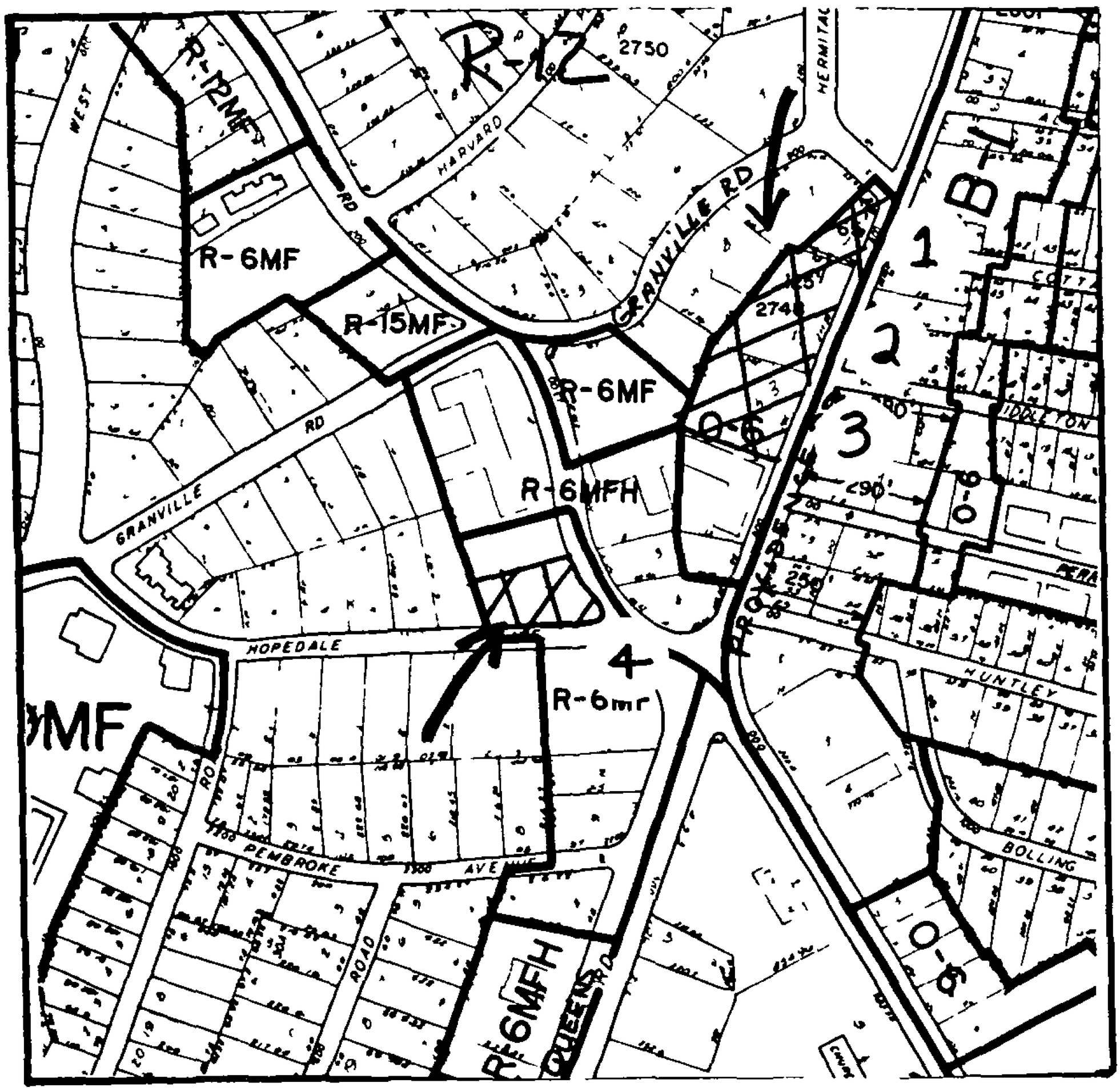
Staff recommended the acceptance of the "CD" plan for the fourth parcel and the rezoning of the lot to R-6MF(CD). Otherwise, staff agreed with Planning Commission.

PETITIONER Myers Park Homeowners Association, Inc.

PETITION NO 86-57 HEARING DATE 6-2-86

ZONING CLASSIFICATION, EXISTING R-6MF, O-6 REQUESTED R-12, R-15MF

LOCATION Approximately 4 acres located near the intersection of Queens Road and Providence ROad



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.: 86-70

PETITIONER(S): Fairfax Properties

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

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

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

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

Nays: None.

REASONS:

ISSUES:

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

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

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

BACKGROUND:

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

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

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

GENERAL FINDINGS

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

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

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

4. Pre-Hearing Departmental Comments (Summary).

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

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

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

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

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

DETAILED FINDINGS:

1. This petition involves a 53.3 acre site located on Morris Field Drive just to the east of the Billy Graham Parkway. The current zoning is R-6MF and the petitioner is seeking I-1(CD).

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

3. The site is situated within very close proximity to the Morris Field/Billy Graham intersection as well as across from existing I-2 zoning and uses. It seems given these circumstances the potential for light industrial zoning here has merit. Other land which is generally associated with the Parkway is either currently zoned for non-residential development or in some cases it is anticipated that future office or business park zoning will be established.

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

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

6. Some original concerns about the site plan have been addressed by the petitioner. For example, better buffer relationships to adjoining property have been established. In addition, vehicular access to Morris Field Drive has also been achieved including a cooperative agreement with an adjoining property owner/rezoning petition (HouReal - Petition 86-81). These and other clarifying changes has meant that the site plan is now deemed acceptable.

7. Based upon the above circumstances, Planning Commission recommends that the petition be approved. It is compatible with overall planning objectives for the area. Further, the zoning and land use pattern relationships are appropriate and the approval and implementation of this request is seen as a positive proposal for the development of the area.

Staff Opinion

The staff agreed with Planning Commission. However, staff does note a difference between the language concerning the access to Morris Field Drive and a corresponding note contained in the HouReal petition. That descrepancy should be clarified. See HouReal 86-81, Staff Opinion, for further comment.

PETITIONER Fairfax Properties

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

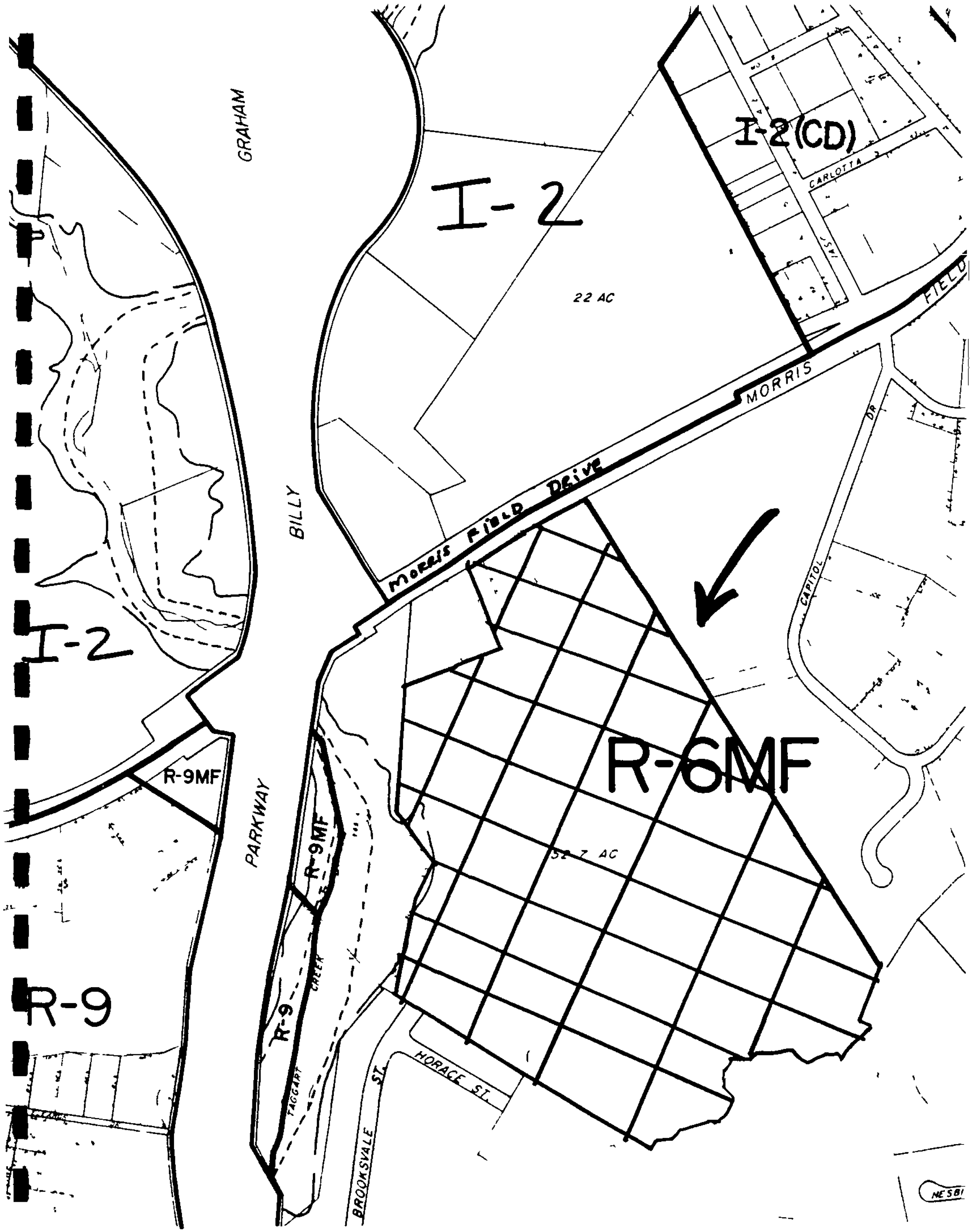
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-1(CD)

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

(See Attached Map)

ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


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

DATE	August 21, 1986
PETITION NO	86-72
PETITIONER(S)	Slag Realty
REQUEST	Change from R-6MF to O-6
LOCATION	A 27,747 square foot site located on the corner of Central Avenue and Medallion Drive
ACTION	The Planning Commission deferred action pending further study

DATE	August 21, 1986
PETITION NO	86-78
PETITIONER(S)	J D Sims and Company and Piedmont Kennel Club
REQUEST	Change from R-6MF to B-1SCD
LOCATION.	Approximately 25 acres adjoining I-77 just north of Tyvola Road Extension and east of Nations Ford Road
ACTION	The Planning Commission deferred action pending further study

DATE: August 11, 1986

PETITION NO.: 86-81

PETITIONER(S): HouReal Corporation

REQUEST: Change from R-9, R-9MF and R-6MF to B-2(CD).

LOCATION: A 16.265 acre tract located on the southeast corner of the intersection of Billy Graham Parkway and Morris Field Drive.

ACTION: The Planning Commission recommends that the petition be approved to B-1(CD).

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

Nays: None.

REASONS:

ISSUES:

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

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

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

BACKGROUND:

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

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

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

GENERAL FINDINGS

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

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

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

4. Pre-Hearing Departmental Comments (Summary).

   1. Building Standards Department. No comment.

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

   3. Engineering Department. Comments from the Engineering Department include a number of comments dealing with curb and gutter requirements and associated storm drainage and sidewalk, grading permit,

storm water detention facilities, driveway permits, trees and landscaping, and the Charlotte Floodway Regulations.

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

5. Department of Transportation. Comments from C-DOT indicate that this site should have only one main entrance drive on Morris Field Drive located so as not to interfere with left turn traffic from Morris Field onto Billy Graham Parkway and that there should be an internal connection between this site and the proposed industrial development to the east. Further, the petitioner should make certain improvements to Morris Field Drive in conjunction with the development including a left turn lane on Morris Field Drive.

