AGENDA

Meeting Type:	ZONING
Date:	06/22/1987

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Harvey B Gantt *Mayor Pro Tem Al Rousso*

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

Council Agenda

Monday, June 22, 1987

1:00 p.m. - ZONING DECISIONS
Deferred from June 15th Meeting.

ITEM NO.

POLICY AGENDA

1. Decision on Petition No. 87-34 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6MFH for 5.215 acres encircling the southerly portion of Independence Park and Park Drive in the area southeast of Lamar Avenue.

   This petition was deferred from the May 18th meeting at the request of Councilmember Richard Vinroot.

   Two protest petitions have been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property. The withdrawal of the signature of Lila Bellar does not affect its sufficiency. It is still sufficient.

   The Planning Commission recommends that the petition be denied.

   Attachment No. 1-A

2. Decision on Petition No. 87-35 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6MFH for 4.633 acres located southeast of the intersection of East Independence Boulevard and Park Drive along East Fifth Street and Bartow Court.

   This petition was deferred from the May 18 meeting at the request of Councilmember Richard Vinroot.

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

The Planning Commission recommends that the petition be denied.

Attachment No. 1-B

3. Decision on Petition No. 87-25 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF and B-2 to R-6 for 2.614 acres located along both sides of Jackson Avenue to the southwest of East Tenth Street.

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

The Planning Commission recommends that the petition be approved with the exception of two parcels. (See Map).

Attachment No. 1-C

4. Decision on Petition No. 87-26 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 to R-6MF for 1.48 acres located on the southwest corner of the intersection of Central Avenue and Oaklawn Avenue, and the second parcel southeast of the intersection of Central Avenue and Louise Avenue.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone Parcel 2 on Louise Avenue. Parcel 14 was not protested and requires a majority vote only.

The Planning Commission recommends that the portion of the petition on Louise Avenue be approved, but recommends denial of the site on Oakland at Central Avenue. (See Map).

Attachment No. 1-D

5. Decision on Petition No. 87-27 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and O-6 to R-6MF for 4.437 acres located along Lamar Avenue, including several parcels north of Independence Boulevard near Sunnyside Avenue, and two parcels southeast of the intersection of Lamar Avenue and Independence Boulevard.

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

   The Planning Commission recommends approval of the petition in part. (See Map).

   Attachment No. 1-E

6. Decision on Petition No. 87-29 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6 for 2 parcels fronting on Clement Avenue between East Seventh Street and East Eighth Street.

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

   The Planning Commission recommends that the petition be approved.

   Attachment No. 1-F

7. Decision on Petition No. 87-30 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6MF for 4.984 acres including nine parcels fronting on East Seventh Street extending from Laurel Avenue to Ridgeway Avenue, five parcels west of the intersection of East Seventh Street and Ridgeway Avenue, and three parcels on the westerly corner or Pecan Avenue and East Eighth Street.

   A protest petition has been file and found sufficient to invoke the 3/4 rule (except for those parcels at the corner of Pecan Avenue and East Eighth Street) requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property. Those parcels would require a majority vote only.

The Planning Commission recommends that the petition be denied.

Attachment No. 1-G

8. Decision on Petition No. 87-32 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 and R-6MF to R-6 for a 7.244 acre site bounded by North Laurel Avenue, Bascom Street, Weddington Avenue and Seaboard Airline Railroad.

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

The Planning Commission recommends that the petition be denied.

Attachment No. 1-H

9. Decision on Petition No. 87-33 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for 4 acres located along the northeasterly side of Greenway Avenue extending from North Laurel Avenue to west of Ridgeway Avenue.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 1-I

10. Decision on Petition No. 87-37 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to O-6 and R-6MF for 4.01 acres bounded by Independence Boulevard, East Seventh Street and Beaumont Avenue.

Protest petitions have been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property designated Parcel 9, but is <u>insufficient</u> on the remainder of the parcels.

The Planning Commission recommends that all lots which front on Seventh Street be rezoned to O-6 and the rest of the parcels in the petition be deferred until the final design for Independence Boulevard is known. (See map)

Attachment No. 1-J

11. Decision on Petition No. 87-38 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6MF for four parcels west of the intersection of East Eighth Street and Hawthorne Lane, and one parcel on the southeast corner of the intersection of East Eighth Street and Hawthorne Lane.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 1-K

DATE: April 23, 1987

PETITION NO.: 87-34

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST. Change from O-6 and B-1 to R-6MFH

LOCATION: Approximately 5 215 acres encircling the southerly portion of Independence Park and Park Drive in the area southeast of Lamar Avenue

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

VOTE: Yeas Curry, Emory, Griffin and Wheeler

Nays Lassiter and Lewis

REASONS

This petition is comprised of approximately 5 2 acres encircling the southerly portion of Independence Park and Park Drive in the area southeast of Lamar Avenue This area is currently zoned O-6 and the petition is seeking R-6MFH zoning The petition is brought forward to public hearing so as to comply with recommendations contained in the Elizabeth Small Area Plan

Land uses within the petitioned property are varied Included are a mixture of office uses, single family structures, multi-family, dormitory, parking/ business uses These parcels are directly oriented to Independence Park Several major land use features dominate the immediate vicinity, most notably the Presbyterian Hospital and Mercy Hospital Other institutional uses such as King's College and St John's Baptist Church are nearby Other neighborhood institutional uses are in many cases related to the health care or medical industry, but there are also some day care functions and the International House which fronts on Hawthorne Lane

Office zoning extends throughout much of the immediate vicinity, especially along major streets in the area. Some B-1 zoning is located at the intersection of East Fifth Street and Caswell as well as some B-2 zoning along Hawthorne at East Fifth Street. Commercial areas also extend along East Seventh Street near the site.

The Elizabeth Small Area Plan recognizes that Independence Park is the geographic center of the Elizabeth neighborhood and functions as a "stabilizer" The plan recommends the removal of the Arts and Crafts building in the east end so as to reestablish a garden-like theme. Also, remove the office building and service area from the edge of the park near Seventh Street to provide new elderly housing and redesign parts of the park to reinforce the garden-like

qualities above Hawthorne Reorganize the active use areas below Hawthorne The park is seen as an anchor in establishing an historic district to the north between Hawthorne and Laurel. Park Drive and Greenway should be designated as part of a bicycle path New housing development is encouraged on key sites around or near Independence Park. The subject property is designated as a residential infill area.

The Urban Design Study recommends that a portion of the subject property be included in an area to be designated as an historic district Bicycle paths are recommended along Park Drive Finally, a pedestrian connection from the park to Caswell/Pecan/Seventh should be provided

Planning Commission raised several issues during their discussion of this petition. Planning Commission was concerned about the number of protesting parties in this case and the resulting number of non-conforming uses if the petition were granted Planning Commission acknowledged the vision of the small area plan and its goals, but felt in this case that it was too restrictive Many businesses could be hurt by having planned expansion or other uses cut-off with the proposed zone change Planning Commission also commented that the City was one of the worst offenders in the area and to the implementation of the plan due to the Park and Recreation building/facility/parking in the park Thus, for the above reasons Planning Commission recommends that the petition be denied.

Minority Opinion

The minority opinion felt that the zone change makes the best use of the land and provides the framework for comprehensive development of the area Further, the park is an important open space amenity that should be enhanced This change would make improvements around the edge of the park

Staff Opinion

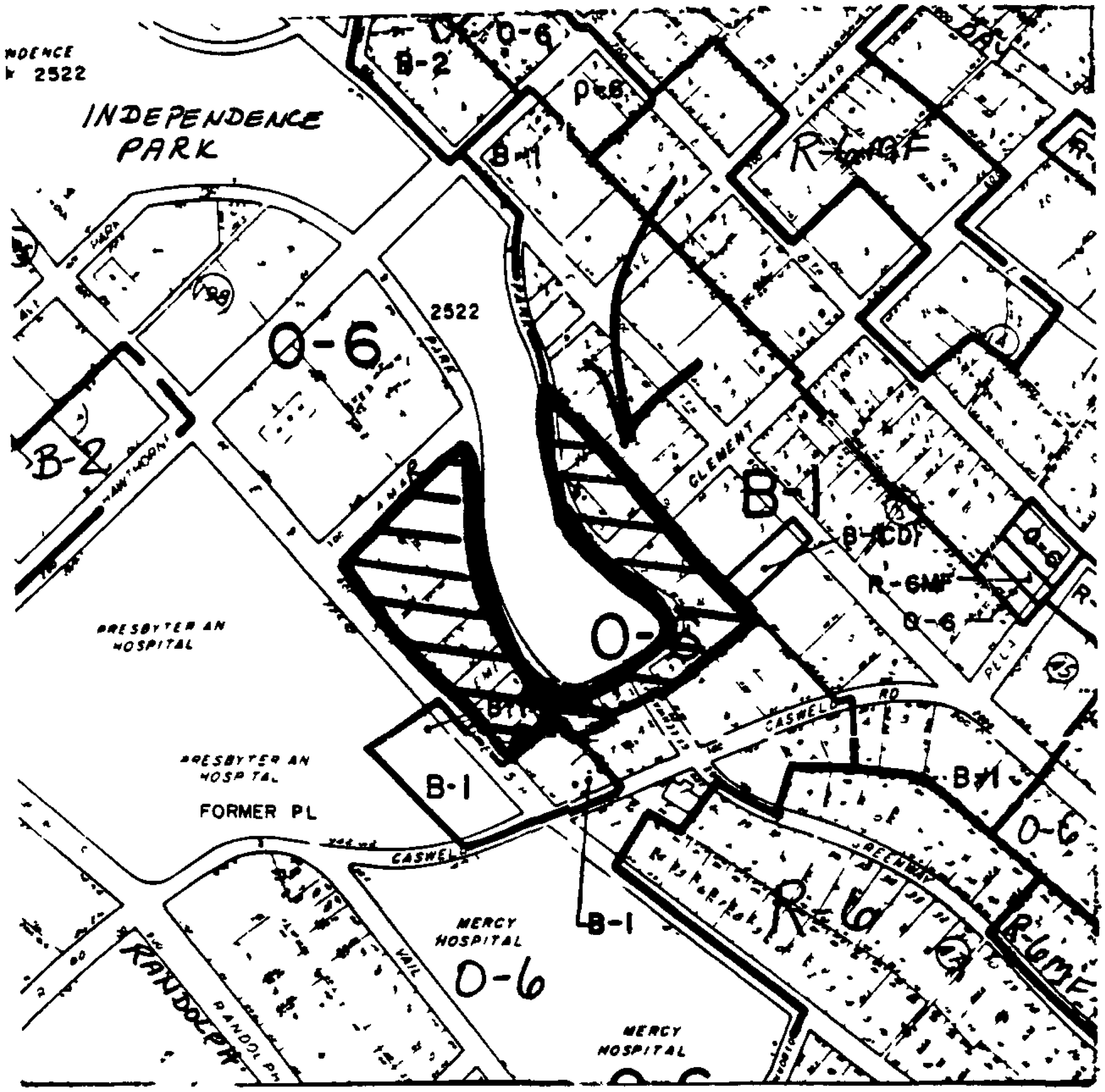
The area around Independence Park is seen as a major neighborhood amenity It is felt that the parcels in this petition are largely underdeveloped and do not take the fullest advantage and opportunity of their setting relative to this significant open space amenity The redevelopment of this area under high density residential, as allowed under R-6MFH, could become a very desirable area for new, infill housing High density residential development here will also provide the further impetus for neighborhood retail and other support services. Approval of this petition will represent a very positive move towards the strengthening of the neighborhood and provide the opportunity for an invigorating mixed use area in and around the park. Staff feels strongly about the approval despite the fact that several non-conforming uses would be created (offices, parking, etc.).

