AGENDA

Meeting Type:	Z
Date	04-22-1987
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda April 22, 1987

FILE COPY

CHARLOTTE

Meetings in April '87

APRIL 1 - APRIL 4

1	Wednesday, 9 00 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
2	Thursday, 10 00 a.m	PARADE PERMIT COMMITTEE - City Hall Annex, Dept. of Transportation, Conference Room
	Thursday, 4 00 p m	CIP/Workshop - City Hall Annex, Training Center

APRIL 5 - APRIL 11

6	Monday, 4 00 p.m	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 5 00 p.m	COUNCIL/MANAGER DINNER - Hidden Valley Elementary School, 5100 Snow White Lane
	Monday, 7 00 p m	CITIZENS HEARING - Hidden Valley Elementary School, 5100 Snow White Lane
	Monday, 7 30 p m	CITY COUNCIL MEETING - Hidden Valley Elementary School, 5100 Snow White Lane
7	Tuesday, 8 00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 5 00 p m	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 6 00 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Operations, 701 Tuckaseegee Rd.
8	Wednesday, 7 45 a m	PRIVATE INDUSTRY COUNCIL - YWCA Uptown Center, 418 East Trade St
	Wednesday, 9 30 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 3 00 p.m.	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - City Hall Annex, Fire Dept , 3rd Floor Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
10	Friday, 7 30 a.m	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg , 1st Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Trade Street

Charlotte NC 28202

APRIL 12 - APRIL 18

13	Monday, 10 30 a.m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Charlotte Convention Center, VIP Lounge
	12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - 1221 South Caldwell St , Commission Office
14	Tuesday, 4·00 p.m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Tuesday, 8 00 p m	PUBLIC HEARING ON PROVIDENCE/QUEENS ROADS INTERSECTION IMPROVEMENTS - Myers Park United Methodist Church, Fellowship Hall, 1020 Providence Rd.
15	Wednesday, 2 00 p.m.	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept of Transportation Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
16	Thursday, 8.00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg , 5th Floor Conference Room
	Thursday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Bldg , 6th Floor Conference Room
	Thursday, 7·30 p m	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road

APRIL 19 - APRIL 25

20	Monday	EASTER MONDAY HOLIDAY - City Government Offices Closed.
21	Tuesday, 2 00 p m	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Tuesday, 5 00 p m	PLANNING COMMISSION/Planning Committee - Cameron-Borwn Bldg., 1st Floor Conference Room
22	Wednesday, 4.00 p.m.	SPECIAL USE PERMIT HEARING - City Hall, Council Chamber
	Wednesday, 5 00 p.m	COUNCIL/MANAGER DINNER Education Center, Rooms 237-239
	Wednesday, 6 00 p m.	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL City Hall, Council Chamber
23	Thursday, 3 00 p m	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - Goodwill Industries, 2122 Freedom Drive
	Thursday, 4 00 p m.	PLANNING COMMISSION (Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room

APRIL 26 - APRIL 30

27	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall, 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
28	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE - Charlotte Mecklenburg Utility Dept., 5100 Brookshire Blvd.
29	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber

These organizations will <u>not</u> meet during April

Advisory Energy Commission
Housing Appeals Board
Municipal Information Advisory Board
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Harvey B Gantt Mayor Pro Tem Al Rousso

Charles S. Dannelly Cynthia Patterson
Gloria Fleming Pamella G Patterson
Ann Hammond Vinette Conrad Trosch
Ron Leeper Richard Vinroot
Roy Matthews Velna W Woollen

Council Agenda

Wednesday, April 22, 1987

5 00 p m - Dinner
Rooms 237 and 239, Education Center
Overstreet Mall System Discussion

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

ITEM NO

1 Invocation by the Reverend Marion B Jones, Grace AME Zion Church.

PUBLIC HEARINGS

2 Hearing on Petition No 87-40 by Public Investment Corporation for a change in zoning from R-9 and R-9MF to B-1(CD) for a 14.7 acre tract located on the southwest corner of the intersection of Billy Graham Parkway and Morris Field Drive

Attachment No 1-A

3 Hearing on Petition No 87-41 by the North Carolina Department of Agriculture for a change in zoning from R-9 and I-2(CD) to I-2(CD) and a Site Plan Amendment to an existing I-2(CD) zoning for 22.26 acres located on the southerly side of Yorkmont Road, west of the intersection of Yorkmont Road and Price Lane

Attachment No 1-B

4. Hearing on Petition No 87-43 by Winchester Surgical Supply Company for a change in zoning from B-2(CD), O-6 and R-6MF to B-2(CD), O-6(CD) and a Site Plan Amendment to an existing B-2(CD) zoning for approximately one-half acres located on the southern corner of the intersection of South Torrence Street and East Third Street

   Attachment No. 1-C

5. Hearing on Petition No. 87-44 by North Carolina National Bank for a change in zoning from R-6MF conditional parking to B-1 for a .293 acre site located north of the intersection of the Plaza and Herrin Avenue, to the rear of the NCNB branch office.

   Attachment No. 1-D

6. Hearing on Petition No. 87-45 by Crosland-Erwin-Merrifield Associates for a change in zoning from U-MUD to U-MUD-O for a 3.46 acre site bounded by North College Street, East Fifth Street, East Sixth Street and the Southern Railway.

   Attachment No. 1-E

7. Hearing on Petition No. 87-46 by James C. Harris for a change in zoning from B-2(CD) to B-1 for a 1.44 acre site located on the northeast corner of the intersection of Albemarle Road and Harrisburg Road.

   Attachment No. 1-F

8. Hearing on Petition No. 87-47 by Klutts Realty and Construction Company for a change in zoning from R-9MF(CD) to R-9(CD) and a Site Plan Amendment to an existing R-9MF(CD) zoning for 9.14 acres site located on the northerly side of The Plaza on both sides of Glenfiddich Drive, adjacent to St. John's Presbyterian Church.

   Attachment No. 1-G

9. Hearing on Petition No 87-48 by the Charlotte-Mecklenburg Planning Commission, for a text amendment to the Zoning Appendix, Section 3051.1 2 Urban Districts Applicability.

   Attachment No. 1-H

10. Hearing on Petition No. 87-49 by The Charlotte City Council, for a text amendment to the Zoning Appendix, Section 1206, Sign Permits

Attachment No. 1-I

11. Hearing to consider the Uptown Streetscape Special Project Plan as a policy to implement landscaping and urban design features in the uptown area within the inner loop.

This item was deferred at the March 16, 1987 meeting so that a public hearing could be held.

Attachment No 2

BUSINESS AGENDA

12. Consider issuance of a Floodway Special Use Permit (FSUP 87-2) that would allow fill in an existing floodway, and the relocation of a channel

The Zoning Committee of the Charlotte-Mecklenburg Planning Commission recommends that it be approved as stated in the attached.

Attachment No 3

13. Consider adoption of an amendment to the Central Area Plan which would modify the recommended extensions to the Overstreet Walking system and provide for a policy on future extensions.

Attachment No. 4

POLICY AGENDA

14. Decision on Petition No. 86-57 by NCF Financial Corporation and Myers Park Homeowners Association for a change in zoning from R-6MF to R-6MF(CD) for a .8035 acre site located at 1348 Queens Road (corner of Queens Road and Hopedale Avenue).

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

The Planning Commission recommends that the petition be approved.

Attachment No 5-A

15. Decision on Petition No. 87-1 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from UR-C, I-3 and U-IND to UR-3 for an 8 69 acre site located east of South Cedar Street and south of West 4th Street Extension.

The Planning Commission recommends that the petition be approved.

Attachment No. 5-B

16. Decision on Petition No. 87-11 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-15MF for a ±30 acre site located east of Beatties Ford Road and south of Holly Street in the vicinity of Custer Street and LaSalle Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 5-C

17. Decision on Petition No. 87-12 by the Charlotte-Mecklenburg Planning commission for a change in zoning from R-6MF to R-9MF for six parcels located on the northwest, southwest, and southeast corners of the intersection of Keller Avenue and Custer Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 5-D

18. Decision on Petition No 87-14 by Lowe's Companies, Inc. for a change in zoning from R-6MF to I-1 for a 15 acre site located at 3200 Freedom Drive, south of the intersection of Tuckaseegee Road and Tennyson Drive and north of Freedom Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 5-E

19. Decision on Petition No. 87-15 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-12MF for a 6.5 acre tract located west of Beatties Ford Road and north of Keller Avenue

The Planning Commission recommends that the petition be approved

Attachment No. 5-F

20. Decision on Petition No 87-16 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-12MF for a 1.5 acre site located between Beatties Ford Road and Newland Road in the area of Gilbert and Holly Streets

The Planning Commission recommends that the petition be approved

Attachment No. 5-G

21. Decision on Petition No. 87-17 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF and B-1(CD) to O-6 for a 1.42 acre site located south of I-85 and west of Beatties Ford Road along I-85 Service Road

The Planning Commission recommends that the petition be approved.

Attachment No 5-H

22. Decision on Petition No. 87-18 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1(CD) to R-12MF for an approximately 3/4 acre parcel east of Senior Drive and south of I-85 along the I-85 Service Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 5-I

23. Decision on Petition No. 87-19 by Zaremba Charlotte Associates for a change in zoning from B-2 and R-9 to B-1SCD for a 26.1 acre site located on the southeast corner of Independence Boulevard and Margaret Wallace Road.

The Planning Commission recommends that the petition be approved.

Attachment No 5-J

24. Decision on Petition No. 87-22 by Mercier B Leeper for a change in zoning from R-6 to R-6MF(CD) for a .631 acre site located at 3905 Plainview Road, the southwest corner of the intersection of Plainview Road and Tennyson Drive.

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

The Planning Commission recommends that the petition be denied

Attachment No 5-K

25. Decision on Petition No 87-23 by Central Church of God for a change in zoning from R-6MF to R-I for an 8 31 acre site located at 3001 Kilborne Drive between Elkin Lane and Havenwood Road

The Planning Commission recommends that the petition be approved

Attachment No. 5-L

26. Decision on Petition No. 87-24 by Hillcrest Foods for a Site Plan Amendment to an existing B-1(CD) zoning for a .44 acre site located on the southwest corner of Nations Ford Road and Greenwood Drive.

The Planning Commission recommends that the petition be denied

Attachment No. 5-M

27. Decision on Petition No. FLOOD 87-1 by the Charlotte-Mecklenburg Planning Commission for a text amendment to the Floodway Regulations to bring the City Ordinance into conformance with changes in Federal Regulations.

The Planning Commission recommends that the text amendment to be Flood Regulations be approved.

Attachment No. 5-N

28. Recommend adoption of a resolution calling for a joint public hearings with the Historic Properties Commission on Mondav, May 18, 1987, at 6 00 p.m., in the Board Room of the Education Center, to consider designation of the Harry Arthur Ziem House (at 1812 East Eighth Street) as historic property

29. Recommend adoption of a resolution calling for a joint public hearing with the Historic Properties Commission on Monday, May 18, 1987, at 6 00 p m., in the Board Room of the Education Center, to consider designation of the Old Hand's Pharmacy Building (at 3201 North Davidson Street) as historic property

30. Recommend adoption of a resolution calling for a joint public hearing with the Historic Properties Commission on Monday, May 18, 1987, at 6·00 p.m , in the Board Room of the Education Center, to consider designation of the Old Mecklenburg Mill (on North Davidson Street) as historic property.

31 Recommend adoption of a resolution calling for a joint public hearing with the Historic Properties Commission on Monday, May 18, 1987, at 6 00 p m., in the Board Room of the Education Center, to consider designation of the William L. Alexander House (at 523 Clement Avenue) as historic property

32. Recommend adoption of a resolution calling for public hearing on Monday, May 18, 1987, at 6 00 p m. in the Board Room of the Education Center, on Petitions No. 87-42 and 87-50 through 87-54 for zoning changes.

#1

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 27, 1987

Mayor and City Council.

RE Rezoning Petitions to be Heard in April, 1987

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on April 22, 1987 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

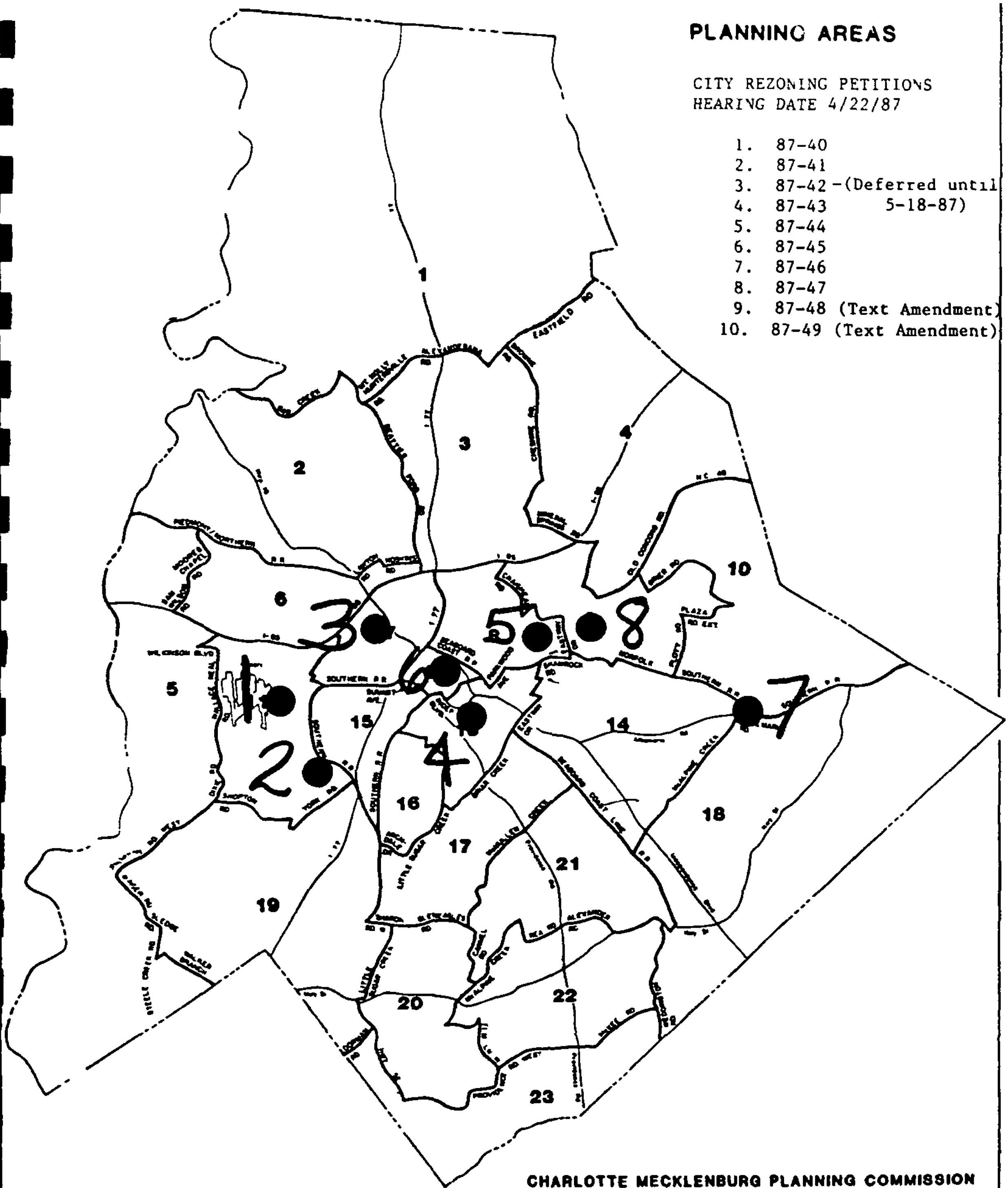
Sincerely,

Bob Young (oj)

Robert G Young
Land Development Manager

Attachments

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



CHARLOTTE MECKLENBURG PLANNING COMMISSION

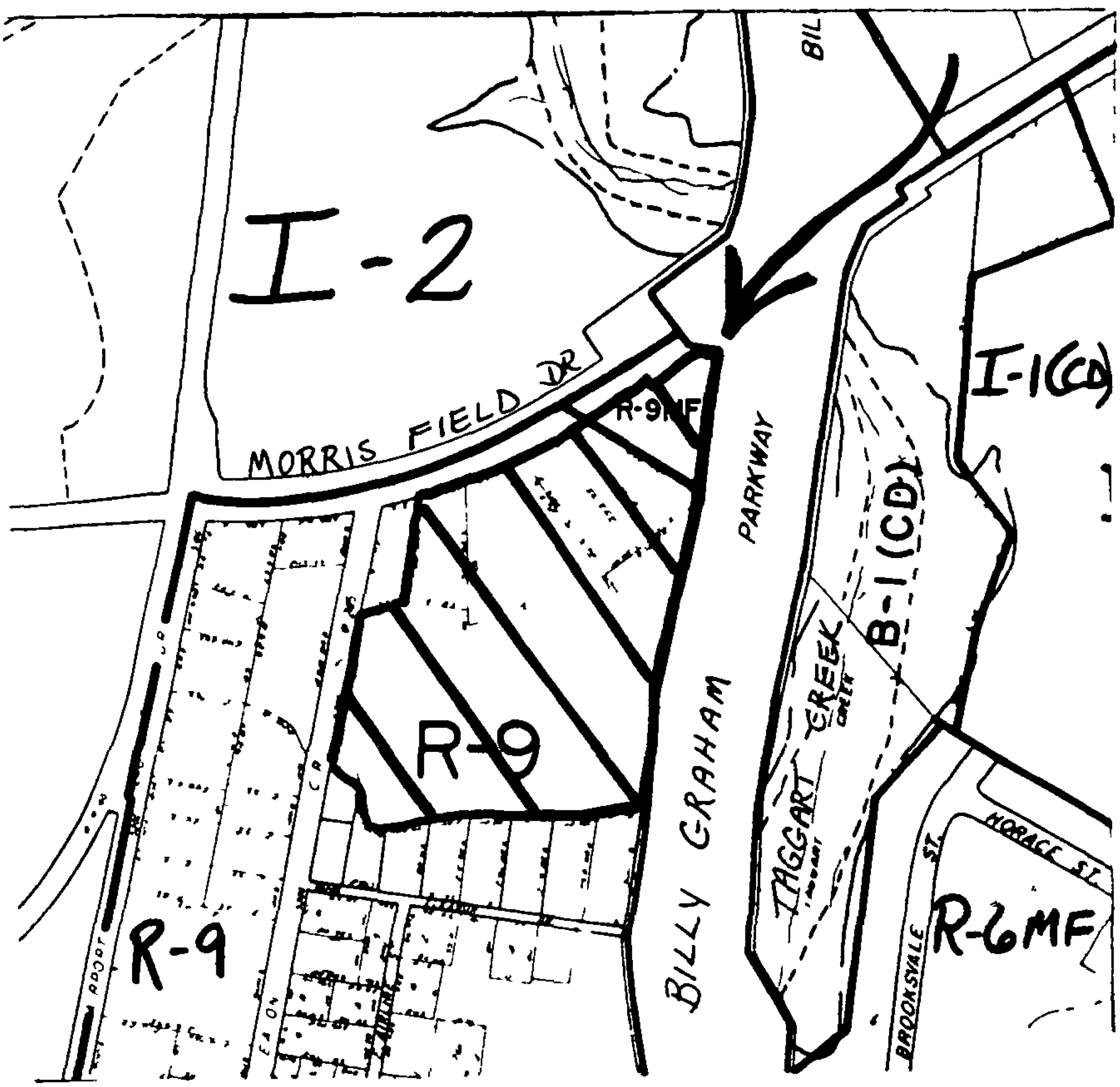
April 1983

PETITIONER Republic Investment Corporation

PETITION NO. 87-40 HEARING DATE April 22, 1987

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

LOCATION A 14.7 acre site located on the southwest corner of the intersection of Billy Graham Parkway and Morris Field Drive



ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No 87-40
Date Filed 3/2/87
Received By [illegible]
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner Morris Field Associates, a North Carolina General Partnership

Owner's Address 1900 Rexford Road, Charlotte, North Carolina 28211

Date Property Acquired Tracts 1 & 2 January 3, 1986, Tracts 3, 4, 5 & 6: December 11, 1986

Deed Reference Tracts 1 & 2 Deed Book 5383, Page 244 Tax Parcel Number (See Exhibit A)
Tracts 3, 4, 5 & 6· Deed Book 5383, Page 248

Location Of Property (address or description) Southwest corner of intersection formed by Morris Field Drive and Billy Graham Parkway

Description Of Property

Size (Sq. Ft.-Acres) 14.699 Acres Street Frontage (ft) Morris Field Drive 759 feet
Billy Graham Parkway 1070 feet

Current Land Use Tracts 1 & 2-Vacant
Tracts 3, 4, 5 & 6-Single Family Residences

Zoning Request

Existing Zoning Tract 3, R9-MF Tracts 1,2,4,5 & 6, R-9 Requested Zoning B-1 (CD)

Purpose of zoning change To accommodate development of a quality mixed-use center composed of a hotel and three office buildings in accordance with the CD-Schematic Site Plan attached as Exhibit B.

Bailey Patrick, Jr.
Name of Agent
P. O. Box 35566 Charlotte, NC 28235
Agent's Address
(704) 372-1120
Telephone Number

REPUBLIC INVESTMENT CORPORATION, Petitioner
By· [signature]
Steve R. Fulford,
Vice President, Development

Republic Investment Corporation
Name of Petitioner(s)
Paragon Center Suite 620
Address of Petitioner(s) 2400 E. Commercial Blvd, Fort Lauderdale, Florida 33308
Telephone Number
(305) 772-1000
Signature
Morris Field Associates
Signature of Property Owner if Other Than Petitioner
By [signature]
Managing Partner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-40

Petitioner	Republic Investment Corporation
Location·	A 14 7 acre site located on the southwest corner of the intersection of Billy Graham Parkway and Morris Field Drive
Request	Change from R-9 and R-9MF to B-1(CD)

ISSUES

1. Site Plan. What aspects of the conditional site plan are important to evaluate, particularly the areas adjoining residential property and the Billy Graham Parkway?

2 Overall Development Patterns How does this proposal relate to both existing and anticipated development patterns in the area?

BACKGROUND·

1. Existing Zoning The subject property is zoned R-9 and R-9MF currently. The R-9 and R-9MF zoning extends south of the property along Billy Graham Parkway until West Boulevard Across Morris Field from the site is a large area of I-2 zoning associated with the airport Other zoning patterns across Billy Graham Parkway from the property are a result of recent rezoning requests to the B-1(CD) and I-1(CD) zoning districts for a hotel and office park development

2 Existing Land Use. The property is currently developed with four single family residences along Morris Field Drive The remainder of the site is vacant. South and immediately west of the subject property is a mixture of single family homes, duplex units and mobile homes. Farther west of the site is the airport The National Guard facility is located north of the site across Morris Field Drive East of the site is vacant, with multi-family development southeast of the subject property

3 Site Plan The conditional site plan proposes a 12 story hotel, as well as three office buildings totaling 200,000 square feet and a parking deck Three access points are proposed, two driveways on Morris Field Drive and one driveway on Eaton Circle A landscaped buffer is indicated along the perimeter of the site

4 Zoning History (See Attached Map). There have been five prior rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1967 change from R-9 to R-9MF on the southwest corner of Morris Field Drive and Billy Graham Parkway Case #2

was a 1969 denial to change from R-9 to B-1 to R-6MF for a large area along Eaton Circle and Airport Drive Case #3 was a 1978 change from R-6MF to I-2 on the northeast corner Cases #4 and 5 were 1986 changes Case #4 was a change from R-6MF to I-1(CD) and #5 was a R-9 and R-9MF to B-1(CD) change

GENERAL FINDINGS:

1. 2005 Plan The 2005 Plan indicates the area of the subject property as a community commercial center and envisions office and business development along the Parkway

2. Billy Graham Parkway/Tyvola Road Extension Special Project Plan. The subject property lies outside the boundaries of the study That study does, however, recognize that the new coliseum will generate demand for hotels in the immediate area and recognizes the opportunity to create a unique employment corridor for highly visible office, service and business park development adjacent to the Parkway and the Coliseum.

3 Airport Master Plan The subject property is in the Ldn 65-70 noise zone in which noise is a negative factor for residential development

4 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the rezoning request for hotel and office type development.

5 Pre-Hearing Departmental Comments (Summary)

   1 CUMD - Water and sewer are available to service the site

   2 Fire Department The Fire Department had no comment regarding the request.

   3 Engineering. Engineering provided their usual comments regarding normal developmental permits. No additional right of way was needed.

   4 C-DOT C-DOT indicates the proposed rezoning could generate 5800 to 5900 trips per day as opposed to 900 to 1000 trips per day under the existing zoning The level of service could drop from "B" to "D", or to level of service "E", in conjunction with development approved on the southeast corner of Morris Field Drive and Billy Graham Parkway It was also indicated that turn lanes would be needed on Morris Field Drive

   5 Building Standards Comments related to clarification of sideyard and setback requirements, as well as signage Building Standards also requested more information to determine parking requirements

6 Neighborhood Context This site is located in the West Boulevard neighborhood

DETAILED FINDINGS

1 This petition involves an approximately 14 7 acre site located on the southwest corner of Morris Field Drive and Billy Graham Parkway

2 The petitioner plans a 12 story hotel and 200,000 square feet of office development, as well as a parking deck on the site. (For further details refer to Background #3.)

3 This general vicinity has received a great deal of attention recently. Last year, rezonings were approved for a nine story hotel and industrial park directly across Billy Graham Parkway from the site The area's proximity to the airport and the coliseum make it a desirable location for office, business and industrial park development

4. Although the subject property is outside the boundaries of the Billy Graham Parkway/Tyvola Road Extension Special Project Plan, the plan does envision development of this type in the general area

5 The Airport Master Plan recognizes the single family and multi-family development on the site as incompatible uses, given the airport noise levels for this immediate area

6 It should be noted that the long term land use and zoning pattern of the adjoining lots for continued residential purposes is limited. However, in the interim it is important that a good edge relationship be established between the proposed development and the remaining residential lots Also, access is proposed off Eaton Circle, which causes some concern

7 A few technical comments regarding the site plan have been discussed with the petitioner recently These comments dealt with such things as clarification of parking requirements and setbacks, and the height of the proposed parking deck In addition, it was felt that the three proposed signs, which could be 100 square feet each, is excessive, and should be reduced.

8 Given the relationship of the site to Billy Graham Parkway, the airport, and other developing office and business parks, the site is not logical for single family residential development Providing minor technical details are resolved, then staff would support the request as it is compatible with overall planning goals for the area

*Subject to further refinement following public hearing

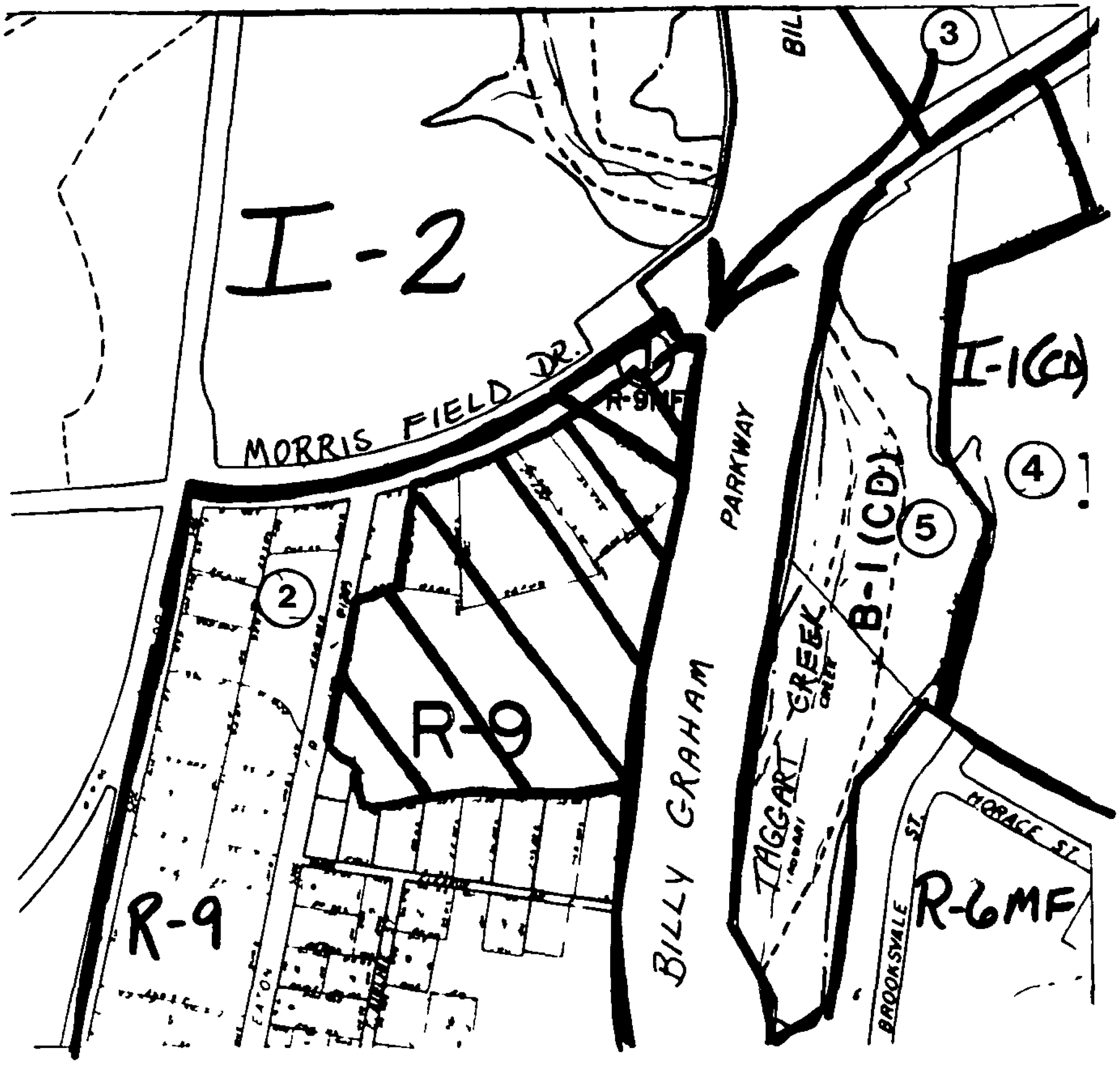
ZONING HISTORY

PETITIONER Republic Investment Corporation

PETITION NO. 87-40 HEARING DATE April 21, 1987

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

LOCATION A 14.7 acre site located on the southwest corner of the intersection of Billy Graham Parkway and Morris Field Drive



ZONING MAP NO. 104 SCALE 1" = 400'

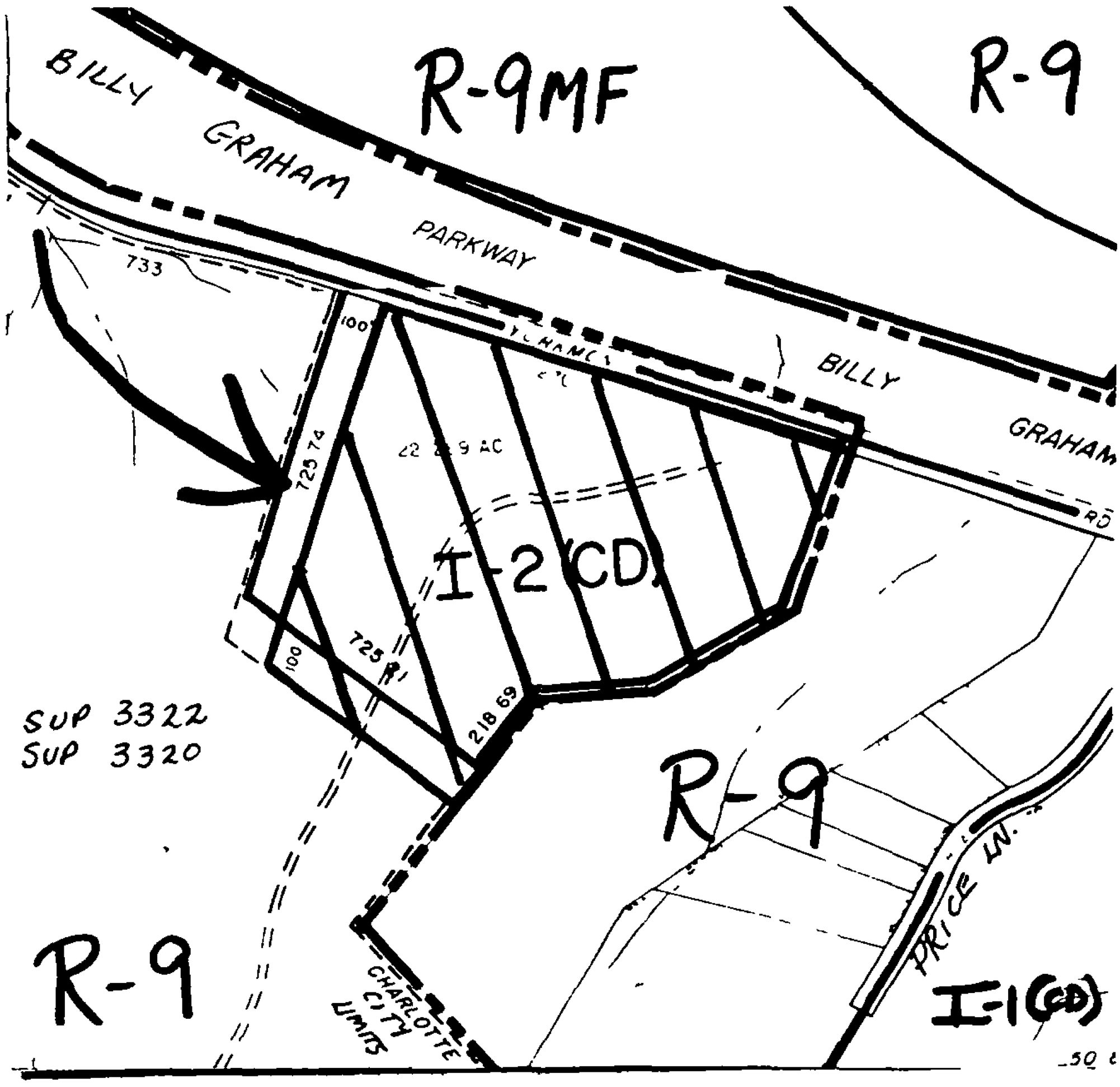
PROPERTY PROPOSED FOR CHANGE

PETITIONER North Carolina Department of Agriculture

PETITION NO. 87-41 HEARING DATE April 22, 1987

ZONING CLASSIFICATION, EXISTING R-9 and I-2(CD) REQUESTED I-2(CD) and an I-2(CD) Site Plan Amendment

LOCATION A 22.26 acre site located on the southerly side of Yorkmont Road approximately 905 west of the intersection of Yorkmont Road and Price Lane.



ZONING MAP NO. 109 and 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-41
Date Filed 3/2/87
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner State of North Carolina - N. C. Department of Agriculture

Owner's Address P. O. Box 629, Raleigh, N.C. 27602

Date Property Acquired

Deed Reference 4596-872 Tax Parcel Number 143-131-02

Location Of Property (address or description) 22.26 AC on the southerly side of Yorkmont Road approximately 905 feet west of the intersection of Yorkmont Road and Price Lane.

Description Of Property

Size (Sq Ft.-Acres) 969,600 SF, 22.26 AC Street Frontage (ft.) 1170

Current Land Use State Regional Farmers' Market

Zoning Request

Existing Zoning I-2 (CD) / Requested Zoning ~~I-2 (CD) and R9~~

Purpose of zoning change To facilitate an agreement for the acquisition of property from the State Farmers' Market for use for a new Baseball Stadium

David L. Garner, City of Charlotte
Name of Agent

301 S McDowell Street, Charlotte, N.C
Agent's Address

336-2291
Telephone Number

Same
Name of Petitioner(s)

Same
Address of Petitioner(s)

Same
Telephone Number

(919) 733-2113
Signature

Alex M. Lewis, Controller
Signature of Property Owner if Other Than Petitioner

N C Dept. of Agriculture

Engineering Dept
RECEIVED
FEB 24 1987

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-41

Petitioner	North Carolina Department of Agriculture
Location	A 22 26 acre tract located on the southerly side of Yorkmont Road approximately 905 feet west of the intersection of Yorkmont Road and Price Lane.
Request	Change from I-2(CD) and R-9 to an I-2(CD) Site Plan Amendment and I-2(CD)

ISSUES.

1 Proposed Development What is the nature of the proposed development and what portions of the existing site will be affected?

2 Relation to Adjoining Properties How does the proposed development relate to uses on adjoining properties?

3. Site Plan. What features of the proposed site plan should be carefully accessed?

BACKGROUND:

1 Existing Zoning The subject property is presently zoned I-2(CD) and R-9 The site is bounded on its westerly and southerly margins by land zoned R-9 Across Yorkmont Road and the Billy Graham Parkway properties are zoned R-9, I-1 and I-2 There is also I-1(CD) zoning to the southeast of this subject property along Yorkmont Road Properties to the west and south of the site are also covered by a major special use permit for the Charlotte Coliseum

2. Existing Land Use The property is presently the site of the State Farmer's Market A portion of the site is already developed and includes entrance drives and parking areas, two retail buildings and one office building Adjoining the site the Charlotte Coliseum is presently being developed Properties to the south and east of the site are generally vacant with some residential and office uses fronting on Yorkmont Road Across Yorkmont Road and the Billy Graham Parkway from the subject site, properties are also generally vacant with the exception of the Irwin Creek Disposal Plant The general character of the area is changing into one of an office and business park environment with a number of new office developments up and down both sides of the Billy Graham Parkway

3 Site Plan The conditional site plan submitted with this application shows the ultimate development of the site It involves the construction of three more buildings, the preservation of a 150 foot buffer along most of the frontage of the property and the preservation of a 100 foot buffer along the southeasterly property line The plan also shows a 100 foot

buffer located off the subject property which was a requirement imposed under the original rezoning for the Farmer's Market site in 1982 That 100 foot buffer actually falls on the present Coliseum site The site plan indicates that a portion of the subject property will be divided creating a new property line along the rear of the site. The site plan does not indicate the required 20 foot buffer which must be located between industrial uses and land zoned for residential uses. The conditional plan also proposes that a portion of the 150 foot buffer, which was established on this site as a condition of its original zoning, is to be removed for the location of a new one-story retail building. This building would be located in an area of the site which had previously been cleared to provide for a septic drain field

4 Zoning History (See Attached Map) There have been five rezonings in the area of the subject property Cases #1, 3 and 4, on the attached map, each involved property south of Yorkmont and east of Prince Lane with Case #1 being a change from R-9 to I-1(CD) in 1981 and Cases #3 and 4 being I-1(CD) Site Plan Amendments in 1982 and 1984 respectively Case #2 was a 1982 change from R-9 to I-2(CD) to permit the Farmer's Market on its present site Case #5 was a special use permit to allow for the construction of the new Charlotte Coliseum

GENERAL FINDINGS·

1 2005 Plan The 2005 Plan denotes the area of the subject property as one of developing employment land uses and also recognizes the coliseum site as a major institutional use The 2005 Plan recognizes the many opportunities for office and business development in the area as a result of the construction of the Coliseum, the opening of the Billy Graham Parkway, the proposed extension of Tyvola Road and the expansion of the airport The Billy Graham Parkway/Tyvola Road Special Project Plan recognizes the subject property as the Farmer's Market site and indicates the Tyvola Road Extension south of the site.

2. Transportation Improvement Program The TIP schedules the Tyvola Road Extension project for FY86-87. The project will extend Tyvola Road as a multi-lane facility to Wilmount Road The project will also construct an interchange at Billy Graham Parkway and Wilmount Road and improve the intersection at Tyvola Road and York Road.

3 Pre-Hearing Staff Input The staff has worked for a number of months with the petitioner and city agencies involved with the development of the proposed baseball stadium. This rezoning is necessary to facilitate construction of the baseball stadium as part of the Farmer's Market site and will be transferred to the city to be used as a portion of the baseball stadium site In addition, the Farmer's Market is desirous of constructing an additional building on their site on a rear portion of the property which is still zoned R-9 Contracts for that building had already been let when it was discovered that the buildings could not be located as proposed This petition both facilitates construction of the baseball stadium and eliminates the problem the Farmer's Market is presently facing with the portion of their property zoned R-9

4 Pre-Hearing Departmental Comments (Summary)

1 C-MUD Water and sewer is available by extension only

2 Fire Department No comment

3 Department of Transportation This proposed site plan amendment will have no significant impact on the traffic along Yorkmont Road or Billy Graham Parkway

4 Building Standards Screening and a buffer, as required by the ordinance, will be necessary along the portions of the site that adjoin residentially zoned land It was also suggested that the zoning boundary and the new property line be one and the same

5 Neighborhood Context The site is located in the area defined as the Yorkmont neighborhood

DETAILED FINDINGS

1 This petition involves a tract of land of approximately 22 acres located along Yorkmont Road adjacent to the new Coliseum site The property is presently zoned I-2(CD) and R-9 The petitioner is requesting an I-2(CD) Site Plan Amendment and a rezoning of another portion of the site to I-2(CD)

2 The proposed use of the site is for the Charlotte Regional Farmer's Market A portion of the site is already developed to accommodate the Farmer's Market and this petition would provide for the development of the remainder of the site In addition, this petition removes a portion of the property from the previously approved site plan, that portion of the property is eventually to become part of the proposed baseball stadium site

3 The site plan proposes to preserve a 100 foot buffer along the southerly and easterly sides of the subject property. The plan also shows the previously required 100 foot buffer along the northwesterly side of the site which adjoins the Charlotte Coliseum That 100 foot buffer is actually on the Coliseum site The plan shows a 150 foot buffer along Yorkmont Road However, it proposes to encroach into that 150 foot buffer by a distance of approximately 75 feet for the location of an additional structure The site plan does not show the required 20 foot buffer along the rear of the property as required by the ordinance

4 This rezoning is part of a larger package of land development activities required for the approval of the proposed baseball stadium This rezoning is also required to enable the Farmer's Market to develop their site in accordance with their ultimate plans for the property by rezoning a portion of the site from R-9 to I-2(CD) so that the remaining portions of the tract may all be developed under a single site plan

5 The staff has discussed with city agencies and state officials the details of this proposed site for a number of months The staff has maintained a continuing concern throughout these discussions about the encroachment into the 150 foot buffer along Yorkmont Road and about the necessary provision of a 20 foot buffer and screening along the rear portion of the site where the I-2(CD) property adjoins land zoned for residential purposes The 150 foot buffer along Yorkmont Road was specifically added to the originally approved Farmer's Market site by the City Council at the time of its approval. It was felt at that time that the environment along Yorkmont Road and Billy Graham Parkway should be protected from all types of development and that a substantial buffer should be required along the frontage of both this site and additional properties as they developed along Yorkmont Road

6 The proximity of this site to both the new Charlotte Coliseum and the proposed baseball stadium is of some concern in that the necessary screening and buffering of the Farmer's Market site, which is essentially an industrial use, is an important consideration The staff feels very strongly that this site should be developed in conformance with the ordinance requirements for any industrial property and that the required 20 foot buffer and screening along the rear portion of the site should be located on the Farmer's Market property This is not only reasonable and appropriate in light of the ordinance standards, but screening located closer to the buildings on the Farmer's Market site will be more effective than screening located off the Farmer's Market site on either the Coliseum or the baseball stadium site This concern about the relationship of this site to these adjoining properties was manifested early on by the Council's addition of 100 foot buffers all the way around the site To approve this site plan in its present form without recognizing at least the minimum ordinance requirements defeats the purpose for which the buffers were originally intended

7 While the staff is generally supportive of this rezoning petition, both to facilitate the land assembly for the baseball stadium and to enable the Farmer's Market to utilize the portions of their property still zoned R-9, the staff is not in favor of the site plan in its present form and believes that serious consideration should be given to the protection of the 150 foot buffer along Yorkmont Road and the establishment of the minimum required 20 foot screening and buffering area along the rear portions of the site In addition, the staff believes that the portion of the present site that is zoned I-2(CD) which will become part of the baseball stadium site should be rezoned from the I-2(CD) classification back to R-9. This will facilitate the treatment of the baseball stadium site as a single classification for the purposes of evaluating a major special use permit It is felt that if these three matters are addressed that this petition should be approved

*Subject to further refinement following public hearing

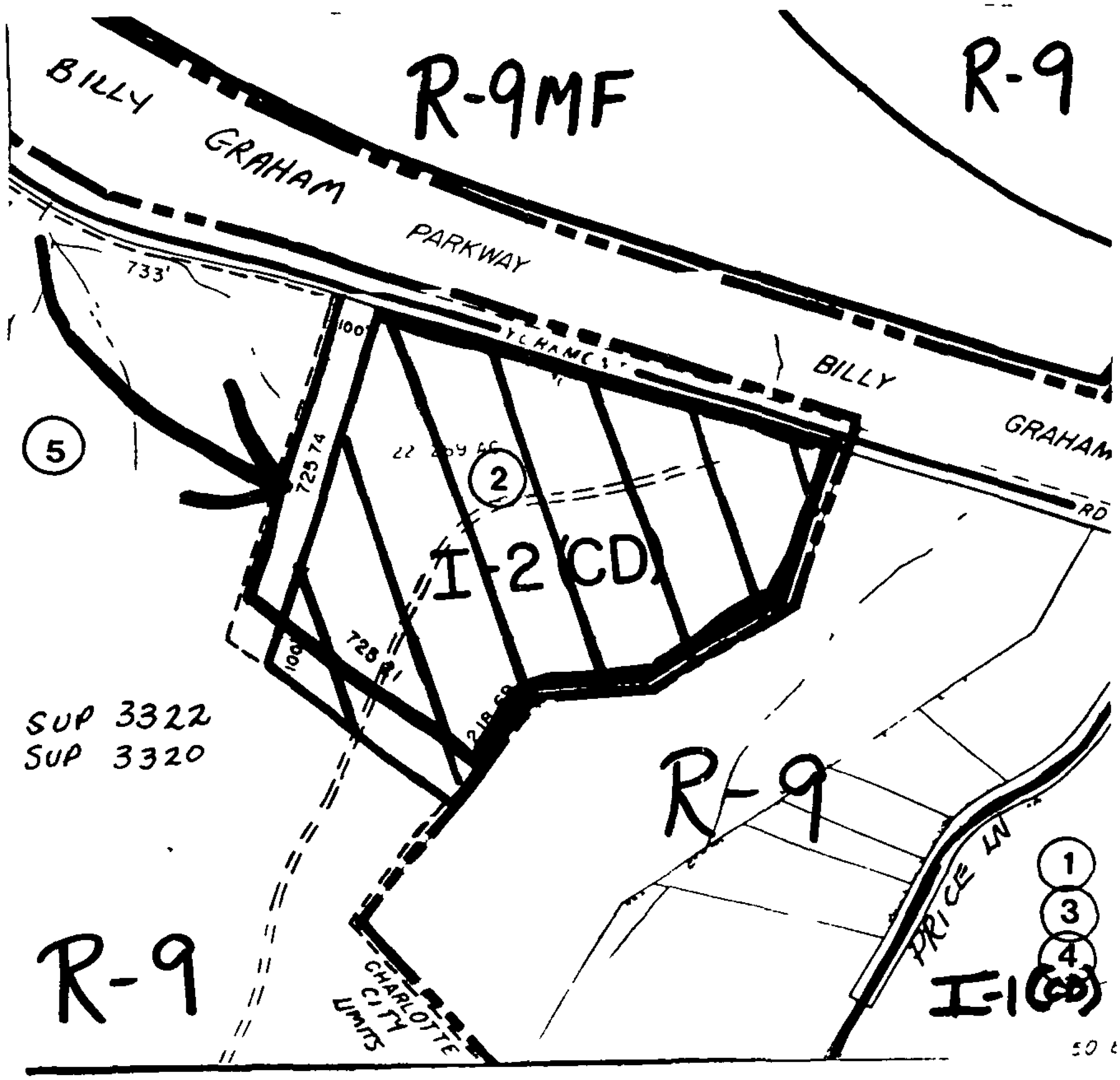
ZONING HISTORY

PETITIONER North Carolina Department of Agriculture

PETITION NO. 87-41 HEARING DATE April 21, 1987

ZONING CLASSIFICATION, EXISTING R-9 and I-2(CD) REQUESTED I-2(CD) and an I-2(CD) Site Plan Amendmen

LOCATION A 22.26 acre site located on the southerly side of Yorkmont Road approximately 905 west of the intersection of Yorkmont Road and Price Lane.



ZONING MAP NO. 109 and 127 SCALE 1" = 400'

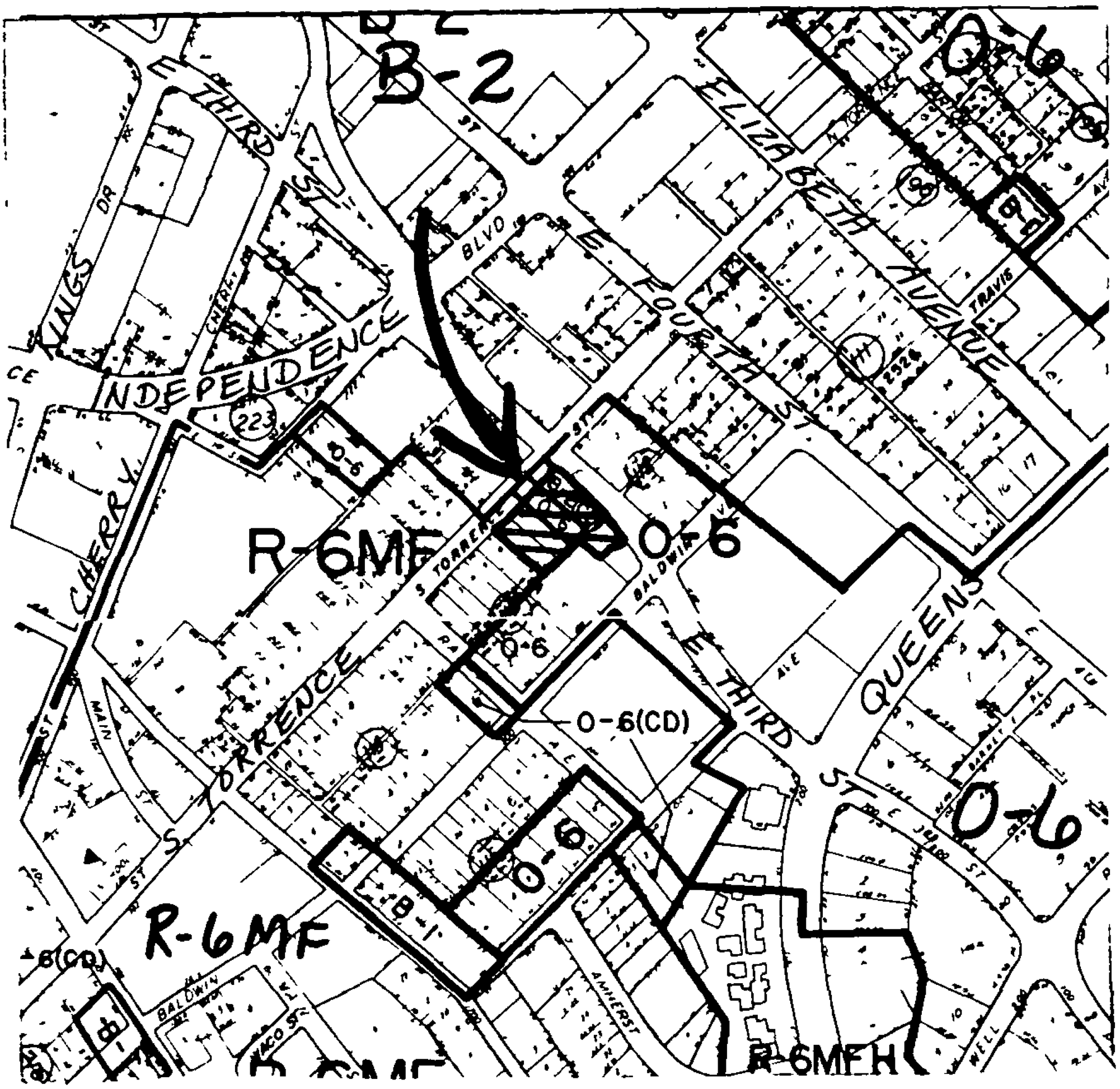
PROPERTY PROPOSED FOR CHANGE

PETITIONER Winchester Surgical Supply Company

PETITION NO. 87-43 HEARING DATE April 22, 1987

ZONING CLASSIFICATION, EXISTING R-6MF B-2(CD), O-6, REQUESTED B-2(CD), O-6(CD), and a B-2(CD) Site Plan Amendment

LOCATION An approximately one half acre site on the southern corner of the intersection of S. Torrence Street and East Third Street.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-43
Date Filed 3/2/87
Received By
OFFICE USE ONLY

Ownership Information

Property Owner Winchester Surgical Supply Company

Owner s Address 200 South Torrence Street
Charlotte, North Carolina

Date Property Acquired January 16, 1979, August 17, 1978, November 19, 1985, May 23, 1986

Deed Reference 4150/867, 4095/238, 5127/37, 5228/417 Tax Parcel Number 125-113-9, 125-113-10, 125-113-11, 125-113-12, 125-113-13

Location Of Property (address or description)

3 lots located on S. Torrence Street and one lot on E. 3rd Street

Description Of Property

Size (Sq Ft -Acres) .541 acres Street Frontage (ft) S. Torrence - 216' E. 3rd-217'

Current Land Use existing retail on existing B-2(CD) property; adjacent 3 lots are vacant

Zoning Request

Existing Zoning B-2(CD), O6, R-6MF Requested Zoning B-2(CD), O6(CD) B-2(CD) Site Plan Amendment

Purpose of zoning change To allow for expansion of retail facility currently operated by Petitioner to accommodate additional storage and display area connected with the facility, and to provide for sufficient parking to accommodate this use.