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

DETAILED FINDINGS:

1. The application involves a 16.265 acre tract at the southeast corner of Billy Graham Parkway and Morris Field Drive. The current zoning of the site is R-9, R-9MF and R-6MF and the petitioner has requested the B-2(CD) classification, but has subsequently agreed to accept a B-1(CD) classification.

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

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

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

Further, the developer is proposing to locate all of the required parking away from Billy Graham Parkway.

5. Another concern which has emerged is the requested zoning classification of B-2(CD). A hotel use can be accommodated in either an O-15, O-6, or B-1 district. The staff expressed concern to the petitioner that the B-2 classification might also allow uses which would be inappropriate at this location. The B-2 classification would also permit the erection of outdoor advertising signs unless specifically eliminated by conditions on the site plan. The petitioner has agreed to modify the petition to request a B-1(CD) classification.

6. Another issue which needed to be resolved with this specific request was the need for a connection between the subject site and the adjoining site to the east which is presently being considered for rezoning for a business and office park (Petition No. 86-70 by Fairfax Properties). The petitioners in that request have also been advised to work with the petitioners in this request to arrive at a reasonable solution to accommodate a connection between the sites thus reducing the need for multible access points along Morris Field Drive. The petitioner in this case has revised the plan to indicate that the site will have a connection to the adjoining site. At the time that that connection is accomplished, the second entrance onto Morris Field Drive will be removed, leaving this site with one major entrance.

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

8 Based on the above circumstances, it appears that this use is appropriate for the site in question.

9. The Planning Commission, therefore recommends approval of this petition to B-1(CD).

Staff Opinion

The staff agreed with the Planning Commission, but would offer a further thought in reference to Detailed Finding No. 6. The notation which the petitioner in this case has added to the site plan regarding the connection to the adjacent property (Fairfax) conditions the connection upon the dedication and construction of a public street on a 60 foot right-of-way. The staff believes that the connection can be satisfactorily accomplished via a private street or driveway and that the requirement for the connection to be a public street may result in no connection at all. This matter was discussed with the petitioner and the Planning Commission after the vote on this recommendation. The staff believes that the reference to public street should not be part of the arrangement for a connection between the sites unless Fairfax agrees to build a public street far enough into their site to make the connection to the HouReal site.

PETITIONER Hou Real Corporation (Steve Peacock)

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

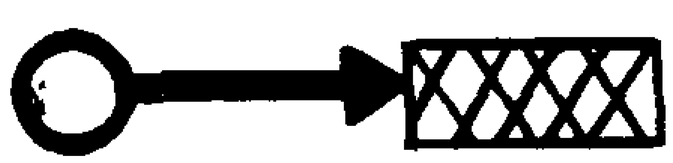
ZONING CLASSIFICATION, EXISTING R-9, R-9MF R-6MF REQUESTED B 1(CD)

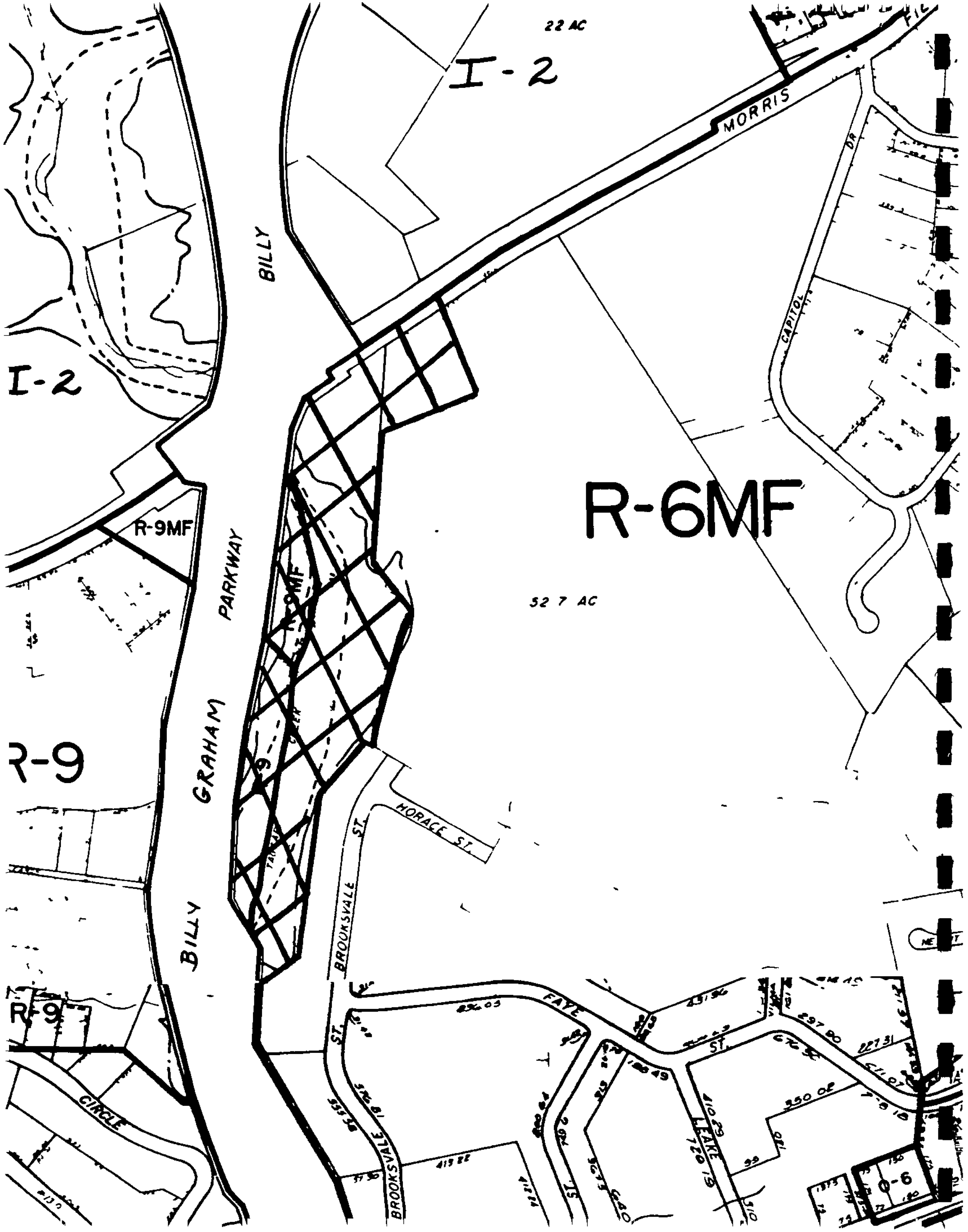
LOCATION 16.265 acres located on the southeast corner of the intersection of Billy Graham Parkway and Morris Field Road

PLEASE SEE ATTACHED MAP

ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




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

DATE August 21, 1986

PETITION NO 86-87

PETITIONER(S) Forest Hill Presbyterian Church

REQUEST Change from R-12 to R-I

LOCATION A 23 8 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farm Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

REASONS

ISSUES

1 Relationship to Surrounding Neighborhood How would the development of the proposed church for this site relate to the surrounding homes and neighborhood?

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

BACKGROUND

1 Existing Zoning The subject property is zoned R-12 as is all of the land in the immediate vicinity surrounding the property

2 Existing Land Use The site is the former location of the PTL Club and its broadcasting facilities Those buildings are still on the site The property is surrounded by single family homes which back up to the property and those homes along with others in the area comprise the Huntingtowne Farms neighborhood Other single family development is located along Park Road including some newer homes to the south Across Park Road from the site is the Sharon Golf Club and somewhat farther north at the Old Reid Road/Park Road intersection is the Baucom's Nursery facility along with a fire station and church

3 Site Plan The conditional site plan proposes to locate the Forest Hill Presbyterian Church on the site Existing buildings on the property will be retained as well as the construction of a new sanctuary and other administrative and accessory buildings The sanctuary size will include a

maximum of 3400 seats Access to the property will be by way of a driveway connection to Park Road and other street stubs into the site will not be opened Parking areas for the church will be located around the periphery of the buildings and will be shielded from adjoining residences by way of landscaped berms, new landscaping or existing natural screening

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses for the general area Strategies for the area include the widening and extension of Park Road, the Little Sugar Creek Greenway running to the west of the site, Park Road streetscape improvements and sewer extensions along Little Sugar Creek

2 Park Road Relocation This project is scheduled for construction in Fiscal Year 89 The project would extend Park Road from Tyvola to Frederick Place utilizing the existing Linford Drive The widening of Park Road from Frederick Place to N C 51 from two lanes to a multi-lane facility is scheduled to tie in to the Park Road relocation project in the future

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submittal of the application Staff generally encouraged the request and spent most of the time during discussions on site plan details, particularly the edge treatment around the site

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department. Normal comments along with a request for an additional 20 feet of right-of-way along the frontage of this parcel adjacent to Park Road

2 C-DOT This site on Park Road could generate 800 to 900 trips for its services on Sunday morning It would generate approximately 250 for its Wednesday evening services The Wednesday evening services occur near the P M peak hour and will have a minor impact on traffic conditions in the area C-DOT also commented on some internal reconfiguration of intersections and like Engineering recognized the need for 20 feet of additional right-of-way for future widening purposes

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

4 Fire Department The existing water system supply appears supportive of the proposed use Other issues relating to on-site fire protection can be addressed during the permit process

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

5 Neighborhood Context The property is located in the Huntingtowne Farms neighborhood Only a few calls have been received regarding the application and some correspondence, most of which has been supportive of the request

DETAILED FINDINGS

1 This petition involves a request by Forest Hill Presbyterian Church to relocate from its present Woodlawn Road site to the property in this case, which is just off Park Road The site is currently zoned R-12 and the petition is seeking the R-I classification, which is the relatively new residential institutional district

2 This district is specifically designed to accommodate the development of large churches with sanctuaries of a seating capacity of 1200 seats or greater Such large churches have the option of either a rezoning application or a major special use permit Obviously, in this case the church has chosen the rezoning route

3 The church plans a sanctuary facility that will ultimately include 3400 seats Other accessory buildings are planned in addition to the retention of existing buildings on the site The facility will include a family life center and other outdoor amenity and play areas

4 Staff has recently discussed minor site plan adjustments with the petitioner These include such things as a request for additional right-of-way and supplemental information regarding the edge treatment/conditions of the property along with additional information about building size and height The petitioner was very receptive to these and it is anticipated that those changes will be made in time for public hearing consideration With those changes staff has no problems with the site plan or its components (Note All site plan issues were addressed by the petitioner by the time this matter was heard at public hearing)

5 Planning Commission does believe that the relationships which now exists and which will be further established through new construction can relate satisfactorily to the adjoining residences Much of the perimeter parking and circulation area is already in place as is much of the existing trees and berming and, thus, the basic edge relationship of the site will remain intact There was no opposition by the neighborhood

6 Approval of the request will enable the church to relocate and facilitate its growing congregation It will also help to utilize a stagnant piece of property and enable the church to become a viable part of the neighborhood It is believed that the church will be a good neighbor and compliment the area's development pattern