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-34 HEARING DATE March 30, 1987

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED P-6MFH

LOCATION 5.215 acres encircling the southerly portion of Independence Park and Park Drive in the area southeast of Lamar Avenue



ZONING MAP NO. 101, 102, and 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. April 23, 1987

PETITION NO.: 87-35

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST· Change from O-6 to R-6MFH.

LOCATION: Approximately 4 633 acres southeast of the intersection of East Independence Boulevard and Park Drive along East Fifth Street and Bartow Court.

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

VOTE. Yeas. Curry, Emory, Griffin and Wheeler

Nays Lassiter and Lewis

REASONS·

This petition is located southeast of the intersection of East Independence Boulevard and Park Drive along East Fifth Street and Bartow Court and contains approximately 4 6 acres The present zoning is O-6 and the request is for R-6MFH zoning The petition is brought forward to public hearing in conformity with policy recommendations contained in the Elizabeth Small Area Plan

The area within the petitioned boundaries is used for a variety of land purposes including single family and multi-family residential, offices and surface parking lots Portions of the petition fronting on Park Drive overlook Independence Park whereas the other boundaries of the site adjoin parcels which front on Independence Boulevard, Elizabeth Avenue and Travis Avenue Along Elizabeth Avenue there is a mixture of office and commercial uses At the end of Elizabeth Avenue at Hawthorne Lane stands Presbyterian Hospital The Elizabeth Elementary School is across Park Drive from the site and several other institutional uses are in the area (Several non-conforming office and surface parking lots would be created if the change takes place.)

The subject property is presently zoned O-6 and is bordered on two sides by O-6 zoning which extends generally between East Fifth Street and East Seventh Street and other blocks nearby in the Elizabeth neighborhood. The other two sides of the site adjoin B-2 zoning which extends along Independence Boulevard, Elizabeth Avenue and Fourth Street. Residential areas nearby are zoned R-6MF.

The Elizabeth Small Area Plan recognizes that Independence Park is the geographic center of the Elizabeth neighborhood and functions as a "stabilizer". The plan recommends the removal of the Arts and Crafts building in the east end so as to reestablish a garden-like theme. Also, remove the office building and service area from the edge of the park near Seventh Street to provide new

elderly housing and redesign parts of the park to reinforce the garden-like qualities above Hawthorne. Reorganize the active use areas below Hawthorne The park is seen as an anchor in establishing an historic district to the north between Hawthorne and Laurel. Park Drive and Greenway should be designated as part of a bicycle path. New housing development is encouraged on key sites around or near Independence Park. The subject property is designated as a residential infill area.

The Urban Design Study recommends bicycle paths along Independence Boulevard, Park and Greenway. Pedestrian connections from the park to Elizabeth Avenue via Torrence Street are also recommended.

As in Petition 87-34, Planning Commission raised several issues concerning the number of protests, non-conforming uses and restrictiveness of the proposed zone change. Planning Commission noted the concentration of non-conforming office and surface parking lots that would be created. It was felt that this represented a real, economic hardship.

Planning Commission believed that planned expansion of office/business was important and that parking areas were needed to support the growing commercial areas nearby

Planning Commission spent time discussing a potential compromise which would approve part of the petition and deny the balance. The line would be drawn generally along the lines which would correspond to the on the ground uses However, Planning Commission eventually concluded that only a small area of residential would be created and would be surrounded by non-residential uses. That arrangement appeared inappropriate and unfair to them

Planning Commission concluded, therefore, that the petition should not be granted

Minority Opinion
The minority opinion supported the move to approve portions of the petition that related to on the ground residential development and the denial of the rest of the petition.

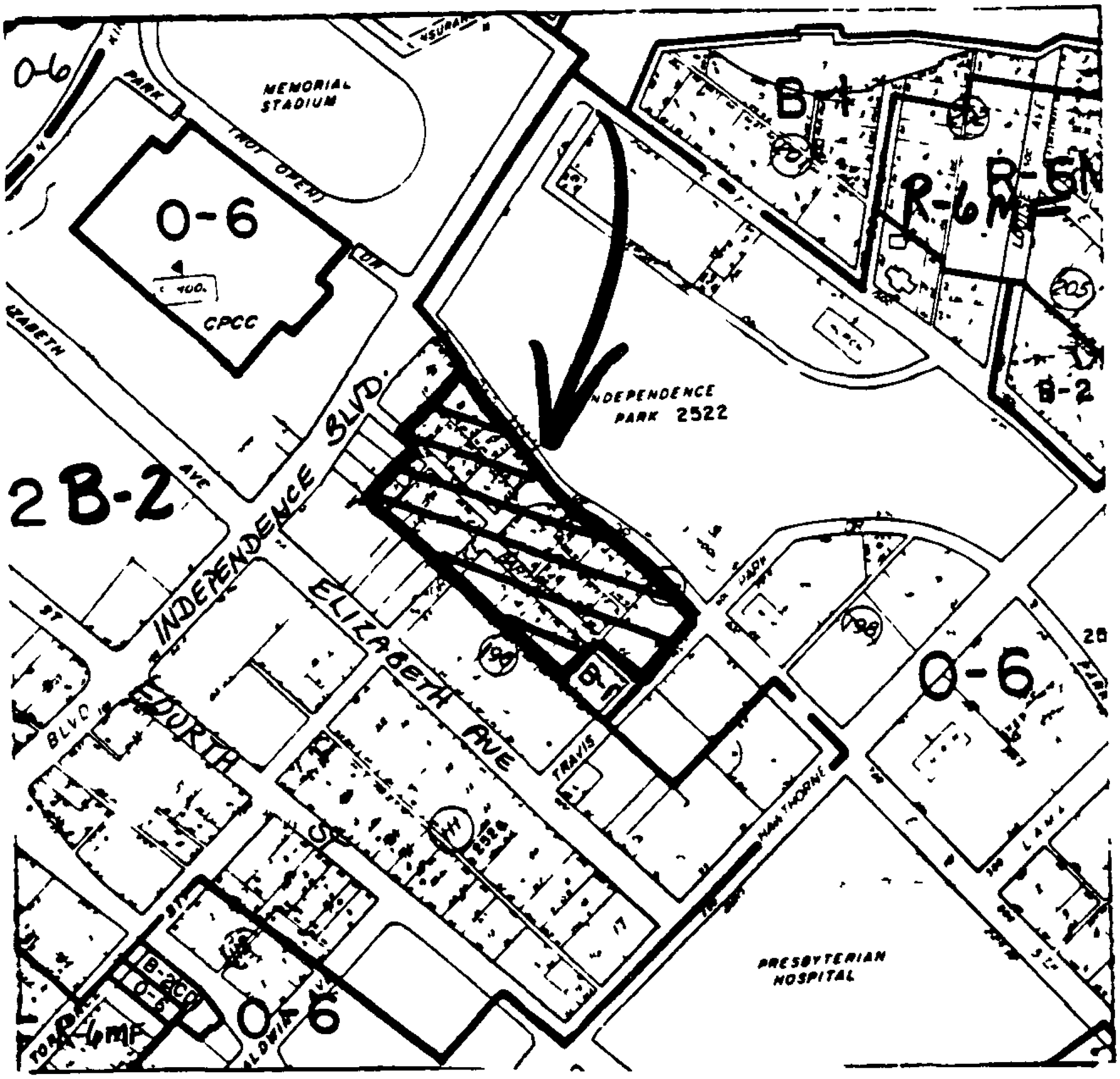
Staff Opinion
The new zoning classification for this area will permit the redevelopment in the future to allow high density residential development. This new residential development can relate to both the amenity of Independence Park as well as the mixed use character of the Elizabeth Avenue area. New residential development here will compliment the mix of uses along Elizabeth and nearby streets as well as other major neighborhood activities including Central Piedmont Community College on one end and the medical community on the other at Hawthorne Lane. This type of development will create an exciting urban neighborhood which now is lacking only the residential component. This area is often described now as a future "mid town" location and approval here will further that goal It should be noted that like the previous petition, this represents an important and positive move for the Elizabeth neighborhood.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-35 HEARING DATE March 30, 1987

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-6MFH

LOCATION 4.633 acres southeast of the intersection of East Independence Boulevard and Park Drive along East 5th Street and Bartow Court



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE· May 21, 1987

PETITION NO 87-25

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST· Change from R-6MF and B-2 to R-6

LOCATION· A 2 614 acre site located along both sides of Jackson Avenue to the southwest of East Tenth Street

ACTION The Planning Commission recommends that the petition be approved with the exception of two (2) parcels (SEE MAP)

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

Nays. Curry and Griffin

REASONS.