Timothy E. Cupp
Name of Agent

PERRY, PATRICK, FARMER & MICHAUX, P.A.
Agent s Address

900 Baxter Street
Charlotte, NC 28235
Telephone Number

372-1120

Winchester Surgical Supply Company
Name of Petitioner(s)

200 S. Torrence Street
Charlotte, NC 28204
Address of Petitioner(s)

372-2240
Telephone Number

By:
Signature Its President

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-43

Petitioner. Winchester Surgical Supply Company

Location: An approximately 1/2 acre site on the southern corner of the intersection of South Torrence Street and East Third Street.

Request. Change from B-2(CD), O-6 and R-6MF to B-2(CD) and O-6(CD) and a B-2(CD) Site Plan Amendment

ISSUES:

1. Zoning/Land Use Patterns. If approved, how would this request relate to existing zoning and land use patterns in the immediate vicinity?

2. Neighborhood Intrusion. Further, if approved, how might the petition pose a negative impact on the neighborhood? What measures could be taken to relieve or remove those potential negative impacts?

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

BACKGROUND:

1 Existing Zoning The property involved in this petition is zoned a combination of B-2(CD), O-6 and R-6MF Properties which lie along and near East Third Street are zoned a combination of B-2 and O-6 in the general vicinity The B-2 pattern also extends along other streets in the area such as Independence Boulevard, East Fourth Street and Elizabeth Avenue Other properties which front on South Torrence Street are zoned R-6MF.

2 Existing Land Use The subject property is developed with the Winchester Surgical Supply Company at the immediate corner of South Torrence and East Third Street, but the remaining area of the site is vacant. The petitioner also operates a facility across the street on Torrence Street A mixture of office and commercial activities front along East Third Street between Queens Road and Kings Drive in the area. Included in that are several medical related facilities, the most significant of which is the Eye, Ear, Nose and Throat Hospital (Humana). South Torrence Street, for the most part, is a residential street which contains single family homes and that residential pattern exists along other streets in the Cherry neighborhood Other office development is located along Baldwin Avenue and there are other, newer multi-family areas along Queens Road in the vicinity, also

3 Existing Site Plan. The existing B-2(CD) portion of this site was approved by City Council in August of 1979 It allowed for the retail sales of

medical equipment and supplies as well as for the associated parking with that use

4 Proposed Plan. The proposed plan calls for the existing building to remain along with an addition to it which would extend up South Torrence Street. The total building area would be 8,187 square feet The plan would provide for new parking as well as an open space area adjacent to land which is zoned and used for residential development. The common property line between the petition and the residential use would be screened with either a brick wall or slatted wooden fence.

5 Zoning History (See Attached Map) There have been 14 prior rezoning requests in the general area of the subject property. The attached map indicates their locations Case #1 was a 1963 denial to change the intersection of Caswell and East Third Street from O-6 to B-1 Case #2 was a 1964 approval of R-6MF to O-6 for parcels on Baldwin between Third and Ranlo. Case #3 was a 1967 change from O-6 to B-2 for the northern corner of Torrence and Third Case #4 was a 1967 change from R-6MF to B-2 on Cherry Cases #5 and 6 were both 1968 changes from R-6MF to O-6. Case #5 is on Queens at Caswell and Case #6 is on Lillington Case #7 was a 1969 change from O-6 to B-1 at the corner of Bartow and Travis Cases #8 and 9 were both 1970 changes from R-6MFH to O-6 for property on Caswell. Cases #10 and 12 both involved Winchester Surgical Supply with Case #10 being a change in 1976 from R-6MF to B-2 on the northwesterly side of Torrence and Case #12 being a change in 1979 from O-6 to B-2(CD) on the southeasterly side of Torrence. Case #11 was a 1977 change from R-6MF to O-6(CD) for the western corner of Ranlo and Baldwin Cases #13 and 14 were both R-6MF to O-6(CD) requests on Lillington north of Amherst. Case #13 was approved in 1979 while Case #14 was denied in 1984.

6. School Information Not applicable

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area is comprised of existing residential land uses and also includes the area in a development enterprise area created to encourage a high intensity district of office, shops and housing.

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff expressed some concern about the request due to the potential intrusion and negative impacts the change might have on the Cherry community Staff encouraged a conditional approach and urged that conditions of the plan should pay particular attention to the residential edge

3. Pre-Hearing Departmental Comments (Summary)

1 C-MUD Water and sewer are available to the site

2 Fire Department No comment

3 Building Standards Building Standards commented that a statement regarding signage should be placed on the site plan and a clarification of required parking was needed

4 C-DOT The site is being rezoned to permit a less intense land use and therefore the trips generated by this site are less under the current rezoning The alleyway shown on the plan should not be used to access the site

5 Engineering Department The Engineering Department provided their usual comments regarding required development permits.

4. Neighborhood Context. This site is located in the Cherry neighborhood

DETAILED FINDINGS:

1 This petition involves several tracts of land which are zoned a combination of B-2(CD), O-6 and R-6MF and the petitioner is requesting the site plan amendment to the existing B-2(CD) as well as rezoning the other parts to O-6(CD) and B-2(CD)

2 The petitioner is planning an expansion of an existing building and facility on a portion of the site. (For further details refer to Background #4.)

3 The site is located at the corner of Torrence and East Third Street, but does extend away from the corner towards the interior of the Cherry neighborhood

4 It should be noted, though, that the proposed zoning boundary line in this case lines up directly across the non-residential (B-2) zoning line directly across the street from this site Therefore, it can be argued that the proposed zoning line between residential and non-residential being established on this side of Torrence will match the corresponding line across the street.

5 It is equally important to keep in mind that the Cherry neighborhood is an important, but fragile neighborhood There have been instances in the past when the neighborhood has been chipped at around the edges and it is important to keep that aspect in mind when evaluating this petition As a matter of fact a recent petition, which was more interior in location than this one, was denied a rezoning from residential to office That case was in 1984

6 In its evaluation of this request staff has paid particular attention to the potential negative side of this request, that being the intrusion into the neighborhood. The property that is being expanded onto is vacant, but it is important that if the petition is to be approved that it provide a satisfactory relationship to the housing which it will ultimately be adjacent to

7 Therefore staff has stressed recently with the petitioner that additional detail on the plan needs to provide for an attractive and well buffered relationship between the parking area and the neighborhood Staff has suggested more detail regarding landscape plantings as well as a brick wall treatment which will provide for the aesthetics as well as the firm finishing point for non-residential zoning along South Torrence Street With those kinds of changes, staff would feel more comfortable with the plan and believes that the petition can be approved and be recognized as the logical stopping point for non-residential zoning on South Torrence Street As mentioned just above, the approval here would then provide for a clear stopping point for the non-residential zoning line on both sides of South Torrence Street.

8 It should be reemphasized that the approval here would not be any sort of indication that any other rezoning in this immediate area, or in other areas of Cherry, would be encouraged It is a recognition that an unusual zoning and land use relationship now exists on Torrence Street, with non-residential extending several lots farther down on one side than on the other and this petition will even out that zoning boundary line

9 Assuming that the petitioner can respond to staff concerns regarding the edge treatment, then staff would recommend the approval of the request

*Subject to further refinement following public hearing

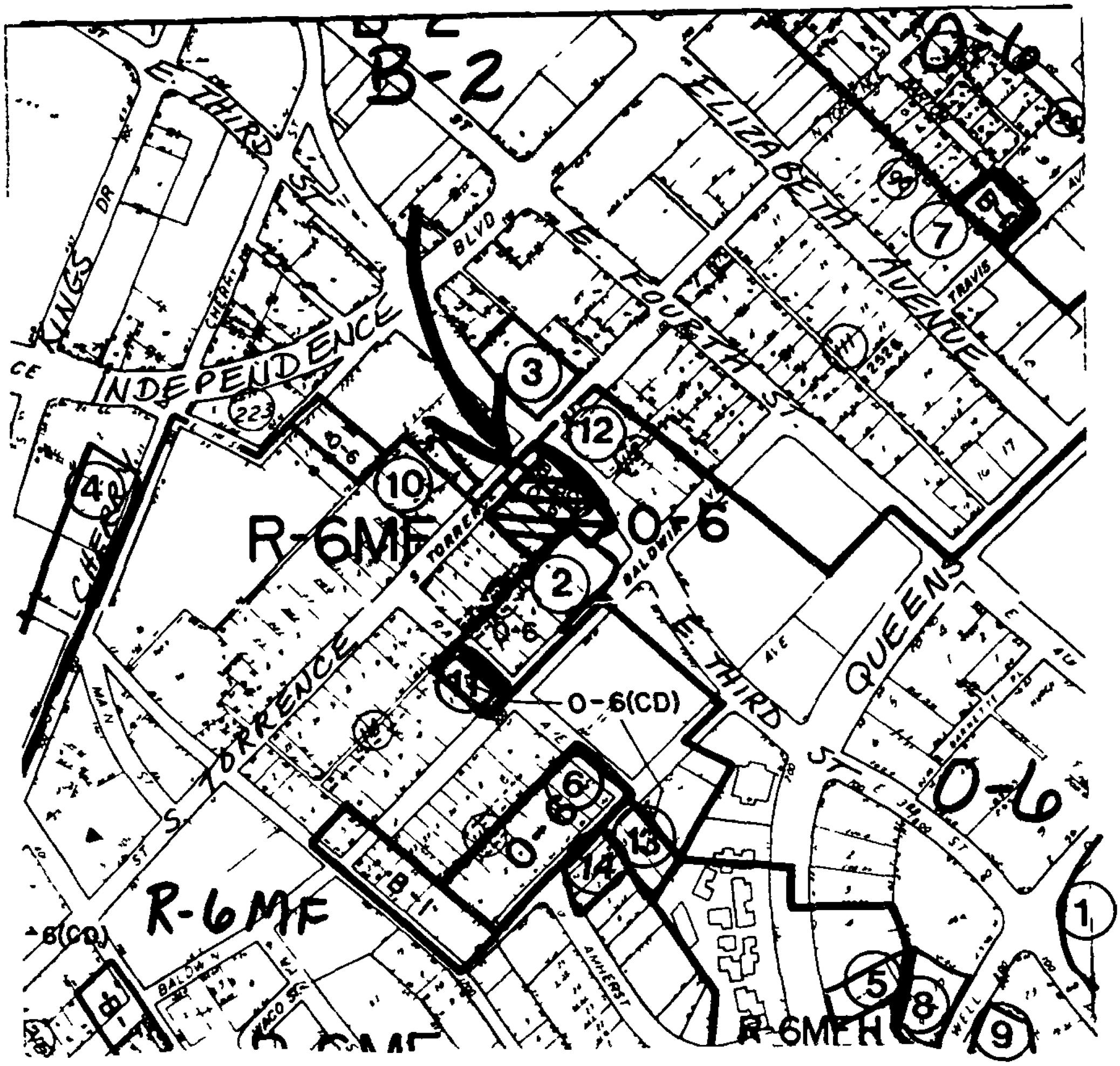
ZONING HISTORY

PETITIONER Winchester Surgical Supply Company

PETITION NO. 87-43 HEARING DATE April 21, 1987

ZONING CLASSIFICATION, EXISTING R-6MF B-2(CD), O-6, REQUESTED B-2(CD), O-6(CD), and a B-2(CD Site Plan Amendment

LOCATION An approximately one half acre site on the southern corner of the intersection of S. Torrence Street and East Third Street.



ZONING MAP NO. 102 SCALE 1" = 400'

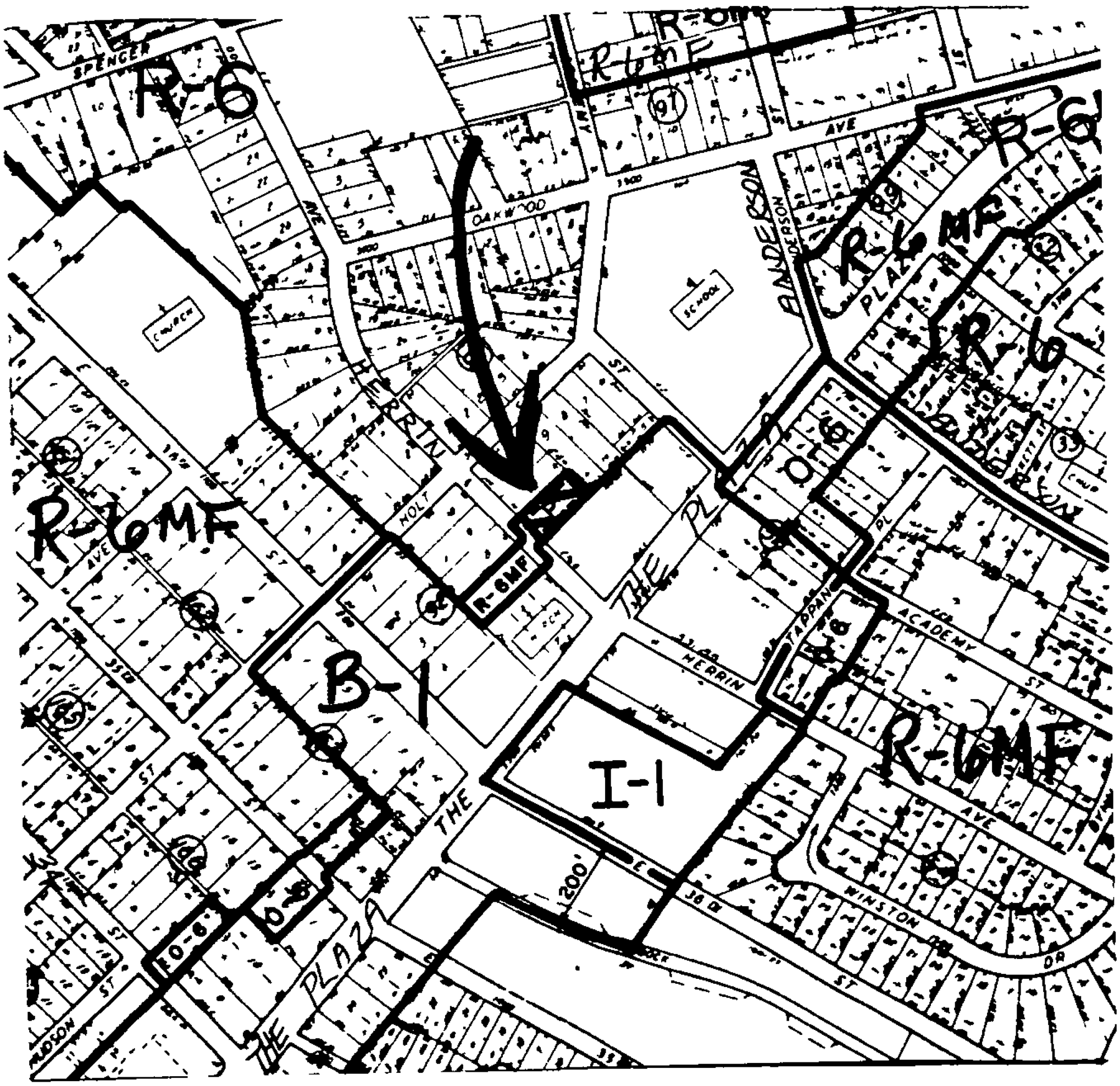
PROPERTY PROPOSED FOR CHANGE

PETITIONER North Carolina National Bank

PETITION NO 87-44 HEARING DATE April 22, 1987

ZONING CLASSIFICATION, EXISTING R-6MF Conditional Parking REQUESTED B-1

LOCATION A 12,500 square foot parcel located north of the intersection of The Plaza and Herrin Avenue to the rear of the NCNB branch office



ZONING MAP NO. 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-44
Date Filed 3/2/87
Received By TA
OFFICE USE ONLY

Ownership Information

Property Owner NCNB Properties, Inc.

Owner's Address One NCNB Plaza
Charlotte, N. C 28255

Date Property Acquired February 9, 1962

Deed Reference Book 2307, Page 183 Tax Parcel Number 091-093-03 PO (See attached

Location Of Property (address or description) 3401 The Plaza

Description Of Property

Size (Sq Ft-Acres) 12,500 feet/.293 acres Street Frontage (ft.) 80

Current Land Use Business Parking Lot

Zoning Request

Existing Zoning R-6 MFP and B-1 Requested Zoning All B-1

Purpose of zoning change To allow for possible expansion of our branch, located on a continuing lot to this particular parking lot. The lot in question has been used for business purposes for the past 12 years

Name of Agent

Agent's Address

Telephone Number

NCNB National Bank
Name of Petitioner(s)

One NCNB Plaza
Charlotte, N.C. 28255
Address of Petitioner(s)

374-5935
Telephone Number

Jimmy H Mullin
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-44

Petitioner	NCNB
Location	A 12,500 square foot parcel located north of the intersection of The Plaza and Herrin Avenue to the rear of the NCNB branch office
Request	Change from R-6MF Conditional Parking to B-1

ISSUES.

1 Reason for Rezoning. Why is this petition being brought forward to public hearing?

2 Appropriateness of Proposed Rezoning Considering the site has been used for parking under the old conditional parking requirements, what effect would the proposed rezoning have?

3 Conditional District. How would a conditional district plan enhance the petition and increase the likelihood of approval?

BACKGROUND

1 Existing Zoning. The property in this case is zoned R-6MF Conditional Parking Much of the surrounding area associated with The Plaza is zoned B-1 The remainder of the vicinity is zoned residentially, either R-6 or R-6MF

2. Existing Land Use The subject property is currently used as a parking lot in conjunction with the adjoining NCNB branch Other business uses including a grocery store, convenience store and restaurants are located nearby along The Plaza Plaza Road Baptist Church is located across from the site on Herrin Avenue and The Plaza The remaining vicinity is primarily single family, with some duplex and multi-family units also

3 Zoning History (See Attached Map) There have been seven previous rezoning requests in the area The attached map shows their locations Cases #1 and 3 were both B-1 to I-1 changes on The Plaza between East 36th Street and Herrin Avenue Case #1 was in 1963 while Case #3 was in 1972 Case #2 was a 1967 denial to rezone from R-6MF to B-1 on the corner of The Plaza and Essex Case #4 was a 1973 change from R-6MF to R-6 for a large area including Oakwood Avenue and Herrin Avenue northwest of The Plaza Case #5 involved the subject property in 1974 The case allowed conditional use parking in R-6 Cases #6 and 7 were both denials Case #6 involved a request from B-1 to B-2 at the corner of The Plaza and East 35th Street in 1976 Case #7 was a request from R-6 to O-6 on Academy Street in 1978.

4 Conditional District Review This case was reviewed under the conditional district review process, as this site was rezoned for conditional parking in 1974 It was determined that some conditions had not been adhered to, specifically encroachment into the 20 foot setback had occurred This case was referred to the Zoning Administrator for action Compliance with the approved conditions would require the removal of two parking spaces In response to this review, the rezoning request to B-1 is submitted

GENERAL FINDINGS:

1. 2005 Plan. The 2005 Plan indicates the area of the subject property as existing employment uses No specific strategies are recommended

2. Pre-Hearing Staff Input. Staff provided assistance regarding the preparation of the application.

3. Pre-Hearing Departmental Comments (Summary)

   Due to the fact that the petition is not conditional in nature, departments which normally report did not in this case

4 Neighborhood Context. The site is located in the North Charlotte neighborhood.

DETAILED FINDINGS·

1 The subject property is a 12,500 square foot lot which is currently zoned R-6MF Conditional Use Parking (which is no longer allowed), and used in conjunction with the NCNB branch on The Plaza That part of the site is already zoned B-1

2 The conditional use required no parking in the setback, but currently there are two parking spaces within the setback. After notifying the petitioner of the conditional district review, a rezoning request to B-1 was submitted (see Background #4) in response to the discussions. The B-1 district does not prohibit parking in the setback and, thus, from a technical standpoint approval of the request would solve the parking problems

3 The site is located adjacent to residential uses on three sides Herrin Avenue is considered a neighborhood street

4 Not only should the petitioner comply with the requirements of the conditional use, but staff feels a conditional district plan should be submitted with adequate landscaping on Herrin Avenue, as well as adjacent to residential property A good streetscape appearance is desirable along Herrin Avenue

5 Because the lot has been used for parking for a number of years, that continued use may be reasonable with the conditional district approach

6 Staff has attempted to work with the petitioner both in the filing of the rezoning application and in reaching a compromise with the conditional district site plan The materials filed by the petitioner have been inadequate and do not meet technical requirements

7 Also, there is some confusion as to the future use of the parcel The rezoning application indicates the rezoning is to allow for possible expansion of the bank branch However, conflicting information has been provided which shows the property will continue to be used as a parking lot This matter should be clarified

8 Despite the confusion and problems, it is felt that a compromise solution would be a rezoning to B-1(CD) The conditional plan should indicate heavily landscaped treatment of both Herrin Avenue and the residential edge.

9. Until additional information and materials are provided by the petitioner, staff is unable to offer a final recommendation at this time However, should an appropriate conditional plan not be achieved, then staff would recommend denial of the petition and the petitioner would have to remove the two parking spaces closest to Herrin Avenue

*Subject to further refinement following public hearing

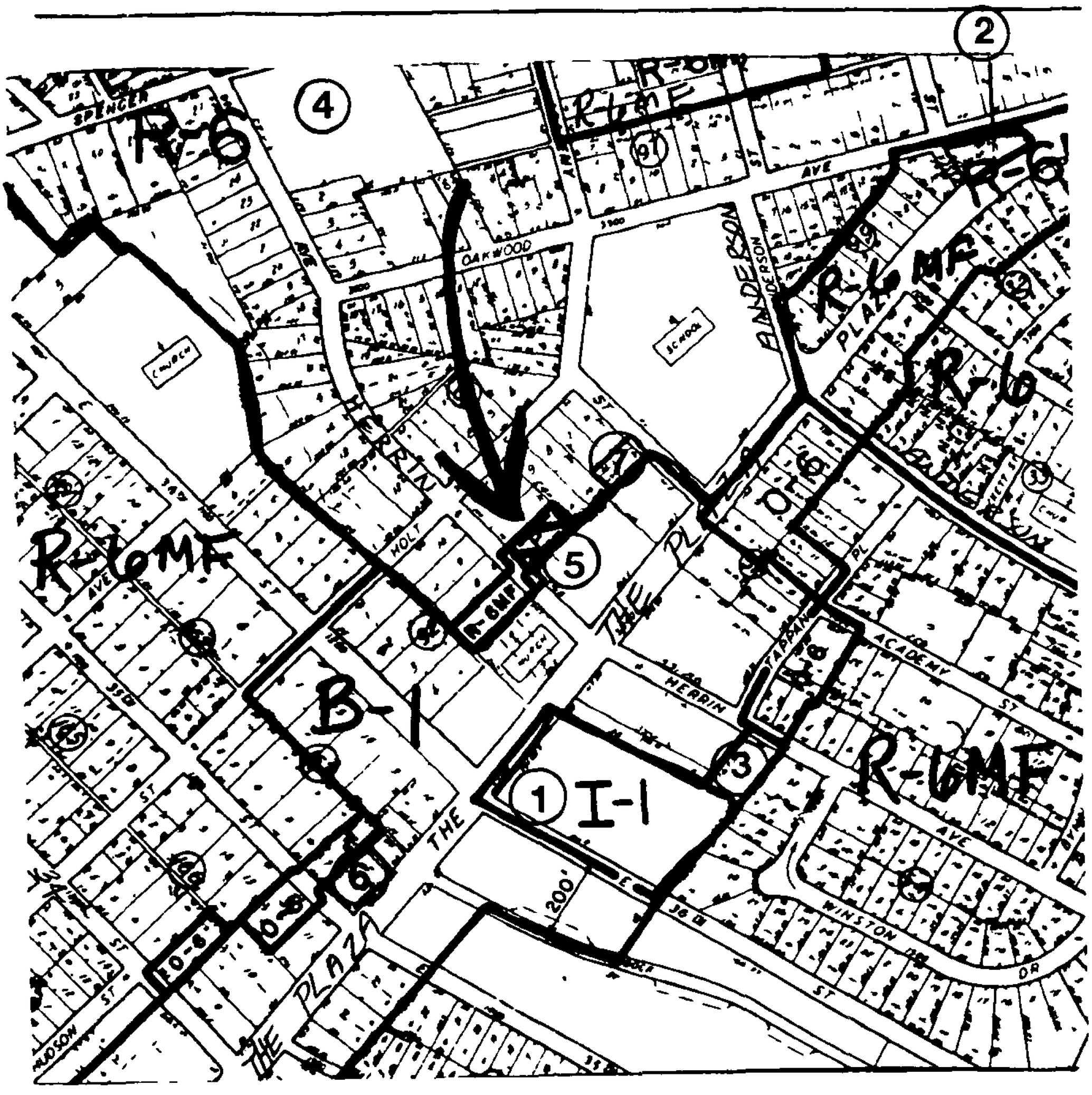
ZONING HISTORY

PETITIONER North Carolina National Bank

PETITION NO. 87-44 HEARING DATE April 21, 1987

ZONING CLASSIFICATION, EXISTING R-6MF Conditional Parking REQUESTED B-1

LOCATION A 12,500 square foot parcel located north of the intersection of The Plaza and Herrin Avenue to the rear of the NCNB branch office



ZONING MAP NO. 89 SCALE 1" = 400'

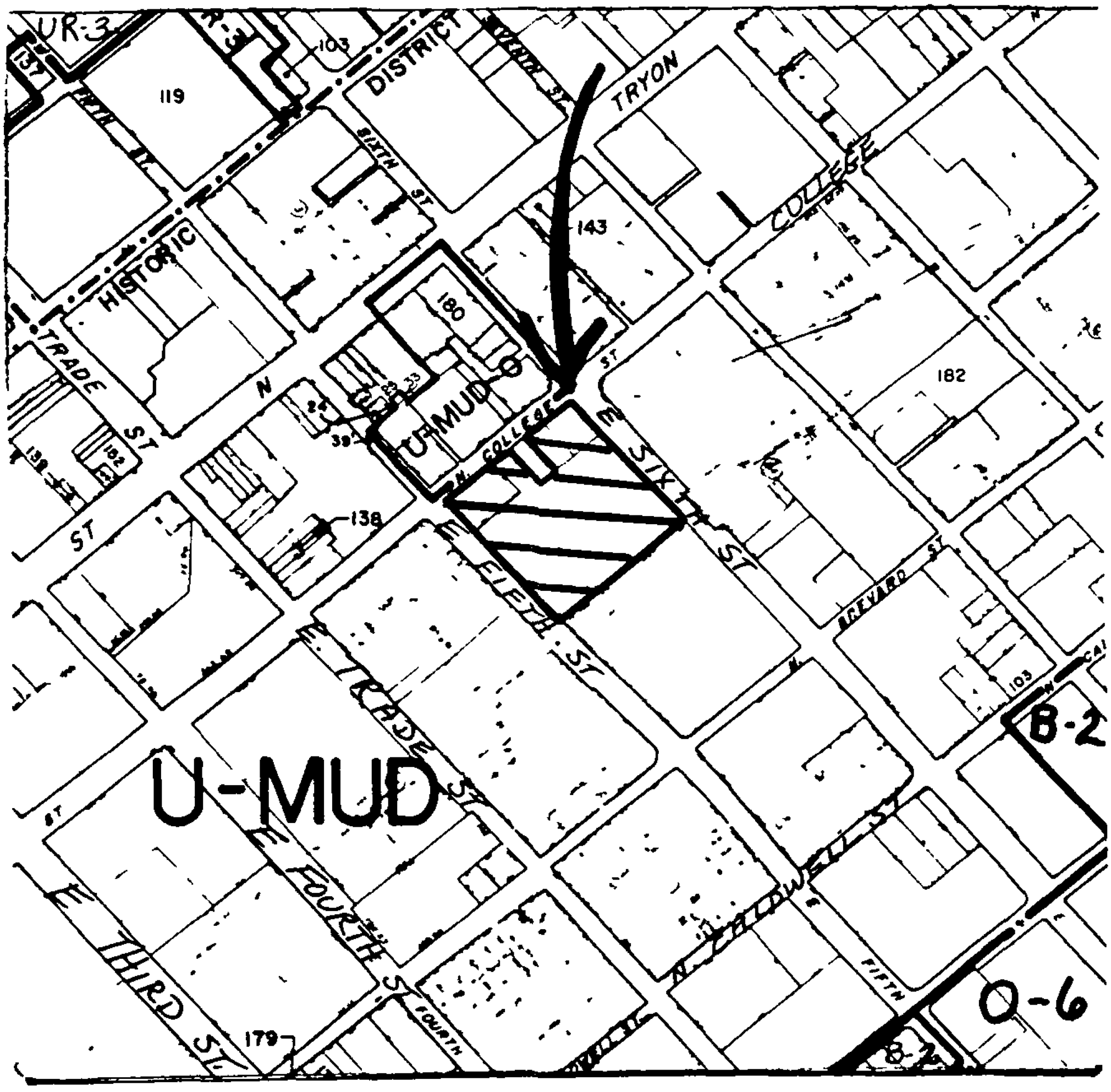
PROPERTY PROPOSED FOR CHANGE

PETITIONER Crosland - Erwin - Merrifield Associates

PETITION NO 87-45 HEARING DATE April 22, 1987

ZONING CLASSIFICATION, EXISTING U-MUD REQUESTED U-MUD-O

LOCATION A 3.46 acre site bounded by North College Street, East Fifth Street, East Sixth Street and Southern Railway



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-45
Date Filed 3/2/87
Received By
OFFICE USE ONLY

Ownership Information

Property Owner Crosland-Erwin-Merrifield Associates
(North Carolina General Partnership No. 26)
Owner's Address 125 Scaleybark Road

Charlotte, North Carolina 28209

Date Property Acquired Purchase Contract, December 12, 1986

Deed Reference See Exhibit "B" Attached Tax Parcel Number See Exhibit "B"

Location Of Property (address or description) Block bound by 5th Street, 6th Street

College Street and Southern Railroad right-of-way

Description Of Property

Size (Sq Ft.-Acres) 3.46 acres Street Frontage (ft.) 1,169.73'

Current Land Use Warehouse, Commercial, On-grade Parking

Zoning Request

Existing Zoning UMUD Requested Zoning UMUD-Option

Purpose of zoning change Variance on setback requirement at 5th and 6th Streets, variance on height restriction on College Street

Odell Associates Inc.
Name of Agent

129 West Trade Street, Charlotte, NC 28202
Agent's Address

(704) 377-5941
Telephone Number

Crosland-Erwin-Merrifield Associates
Name of Petitioner(s)

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

(704) 523-0272
Telephone Number

Frank C Spencer
Signature

William L Wilson, Agent
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-45

Petitioner	Crosland-Erwin-Merrifield Associates
Location	A 3 4 acre site bounded by North College Street, West Fifth Street, West Sixth Street and the Southern Railway
Request	Change from U-MUD to U-MUD-O

ISSUES

1. Need for Rezoning. The request involves the optional uptown district What standards are being waived by the petitioner and what are the circumstances and explanation of that waiver?

2 Consistent With Uptown Goals Would such a waiver be consistent with the overall planning and design goals for this project as well as the overall uptown environment?

BACKGROUND

1. Existing Zoning The subject property is presently zoned U-MUD, which is the uptown mixed use district and comprises most of the uptown area However, across College Street from the site is a block which is principally zoned U-MUD-O Residential areas nearby are comprised of several of the urban residential districts

2 Existing Land Use Current land uses on the site are a combination of on-grade parking, commercial and warehouse structures The general vicinity contains a wide mixture of retail, warehouse and office uses Under construction across College Street from the site is the new City Fair project.

3 Explanation of Request The petitioner seeks the rezoning to the U-MUD-O district in order to provide some relief from the normal U-MUD requirement for a minimum setback of 12 feet from the curb to the building The purpose of the 12 foot setback is to assure the provision of adequate sidewalk and planting strips in front of new buildings uptown The petitioners also seek a waiver from the minimum height of 20 feet, which is normally required in the U-MUD district for the building overhang in the setback area

The petitioner's proposal involves an 8'3" setback for the new portion of the building along College Street, a 9'6" setback on East Fifth Street and a 10'1" setback on East Sixth Street The College Street situation is the most critical in that C-DOT is requesting that the petitioner increase the existing 34 to 35 foot cross section on College Street to at least a 37 foot cross section which would reduce the 8'3" area to about 6 feet Additionally, street trees need to be set 2 and 1/2 feet from the back of

the curb reducing the affected sidewalk area along College to about 3 and 1/2 to 4 feet It should be noted that there is an arcade which extends around the proposed building in that within that arcade is additional sidewalk space. However, the U-MUD ordinance requires a minimum height from the level of sidewalk to the building overhang of 20 feet and the petitioner is not meeting that requirement, also

4 Zoning History (See Attached Map) There have been three previous rezonings in the area. The attached map indicates their locations Case #1 was a 1983 Charlotte-Mecklenburg Planning Commission sponsored rezoning from B-3 to U-MUD that took in a large area uptown Cases #2 and 3 were both Carley Capital petitions that rezoned the parcels across College Street form the subject property from U-MUD to U-MUD-O in 1985 and 1986 respectively

GENERAL FINDINGS.

1 2005 Plan. The 2005 Plan indicates the area is comprised of existing employment land uses and is included as a development enterprise area which is created to encourage high intensity uses including offices, shops and housing

2. RTKL Plan (Central Area Plan) The RTKL Plan outlines a specific implementation program regarding the subject property as well as the existing warehouse on the property The plan seeks an initiative from the private sector for 1) adaptive reuse of the warehouse, and 2) a landscaping and screening project for the parking in the area. In turn the plan proposes the public sector provide 1) an enhanced pedestrian linkage to North Tryon Street from the area by the extension of the overstreet mall, 2) street level landscaping, and 3) public surface parking where necessary to support private redevelopment in the area. The RTKL Plan also recommends increasing the width of College Street between Trade and Sixth to four lanes

3 Pre-Hearing Staff Input. Staff has met with the petitioner on several occasions regarding this matter. Staff has accepted the idea of the optional standards along Fifth and Sixth Streets, but is opposed to the design for the building and setback orientation to College Street New construction is proposed there and it is staff's belief that the developer should meet the requirements of the ordinance in a similar fashion that the City Fair project has done directly across College Street from the site

4 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards More detailed information is needed to complete an adequate review of the project

3 Engineering Trees and building columns within the sidewalk area will significantly effect pedestrian activity.

4 C-DOT The potential trips generated by this site as currently zoned would remain under the proposed rezoning The petitioner should provide a minimum 37 foot cross section on College Street because the current 34 to 35 foot cross section is inadequate

5 Park Operations The City Arborist has stated that the proposed 8'3" setback along College Street is not wide enough to plant the required street trees A minimum of 10 feet is needed to provide adequate room for trees to grow

5 Neighborhood Context The site is located in the Uptown area

DETAILED FINDINGS:

1. This project involves a 3.4 acre site in the uptown area bounded by North College Street, West Fifth Street, West Sixth Street and the Southern Railway The current zoning is U-MUD and the petitioner is seeking U-MUD-O

2 This site is being developed through a joint public/private project which will result in the refurbishing of older buildings along with new construction to create a new trade/apparel mart on the site

3 The proposed use is in an area where a tremendous amount of building development is either being proposed or is underway These projects include such projects as the new City Fair Market, this project, the uptown library expansion and the proposed major mixed use project in the block occupied by Eckerds and Belks All of these projects will add significantly to the vitality of the uptown environment.

4 This use is also consistent with overall plans for the uptown area including the RTKL Plan

5 This project has generated a tremendous amount of positive enthusiasm for uptown It is creating new opportunities for trade and employment.

6. A significant amount of public and private negotiation has thus far entered into this development proposal Clearly the sentiment here is to develop this project, but in so doing the developer has encountered some difficulties dealing with the regular U-MUD district requirements

7 Accordingly, the developer has opted for the U-MUD-O district, which has been specifically designed to consider unusual situations from a design perspective. The intent of this district is to allow the waiver of standards which might be difficult to obtain, but nonetheless do provide for the intent of the overall U-MUD district provisions In this case staff is partially agreeable to the developer's request

8 For example, staff can accept the idea of slightly reduced sidewalk, setback requirements on Fifth and Sixth Streets due to the existence and alignment of the existing buildings on the site. However, staff does have a problem with the developer's proposal along College Street. In this

instance new construction is being proposed and it is staff's opinion that the developer ought to meet the provisions for the normal building/setback requirement A very similar situation exists directly across College Street from this site on the City Fair site In fact a very similar design using an arcade is proposed there as it is in this structure and the City Fair project did meet the U-MUD standard In this case the developers argued that meeting that requirement will impose a hardship and the project will lose valuable leasing space, which has already apparently been accounted for.

9. The proposed Uptown Streetscape Plan calls for Sawtooth Oaks (a large canopy tree) to be planted throughout College Street The City Fair and the Public Library will both plant Sawtooth Oaks, but because of the reduced setback on the Apparel Mart site, the planting of these trees might be precluded.

10 The developer has argued that the combination of the pedestrian space underneath the arcade as well as the external space between the columns and the curb more than makes up for the minimum 12 feet of sidewalk which is required Staff would have no problem with that and in fact it would meet the standard so long as a minimum height between the ground floor and the building floor above is a minimum of 20 feet But once again, that standard is also not being met

11 At this point, staff cannot support the petition Some aspects are approvable but the North College Street situation is quite disconcerting to staff It is believed that the ordinance should be adhered to and other developers have maintained the proper minimum design restrictions. It is felt this developer should do the same here.

*Subject to further refinement following public hearing.

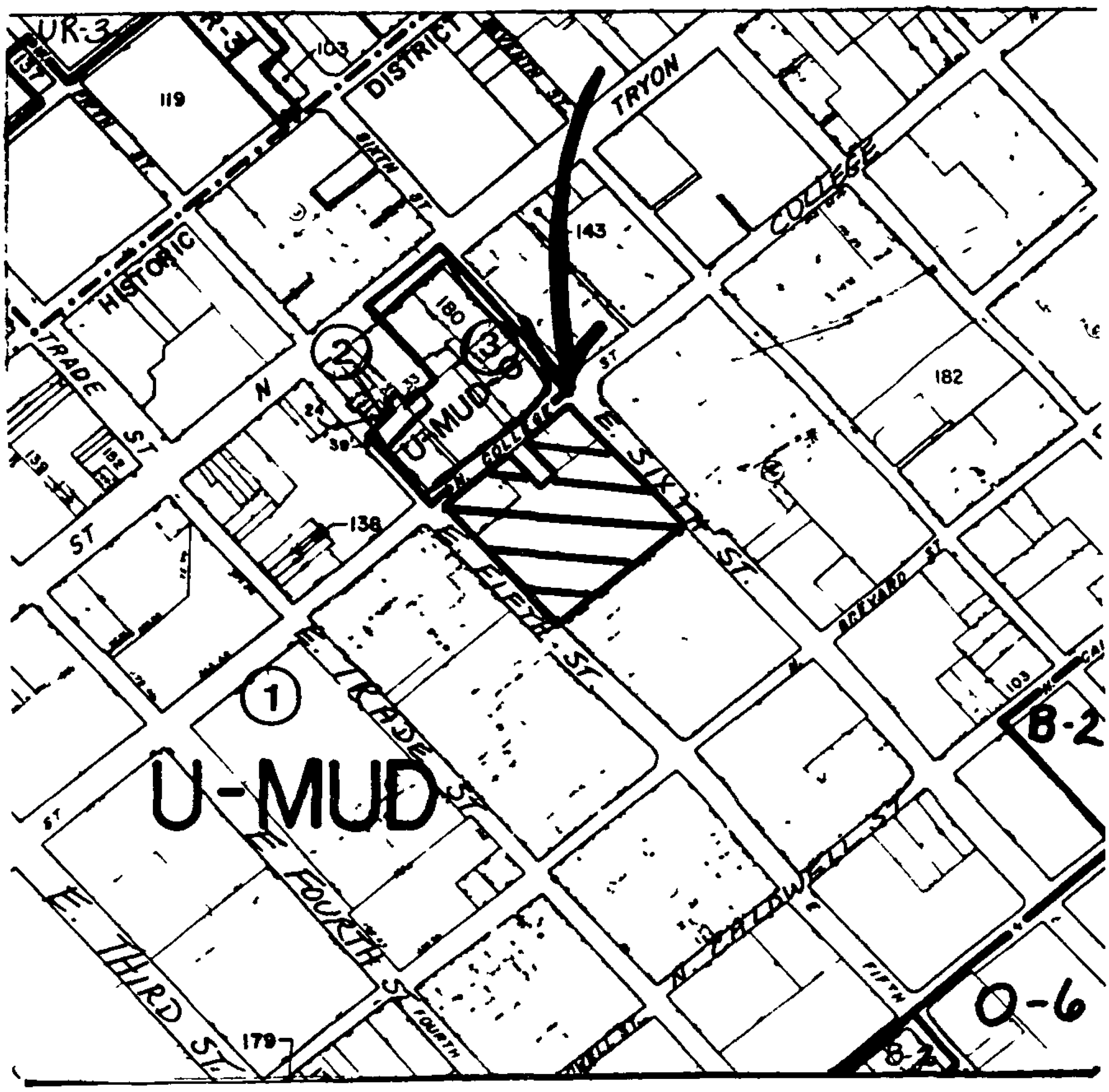
ZONING HISTORY

PETITIONER Crosland - Erwin - Merrifield Associates

PETITION NO 87-45 HEARING DATE April 21, 1987

ZONING CLASSIFICATION, EXISTING U-MUD REQUESTED U-MUD-O

LOCATION A 3.46 acre site bounded by North College Street, East Fifth Street, East Sixth Street and Southern Railway



ZONING MAP NO. 102 SCALE 1" = 400'

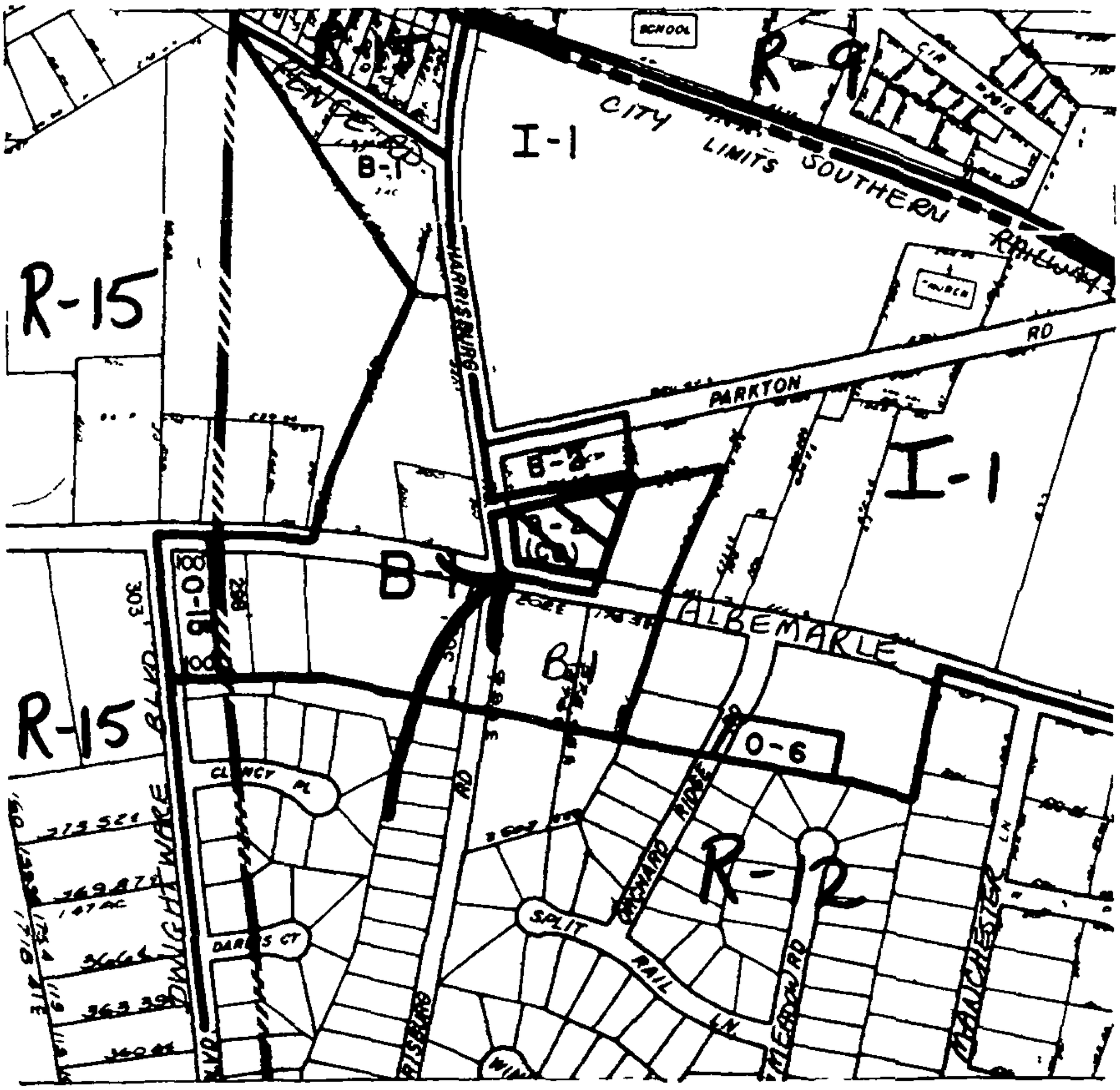
PROPERTY PROPOSED FOR CHANGE

PETITIONER James C Harris

PETITION NO 87-46 HEARING DATE April 22, 1987

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

LOCATION A 1.44 acre site located on the northeast corner of the intersection of Albemarle Road and Harrisburg Road.



ZONING MAP NO. 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-96
Date Filed 3/2/87
Received By
OFFICE USE ONLY

Ownership Information

Property Owner JIM HARRIS AUTO SALES, INC.

Owner's Address 6541 East Independence Boulevard, Charlotte, NC 28212

Date Property Acquired September 5, 1984

Deed Reference Book 4898 Page 519 Meck Co. Registry Book 4727 Page 734 Meck Co. Registry Tax Parcel Number 111-152-15 & 111-152-16

Location Of Property (address or description) 9305 Albemarle Road, Charlotte North Carolina 28212 Northeast corner of Intersection of Harrisburg and Albemarle Road

Description Of Property

Size (Sq. Ft.-Acres) 1.44 Street Frontage (ft.) 188.87' (Albemarle Rd 136.00' (Harrisburg

Current Land Use Wholesale Dealership of Used Cars

Zoning Request

Existing Zoning B-2 CD Requested Zoning B-1

Purpose of zoning change The property was originally zoned B-1 and was changed to a conditional district to enable the petitioner to remain in business. As part of the conditional district, the petitioner would petition for rezoning to B-1 of operations ceased. This has occurred.

Joseph L. Ledford
Name of Agent

523 Law Building, Charlotte, NC 28202
Agent's Address

(704) 376-2626
Telephone Number

James C. Harris
Name of Petitioner(s)

6541 E. Independence Blvd
Charlotte, NC 28212
Address of Petitioner(s)

(704) 536-5341
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-46

Petitioner	James C Harris
Location	A 1 44 acre site located on the northeast corner of the intersection of Albemarle Road and Harrisburg Road
Request	Change from B-2(CD) to B-1

ISSUES.

1. Overall Zoning/Land Use Patterns. Would the approval of this rezoning request be compatible with existing zoning and land use patterns for the area, as well as those patterns which are envisioned for the area?

2 Relationship to Previous Request How does the current request to B-1 relate to the previous request by the petitioner to B-2(CD) and what prompted the submittal of a rezoning request?

BACKGROUND.

1 Existing Zoning The property involved in this petition is currently zoned B-2(CD). It is bordered on three sides by B-1 zoning. A small tract of land along the remaining side of the site is zoned B-2. To the east of the Harrisburg Road/Albemarle Road intersection is an area of I-1 zoning. There are also a couple of small lots in the immediate vicinity zoned for office purposes Other areas nearby are a mixture of R-15, R-12, R-9 and R-MH zoning districts

2 Existing Land Use The site currently has a wholesale dealership for used cars A restaurant and convenience store are located across Albemarle Road from the site Several other small businesses are located along Albemarle Road east of the site A mini-warehouse facility is located along Harrisburg Road just north of the property Adjoining the property on the Harrisburg Road side is an animal hospital The Harrisburg Road Landfill is located somewhat north of the property Otherwise, the general pattern in the area is comprised of single family resicential development

3. Existing Site Plan. The approved conditional site plan limited the use to a wholesale automobile dealership The plan also permitted a 1400 square foot expansion to the existing building. Landscaping was proposed around the perimeter of the site

4 Zoning History (See Attached Map) There have been six prior rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1971 change from B-1 to I-1 between Parkton and Albemarle Case #2 was a 1974 change from R-15 and R-12 to B-1 and R-12 between Drightware Boulevard and Harrisburg Road. Case #3 was a 1981 change from I-1 to O-6 on Orchard Ridge Case #4 was a 1981

change north of the subject property from B-1 to B-2 Case #5 was a 1984 denial to rezone from R-12 to O-6(CD) southeast of Harrisburg and Albemarle Case #6 involved the subject property's 1985 change from B-1 to B-2(CD)

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area is composed of developing residential land uses Strategies proposed for the area include the widening of Albemarle Road and the proposed alignment of the Outer Belt just to the west of the subject property

2 Albemarle Road East of Delta Road Small Area Plan This site is contained within the boundaries of the plan, which is currently underway.