7 Based upon the above circumstances, Planning Commission does recommend the approval of the request

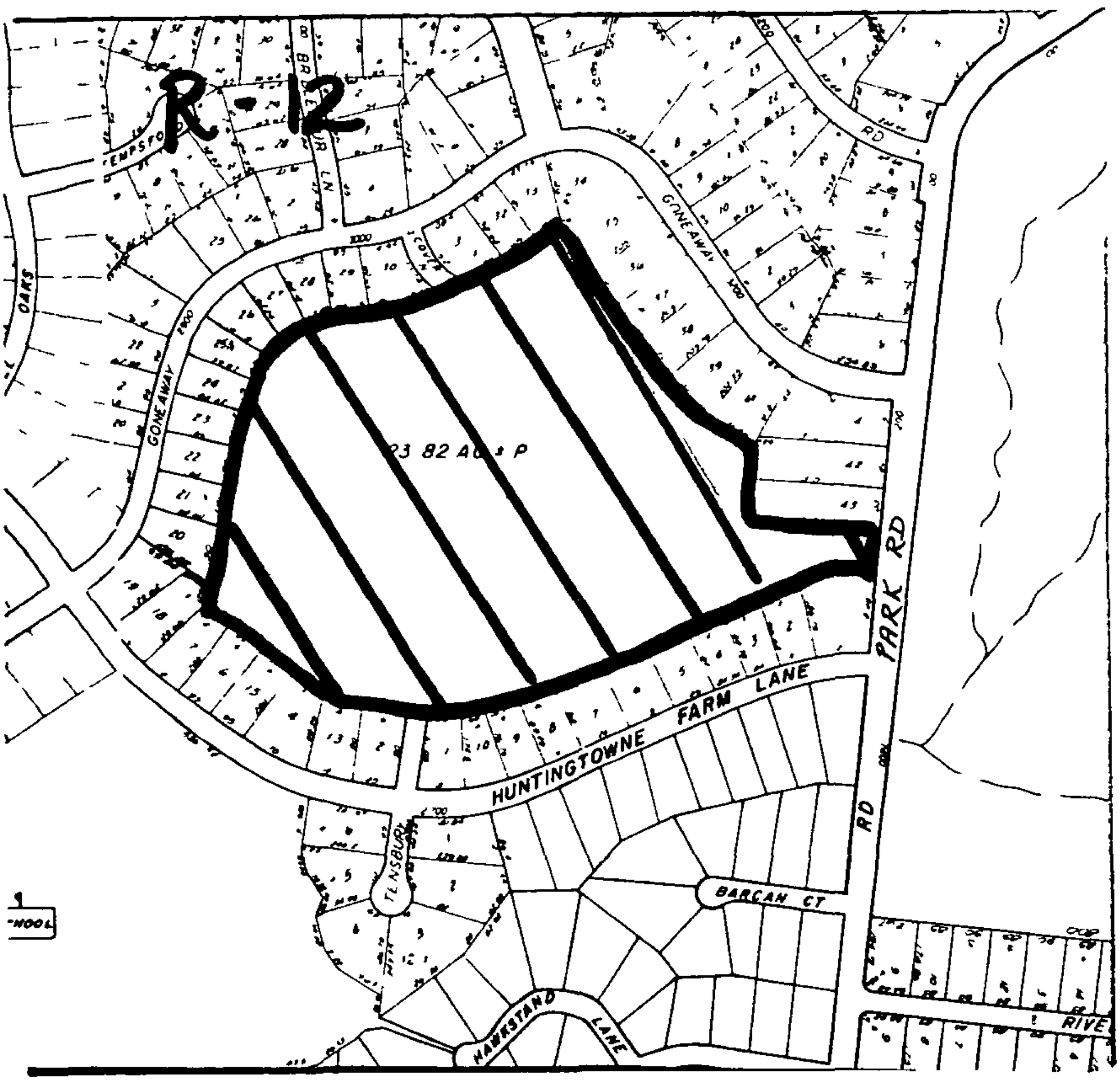
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Forest Hill Presbyterian Church

PETITION NO 86-87 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-I

LOCATION A 23.82 acre site located at 7224 Park Road between Goneaway Road and Huntingtowne Farm Road.



ZONING MAP NO. 147 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.: 86-88

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-6MF to R-12MF.

LOCATION: A 34 acre site located north of Brookshire Boulevard and east of I-85 which includes the frontage on the northern side of Brookshire Boulevard and the area south and east of Kentucky Avenue.

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

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

Nays: Griffin.

(Commissioner Curry abstained from voting.)

REASONS:

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and covers approximately 34 acres of land located on the north side of Brookshire Boulevard and on the south side of I-85. The area is currently zoned R-6MF and the proposal is to change the zoning to R-12MF. Both designations are multi-family but the R-6MF classification allows about 21 units per acre whereas R-12MF allows about 14 units per acre.

Land uses within the area are varied, but are almost entirely residential of some sort. This would include single family as well as duplex and multi-family structures, many of which are smaller apartment buildings or clusters of duplex units. Some land is vacant and there are a few businesses. Any business use, however, is presently a non-conforming use.

Since the entire area is presently zoned multi-family, the multi-family development which has occurred is spread throughout the petitioned area and is not located in any one spot. Rezoning to the R-12MF classification will reduce the intensity and density of future development on those parcels which are still vacant at the present time. The reduction of density is seen as a positive influence on the stabilization of the neighborhood, while at the same time maintaining the flexability for various housing opportunities.

Approval of the petition implements the small area plan recommendation and Planning Commission therefore recommends that it be approved.

Minority Opinion
The minority opinion expressed the viewpoint that the downzoning resulted in a taking without compensation.

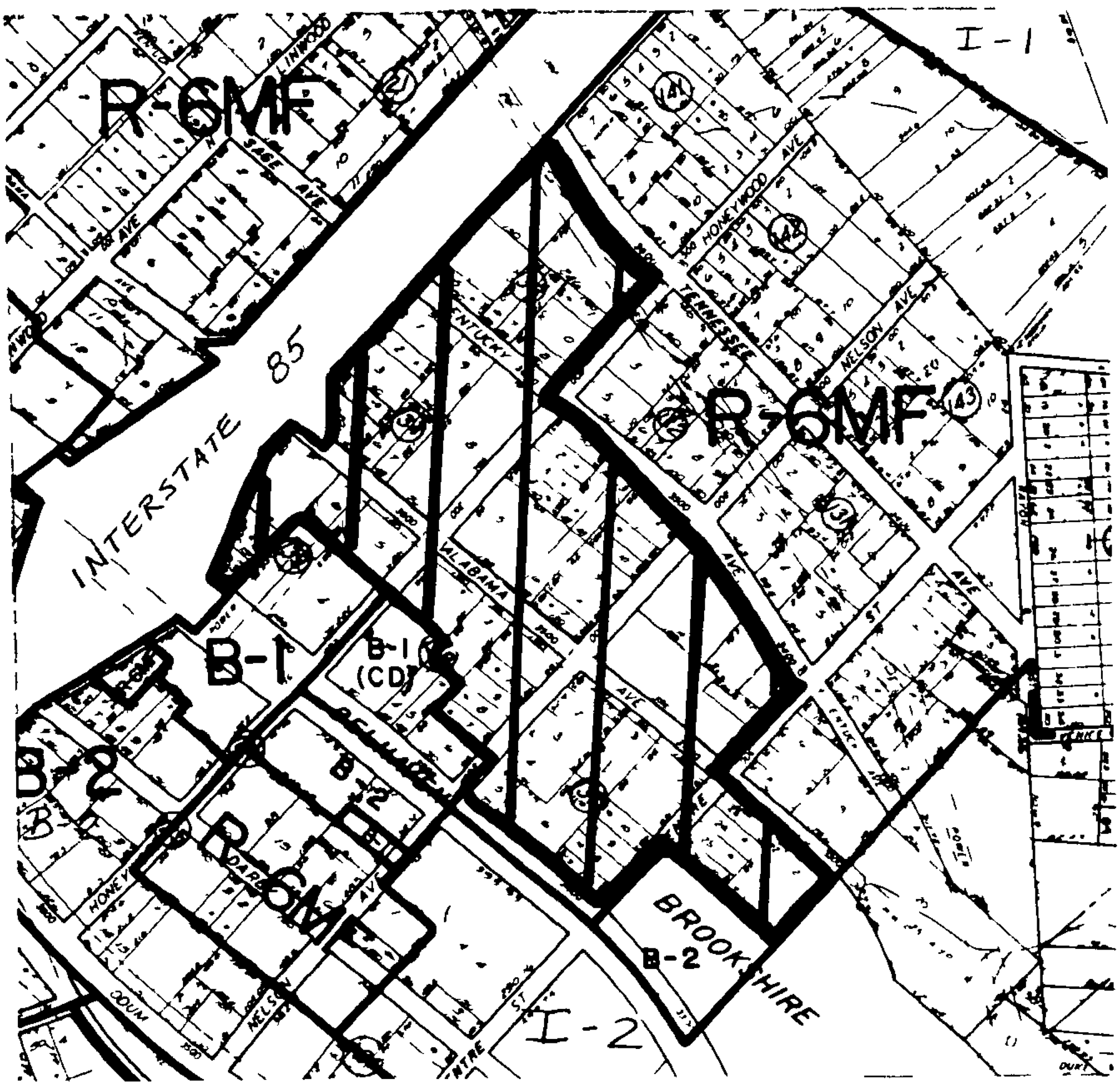
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-88 HEARING DATE August 18, 1986

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

LOCATION A 34 acre site located north of Brookshire Blvd. and east of I-85 which includes the frontage on the northern side of Brookshire Blvd. and the area south and east of Kentucky Avenue.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.: 86-89

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: A 63 acre site located north of Kentucky Avenue and east of I-85.

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

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

Nays: Griffin and Lawing.

REASONS:

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and is comprised of approximately 63 acres located to the northeast of Kentucky Avenue and south of I-85. The area is currently zoned R-6MF and the proposal is to change the zoning to R-6. The R-6MF district is a multi-family classification whereas R-6 is a single family district.

As in the previous petition the land uses within this area are varied and are mostly residential of some type. Some institutional uses such as churches are also located in this petition. There are also areas of vacant parcels, too.

Changing the zoning from the present multi-family to a single family classification will result in the creation of non-conforming uses where multi-family development has occurred. Those parcels are spread throughout the boundaries of the petitioned area. If approved, the vacant tracts will be restricted to single family development in the future. The introduction of new housing at lower densities is seen as a positive and stabilizing factor for the area.

Approval of the petition implements the small area plan recommendation and Planning Commission therefore recommends that it be approved.

Minority Opinion
The minority opinion expressed the viewpoint that the downzoning resulted in a taking without compensation.

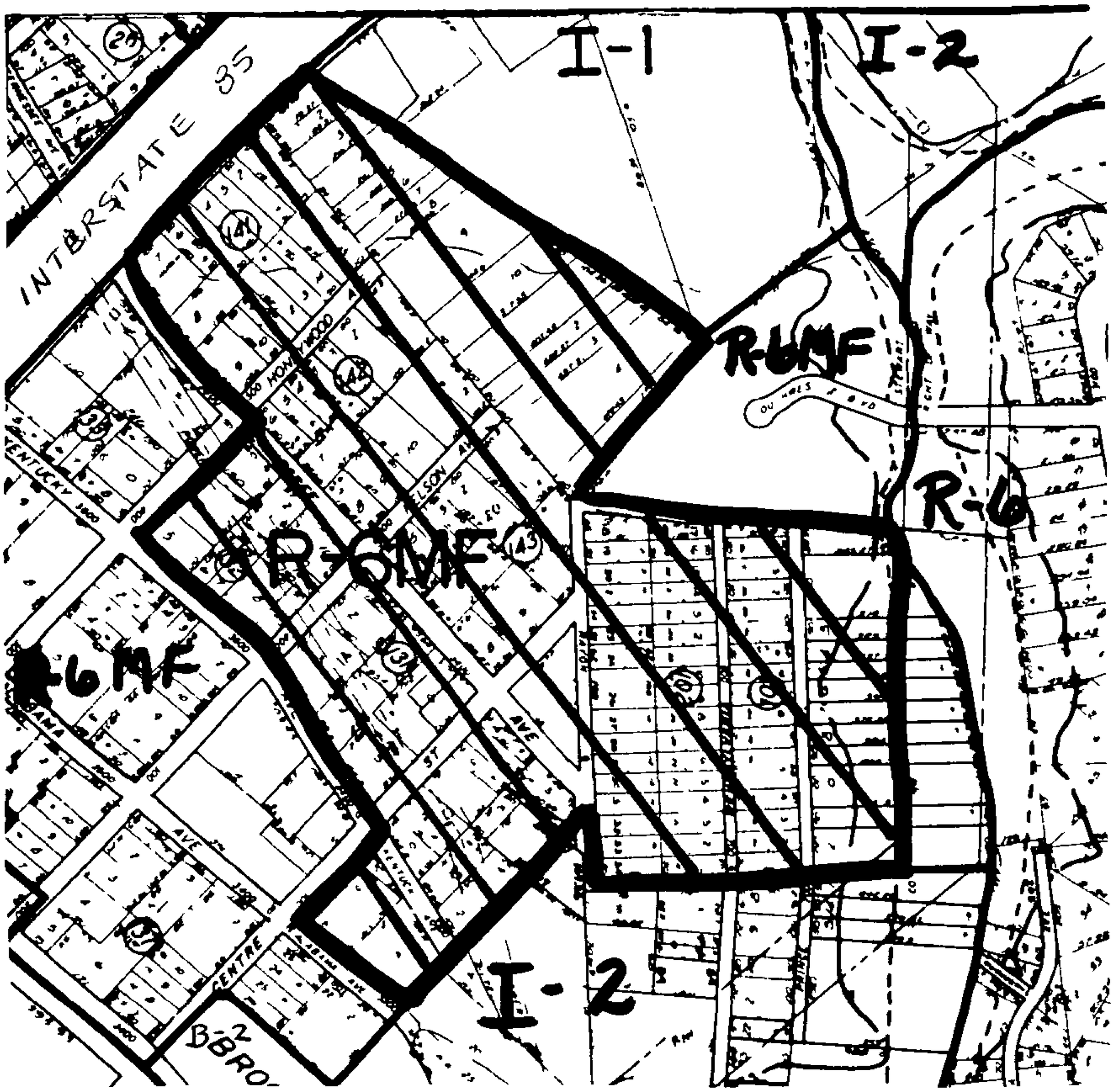
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-89 HEARING DATE August 18, 1986