This petition encompasses several parcels of land totaling about 2 6 acres located along both sides of Jackson Avenue near East Tenth Street. The present zoning on the property is a combination of R-6MF and B-2 and the petition is requesting R-6. The petition is brought forward to public hearing on behalf of the Elizabeth neighborhood group. It is the intent of the petition to comply with the Elizabeth Urban Design and Transportation Study

The Elizabeth Small Area Plan and the Urban Design Plan both recommend that Jackson Avenue be closed at Tenth Street to prevent cut through traffic through this neighborhood. The small area plan also includes the subject property as potentially an area for future designation as an historic district

The property is principally developed with single family structures although there is a small multi-family development which is under construction at the corner of Piedmont Avenue and Jackson Avenue and there is also a small day care center located on Jackson Avenue Rezoning those properties would make those two uses non-conforming under the R-6 zoning.

Throughout the vicinity nearby is a mixture of other residential development along with a concentration of non-residential development along Central Avenue and East Tenth Street. Institutional development in the form of the Salvation Army and Piedmont Middle School are also in the neighborhood. Zoning patterns indicate that both Central Avenue and East Tenth Street in this vicinity is zoned B-2 whereas most residential areas in the vicinity are zoned R-6MF Some years ago a number of the single family structures within this petition were rehabilitated and the housing returned to good condition. Today these homes remain well maintained

In evaluating the merits of the petition, staff and Planning Commission has looked at the two potential non-conforming uses that would be created Planning Commission would recommend that the day care center and the multi-family project which is under construction be retained under the R-6MF zoning

Planning Commission felt that the remaining parcels in the petition should be approved. Approval of the petition will insure single family stability in the area and provide for the retention of single family homes on Jackson Avenue

It should be noted that Planning Commission preceeded their discussion of this petition and the other Elizabeth petitions by clarifying that all legal advertising and notification requirements were followed

Minority Opinion
The minority opinion expressed the viewpoint that the zone change was not included in the Elizabeth Small Area Plan.

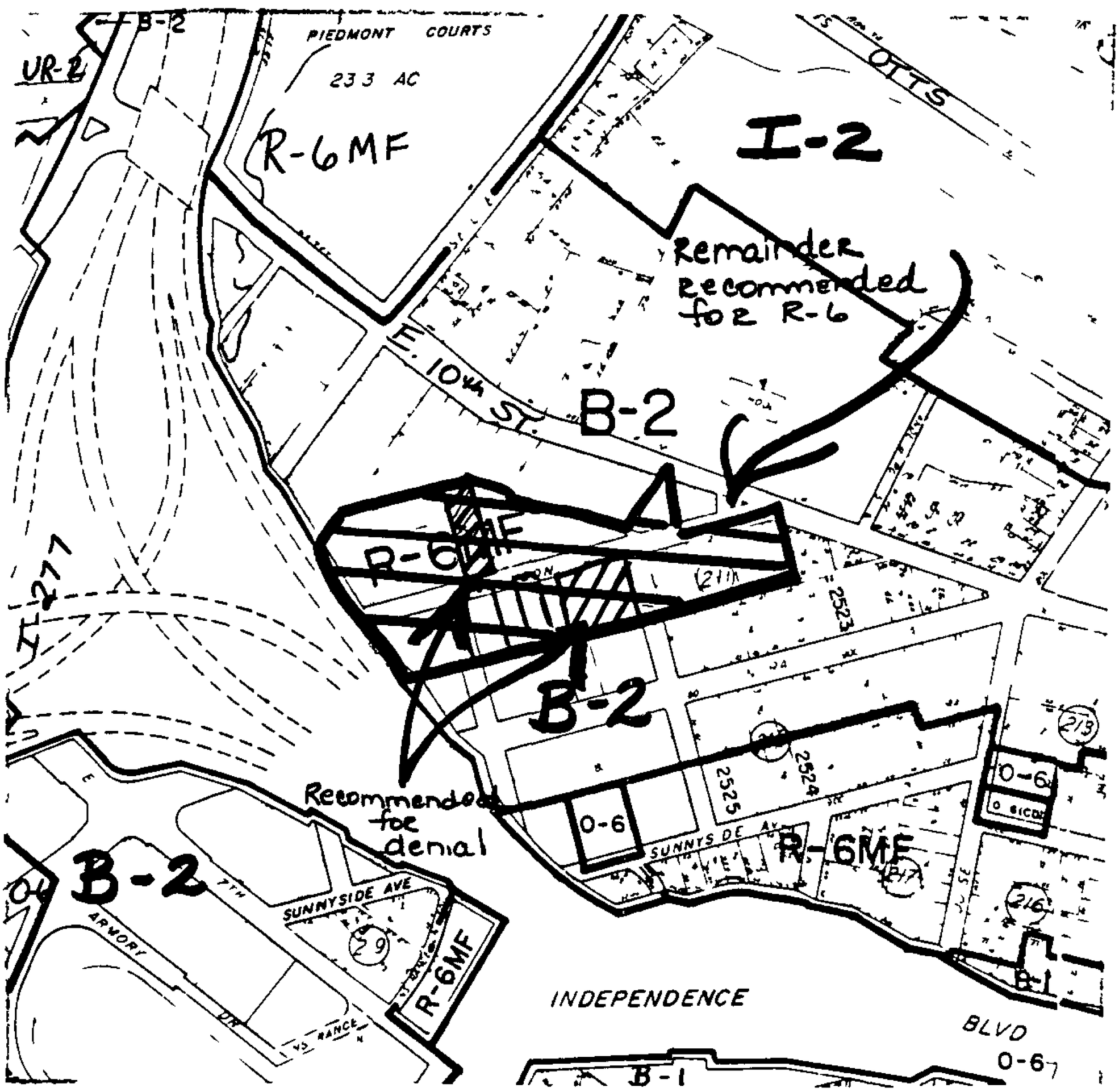
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-25 HEARING DATE March 30, 1987

ZONING CLASSIFICATION, EXISTING R-6MF and B-2 REQUESTED R-6

LOCATION A 2.614 acre site located along both sides of Jackson Avenue to the southwest of East 10th Street



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE· May 21, 1987

PETITION NO 87-26

PETITIONER(S)· Charlotte-Mecklenburg Planning Commission

REQUEST Change from B-2 to R-6MF

LOCATION. The parcel on the southwest corner of the intersection of Central Avenue and Oakland Avenue and the second parcel southeast of the intersection of Central Avenue and Louise Avenue.

ACTION. The Planning Commission recommends that the portion of the petition on Louise Avenue be approved, but recommends denial of the site on Oakland at Central Avenue (SEE MAP)

VOTE. Yeas· Curry, Emory, Lassiter, Lewis and Mead

Nays Griffin and Wheeler.

REASONS.

This petition encompasses land on the southwest corner of the intersection of Central Avenue and Oakland Avenue and one parcel located southeast of the intersection of Central Avenue and Louise Avenue. The existing zoning is B-2 and the petition seeks R-6MF The petitions are being sponsored on behalf of the Elizabeth neighborhood The purpose of the petition is to comply with the intent of the Elizabeth Urban Design and Transportation Study.

The Elizabeth Small Area Plan recommends that Oakland Avenue north of Independence Boulevard be closed to westbound traffic (onto Independence) while maintaining access for buses The property included in the area of the petition is possibly designated for historic district purposes and the plan also recommends the streetscape improvements along Central Avenue The Urban Design Study proposes street tree plantings for the southwest corner of the intersection of Oakland and Central and recognizes that the intersection of Central, East Tenth and Louise is in need of improvement and increased pedestrian safety

The land at Central and Oakland is presently developed with an apartment building on the immediate corner followed by two single family structures The other parcel in the petition on Louise Avenue is also developed with a multi-family building Land uses along Central Avenue are non-residential in nature with most of them being a commercial/business use of one sort or another Neighborhood streets nearby offer a variety of housing types including single family as well as some duplex and small apartment buildings

The housing in this general vicinity represents very valuable housing stock and promotes a highly residential character Staff and Planning Commission believes that the multi-family building which stands on Louise Avenue is an important part of the residential fabric and due to its present use and its orientation to Louise Avenue should be rezoned to the requested classification in order to protect and preserve it and its continued use and function.

Planning Commission did not believe that the area of the petition at Central and Oakland should be changed. Planning Commission noted protest by affected property owners and the negative effect the zone change would have on businesses planned for and/or used in this area. The change in zoning would definitely infringe the development rights of the property owner No residential zoning exists along Central in this area whatsoever. Such a change as the one proposed here was therefore out of character with the established patterns

Planning Commission, therefore, recommends that the petition be approved in part as outlined above

Minority Opinion
Mr. Griffin didn't know how the owner of property on Louise Avenue felt about the rezoning Ms Wheeler supported the staff recommendation