3 Transportation Improvement Program. The TIP schedules the widening of Albemarle Road from Lawyers Road to Highway 51 for construction in FY90.

4 Pre-Hearing Staff Input Staff provided assistance in the submission of the application

5 Pre-Hearing Departmental Comments (Summary).

Due to the fact that the petition is not conditional in nature, departments which normally report did not in this case.

6 Neighborhood Context. The site is located in the area generally defined as the Albemarle Road neighborhood.

DETAILED FINDINGS.

1 The property in this petition is located at the intersection of Harrisburg Road and Albemarle Road. Existing zoning is B-2(CD) and the petitioner is seeking B-1.

2 The site has been occupied by a wholesale automobile dealership, which necessitated the rezoning to B-2(CD) from the B-1 zoning district in October, 1985. (Background #3.)

3. The conditional site plan contained a note that stated if the petitioner ceased the operation of the wholesale automobile dealership, a rezoning petition to B-1 would be submitted. The dealership has ceased operation

4. Except for one lot in this immediate vicinity, all other business zoning at the present time is B-1, as this site had been historically until 1985 The B-1 district is the neighborhood business district and is oriented to serve a small neighborhood area

5 As this area continues to grow, there may be a demand for a neighborhood retail and service center in the future The B-1 zoning would provide an opportunity for the development of such a center The return to B-1 would compliment the area's pattern and comply with the condition of the existing site plan The approval of the request is encouraged

*Subject to further refinement following public hearing

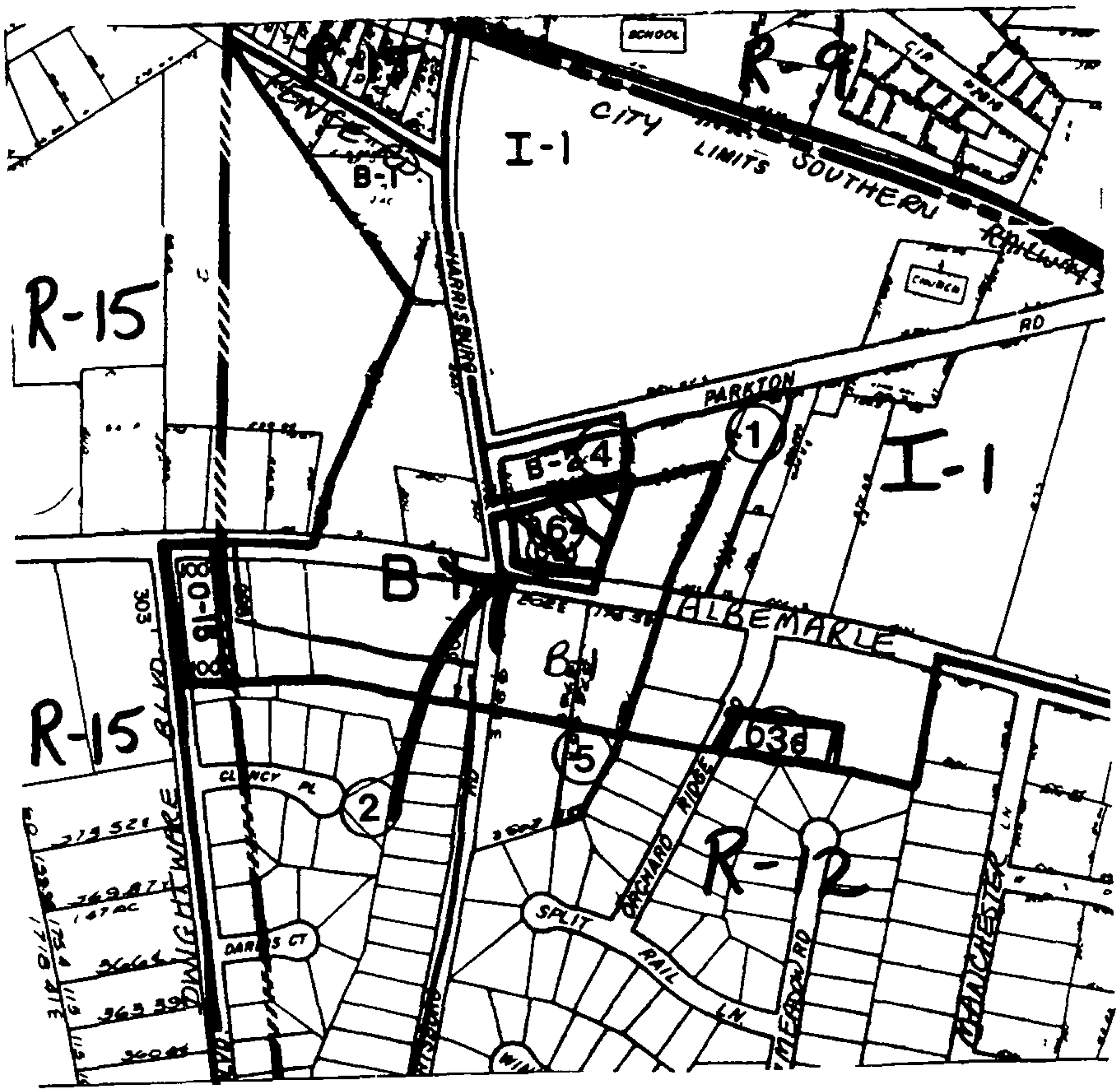
ZONING HISTORY

PETITIONER James C Harris

PETITION NO 87-46 HEARING DATE April 21, 1987

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

LOCATION A 1.44 acre site located on the northeast corner of the intersection of Albemarle Road and Harrisburg Road.



ZONING MAP NO. 115

SCALE 1" = 400'

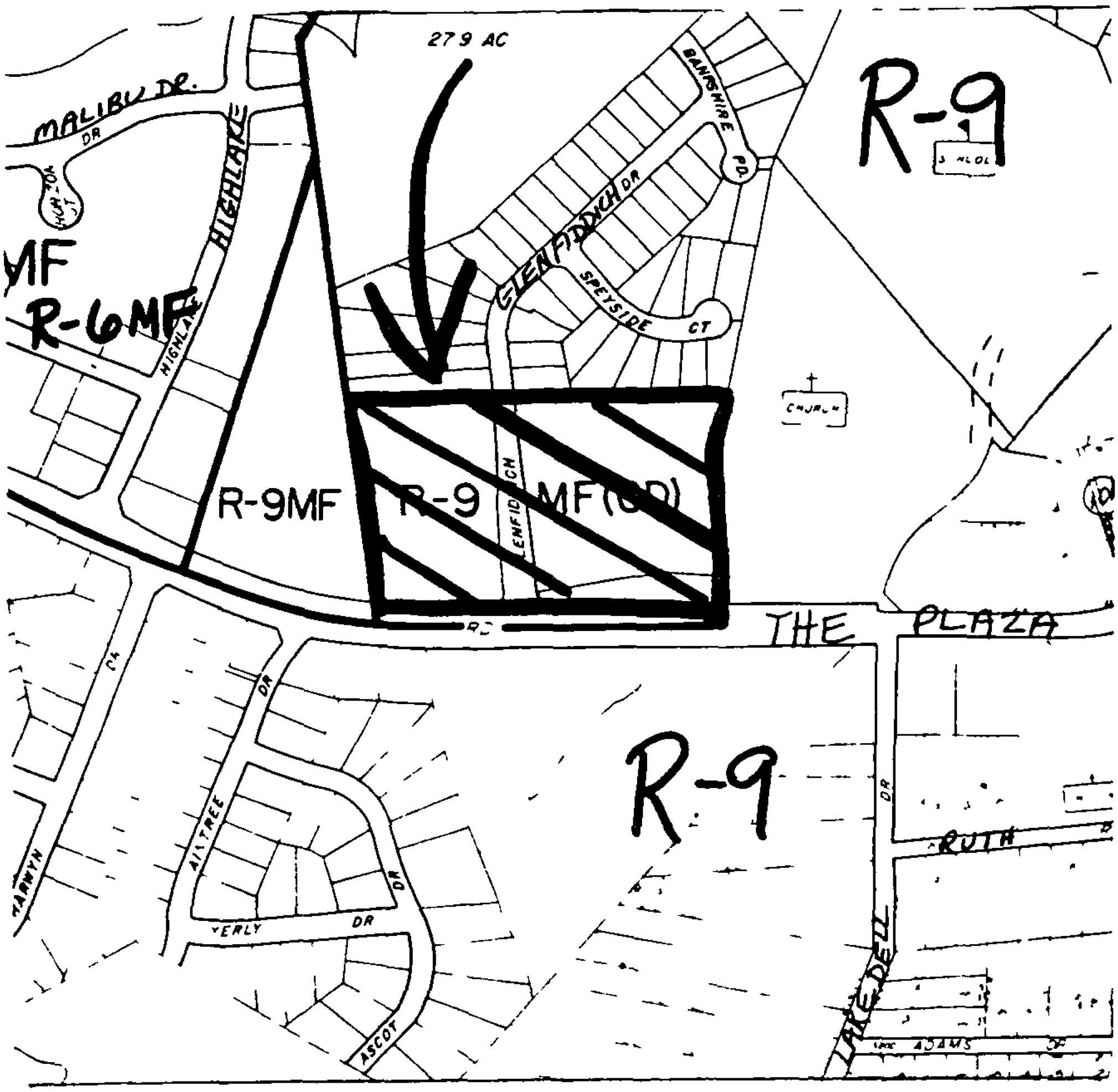
PROPERTY PROPOSED FOR CHANGE

PETITIONER Klutts Realty and Construction Company

PETITION NO 87-47 HEARING DATE April 22, 1987

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

LOCATION A 9.14 acre site located on the northerly side of The Plaza on both sides of Glenfiddich Drive adjacent to St. John Presbyterian Church.



ZONING MAP NO. 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-47
Date Filed 3/2/87
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Klutts Realty and Construction

Owner's Address 1433 Emerywood Dr

Charlotte NC 28210

Date Property Acquired 3-27-86

Deed Reference 3010-366 Tax Parcel Number 09720130

Location Of Property (address or description) 4900 Block Plaza Rd

Description Of Property

Size (Sq Ft.-Acres) 9.14 Street Frontage (ft.) 1737.61

Current Land Use Vacant Property

Zoning Request

(Site Plan amendment)

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

Purpose of zoning change Amendments to previously approved site plan

Equity Ventures Inc. (Randy Humphrey)
Name of Agent

1433 Emerywood Dr Charlotte NC 28210
Agent's Address

704-553-1490
Telephone Number

Klutts Realty & Construction Co. I
Name of Petitioner(s)

1433 Emerywood Dr Charlotte NC
Address of Petitioner(s)

704-553-1400
Telephone Number

[illegible]
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-47

Petitioner	Klutts Realty and Construction Co , Inc
Location	A 9 1 acre site on the northerly side of The Plaza on both sides of Glenfiddich Drive
Request	Change from R-9MF(CD) to R-9(CD) and an R-9MF(CD) Site Plan Amendment

ISSUES

1 New Plan Versus Old Plan Does the rezoning and site plan amendment conform to the overall zoning, land use and site plan issues as the original site plan?

2 Effect of Overall Neighborhood If this petition were approved, what effect might it have on the adjoining neighborhood as well as for the larger community in general in this vicinity?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-9MF(CD) The site adjoins R-9, single family, zoning on three sides and R-9MF on the fourth Slightly farther west of the site is an area of R-6MF zoning along the northerly side of The Plaza

2 Existing Land Use The subject property is vacant The site lies at the entrance to the Highland Trace single family subdivision The site also adjoins the St John Presbyterian Church to the east and the Briarwood Elementary School is also close by. Single family development comprises the major land use pattern for the area although there is a concentration of duplex units to the east of the site along The Plaza

3 Existing Site Plan The existing site plan was approved by City Council in June of 1984 and includes a plan for a multi-family project of 90 units The overall density of that project, utilizing both sides of Glenfiddich Drive, is 9 8 dwelling units per acre A minimum 40 foot setback from The Plaza is shown Access to the site is from Glenfiddich Drive

4 Proposed Site Plan The proposed plan continues the 90 unit project, but in this plan all of the units are located on the easterly side of Glenfiddich Drive The resulting density for 90 units on that side is approximately 16 5 units per acre The westerly parcel will have no units associated with it and is being committed to a park/open space area The new site plan where the multi-family is to be located continues to observe the 40 foot minimum setback but there is a different arrangement in terms of building and parking areas The edge closest to adjoining single

family lots would be provided with a combination of screen wall, berms and existing vegetation

5 School Information

School	Capacity	Enrollment
Briarwood Elementary	780	816
Cochrane Jr. High	1,075	1,041
West Charlotte Sr High	1,535	1,667

6 Zoning History (See Attached Map) The site involved in this case was rezoned from R-9 to R-9MF(CD) in June of 1984. The only other case was a 1964 case which approved an area to the west of the site from R-9MF to R-6MF.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area is made up of existing residential uses No specific strategies are outlined for the immediate area. The plan does, however, propose extension of the Briar Creek Greenway several hundred feet east of the site

2. Transportation Improvement Program The TIP proposes the improvement of the intersection at Eastway and The Plaza by providing dual left turn lanes on southbound Eastway Drive and improving the right turn channel off westbound The Plaza. The intersection is both a high accident and high congestion location

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff was somewhat concerned about the proposed petition from the viewpoint that the relocation of all the units on one side of Glenfiddich would have the technical effect of uping the density to close to 17 units per acre There was also concern about the relationship to the adjoining single family subdivision and the potential impact that such an approval might have on the neighborhood and the community in general

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department No comment

3 Building Standards No Comment

4 Engineering Department The usual developmental comments along with a request for an additional 10 feet of right-of-way along The Plaza

5 C-DOT C-DOT also mentions a need for an additional 10 feet of right-of-way along The Plaza as well as the need for sight distance triangles at the proposed entrance Presently there is no median opening in front of the site at Glenfiddich C-DOT estimates that a

median opening would be necessary to provide for the traffic in and out of this project and the adjoining subdivision

5 Neighborhood Context The site is located in the Northeast Community neighborhood Staff has received a few phone calls regarding this application.

DETAILED FINDINGS

1 This petition involves a 9 1 acre site at the intersection of Glenfiddich Drive and The Plaza The site is actually located on both sides of the intersection and includes a request to rezone the site from R-9MF(CD) to R-9(CD) and an R-9MF(CD) Site Plan Amendment

2 The application would rezone the westerly side to R-9(CD) while amending the easterly side and keep the existing R-9MF(CD) zoning (For further details refer to Background #4.)

3 The site lies at the entrance to the Highland Trace neighborhood The neighborhood is developed with single family homes and is in the process of currently expanding to a new single family phase The area in general is comprised of single family or institutional uses There is a concentration of duplex structures somewhat to the west of the site, however

4 The neighborhood which exists to the rear of the site did not exist when the rezoning took place. The original proposal called for more units than was approved here but was reduced to the current level of 90 In this case 90 units continues to be the proposed number of dwelling units The neighborhood has called and made some inquiry about the rezoning application

5 Staff cautioned against this rezoning for several reasons

6 One reason involved the fact that the existing plan was in place and was judged to be one that was acceptable Further, rezoning the site as proposed would possibly create new controversy over the multi-family zoning Finally, staff was not convinced that the proposed plan was in fact a better one

7 Staff was especially concerned that this project would now have to be judged in light of a 16 5 dwelling units per acre rezoning as opposed to one at about 9.5 dwelling units per acre The high density aspect of the proposal was bothersome.

8 Staff was also concerned about the potential long term or future aspect of this petition Other discussions regarding additional development opportunities in the area (Eastwood Golf Course) have taken place and staff is concerned that very high densities should not be allowed in the area, including that site nor the site in question here

9 The petitioner has pledged that the westerly parcel will be deed restricted or in some way be permanent open space, but as of the preparation of this

material it is not precisely sure what that vehicle to accomplish that will be In any event, staff is somewhat concerned that that site might one day again be proposed for some type of development, possibly including more multi-family

10 All in all staff finds little to say about this plan in terms of it being a better one than the one that now exists The density aspect is quite bothersome and the relationship to the existing single family neighborhood becomes more strained with more intense development, larger and higher buildings, etc The existing plan is thought to be a good one and has a nice feel to it in terms of building and parking locations and open spece Development of the property under the existing plan will insure the future relationship to the single family neighborhood, whereas under this plan perhaps some unknowns would still exist

*Subject to further refinement following public hearing.

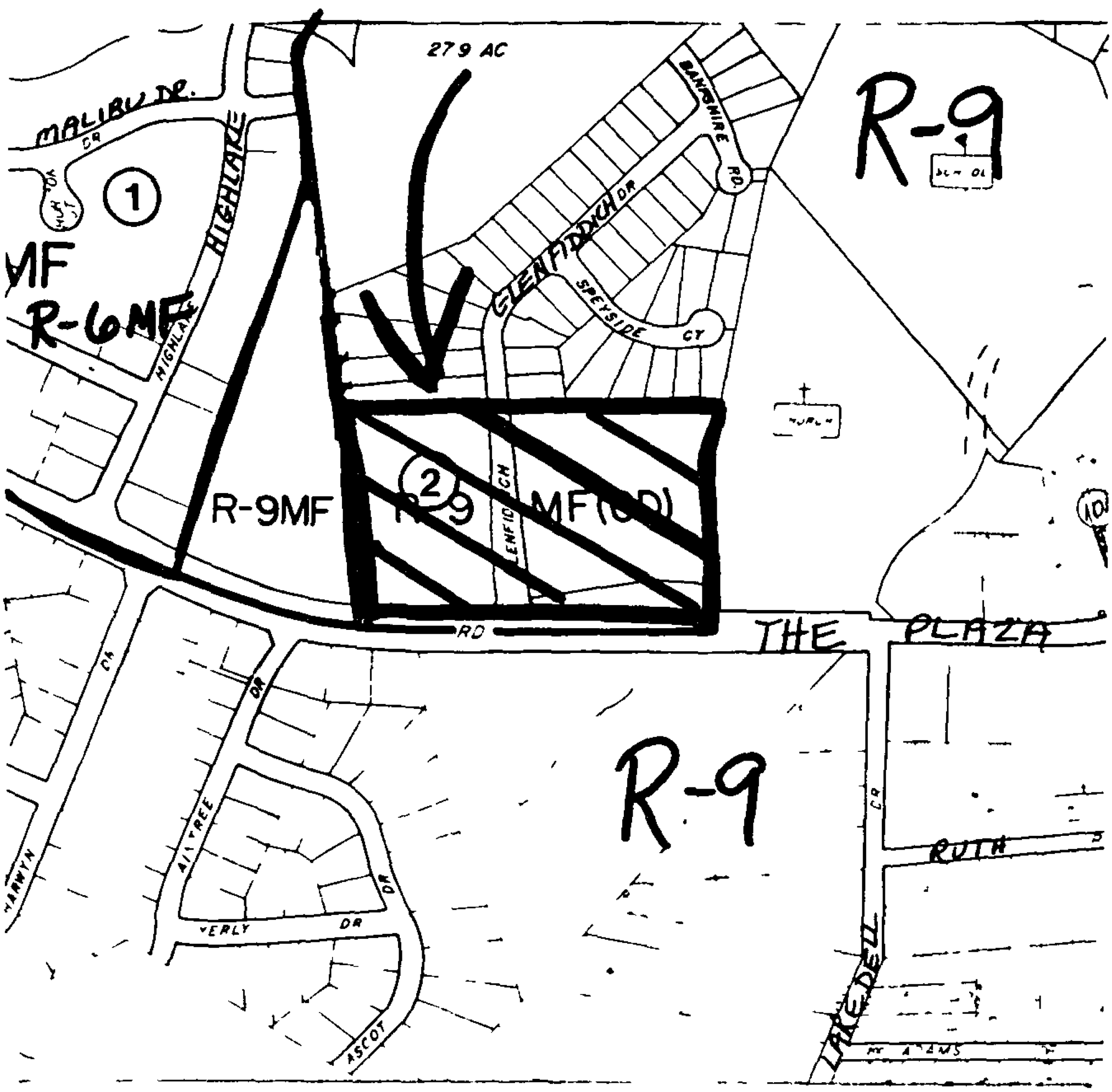
ZONING HISTORY

PETITIONER Klutts Realty and Construction Company

PETITION NO. 87-47 HEARING DATE April 21, 1987

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

LOCATION A 9.14 acre site located on the northerly side of The Plaza on both sides of Glenfiddich Drive adjacent to St. John Presbyterian Church.



ZONING MAP NO. 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 87-48

Date Filed 3/2/87

Received By

OFFICE USE ONLY

Section No 3051.1.2 Urban Districts Applicability

(Appendix A, Code of the City of Charlotte) (Title)

Purpose of Change To broaden the applicability of the urban residential districts, to allow for expansion of the districts in limited areas.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

301 S. McDowell St.

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 3051.1.2 by adding a new third sentence to read as follows:

   Applicability. Urban residential districts are intended for use in special areas of the community and thus may be considered for limited application. Generally, special plans or policy guides will be used to determine applicability. The official zoning map of the City of Charlotte will designate specific urban residential district boundaries.

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

Approved as to form.

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 87-49

Date Filed

Received By JS

OFFICE USE ONLY

Section No 1206 SIGN PERMITS

(Title)

Purpose of Change

To allow for a cessation of the issuance of permits for outdoor advertising signs until the adoption of new sign ordinance or July 1, 1988, whichever comes first

Charlotte City Council

Name of Agent

Agent s Address

Telephone Number

Charlotte City Council

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

Section 1 Appendix A-Zoning, § 1206, of the City Code shall be amended by adding a new § 1206.7 to read as follows·

"1206.7. Advertising sign Code revisions and temporary cessation of issuance of outdoor advertising sign permits.

.1 Purpose The Charlotte-Mecklenburg Planning Commission ("Commission") and City Council are presently undertaking a comprehensive review of outdoor advertising sign provisions for the City's Zoning Ordinance, all of which is in accordance with its comprehensive plan, the Generalized Land Plan 2005, and the need to exercise effectively its authority under N.C Gen. Stat. §§ 160A-381 and 160A-383 for appropriate, zoning land-use for the City of Charlotte The Commission and City Council desire not to issue any more outdoor advertising sign permits until the adoption of the new outdoor advertising sign provisions for the Zoning Ordinance or until July 1, 1988, whichever is the earlier date

2 Temporary cessation of issuance of outdoor advertising sign permits The superintendent of the Building Standards Department shall not issue any outdoor advertising sign permits ("sign permits") from the date of adoption of this section until July 1, 1988, or until the adoption of the new outdoor advertising provisions for the Zoning Ordinance, whichever is the earlier date

3 Pending sign permit applications If an applicant has filed an application for a sign permit at the time of the adoption of the amendment and the superintendent finds that the application has met the requirements of the Zoning Ordinance at the time of the submission of the application, then the superintendent shall approve the sign permit application if it is in accordance with all the applicable regulations of the Zoning Ordinance at the time of the submission of the application

4 Reconstruction of damaged structure. If an outdoor advertising sign is damaged by fire, flood, wind, or act of God, a new sign permit may be issued to have the structure repaired and restored to its original dimensions and conditions as long as the reconstruction is completed within one year of the occurrence of the damage.

.5 Provisions in conflict with this section: If there are any other provisions of this Zoning Ordinance in conflict with this section, then the temporary cessation of the issuance of any outdoor advertising permits during the time period, as stated above, shall control.

Sec. 2. Appendix A-Zoning, § 1206.4 of the City Code shall be deleted in its entirety and a new § 1206.4 is substituted in lieu thereof to read as follows:

"Any and all outstanding advertising sign permits shall be valid only for six months from the date of issuance of the sign permit. A sign must be completely constructed within six (6) months of the date of issuance of the sign permits Upon expiration of six months from the date of issuance of the sign permit, the sign permit shall be null and void and the erection or construction in respect to an advertising sign after the expiration of six months shall be unlawful "

Sec. 3 This ordinance shall become effective upon adoption

Approved as to form·

_____

City Attorney

CHARLOTTE UPTOWN STREETSCAPES

A proposal for the enrichment of the pedestrian environment

DRAFT

March 1987

Charlotte-Mecklenburg Planning Commission

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- Master Tree Planting Plan for Uptown. 57

background

Streetscape plans for Uptown Charlotte were originally called for in the RTKL Charlotte Central Area Plan adopted in 1980. The Plan proposed a streetscape program that was designed

1) To establish minimum building setback lines intended to provide adequate sidewalk capacity in built up areas and to further the objectives of the urban open space plan.

2) To establish "build-to" lines in the Tryon Street Corridor to maintain a coherent unified urban streetscape and to provide emphasis to important urban open spaces.

3) Provide a coordinated landscape program for the major streets in the central area.

4) To provide a system for creating pedestrian amenities such as comfortable walking surfaces, shelter and shade from street trees and locations for street furniture.

The plan went on to illustrate prototype streetscapes for the Tryon Street Transit Mall and Trade Street Boulevard, both of which have been implemented. The plan also illustrated prototypes for College and Graham Streets as well as the Government Center. However, these were the only uptown streets where streetscape types were recommended and there is a need to expand on this and to develop a comprehesive streetscape plan for all streets in the uptown area.

The Urban Mixed Use District (U-MUD) zoning ordinance adopted in 1984 contains language regarding streetscape design standards Section 3053 6.1 refers to an "Approved Streetscape Plan" which is a "... document approved by City Council which may include maps, illustrations and written descriptions which define the relationships between the component elements that make up the street environment including the space between buildings and streets, paving, signage, trees and street furniture " This section of the ordinance also states that all buildings and uses developed in the U-MUD district, except renovated and rehabilitated buildings, must conform to the approved streetscape plan.

Taking this a step further, it was decided that the approved streetscape plan should apply not only to streets in the U-MUD district, but to all streets in the uptown area as defined by the inner freeway loop.

purpose

The purpose of this plan is to provide a guide to both the public and private sector in the development of streetscapes in the uptown area. When approved, this document will become the approved streetscape plan for Uptown Charlotte.

It is important to note that this plan has been developed with extensive input from the Charlotte Park and Recreation Department who have the responsibility for the maintenance of trees and landscaping in the public right-of-way. When approved, this plan will become the master tree planting plan for uptown which will serve as a guide for all tree planting activities both by the public and private sectors.

objectives

— The principal objectives of the plan are to promote the development of a comfortable pedestrian environment and to establish continuity within the various uptown districts The pattern of tree plantings, sidewalk types and paving materials must extend throughout the district to which it is applied in order to achieve the greatest degree of identity. An uptown that consists of several unique districts is a more imageable uptown, one that gives the pedestrian a greater sense of place and a higher degree of familiarity.

This plan should be viewed as an overall concept for accomplishing these objectives and is not to be considered as a detailed design recommendation The precise details in terms of specific sidewalk, planting strip and roadway widths will be determined as development activity occurs

UPTOWN STREETSCAPES

district delineation

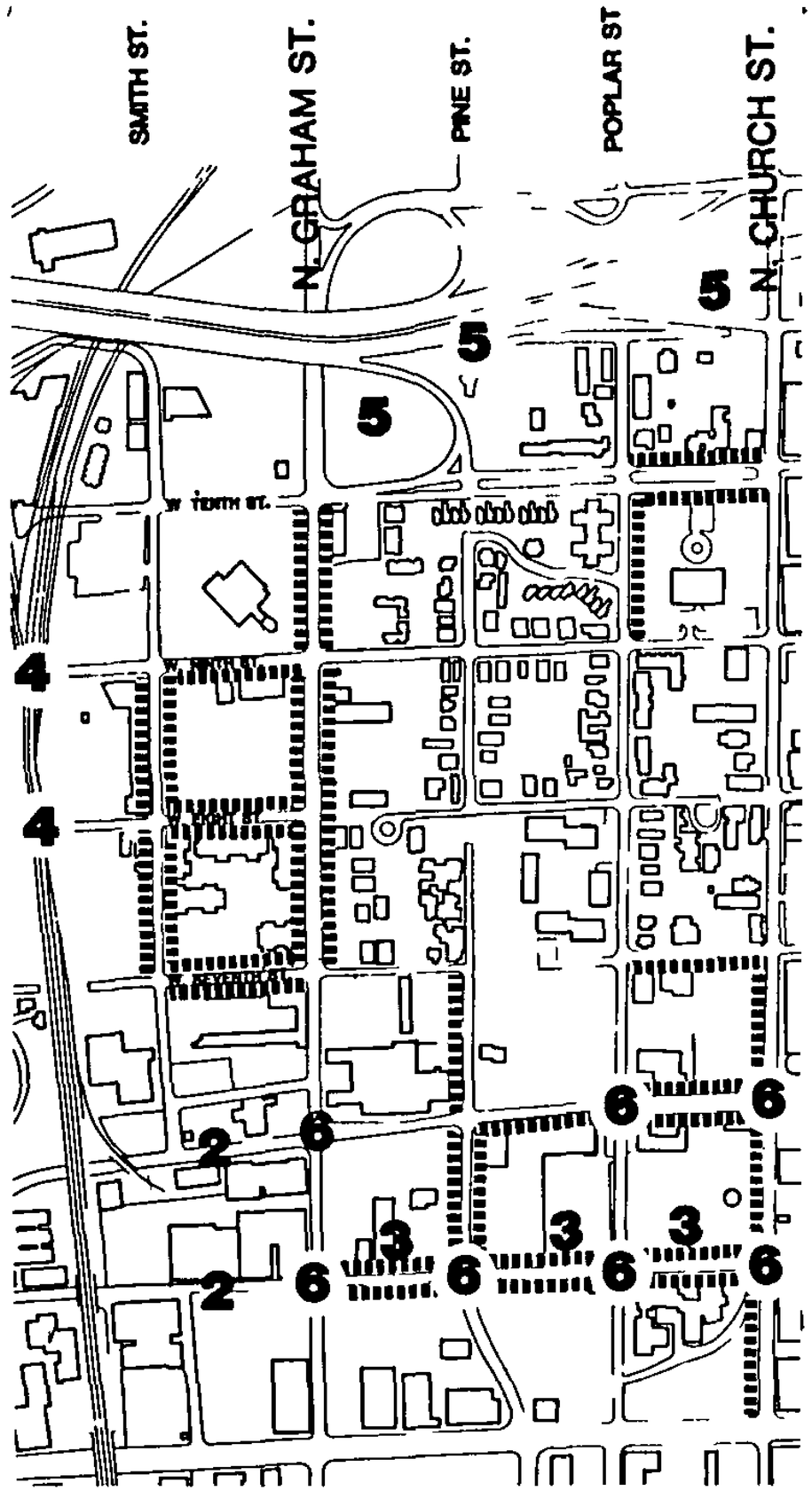
overview

Fourth Ward is one of Charlotte's most unique neighborhoods. Bound by North Church Street, West Trade Street, the Southern Railroad and Brookshire Freeway it was one of Charlotte's first neighborhoods. But like the rest of Charlotte's uptown neighborhoods it fell into a state of decay and disrepair through the years as residents moved to new suburban locations. By the mid 70's, the interior of Fourth Ward consisted primarily of a few deteriorating houses and an abundance of vacant land where houses had been demolished

It was at this time that a land use plan was prepared by Charlotte-Mecklenburg Planning Commission staff and a low-interest loan program was implemented with several local banks participating. As a further incentive for new development, the City installed brick sidewalks, granite curbs, pedestrian scale lighting and street trees. In addition, Fourth Ward was declared Charlotte's first historic district.

As a result of all these actions, a total of nearly 500 new condominiums and apartments have been built and an additional 75 units have been provided through the renovation or adaptive reuse of older buildings. In addition to residential uses, Fourth Ward has a mixture of commercial, industrial, residential and institutional uses, several of which have historical significance, such as First Presbyterian Church and Speizman Industries, the former Charlotte Cotton Mill.

North Graham Street, which bisects Fourth Ward from north to south, transitions from industrial uses where it crosses Fifth and Sixth Streets to a residential environment between Seventh and Ninth Streets. However, Graham Street is cluttered with overhead utilities, billboards and unscreened parking lots which will need to be dealt with if it is to function as a cohesive street which unifies the two halves of this district.



1 Extend 4th Ward Streetscape (brick sidewalks, pedestrian scale lighting, granite curbs, red maples) as indicated

2 Remove on-street parking and provide 5'-6' sidewalks and planting strips on West 5th, West 6th between North Graham and Southern Railroad.

3 Reduce excessive pavement and provide wider, (8'-10') sidewalks on West 5th Street between North Church and North Graham.

4 Improve pedestrian access to cemetery at West 8th and West 9th Streets.

5 Provide naturalized plantings of evergreen and deciduous trees to buffer and screen 4th Ward from Brookshire Freeway.

6 Improve pedestrian crossings.

7 Bury all overhead utilities.

brick sidewalks

FOURTH WARD
recommendations

1 Extend the Fourth Ward streetscape (brick sidewalks, pedestrian scale street lights, granite curbs, red maples) along the following streets

- North Graham Street from West 5th Street to West 10th Street
- West 7th and West 8th Streets from North Graham Street to Smith Street
- Smith Street from West 7th Street to West 9th Street
- West 5th Street from North Church Street to North Graham Street
- West 6th Street from North Church Street to North Poplar Street
- West 10th Street from North Church Street to North Poplar Street
- East side of North Poplar Street from West 10th Street to West 9th Street
- West side of North Church Street from West 7th Street to Trade Street
- South side of West 6th Street from North Poplar Street to North Pine Street
- North Pine Street from West 5th Street to West 7th Street
- South side of West 7th Street from North Church Street to North Poplar Street

2 This would expand the existing core area of the neighborhood to include areas where existing development occurs, and where new development is expected. Where land is currently undeveloped it is proposed that developers share the expense when the property is developed Where development already exists such as West 5th Street at First Presbyterian Church and Settlers Cemetery, it is expected that the City would bear the cost.

3 Remove on-street parking and reduce excessive pavement width to a standard two lane cross-section on West 5th and West 6th Streets between North Graham Street and the Southern Railroad. Provide 5' - 6' sidewalks with 5' - 6' tree lawns planted with red maples This will promote greater connectivity between Fourth Ward and Third Ward by improving pedestrian access.

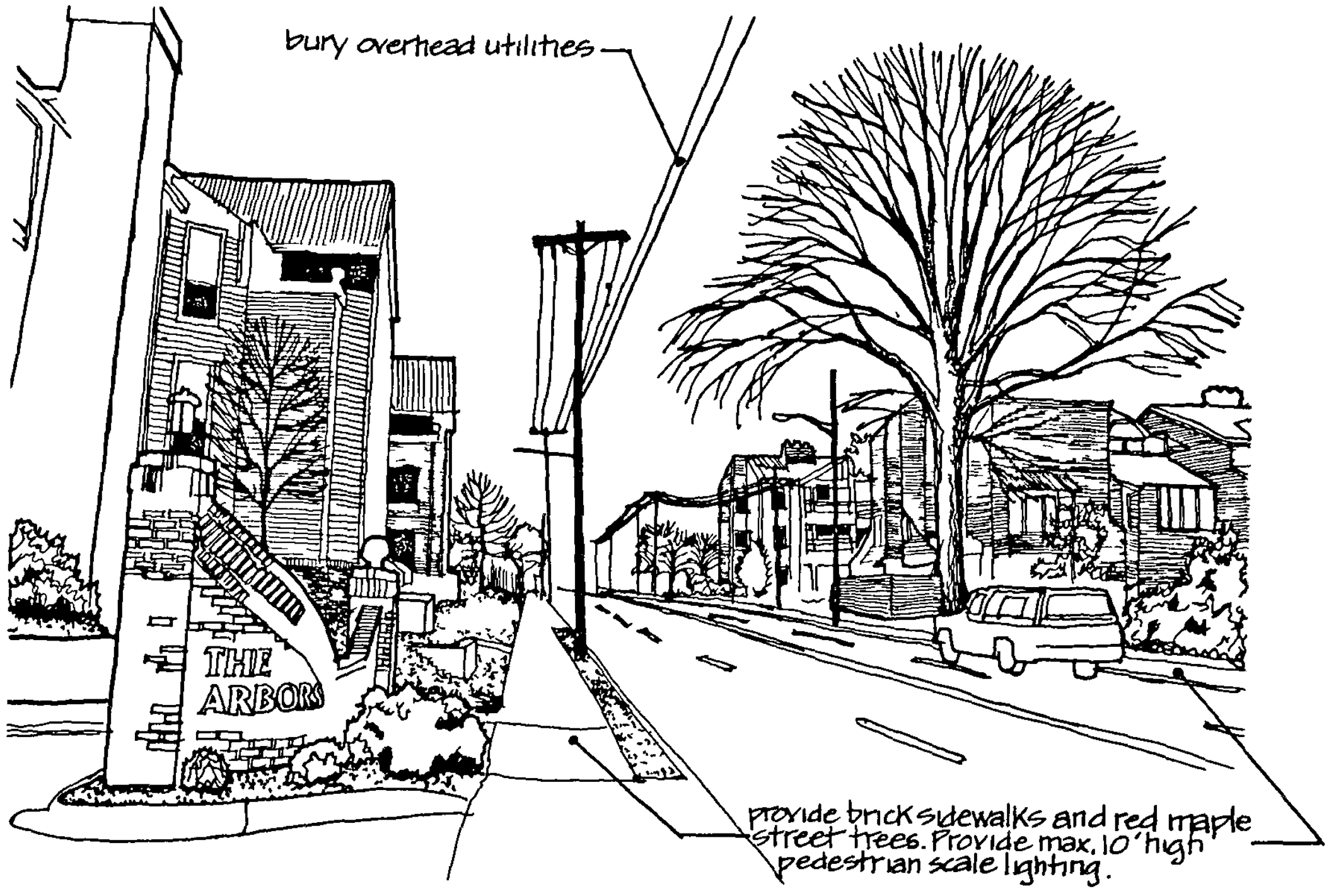
FOURTH WARD
recommendations

4 On West 5th Street between North Church Street and North Graham Street, reduce excessive pavement to a standard two-lane cross-section to allow wider, brick sidewalks with granite curb, pedestrian scale street lights (8' - 10' high) and red maple street trees. Widening the sidewalk from the current 5' - 6' to 8' - 10' would greatly enhance the pedestrian environment on this street, particularly on the section bordered by the historic First Presbyterian Church and Settlers Cemetery.

5 Promote the use of Elmwood-Pinewood Cemetery by improving pedestrian access at West 8th and West 9th Streets across the Southern Railroad. This would also improve circulation between Third and Fourth Wards by using the cemetery as a pedestrian linkage.

6 Provide naturalized plantings of evergreen and deciduous trees along Brookshire Freeway and within the Graham Street interchange to buffer and screen the neighborhood from the freeway.

7 Bury all overhead utilities Overhead utilities exist along several streets in 4th Ward and are particularly unsightly along Graham Street Much of the utilities were placed underground in the neighborhood core when brick sidewalks were installed, and this practice should be continued



N. GRAHAM ST. LOOKING NORTH BETWEEN 7TH & 8TH STS.
EXISTING

FOURTH WARD

PROPOSED

FOURTH WARD

Bound by the Southern Railroad, the abandoned Piedmont-Northern Railroad, I-77, and Pinewood-Elmwood Cemetery, this district was at one time predominantly residential. However, through the years there has been an intrusion of office and commercial uses in the West Trade Street Corridor between West 5th and West 4th Streets. Many of these uses have a blighted appearance and along with overhead utilities and billboards give this district a negative appearance and separate the residential areas into 2 areas, one north of West 5th Street, the other south of West 4th Street.

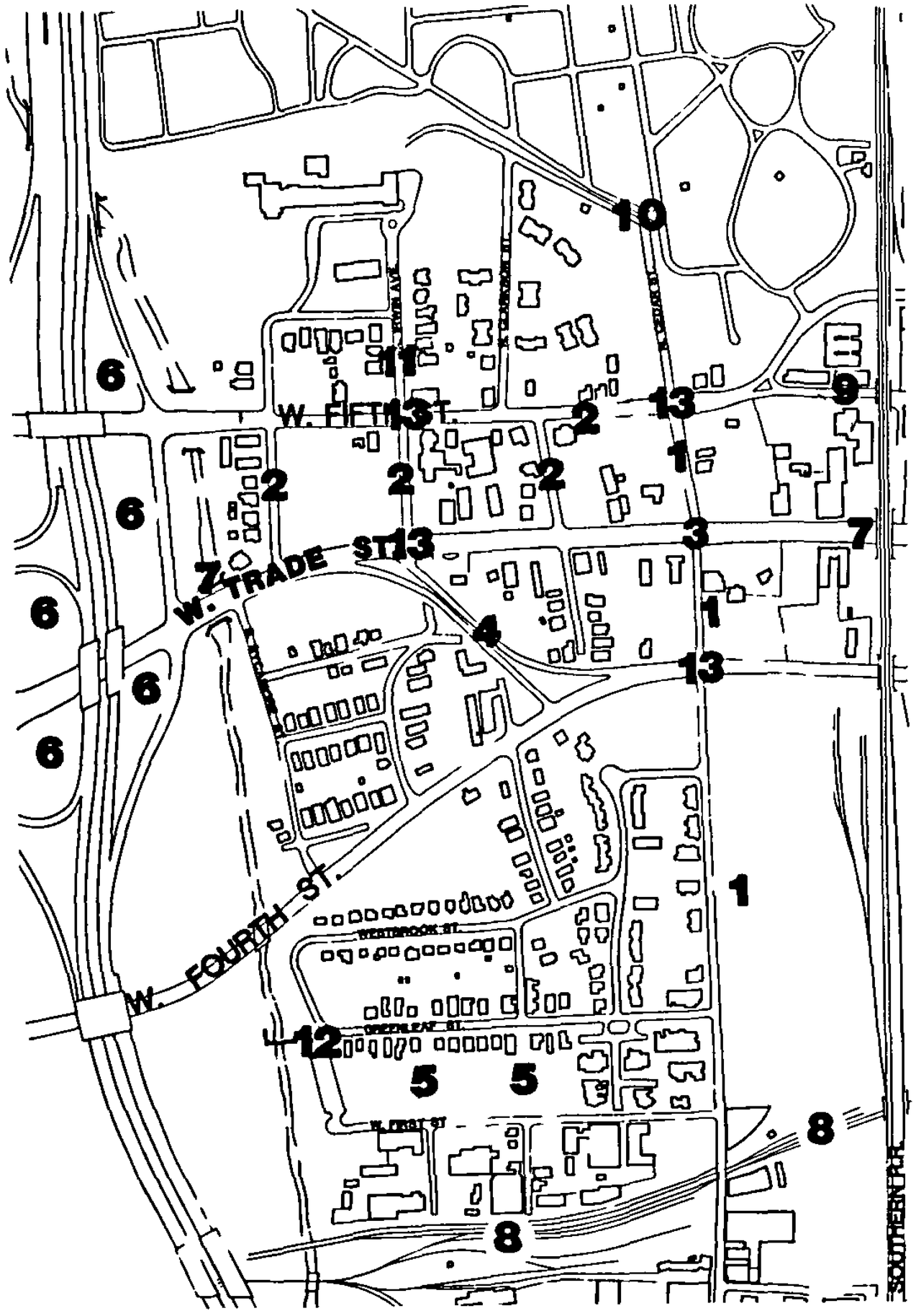
In the mid 70's a plan was prepared for the Third Ward neighborhood by the Charlotte Community Development Department that addressed the decline in the quality of housing, the poor infrastructure and the existence of several incompatible uses in residential areas.

Out of this plan came an extensive program for the rehabilitation of houses, new sidewalks and road improvements, as well as improvements to Frazier Park at the western boundary of the neighborhood. Several dilapidated structures were cleared which provided land for new housing. The most obstrusive use in the neighborhood, the scrap metal salvage yard east of Cedar Street was finally relocated in 1984, freeing up this tract for new residential development.

Around 1980, a low-interest loan program was put into place resulting in the construction of more than 100 condominiums south of West 4th Street and several more north of West 5th Street.

In 1985, West Trade Street underwent an extensive face lift that included an extensive planting of large maturing trees in tree lawns and in a wide median that will hopefully be a catalyst for new development in the West Trade Street Corridor. Indeed, a major new development, the NCNB/ATT gateway project has already begun construction. Other development is anticipated in the near future on other parcels including those owned by the City, the CUDC and the 13 acre former scrap yard site east of Cedar Street.

Because of the prospect for new development it is important to have in place a streetscape plan, that when implemented through development activity can help in re-establishing cohesiveness in this neighborhood.



1 Develop a consistent streetscape throughout Cedar Street consisting of 6'-8' sidewalks and planting strips w/Northern Red Oaks.

2 Provide minimum 6' sidewalks and planting strips with Northern Red Oaks throughout West Trade Corridor.

3 Emphasize West Trade/Cedar Street intersection with special plantings, paved crosswalks and pedestrian signals.

4 Soften the adverse impact of Trade/4th Connector with additional plantings.

5 Provide pedestrian connections between Greenleaf Avenue and West 1st Street.

6 Provide mass plantings of Evergreen and Deciduous Trees to buffer and screen I-77.

7 Develop a gateway portal

8 Utilize the abandoned Piedmont-Northern Railroad Corridor as a Pedestrian Greenway.

9 Extend proposed West 5th Street Streetscape under Southern Railroad Bridge into 4th Ward

10 Improve pedestrian acess to cemetery at North Cedar Street.

11 Improve pedestrian access to Irwin Avenue School from other portions of 3rd Ward.

12 Provide driveway from Frazier Park parking lot to Greenleaf Avenue.

13 Improve pedestrian crossings.

14 Bury all overhead utilities.

THIRD WARD
recommendations

1 Develop a consistent streetscape along North and South Cedar Streets consisting of 6 '- 8' sidewalks, 6' - 8' planting strips planted with northern red oaks and pedestrian scale lighting This should help to unify the two separated residential areas and create a comfortable pedestrian environment along this principal north-south street. The exception to this cross-section is the west side of Cedar Street from West 1st Street to West 4th Street where existing development precludes the opportunity to provide a planting strip. For this section the recommendation is to widen the sidewalk to 8' and provide pedestrian scale lighting In addition, the overhead utility lines along Cedar Street should be placed underground.

2 Bury utilities and plant northern red oaks in 6' wide planting strips with a minimum 6' wide sidewalk along the following streets.

- West 5th Street between Southern Railroad and I-77
- North Clarkson Street between West Trade and West 5th Street
- North Irwin Avenue between West Trade and West 5th Street
- North Sycamore Street between West Trade and West 5th Street

These streets comprise the heart of the West Trade Street district which is anticipated to undergo major redevelopment in the near future. The recommended streetscape will give a consistency to development in this area

3 Emphasize intersection of West Trade and Cedar Street as the main intersection in Third Ward with special plantings, paved crosswalks and pedestrian signals. Historically this intersection has been the major node in Third Ward.

4 Soften the adverse impact of the Trade/4th Street Connector with natural plantings of pines, flowering trees and shrubs Double the number of red maples currently planted in the sidewalks along the connector

5 Provide pedestrian connections between Greenleaf Avenue and West 1st Street West 1st Street contains several acres of vacant residentially zoned land, but has no connection to the Third Ward neighborhood since Elliott and McNinch Streets were closed several years ago. Re-establishing pedestrian connections along the old locations

of Elliott and McNinch Streets will help link this area to the neighborhood, and help promote development of this city-owned land.

6 Provide mass plantings of evergreen and deciduous trees along I-77 and within the West Trade Street and West 5th Street interchanges to buffer the neighborhood from the freeway. This was a recommendation of the West Trade Street Design Charrette of July, 1984.

7 Develop a gateway portal to the Urban Core at the Southern Railroad overpass at West Trade Street. The design should reflect the Mediterranean revival style of architecture that once existed at the old gateway at West Trade and Mint Street This was also a recommendation of the charrette

8 Utilize the abandoned Piedmont-Northern railroad corridor as a pedestrian greenway that would connect Third Ward to the Urban Core. Currently the elevated Southern Railroad line poses a barrier between Third Ward and the Urban Core. Developing this rail corridor into an attractive landscaped, lighted pedestrian walkway will greatly improve accessibility.

9 Extend the proposed West 5th Street streetscape (6' sidewalk, 6' planting strip) under the Southern Railroad into Fourth Ward to help establish continuity between the 2 neighborhoods.

10 Improve pedestrian circulation between Third and Fourth Wards through Elmwood-Pinewood Cemetery by improving access to the cemetery at North Cedar Street in Third Ward, and West 8th Street and West 9th Street in Fourth Ward. This will also help to promote the use of the cemetery as an urban open space.

11 Improve pedestrian access to Irvin Avenue School from other portions of 3rd Ward. Because of the major thoroughfares that separate Irwin Avenue school from the remainder of 3rd Ward,pedestrian access to this school can be hazardous. Improvements to the intersections of Irwin and West 5th and Irwin and West Trade that include crosswalks and pedestrian signals will greatly improve the situation

12 Provide a driveway that connects Frazier Park parking lot to Greenleaf Avenue The Frazier Park parking lot can only be reached

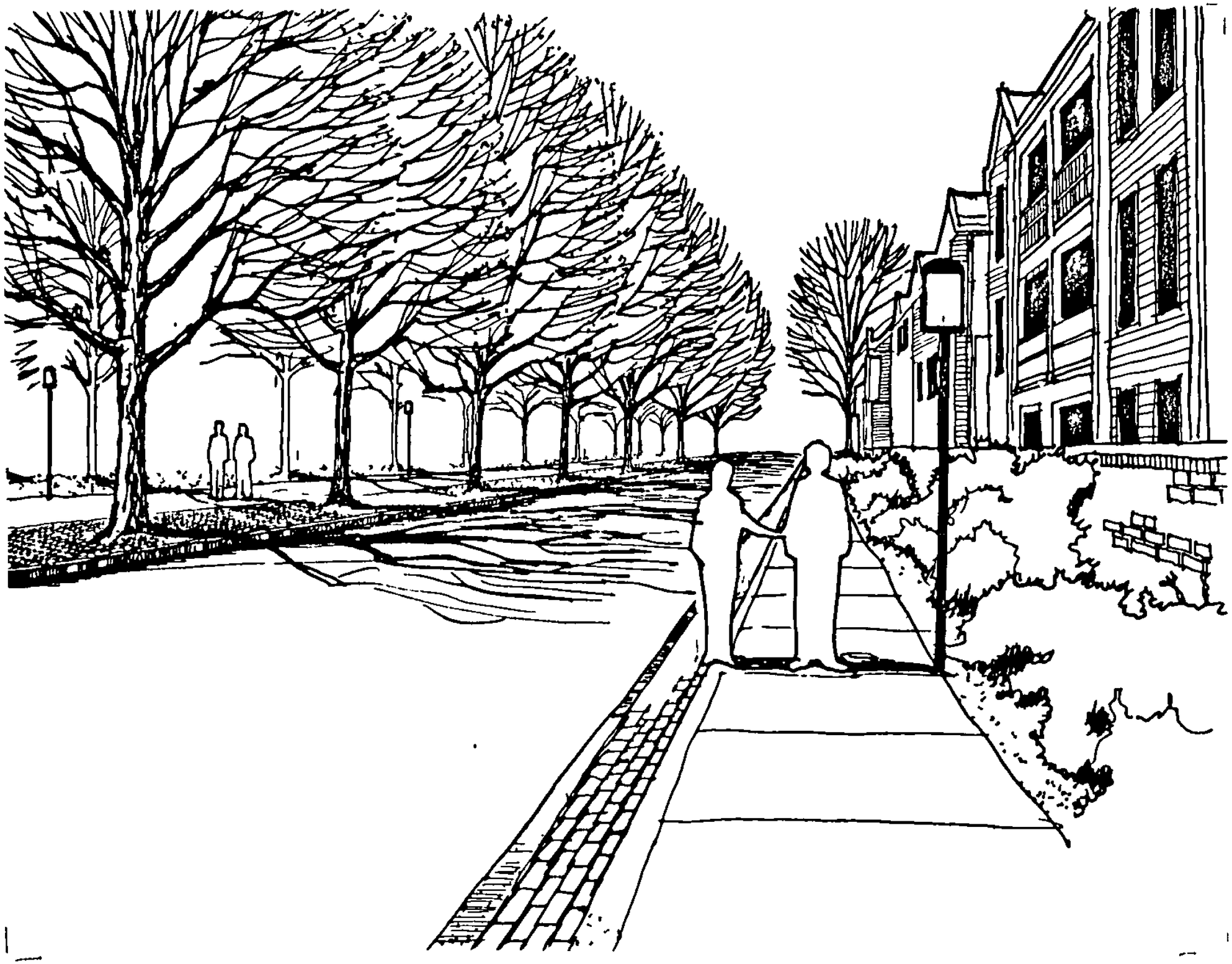
by West 1st Street and, as a result, is seldom used. Providing a driveway connection to Greenleaf Avenue will improve access and open up the lot to more usage.