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

LOCATION A 63 acre site located north of Kentucky Avenue and east of I-85



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.. 86-90

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-6MF to R-9MF.

LOCATION: A 7.81 acre site located at the end of Southwest Boulevard and bounded by the Duke Power right-of-way to the east and I-1 and I-2 zone lines to the north.

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

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

Nays: Griffin.

REASONS:

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and involves a 7.8 acre parcel located at the end of Southwest Boulevard. The property is presently zoned R-6MF and the request is to change the petitioned area to R-9MF.

The site is developed with the University Garden Apartments. The R-6MF classification does allow development at about 21 units per acre, but this project is not developed at that density. The R-9MF district is proposed in order to conform to the density of the existing apartment complex.

Approval of the petition implements the small area plan recommendation and Planning Commission therefore recommends that it be approved.

Minority Opinion
The minority opinion expressed the viewpoint that the downzoning resulted in a taking without compensation.

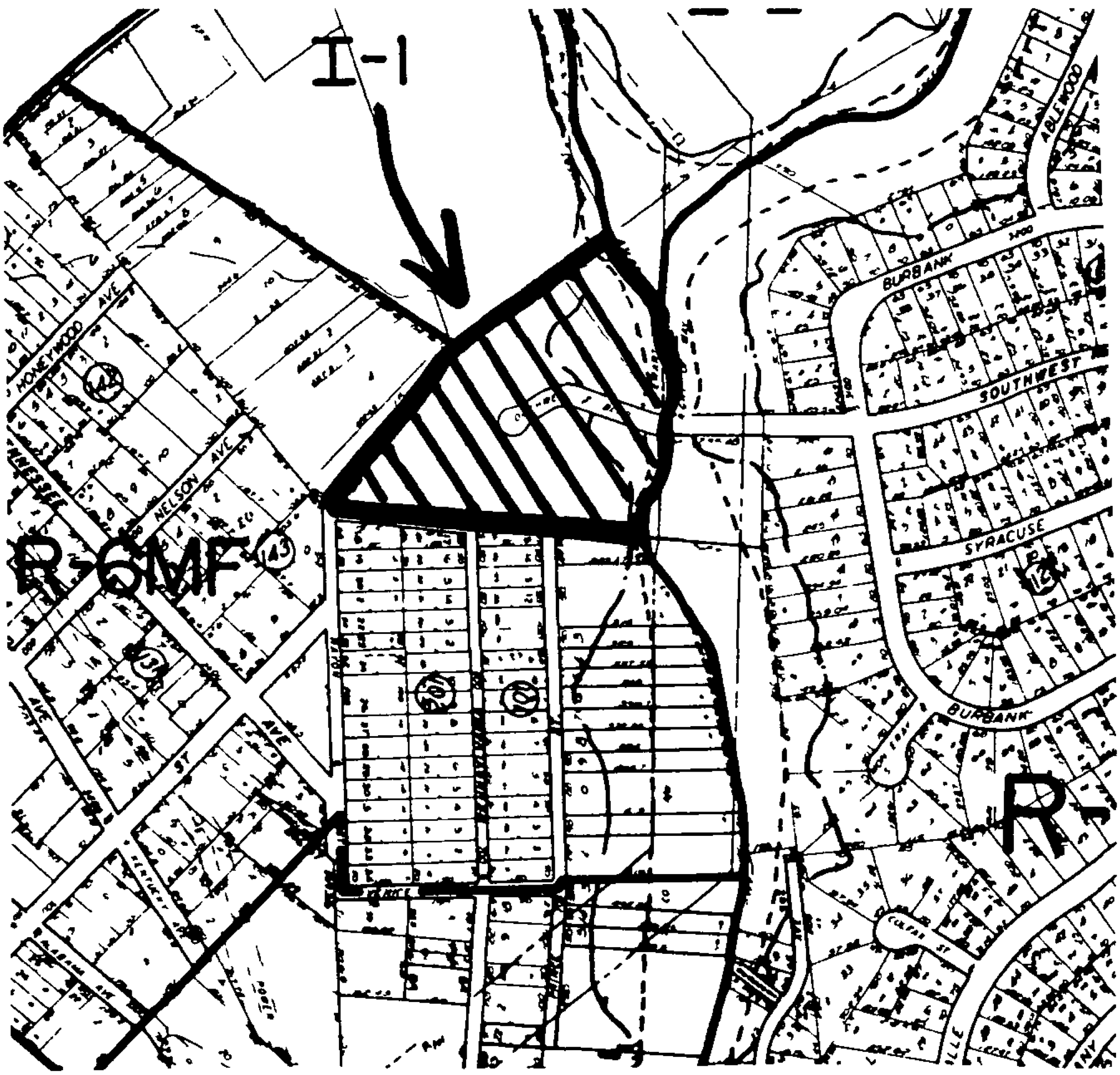
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-90 HEARING DATE August 18, 1986

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

LOCATION A 7.81 acre parcel located at the end of Southwest Blvd. bounded by the Duke Power right-of-way to the east and I-1 and I-2 zone lines to the north.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.. 86-91

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-2 to R-9.

LOCATION: A 30 acre site north of Brookshire Freeway, south of Venice Street, west of the proposed Greenway, and east of the R-6MF zone line.

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

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

Nays: Curry, Griffin and Lawing.

REASONS:

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission. The area includes about 30 acres north of the Brookshire Freeway, south of Venice Street, west of a proposed greenway and east of an existing R-6MF zoning line in the area. The current zoning for this property is I-2 and the R-9 classification is requested. I-2 is the heavy industrial district and the R-9 is a single family district.

As far as the current land use pattern is concerned the area is comprised of vacant property as well as single family development. Rezoning the land to the R-9 classification will conform to the developed land pattern while removing the threat of industrial zoning and its development from the neighborhood environment.

Approval of the petition implements the small area plan recommendation and Planning Commission therefore recommends that it be approved.

Minority Opinion
The minority opinion expressed the viewpoint that the downzoning resulted in a taking without compensation.

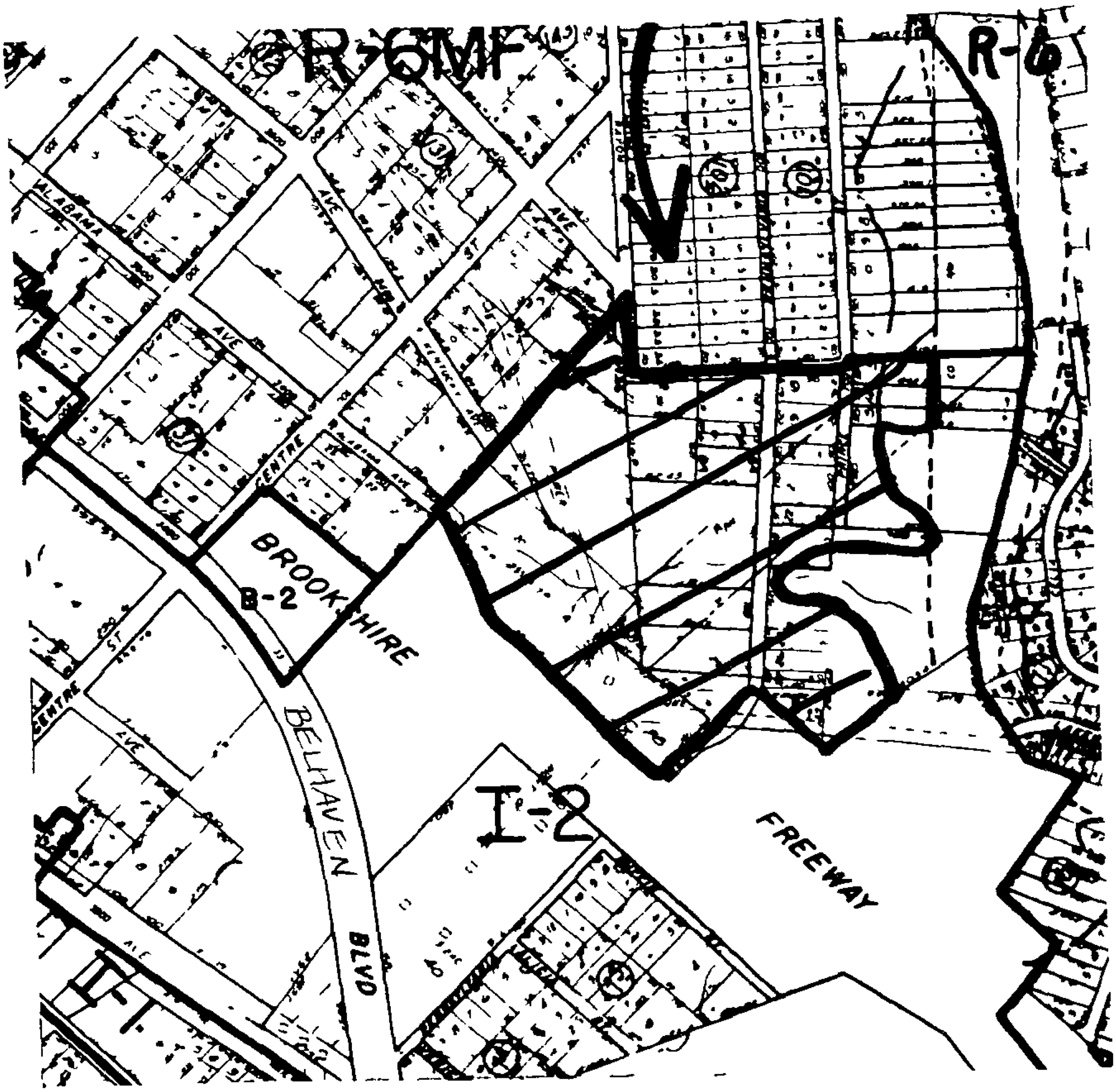
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-91 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED R-9

LOCATION A 30 acre site north of Brookshire Freeway, south of Venice Street, west of the proposed Greenway, and east of the R-6MF zone line.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.. 86-92

PETITIONER(S): NCF Financial Corporation

REQUEST: Change from UR-2 to UR-C.