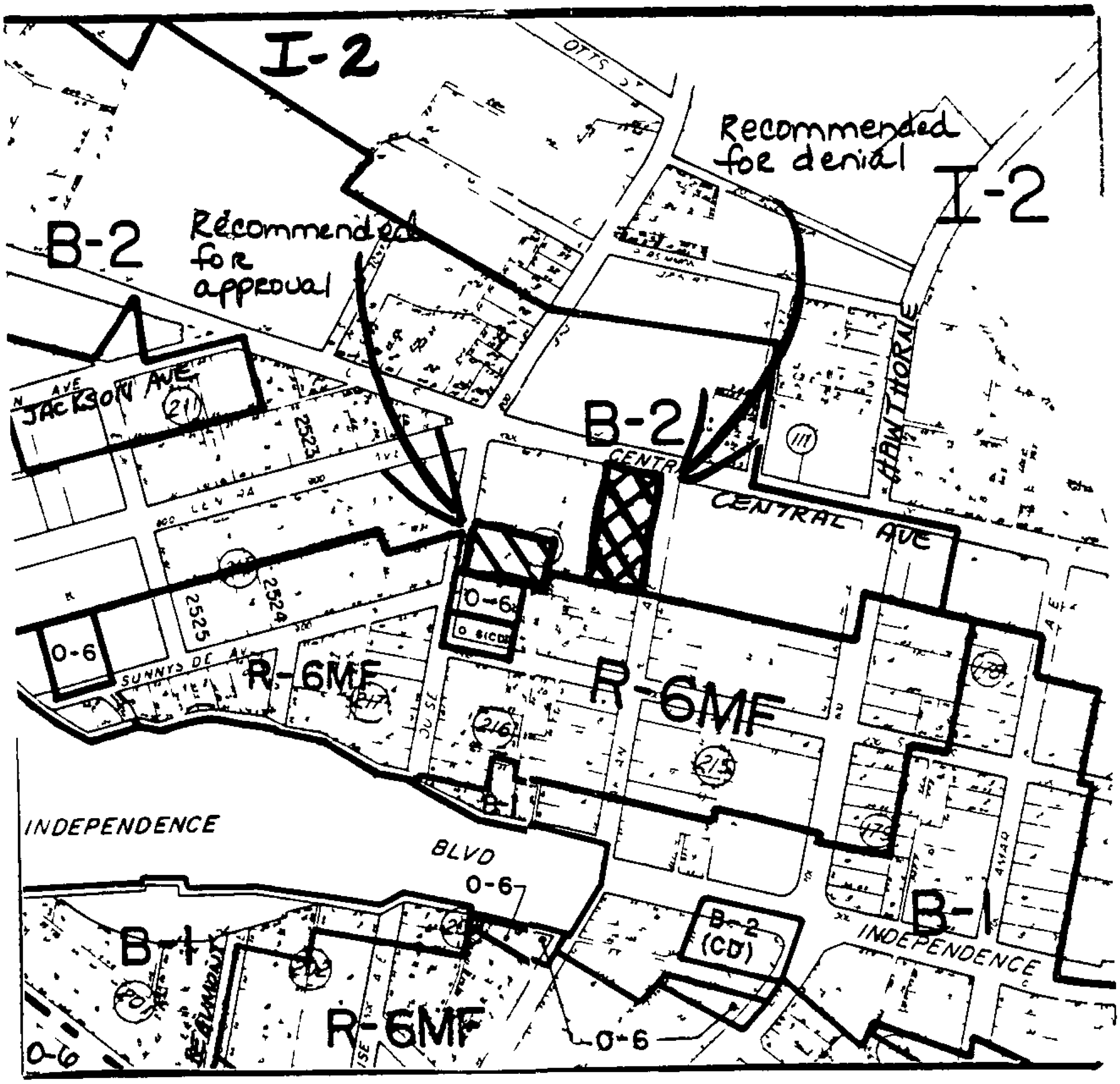
Staff Opinion
The staff agreed with the zone change recommendation for the Louise Avenue property, but recommended the other area of the request for 0-6.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-26 HEARING DATE March 30, 1987

ZONING CLASSIFICATION, EXISTING B-2 REQUESTED R-6MF

LOCATION Three parcels on the southwest corner of the intersection of Central Avenue and Oakland Avenue and the second parcel southeast of the intersection of Central Avenue and Louise Avenue



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

PROPERTY PROPOSED FOR CHANGE

DATE. May 21, 1987

PETITION NO 87-27

PETITIONER(S)· Charlotte-Mecklenburg Planning Commission

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

LOCATION· Approximately 4 437 acres along Lamar Avenue including several parcels north of Independence Boulevard near Sunnyside Avenue and two parcels southeast of the intersection of Lamar Avenue and Independence Boulevard

ACTION. The Planning Commission recommends approval of the petition in part (SEE MAP).

VOTE: Yeas Emory, Lewis, Mead and Wheeler.

Nays Curry, Griffin and Lassiter

REASONS.

The area of this petition encompasses about 4.4 acres along Lamar Avenue including several parcels north of Independence Boulevard near Sunnyside Avenue and two parcels southeast of the intersection of Lamar Avenue and Independence Boulevard The current zoning is B-1 and 0-6 and the petition requests R-6MF The B-1 area is located north of Independence and the two parcels south of Independence are the ones zoned 0-6 The petitions are being sponsored on behalf of the Elizabeth neighborhood in order to comply with the intent of the Elizabeth Urban Design and Transportation Study

The Elizabeth Small Area Plan recommends a review of current zoning classifications after the Independence Boulevard plans are finalized The 0-6 area of the petition is in an area recommended for historic designation and some B-1 parcels in the area are also possible expansion areas of the historic district

Independence Boulevard in the immediate vicinity of the petition is zoned B-1 There is one parcel at the corner of Hawthorne which is zoned B-2(CD) Other business areas nearby are zoned B-2. Residential areas in the neighborhood are a mixture of R-6MF and R-6

Land uses along Lamar Avenue north of Independence where the zoning is currently B-1 is a mixture of single family development, duplex/multi-family as well as business and vacant property Parcels within the petition north of Sunnyside Avenue are completely residential. There is also one parcel on the west side of Lamar and two parcels on the east side, which are all located south of Sunnyside Avenue, also developed for residential purposes This area represents a solid base of residential development along that block and deserves the protection that R-6MF zoning would provide The housing is in good condition

Planning Commission would recommend that the zoning change take place there The remaining parcels in the petition zoned B-1 should not be changed due to the fact that they relate more to business/non-residential property The parcels themselves are vacant and used for business/parking as well as others within close proximity to Independence which would suffer the loss in value if zoned R-6MF, which in this case would be an unfair hardship due to the fact that some right-of-way needs for the future Independence project are anticipated Planning Commission recommends that this area be denied Several affected property owners appeared at public hearing to protest the change

The two parcels located on Lamar south of Independence which are zoned O-6 are currently developed with two single family structures. Much of Lamar Avenue, with the exception of parcels adjoining Independence, is residentially development. Planning Commission recommends that the zone change, as requested, be approved for these two parcels in order to be consistent with the land use of these parcels and to further strengthen the residential character of Lamar Avenue, which is so strong.

Minority Opinion
The minority opinion expressed the viewpoint that property owners protested the petition.

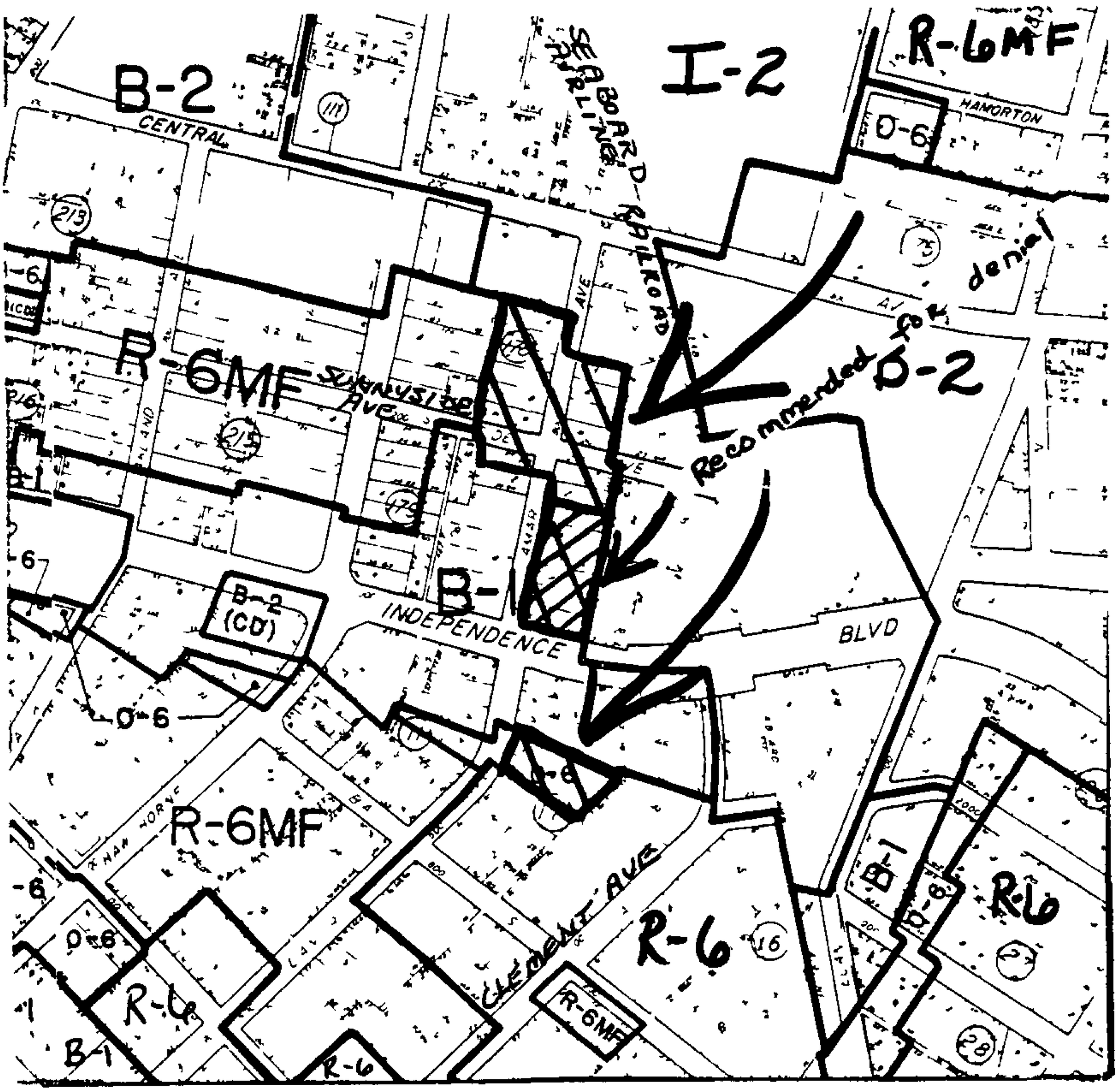
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-27 HEARING DATE March 30, 1987

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

LOCATION 4.437 acres along Lamar Avenue including several parcels north of Indpendence Boulevard near Sunnyside Avenue and two parcels southeast of the intersection of Lamar Avenue and Independence Boulevard



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 21, 1987

PETITION NO 87-29

PETITIONER(S)· Charlotte-Mecklenburg Planning Commission

REQUEST. Change from B-1 to R-6.

LOCATION Two (2) parcels fronting on Clement Avenue between East Seventh Street and East Eighth Street

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

VOTE. Yeas· Curry, Lassiter, Mead and Wheeler

Nays. Emory, Griffin and Lewis

REASONS.

This petition is comprised of two parcels fronting on Clement Avenue between East Seventh Street and East Eighth Street The current zoning is B-1 and the petition is requesting R-6. The petitions are brought forward to public hearing on behalf of the neighborhood in order to comply with the intent of the Elizabeth Urban Design and Transportation Study

The Urban Design Study includes the subject property in an area to be designated as an historic district The small area plan recommends rebuilding Seventh Street between Independence Boulevard and Laurel Avenue as a three lane, two-way roadway and provide for streetscape improvements along Seventh Street between Independence and Briar Creek.

The parcels are developed, on the one hand, with a single family residence on the south side of Clement and a small multi-family building on the north side of Clement. Zoning along East Seventh Street is represented in the form of B-1 zoning which extends from near Pecan Avenue to Hawthorne Areas around Park Drive are zoned O-6 whereas other parcels elsewhere throughout many of the neighborhood streets are zoned R-6 and R-6MF. Land uses in the vicinity reflect the commercial zoning and office zoning along East Seventh Street and a variety of residential in other areas of the neighborhood.

The two parcels in this petition represent an important gateway into the neighborhood along Clement Avenue. The residential character is important to retain in order to enhance and maintain the strength and the image of the gateway Planning Commission felt the need for a transition and that some form of residential zoning was desirable

Planning Commission debated the merits of denying, approving as presented at hearing and approving the petition for multi-family zoning Motions to deny and approve for R-6MF failed for lack of a second

Planning Commission focused on the fact that the lots due to their size could not support multi-family development Planning Commission felt that the properties were so small that that in itself represented a transition. As a practical matter whether the properties were zoned R-6 or R-6MF really didn't matter; the argument was academic

Minority Opinion
Mr. Griffin expressed the fact that the opinions of property owners were not known. Mr. Emory supported a motion to rezone the property to R-6MF

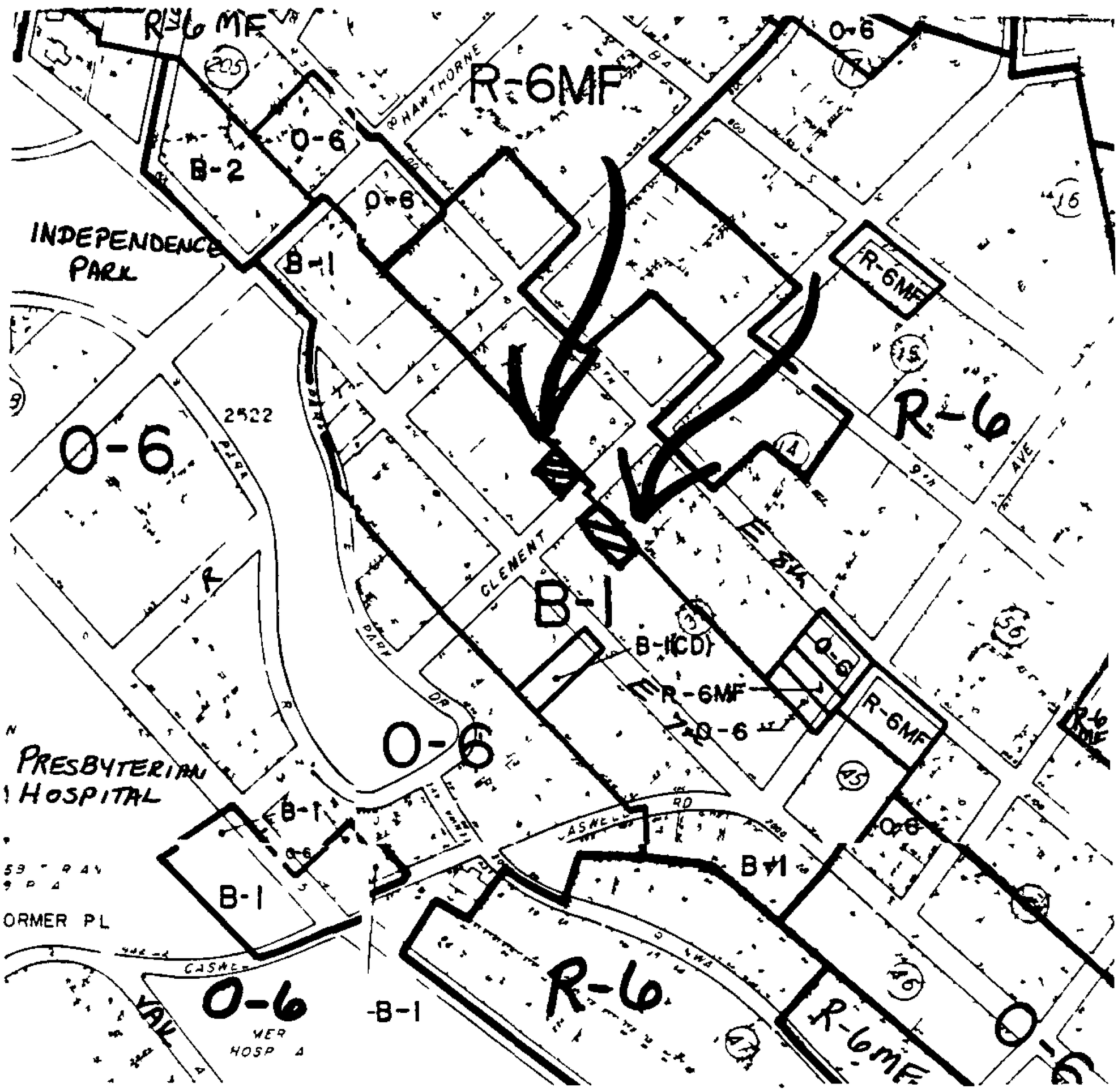
Staff Opinion
Staff would recommend R-6MF zoning in lieu of the petition's R-6 The R-6MF provides a more reasonable zoning transition between B-1 and R-6 and would recognize the multi-family nature of one of the parcels involved. Because of the orientation to Clement Avenue, it is believed that the zone change to residential is reasonable and is certainly keeping in character with other parcels which are similarly situated.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-29 HEARING DATE March 30, 1987

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED R-6

LOCATION Two parcels fronting on Clement Avenue between E. 7th Street and E. 8th Street



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 21, 1987

PETITION NO 87-30

PETITIONER(S)· Charlotte-Mecklenburg Planning Commission

REQUEST· Change from O-6 to R-6MF

LOCATION Approximately 4 984 acres including nine (9) parcels fronting on East Seventh Street extending from Laurel Avenue to Ridgeway Avenue, five (5) parcels just west of the intersection of East Seventh Street and Ridgeway Avenue and three (3) parcels on the westerly corner of Pecan Avenue and East Eighth Street

ACTION: The Planning Commission recommends that the petition be denied

VOTE. Yeas Curry, Emory, Griffin and Lassiter

Nays. Lewis, Mead and Wheeler

REASONS.

This petition involves several areas and encompasses about 4 9 acres, most of which fronts on East Seventh Street extending from Clarice Avenue to Laurel Avenue. The petition also includes parcels on the corner of Pecan Avenue and East Eighth Street. The current zoning in all of these areas is O-6 and the petition is seeking R-6MF The petition is brought forward to public hearing on behalf of the neighborhood to comply with the intent of the Elizabeth Urban Design and Transportation Study

Areas along East Seventh Street are zoned a combination of B-1 and O-6 Residential areas in the neighborhood are R-6MF and R-6 and are scattered throughout many neighborhood streets In terms of land use the properties included in the petition represent a mixture of existing office and multi-family development for the most part Parcels at the intersection of Pecan and Eighth Street are developed with a duplex, single family and a small office/ warehouse building Parcels fronting on Seventh Street between Clarice and Ridgeway Avenue are developed with five multi-family buildings Three parcels in the block between Ridgeway and Laurel are developed with multi-family development (Balmoral Apartments). That project also extends across East Seventh Street in the petitioned area between Ridgeway Avenue and Laurel. Other parcels in that part of the petition include other multi-family development along with a vacant parcel and a couple of single family structures The purpose of the petition is to match the on the ground uses with the proposed zoning. From the neighborhood perspective approval of the petition would help to unify the neighborhood better by providing residential zoning along critical streets which run across Seventh Street. The plan felt that the structures and

the fabric of East Seventh Street and the neighborhood should be protected from further erosion represented by the 0-6 classification.

Planning Commission and staff, however, in final evaluations of this petition did not recommend the zone changes along East Seventh Street Changing the zoning does not necessarily insure the protection of the neighborhood fabric and character and it is further believed that a mixture of land uses which are represented by office and business zoning along Seventh Street can serve as an important continuing method to reinvest in the neighborhood (for example the recently completed Pecan Point retail center at the Pecan/Caswell intersection) Planning Commission is also concerned about the resulting zoning pattern if the petition is approved which would leave some parcels zoned 0-6 while changing others to multi-family even though they are all very similarly sized and situated. Such a zoning change might prove to be a hardship to those property owners whose zoning would be removed. Further, Seventh Street is a major one through the neighborhood and is heavily traveled, which tends to diminish the appropriateness of multi-family usage. Seventh Street has already set a tone and pattern that should not be changed. When viewed in the overall context of these petitions, it is an overall equitable compromise to leave these properties zoned as is Planning Commission agreed with this assessment and recommends that the petition in its entirety be denied

Property owners appeared at the public hearing to protest the change

Staff Opinion

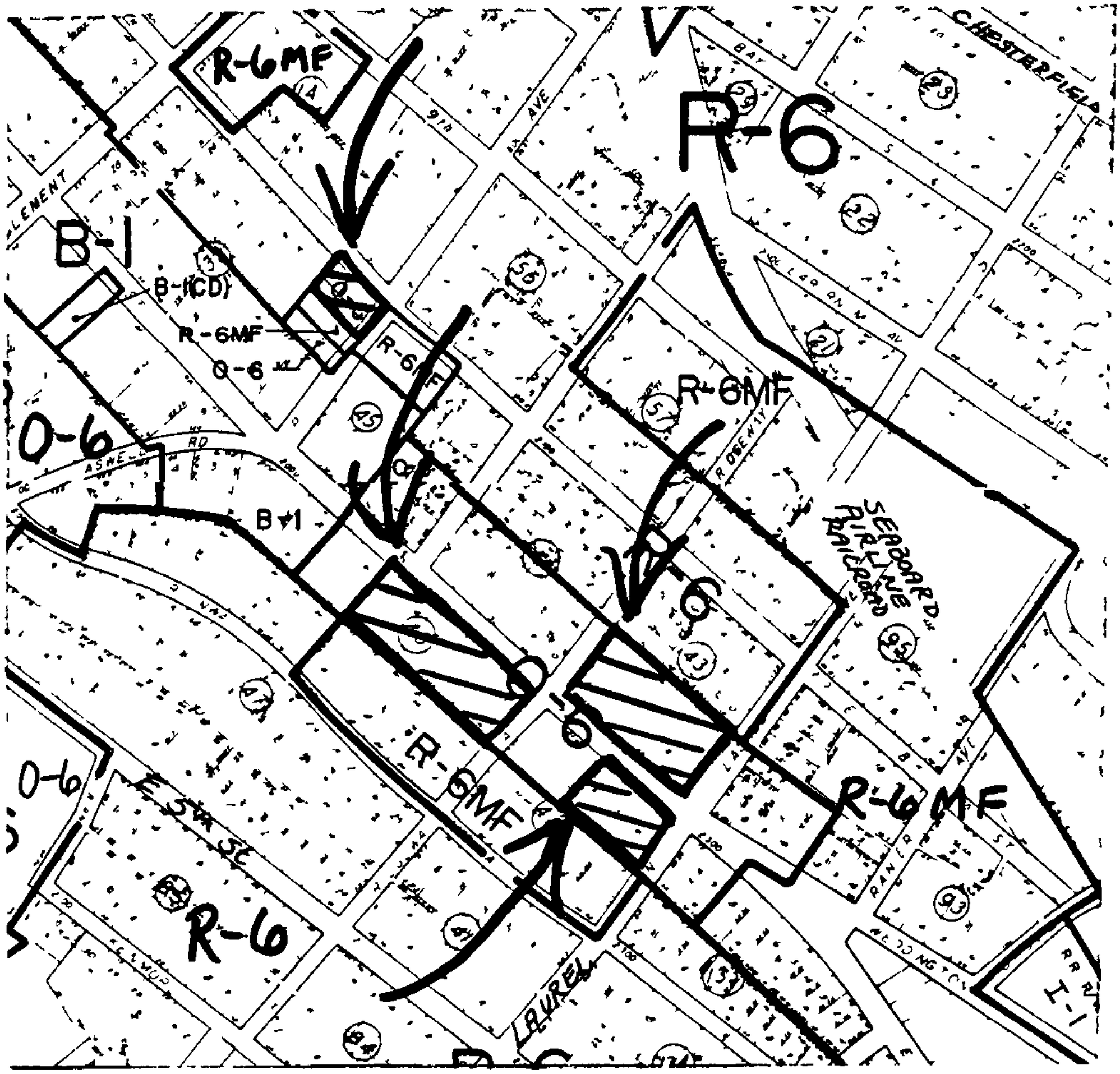
Staff supported the denial of the zone change on Seventh Street. As far as the other parcels are concerned at Pecan and Eighth Street staff would recommend the change there. Two parcels are used for residential purposes and a third, very small lot, is used in a non-conforming office/warehouse structure. Because the environment there is so heavily oriented to neighborhood/residential uses, it seems very logical to change the zoning there to match the use and what is intended to be a very strong orientation now and in the future to residential development. The Urban Design Study references the site at Pecan and Eighth Street as an area to be designated as an historic district

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-30 HEARING DATE March 30, 1987

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

LOCATION 4.984 acres including nine parcels fronting on E. 7th Street extending from Laurel Avenue to Ridgeway Avenue, five parcels just west of the intersection of E. 7th Street and Ridgeway Avenue and three parcels on the westerly corner of Pecan Avenue and E. 8th Street



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

PROPERTY PROPOSED FOR CHANGE

DATE. May 21, 1987

PETITION NO 87-32

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST· Change from O-6 and R-6MF to R-6.

LOCATION A 7 244 acre site bounded by North Laruel Avenue, Bascom Street, Weddington Avenue and the Seaboard Airline Railroad

ACTION· The Planning Commission recommends that the petition be denied.

VOTE· Yeas· Curry, Griffin, Lassiter and Lewis

Nays. Emory, Mead and Wheeler

REASONS.

This petition encompasses land which is generally bounded by Laurel Avenue, the Seaboard Airline Railroad, Bascom Street and Seventh Street/Weddington Avenue The total acreage is approximately 7 2 acres. The current zoning is O-6 and R-6MF and the petition is requesting R-6. The petition is being brought forward to public hearing on behalf of the neighborhood in order to comply with the intent of the Elizabeth Urban Design and Transportation Study.

The area within the petition is a mixture of single family, duplex, multi-family and office development There are also vacant parcels as well. Other portions of the immediate neighborhood are generally single family in nature, particularly along East Eighth Street A concentration of multi-family is nearby between Seventh and Weddington as well as the block along Seventh Street between Ridgeway Avenue and Laurel Avenue There are also a couple of office uses directly across Seventh Street from the site

Office zoning extends along both sides of Seventh Street beginning at about the subject property towards an area near Pecan Avenue. A small area of industrial zoning is located just across Bascom Street from the site Other land in the neighborhood is either R-6 or R-6MF including portions of R-6 zoning along the northerly and westerly sides and R-6MF zoning thereafter.

The portion of this petition which is zoned office represents the extension of the office zoning which has previously been described in Petition 87-30 As in that case, staff and Planning Commission believes in its final assessment that the office zoning should be retained. A couple of the parcels within this area are already used for office purposes and due to its location along Seventh Street as well as the fact that other office development is located across from it, it is feasible to continue the O-6 classification here

Planning Commission believed that approval of the change from R-6MF to R-6 was a move in the wrong direction Much of the area is vacant and the housing stock is old. As such the neighborhood may not be able to rejuvenate itself and is further compounded with the railroad tracks. In light of that the current multi-family zoning provides flexibility and opportunity that R-6 does not. Multi-family would help invigorate the neighborhood

Minority Opinion
The minority opinion expressed the viewpoint that the neighborhood in general had lots of single family homes and did not suffer due to the existence of the railroad

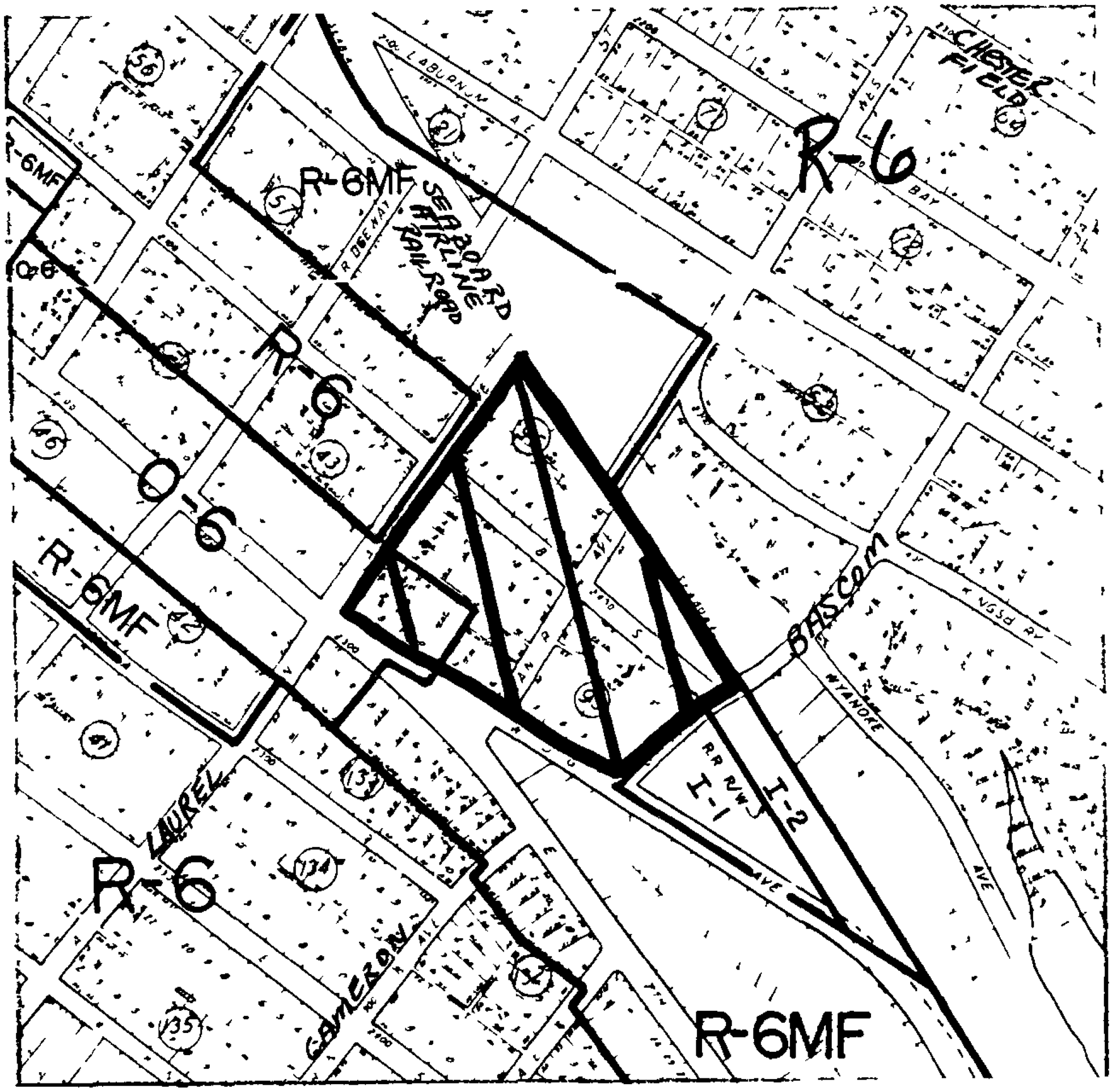
Staff Opinion
The portion of the petition which seeks R-6 was supported by staff. It seems more logical due to the fact that the parcels are more neighborhood oriented and many are developed with single family structures. Three duplex units which front on Weddington Avenue would become non-conforming. Other portions of the area are vacant and could be negatively impacted if developed with high density multi-family A single multi-family building which fronts on Laurel Avenue at East 8th Street would also become non-conforming Staff was willing to have that parcel omitted from the zone change

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-32 HEARING DATE March 30, 1987

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

LOCATION A 7.244 acre site bounded by N. Laurel Avenue, Bascom Street, Weddington Avenue and Seaboard Airline Railroad



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE· May 21, 1987

PETITION NO 87-33

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION. Four (4) acres along the northeasterly side of Greenway Avenue extending from North Laurel Avenue to west of Ridgeway Avenue

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

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

Nays· Griffin and Lewis

REASONS·

This petition is comprised of approximately four acres along the northeasterly side of Greenway Avenue extending from Laurel Avenue to an area west of Ridgeway Avenue. The area covered by the petition is currently zoned R-6MF and the R-6 single family district is requested by the petition. The petition is brought forward to public hearing on behalf of the neighborhood and seeks to implement the intent of the Elizabeth Urban Design and Transportation Study

The Elizabeth Small Area Plan recommends that Greenway Avenue function as part of a bicycle path system through the neighborhood The subject property is also included in the area to be designated as an historic conservation district The Urban Design Study has similar recommendations as those listed above

The area within the petition is made up almost entirely of a series of duplex structures along with a couple of single family structures Other portions of Greenway Avenue are largely single family in nature, but there are again a few duplex units across a portion of the petitioned property. There is also a small area of multi-family development at the intersection of Greenway and Caswell Road. Other land uses which adjoin the site are a mixture of multi-family and office development involving parcels which front on Seventh Street Other neighborhood streets in the immediate vicinity are solidly developed with single family homes

Most other streets in the area are zoned R-6 The site also lies adjacent to O-6 zoning which fronts on East Seventh Street East Seventh also has B-1 zoning beginning near Pecan Avenue and extending towards Hawthorne Other neighborhood areas elsewhere are zoned R-6MF.

Greenway Avenue is an important neighborhood street The street as mentioned just above is single family in character, scale and appearance It is a quiet,

neighborhood-type street, this despite the fact that the area of the petition is filled with duplex structures The structures, however, lend themselves very easily to the single family nature of the street It is Planning Commission's opinion that this street deserves the protection of entire single family zoning along it and supports the zone change Most of the duplex structures (exception· corner lots) would become non-conforming in nature, but it is important to realize that the R-6MF zoning represents a potential high density threat and intrusion into the existing the neighborhood setting Removal of these duplex units would allow high density multi-family on a street that is not suited for such development

Planning Commission did inquire about property owner protest Staff responded that there was opposition at public hearing and also indicated that at the public hearing the neighborhood association agreed with one property owner to rezone part of the area to R-6MF(CD). Howerver, Planning Commission's motion and vote recognized the petition request to rezone the area to R-6

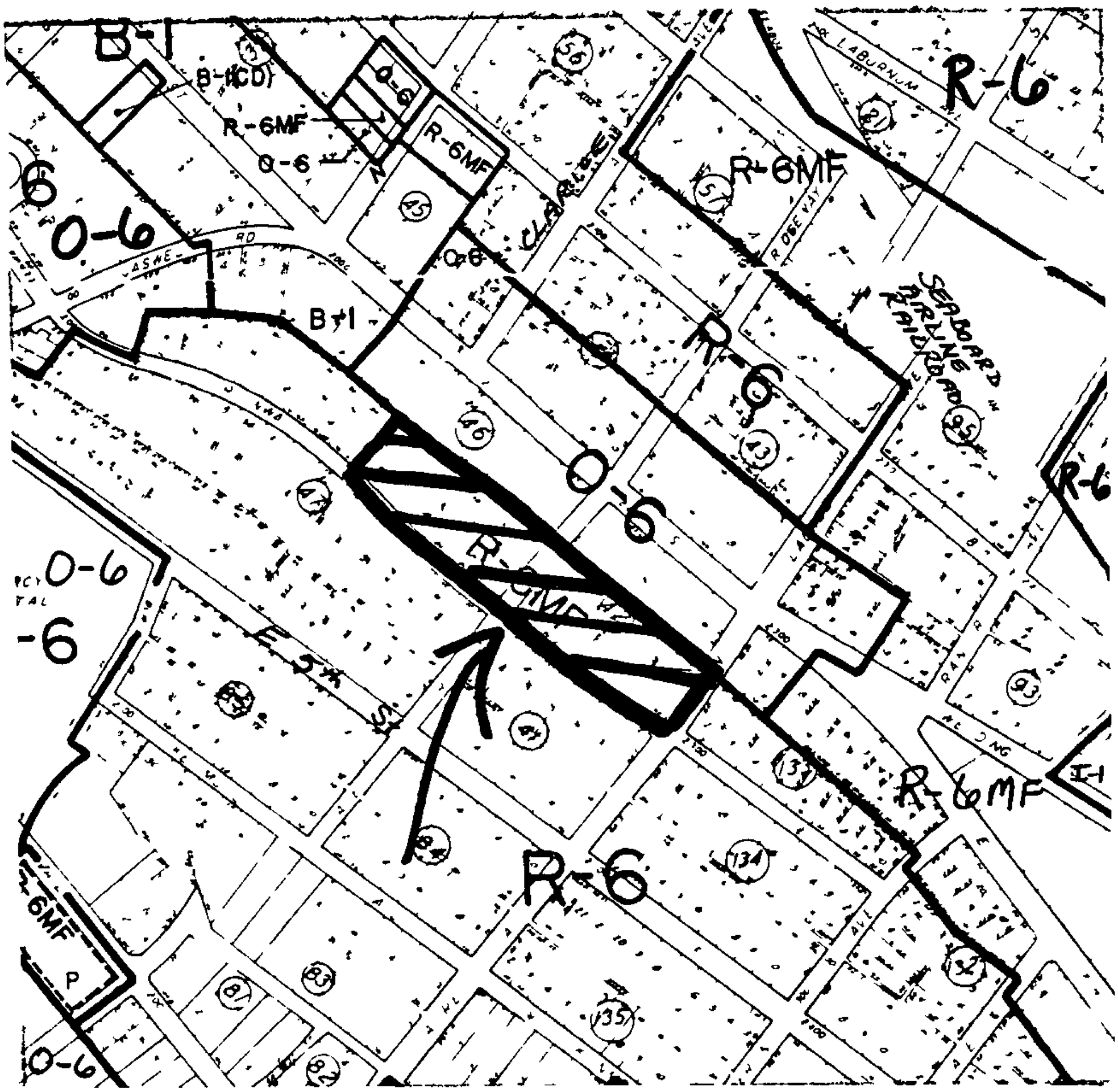
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-33 HEARING DATE March 30, 1987

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

LOCATION 4 acres along the northeasterly side of Greenway Avenue extending from N. Laurel Avenue to west of Ridgeway Avenue



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 21, 1987

PETITION NO. 87-37

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST· Change from B-1 to O-6 and R-6MF.

LOCATION Approximately 4 01 acres bounded by Independence Boulevard, East Seventh Street and Beaumont Avenue

ACTION The Planning Commission recommends that all lots which front on Seventh Street be rezoned to O-6 and the rest of the parcels in the petition be deferred until the final design for Independence Boulevard is known (SEE MAP).

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

Nays None

REASONS

This petition involves about four acres bounded by Independence Boulevard, East Seventh Street and Beaumont Avenue The property is presently zoned B-1 and the petition seeks R-6MF and O-6 The petition is brought forward to public hearing to comply with policy goals contained in the Elizabeth Small Area Plan. It should be noted that while the geographic area of this petition is included in the small area plan, the plan recommended that the area be rezoned entirely to O-6

Other zoning patterns in the area reflect the continuation of O-6 zoning across East Seventh from the site and extending in the direction towards Hawthorne Lane The zoning pattern there changes more towards an orientation of commercial zoning as East Seventh extends towards the Pecan and Caswell area Across Independence Boulevard from the site to the north are areas zoned R-6MF and other neighborhood streets immediately in the vicinity of the site, such as Beaumont and Louise, are also zoned R-6MF at the present time Other portions of Independence Boulevard nearby relate to B-2 zoning.

The property involved in this petition is developed with several different land uses, though most are office oriented. The Central Services Department of the City of Charlotte comprises the area which is zoned B-1 in the petition. That site has access off of Beaumont Avenue. Another office building is located at the corner of Beaumont and Seventh Street. Some institutional uses are located at and near the corner of Independence and Seventh Street with some residential development in between there and the aforementioned office at the corner of Beaumont. Across Seventh from the site is the headquarters for the Boy Scout Association, other office development, and a church The Independence Park area is also close by Other portions of the neighborhood in the vicinity

reflect a mixture of office and commercial development at the intersection of Seventh and Hawthorne and especially along Seventh as it continues towards Pecan and Caswell.