13 Improve pedestrian crosswalks by implementing a program of installing special paving or painting patterns to designate the pedestrian crossing zone. In addition, luminated crosswalk signals should be installed to regulate safe walk intervals. All curb crossings must be cut for handicapped accessibility.

14 Bury all overhead utilities Many of the streets in Third Ward have above ground utilities incuding a major transmission line along Cedar Street This not only has a negative appearance but also precludes the planting of the desired large canopy trees whose branches would grow into the lines As development/redevelopment occurs, thse lines should be placed underground

S. CEDAR ST. LOOKING SOUTH AT CEDAR ST. COMMONS
EXISTING

THIRD WARD



PROPOSED

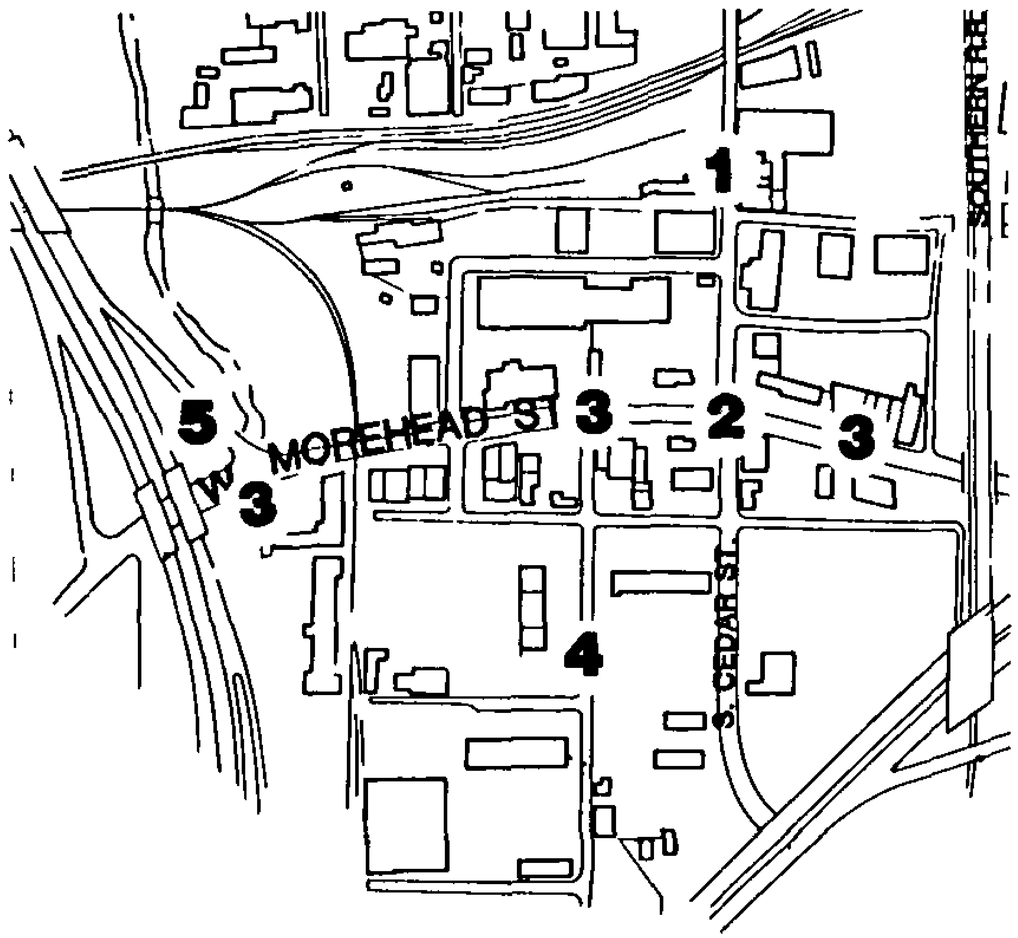
THIRD WARD

overview

West Morehead is bound by the Southern Railroad line, I-277, I-77 and the abandoned Piedmont-Northern Railroad. West Morehead is the only industrial district in the uptown area containing a wide variety of light to heavy industrial uses as well as many automobile services.

While some buildings have a unique character and offer significant reuse potential the overall image of the district is a blighted one. Overhead utilities, billboards, unscreened parking lots, lack of any street trees and deteriorating buildings contribute to the negative appearance particularly along West Morehead Street which is a major gateway to uptown. Except for South Cedar and South Clarkson Streets, the remainder of the streets in this district are principally "working streets" serving mainly as industrial access.

In 1986, a redevelopment plan was prepared for West Morehead which enabled a low-interest loan program to take place for the purpose of renovating old industrial buildings. Some renovation activity is already taking place on South Cedar Street and the implementation of streetscape recommendations will hopefully be an incentive for more renovations as well as new development.



1 Reduce excessive pavement width on South Cedar Street and provide 6' sidewalks and 8' planting strips with Willow Oaks Bury overhead utilities.

2 Provide special landscaping, crosswalks, and pedestrian signals at West Morehead/South Cedar Street intersection.

3 Enhance West Morehead Street as a gateway with special landscaping at I-77 overpass, and by providing 6' sidewalks and planting strips with Willow Oaks along West Morehead Street. Bury overhead utilities.

4 Provide a minimum of 5' sidewalks and planting strips along South Clarkson Street from West Morehead Street to I-277.

5 Provide naturalized plantings of Evergreen and Deciduous Trees to buffer and screen West Morehead from I-77.

WEST MOREHEAD

recommendations

1 Reduce excessive pavement width on South Cedar Street to a standard two-lane cross-section and provide 6' sidewalks, and 8' planting strip planted with willow oaks. This type of streetscape will soften the industrial appearance of the area and promote better pedestrian circulation between West Morehead and Third Ward Bury or relocate the overhead utility lines along this street.

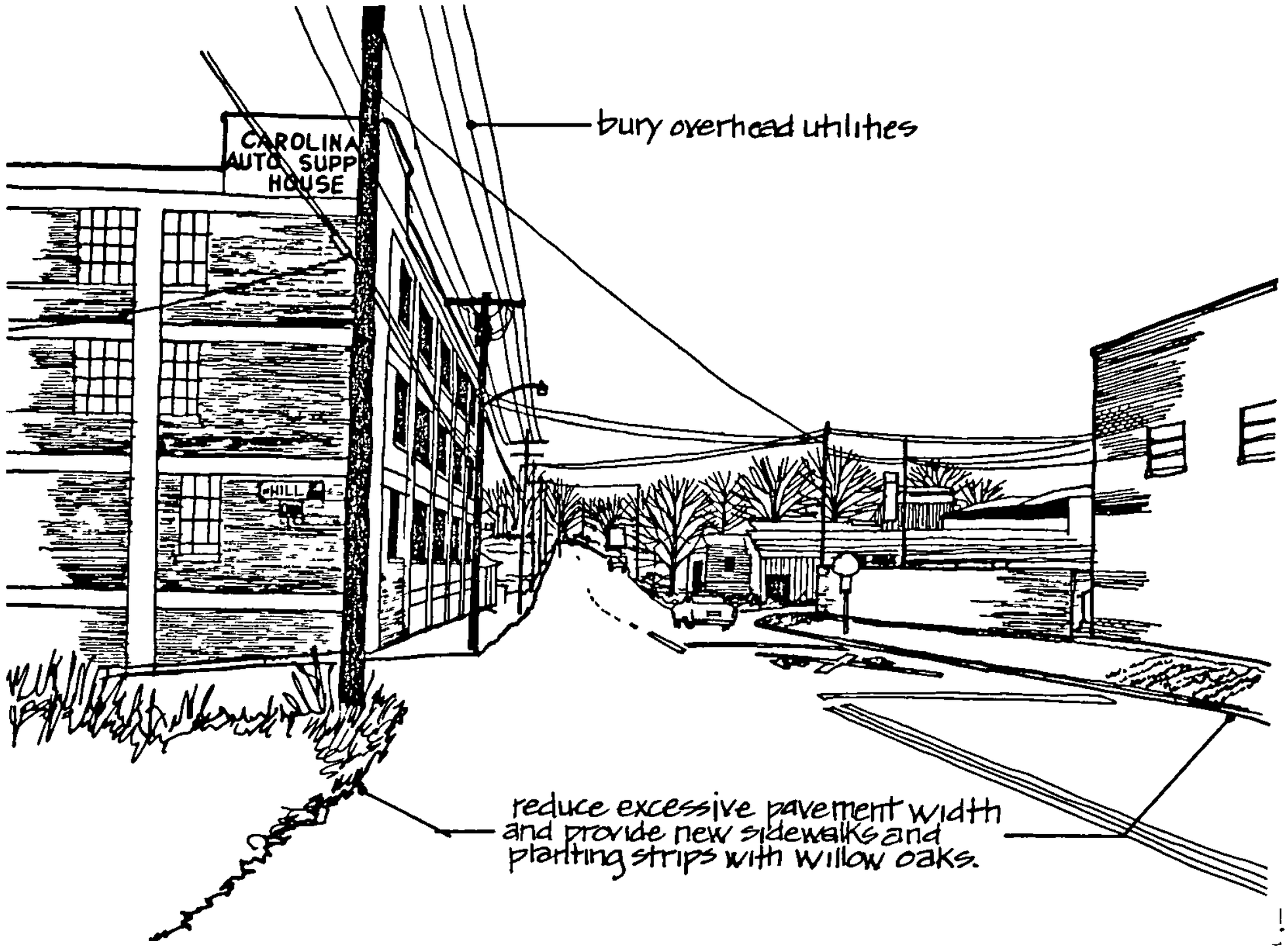
2 Provide landscaping treatment, special crosswalk patterns and pedestrian signals at the intersection of West Morehead and Cedar Street. Currently this intersection has a very harsh appearance with paved parking on three of the four corners. Providing landscaping at these corners will soften the appearance.

3 Enhance the gateway aspect of West Morehead Street by providing landscaping treatment at the I-77 overpass and by providing a streetscape consisting of 6' sidewalks and 6' planting strips planted with willow oaks. West Morehead Street is a major gateway to uptown from the west but currently conveys a very harsh image with the overhead utilities, billboards, unscreened parking in the front yards and no street trees. A landscaping treatment at the I-77 overpass will give an initial positive impact to motorists. Providing planting strips with willow oaks along West Morehead Street will soften the harsh industrial appearance of the area and make the streetscape more consistent with the existing East Morehead Street streetscape It is imperative that the overhead utilities be buried or relocated away from the street

4 Provide a streetscape consisting of a minimum of 5' sidewalks and planting strips along South Clarkson Street from West Morehad Street to I-277.

5 Provide naturalized plantings of evergreen and deciduous trees along I-77 to screen and buffer West Morehead

WEST MOREHEAD
recommendations



S. CEDAR ST. LOOKING NORTH @ W. HILL ST.- EXISTING

WEST MOREHEAD

PROPOSED

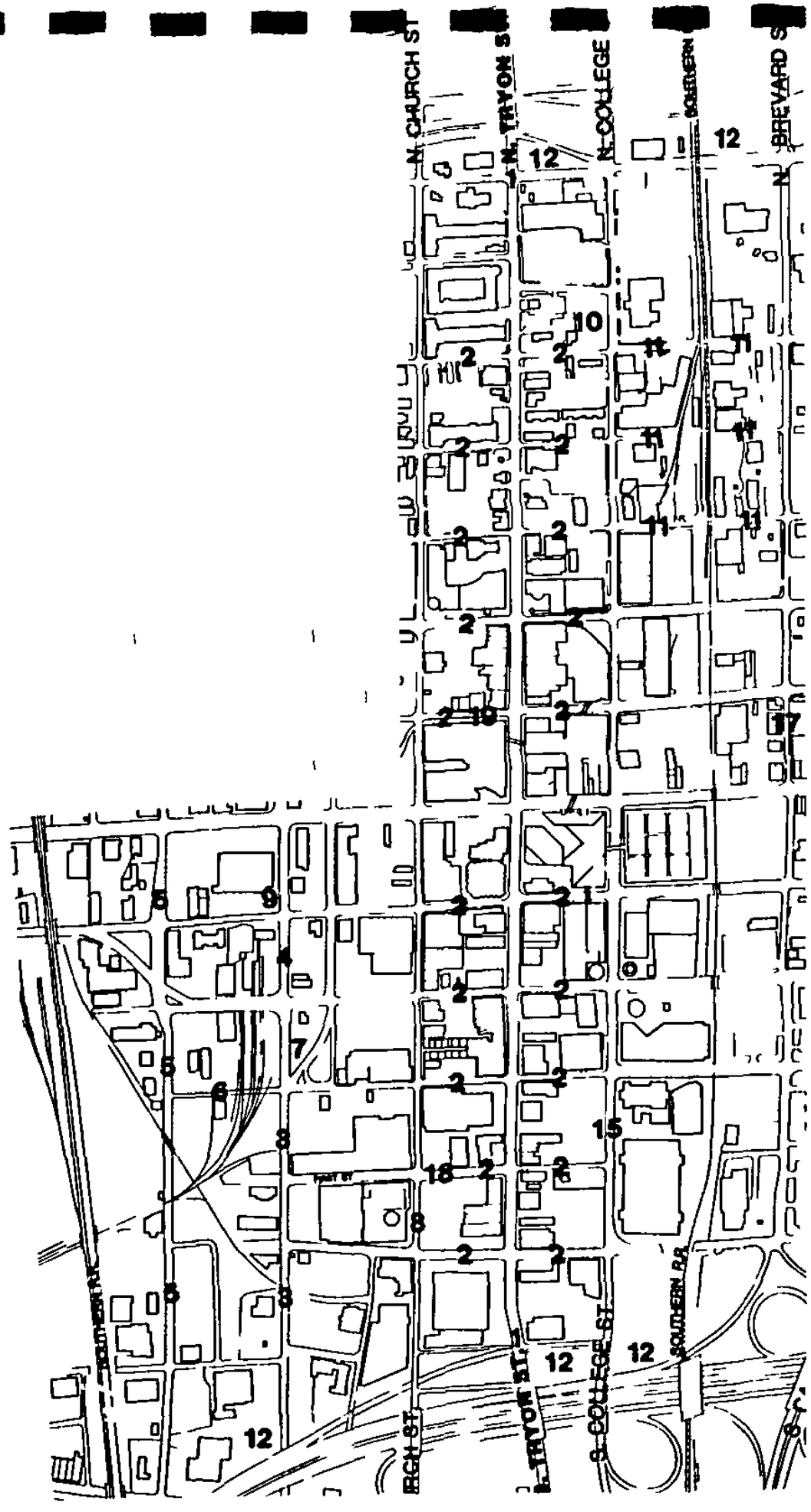
WEST MOREHEAD

overview

The urban core is a unique mixed use district providing the vibrant stimulus to Uptown Charlotte. Bound by Brookshire Freeway, North Church Street, West Trade Street, Southern Railroad, I-277 and North Brevard Street, the district is composed of a potpourri of architectual building styles, office and commercial uses, and streetscape images The over 58,000 daily employees working here have created the need for a high quality working and recreating environment. In addition, to the current demand, expected future development will add to these needs for reassuring exciting, safe, and viable streetscaped corridors.

The Urban Core is actually composed of several subdistricts that have a character of their own: North Tyon Street which is the hub of the retail and cultural activity uptown; North College Street which contains remnants of the old Cotton Square warehouse district, and where significant new development is occuring in with City Fair and the Apparel Mart; South Tryon/South College Street which is the center of financial activities not only for the city but for the entire region; South Church Street, where the bulk of Duke Power's operations are centered and where the scale of many buildings enhances the pedestrian activity on this street; and the South Mint/South Graham Street area which consists primarily of surface parking and scattered industrial areas. The streetscape recommendations for the urban core will attempt to weave these areas together.

The Transit Mall, completed in 1985, is positive evidence of what can be accomplished at street level. Since its opening, the mall has become the image spine for Uptown. As development on adjacent streets continues to occur, the opportunity for expanding the mall concepts to these streets is becoming readily apparent. Ultimately, the fragmented infrastructure will begin solidifying into a common identifiable network of interrelating elements. Improving the streetscape perception is an important tool in tying the urban fabric together



1 Extend Transit Mall to I-77 and Brookshire Freeway

2 Provide special paving and lighting on 1st blocks East and West of Tryon Street

3 Provide minimum 8' sidewalks and 6' planting strips along South Mint Street from I-277 to West 2nd Street

4 Remove on-street parking and provide minimum 10' sidewalks and 6'-8 planting strips along South Mint Street from West 2nd Street to West Trade Street

5 Provide minimum 6' sidewalks and 6' planting strips on South Graham Street

6 Provide minimum 8' sidewalks and 6' planting strips along West 2nd Street from South Mint to South Graham

7 Establish landmark focal point on triangular parcel formed by Mint, Poplar and 3rd

8 Provide canopy trees (Zelkova) along South Church Street

9 Establish pocket park at historical marker at West 4th and South Mint

10 Establish pocket park at North College and East 9th Street

11 Provide minimum 6' sidewalks and planting strips along East 7th , East 8th, East 9th between College and Brevard

12 Provide naturalized plantings of evergreen and deciduous Trees along Brookshire Freeway and I-277

13 Screen existing surface parking lots

14 Improve pedestrian crossings

15 Provide canopy trees (Sawtooth Oak) throughout length of College Street

16 Reinforce pedestrian space by providing pedestrian amenities throughout district

17 Provide pedestrian amenities along North Brevard Street from East Trade to East 5th Streets

18 Remove on-street parking and provide 8'-10' sidewalks and planting strips along West 1st street between Church and Tryon Streets

19 Reduce the excessive pavement and widen sidewalks on West 5th Street between North Tryon and North Church Streets

20 Bury all overhead utilities

URBAN CORE

recommendations

1 Extend the transit mall with the same vocabulary of streetscape elements south to I-277 and north to Eleventh Street This will extend the mall to the limits of the uptown area as defined by the inner freeway loop

2 Provide special paving patterns on the first blocks east and west of transit mall. The paving should consist of materials of similar composition and color to that used on the transit mall. The use of Laurel Oaks, an evergreen tree, will further distinguish this corridor

3 Provide minimum 8' sidewalks and 6' planting strips planted with Green Ash along South Mint Street from I-277 to West 2nd Street. This will provide a comfortable pedestrian environment in this area which is expected to redevelop as the high density office/commercial development expands to the west.

4 Remove on-street parking, reduce excessive pavement width, and provide minimum 10' sidewalks and 6'-8' planting strips along South Mint Street from West 2nd Street to West Trade Street Roadway widths in this section greatly exceed city standards Reducing pavement width to standard cross-sections (3 lanes between West Trade and West 3rd, 2 lanes between West 3rd Street and West 2nd) will provide room for widened sidewalks and planting strips. Green Ash, a large-maturing tree is proposed along all of Mint Street

5 Improve the image of South Graham Street by providing minimum 6' sidewalks and planting strips with large maturing trees (River Birch) from West Morehead Street to West Trade Street and by burying overhead utilities Currently this street has a very negative appearance with overhead utilities, billboards, unscreened parking lots and broken sidewalks

6 Provide minimum 8' sidewalks and 6' planting strips along West 2nd Street between South Graham and South Mint Street. Improve roadway to a standard 2-lane cross-section to improve circulation between Graham and Mint Streets.

7 Develop the parcel formed by the intersection of West 3rd Street, Poplar Street, and Mint Street as a focal point with the use of a

URBAN CORE
recommendations

creative architectural element or innovative planting scheme. This is a triangular shaped parcel that comes to a point where South Mint and South Poplar Streets split offering a unique opportunity for establishing a landmark

8 Provide canopy trees (Zelkova) along South Church Street to help scale down the Duke Power building and Wachovia parking deck as well as provide shade and greenery along this intensely pedestrian street.

9 Establish pocket park at intersection of West 4th and South Mint Streets. Currently there is a historical marker and open space on this portion of the Federal Courthouse property. The abundant pedestrian traffic in this area could benefit from benches and attractive landscaping.

10 Establish pocket park on vacant parcel along North College Street between East 9th and Phifer Streets This is the last wooded parcel in the Urban Core and would provide an excellent amenity if developed as a passive park. This was a recommendation of the 2005 Plan.

11 Provide minimum 6' sidewalks and planting strips along East 7th, East 8th, and East 9th Streets, between North College and North Brevard Streets This will help to provide comfortable pedestrian circulation between First Ward and the Urban Core.

12 Provide naturalized plantings of evergreen and deciduous trees along Brookshire Freeway and I-277. This will help to screen and buffer the Urban Core from the freeway.

13 Screen existing surface parking lots with minimum 3' high walls or fences or plant materials New parking lots will have to be screend per U-MUD requirements, however, there are many existing unscreened parking lots in the Urban Core that have an unsightly appearance.

14 Improve pedestrian crosswalks by implementing a program of installing special paving or painting patterns to designate the pedestrian crossing zone In addition, luminated crosswalk signals should be installed to provide regualted safe walk intervals Curbs at crossing points need to be cut or formed to allow handicapped accessibility

URBAN CORE
recommendations

15 Provide canopy trees (Sawtooth Oak) the entire length of College Street to establish consistency along this major thoroughfare The provision of shade trees will greatly enhance this intensely pedestrian street

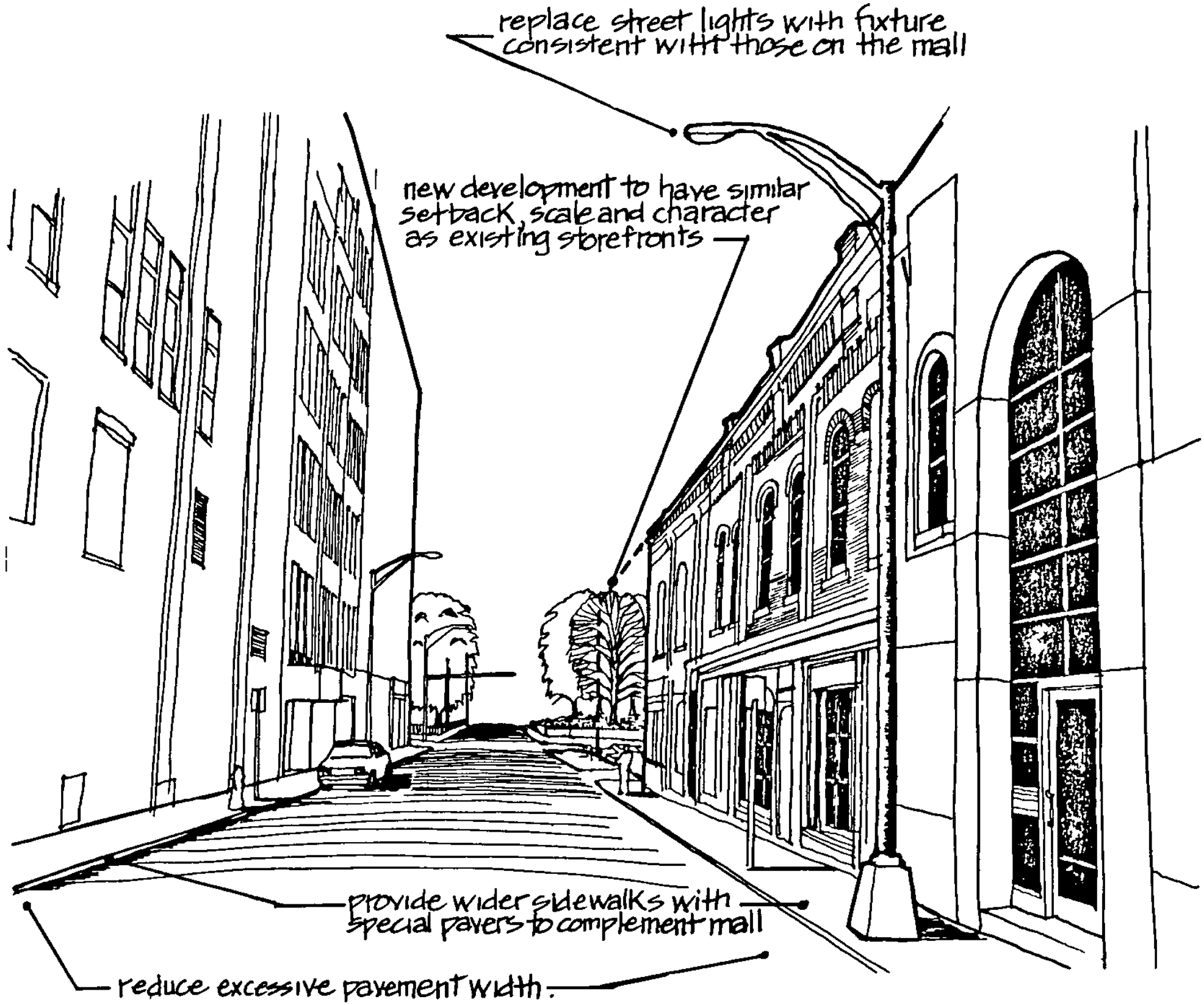
16 In addition to street trees, reinforce pedestrian space by providing pedestrian amenities such as benches, trash cans, bus shelters, pedestrian scale lighting and phone kiosks.

17 Provide special paving, pedestrian scale lighting, signage and other theme streetscape elements along North Brevard Street between East Trade and East 5th Streets. This block contains several unique commerical buildings, some of which are currently undergoing renovation. Provision of these streetscape elements will enhance these buildings and serve as an incentive for future renovations and infill development The reuse of thse buildings was a recommendation of the Lane-Frenchman First Ward Plan.

18 Remove on-street parking and provide 8'-10' sidewalks and planting strips along West 1st Street between Church and Tryon Streets Eliminating extra pavement while still maintaining the 2 lanes of traffic will provide an opportunity for wide planting strips which will be beneficial to the growth of large canopy trees (laurel oak)

19 Reduce excessive pavement width and widen sidewalks on West 5th Street- between North Tryon and North Church Streets. This one block section of West 5th Street contains a delightful collection of renovated office and commercial buildings. In an effort to enhance the pedestrian quality of this street it is recommended that the street be narrowed to a standard 2-lane width to accomodate wider sidewalks with special pavers and street lights that are consistent with those on the mall

20 Bury all overhead utilities While most of this has been done throughout the Urban Core, there are still some streets where the utilities remain. To enhance the image of uptown it is important that they be placed underground.

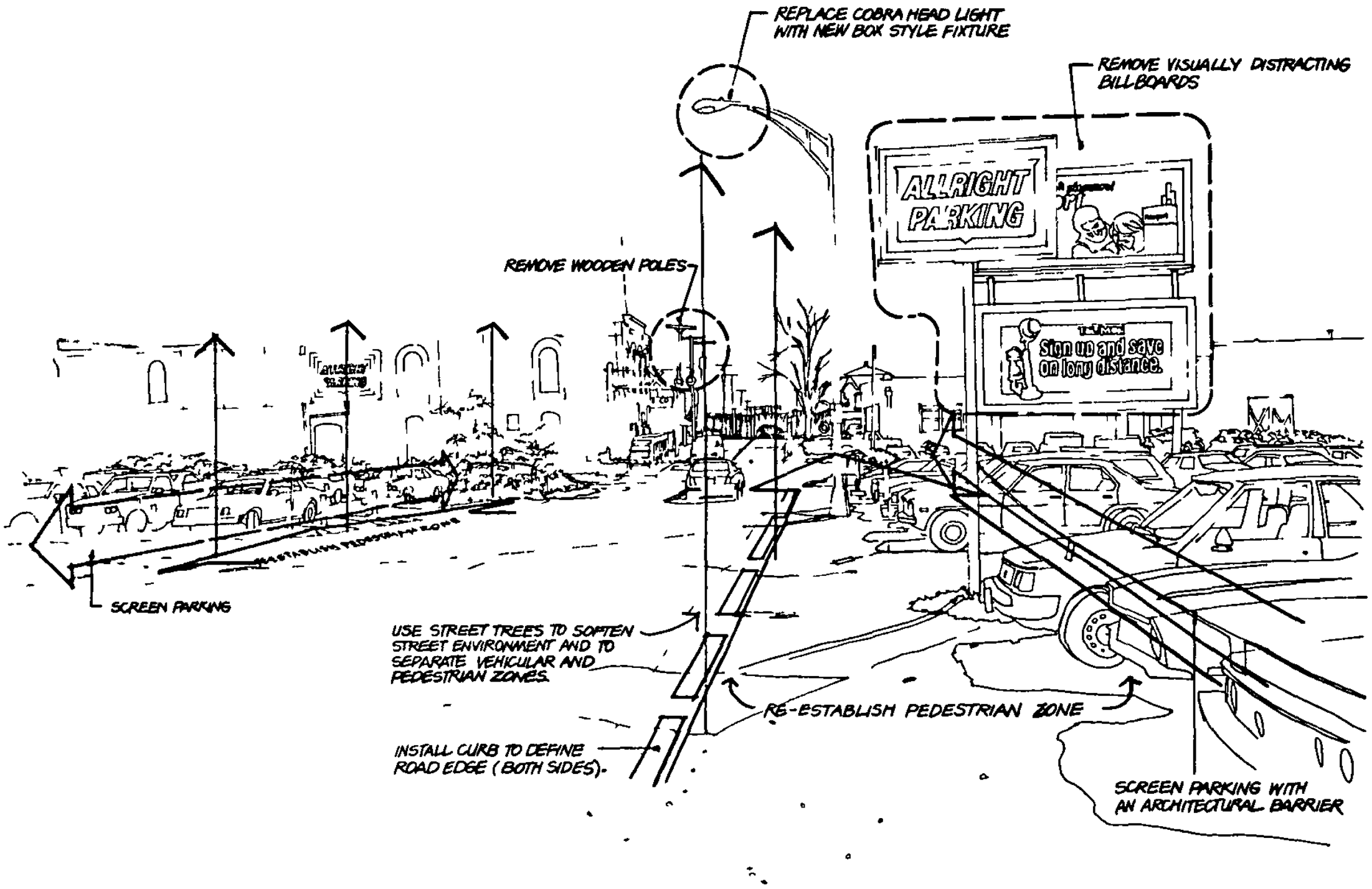


W. FIFTH ST. BETWEEN N. TRYON & N. CHURCH - EXISTING

URBAN CORE

PROPOSED

URBAN CORE

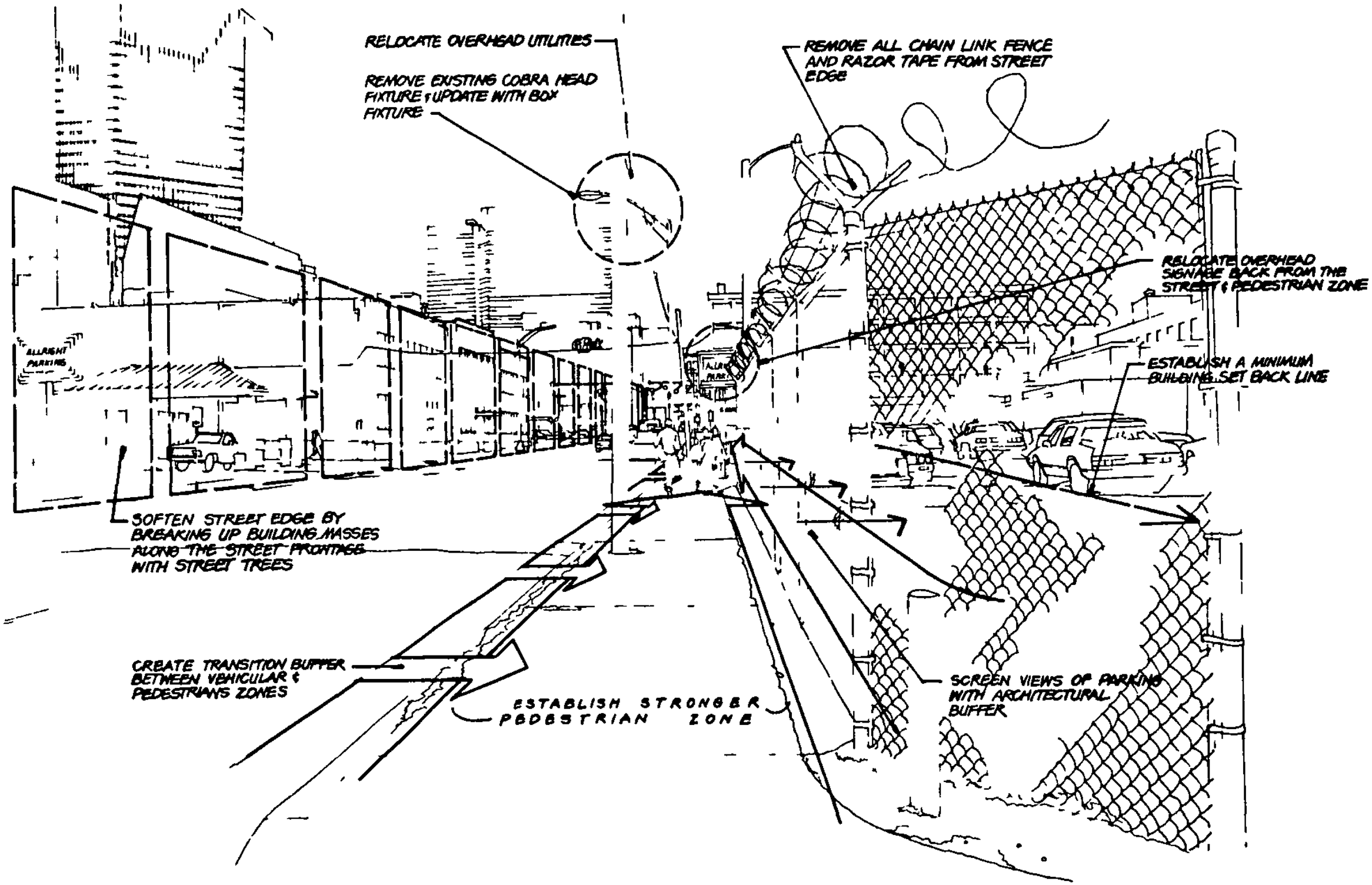


E. 7TH ST. LOOKING EAST AT SOUTHERN R.R.
EXISTING

URBAN CORE

PROPOSED

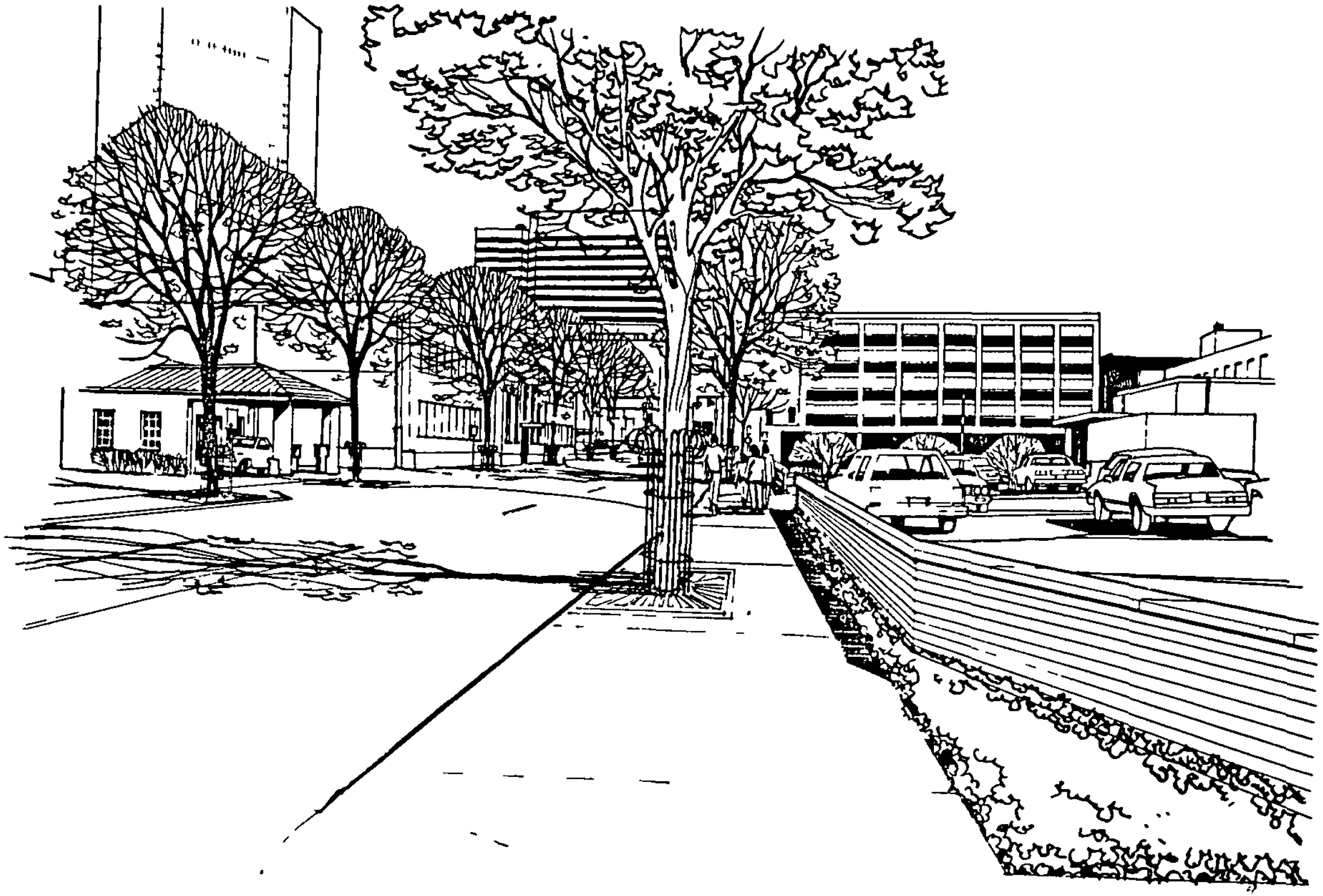
URBAN CORE



E. 5TH ST. LOOKING WEST TOWARDS N. COLLEGE ST.

EXISTING

URBAN CORE



PROPOSED

URBAN CORE

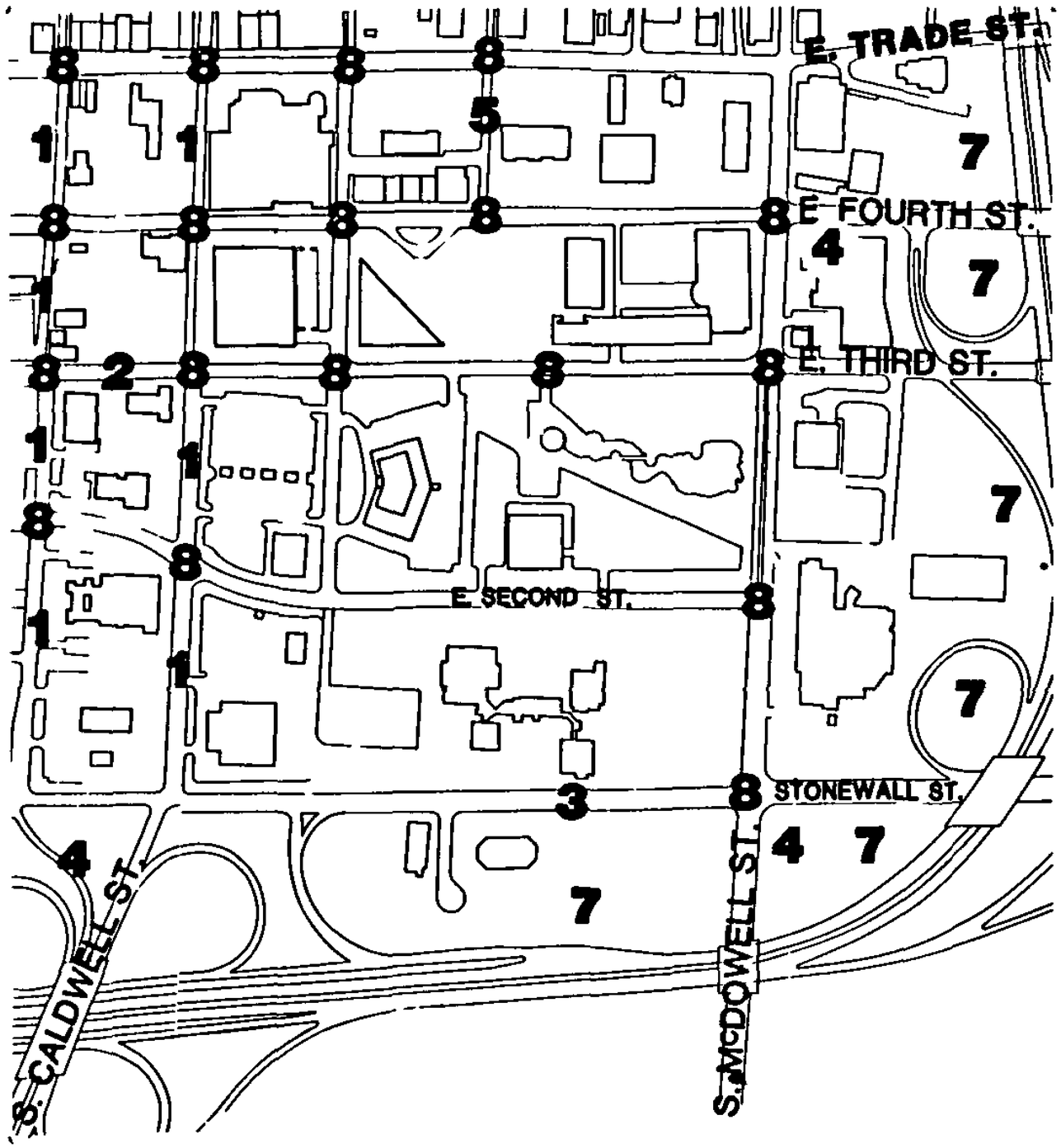
overview

The Governmental Center is bound by I-277, South Brevard Street and East Trade Street. This district is dominated by governmental uses including the City-County Office Building, the Mecklenburg County Courthouse, and the Charlotte-Mecklenburg Board of Education. Marshall Park is the focal point of development in this district and provides valuable urban open space.

The Governmental Center as we know it today has its origins dating back to 1927 when the first governmental center concept began taking form with the completion of City Hall, County Court House, police, health and fire department buildings all centralized in one area. This new philosophy of a "government center" was described in a 1927 publication which stated "The entire plant of the municipality has been set down in a park-like area surrounded by trees and shrubbery, it being easily one of the show places of the South".[1]

As a result of urban renewal activities in the late 60's the Brooklyn neighborhood was cleared to begin implementing a 60 acre government center master plan. The fundamental concepts of this plan called for "organizing governmental functions into designated centers of activity, separating vehicular and pedestrian traffic, concealing parking facilities, and establishing a park setting for the entire area".[2]

In 1975, a third study was undertaken highlighting the issues leading up to the Government Center, reducing the area to 26 acres but maintaining the park like image initially described in 1927. Instrumental to this plan and providing a basis for this streetscape endeavor was the recommendation for maintaining the Governmental Center's park-plaza system This open space system reinforces the pedestrian and down plays the automobile's presence. The following streetscape recommendations are congruent to this design philosophy by strenghtening the pedestrian environment.



1 Continue the existing streetscape pattern of red maples in planting strips.

2 Extend pattern of double row of Red Maples along East 3rd Street.

3 Construct a planted median along Independence Boulevard (Stonewall Street) from I-277 to South Caldwell Street.

4 Establish gateway zones at following intersections: East 4th and McDowell Streets, McDowell Street and Independence Boulevard (Stonewall Street) and Caldwell Street and I-277

5 Provide pedestrian linkage between Governmental Center and First Ward through closing of Alexander Street.

6 Establish linear park on south side of East Trade Street from McDowell Street to Southern Railroad.

7 Provide natural plantings of Evergreen and Deciduous Trees along I-277 to act as a screen and buffer.

8 Improve pedestrian crossings.

9 Bury all overhead utilities.

GOVERNMENTAL CENTER

recommendations

1 Continue the existing streetscape pattern of red maples in planting strips. This pattern should be continued to achieve unity throughout the Governmental Center.

2 Continue the existing pattern of a double row of red maples westward along East 3rd Street. Currently a double row of red maples exist from McDowell Street to Alexander Street and will be extended along the new City Hall Extension of this double row to the Urban Core will provide a comfortable, shaded pedestrian connection between the Governmental Center and the Urban Core

3 Construct a planted median on Independence Boulevard from I-277 to South Caldwell Street With the completion of I-277 the traffic on Independence Boulevard (to be renamed Stonewall Street) will be greatly reduced to the point that the current 6 lane roadway can be reduced to 4 lanes. The image of this street could be greatly improved by providing a wide tree-filled median along with burying the overhead utilities

4 Establish gateway zones at South McDowell and East 4th Streets, South McDowell and Independence, and South Caldwell at I-277 Gateway zones are those areas where motorists enter the uptown area. Enhancement of these zones with attractive landscaping can have a positive impact

5 Provide a pedestrian linkage from the Governmental Center to First Ward by closing Alexander Street Create an ambiance with site furnishings and plant material which will promote the corridor as a pedestrian linkage.

6 Establish linear park on South side of East Trade Street from South McDowell Street to the Southern Railroad This concept, from the RTKL Central Area Plan, would continue the park setting of the front lawns of City Hall and Courthouse Annex westward along East Trade Street to link the Governmental Center to the square. To continue this concept, building setbacks of 50' to allow for the linear park are recommended

GOVERNMENTAL CENTER

recommendations

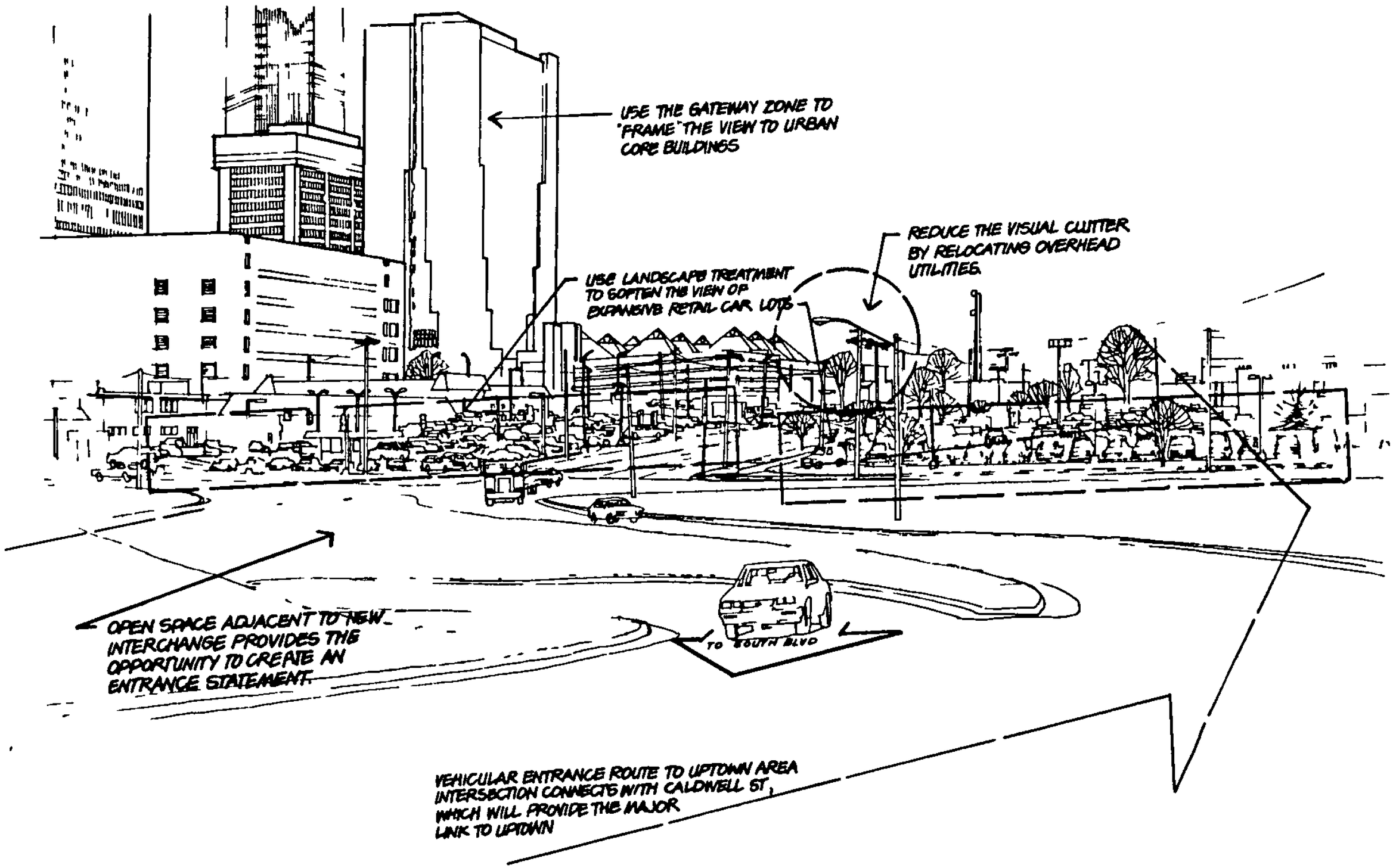
7 Provide natural plantings consisting of both evergreen and decidious plant materials along I-277. The function of the plants will be to buffer adjacent land uses from freeway traffic, provide visual separation of traffic lanes and enhance the gateway image points

8 Improve pedestrian crosswalks by implementing a program of installing special paving or painting patterns to designate the pedestrian crossing zone In addition, luminated crosswalk signals should be installed to regulate safe walk intervals All curb crossings must be cut for handicapped accessibility

9 Bury all overhead utilites. Although much of the overhead utilities were placed underground as part of urban renewal activity, some lines still exist along Independence Boulevard, South Brevard Street, East 4th Street and East Trade Street.

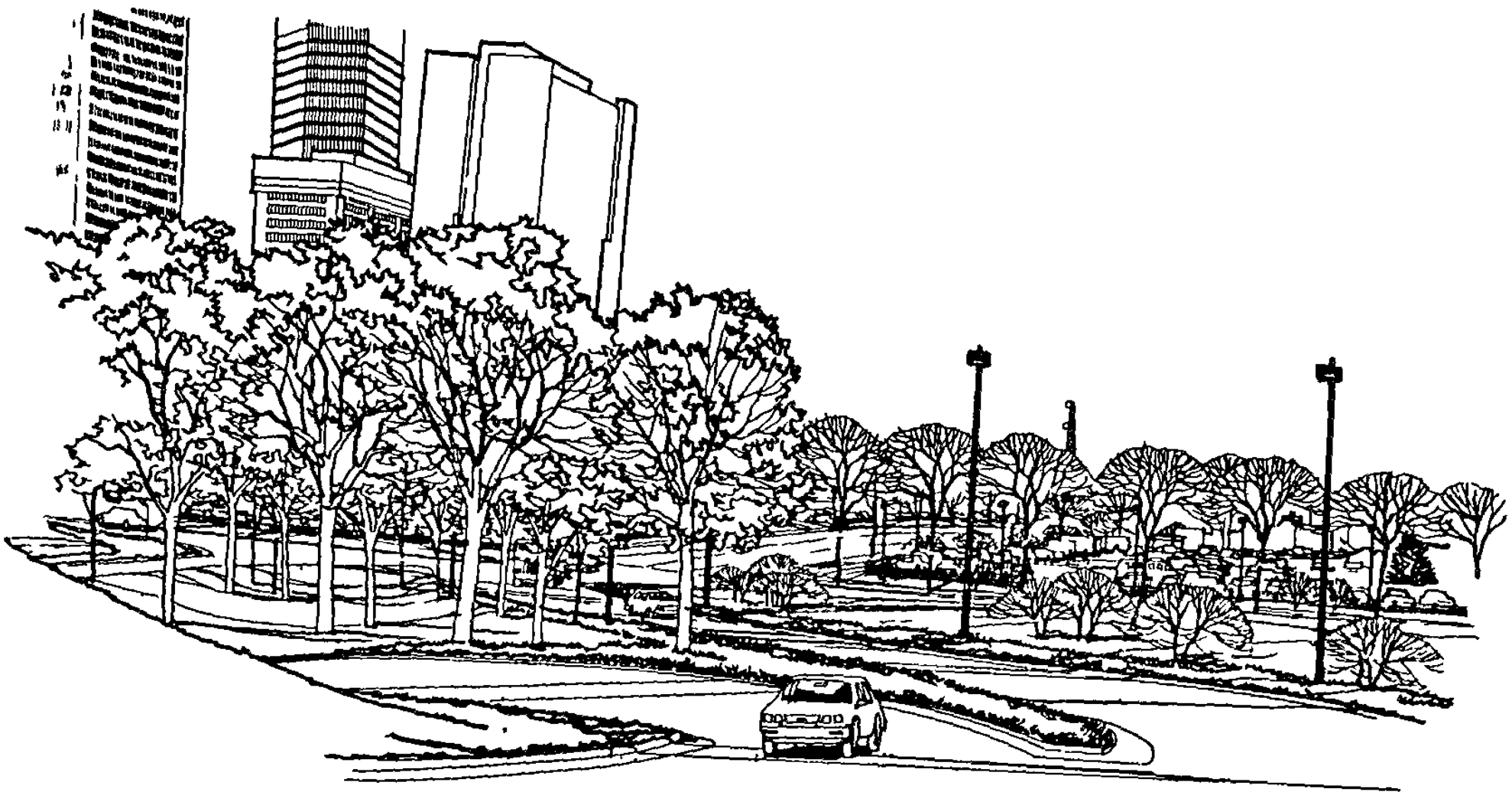
GOVERNMENTAL CENTER

recommendations



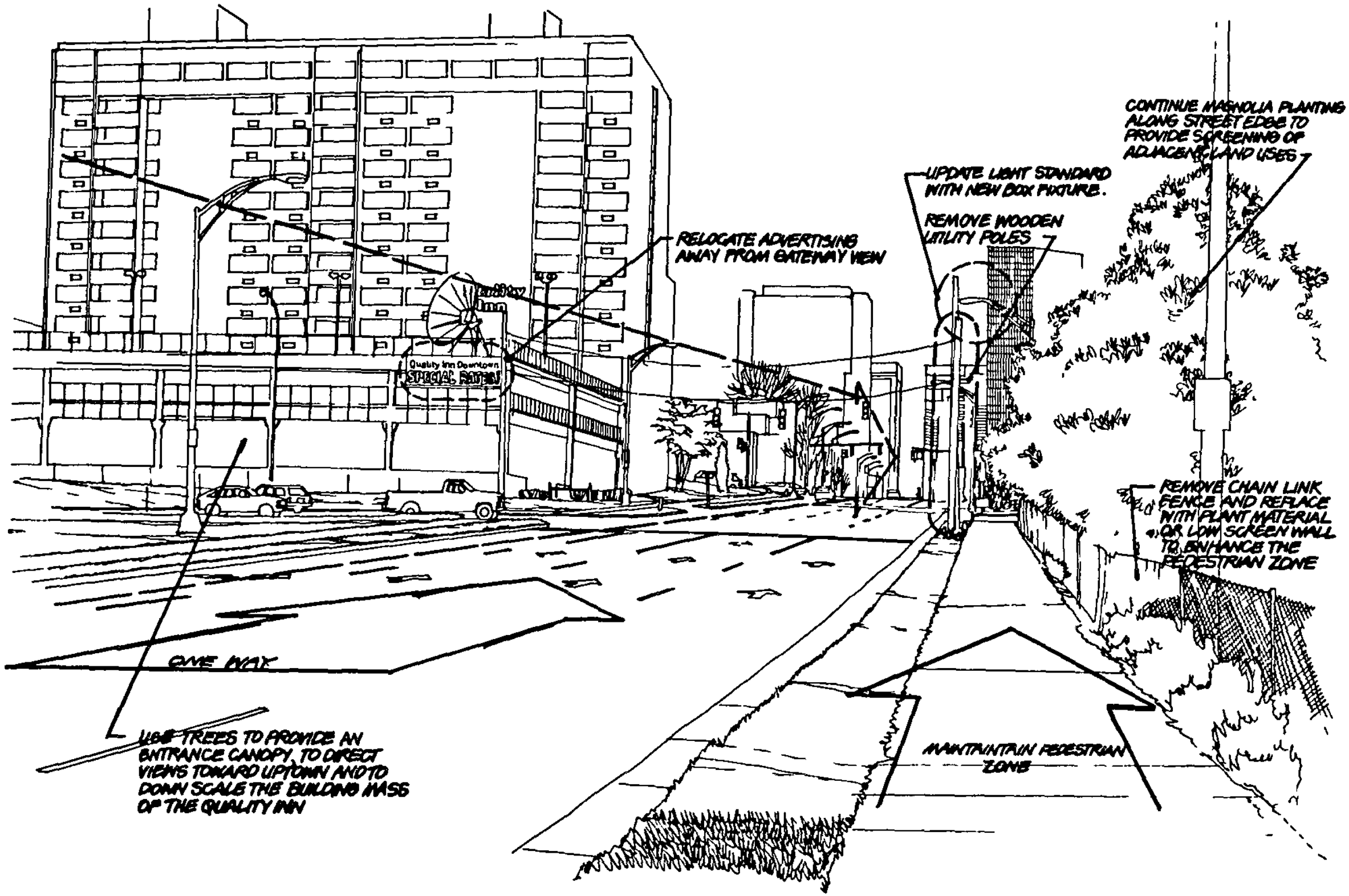
S. BREVARD ST. LOOKING NORTH AT I-277
EXISTING

GOVERNMENTAL CENTER



PROPOSED

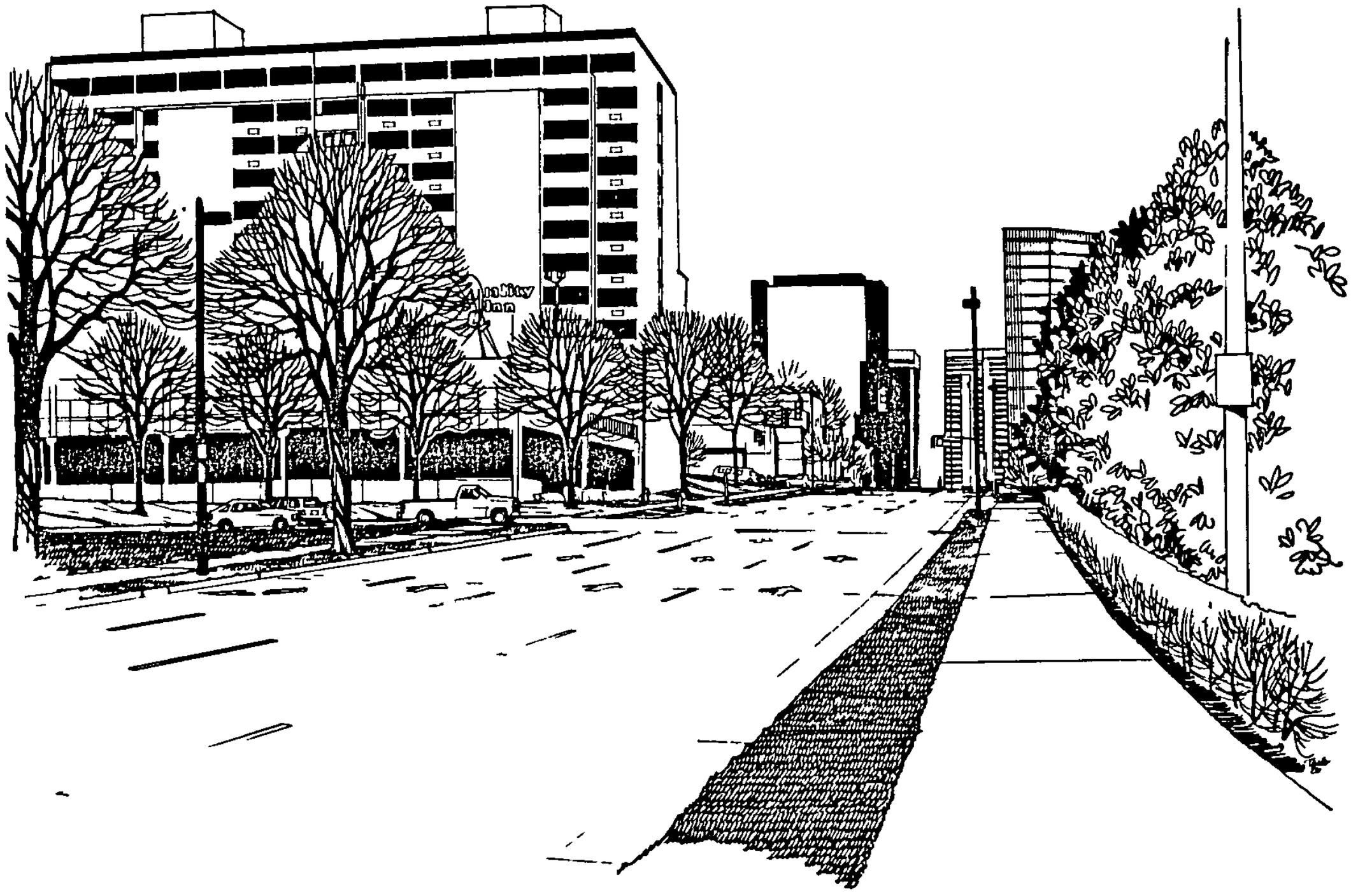
GOVERNMENTAL CENTER



E. 4TH ST. LOOKING WEST TOWARDS McDOWELL ST.

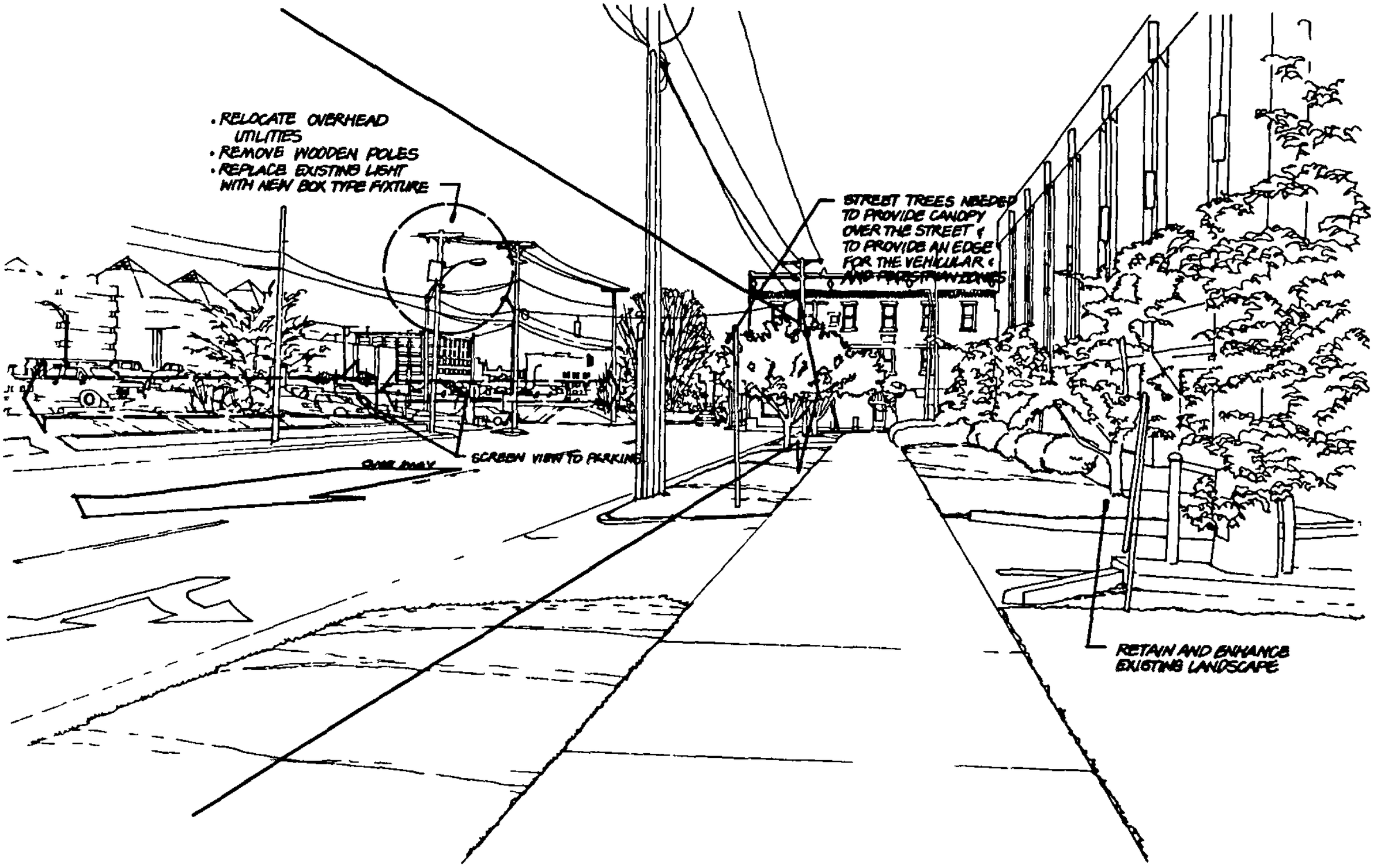
EXISTING

GOVERNMENTAL CENTER



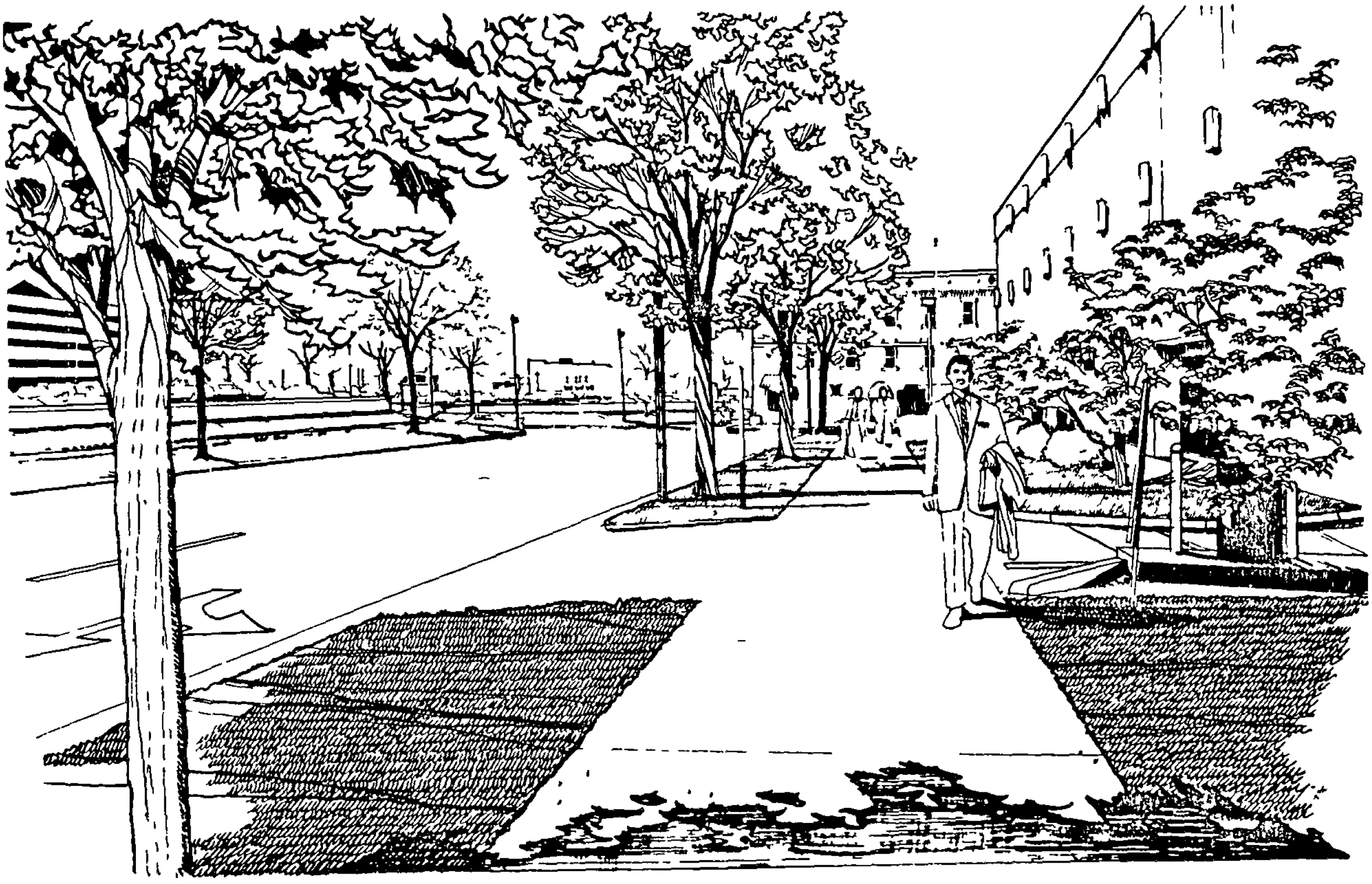
PROPOSED

GOVERNMENTAL CENTER



S. BREVARD ST. LOOKING NORTH TOWARDS E. 3RD ST.
EXISTING

GOVERNMENTAL CENTER



PROPOSED

GOVERNMENTAL CENTER

overview

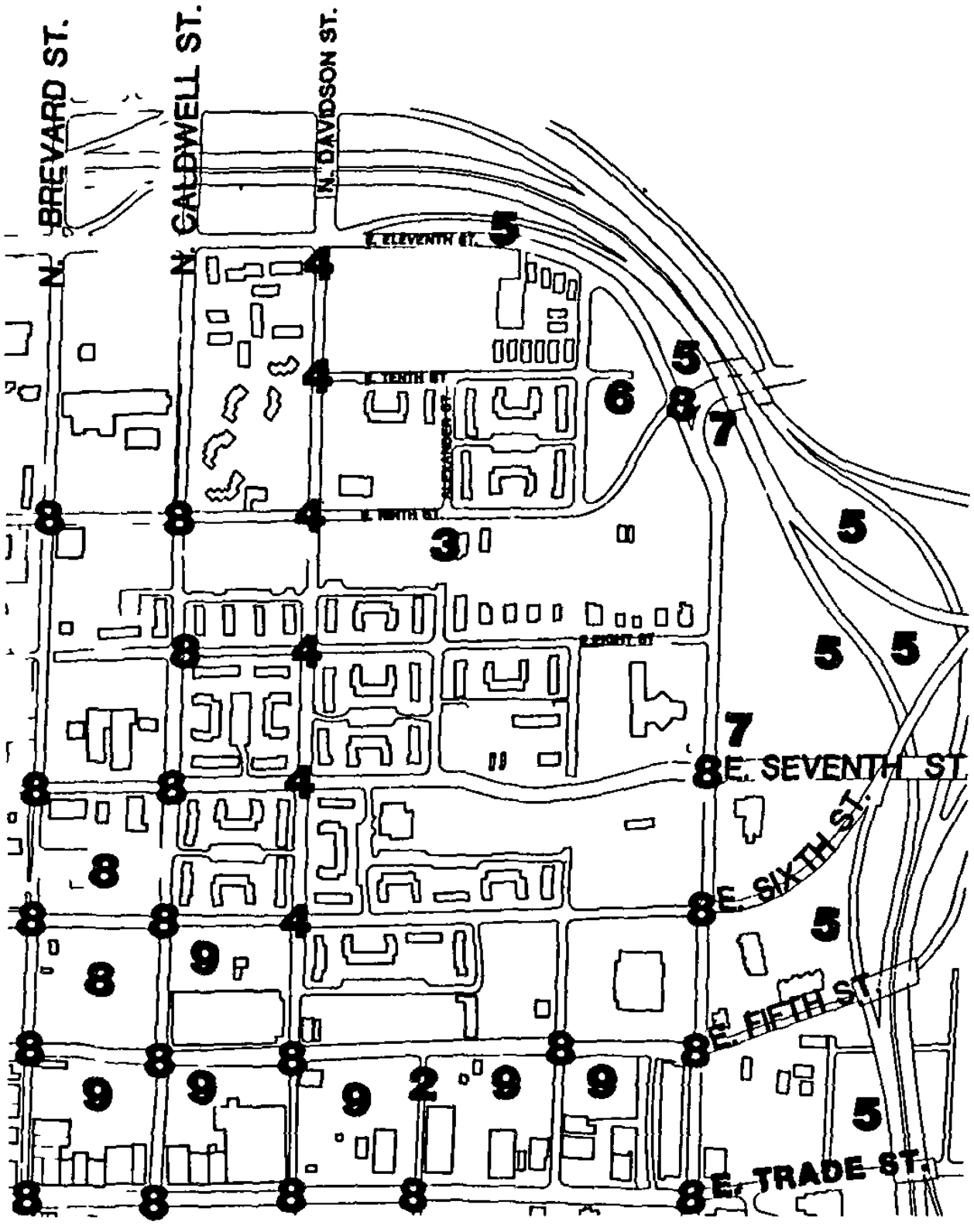
First Ward is bound by the Brookshire Freeway, East Trade Street and North Brevard Street At one time First Ward was one of the most thriving neighborhoods uptown A mixture of housing styles ranging from bungalow to mansion provided housing for all races of people. Over a period of time, however, the quality of the housing deteriorated to the point that in the late 60's much of First Ward was demolished through urban renewal

Today, First Ward is dominated by the 413 unit public housing project, Earle Village. Several vacant parcels still remain as a result of urban renewal activity and it is hoped that market rate housing can be built there in the near future.

First Ward School and the Afro-American Cultural Center are two of the most significant uses in this neighborhood and will serve as catalysts that will promote the re-establishment of this once thriving neighborhood.

The edges of the district contain a variety of office, commercial, industrial and institutional uses. Several large unscreened surface parking lots also exist in these edges which have a negative appearance and have a tendency to isolate First Ward from the Urban Core.

Possibly the most significant problem facing First Ward today is the presence of 6 major thoroughfares which carry heavy volumes of traffic through the neighborhood and impede efforts to establish a cohesive neighborhood. This problem was addressed in the Lane-Frenchman First Ward plan which stressed that a balance needs to be achieved between the convenience of motorists who travel through the neighborhood and the quality of life of First Ward residents. The streetscape recommendations for the First Ward will hopefully soften the impact of the thoroughfares but the basic problem of auto/pedestrian conflict will still need to be addressed.



1 Establish a pattern of canopy trees (Shumard Red Oak) in minimum 5' planting strips throughout First Ward

2 Create a pedestrian linkage between First Ward and the Governmental Center through the closing of Alexander Street

3 Create a pedestrian connection between East 9th Street and East 10th Streets where Alexander Street deadends.

4 Provide landscaped "neakdowns" along Davidson Street intersections between East 5th and East 11th Streets.

5 Provide naturalized plantings of Evergreen and Deciduous Trees to screen and buffer First Ward from Brookshire Freeway.

6 Provide pedestrian linkage between First Ward Piedmont Courts.

7 Enhance Uptown Gateways where McDowell Street intersects with East 7th Street and 10th Street Extension.

8 Improve pedestrian crossings.

9 Provide screening of existing parking lots, with walls, solid fences, or landscaping.

10 Bury all overhead utilities.

FIRST WARD

recommendations

1 Establish a pattern of canopy trees (Shumard Red Oak) in minimum 5' planting strips The use of a consistent streetscape throughout FIrst Ward will help to create a much-needed identity in this district The use of a large canopy tree such as Shumard Red Oak will aid in the creation of viable residential environment.

2 Create a pedestrian spine linking Earle Village to the Government Center This should occur as a result of closing Alexander Street from First Ward Park to Marshall Park and providing pedestrian amenities such as trees, comfortable seating, special paving, lighting, trash cans and flowering shrubs

3 Create a pedestrian connection between East 9th and East 10th Streets where Alexander Street dead-ends. Many years ago Alexander Street was closed in this area, however many pedestrians continue to walk across the now vacant land where the road once was. In order to maintain that access future development of this property should maintain a pedestrian easement in this area.

4 Provide landscaped neakdowns along Davidson Street where it intersects with 5th, 6th, 7th, 8th and 9th Streets. Davidson Street is a wide, 4 lane street that is the principal north-south street in the neighborhood. Low traffic volumes preclude the need for 4 lanes so there is an opportunity to provide a more residentially oriented street with widened neckdowns at intersections and on-street parking while maintaining 2 lanes of traffic. This was a recommendation of the Lane-Frenchman First Ward Plan

5 Provide naturalized plantings of evergreen and deciduous trees along the Brookshire Freeway to screen and buffer the neighborhood and provide a visual separation between traffic lanes.

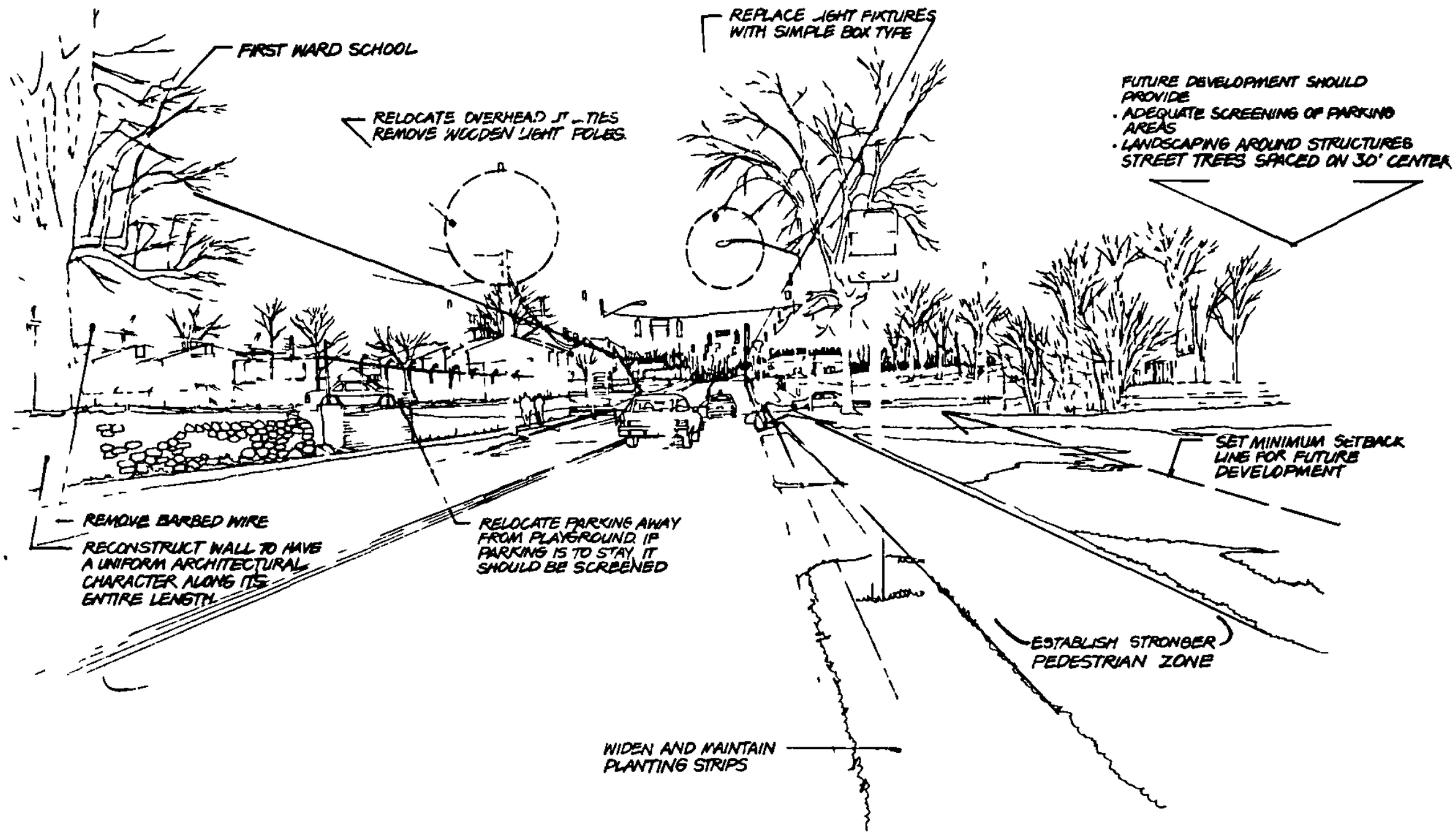
6 Provide pedestrian linkage between First Ward and Piedmont Courts In an effort to promote better pedestrian connectivity between these two areas a walkway is proposed through the vacant parcel bound by 10th Street Extension, North Tyon Street and East 11th Street A worn footpath already exists on this parcel, indicating heavy pedestrian traffic

7 - Enhance uptown gateways where McDowell Street intersects with East 7th Street and the 10th Street Extension Enhancing these areas through special landscpaing can crate a positive first impression for motorists entering the uptown area

8 Improve pedestrian crossings with special paving or painting with pedestrian signals and handicapped access. Several major thoroughfares cut through this neighborhood posing a hazard to pedestrians. Improving these crossings as described will help to lessen this hazard.

9 Provide screening of existing parking lots with walls, solid fences or landscaping. Many parcels on the fringes of First Ward are devoted to surface parking creating a negative appearance Screening of these lots will help minimize this.

Bury all overhead utilities. Nearby all streets in First Ward have overhead utilities which not only have a negative appearance but preclude the growth of large canopy trees because of potential interference with the lines Placing these utilities underground would have a dramatic affect on the appearance of First Ward

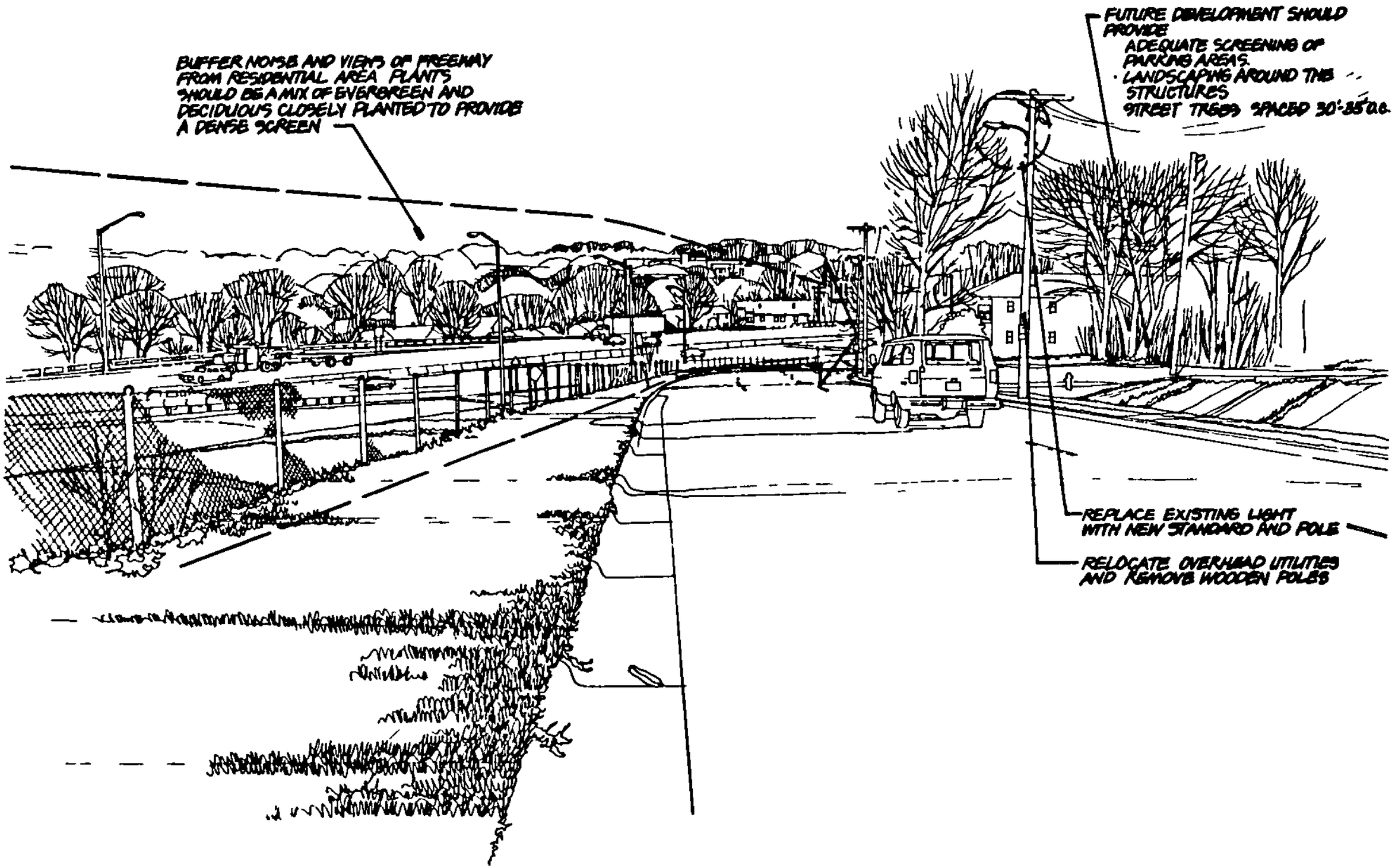


E. 9TH ST. LOOKING EAST AT FIRST WARD SCHOOL
EXISTING

FIRST WARD

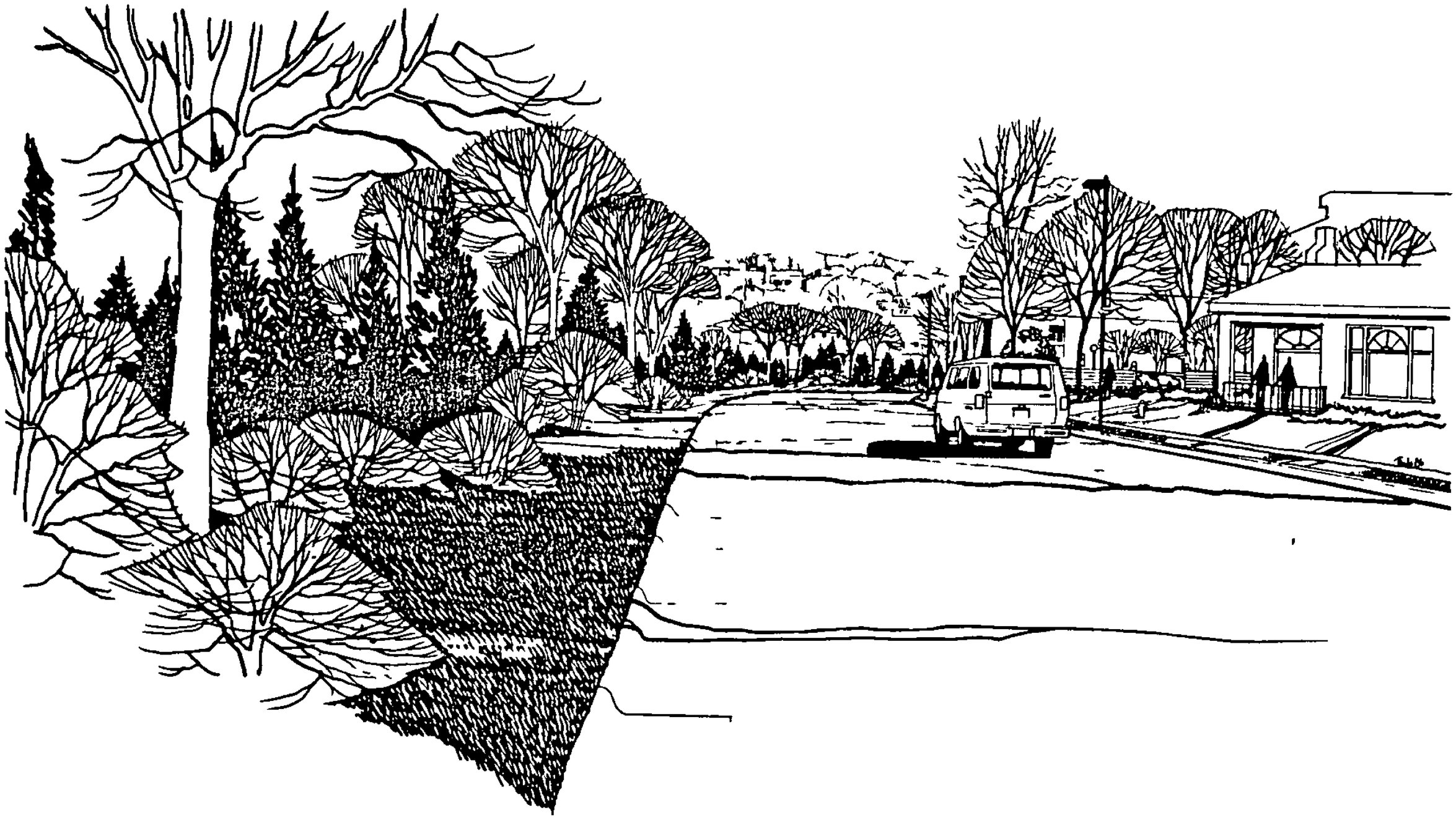
PROPOSED

FIRST WARD



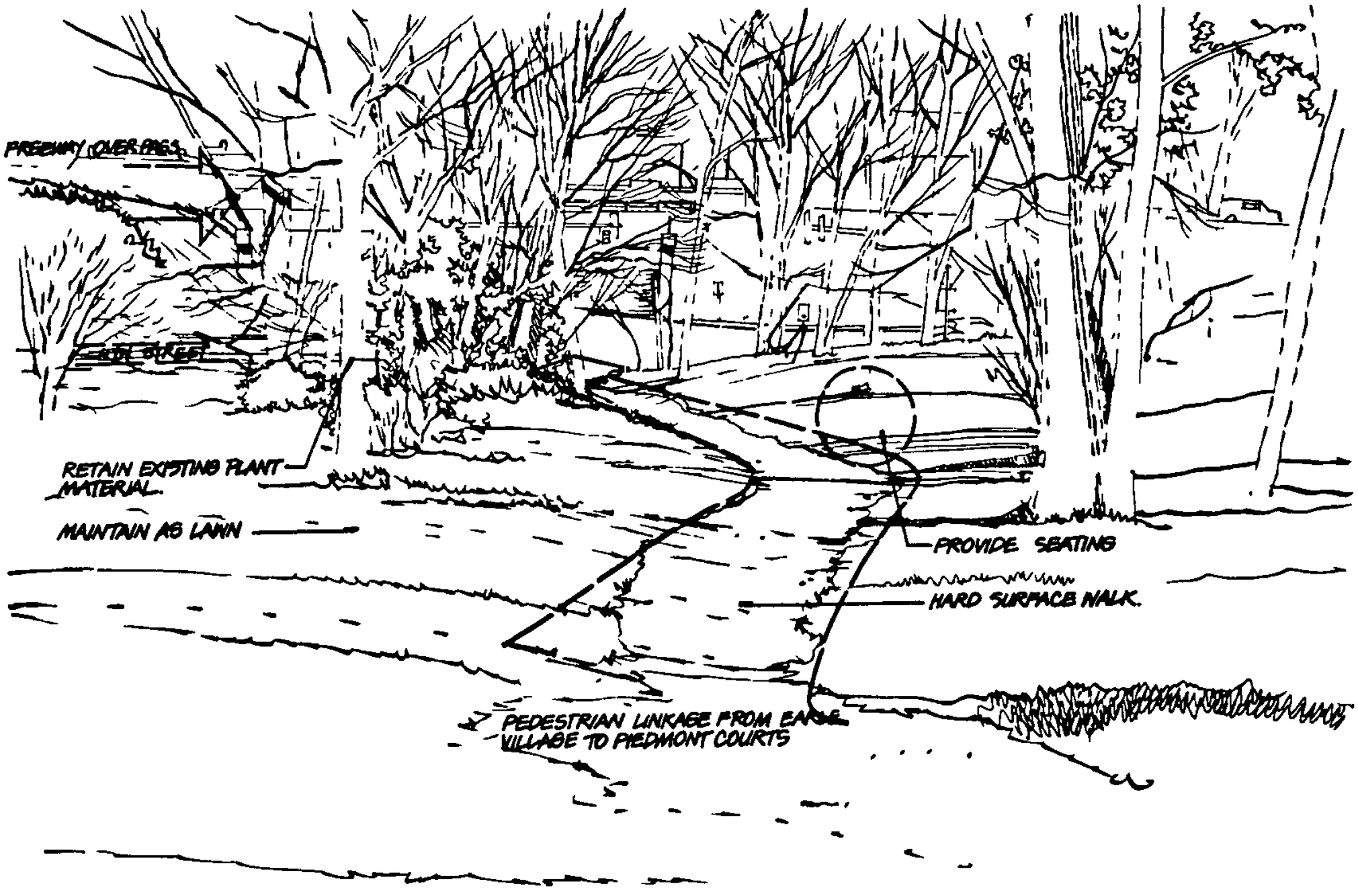
E. 11TH ST. EAST OF DAVIDSON ST
EXISTING

FIRST WARD



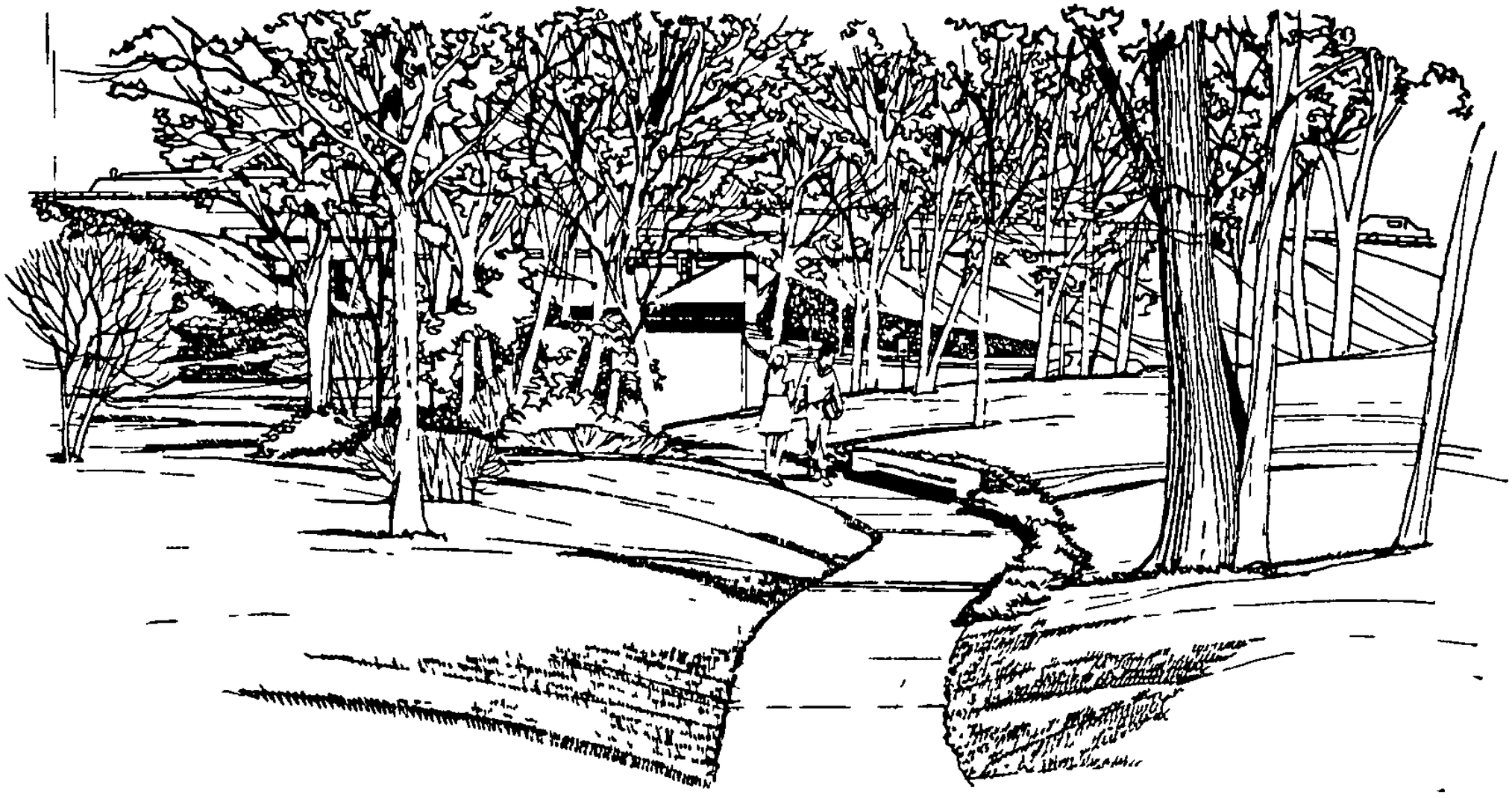
PROPOSED

FIRST WARD



VACANT PARCEL AT H. MYERS, E. 11TH & 10TH ST. EXT.
EXISTING

FIRST WARD



PROPOSED

FIRST WARD

The following recommendations apply throughout the uptown area:

Bury Overhead Utilities - Although many overhead utilities uptown have already been placed underground, there are many other areas where they still exist, particularly in the residential areas. Not only are the overhead utilities unsightly, but their low wires preclude the planting of large canopy trees underneath. If the uptown area is to achieve its maximum potential in terms of aesthetic quality, it is essential that the overhead utilities be placed underground.

Improve Pedestrian Crossings - Inherent in any large urban area are heavy traffic volumes. Also, inherent are large numbers of pedestrians. In an effort to minimize the conflict between the two, safe efficient pedestrian crossings are proposed at principal intersections throughout the uptown area. These crossings would consist of clearly defined crosswalks with a special paving or painting pattern, pedestrian signals of the type that exist at some intersections in the urban core, and handicapped accessible curbs.

Buffer And Screen Adjacent Land Uses From I-77, I-277 And The Brookshire Freeway - To minimize the impacts of the inner-loop freeway an "urban forest" is proposed. This forest would consist of natural plantings of both evergreen and deciduous trees and shrubs that in addition to screening and buffering, the freeway would soften its impact by planting between travel lanes where room is available. Accent plantings of flowering trees would provide interest to motorists. These plantings would be coordinated with NCDOT.

Delineate Appropriate Setbacks On Vacant Land And Land Where Redevelopment Is Anticipated - As detailed plans are prepared for the various uptown districts it will be important to establish building setbacks that are consistent with the urban design objectives for that area.

Refit Existing Metal Poles With Box Type Light Standard - Over a period of time the existing "cobra head" light standards should be replaced with a less conspicuous box type standard. Existing wooden poles should be replaced with metal poles and relocated a minimum of 4' from the face of the curb.

implementation

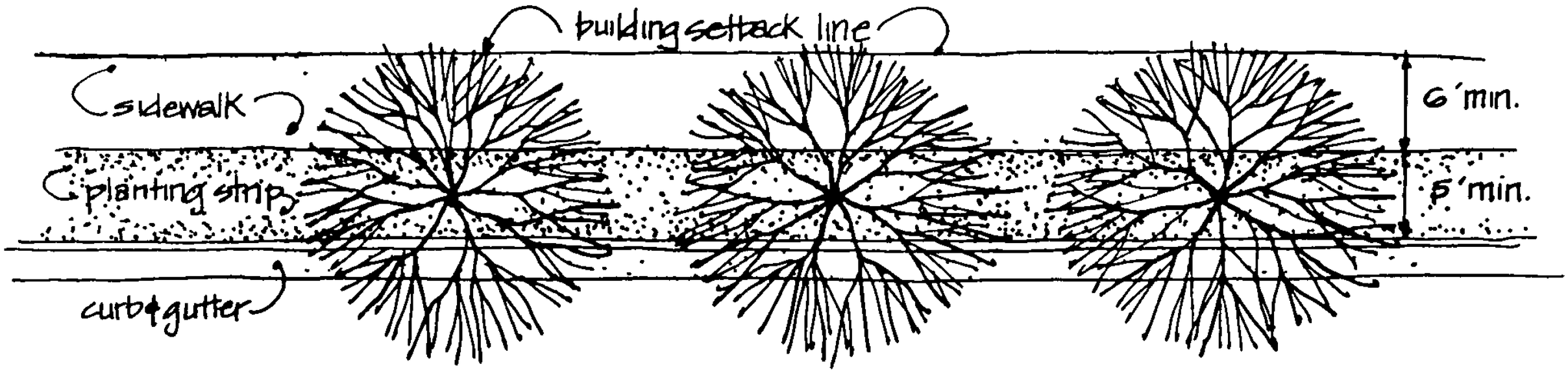
The streetscape recommendations will be implemented in one of the following ways

- for those areas currently zoned UMUD and for future UMUD expansion areas streetscape recommendations will be implemented through the development process according to the approved streetscape plan provision of the UMUD ordinance.