LOCATION: A .67 acre site located at the corner of West Ninth and North Smith Streets.

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

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

Nays: None.

REASONS:

ISSUES:

1. Fourth Ward Developmental Goals. How does this request relate to overall developmental goals for the Fourth Ward area?

2. Need for Conditional District Approach. This request is not conditional in nature, but considering the fact that it is located in the Fourth Ward Historic District, is there a need for a CD approach?

3. Likely Benefits of Zone Change. If this zoning request were to be approved, what likely benefits could be expected?

BACKGROUND:

1. Existing Zoning. This request involves a tract of land which is presently zoned UR-2. This classification allows for a wide variety of residential densities and is the predominant classification for much of the development in the Fourth Ward neighborhood. The site is, however, bounded on two sides by existing UR-C zoning, which in addition to allowing residential also allows commercial development. Other areas nearby are zoned other urban residential districts. There is also some industrial zoning on the periphery of the neighborhood, particularly along the Brookshire Freeway.

2. Existing Land Use. The subject property is undeveloped with the exception of an abandoned multi-family structure. Over the last decade the Fourth Ward neighborhood has enjoyed tremendous success as many new multi-family projects have been developed throughout the area as well as the refurbishing of some single family homes. One new apartment complex, the Arbors,

is located in the block adjacent to the site. St. Mark's Center is also located across Ninth Street from the property. Elmwood and Pinewood Cemeteries are northwest of the property across the Southern Railroad right-of-way and some industrial development is located adjacent to the Brookshire Freeway. Some property remains undeveloped particularly some areas on the west side of Graham Street. Finally, across North Smith from the site is a garage for commercial buses.

3. RTKL Plan. The site is located within the boundaries of the RTKL (Central Area) Plan. In general the plan recommends the initiation of ongoing programs to reduce negative environmental impacts and intrusion into developing areas of the Fourth Ward neighborhood. The UR-C district is seen as being designated for areas where a high level of commercial service is desired to provide services for the Fourth Ward neighborhood. The plan also proposes a direct connection between Graham Street and the east bound Brookshire Freeway via Eleventh Street. This new connector would be heavily landscaped to provide a buffer from nearby residential areas.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the site as an existing residential area. Generally the 2005 Plan as far as central Charlotte is concerned promotes the conservation of inner city neighborhoods and housing and the revitalization of those neighborhoods which might be deteriorating as well as businesses.

2. Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application and generally encouraged the request. There was some discussion about whether or not a CD approach would be desirable, but it was staff's belief that such an approach was not necessary due to the fact that the site lies within the Fourth Ward Historic District and will receive architectural review by the Historic District Commission.

3. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this request is not conditional in nature, most departments had no comment. The Charlotte Department of Transportation basically had no comment but did indicate that more trips could be generated with the commercial zoning that the existing residential, but this increase would have a minor impact on traffic conditions in the area.

4. Neighborhood Context. The property lies within the boundaries of the Fourth Ward neighborhood.

DETAILED FINDINGS:

1. This rezoning request involves a .67 acre site located at the corner of West Ninth Street and North Smith Street. The current zoning is UR-2 and the petitioner is requesting UR-C.

2. The property is presently contiguous to both UR-2 zoning and UR-C zoning. The UR-2 classification is the predominant residential district in the Fourth Ward neighborhood.

3. The petitioner indicates that the purpose of the zoning change is to expand the existing UR-C zone in order to develop a commercial area to serve the Fourth Ward neighborhood. Although there are some areas of UR-C zoning immediately in the area, practically none of it is used for commercial purposes. For example, one entire block is devoted to the St. Mark's Center and other areas lie either vacant or contain derelict buildings. One small area of commercial development at the corner of Graham Street and Tenth Street does not provide any substantial neighborhood services or benefits.

4. As this area continues to grow and the forecast is for continued growth, it will be necessary to provide some convenience retail and support services for area residents. The UR-C is specifically designed to accomplish that. The petitioner in this case plans a residential development in conjunction with a proposed retail area, all of which is being preliminarily called Bentley Square.

5. It is believed that the zone change will benefit the area. The zone change will be compatible with area zoning patterns in that it will represent an extension of an already existing UR-C area. This extension will allow for the development of a proposed retail area which is needed in the area. In conjunction with a residential development also planned by the petitioner it will allow the construction of what amounts to a small mixed use project, which will also compliment the Fourth Ward area.

6. The zone change has not generated much, if any, negative comment and in fact is being promoted by the Charlotte Uptown Development Corporation and other Uptown and Fourth Ward interest groups.

7. Staff weighed the desirability of a CD approach here vs. the application as submitted. It is staff's opinion that there is no need for a site plan in this case since the property falls under the jurisdiction of the Historic District Commission, which will require a detailed plan review.

8. Some well designed convenient retail services for this area has been long awaited. The approval of this zone change will set in motion the probability of the first significant retail development in the area.

9. Based upon the above reasons and circumstances, Planning Commission does recommend the approval of the petition.

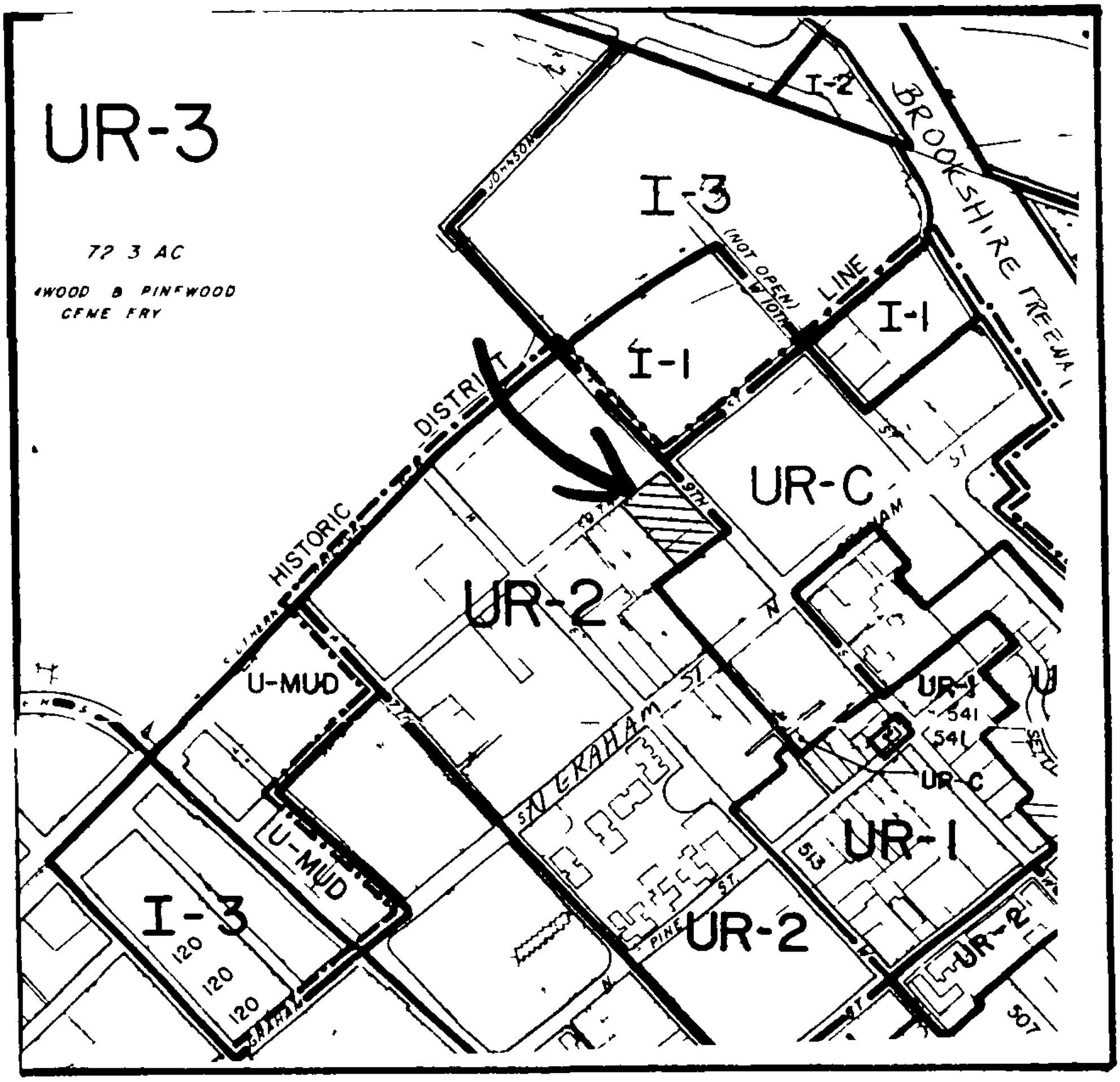
<u>Staff Opinion</u>
The staff agreed with Planning Commission.

PETITIONER NCF Financial Corporation

PETITION NO. 86-92 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING UR-2 REQUESTED UR-C

LOCATION A .67 acre site located at the corner of West 9th and North Smith Streets



ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. August 21, 1986

PETITION NO . 86-93

PETITIONER(S): JACMACBRUTER Associates

REQUEST: Change from I-3 to U-MUD.

LOCATION: A 49,963 square foot site located at 427 West Fourth Street between Graham Street and Mint Street.

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

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

Nays: None.

REASONS:

ISSUES:

1. Uptown Goals. How does this request relate to overall development goals for the uptown area?

BACKGROUND:

1. Existing Zoning. The petition involves property which is currently zoned I-3. The site is surrounded on three sides by other I-3 zoning which is generally located along the Graham Street Corridor in the immediate vicinity. The U-MUD district is also located throughout the general vicinity as well including land directly across Fourth Street from the site. In addition, residential areas contained in the Third Ward neighborhood are zoned a variety of the Urban Residential classifications.

2. Existing Land Use. The subject property is developed with an office building. The general area is comprised of a wide variety of land uses. Many parcels in the area, however, are used for surface parking lots to support the parking needs of the uptown area. Otherwise the area contains a mixture of office and industrial uses along with small amounts of retail. In addition, some institutional uses such as the Federal Courthouse, which is located directly across Fourth Street from the site, are scattered throughout the area, too. Residential development is concentrated in the Third Ward neighborhood a few blocks away.

3. Adjoining Petition. It should be noted that rezoning petition 86-94 is comprised of another petition by the same petitioner as in this case. That site is a 35,518 square foot parcel which fronts on Third Street and

is also zoned I-3. As in this case the petitioner is also requesting the U-MUD classification and that petition will be heard at public hearing the same time as the petition in this case.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the area as one of existing, concentrated employment activity. It is the focus of major mixed use development.

2. RTKL (Central Area) Plan. The RTKL Plan is an approved public document which provides a planning framework for overall development goals for the uptown area. As far as this immediate area is concerned, the plan suggests the removal of obtrusive industrial uses while recommending that other types of industry which are more consistent with employment goals for the uptown area should be developed. This general vicinity has also seen a resurgence with small businesses, particularly those along and in the vicinity of West Morehead where there has been a renewed effort to revitalize that area. The plan encourages that. In addition, the plan has encouraged the revitalization of residential areas which would obviously include the Third Ward neighborhood a few blocks away.

3. Pre-Hearing Staff Input. Prior to the submission of this application, staff had no formal contact with the petitioner.

4. Neighborhood Context. The site is located in the Uptown area.

5. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this request is not conditional in nature, most departments who normally comment on such petitions did not this time. However, the Charlotte Department of Transportation did indicate that the I-3 and U-MUD zoning categories can accommodate similar developments and therefore can have similar traffic impacts.

DETAILED FINDINGS:

1. The site in this case involves land which fronts on West Fourth Street between Graham Street and Mint Street. The current zoning is I-3 which is the central industrial district and the petitioner is requesting the U-MUD classification, which is the uptown mixed use district.

