AGENDA

Meeting Type:	Z
Date	05-18-1987
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

May 18, 1987

FILE COPY

ADDENDUM

MEMORANDUM

May 18, 1987

TO: Mayor and City Council Henry W. Underhill Jr.

FROM: Henry W. Underhill, Jr.
City Attorney

SUBJECT: Possible timetable for consideration of proposed text amendment regarding billboards.

The following timetable will satisfy all legal requirements with respect to notice and could be utilized in the consideration of adopting text amendments with respect to billboards:

1. May 22, 1987 - First publication of required notice of public hearing.

2. May 29, 1987 - Second publication of required notice of public hearing.

3. June 1, 1987 - Public hearing on proposed text amendments.

Section 3.90.5 of the Interlocal Agreement with Mecklenburg County provides that before the City Council may take action on a text amendment to the zoning ordinance, it must be referred after the public hearing to the planning committee of the Planning Commission for the planning committee's recommendation. The planning committee shall be given at least 30 days in which to make its recommendation. Obviously, the planning committee can formulate its recommendation and report back to the City Council in less than the 30 day period. Thus, if the City Council desires an expedited consideration of this proposed text amendment, it would seem appropriate that the planning committee be invited to the public hearing on any proposed text amendment.

HWUjr/ef

Hearing set for:
4:00 p.m.
Tuesday, June 2, 1987
Council Chamber

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING A PUBLIC HEARING ON MONDAY, JUNE 1, 1987, ON A PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE WITH RESPECT TO ADVERTISING SIGNS.

BE IT RESOLVED by the City Council of the City of Charlotte that a public hearing as required by law shall be held on Monday, June 1, 1987, at _____ o'clock ___.m., on a proposed text amendment to the Charlotte zoning ordinance with respect to advertising signs.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish the required legal notices of said hearing.

Approved as to form:

Henry W Underhill Jr.
City Attorney

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONI\:

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

Section 1. Appendix A-Zoning, of the City Code shall be amended by adding a new section 2106 to read as follows:

"§ 2106. Prohibition of all Advertising Signs.

.1 Purpose: The purpose for the current review for new sign regulations and the purpose of this section 2106 are all intended to accomplish the following objectives:

(1) To minimize the distractions and the obstructing-of-view that contribute to traffic hazards and endanger public safety.

(2) To enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.

(3) To prevent advertising, business, and identification signs from conflicting or obscuring signs related to public safety and public information.

(4) To minimize any detrimental effects of advertising signs upon both abutting properties and properties in the general vicinity of the advertising signs.

.2 Definitions:

(1) Advertising signs: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on a commerical basis:

.1 Only elsewhere than upon the premises where the sign is displayed; or

.2 Has a minor and incidental activity upon the premises where the sign is displayed; or

.3 A sign, for which the sign permit issued for the sign, states on its face that it is an advertising sign and shows by its dimensions that it is an advertising signs.

(2) Bulletin board, business sign, and identification sign: Code § 1100, "Sign", defines bulletin board, business signs, and identification signs. Those are

not advertising signs, as advertising signs are defined herein and as they are defined in Code § 1100, and therefore, are not subject to Code § 2106.

(3) Noncommercial signs: A "noncommercial sign" is defined as a sign which is not an advertising, business, identification, or bulletin board and which carries a substantive message, statement, or expression that is protected by the First Amendment to the United States Constitution.

.3 Prohibition and removal of advertising signs:

(1) All existing advertising signs, as defined above, must be removed entirely, which means the entire structure of the advertising sign, within five and one-half years of the adoption of this section 2106.

(2) Any holders of permits for advertising signs or and permits that are on file at this time that shall be approved shall be entitled to erect the advertising sign in compliance with the zoning regulations in effect at the time of the approval of the permits. Such advertising signs must be lawfully erected in accordance with the regulations in effect at the time of the approval of the permit and any terms of the permit in order to remain for the five and one-half year duration from the time of erection.

.3 Exceptions:

(1) Noncommercial signs: Nothing in this section 2106 shall apply to noncommercial signs as defined above.

(2) Federal and State exemptions: Section 2106 shall not apply to any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway under a Federal-aid Primary Highway System, as provided for in N.C. Gen. Stat. § 136-131.1. Section 2106 shall not apply to any other advertising signs excepted by any Federal or State law.

(3) Signs permitted without limitation: Code section 2105(.1-.9) has special categories serving the public interest and are exempted from section 2106.

.4 Provisions in conflict with this section: If there are any other provisions of this Zoning Ordinance in conflict with section 2106, then section 2106 shall control.

.5 Severability: If any provision, clause, sentence or paragraph of this ordinance or application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the sections which can be given effect, independent from the invalidity; and to this end, any invalidity is hereby declared to be severable.

Sec. 2. Appendix A-Zoning, section 2110.3, which includes subsections .1 through .12, shall be amended by deleting the words "advertising sign" or "advertising signs", wherever they appear in section 2110.3, and substituting in lieu thereof the word "noncommercial sign" or "noncommercial signs", where appropriate.

Sec. 3. Appendix A-Zoning, section 2110.6, of the City Code is deleted in its entirety.

Sec. 4. Appendix A-Zoning, section 2110.3, of the City Code shall be amended by changing .7 to .6, .8 to .7, .9 to .8, and .10 to .9.

Sec. 5. Appendix A-Zoning section 2110.3, of the City Code shall be amended by deleting in its entirety .11 and in lieu thereof a new .11 to read as follows:

> ".11 A noncommercial sign shall not be erected within 20 feet of an existing principal building."

Sec. 6. Appendix A-Zoning section 2110.3, of the City Code shall be amended by deleting .12 in its entirety and in lieu thereof shall be the new .12 to read as follows:

> ".12 An applicant for a permit for a noncommercial sign shall receive the permit upon a showing that the erection of the sign will comply with the locational, size, and height requirements of Code section 2110.3.

The applicant's designation of the sign permit as a noncommercial sign shall be binding upon the Mecklenburg County Building Standards Department. It is only after the erection and use of the sign shall the City be authorized to take action to seek the removal of the sign as a noncommercial sign, if the City determines that it is a noncommercial sign."

Sec. 7. This ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

CHARLOTTE

Meetings in May '87

MAY 1 - MAY 2

2	Saturday, 9 00 a m	CHARLOTTE ADVISORY PARKS COMMITTEE (Retreat) - Latta Plantation Park, Visitors Center

MAY 3 - MAY 9

4	Monday, 4 00 p.m.	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 5 00 p.m.	CITY COUNCIL/COUNTY COMMISSION/Workshop on Solid Waste Management Plan - City Hall Annex, Training Center
5	Tuesday, 8:00 a.m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 5 00 p.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
6	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
7	Thursday, 7 30 p.m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road

MAY 10 - MAY 16

11	Monday, 10 30 a m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Charlotte Convention Center, VIP Lounge
	Monday, 11 45 a.m.	PLANNING COMMISSION (Subdivision & Multi-Family Approvals) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg., 1st Floor Conference Room
	Monday, 5 00 p.m	COUNCIL/MANAGER DINNER - Eastway Junior High School, 3333 Biscayne Drive
	Monday, 7 00 p.m.	CITIZENS HEARING - Eastway Junior High School, 3333 Biscayne Drive
	Monday, 7 30 p.m	CITY COUNCIL MEETING - Eastway Junior High School, 3333 Biscayne Drive
	Monday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - 1221 South Caldwell Street, Commission Office
12	Tuesday, 4 00 p.m.	PLANNING COMMISSION (Sign Ordinance Review) - Cameron-Brown Bldg., 1st Floor Conference Room
	Tuesday, 4.00 p.m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
13	Wednesday, 7 45 a.m.	PRIVATE INDUSTRY COUNCIL - Charlotte Chamber, 129 West Trade St.
	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
15	Friday, 7 30 a.m.	PLANNING COMMISSION/Planning Liaison Committee - Cameron-Brown Bldg., 1st Floor Conference Room

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Public Service And Information Department

600 East Trade Street

Charlotte NC 28202

MAY 17 - MAY 23

18	Monday, 5 00 p.m.	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p.m.	CITY COUNCIL MEETING (Zoning Hearing) - Education Center, Board Room
19	Tuesday, 2 00 p.m.	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Tuesday, 4 00 p.m.	CITY COUNCIL/COUNTY COMMISSION (Zoning Ordinance Revision Workshop) - City Hall Annex, Training Center
20	Wednesday, 2:00 p.m.	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 4 00 p.m.	PLANNING COMMISSION (Sign Ordinance Review) - Cameron-Brown Bldg., 1st Floor Conference Room
	Wednesday, 7 00 p.m.	METROPOLITAN PLANNING ORGANIZATION - City Hall Annex, Dept. of Transportation Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
21	Thursday, 8 00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 4 00 p.m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg., 1st Floor Conference Room
	Thursday, 7.30 p.m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckas gee Rd.

MAY 24 - MAY 31

25	Monday, 25	MEMORIAL DAY HOLIDAY - City Offices Closed
26	Tuesday, 3 00 p.m.	COMMUNITY FACILITIES COMMITTEE - Charlotte Mecklenburg Utility Dept , 5100 Brookshire Blvd.
	Tuesday, 4 30 p.m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room
	Tuesday, 5 00 p.m.	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg., 1st Floor Conference Room
27	Wednesday, 4 00 p.m.	FY88 RECOMMENDED OPERATING BUDGET PRESENTATION - City Hall Annex, Training Center
	Wednesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
28	Thursday, 4 00 p.m.	OPERATING BUDGET WORK SESSION - City Hall Annex, Training Center
	Thursday,	MAYOR'S DAY - Raleigh, N.C.
29	Friday, 12 Noon	CITY COUNCIL (Informal Budget Review) - City Hall, 3rd Floor Conference Room

These organizations will <u>not</u> meet during May.

Advisory Board for Citizens with Disabilities
Advisory Energy Commission
Housing Appeals Board
Insurance & Risk Management Agency
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Harvey B. Gantt Mayor Pro Tem Al Rousso

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

Council Agenda

Monday, May 18, 1987

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

Discuss Package of Conditional District Rezoning.

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

ITEM NO.

1. Invocation by The Reverend Derrick R. Anderson of East Stonewall AME Zion Church.

PUBLIC HEARINGS

2. Hearing to consider designation of the Old Mecklenburg Mill, (including the exterior and interior of the entire Mill Building and the Hose House; and an associated tract of land) located on North Davidson Street, as historic property.

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

1. Built in 1903-05, the Old Mecklenburg Mill is one of Charlotte's best preserved early textile mills.

2. The Old Mecklenburg Mill is an important historic landmark in North Carolina, one of Charlotte's most significant textile mill districts at the turn of the century.

3. The Old Mecklenburg Mill offers dramatic evidence of the era when textile manufacturing was a leading component of Charlotte-Mecklenburg's economy.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $1,547.23.

The property owner fully supports the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects. The North Carolina Division of Archives and History concurs in the proposed designation.

Recommend adoption of an ordinance designating the Old Mecklenburg Mill, including the Mill Building, Hose House and specific land located on North Davidson Street, as historic property.

Attachment No. 1

3. Hearing to consider designation of the Walter Alexander House (including the exterior and interior of the main house and the outbuilding; and land associated therewith) located at 523 Clement Avenue, as historic property.

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

1. The Walter L. Alexander House was erected in 1915, is the grandest residence dating from the 1910's in the streetcar suburb of Elizabeth.

2. It has a distinguished list of owners, including Walter L. Alexander, William C. Wilkinson, and Admiral Percy W. Foote.

3. The Walter L. Alexander House is part of a cluster of homes (the John Baxter Alexander House, and the Jennie Alexander Duplex) which once formed a unique family complex in the Elizabeth neighborhood.

Based on the current tax rate, the amount of deferrable taxes would be $667.75.

The property owner fully supports the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects. The North Carolina Division of Archives and History concurs in the proposed designation.

Recommend adoption of an ordinance designating the Walter Alexander House, the outbuilding and land associated therewith, as historic property.

Attachment No. 2

4. Hearing to consider designation of the Old Hand's Pharmacy Building (specifically the exterior and interior of the building, and the land associated therewith) located at 3201 North Davidson Street, as historic property.

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

1. The Old Hand's Pharmacy Building, erected in 1912, was an important component of the commercial district of North Charlotte, which was one of Charlotte's most important mill communities.

2. It is one of the best preserved examples of brick commercial architecture of early twentieth century in Charlotte-Mecklenburg.

3. The buildings are a part of the historic streetscape of North Davidson Street, because it occupies a corner lot at a major intersection.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $146.80.

The property owner fully supports the historic designation. The Department Review Process revealed no conflicts between the historic designation and City projects. The North Carolina Division of Archives and History concurs in the proposed designation.

Recommend adoption of an ordinance designating the Old Hand's Pharmacy Building (specifically the exterior and interior of the building and the land associated therewith) located at 3201 North Davidson Street, as historic property.

Attachment No. 3

5. Hearing to consider designation of the Harry Arthur Ziem House, (including the interior and exterior of the house, and the land associated therewith) located at 1812 East Eighth Street, as historic property.

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

1. The Harry Arthur Ziem House was erected in 1910, is the best preserved example in Charlotte of early cast concrete block residential architecture and, therefore, occupies a significant place in the architectural history of this community.

2. It is the only structure of its type in Elizabeth Heights, one of Charlotte's oldest streetcar suburbs.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $318.38.

The property owner has not responded to several notifications requesting support for designation, and it is assumed that there are no objections. The Department Review Process revealed no conflicts between the historic designation and City projects. The North Carolina Division of Archives and History concurs with the proposed designation.

Recommend adoption of an ordinance designating the Harry Arthur Ziem House, (including the interior and exterior of the house and the land associated therewith) located at 1812 East Eighth Street, as historic property.

Attachment No. 4

6. Hearing on Petition No. 87-42 by Williams Properties, Inc. for a change in zoning from R-6MF to I-2(CD) for a 1.29 acre tract located on the easterly side of Clyde Drive west of Rozzelles Ferry Road.

Attachment No. 5-A

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

This hearing was deferred at the April 22, 1987 meeting.

Attachment No. 5-B

8. Hearing on Petition No. 87-50 by John M. Bowden for a change in zoning from R-6 to B-2(CD) for a 4 acre tract located 2010 The Plaza, the southeasterly corner of the intersection of The Plaza and Belvedere Avenue.

Attachment No. 5-C

9. Hearing on Petition No. 87-51 by Evans Construction Company for a change in zoning from R-15 to R-15MF(CD) for a 11.687 acre tract located southwest of Sharon View Road, south of Flintwood Lane.

Attachment No. 5-D

10. Hearing on Petition No. 87-52 by David E. Fuller and FCW Properties, Inc. for a change in zoning from R-9MF to O-6(CD) for a 1.127 acre tract located on the westerly side of North Sharon Amity Road approximately 440 feet south of Albemarle Road.

Attachment No. 5-E

11. Hearing on Petition No. 87-53 by Florence Crittenton Services, Inc. for a change in zoning from R-6 to R-6MF(CD) for 30,500 square feet located at 2100 Cumberland Avenue, on the southwesterly corner of the intersection of Cumberland Avenue and Lynway Drive.

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

Attachment No. 5-F

12. Hearing on Petition No. 87-54 by Daniel G. Clodfelter for a change in zoning from R-6MF to R-6 for an approximately 24,500 square foot parcel located at 523 Clement Avenue between East Eighth Street and Bay Street.

Attachment No. 5-G

BUSINESS AGENDA

13. BID ITEM

Mecklenburg Stadium at Price Park Engineering

Recommendation: By the Project Architect, Clark Tribble Harris & Li, that all bids be rejected due to the low bid being over the budget for this contract. The City Engineer concurs in this recommendation.

This item was deferred from the May 11, 1987 meeting.

Attachment No. 6

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

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

This item was deferred from the April 22 meeting.

Attachment No. 7

POLICY AGENDA

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

The Planning Commission recommends that the petition be approved.

Attachment No. 8

16. Decision on Petition No. 87-20 by Synco, Inc. for a Site Plan Amendment to an existing R-20MF zoning for a 10.9 acre site located east of Walker Road in the area of Millbrook Road and Richland Drive.

Two protest petitions have been filed; however, the City Attorney's office has ruled that a protest petition is appropriate only when there is a change in zoning.

The Planning Commission recommends that the petition be approved.

Attachment No. 9-H

17. Decision on Petition No. 87-21 by Hunt and Associates for a change in zoning from R-9 to R-9MF(CD) for a 2.7 acre site located on the northwest corner of North Sharon Amity Road and Wilora Lake Road.

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. 9-I

18. Decision on Petition No. 87-28 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for 4 parcels located along the southeasterly side of Clement Avenue extending from East Eighth Street to East Ninth Street, and 2 parcels on the southeast corner of Clement Avenue and Bay Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 9-J

19. 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.

Two protest petitions have been filed and both 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. 9-K

20. 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.

Several 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. 9-L

21. Decision on Petition No. 87-36 by the Charlotte-Mecklenburg Planning commission for a change in zoning from R-6MF, O-6 and B-1 to R-6 for 9.287 acres south of Independence Boulevard along Beaumont Avenue, Louise Avenue, East Eighth Street, Oakland Avenue, Hawthorne Lane and Lamar Avenue.

Several 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 approves this petition in part, deferring indefinitely action on four parcels adjacent to Independence Boulevard and also, denies the zone change on three other parcels; one between Beaumont and Louise and two parcels on the corner of Bay and Lamar.

Attachment No. 9-M

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

The Planning Commission recommends that the petition be approved.

Attachment No. 9-N

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

The Planning Commission recommends that this petition be denied.

Attachment No. 9-O

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

The Planning commission recommends that this petition be approved.

Attachment No. 9-P

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

The Planning Commission recommends that the petition be approved.

Attachment No. 9-Q

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

The Planning Commission recommends that the petition be approved.

Attachment No. 9-R

27. Recommend adoption of a resolution calling for a joint public hearing with the Historic Properties Commission, on Monday, June 15, 1987, at 6:00 p.m. in the Board Room of the Education Center, to consider designation of the John Baxter Alexander House, and the land associated therewith at 509 Clement Avenue, as historic property.

28. Recommend adoption of a resolution calling for a joint public hearing with the Historic Properties Commission, on Monday, June 15, 1987, at 6:00 p.m. in the Board Room of the Education Center, to consider designation of the Old Highland Park Manufacturing Company, Mill No. 3, and the land associated therewith at 2901 North Davidson Street, as historic property.

29. Recommend adoption of a resolution calling for public hearings on Monday, June 15, 1987, at 6:00 p.m. in the Board room of the Education Center, on Petitions No. 87-55 through 87-56 for zoning changes.

SCHEDULE OF MEETINGS
May 18 - June 5, 1987

Monday, May 18	DINNER/DISCUSSION Rooms 237-239 Education Center	5:00 p. m.
	ZONING MEETING Board Room	6·00 p. m.
Tuesday, May 19	CITY COUNCIL/COUNTY COMMISSION LUNCHEON Hal Marshall Center, 700 N. Tryon St.	11:45 a. m.
	ORDINANCE REVISION WORKSHOP Training Center, City Hall Annex	4:00 p. m.
Wednesday, May 20	METROPOLITAN PLANNING ORGANIZATION DOT Conference Room, City Hall Annex	7:00 p. m.
Monday, May 25	HOLIDAY - OBSERVANCE OF MEMORIAL DAY City Government Offices Closed	
Wednesday, May 27	FY88 OPERATING BUDGET PRESENTATION Training Center, City Hall Annex	4·00 p. m.
Thursday, May 28	MAYORS' DAY - Raleigh, N. C.	
	Registration - Civic Center	10·30 a. m.
	Visits to General Assembly	
	Legislative Conference	2:30 p. m.
	Reception	6:00 p. m.

#1

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "OLD MECKLENBURG MILL" (THE EXTERIOR AND THE INTERIOR OF THE ENTIRE MILL BUILDING, THE EXTERIOR AND THE INTERIOR OF THE HOSE HOUSE, AND A TRACT OF LAND BOUNDED BY MERCURY STREET, THE SOUTHERN RAILROAD TRACKS, AND NORTH DAVIDSON STREETD) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON NORTH DAVIDSON STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 091-101-04 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Old Mecklenburg Mill", erected in 1903-05, is one of Charlotte's best preserved early textile mills; and

WHEREAS, the "Old Mecklenburg Mill" is an important historic landmark in North Charlotte, one of Charlotte's most significant textile mill districts at the turn of the century; and

WHEREAS, the "Old Mecklenburg Mill" offers dramatic evidence of the era when textile manufacturing was a leading component of Charlotte-Mecklenburg's economy; and

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

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

WHEREAS, the property known as the "Old Mecklenburg Mill" is vested in fee simple to Robert Stark and Wife, Ava E. Stark. NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as the "Old Mecklenburg Mill" (the exterior and the interior of the entire mill building, the exterior and the interior of the hose house, and a tract of land bounded by Mercury Street, the Southern Railroad tracks, and North Davidson Street) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on North Davidson Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 091-101-04 in the Mecklenburg County Tax Office.

2. That said designated property may be materially

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

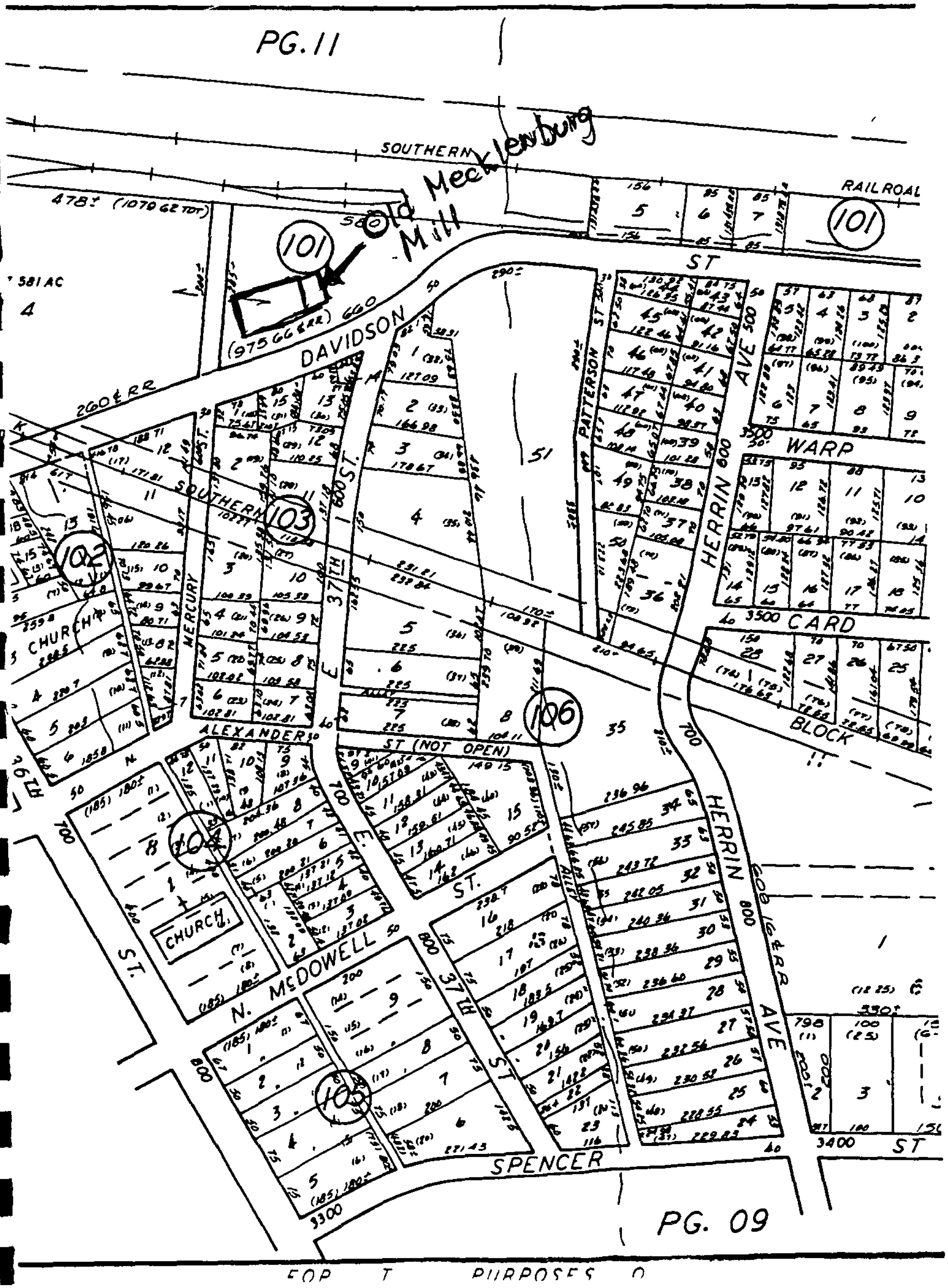
sign may be placed on said property.

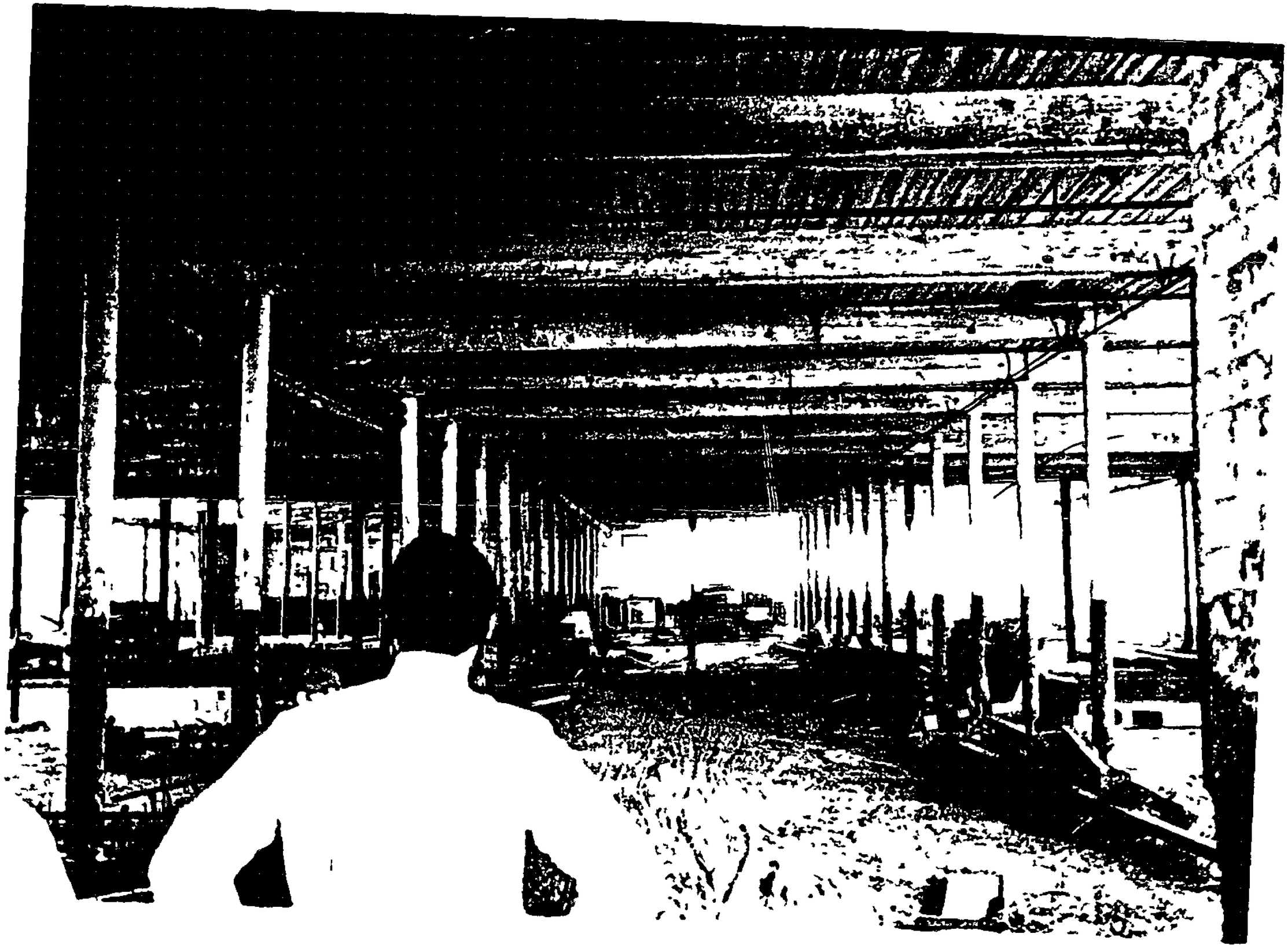
5. That the owners and occupants of the property known as the "Old Mecklenburg Mill" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds,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

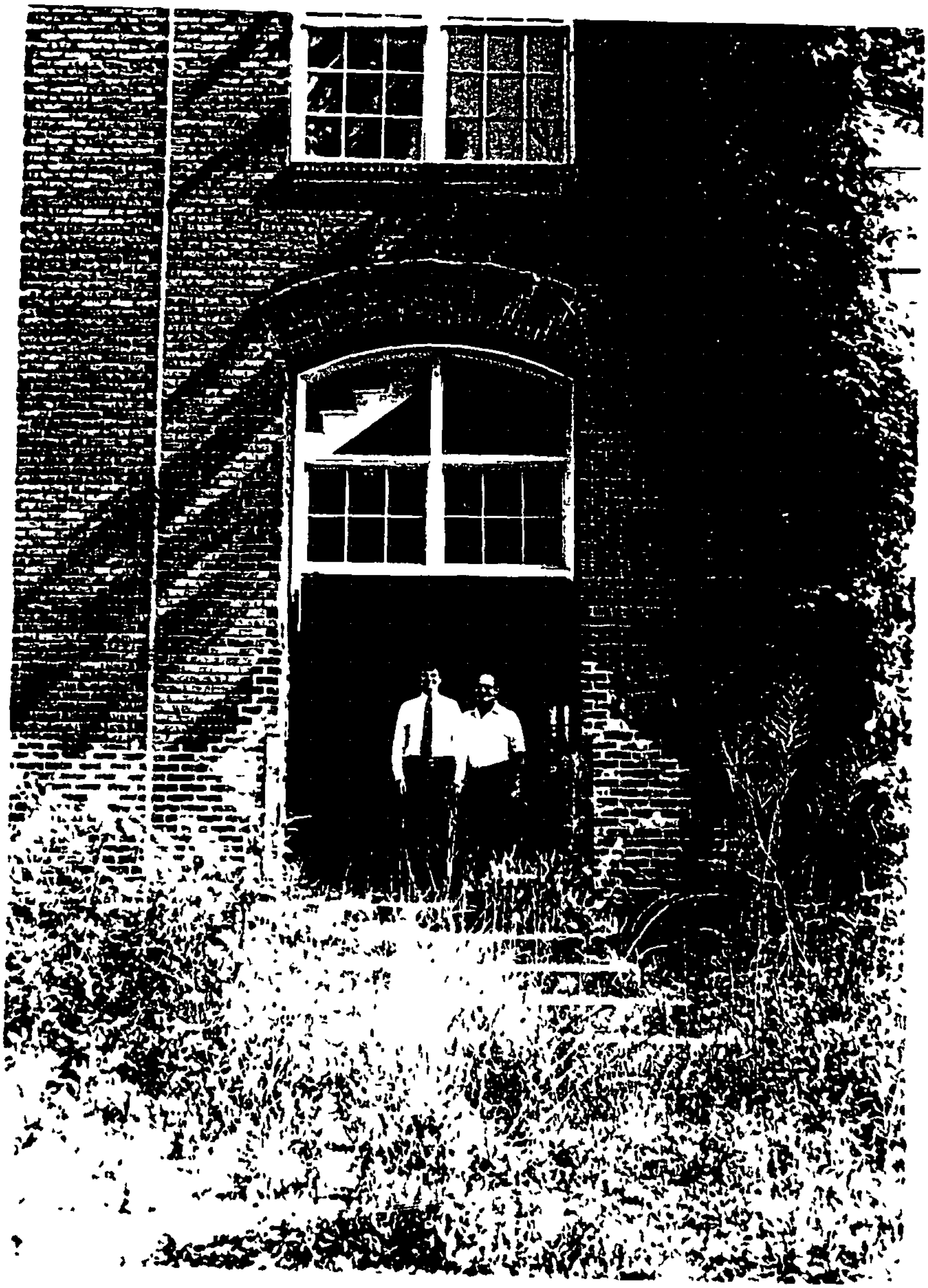
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

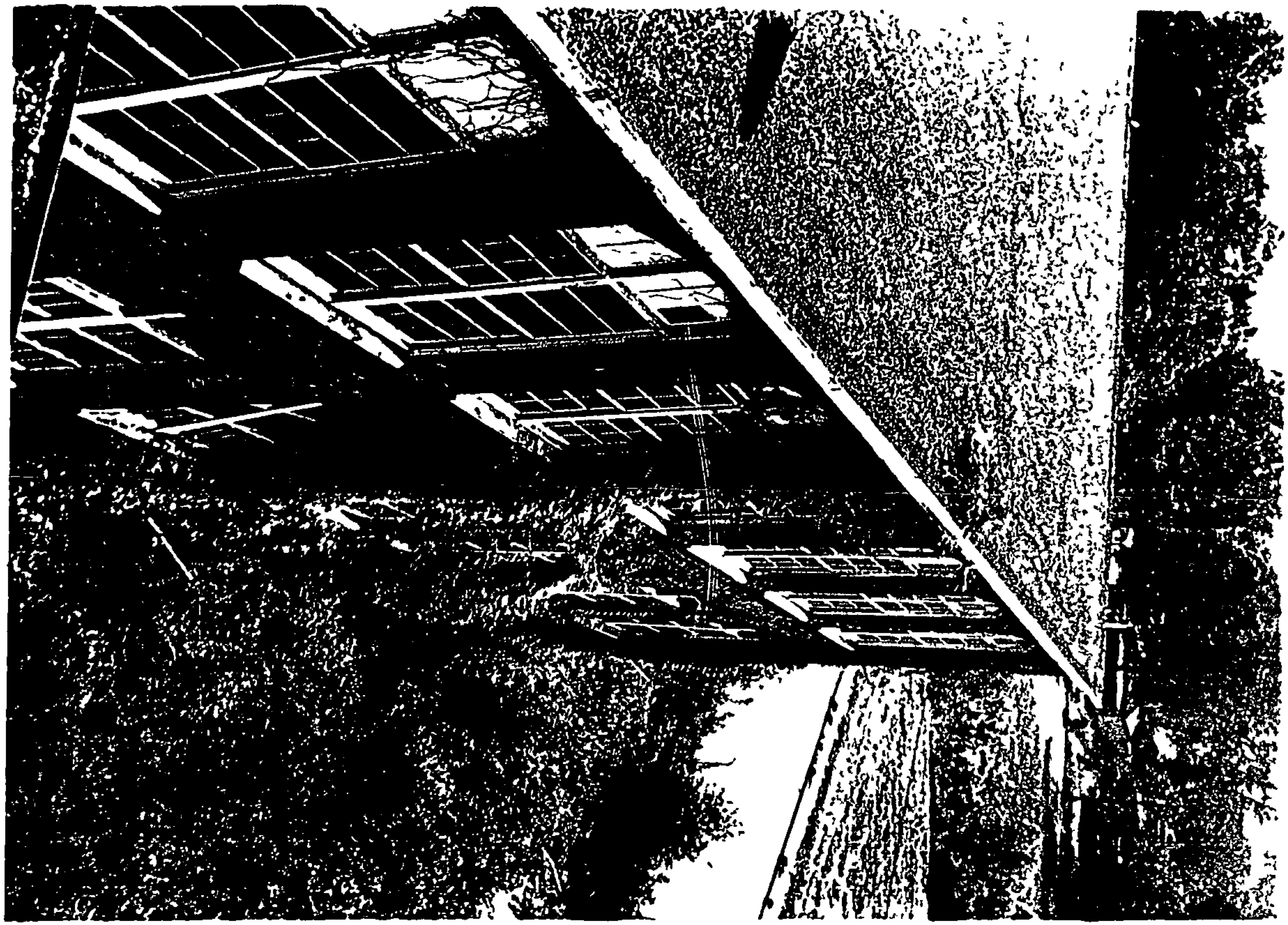
Approved as to form:

Henry W. Underhill Jr.
City Attorney


PG. 11
Old Mecklenburg Mill
SOUTHERN
RAILROAD
DAVIDSON
ST
WARR
CARD
BLOCK
HERRIN AVE
PATTERSON
MERCURY
SOUTHERN
CHURCH
ALEXANDER
ST (NOT OPEN)
37TH ST.
E. 37TH ST.
N. McDOWELL
SPENCER
PG. 09







#2

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "WALTER L. ALEXANDER HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE MAIN HOUSE, THE EXTERIOR AND THE INTERIOR OF THE OUTBUILDING, AND THE TRACT OF LAND ON TAX PARCEL NUMBERS 127-013-05 AND 127-013-23) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 523 CLEMENT AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBERS 127-013-05 AND 127-013-23 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Walter L. Alexander House", erected in 1915, is the grandest residence dating from the 1910's in the streetcar suburb of Elizabeth; and

WHEREAS, the "Walter L. Alexander House" has had a distinguished list of owners, including Walter L. Alexander, William C. Wilkinson, and Admiral Percy W. Foote; and

WHEREAS, the "Walter L. Alexander House" is part of a cluster of homes (it, the John Baxter Alexander House, and the Jennie Alexander Duplex) which once formed a unique family

compound in the Elizabeth neighborhood; and

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

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

WHEREAS, the property known as the "Walter L. Alexander House" is vested in fee simple to Daniel G. Clodfelter and wife, Elizabeth K. Bevan.

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

1. That the property known as the "Walter L. Alexander House" (the exterior and the interior of the main house, the exterior and the interior of the outbuilding, and the tract of land on Tax Parcel Numbers 127-013-05 and 127-013-23) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 523 Clement Avenue, Charlotte, North Carolina, and recorded on Tax Parcel

Numbers 127-013-05 and 127-013-23) in the Mecklenburg County Tax Office.

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

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

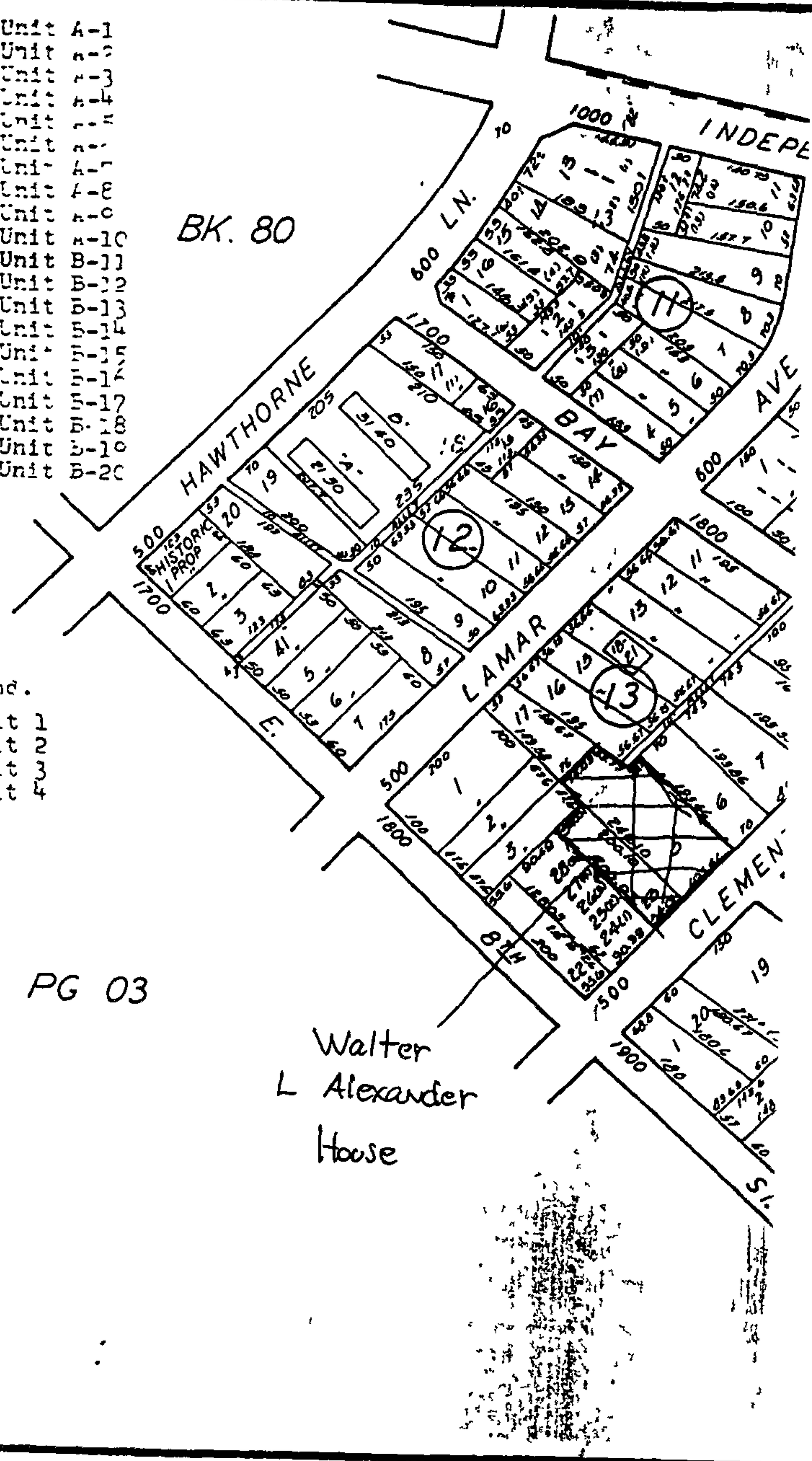
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

127-012-21 Unit A-1
127-012-22 Unit A-2
127-012-23 Unit A-3
127-012-24 Unit A-4
127-012-25 Unit A-5
127-012-26 Unit A-6
127-012-27 Unit A-7
127-012-28 Unit A-8
127-012-29 Unit A-9
127-012-30 Unit A-10
127-012-31 Unit B-11
127-012-32 Unit B-12
127-012-33 Unit B-13
127-012-34 Unit B-14
127-012-35 Unit B-15
127-012-36 Unit B-16
127-012-37 Unit B-17
127-012-38 Unit B-18
127-012-39 Unit B-19
127-012-40 Unit B-20

BK. 80



Elizabeth Cond.

127-013-18 Unit 1
127-013-19 Unit 2
127-013-20 Unit 3
127-013-21 Unit 4

PG 03

Walter
L Alexander
House

FOR TAX PURPOSES

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "OLD HAND'S PHARMACY BUILDING" (THE EXTERIOR AND THE INTERIOR OF BUILDING AND THE ENTIRE TRACT OF LAND ON TAX PARCEL NUMBER 083-084-10) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 3201 N. DAVIDSON STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 083-084-10 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the day of , 19 , on the question of designating a property known as the "Old Hand's Pharmacy Building" as historic property; and

WHEREAS, the "Old Hand's Pharmacy Building", erected c. 1912, was an important component of the commercial district of North Charlotte, one of Charlotte's most important mill communities; and

WHEREAS, the "Old Hand's Pharmacy Building" is one of the best-preserved examples of brick commercial architecture of the early twentieth century in Charlotte, North Carolina; and

WHEREAS, the "Old Hand's Pharmacy Building" is one of the most important buildings in terms of the historic streetscape of North Davidson Street, because it occupies a corner lot at a

major intersection; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Old Hand's Pharmacy Building" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Old Hand's Pharmacy Building" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Old Hand's Pharmacy Building" is vested in fee simple to Frank R. Hand.

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

1. That the property known as the "Old Hand's Pharmacy Building" (the exterior and the interior of the building and the entire tract of land on Tax Parcel Number 083-084-10) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 3201 North Davidson Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 083-084-10) in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered,

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

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

sign may be placed on said property.

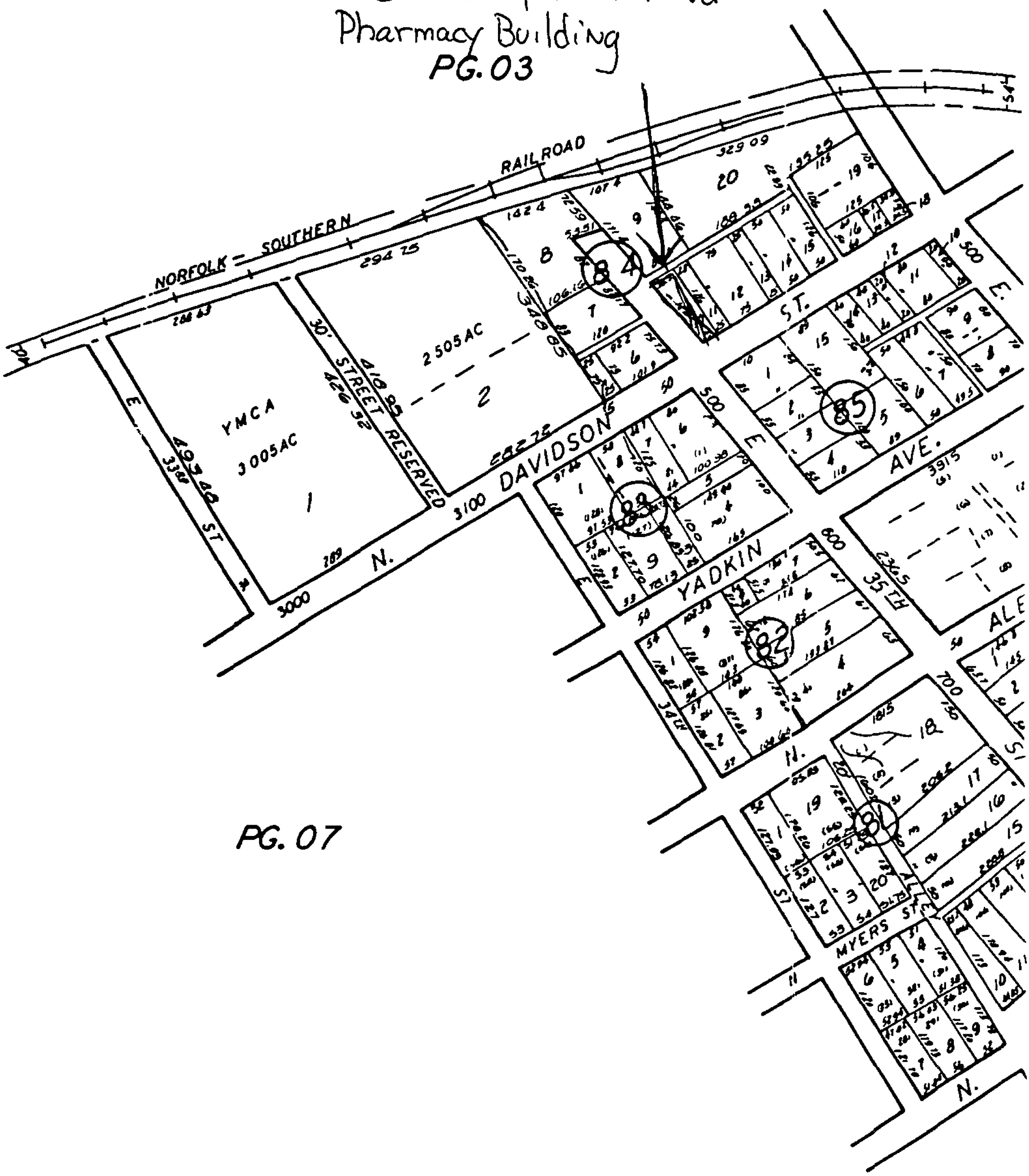
5. That the owners and occupants of the property known as the "Old Hand Pharmacy Building" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register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

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

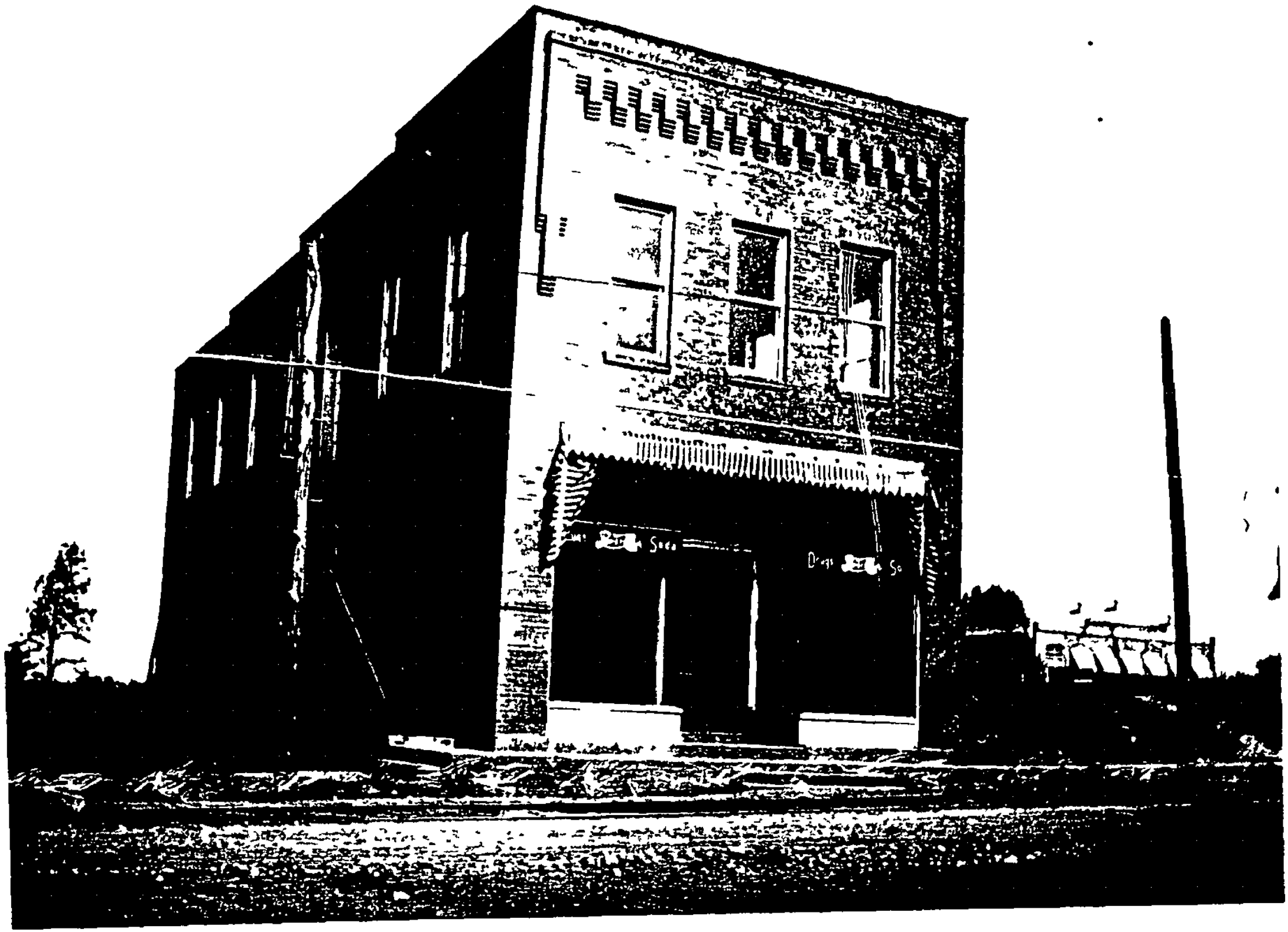
Approved as to form:

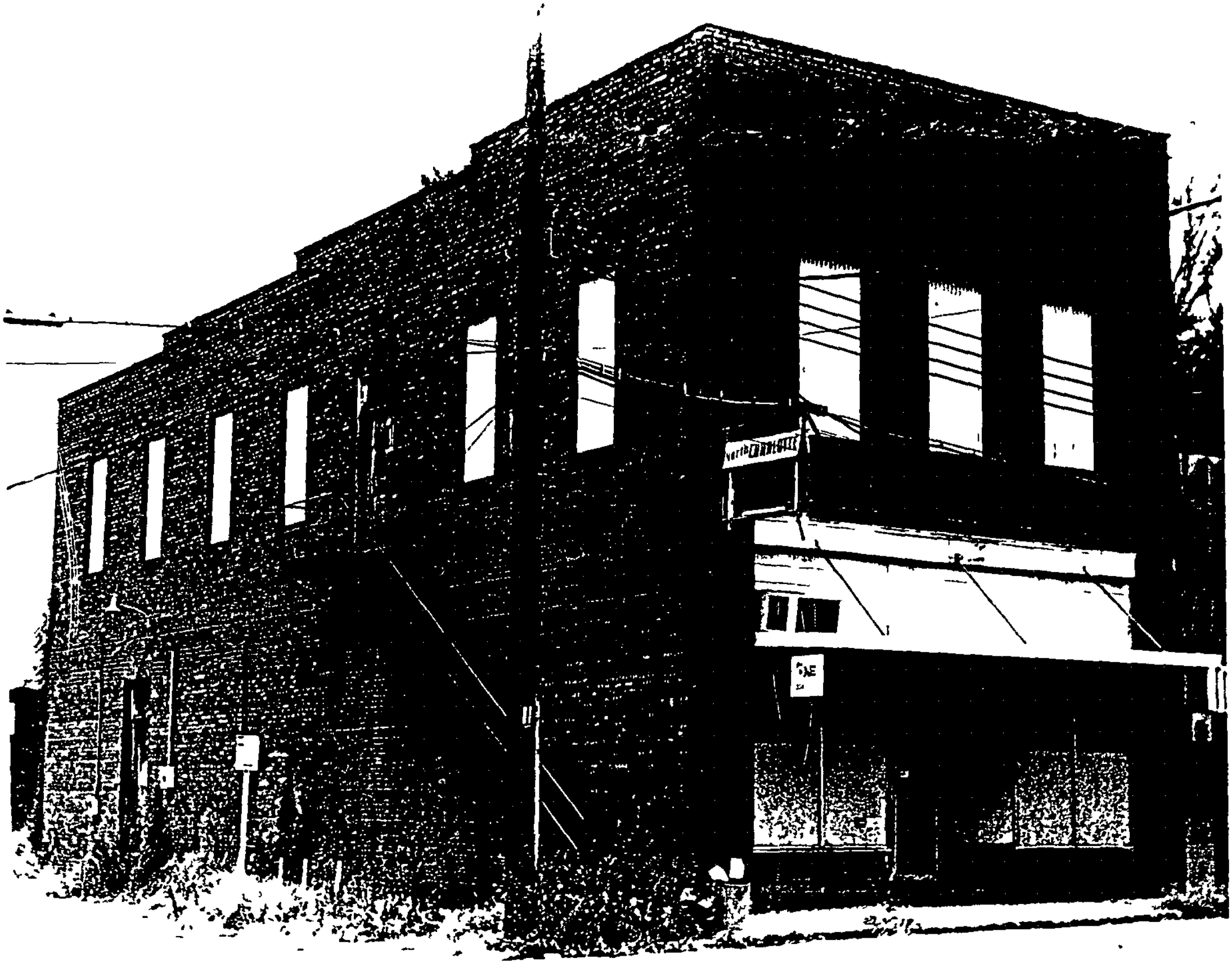
Henry W. Underwood Jr.
City Attorney

Old Jasper K. Hand
Pharmacy Building
PG. 03



PG. 07





PAT

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "HARRY ARTHUR ZIEM HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE ENTIRE HOUSE, AND THE .201 ACRES OF LAND ON TAX PARCEL NUMBER 127-032-10) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1812 EAST EIGHTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 127-032-10 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Harry Arthur Ziem House", erected c.1910, is the best-preserved example in Charlotte of early cast concrete block residential architecture and, therefore, occupies a significant place in the architectural history of Charlotte; and

WHEREAS, the "Harry Arthur Ziem House" is the only structure of its type in Elizateth Heights, one of Charlotte's oldest streetcar suburbs; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Harry Arthur Ziem House" possesses integrity of design,

setting, workmanship, materials, and/or association; and

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

WHEREAS, the property known as the "Harry Arthur Ziem House" is vested in fee simple to John William Burkhead, Jr. and wife, Hope Franklin Burkhead.

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

1. That the property known as the "Harry Arthur Ziem House" (the exterior and the interior of the entire house, and the .201 acres of land on Tax Parcel Number 127-032-10) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1812 East Eighth Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 127-032-10) in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An

application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

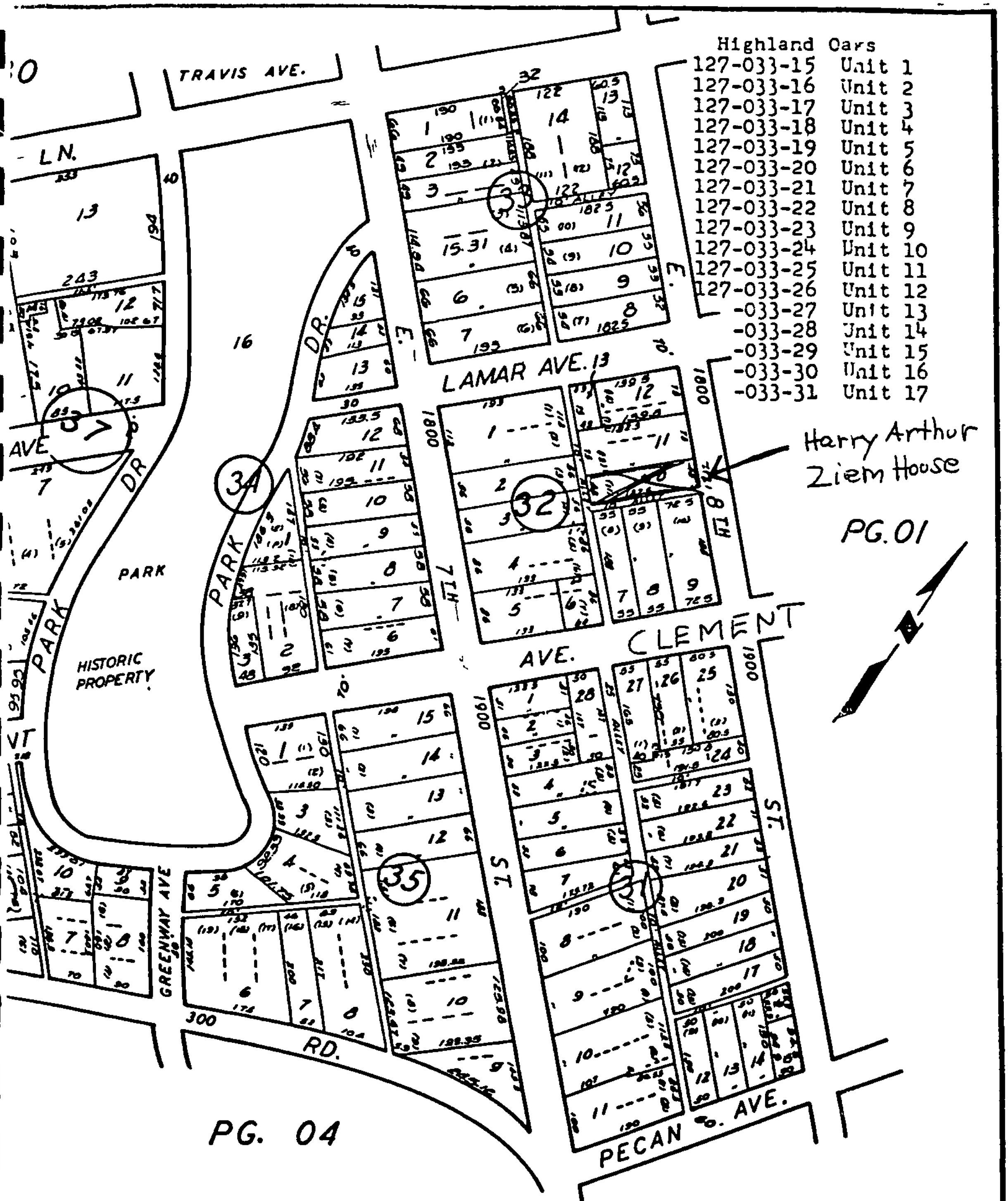
5. That the owners and occupants of the property known as the "Harry Arthur Ziem House" be given notice of this ordinance

as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney



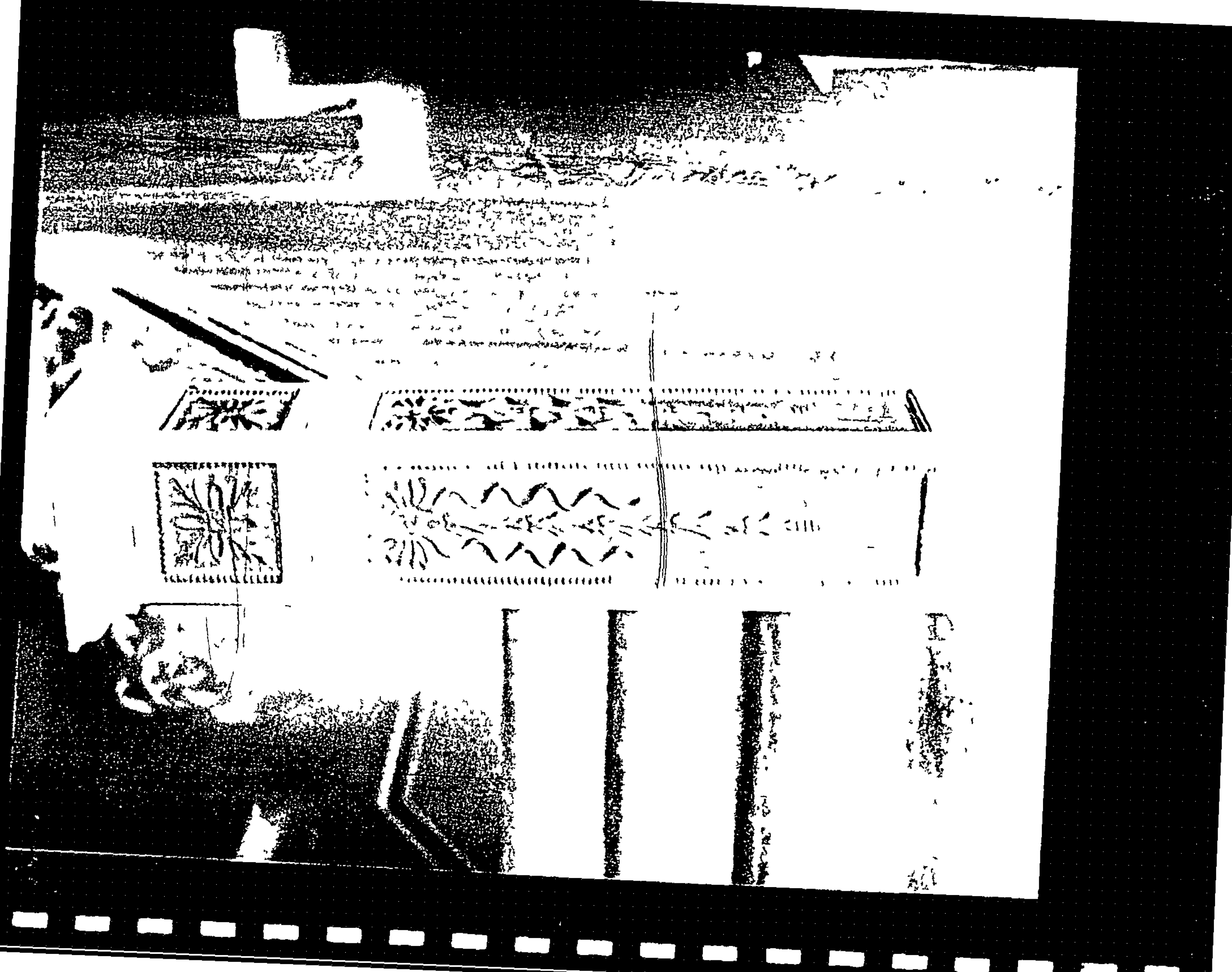
Highland Oaks

127-033-15	Unit 1
127-033-16	Unit 2
127-033-17	Unit 3
127-033-18	Unit 4
127-033-19	Unit 5
127-033-20	Unit 6
127-033-21	Unit 7
127-033-22	Unit 8
127-033-23	Unit 9
127-033-24	Unit 10
127-033-25	Unit 11
127-033-26	Unit 12
-033-27	Unit 13
-033-28	Unit 14
-033-29	Unit 15
-033-30	Unit 16
-033-31	Unit 17

TAX LINE MAP BOOK 127 PAGE 03	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 200'

ONLY

1812



5

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 22, 1987

Mayor and City Council

RE Rezoning Petitions to be Heard in May, 1987

Attached you will find appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on May 18, 1987, at 6 00 o'clock P M., Fourth Floor, Education Center, 701 East Second Street

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

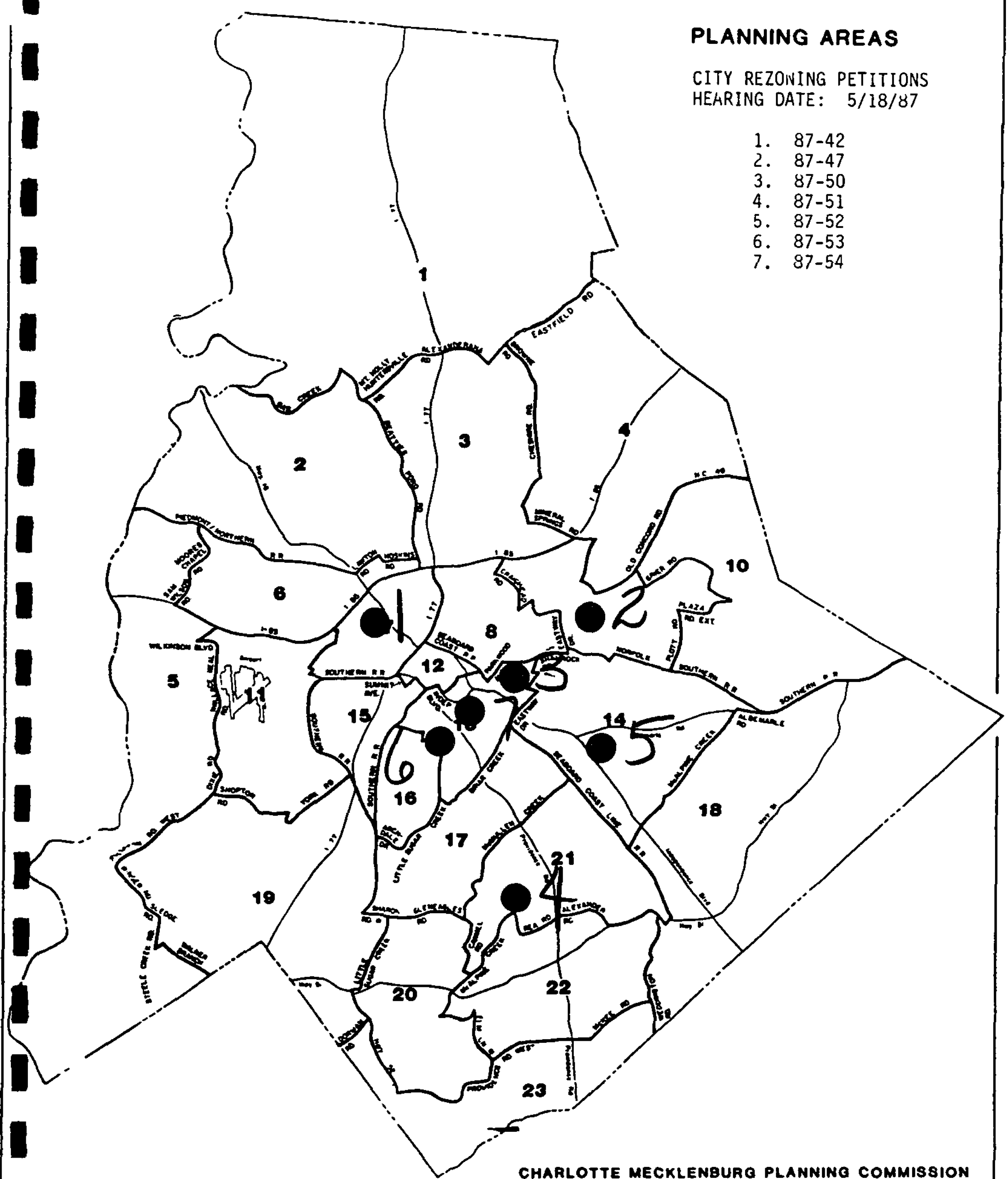
Sincerely,

Robert G. Young (dmh)

Robert G. Young
Land Development Manager

Attachments

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


PLANNING AREAS
CITY REZONING PETITIONS
HEARING DATE: 5/18/87
1. 87-42
2. 87-47
3. 87-50
4. 87-51
5. 87-52
6. 87-53
7. 87-54
1
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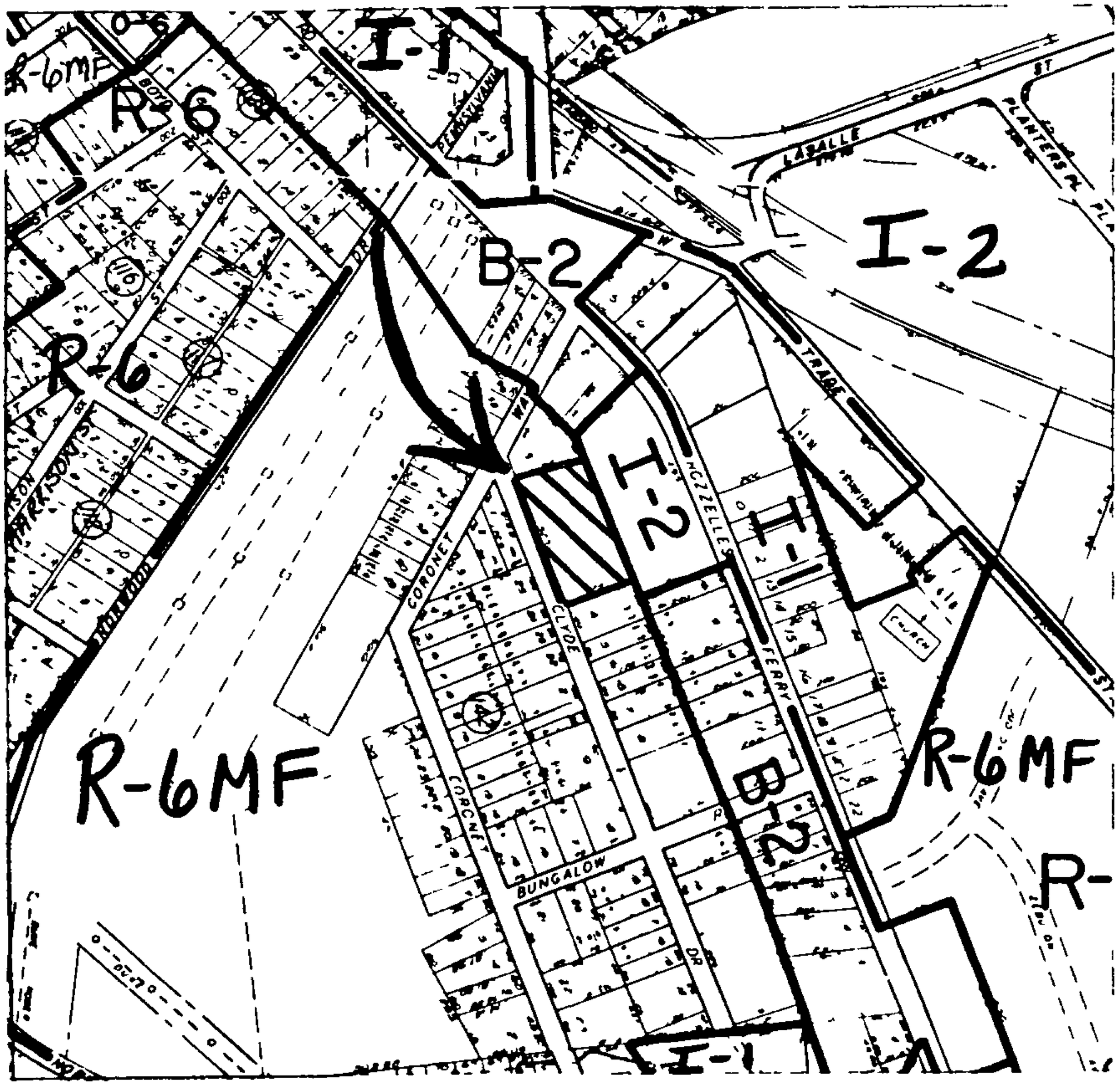
CHARLOTTE MECKLENBURG PLANNING COMMISSION
April 1983

PETITIONER Williams Properties, Inc.

PETITION NO. 87-42 HEARING DATE May 18, 1987

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-2(CD)

LOCATION A 1.29 acre site located on the easterly side of Clyde Drive west of Rozzelles Ferry Road.



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-42
Date Filed 3/2/87
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Williams Properties, Inc.

Owner's Address: 3001 Rozzell's Ferry Road
Charlotte, N. C. 28208

Date Property Acquired: August 13, 1986 (10/22/55) Part of

Deed Reference: 5294- 553 Tax Parcel Number: 071-141-17

Location Of Property (address or description)

3001 Rozzell's Ferry Road, Charlotte, N. C.

Description Of Property

Size (Sq Ft -Acres): 1.29 Street Frontage (ft.): 330 feet

Current Land Use: Material Storage

Zoning Request

Existing Zoning: R-6 MF Requested Zoning: I-2 CD

Purpose of zoning change: To allow construction of maintenance building

Peter A. Foley, Attorney at Law
Name of Agent

301 South McDowell Street #1009
Agent's Address

Charlotte, N. C. 704/375-2251
Telephone Number

Williams Properties, Inc.
Name of Petitioner(s)

3001 Rozzell's Ferry Road
Address of Petitioner(s)

Charlotte, N.C. 704/392-0186
Telephone Number

Larry J. Williams
Signature

President
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-42

Petitioner	Williams Properties, Inc
Location	A 1 29 acre site located on the easterly side of Clyde Drive west of Rozzelles Ferry Road
Request	Change from R-6MF to I-2(CD)

ISSUES.

1 Relationship to Adjoining Neighborhood How does this site relate to the adjoining residential area?

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

BACKGROUND·

1 Existing Zoning The subject property is zoned R-6MF, as is the area adjoining the site on three sides. An area of I-2 zoning adjoins the site to the east along Rozzelles Ferry Road Areas of I-1 and B-2 zoning are also located along Rozzelles Ferry Road nearby.

2 Existing Land Use The subject property is currently undeveloped Adjoining the site along Clyde Drive are primarily single family residential uses, with a few vacant parcels To the east and north of the site along Rozzelles Ferry Road are a variety of business and industrial uses, as well as some single family residential development

3 Site Plan The conditional site plan proposes a maintenance building and material stroage for the site to be used in conjunction with the adjoining sand and gravel business A chain-link fence is proposed around the perimeter of the site, as well as evergreen screening and trees A berm is also shown for a portion of the site

4 School Information. Not applicable

5 Zoning History (See Attached Map) There have been seven (7) prior rezoning requests in the area of the subject property Cases #1 and 3 were 1964 and 1965 changes respectively from B-2 to I-1 along Rozzelles Ferry Road Case #2 was a 1964 change from R-6MF to I-1 on Rozzelles Ferry Road Case #4 was a rezoning from I-1 to I-2 in 1967 on Trade Street Case #5 was a 1969 denial to rezone from I-1 to I-2 on Rozzelles Ferry Case #6 was a 1969 rezoning of a large area north of Norwood Drive from R-6MF to R-6 Case #7 was a 1984 denial to rezone from R-6MF and B-2 to I-2 an area on the north side of Coronet Way.

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property is one of existing residential with the areas along West Trade and the railroad designated as existing employment land uses No specific strategies are recommended for the area, but the plan does identify some basic planning themes for the general area including the preservation of existing sound neighborhoods

2 Thomasboro/Hoskins Special Project Plan The subject property is located just outside the plan boundaries However, the plan does recommend the preservation of nearby neighborhoods.

3 Pre-Hearing Staff Input Staff discussed this matter prior to the submission of the application, and assisted with the preparation Staff generally did not encourage the submission of the request

4 Pre-Hearing Departmental Comments (Summary)

1 C-MUD Water and sewer service is available

2 Fire No comments

3 Building Standards No comments

4 C-DOT The proposed zoning change would have a lesser impact on the area street system

5 Engineering Engineering indicated the normal comments regarding development, and stated Clyde Drive is a collector street and a 30 foot right-of-way should be established from the centerline

5 Neighborhood Context This site is located in the Smallwood neighborhood

DETAILED FINDINGS

1 The site involved in this petition is located on the east side of Clyde Drive, west of Rozzelles Ferry Road The petitioner is seeking a change from R-6MF to I-2(CD) for the 1 29 acre site

2 The petitioner has filed a conditional site plan which details the use of the site (For further details, refer to Background #3)

3 The site is located near Rozzelles Ferry Road, which is a mixture of B-2, I-1 and I-2 districts However, moving away from Rozzelles Ferry Road to the west, begins an area which is solidly residentially zoned, either the R-6 or R-6MF districts

4 The subject property would be used in conjunction with the adjoining business which does have frontage on Rozzelles Ferry Road

5 A number of concerns regarding this petition have been identified First of all, the residential area along Clyde Drive and other streets is a very fragile one, and deserves protection from the kind of intrusion this petition proposes The houses are modest, but well maintained, and represents housing stock that meets a market need The neighborhood deserves protection through zoning to maintain its integrity

6 The proposed use, material storage and a maintenance facility surrounded by a chain-link fence, does nothing to enhance the image of the area, nor provide for neighborhood stability

7 It is felt that the proposal would create an intrusion into the neighborhood, and that a rezoning change is not compatible with the surrounding residential area.

8 It should also be noted that a somewhat similar case involving a non-residential request at the entrance into the neighborhood was denied in 1984 The neighborhood then and now has voiced concerns about changing the current zoning pattern

9 Based upon the circumstances noted above, staff urges denial of this request.

*Subject to further refinement following public hearing

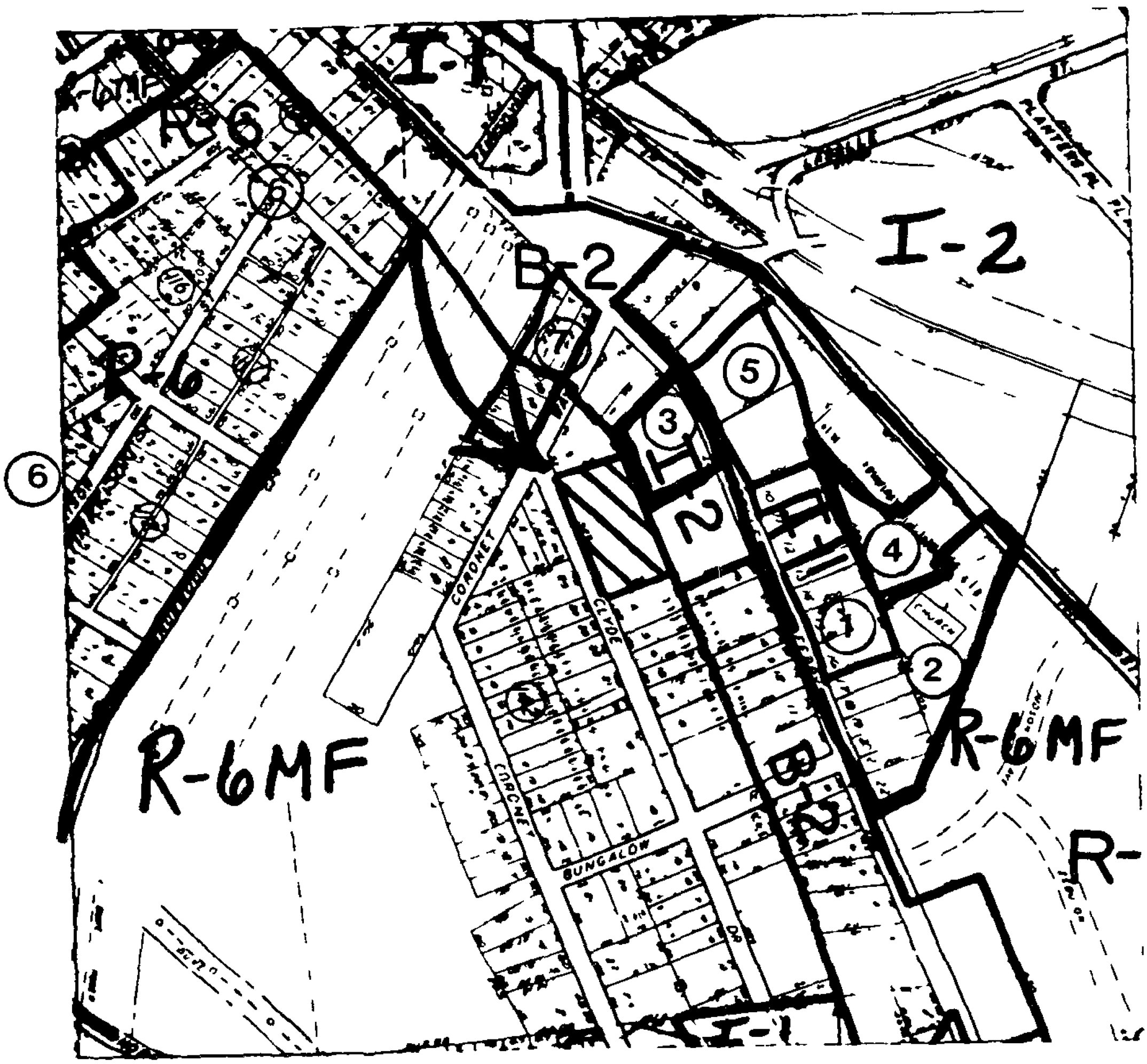
ZONING HISTORY

PETITIONER Williams Properties, Inc.

PETITION NO. 87-42 HEARING DATE May 18, 1987

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED I-2(CD)

LOCATION A 1.29 acre site located on the easterly side of Clyde Drive west of Rozzelles Ferry Road.



ZONING MAP NO. 87 SCALE 1" = 400'

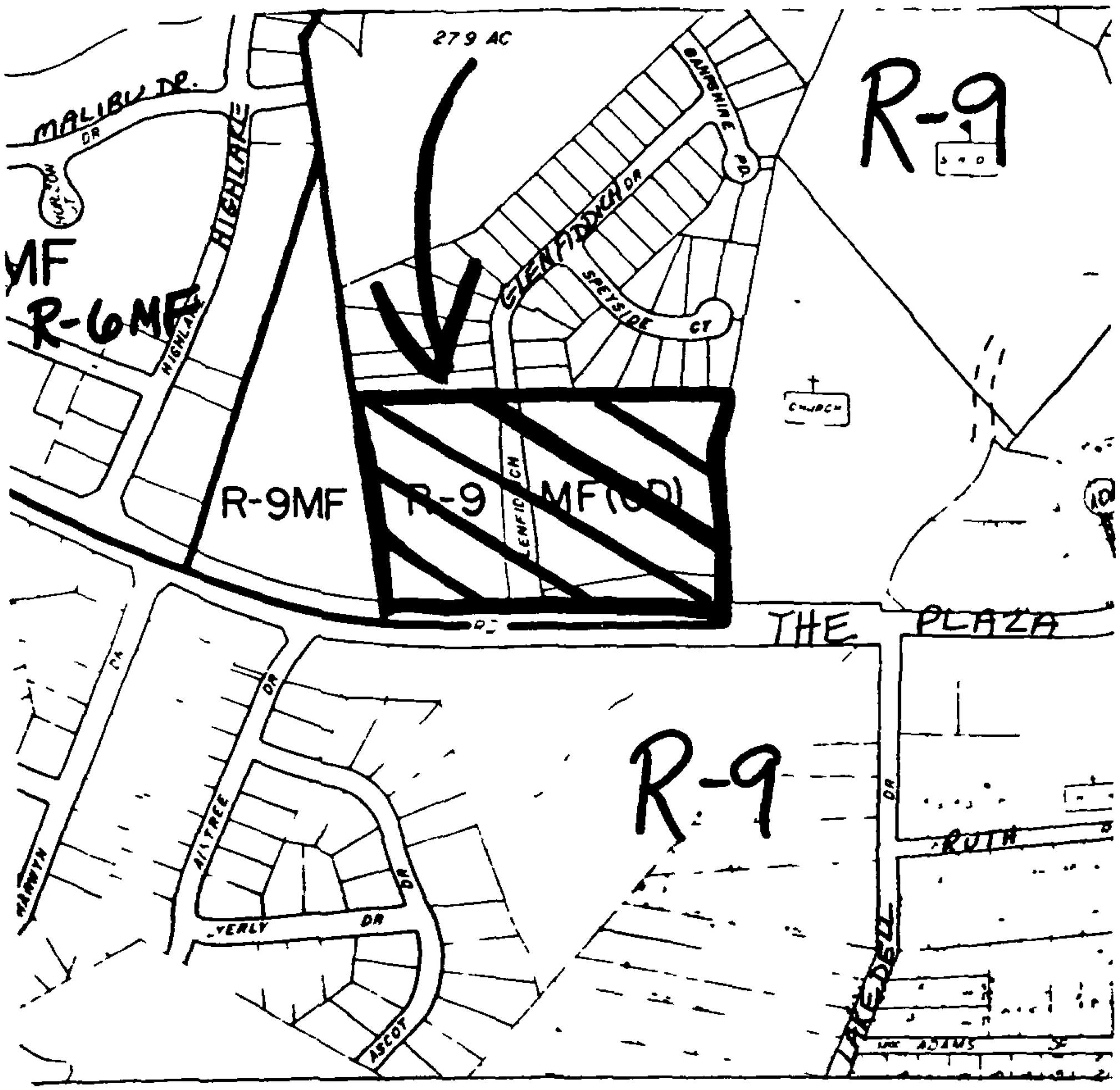
PROPERTY PROPOSED FOR CHANGE

PETITIONER Klutts Realty and Construction Company

PETITION NO 87-47 HEARING DATE May 18, 1987

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

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



ZONING MAP NO. 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

Property Owner Klutts Realty and Construction

Owner's Address 1433 Emerywood Dr

Charlotte NC 28210

Date Property Acquired 3-27-86

Deed Reference 3010-366 Tax Parcel Number 09720130

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

Description Of Property

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

Current Land Use Vacant Property

Zoning Request

(Site Plan amendment)

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

Purpose of zoning change Amendments to previously approved site plan

Equity Ventures Inc. (Randy Humphrey)
Name of Agent

1433 Emerywood Dr Charlotte NC 28210
Agent's Address

704-553-1490
Telephone Number

Klutts Realty & Construction Co
Name of Petitioner(s)

1433 Emerywood Dr Charlotte NC
Address of Petitioner(s)

704-553-1400
Telephone Number

Jay Klutts
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-47

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

ISSUES

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

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

BACKGROUND

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

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

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

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

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

5 School Information

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

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

GENERAL FINDINGS

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

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

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

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department No comment

3 Building Standards No Comment

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

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

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

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

DETAILED FINDINGS

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

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

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

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

5 Staff cautioned against this rezoning for several reasons

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

7 Staff was especially concerned that this project would now have to be judged in light of a 16 5 dwelling units per acre rezoning as opposed to one at about 9 5 dwelling units per acre The high density aspect of the proposal was bothersome

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

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

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

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

*Subject to further refinement following public hearing

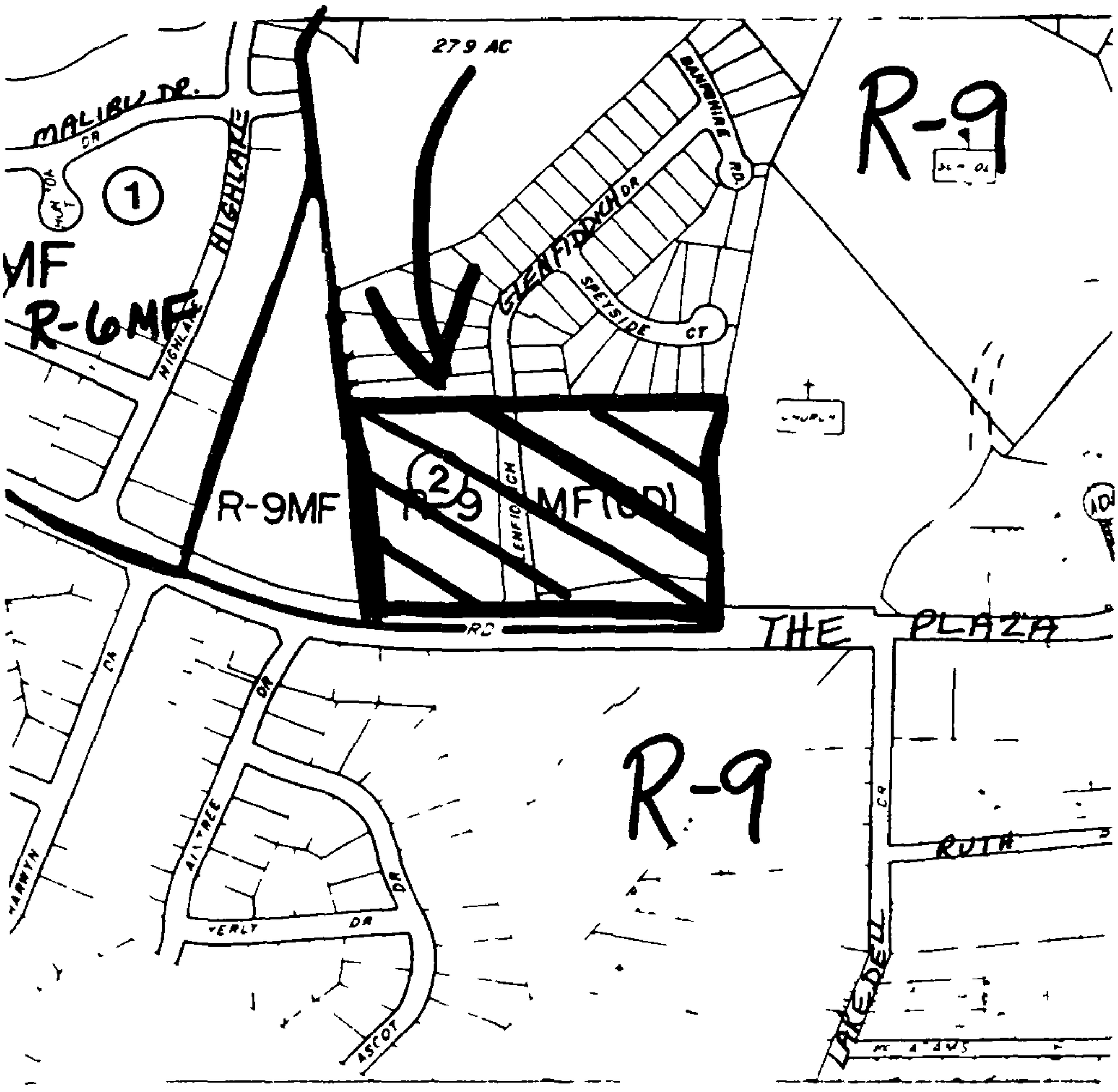
ZONING HISTORY

PETITIONER Klutts Realty and Construction Company

PETITION NO. 87-47 HEARING DATE May 18, 1987

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

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



ZONING MAP NO. 90 SCALE 1' = 400'

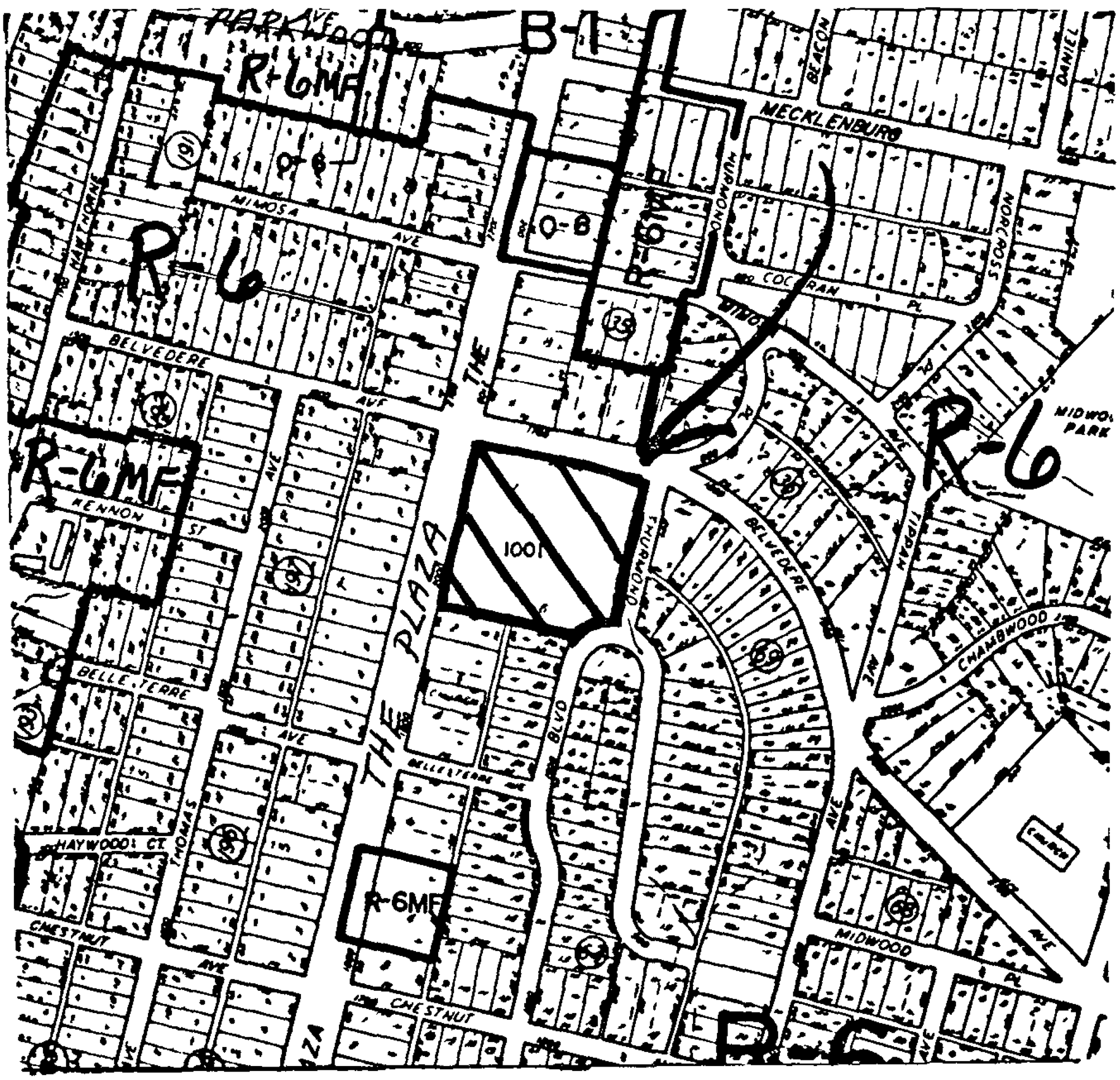
PROPERTY PROPOSED FOR CHANGE

PETITIONER John M. Bowden

PETITION NO. 87-50 HEARING DATE May 18, 1987

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-2(CD)

LOCATION A four (4) acre site on the southeasterly corner of the intersection of The Plaza and Belvedere Avenue.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-50
Date Filed 4/1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner George C. Cline and Kathryn F. Cline

Owner's Address 2010 The Plaza

Charlotte, N. C. 28205

Date Property Acquired March 15, 1978

Deed Reference 4125-434 Tax Parcel Number 0950610

Location Of Property (address or description) 2010 The Plaza,

Charlotte, N. C. 28205 (known as Vanlandingham House)

Description Of Property

Size (Sq. Ft.-Acres) Approx. 4 acres Street Frontage (ft.)

Current Land Use Single Family

Zoning Request

Existing Zoning R-6 Requested Zoning B-2 (CD)

Purpose of zoning change Petitioner proposes to maintain the house as his private residence and to cater private functions in the house such as wedding receptions, small dinner parties, corporate functions, etc.

Name of Agent

Betty Chafin Rash

Agent's Address

P. O. Box 32184, 28232

Telephone Number

(704) 372-2099

Name of Petitioner(s)

John M. Bowden

Address of Petitioner(s)

529 N. Poplar St

Telephone Number

(704) 334-8908

Signature

Signature of Property Owner if Other Than Petitioner

George C. Cline
Kathryn F. Cline

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-50

Petitioner. John M Bowden

Location A four (4) acre site on the southeasterly corner of the intersection of The Plaza and Belvedere Avenue

Request. Change from R-6 to B-2(CD)

ISSUES

1 Preservation of Grounds and Structure. The property in question is a significant parcel and structure in The Plaza/Midwood neighborhood How does the requested rezoning preserve the property and promote overall neighborhood goals?

2. Zoning Classification/Proposed Use What is the proposed use of the property and what zoning issues regarding the proposed B-2(CD) must be evaluated?

3 Site Plan What aspects of the conditional site plan are important to evaluate, especially off-street parking in light of anticipated functions for the site?

BACKGROUND.

1 Existing Zoning The petitioned property is presently zoned R-6 Much of the general vicinity is also zoned the R-6 classification Occasionally, however, there are small areas zoned R-6MF To the north along The Plaza is a small area of O-6 zoning as well as larger areas of B-1 zoning

2 Existing Land Use The site presently has a single family structure on it Other single family development comprises the overall neighborhood pattern One parcel away to the south is a church whereas one block to the north is a mixture of residential, office and commercial development

3 Site Plan The conditional site plan proposes to retain the house and grounds in accordance with their designation as an historic property The house and grounds will be used for private functions to be catered by the petitioner including such things as weddings and wedding receptions, small dinner parties, corporate meetings and other special and social functions Except for the addition of parking spaces in various locations on the site no change to the structure or the grounds is called for by the site plan

4 School Information Not applicable

5. Zoning History (See Attached Map). There have been 14 previous rezoning requests in the area of the subject property Case #1 was a 1971 denial to rezone from O-6 to B-1 on The Plaza near Parkwood Cases #2 through 10

were all 1975 petitions sponsored by and approved by the City Council and involved a change from R-6MF to R-6 Case #11 was a 1977 petition sponsored by City Council, but was denied. The request sought a change from 0-6 and B-1 to R-6MF Case #12 was a 1977 petition sponsored by City Council and sought a change from 0-6 to R-5MF The petition was approved. Case #13, also a 1977 City Council petition, resulted in a change from 0-6 and B-1 to R-6 Case #14 was a special use permit request for a parcel south of Parkwood for a day care that was denied in 1985

GENERAL FINDINGS.

1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the petition No specific strategies are recommended for the area, but the 2005 Plan does identify some basic planning themes for the general area including the preservation of existing, sound neighborhoods

2 Transportation Improvement Program The TIP schedules the improvement of the intersection of The Plaza and Central Avenue in FY86-87

3 Pre-Hearing Staff Input This particular piece of property has been the subject of several formal or informal discussions with staff Staff did discuss this particular proposal as well Staff has indicated both pro and con issues as it relates to the change to commercial zoning for this property Staff has been sensitive to the overall goal of saving the structure and preserving the grounds, while balancing that need with larger overall neighborhood zoning and development patterns

4 Pre-Hearing Departmental Comments (Summary)

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

2 C-DOT In order to perform a thorough analysis of the request, C-DOT requires information concerning the maximum attendance or capacity of outdoor functions and employees, along with the location of service facilities such as dumpsters and service entrance for caterers, and the largest size vehicle expected to enter the site

3 Engineering. No comments

4 Building Standards New parking areas must be approved by the Historic Properties Commission

5 Neighborhood Context The site is located in The Plaza/Midwood neighborhood

DETAILED FINDINGS

1 The property involved is about four (4) acres in size and located at the corner of The Plaza and Belvedere Avenue It is the site of the Van Landingham estate. The present zoning is R-6 and the petitioner is requesting B-2(CD).

2. The petitioner plans to retain the house and grounds, which are governed by restrictions of the Histroic Properties Commission, for use as the location for private functions such as weddings, wedding receptions, social events, special meetings, etc (For further details refer to Background #3)

3 The site in the grounds comprise a very significant neighborhood amenity It is recognized by one and all as a special place in the neighborhood and as mentioned just above has received historic property designation

4 Obviously, a common neighborhood goal would be the preservation of the house and grounds The site has been the subject of much speculation over the years as its usefulness as solely a single family home has diminished

5 The Plaza/Midwood neighborhood in general is undergoing a renewed revival and resurgence of popularity A number of years ago publicly sponsored rezoning petitions resulted in the change of zoning from multi-family to single family throughout much of the area Other programs such as Neighborhood Housing Services have also been a benefit to the neighborhood This neighborhood, like Dilworth, Elizabeth, Myers Park and others, is a valuable resource which is recognized by the 2005 Plan

6 This has been a particularly difficult petition for staff to evaluate On the one hand it is a very laudable goal to keep the structure and grounds, but there is the bothersome aspect of locating B-2 property on the site and in the neighborhood These goals are somewhat contradictory Certainly the introduction of commercial zoning here is out of the ordinary in terms of the existing zoning pattern in what might be anticipated for the overall growth and strength of the neighborhood That question must obviously be weighed against the interest of the preservation of the house and grounds

7 Due to the particular functions proposed, one of the basic questions to ensure here is that sufficient off-street parking is available for the variety of functions that can be anticipated to happen here

8 As of the preparation of this material, indications are that the neighborhood board supports the request The petitioner has worked closely with the neighborhood in order to arrive at a mutually acceptable proposal Recent meetings between the petitioner and the neighborhood have resulted in other restrictions which will become notes and conditions on the final site plan These deal with such things as signage, type of lighting, amplified sound, etc

9 In this analysis, staff has attempted to present both the pro and con aspects of this petition Normal zoning and planning practices would not encourage the rezoning of this property as proposed On the other hand, a special piece of property such as this one might deserve special consideration, including the type of zoning that is proposed Staff believes the ultimate determining factor here is whether or not the use and functions locating on the property will intrude into an otherwise neighborhood character of quiet and secluded streets. If parking can be handled and

other factors such as lighting, noise, etc can be dealt with and ensured through conditions of the site plan then the petition has meritorious aspects

*Subject to further refinement following public hearing.

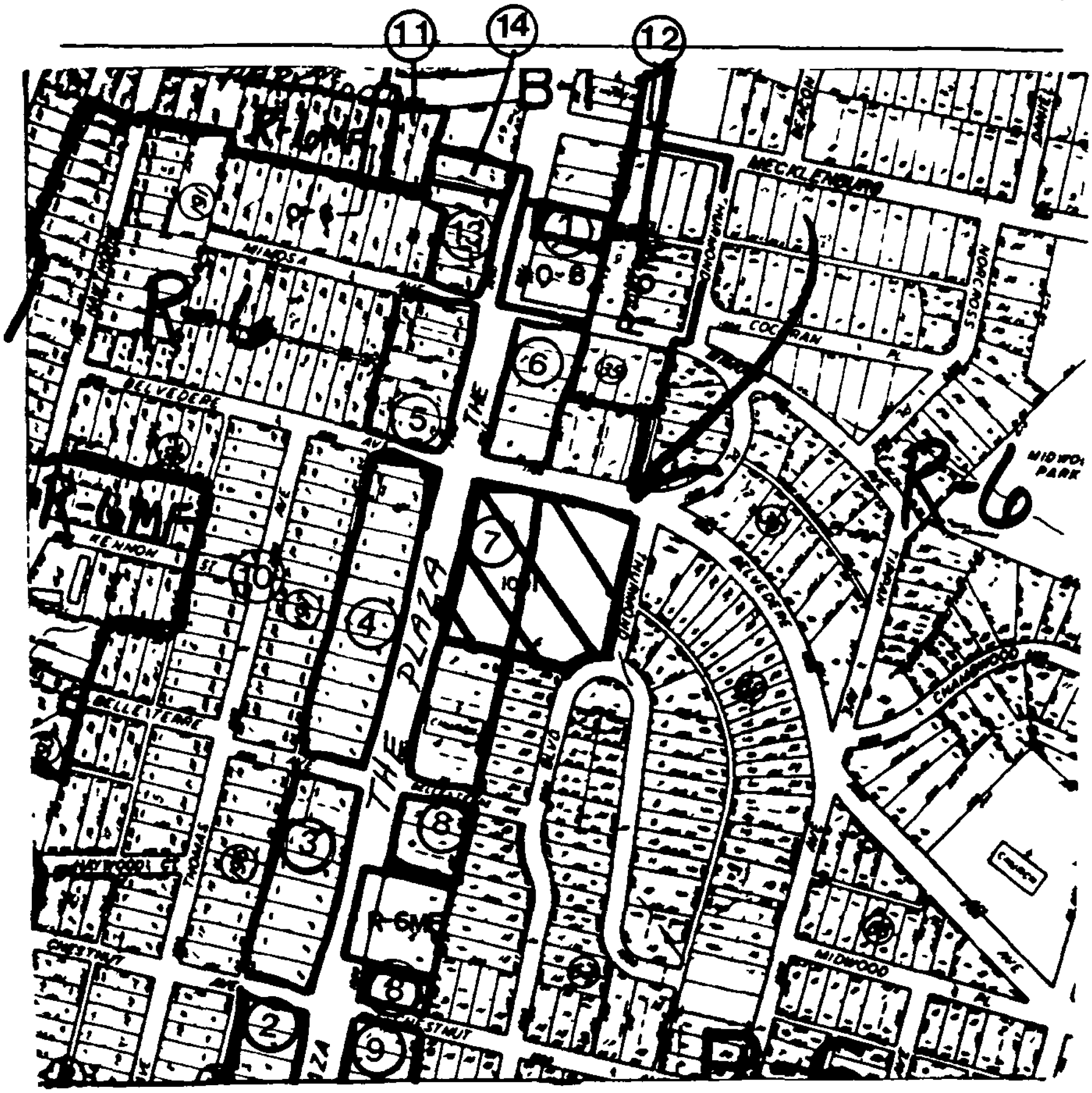
ZONING HISTORY

PETITIONER John M. Bowden

PETITION NO. 87-50 HEARING DATE May 18, 1987

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED B-2(CD)

LOCATION A four (4) acre site on the southeasterly corner of the intersection of The Plaza and Belvedere Avenue.



ZONING MAP NO. 101 SCALE 1" = 400'

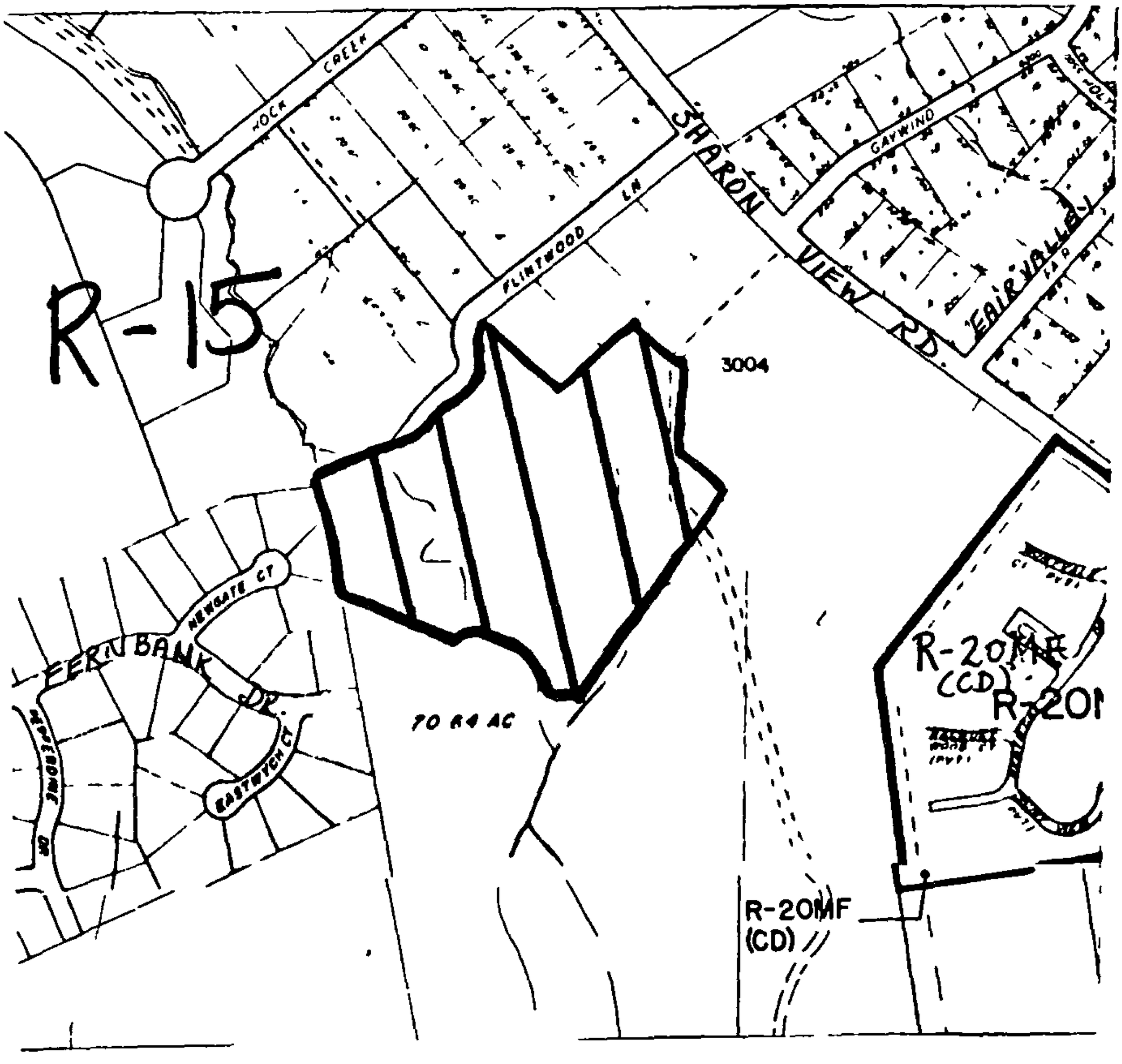
PROPERTY PROPOSED FOR CHANGE

PETITIONER Evans Construction Company

PETITION NO. 87-51 HEARING DATE May 18, 1987

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

LOCATION An 11.7 acre site located to the southwest of Sharon View Road south of Flintwood Lane.



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

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-51
Date Filed 4/1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Summer-Carolina Associates / Eric C. Clark, III & Bettie H.

Owner's Address: c/o Alta Enterprises, Inc.
6620 Fairview Road
Charlotte, NC 28226 / 5520 Sharon View Road
Charlotte, NC 28226

Date Property Acquired: Feb. 23, 1987 / August 23, 1967

Deed Reference: 5434-0253 2884-228 / Tax Parcel Number: Portions of 211-112-08, Portions of 211-112-03

Location Of Property (address or description)

South of Sharon View Road east of Flintwood Lane

Description Of Property

Size (Sq. Ft.-Acres): 11.687 acres / Street Frontage (ft.): None on Existing str (306' on Flintwood for SF lots)

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-15 / Requested Zoning: R-15MF(CD)

Purpose of zoning change: To permit the development of a small townhouse project along with single-family lots along Flintwood

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Evans Construction Company
Name of Petitioner(s)

401 Hawthorne Ln., Charlotte, NC 28204
Address of Petitioner(s)

334-6877
Telephone Number

[signature]
Signature

[signature]
Signature of Property Owner if Other Than Petitioner

[signature]

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-51

Petitioner Evans Construction Company

Location An 11 7 acre site located to the southwest of Sharon View Road south of Flintwood Lane.

Request Change from R-15 to R-15MF(CD)

ISSUES

1 Site Plan What aspects of the conditional site plan are important to evaluate, including such things as overall density and the relationship of the proposed project to adjoining properties?

2 Area Development Patterns How does this request relate to other nearby development patterns in the neighborhood?

BACKGROUND

1 Existing Zoning. The subject property is presently zoned R-15 It is surrounded by R-15 zoning, which is located throughout the general vicinity There is also a small area of R-12 zoning on Sharon View Road south of the site and across from that is an area of R-20MF zoning

2 Existing Land Use. The property in the petition is vacant at the present time Portions of the site adjoin property which is also vacant, but other portions of the site relate to single family development along Flintwood Lane and Newgate Court Several single family subdivisions are located off of Sharon View Road, including a new small lot subdivision under construction adjoining the Olde Providence Racquet and Tennis Club There is a multi-family townhouse development just south of the property in question, also

3. Site Plan The conditional site plan proposes a residential development that would include four (4) single family lots at the end of Flintwood Lane as well as 35 townhouse for sale units which would be accessed by a new public street to be connected to Sharon View Road The overall density of the proposal is 3 4 dwelling units per acre The townhouses are arranged in building clusters of three or four units per building

4 School Information

School	Capacity	Enrollment
Sharon Elementary	728	693
Carmel Jr High	1,200	1,221
Myers Park Sr High	1,685	1,768

5 Zoning History (See Attached Map) The attached map shows the location of one rezoning from R-15 to R-20MF in 1981 southeast of the subject property Just off the map are locations for two other rezonings including a change to R-12 on Sharon View Road south of the site as well as a more recent R-20MF (Innovative) zoning

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 the Colony Road Extension to the west of the site

2 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application Staff generally encouraged the request, believing that the overall density was compatible with the area and the fact that the townhouse development was also compatible due to the fact that other townhouse and small lot single family development was occurring in the area. Staff's only concern was the relationship to adjoining property

3 Pre-Hearing Departmental Comments (Summary)

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

2. Fire Department No comment

3 Engineering Department Normal comments relating to development permits as well as a request for an additional five feet of right-of-way along Sharon View Road (Note The property under consideration does not extend to Sharon View Road)

4. C-DOT The site could generate 400 to 450 trips per day as currently zoned and 450 to 550 trips per day under the new zoning This will not have a significant impact on the surrounding thoroughfare system

5 Building Standards The area for single family lots to be used should be shown and the lots for one family attached dwellings are also not shown

4 Neighborhood Context The site is located in the Carmel neighborhood

DETAILED FINDINGS

1 This petition involves an 11 7 acre site located off of Sharon View Road along with portions of the site which adjoin Flintwood Lane The current zoning is R-15 and the petitioner is requesting R-15MF(CD)

2 The proposal involves a small residential development including 36 townhouse for sale units and four single family units (For further details refer to Background #3)

3 The petition is located in an area of predominantly single family development although several zone changes in the area over the last several years have included a change from R-15 to R-12 for a somewhat smaller lot in a small subdivision nearby, a change to R-20MF for a townhouse development south of the site and another change to R-20MF for an innovative small lot single family subdivision

4 The property has frontage on Flintwood Lane but will only relate to four new single family lots as proposed under this development The townhouse development will be accessed directly to Sharon View Road by way of a new public street

5 The site plan is an acceptable one in that it provides for a low density project and the townhouse style unit is believed to be a harmonious building type with regards to single family development Further, traffic from the townhouse units will not go through any other single family development

6 Staff's only concern about the site plan relates to the edge conditions to adjoining properties The multi-family buildings will be relatively small in scale and include only three or four units per building, which will make for a building size that will not overpower other single family developments in the area In some cases the townhouse units are located relatively close to perimeter property lines and the petitioner should adjust the site plan to increase the separation of the townhouse units to adjoining properties

7 The area is developing with other single family and related development Several rezoning petitions have resulted in quality residential projects and it is believed that this project will compliment those As a matter of fact the petitioner in this case is developing the townhouse project just to the south of this site That project has been successful and provides for an attractive relationship to Sharon View Road

8 Based upon the above, staff would encourage the approval of this petition so long as the edge conditions as referenced above can be strengthened

*Subject to further refinement following public hearing

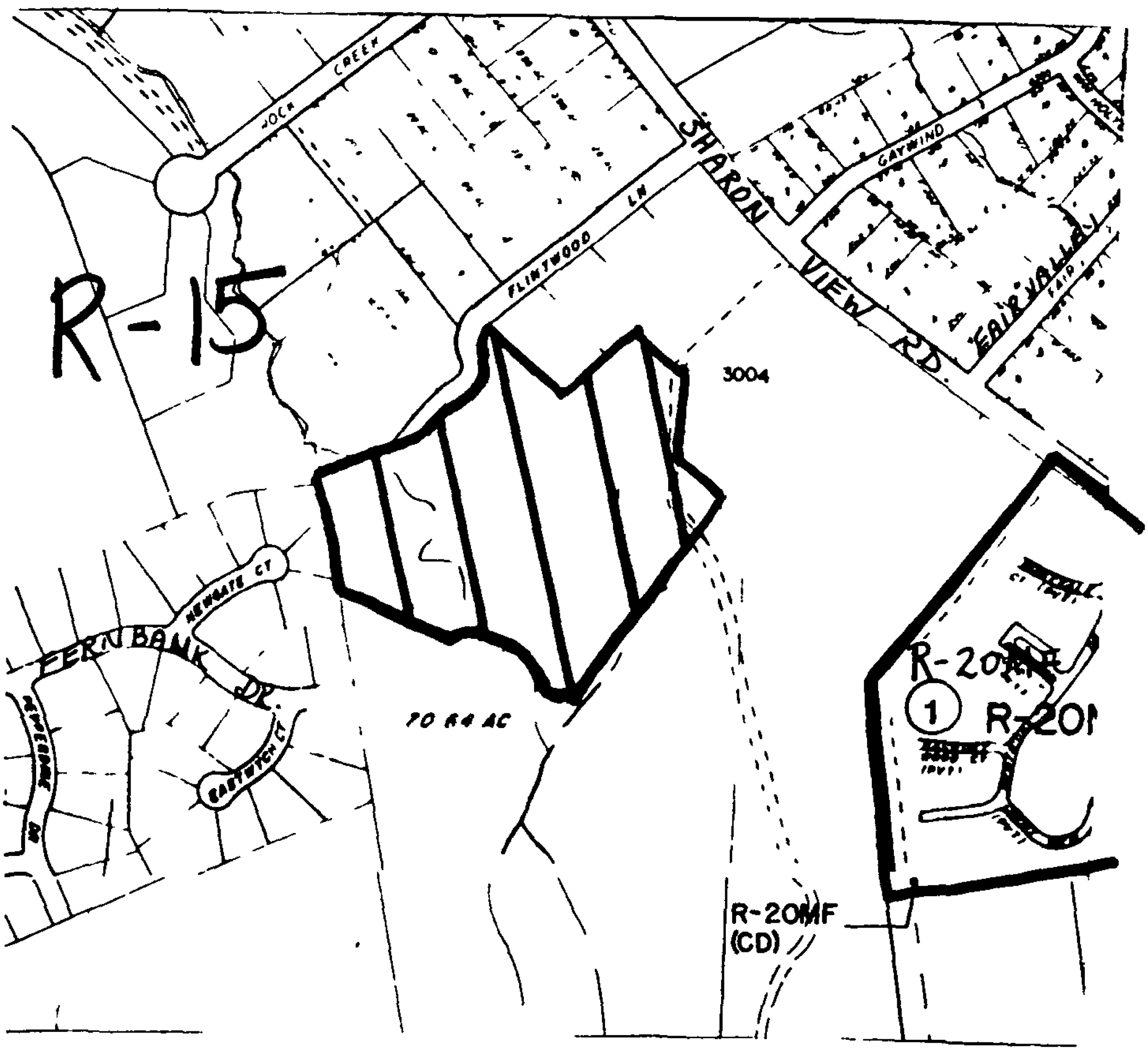
ZONING HISTORY

PETITIONER Evans Construction Company

PETITION NO. 87-51 HEARING DATE May 18, 1987

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

LOCATION An 11.7 acre site located to the southwest of Sharon View Road south of Flintwood Lane.



ZONING MAP NO. 146 and 159

SCALE 1" = 400'

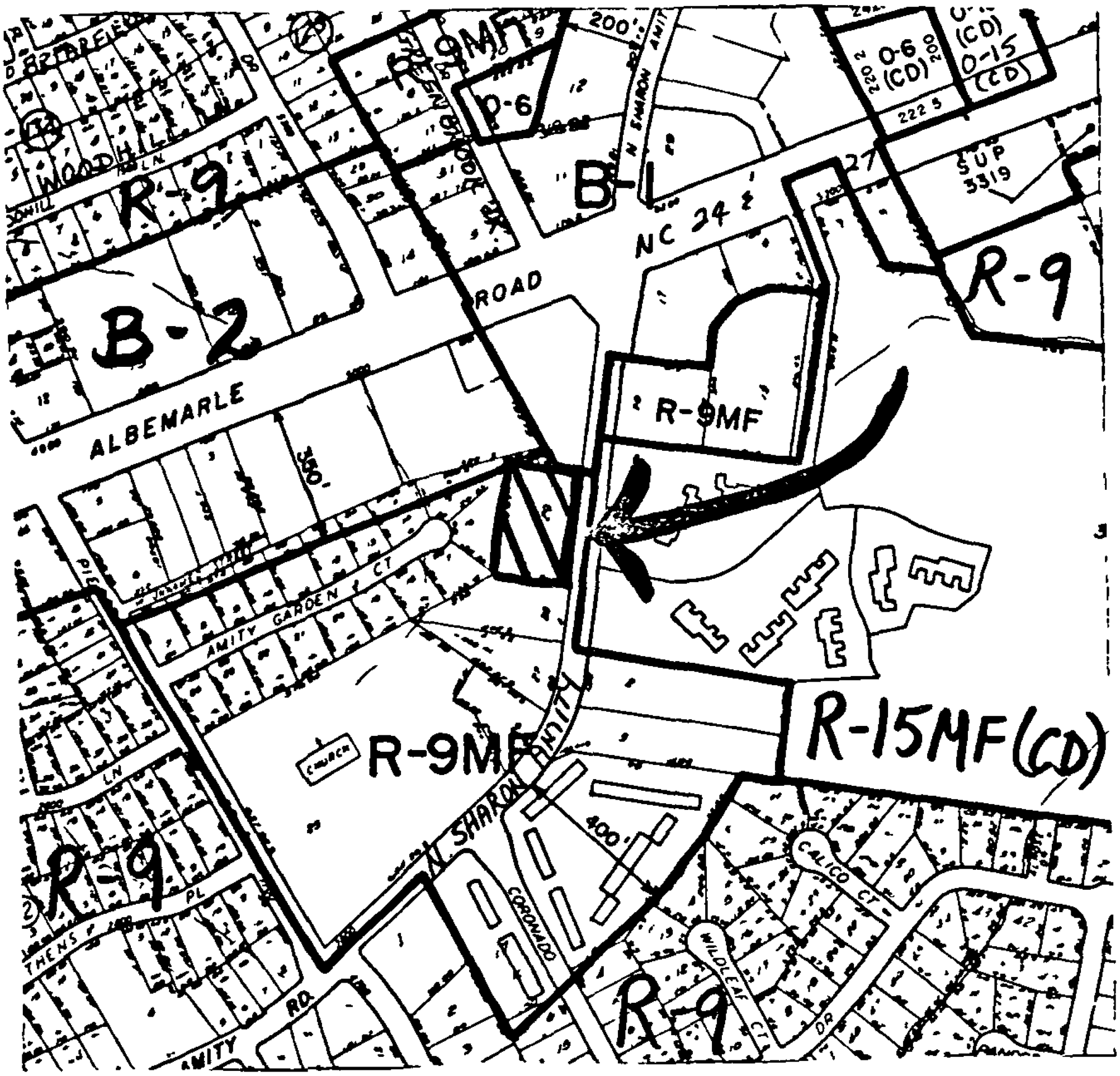
PROPERTY PROPOSED FOR CHANGE

PETITIONER David E. Fuller

PETITION NO. 87-52 HEARING DATE May 18, 1987

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

LOCATION A 1.12 acre site located on the westerly side of North Sharon Amity Road approximately 440 feet south of Albemarle Road.



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-52
Date Filed 4/1
Received By
OFFICE USE ONLY

Ownership Information

Property Owner Mr. David E. Fuller and Margaret B. Fuller

Owner's Address 3834 Larkston Drive

Charlotte, NC 28211

Date Property Acquired September 21, 1973

Deed Reference 3620-653 Tax Parcel Number 133-014-29

Location Of Property (address or description) 3021 - 3037 Sharon Amity Road

Description Of Property

Size (Sq Ft.-Acres) 1.127 acres Street Frontage (ft.) 270'

Current Land Use 4 residential duplexes (8 units)

Zoning Request

Existing Zoning R-9MF Requested Zoning O-6(CD)

Purpose of zoning change To permit the rehabilitation of the existing structures for office use with restricted access and grounds improvements.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Mr. David E. Fuller
Name of Petitioner(s)

FCW Properties, Inc., Suite 2425
NCNB Plaza, Charlotte, NC 28280
Address of Petitioner(s)

374-1807
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-52

Petitioner David E Fuller

Location A 1 1 acre site on the westerly side of North Sharon Amity Road approximately 440 feet south of Albemarle Road

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

ISSUES

1 Zoning/Development Patterns How would the approval of this request relate to nearby zoning and development patterns?

2 Future Effect If the petition were approved, what potential effect might it have on future zoning and land use decisions along Sharon Amity?

3 Site Plan What aspects of the conditional site plan are important to evaluate, including relationship to Sharon Amity as well as to adjoining properties?

BACKGROUND

1 Existing Zoning The property involved in this petition is presently zoned R-9MF Property immediately south and to the west is also zoned R-9MF and this R-9MF district extends further southward along both sides of Sharon Amity to Coronado Drive. Across the site is an area of R-15MF(CD) zoning and north of that is a smaller R-9MF area Portions of Albemarle Road nearby are zoned B-1 and B-2 along with smaller areas of office zoning Most residential areas off the major thoroughfares are zoned R-9

2 Existing Land Use The petitioned property is currently developed for duplex units (eight total units) Across the street is the Firethorne condominium development and north of that is a single family residence. Other multi-family development is located south of the site at Coronado and Sharon Amity and across the street from that is a church and small cemetery Duplex development backs up to the site on Amity Garden Court Other residential areas are single family in character Albemarle Road is widely developed with highway and general retail development

3 Site Plan The conditional site plan proposes to convert the four duplex units on the site into offices The structures will remain Two driveway points will access the development with all of the parking located to the rear Landscaping and a low brick and wrought iron wall will be constructed along Sharon Amity and other vegetative screen methods will be used to the rear and the side of the property The four buildings comprise a total of about 6,800 square feet.

4. School Information Not applicable

5 Zoning History (See Attached Map). There have been 22 previous rezoning requests in the immediate area of the subject property They are listed below.

1	65-94	R-9, R-9MF to B-1	Approved
2	65-111	R-9MF to B-1	Approved
3.	66-45	R-9 to B-1	Approved
4	66-51	B-1 to B-2	Denied
5	68-31	R-9MF to B-1	Approved
6	68-93	R-9MF to B-1	Approved
7	69-36	R-9 to B-1	Approved
8	69-54	R-9 to B-1	Approved
9	69-92	R-9 to R-9MF	Approved
10	71-62	R-9MF to B-1	Approved
11	71-80	R-9, R-9MF to B-1	Approved
12	72-23	R-9 to R-9MF	Denied
13	72-38(c)	R-9 t9 R-9MF	Denied
14	74-36	R-9MF to B-1	Approved
15.	74-46	R-9MF to 0-6	Approved
16.	75-13	R-9MF to 0-6	Denied
17.	76-9	R-9MF to B-1	Denied
18	82-59	R-9MF to 0-15(CD)	Approved
19.	83-65	R-9, R-9MF, B-1 to R-15MF(CD)	Approved
20	84-29	R-9MF to 0-15(CD)	Denied
21	85-1	MSUP - day care	Denied
22	85-39	0-15(CD) to 0-6(CD) & Site Plan Amendment	Approved

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses Strategies for the area include the widening of Independence Boulevard

2 Albemarle Road Small Area Plan The plan indicates this area as a stable, developed residential area

3. Transportation Improvement Program The TIP schedules the construction of dual left turn lanes on both approaches of Sharon Amity at the intersection of Independence Boulevard for FY86-90. The widening of US 74 is scheduled for construction in FY89-91.

4 Pre-Hearing Staff Input. The petitioner met with staff prior to the submission of the application Staff pointed out that there were probably as many positive comments to make as negative regarding this rezoning application Staff also indicated that the neighborhood was highly organized and would need to be contacted Their input would also be considered

5 Pre-Hearing Departmental Comments (Summary).

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

2 Fire Department No comments.

3. Building Standards No comments.

4 Engineering Standard comments regarding development permits as well as a comment that normally they would request an additional 14 feet of right-of-way along North Sharon Amity, but in this situation the existing structures would become non-conforming

5 C-DOT Comments were unavailable as of the preparation of this material, but they are expected by the time the public hearing is held

6 Neighborhood Context The site is located in the Amity Gardens neighborhood Staff has received information from the Coventry Woods Community Association which does not react favorably to the rezoning request

DETAILED FINDINGS·

1 This petition involves a 1 1 acre site which fronts on North Sharon Amity just south of Albemarle Road The current zoning is R-9MF and the petitioner is seeking O-6(CD)

2 At the present time four (4) duplex units are on the site and the petitioner wishes to convert them to office use. (For further details refer to Background #3)

3 Over the years the area has seen a tremendous amount of zoning activity More recently several rezoning requests have resulted in the approval of large scale multi-family developments in the vicinity, including the very attractive Firethorne condominimum development immediately across from the subject property

4 Recently the intersection of Albemarle Road and Sharon Amity has been upgraded to help relieve traffic congestion and other improvements are also planned at Sharon Amity and Independence Boulevard As a thoroughfare, Sharon Amity is one of the more important thoroughfares carrying traffic great distances throughout the city Efforts have always been made to help maintain this road as a traffic carrying road and not one that was stripped out with commercial and office development

5. Staff's pre-hearing analysis with the petitioner indicated positive as well as negative issues regarding this petition From a zoning perspective, changing the zoning to office here would create the classic zoning hierarchy of business to transitional office to multi-family with the subject property providing the transitional office district From a site plan and land use perspective, the conditional district approach would maintain in essence the character of the site by providing for the retention of the duplex structures and locating parking to the rear. This would maintain the look and feel of the site and help relate the existing scale of buildings to those which already exist on Sharon Amity, including those directly across the street From a traffic perspective, the project

is a small one and would not generate a tremendous amount of traffic to and from the site.

6 On the other hand, negative issues can be identified, also The most important of these probably relates to the fact that a very distinct boundary is now drawn between residential and non-residential uses The approval of this petition would extend office zoning down further south away from the Albemarle Road corridor This would open up the possibility for future rezonings including the next two adjoining parcels to the south as well as other vacant properties nearby even further south That sort of haphazard, strip non-residential zoning should definitely be avoided

7. The Albemarle Road Small Area Plan envisions the retention of stable residential areas here and the removal of these four duplex structures would be contrary to that plan as well as removing the housing stock now associated with the property.

8. The neighborhood association in this area has been very active in recent years due to the small area plan and the abundance of zone change requests Information received from the neighborhood indicates their concerns about this petition and their disapproval of the request

9 In evaluating this request, staff has evaluated all of the issues cited above Once again, it is staff's conclusion that there are positive and negative attributes to this request Both sides, the petitioner and the neighborhood, make reasonable and plausible arguments for their respective opinion. While some positive comments have been offered, staff feels most comfortable in denying the request Staff does share the concern that the approval of this petition might very well lead to other requests and the zoning pattern could very well be disrupted in a negative way Further, while staff finds no major problems with the site plan as submitted, it is necessary for the petitioner to come up with a better form of separation and screening in the rear where parking areas are located and to be more definite about signage along the front along Sharon Amity Road.

10 In summary, staff would agree that while the opportunity for a small scaled office development appears logical here, it is outweighed by the very real threat that other rezoning petitions will result and the approval of those requests would not be compatible with the neighborhood nor long term zoning objectives for the area and to Sharon Amity Road itself.

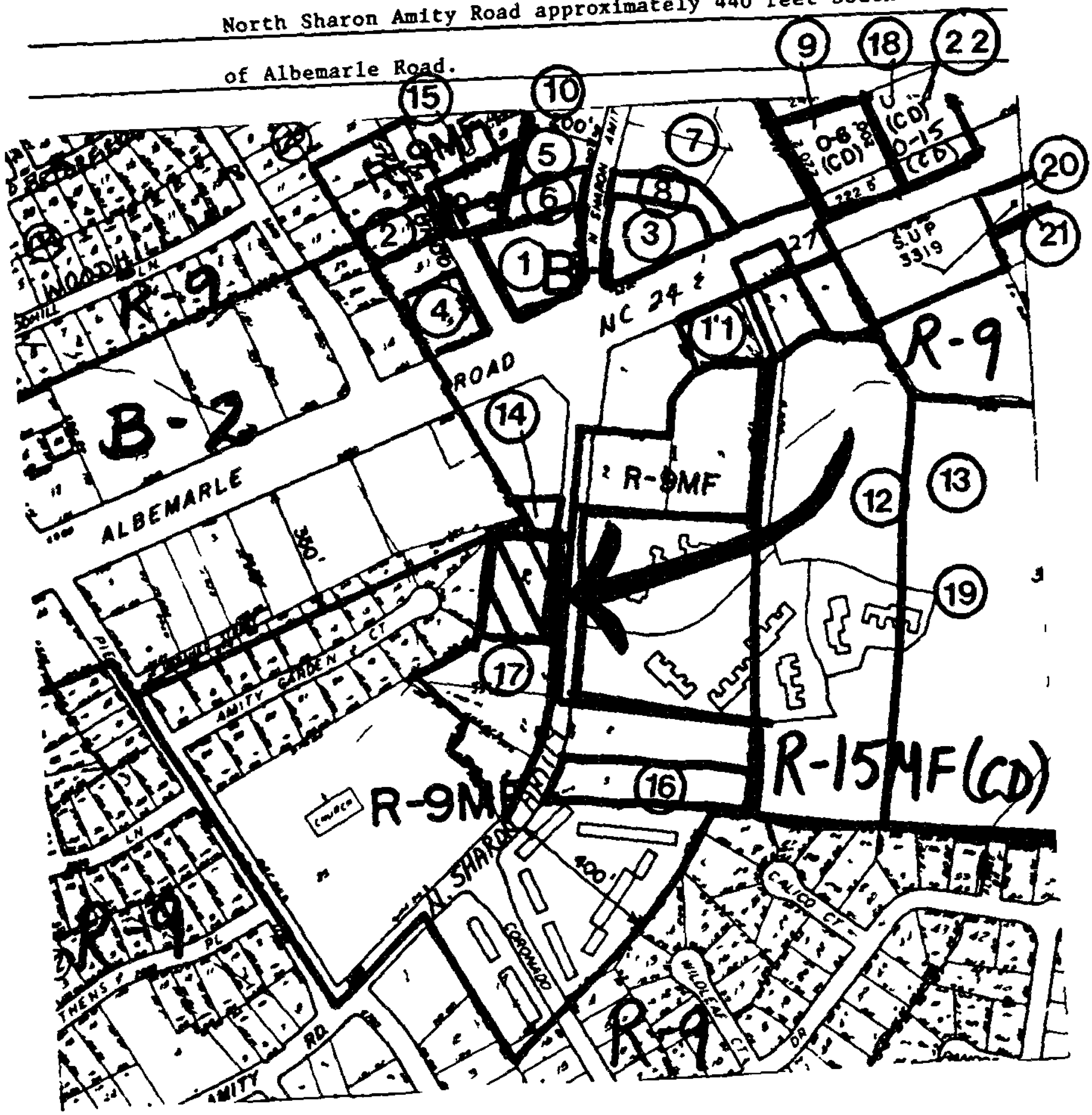
*Subject to further refinement following public hearing

PETITIONER David E. Fuller

PETITION NO. 87-52 HEARING DATE May 18, 1987

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

LOCATION A 1.12 acre site located on the westerly side of North Sharon Amity Road approximately 440 feet south of Albemarle Road.



ZONING MAP NO. 113

SCALE 1" = 400'

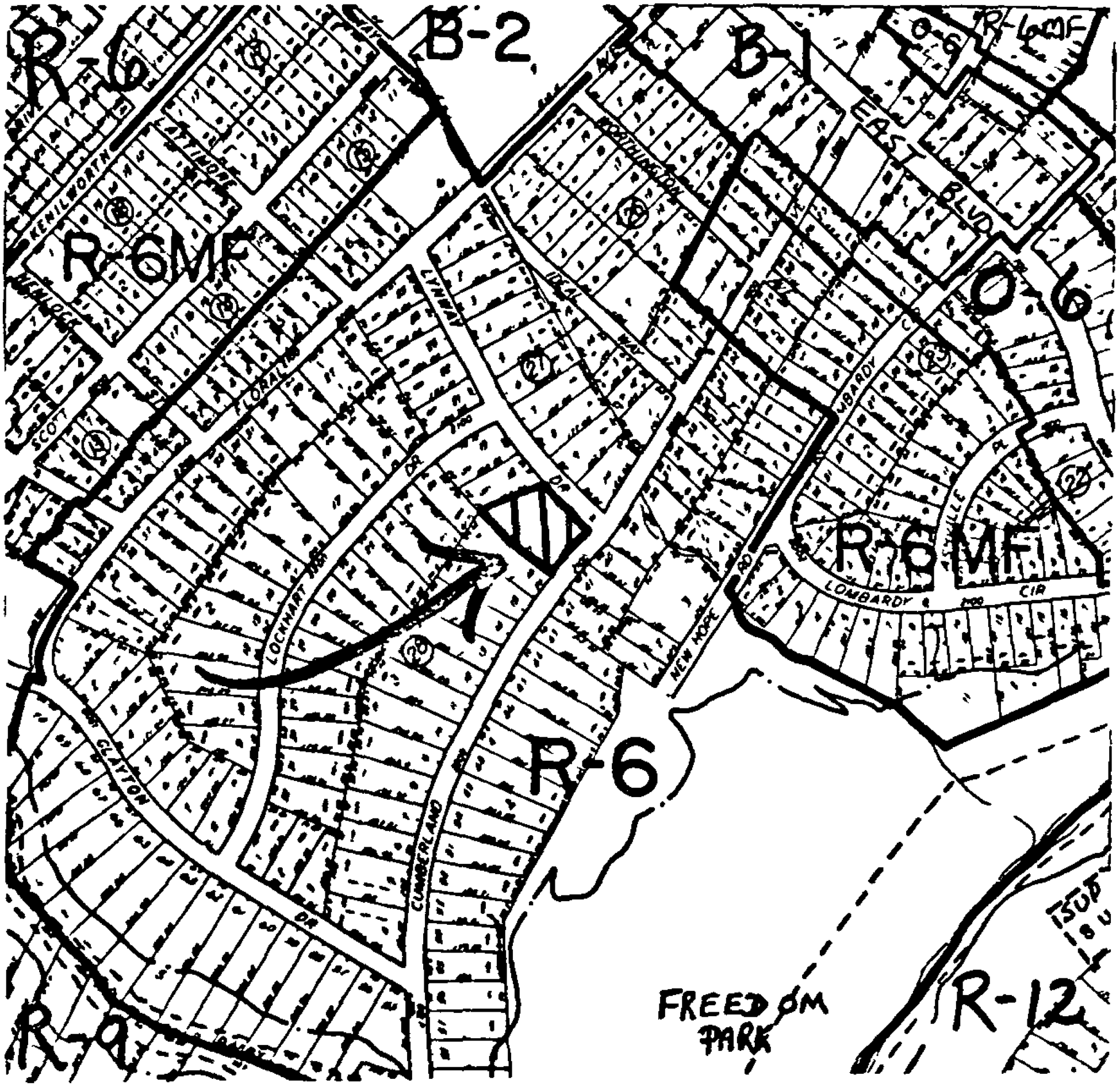
PROPERTY PROPOSED FOR CHANGE

PETITIONER Florence Crittenton Services, Inc.

PETITION NO. 87-53 HEARING DATE May 18, 1987

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

LOCATION An approximately 30,500 square foot parcel located on the southwesterly corner of the intersection of Cumberland Avenue and Lynway Drive.



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-53
Date Filed 4/1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Robert W. and Eileen R. Bohnhoff

Owner s Address 2100 Cumberland Avenue, Charlotte, North Carolina

Date Property Acquired September 17, 1963

Deed Reference Book 2441, Page 154 Tax Parcel Number 151-028-17

Location Of Property (address or description) 2100 Cumberland Avenue, Charlotte, N.C.

Description Of Property

Size (Sq. Ft.-Acres) approximately 30,500 square feet Street Frontage (ft.) 140 ft. on Cumbe 160 feet on Lynwa

Current Land Use single family residence

Zoning Request

Existing Zoning R-6 Requested Zoning R6MFCD

Purpose of zoning change To permit the property to be used by Florence Crittenton Services, Inc., a not for profit agency, for their existing Calkin's Hall Program. This program is a residential support program for up to 9 young women (plus a housemother) who have released a child for adoption.

Name of Agent Petitioner's Attorney: William H. McNair
Ruff, Bond, Cobb, Wade & McNair
2100 First Union Plaza, Charlotte, N.C. 28282

Agent's Address Phone: 377-1634

Telephone Number

FLORENCE CRITTENTON SERVICES, INC.
Name of Petitioner(s)

P. O. Box 36392, Charlotte, N.C. 28236
Address of Petitioner(s)

372-4663
Telephone Number

[illegible]
Signature

Robert W Bohnhoff
Signature of Property Owner if Othe Than Petitioner

Eileen R. Bohnhoff

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-53

Petitioner. Florence Crittenton Services, Inc

Location An approximately 30,500 square foot parcel located on the southwesterly corner of the intersection of Cumberland Avenue and Lynway Drive

Request. Change from R-6 to R-6MF(CD).

ISSUES

1. Proposed Use/Site Plan What is the proposed use of the property in this case, and what conditions relating to it should be evaluated as part of the conditional site plan?

2. Relationship to Adjoining Single Family Areas How does the site plan relate and provide for the protection of adjoining single family homes?

BACKGROUND·

1 Existing Zoning This petition involves a 30,500 square foot parcel which is presently zoned R-6 The predominant zoning pattern in the immediate vicinity is also R-6 Located northeast of the site is an area of R-6MF zoning Along East Boulevard is a mixture of B-1 and O-6 zoning

2. Existing Land Use. The subject property is currently occupied by a single family residence The dominant land use pattern in the general area of the site is single family residential Freedom Park is also located nearby A variety of office and business uses exist on East Boulevard

3. Site Plan. The conditional site plan proposes a group home for up to ten (10) residents It is noted that the existing structure would remain, and that there would be no signage erected Parking is provided to the rear of the site

4. School Information

School	Capacity	Enrollment
Dilworth Elementary	572	625
Sedgefield Jr High	900	567
Myers Park Sr High	1,685	1,768

5 Zoning History (See Attached Map) There have been five (5) prior rezoning requests in the area of the subject property Case #1 was a 1973 denial to rezone from R-6 to O-6 a parcel on Floral Avenue between Lynway Drive and Ideal Way Cases #2 and 3 were both changes from O-6 to B-1 northeast of East Boulevard in 1973 and 1975 respectively Cases #4 and 5 both involved the parcel on the corner of Lombardy Circle and East Boulevard

and were changes from O-6 to B-1(CD) in 1978 and B-1(CD) to O-6 in 1984 respectively

GENERAL FINDINGS.

1 2005 Plan The 2005 Plan indicates existing residential land uses. Strategies for the area include the extension of the County Greenway System along Sugar Creek

2. Pre-Hearing Staff Input Staff provided technical assistance in the filing of the application, and generally supported the change as proposed

3 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department. No comments

3 Engineering No comments.

4 C-DOT The proposed rezoning would have little impact on the surrounding street system

5 Building Standards Building Standards indicates a violation of the side yard requirements would occur if the property is rezoned The existing side yard is 23 feet, and 25 feet is required for a group home in the R-6MF district A variance would need to be granted to eliminate the violation.

4 Neighborhood Context The property is located in the Dilworth neighborhood

DETAILED FINDINGS

1 This request involves property on the southwest corner of Cumberland Avenue and Lynway Drive. The site is 30,500 square feet in size, and the petitioner is seeking a change from R-6 to R-6MF(CD) Although the request is for multi-family zoning, a group home for ten individuals is planned, which does require multi-family zoning

2 The petitioner has filed a conditional site plan (Refer to Background #3)

3 As noted on the site plan, the existing house and yard would remain basically as is, and no signage would be erected to indicate the use of the property

4 It would appear that the proposed use for a group home would have little impact on the surrounding residential neighborhood, both from a visual and traffic standpoint

5 However, the issue regarding the possible sideyard violation should be addressed on the site plan, and the approval of the rezoning request made

contingent upon the granting of a variance by the Zoning Board of Adjustment.

6. Providing this issue is resolved, staff would support the rezoning request, as it is felt that group homes of this nature can exist compatibly with the single family neighborhood, and any impacts would be minimal in nature. The proposed use will provide for a much needed community service. A residential atmosphere will promote its goal and service to the community. If approved, the multi-family zoning here is simply a recognition for this institutional type use and not an indication that multi-family zoning in general is being promoted in the neighborhood

*Subject to further refinement following public hearing.

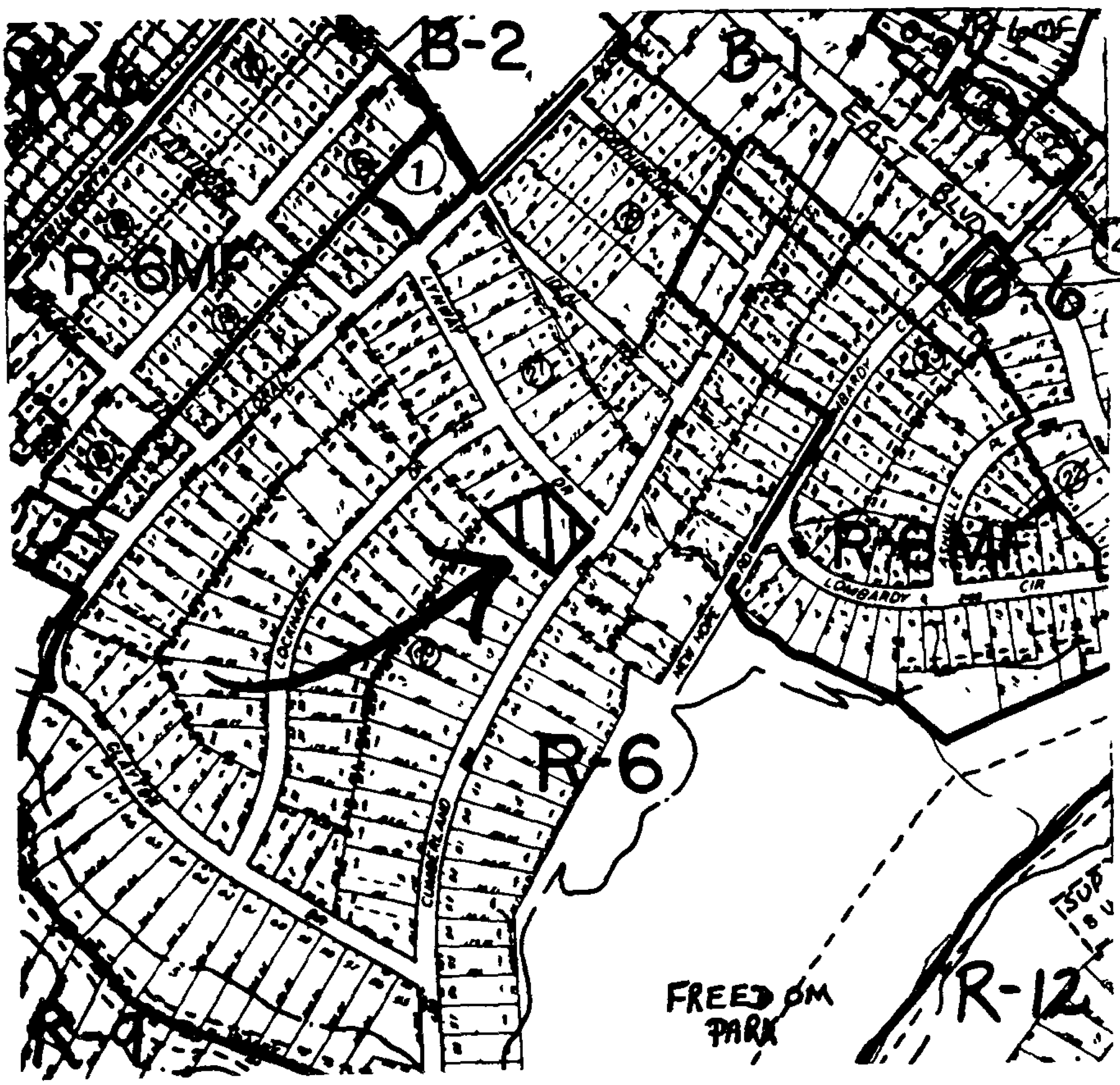
ZONING HISTORY

PETITIONER Florence Crittenton Services, Inc.

PETITION NO. 87-53 HEARING DATE May 18, 1987

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

LOCATION An approximately 30,500 square foot parcel located on the southwesterly corner of the intersection of Cumberland Avenue and Lynway Drive.



ZONING MAP NO. 111 SCALE 1" = 400'

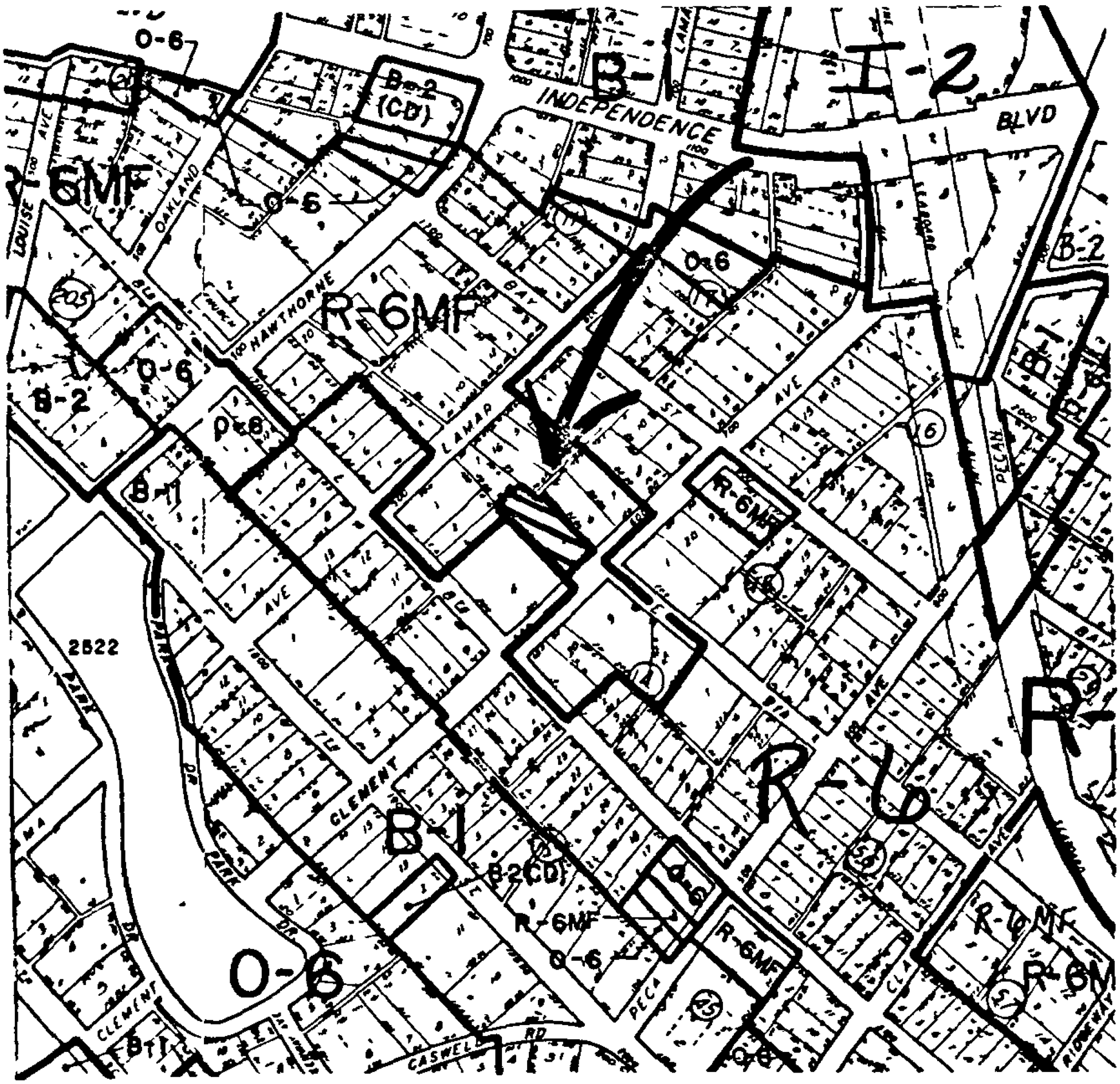
PROPERTY PROPOSED FOR CHANGE

PETITIONER Daniel G. Clodfelter

PETITION NO. 87-54 HEARING DATE May 18, 1987

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

LOCATION An approximately 24,500 square foot parcel on the northwesterly side of Clement Avenue between East Eighth Street and Bay Street.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-54
Date Filed 4/1
Received By
OFFICE USE ONLY

Ownership Information

Property Owner: Daniel G. Clodfelter and wife, Elizabeth K. Bevan

Owner's Address: 523 Clement Avenue, Charlotte, N.C. 28204

Date Property Acquired: November, 1983

Deed Reference: Book 4746, Page 0287 Tax Parcel Number: 127-013-05

Location Of Property (address or description)

523 Clement Avenue, Charlotte, N.C. 28204

Description Of Property

Size (Sq Ft.-Acres): approx. 24,500 square feet Street Frontage (ft.): 105.61

Current Land Use: detached single-family home and separate carriage house, formerly servants' quarters but now rented as duplex

Zoning Request

Existing Zoning: R-6MF Requested Zoning: R-6

Purpose of zoning change: to conform to single-family character of area and to comply with policies and goals of Elizabeth Small Area Plan

Name of Agent

Agent's Address

Telephone Number

Daniel G. Clodfelter
Name of Petitioner(s)

3000 NCNB Plaza, Charlotte, N.C. 28280
Address of Petitioner(s)

(704) 331-1041
Telephone Number

Daniel G. Clodfelter
Signature

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-54

Petitioner: Daniel G Clodfelter

Location: An approximately 24,500 square foot parcel on the northwesterly side of Clement Avenue between East Eighth Street and Bay Street.

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

ISSUES

1 Elizabeth Small Area Plan and Elizabeth Urban Design Plan and Transportation Study How does this request relate to overall goals for the Elizabeth area?

2 Zoning/Land Use Patterns If approved, how would the petition relate to existing zoning and land use patterns?

BACKGROUND

1 Existing Zoning The parcel involved in this request is currently zoned R-6MF This zoning district also surrounds the property on three sides. The remaining area nearby and adjoining the site is zoned R-6 Areas of B-1 zoning exist along Seventh Street

2 Existing Land Use The subject property is currently used as a single family residence Also on the site is a former carriage house, now used as a duplex The surrounding area is primarily single family in nature, although several multi-family uses are nearby, particularly along Eighth Street between Lamar and Clement Avenue Land uses along Seventh Street include a mixture of business and office uses

3. School Information. Not applicable.

5 Zoning History (See Attached Map) There have been 25 previous rezoning requests in the immediate area of the subject property They are listed below.

1	63-58	B-1 and R-6MF to B-1	Approved
2	64-3	R-6MF to B-1	Approved
3	66-79	R-6MF Conditional Parking	A I.P
4	67-84	R-6MF and 0-6 to B-1	Approved
5	68-41	B-1 to I-2	Approved
6	69-47	R-6MF to 0-6	Approved
7	69-94	R-6MF to 0-6	Approved
8	69-115	R-6MF to B-1	Denied
9	69-117	B-1 to B-2	Approved

10	70-25	R-6MF to 0-6	Denied
11.	70-80	R-6MF to 0-6	Approved
12.	72-20	R-9 to R-6MF	Approved
13	72-35	R-6MF to B-1	Denied
14	73-11	B-1 to B-2	Denied
15.	73-20	R-6MF to 0-6	A.I.P.
16	73-37	R-6MF to R-6	A.I.P.
17.	75-54	R-6MF to 0-6	Denied
18	76-8	B-1 to B-2(CD)	Denied
19	76-15	B-1 to B-1(CD)	Approved
20	76-67	B-1(CD) Site Plan Amendment	Denied
21.	77-19	B-1 to B-2(CD)	Approved
22	77-55	B-1(CD) to 0-6	Approved
23.	83-36	B-1 to B-2(CD)	Approved
24	83-52	R-6 to R-6MF(CD)	Denied
25	86-1	R-6MF to 0-6	Denied

GENERAL FINDINGS:

1 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property No specific strategies are recommended for the area

2 Elizabeth Small Area Plan and Elizabeth Urban Design Plan and Transportation Study The site is within the boundaries of both plans The subject property is recommended in each document to be included within an Historic District Otherwise, there are no specific recommendations regarding the site.

3 Pre-Hearing Staff Input Staff provided technical assistance in the filing of the rezoning application and generally encouraged the petition.

4 Pre-Hearing Departmental Comments (Summary)

Due to the fact that this petition is not conditional in nature, most departments had no comment However, C-DOT indicated that the proposed zoning change could generate less trips per day, and have a lesser impact on the surrounding street system

5 Neighborhood Context. The property lies within the Elizabeth neighborhood

DETAILED FINDINGS

1 This rezoning request involves an approximately 24,500 square foot parcel on the northwesterly side of Clement Avenue The property is currently zoned R-6MF and the petitioner is seeking R-6

2 Several rezoning requests have recently been to public hearing and are under discussion near the subject property, which also seeks R-6 zoning

3 The petitioner indicates the purpose of the rezoning is to conform to the single family character of the area and to comply with the policies and goals of the Elizabeth Small Area Plan

4 Although the subject property is not specifically referenced in the Elizabeth Plans for rezoning, much of the area is single family in nature, and the rezoning to R-6 would further stabilize and protect the neighborhood

5 It is believed the zoning change will be compatible with the area zoning, and help assure the preservation of a stable single family home

6. Based upon the above reasons, this petition is encouraged for approval

*Subject to further refinement following public hearing

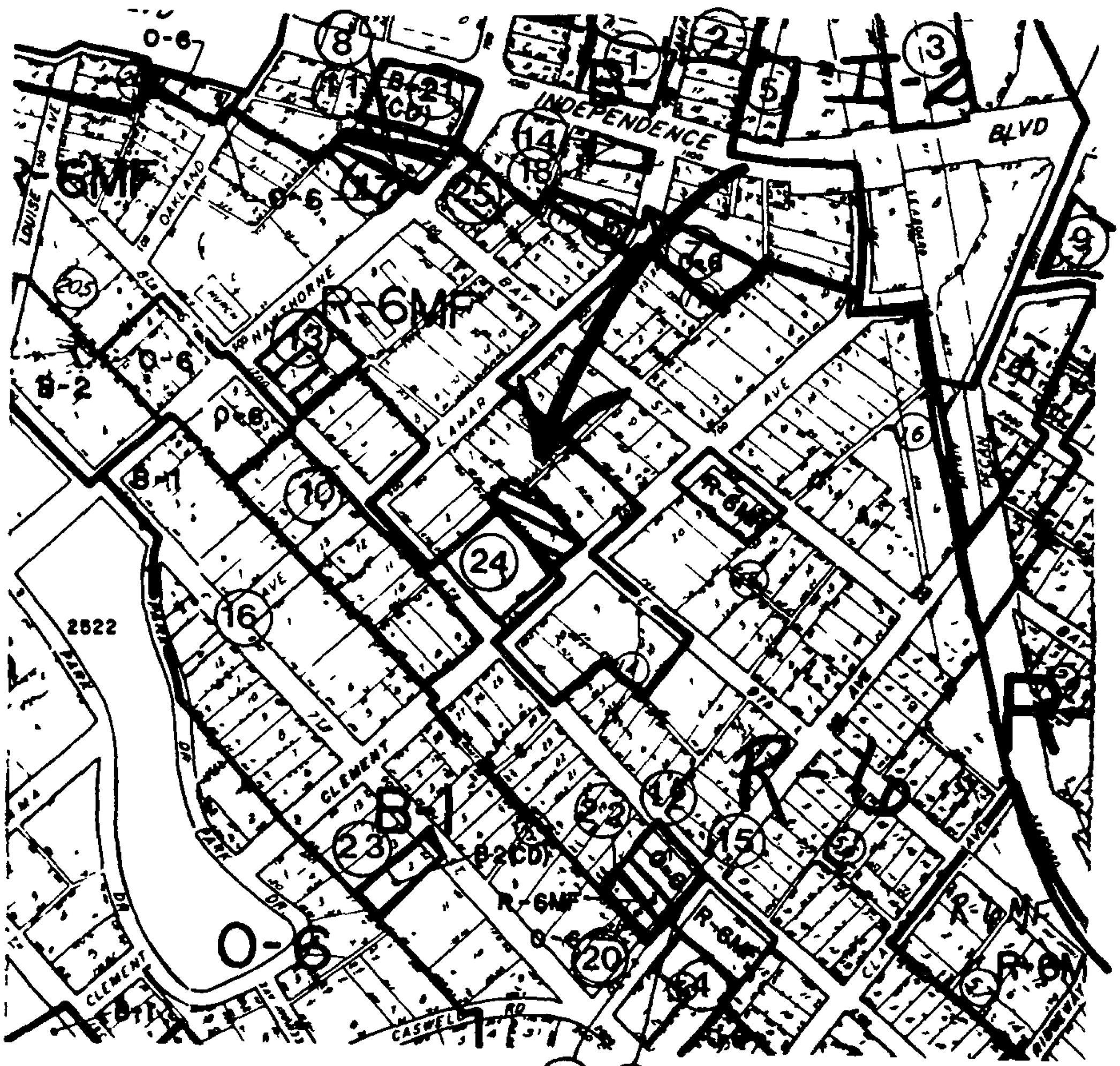
ZONING HISTORY

PETITIONER Daniel G. Clodfelter

PETITION NO. 87-54 HEARING DATE May 18, 1987

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

LOCATION An approximately 24,500 square foot parcel on the northwesterly side of Clement Avenue between East Eighth Street and Bay Street.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Bid Item for City Council Agenda of 5/11/87

I. Item: Mecklenburg Stadium at Price Park User Dept: Engineering

II. Recommendation: By the Project Architect, Clark Tribble Harris & Li, that all bids be rejected due to the low bid being over the budget for this contract. The City Engineer concurs in this recommendation.

III. Bid Summary:

	Base Bid
Jones Grading and Fencing Charlotte, NC	$ 816,365.01
Dillingham Construction Asheville, NC	$ 922,080.00
Blythe Industries, Inc. Charlotte, NC	$1,142,535.82
Hall Contracting, Inc. Charlotte, NC	$1,197,480.00
Moore Golf, Inc. Culpepper, VA	$1,644,095.00

IV. Advertised: April 1, 1987 Bids Read: April 30, 1987

V. Justification: On December 22, 1986, City Council approved a contract with Clark, Tribble, Harris & Li to complete the design for the new baseball stadium. To help meet an April 1, 1988 completion date, the Architect intended to fast-track the project by awarding the grading package before the other prime contracts.

VI. Source of Funding: Project Account (Allotment #282.00, Fund #2010)

May 8, 1987

OTHER DATA:

VII. M/WBE Status (if applicable): The apparent low bidder for the Grading and Sitework package is a minority contractor. Rejecting the bids may impact our chances of obtaining significant minority participation for the project. Staff will continue concentrated efforts to achieve City-wide goals for minority participation on this project.

VIII. Consequences if Action is Deferred: Project will be over budget.

IX. Other Information: This contract was intended to provide clearing, grading, storm drainage, and irrigation for the Stadium site.

The lowest bid on this project is approximately $230,000 over the estimate provided by the Construction Manager. The Architect has met with the low bidder and attempted to negotiate the project within the budget. However, the negotiations were unsuccessful. Therefore, the Architect recommended that we reject all bids and include this work in the general contract package which will be bid at a later date. In the interim, the Architect will be working to revise the scope of this work such that the cost will be within budget.

Submitted by: For C. D. Readling, City Engineer

Approved by: _____
Assistant City Manager

JULY 87-2

#~~6~~ 7

Request for Council Action

Charlotte

To the City Council

From the City Manager

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

Responsible Department Charlotte-Mecklenburg Planning Commission

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

Background

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

Explanation of Request

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

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

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

Yeas: Emory, Griffin, Lassiter, Lewis and Wheeler

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

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

#8

DATE. March 19, 1987

PETITION NO.: 87-19

PETITIONER(S). Zaremba Charlotte Associates

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

LOCATION: A 26.1 acre site on the southeast corner of Independence Boulevard and Margaret Wallace Road.

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

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

Nays: Mead.

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

REASONS:

ISSUES:

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

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

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

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

BACKGROUND:

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

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

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

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

5. School Information. Not applicable.

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

GENERAL FINDINGS:

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

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

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

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

4. Pre-Hearing Departmental Comments (Summary).

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

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

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

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

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

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

DETAILED FINDINGS:

1. This petition involves a 26.1 acre site on the southwest corner of Independence Boulevard and Margaret Wallace Road. The property is zoned B-2 and R-9 and the petitioner is seeking B-1SCD.

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

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

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

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

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

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

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

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

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

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

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

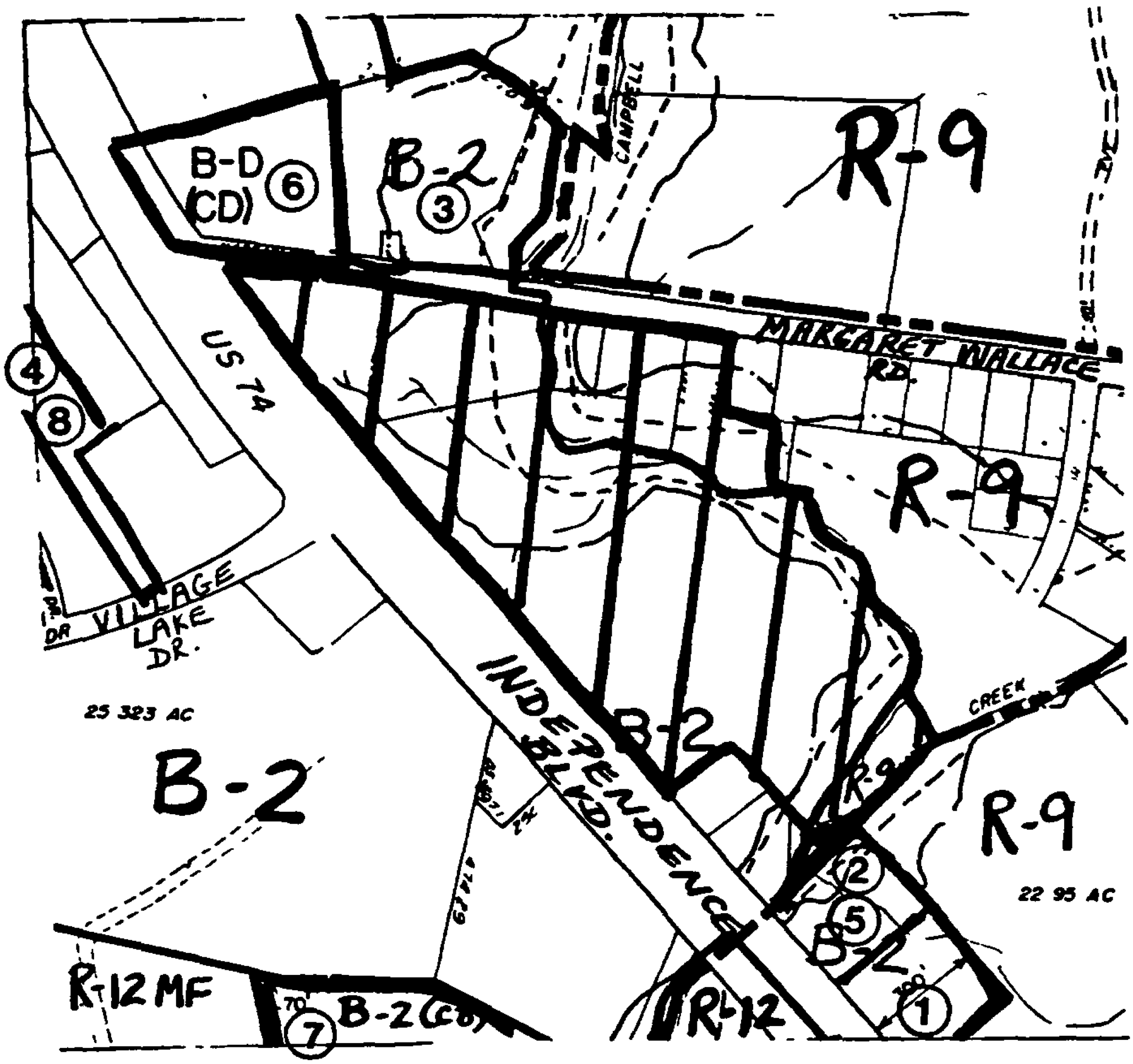
ZONING HISTORY

PETITIONER Zaremba Charlotte Associates

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

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

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



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

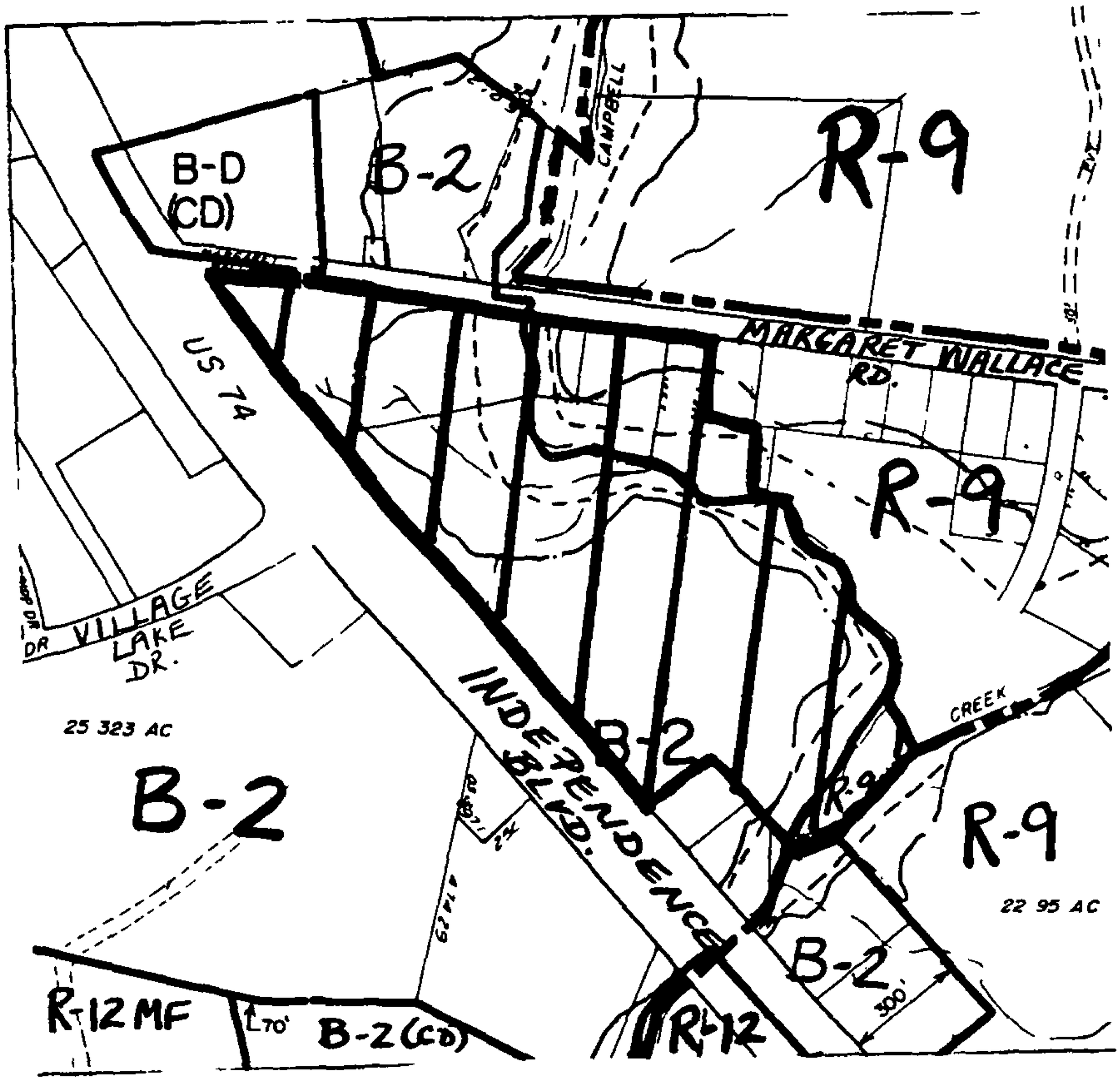
PROPERTY PROPOSED FOR CHANGE

PETITIONER Zaremba Charlotte Associates

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

9

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 1, 1987

Mayor Harvey Gantt
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on April 23, 1987

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse on May 11, 1987 This will then permit these matters to be placed on your agenda for consideration on May 18, 1987

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

Respectfully submitted,

Robert G Young
Land Development Manager

RGY oj

Attachments

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

DATE April 23, 1987

PETITION NO 87-20

PETITIONER(S) SYNCO, Inc

REQUEST Consideration of an R-20MF Site Plan Amendment

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

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

REASONS.

ISSUES

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

2 Site Plan What aspects of the conditional site plan are important to evaluate? What further detail regarding the plan is important to achieve?

3 Existing Plan Versus Proposed Plan Amendment How does the request to modify the existing site plan compare to the original goals and objectives for this property?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-20MF Property generally surrounding the site is zoned R-9MF, with the exception of R-9 zoning along the eastern and a portion of the northern boundaries Moving north along Walker Road toward McAlway is a mixture of R-6MF and R-9MF Other areas nearby are zoned for single family purposes

2. Existing Land Use The subject property is undeveloped at this time A mixture of single family and multi-family development surrounds the site To the north and west of the site, the Walker Woods and Hathaway House multi-family projects adjoin the subject property A single family subdivision is adjacent to the site along the rear of the property to the east Single family homes and duplexes front along Walker Road nearby Other multi-family development is located along McAlway Road.

3 Existing Site Plan The existing site plan currently approved for the property proposes a R-20MF innovative development, with a total of 41 detached units utilizing a private street system The site plan calls for existing perimeter foliage to remain The overall density for the project is 3 76 units per acre One access point off Walker Road is also indicated

4 Site Plan The conditional site plan proposes an attached multi-family development with a total of 85 units The overall density is 8 5 units per acre Two access points are shown to Walker Road The plan indicates a 40 foot setback surrounding the site The plan was amended somewhat by restricting access to a new, single entrance only Some building and parking areas were modified slightly in response to that The buffer area adjacent to single family areas was also increased from 40 feet to 50 feet

5 Zoning History (See Attached Map) There have been six (6) prior rezoning requests in the area. Case #1 involved the area northeast of Nancy Drive and Walker Road from R-9 and R-9MF to R-6MF in 1964 Cases #2 and #4 were both located to the west of Walker Road In 1965, Case #2 was rezoned from R-9 to R-6MF and Case #4 was rezoned from R-9 to R-9MF in 1967 Cases #3 and #5 were located on the southeast corner of Goshen Place and Walker Road Both were requests to rezone from R-12 to R-9MF and were denied by City Council The final case involved the subject property That petition was a request from R-9MF to R-20MF (Innovative). This was approved by Council in 1981

6 School Information

School	Capacity	Enrollment
Cotswold K-3	468	390
Billingsville 4-6	572	289
Randolph Jr High	1,100	905
West Charlotte Sr High	1,535	1,667

7 Existing Approved Site Plan The existing site plan currently in effect for the property proposes a total of 41 detached cluster units at an overall density of 3.76 units per acre One drive off Walker Road is indicated

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property No specific strategies are indicated for the area

2 Pre-Hearing Staff Input. Staff met with the petitioner prior to the submission of the application Staff explained that a good site plan would be the ultimate determinate as to whether the proposed change would be appropriate

3 Pre-Hearing Departmental Comments (Summary)

1 Fire Department No comment

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

3 C-DOT Under the current site plan, this site could generate 450-500 trips per day Under the proposed change, this site could generate 900-1000 trips per day Although the trips generated could increase 100 percent, they will not significantly impact the surrounding thoroughfare system

4 Building Standards Questions were raised concerning parking requirements, height of buildings and building separation

5 Engineering Engineering provided their usual comments regarding normal development permits Engineering also indicated that an additional five (5) feet of right-of-way on Walker Road was necessary

4 Neighborhood Context This site is located in the Cotswold neighborhood

DETAILED FINDINGS

1 This site involves a 10 047 acre site located on the east side of Walker Road near Millbrook Road and Bertonley Avenue Current zoning on the site is R-20MF, and the petitioner is seeking a site plan amendment

2 The new plan proposes a total of 85 multi-family units, at an overall density of 8 5 units per acre One access point off Walker Road is provided (For further site plan details refer to Background #3)

3 The existing site plan governing the site is approved for 41 detached units and one access point off Walker Road The plan represents one of the early innovative single family plans allowed under the R-20MF district

4 Although this plan is higher in density than the existing one, the proposal here is nonetheless less dense than the surrounding multi-family development, and far less dense than would have been permitted under the original R-9MF zoning that existed historically on the site

5. Much of the surrounding land use is a mixture of single family and multi-family development, so the request would be compatible from a zoning and land use standpoint

6 Early concerns by staff regarding technical/design problems associated with the site plan were corrected

7 The only neighborhood opposition which appeared at public hearing has been removed with the deletion of the street connection to Bertonley Avenue

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

Staff Opinion
Staff agreed with Planning Commission

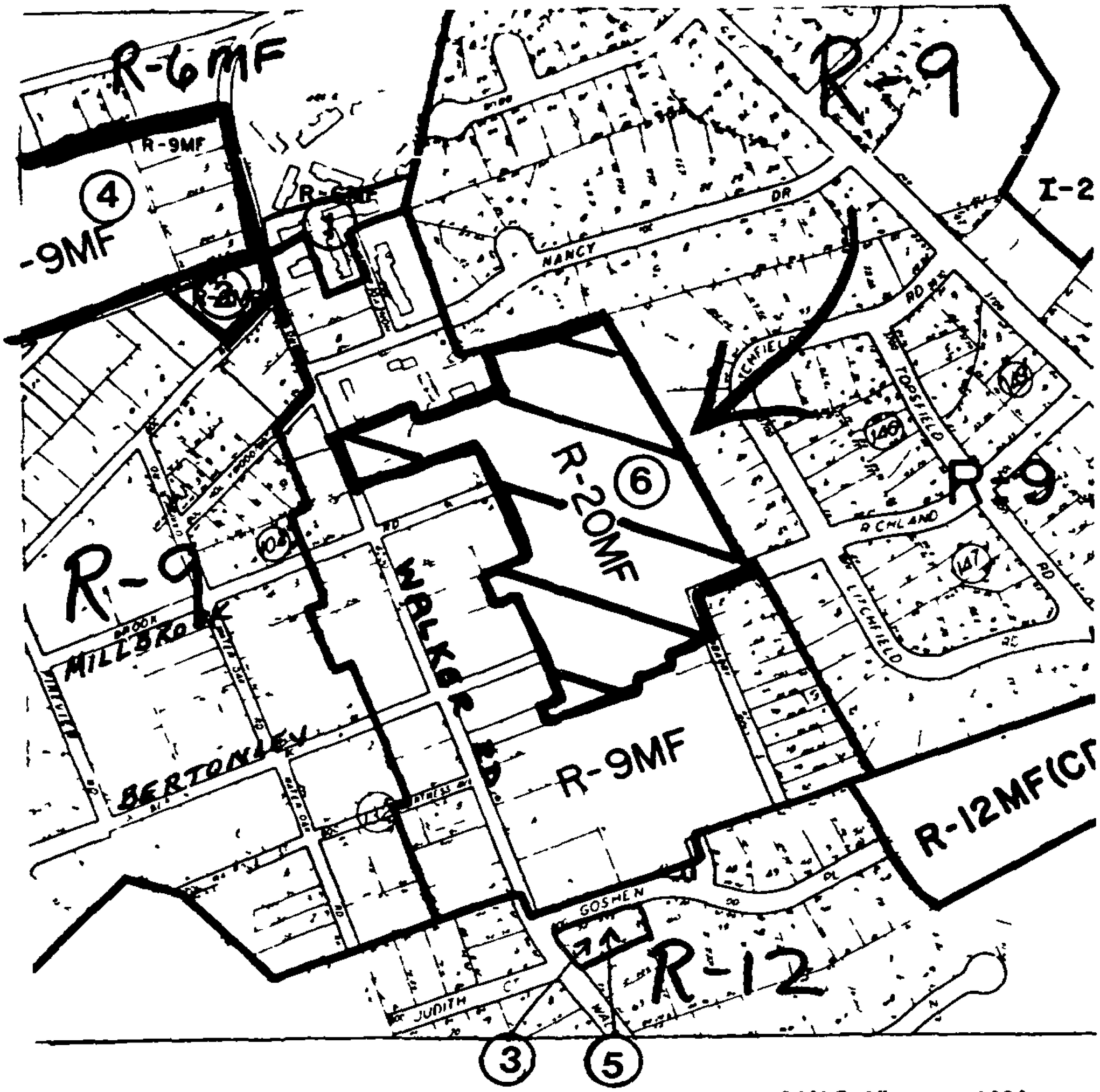
ZONING HISTORY

PETITIONER SYNCO, Inc.

PETITION NO. 87-20 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING R-20MF REQUESTED R-20MF Site Plan Amendment

LOCATION A 10.047 acre site located east of Walker Road in the area of Millbrook Road and Bertonlev Avenue.



ZONING MAP NO. 124 SCALE 1" = 400'

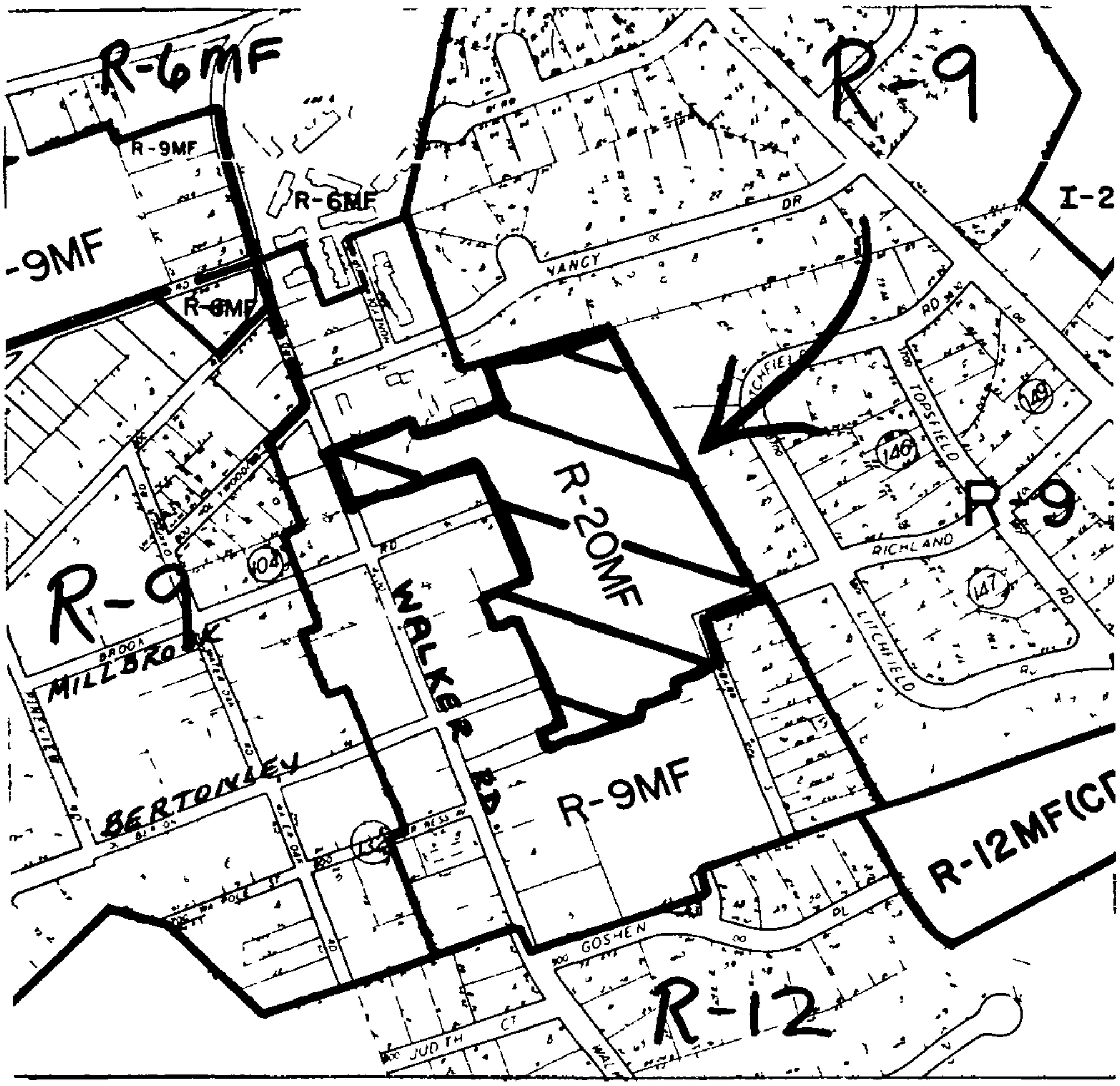
PROPERTY PROPOSED FOR CHANGE

PETITIONER SYNCO, Inc.

PETITION NO. 87-20 HEARING DATE 3/16/87

ZONING CLASSIFICATION, EXISTING R-20MF REQUESTED R-20MF Site Plan Amendment

LOCATION A 10.047 acre site located east of Walker Road in the area of Millbrook Road and Bertonley Avenue.



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE April 23, 1987

PETITION NO 87-21

PETITIONER(S) Hunt and Associates

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

LOCATION A 2 7 acre parcel on the northwest corner of North Sharon Amity Road and Wilora Lake Road

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

REASONS

ISSUES

1 Proposed Use/Site Plan What is the proposed use of the property in this case and what conditions relating to it should be evaluated as part of the conditional site plan?

2 Relationship to Adjoining Single Family Areas How does the site plan relate and provide for the protection of adjoining single family homes?

3 Appropriateness of Use Considering the property's size and location, what advantages can be gained by the development of the site as proposed, including such issues as traffic, relationship to nearby personal service and convenience shopping, elderly/nursing care needs, etc?

BACKGROUND

1 Existing Zoning This petition involves land which is presently zoned R-9 R-9 zoning surrounds the site on three sides and is located generally in the immediate vicinity on the westerly side of North Sharon Amity along with a small area to the south of the site. Across from the site the pattern changes to R-15 single family. Multi-family zoning lies somewhat south on both sides of North Sharon Amity in the form of R-9MF zoning, whereas a heavy concentration of B-1 and B-1SCD zoning is generally along Central Avenue

2 Existing Land Use The subject property is vacant The site adjoins four single family homes and other single family homes are located in the neighborhood. There is a church located directly across North Sharon Amity from the site. The Glen Hollow Aprarments are nearby along with a

wide array of small businesses, restaurants, personal service uses, etc The dominant land use feature nearby is the Eastland Mall

3 Site Plan The conditional site plan proposes an intermediate elderly care facility The project would be a single, one-story building with access both from Sharon Amity and Wilora Lake Road The facility would house a maximum of 84 residents and a total of 34 parking spaces is being provided To the rear where the site adjoins residential uses, a brick wall is shown along that portion which is the side yard of an adjoining residence and then changes to a wood fence along the remaining rear and northerly boundary of the site

4 Amended Plan The plan was amended following the public hearing. A number of details were added landscaping plan, architectural rendering which includes modifying the building facade by "breaking up" the building to create more landscaped areas, screening/fence details, etc

5 School Information Not applicable

6 Zoning History (See Attached Map) There have been ten (10) prior rezoning requests in the area of the subject property The attached map indicates their locations The area directly across from the subject property (Case #8 on map) was the subject itself of a neighborhood sponsored downzoning from R-9 and R-12 to R-15 Council approved the request in 1981 The area indicated as Case #4, which lies to the southwest of the subject property, was petitioned for a change from R-9 to R-9MF and was approved in part in 1971 The other area rezonings lie to the south of the proposed rezoning site toward Central Avenue Case #1 involved a rezoning from R-6MF to O-6 on the southerly side of Central Avenue that was approved in 1964 Case #2 was a 1966 rezoning of an area north of Central Avenue and east of Sharon Amity Road from R-9 to R-9MF Case #3 was a 1968 rezoning of the northeasterly corner of Central Avenue and North Sharon Amity Road from B-1, O-6 and R-9MF to B-1SCD (Case #9 was a B-1SCD Site Plan Amendment for the same area) Cases #5, 6 and 7 are all located on the northwest corner of North Sharon Amity and Central Case #5 was a 1975 rezoning from R-9 to O-6 Case #6 involved a request to rezone from O-6 to B-1 That was denied in 1976 Case #7 was a 1980 rezoning from R-9MF to O-6 Case #10 was a 1985 rezoning from R-6MF to O-15(CD)

GENERAL FINDINGS.

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property No specific strategies are identified. The site is located just outside the boundaries of the Albemarle Road Small Area Plan

2 Transportation Improvement Plan The TIP includes the recently completed improvements to the Central Avenue/Sharon Amity intersection

3 Pre-Hearing Staff Input Staff discussed this matter prior to the submission of the application Staff generally encouraged the use for the site, feeling that it was an appropriate development for this property Staff,

however, did reserve final judgement pending a review of the conditional site plan

4 Pre-Hearing Departmental Comments (Summary)

1 Engineering Department The usual comments regarding development permits were offered along with a request for an additional 14 feet of right-of-way along Sharon Amity

2 C-DOT The site could generate 150 to 170 trips per day as currently zoned, while under the proposed zoning could generate 210 to 220 trips per day These trips would not have a significant impact on the surrounding thoroughfare system An additional 14 feet of right-of-way is requested along Sharon Amity Several technical comments are observed concerning the circulation pattern and driveway design

3 Building Standards No comments

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

5 Fire Department The Fire Department highly recommends the installation of a fire sprinkler system throughout the building

5 Neighborhood Context The property is located in the Robinhood Woods/ Windsor Park neighborhood

DETAILED FINDINGS

1 This request involves property at the northwest corner of Sharon Amity Road and Wilora Lake Road The site is 2 7 acres in size and the petitioner is seeking a change from R-9 to R-9MF(CD) Despite the multi-family request, the petitioner is seeking an intermediate elderly care facility which requires the multi-family zoning

2 The petitioner has filed a conditional site plan (For further details refer to Background #3 and #4.)

3 The site is apparently a leftover piece of property which was unsubdivided and not built as part of the surrounding pattern of single family homes As configured, the property could support about eight (8) single family lots However, it is questionable as to whether or not single family development of the site, given today's circumstances, is reasonable to expect. With frontage on a major thoroughfare, coupled with the intense non-residential development nearby, it does seem that some other alternative residential/institutional use should be considered

4 In this case, the use is considered one of those appropriate for consideration The structure is a single-story building and would house a population that would rely minimally on traffic facilities Once again, given the site's location, that is an important and positive element of this plan

5 Further, there is clearly a need, and a growing need at that, for housing and health care opportunities such as the one offered by this petition The property's proximity to a number of support activities makes the proposal a further enhancement for consideration for the property

6 Therefore, one of the key questions to evaluate in this case involves the details of the conditional site plan As mentioned just above, the height of the building is a single-story which will compliment existing single family uses Being somewhat of an institutional/residential use, the site will also compliment the institutional use, which is a church directly across the street Further, the site plan offers protection for adjoining residential properties with the combination of a brick and fence treatment

7 Following a Planning Commission deferral which was requested by the petitioner, the plan was modified to reflect concerns expressed by staff, elected officials, Planning Commission and residents All issues were addressed

8 Considering all of the above circumstances, this proposal is considered an excellent alternative use for the property from the existing zoning The property can be developed in such a way as to compliment and be a good neighbor to the area while at the same time providing needed housing and care for a special and growing segment of the population The proposal is particularly attractive from a traffic point of view

9 Based upon the above reasons, Planning Commission would recommend the request for approval

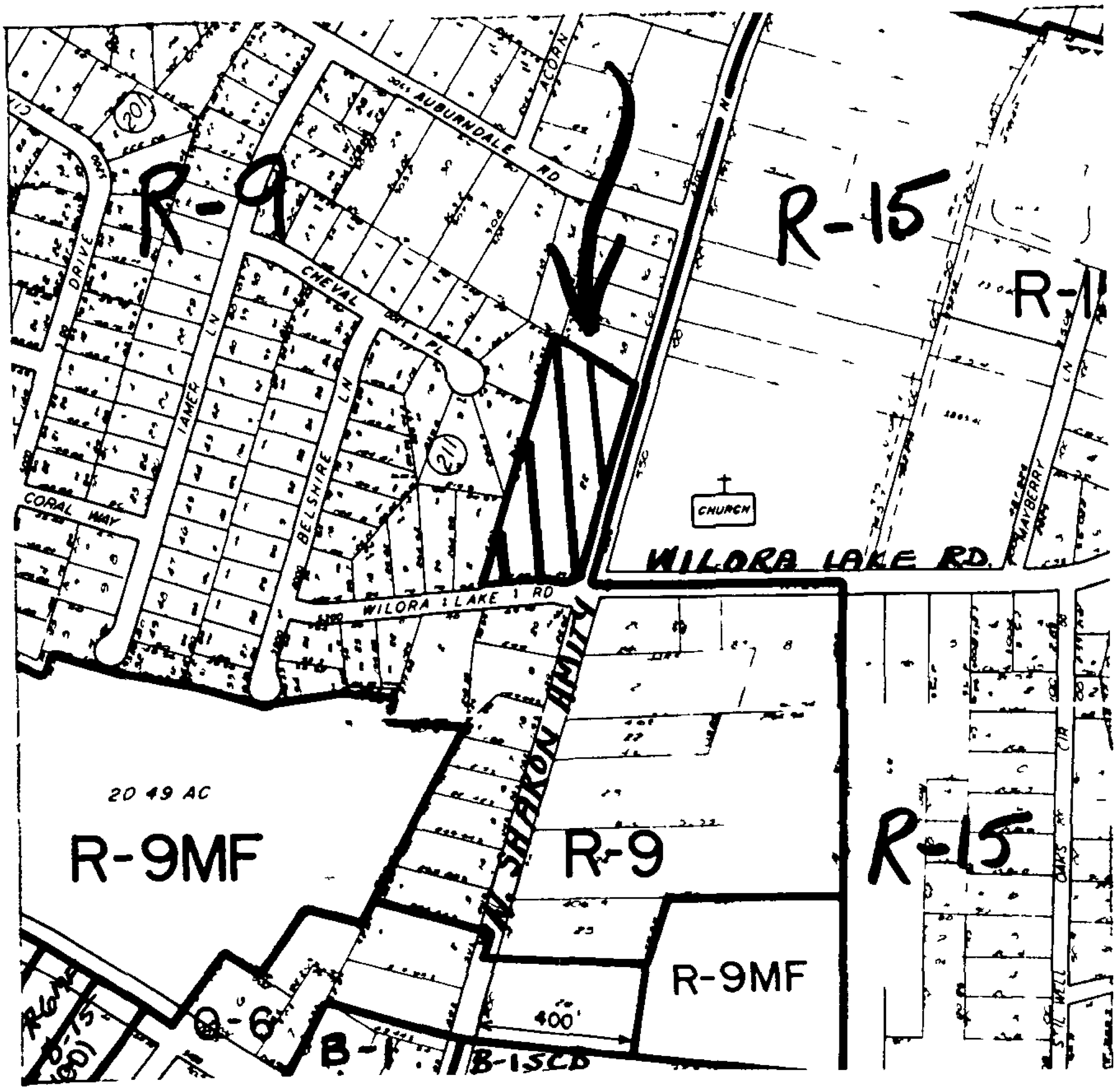
<u>Staff Opinion</u>
Staff agreed with Planning Commission

PETITIONER Hunt and Associates

PETITION NO. 87-21 HEARING DATE 3/16/87

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

LOCATION A 2.7 acre parcel located on the northwest corner of North Sharon Amity Road and Wilora Lake Road



ZONING MAP NO. 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

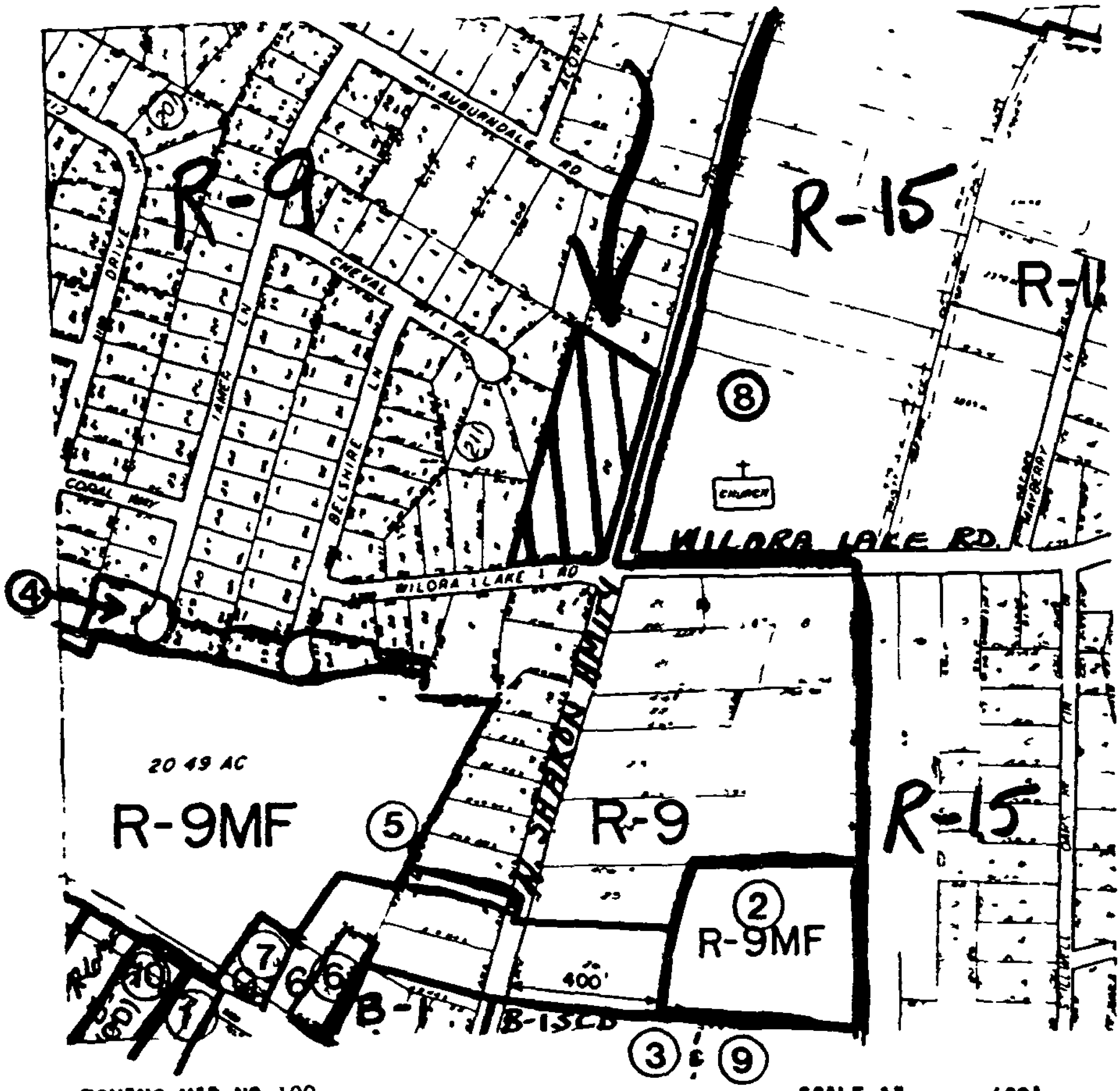
ZONING HISTORY

PETITIONER Hunt and Associates

PETITION NO 87-21 HEARING DATE 3/16/87

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

LOCATION A 2.7 acre parcel located on the northwest corner of North Sharon Amity Road and Wilora Lake Road



ZONING MAP NO. 100 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 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 deferred action pending further study

DATE April 23, 1987

PETITION NO 87-28

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-6

LOCATION Four (4) parcels along the southeasterly side of Clement Avenue extending from East Eighth Street to East Ninth Street and two (2) parcels on the southeast corner of Clement Avenue and Bay Street

ACTION The Planning Commission recommends that the petition be approved

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

Nays None

REASONS

This petition consists of four parcels along the southeasterly side of Clement Avenue extending from East Eighth Street to East Ninth Street and two parcels on the southeast corner of Clement Avenue and Bay Street The current zoning is R-6MF and the petition is requesting R-6 This petition is brought forward to public hearing It will comply with recommendations contained in the Elizabeth Small Area Plan

The two parcels at the intersection of Clement and Bay are developed with a single family and a duplex structure whereas the other three parcels are all single family structures The first two parcels are surrounded by R-6 zoning in the neighborhood, but some R-6MF zoning does extend through the area including portions which front on Clement, Lamar, Hawthorne, and Oakland The immediate area is a mixture of single family and multi-family development Between the two areas of the petition lies an apartment building and other smaller multi-family buildings are located across Clement Avenue, still others front on East Eighth Street

Rezoning these parcels will comply with the small area plan and except for the duplex all would be conforming under the R-6 zoning The duplex would become non-conforming

Planning Commission recommends that the petition be approved

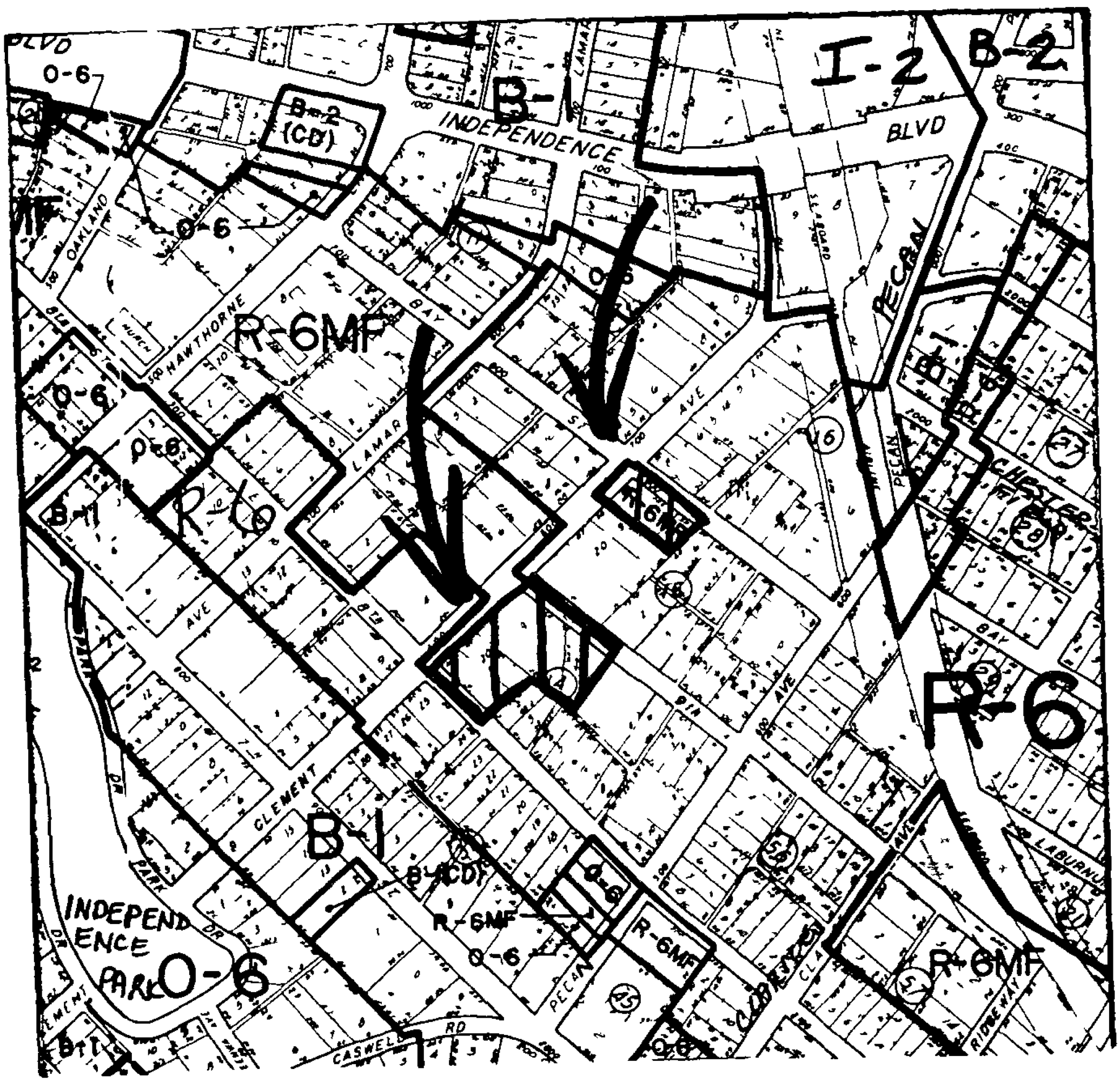
Staff Opinion
The staff agreed with Planning Commission.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 87-28 HEARING DATE March 30, 1987

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

LOCATION Four (4) parcels along the southeasterly side of Clement Avenue extending from East 8th Street to East 9th Street and two (2) parcels on the southeast corner of Clement Avenue and Bay Street



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 1987
PETITION NO	87-31
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from O-6 to R-6
LOCATION	Two (2) parcels fronting on Clarice Avenue between East Seventh Street and East Eighth Street
ACTION	The Planning Commission deferred action pending further study

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 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 deferred action pending further study

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

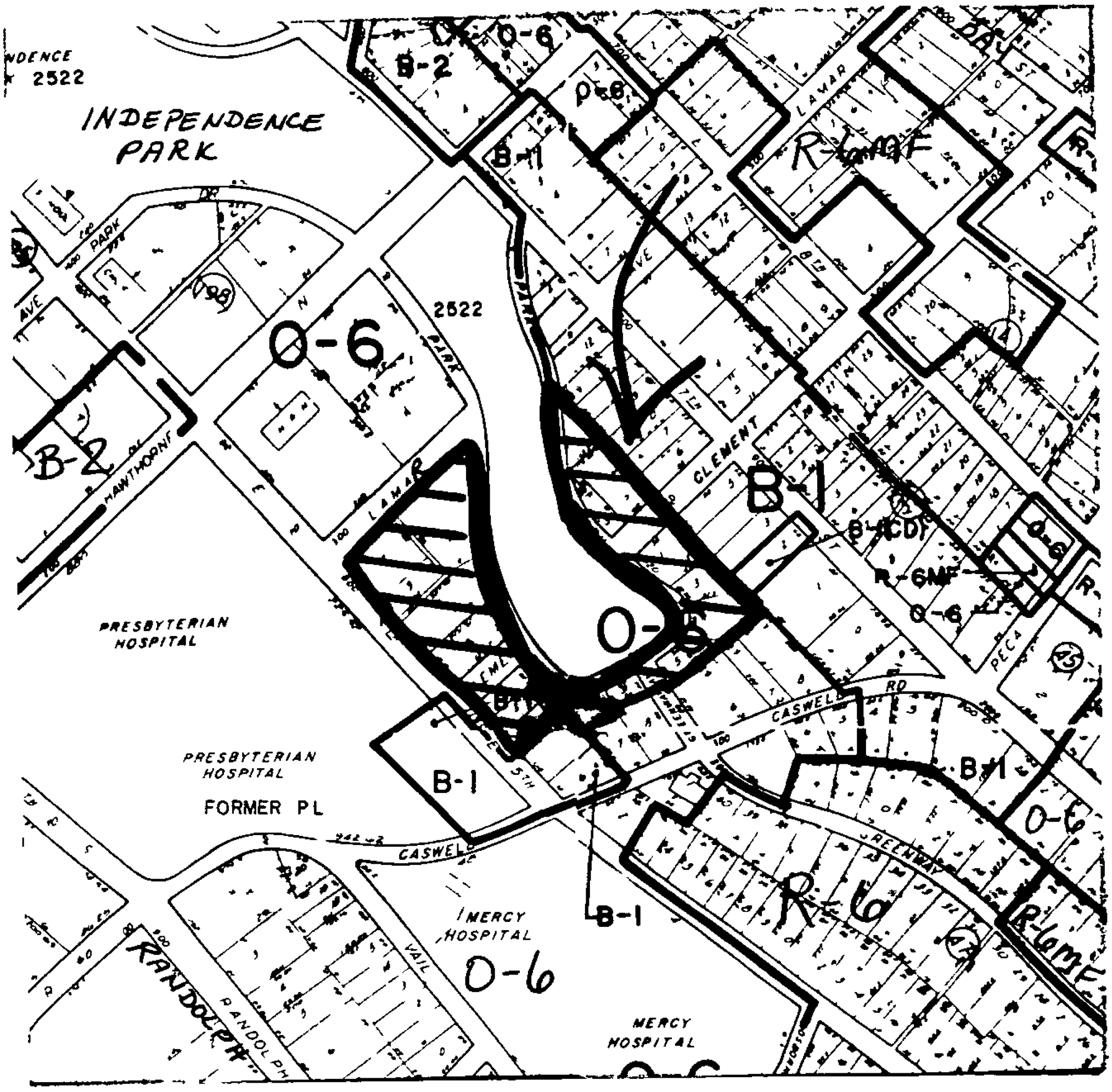
Staff Opinion
The area around Independence Park is seen as a major neighborhood amenity. It is felt that the parcels in this petition are largely underdeveloped and do not take the fullest advantage and opportunity of their setting relative to this significant open space amenity The redevelopment of 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

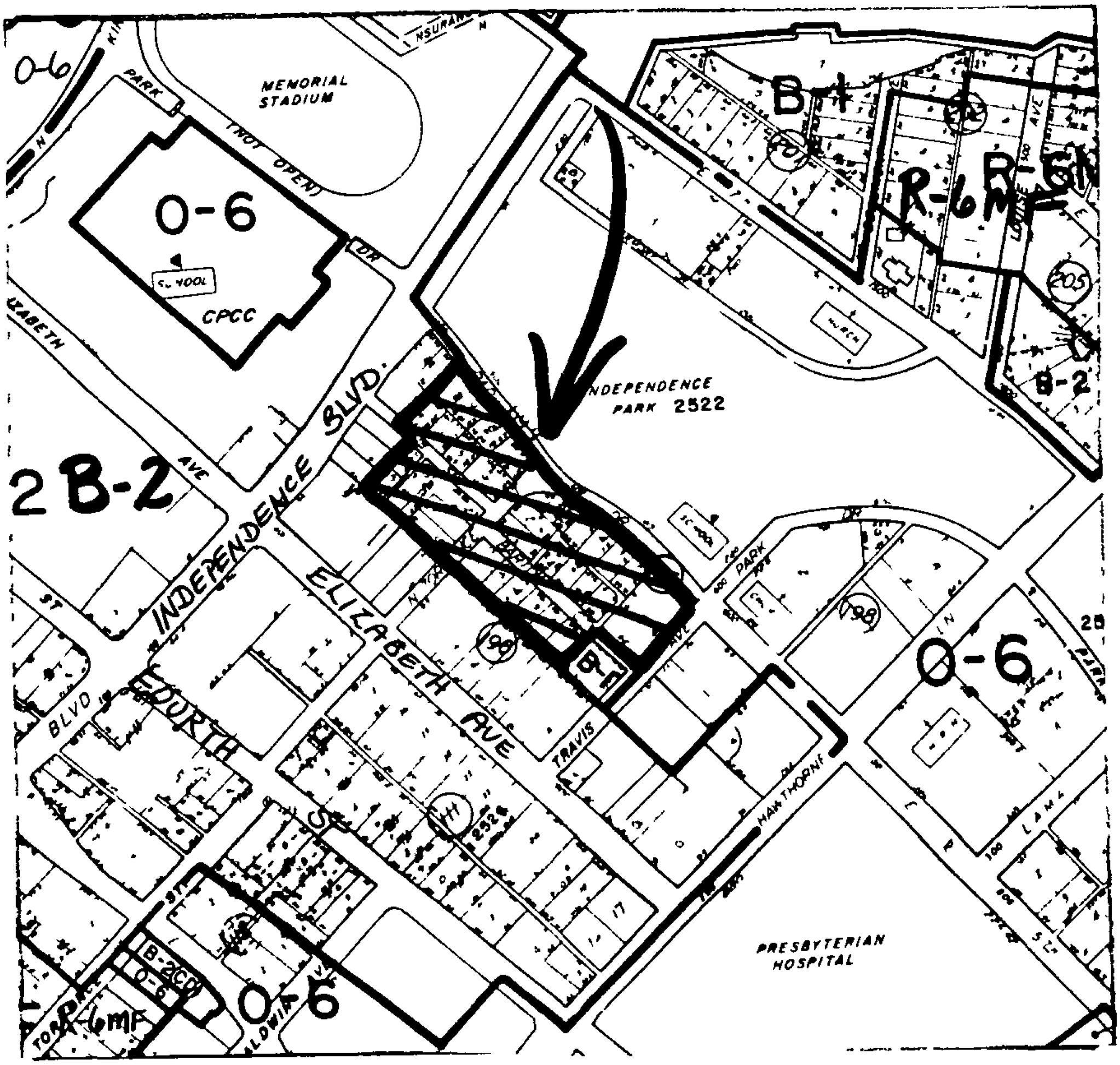
Staff Opinion
The new zoning classification for this area will permit the redevelopment in the future to allow high density residential development This new residential development can relate to both the amenity of Independence Park as well as the mixed use character of the Elizabeth Avenue area. New 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 April 23, 1987

PETITION NO 87-36

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

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

LOCATION Approximately 9 287 acres south of Independence Boulevard along Beaumont Avenue, Louise Avenue, East Eighth Street, Oakland Avenue, Hawthorne Land and Lamar Avenue

ACTION The Planning Commission approves this petition in part, deferring indefinitely action on four (4) parcels adjacent to Independence Boulevard and also, denies the zone change on three (3) other parcels (SEE MAP)

VOTE Yeas Curry, Emory, Lassiter, Lewis and Wheeler

Nays. Griffin

REASONS

This petition encompasses 9 2 acres south of Independence Boulevard along Beaumont, Louise, East Eighth, Oakland, Hawthorne and Lamar The current zoning here is R-6MF, B-1 and O-6 and the petition is seeking R-6. The petition is being presented at public hearing in order to comply with policy recommendations contained in the Elizabeth Small Area Plan

The Elizabeth Small Area Plan has the subject property within an area to be designated as either an historic or an historic conservation district The plan also recommends roadway and streetscape improvements to East Seventh Street in the vicinity of the subject property The plan also recommends closing Oakland south of Independence and Lamar south of Independence Also, the provision of pedestrian bicycle connections at Hawthorne and Independence are recommended and in general improve the "gateway" at Hawthorne and Seventh Street

The Urban Design Study designates most of the subject property within the area of this petition as either an historic district or historic conservation district The plan also recommends intersection improvements at Hawthorne and Seventh and streetscape improvements to Seventh Street

Land included within the petition represents a very large part of the Elizabeth neighborhood Accordingly there are a number of different land uses, but mostly they are residential in character By far most of the area is developed with single family residential development Only a few multi-family structures exist, i e a building at the intersection of Lamar and Bay and also a duplex unit which is located beside this multi-family building at Lamar and Bay (these

are recommended for denial) There is another smaller building which fronts in the middle of the block on Beaumont Avenue Another duplex fronts on Lamar There is also an office on Seventh Street between Beaumont and Louise Avenue (this is also recommended for denial) Hawthorne Lane United Methodist Church is also within the boundaries of the petition at Hawthorne and East Eighth Street

It appears, possibly, as if several parcels at the end of Louise Avenue are apparently slated to be purchased as part of the Independence widening project Planning Commission would recommend that the zoning for those parcels would not be changed due to the pending sale of the property It also appears as if some city owned property at the end of Beaumont Avenue is also affected by the Independence project Those parcels house services of the Engineering Department (Soils Lab) Planning Commission would not recommend a zone change at this time pending the sale of that property Planning Commission defers any action on those parcels until the design for the Independence Boulevard project is known

The balance of the petition, therefore, contains large areas devoted to stable, single family homes These homes should be protected from the potential intrusion/redevelopment that the current high density multi-family now would allow. An important part of the overall fabric of the neighborhood integrity and character can be assured through the preservation of these homes and the zone change will facilitate that goal The only non-conforming uses created are the office of a surveying company near the end of Louise, the duplex on Lamar and small apartment building in the middle of the block on the east side of Beaumont

Staff Opinion
The staff agreed with Planning Commission

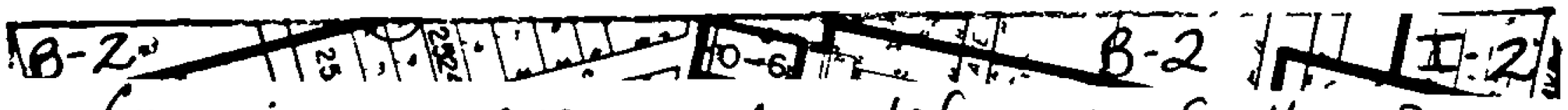
Also See Attached Tax Maps For Greater Clarity

PETITIONER Charlotte-Mecklenburg Planning Commission

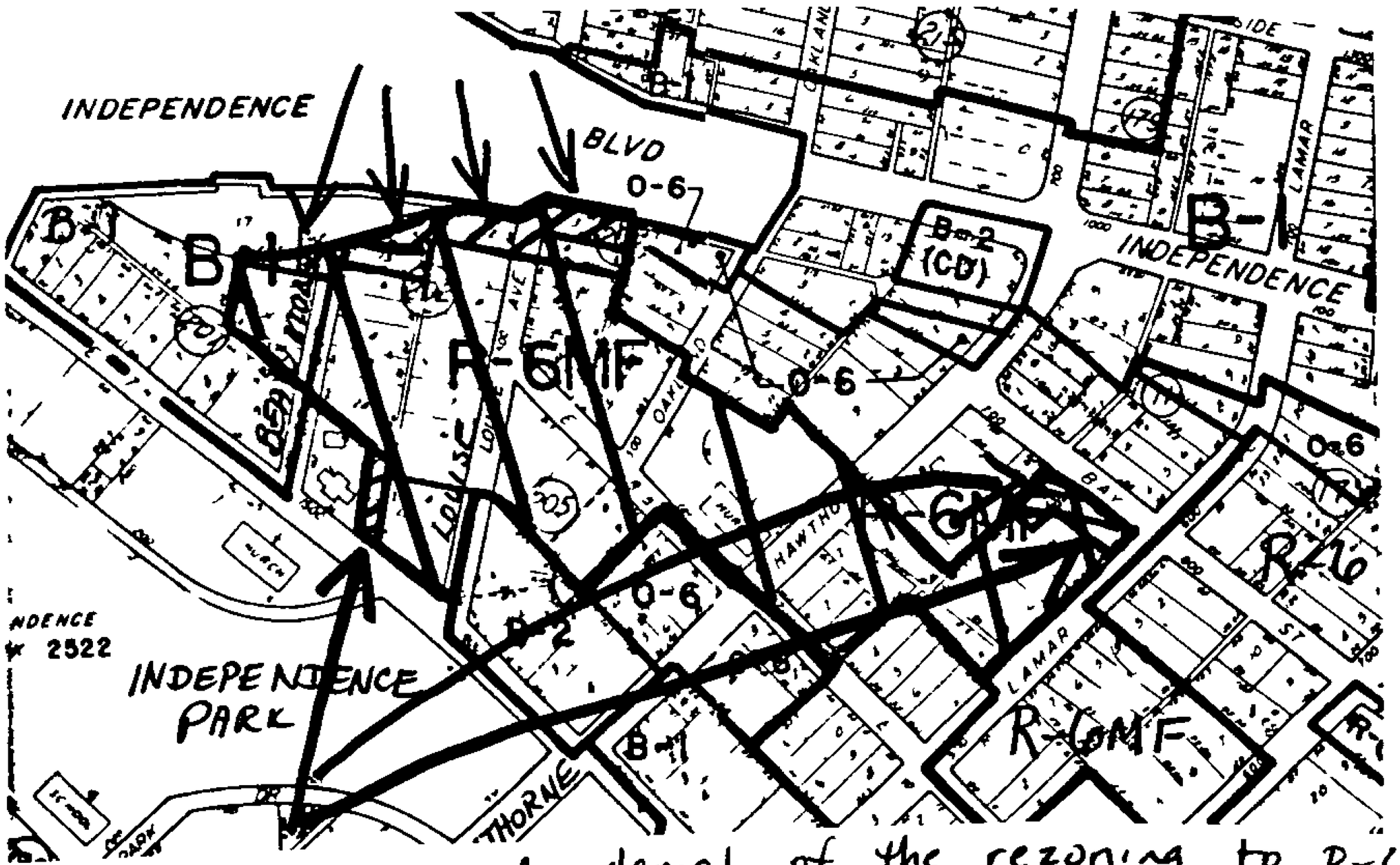
PETITION NO. 87-36 HEARING DATE March 30, 1987

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

LOCATION 9.287 acres south of Independence Boulevard along Beaumont Avenue, Louise Avenue, E. 8th Street, Oakland Avenue, Hawthorne Lane, and Lamar Avenue



Planning Commission recommends deferral of the four (4) parcels abutting Independence Boulevard



Planning Commission recommends denial of the rezoning to R-6 of the parcel between Beaumont and Louise and the two parcels on the corner of Bay and Lamar.

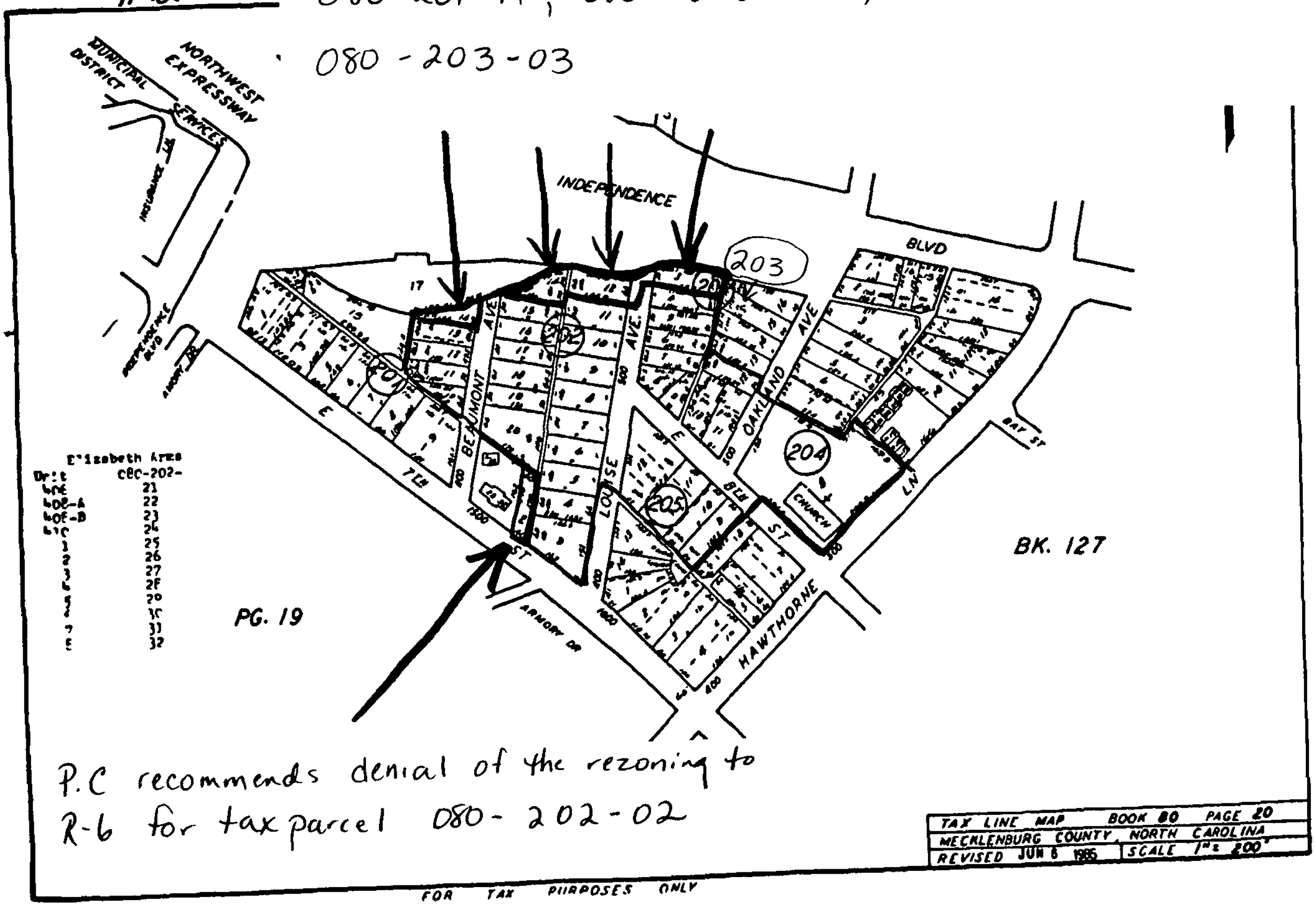
ZONING MAP NO. 101 and 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PETITIO Planning Commission recommends deferral of tax parcels

#12 080-201-14, 080-202-14, 080-202-12 and

080-203-03



P.C recommends denial of the rezoning to R-6 for tax parcel 080-202-02

TAX LINE MAP	BOOK 80 PAGE 20
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED JUN 6 1985	SCALE 1" = 200'

FOR TAX PURPOSES ONLY

10-2 (to-B1 & R6mf TO R6

PETITION # 12

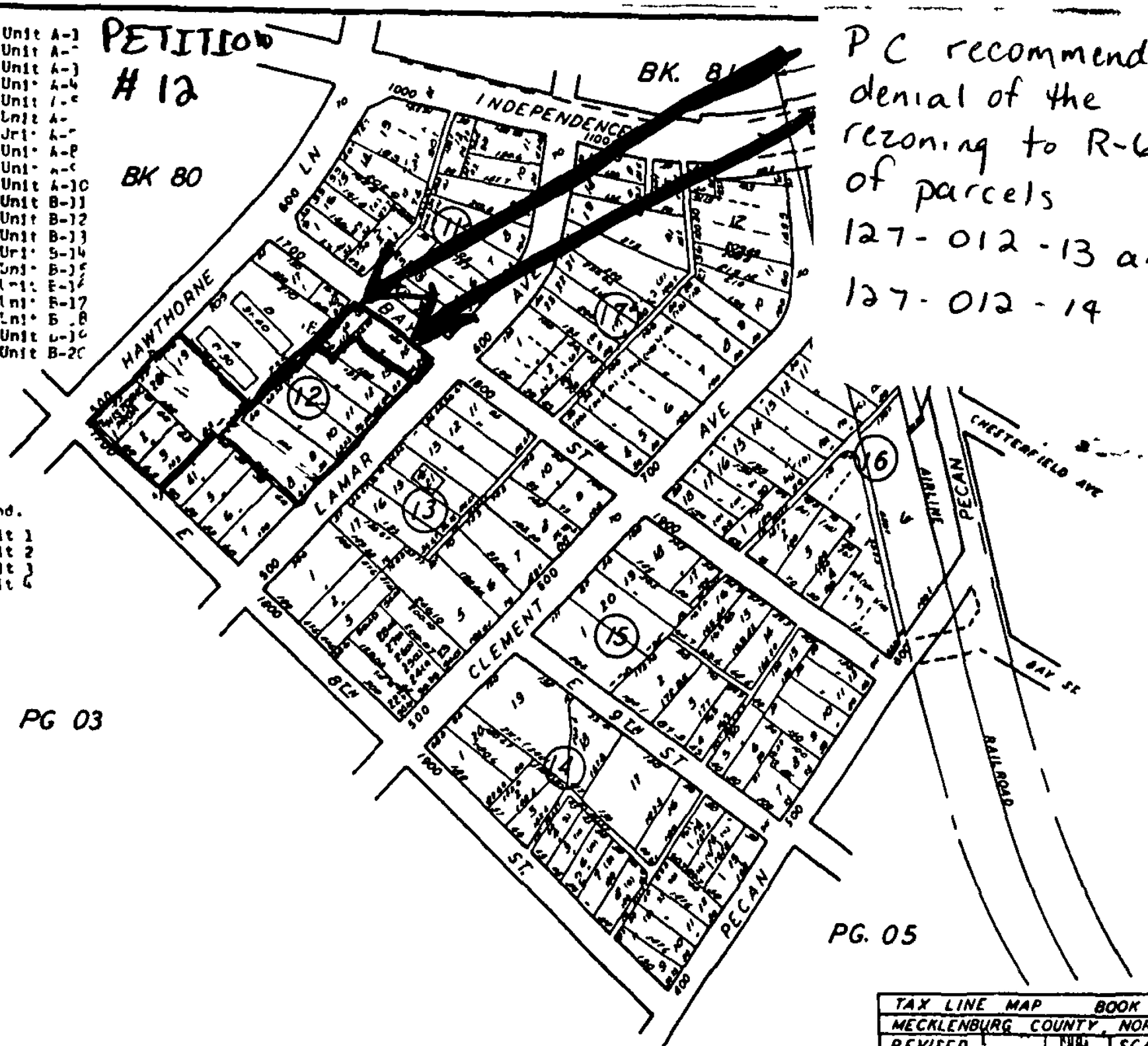
BK 80

127-012-21 Unit A-1
127-012-22 Unit A-2
127-012-23 Unit A-3
127-012-24 Unit A-4
127-012-25 Unit A-5
127-012-26 Unit A-6
127-012-27 Unit A-7
127-012-28 Unit A-8
127-012-29 Unit A-9
127-012-30 Unit A-10
127-012-31 Unit B-11
127-012-32 Unit B-12
127-012-33 Unit B-13
127-012-34 Unit B-14
127-012-35 Unit B-15
127-012-36 Unit B-16
127-012-37 Unit B-17
127-012-38 Unit B-18
127-012-39 Unit B-19
127-012-40 Unit B-20

Elizabeth Cond.

127-013-18 Unit 1
127-013-19 Unit 2
127-013-20 Unit 3
127-013-21 Unit 4

PC recommends BR2 denial of the rezoning to R-6 of parcels 127-012-13 and 127-012-14



PG 03

TAX LINE MAP	BOOK 127	PAGE 01
MECKLENBURG COUNTY, NORTH CAROLINA		
REVISED		SCALE 1" = 200'

FOR TAX PURPOSES ONLY

R6MF TO R6

2 OF 2

DATE	April 23, 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 deferred action pending further study

DATE	April 23, 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 deferred action pending further study

DATE April 23, 1987

PETITION NO 87-40

PETITIONER(S) Republic Investment Corporation

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

LOCATION A 14 7 acre site located on the southwest corner of the intersection of Billy Graham Parkway and Morris Field Drive

ACTION The Planning Commission recommends that the petition be approved

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

Nays. None

REASONS

ISSUES

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

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

BACKGROUND

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

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

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

4 Zoning History (See Attached Map) There have been five prior rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1967 change from R-9 to R-9MF on the southwest corner of Morris Field Drive and Billy Graham Parkway Case #2 was a 1969 denial to change from R-9 to B-1 to R-6MF for a large area along Eaton Circle and Airport Drive Case #3 was a 1978 change from R-6MF to I-2 on the northeast corner Cases #4 and 5 were 1986 changes Case #4 was a change from R-6MF to I-1(CD) and #5 was a R-9 and R-9MF to B-1(CD) change

GENERAL FINDINGS

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

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

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

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

5 Pre-Hearing Departmental Comments (Summary)

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

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

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

4 C-DOT C-DOT indicates the proposed rezoning could generate 5800 to 5900 trips per day as opposed to 900 to 1000 trips per day under the existing zoning The level of service could drop from "B" to "D", or to level of service "E", in conjunction with development approved on

the southeast corner of Morris Field Drive and Billy Graham Parkway It was also indicated that turn lanes would be needed on Morris Field Drive

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

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

DETAILED FINDINGS

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

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

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

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

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

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

7 The conditional site plan is an excellent one It provides for a good relationship to the Billy Graham Parkway and abutting properties.

8 Given the relationship of the site to Billy Graham Parkway, the airport, and other developing office and business parks, the site is not logical any longer for single family residential development

9 Planning Commission, therefore, recommends that the petition be approved

Staff Opinion
The staff agreed with Planning Commission

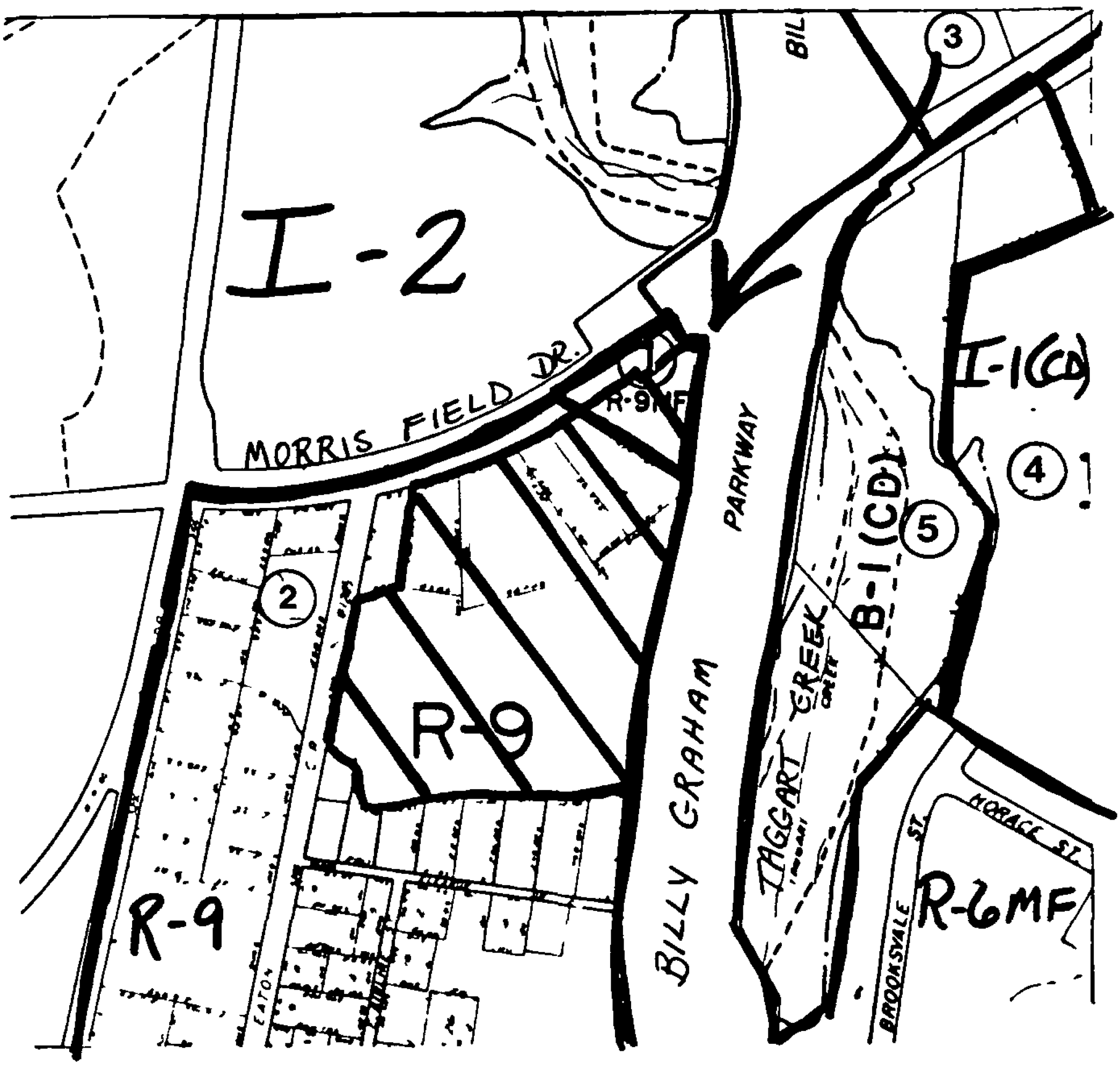
ZONING HISTORY

PETITIONER Republic Investment Corporation

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

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

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



ZONING MAP NO. 104 SCALE 1" = 400'

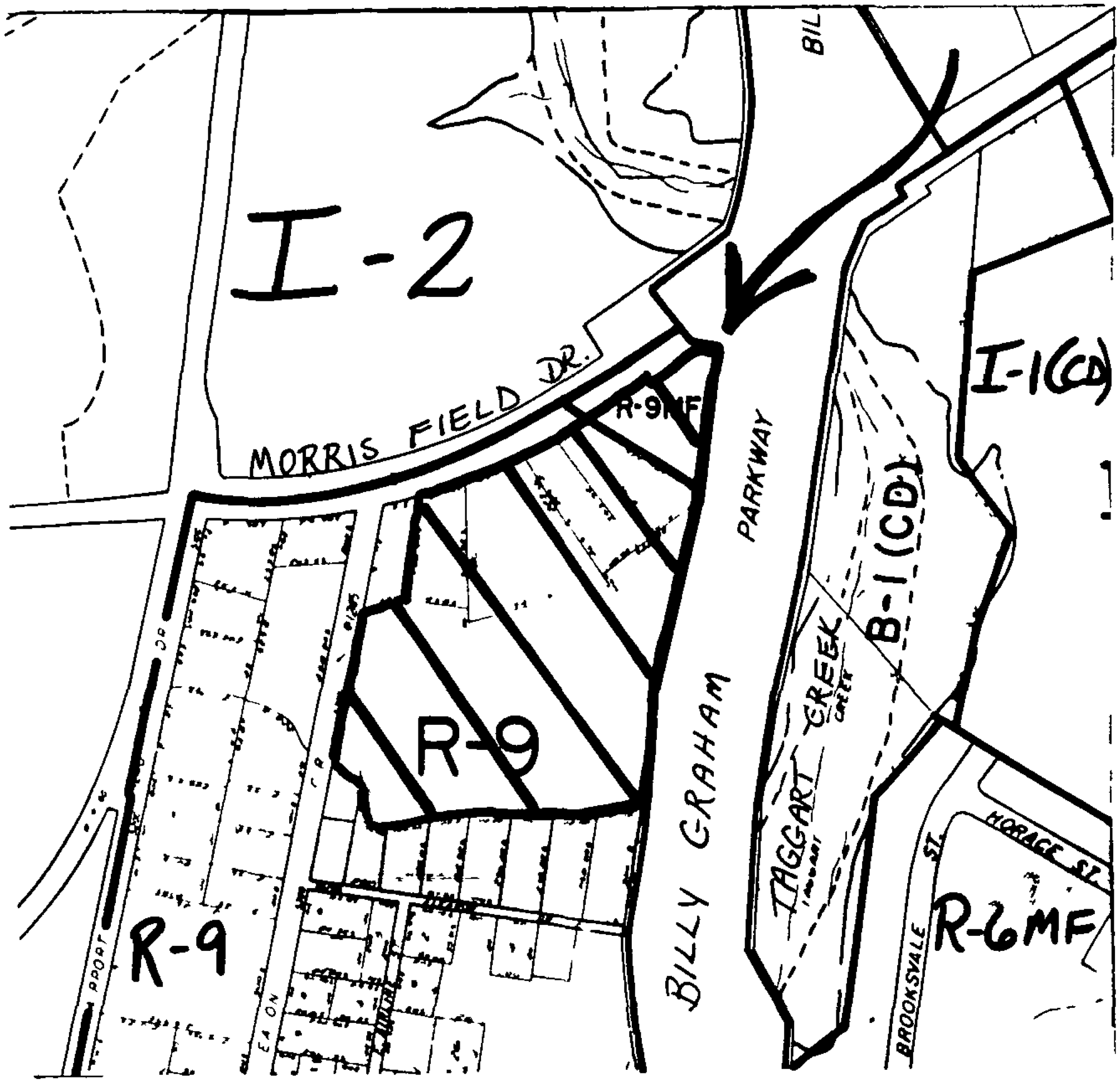
PROPERTY PROPOSED FOR CHANGE

PETITIONER Republic Investment Corporation

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

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

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



ZONING MAP NO. 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE April 23, 1987

PETITION NO 87-41

PETITIONER(S) North Carolina Department of Agriculture

REQUEST Change from I-2(CD) and R-9 to an I-2(CD) Site Plan Amendment, I-2(CD) and R-9

LOCATION A 22 26 acre tract located on the southerly side of Yorkmont Road approximately 905 feet west of the intersection of Yorkmont Road and Price Lane

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Curry, Emory, Griffin, Lewis and Wheeler

Nays Lassiter

REASONS

ISSUES

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

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

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

BACKGROUND

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

2 Existing Land Use The property is presently the site of the State Farmer's Market A portion of the site is already developed and includes entrance drives and parking areas, two retail buildings and one office building Adjoining the site the Charlotte Coliseum is presently being developed Properties to the south and east of the site are generally vacant with some residential and office uses fronting on Yorkmont Road

Across Yorkmont Road and the Billy Graham Parkway from the subject site, properties are also generally vacant with the exception of the Irwin Creek Disposal Plant The general character of the area is changing into one of an office and business park environment with a number of new office developments up and down both sides of the Billy Graham Parkway

3 Site Plan The conditional site plan submitted with this application shows the ultimate development of the site It involves the construction of three more buildings, the preservation of a 150 foot buffer along most of the frontage of the property and the preservation of a 100 foot buffer along the southeasterly property line The plan also shows a 100 foot buffer located off the subject property which was a requirement imposed under the original rezoning for the Farmer's Market site in 1982 That 100 foot buffer actually falls on the present Coliseum site The site plan indicates that a portion of the subject property will be divided creating a new property line along the rear of the site The site plan indicates the minimum required 20 foot buffer which must be located between industrial uses and land zoned for residential uses The conditional plan also proposes that a portion of the 150 foot buffer, which was established on this site as a condition of its original zoning, is to be removed for the location of a new one-story retail building This building would be located in an area of the site which had previously been cleared to provide for a septic drain field

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

GENERAL FINDINGS

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

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

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

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department No comment

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

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

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

DETAILED FINDINGS

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

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

3 The site plan proposes to preserve a 100 foot buffer along the southerly and easterly sides of the subject property The plan also shows the previously required 100 foot buffer along the northwesterly side of the site which adjoins the Charlotte Coliseum That 100 foot buffer is

8 Therefore, for the reasons stated above, and noting that there was no one present at the hearing to speak in favor of the petition and address the remaining issues, the Planning Commission recommends that the petition be denied

Staff Opinion
The staff had been generally supportive of the purposes of the petition but had maintained and voiced concerns for months about the matter of screening and buffers

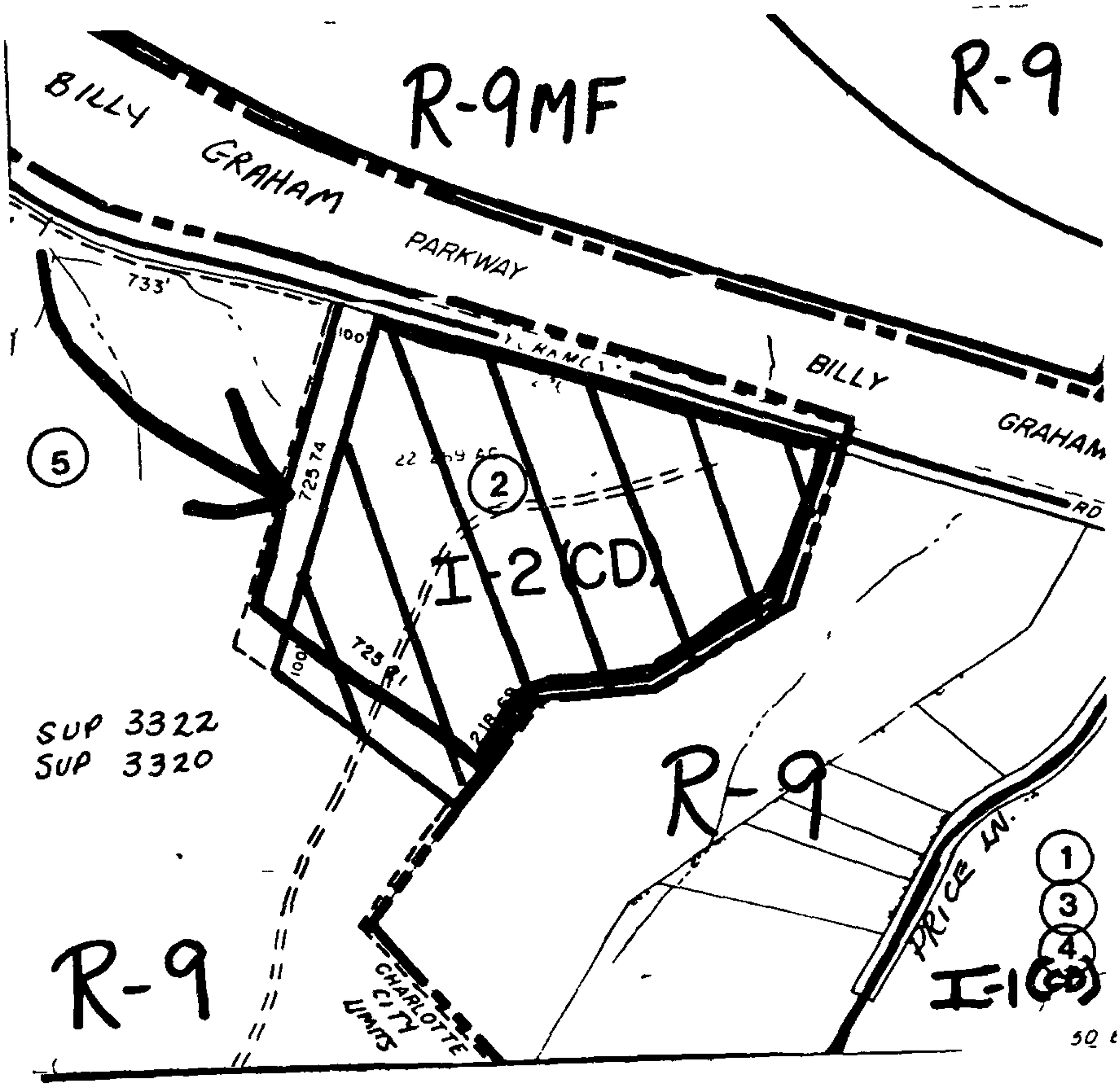
ZONING HISTORY

PETITIONER North Carolina Department of Agriculture

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

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

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



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

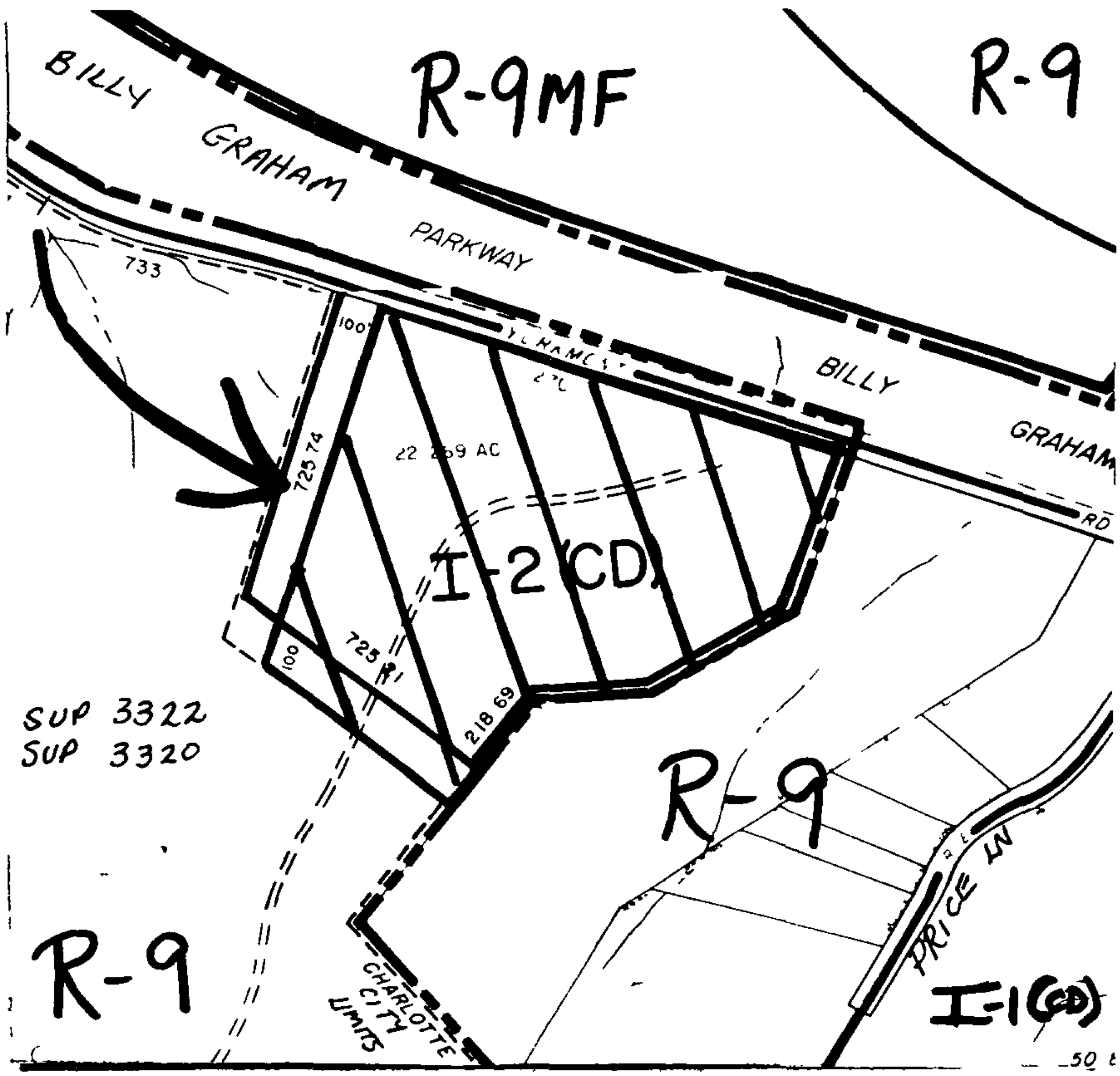
PROPERTY PROPOSED FOR CHANGE

PETITIONER North Carolina Department of Agriculture

PETITION NO. 87-41 HEARING DATE April 22 1987

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

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



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

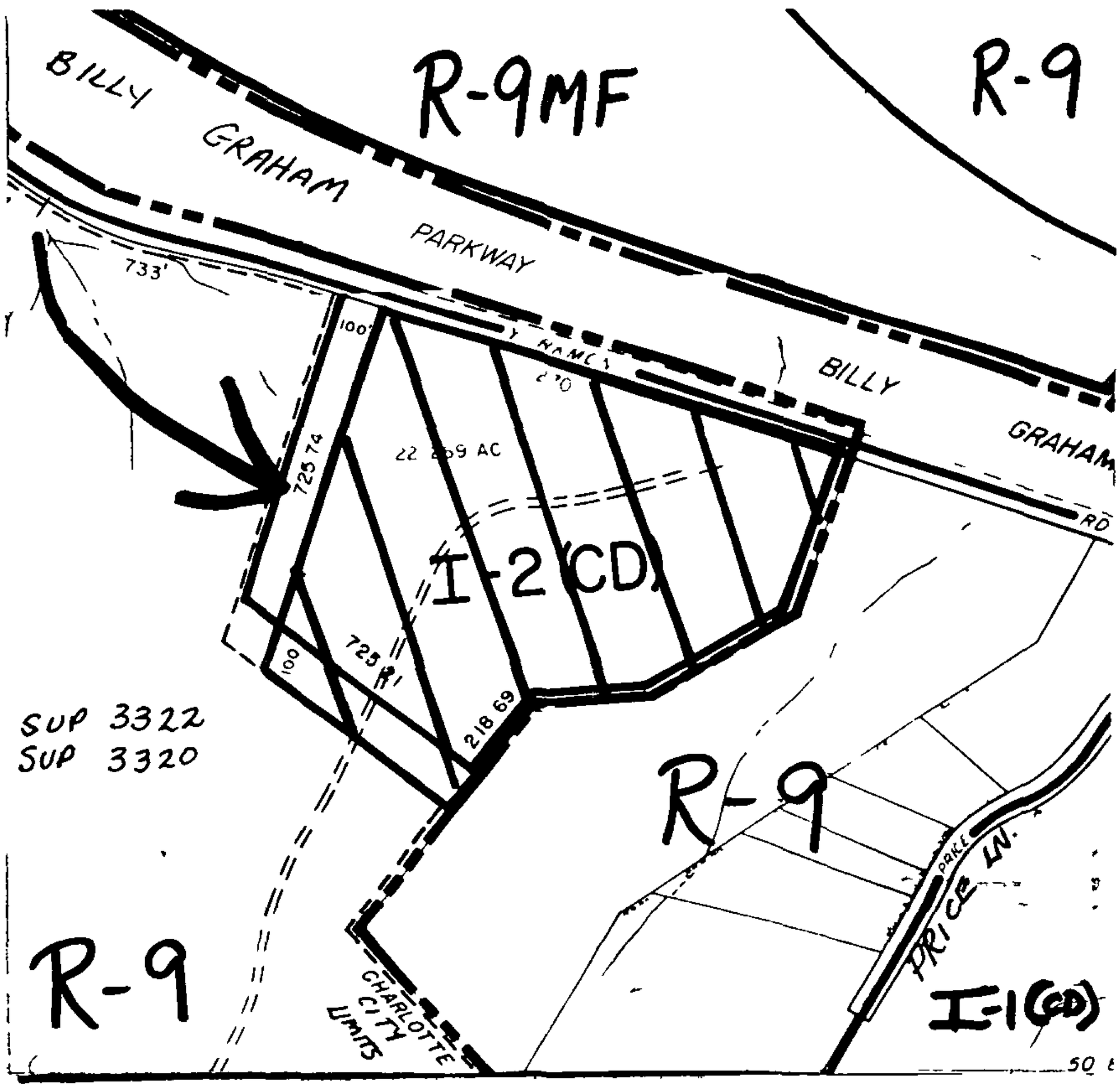
PROPERTY PROPOSED FOR CHANGE

PETITIONER North Carolina Department of Agriculture

PETITION NO. 87-41 HEARING DATE April 22 1987

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE April 23, 1987

PETITION NO 87-43

PETITIONER(S) Winchester Surgical Supply Company

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

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

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Curry, Griffin, Lassiter and Wheeler

Nays Emory and Lewis

REASONS

ISSUES

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

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

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

BACKGROUND

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

2 Existing Land Use The subject property is developed with the Winchester Surgical Supply Company at the immediate corner of South Torrence and East Third Street, but the remaining area of the site is vacant The petitioner also operates a facility across the street on Torrence Street A mixture of office and commercial activities front along East Third Street between Queens Road and Kings Drive in the area Included in that are several

medical related facilities, the most significant of which is the Eye, Ear, Nose and Throat Hospital (Humana) South Torrence Street, for the most part, is a residential street which contains single family homes and that residential pattern exists along other streets in the Cherry neighborhood Other office development is located along Baldwin Avenue and there are other, newer multi-family areas along Queens Road in the vicinity, also

3 Existing Site Plan The existing B-2(CD) portion of this site was approved by City Council in August of 1979 It allowed for the retail sales of medical equipment and supplies as well as for the associated parking with that use

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

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

6 School Information Not applicable

GENERAL FINDINGS

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

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff expressed some concern about the request due to the potential intrusion and negative impacts the change might have on the Cherry community. Staff encouraged a conditional

approach and urged that conditions of the plan should pay particular attention to the residential edge

3 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department No comment

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

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

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

4 Neighborhood Context This site is located in the Cherry neighborhood

DETAILED FINDINGS

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

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

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

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

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

6 In its evaluation of this request staff and Planning Commission has paid particular attention to the potential negative side of this request, that being the intrusion into the neighborhood The property that is being expanded onto is vacant, but it is important that if the petition is to be approved that it provide a satisfactory relationship to the housing which it will ultimately be adjacent to Planning Commission commented that no housing units would be lost if the zone change were approved

7 During discussions with the petitioner staff stressed that the plan had to be an exceptional one in terms of the relationship to the neighborhood The final site plan is a good one in that respect

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

9 Planning Commission wished to clearly indicate that future changes to this plan, if any, could be viewed as an intrusion into the neighborhood and would not be tolerated Planning Commission viewed this change and the site plan as the definitive stopping point for non-residential activity here

10 Planning Commission, therefore, recommends that the petition be approved

Minority Opinion
The minority opinion expressed the viewpoint that the change represented a move in the wrong direction as far as neighborhood preservation is concerned This petition chipped away at the neighborhood integrity

Staff Opinion
The staff agreed with Planning Commission

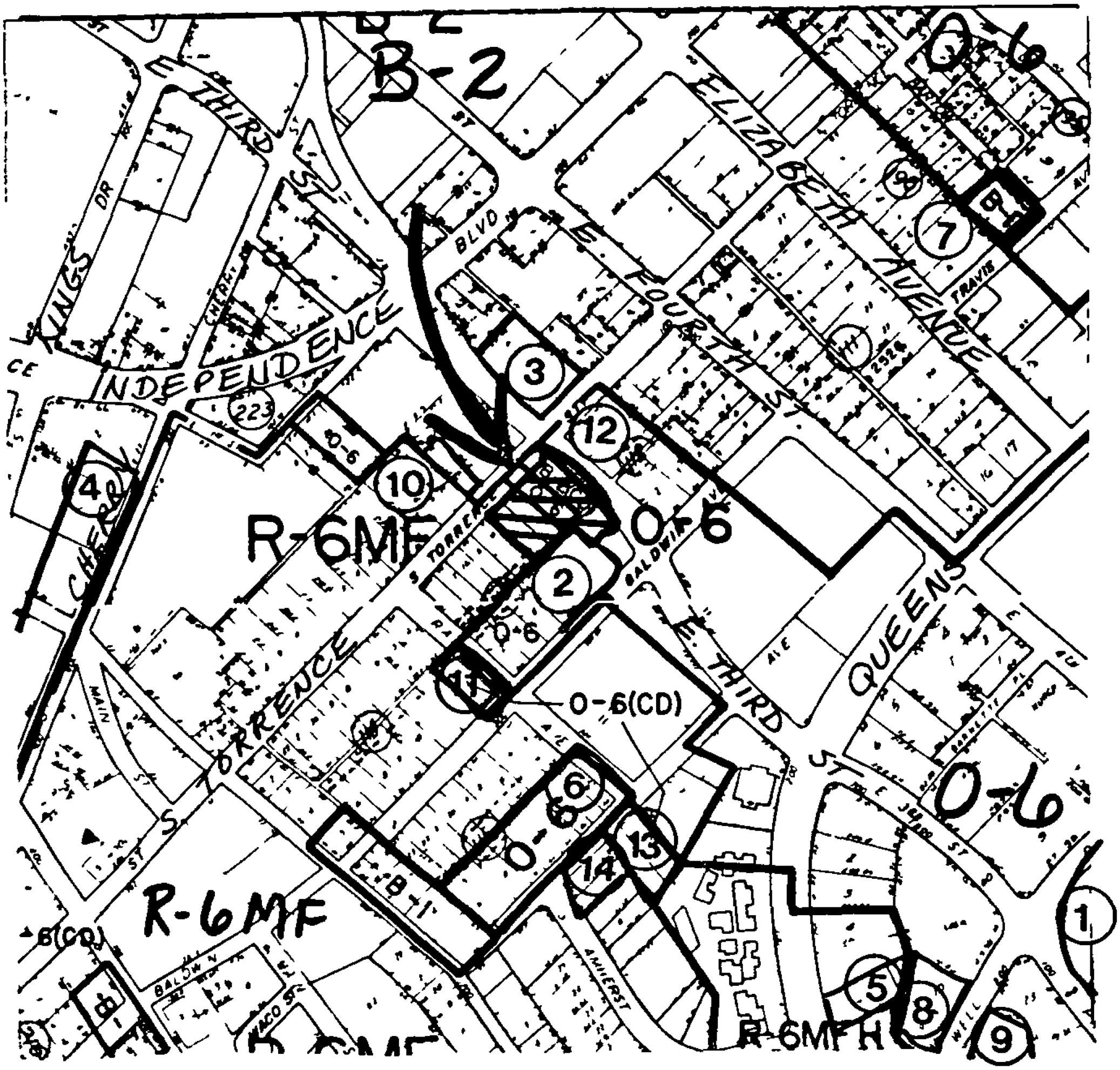
ZONING HISTORY

PETITIONER Winchester Surgical Supply Company

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

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

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



ZONING MAP NO. 102 SCALE 1" = 400'

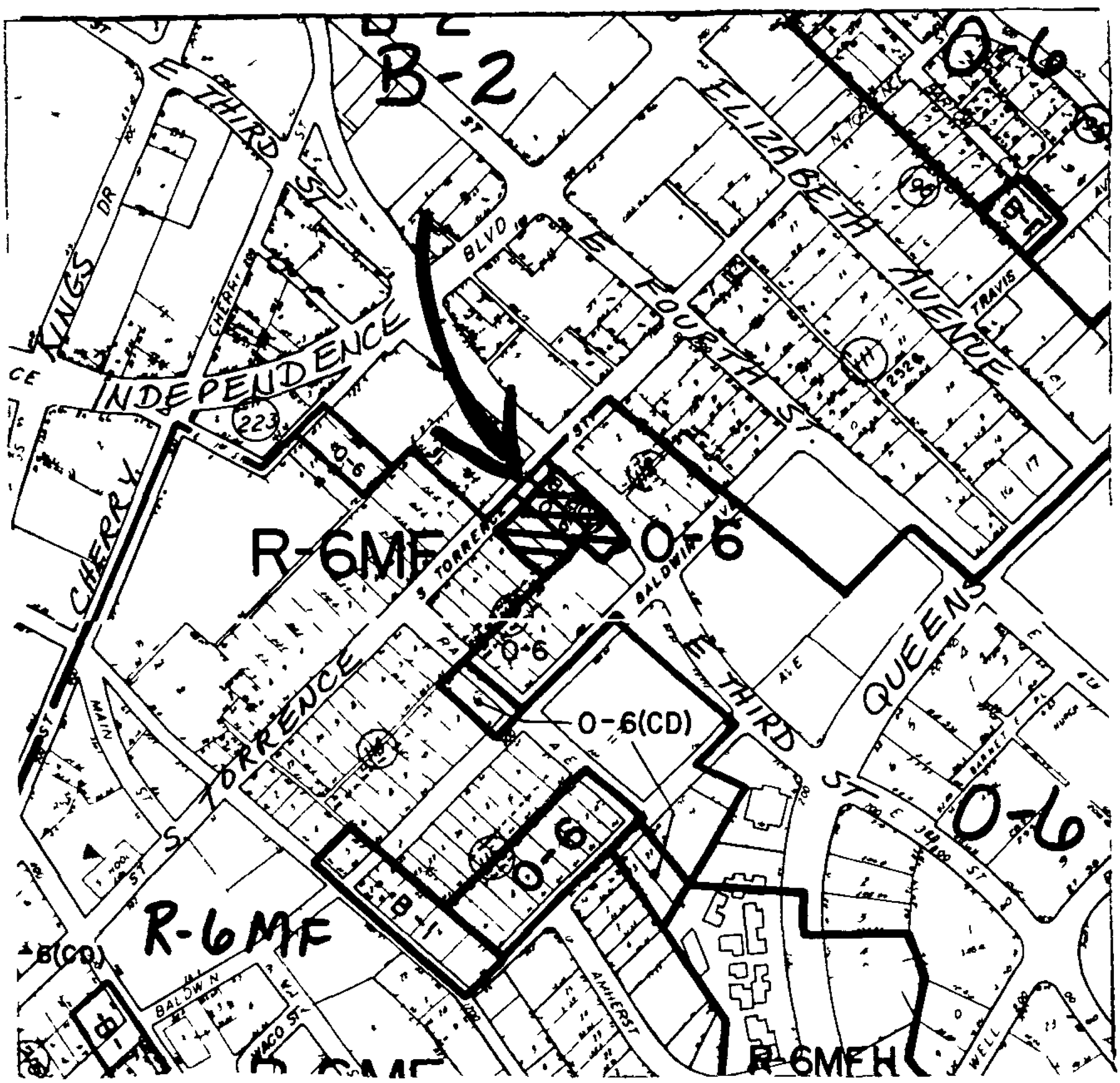
PROPERTY PROPOSED FOR CHANGE

PETITIONER Winchester Surgical Supply Company

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

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

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



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	April 23, 1987
PETITION NO	87-44
PETITIONER(S)	North Carolina National Bank
REQUEST	Change from R-6MF Conditional Parking to B-1
LOCATION	A 12,500 square foot parcel located north of the intersection of The Plaza and Herrin Avenue to the rear of the NCNB branch office
ACTION	The Planning Commission deferred action in order to allow the petitioner an opportunity to submit a conditional site plan

DATE April 23, 1987

PETITION NO 87-45

PETITIONER(S) Crosland-Erwin-Merrifield Associates

REQUEST Change from U-MUD to U-MUD-O

LOCATION A 3 4 acre site bounded by North College Street, West Fifth Street, West Sixth Street and the Southern Railway

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Curry, Emory, Griffin, Lewis and Wheeler

Nays None

(Commissioner Lassiter declared a conflict of interest and left the meeting)

REASONS

ISSUES

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

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

BACKGROUND

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

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

3 Explanation of Request The petitioner seeks the rezoning to the U-MUD-O district in order to provide some relief from the normal U-MUD requirement

for a minimum setback of 12 feet from the curb to the building The purpose of the 12 foot setback is to assure the provision of adequate sidewalk and planting strips in front of new buildings uptown The petitioner's original proposal involved an 8'3" setback for the new portion of the building along College Street, a 9'6" setback on East Fifth Street and a 10'1" setback on East Sixth Street The College Street situation was the most critical and the petitioner has redesigned the site so that the College Street frontage will now conform to the U-MUD standards and is no longer involved in the request

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

GENERAL FINDINGS

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

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

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

4 Pre-Hearing Departmental Comments (Summary).

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

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

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

4 C-DOT The potential trips generated by this site as currently zoned would remain under the proposed rezoning The petitioner should provide a minimum 37 foot cross section on College Street because the current 34 to 35 foot cross section is inadequate Subsequently the C-DOT staff had indicated that the plan as improved is acceptable in terms of street needs

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

5 Neighborhood Context The site is located in the Uptown area

DETAILED FINDINGS

1 This project involves a 3 4 acre site in the uptown area bounded by North College Street, West Fifth Street, West Sixth Street and the Southern Railway The current zoning is U-MUD and the petitioner is seeking U-MUD-O

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

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

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

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

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

7 Accordingly, the developer has opted for the U-MUD-O district, which has been specifically designed to consider unusual situations from a design perspective The intent of this district is to allow the waiver of

standards which might be difficult to obtain, but nonetheless do provide for the intent of the overall U-MUD district provisions In this case staff is partially agreeable to the developer's request

8 Planning Commission can accept the idea of slightly reduced sidewalk, setback requirements on Fifth and Sixth Streets due to the existence and alignment of the existing buildings on the site

9 The proposed Uptown Streetscape Plan calls for Sawtooth Oaks (a large canopy tree) to be planted throughout College Street The City Fair and the Public Library will both plant Sawtooth Oaks, and the petitioners' modification of the original proposal so that the College Street frontage will comply, will provide the space necessary for these trees

10 Therefore, the Planning Commission recommends that the petition as modified, be approved

Staff Opinion
The staff agreed with Planning Commission

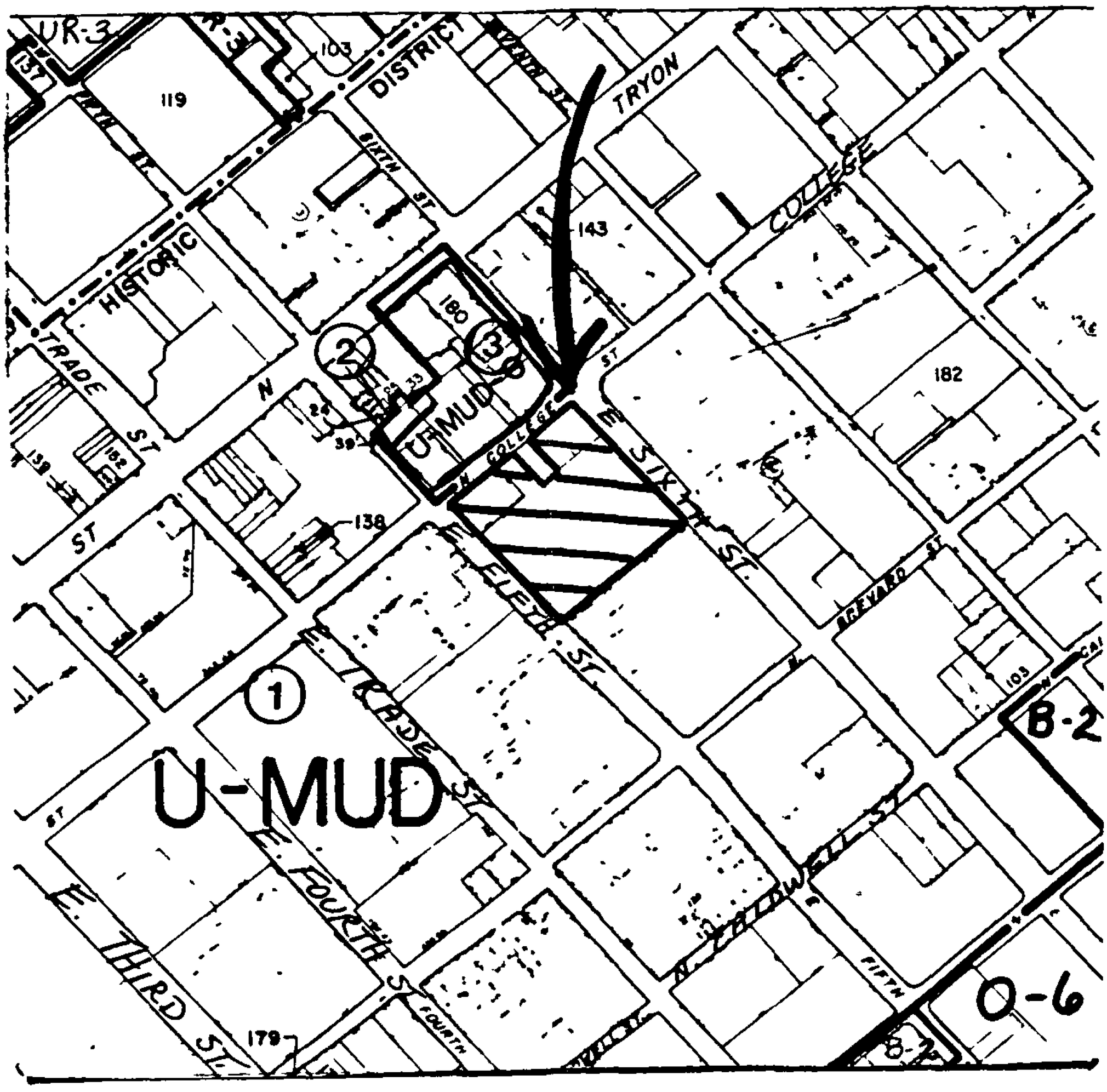
ZONING HISTORY

PETITIONER Crosland - Erwin - Merrifield Associates

PETITION NO. 87-45 HEARING DATE April 21, 1987

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

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



ZONING MAP NO. 102 SCALE 1" = 400'

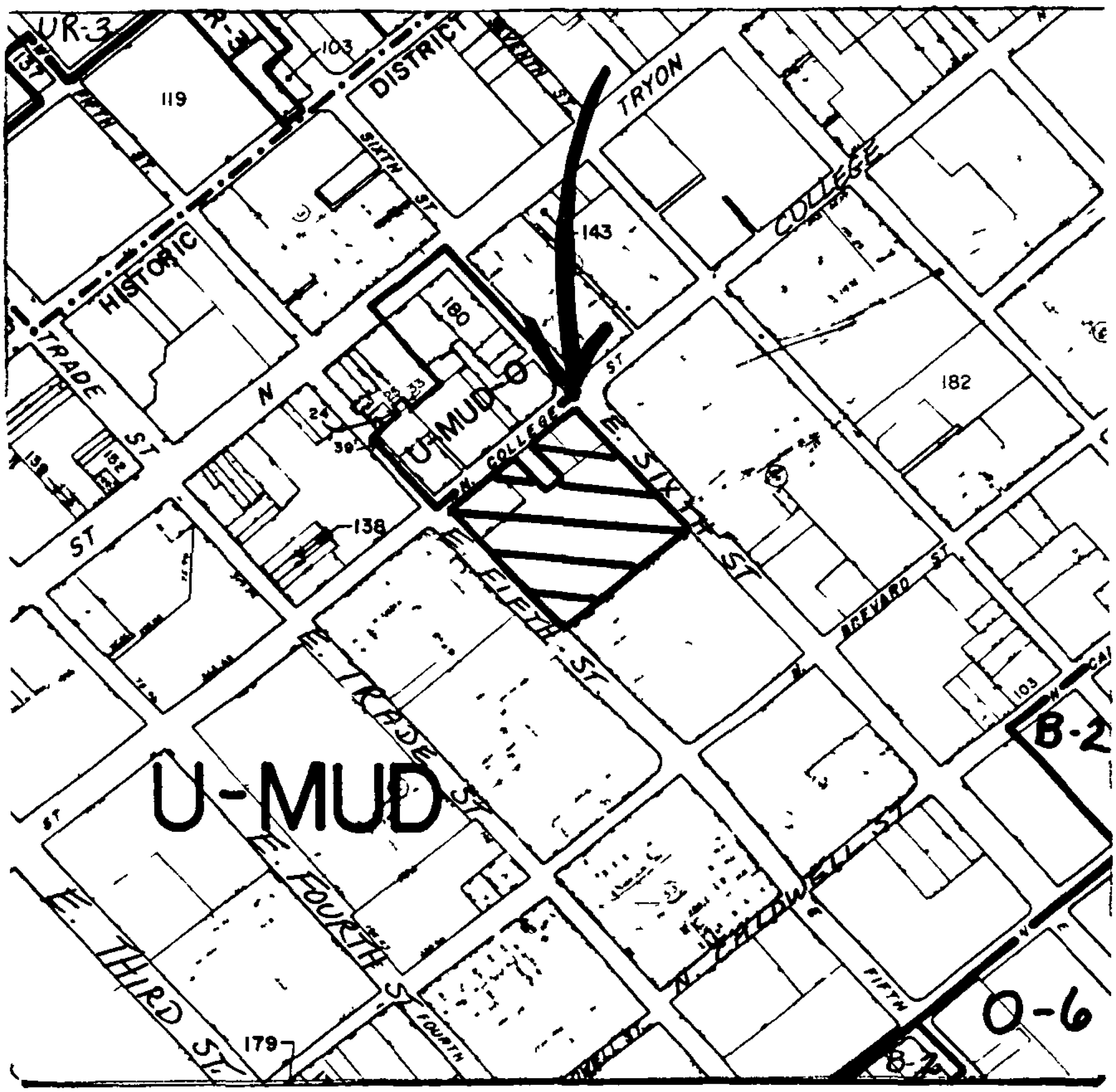
PROPERTY PROPOSED FOR CHANGE

PETITIONER Crosland - Erwin - Merrifield Associates

PETITION NO 87-45 HEARING DATE April 22, 1987

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

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



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. April 23, 1987

PETITION NO 87-46

PETITIONER(S) James C Harris

REQUEST Change from B-2(CD) to B-1

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

ACTION The Planning Commission recommends that the petition be approved.

VOTE· Yeas· Curry, Emory, Lassiter, Lewis and Wheeler

Nays None

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

REASONS.

ISSUES

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

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

BACKGROUND.

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

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

general pattern in the area is comprised of single family resicential development.

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

4 Zoning History (See Attached Map) There have been six prior rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1971 change from B-1 to I-1 between Parkton and Albemarle Case #2 was a 1974 change from R-15 and R-12 to B-1 and R-12 between Drightware Boulevard and Harrisburg Road Case #3 was a 1981 change from I-1 to 0-6 on Orchard Ridge Case #4 was a 1981 change north of the subject property from B-1 to B-2 Case #5 was a 1984 denial to rezone from R-12 to 0-6(CD) southeast of Harrisburg and Albemarle Case #6 involved the subject property's 1985 change from B-1 to B-2(CD).

GENERAL FINDINGS:

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

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

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

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

5 Pre-Hearing Departmental Comments (Summary)

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

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

DETAILED FINDINGS:

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

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

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

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

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

Staff Opinion
The staff agreed with Planning Commission

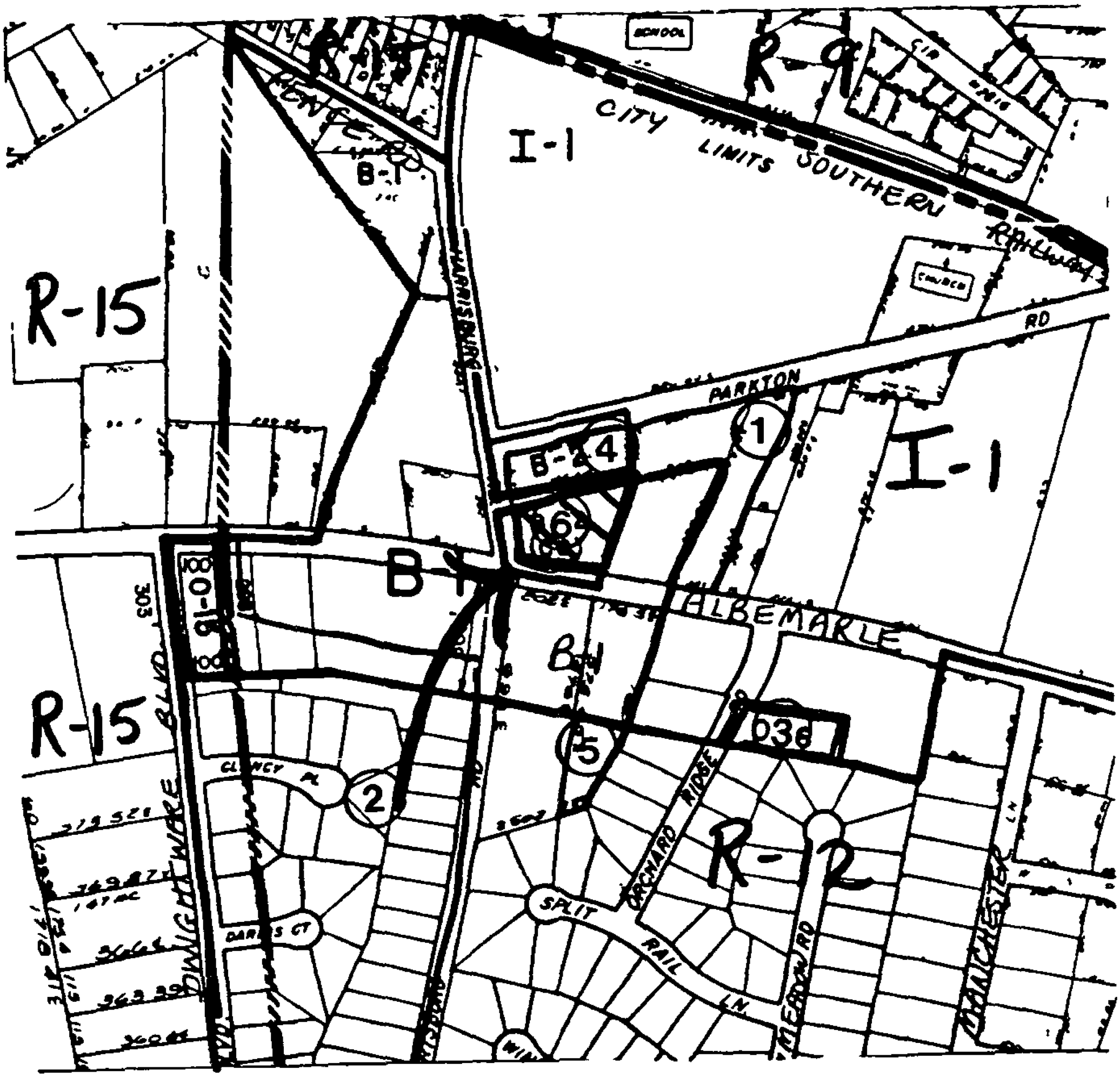
ZONING HISTORY

PETITIONER James C. Harris

PETITION NO. 87-46 HEARING DATE April 21, 1987

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

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



ZONING MAP NO. 115 SCALE 1" = 400'

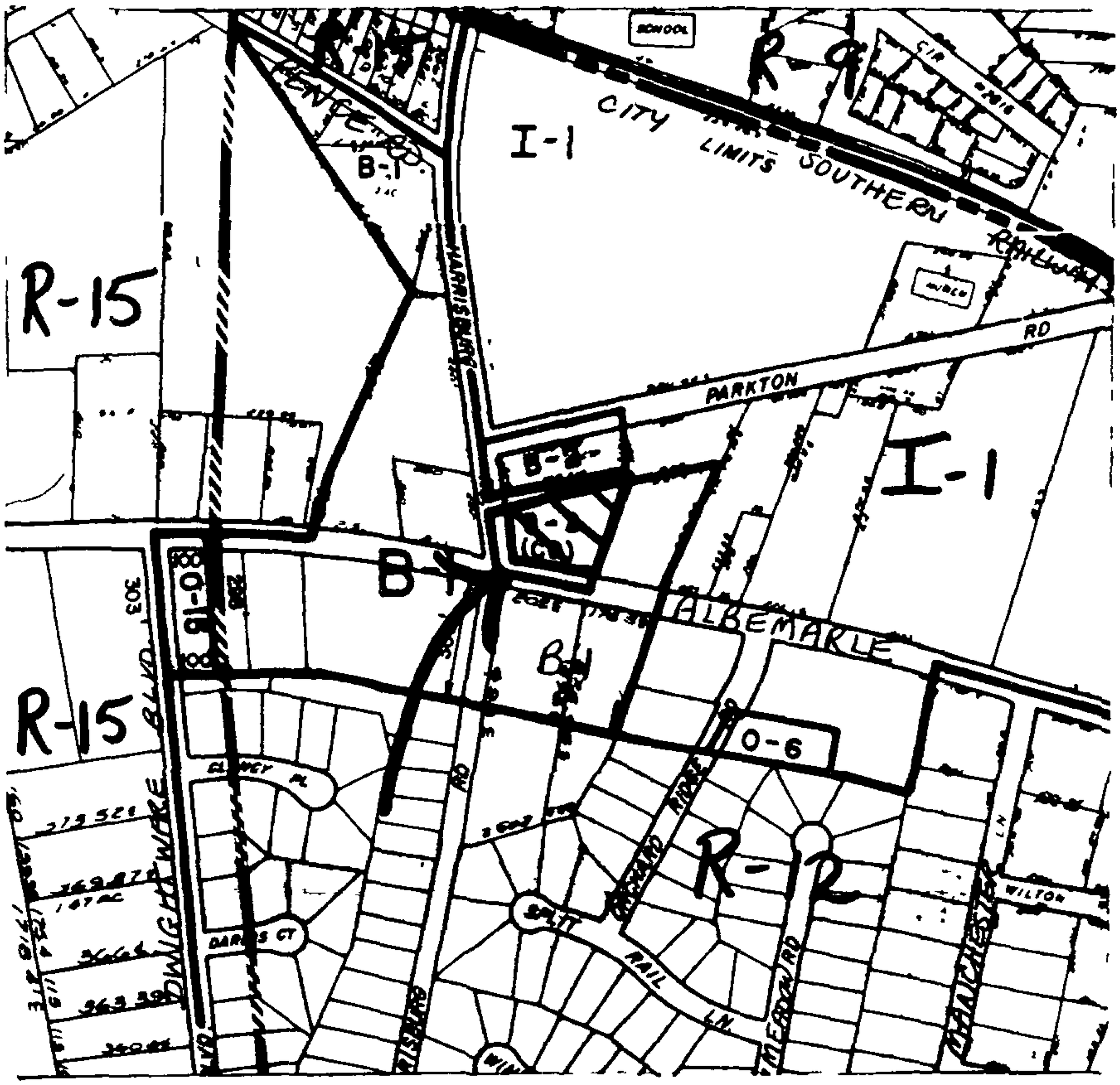
PROPERTY PROPOSED FOR CHANGE

PETITIONER James C. Harris

PETITION NO. 87-46 HEARING DATE April 22, 1987

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

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



ZONING MAP NO. 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE April 23, 1987

PETITION NO 87-48

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST· Consideration of a text amendment to the City of Charlotte Zoning Ordinance, Section 3051 1 2 (Urban Districts Applicability) to broaden the applicability of the urban residential districts

ACTION The Planning Commission deferred action pending further study