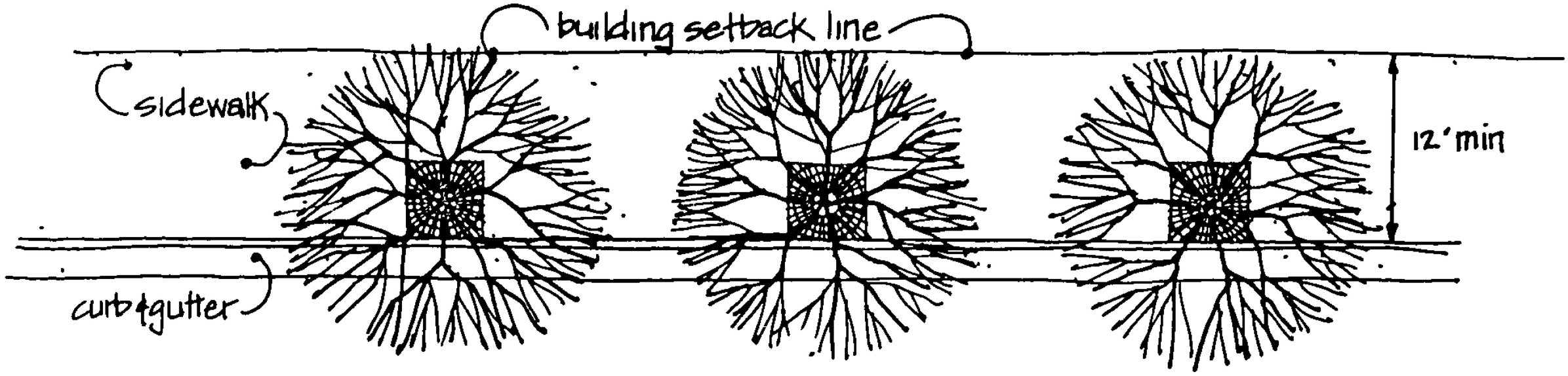
- recommendations for areas within the UR (urban residential) districts are expected to be implemented by amending the UR zoning ordinance to make the recommendations a requirement of new development.

- any remaining areas uptown will be addressed as part of the Central Area Plan update to be done in FY 88.

- recommendations that are anticipated to be done by the public sector will occur through the 10 Year Capital Needs and 5 Year CIP process.



STREET TREES PLANTED IN PLANTING STRIP



STREET TREES PLANTED IN 5' SQUARE TREE GRATES

basic streetscape types

UPTOWN STREETSCAPES

YSUP 87-2

#12

Request for Council Action

Charlotte

To the City Council

From the City Manager

Action Requested City Council is requested to consider issuance of a Floodway Special Use Permit which would allow fill in an existing Floodway and the relocation of a channel.

Responsible Department Charlotte-Mecklenburg Planning Commission

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

Background

The Charlotte Floodway Regulations generally prohibit any encroachment into areas designated as Floodway Districts. These same regulations provide, however, for the issuance of Floodway Special Use Permits which if granted would allow some minor degree of encroachment into these restricted areas Section 9-41 of the Charlotte Floodway Regulations prescribed the method and consideration which should be given to such requests. City Council upon recommendation from Planning Commission takes final action on this type request. This process does not involve a public hearing, but does involve notifying adjacent property owners about the request and when the request will be considered at a public hearing.

Explanation of Request

In accordance with Section 9-41 of the Charlotte Floodway Regulations a Floodway Special Use Permit has been applied for by Zaremba Center Point Company The proposal would allow fill in the Floodway and the rechannelization of an existing creek

The Planning Staff, Zoning Administrator, Parks & Recreation Staff, and Engineering Staff, find that this request is approvable and that the effect of the proposed rechannelization of the creek is not significant

At the Thursday, March 19, 1987, meeting of the Charlotte-Mecklenburg Planning Commission, the Commission voted to recommend approval of the request contigent upon FEMA's approval and upon the reconstruction of the channel with weirs and boulders to enhance fish habitat.

Yeas· Emory, Griffin, Lassiter, Lewis and Wheeler

Nays Mead
(Commissioner Curry was not present when vote was taken.)

This item may be considered at the April 22 zonning decision meeting.

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested To consider and adopt an amendment to the Central Area Plan which would modify the recommended extensions to the Overstreet Walking system and provide for a policy on future extensions.

Responsible Department Charlotte-Mecklenburg Planning Commission

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

Background

The Central Area Plan (also called RTKL Plan) for Uptown Charlotte was adopted in 1980. It proposed, among other things, the extension of the Overstreet Walking System over several blocks in the uptown area Many of these extensions have been constructed. However, within the last 8 - 12 months Council has raised concerns over the continued viability of the proposed extensions and the apparent conflict with other public policies which emphasized street level activities and expenditures. The City Manager asked both the City Engineer and the Planning Director to look at the technical as well as policy issues regarding the Overstreet system

Explanation of Request

The two staffs have investigated the Overstreet issues and have prepared technical specifications for any future bridge and a policy recommendation on future expansions of the system This policy is based on the fundamental philosophy of eliminating those proposed connections that have not yet been built and regaining all future connections to be approved on a case-by-case basis through the U-MUD Optional Zoning process.

Source of Funding

Not Applicable

For Office Use Only

Date Submitted April 9

Agenda Date Requested April 22 dinner briefing, April 22 discussion of decision

Consequences if Agenda Date is Delayed or Action is Deferred None

Contact Person for Questions
from the City Manager's Office Walter Fields

Authorized by Martin R. Cranton, Jr.
Department Head

Approved by
Assistant City Manager

List Attachments
Recommended Policy
Recommended Technical Specification

Clearances

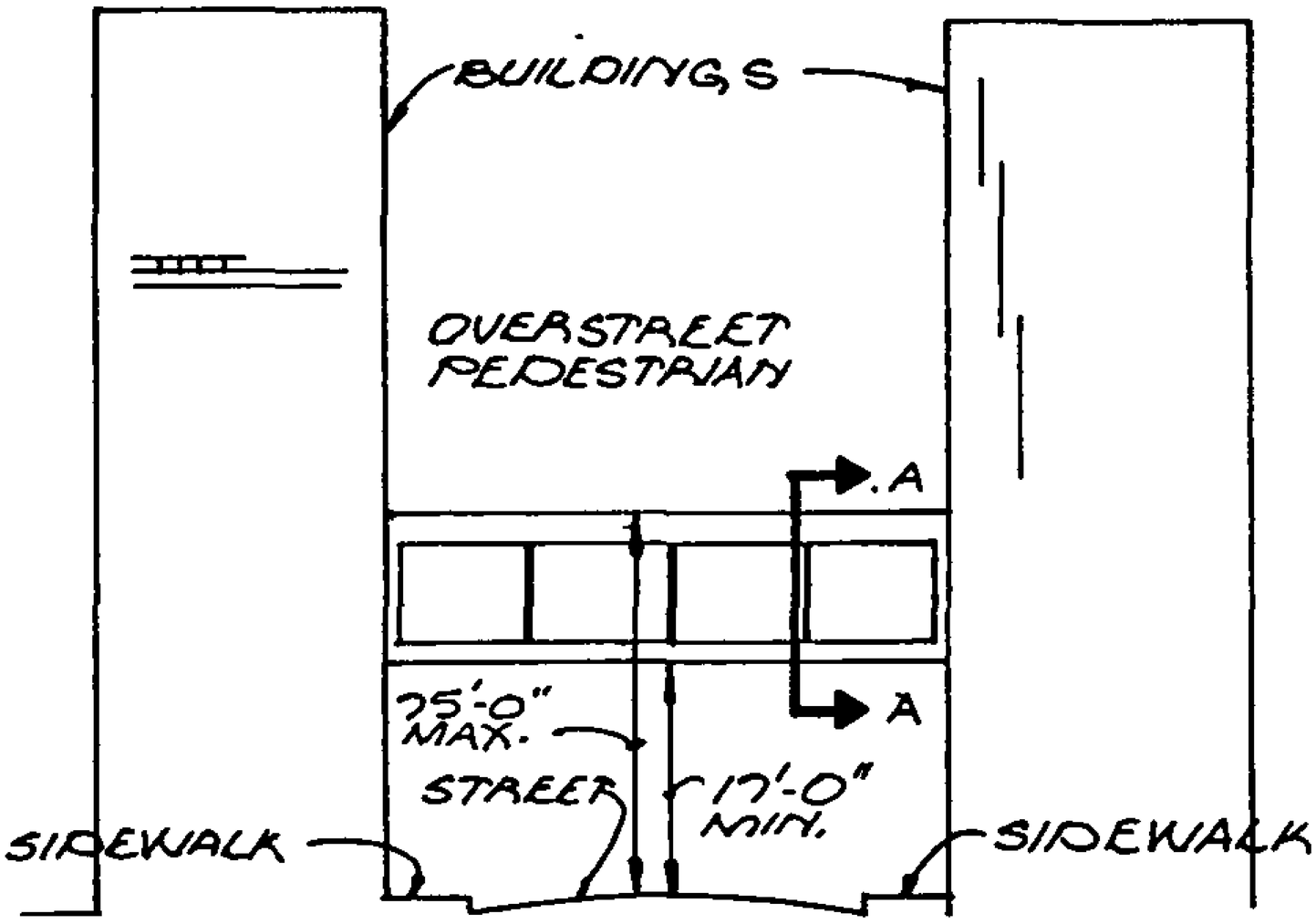
Not Applicable

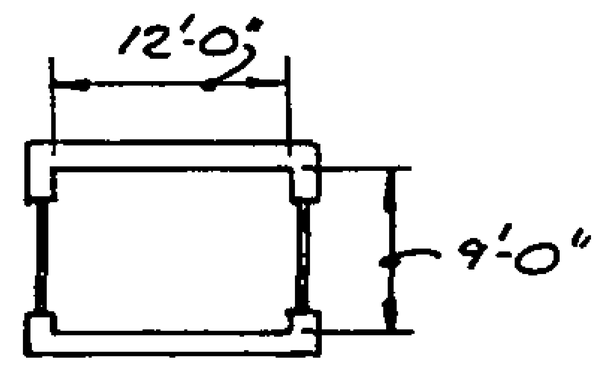
Bibliography

Central Area Plan

NOTES:

1. MINIMUM HEIGHT OF BRIDGE FROM STREET - 17'-0"
2. MAXIMUM HEIGHT OF BRIDGE FROM STREET - 25'-0"
3. MINIMUM INSIDE HEIGHT OF BRIDGE - 9'-0"
4. MINIMUM INTERIOR WIDTH OF BRIDGE - 12'-0"
5. EXTERIOR APPEARANCE SHALL BE LEVEL.
6. BRIDGE SHALL BE CONSTRUCTED TO CONFORM TO STATE AND FEDERAL CODES FOR HANDICAP ACCESSIBILITY.
7. BRIDGE SHALL BE CONSTRUCTED SO FOUNDATIONS AND/OR COLUMNS ARE LOCATED OUTSIDE OF STREET RIGHT OF WAY.
8. SHOULD BRIDGE CONSTRUCTION ELIMINATE EXISTING STREET LIGHT POLES, LIGHTING IS TO BE PROVIDED THROUGH USE OF APPROVED FIXTURE AND LIGHT SOURCE LOCATED UNDER BRIDGE.
9. BRIDGE SHALL NOT INTERFERE WITH TRAFFIC SIGNAL HEAD VISABILITY.





SECTION "A"-"A"

10. RESCUE ACCESS PANEL(S) TO ACCOMMODATE EVACUATION OF THE BRIDGE DURING A FIRE, UTILIZING FIRE DEPARTMENT LADDER TRUCKS, SHALL BE PROVIDED.
11. NO DRAINAGE OUTLETS OVER SIDEWALK AREA.
12. BRIDGES TO BE AS NEAR TO PERPENDICULAR TO STREET AS STRUCTURALLY POSSIBLE.
13. PARALLEL BRIDGE TO BE SEPARATED BY A MINIMUM DISTANCE OF 100 FEET.
14. SMOKE DOORS TO BE LOCATED AT ENTRANCES TO BOTH ENDS OF BRIDGE.

CHARLOTTE
ENGINEERING DEPARTMENT

REVISIONS	OVERHEAD PEDESTRIAN BRIDGE	JOB NO.
		FILE NO.
DRAWN BY CCE	DETAIL	SHEET 1
CHECKED BY SCM		OF 1
CITY ENGINEER	DATE 4/1/87 SCALE NONE	

OVERSTREET MALL

Background

Retail Issues

Major Central Area retail uses have been concentrated at the square and along North Tryon Street. This older retailing core has been augmented by the Overstreet Mall system in the first three blocks of South Tryon Street.

The Overstreet Mall has aided in slowing the decline of retail activity in the Central Area This second level system of interblock and interbuilding pedestrian connections provides the setting for high quality retail and food service outlets catering to downtown office employees The concentration of these specialized retail functions along the Overstreet Mall has also led to an increasingly worrisome separation from retail uses along the street level The indirect result has been to leave only vestiges of older retail uses and retail outlets serving only lower income customers at street level. A continuation of this pattern will significantly impede full realization of the retail potential of the uptown area.

Retail Land Use

The retail land use concept within the Tyron Street corridor provides first for reinforcing the traditional North Tryon retial core with the development of a major mixed-use project in the first blocks of North Tryon Street. A significant retail component in this development, including at some point a third department store, will augment Belk's and Ivey's to reestablish North Tryon as the center of retail activity in the Central Area.

The second objective of the retail component of the Central Area Land Use Plan is to extend retail activity beyond the Square southward along Tryon Street with an emphasis on linking the Overstreet Mall retail activity with street level retail uses. This linkage of the two now separate systems and the integration of retail activity and the pedestrian environment is crucial to full mixed use development of the core area

The third priority of the retail component of the Central Area Land Use Plan is to encourage street level retail uses along College and Church Streets with a focus on those locations along College Street providing access to the Overstreet Mall system as it extends eastward over the street. The objective here is to promote the fullest possible development of a more human pedestrian environment in these auto dominated areas.

Pedestrian Issue

Continuing the trend toward a more dense compact employment core necessitates that major emphasis be placed on creating and improving pedestrian corridors and facilities. Opportunities to enhance pedestrian movement should be sought, especially in an east-west orientation. Attempts should also be made to provide more frequent interchange between street-level pedestrian ways and the Overstreet Mall.

Conclusions

The future function of retailing in the Central Area, including the evolving role of the traditional retail core on North Tryon and the new Overstreet Mall, is predicated on maximizing retail development designed to serve the new Central Area market by bringing renewed retailing activity back to the street level and linking the street with Overstreet Mall retailing so that these two now separate and distinct systems function together as one.

The Overstreet Mall

The function of the Overstreet Mall in the Central Area Plan is two-fold First the Overstreet system provides an important retail focus and an additional strong linkage between the North Tryon retail core and South Tryon employment concentrations The Plan proposes that development of the Overstreet Mall continue as a connector of retail activity in the North Tryon area and as a key feeder from South Tryon. The second primary function of the Overstreet Mall is to provide for grade separated connections over College Street and to connect new development along College Street back to the Tryon Street spine.

The key principle of future development of the Overstreet is that it must be firmly connected to the public street systems throughout its extent. For this reason, public connections to the system at all proposed mid-block arcades are essential Publicly accessible, open access to the system should also be provided along the east side of College Street at all points where the system crosses over the street.

Further, the expansion of the Overstreet Mall must not detract from the emphasis on street level retail opportunities. Therefore, any and all future extensions of the system should be approved only on a case-by-case basis and the Plan should be modified to reflect the elimination of certain connections that are, by virtue of present development or future uncertainties, no longer appropriate to remain in the Plan. Those proposed changes are detailed below.

	Amendment
Proposed North-South Overstreet extension are:	
(1) A northwest extension between Ivey's and Settlers Square connecting the Overstreet system to public parking, other development in Settlers Square and to mid-block arcade which will in turn terminate the Overstreet system and connect it back to Tryon Street. It is further proposed that this link be formed	(1) Eliminate this connection. Pedestrian access should be at the street level and future development or redevelopment should open onto 5th Street at ground level.

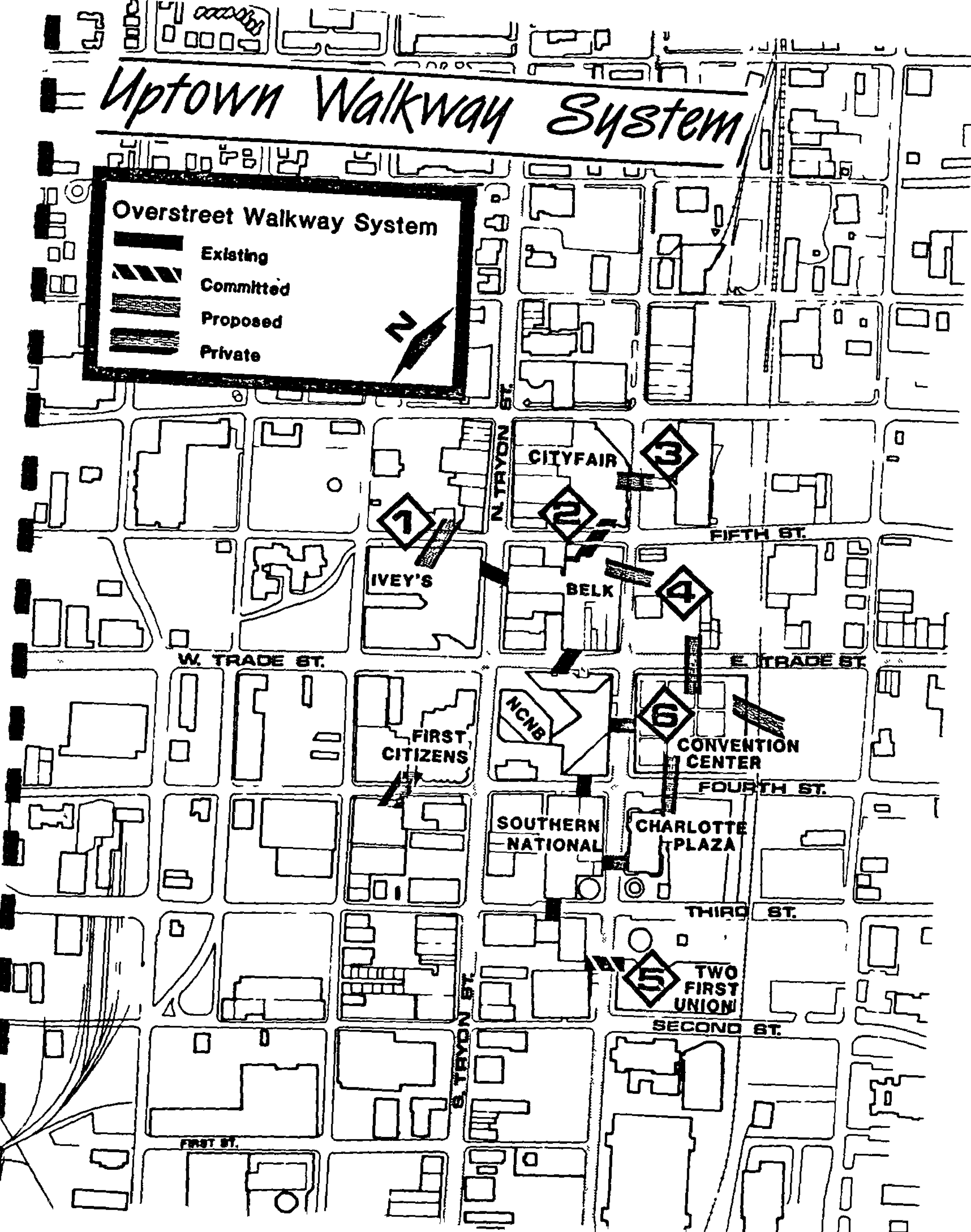
	Amendment
(1) as part of an air rights development over Fifth Street which will extend continuous retail frontage through the second levels of Independence Square development, Ivey's and Settlers Square.	
(2) A second northward extension beyond Belk's over Fifth Street to parking and the development site in the Montaldo's block along College Street. Another direct linkage to the mid-block arcade in that block will complete the northern terminus of the Overstreet system. Additional extensions are proposed over College Street to provide direct auto free pedestrian access to new development occurring along College Street These extensions are	(2) Maintain this linkage It is part of City fair development However, the continued viability of this connection should be reviewed if it is ever terminated for any reason
(3) From the Montaldo's block and the proposed mid-block arcade in that block to Cotton Square over College Street between Fifth and Sixth Streets. (4) From Belk's across College between Trade and Fifth Streets.	(3) and (4) Eliminate both linkages Pedestrian access and retail frontage on College are to be encouraged at ground level. This is consistent with City fair project precedent.
(5) From First Union across College between Second and Third Streets.	(5) This is a approved linkage for the Two First Union project under construction.
(6) From the Civic Center to adjacent blocks to connect proposed new hotels and the proposed Trade Mart to the Civic Center.	(6) Eliminate Convention Center linkages over Trade and 4th Streets except to connect a Convention Expansion. In this event, only a pedestrian scale crossing is appropriate. Ground level pedestrian and building access are to be encouraged. Maintain possible connection over the railroad However, future grade level pedestrian and transit use of the railroad right-of-way should be recognized.

	Amendment
	Overstreet walkways for parking structure connections to their principal buildings are discouraged. They will be considered on a case by case basis where unique building conditions together with pedestrian safety factors warrant such walkways and will be approved through the UMUD optional rezoning process All future overstreet walkway connections or any private block to block connections which cross a public street may only be established through the UMUD optional rezoning process Further, any existing Overstreet connections which may, for whatever reason, be removed or discontinued due to redevelopment of existing structures may be re-established only through the UMUD optional rezoning process This applies to situations even when the actual overstreet structure is not itself removed in the construction process.

Design Standards

In all cases, the design process and standards of the UMUD Zoning District are applicable to all overstreet walkways. Any such walkways must also secure the technical approvals of appropriate City and County agencies.

Uptown Walkway System



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 1, 1987

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members·

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on March 19, 1987.

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 April 13, 1987 This will then permit these matters to be placed on your agenda for consideration on April 22, 1987

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

Respectfully submitted,

Bob Young (oj)

Robert G Young
Land Development Manager

RGY oj

Attachments

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

DATE March 19, 1987

PETITION NO 86-57

PETITIONER(S) NCF Financial Corporation & Myers Park Homeowners Association

REQUEST. Change from R-9MF to R-6MF(CD)

LOCATION A 35,004 square foot parcel located at the corner of Queens Road and Hopedale Avenue It should be noted that Rezoning Petition 86-57 was originated by the Myers Park Homeowners Association and included the proposal to rezone the parcel at the corner of Queens Road and Hopedale Avenue from R-6MF to R-12. Subsequently, NCF Financial Corporation submitted an alternative proposal to rezone the parcel to R-6MF(CD)

ACTION The Planning Commission recommends that the petition be approved.

VOTE· Yeas. Emory, Griffin, Lassiter, Lewis, Mead and Wheeler.

Nays: None.

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

REASONS·

ISSUES·

1 Proposed Use/Site Plan What is the proposed use for the property and what conditions of the site plan are important to evaluate, particularly in the context of adjoining properties?

2 Myers Park Petitions How does this petition relate to the recently heard Myers Park neighborhood rezoning petitions?

3 Recent Zone Changes What recent zone changes have taken place in the area including land across Hopedale from the site which was not included in the Myers Park neighborhood petitions? What discussions at that time as well as discussions involving this property are important to remember when evaluating the possibility of multi-family development on this property?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6MF The property adjoining this site is likewise zoned. Other properties across Queens Road are zoned R-6MFH and a variety of other single family and

multi-family zoning districts are located throughout the area Property on Hopedale, including property across the street from this site, is zoned R-12 Around the corner from the site extending northward on Providence Road is an area of B-1 zoning, which is then followed by a strip of O-6 zoning to the east The O-6 provides a transition between the B-1 zoning along Providence and residential zoning along many neighborhood streets

2 Existing Land Use. The petitioned property has a single family dwelling on it A small multi-family project adjoins the site along the northerly boundary and other multi-family projects are located on both sides of Queens Road Single family homes are located on Hopedale as are other single family homes throughout the Myers Park neighborhood. Other multi-family projects include the Carleton, which is somewhat south on Queens Road Institutional uses in the form of the South Mecklenburg Branch Library, Myers Park Methodist and Myers Park Presbyterian Churches are also immediately in the vicinity Small retail businesses stretch along the easterly side of Providence Road beginning at the Queens Road intersection and extending northward for many blocks.

3 Previous Site Plan The previous conditional site plan proposed a four-story, 16 unit multi-family project on the site. The units would be contained in one building Access to the site will come from a driveway connection to Queens Road and two driveways from Hopedale Avenue. Many large existing trees will be retained and other screening in the form of a brick wall and evergreen shurbs and trees will be provided along the northerly and westerly property lines

4. New Site Plan. The revised site plan proposes a total of three, two and one-half (2½) story units Access to the site will be obtained from a driveway connection to Queens Road and two driveways from Hopedale, as shown in the original plan Parking and circulation patterns are also similar. Screening has been provided, and a note on the plan calls for the retention of existing trees whenever possible Architectural renderings have also been made a part of the site plan

5. Petition Background This parcel comes to public hearing by way of the previously submitted Myers Park Homeowners petition This one parcel was not acted upon at the time that the remaining area under 86-57 was acted upon by City Council. At the time of action Council indicated that the petitioner could come back with a conditional approach for this property and they would consider it at public hearing

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the vicinity One of the basic themes guiding development of the central area of Charlotte is the conservation of inner-city neighborhoods

2 Transportation Improvement Program. The TIP includes the Providence Road/Queens Road intersection improvement in the CIP. This project is scheduled for implementation in FY 86-88.

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application to discuss the site plan The site plan had been originally offered by the property owner during the deliberations by the Planning Commission at the time the balance of petition 86-57 was being discussed Staff indicated at that time that the general concept and conditions of the site plan were reasonable in light of surrounding zoning and development patterns.

4 Pre-Hearing Departmental Comments (Summary).

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

2 Fire Department. No comment

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

4. C-DOT No comments were available as of the preparation of this material, but are expected by the time the public hearing is held

5 Engineering Department. Concepts are currently being developed for the Queens/Providence Road intersection. No additional right-of-way is needed

5 Neighborhood Context. This site is located in the Myers Park neighborhood

DETAILED FINDINGS·

1 The property involved in this petition is a 35,004 square foot parcel located at the corner of Queens Road and Hopedale Avenue. The present zoning is R-6MF and the petitioner has requested R-6MF(CD)

2 It should be explained that the property owner has submitted the conditional plan pursuant to a directive of City Council when the bulk of 86-57 was acted upon That petition was sponsored by the Myers Park Homeowners Association Technically this matter is included as a continuation of that petition This one parcel of land was not acted upon by City Council. Thus, this petition has been setup as one sponsored by both NCF Financial Corporation and Myers Park Homeowners Association

3 The property owner has submitted a CD plan proposing a residential complex for the property (For futher details, refer to Background #3.)

4 The site is located in the Myers Park neighborhood Recently the neighborhood sponsored a series of petitions which were generally approved by City Council and resulted in many properties being downzoned

5 This property is located at the intersection of several streets including the major intersection of Providence Road and Queens Road. Development activity at this intersection is among the most intense in Charlotte in terms of residential development. For example, such developments as

Providence Place, Charlotte House and Queens Tower are multi-story in height Providence Place and Charlotte House have densities around 40+ units per acre while Queens Tower and the adjoining King Richard Condos are 19 5 and 18 6, respectively. Also, the high-rise Carlton is nearby

6 It should be remembered that recently City Council approved a downzoning to single family for property directly across Hopedale from this site, but in so doing recognized that it was not a single family development tract of land Council recognized that given its location, multi-family was the highest and best use and all that was needed was a suitable CD plan in order to develop the property for multi-family purposes The property owner in this case has supplied a CD plan which in staff's opinion is acceptable

7. A new site plan has been submitted which reduces the total number of units from 16 to 3, two and one-half (2½) story units. The plan also provides adequate screening, and calls for the retention of trees on the site An architectural rendering of the proposed buildings has also been provided

8. The new site plan was developed after much discussion between the property owner and the Myers Park Homeowner's Association. The association has indicated their support of the site plan. Also, Planning Commission praised the cooperation between the neighborhood association and the property owner for their efforts to arrive at a mutually beneficial solution.

9 Further, this site is deserving of multi-family development due to its relationship to other multi-family projects which it already is adjacent to, or will be adjacent to in all likelihood in the future. The neighborhood nearby also has a pattern which is mixed use in character. institutional, retail, personal services, etc Single family zoning on this piece of property is not logical given the context of the setting.

10 The Myers Park neighborhood has benefited through zone changes recently made by City Council as well as in years past Many multi-family areas have been rightfully changed to single family due to the circumstances of usage, location, etc. Development of this site for multi-family will not be detrimental to the neighborhood and simply is a recognition of the highest and best use for this property

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

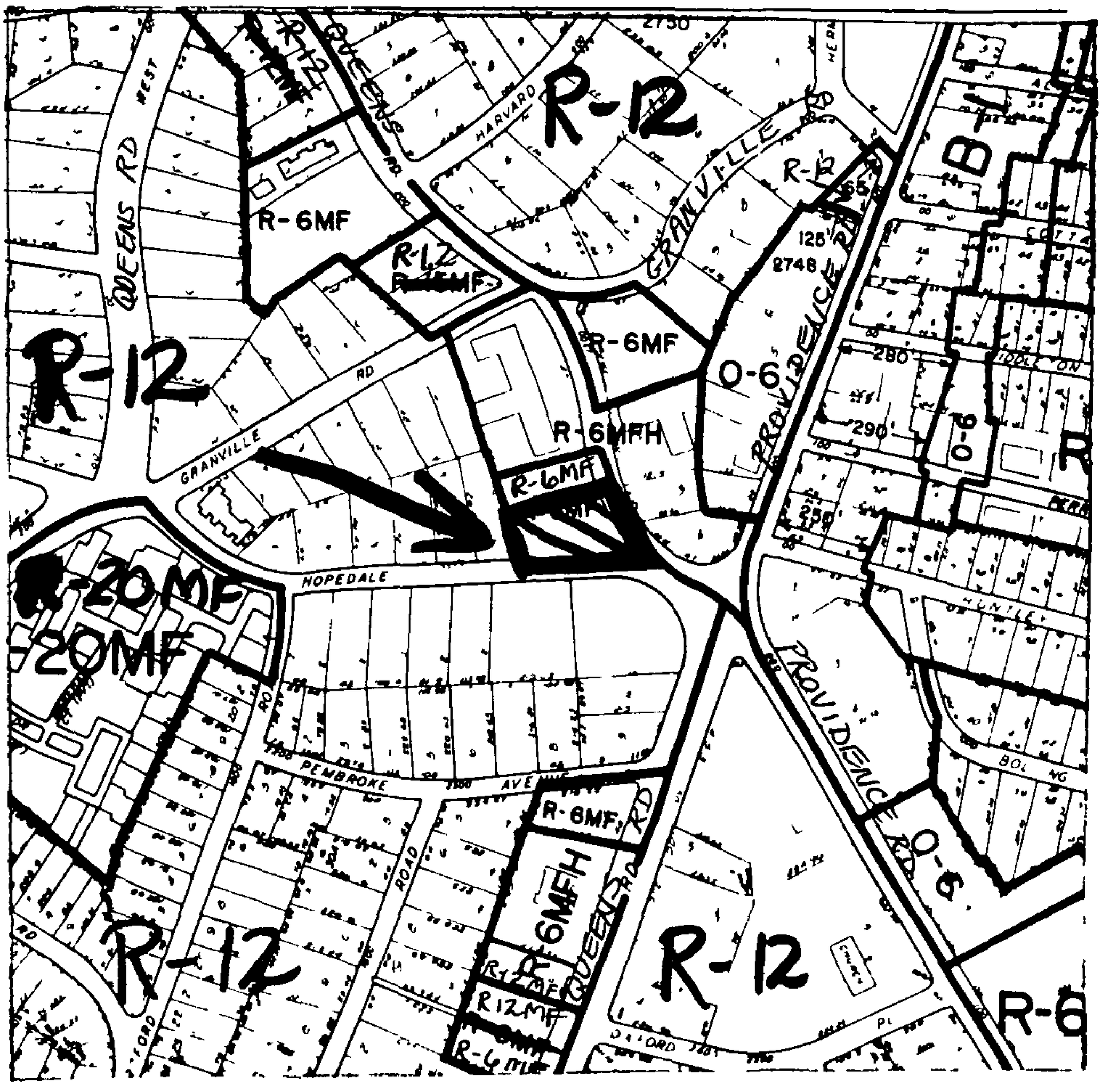
<u>Staff Opinion</u>
The staff agreed with Planning Commission.

PETITIONER NCF Financial Corporation and Myers Park Homeowners Association

PETITION NO 86-57 HEARING DATE 12-15-86

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

LOCATION A 35,004 square foot parcel located at the corner of Queens Road and Hopedale Avenue



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-1

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from U-IND, UR-C and I-3 to UR-3

LOCATION An 8.69 acre site east of South Cedar Street and south of West Fourth Street Extension

ACTION The Planning Commission recommends that the petition be approved

VOTE· Yeas: Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

ISSUES

1. Third Ward Development Goals How does this request relate to overall development goals for the Third Ward area?

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

BACKGROUND

1 Existing Zoning The parcels involved in this request are currently zoned I-3, U-IND and UR-C. The adjoining areas south and east of the site are zoned I-3 and U-IND North of the site, the predominate zoning pattern is U-MUD Adjacent to the site along Cedar Street is an area of UR-3 zoning Other areas nearby are zoned other urban residential districts

2 Existing Land Use The subject property is currently vacant, but was used at one time for a scrapyard and other industrial uses. The property surrounding the site is developed with a variety of uses including the Duke Power Company and other office and commercial uses and associated parking lots The areas north and west of the site along Cedar and West Fourth Street are currently undeveloped Other land uses in the area include some industrial development southwest of the site The Clarkson Place, Clarkson Green and Cedar Commons residential developments are also located nearby along Cedar Street

3 Third Ward Plan The site is located within the boundaries of the Third Ward Plan The plan recommends the rezoning to facilitate infill development that is consistent with the established character of the area The future development of the tract could include both residential and non-residential uses

4 Third Ward Redevelopment Plan. The rezoning of the subject property to UR-3 was recommended in the November 22, 1982 amendment to the redevelopment plan, and therefore is in conformance with the plan

5 Central Area Plan The Central Area Plan proposes that the subject property be developed as a public park or plaza.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing employment land uses in the area of the subject property The plan recommends working with the CUDC in devising a strategy for the development of the former scrapyard site, which is the largest undeveloped tract uptown. The 2005 Plan includes the subject property in a development enterprise area in which a high intensity district of offices, shops and housing is encouraged.

2. Pre-Hearing Staff Input The petitioner in this case is the Charlotte-Mecklenburg Planning Commission Staff advised the Commission of the desirability to rezone the property to UR-3 in conformance with adopted plans for the Third Ward area

3 Pre-Hearing Departmental Comments (Summary)

Due to the fact that this petition is not conditional in nature, most departments had no comment However, the Charlotte Department of Transportation did indicate that the current and proposed zoning could generate approximately the same number of trips per day, and would therefore have little impact on the street system

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

DETAILED FINDINGS.

1 This rezoning request involves an 8 69 acre site east of South Cedar Street and south of West Fourth Street Extension The current zoning is U-IND, I-3 and UR-C and the petition seeks UR-3.

2 The property is presently adjacent to UR-3 zoning Other urban residential districts are located nearby

3 The U-IND, I-3 and UR-C districts would allow a multitude of industrial and commercial uses that are not in keeping with the urban residential character that is developing in Third Ward

4 The rezoning to UR-3 is compatible with and recommended in several publicly adopted plans, including the Third Ward Plan, the Third Ward Redevelopment Plan and the 2005 Plan

5 It is believed that the zoning change will benefit the area The zone change will be compatible with area zoning patterns in that it will represent an extension of an existing UR-3 area The rezoning will allow for infill development that will be consistent with the established objectives and goals for Third Ward

6 This rezoning is seen as a positive step for the Third Ward area Based upon the above reasons, this petition is recommended for approval by the Planning Commission.

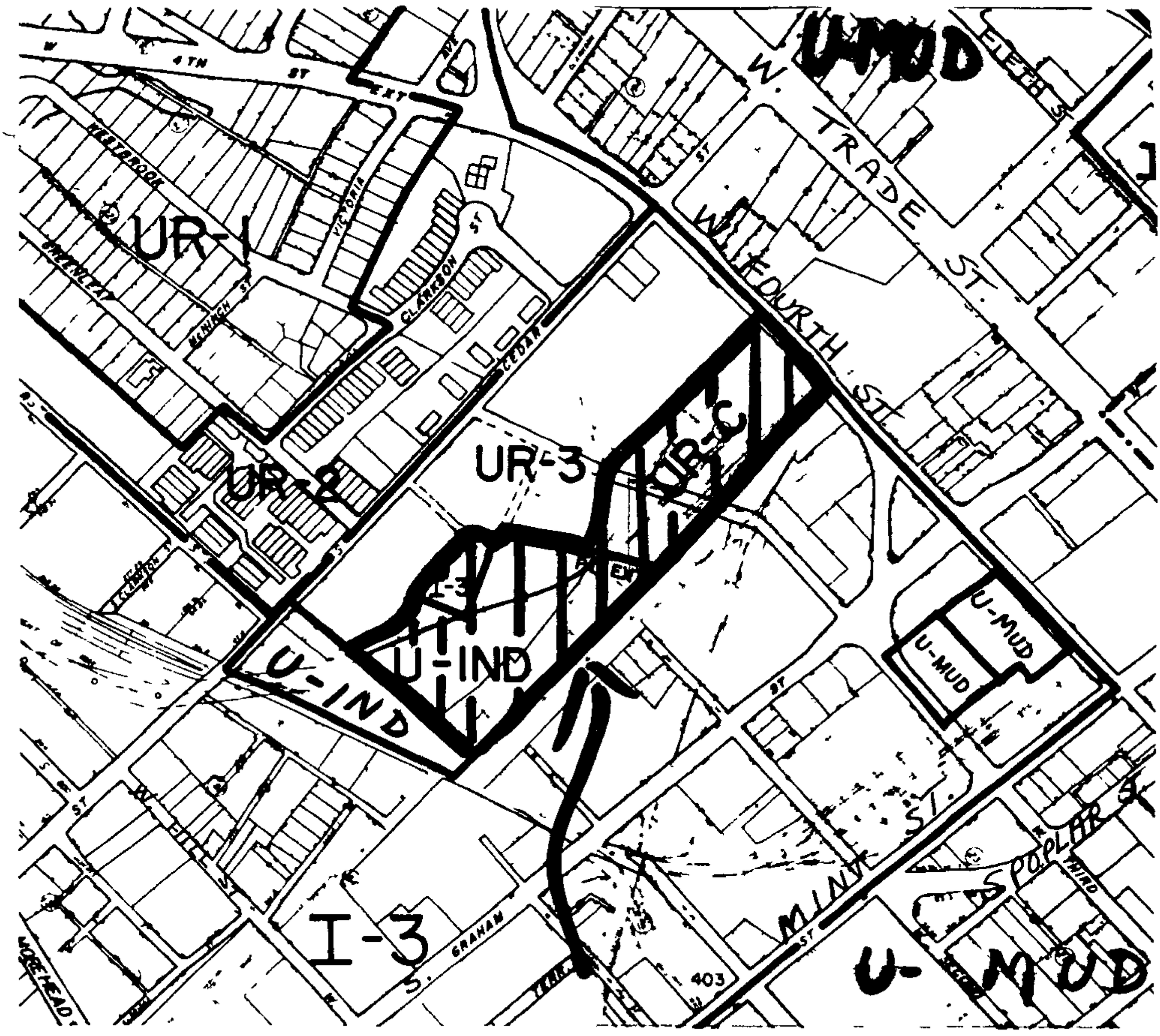
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-1 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING UR-C, I-3 U-IND REQUESTED UR-3

LOCATION An 8.69 acre site located east of South Cedar Street and south of West Fourth Street Extension



ZONING MAP NO. 88 and 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-11

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-15MF

LOCATION· Approximately 30 acres located east of Beatties Ford Road and south of Holly Street in the vicinity of Custer Street

ACTION The Planning Commission recommends that the petition be approved

VOTE. Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and involves approximately 30 acres of land located east of Beatties Ford Road and south of Holly Street in the vicinity of Custer Street and LaSalle Avenue The current zoning is R-6MF and the petition seeks R-15MF zoning The property is located in the Lincoln Heights neighborhood The Beatties Ford Road Small Area Plan recognizes that Lincoln Heights is a predominantly single family neighborhood which should be maintained and protected from adverse land use and zoning changes The plan recommends the subject rezoning to reduce the allowable density in the area

Other areas of the neighborhood nearby are already zoned R-6 for single family development. In addition, there have also been some other proposals and/or changes which have resulted in single family zoning as well To the west is Beatties Ford Road and land use along that street are principally non-residential in nature Beatties Ford Road provides the major corridor in the area and services for the neighborhoods

Properties located within the petition are residential in nature including single family, duplex and multi-family development There are also a few vacant parcels Rezoning the property would not create any non-conforming land uses Approval of the petition would implement the goal of the small area plan for this area

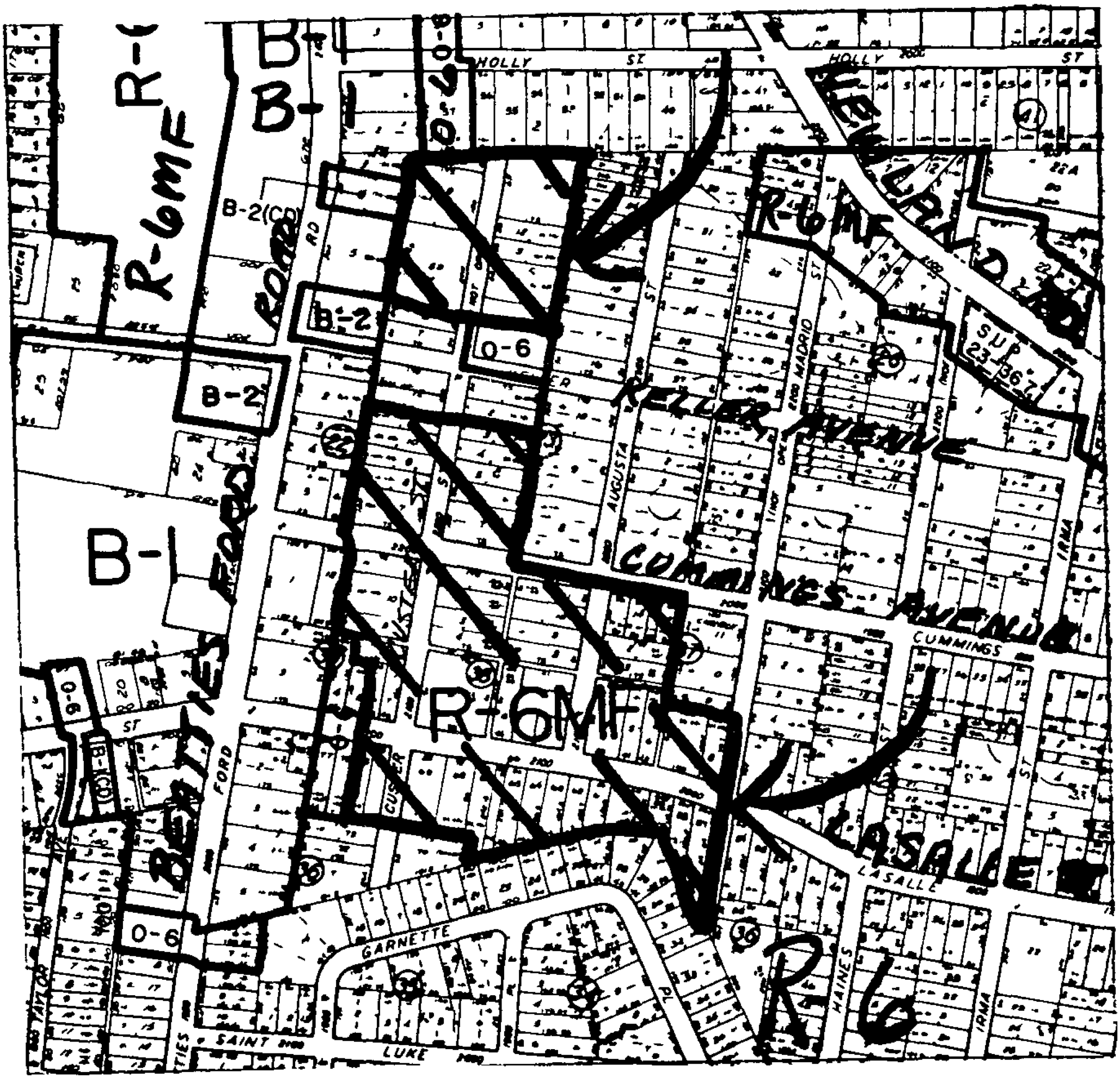
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-11 HEARING DATE 3/16/87

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

LOCATION Approximately 30 acres located east of Beatties Ford Road and South of Holly Street in the vinicity of Custer Street.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-12

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION Six (6) parcels located on the northwest, southwest and southeast corners of the intersection of Keller Avenue and Custer Street

ACTION. The Planning Commission recommends that the petition be approved

VOTE· Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and comprises six (6) parcels located on the northwest, southwest and southeast corners of the intersection of Keller Avenue and Custer Street The current zoning is R-6MF and R-9MF is being requested in the petition

The property involved is developed with a couple of small apartment projects and a duplex as well as a single family structure A couple of parcels are also undeveloped On the northeast corner of Keller Avenue and Custer is a small medical clinic whereas along Beatties Ford Road is a variety of commercial and highway oriented businesses Throughout the rest of the remainder of the Lincoln Heights neighborhood is a mixture of single family, duplex and apartment development

The Beatties Ford Road Small Area Plan recognizes the neighborhood as one principally dominated by single family development The neighborhood should be maintained and protected and the zoning request as seen is a means to do that Approval of the request will implement the small area plan goal for the area Unlike Petition 87-11 where the request seeks R-15MF, it is believed that R-9MF is more appropriate here due to the existence of the office zoning and the medical clinic as well as the relationship of the property to Beatties Ford Road

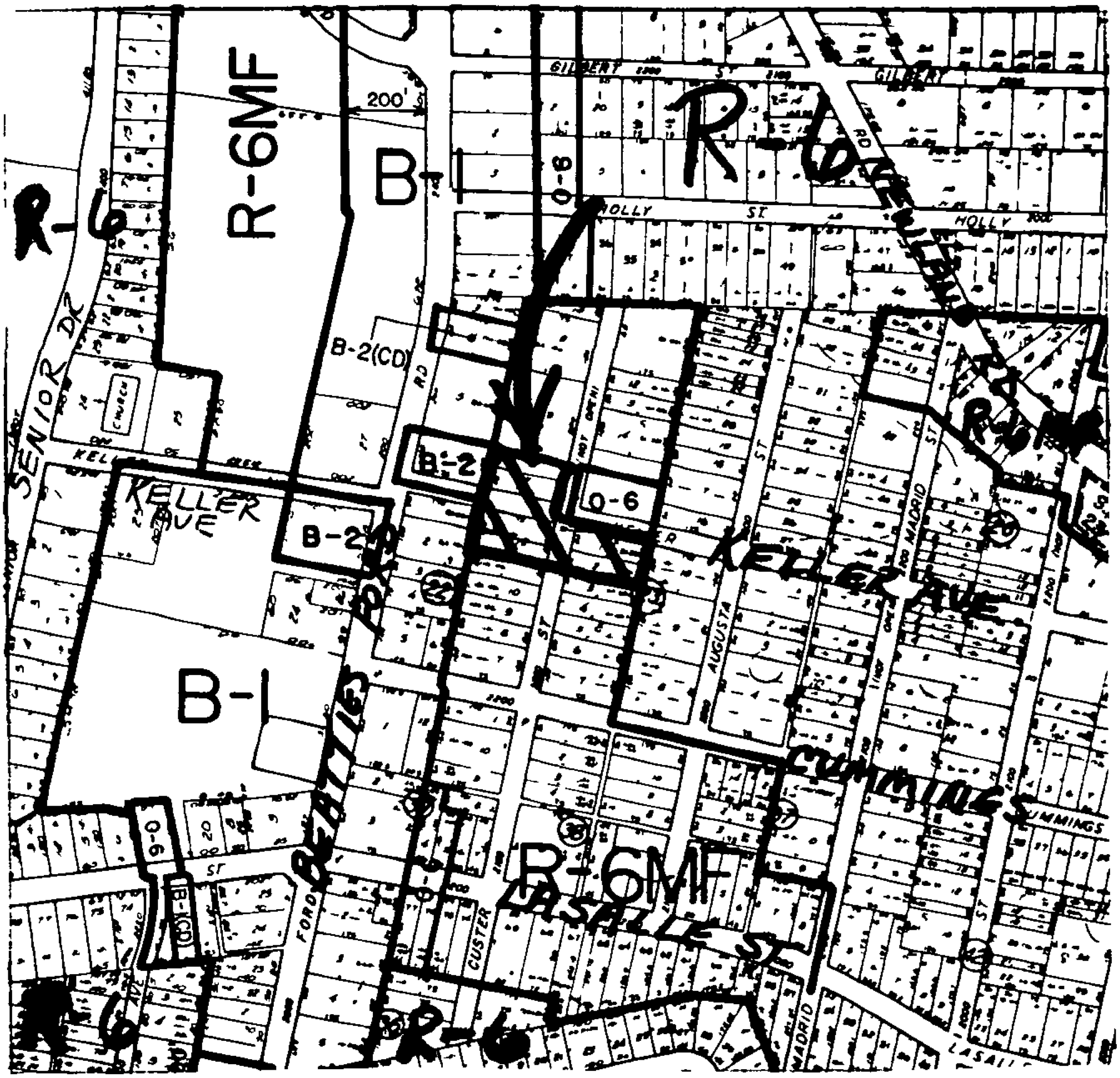
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-12 HEARING DATE 3/16/87

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

LOCATION Six parcels located on the northwest, southwest and southeast corners of the intersection of Keller Avenue and Custer Street.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-14

PETITIONER(S) Lowe's Companies, Inc

REQUEST Change from R-6MF to I-1

LOCATION A 15 acre site south of the intsection of Tuckaseegee Road at Tennyson Drive and north of Freedom Drive

ACTION The Planning Commission recommends that the petition be approved

VOTE. Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

ISSUES.

1 Present Use of Property How is this property presently being used and how does that relate to the existing zoning pattern?

2 Proposed Zoning Change How does this request, therefore, relate to the existing zoning and land use pattern? Given the unusual configuration, would the approval be compatible with area patterns?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6MF Property lying immediately south is zoned I-1 and this I-1 district extends along the northerly side of Freedom Drive to the intersection of I-85 Across Freedom Drive is an area of I-2 zoning Immediately north of the site is an area of O-6 which extends to Tuckaseegee Road at Tennyson Drive To the west of that lies B-1 zoning Otherwise the immediate pattern is that of R-6 and R-6MF including land lying immediately east of the site extending along and near Tuckaseegee Road

2 Existing Land Use The property is presently paved with no improvements and being used some or all of the time for parking purposes The site adjoins the rear of a financial institution as well as the rear of a large building which is located in a shopping center on Freedom Drive The property adjoining this to the east is developed with a single family residence and other single family homes are located along Tuckaseegee Road To the west along Tuckaseegee and Triangle Drive is a mixture of

office and business uses Other commercial uses and shopping centers are located on Freedom Drive

3 School Information Not applicable

4. Zoning History (See Attached Map) There have been three prior rezoning requests in the area of the subject property The attached map indicates the location of the prior requests Case #1 involved a request for a rezoning from B-1 to B-2 for a lot on Triangle Drive that was approved by Council March 1, 1971 Case #2 involved a rezoning from R-6MF to O-6 for a 5 acre parcel on the south side of Tuckaseegee Road east of the intersection of Tennyson Drive and Tuckaseegee Road. The rezoning was approved by Council March 6, 1979 Case #3 involved a rezoning request from R-6 to B-2 for an 11,446 square foot site on Avalon Avenue just east of I-85 Council denied the request August 18, 1986.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates a community commercial center in the area of the subject property Strategies for the area include the widening of I-85. The site is outside the boundaries of the Westerly Hills-Ashley Park Small Area Plan but that plan does propose that vacant parcels along Freedom Drive be developed with a mixture of well integrated light industrial, office, commercial and residential uses.

2 Transportation Improvement Program The TIP schedules the widening of Freedom Drive to a multi-lane facility from I-85 to Mt. Holly Road for FY 86-90. The TIP also schedules the widening of I-85 from NC 273 to the US 29/NC 49 connector from four lanes to eight lanes This project is presently under construction

3 Pre-Hearing Staff Input Staff met with the petitioner about this proposal and generally concurred with the idea of non-residential zoning for the site

4 Pre-Hearing Departmental Comments (Summary)

Due to the fact that the site is not conditional in nature, detailed comments from most departments are not included

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

DETAILED FINDINGS·

1 This site involves a very small piece of property which is presently zoned R-6MF The site is sandwiched between an O-6 site on Tuckaseegee Road and I-1 zoning which is oriented to Freedom Drive The petitioner is requesting I-1 zoning for the site

2 The petitioner states that the purpose of the rezoning is to create the availability of a small strip of land for additional parking so as to complete the rezoning of the adjoining shopping center site

3 The site is actually paved and apparently being used for parking This despite the fact that the property is zoned R-6MF, which should restrict it from any sort of commercial parking or usage

4 The property is long and narrow, approximately 40 feet wide, and lies between two non-residential uses It is also part of a larger parking and circulation pattern for the shopping center and adjoining out-parcel properties The rezoning of this property to a non-residential classification is certainly logical given this setting

5 The continued use of this property for R-6MF is illogical given its size and shape and existing status

6 The approval of this petition would result in a very minor change to the zoning pattern in the area and for all practical purposes no land use change to the existing setting Therefore, no real change to the environment is foreseen and no impacts Approval of the petition would require that the eastern most end of the site which adjoins R-6MF zoning would be required to have some form of screening

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

Staff Opinion
The staff agreed with Planning Commission

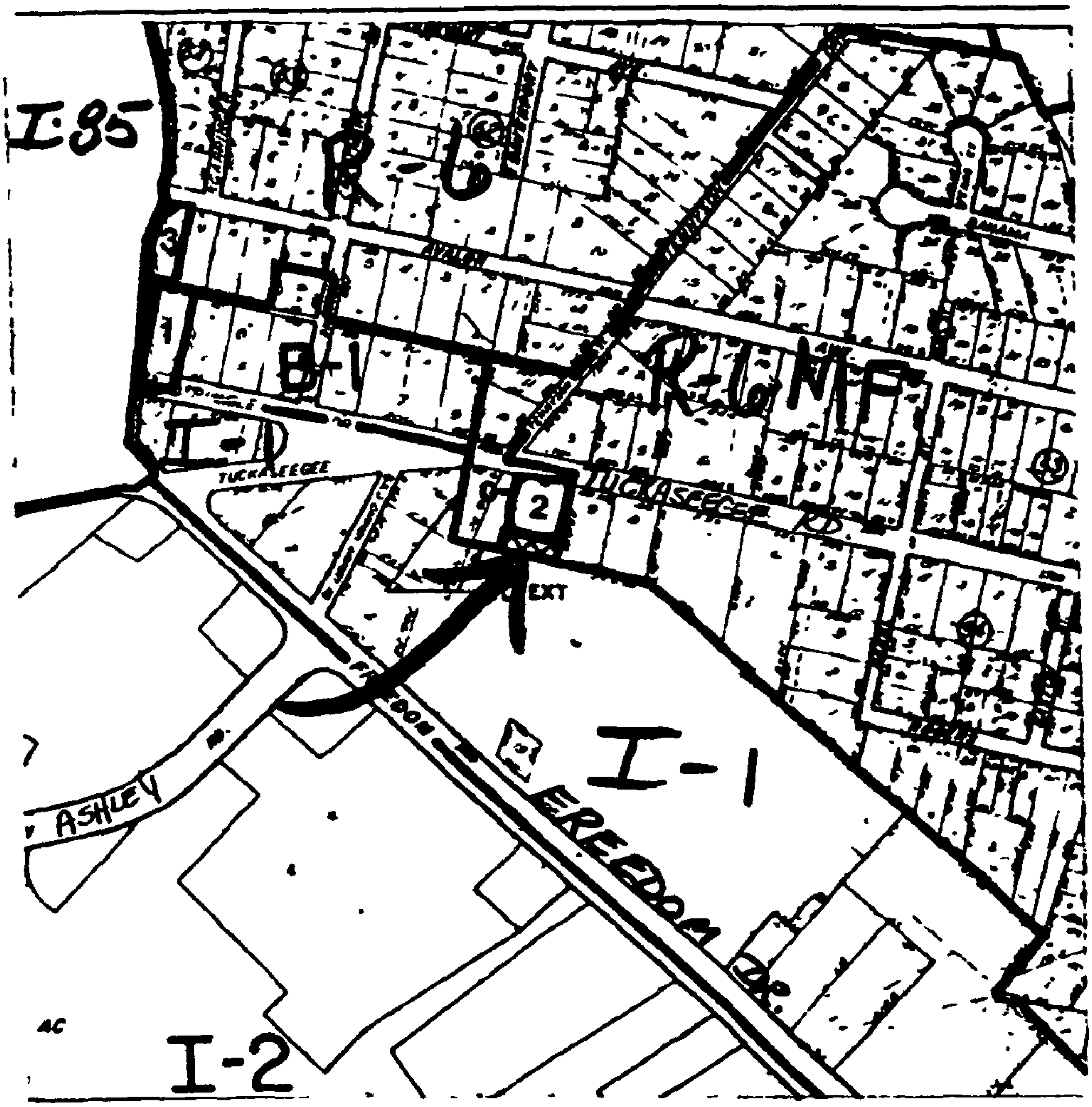
ZONING HISTORY

PETITIONER Lowe's Comapnies, Inc.

PETITION NO. 87-14 HEARING DATE 2/16/87

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-1

LOCATION A .15 acre site located south of the intersection of Tuckaseegee Road and Tennyson Street and north of Freedom Drive



ZONING MAP NO. 87 SCALE 1" = 400'

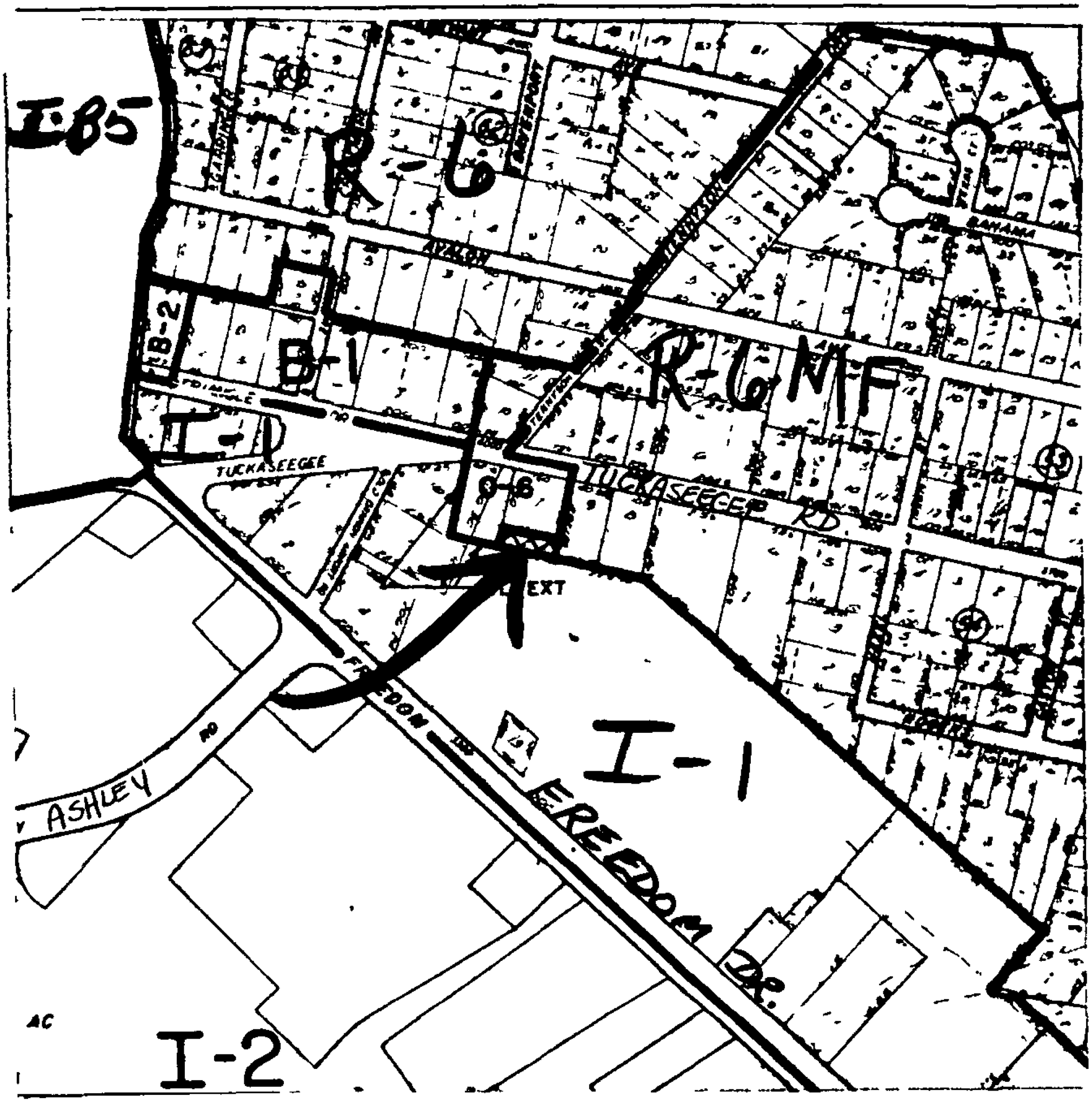
PROPERTY PROPOSED FOR CHANGE

PETITIONER Lowe's Comapnies, Inc.

PETITION NO 87-14 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-1

LOCATION A .15 acre site located south of the intersection of Tuckaseegee Road and Tennyson Street and north of Freedom Drive



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-15

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION An approximately 6 5 acre site located west of Beatties Ford Road and north of Keller Avenue.

ACTION The Planning Commission recommends that the petition be approved

VOTE· Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler.

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition is sponsored by the Charlotte-Mecklenburg Planning Commission and involves a site approximately 6 5 acres is size located west of Beatties Ford Road and north of Keller Avenue The site is presently zoned R-6MF and the petition is requesting R-12MF

Existing zoning patterns in the area indicate an adjoining R-6MF area to the north of the site whereas south across Keller Avenue is an area of B-1 zoning To the east property is also zoned for commercial purposes along Beatties Ford Road To the west single family homes adjoin the site which front on Senior Drive and all of that area is zoned R-6 The property is used as a parking lot for the House of Prayer Church The University Park Baptist Church also adjoins a portion of the site That church is located at the intersection of Senior/Keller Parking for the church there is located across Keller Avenue between an NCNB branch bank and a fire station Various commercial and personal service uses are located along Beatties Ford Road West Charlotte High School is nearby to the west on Senior Drive whereas single family homes dominate streets in the vicinity Further to the east across Beatties Ford Road the residential pattern is a mixture of single family and various multi-family uses.

This petition represents a zoning recommendation contained in the small area plan The plan recognizes that University Park is a stable single family neighborhood which should be maintained and protected Approval of the change will not create any non-conforming use associated with the parking lot/church In the event that the property would ever be redeveloped for residential purposes, the petition would lessen the allowed density from the current R-6MF which is about 21 units per acre to about 14 units per acre allowed under

R-12MF Lowering the permitted density is desirable from a neighborhood stability standpoint

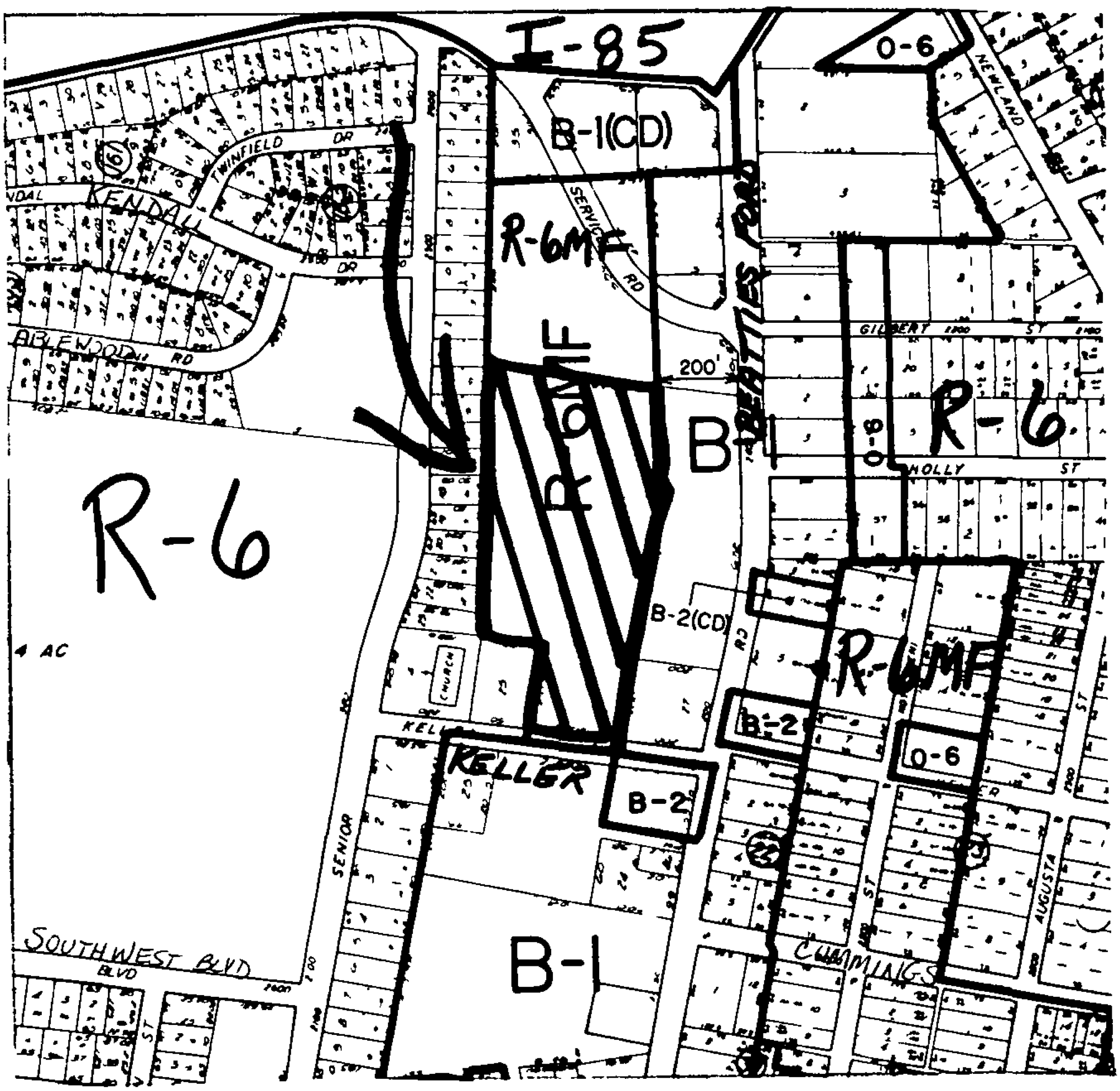
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-15 HEARING DATE 3/16/87

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

LOCATION An approximately 6.5 acre site located west of Beatties Ford Road and north of Keller Avenue



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-16

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from O-6 to R-12MF

LOCATION A one and one-half (1½) acre site located between Beatties Ford Road and Newland Road in the area of Gilbert Street and Holly Street

ACTION The Planning Commission recommends that the petition be approved.

VOTE. Yeas. Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition involves a small tract, about 1.5 acres, between Beatties Ford Road and Newland Road in the area of Gilbert Street and Holly Street The Planning Commission is sponsoring this petition and the request seeks a change from O-6 to R-12MF

The properties involved in this request are residentially developed and include a mixture of single family, duplex, and multi-family development Properties immediately west which front on Beatties Ford Road are commercially developed, but those to the east are developed with residential uses Existing zoning patterns indicate that those properties along Beatties Ford Road are generally B-1 whereas parcels in the neighborhood to the east are zoned R-6 and R-6MF

This proposal complies with the small area plan recommendation Although the properties are currently zoned O-6 and intended, from a zoning perspective, to provide a transition between B-1 and R-6, they are nonetheless used used for residential purposes. The R-12MF category will be more in line with neighborhood preservation as well as recognize the residential character of the uses No non-conforming use will be created

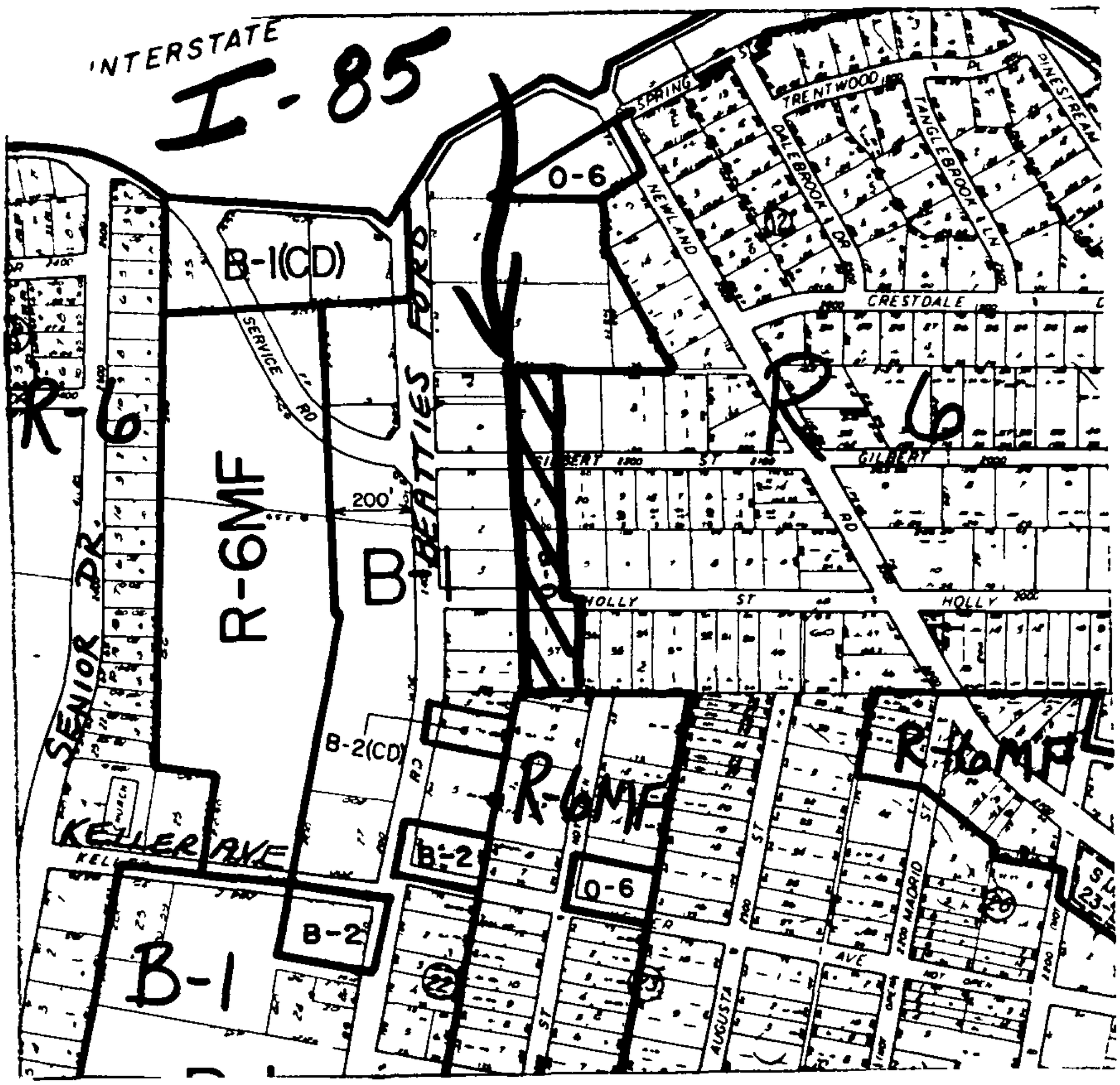
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 87-16 HEARING DATE 3/16/87

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

LOCATION A 1½ acre site located between Beatties Ford Road and Newland Rd. in the area of Gilbert Street and Holly Street



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-17

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION A 1 42 acre site located south of I-85 and west of Beatties Ford Road along the I-85 Service Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition involves 1 4 acres south of I-85 and west of Beatties Ford Road along the I-85 Service Road The area is zoned R-6MF and B-1(CD) and the petition is seeking O-6 The petition is sponsored by the Charlotte-Mecklenburg Planning Commission and is included as a recommendation in the Beatties Ford Road Small Area Plan The site is located between I-85 and the I-85 Service Road Property to the east is zoned B-1 and property across the Service Road is zoned a combination of R-6MF along with a small portion also zoned B-1(CD) Residential areas are zoned R-6 North of the site along I-85 is a combination of B-1, O-15 and B-2

The portion of the site which is zoned B-1(CD) is part of a petition which was approved in 1980 The site is approved for a fast food restaurant along the Beatties Ford Road frontage That restaurant has been built in accordance with the plan The westerly half of the site, with frontage on the Service Road, remains undeveloped although there is a driveway across a portion of the site which connects to the fast food restaurant It should be noted that the petition does not include the fast food restaurant, but only the portion which is undeveloped

The Beatties Ford Road Small Area Plan recognizes the area of the subject property as a "new growth" commercial area Rezoning the property to O-6 will provide a transition between the business properties on Beatties Ford Road and residential areas across from the Service Road

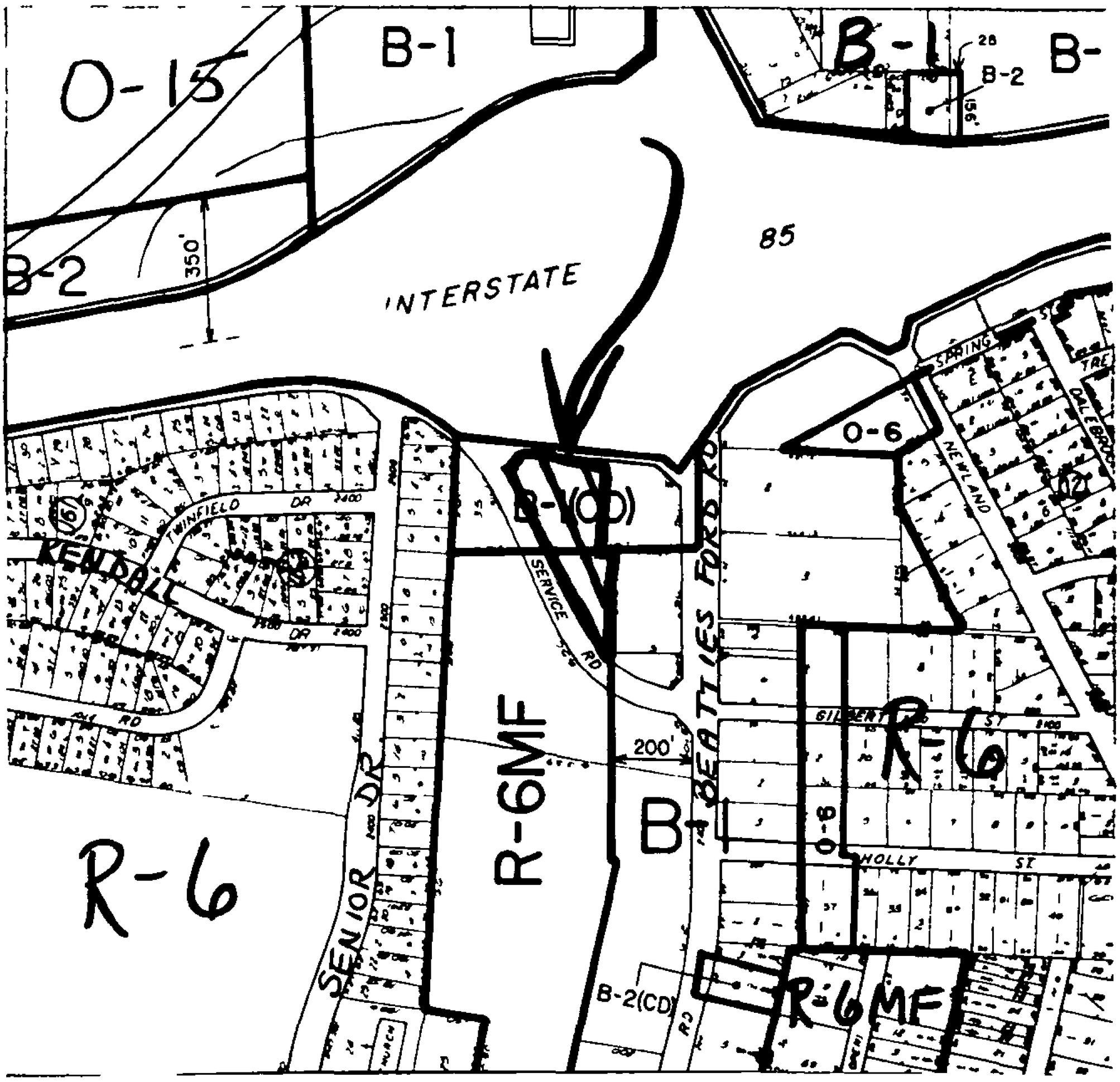
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-17 HEARING DATE 3/16/87

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

LOCATION A 1.42 acre site located south of I-85 and west of Beatties Ford Road along the I-85 Service Road



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-18

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST Change from B-1(CD) to R-12MF

LOCATION An approximately three-quarter (3/4) acre parcel east of Senior Drive and south of I-85 along the I-85 Service Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays· None

(Commissioner Curry was not present when vote was taken)

REASONS

This petition involves approximately 3/4 of an acre east of Senior Drive and south of I-85 along the I-85 Service Road. It is presently zoned B-1(CD) and the petition seeks R-12MF. The petition is sponsored by the Charlotte-Mecklenburg Planning Commission as part of a recommendation contained in the Beatties Ford Road Small Area Plan.

The site is presently governed by a 1980 conditioned plan which also took into account property across the Service Road extending to Beatties Ford Road This particular portion of the site, however, is not approved for any sort of use whatsoever A Burger King Restaurant has been developed according to the plan with frontage on Beatties Ford Road and other commercial and personal service uses generally extend along both sides of Beatties Ford Road Other property adjoining the site immediately to the south is vacant and further south of that is the House of Prayer Church and parking lot which extends to Keller Avenue Along the site's westerly boundary are four (4) single family homes which represent a string of homes along Senior Drive The site also joins the I-85 right-of-way In terms of the zoning pattern, the site is across B-1(CD) land which is recommended for O-6 in the previous petition Land to the south is zoned R-6MF and not subject to any change R-6 areas are located generally along and near Senior Drive whereas B-1 property is located along Beatties Ford Road

Rezoning this site to R-12MF will provide for residential multi-family development between single family areas along Senior Drive and non-residential development across the I-85 Service Road extending to Beatties Ford Road

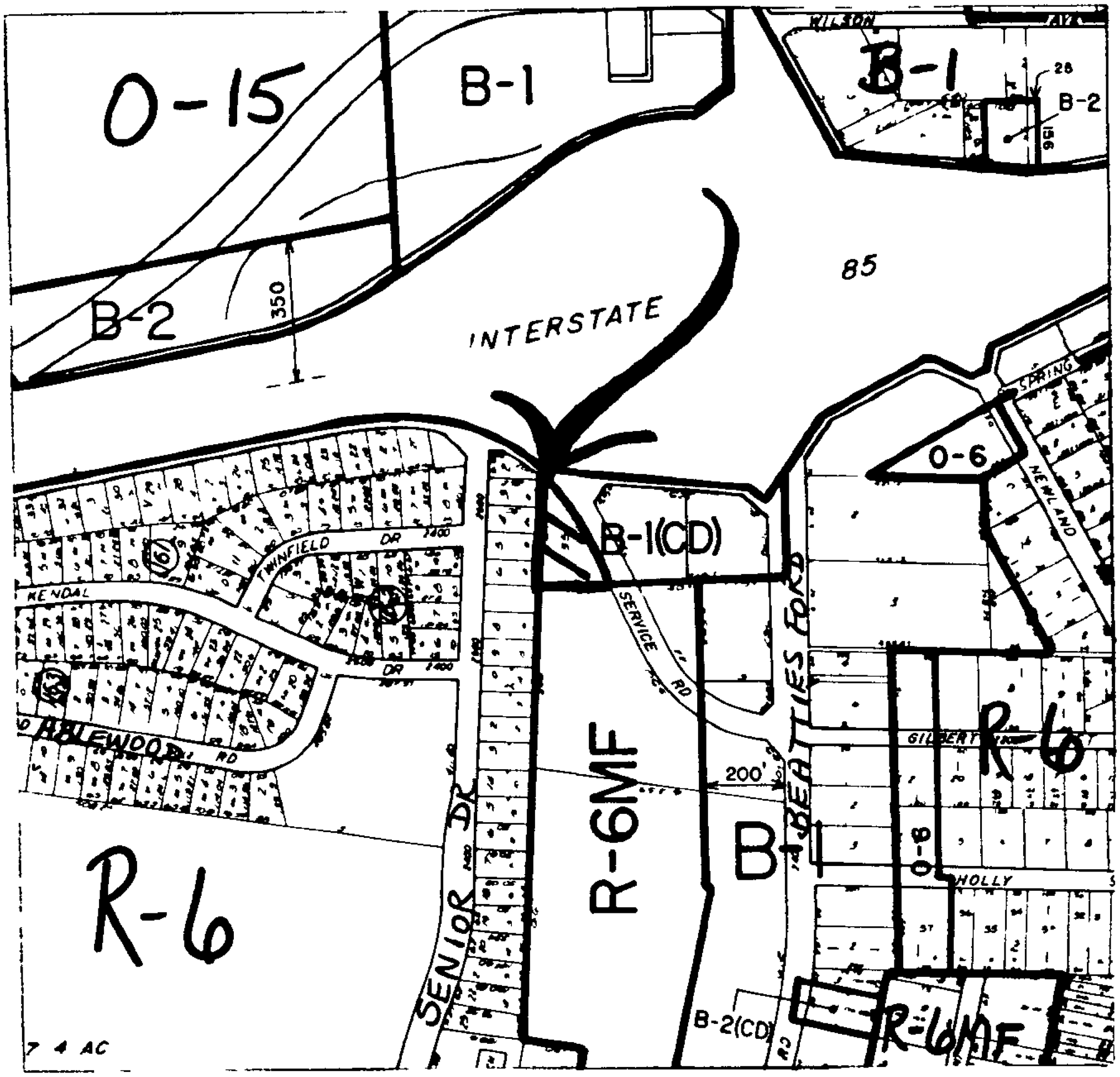
Based upon the above, Planning Commission recommends that the petition be approved

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-18 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING B-1(CD) REQUESTED R-12MF

LOCATION An approximately 3/4 acre parcel east of Senior Drive and South of I-85 along the I-85 Service Road



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-19

PETITIONER(S) Zaremba Charlotte Associates

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

LOCATION A 26 1 acre site on the southeast corner of Independence Boulevard and Margaret Wallace Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Emory, Griffin, Lassiter, Lewis and Wheeler.

Nays Mead

(Commissioner Curry was not present when vote was taken)

REASONS

ISSUES

1 Land Use Relationship Considering the fact that this property is already zoned for a maximum shopping center size of 100,000 square feet, what impacts should be considered when evaluating the request's desire to increase the shopping center size, including such things as increased traffic, intensity of development, relocation of Campbell Creek and relationship to residential areas to the rear?

2 Independence Corridor/Land Use How does the rezoning request compare to other land uses along Independence Boulevard and the future land use potential in the area?

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

4 Traffic Considerations What traffic impacts should also be kept in mind as well, as this petition is considered?

BACKGROUND

1 Existing Zoning The subject property is principally zoned B-2, but also includes some R-9 zoning as well Areas along Independence Boulevard are generally zoned the B-2 classification Other residential areas nearby are zoned R-9 to the east of the site along with some multi-family areas nearby along Village Lake Drive, which is opposite the site.

2 Existing Land Use The property is principally undeveloped although there are about four single family structures on the property which front on the Margaret Wallace Road portion of the site Other single family structures are located along other portions of Margaret Wallace in the area, too Commercial development is concentrated all along Independence Boulevard including a mini storage facility at the intersection of Margaret Wallace and Independence along with an auto repair facility to the rear with frontage on Margaret Wallace The Thompson Orphanage operates a facility to the east of the site and a couple of churches are located on Margaret Wallace to the east as well The Quorum Business Park is located across Independence Boulevard from the site at McAlpine Creek

3 Site Plan. The conditional site plan proposes a shopping center for the property which would contain a grand total of 215,800 square feet The main building would contain 195,450 square feet and the remaining square footage would be contained in four (4) detached parcels The site is accessed from both Margaret Wallace Road and Independence Boulevard. The plan also includes approximately 4.5 acres which is being dedicated to Mecklenburg County for greenway purposes along Campbell Creek In addition, the developer will be constructing several improvements to Independence Boulevard and Margaret Wallace Road

4 Floodway Special Use Permit The petitioner is also pursuing a Floodway Special Use Permit in conjunction with this project A portion of Campbell Creek will be realigned and in so doing adjust the floodway district The floodway permit has been reviewed by staff and Planning Commission for a recommendation, but the Planning Commission has initially deferred action on the Floodway Special Use Permit pending more detail review of the project in conjunction with the rezoning hearing and, especially, some environmental concerns associated with the realignment of the creek

5 School Information Not applicable

6 Zoning History (See Attached Map) There have been eight (8) prior rezonings in the immediate area of the subject property The attached map indicates the locations of those cases All eight of those were approved Cases #1, 2 and 5 all involved property located along the easterly side of Independence Boulevard south of McAlpine Creek and each involved a change from R-9 to B-2 Case #3 involved a rezoning from R-9 to B-2, as well, for the area north of Margaret Wallace Road and west of Campbell Creek Cases #4 and 8 involved land located west of Independence Boulevard and north of Village Lake Drive Case #4 was a change from B-2 to I-1(CD) while Case #8 reverted the area back to B-2 Case #6 was a 1982 rezoning from B-2 to B-D(CD) for the area on the northeast corner of Margaret Wallace Road and Independence Boulevard Case #7 was a 1985 rezoning from R-12MF to B-2(CD)

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing employment land uses in the area of the subject property Strategies for the area include the extension of the County Greenway System along Campbell Creek and McAlpine

Creek, the widening of Independence Boulevard, the Delta Road Extension, the provision of a system of collector streets parallel to Independence Boulevard and the extension of water lines along Independence Boulevard

2 Transportation Improvement Program The TIP includes the widening of Independence Boulevard to six lanes from the existing six lanes to NC 51 The scope of the project may be expanded to an expressway design as a result of the US 74 East collector street proposal The TIP also includes the Delta Road Extension which would be a four lane median divided roadway between Idlewild Road and Independence Boulevard, which will be located just north of the site in question This project is scheduled for construction in FY87 and FY88

3 Pre-Hearing Staff Input. Staff has met with the petitioner on several occasions including meetings prior to the submission of the application Staff has generally encouraged the request, but always has cautioned that the final evaluation will depend upon the quality and design of the site plan. Since the property is already zoned for a shopping center, it has been staff's opinion that the issue here generally revolves around design and design impacts

4 Pre-Hearing Departmental Comments (Summary)

1 Fire Department The Fire Department recommends the installation of a fire sprinkler system and hydrants must be provided so that the most remote point of any building is not more than 500 feet from a hydrant.

2 C-DOT The site as currently zoned could generate 4,800 to 4,900 trips per day while under the proposed rezoning could generate 12,000 to 17,000 trips per day This represents a significant impact on the surrounding thoroughfare system C-DOT recommends that no decision for approval be made until they have had an opportunity to review a detailed traffic impact study C-DOT also recommends several improvements to Independence Boulevard and Margaret Wallace Road

3. Engineering No comments except those normally associated with the securing of development permits

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

5 Building Standards. No comments except to indicate that not enough parking spaces are shown on the plan

5 Neighborhood Context This site is located in the Sharon Forest neighborhood

DETAILED FINDINGS

1 This petition involves a 26 1 acre site on the southwest corner of Independence Boulevard and Margaret Wallace Road The property is zoned B-2 and R-9 and the petitioner is seeking B-1SCD

2 The petitioner proposes a shopping center for the property that would total 215,800 square feet (For further details regarding the site plan refer to Background #3)

3 The property is generally oriented to Independence Boulevard though some access to Margaret Wallace is also provided Historically, Independence Boulevard has been one of the major retail/shopping corridors in the city Indeed this site as presently zoned could support a shopping center up to 100,000 square feet However, the need to go over 100,000 in terms of square footage requires the B-1SCD district. Thus, the use of the site has long been anticipated to be some form of retail or shopping and the case here involves more a question of impact and design as opposed to zoning and land use

4 This request also involves the securing of a Floodway Special Use Permit due to the fact that Campbell Creek is being realigned As in the case of the zone change City Council will ultimately determine that, but as of this point the Planning Commission has deferred action on that special use permit request. (Note· Planning Commission approved the special use permit on March 19, 1987)

5 At the public hearing there were some questions about the potential development of this site under current zoning Staff recently sent a brief memo to Council explaining that about 185,000 square feet of retail space could conceivably be built on the site

6 In evaluating this request staff focused on the design and impacts of the center As far as impacts are concerned there are obviously the questions of traffic and traffic impacts Early on C-DOT cautioned that the center will create an impact to the surrounding street system and needs the opportunity to review a detailed traffic analysis report. The petitioner responded to many of the concerns that C-DOT had, but was unable to respond positively to a late request that involved showing the access points to Independence Boulevard as "temporary" Such a condition would have required that access to Independence be restricted once the roadway became a freeway It should be noted that plans for this freeway are very incomplete

7 Planning Commission felt the proposal was a good one The site plan was judged acceptable and many features were praised, especially the amount of landscaping and open space to be dedicated along Campbell Creek for public greenway purposes

8 Planning Commission was satisfied that the petitioner had corrected some technical deficiencies and although there was discussion about the out-parcels associated with the plan, notes on the plan restricting the use, signage, access, etc were acceptable to Planning Commission

9 All in all the plan represented a good trade-off between increasing the intensity, traffic, etc , and the benefits gained from roadway improvements by the developer and the floodplain dedications

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

Minority Opinion
In conjunction with the discussion on the Floodway Special Use Permit, the minority opinion expressed the viewpoint that re-channeling the creek decreased the aesthetics of the creek while increasing the rate of flow Such a change in his opinion is undesirable

Staff Opinion
The staff expressed concern and opposition to the outparcels associated with the site plan

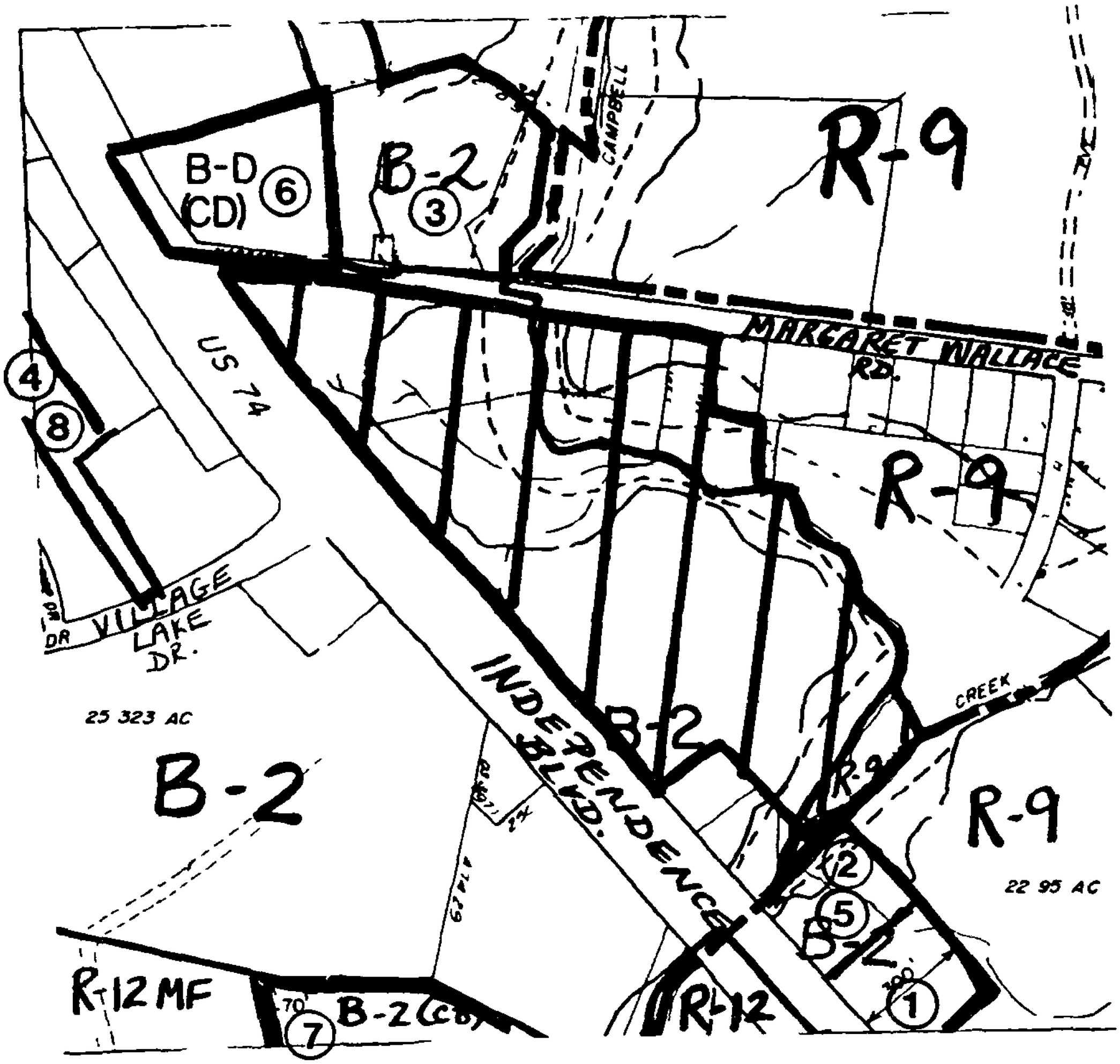
ZONING HISTORY

PETITIONER Zaremba Charlotte Associates

PETITION NO. 87-19 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING B-2 & R-9 REQUESTED B-1SCD

LOCATION 26.1 acres on the southeast corner of Independence Boulevard and Margaret Wallace Road



ZONING MAP NO. 137 and 138 SCALE 1" = 400'

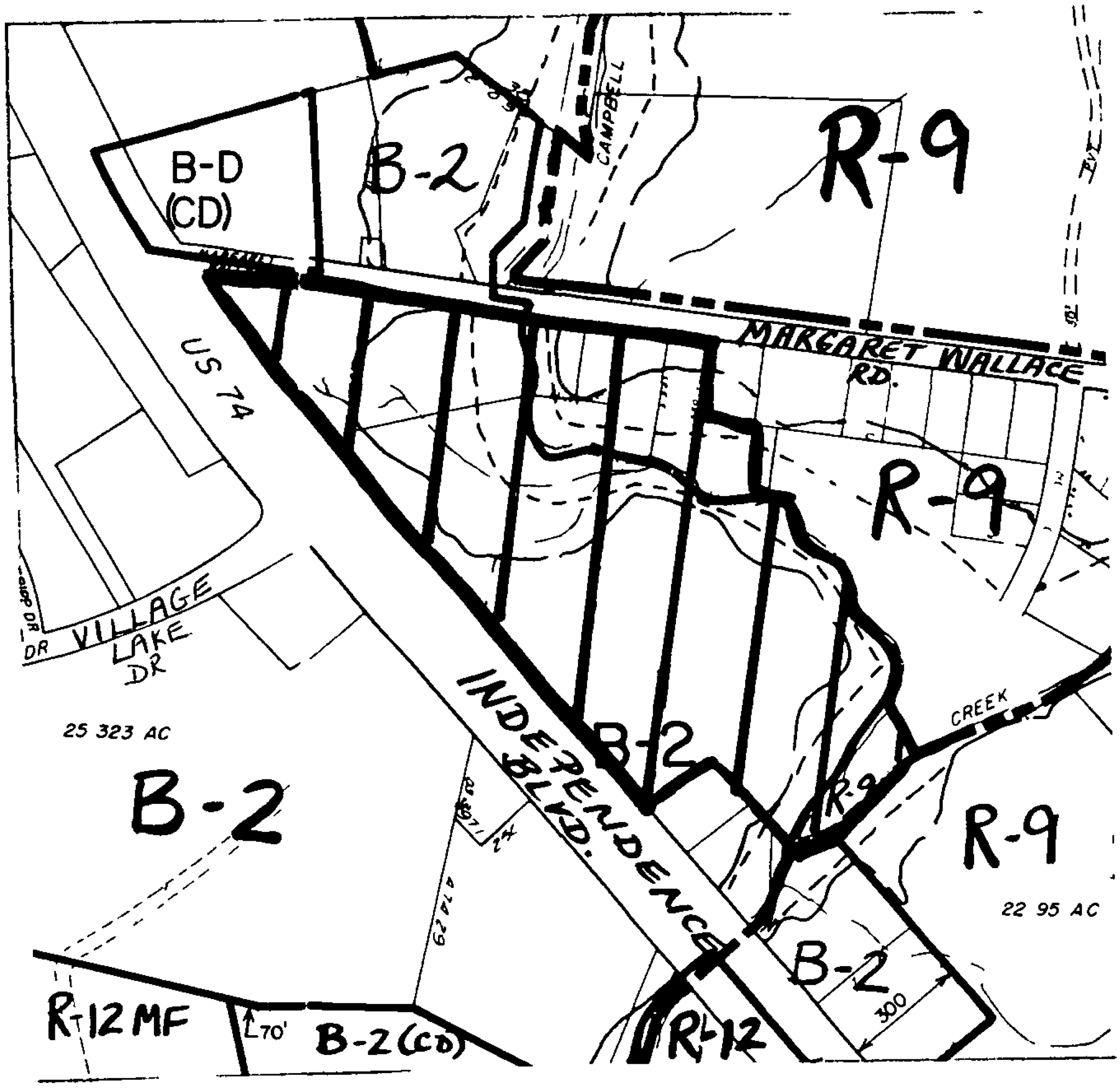
PROPERTY PROPOSED FOR CHANGE

PETITIONER Zaremba Charlotte Associates

PETITION NO 87-19 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING B-2 & R-9 REQUESTED B-1SCD

LOCATION 26.1 acres on the southeast corner of Independence Boulevard and Margaret Wallace Road



ZONING MAP NO. 137 and 138 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-20

PETITIONER(S) SYNCO, Inc.

REQUEST Consideration of an R-20MF Site Plan Amendment

LOCATION. A 10 047 acre site located east of Walker Road in the area of Millbrook Road and Bertonley Avenue

ACTION· The Planning Commission deferred action pending further study

DATE	March 19, 1987
PETITION NO	87-21
PETITIONER(S)	Hunt and Associates
REQUEST	Change from R-9 to R-9MF(CD)
LOCATION	A 2 7 acre site on the northwest corner of North Sharon Amity Road and Wilora Lake Road
ACTION	The Planning Commission deferred action pending further study

DATE March 19, 1987

PETITION NO 87-22

PETITIONER(S) Mercier B Leeper

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

LOCATION A 631 acre parcel on the southwest corner of Plainview Road and Tennyson Drive

ACTION. The Planning Commission recommends that the petition be denied

VOTE Yeas Emory, Lassiter, Lewis, Mead and Wheeler

Nays: None

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

REASONS

ISSUES·

1 Zoning/Land Use Patterns If approved, how would this petition relate to existing zoning and land development patterns in the area?

2 Site Plan What conditions of the site plan are important to evaluate, particularly in the context of adjoining properties?

3 Neighborhood Impacts What neighborhood impacts, if any, can be identified regarding the zone change request?

BACKGROUND·

1. Existing Zoning The subject property is presently zoned R-6 The property adjoining and surrounding the property is also zoned R-6 An area of R-6MF zoning exists south of the site A mixture of O-6 and business zoning exists north of the site near I-85 and Glenwood Drive There is also an area of I-2 zoning along a portion of Glenwood Drive

2 Existing Land Use The petitioned property has a single family dwelling on it Most of the general area surrounding the site is developed for single family use Some business uses including a restaurant and motel exist at Glenwood Drive and I-85 nearby Along a portion of Glenwood Drive east of the site, are located several heavy industrial uses including Ashland Chemical Company and Taylor Salt and Chemicals, Inc

3 Site Plan The conditional site plan proposes a day care center utilizing an existing single family residence on the site A fenced area to the rear of the site is indicated Parking will be located adjacent to the structure, with a 20 foot setback from the property

4 Zoning History (See Attached Map) There have been 13 prior rezoning requests in the area of the subject property as indicated on the attached map. Case #1 involved a request from R-6MF to I-2 for an area east of Glenwood Drive along Lena Avenue, and was denied in 1964 Other cases involved the area south of I-85 between Tennyson and Glenwood Drive In 1964, a request from R-6 to B-1 was denied Case #3 was rezoned from R-6 to B-1 and O-6 in 1964 Case #5 was a change from O-6 to B-1, and Case #6 from R-6 and O-6 to O-6 and B-1, approved in 1965. Case #9 was changed from O-6 and R-6 to B-1 and O-6 in 1968. In 1969 two (2) rezonings (#10 and #11) were approved from R-6 to O-6 and R-6MF to B-1 Case #12 involved a change from B-1 to B-2 in 1970 A rezoning from O-6 to B-1 and B-2 (Case #13) was approved in 1971 Cases #4, #7 and #8 involved rezonings southeast of the intersection of Glenwood Drive and I-85 In 1965 Cases #4 and #7 were both changes from R-6 to B-2. Case #8 was approved in 1968 from R-6 to O-6

5 School Information Not applicable

GENERAL FINDINGS.

1. 2005 Plan The 2005 Plan indicates existing residential land uses in the area. Strategies for the area include the widening of I-85

2 Thomasboro/Hoskins Small Area Plan The site is within the scope of the Thomasboro/Hoskins Plan which is currently underway. That plan will recognize the area as a viable single family neighborhood and will not recommend the introduction of non-single family zoning.

3 Transportation Improvement Program The TIP schedules the widening of I-85 from NC 273 to the US 29/49 Connector from four lanes to eight lanes The project is currently under construction

4 Pre-Hearing Staff Input Staff provided assistance regarding the preparation of the application

5 Pre-Hearing Departmental Comments (Summary)

1 Fire Department. No comment.

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

3 Building Standards Building Standards indicated that information regarding the number of children and employees proposed and signage was necessary to adequately review the plan

4 C-DOT. Driveway width must be 26 feet wide minimum, and the parking area must meet minimum standards of 17 feet stall depth and 23 feet

aisle width Adequate sight distance must be maintained C-DOT also requested the proposed number of children at the facility to determine trip generation

5 Engineering Engineering provided their usual comments regarding normal development permits

6 Neighborhood Context The site is located in the Thomasboro/Hoskins neighborhood Staff has received several calls and inquiries regarding the petition

DETAILED FINDINGS

1 This petition involves a 631 acre site located on the southwest corner of Plainview Road and Tennyson Drive The current zoning is R-6 and the petitioner is seeking R-6MF(CD)

2 The petitioner has filed a conditional site plan which proposes a day care center for the site (For further details refer to Background #3)

3 Recently, there have been text changes to the zoning ordinance concerning certain institutional uses which are located in residential districts, including day care centers. Prior to the change, these uses were permitted in single family zoning districts with a Minor Special Use Permit Currently day care centers must at least be zoned a multi-family classification in order to be permitted. The petitioner is requesting R-6MF(CD) in response to this requirement.

4 The site is located in the Thomasboro/Hoskins neighborhood The residential area surrounding the site is characterized by older, modest but well maintained homes, which represent good housing stock

5 This site is not located on a thoroughfare, but on a minor residential street, and the potential exists for traffic impacts, particularly cut through traffic from I-85 Calls from the neighborhood indicate this is already a problem in the area, and concern was expressed about an increase in traffic. Neighborhood opposition appeared at pubic hearing

6 Also, the site plan is lacking in detail and is not considered to be a good one at all Information supplied at public hearing only added to the concern about this petition

7 This request is viewed as having a negative influence on the neighborhood. Staff questions the validity of this use in the middle of a residential neighborhood, with no orientation to a thoroughfare It's location will tend to draw traffic into the neighborhood and is, therefore, not a very good location

8 In addition, the proposed Thomasboro/Hoskins Small Area Plan does not recommend the introduction of non-single family zoning in the area, and calls for the stability of the neighborhood to be maintained

9 Based upon the above circumstances, this petition is not recommended for approval, as it is contrary to overall neighborhood preservation goals The site is a poor one for a day care facility and there are serious questions about the adequacy of the building to house the number of children proposed

Staff Opinion
The staff agreed with Planning Commission.

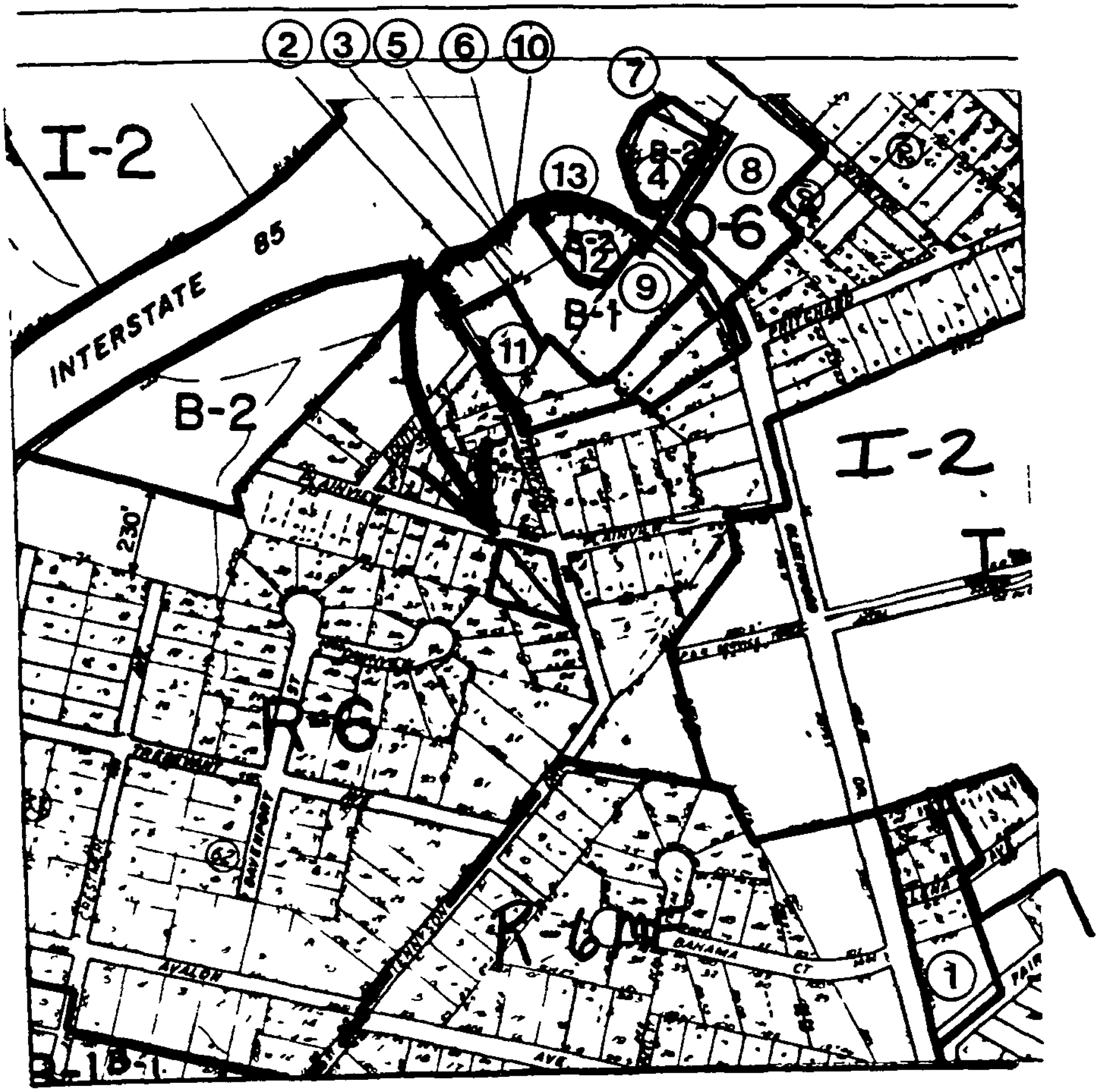
ZONING HISTORY

PETITIONER Mercier B Leeper

PETITION NO 87-22 HEARING DATE 3/16/87

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

LOCATION A .631 acre site located on the southwest corner of the intersection of Plainview Road and Tennyson Drive



ZONING MAP NO. 87 SCALE 1" = 400'

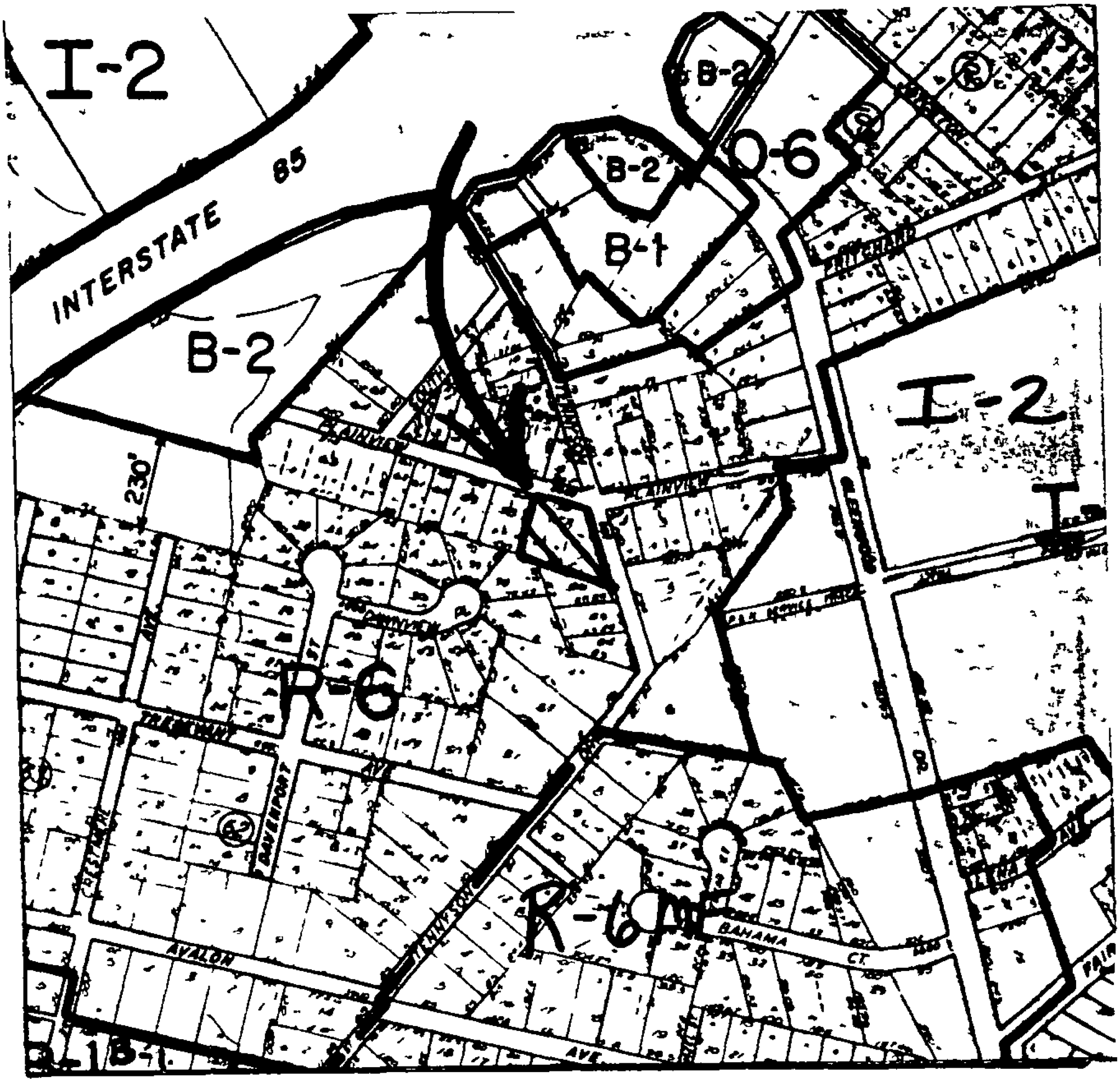
PROPERTY PROPOSED FOR CHANGE

PETITIONER Mercier B. Leeper

PETITION NO. 87-22 HEARING DATE 3/16/87

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

LOCATION A .631 acre site located on the southwest corner of the intersection of Plainview Road and Tennyson Drive



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-23

PETITIONER(S) Central Church of God

REQUEST Change from R-6MF to R-I

LOCATION An 8 31 acre parcel east of Kilborne Drive between Elkin Lane and Havenwood Road

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

VOTE. Yeas. Emory, Lassiter, Lewis, Mead and Wheeler

Nays None.

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

REASONS.

ISSUES

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

2 Relationship to Neighborhood How does the expansion of this church relate to the adjoining neighborhood?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6MF Land immediately to the east is likewise zoned as is a portion bordering the site to the west across Kilborne South of the site property oriented to Central Avenue is zoned B-1 Across Central Avenue is another area of R-6MF zoning whereas other residential areas in the general vicinity are zoned R-9 There are also a couple of smaller areas in the vicinity zoned 0-6 and R-6MFH

2 Existing Land Use The property is developed with a church Adjoining the site to the east is a multi-family complex Other multi-family developments exist across the site on Kilborne as well as Central Avenue The Kilborne/Central intersection presently has a number of small businesses in one neighborhood shopping center Throughout the general vicinity is a solid pattern of single family development including a number of lots which adjoin the site along its northerly boundary

3 Site Plan The conditional site plan proposes a new sanctuary building for the existing church on the property The existing church occupies slightly over 29,000 square feet of space and the new sanctuary will total slightly over 33,000 square feet of space Total seating capacity in the new sanctuary will be 1,893 Access to the property is gained from both Kilborne Drive as well as a relocated entrance on Elkin Lane The site will have 506 parking spaces The new sanctuary will be located near the intersection of Kilborne Drive and Elkin Lane Finally, screening and buffering areas are shown around the site

4. School Information Not applicable

5 Zoning History (See Attached Map) There have been 12 prior rezoning requests in the area of the subject property The attached map indicates the locations of those prior requests Cases 1, 4, 5, 6, 7, 8, 9 and 11 are all located along Norland south of Central Avenue Case #1 was a 1965 rezoning from R-9 to O-6 Case #4 was a 1969 request to rezone from O-6 to B-2 that was denied Case #5 also involved a request to rezone from O-6 to B-2 That request was approved in 1970 Case #6 was a 1974 rezoning from B-1 to B-2 Case #7 was a 1976 rezoning from R-9 to B-2 Cases 8, 9, and 11 involved land to the east of Norland and south of Central Avenue Case #8 was a 1978 rezoning from R-9 and O-6 to B-2(CD) Case #9 was a 1980 request to rezone from R-9 to B-2 that was denied Case #11 was a 1984 B-2(CD) Site Plan Amendment and a rezoning from R-9 to O-6(CD) Case #2 was a 1965 rezoning from R-6MF to B-1 Case #3 was another 1965 rezoning That involved a change from R-9 to R-9MF Cases 10 and 12 both involved corner lots at Lansdale and Central Case #10 was a 1983 petition to change from R-9 to O-15 Case #12 was a 1986 petition to rezone from R-9 to O-6(CD) Both petitions were denied

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property No specific strategies are recommended for the area The basic theme for the East Mecklenburg area is to conserve the established residential areas while accommodating strong growth pressures

2 Transportation Improvement Program The TIP includes a recently completed project which involved improvements to the intersection of Central Avenue and Sharon Amity

3 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application Staff offered advice and comments to the petitioner as to the technical requirements and generally encouraged the request pending review of the conditional site plan.

4. Pre-Hearing Departmental Comments (Summary).

1 Engineering Department. The usual comments associated with development permits along with a request for an additional five (5) feet of right-of-way along Kilborne Drive

2 C-DOT The site could generate 1,200 to 1,600 trips per day as currently zoned No accurate trip generation figures are available for the site under the proposed zoning, although it is estimated the church would generate a peak of 1,000 or so trips. An additional five feet of right-of-way is requested along Kilborne Drive

3 Building Standards No comments except to question the amount of required internal landscaping in the parking lot, which is a minimum of 10 percent The department also notes an error on the plan which calls for parking in the setback, which is not allowed by the R-I district

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

5 Fire Department The Fire Department recommends a fire sprinkler system be installed and fire hydrants must be provided within 500 feet of the building

5 Neighborhood Context The site is located in the area defined as Robinhood Woods/Windsor Park

DETAILED FINDINGS

1 This petition involves an 8 3 acre site located along Kilborne Drive between Elkin Lane and Havenwood Drive The site is presently zoned R-6MF but is developed with a church. The church is seeking the R-I (Residential-Institutional) district in order to allow the construction of a new sanctuary which will seat over 1,500 people

2 The petitioner has filed a site plan which outlines the conditions of the expansion (For further details refer to Background #3)

3 The petitioner had the option of the rezoning as proposed or submitting for a major special use permit The petitioner has chosen the rezoning route to pursue this matter.

4 The church has existed on this site for a number of years. Before that the site was a drive-in movie theatre The expansion of the church will provide the means for the continued service to the community The church is seen as a good neighbor for the area and its expansion can compliment the surrounding neighborhood

5 The new sanctuary is located at the intersection of Elkin and Kilborne, which is away from the nearby single family areas The building is closest to areas developed for non-residential purposes along with multi-family areas and a vacant area near Central and Kilborne The location here has the least impact on surrounding residential areas The site plan is considered appropriate

6 No neighborhood opposition appeared at public hearing

7 The area in general continues to experience growth This petition will enable an existing church to expand and continue its ministry to the neighborhood Details of the site plan are judged to be acceptable and the proposed expansion is therefore recommended for approval by the Planning Commission

Staff Opinion
The staff agreed with Planning Commission.

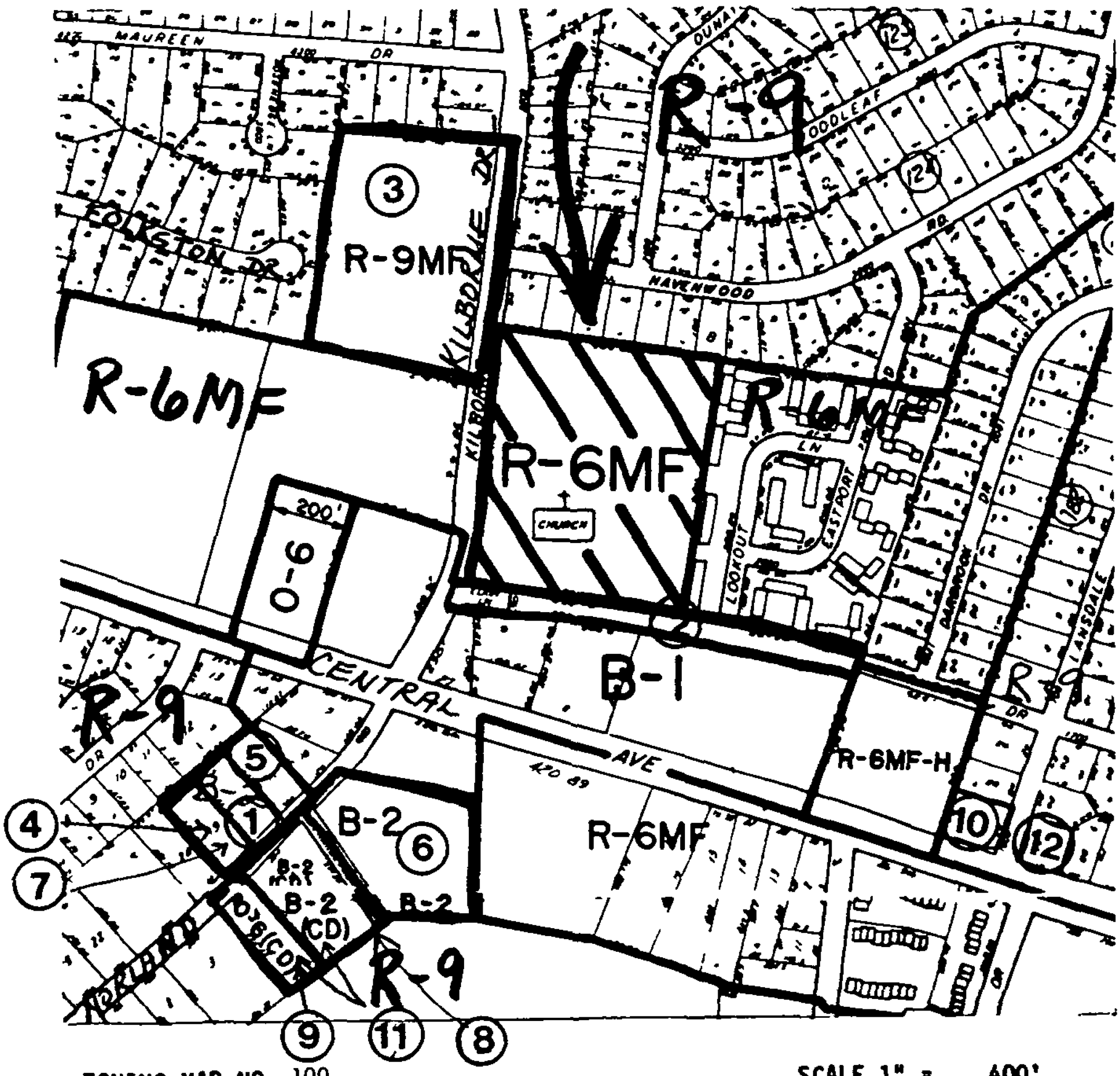
ZONING HISTORY

PETITIONER Central Church of God

PETITION NO. 87-23 HEARING DATE 3/16/87

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

LOCATION An 8.31 acre site located east of Kilborne Drive between Elkin Lane and Havenwood Road



ZONING MAP NO. 100 SCALE 1" = 400'

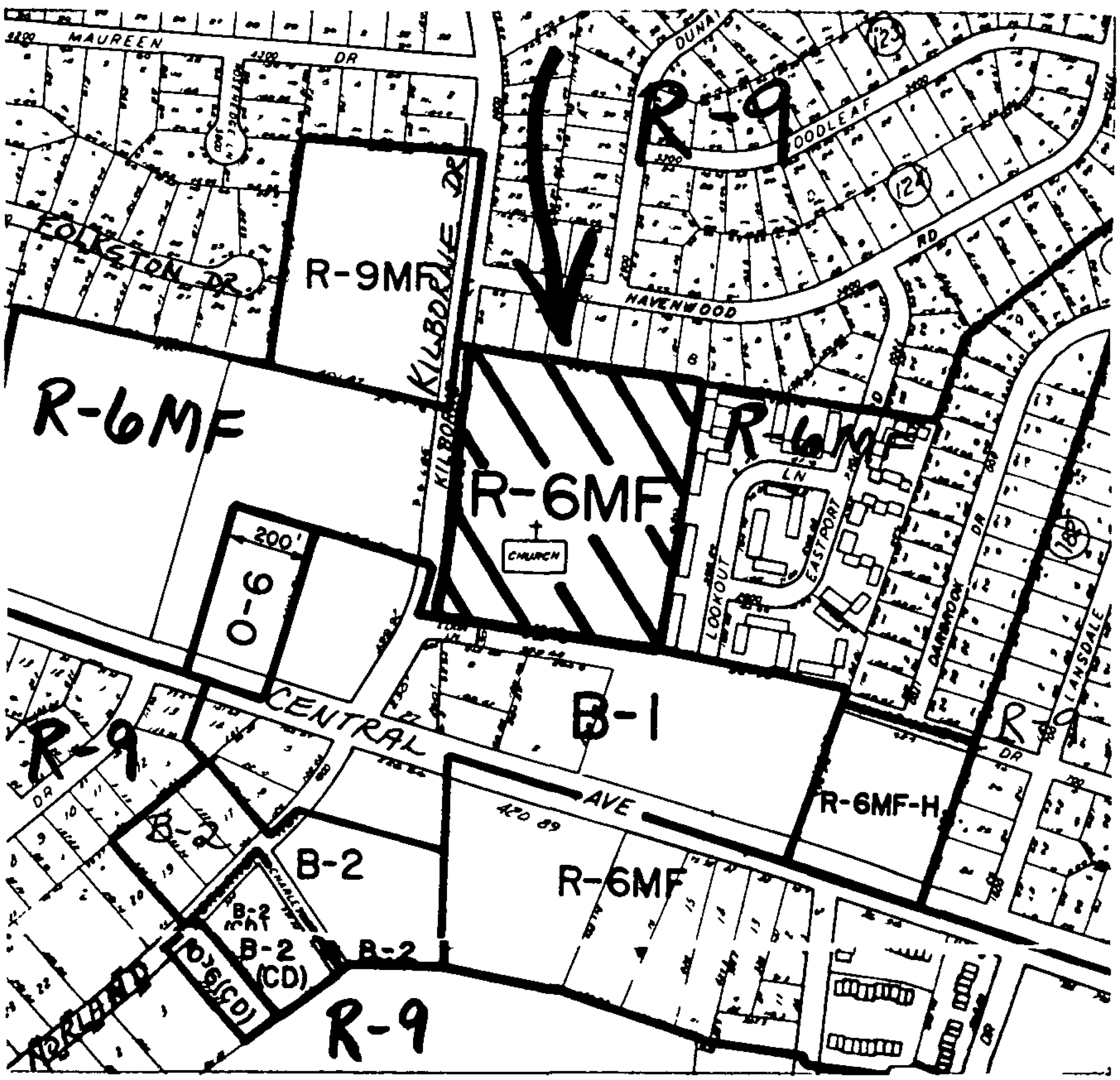
PROPERTY PROPOSED FOR CHANGE

PETITIONER Central Church of God

PETITION NO. 87-23 HEARING DATE 3/16/87

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

LOCATION An 8.31 acre site located east of Kilborne Drive between Elkin Lane and Havenwood Road



ZONING MAP NO. 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO 87-24

PETITIONER(S) Hillcrest Foods

REQUEST Consideration of a B-1(CD) Site Plan Amendment

LOCATION A .44 acre site on the southwest coner of Nations Ford Road and Greenwood Drive

ACTION. The Planning Commission recommends that the petition be denied

VOTE Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None.

(Commissioner Curry was not present when vote was taken)

REASONS

ISSUES

1 Plan Amendment. What is the plan amendment in this case and does it represent a continuation of the original goals and objectives of the existing conditional plan?

BACKGROUND

1 Existing Zoning The subject property is presently zoned B-1(CD) It is surrounded on two sides by property zoned O-15(CD) Other portions of the site relate to existing B-2 zoning which is generally oriented to the I-77 and Nations Ford Road interchange There is also some B-1 zoning nearby along Archdale Drive Other office districts, both O-15 and O-15(CD), along with a B-D(CD) district are in the vicinity, also Residential areas nearby are generally R-9

2 Existing Land Use. The subject property is developed with a Waffle House Restaurant Across Greenwood Drive from the site is a gasoline/convenience store A Hardee's fast food restaurant is across the street and also under development is a new hotel across the street Adjoining the site is a small office building and the La Quinta Motel Further south are residential areas, both single family as well as multi-family Other land to the southwest is vacant generally although there is a Red Roof Inn which adjoins the I-77 right-of-way just to the west of the site Nations Ford Elementary School is somewhat further south of the site

3 Existing Site Plan The existing site plan is approved for a hotel and restaurant The part that is under consideration of this petition, however, deals solely with the restaurant Conditions of that allow for the restaurant with access to Greenwood Drive as well as Nations Ford Road and the retention of some existing trees near the intersection Although the property is zoned B-1(CD), there is also a note which conditions signage to be in conformance with standard regulations for signs in the O-15 district

4. Plan Amendment The only change proposed for the plan with regards to the restaurant is in regards to the issue of signs The plan amendment would allow that the B-1(CD) site have a maximum sign of 60 square feet to be located on a building and one detached sign not to exceed 69 square feet, which will be located on the Greenwood Drive side of the building

5 School Information. Not applicable.

6 Zoning History (See Attached Map). There has been eight (8) rezoning requests in the area of the subject property The attached map indicates their locations Cases #1, 2 and 3 were all O-15 to B-2 rezonings in the area south of Archdale Drive and I-77 Case #4 was a 1971 O-15 to O-6 and B-1 rezoning for the area south of Archdale and I-77 Case #5 involved a request to rezone from O-15 to B-1 on the southeast corner of Farmhurst Drive and Nations Ford Road The request was denied in 1979 Cases #6 and 7 involved the area to the southeast of I-77 Case #6 was a 1981 rezoning from R-9 to O-15 and Case #7 was a 1985 rezoning from R-9 to B-D(CD), O-15(CD) and R-9(CD) Case #8, which includes the subject property, involved a 1985 rezoning from O-15 to O-15(CD) and B-1(CD) for the area on the southwest corner of Nations Ford Road and Greenwood Drive

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing employment land uses for the site Strategies include the widening of I-77

2 Transportation Improvement Program The TIP schedules the I-77/Arrowood Road interchange for improvements to begin in FY88

3 Pre-Hearing Staff Input The petitioner met with staff prior to the submission of the application to discuss the plan amendment. Staff was generally noncommittal at the time of discussion as to the merits of the request

4 Pre-Hearing Departmental Comments (Summary)

1 C-DOT No impact to the area would result by the change.

2 Building Standards No comment

3 Fire Department No comment

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

5 Engineering No comment

5 Neighborhood Context This site is located in the Colony Acres neighborhood.

DETAILED FINDINGS

1. This petition involves a 44 acre site located on the southwesterly corner of Nations Ford Road and Greenwood Drive It is presently zoned B-1(CD) and is approved for and developed with a restaurant (Waffle House)

2 The petition seeks the amendment of the existing conditions of approval of this site and specifically asks that new conditions regarding signage be approved

3. Under the current plan the site is restricted to signage restrictions of the O-15 district, even though the site is zoned B-1(CD). It should be noted that this petition was mildly controversial before from staff's perspective due to the potential neighborhood impact, particularly to the streetscape Although staff did finally recommend approval after some site plan adjustments one of the considerations which was offered by the petitioner at that time was the signage restriction, which staff felt very good about

4. Under the restriction the petitioner is allowed signage which would be attached to the building and could also have a detached sign so long as it did not exceed 50 square feet B-1 zoning would allow signage on the building also and a detached sign that could be as large as 100 square feet

5 In this case the petitioner is asking that the restaurant be allowed a building sign of 60 square feet and a detached sign of up to 69 square feet which would be located on the Greenwood Drive side of the building Although there is no height restriction indicated on the site plan, it is presumed that the detached sign would be a pylon sign so that it could attract passing motorists along I-77

6 This site and the adjoining motel have been developed in accordance with the conditions of the site plan The site retains some of the existing significant trees which were called for and in general the site is attractive both from the appearance of architecture as well as the streetscape appearance

7 On the face of it this seems to be a rather minor change to the site plan, but staff is not encouraging the plan amendment The property was only recently rezoned and the development took place with a full knowledge of the existing conditions at the time Apparently the restaurant is attempting to attract more business due to its proximity to I-77 and wants the strict sign conditions lessened, which in staff's opinion would be to the detriment of the site and to the area

8 At least one other petition in the area has also involved a question of signage as well That involved a motel below the site along Archdale between the street and I-77 That petition was denied

9 From an overall planning and aesthetic point of view, this request obviously represents a move in the wrong direction This condition, along with some of the other conditions, was important to staff in recommending approval in the first place, which was a change from staff's earlier objections to the zone change Staff and Planning Commission would reiterate concerns on behalf of the area and the neighborhood and would not encourage the change in signage conditions It could also open up the question of other sign related projects existing or in the future as well.

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

Staff Opinion
The staff agreed with Planning Commission

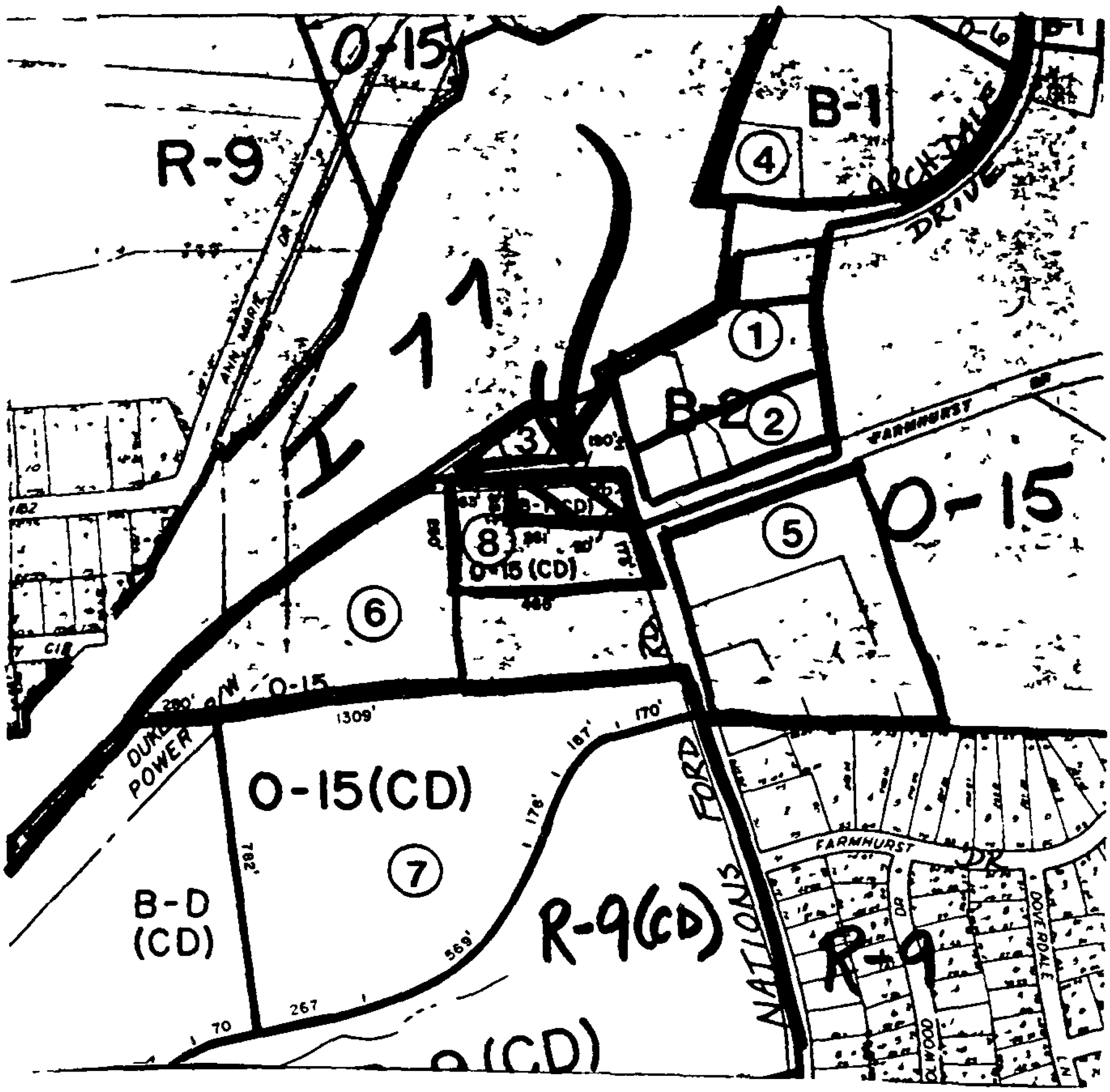
ZONING HISTORY

PETITIONER Hillcrest Foods

PETITION NO 87-24 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING B-1(CD) REQUESTED B-1(CD) Site Plan Amendment

LOCATION A .44 acre site located on the southwest corner of Nations Ford Rd. and Greenwood Drive



ZONING MAP NO. 134 SCALE 1" = 400'

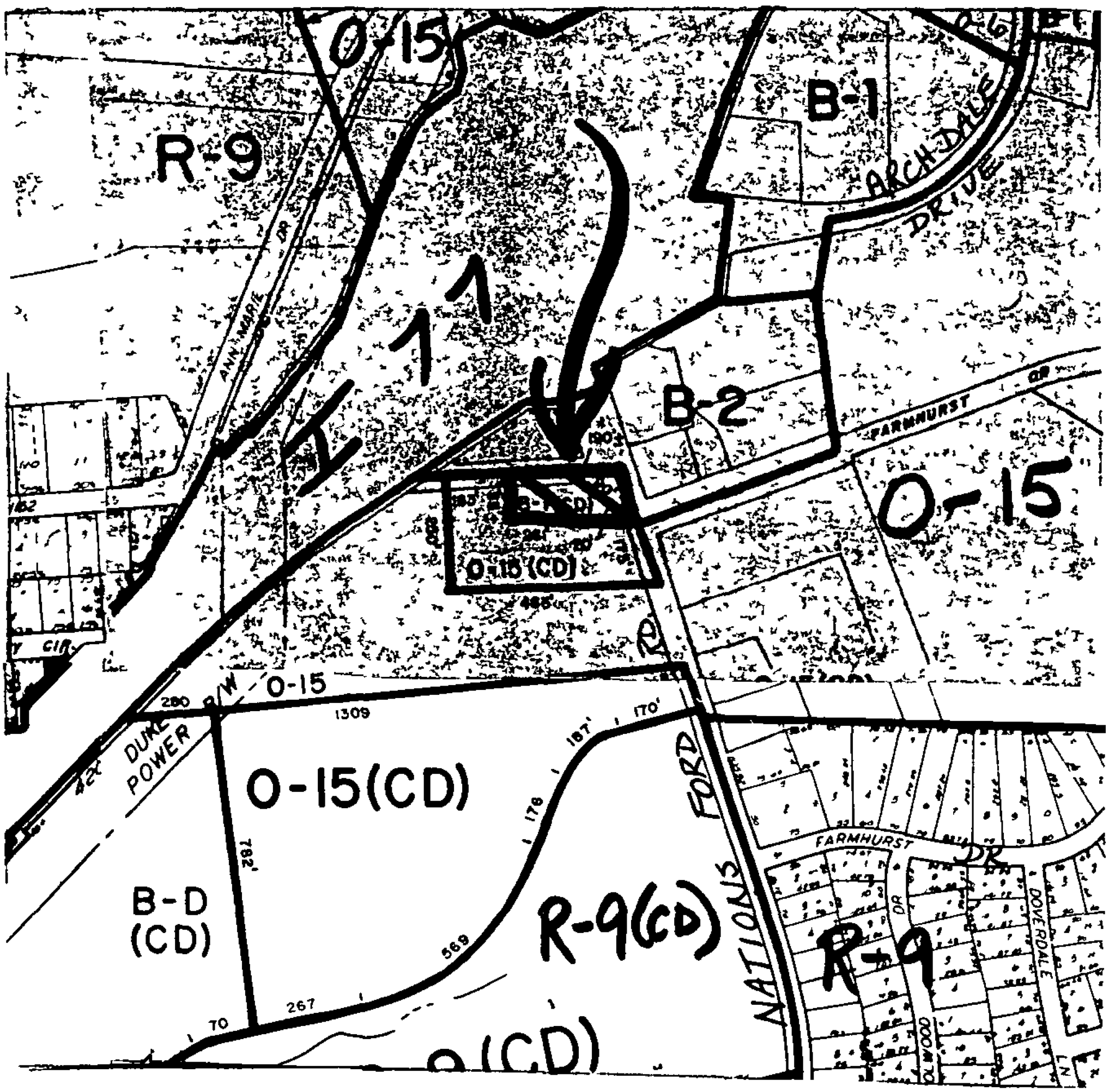
PROPERTY PROPOSED FOR CHANGE

PETITIONER Hillcrest Foods

PETITION NO. 87-24 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING B-1(CD) REQUESTED B-1(CD) Site Plan Amendment

LOCATION A .44 acre site located on the southwest corner of Nations Ford Rd. and Greenwood Drive



ZONING MAP NO. 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE March 19, 1987

PETITION NO FLOOD 87-1

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to the City of Charlotte Floodway Regulations to bring the City Ordinance into conformance with changes in federal regulations

ACTION The Planning Commission recommends that the text amendment to the Flood Regulations be approved

VOTE Yeas Emory, Griffin, Lassiter, Lewis, Mead and Wheeler

Nays None

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

REASONS

The federal government has recently changed some of the standards that communities must enforce in order to participate in the National Flood Insurance Program Local governments must respond to those changes by amending their local flood regulations to comply with the federal changes. Most of the changes are technical in nature and involve adding or changing definitions, including additional restrictions for certain types of facilities, and modifying requirements for certain structural considerations including mobile homes During the discussion it was noted that one of the new required definitions had been omitted from the copy of the text sent to the elected officials but that that information was in the case file and would be included in the version recommended for adoption These regulations are an important tool to protect life and property and are required to obtain community certification under the National Flood Insurance Program

ORDINANCE NO _____

AN ORDINANCE AMENDING CHAPTER 9
OF THE CITY CODE - FLOODWAY REGULATIONS

AN ORDINANCE AMENDING THE CITY CODE
WITH RESPECT TO THE FLOODWAY REGULATIONS

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

Section 9 Chapter 9, "Floodway Regulations" of the Code of the City of Charlotte is hereby amended as follows.

1. Amend Chapter 9 by deleting the following existing language "special use permit" and "special permit" and substituting the following new language "Floodway Permit" throughout the ordinance

2 Amend Section 9-5 by adding the following new language to the existing language in the proper alphabetical order

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-evaluation design requirements of this ordinance.

Manufactured Home - a structure transportable in one or more sections, which is built on a permanent foundation when connected to the required utilities. This includes park trailers, travel trailers and other similar vehicles placed on a site greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for the City of Charlotte are referenced

3 Amend Section 9-5 by deleting the existing language "mobile homes" and substituting the following new language "manufactured homes" in the last definition "structure"

4 Amend Section 9-45(5)(a) by deleting the existing language and substituting the following new language

a Anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy

5 Amend Section 9-45(5)(k) by deleting the existing language and substituting the following new language

k Location of electrical, heating, ventilation, plumbing, and air conditioning equipment, installed electrical appliances, and other service facilities at or above the regulatory flood protection elevation, or the design of this equipment to prevent water from entering or accumulating within the components during flooding conditions

6 Amend Section 9-75(2)(d) by deleting the existing language and substituting the following new language

New structures (including prefabricated buildings and manufactured homes) and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with flood resistant materials and methods

7 Amend Section 9-75(2)(e) by deleting the existing language and substituting the following new language

Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be constructed at or above the regulatory flood protection elevation or designed so as to prevent water from entering or accumulating within the components during flooding conditions.

8. Amend Section 9-75(2) by adding the following new language paragraph designated with the letter "f".

f Fully enclosed areas below the lowest floor of a structure that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters Designs for meeting the requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided The bottom of all openings shall be no higher than one foot above grade Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters

9. Amend Section 9-92(1)(b) by adding the following new language after the word "flotation".

"collapse"

and also by adding the following new language at the end of the existing language

This includes electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed so as to prevent water from entering or accumulating within the components during flooding conditions Fully enclosed areas below the lowest floor of a structure that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Opening may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

10. Amend Section 9-92(1)(d) by adding the following new language after the existing word "flotation".

    "collapse"

    and also by adding the following new language at the end of the existing language

    Fully enclosed areas below the lowest floor of a structure that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided The bottom of all openings shall be no higher than one foot above grade Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11 Amend Section 9-92(2)(a) by deleting the existing language in the last sentence "Heating and electrical equipment" and substituting the following new language

    Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities installed below flood protection elevation shall be flood proofed

    Also by deleting the existing language, the last word, "flood proofed" and substituting the following new language

    "designed so as to prevent water from entering or accumulating within the components during flooding conditions "

    Also by adding the following new language at the end of the paragraph

Fully enclosed areas below the lowest floor of a structure that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided The bottom of all openings shall be no higher than one foot above grade Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters

12. Amend Section 9-92(2)(b) by deleting the existing term "mobile home" and substituting the following new term "manufactured home"

and by deleting the existing language "stands or lots are elevated" and substituting the following new language

A permanent foundation elevates the lowest floor of each manufactured home

and by adding the following language at the end of the paragraph

Ground anchors for tie downs shall be provided Tie downs shall be provided as follows

(i) Over-the-top ties are required at each of the four corners of the manufactured home, with one additional tie per side at an intermediate location, for manufactured homes less than 50 feet long Two additional ties per side are required for manufactured homes more than 50 feet long

(ii) Frame ties are required in conjunction with each over-the-top tie

(iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds

13 Amend Section 9-93 by deleting the existing language "and lateral movement" and substituting the following new language

collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy

and by adding the following new language at the end of the paragraph

This includes electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed so as to prevent water from entering or accumulating within the components during flooding conditions

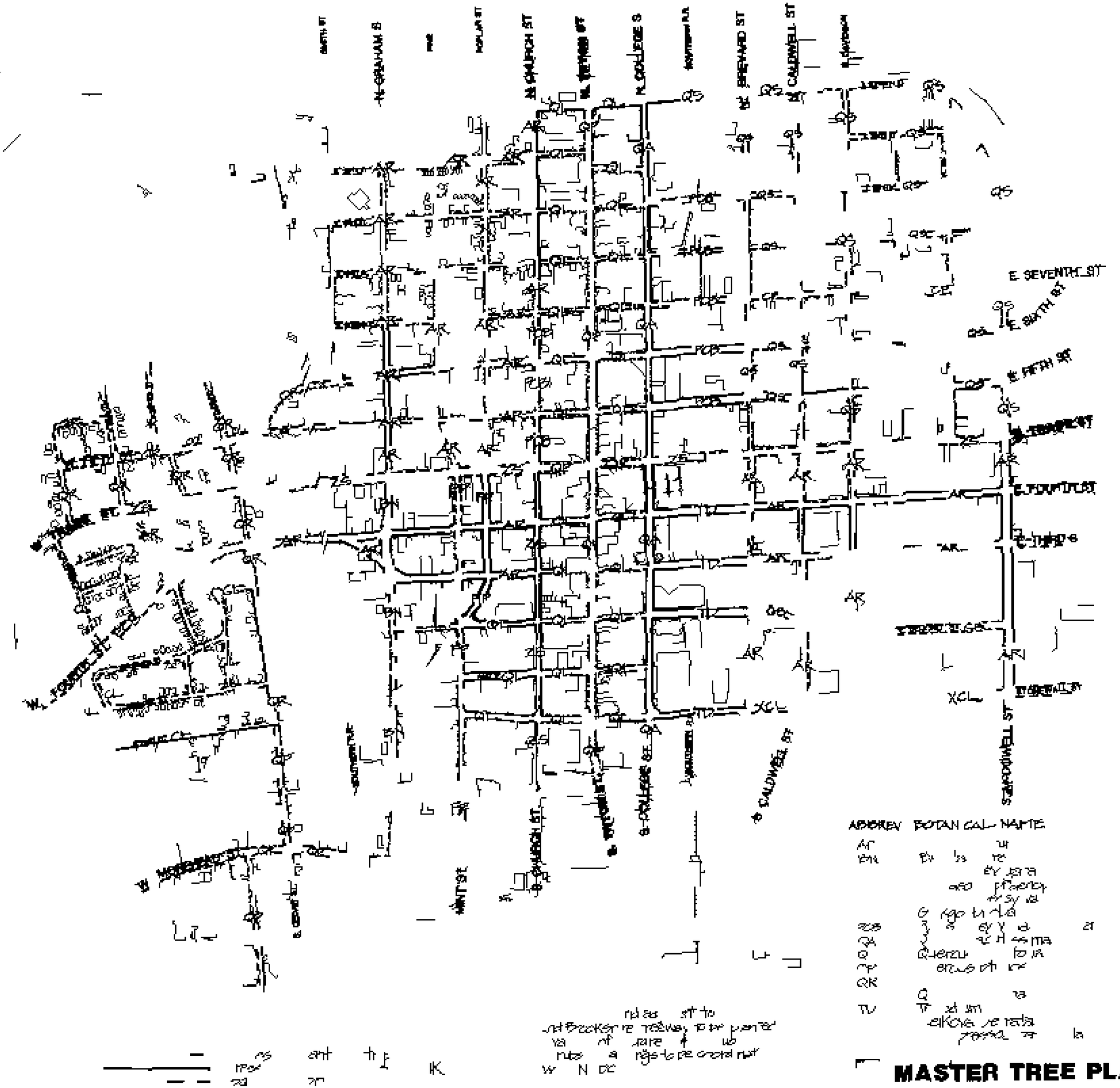
Section 2 That this ordinance shall become effective upon its adoption

Approved as to form.

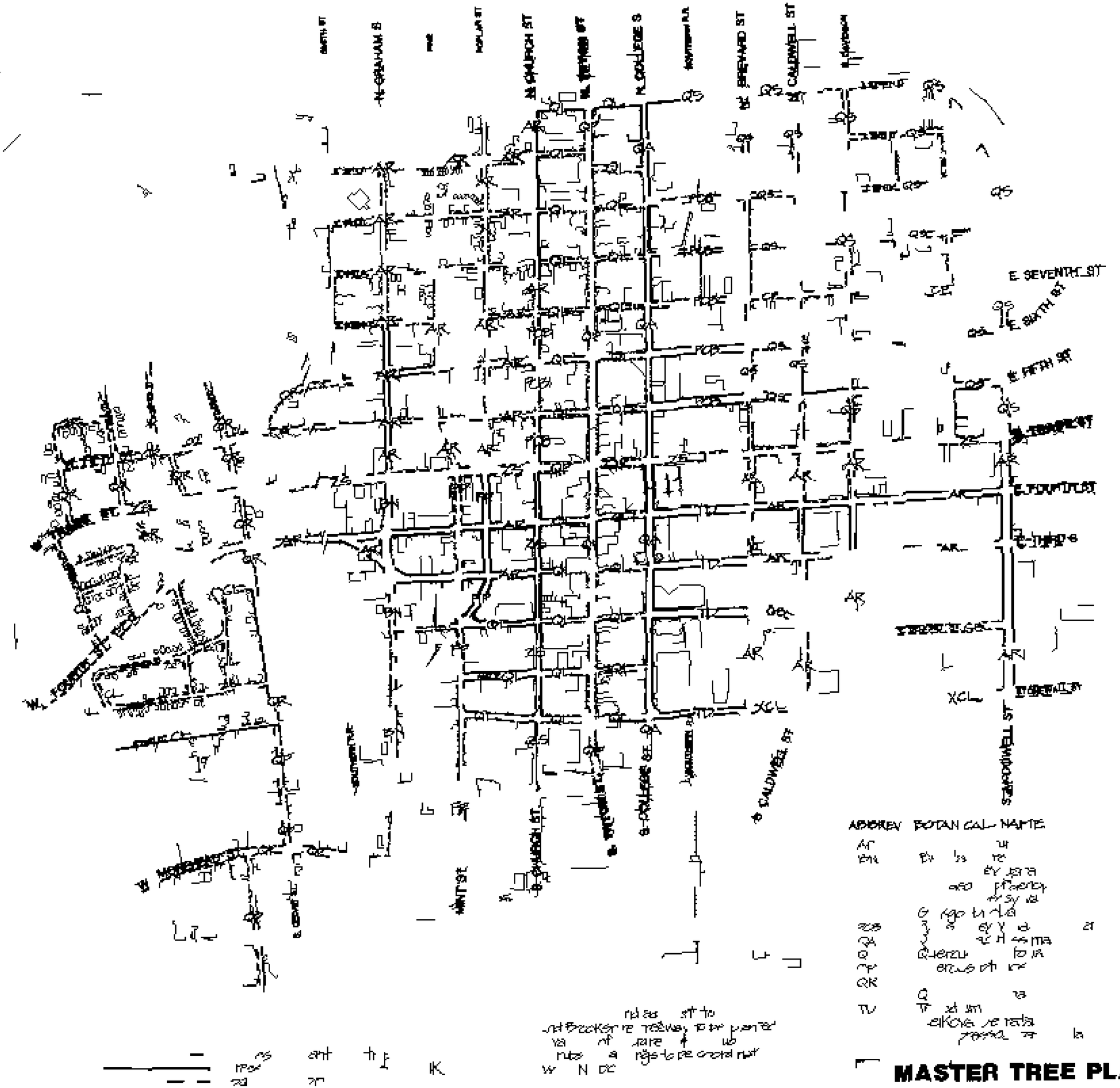
_____
City Attorney

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



MASTER TREE PLANTING PLAN



MASTER TREE PLANTING PLAN