2. The area zoning pattern already indicates a strong preference for the U-MUD district in that it is the designated and preferred zoning for much of the uptown area. Much of the area including many blocks nearby are already zoned the U-MUD classification including land directly across the street from the site.

3. The land use pattern for the area is a mixture of surface parking lots, old warehouse buildings, office, institutional and some retail development.

4. This general area of the uptown area has received greater attention in recent months and years through a variety of public promoted policies and

plans. For example, there is renewed interest in revitalization along West Trade Street and in the industrial district along West Morehead Street. Some older buildings in the area have been refurbished and there are plans underway for similar treatment along the edges of the Third Ward neighborhood. Obviously the residential areas contained in Third Ward have also received similar public and private renewal.

5. The petitioner states in his application that the reason for the zoning is to "conform to desired uptown zoning". Clearly, this type of zoning classification is preferred to the I-3 district. The U-MUD will afford greater staff involvement and review when planning the development or redevelopment of this property and require greater design considerations than the wide open and virtually unrestricted I-3 district. The U-MUD district has gradually been increased to include many blocks in the area and is anticipated that the continuation of this district throughout other blocks will also occur. Thus, Planning Commission does agree with the petitioner's assessment about the requested zoning classification and would support the zone change request.

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

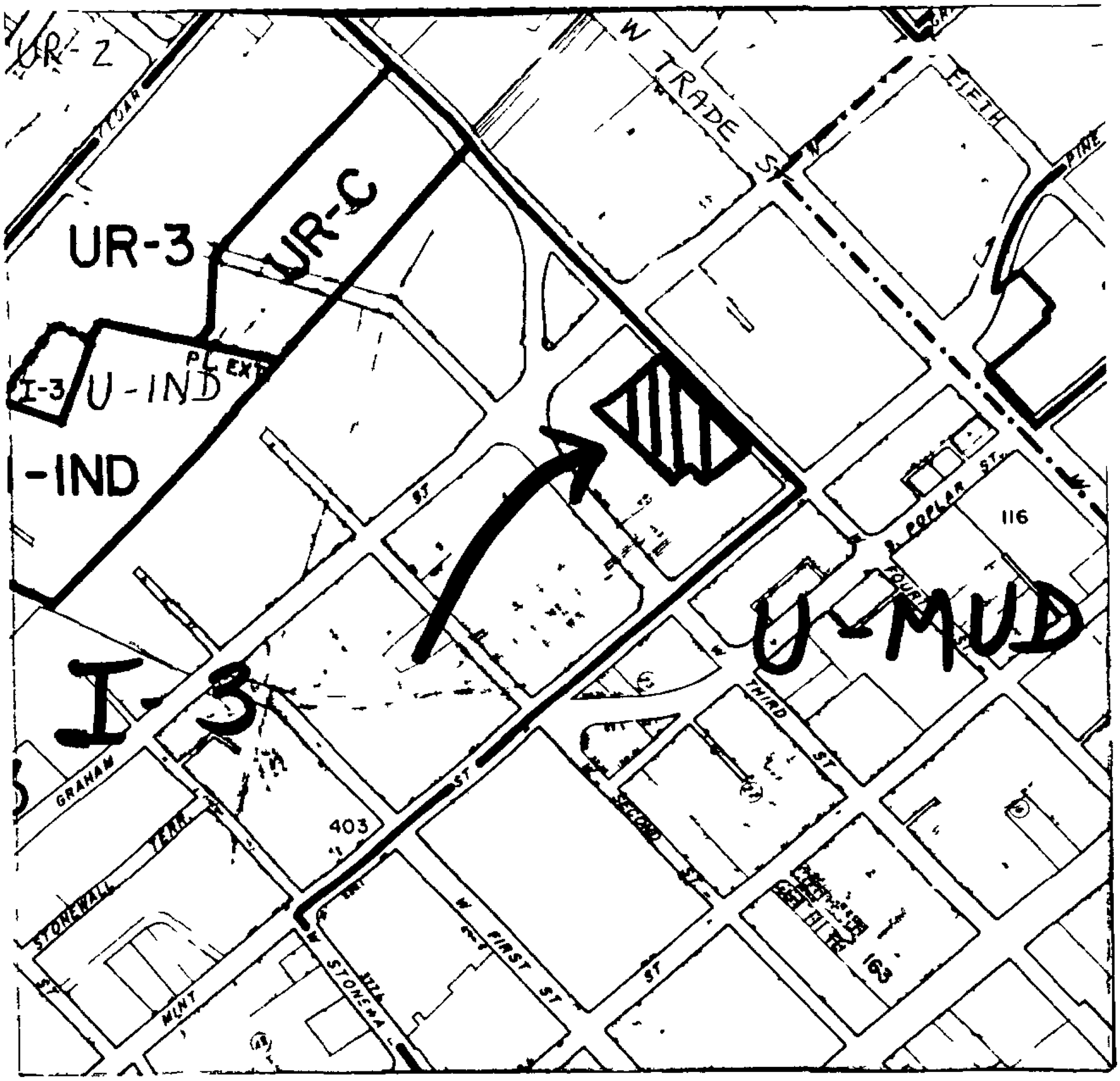
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER JACMACBRUTER Associates

PETITION NO. 86-93 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-3 REQUESTED U MUD

LOCATION A 49,963.32 square foot site located at 427 West 4th Street between Graham Street and Mint Street.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.: 86-94

PETITIONER(S): JACMACBRUTER Associates

REQUEST: Change from I-3 to U-MUD.

LOCATION. A 35,518 square foot lot located at 415 West Third Street between Graham Street and Mint Street.

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

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

Nays: None.

REASONS:

ISSUES:

1. Uptown Goals. How does this request relate to overall development goals for the uptown area?

BACKGROUND:

1. Existing Zoning. The petition involves property which is currently zoned I-3. The site is surrounded on three sides by other I-3 zoning which is generally located along the Graham Street Corridor in the immediate vicinity. The U-MUD district is also located throughout the general vicinity as well including land directly across Fourth Street from the site. In addition, residential areas contained in the Third Ward neighborhood are zoned a variety of the Urban Residential classifications.

2. Existing Land Use. The subject property is developed with a warehouse building. The general area is comprised of a wide variety of land uses. Many parcels in the area, however, are used for surface parking lots to support the parking needs of the uptown area. Otherwise the area contains a mixture of office and industrial uses along with small amounts of retail. In addition, some institutional uses such as the Federal Courthouse, which is located directly across Fourth Street from the site, are scattered throughout the area, too. Residential development is concentrated in the Third Ward neighborhood a few blocks away.

3. Adjoining Petition. It should be noted that rezoning petition 86-93 is comprised of another petition by the same petitioner as in this case. That site is a 49,963 square foot parcel which fronts on Fourth Street and

is also zoned I-3. As in this case the petitioner is also requesting the U-MUD classification and that petition will be heard at public hearing the same time as the petition in this case.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the area as one of existing, concentrated employment activity. It is the focus of major mixed use development.

2. RTKL (Central Area) Plan. The RTKL Plan is an approved public document which provides a planning framework for overall development goals for the uptown area. As far as this immediate area is concerned, the plan suggests the removal of obtrusive industrial uses while recommending that other types of industry which are more consistent with employment goals for the uptown area should be developed. This general vicinity has also seen a resurgence with small businesses, particularly those along and in the vicinity of West Morehead where there has been a renewed effort to revitalize that area. The plan encourages that. In addition, the plan has encouraged the revitalization of residential areas which would obviously include the Third Ward neighborhood a few blocks away.

3. Pre-Hearing Staff Input. Prior to the submission of this application, staff had no formal contact with the petitioner.

4. Neighborhood Context. The site is located in the Uptown area.

5. Pre-Hearing Departmental Comments (Summary).

   Due to the fact that this request is not conditional in nature, most departments who normally comment on such petitions did not this time. However, the Charlotte Department of Transportation did indicate that the I-3 and U-MUD zoning categories can accommodate similar developments and therefore can have similar traffic impacts.

DETAILED FINDINGS:

1. The site in this case involves land which fronts on West Fourth Street between Graham Street and Mint Street. The current zoning is I-3 which is the central industrial district and the petitioner is requesting the U-MUD classification, which is the uptown mixed use district.

2. The area zoning pattern already indicates a strong preference for the U-MUD district in that it is the designated and preferred zoning for much of the uptown area. Much of the area including many blocks nearby are already zoned the U-MUD classification including land directly across the street from the site.

3. The land use pattern for the area is a mixture of surface parking lots, old warehouse buildings, office, institutional and some retail development.

4. This general area of the uptown area has received greater attention in recent months and years through a variety of public promoted policies and

plans. For example, there is renewed interest in revitalization along West Trade Street and in the industrial district along West Morehead Street. Some older buildings in the area have been refurbished and there are plans underway for similar treatment along the edges of the Third Ward neighborhood. Obviously the residential areas contained in Third Ward have also received similar public and private renewal.

5. The petitioner states in his application that the reason for the zoning is to "conform to desired uptown zoning". Clearly, this type of zoning classification is preferred to the I-3 district. The U-MUD will afford greater staff involvement and review when planning the development or redevelopment of this property and require greater design considerations than the wide open and virtually unrestricted I-3 district. The U-MUD district has gradually been increased to include many blocks in the area and is anticipated that the continuation of this district throughout other blocks will also occur. Thus, Planning Commission does agree with the petitioner's assessment about the requested zoning classification and would support the zone change request.

6. Based upon the above circumstances, Planning Commission recommends that the petition be approved.

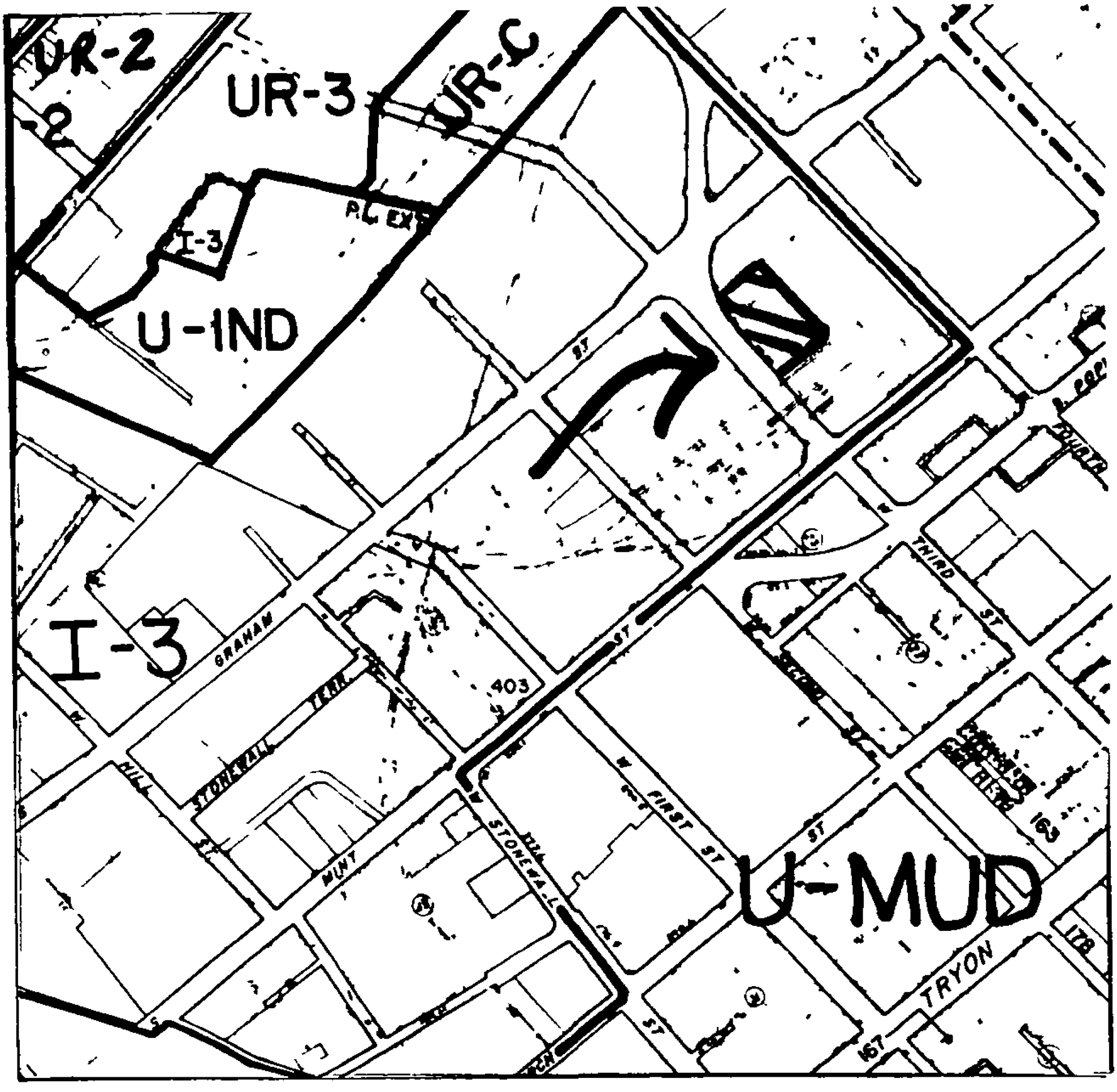
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER JACMACBRUTER Associates