As far as Planning Commission's recommendation is concerned no non-conforming uses will be created

This area of East Seventh Street represents one of the major gateway entrances into the neighborhood The commercial zoning there associated with the property represents a potential negative intrusion into the neighborhood The rezoning will help match the on the ground uses to current zoning as well as to facilitate future redevelopment which will compliment the goal of enhancing and preserving the neighborhood. The small area plan recognizes the area's importance and poses streetscape and roadway improvements to East Seventh Street and some to portions of Independence Boulevard. The Urban Design Plan also makes reference to the property as a "gateway" at the intersection of Independence and Seventh Street

Planning Commission does, therefore, recommend that all of the parcels which front on East Seventh Street be rezoned to O-6 Staff also supported that recommendation That would be consistent with the small area plan recommendation. The balance of the petition near Independence Boulevard is occupied by the City of Charlotte offices. Staff supports a change of zoning there to R-6MF, but realizes that portions of that land might be involved in the Independence Freeway project. Any final decision regarding that area should be left until those plans are finalized and acquisitions take place. This site commands a potentially exciting view of uptown Charlotte and high density residential development here can create an exciting urban setting. As a matter of fact staff would even entertain an R-6MFH zoning for this property to provide even higher densities than allowed under R-6MF. Planning Commission supported staff's recommendation and deferred any action on those parcels until the final design for Independence Boulevard is set

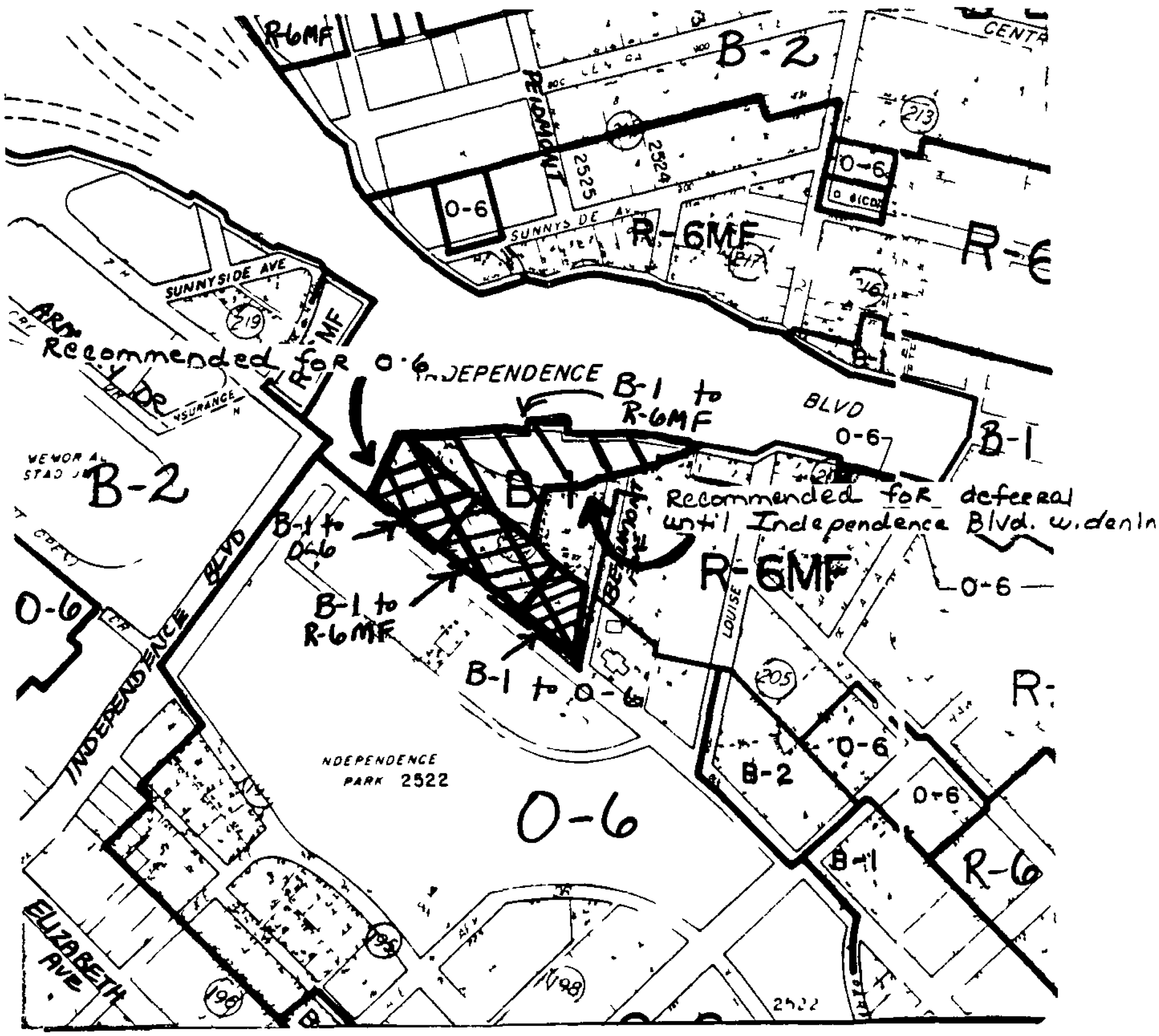
<u>Staff Opinion</u>
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-37 HEARING DATE March 30, 1987

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

LOCATION 4.01 acres bounded by Independence Boulevard, East 7th Street and Beaumont Avenue



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE May 21, 1987

PETITION NO 87-38

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION Four (4) parcels west of the intersection of East Eighth Street and Hawthorne Lane and one (1) parcel on the southeast corner of the intersection of Howthorne Lane and East Eighth Street

ACTION The Planning Commission recommends that the petition be approved.

VOTE. Yeas Emory, Lewis, Mead and Wheeler

Nays: Curry, Griffin and Lassiter

REASONS

This petition involves four parcels west of the intersection of East Eighth Street and Hawthorne Lane and one parcel on the corner of East Eighth Street and Hawthorne Lane Current zoning is O-6 and the petition seeks R-6MF zoning It should be noted that the application states that this petition complies with the Elizabeth Small Area Plan, but the areas located on the northwesterly side of Hawthorne are not included in the small area plan The parcel across the street is identified as being a part of a neighborhood mixed use district in the small area plan

The Elizabeth Small Area Plan recognizes the parcels on the east side of Hawthorne as part of a proposed neighborhood mixed use district Further, parcels west of the intersection of East Eighth and Hawthorne are in the areas being designated as an historic conservation district The other parcel is in an area to be designated as an historic district The Urban Design Plan makes the same kind of recommendation as the one contained just above

The parcels in question, despite the office zoning, are mostly developed residentially The lot which faces East Eighth Street has a duplex residence on it and the parcels which front on Hawthorne adjoining that lot are developed with multi-family and office uses. Across the street the corner lot is developed with a single family house and to the rear is a small multi-family building Land uses along Hawthorne between Independence and Seventh Street are largely residential in nature along with Hawthorne Lane United Methodist Church However, there are some commercial uses on either end of the street at Independence and Seventh Street

Although the geographic area of this petition is relatively small, it is an important link along Hawthorne and makes up an important part of the neighbor-

hood setting The proposed zoning will be consistent with neighborhood preservation goals and match the land uses on the ground Office usage on Hawthorne would become non-conforming if the petition is approved

Planning Commission, therefore, recommends that the petition be approved

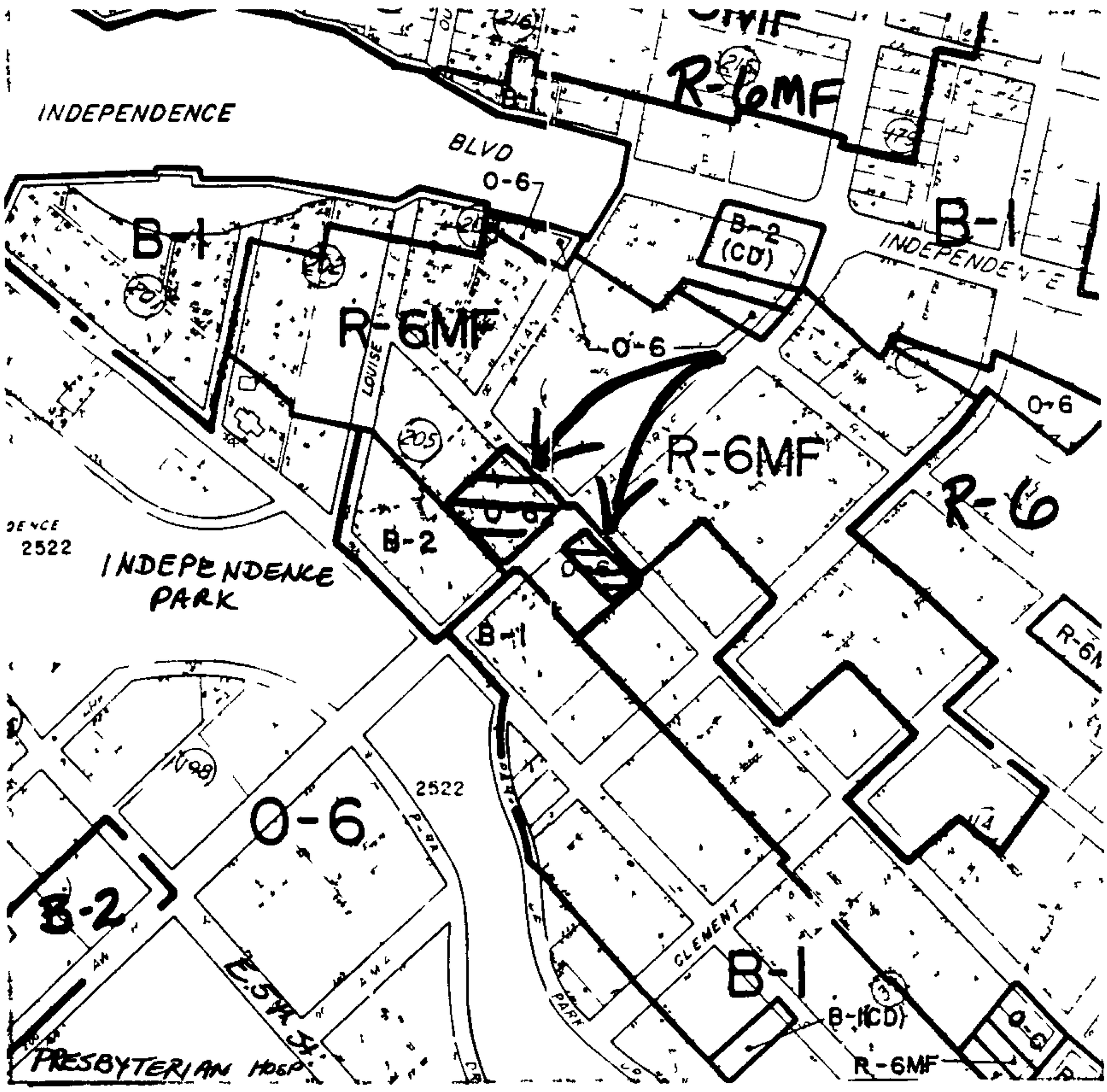
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-38 HEARING DATE March 30, 1987

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

LOCATION Four parcels west of the intersection of East 8th Street and Hawthorne Lane and one parcel on the southeast corner of the intersection of East 8th Street and Hawthorne Lane



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

PROPERTY PROPOSED FOR CHANGE