AGENDA

Meeting Type:	Z
Date	12-21-1987
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda December 21, 1987

FILE COPY

Addendum
12/21/87

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Adoption of a Resolution calling for a Public Hearing on January 6, 1988, at 6:00 p.m., for amendments to the Standards for the Uptown Mixed Use District.

Responsible Department Planning Commission

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

On November 10, 1987, in Pittsburgh National Bank, Trustee; Centerra/Little Joint Venture and Craver Realty Corporation, v. City of Charlotte: Associated Realty Investors/One Tryon Center and Faison & Associates, Inc., d/b/a Faison Associates, the Honorable Frank W. Snepp granted a preliminary injunction prohibiting the issuance of building permits for the construction of Interstate Tower. Judge Snepp ruled that Ordinance No. 2258-Z, which rezoned the subject property to Uptown Mixed Used District Optional (UMUD-O) constituted spot zoning and contract zoning.

At this time, there have been six (6) petitions seeking a UMUD-O rezoning classification and there are six (6) prospective UMUD-O petitioners who have initiated communication with the Planning Commission staff. Both the Planning Director and the City Attorney have some deep concerns about utilizing UMUD-O, at this time, and, yet, at the same time, it is necessary to ensure that new uptown development projects need to be carefully reviewed without delay. The City, of course, wishes to avoid any adverse

For Office Use Only

Date Submitted **December 17, 1987**

Agenda Date Requested **December 21, 1987**

Consequences if Agenda Date is Delayed or Action is Deferred

Contact Person for Questions from the City Manager's Office
Martin Cramton, Jr.

Authorized by

Approved by *Department Head*

Assistant City Manager

List Attachments

impacts upon petitions seeking UMUD-O rezoning classification because of the uncertainties in respect to UMUD-O.

The Planning Commission staff reviewed the UMUD standards in light of the modifications requested by past, approved UMUD-O rezoning petitions and in order to make the UMUD standards as practical and equitable as possible and, yet, at the same time, to maintain the objectives of the Comprehensive Plan for Uptown. The staff recommended amending certain urban design standards as reflected in the attached ordinance amendments.

In view of these circumstances, the Planning Commission is asked to determine whether it wishes to recommend that City Council review these UMUD text amendments in accordance with the existing schedule for Council meetings or at an accelerated schedule, because of the UMUD-O petitions presently on file or those prospective petitioners awaiting the outcome of the review of these amended UMUD standards.

If the existing schedule were adhered to, the public hearing would occur on January 19; the Planning Committee would meet between January 19 and February 15; the City Council would make its decision on February 15, 1988.

An accelerated schedule might have the public hearing on January 6, after the zoning workshop scheduled from 4:00 p.m. to 6:00 p.m. The Planning Committee would convene January 6, immediately after the public hearing, to arrive at its recommendation. The City Council would act on January 19, 1988.

CHARLOTTE

Meetings in December '87

NOVEMBER 30 - DECEMBER 5

30	Monday, 7 30 p.m.	OATH OF OFFICE CEREMONIES - Ovens Auditorium, 2700 E. Independence Blvd
1	Tuesday, 6 00 p.m	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Operations Division Office, 701 Tuckaseegee Road
2	Wednesday, 3 00 p.m.	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - 1200 Blythe Blvd., Environmental Protection Conference Room
	Wednesday, 4 00 p m.	CITIZENS OVERSIGHT COMMITTEE FOR CABLE TELEVISION - Cablevision, 316 East Morehead Street
3	Thursday, 3 00 p.m.	CHARLOTTE-MECKLENBURG ART COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room

DECEMBER 6 - DECEMBER 12

7	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 4 00 p.m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
8	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Bldg., 6th Floor Conference Room
	Tuesday, 4 00 p.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
9	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - Edwin Towers Conference Room, 201 West 10th Street
	Wednesday, 4 00 p m.	CITY COUNCIL (Zoning Ordinance Workshop) - Education Center, Room 237-239
10	Thursday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Thursday, 9 30 a.m	CIVIL SERVICE BOARD (Hearing) - City Hall, Council Chamber
	Thursday, 7 30 p.m	CHARLOTTE TREE COMMISSION - 701 Tuckaseegee Road
11	Friday, 11 45 a.m.	PLANNING COMMISSION/Zoning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Friday, 12 Noon	PLANNING COMMISSION (Retreat) - Cameron-Brown Bldg , 1st Floor Conference Room
12-16	Sunday-Wednesday	NATIONAL LEAGUE OF CITIES ANNUAL CONVENTION - Las Vegas

(Continued on Back)

Public Service And Information Department
600 East Trade Street
Charlotte NC 28202

DECEMBER 13 - DECEMBER 19

14	Monday, 7.30 p.m.	HISTORIC PROPERTIES COMMISSION - 1221 S. Caldwell Street
15	Tuesday, 8 00 a m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p.m.	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE Belmont Regional Center, 700 Parkwood Ave.
	Tuesday, 4 00 p.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
16	Wednesday, 2 00 p.m	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
18	Friday, 7 30 a.m.	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Friday, 11 30 a.m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard

DECEMBER 20 - DECEMBER 26

21	Monday, 5 00 p.m.	COUNCIL/MANAGER DINNER - Education Center, Room 237-239
	Monday, 6 00 p.m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, 4th Floor Board Room
22	Tuesday, 12 Noon	PLANNING COMMISSION (Zoning Ordinance) - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 3 00 p.m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
24	Thursday	CHRISTMAS EVE - All City Offices Closed
25	Friday	CHRISTMAS DAY - All City Offices Closed

DECEMBER 27 - DECEMBER 31

28	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber

These organizations will <u>not</u> meet during December:

Advisory Energy Commission
Clean City Committee
Community Facilities Committee
Housing Appeals Board
Municipal Information Advisory Board

Mayor Sue Myrick | Mayor Pro Tem Al Rousso

John A. (Cus) Campbell
Stanley W. Campbell
Dan Clodfelter
Charles S. Dannelly
Gloria Fenning
Roy Matthews
Cynthia Patterson
Ella Butler Scarborough
Richard Vinroot
Velna W. Woollen

Council Agenda

Monday, December 21, 1987

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

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

ITEM NO.

1. Invocation by the Reverend Bobby Ross, Eastway Drive Church of God.

PUBLIC HEARINGS

2. Hearing on Petition No. 87-71 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section No. 1629 *et seq.*, Historic Districts, of the Zoning Appendix to the City Code to bring the City's ordinance into compliance with the state enabling legislation, as amended; to bring the ordinance up to standards required for participation in the Certified Local Government Program; to define certain activities of the Commission and staff; and to adopt the Secretary of Interior's Standards for Rehabilitation as the Commission's guidelines.

   This hearing was continued from the September 21, 1987 meeting for input from citizens on the proposed changes.

   Attachment No. 1-A.

3. Hearing on Petition No. 87-87 by Charlotte Eye Associates, P.A. for a change in zoning from R-6MF to O-15(CD) for a 1.8 acre site located on the southerly side of Billingsley Road approximately 800 feet to the east of Randolph Road.

   This hearing was deferred at the October 19, 1987 meeting.

   Amendment No. 1-B.

4. Hearing on Petition No. 87-88 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to UR-C for 6.5 acres located on all four quadrants of the intersection of East Seventh Street and Pecan Avenue/Caswell Road.

   Attachment No. 1-C.

5. Hearing on Petition No. 87-89 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 and B-2 to UR-C for approximately 5 acres located along the northwesterly side of Hawthorne Lane extending from East Fourth Street to just beyond East Fifth Street and 3 parcels located on the southern corner of the intersection of Travis Avenue and East Fifth Street.

   Attachment No. 1-C.

6. Hearing on Petition No. 87-90 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1, B-2 and O-6 to UR-C for a 2.8 acre site located in the area of the intersection of Hawthorne Lane and East Seventh Street.

   Attachment No. 1-C.

7. Hearing on Petition No. 87-91 by William W. Waters for a change in zoning from R-15 to O-6(CD) for a 1.86 acre tract located on the southeast corner of the intersection of Fairview Road and Savings Place.

   Attachment No. 1-D.

8. Hearing on Petition No. 87-92 by MECA Properties, Inc. for a change in zoning from R-6 to UR-3(CD) and R-20MF (Innovative) for a 12.5 acre site bounded by Lyndhurst Avenue, Magnolia Avenue, Winthrop Avenue and Iverson Way (Crockett Park).

   Attachment No. 1-E.

9. Hearing on Petition No. 87-93 by Butterfly Seven Ltd., Inc. for a change in zoning from R-9MF(CD) and B-1(CD) to R-20MF (Innovative) and an R-9MF(CD) Site Plan Amendment for approximately 40 acres located on the eastern side of Reddman Road, approximately 2600 feet south of Albemarle Road and north of Cedarwood Lane.

   Attachment No. 1-F.

10. Hearing on Petition No. 87-94 by Roger and Connie Green for a change in zoning from R-9 to O-6(CD) for a 19,000+ square foot lot located at 2701 Ashley Road, on the southeasterly corner of the intersection of Ashley Road and Lumina Avenue.

    Attachment No. 1-G.

11. Hearing on Petition No. 87-95 by Martin Waters, Jr., Waters, Inc., for a change in zoning from R-6MF to B-1(CD) for an 1.16 acre lot located on the southeasterly corner of the intersection of Belhaven Boulevard (N.C. 16) and Hoskins Road.

    Attachment No. 1-H.

12. Hearing on Petition No. 87-96 by Harvey W. and Louise C. Gouch, for a change in zoning from R-9 to B-2 for a 2,200± square foot tract located on the southern side of Eloise Street, approximately 200 feet west of North Tryon Street (US 29).

    Attachment No. 1-I.

13. Hearing on Petition No. 87-97 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section No. 1208 Application and Review Fees, of the Zoning Appendix to the City Code, to enable the implementation of user fees in accordance with the fee schedule adopted by the Charlotte City Council.

    Attachment No. 1-J.

14. Hearing on Petition No. 87-98 by Crow-Childress-Klein #9 for a change in zoning from R-15 to I-1(CD) for a 30.298 acre site bounded by Coffee Creek Business Park, Tyvola Road Extension and Big Sugar Creek.

    Attachment No. 1-K.

ITEM NO.

15. Recommend adoption of a resolution calling for public hearings for Tuesday, January 19, 1988, at 6:00 p.m. in the Board Room of the Education Center, on Petitions No. 88-1 through 88-9 for zoning changes.

SCHEDULE OF MEETINGS
December 21 - 25, 1987

Monday, December 21	COUNCIL/MANAGER DINNER Rooms 237-239 Education Center	5:00 p. m.
	ZONING HEARINGS Board Room Education Center	6:00 p. m.
Tuesday, December 22	OPERATIONS COMMITTEE Second Floor Conference Room City Hall	4:00 p. m.
Thursday, December 24	CHRISTMAS EVE - Holiday, All City Offices Closed	
Friday, December 25	CHRISTMAS DAY - Holiday, All City Offices Closed	

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE. December 11, 1987

TO: Charlotte-Mecklenburg
Planning Commission

FROM: Robert G Young
Land Development Manager

SUBJECT: Petitions to be Heard in December, 1987

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for County and City petitions scheduled for public hearing in December, 1987

The County petitions are scheduled for

DATE December 14, 1987

TIME 2 00 P M

PLACE County Office Building, Fourth Floor, 720 East Fourth St

The City petitions are scheduled for

DATE December 21, 1987

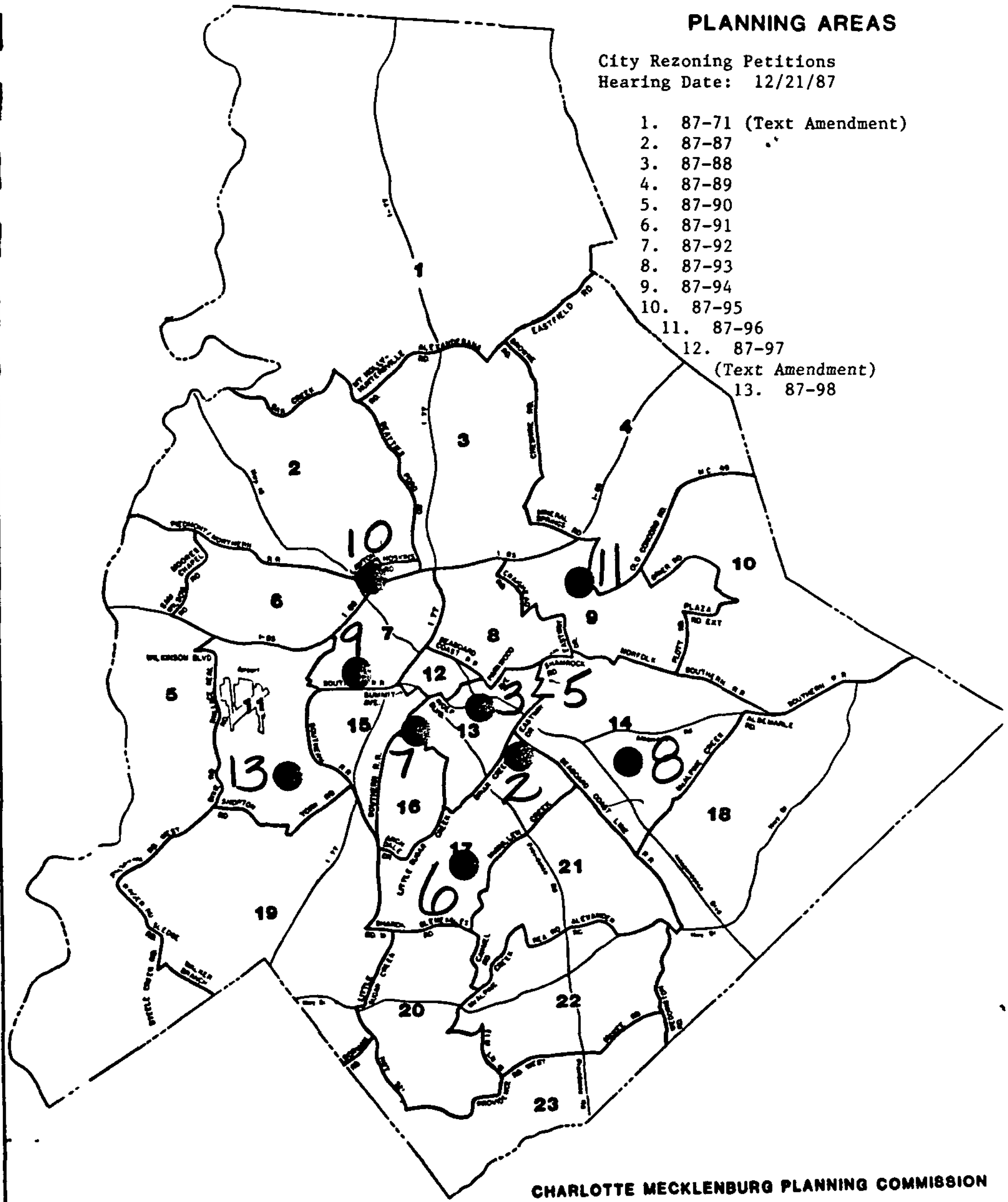
TIME 6.00 P. M

PLACE Education Center, Fourth Floor, 701 East Second Street

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

CITY PRE-HEARING STAFF ANALYSIS TO FOLLOW

Attachments


PLANNING AREAS
City Rezoning Petitions
Hearing Date: 12/21/87
1. 87-71 (Text Amendment)
2. 87-87
3. 87-88
4. 87-89
5. 87-90
6. 87-91
7. 87-92
8. 87-93
9. 87-94
10. 87-95
11. 87-96
12. 87-97 (Text Amendment)
13. 87-98
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 87-71

Date Filed 8-3

Received By LS

OFFICE USE ONLY

Section No ~~9.201-9.209~~ 1629 Historic Districts
(Title)

Purpose of Change:

The purpose of these changes is to bring the city's ordinance into compliance with the state enabling legislation as amended; to bring the ordinance up to standards required for participation in the Certified Local Government Program; to define certain activities of the Commission and staff; and to adopt the Secretary of Interior's Standards for Rehabilitation as the Commission's guidelines.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

301 S. McDowell St.; Charlotte, NC 28204
Address of Petitioner(s)

(704) 336-2205
Telephone Number

Signature

HISTORIC DISTRICT COMMISSION

EDWIN TOWERS
201 WEST 10TH STREET BOX B
TELEPHONE (704) 374 2302

City of Charlotte

Charlotte, North Carolina 28202

A brief summary of the changes in the ordinance follows:

p. 1: Adds archaeology as an area of significance to be considered.

p. 2: Clarifies that applicants should contact staff for information on whether or not their project requires a certificate, as some projects may not.

Adopts Historic District Commission Policy and Procedures Manual by reference as law.

p. 3: Adopts a Minor Works clause giving staff approval over certain projects as defined in the Manual.

Clarifies that a Certificate is in effect for 6 months, that it can be renewed for a period of 6 months one time by staff approval, after one year has elapsed from the original date of issue, the project must come before the full Commission again.

p. 4: Defines abutting property as properties that touch the property in question disregarding public streets and alleys as shown on County tax records.

Adopts the Secretary of Interior's Standards for Rehabilitation as the basis for review of projects.

Clarifies approval by Historic District Commission does not constitute approval for any other process such as the Investment Tax Credits (which also use the Secretary's Standards for evaluation).

p. 6: Extends period for which Historic District Commission can delay demolition from 90 to 180 days.

Clarifies appeals are in the nature of certiorari.

p. 7: Clarifies costs of preparing a verbatim transcript of minutes for an appeal are to be born by the applicant.

Adopts a detailed enforcement policy that can be carried out to a large extent by the staff:

Projects submitted to the Historic District Commission must be in compliance with city codes.

Staff can write citations of $50 for noncompliance

Civil penalty of up to $10,000 can be levied by City Council in cases of irreparable damage.

Staff initiates the enforcement policy.

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, § 1629, et seq., "Historic Districts", of the City Code shall be deleted in its entirety.

Section 2. Appendix A-Zoning, § 1629, of the City Code shall be amended by adding a new § 1629, "Historic Districts", to read as follows:

"1629. Historic Districts

1629.1 Purpose and designation of historic district.

1629.1.1. Purpose. The purpose of a local historic district is to encourage the restoration, preservation, rehabilitation, and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, and objects and their surroundings from potentially adverse influences which may cause the decline, decay, or total destruction of important historical, architectural, and archaeological features which are a part of the city's heritage and to review new construction design to ensure compatability with the character of the district. The historic district will be applied as an overlay zoning district which will overlap other general or specialized zoning districts to ensure the compatibility and appropriateness of exterior design within the historic district.

1629.1.2. Designation of Historic District. The process to designate a historic district or districts requires that the Historic District Commission ("Commission") makes an investigation and reports on the historical, architectural, or archaeological significance of the buildings, structures, features, sites, objects, or surroundings included in such proposed districts, and prepare a description of the boundaries of the district.

The North Carolina Department of Cultural Resources, or an agent or employee designated by its Secretary, shall make an analysis of and recommendations concerning this report and description of proposed boundaries in accordance with state law. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been mailed to it shall relieve the City of any responsibility for awaiting such analysis, and the City Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

Historic districts shall consist of areas which are deemed to be of special significance in terms of their history, architecture and/or culture and to possess integrity of design, setting, materials, feeling and association. The area, buildings, structures, sites, or objects shall be significant elements of the cultural, social, economic, political, or architectural history of the City or of the archaeological history or prehistory of the City and the conservation of such a district will provide for the education, pleasure, and enhancement of the quality of life of all residents of the City.

With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the City, the investigative studies and reports shall be prepared by the Historic District Commission and shall be referred to the Charlotte-Mecklenburg Planning Commission for its review and comment. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions stated above. Following the City's approval of a historic district, the area will be shown on the official zoning map following the normal zoning map amendment process.

1629.2 Certificate of Appropriateness.

1629.2.1. Certificates of appropriateness required. No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structures, nor any type of outdoor advertising sign or important landscape and natural features may be erected, altered, restored, moved, or demolished within a historic district until after the property owner or his designated agent has contacted the Historic District Commission staff to determine whether the project will require a certificate of appropriateness ("certificate").

If a certificate shall be required, then the Historic District Commission staff will provide the applicant with an application form, instructions, and such technical advice as may be deemed necessary. The Historic District Commission has adopted a document identified as the Historic District Commission Policy and Procedures Manual ("Manual"), stating the principles and guidelines authorized by N.C. Gen. Stat. § 160A-397, which is on file at the Historic District Commission's office and City Clerk's office, that contains information on acceptable work and the documentation required for a complete application. This document is adopted by reference in this ordinance and shall have the force of law.

Work may not begin, except in special circumstances defined in the Manual, until a certificate has been issued. A certificate must be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes

of N. C. General Statutes, Chapter 160A, Article 19, Part 3A. A certificate of appropriateness shall be required whether or not a building permit is required.

1629.2.2. Exterior features. "Exterior features" includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" means the style, material, size, and location of all such signs. "Exterior features" may also include color and important landscape and natural features of the area.

1629.2.3. Minor works. The Historic District Commission shall have the authority to delegate to their professional staff approval of certain types of minor works. Minor works are defined as not involving substantial alterations, additions, or removals, that could impair the integrity of the property and/or the district as a whole and as further defined by detailed standards in the Manual. Staff shall not deny a request for a certificate of appropriateness and, therefore, all questionable applications must be submitted to the Commission.

1629.2.4. Duration of certificate of appropriateness. If the application is approved, the certificate of appropriateness shall be valid for a period of six months from the date of issuance. Failure to procure a building permit within a six-month period shall be considered as a failure to comply with the certificate of appropriateness and the certificate shall become null and void. If a building permit is not required, the approved work shall be completed within a six-month period from the date of issuance. The certificate may be renewed by the staff upon written request of the applicant with valid reason for failure to comply with the six-month deadline, if the written request is submitted within six-months immediately following the expiration of the initial six-month period. If the applicant fails to renew an expired certificate during the initial six-month period or during the immediately following six-month period, then the project must be resubmitted to the Commission.

1629.2.5 Interior arrangement. The Historic District Commission has no jurisdiction over interior arrangement, unless the arrangement of interior features directly affects the integrity of the exterior of the property and, therefore, would be incongruous with the special character of the district as a whole.

1629.3 Procedure.

1629.3.1. An accurate and complete application. The applicant has the responsibility to submit an application for a certificate of

appropriateness that is accurate, complete and accompanied by sufficient information to fully depict the proposed development, alteration, rehabilitation, or restoration. Submission requirements are defined in the Manual. If the applicant fails to submit an application as described herein, then the application shall not be submitted for review to the Commission until the deficient information has been provided to the satisfaction of the Commission staff.

1629.3.2. Timely review of applications. All applications for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time, if procedures set forth in the Manual have been followed. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

1629.4. Notice.

1629.4.1. Notice. An applicant for a certificate of appropriateness, at the time of the submission of the application, shall submit the names and addresses of abutting property owners (disregarding public streets and alleys), as shown on the County tax listing.

The Commission shall take such steps as may be reasonably required under the particular circumstances, as stated in the Rules of Procedure, to inform the abutting property owners and any other owners of any property likely to be materially affected by the application, prior to the issuance or denial of a certificate of appropriateness.

1629.5 Standards.

1629.5.1. Applicable standards. In considering an application for a certificate of appropriateness, the Commission shall first determine that the project is compatible with the district as a whole in terms of size, scale, and massing as well as maintaining a pedestrian scale and orientation. In the review of a project application, the Commission shall use as guidelines the Manual, the Secretary of Interior's Standards for Rehabilitation ("Secretary's Standards"), and the policies adopted by the Commission. The Secretary's Standards and the policies are part of the Manual. The Secretary's Standards and policies, referred to, are also incorporated by reference into this ordinance with the force of law.

If from the facts presented, the Historic District Commission determines that the project is compatible with the district as a whole and is consistent with the above-identified documents, then the application will be approved. Although the Commission will use the Secretary's Standards as its guidelines, approval of a certificate of appropriateness by the Commission should not be interpreted as approval for any other process such as the Investment Tax Credits.

1629.5.2. Secretary's Standards. The Secretary's Standards are listed below:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1629.6 Ordinary maintenance.

1629.6.1. Ordinary maintenance. Nothing in these provisions should be construed to prevent the ordinary maintenance, repair, or removal of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. The Historic District Commission staff shall be consulted and/or the feature shall be well-documented photographically and such documentation shall be made available to the Historic District Commission for its files if appropriate.

1629.7 Demolition or removal.

1629.7.1. Demolition or removal. After the designation of a historic district, no building or structure located in that district shall be demolished or otherwise removed until the owner of the property has applied for a certificate of appropriateness for demolition or removal. If the Commission determines that the property does not contribute to the character of the historic district because of age or structural condition, the Commission may grant a certificate of appropriateness for the immediate demolition or removal of the property. However, if the property is determined by the Commission to be a contributing element in the district, the Commission may delay demolition or removal for no more that 180 days. During such 180 day period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building.

An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 180 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. If the historic district commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

1629.8 Appeal to Zoning Board of Adjustment.

1629.8.1. Appeal to Zoning Board of Adjustment. An appeal in the nature of certiorari may be taken by any aggrieved party to the

Zoning Board of Ajdustment from the Commission's action granting or denying the certificate of appropriateness. Any appeal must be filed with the Board of Adjustment within thirty days from the date of the issuance or denial of the certificate. An appeal from the Board of Adjustment's decision in any such case shall be heard by the superior court of Mecklenburg County.

1629.8.2. Costs. If it is necessary to have a verbatim transcript prepared for the Board of Adjustment, then the petitioner shall pay for that expense and any other appropriate, reasonable expenses for the preparation of the record. If the final decision by the Board or by a court is in favor of the petitioner, then the City shall reimburse the petitioner for the costs invoiced by the City for the preparation of the record.

1629.9 Enforcement.

1629.9.1. *Violation of Historic District provisions.* It shall be unlawful to erect, alter, restore, move, or demolish any building, structure, site, area, or object without securing a certificate of appropriateness and complying with these provisions. A failure to comply with these provisions shall constitute a violation subject to enforcement action. The Historic District Commission staff is authorized to undertake enforcement of these provisions upon its own initiative. These provisions may be enforced by any one, all, or a combination of the remedies provided herein and authorized by law.

1629.9.2. Submission of site plan and compliance with City's Zoning Ordinance and other applicable laws. An applicant shall submit site plans that are in compliance with the City's Zoning Ordinance and with any other local or State laws designated by the Commission. If the Commission's staff or the Commission determines that submitted site plans are not in compliance with the Zoning Ordinance or other State or local laws designated by the Commission, then the Commission's staff or Commission shall not be required to proceed to review the application for the certificate of appropriateness until site plans have been submitted that are in accordance with the Zoning Ordinance and applicable State or local laws. If site plans have been submitted that are not in compliance with the Zoning Ordinance or other identified State or local laws, then the certificate of appropriateness or any permits or certificates issued by the Mecklenburg County Building Standards Department may be revoked.

1629.9.3. Revocation of building permit. Pursuant to N.C. Gen. Stat. § 160A-422, "Revocation of permits", the Mecklenburg County Building Standards Department shall be notified to revoke any building permits for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of a certificate of appropriateness. If a certificate of appropriateness is required, then a building permit shall not be issued. If a building permit has been mistakenly issued or issued based upon false statements or misrepresentations made in securing the building permits, then the building permit may be revoked.

1629.9.4. Enforcement authority. Pursuant to N.C. Gen. Stat. § 160A-365, "Enforcement of ordinances", these Historic Districts' provisions may be enforced by any remedy provided in N.C. Gen. Stat. § 160A-175 and, also, as specifically described in Code § 1200 of this Zoning Ordinance.

1629.9.5. Citations. The director of the Historic District Commission or any enforcement officer designated by the director on the staff of the Commission is empowered to issue citations to any person, business, corporation, or other legal entity if there is reasonable cause to believe that any of the above has violated any provisions of § 1629, et seq. The amount of the citation shall be fifty dollars ($50.00) and additional citations may be issued for the same offense as a continuing violation. The procedure for the issuance, collection, and enforcement of the citation is described in City of Charlotte Code § 3-24, "Notice of violation", which is incorporated by reference herein as if fully stated in this section. The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the director and/or Commission to ensure compliance with these provisions.

1629.9.6. Civil penalty. Any person who violates any of the Historic District provisions of this section may be subject to a civil penalty. The City Council shall determine the specific amount of the civil penalty assessed. The civil penalty is especially provided as a remedy for any significant and/or irreparable damage to a building, structure, object, site, or important and natural features of the particular district in violation of these provisions, but is not limited to just those violations.

The civil penalty shall not exceed ten thousand dollars ($10,000.00). No penalty shall be assessed until the violator has been notified of the violation and the time for appeal has expired. At least two (2) weeks before the scheduled meeting of the City Council to determine the amount of the civil penalty, the violator shall be invited to the scheduled meeting and shall be given the opportunity to appeal before the City Council at that meeting.

In determining the amount of the civil penalty, the City Council shall consider the amount of money, at the time of the expiration of the date for appealing the violation, that the violator would be required to spend in order to be in compliance with the requirement of the specific Code provision violated.

The director of the Historic District Commission shall make written demand for payment of the penalty assessed upon the person in violation and shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, the matter shall be referred to the city attorney for institution of a civil action in the nature of debt in the name of the City in the appropriate division of the general courts of justice for recovery of the penalty.

1629.9.7. Denial or revocation of certificate of compliance and occupancy. As stated in the Mecklenburg County Building Ordinance, Section B-114, "Certificates of Compliance and Occupancy", the Mecklenburg County Building Standards Department shall not issue a certificate of occupancy or certificate of compliance unless there has been compliance with any certificate of appropriateness issued by the Charlotte Historic District Commission. Compliance with a certificate of appropriateness shall include, but not be limited to, meeting all the requirements of the certificate of appropriateness in not doing any act which would have required a certificate of appropriateness.

Further, pursuant to Section B-115-2, "Revocation of Permits or Certificates", any permit or certificate of occupancy or certificate of compliance issued by the Mecklenburg County Building Standards Department in violation of any of the Historic Districts' provisions, stated herein, also may be revoked by the Mecklenburg County Building Standards Department.

Section 3. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
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

HISTORIC DISTRICT COMMISSION

EDWIN TOWERS
201 WEST 10TH STREET BOX B
TELEPHONE (704) 336-2302

City of Charlotte

Charlotte North Carolina 28202

December 1, 1987

Dear Councilmember:

For the past year, the Historic District Commission and staff have been revamping the Commission's procedures to give more guidance to applicants and to streamline the application process. To this end, we have revised our ordinance, resolution, bylaws, and meeting procedures as well as formulated a set of policies that will provide for more staff approvals and a clearer picture of what the Commission is trying to achieve in the historic districts.

Many of the changes made were in compliance with the guidelines for becoming a Certified Local Government, a program designed to allow cities more participation in the state preservation program, and from which the city and county received $22,000 in grant funds this year. Other changes were made to bring the ordinance into line with the state enabling legislation. The ordinance, with a cover sheet outlining the changes made in the language is being sent along with other zoning cases for December. The policies are adopted as law by reference to the Historic District Commission Policies and Procedures Manual, a document in draft form. The draft policies are also attached. The Council will be approving the ordinance, but not the policies.

At the first hearing of the ordinance text amendments before the Council, Council requested that the hearing be continued until public meetings presenting these policies could be held in the Fourth Ward and Dilworth historic districts. Those meetings have been held.

Notification was sent to 440 residents in Fourth Ward, there were thirteen residents in attendance; over 1000 notification cards were sent to owners in the Dilworth district, twenty residents attended that meeting. To date we have received no formal complaints about the policies, we have identified at least two owners who are experiencing technical problems with paint and we are seeking professional assistance for them. We had one complaint at the Dilworth meeting that our policies discriminated against less well off residents. We assured this complaintant that the Commission was a compassionate group who would never force a resident to complete work that would truly cause a financial hardship.

The Commission feels strongly that these changes will greatly benefit the residents and owners in the historic districts. Should you have any questions concerning this material, please contact Suzanne Pickens at the Commission office (336-2302).

Sincerely,

Dave

David A. Howard
Community Planning Manager

POLICIES FOR WORK COMPLETED IN HISTORIC DISTRICTS

CHARLOTTE HISTORIC DISTRICT COMMISSION

DRAFT

PROJECTS THAT DO NOT REQUIRE A CERTIFICATE

The following projects do not require a certificate; however, it is advisable that owners notify the staff that the project is underway. The staff has the obligation to regularly check the progress of the project and request an application for the work if, at any time, the project appears to be going beyond minor work.

1. Painting surfaces other than brick

2. Landscaping that does not involve the removal of trees over 6" in diameter and will not obscure the building in any way.

3. Repair and replacement projects using in-kind materials. Any deviation from original materials or change in exterior appearance will require an application be submitted.

PAINT COLOR

1. The Charlotte Historic District Commission will no longer exercise review over paint colors. Unless original colors are to be used, paint color is a subjective question and will be left up to the owner of the property.

2. The Commission staff will be happy to advise applicants on appropriate color schemes for their particular house based upon information on historic paint schedules.

MINOR LANDSCAPING

1. Minor landscaping such as the planting of ornamental shrubs and annual and perennial flower beds does not require a certificate of appropriateness.

2. Removal of trees less than six inches in diameter in the rear yard of a property does not require a certificate of appropriateness.

REPAIR & REPLACEMENT

1. True repair and replacement projects do not require a Certificate of Appropriateness.

2. Owners must use good judgement; replacing all the windows and siding on a house is not a simple repair and replacement project.

3. Staff should be contacted before the commencement of such a project, and staff may use its discretion to determine whether or not a project has crossed the repair and replacement line and requires an application for a Certificate to be submitted.

PROJECTS ELIGIBLE FOR STAFF APPROVAL

Projects are only eligible for staff approval if they meet the standards set by the Commission. Should the project deviate from those standards, or should the staff feel uncomfortable about approving the application for any reason, the application must come before the full Commission.

1. Fencing

2. Signage

3. Replacement windows and doors

4. Additions to the rear of a building

5. Decks, patios, retaining walls, driveways, parking lots, walkways

6. Removal of small trees or diseased or dead trees

7. Storm windows and doors

8. Shutters

9. Handicapped access facilities

Staff cannot deny an application. If staff questions an application for any reason, it will be presented to the full Commission.

REPLACEMENT ROOFING

1. A Certificate of Appropriateness is not required for re-roofing with in-kind materials.

2. If a change in materials is desired, staff will use its discretion to determine whether a staff approval is possible.

3. Novelty roofing such as slate, tile, or metal shingles is often an integral part of the building's design and a change to common modern shingles could have an adverse effect on the property's integrity.

4. Staff will assist applicants in locating replacement materials as well as appropriate craftsmen.

REPLACEMENT WINDOWS AND DOORS

1. All replacement doors and windows must retain the same configuration as the originals.

2. Replacing panes with stained, leaded, or beveled glass is acceptable as long as the configuartion remains the same.

3. Metal replacement doors are acceptable as long as they are of the same configuration as the original door or replicate a compatible period door style. These metal doors must be painted or clad to match the trim of the house.

4. Metal replacement windows are accpetable only if they are painted or clad to match the trim of the house and are of the same size and configuation as the original.

5. Window and door openings may not be reduced or enlarged in size. Exceptions may be made by the full Commission for openings on secondary elevations.

6. Historic metal windows must be replaced with windows of the same size and configuration.

STORM WINDOWS AND DOORS

1. Storm windows and doors must be painted or clad to match the trim color of the house. Any material is acceptable as long as it is clad or can be painted.

2. Storm doors must be full-glass to avoid obscuring the design of the front door.

3. Storm windows must be of a configuration that will not obscure the window.

4. Storm windows and doors must conform to the size of the existing windows and doors.

5. Applicants may want to consider the use of interior storm windows which have proved very successful.

SHUTTERS

1. The historic properties in the historic districts are all of the period that either had functional shutters or no shutters at all.

2. It is most preferable that properties that historically never had shutters remain that way and for properties that had shutters to have only operable shutters.

3. The Commission may permit the application of inoperable shutters to historic district buildings should they be considered appropriate for the building and be of the appropriate size for the windows which they adorn.

PAINTING BRICK

1. Painting brick is not considered a change of color, but a fundamental change in the character of the building material.

2. The Commission will prohibit painting brick buildings unless they have been painted previously; however, additions or poor patching work that would call for painting to unify the diseparate parts of the building is permitted.

HANDICAPPED ACCESS

1. Properties in historic districts are not exempt from laws requiring handicapped access facilities; therefore, great attention must be given to designing facilities that meet code but do not detract from the character of the property.

2. The ideal is to place the ramp or other structure on the rear of the building.

3. If it is not feasible to use a rear entrance, the facility must be designed to be as unobstrusive as possible.

4. The required slope of the structure and the required rest platforms should be in as small an area as possible without inconveniencing users.

5. Landscaping, wood construction, painting to match the property, are all ways to elssen the impact of the structure.

6. Construction should be kept as simple as possible; borrowing an elaborate motif from the house only calls undue attention to the facility.

7. In place of a rams, applicants should consider the use of a mechanical lift which solves many of the problems associated with a ramp.

SURFACE CLEANING

1. The Historic District Commission prohibits abrasive cleaning of historic properties.

2. Abrasive cleaning includes grit or pressurized water blasting.

3. The Commission cautions applicants on the use of heat guns and heat plates. If used improperly, damage to the building can occur. Mechanical sanders can also cause damage.

4. The Commission encourages the use of soap and water cleaning with a bristle brush and hand sanding and scraping to remove paint. Gentle chemical washes can also be effective in cleaning building material and removing paint.

ADDITIONS

1. Additions should respect the original character of the property.

2. additions to the rear of the street that cannot be seen from the street and do not extend past the original body of the house in width or height, may be eligible for a staff approval.

3. Additions to the side of properties must go before the commission and should be careful to match or blend with the style and scale of the house.

4. Additions to the facade of a property must be considered by the full Commission and, althuogh not prohibited, must be of extraordinarily sensitive design to succeed.

SUBSTITUTE SIDING

1. The Historic District Commission prohibits the application of substitute siding, i.e. aluminum, vinyl, asbestos, or asphalt, over historic fabric.

2. Substitute siding is inappropriate and incongruous in the context of a historic district. The Commission discourages its use in new construction.

3. Some substitute materials such as masonite and dryvit may be approved by the Commission for new construction projects. Approval would be on a case-by-case basis.

FENCING

1. No fencing may be over six feet high.

2. Fencing seen from the street must be appropriate to the district, i.e. have texture resulting from an interplay of light and solid material.

3. Fencing around the rear portion of a yard, that cannot be seen from the street, may be of any material the applicant chooses as long as it is not over six feet high.

4. Fencing should not obscure the facade or side elevations of a property.

LANDSCAPING

1. The Charlotte Historic District Commission will exercise their prerogative to review major natural and landscaping features.

2. The azaleas you plant in your front yard are not subject to review.

3. The City Arborist will be consulted in all cases dealing with trees.

4. New Construction projects must have their landscaping plan reviewed by the City Arborist's office.

5. The removal of dead or diseased trees, if agreed upon with the City Arborist, shall not require a Certificate of Appropriateness.

6. Trees less than 6 inches in diameter, located in a rear yard, may be removed with a staff approval.

7. Most trees, larger than 6 inches in diameter, located in the rear yard, can be removed with staff approval after consultation with the City Arborist. Removal must be for an appropriate reason. Very large trees cannot be removed without the permission of the full Commission.

8. Trees in the front yard, if less than 6 inches in diameter, may be removed with a staff approval and approval of the Arborist. Larger trees will need the permission of the full Commission.

9. Normal landscaping becomes the concern of the Commission if, in the opinion of the staff, the plantings or landscape structures obscure the building in question.

10. All landscaping, such as that required to screen some parking lots, will be reviewed by the full Commission.

SETBACK

1. The established setback of a block shall be respected by new construction projects.

2. Setback must also meet city code, therefore required setback may be a compromise since all HDC projects must meet city code.

3. Setback should be clear of obstrusive plantings and structures. This does not mean no landscaping, it means do not obstruct the view of the historic property with fencing, huge shrubbery or landscape structures.

4. Parking will not be allowed in the setback nor will large amounts of paving.

WALKWAYS, DRIVEWAYS, RETAINING WALLS

1. Inspiration for the design of these structures should be drawn from similar historic structures found in the district.

2. These structures are not appropriate for every lot in the district; a retaining wall is not suitable for a flat lot with no yard to retain.

3. Driveways should be as narrow as possible; two thin strips of paving are preferable.

4. A driveway that stops at the front building line of a house is a glorified parking pad in the front yard. Driveways must extend at least to the rear building line.

5. Historic precedents indicate appropriate materials--stone, brick, concrete.

6. No paving materials are specifically prohibited; appropriateness is determined by the design and screening and softening techniques.

PARKING

1. Parking will not be allowed in the front setback.

2. Parking must be located to the side or the rear of the property, or must be on-street parking, where allowed.

3. Parking lots should be screened in some form or fashion so the parking lot does not become the dominant feature on the property.

4. Parking should be limited to the number of spaces required by city code.

5. No more than 50% of the rear or side yard should be paved for parking. Exceptions may be made by the full Commission providing a landscaping plan is devised to break up the paved surface and soften the impact.

6. More parking spaces than required by code may be allowed if the 50% test can still be met and the area is well landscaped.

PAVING

1. No paving materials are specifically prohibited by the Commission.

2. The acceptability of a paving proposal will depend upon the use and juxtaposition of paving and screening and softening landscaping.

3. In a single-family residential project, no more than 50% of the rear yard may be paved.

4. In a business, industrial, or office project, no more than 50% of the rear yard may be paved with impermeable material. Whatever percentage of the area needed to meet code for parking space must be paved with a permeable material.

REAR YARDS

1. The Commission may allow staff approval of work in rear yards that will not be seen from the street.

2. This includes fencing, landscaping, driveways, parking pads, decks, patios, and additions that are no wider than the present house and no higher than the original roof line.

3. Large or complicated projects can be brought to the full Commission at the discretion of the staff.

SIGNAGE

1. Size

   a. Signs should be as small as possible while allowing sufficient display area. Signs may not exceed the following size restrictions:

      Single family and duplex 1.5 Sq. Ft.
      Multifamily 6 Sq. Ft.
      Business, Office , Industrial 9 Sq. Ft.

2. Height:

   a. Signs mounted on a stanchion must be no more than 6 feet high

   b. Signs sitting flush with the ground must be no higher than 3 feet total height

3. Materials: Materials should be compatible with those characteristic with the district and the specific project.

   a. Suitable materials include wood, stone, brick, and sturdy metals.

4. Signs are to be for identification purposes only.

5. Signs should use uniform lettering size and limit the message as much as possible to enhance readibility from the street.

6. Multi-tenant projects should submit a coordinated sign scheme at the time the rehabilitation Certificate is requested. Acceptable schemes include one larger sign (within sign size limits) with all tenants identified or small identification signs for each tenant as long as the scheme is integral to the building design.

7. Signs may be lit with spotlights from below (these should be as unobstrusive as possible) or by a gooseneck spot mounted above. Signs may not flash, blink, or glow from within.

8. Neon signs will be considered by the Commission.

9. The Commission will not exercise control over color or logos; however, it suggests color schemes be taken from the project the sign identifies.

NEW CONSTRUCTION

New construction in historic districts has an obligation to fit in with the historic buildings in the district and should therefore take its inspiration from those historic properties. The Historic District Commission prefers not to specify a particular style or styles for new construction, believing that the size, mass, and scale of a building is often far more important to a successful project than the decorative details applied. The architectural essays on each of the historic districts identify key architectural elements and styles that should be looked to for inspiration. The characteristics below should be considered first to make sure the scale of the project fits the scale of the hsitoric district as a whole:

1. Size
2. Scale
3. Massing
4. Fenestration (placement of windows and doors)
5. Rhythym (relationship of fenestration, recesses and projections)
6. Setback (as related to the immediate surroundings)
7. Building materials
8. Context (the relationship of the project to its immediate surroundings)
9. Landscaping (as a tool to soften and blend the project with the district

Stylistic and decorative elements as well as building materials and landscaping give the applicant an opportunity to make the project blend in with the district while creating a distinctive character for the building.

COMPLIANCE WITH CITY CODES

1. The Historic District Commission takes no responsibility for ensuring projects meet code.

2. Before a project is submitted to the Commission, it is the applicant's responsibility to ensure that each portion of the plan meets all city code, particularly zoning, building standards, city engineering, and the city arborists office (for projects involving the removal or planting of trees or protection of a tree during and after construction).

3. Site plans must be signed off by Building Standards.

4. We must know how many parking spaces are required for the project.

5. Landscaping plans must be signed off by the City Arborist's office.

6. City Engineering must be given a chance to review projects involving changes in curb cuts and driveways and to comment on changes of use that would require changes in these areas.

7. Should the applicant submit erroneous information, the project will be considered in noncompliance and work will have to be redone to Commission standards.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-87
Date Filed 9/1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Trustees of Weeping Willow A.M.E. Zion Church

Owner's Address 306 Billingsley Road
Charlotte, NC 28211

Date Property Acquired August 2, 1965

Deed Reference 2687-271 Tax Parcel Number 15707230

Location Of Property (address or description) 306 Billingsley Road
Charlotte, NC 28211

Description Of Property

Size (Sq Ft -Acres) 1.844 acres Street Frontage (ft) 237.77 ft.

Current Land Use Church

Zoning Request

Existing Zoning R-6MF Requested Zoning O-15 CD

Purpose of zoning change To enable Petitioners to construct a one-story medical building to be occupied by Petitioners

William P. Farthing, Jr
Name of Agent [illegible]
Gage & Preston

Agent's Address 2600 Charlotte Plaza
Charlotte, NC 28244
704-372-9000
Telephone Number

Charlotte Eve Associates, P.
Name of Petitioner(s) 353 Randolph Ro
[illegible]
Charlotte, NC 28211
Address of Petitioner(s)

704-364-8576
Telephone Number

Signature

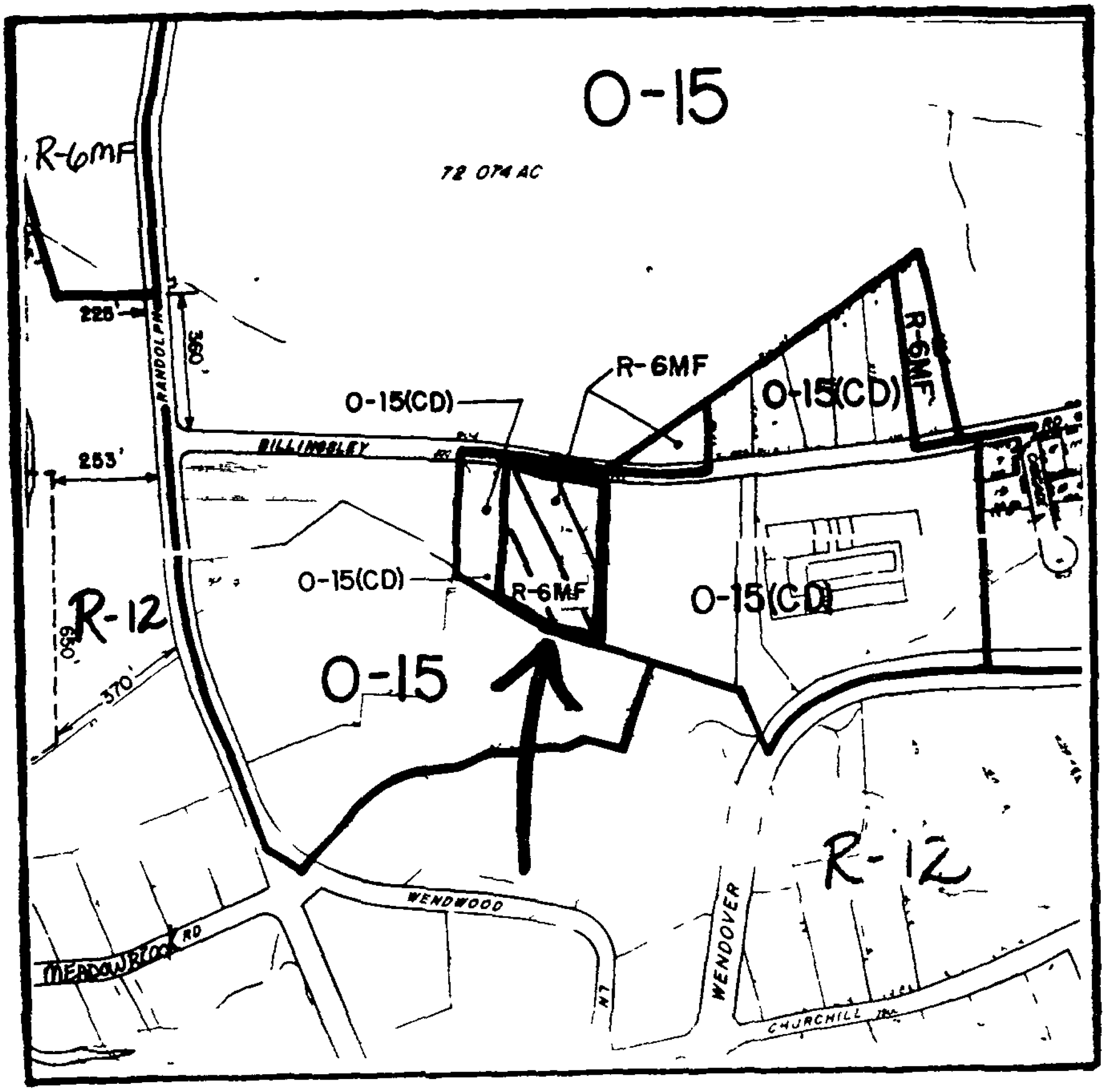
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte Eye Associates, PA

PETITION NO. 87-87 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED O-15 (CD)

LOCATION A 1.8 acre parcel located on the southerly side of Billingsley Road approximately 800 feet to the east of Randolph Road



ZONING MAP NO. 1 & 12

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-87

Petitioner	Charlotte Eye Associates, PA
Location	A 1 8 acre parcel on the southerly side of Billingsley Road approximately 800 feet to the east of Randolph Road
Request	Change from R-6MF to 0-15(CD)

ISSUES

1 Consistency With Existing Zoning Pattern If approved, how would this petition relate to the existing zoning pattern in the area?

2 Grier Heights Redevelopment Plan How does the rezoning relate to the redevelopment plan for this area?

BACKGROUND·

1 Existing Zoning The property involved in this petition is presently zoned R-6MF The site is surrounded by either 0-15 or 0-15(CD) zoning Two small tracts of property on the north side of Billingsley are also zoned R-6MF Farther to the east are other areas zoned R-6MF Elsewhere in the vicinity along Wendover, Randolph and other streets, the zoning pattern is mostly comprised of R-12 zoning

2 Existing Land Use The property is developed with a church The immediate area, however, is dominated by medical office or social service functions of Mecklenburg County To the east along Billingsley is the Grier Heights neighborhood which is a combination of single family, duplex and apartment development scattered among several streets To the south is single family development

3 Site Plan The conditional site plan proposes office development for the property A total of 18,400 square feet of building area is proposed One driveway to Billingsley Road is shown

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been nine (9) prior rezonings in the area of the subject property The attached map indicates their locations Case #1 was a 1972 rezoning from R-12 to 0-15 Case #2 was a 1972 rezoning from R-9 to 0-6 Case #3 was a 1974 change from R-6MF to 0-15 Case #4 was a 1974 conditional use approval Case #5 was a 1978 change from R-6MF, B-1, B-2, 0-15 and I-2 to R-6, R-9MF, 0-15 and R-12MF Case #6 was a 1983 change from R-6MF and R-12 to 0-15(CD) Case #7 was a 1984 0-15(CD) Site Plan Amendment Case #8 was a 1984 change from R-6MF to 0-15(CD) Case #9 was a 1986 rezoning from R-6MF to 0-15(CD)

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the area of the subject property is one of existing employment land uses Strategies for the area include the establishment of the greenway system along Briar Creek The basic theme for the South Mecklenburg area in general is the accommodation of future growth while not compromising the present quality of life

2 Grier Heights Redevelopment Plan The plan recognizes the subject property will ultimately be used for office purposes The proposed rezoning is in compliance with the Grier Heights Plan

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and encouraged the request based upon existing zoning patterns in the area as well as conformance with the Grier Heights Plan This petition was deferred from its original hearing date at the petitioner's request

4 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Standard comments which relate to development permits

3. Building Standards. No comment

4 Fire Department No comment

5 C-DOT Comments indicated a need for an easement on the site for the existing bus shelter in front of the subject property

5 Neighborhood Context This site is located in the area known as Wendover

DETAILED FINDINGS

1 This petition involves a tract of land slightly less than two acres in size which fronts on the south side of Billingsley Road approximately 800 feet to the east of Randolph Road The property is presently zoned R-6MF and the petitioner is seeking O-15(CD)

2 The petitioner plans a small office development on the site (For further details refer to Background #3)

3 The property is surrounded by office zoning Over the years, the immediate area around the site has been rezoned to office or office conditional through a series of petitions Only two other small tracts of land on the north side of Billingsley remain R-6MF in this immediate vicinity

4 Rezoning the property to O-15(CD) as requested will not only be consistent with the existing as well as anticipated zoning pattern, but it will also comply with the Grier Heights Redevelopment Plan. That plan also recognizes the fact that this parcel would eventually be used for office purposes

5 The site plan involved here is a rather simple one in that the subject tract is small and few conditions are imposed due to the fact that the area is developed for office purposes No screening is required, but some existing significant trees near Billingsley will be saved in accordance with site plan conditions The petitioner was advised of the need expressed by CDOT for an easement for the existing bus shelter but declined to include that easement on the site plan

6 This petition is viewed as a minor change to the overall pattern No disruption to the overall development pattern nor to the neighborhood setting is anticipated by the approval of this request

7. Based upon the above circumstances, the petition is encouraged for approval It is entirely consistent with area patterns and publicly adopted plans for the site However, the matter of the needed easement remains open

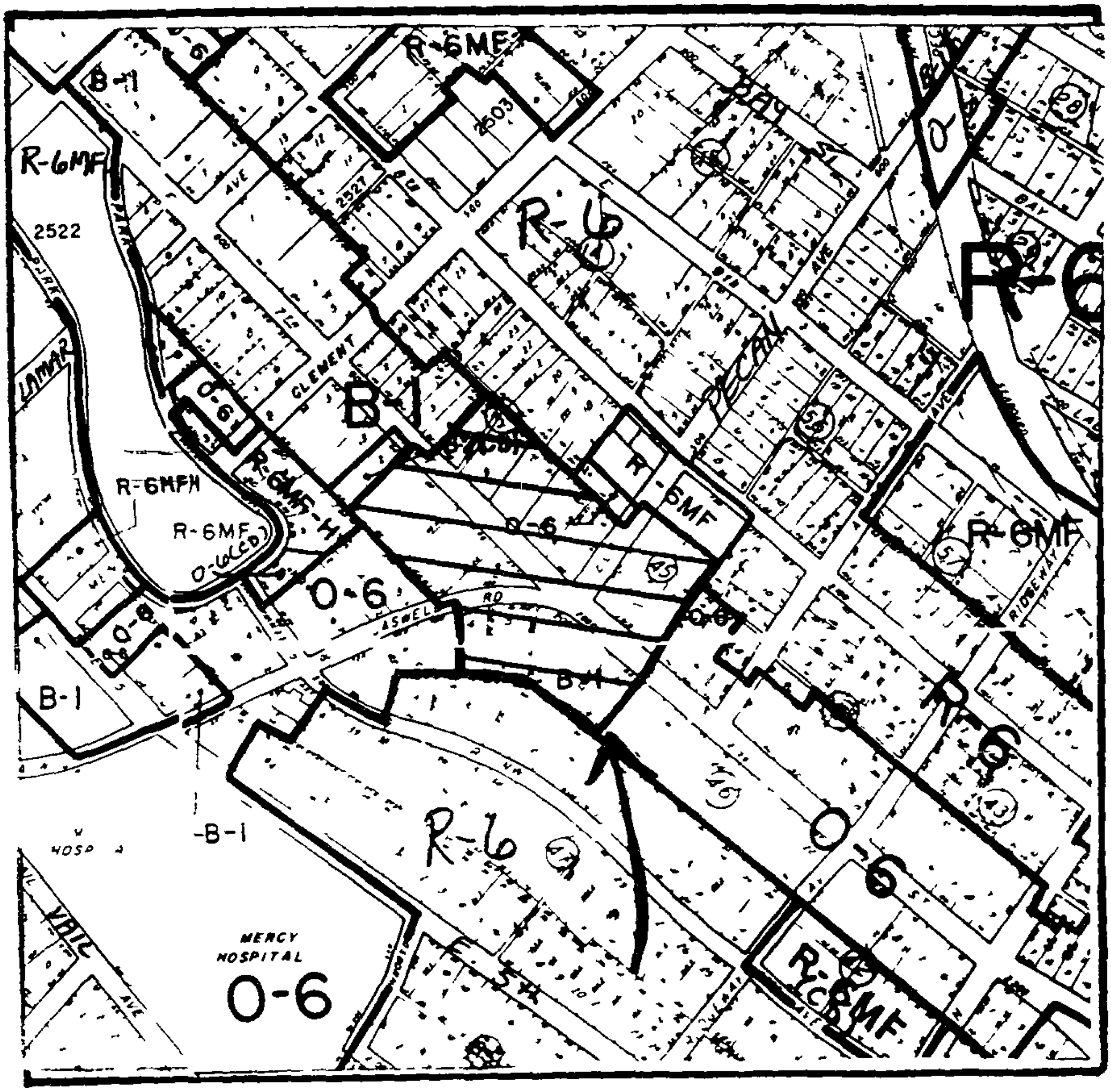
*Subject to further refinement following public hearing

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 87-88 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED UR-C

LOCATION 6.5 Acres located on all four corners of the intersection of Pecan Avenue and East Seventh Street



ZONING MAP NO. 101 & 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-88
Date Filed 11/2
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired: N/A

Deed Reference: See attached list Tax Parcel Number: See attached list

Location Of Property (address or description)

see attached sheet

Description Of Property

Size (Sq. Ft.-Acres): 6.541 Street Frontage (ft.)

Current Land Use: retail, office, parking, and institutional

Zoning Request

Existing Zoning: B-1 Requested Zoning: UR-C

Purpose of zoning change

To comply with the adopted Elizabeth Small Area Plan.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Com

Name of Petitioner(s)

Address of Petitioner(s)

336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

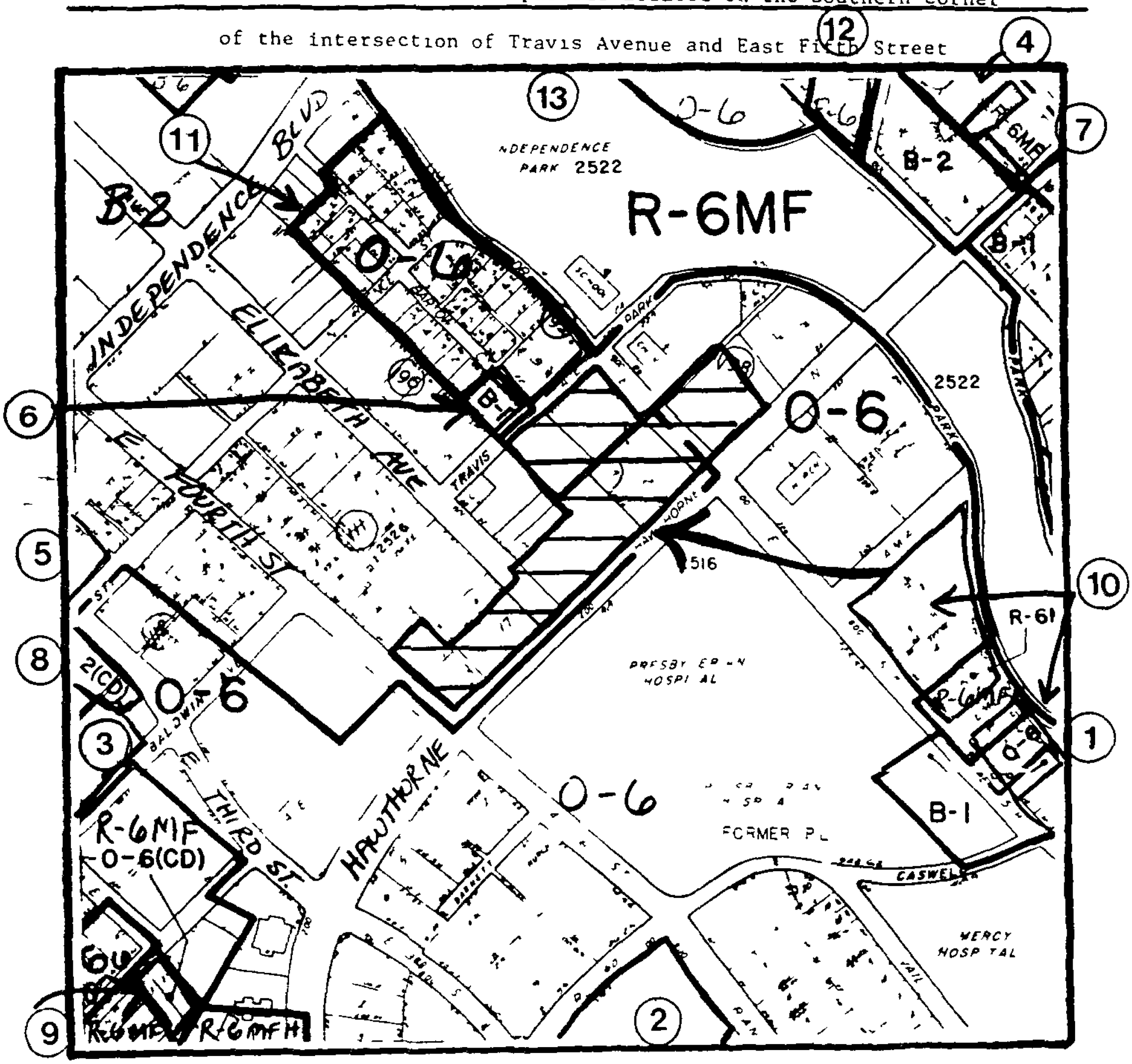
ELIZABETH CRC

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 87-89 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING O-6 and B-2 REQUESTED UR-C

LOCATION Approximately 5 acres located along the northwesterly side of Hawthorne Lane extending from East Fourth Street to just beyond East Fifth Street and 3 parcels located on the southern corner of the intersection of Travis Avenue and East Fifth Street



ZONING MAP NO. 10

SCALE 1" = 400'

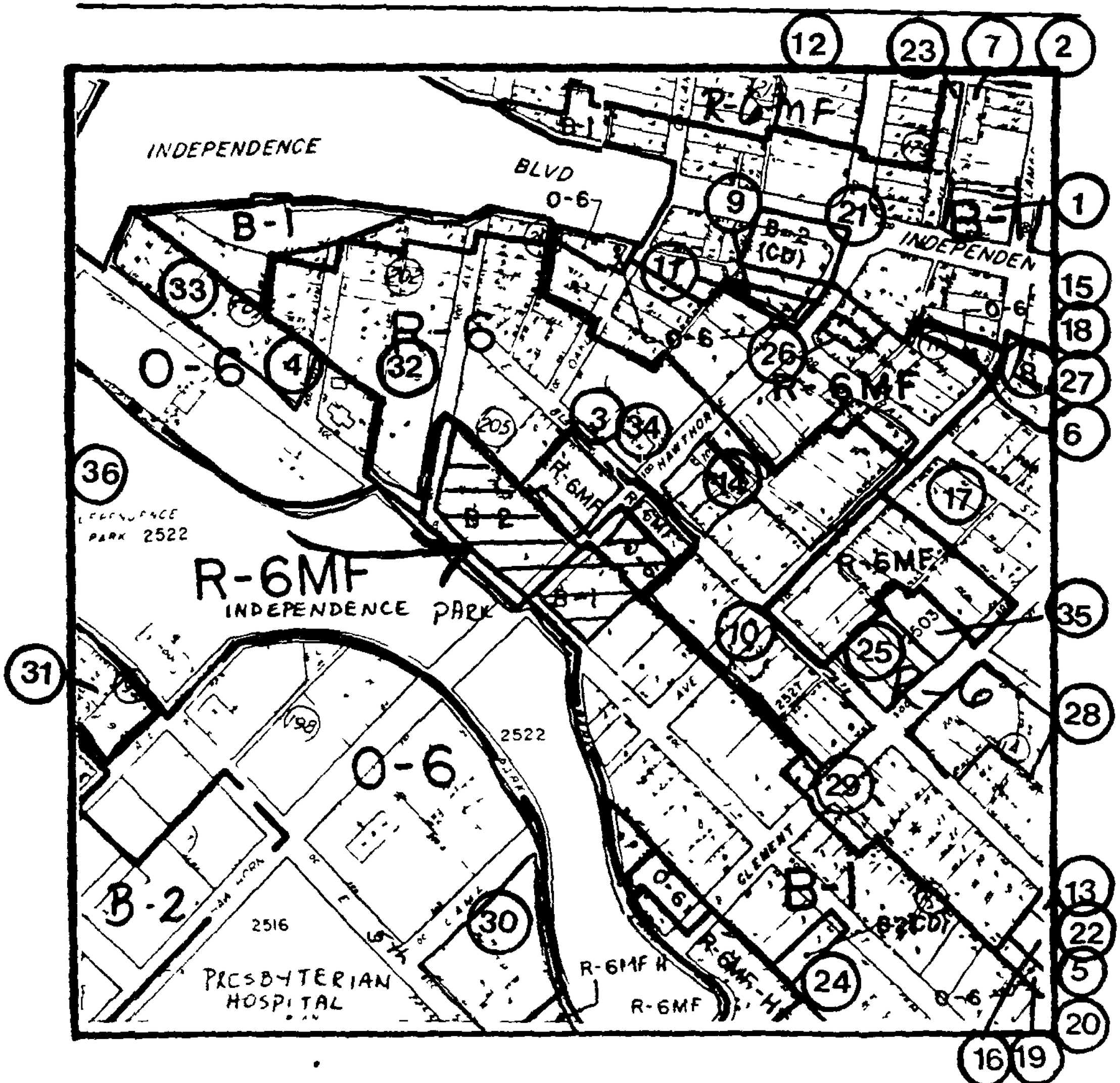
PROPERTY PROPOSED FOR CHANGE

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 87-90 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING B-1,B-2 & O-6 REQUESTED UR-C

LOCATION 2.8 acres located in the area of the intersection of Hawthorne Lane and East 7th Street



ZONING MAP NO. 101 and 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

ELIZABETH NEIGHBORHOOD REZONINGS

INTRODUCTION

The Elizabeth neighborhood was one of the first "suburbs" developed in Charlotte getting its beginning with the establishment of the Old Elizabeth College on the site of present day Presbyterian Hospital in 1897. The Elizabeth neighborhood is bounded by Randolph Road to the south, Brookshire Freeway to the west, Briar Creek to the east, and Tenth Street and the railroad tracts to the north.

In an effort to preserve the unique quality of the neighborhood, the City of Charlotte and the historic Elizabeth Foundation funded the Elizabeth Urban Design Plan and Transportation Study which was prepared by Land Design. After the completion of this document, the Charlotte-Mecklenburg Planning Commisison completed the Elizabeth Small Area Plan which was adopted by City Council on November 18, 1985. Both documents provide a framwork for the future of the neighborhood.

The Planning Committee recommended that the UR-C district be used in Elizabeth to develop the neighborhood mixed use districts recommended in the plan. A text amendment which provides for the UR-C district to be used outside of the freeway loop was recently adopted by the City Council. Therefore, petitions may now be initiated to implement some of the rezonings called for in this plan.

PRE-HEARING STAFF ANALYSIS

Rezoning Petitions No 87-88, 87-89, and 87-90

Petition No 87-88

This petition includes properties on all four quadrants of the intersection of Seventh Street and Pecan Avenue/Caswell Road All of the properties included in this request are presently zoned B-1 and the rezoning petition is to go from B-1 to UR-C The area covered by the petition is approximately 6 5 acres

The properties in this petition are essentially used for commercial and office purposes While some of the uses have a high turnover rate from time to time, the consistent pattern of development is for commercial and office uses Land to the west of the subject area along Seventh Street is generally zoned B-1 while land to the east along Seventh Street is zoned 0-6 Land to the north of the site along Pecan Avenue is generally zoned for residential uses, principally R-6 and R-6MF. Land to the south along Caswell Road is zoned for a mixture of uses including Office 0-6, R-6MFH High Density Multi-Family, and R-6 Single Family The land uses in the area are generally consistent with the zoning pattern with nonresidential uses along Caswell Road and the first block of Pecan Avenue and up and down East Seventh Street. The bulk of the remaining area is used for residential purposes including both single family, duplex, and multi-family uses

The Elizabeth Small Area Plan recommends the subject properties be rezoned from B-1 to a neighborhood business district classification to encourage the development of a neighborhood commercial center The purpose of this area would be to promote neighborhood commercial development in conjunction with residential development Elizabeth Urban Design Plan recognizes the neighborhood commercial focus and the "gateway" quality of the subject property The plan promotes commercial design guidelines and streetscape improvements for Seventh Street as well as improvements to Seventh Street itself including reconfiguring to three lanes and improving the curbs and gutters

UR-C District provides for a variety of commercial and residential uses to be located on the site side and even within the same structure This is just the sort of mix-use district of the Elizabeth Plan envisioned and, therefore, is appropriate for utilization in this situation Inasmuch as the UR-C provides for virtually the same list of uses as can normally be expected to be found in the B-1 classification, it is believe that only one nonconforming use will be created

Petition No. 87-89

This petition encompasses approximately 5 acres of land located along the northwesterly side of Hawthorne Lane extending from East Fourth Street to just beyond East Fifth Street and 3 parcels located on the southern corner of the intersection of Travis Avenue and East Fifth Street These properties are presently zoned either 0-6 or B-2 and are requested for rezoning to UR-C

The zoning in the surrounding area is essentially nonresidential in nature Land along Hawthorne Lane to the east, north, and south of the subject site is zoned 0-6. Land to the west of the subject site along Elizabeth Avenue, Fourth Street, and East Fifth Street is zoned in a combination of 0-6, B-1, and B-2 The land use in the area is also essentially nonresidential in nature The subject property is directly across the street from Presbyterian Hospital and St John s Baptist Church Properties to the west of the subject site are used almost exclusively for business and office uses There is a small concentration of residential uses in the vicinity of the Torrence Street/Park Drive intersection In addition, the Elizabeth Elementary School, recreation center, and churches adjoin the subject site

Elizabeth Small Area Plan recommends the subject property to be rezoned from 0-6 and B-2 to a neighborhood mix-use district classification to encourage the development of a commercial office gateway at the intersection of Elizabeth Avenue and Hawthorne Lane The purpose of this district is to promote neighborhood commercial development as specific locations in conjunction with residential development The UR-C district provides for just such a combination of uses by allowing for both free standing commercial and office uses as well as integrated uses in the single structure which could include business office and/or residential uses It is believe that only one nonconforming use would be created by this rezoning

Petition No 87-90

The area covered by this petition consist of approximately 13 lots on the northeasterly side of Seventh Street at its intersection with Hawthorne Lane The total amount of land included in this petition has approximately 2 8 acres The property in question is presently zoned a combination of 0-6, B-1, and B-2 districts and has a requested change as to UR-C Zoning in the surrounding area include 0-6 and B-1 zoning along Seventh Street to the west and east respectively, and a large concentration of R-6MF zoning to the south of Seventh Street Land to the north of the subject property is zoned a combination of single family and multi-family residential districts included R-6MF and R-6 Land uses surrounding the subject property are also mixed The uses along Seventh Street include business, office, and institutional uses Directly across from the subject site is the City's Independence Park Adjacent to the site to the north along Hawthorn Lane is a mixture of residential uses including single family and multi-family uses

Elizabeth Small Area Plan recommends the subject property be rezoned from 0-6, B-1, and B-2 to a new neighborhood mix-use district classification to promote neighborhood commercial development in conjunction with a residential development The plan recognizes the gateway quality of the Hawthorne Lane/Seventh Street intersection The UR-C classification proposed for this site will meet the objectives of the Elizabeth Small Area Plan and is believed it will create only one nonconforming use

SUMMARY

These three petitions all represent steps in the implementation of Elizabeth Small Area Plan All three petitions are in specific response for recommendations of the plan for the elimination of existing office and business zoning in favor of a district to provide for a neighborhood commercial center UR-C district can fulfill that need of providing for a variety of uses to be located on the same site and even within the same structure The UR-C district, being designed for a highly urbanized environment allows for greater utilization of the lot than any of the existing districts, especially in terms of reduced setback and reduced parking requirements Indeed, the UR-C district imposes a maximum amount of parking which can be provided on a given site This may prove to be limiting factor to certain land uses which are accustomed to providing a large amount of parking However, it must be recognized that this district is designed for a very intense urban environment and therefore restricts the amount land which can be devoted to the automobile.

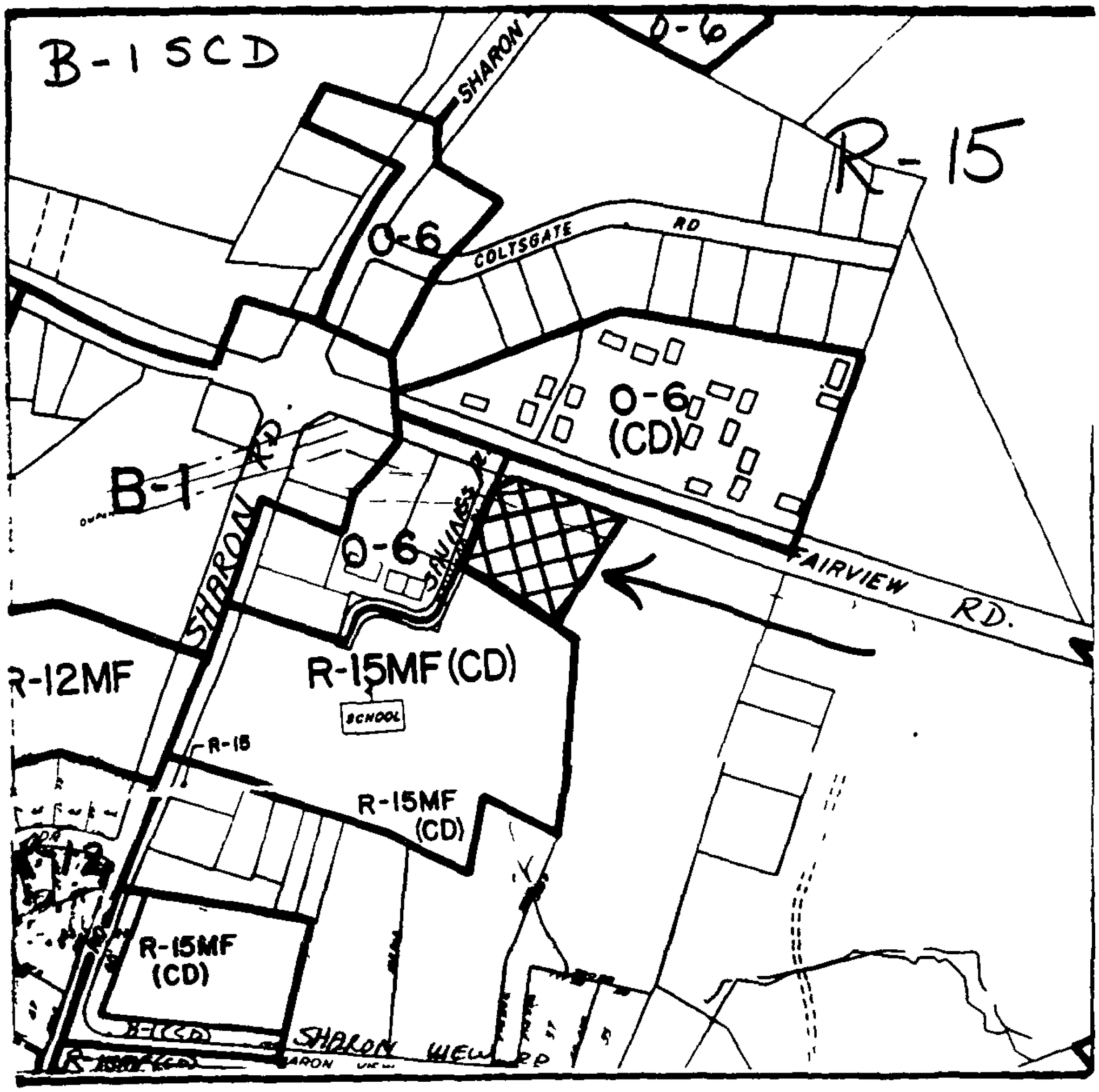
On the whole, the UR-C district provides for the land use flexibility called for in the Elizabeth Small Area Plan. All three petitions are recommended for approval

PETITIONER William W. Waters

PETITION NO. 87-91 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED O-6(CD)

LOCATION A 1.86 acre tract located on the southeast corner of the intersection of Fairview Road and Savings Place.



ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-91
Date Filed 11/2
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner WATERS CONSTRUCTION CO., INC.

Owner's Address 3850 Sharon View Road Charlotte, N.C. 28226

Date Property Acquired May, 1987

Deed Reference Book 5523, Page 366 Tax Parcel Number 193-133-02

Location Of Property (address or description) Corner of Fairview Road and Savings Place

Description Of Property

Size (Sq Ft -Acres) 1.866 acres Street Frontage (ft) 260.99 on Fairview Rd. 231.90 Savings Pl.

Current Land Use Vacant

Zoning Request

Existing Zoning R -15 Requested Zoning 06 CD

Purpose of zoning change Property and surrounding area no longer suitable for single family dwellings

Name of Agent

Agent's Address

Telephone Number

William W. Waters
Name of Petitioner(s)

3850 Sharon View Rd., 28226
Address of Petitioner(s)

366-5581
Telephone Number

William Waters
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-91

Petitioner	William W Waters
Location	A 1 86 acre tract located on the southeast corner of the intersection of Fairview Road and Savings Place
Request	Change from R-15 to O-6(CD)

ISSUES

1 What is the plan for the property and why is the rezoning required?

2 Site Plan. What features of the site plan are important in considering this request?

3 SouthPark Area Development Plans How does this petition relate to public plans for the SouthPark area?

BACKGROUND.

1. Existing Zoning. The property involved in this petition is presently zoned R-15. Properties to the east of the subject site along Fairview Road are also zoned R-15. Properties directly across Fairview Road and across Savings Place from the subject property are zoned O-6 Properties elsewhere in the general area of the Sharon/Fairview Road intersection are zoned O-6, B-1, and B-1SCD In addition, there are areas zoned for multi-family housing including areas zoned R-12MF and R-15MF(CD) The petitioner request a change to O-6(CD)

2 Existing Land Use The subject property is presently unoccupied Properties to the east along Fairview Road are also largely undeveloped Properties in the vicinity of the Sharon Road/Fairview Road intersection are used for a variety of purposes including multi-family housing, office, and business uses In addition, to the south along Sharon Road and Sharonview Road are concentrations of single family housing

3 Site Plan The site plan which accompanies this rezoning request proposes the construction of five, two story office buildings totaling 32,000 square feet The site plan indicates access to the site would be gained through two driveways from Savings Place Required screening would be provided through a six foot brick wall on the southerly property line and with natural plantings on the eastern property line. The plan also shows through illustration the placement of a number of large trees along the perimeter of the site but there is no notation to specify that as a requirement The plan is similar to a plan for this site which was considered for rezoning approximately two years ago except that the present proposal includes more floor area and one more building than the plan originally considered

4 Zoning History (See Attached Map) There have been a large number rezoning cases in the vicinity of the subject property The most recent cases include numbers 12 and 13 on the attached map which were rezonings from R-15 to O-6(CD) approved in 1981 Case 14 involves a Site Plan Amendment to the previously approved O-15(CD) which was approved in 1983 Case 15 was a request from R-15 to O-6(CD) for the subject property which was denied in 1985 Case 16 was a request for rezoning from R-15 to O-6 which was denied in 1984 Case 17 was a request from R-15 to R-15MF(CD) which was approved in 1984 Case 18 was a request for rezoning from R-15 to B-1(CD) and R-15MF(CD) which was approved in 1985 Case 19 was a request for rezoning from R-15 to B-1(CD) which was denied in 1986 Case 20 was a request for a B-1SCD Site Plan Amendment and a rezoning from O-6 to B-1SCD which was approved in 1986.

5. School Information N/A.

GENERAL FINDINGS.

1 2005 Plan The 2005 Plan indicates the area of the subject property as existing residential land uses Strategies for the area include Colony Road Extension from Sharon Road to Rea Road

2 SouthPark Land Use Study The SouthPark Land Use Study indicates that nonresidential activities and land uses should be confined to the immediate area of the Fairview Road/Sharon Road intersection and should not be allowed to spread out along Sharon Road and Fairview Road The plan recognized that Savings Place created a logical, physically stopping point for nonresidential zoning and should serve as the transition point for land uses from nonresidential to residential uses The plan recommended that the subject property as well as properties to the east along Fairview Road should be developed for multi-family residential uses

3 Pre-Hearing Staff Input Staff noted in discussion with petitioner that the two year limitation on the rehearing of a denied rezoning request expired in November of this year The staff did not encourage this petition to be filed Subsequent to the filing of the application the staff met with petitioner to discuss technical deficiencies in the site plan

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department The Fire Department indicates that the petitioner must install a hydrant on the site

3 CDOT CDOT indicates that eventhough the traffic generation from the site will go up substantially, as a factor of the overall traffic in the area the increase is insignificant They note that the level of service of the Fairveiw/Sharon Road intersection is already at level F In addition, they note that the petitioner must reserve a 10 foot

sidewalk/utility/construction easement along Fairview Road due to future road widening plans. They expressed concern about the number of u-turns which will be generated by this site at the Fairview Road/Sharon Road intersection at note that median opening will not be provided at Savings Place

4 Building Standards Department Building Standards indicates a number of deficiencies with the site plan including an inadequate number of parking spaces and no information regarding the types of office uses or signage to be proposed on a site

5 Engineering Department The Engineering Department notes that this type of land use normally would have access from a commercial type street on a 60 foot right-of-way Savings Place is a residential type street on a 40 foot right-of-way The Engineering Department recommends that the developer design and construct the appropriate type of commercial street in order to serve this property if the rezoning is approved.

6 Planning Staff. The planning staff offered several comments on the site plan including the need for more information regarding specific type of uses, number of parking spaces, and the need to break up the large parking lots into smaller areas through the use of landscaping They note that the plan does not provide adequate information to the streetscape of the proposal along Fairview Road

5. Neighborhood Context. The site is located in an area defined as the Governors Square Neighborhood

DETAILED FINDINGS

1 The petition involves a 1.86 acre tract located at the southeast corner of the intersection of Fairview Road and Savings Place The petitioner seeks the rezoning of this site from R-15 to O-6(CD) to accommodate office development

2 The land use pattern for the area of the subject site involves a concentration of commercial and office uses around the intersection of Sharon Road and Fairview Road Along Sharon Road to the south of the subject property can be found multi-family housing and single family housing Along Fairview Road to the east of the subject property the land is largely vacant The zoning surrounding the subject property concentrates office and business categories around the intersection of Sharon Road and Fairview Road Multi-family and single family categories adjoin the site to the east and south

3 The conditional site plan which accompanies the application proposes five office buildings limited to a total of 32,000 square feet The plan proposes that access to the site would be gained with two driveways from Savings Place (See Background No 3 for more detailed information) The plan is similar though slightly more intense than the plan for the site which was previously considered and turned down in 1985

4 Publicly adopted development plans for the SouthPark area indicate that Savings Place is a logical physical barrier between the nonresidential concentration around the Fairview Road/Sharon Road intersection and land to the east along Farview Road which would be developed for residential purposes This policy weighted heavily in a decision in 1985 to reject a similar rezoning request for this site Since that time, no changes in that public policy have been adopted and the land use and zoning conditions in the area are essentially unchanged It is for that reason that the staff discourage the petitioner from filing this application Until such time as the public policies for the area are amended, this petition and any other petitions for rezoning must be considered under the existing policies In view of the development pressures in the SouthPark area as evidence by a considerable amount of new construction along Fairview Road and Barcley Downs Road, a comprehensive look at the entire SouthPark area should be initiated. Until that study is completed and adopted, this rezoning petition as well as others which might be forthcoming which are inconsistent with present policy should be denied

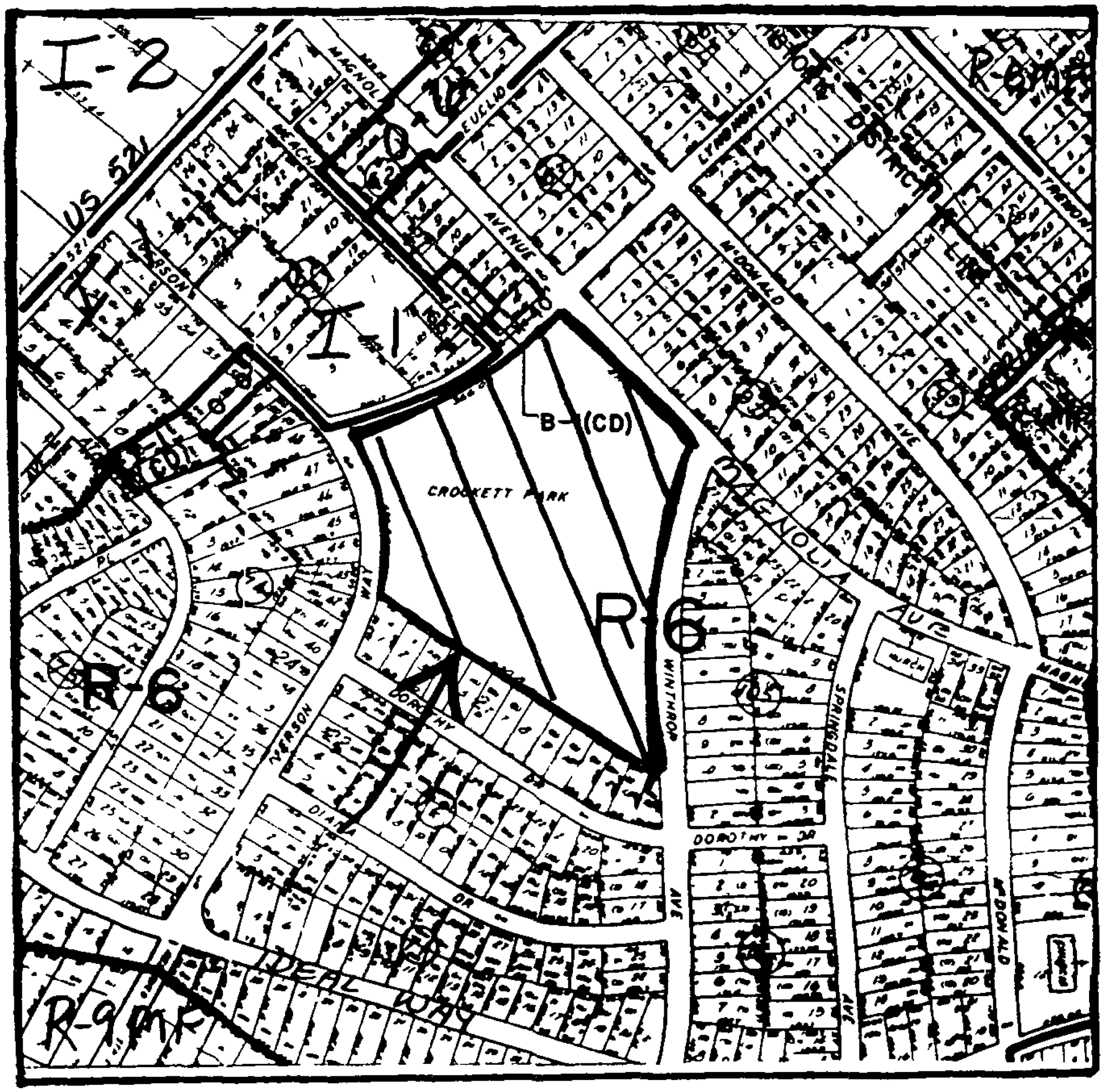
*Subject to further refinement following public hearing.

PETITIONER MECA Properties, Inc.

PETITION NO 87-92 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED UR-3(CD) & R-20MF (Innovative)

LOCATION A 12.5 acre site (Crockett Park) bounded by Lyndhurst Avenue, Magnolia Avenue, Winthrop Avenue and Iverson Way.



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-72
Date Filed 11/2
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner MECA Properties

Owner's Address 737 East Boulevard, Charlotte, NC 28203

Date Property Acquired September 30, 1987

Deed Reference Book 5608 - Page 237 Tax Parcel Number 121-073-15

Location Of Property (address or description)

Old Crockett Park

Description Of Property

Size (Sq Ft -Acres) 1224 Street Frontage (ft)

Current Land Use Recreational - Ball Field

Zoning Request

Existing Zoning R-6 Requested Zoning UR3-CD R-20 MF (innovative)

Purpose of zoning change To enable the development of residential and mix use community of 192 units utilizing the characteristics of the existing Dilworth neighborhood.

To be named
Name of Agent

Agent's Address

Telephone Number

MECA Properties, Inc.
Name of Petitioner(s)

737 East Boulevard, Charlotte, NC
Address of Petitioner(s)

332-4658
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-92

Petitioner	MECA Properties, Inc
Location	A 12 5 acre site bounded by Lyndhurst Avenue, Magnolia Avenue, Winthrop Avenue and Iverson Way (Crockett Park)
Request	Change from R-6 to UR-3(CD) & R-20MF(Innovative)

ISSUES

1 Infill Development How does the proposed use of this site integrate with the existing community?

2 Site Plan What are the unique features of this site plan which should be recognized in reviewing this application?

3 Innovative Development. What special features of this proposal warrant consideration for innovative development and the utilization of the UR-3 the urban residential districts outside the center city?

BACKGROUND.

1. Existing Zoning The site is presently zoned R-6 as is the vast majority of properties to the south, southeast, north, and northeast Immediately adjacent to the tract to the west is an area zoned for I-1 which extends toward South Boulevard and a larger concentration of industrial office and business zoning categories

2 Existing Land Use The property is surrounded on three sides by existing single family development Some distance from the site along Magnolia Avenue are multi-family and duplex housing units and commercial uses including the new Kroger along Park Road Directly adjacent to the site to the west is an area used for industrial purposes and further the the west along South Boulevard is a wide range of commercial and manufacturing uses The site itself is presently the location of Crockett Park

3 Site Plan The petitioner proposes a residential community composed of 54 units of detached housing on small lots and 138 units of multi-family housing The plan utilizes a combination of public and private streets and a mixture of housing styles including zero lot line housing, duplex, and single family detached housing, as well as multi-family The plan proposes to locate higher density multi-family housing towards the center of the site with the perimeter of the site adjoining the existing residential community to be developed in a lower density single family residential character The overall project density is approximately 15 units per acre Inasmuch as the site is presently the location of Crockett Park, the site plan also indicates extensive use of planning and landscaping including major tree plantings along all the street frontages

4 Zoning History (See Attached Map) There have been a number or rezonings in the area of the subject property Case 1 involved a change from R-6 to I-1 which was approved in 1965. Case 2 involved a change from 0-6 to I-1, and I-1(CD) which was approved in 1975 Case 3 involved a change from 0-6, I-1(CD) and I-1(CD) Site Plan Amendment This rezoning was approved in 1982 Case 4 involved a rezoning from R-6 to B-1(CD) which was approved in 1976 Case 5 involved a change from R-6MF to R-6 which was approved in 1983

5 School Information

School		Capacity	Enrollment
Elementary.	Dilworth	572	619
Junior High·	Sedgefield	900	548
Senior High·	Myers Park	1,685	1,804

GENERAL FINDINGS.

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property. The strategies for the area include streetscaping improvements along South Boulevard

2 Dilworth Small Area Plan The subject property lies within the scope of the Dilworth Small Area Plan but that plan does not make any specific recommendations regarding the subject property.

3 Pre-Hearing Staff Input The planning staff has been involved with discussions on this petition for a number of months. The petitioner conducted a planning exercise involving the staff and the Dilworth community organization in order to develop a proposal which is embodied in this petition Subsequent to the filing of the application, staff has advised the petitioner of a number of minor changes which need to be made to the site plan for technical purposes

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department The Fire Department indicates that the existing water supply appears sufficient to support the anticipated demands of the area

3 Building Standards Department A note needs to be added to the plan for that portion zoned UR-3(CD) indicating the maximum floor area ratio which would be permitted on the site In addition, more information or clarification is needed regarding setbacks on some portions of the site plan

4 Engineering Department Engineering Department expressed some concerns about the detailed designs of the streets In addition, the Engineering Department strongly urge that the petitioner be asked to commit to provide a storm water management system for the entire site which would accommodate and/or reduce the impact of increase run off into the surrounding neighborhood

5 CDOT CDOT indicated the need for more specific information about the cross sections of the divided street In addition, they requested that the streets be labeled public or private and that those streets which would provide for on street parking be of a certain specific dimension

6. Planning Staff The planning staff has a number of detailed questions about the site plan itself In addition, the staff noted that UR-2 Zoning might be more appropriate for this site.

5. Neighborhood Context. The proposed rezoning is located in the Dilworth neighborhood

DETAILED FINDINGS.

1 This petition involves a 12 5 acre tract in the Dilworth community which is presently the site of Crockett Park The petitioner seeks a rezoning of the site from R-6 to UR-3(CD) and R-20MF Innovative in order to develop 138 multi-family units and 54 single family and duplex units. The overall density is 15.3 units per acre.

2 The petitioner has filed a conditional site plan indicating the the configuration of multi-family housing in the center of the site surrounded by lower density single family attached and duplex housing on the perimeter of the site (for detailed description see Background No 3)

3 The land use and zoning patterns for the surrounding area are essentially the same The site is surrounding on three sides by areas which are zoned for and used for residential purposes To the west of the site is an area which is zoned for and used for industrial and business purposes along South Boulevard The subject of the site falls squarely between these two divergent land use areas and is bounded on three sides by residential uses and on the fourth side by industrial uses

4 The petitioner conducted an exhaustive planning study to develop the plan that accompanies this application This study took place over a number of months and involved representatives from the planning staff and the Dilworth Community Development Association This exercise included an analysis of uses and conditions both on the site and surrounding properties, inclusion of concerns and objectives for the Dilworth Community Development Association, and specific technical concerns of the planning staff Considerable time was spent by the petitioner to ensure that this infill location adequately addressed the concerns of surrounding properties and indeed the design of the edges of the site address not only the size but the scale and the rhythm of the single family uses which adjoin the site

5 The plan includes a mixture of single family detached and duplex housing units of varying lot sizes which are incorporated into the R-20MF (Innovative) portion of the petition. The multi-family portion of the site, which is contain within its interior, is developed at a density which could normally be considered too high for such a location However, the sensitive treatment of the site itself, the inclusion of a significant tree planting program, and the utilization of both public and private streets to accommodate the necessary parking reduces both the overall impact of the multi-family housing as well as the overall site density The petitioner chose to utilize UR-3 zoning district in order to take advantage of the higher densities which it affords and to create more of an urban housing setting rather than a suburban housing setting within the inner city On the whole, this plan represents not only an appropriate but thoughtful use of the Crockett Park site and is recommended for approval

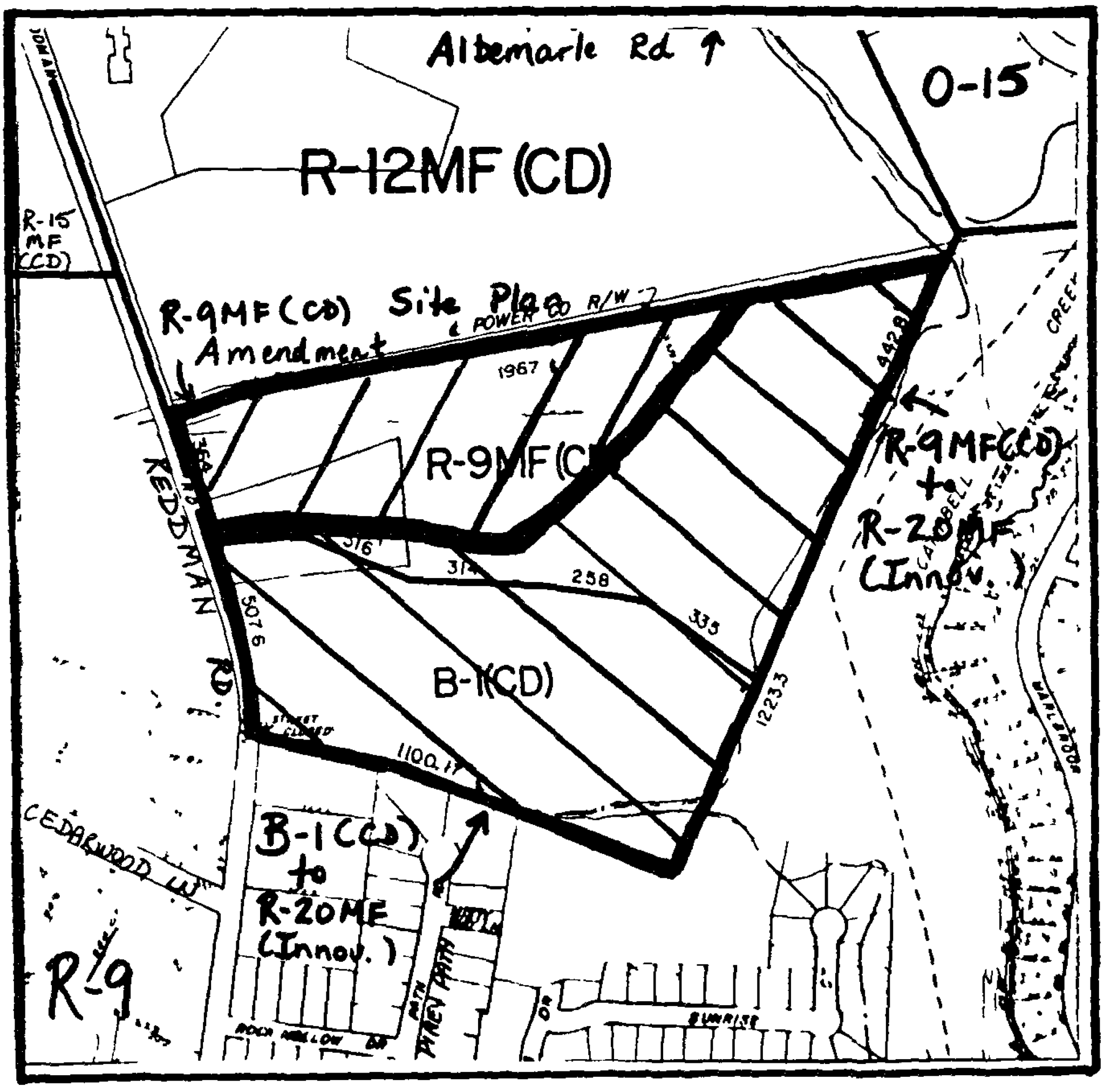
*Subject to further refinement following public hearing.

PETITIONER Butterfly Seven Ltd., Inc.

PETITION NO 87-93 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-9MF(CD) and B-1(CD) REQUESTED R-20MF(Innovative) and an ~~R-9MF(CD) Site Plan Am~~endment

LOCATION Approximately 40 acres located on the eastern side of Reddman Road approximately 2600 feet south of Albemarle Road and just north of Cedarwood Lane.



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-93
Date Filed 11/2
Received By
OFFICE USE ONLY

Ownership Information

Property Owner: Melvin F. Graham

Owner's Address: 7707 Park Road
Charlotte, NC 28210

Date Property Acquired: September 14, 1987

Deed Reference: 1624-189, 3920-630

Tax Parcel Number: 133-131-01 & 05, 133-101-07

Location Of Property (address or description)

Off Reddman Road - known as the Greenway Nursery

Description Of Property

Size (Sq Ft.-Acres): Approximately 40 acres

Street Frontage (ft.): 551.65'

Current Land Use: Greenway Nursery

Zoning Request

Existing Zoning: R-9MF(CD) & B-1(CD)

Requested Zoning: R-20MF Innovative and R-9MF(CD)

Purpose of zoning change: To enable construction of multi-family and single-family developments

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Butterfly Seven LTD., Inc.

Address of Petitioner(s): 4806 Park Road
Charlotte, NC 28209

Telephone Number: 704-527-8853

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-93

Petitioner	Butterfly Seven Ltd , Inc
Location:	Approximately 40 acres located on the eastern side of Reddman Road approximately 2,600 feet south of Albemarle Road and just north of Cedarwood Lane.
Request.	Change from R-9MF(CD) and B-1(CD) to R-20MF (Innovative) and an R-9MF(CD) Side Plan Amendment.

ISSUES:

1 Purpose for the Rezoning. Why is this rezoning needed and what changes are proposed to the existing conditional plan?

2. Site Plan. What features of the proposed site plan are worthy of consideration for innovative development approval?

BACKGROUND

1. Existing Zoning The subject property is presently zoned a combination of R-9MF(CD) and B-1(CD) These classifications were approved in 1983 and were part of a larger overall zoning configuration for the Reddman Road area Land to the north along Reddman Road towards Albemarle Road is also zoned for multi-family uses including R-15MF(CD) and R-12MF(CD) classifications. Land to the south and east to the subject property is zoned for single family uses in an R-9 category Land to the north and east along Albemarle Road is zoned for a combination of business and office uses with a large concentration of O-15 zoning adjacent to subject tract along Executive Center Drive

2. Existing Land Use. The subject property is presently the site of the Greenway Nursery. Land uses generally to the north of the site include a variety of multi-family uses, office uses and business uses with their orientation toward Reddman Road and Albemarle Road. Land uses generally to the south of the subject site is almost exclusively single family residential subdivisions. The Campbell Creek floodplain and associated greenway borders the site to the east

3 Site Plan. The site plan indicates the conversion of a large portion of the B-1(CD) and R-9MF(CD) zoned areas to R-20MF (Innovative) to accommodate 126 single family units on the small lots. The remainder of the site zoned R-9MF(CD) is proposed to be amended to a new multi-family plan to accommodate 104 multi-family units. The single family area and a multi-family areas each have access to Reddman Road via a single street type connection. The plan for the single family portion of the site also includes an amenity area to be located along the southerly property line and connecting to the Campbell Creek floodway

4. Zoning History (See Attached Map). There have been a number of previous rezonings in the area of the subject property The attached map indicates their locations The first case involves a request to rezone properties from R-9 to R-9MF which was denied in 1971 The second case is that of the subject property which was rezoned from R-9 to R-9MF(CD), O-15(CD) and B-1(CD) in 1983 The third case was a request to rezone properties from R-9 to R-12MF(CD) which was approved in 1983 also. The fourth request was a similar petition to rezoned land from R-9 to R-15MF(CD) which was approved 1983 The fifth request was another petition to rezone from R-9 to R-15MF(CD) which was denied in 1984 A request to rezoned land from O-15(CD) to R-9MF(CD) and R-9MF(CD) site plan amendment was approved in 1984. This petition also involved a portion of the subject site

5. School Information.

School	Capacity	Enrollment
Idlewild Elm (K-3)	572	489
Lincoln Heights Elm. (4-6)	572	498
Albemarle Road Jr. High	950	872
Independence Senior High	2020	2193

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates existing residential uses for the area of the subject property and proposes an extension of the county greenway system along Campbell Creek. There are no specific transportation improvement program projects in the area of the subject site

2 Albemarle Road Small Area Plan The Albemarle Road Small Area Plan recommends that the area of the subject property be developed at an overall density of 8 dwelling units per acre with densities ranging from 6 units per acre to 10 units per acre. Single family attached dwellings are recommended in order to provide additional opportunities for home ownership.

3. Pre-Hearing Staff Input The staff met with the petitioner and advised the petitioner on the preparation of the application Subsequently to filing the application the staff contacted the petitioner regarding a number of deficiencies in the site plan

4 Pre-Hearing Departmental Comments (Summary)

1 CMUD Water and sewer services is available to the site

2 Fire Department Existing water supply and pressures will not provide the quantity of water necessary for fire protection of the proposed multi-family development Options include installations of sprinklers in the multi-family housing or the installation masonry fire walls in the multi-family buildings

3. Building Standards Department Building Standards Department indicated that more information is needed, especially regarding the multi-family site plan amendment relative to play space and parking spaces

4. Department of Transportation. The Department of Transportation raised the issue of the termination of Reddman Road. The existing approved conditional plan for the site calls for the realignment of Reddman Road into the site and asked the petitioner to consider adhering to this originally approved alignment

5. Planning Staff. Planning staff raised a number of detailed issues regarding both a single family and multi-family site plans. Concerns were expressed about the existance of buffers between single family lots, the amenities to be placed in a open space area of a single family site, need to clarify a number of conditional notes on the site plan, and the overall assessment that the multi-family site plan as submitted does not meet the minimum requirements of the ordinance

5. Neighborhood Context. This petition is located in the neighborhood defined as Coventry Woods.

DETAILED FINDINGS.

1 The petition involves approximately 40 acres of land on the easterly side of Reddman Road south of Albemarle Road. The site is presently zoned R-9MF(CD) and B-1(CD) The petitioner requested an R-9MF(CD) site plan amendment and a rezoning of a portion of the R-9MF zoned area and the B-1(CD) zoned area to R-20MF Innovative

2. The petitioner has filed a conditional plan indicating the R-20MF (Innovative) area would be composed of single family detached housing on small lots. The R-9MF(CD) site plan amendment would retain a portion of his present zoning for approximately 104 multi-family housing units. The plan indicates the provisions of a amenity area along the southerly side of the single family portion of the tract connecting to the Campbell Creek Greenway to the east The innovative zoning is requested to allow single family detached housing in the R-20MF district

3 The existing land use in the area reflects the existing zoning pattern Land generally to west and north of subject site is zoned for and used for multi-family, business, and office uses Land generally to the east and south of the site is zoned for and used for single family detached housing

4 The existing approved zoning on the site would allow for a small shopping center composed of speciality shops totalling 40,000 square feet and garden center for that area where the Greenway Nursery is presently located. In addition the R-9MF(CD) portion of the site would accommodate approximately 200 residential units The existing plan calls for the realignment of Reddman Road to the east of its present position and terminating it in the center of the site with a cul-de-sac. The petitioner's proposal would leave Reddman Road at its present location and access the

multi-family and single family portions of the site with individual streets. The Department of Transportation has indicated that the petitioner should realign Reddman Road as shown in the existing approved plan

5. On the whole, this petition represents an improvement to the land use patterns for the Reddman Road area. The inclusion of a commercial area away from a major thoroughfare in the heart of a residential community can often lead to a compatibility problem with adjoining properties This proposal would eliminate the previously approved commercial area and remove the existing Greenway Nursery in favor of essentially a single family development. The total number of housing units would increase from roughly 200 to roughly 300 units However, that change cements the residential character for Reddman Road and essentially completes the development in that portion of the community While there are a number of technical issues that still needs to be resolved with the site plan, those issues are not fundamental to the overall concept of this zone change. Therefore, this petition is recommended for approval

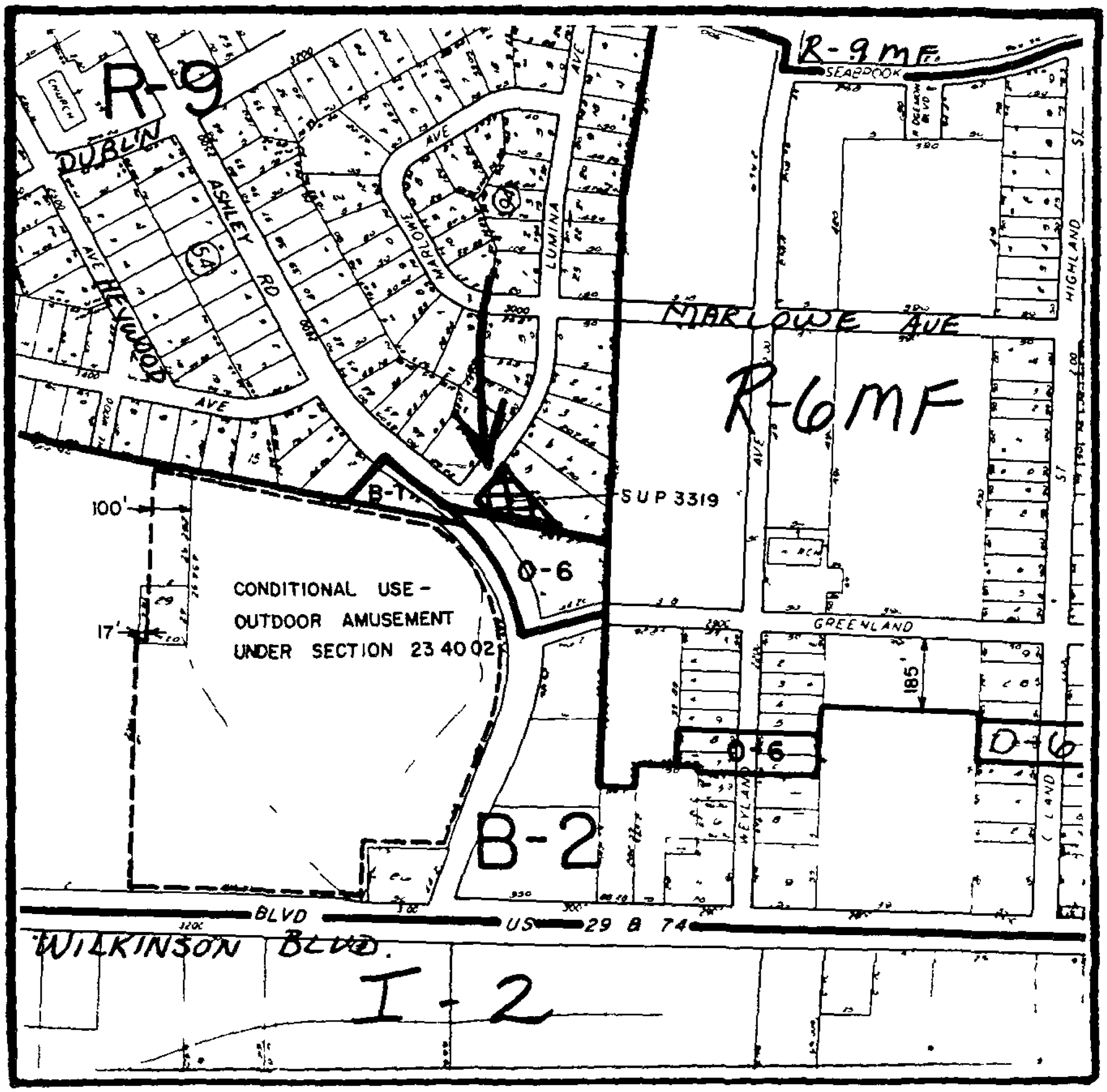
*Subject to further refinement following public hearing

PETITIONER Roger and Connie Green

PETITION NO 87-94 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-9(SUP for Day Care) REQUESTED O-6(CD)

LOCATION A 19,027 square foot lot located at 2701, Ashley Road on the southeasterly corner of the intersection of Ashley Road and Lumina Avenue.



ZONING MAP NO. 103 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-94
Date Filed 11/2
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: THE ANGEL'S DAY CARE CENTER

Owner's Address: 2701 ASHLEY ROAD - CHARLOTTE, NORTH CAROLINA 28208

Date Property Acquired: NOVEMBER 1984

Deed Reference: D1B116 409 2701 Ashley Road Tax Parcel Number: 06706506

Location Of Property (address or description) 2701 Ashley Road - Charlotte, NC

Description Of Property

Size (Sq. Ft.-Acres): 285.9X213.27X256.11 (Dia.Shpe.) Street Frontage (ft.): 285.09

Current Land Use: Day Care Center - Pursuant to Special Use Permit (100.)

Zoning Request

Existing Zoning: R-9 Single Family Requested Zoning: O-6 C-D (CONDITIONAL)

Purpose of zoning change: To provide Evening and Night Care for Second shift parents, as well as, weekend and Sunday Care for parents who work such jobs as; hospitals, Law Enforcement, and factory workers. Rezoning will also provide a buffer between a Commericial and Residential District. Based upon Development in this area, the Property is unsuitable for a residential living. (See attached)

Name of Agent

Agent's Address

Telephone Number

Roger and Donna Green
Name of Petitioner(s)

2701 Ashley Road-Charlotte, NC
Address of Petitioner(s)

394-2742 or 393-2369
Telephone Number

Roger R. Green
Signature

Signature of Property Owner if Other Than Petitioner

87-94

REZONING APPLICATION (CONCL.)

In that it is situated on a Corner lot, Adjacent to a shopping Center, Banks, Convience Store and a lot that is currently Zoned 0-6, but un-developed.

One-Half of the block in which the property is situated is Zoned 0-6, without any condition and the only division between the two parcels is a Power Line Right-Of-Way.

If the petition is granted, the use of the property will not be changed, it will still be used for Day Care, but will allow the petitioner to refine its program and to possible expand to meet the needs of the Adjacent Community.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-94

Petitioner	Roger and Connie Green
Location	A 19,027 square foot lot located at 2701 Ashley Road on the southeasterly corner of the intersection of Ashley Road and Lumina Avenue
Request	Change from R-9 to O-6(CD)

ISSUES

1. Purpose of the Rezoning. What is the change in the use in this property that requires a rezoning?

2. Site Plan How does the site plan submitted with this application relate to the minimum standards of the ordinance and to the existing use of the property?

3 Relationship to Adjoining Properties How does the proposed use of this site relate to adjoining properties and what steps would be taken to mitigate any negative impact?

BACKGROUND

1 Existing Zoning The property in question is presently zoned R-9, a single family classification In addition the property is covered by a special use permit which allows the building on the site to be used as a day care center This special use permit was approved in September of 1985 Zoning in the surrounding area includes a concentration of business zoning along Wilkinson Boulevard to the south of the subject site Properties adjoining the subject site to the north are zoned for R-9 single family purposes and properties to the east of the subject site are zoned R-6MF for multi-family use

2 Existing Land Use The site is presently occupied by a day care center subject to the special use permit approved in 1985 The day care center is a converted brick house with fenced play area to the rear The special use permit indicates that the maximum number of children that can be accommodated on the site is 40 Other land uses in the area generally parallel the zoning pattern Property generally to the south of the subject site along Wilkinson Boulevard are of a commercial and office nature Properties to north along Ashley Road are largely single family uses and properties to the east along Greenland and Marlowe Avenues are a mixture of multi-family and single family uses

3 Site Plan The site plan submitted with this application is essentially the same plan submitted for the special use permit in 1985 The only apparent changes are an addition to the existing structure and the increase in the maximum number of children from 40 to 95 No additional information is provided as to how other ordinance standards would be met The petitioner indicates on their application that another purpose of the rezoning would be to allow for the day care center to operate in the evenings and on weekends which would not normally be allowed in a residential district

4 Zoning History (See Attached Map) There have only been a few rezoning actions in the vicinity of the subject property in a number of years One case involved a rezoning from B-1 to B-2 which was approved in 1969 A second case involved the rezoning of a B-2 tract to a conditional use for outdoor amusement which was approved in 1974 The third land use decision in this area was the approval a special use permit for the day care center on the subject property in 1985

5 School Information. Not applicable

GENERAL FINDINGS:

1 2005 Plan The 2005 Plan indicates that existing residential land uses in the area should be maintained and recognizes Queensgate Shopping Center as a community commercial center for the area Strategies for area includes streetscape improvements on Wilkinson Boulevard.

2 Wilkinson Boulevard Special Project Plan The subject property lies immediately north of the study boundary of that plan However, the plan recommends supporting Wilkinson Boulevard as an employment corridor and protecting surrounding residential neighborhoods from encroaching non-residential uses

3 Westerly Hills/Ashley Park Small Area Plan The Westerly Hills/Ashley Park Small Area Plan identified land use and zoning conflicts in the Wilkinson Boulevard Corridor It recommends rezoning areas which are presently used as an office buffer between the commercial and residential uses to the north

4 Pre-Hearing Staff Input The staff discussed this petition on a number of occasions with the petitioner and, subsequent to the filing of the application, has requested additional information In addition, the staff advised the petitioner approximately one year ago that a modification to the existing special use permit to permit night time operations would probably not be approved

5 Pre-Hearing Departmental Comments (Summary)

1 CMUD Water and sewer services is available to the site

2 Fire Department No comment

3 Building Standards Department Building Standards Department had a number of comments about the proposed site plan, including concerns about the provision of and location of the required parking, screening between the subject property and adjacent residential uses, the area indicated on the plan for minimum required outdoor play space, and minimum front yards along Lumina Avenue and Ashley Road

4 Department of Transportation The Department of Transportation indicated that 5 feet of additional right-of-way would be required along Ashley Road, and driveway connections must meet minimum design standards

5 Engineering Department Engineering Department indicated a number of improvements would be required along Ashley Road and Lumina Avenue, including the provision of curb, gutter and sidewalk along both of those streets

6 Planning staff The Planning staff had a number of comments about the site plan that was submitted with the application. In addition, upon inspection of the site, the staff expressed reservation about whether the existing facility meets the minimum standards for the ordinance and therefore is concerned that the propose doubling of the number of children allowed on the site would not be able to meet minimum standards of the ordinance.

6. Neighborhood Context The proposed rezoning is located in the Ashley Park neighborhood

DETAILED FINDINGS

1 This petition involves a 19,000 square foot tract of land at the intersection of Lumina Avenue and Ashley Road, just north of Wilkinson Boulevard The site presently zoned R-9 with a special use permit allowing a day care center to accommodate a maximum of 40 children The petitioner seeks a rezoning to allow for a expansion of the day care center to accommodate up to 95 children and to operate during the evening and on weekends

2 The land use in the surrounding area is consistent with the zoning pattern for the surrounding area Properties to the south of the subject site along Wilkinson Boulevard are generally zoned for and used for office and business purposes Properties to the north of the subject site are zoned and used for single family residential purposes and properties to the east of the site are zoned for and used for a mixture of single family and multi-family residential purposes

3 The site plan submitted with this rezoning request is essential the same plan submitted for the special use permit in 1985 The only difference is are in addition to the existing structure on the site and a notation about the provision of additional parking From a technical standpoint it is not possible to tell whether the applicant can actually meet the minimum requirement of the ordinance for a day care center on this site that would

accommodate up to 95 children Further, the applicant would be required to make a number of improvements along Lumina Avenue and Ashley Road in conjunction with the development of this site.

4 The existing day care center on this site is a converted residential structure and as such fits reasonably well into the existing neighborhood which surrounds it Because of the size of the existing approved day care center the number of parking spaces is not excessive and as a whole the site does not impact negatively on adjoining properties. This proposal, however, could change that relationship First, the addition to the present residential structure on the front of the site could substantially change the way that building addresses the street and its residential neighbors In addition, the applicant would be required to provide a number of additional parking spaces and the necessary driveway connection to those parking spaces from the public street Further, a large portion of the lot would have to be fenced to provide the minimum outdoor play space required for the number of children to be accommodated on the site This large fenced area, in conjunction with screening which would also be required, will tend to make this facility take on more of a commercial than a residential character

5 The evaluation of this petition has raised serious concerns as to whether the existing site meet minimum standards of the ordinance for the number of children permitted At a minimum, the requirements of the existing special use permit on the site must be adhered to by the present development on the site Doubling the number of children which could be accommodate on the site effectively doubles the amount of parking and play spaces must be provided If indeed the site is deficient in any of these areas at present, it is questionable whether it could be brought into conformance for the number of children as proposed in this rezoning Further, the existing special use permit on the site will remain in force, even if this rezoning is granted It would necessary for the applicant to seek a termination of the existing special use permit in order to be able take advantage of the increased number of children requested in this rezoning

6 In view of the number of problems with this particularly site, including technical questions about its adequacy for the number of children requested, relationships to the adjoining residential properties, and public improvements which would be required in order to accommodate this development, the staff cannot recommend approval of this request Even if the technical issues can be satisfactorily addressed, the relationship of this use to the Westerly Hills/Ashley Park neighborhood is not one which would benefit from doubling the size of this facility on the site

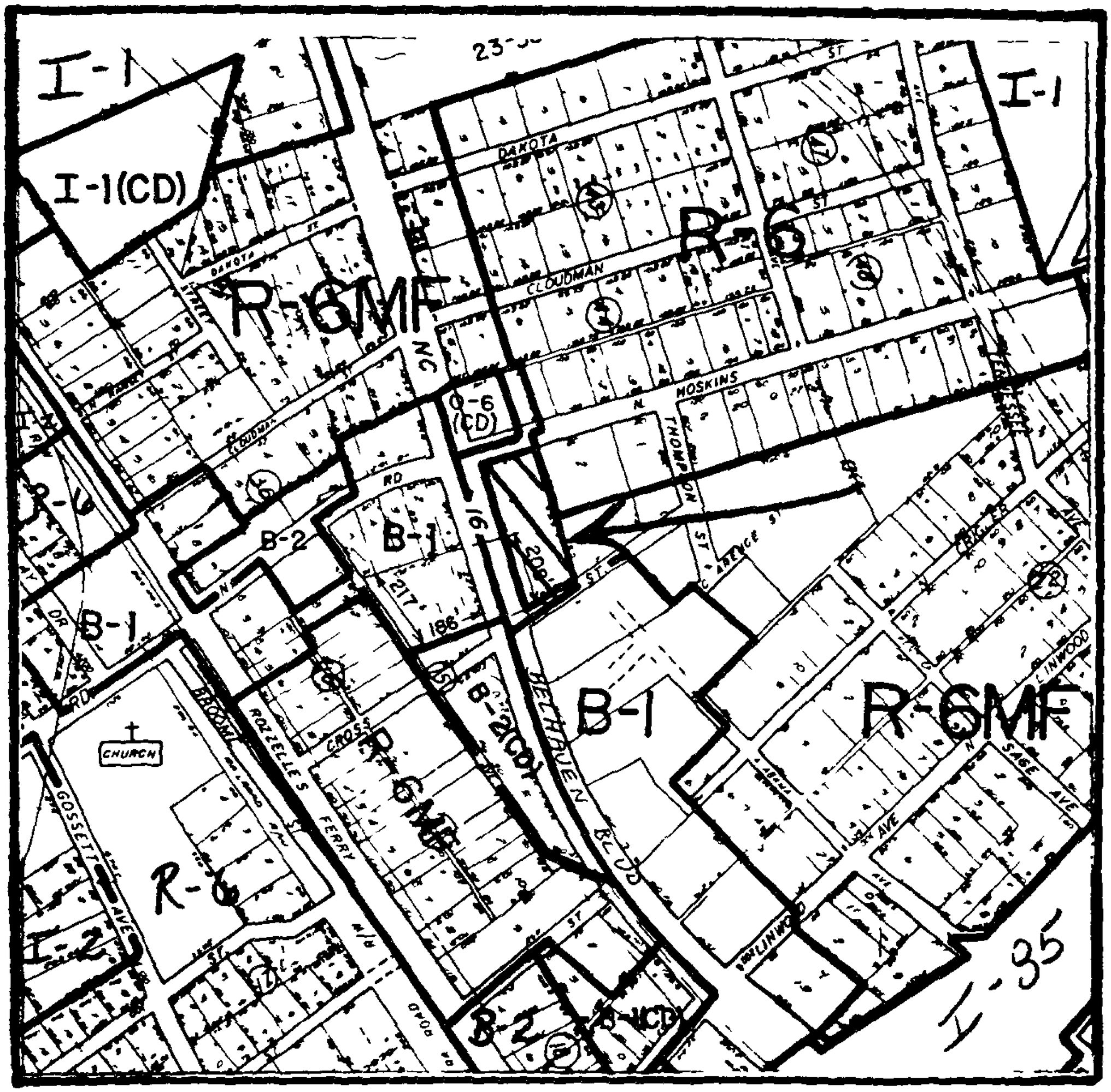
*Subject to further refinement following public hearing

PETITIONER Waters, Inc.

PETITION NO 87-95 HEARING DATE 12/21/87

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

LOCATION A 1.16 acre lot located on the southeasterly corner of the intersection of Belhaven Boulevard (N.C. 16) and North Hoskins Road.



ZONING MAP NO. 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-95
Date Filed 11/2
Received By LA
OFFICE USE ONLY

Ownership Information

Property Owner: George R. Abernethy, Jr., Trustee

Owner's Address: 657 Mayview Drive
Charlotte, NC 28205

Date Property Acquired: August 26, 1976

Deed Reference: 3876-140 Tax Parcel Number: 039-011-03

Location Of Property (address or description)

Northeasterly corner of Belhaven Blvd. and Hoskins Road

Description Of Property

Size (Sq Ft.-Acres): 1.16± acres Street Frontage (ft.): 373 ft. Belhaven

Current Land Use: one single dwelling

Zoning Request

Existing Zoning: R-6MF Requested Zoning: B-1(CD)

Purpose of zoning change: To develop this corner for a restaurant use and create compatibility with the zoning of the three other corners.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Waters, Inc.
Name of Petitioner(s)

Mr. Martin Waters, Jr.
429 S. Tryon St., Charlotte, NC 28202
Address of Petitioner(s)

333-0794
Telephone Number

R Martin Waters Jr
Signature

George R Abernethy Jr Trustee
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-95

Petitioner: Waters, Inc.

Location: A 1.16 acre lot located at the southeast corner of N C. 16 (Belhaven Boulevard) and Hoskins Road

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

ISSUES.

1 Purpose of the request. What is the purpose of this rezoning request and how would the proposed use relate to the surrounding community?

2. Site Plan. What are the distinguishing features of the site plan which should be considered in reviewing this request?

BACKGROUND.

1. Existing Zoning. The site in question is presently zoned R-6MF, a multi-family classification There are a wide variety of zoning classifications in the surrounding area In general, properties which front along N C 16 and those which front along Hoskins Road between N.C 16 and Rozzelles Ferry Road have business and office classifications including O-6(CD), B-1, B-2, and B-2(CD) The majority of the remaining property in the Hoskins Road area and north of Hoskins Road along N C 16 is zoned for residential purposes as either R-6 or R-6MF classification.

2 Existing Land Use The overall land use pattern for the surrounding area is generally residential in nature with large numbers of single family parcels as well as multi-family parcels to the east of the subject property However, the land along N.C 16 being zoned for business purposes is also used for business purposes. There is a concentration of convenience food stores and service stations along the easterly side of N C 16 between Hoskins Road and Interstate 85 In addition, land on both sides of Hoskins Road between N C. 16 and Rozzelles Ferry Road is used for a variety of heavy commercial and office uses Across Hoskins Road from the subject site is a single tract used for office purposes.

3. Site Plan. The request includes a conditional site plan purposing to build a restaurant on the property. The plan indicates two driveway connections to Hoskins Road, one driveway connection to N.C. 16, and a driveway connection to Cross Street which is an unmaintained public right-of-way to the south of the site. The plan indicates a five foot screen fence between the site and the residentially zoned properties to the east but lacks detail to determine the exact composition of this screen material. Otherwise, the plan includes no specific notes about accessory uses, storm water detention, or signage on the site.

4. Zoning History (See Attached Map). There have been a large number rezoning requests in the immediate vicinity of the subject property. The majority of the more recent requests have been in the Rozzelles Ferry Road/Hoskins Road intersection area and have included requests to go from residential classifications to conditional office districts, B-1, I-1, and I-1(CD) classifications The last such request was approved in 1983.

5. School Information N/A

GENERAL FINDINGS:

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property. Strategies for the area include installation of a water main along N C. 16, streetscape improvements along N.C. 16, and preparation of a plan to do considerable neighborhood reinvestment in the area In 1985, Traffic Operations Plan identified the intersection of N C. 16 and Hoskins Road as a high accident location

2. Thomasboro/Hoskins Small Area Plan The Thomasboro/Hoskins Small Area Plan, which has not yet been adopted by the City Council, does not make specific recommendations regarding the subject property. The plan does, however, recommend preservation of housing stock in the general area and proposes rezoning some of the properties between Interstate 85 and Rozzelles Ferry Road from R-6MF to R-6

3. Pre-Hearing Staff Input The staff did not have any discussion with the petitioner prior to the time the application was filed. Subsequent to the filing of the application, the staff has met with the petitioner and has advised about a number of concerns and comments on the proposed site plan.

4 Pre-Hearing Departmental Comments (Summary)

1 C-MUD Water and sewer services is available to the site

2. Fire Department. No comment

3. Building Standards Department. The site plan does not contain sufficient information to determine the proper number of parking spaces to be required.

4. CDOT. The Department of Transportation indicates the need for an additional 10 feet of right-of-way along Hoskins Road Additional comments recommend the elimination of the driveway connection to Cross Street on the southerly side of the site, and the consolidation of the two driveways along Hoskins Road to form a single driveway. They also indicate that while the traffic generation from the site would increase substantially the proposed zoning will have little impact on the intersection and the surrounding thoroughfare system

5. Engineering Department Engineering Department indicates that curb, gutter, and sidewalk will be required along the property frontage on Hoskins Road. In addition, a 5 foot sidewalk must be installed along the property frontage on N C. 16

6. Planning Staff. The planning staff had a number of concerns about the site including the screening along the easterly portion of the site, the large expanse of unbroken parking area along N C 16, detailed information about the location of accessory structures and uses on the site, in the relation of the building to Hoskins Road The staff felt that every effort should be made to retain the existing large trees along the frontage of Hoskins Road and believe that can be best accomplish by the consolidation of the two driveways into a single drive In addition, the building should be set back 50 to 60 feet from the right-of-way of Hoskins Road

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

DETAILED FINDINGS·

1 This petition involves a 1 16 acre tract at the corner of Hoskins Road and N C 16. The petitioner seeks rezoning of the lot of R-6MF to B-1(CD) to allow the development of a 4,500 square foot restaurant

2 The petitioner has filed a conditional site plan as part of the application which shows a restaurant building oriented toward Hoskins Road. As proposed, the site includes two driveways on Hoskins Road, one driveway onto N C. 16 and a driveway onto Cross Street. The plan also includes a large parking area along N C 16 and shows screening along the easterly portion of the site adjacent to existing residential structures

3 The zoning pattern for the immediate area is largely residential in nature with R-6 and R-6MF the predominately categories The exception to this are the uses along N C. 16 between Hoskins Road and Interstate 85 which are B-1 and B-2 classifications and properties along Hoskins Road between Rozzelles Ferry Road and N C 16 which are also B-1 and B-2 classifications. The land use in the area is generally residential with the exception of those properties fronting along N C. 16 and along Hoskins Road which are commercial in nature.

4. The publicly adopted plans for the area support the notion of maintaining a residential use in the area of a subject property Therefore, its development of this site must be responsive to the scale and character of the residential community along Hoskins Road. In order to preserve this character, a treatment of that portion of the site along Hoskins Road is critical. While recognizing the applicant's desire for convenient on-site circulation, it is felt that the consolidation of the two driveways into a

single drive will do much to reduce the impact of this project on Hoskins Road. This will enable the applicant to preserve several large mature trees in the front portion of the site and, in conjunction with setting the building back 50 feet or more from the right-of-way, will diminish the impacts of the overall site development on Hoskins Road and the residential community to the east In addition, the driveway connection to Cross Street which is an unmaintained public right-of-way seems unnecessary and, if constructed, would require the applicant to make substantial and costly improvements to Cross Street itself These two changes along with reduction of the massive parking area along N.C. 16 and more detailed information about the screening on the easterly side of the site adjoining the existing residential areas will do much to integrate this use in the surrounding community Assuming that the technical issues can be resolved and the site plan modified to address these concerns, this petition could be considered for approval.

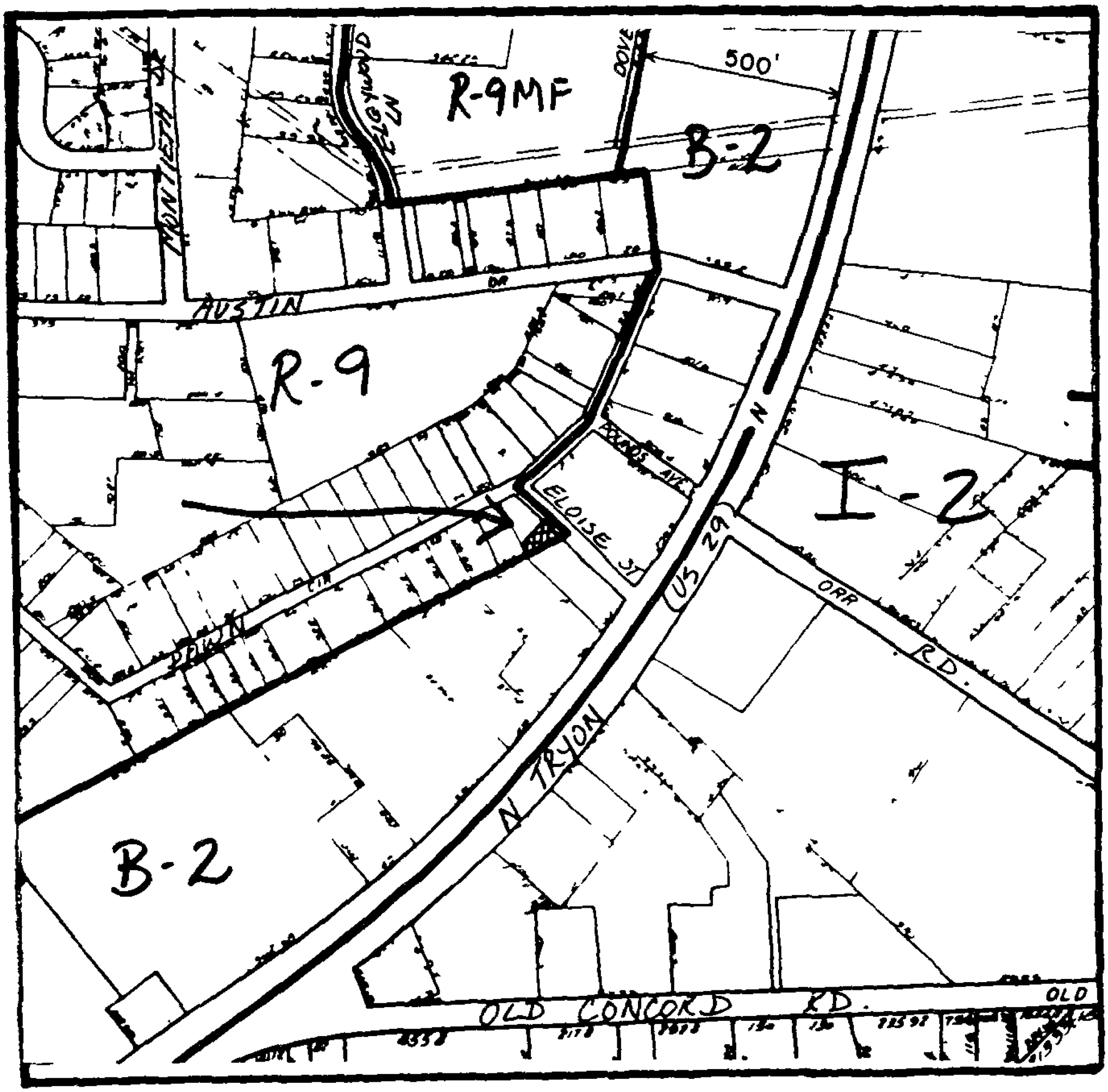
*Subject to further refinement following public hearing

PETITIONER Harvey and Louise Gouch

PETITION NO 87-96 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED B-2

LOCATION A 2,200 square foot tract located on the southern side of Eloise Street approximately 200 feet west of North Tryon Street (US 29)



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-96
Date Filed 11/2
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Harvey W. Gouch and wife, Louise G. Gouch

Owner's Address: Village Properties, 524 S. Hoskins Road

Charlotte, North Carolina 28208-2005

Date Property Acquired: 10/19/87 Note: Property transferred to petitioners by a corporation in which they were sole principals

Deed recorded: 10/19/87

Deed Reference: Book & page not available Tax Parcel Number: out of 089-201-22

Location Of Property (address or description) on Eloise Avenue (unopened) off 5700

Block of N. Tryon Street, Charlotte, North Carolina

Description Of Property

Size (Sq Ft -Acres): 2,200 square feet (more or less) Street Frontage (ft.): 41.53

Current Land Use: non-conforming office/warehouse on a portion of subject property

Zoning Request

Existing Zoning: R-9 Requested Zoning: B-2

Purpose of zoning change: office/warehouse building containing approximately 8,158 square feet is situated on B-2 partial fronting on N. Tryon Street. Approximately 248 square feet of structure was inadvertantly constructed on subject property. Change in zoning will make structure conforming.

Winfred R. Ervin
Name of Agent

219 East Boulevard, Charlotte, N.C. 28203
Agent's Address

(704) 372-8000
Telephone Number

Harvey W. Gouch and wife,
Louise C. Gouch
Name of Petitioner(s)

Village Properties, 524 S. Hoskins R
Address of Petitioner(s) Charlotte, NC 28

(704) 392-5817
Telephone Number

Harvey W. Gouch Louise G. Gouc
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-96

Petitioner: Harvey W Gouch and Wife Louise

Location: A 2,200 square foot tract located on the southern side of Eloise Street approximately 200 feet west of North Tryon Street (U S. 29).

Request: Change from R-9 to B-2

ISSUES

1. The Reason for the Request What is the purpose of this rezoning request and why is it a straight up rezoning request rather than a conditional rezoning request?

2 Relationship to Adjoining Properties How does this proposal relate to properties in the surrounding area?

BACKGROUND.

1 Existing Zoning The property in question is presently zoned R-9 Properties immediately adjacent to this tract to the east and south are zoned B-2 along North Tryon Street. Properties immediately adjacent to this tract to the north and west are zoned R-9, a single family classification and R-9MF, a multi-family classification.

2 Existing Land Use The site is presently part of a tract which fronts on North Tryon Street It contains a newly constructed office/warehouse building Properties to the east of the subject site are generally used for commercial and office purposes which front along North Tryon Street The uses include a number of mobile home related facilities Properties to the rear of the subject site are generally used for single family and multi-family residential purposes and include a number of churches and other institutional uses

3 Site Plan Inasmuch as this is straight up rezoning, no site plan is required nor could one be considered as part of this request

4. Zoning History (See Attached Map). There have been only two prior rezonings in the area of the subject property. Case 1 involved a change from R-9MF to B-2 for the area located north of Austin Drive which was approved in April of 1972 Case 2 involved of a Special Use Permit for a day care center for a parcel located on the northeast corner of Monteith Drive and Austin Drive which was approved in September of 1985

5 School Information N/A

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates the land uses along North Tryon Street would maintain an employment character Further, it indicates that land to the rear of this site would be maintained as residential areas Plan strategies include extending water and sewer lines to provide service to the existing and future residential development in the area

2. Pre-Hearing Staff Input. The staff met with representatives of the petitioner prior to filing of the application to clarify the problem with the site and the need for the rezoning

3 Pre-Hearing Departmental Comments (Summary) Due to the very small nature of this rezoning, the fact that no site plan is included, and the fact that the property does not front on a public right-of-way, there are essentially no departmental comments.

4 Neighborhood Context. The proposed rezoning is located in the Hidden Valley neighborhood

DETAILED FINDINGS·

1 This request involves a 2,200 foot tract of land located on the west side of North Tryon Street south of Eloise Street. Existing zoning of the site is R-9 and the request is to B-2 The petitioner seeks this rezoning in order to accommodate a structure which has already been constructed on the site The application indicates that a very small portion of this new building was inadvertently placed in the R-9 portion of the site. Therefore, the rezoning is requested in order to allow this building to remain as constructed.

2 The land uses in the surrounding area are in conformance with the zoning pattern for the surrounding area. Properties along North Tryon Street are zoned for and used for office and business purposes. Properties to generally to the east and north of the site are zoned for and used for single family and multi-family residential purposes

3. The impacts of this request on residential properties in the area are minimal. Even if this were a conditional request which would permit the attaching of conditions to mitigate impacts, the staff would have a difficult time suggesting improvements which could be made to this site. Therefore, the staff recommends that this petition be approved.

*Subject to further refinement following public hearing

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 97-97

Date Filed

Received By

OFFICE USE ONLY

Section No. 1208 Application and Review Fees
(Title) (New Section)

Purpose of Change:

To enable the implementation of user fees in accordance with the fee scheaule adopted by the Charlotte City Council. These fees may include but not be limited to rezoning and special use permit applications, plan reviews, and sign and driveway permits.

Name of Agent

Agent's Address

Telephone Number

CMPC
Name of Petitioner(s)

Address of Petitioner(s)

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. Add a new Section 1208 as follows

1208. Application and Review Fees

Certain fees may be required in order to provide the necessary administrative review and processing of plans or permit applications. These fees shall be established pursuant to the schedule of user fees adopted by the Charlotte City Council. Any fees for processing services or permit review listed in the City of Charlotte Zoning Ordinance will apply unless superseded by the adopted fee schedule. An accurate copy of the Zoning Ordinance Fees Schedule shall be posted in a conspicuous place in the office of the Charlotte-Mecklenburg Planning Commission".

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 _____

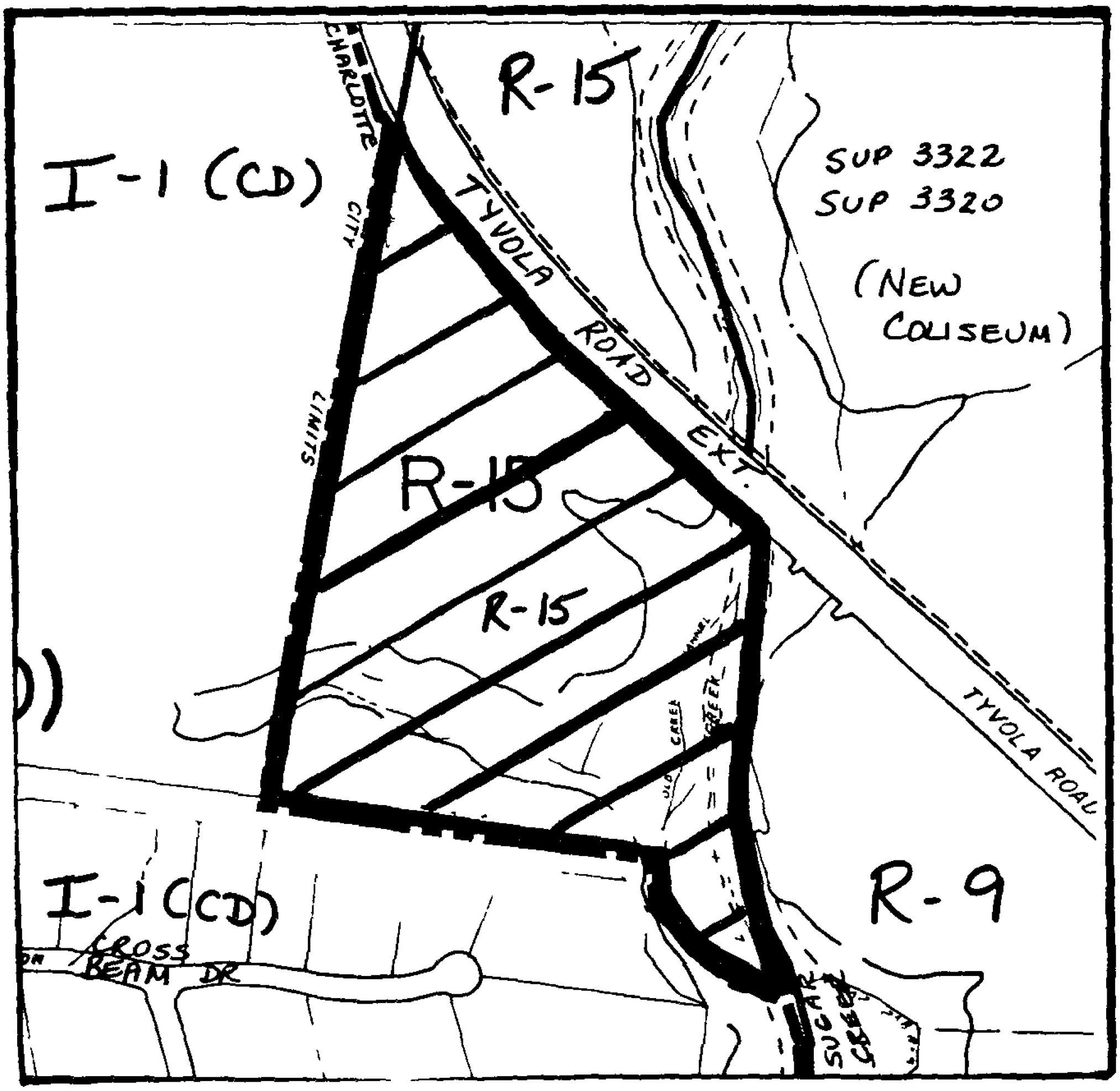
_____
Pat Sharkey City Clerk

PETITIONER Crow-Childress-Klein #9

PETITION NO. 87-98 HEARING DATE 12/21/87

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED I-1(CD)

LOCATION A 30.298 acre tract bounded by Coffey Creek Business Park, Tyvola Road Extension and Big Sugar Creek



ZONING MAP NO. 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-93
Date Filed 11/2
Received By
OFFICE USE ONLY

Ownership Information

Property Owner: CROW-CHILDRESS-KLEIN #9, c/o TRAMMELL CROW COMPANY

Owner's Address: 1400 CHARLOTTE PLAZA
CHARLOTTE, NORTH CAROLINA 28244

Date Property Acquired: March 4, 1987

Deed Reference: Book 5440, Page 793 Tax Parcel Number: 143-121-12

Location Of Property (address or description)

30.298 acres bordered by Tyvola Road Extension to the north, Sugar Creek to the east, Coffey Creek Park to the south, and LakePointe Office Park to the west.

Description Of Property

Size (Sq Ft-Acres): 30.298 acres Street Frontage (Ft.): 1327 feet

Current Land Use: Vacant Residential

Zoning Request

Existing Zoning: R-15 Requested Zoning: I-1 (CD)

Purpose of zoning change: To allow for the development of extension of LakePointe, a master-planned office and business park with associated uses permitted by I-1 zoning.

Landon R. Wyatt, c/o Trammell Crow Company
Name of Agent

1400 Charlotte Plaza, Charlotte, NC 28244
Agent's Address

(704) 376-5910
Telephone Number

Crow-Childress-Klein #9
Name of Petitioner(s)

1400 Charlotte Plaza, 28244
Address of Petitioner(s)

(704) 376-5910
Telephone Number

Signature: Fred W. Klein

Same
Signature of Property Owner If Other Than Petitioner

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 87-98

Petitioner. Crow-Childress-Klein #9

Location. A 30.298 acre tract bounded by Coffey Creek Business Park, Tyvola Road Extension and Big Sugar Creek

Request: Change from R-15 to I-1(CD)

ISSUES

1 Purpose for Rezoning. What is the purpose for this rezoning request and how will it relate to surrounding properties?

2 Site Plan What does the site plan indicate will be the future use and characteristics of this property?

BACKGROUND

1 Existing Zoning The property in question is presently zoned R-15, a single family classification There is additional residential zoning, both R-15 and R-9, to the north and east of the subject site Land generally to the west and south of the subject property is zoned I-1(CD), an industrial classification A portion of the residentially zoned land to the east of the site is also approved for special use permit for the new Charlotte coliseum and baseball stadium Land further to the north along Tyvola Road Extension, Wilmount Road and Billy Graham Parkway is also zoned for a variety of residential and industrial classifications

2 Existing Land Use The subject property is presently vacant but is in the process of being developed, including the establishment of a public street which connects to Tyvola Road. Land to the west and south of the subject property is developed and developing as a business and industrial park Land to the east of the site is under development as the new Charlotte coliseum Some distance to the west of the subject property are located a number of residential uses along Beam Road. Some distance to the east of the subject property is the new city Renaissance Park at the old York Road Landfill

3 Site Plan The petitioner request rezoning of the 30 acre site to allow for establishment of a business park The site plan indicates a floor area limitation of 445,600 square feet and public street connection to Tyvola Road Extension, which is presently under construction. The site plan also indicates that this petition will become part of a larger industrial park previously approved for rezoning in Mecklenburg County The land that this property involves was formally owned by the City Charlotte The plan indicates buffers along Tyvola Road ranging from 75 feet down to 25 feet The plan also indicates that the public street

through the site would connect to a public street system already constructed in the business park area to the west The plan contains a note which incorporates the conditions of this rezoning, especially those dealing with the maximum floor area, with the conditions of the previously approved rezoning petition for the property to the west. The note would allow a floor area for the two individual rezoning petitions to be transferred from one site to another so long as the maximum floor area for the total project area was not exceeded. The note would also be added to the previously approved petition through a site plan amendment. Otherwise the plan lacks any specific detail to evaluate building areas on the site and the relationships between those building areas and Tyvola Road Extension The plan shows a large area of floodway along the easterly side of the subject property but does not indicate any particularly treatment of that floodway in terms of greenway or open space configurations

4 Zoning History (See Attached Map). There have been a number of zoning cases in the area of the subject property. Most notably case #1 approved in May of 1982 rezoned a large area from R-15 to BD(CD), I-1(CD) and I-2(CD). In June of 1985 case #2 was rezoned from R-15 and Institutional to I-1(CD) This is the area to which the subject property would added to form a single business park development Case #3 was a special use permit approval for the new Charlotte coliseum which was granted in November of 1985 Case #4 was a 1987 case which granted an I-1(CD) site plan amendment and a special use permit was also recently approved for land adjacent to the coliseum to accommodate a new baseball stadium

5 School Information Not applicable.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates developing employment uses in the area of the subject property Strategies for the area include Tyvola Road Extension and the extension of the County Greenway System along Big Sugar Creek.

2 Transportation Improvement Program The TIP indicates that the construction of Tyvola Road Extension in FY86 and FY87. The project extends Tyvola Road as a multi-lane facility from Wilmount Road to Nations Ford Road at I-77.

3. Billy Graham Parkway Plan The Billy Graham Parkway/Tyvola Road Special Project Plan calls for the subject property to be developed as a business park or industrial park use The plan emphasizes and calls for high levels of design quality and sensitivity to an environment in the development of land in this area. The plan emphasizes the need for landscaping, especially of parking areas, screening of loading and service areas and the utilization of underground utilities The plan also calls for strict efforts to control the number of individual driveways along Tyvola Road Extension.

4. Westside Special Project Plan. The Westside Special Project Plan identifies employment expansion and the development government owned property in the area as keys to the future of this portion of the community. .

5. Airport Master Plan Update The subject property lies outside of the LDN 65 as described in the Airport Master Plan

6. Pre-Hearing Staff Input The staff discussed this proposal with the petitioner on number of occasions and advised the petitioner of improvements to the site plan including maintaining a continuous width of the buffer area along Tyvola Road and the extension of sidewalks along Tyvola Road not only for the subject site but for the remainder of the existing business park which is part of this same project.

7. Pre-Hearing Departmental Comments (Summary).

   1 CMUD Sewer services available to the site and water is proposed to be installed in the area

   2 Fire Department Not comment.

   3. Building Standards Department Screening will be required between uses on the subject site and adjacent areas zoned for residential uses

   4 Engineering Department. Curb, gutter and sidewalk should be provided on site and off the site along Tyvola Road Extension and the existing portion of the business park in accordance with an agreement with the City of Charlotte

   5 Planning Staff The staff advised the petitioner to simplify the plan by showing on the plan only that area to be considered for rezoning, this would avoid confusion with a previously approved zoning to the west The staff also indicated the plan could be simplified by removing redundant notes and clarifying the relationship between this zoning proposal and the previously approved zoning to the west

8 Neighborhood Context. The proposed rezoning site is not within any defined neighborhood

DETAILED FINDINGS

1. The petition involves a 30.2 acre tract located along the southwesterly side of Tyvola Road Extension, across Tyvola Road Extension from the new coliseum site. It adjoins an existing business park which was approved with a previous rezoning request by the Board of County Commissioners. The petitioner seeks the rezoning of this site from R-15 to I-1(CD) to accommodate a business park with a floor area limitation of 445,600 square feet.

2 The conditional site plan submitted by the petitioner indicates that a public street connection to Tyvola Road Extension, buffers varying from 25 to 75 feet along Tyvola Road Extension, and a generalized description of the building and parking areas be located on the subject site. This parcel will become part of a larger business park located generally to west and north. In general the land use and zoning of the surrounding area is similar to that which is being proposed in this petition Land generally to the north and west is zoned for industrial uses and business park uses in the I-1(CD) classification Land to the north and east is generally zoned residential but include a special use permit permitting this new Charlotte Coliseum and accompanying baseball stadium There are scattered residential uses some distance from the site to the west along Beam Road.

3 The plans for this area indicates the future of this property is for employment uses. Development of this site as a business park as proposed is consistent with those plans However, the plans also specify that the development should be of a very high quality with the potential to landscaping, streetscape, protection of the flood plain and a scale of compatibility of structures to be located on the site

4 The staff discussed with the petitioner the need to make several improvements to the site plan including removing redundant notes providing additional details and clarification of issues between this petition and the remaining areas to the west covered by a previous rezoning petition The petitioner was also advised that the plan should include provisions for the installation of sidewalks along Tyvola Road Extension and the need to amend the previously approved rezoning to extend those sidewalks through that area as well The petitioner was also advised that notations on the plan involving the transfer of overall development rights throughout the entire project even though covered by two different petitions would be required Inasmuch as Tyvola Road Extension is already under construction and the public street through the site is also under construction there is no need for an additional right-of-way or similar public improvements, except the installation of sidewalks along Tyvola Road

5 The proposal for this site incorporates it into an existing 163 acre tract to the west which is already approved for I-1(CD) zoning This site represents an extension of the business park already under construction along Tyvola Road Extension. The proposed uses is consistent with the plans for area. If necessary deficiencies with the site plan can be adequately addressed then the petition is appropriate for approval.

*Subject to further refinement following public hearing