PETITION NO 86-94 HEARING DATE August 18, 1986

ZONING CLASSIFICATION, EXISTING I-3 REQUESTED U MUD

LOCATION A 35,518.19 square foot lot located at 416 West 3rd Street between Graham Street and Mint Street.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: August 21, 1986

PETITION NO.: SUP 86-1

PETITIONER(S): Whitner Farms, Inc.

REQUEST: Consideration of a special use permit for a retirement center in a residential district.

LOCATION: A 7.75 acre site located on Park Road, south of the YWCA.

ACTION: The Planning Commission recommends that the special use permit be denied.

VOTE: Yeas: Lewis and S. Smith.

Nays: None.

(Commissioners Griffin, Lawing and Lowery could not vote because they composed the Minor Special Use Permit Board which had originally heard the request. Commissioners Clodfelter, Curry, Emory, M. Smith and Wheeler could not vote because they did not attend any portion of the hearing.)

REASONS:

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE THE CITY COUNCIL OF CHARLOTTE

In Re:	)	
	)	
Whitner Farm, Inc.	)	
Petition No. SUP 86-1	)	FINDINGS OF FACT AND
Minor Special Use Permit	)	CONCLUSIONS OF LAW
for a Retirement Center	)	
in a Residential District.	)	

THIS CAUSE came on for hearing on the 17th day of June, 1986 before the City Council of Charlotte, North Carolina upon the petition of Whitner Farms, Inc., for issuance of a Minor Special Use Permit for a retirement center in a Residential District. Petitioner and opponents were present and represented by counsel. Based upon the testimony and evidence presented at said hearing, the City Council enters the following Findings of Fact and Conclusions of Law.

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR APPLICATION AND SCHEMATIC PLANS

1. On or about November 5, 1985, the Minor Special Use Permit Board denied petitioner's request for a Minor Special Use Permit (MSUP) for a retirement center. Pursuant to the Rules of Hearing Procedure for Minor Special Use Permits, petitioner appealed that decision to the Charlotte City Council for hearing de novo. (6, 11)

2. Petitioner's original site plan was submitted to the appropriate City departments and was found to be technically correct. (10, 12)

3. After petitioner's appeal was docketed, an amended site plan was submitted to the appropriate City Departments and was found to be technically correct. (10, 12)

4. The changes in the amended site plan were made to accommodate adjacent property owners. (125)

5. Opponents' counsel objected to the use of the amended site plan, whereupon petitioner agreed to use the original site plan for purposes of this hearing. (13, 14, 17)

FINDINGS REGARDING PRESCRIBED STANDARDS

6. The Charlotte Zoning Ordinance (Section 3122 and 3319.3) allows construction of a retirement center in a residential zoning district as a matter of right upon proof that three conditions have been met:

(i) That the proposed use will be consistent with the most recent plan, either the Comprehensive Plan 1995, or a more detailed plan for the area, when one exists.

(ii) That the proposed use will be compatible with the general characteristics of the area with respect to the location of the structure; the location, design, and screening of parking and service areas; the location, size, and character of signs; and the streetscape.

(iii) That the proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level service "C"), or beyond level service "B" on area residential (nonthoroughfare) streets.

Petitioner's site is located in an R-9 residential zoning district and Petitioner's site plan calls for the construction of 174 units. (6, 7, 9, 28, 29, 86, 114)

7. The Park Road/Marsh Road Small Area Plan (SAP), which applies to the petition, was adopted by City Council as a "general policy guide" for land use decisions. It is one factor to be considered when passing upon an application for a Special Use Permit. (10)

8. Dave Howard is employed by the Charlotte-Mecklenburg Planning Commission as the Community Planning Manager. He has been with the Planning Commission for 13 years. He testified that he was familiar with the Comprehensive Plan-1995, the Park Road/Marsh Road Small Area Plan and the Site Plan that is the subject of this petition. (163, 164, 165, 169)

9. As Community Planning Manager, Mr. Howard is responsible for, among other things, supervising the area planning process. He was in charge of the area planning process for the Park Road/Marsh Road Small Area Plan. (163, 164, 165)

10. The subject site is designated on the Park Road/Marsh Road Small Area Plan as area "C." (169)

11. The Park Road/Marsh Road Small Area Plan ultimately approved by the City Council sets forth a policy of four units per acre in the designated "C" areas. (186)

12. In Mr. Howard's opinion, the proposed use does not meet the requirements of the Standard No. 1 because it is not consistent with the Park Road/Marsh Road Small Area Plan. (186, 187, 188)

13. Mr. Larry Best, a witness for the petitioner, has extensive experience and expertise in land planning and the requirements for issuance for Minor Special Use Permits. (126, 127, 128)

14. In Mr. Best's opinion, the proposed use meets the requirements of Standard No. 2. His opinion is supported by the following testimony:

a. The two homes on the site with architectural significance will be retained. This will provide consistency and continuity with the surrounding area. (129, 30, 131)

b. The location and placement of the buildings on the site creates a screened streetscape and compatible dimensions with the surrounding area. (130, 131, 134)

c. The view of the retirement center is well-screened. (131)

d. The line of sight for neighbors to the rear of the retirement center is limited due to the topography of the site, buffers, and screening. The view will be comparable to conventional single family development and consistent with a residential area. The building at the rear of the site is no higher than that which is allowed for single family residences. (120, 121, 133, 134, 143, 144, 145, 146, 149, 150)

e. The screening and placements on the perimeter of the site are in excess of the requirements of the zoning ordinance. (135)

f. The number of parking spaces is substantially reduced because the proposed use is a retirement center, and the site is located on a bus

line. Residents of retirement centers drive less and have fewer cars. There is a single driveway. The parking is all located in the interior of the site, is screened, and is dispersed to prevent a large expanse of parking area and to maintain a residential character. (135, 136, 137)

g. The service area is in the interior of the site, is not visible, through the exterior, and is in keeping with a residential character. (136, 137)

h. The sign will be unobtrusive and compatible with the surrounding area. (137, 138)

15. The City Council finds that the following evidence, which was stipulated to by the parties, is credible and accurate.

a. The current level of service on Park Road is "B" in the morning and "A" in the afternoon.

b. When the proposed use is operational, the level of service will be "B" in the morning and "B" in the afternoon.

c. The proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C").

Post-Hearing Filings

Post-hearing statements were submitted by the petitioner and by opponents in accordance with the Rules of Procedure.

CONCLUSIONS OF LAW

1. A Special Use Permit is one issued for a use which the zoning ordinance permits in a designated zone upon proof that certain facts, conditions and standards detailed in the ordinance exist.

2. The proposed use would not be consistent with the Park Road/Marsh Road Small Area Plan in that it calls for a density greater than four units per acre, and thus the proposed use fails to satisfy Standard No. 1.

3. The proposed use will be compatible with the general characteristics of the area with respect to the location of the structure; the location, design and screening of parking and service area; the location, size and character of signs; and the streetscape.

4. The proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level service "C") or beyond level service "B" on area residential (non-thoroughfare) streets.

5. For the reasons set forth herein, the requested Minor Special Use Permit is denied.

Adopted by the Charlotte City Council on _____, 1986.

PETITIONER Whitner Farms, Inc

PETITION NO SUP 86-1 HEARING DATE 6/17/86

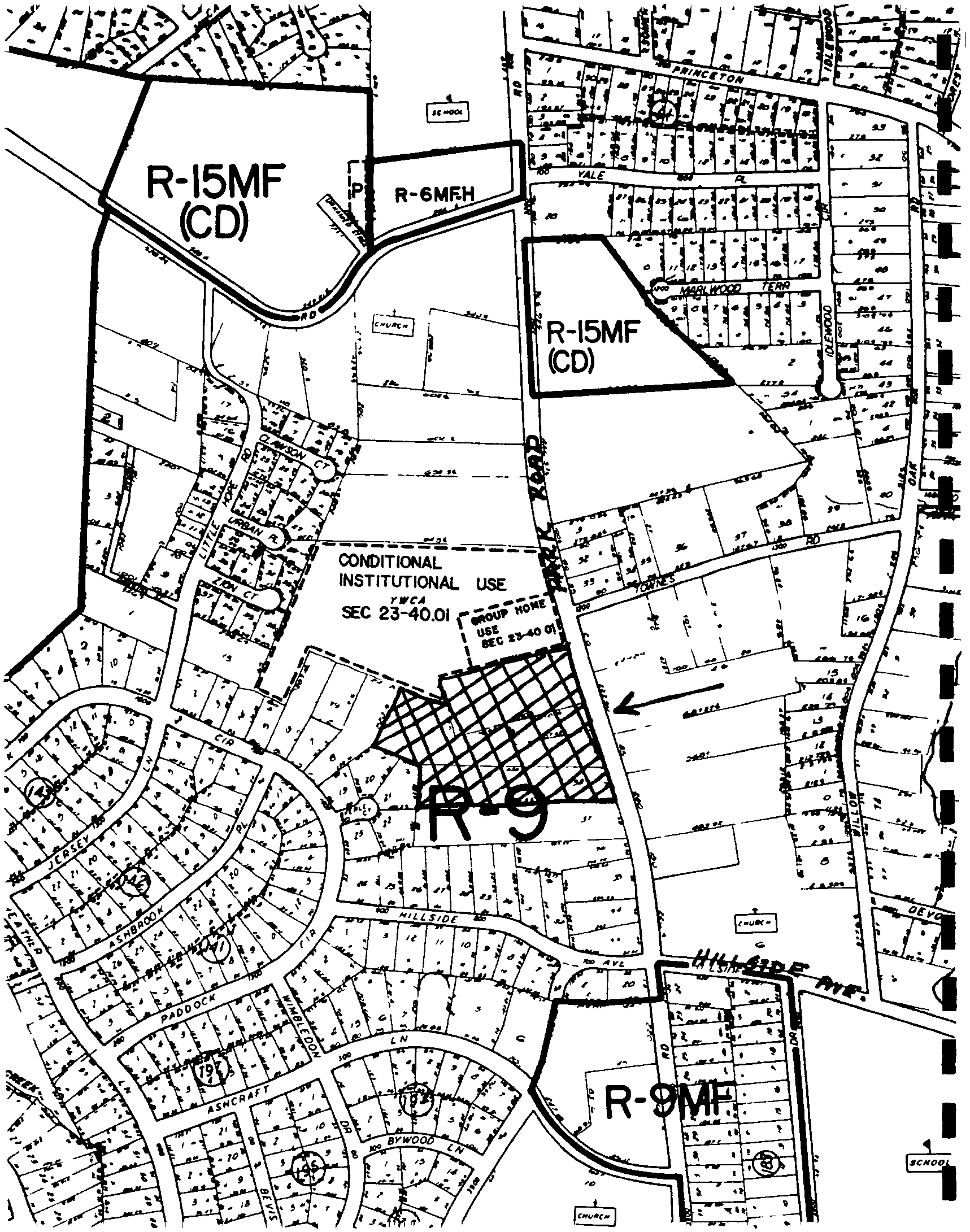
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED SUP for a retirement center.

LOCATION A 7.775 acre site on Park Road south of the YWCA

SEE ATTACHED MAP

ZONING MAP NO. 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-15MF
(CD)
R-6MF-H
R-15MF
(CD)
PRINCETON
YALE
MARLWOOD TERR
IDLEWOOD
SCHOOL
CHURCH
CLAWSON CT
LITTLE ROCK RD
URBAN PL
ZION CT
CONDITIONAL
INSTITUTIONAL USE
YWCA
SEC 23-40.01
GROUP HOME
USE
SEC 23-40.01
PARK ROAD
TOWNES RD
R-9
HILLSIDE
HILLSIDE AVE
R-9MF
JERSEY
ASHBROOK
PADDOCK
WIMBLEDON
ASHCRAFT
BYWOOD LN
BEVIS
WILLOW
OAK
DEVON
SCHOOL

DATE: August 21, 1986

PETITION NO.: SUP 86-2

PETITIONER(S): Alcohome Inc. (Charlotte Treatment Center)

REQUEST: Consider a Major Special Use Permit for a hospital in a Residential District.

LOCATION: A 20.058 acre site located at 1715 Sharon Road West.

ACTION: The petition for the Major Special Use Permit is recommended for approval.

VOTE. Yeas: Clodfelter, Lowery, M. Smith and S. Smith.

Nays: None.

(Commissioners Curry, Emory, Griffin, Lawing and Lewis could not vote because they did not attend any portion of the hearing. Commissioner Wheeler did not vote because she had not read the transcript for the portions of the hearing that she did not attend.)

REASONS:

Based upon the evidence presented at the public hearing with respect to the three standards prescribed by Section 3323.3 of the Zoning Ordinance the proposed use described in the petition and shown on the Site Plan is approved and that the Findings of Fact and Conclusions of Law set forth below are adopted.

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE THE CHARLOTTE CITY COUNCIL

IN RE: ALCOHOME, INC. PETITION NO. SUP 86-2 MAJOR SPECIAL USE PERMIT FOR A HOSPITAL IN A RESIDENTIAL DISTRICT	))))))	FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS CAUSE COMING on to be heard on the 19th day of May, 1986 before the Charlotte City Council and the Charlotte-Mecklenburg Planning Commission upon the petition of Alcohome, Inc.requesting issuance of a Major Special Use Permit for a hospital in a Residential District and after hearing the testimony

offered at the hearing, and any other legally permissable submitted information, the Charlotte City Council makes the following Findings of Fact and Conclusions of Law:

STATEMENT REGARDING REQUIREMENTS PRESCRIBED FOR APPLICATION AND SCHEMATIC PLANS

All applicable and technical requirements associated with the submission and consideration of the Special Use Permit, including site plan requirements, have been met. (W. Fields, p. 15) [References in parenthesis are to the transcript of the aforementioned public hearing.]

FINDINGS REGARDING PRESCRIBED STANDARDS

The following findings were made from the record evidence presented at the hearing with respect to the three standards prescribed by Section 3323.3 of the City of Charlotte Zoning Ordinance.

Finding (Standard) No. 1

That the proposed use will be consistent with the most recent plan, either the Comprehensive Plan, 1995, or a more detailed plan for the area, when one exists.

Facts Indicating Compliance With Finding No. 1

1. The geographic area in which the subject property is located is not inlcuded in any detailed area plan. (Bryant, p.32)

2. The 1995 Plan depicts the area surrounding the property for residential development of varying densities. (Bryant, p.33)

3. The 1995 Plan identifies a site on Sharon Road West as an existing hospital and the presumption is that facility is already existing in the land use pattern of the area. (Bryant, p.34)

4. The primary guidance for the location of facilities such as hospitals is reflected in the requirements of the zoning ordinance (Bryant, p. 34)

5. Section 3323 indicates that hospitals are permitted in residential districts subject to the requirements contained in that section (Bryant, p.34)

6. After examination of both the 1995 Plan and the new 2005 Plan, it is my opinion that the proposed use is consistent with those plans. (Bryant, p.55)

Finding (Standard) No. 2

That the proposed use and site plan will be compatible with the general characteristics of the area with respect to the location, size, and

exterior features of the structure; the location, design and screening of parking and service areas; and the location, size and character of signs.

Facts Indicating Compliance With Finding No. 2

1. This is not a proposal for a new use, but rather a proposal to expand a use which existed prior to the development of the surrounding land uses. (Bryant, p.36)

2. The majority of the surrounding property is zoned for and much is developed for up to 17 units per acre, built in 2 to 3 story structures. (Bryant, P.35-36)

3. The proposed development will retain large areas of undeveloped land which will equate to 87% of the site area. This is significantly greater than the open spaces on adjoining and nearby properties. (Bryant, p.36)

4. The plan will not only be compatible with the surrounding uses, but will display superior site plan qualities. (Bryant, p.37)

5. A number of special site features help to screen the parking and service areas, reduce the height and bulk of the structure, and preserve the natural features of the site. (Collins, pp.19-25)

6. The proposed facility is entirely compatible with the surrounding area, and in fact is an enhancement to the neighborhood. (Collins, p.26)

7. No additional signs, other than the one presently in place and traffic directional signs will be installed and therefore the proposal does not conflict with any of the characteristics of the general area. (Bryant, p.38)

8. It is my opinion the proposed use and site plan will be compatible with the general characteristics of the area and therefore finding No. 2 has been met. (Bryant, p.38)

Finding (Standard) No. 3

That the proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C") or beyond level service "B" on area residential (nonthoroughfare) streets.

Facts Indicating Compliance With Finding No. 3

1. The two nearest intersections were analyzed for level of service in the morning and afternoon peak hours. (Gillis, p.29)

2. The levels of service are C and F for morning and afternoon peak hours at one intersection and F and F at the other. (Gillis, p.29)

3. The increase in traffic due to the proposed development will have a very minor effect on the existing level of service. (Gillis, p.29)

4. The traffic generated by the proposed development would be about 75% of what could be generated under current zoning. (Gillis, p.30)

5. This development will not have any adverse effect or significant effect upon the thoroughfare or streets around the facility. (Gillis, p.38)

Post-Hearing Filings

No post-hearing filings were received.

FROM THE FOREGOING FINDINGS OF FACT;
THE CHARLOTTE CITY COUNCIL MAKES
THE FOLLOWING CONCLUSIONS OF LAW

1. The proposed use will be consistent with the most recent plan, either the Comprehensive Plan, 1995, or a more detailed plan for the area, when one exists.

2. The proposed use and site plan will be compatible with the general characteristics of the area with respect to the location, size, and exterior features of the structure; the location, design and screening of parking and service areas; and the location, size and character of signs.

3. The proposed use will not create or seriously worsen the congestion on area thoroughfares beyond the stable flow condition (level of service "C") or beyond level service "B" on area residential (nonthoroughfare) streets.

Based upon the foregoing Findings of Fact and Conclusions of Law, the request for the Major Special Use Permit sought by the petitioner is approved subject to the following condition:

That the development of the site will comply with all applicable local codes and ordinances.

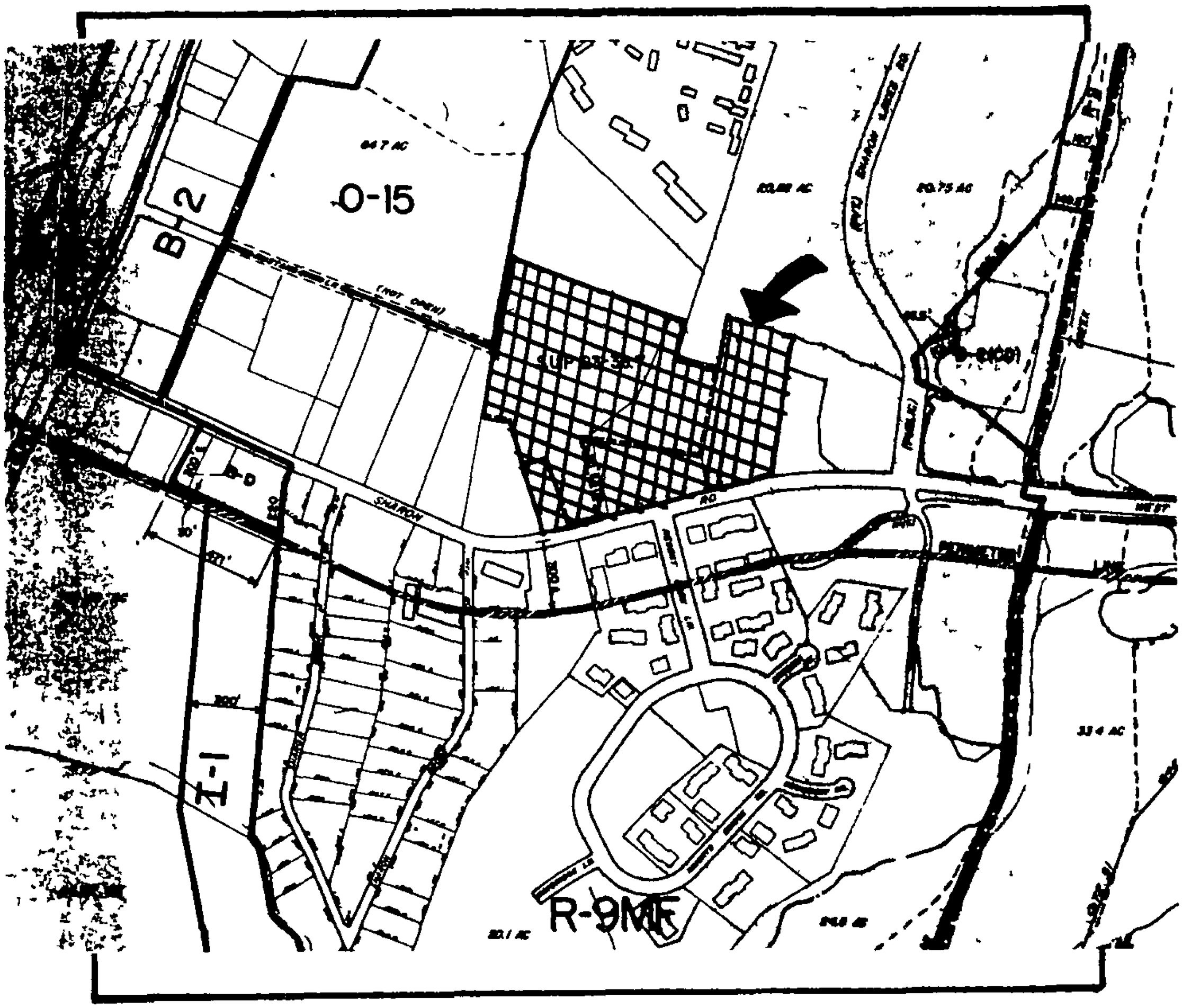
Entered this _____ day of _____, 19___.

PETITIONER Alcohome, Inc. D. B. A.

PETITION NO SUP 86-2 HEARING DATE May 19, 1986

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED Hospital in R-9MF

LOCATION 20.058 Acre Lot at 1715 Sharon Road West



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE