AGENDA

Meeting Type:	Z
Date	10-19-1987
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda October 19, 1987

FILE COPY

Substitute for item 14 10/19/87

2 separate actions

Addendum
Zoning Agenda
October 19, 1987

ITEM NO.

14. A. Recommend approval of a letter of agreement between City and Crosland-Erwin-Merrifield Associates to allow modifications of the Trade Mart agreements to permit the addition of a hotel.

Background: On May 5, 1987 negotiations between the City and Crosland-Erwin-Merrifield (CEM) Associates were concluded for the development of a Trade Mart and parking facility located on the block bordered by East Fifth, East Sixth and North College Streets and the Southern Railroad tracks. Pursuant to these agreements CEM Associates will build the Trade Mart and parking facilities and the City will buy the land on which they sit for $5.6 million when these facilities are ready for occupancy by the Carolina-Virginia Fashion Exhibitors. The City will then lease this land to CEM Associates for a rent which begins at $50,000 and increases to $600,000 by the seventh year of the lease. In addition the City will receive 18% of the net operating income received above the base amount in 1992 and thereafter.

On September 9, 1987 CEM Associates proposed to the City that our current arrangements be amended to provide for an increase in the Trade Mart project by adding a Days Inn Hotel and 250 additional parking spaces. CEM Associates and City staff have met on this subject and have produced a letter of agreement reflecting the following terms:

- CEM and City will amend necessary legal documents to allow a hotel as a part of the project.

- CEM Associates will be allowed to expend approximately $1,500,000 for additional "approved project costs" to accommodate structural changes for the accommodation of the hotel and additional parking.

- The City will receive 18% of the newly generated cash flow from the hotel and parking additions without an increase to the City's land purchase cost.

The business terms of this agreement will only be effective if any and all permits necessary or required for construction of improvements, as modified, are obtained.

It is estimated that the City will receive approximately $1,524,884 in additional income over the first 20 years of this project.

Recommendation: In order for these project changes to proceed the City needs to approve this letter of agreement. Since the current agreement has a occupation goal of January 1, 1989, CEM Associates feels construction constraints require that the letter of agreement be approved this month and be consistent with the ultimate zoning of the property.

Funding: No additional funding required.

B. Decision on Petition No. 87-72 by Crosland-Erwin-Merrifield Associates for a change in zoning from U-MUD and U-MUD-O to U-MUD-O and a Site Plan Amendment to an existing U-MUD-O zoning for a 3.46 acre site bounded by 5th and 6th Streets, North College Street and Southern Railroad.

Councilmember Vinroot was excused at the hearing.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-M

CHARLOTTE

Meetings in October '87

OCTOBER 1 - OCTOBER 3

1	Thursday, 10 00 a m	PARADE PERMIT COMMITTEE - City Hall Annex, Dept of Transportation Conference Room
	Thursday, 3 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room

OCTOBER 4 - OCTOBER 10

5	Monday, 5 00 p m	CITY COUNCIL WORKSHOP - City Hall Annex, Training Center
6	Tuesday, 3 00 p m	PLANNING COMMISSION/Executive Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee Cameron-Brown Bldg , 1st Floor Conference Room
	Tuesday, 6 00 p m	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Operations Division Office, 701 Tuckaseegee Road
8	Thursday, 7 00 a m	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room

OCTOBER 11 - OCTOBER 17

12	Monday, 11 45 a m	PLANNING COMMISSION/Zoning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 12 Noon	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON City Hall Annex, Training Center
	Monday, 2 00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING - City Hall, Council Chamber
	Monday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - 1221 S Caldwell St , Commission Office
13	Tuesday, 10 00 a m	CHARLOTTE-MECKLENBURG ART COMMISSION - City Hall Annex, Training Center
	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Bldg , 6th Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
14	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - Edwin Towers, Conference Room
	Wednesday, 5 00 p m	COUNCIL/MANAGER DINNER (Zoning Ordinance Workshop) - Education Center, Room 237-239
	Wednesday, 7 00 p m	PUBLIC HEARING ON SUBDIVISION ORDINANCE - Education Center, Board Room
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
15	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - Cameron-Brown Bldg , 5th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Trade Street

Charlotte NC 28202

OCTOBER 18 - OCTOBER 24

19	Monday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE - City Hall Annex, Dept of Transportation Conference Room
	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p m	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
20	Tuesday, 12 Noon	CITY-COUNTY MONTHLY LUNCHEON Spirit Square, UCB Meeting Place
	Tuesday, 2 00 p m	HOUSING AUTHORITY - Parktowne Terrace, 5800 Park Road
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - Cameron-Brown Bldg , 1st Floor Conference Room
22	Thursday, 7 00 a m	PLANNING COMMISSION (Zoning Ordinance) - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 3 00 p m	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - Mecklenburg County Health Department, Multi-purpose Room, 249 Billingsley Road
	Thursday, 4 00 p m	PLANNING COMMISSION/Zoning Committee - Cameron-Brown Bldg , 1st Floor Conference Room

OCTOBER 25 - OCTOBER 31

26	Monday, 12 Noon	COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING - City Hall, Council Chamber
27	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE - Charlotte-Mecklenburg Utility Dept 5100 Brookshire Blvd.
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee Cameron-Brown Bldg , 1st Floor Conference Room
28	Wednesday, 4 00 p m	CITIZENS CABLE OVERSIGHT COMMITTEE - City Hall, 2nd Floor Conference Rm
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - City Hall, Council Chamber
29	Thursday, 3 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room

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

Housing Appeals Board
Municipal Information Advisory Board
Specialized Transportation Advisory Committee

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 | Velva W. Woollen

Council Agenda

Monday, October 19, 1987

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

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

ITEM NO.

1. Invocation The Reverend Louise Brock, Mount Zion Chapel, A Four Square Church.

PUBLIC HEARINGS

2. Hearing on Petition No. 87-74 by Charlotte Freedom Mart, Ltd. for a change in zoning from I-1 and O-6 to B-1S(CD) for a 20.053 acre site located along the northeasterly side of Freedom Drive, south of Tuckaseegee Road and east of Old Cannon Airport (Ashley Road).

   This hearing was continued from the September 21st meeting.

   Attachment No. 1-A

3. Hearing on Petition No. 87-80 by City Council of the City of Charlotte for a Text Amendment to the Zoning Ordinance (Signs Permitted without Limitation) to amend Section No. 2105-8 to permit a permanent subdivision identification sign on non-residentially zoned property under certain circumstances.

   Attachment No. 1-B

4. Hearing on Petition No. 87-81 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to the Zoning Ordinance (Urban Residential and Urban Industrial) to amend (1) Section No. 3051 and 3052 to clarify that business and office uses are not permitted as a freestanding use in the UR-3 district; (2) eliminate parking as a principle permitted use in the UR-1, UR-2 and UR-3 districts; (3) implement the recently adopted streetscape plan by establishing the requirement that development in the Urban Residential and Urban Industrial districts must conform to the policies of the Plan for trees, landscaping, sidewalks, setbacks, and utilities.

   Attachment No. 1-C

5. Hearing on Petition No. 87-82 by A. S. Blankenship, Jr. for a change in zoning from R-15MF(CD) to R-12MF(CD) for a 15.28 acre site located on the westerly side of Newell-Hickory Grove Road south of the intersection of the Plaza and Newell-Hickory Grove Road.

   Attachment No. 1-D

6. Hearing on Petition No. 87-83 by Taco Bell Corp. for a change in zoning from B-1 and B-1SCD to B-1SCD and a Site Plan Amendment for a .761 acre site located on the north side of North Wendover Road, approximately 150 feet east of Marvin Road.

   Attachment No. 1-E

7. Hearing on Petition No. 87-84 by Gene S. Duckworth for a change in zoning from B-1 to B-2(CD) for a .445 acre site located on the easterly side of Statesville Avenue (US 21) between Kendrick Avenue and Nevin Road.

   Attachment No. 1-F

8. Hearing on Petition No. 87-85 by John J. Dobson and Fred T. Boyd, Sr. for a Site Plan Amendment to an existing B-1(CD) zoning for an 8.12 acre site located on the northwesterly corner of the intersection of the I-85 Service Road and Sloan Drive.

   Attachment No. 1-G

9. Hearing on Petition No. 87-86 by Wingate College, for a change in zoning from, R-9, R-15MF and O-6(CD) to O-6(CD) and a Site Plan Amendment to an existing O-6(CD) zoning for an 11.8 acre site located north of Monroe Road in the vicinity of Lantana Avenue.

Attachment No. 1-H

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

Attachment No. 1-I

POLICY AGENDA

11. Decision on Petition No. 87-33 (Part 2) by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6M(CD) for 4 parcels on Greenway Avenue between Ridgeway Avenue and Laurel Avenue.

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

The Planning Commission recommends that the petition be approved.

Attachment No. 2-J

12. Decision on Petition No. 87-55 by D.H. & S. Associates for a change in zoning from B-1 and O-6 to B-1(CD) for a 1.03 acre site located on the northwest corner of the intersection of Park Road and Woodlawn Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-K

13. Decision on Petition No. 87-67 by D. L. Phillips Investment Builders, Inc., for a change in zoning from B-1 to B-2 for a 27.859 acre site (the Merchandise Mart) located south of the intersection of Independence Boulevard and Briar Creek Road, including five (5) parcels on the southerly side of Madeline Avenue.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-L

14. Decision on Petition No. 87-72 by Crosland-Erwin-Merrifield Associates for a change in zoning from U-MUD and U-MUD-O to U-MUD-O and a Site Plan Amendment to an existing U-MUD-O zoning for a 3.46 acre site bounded by 5th and 6th Streets, North College Street and Southern Railroad.

Councilmember Vinroot was excused at the hearing.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-M

15. Decision on Petition No. 87-73 by Philip A. and Valya E. Visser for a change in zoning from R-6MFH to O-6(CD) for a 2.08 acre site located at 1925 Park Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-N

16. Decision on Petition No. 87-75 by Turnpike Properties, Inc., for a change in zoning from R-9 to B-1(CD) for an approximate 2.94 acre site located on the southeast corner of the intersection of Sugar Creek Road and I-85.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-O

17. Decision on Petition No. 87-76 by John G. Blackmon for a change in zoning from R-9 to B-2(CD) for a 50 foot by 50 foot strip paralleling Independence Boulevard, which totals .56 acres on Dion Avenue.

The Planning Commission recommends that the petition be approved.

Attachment No. 1-P

18. Decision on Petition No. 87-78 by Peerless, Inc. for a change in zoning from O-15 and B-2 to B-D(CD) for 6.8 acres located on the northerly side of I-85, between Steward Creek and Beatties Ford Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 2-Q

19. Decision on Petition No. 87-79 by Quail Corners Association for a Site Plan Amendment to an existing B-1S(CD) zoning for approximately 17 acres bounded by Sharon Road West, Park Road, Hamlin Park Drive and Brandon Forest Drive. (Quail Corners Shopping Center)

The Planning Commission recommends that the petition be approved.

Attachment No. 2-R

SCHEDULE OF MEETINGS
October 19 - 23, 1987

Monday, October 19	COUNCIL/MANAGER DINNER Education Center Rooms 237-239	5:00 p. m.
	ZONING HEARINGS Board Room	6:00 p. m.
Tuesday, October 20	LUNCHEON WITH COUNTY COMMISSION Spirit Square UCB Meeting Place	12:00 Noon
	PLANNING & PUBLIC WORKS COMMITTEE City Hall 2nd Floor Conference Room	4:00 p. m.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 7, 1987

Mayor and City Council

RE Rezoning Petitions to be Heard in October, 1987

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for rezoning petitions scheduled for public hearing on October 19, 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

Robert G Young
Land Development Manager

Attachments

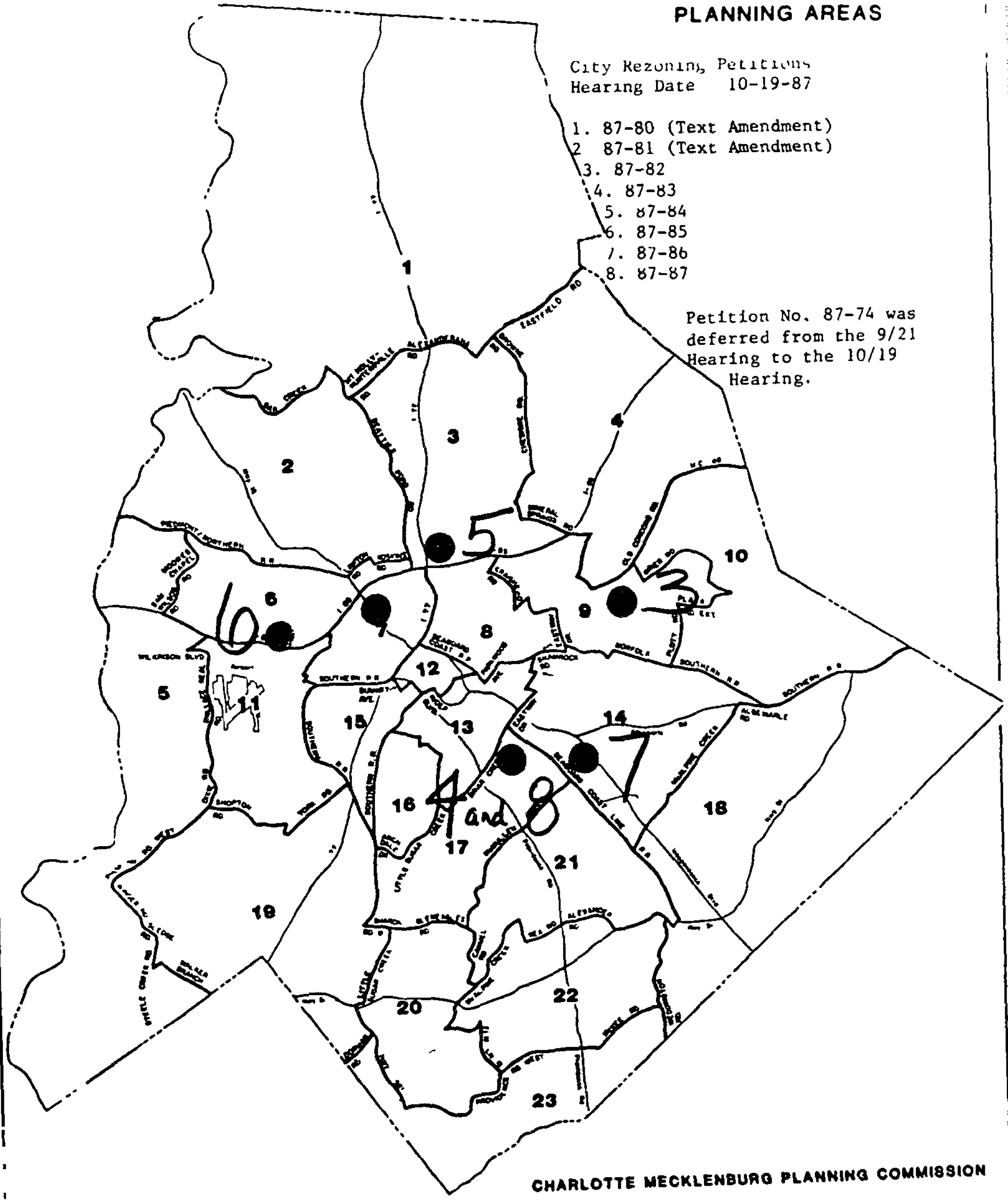
Cameron Brown Building • 301 South McDowell Street • Charlotte North Carolina 28204 • (704) 336 2205

PLANNING AREAS

City Rezoning Petitions
Hearing Date 10-19-87

1. 87-80 (Text Amendment)
2. 87-81 (Text Amendment)
3. 87-82
4. 87-83
5. 87-84
6. 87-85
7. 87-86
8. 87-87

Petition No. 87-74 was deferred from the 9/21 Hearing to the 10/19 Hearing.



CHARLOTTE MECKLENBURG PLANNING COMMISSION

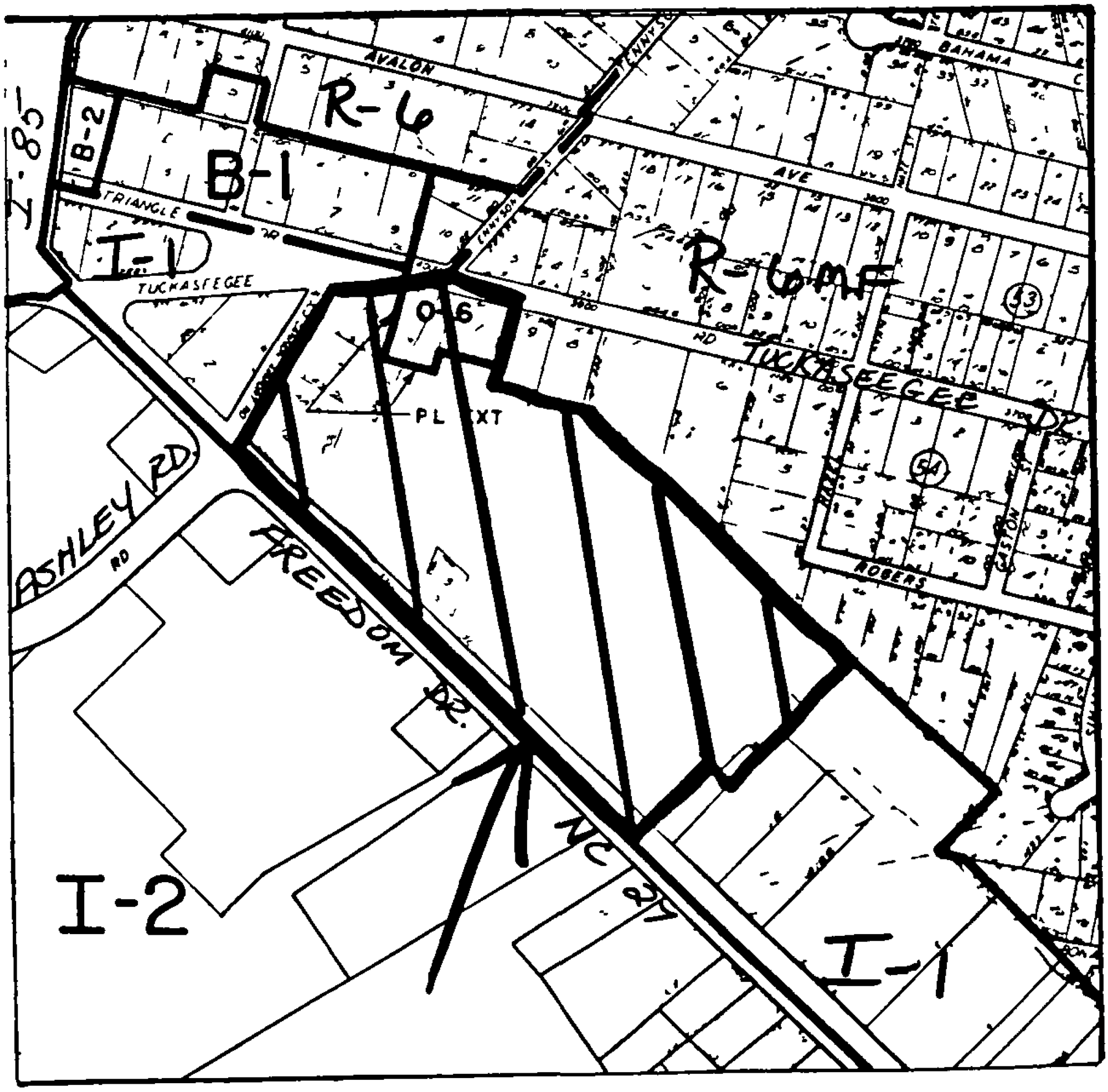
April 1983

PETITIONER Charlotte Freedom Mart, Ltd.

PETITION NO. 87-74 HEARING DATE October 19, 1987

ZONING CLASSIFICATION, EXISTING I-1 & O-6 REQUESTED B-1SCD

LOCATION A 20 acre site (the Charlotte Freedom Mart shopping center) located along the northeasterly side of Freedom Drive, souh of Tuckaseegee Road and east of Old Cannon Airport Road (Ashley Road)



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-74
Date Filed 8-3
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner Charlotte Freedom Mart, Ltd.

Owner's Address Suite 300, 429 Santa Monica Boulevard

Santa Monica, California 90401

Date Property Acquired August 5, 1981

Deed Reference Book 4458, page 265 Tax Parcel Number 065-036-10; 064-036-12; 065-036-13; 065-036-14; 065-036-15; 065-036-16; 065-036-17

Location Of Property (address or description) Northeast corner of Freedom Drive and Ashley Road (Old Cannon Airport Road)

Description Of Property

Size (Sq Ft -Acres) 20.053 acres (See Exhibit A attached)

Street Frontage (ft) 1456.51 (Freedom 408.68 (Old Cannc Airport F 414.82 (Tuckaseeg Road)

Current Land Use Shopping Center

Zoning Request

Existing Zoning I-1 Requested Zoning B-1SCD

Purpose of zoning change The petitioner desires to expand the existing shopping cente to 198,426 square feet from the presently existing 172,846 square feet

Name of Agent Neil C. Williams
Horack, Talley, Pharr & Lowndes
Agent's Address
1600 First Southeastern Center, Charlotte, NC 28284
Telephone Number
704/377-2500

Charlotte Freedom Mart, Ltd.
Name of Petitioner(s)

Address of Petitioner(s)
213/458-1911
Telephone Number
By Neil C. Williams
Signature Neil C. Williams

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-74

Petitioner: Charlotte Freedom Mart, Ltd.

Location: A 20 acre site (Charlotte Freedom Mart Shopping Center) located along the northeasterly side of Freedom Drive, south of Tuckaseegee Road and east of Old Cannon Airport (Ashley Road).

Request: Change from I-1 and O-6 to B-1SCD.

ISSUES

1. Reason for Rezoning. What is the plan for the property and why does that require a rezoning in this case?

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

3. Expansion vs Public Benefits In evaluating the request for expansion, what public improvements and benefits may be gained?

BACKGROUND.

1. Existing Zoning. The property in question is presently zoned a combination of I-1 and O-6 with the O-6 area being concentrated in a small area at the intersection of Tennyson Street and Tuckaseegee Road Industrial zoning is located along both sides of Freedom Drive with I-1 located on the northerly side and I-2 across the street. North of the site is a small area of B-1 zoning. Otherwise residential streets in the area north of the site are zoned R-6MF.

2. Existing Land Use. The subject property is the site of a shopping center and other outparcel uses such as restaurants. Other commercial and shopping areas are located across Freedom Drive from the site. This pattern generally extends to the south for several blocks. Areas along Tuckaseegee Road and other neighborhood streets are principally developed with single family homes

3. Site Plan. The conditional site plan proposes the expansion of an existing shopping center. A total of 25,580 additional square feet is planned Some of the space will be located in future shops detached from the main center The plan shows new street trees as required by the tree ordinance, but no other changes to the shopping center is proposed.

4. Zoning History (See Attached Map). There have been four (4) prior rezoning requests in the area of the subject property. The attached map indicates their locations Case #1 involved a request for a rezoning from B-1 to B-2 for a lot on Triangle Drive that was approved by Council on March 1,

1971 Case #2 involved a rezoning from R-6MF to O-6 for a 5 acre parcel on the south side of Tuckaseegee Road, east of the intersection of Tennyson Drive and Tuckaseegee Road The rezoning was approved by Council on March 6, 1979 Case #3 involved a rezoning request from R-6 to B-2 for an 11,446 square foot site on Avalon Avenue just east of I-85 Council denied the request August 18, 1986 Case #4 was a 1987 change from R-6MF to I-1

5 School Information Not applicable

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates a community commercial center in the area of the subject property Strategies include the widening of I-85

2 Westerly Hills-Ashley Park Small Area Plan The subject property lies just outside the scope of the Westerly Hills-Ashley Park Small Area Plan, but that plan does recognize that Freedom Drive has essentially developed as a commercial strip under I-1 and I-2 zoning The plan recommends vacant parcels along Freedom Drive to be developed with a mixture of well integrated light industrial, office, commercial and residential uses

3 Airport Master Plan The subject property lies just outside the LDN 65 noise cone

4 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff generally encouraged the request due to the fact that no change of use would result if the zoning was approved

5 Pre-Hearing Departmental Comments (Summary).

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

2 Fire Department Comments were unavailable as of the preparation of this report, but are expected by the time the public hearing is held

3 Building Standards No comments except to indicate that the rezoning would make the Lowe's Store a nonconforming use due to the fact it is not permitted in a B-1SCD district

4 Engineering NCDOT is redesigning the Freedom Drive/I-85 interchange and that project could have right-of-way impacts on this site

5 C-DOT This site could generate 12,000 to 14,000 trips per day as currently zoned and 13,000 to 15,000 trips per day under the new zoning The difference will not have any significant impact on the surrounding thoroughfare system However, there are deficiencies in the existing driveway design and median openings which need to be corrected through approval of the rezoning petition

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

DETAILED FINDINGS

1. This petition involves a 20 acre site located on the northerly side of Freedom Drive, south of Tuckaseegee Road and east of Ashley Road The site is principally zoned I-1 although a small portion is zoned 0-6 The petitioner is requesting that the entire site be zoned B-1SCD

2 The petitioner has filed a conditional rezoning. A shopping center on the site desires to expand by about 25,500 square feet.

3 Due to the fact that the shopping center is presently developed over 100,000 square feet of building area, it is a requirement that the expansion be accomplished under a B-1SCD conditional district. Years ago when the shopping center was developed any size shopping or retail area was permitted in industrial zoning, but since that time any shopping or retail area over 100,000 square feet requires a B-1SCD zoning designation Thus, the shopping center is not conforming and in order to expand must receive the appropriate zoning district designation

4 Freedom Drive is a major thoroughfare with a variety of shopping and retail opportunities. Obviously in this case the land use is not changing even though the zoning classification is. The center simply is desirous of new shopping opportunities

5. As far as land use and zoning is concerned staff has no problems with the proposed change. However, the rezoning does present an opportunity for various design improvements to the shopping center.

6. For example, additional street trees along Freedom Drive and more landscaping/trees in parking lots will make a big difference in the overall appearance of the shopping center Furthermore, C-DOT has commented that some driveways and turning movements need improving. The site may also be affected by the redesign of the I-85/Freedom Drive interchange; additional right-of-way may be necessary.

7 The petitioner has been apprised of these comments and it is hoped that it is possible, by the time the public hearing is held, that these improvements can be made Otherwise staff would not recommend approval until these matters are cleared up

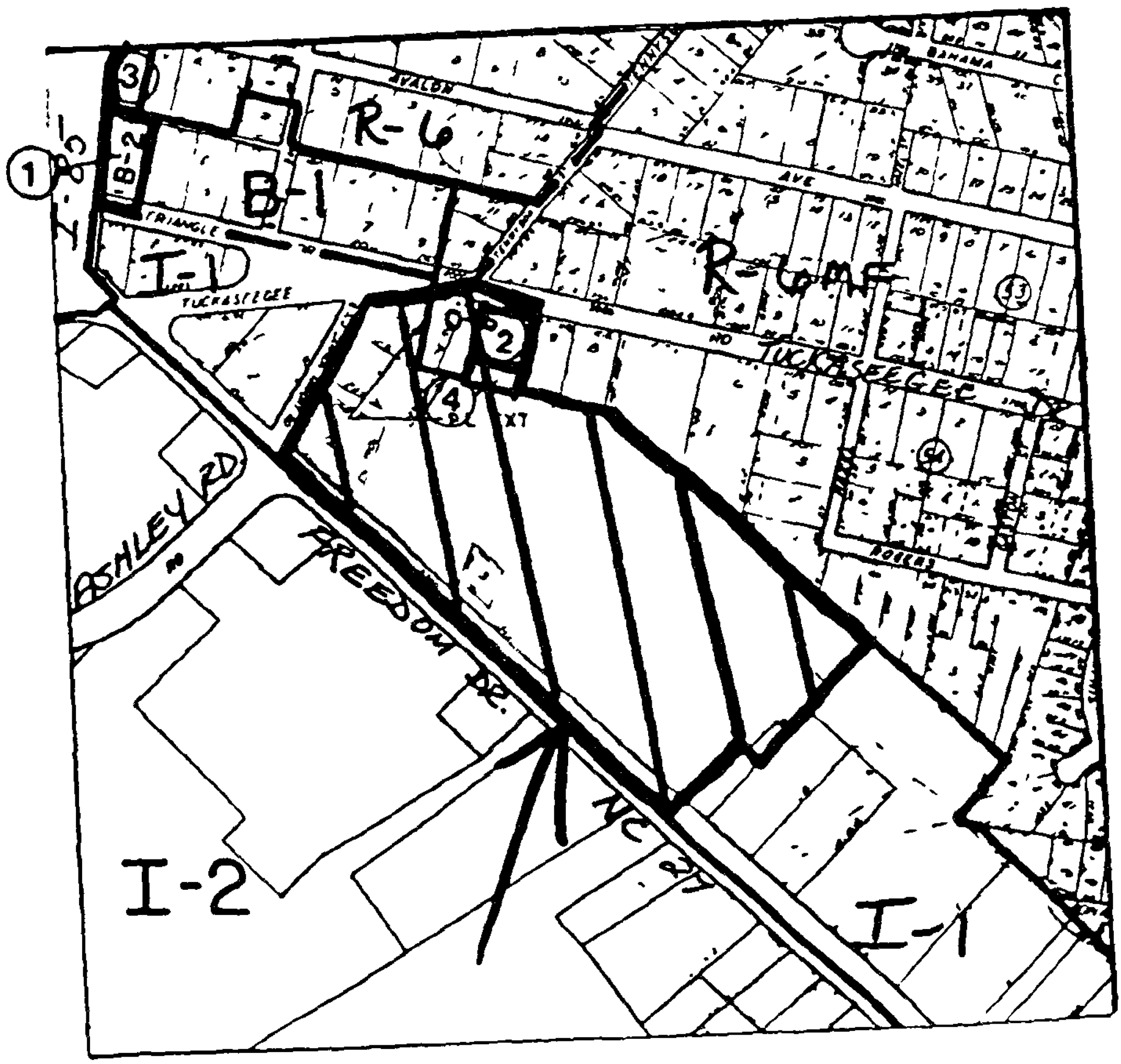
*Subject to further refinement following public hearing

PETITIONER Charlotte Freedom Mart, Ltd.

PETITION NO. 87-74 HEARING DATE October 19, 1987

ZONING CLASSIFICATION, EXISTING I-1 & O-6 REQUESTED B-1SCD

LOCATION A 20 acre site (the Charlotte Freedom Mart shopping center) located along the northeasterly side of Freedom Drive, souh of Tuckaseegee Road and east of Old Cannon Airport Road (Ashley Road)



ZONING MAP NO. 87

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 87-80

Date Filed 9/1/87

Received By LS

OFFICE USE ONLY

Section No 2105 Signs Permitted Without Limitation

(Title)

Purpose of Change Amend Section 2105-8 to permit a permanent subdivision identification sign on non-residentially zoned property under certain circumstances.

Name of Agent

Agent's Address

Telephone Number

City Council of the City of Charlotte

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

Section 1. Appendix A-Zoning, § 2105.8, of the City Code shall be amended by adding the following paragraphs to the paragraph already in .8 of § 2105 to read as follows:

> "A permanent subdivision identification sign must be located within the proposed subdivision, on residentially zoned property, and at the point of entry to the subdivision.
>
> "There shall be an exception, allowing a permanent subdivision identification sign at the entry to a subdivision on property that is *not* zoned residential, under the following circumstances:
>
> (a) The parcel upon which the subdivision identification sign shall be placed was originally part of the subdivision as shown by a recorded plat in the Register of Deeds Office; and
>
> (b) The proposed location of the sign is at the entrance to the subdivision; and
>
> (c) The distance from the property line of the nonresidentially zoned property, abutting the public street, to the property line of the residentially zoned property for the subdivision does not exceed 200 feet as determined by the Zoning Administrator; and
>
> (d) The subdivision has retained the characteristics and integrity of a homogeneous, residential subdivision; and
>
> (e) The subdivision identification sign shall be permanent in serving the subdivision."

Sec. 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 87-81

Date Filed 9-1

Received By [illegible]

OFFICE USE ONLY

ction No 3051 and 3052 Urban Residential and Urban Industrial

(Title)

rpose of Change

1. Clarify that businesses and offices uses are not permitted as a freestanding use in the UR-3 district.

2. Eliminate parking as a principle permitted use in the UR-1, UR-2, and UR-3 districts.

3. Impliment the recently adopted streetscape plan by establishing the requirement that development in the Urban Residential and Urban Industrial districts must conform to the policies of the Plan for trees and landscaping, sidewalks, setbacks, and utilities.

-me of Agent

gent's Address

lephone Number

CMPC

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 3051 2 3 by deleting the last sentence and by substituting the following language

   Business and/or offices uses are permitted only as part of a mixed use project or building and must be located within the same structure(s) as other uses on the site Business and/or offices uses are not permitted as a separate free standing use.

2 Amend Section 3051 3 2 by adding the following language to the end of the first sentence

   in the UR-C only, designed and construced in conformance with the standards of Section 3053 (Uptown Mixed Use District) which apply to parking lots or structures

   and by deleting the remainder of the paragraph

3 Amend Section 3051 6 by adding a new section as follows.

3051 6 7 Streetscape Improvements All development in the UR districts must conform to the adopted Uptown Streetscape Plan for the streets which the project abuts Improvements relating to sidewalk, tree planting and landscaping as specified by the Streetscape Plan must be installed during the development process Setbacks prescribed in the Streetscape Plan supersede those listed as minimums for the district when the plan specifies a greater setback than the minimum for the district. Developers are strongly encouraged to work with the appropriate utility companies to relocate overhead utilities underground during the development of the site If the utilities are not relocated at the time the site is developed, the design of the site must provide for the eventual placement of utilities underground and appropriate easements must be set aside accordingly.

4. Amend Section 3052.6 by adding a new section as follows.

3052.6.7 Streetscape Improvements. All development in the UI districts must conform to the adopted Uptown Streetscape Plan for the streets which the project abuts. Improvements relating to sidewalk, tree planting and landscaping as specified by the Streetscape Plan must be installed during the development process Setbacks prescribed in the Streetscape Plan supersede those listed as minimums for the district when the plan specifies a greater setback than the minimum for the district. Developers are strongly encouraged to work with the appropriate utility companies to relocate overhead utilities underground during the development of the site If the utilities are not relocated at the time the site is developed, the design of the site must provide for the eventual placement of utilities underground and appropriate easements must be set aside accordingly

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 87-82
Date Filed 9-1
Received By LS
OFFICE USE ONLY

Ownership Information

Property Owner: Newell-Hickory Grove Partnership (A.S. Blankenship, Jr., Gen. Ptr

Owner's Address: C/O Blankenship-Cramer Development Corportation, 4425 Randolph Road, Suite 219, Charlotte, N.C. 28211

Date Property Acquired: April 25, 1986

Deed Reference: 5208-0714 Tax Parcel Number: 107-081-06

Location Of Property (address or description)

15.28 +/- acres (exclusive of existing ROW) fronting on Plaza and Newell-Hickory Grove Roads

Description Of Property

Size (Sq. Ft.-Acres): 15.28 +/- acres (excl. exist. ROW) Street Frontage (ft.): Plaza-396.84 ft ~~Newell-Hick. Gr.-887.39 ft~~

Current Land Use: Vacant field (formerly farmland)

Zoning Request

Existing Zoning: R-15 MF CD Requested Zoning: R-12 MF CD

Purpose of zoning change: Improve existing zoning and site plan from 122 town-house units to 216 units of mainly one- and two-bedroom apartments.

ATTORNEY: W. Thomas Ray, Esq.
Name of Agent

P.O. Box 23487, Mint Hill, N.C. 28212
Agent's Address

(704) 545-1206
Telephone Number

LAND PLANNER: Brad Davis
Landdesign, Inc.
1701 East Blvd.
Charlotte, N.C. 28203
(704) 333-0325

A. S. Blankenship, Jr.
Name of Petitioner(s)

4425 Randolph Rd., #219
Charlotte, N.C. 28211
Address of Petitioner(s)

(704) 365-1192
Telephone Number

Signature

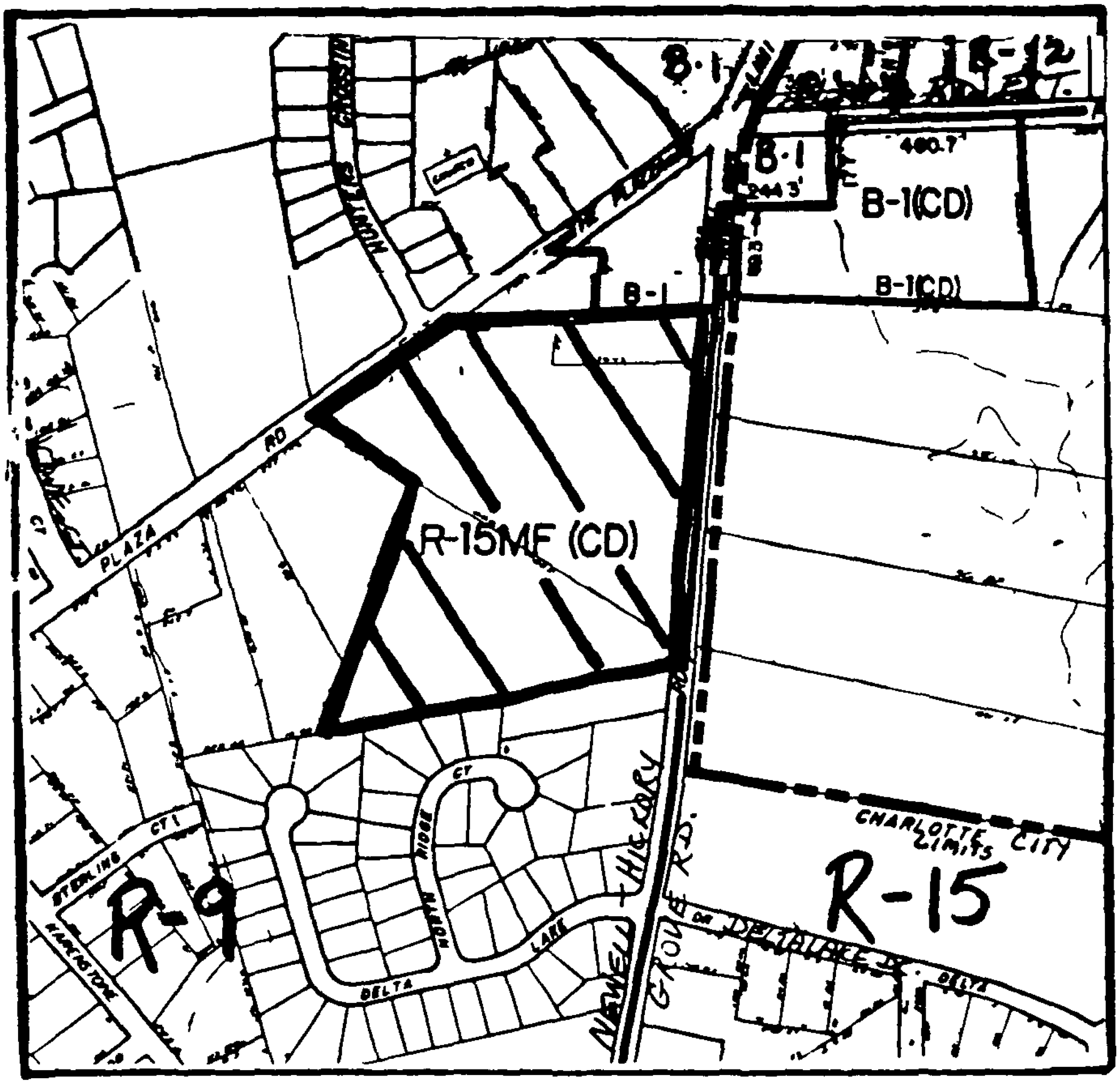
Signature of Property Owner if Other Than Petitioner

PETITIONER A. S. Blankenship, Jr.

PETITION NO. 87-82 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING R-15 MF(CD) REQUESTED R-12MF (CD)

LOCATION A 15.28 acre site located on the westerly side of Newell-Hickory Grove Road south of the intersection of The Plaza and Newell-Hickory Grove Road.



ZONING MAP NO. 91 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-82

Petitioner:	A. S. Blankenship, Jr.
Location	A 15.28 acre site on the westerly side of Newell-Hickory Grove Road just south of The Plaza.
Request	Change from R-15MF(CD) to R-12MF(CD).

ISSUES

1. Site Plan. What aspects of the conditional site plan are important to evaluate including such things as edge relationships, increased density, etc?

2 Overall Land Use Goals for Newell-Hickory Grove Road How does this request relate to existing zoning patterns and the overall, long-term planning goals for the area, particularly along Newell-Hickory Grove Road?

3 Old Plan vs New Plan How does the plan in this case compare to the existing approved plan for the property? Do the goals and objectives of the current plan and this plan relate favorably to one another?

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-15MF(CD) It is almost exclusively surrounded by single family zoning, either R-9 or R-15, with Newell-Hickory Grove Road being the dividing point between the two districts. A portion of the northerly property line shares a common boundary with B-1 zoning which relates to the intersection of The Plaza and Newell-Hickory Grove Road. Several other parcels are zoned B-1 or B-1(CD) at that intersection

2. Existing Land Use. The subject property is undeveloped land at the present time. Single family development adjoins the site along its southerly boundary and other single family development, either on single lots or in other subdivisions, is located throughout the vicinity Commercial development characterizes much of the intersection of The Plaza and Newell-Hickory Grove Road. Both individual uses as well as a small neighborhood center are located there.

3. Site Plan The conditional site plan proposes a multi-family housing project with a total of 216 units. The resulting density is 14.1 dwelling units per acre The site will have access from both Newell-Hickory Grove Road and The Plaza Additional right-of-way along both of those thoroughfares will be dedicated Along the southerly border of the site will be a 45 foot setback/berm and buffer area Building heights will be a combination of two and three stories

4 Existing Plan The property was rezoned in 1984 and is presently governed by a conditional plan which is approved for 121 units at an overall density of 7 9 dwelling units per acre Access points and exterior boundary relationships are similar to the proposed plan in this case The existing plan included building heights at a combination of one and two stories and anticipated that the units would be one family attached for sale

5 School Information

School	Capacity	Enrollment
Devonshire Elementary	832	658
Cochrane Jr High	1,075	948
Garringer Sr High	1,985	1,729

6 Zoning History (See Attached Map) There have been ten (10) previous rezoning requests in the area of the subject property The attached map indicates their locations Cases #1 through #4 were changes from single family residential to B-1 in the 1960's Cases #5 and #6 were 1975 requests to change from single family residential to B-1 that were denied Case #7 was a 1983 change from B-1 and R-15 to B-1(CD) Case #8 was a 1984 change from R-9 to R-15MF(CD) Case #9 was a 1985 denial to rezone from R-12 to B-2(CD) Case #10 was a 1986 denial to rezone from R-9 and B-1 to B-1(CD).

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property is composed of existing residential land uses The plan recognizes a community commercial center at the intersection of The Plaza and Newell-Hickory Grove Road Strategies for the area include the widening of Newell-Hickory Grove Road and the Harris Boulevard East extension

2 Newell-Hickory Grove Road Corridor Study The small area plan Needs List includes a corridor study of Newell-Hickory Grove Road The study is not scheduled yet and the boundaries of the plan are not determined

3 Pre-Hearing Staff Input The petitioner met with staff prior to the submission of the application Staff was generally encouraging of the request so long as the overall design and quality of the project was consistent with the quality and design of the existing plan A discussion mainly centered around the increase in density from 8 units per acre to 14 units per acre Staff felt like the increase in density could be justified, again so long as the design warranted it

4 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards No comments

3. Engineering Standard comments which deal with development permits as well as a request to dedicate additional right-of-way along Newell-Hickory Grove Road and The Plaza, plus a request to reserve an additional 10 feet of right-of-way along Newell-Hickory Grove Road for a future lane. Also, Engineering encouraged the developer to exceed typical storm drainage regulations to reduce the impact of runoff from the site

4 C-DOT Written comments were unavailable, but are expected by the time the public hearing is held. C-DOT was interested in additional right-of-way along with a left turn lane into the site

5 Fire Department Comments were unavailable, but are expected by the time the public hearing is held

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

DETAILED FINDINGS

1 This petition involves a site which fronts on both Newell-Hickory Grove Road and The Plaza The site is approximately 15 2 acres in size and is currently zoned R-15MF(CD) The petitioner is seeking a change to R-12MF(CD)

2. The petitioner plans a multi-family housing project and has filed a conditional plan (For further details refer to Background #3)

3 The property was rezoned in 1984 to its present classification and is restricted by a conditional plan, also That plan restricts development to approximately 8 dwelling units per acre.

4. The area along and near Newell-Hickory Grove Road is rapidly developing This growth is anticipated to continue especially with the connection of Newell-Hickory Grove Road to Harris Boulevard, which is presently underway The Harris Boulevard/Newell-Hickory Grove Road corridor will become a vital link between east and northeast areas of Charlotte

5 This growth has led to some questions and concerns about the Newell-Hickory Grove Road corridor and there is presently planned a corridor study along that thoroughfare, but the boundaries of the plan and its schedule have yet to be determined It is anticipated, though, that the corridor will have a strong residential image

6 The petitioner has worked closely with staff and neighborhood leaders in developing this request The main concern here relates to the increase in density from the present 8 units per acre to approximately 14 units per acre

7. Despite the increase in density the plan still observes a similar amount of open space due to the fact that the existing plan is a townhouse style project, which by its nature is land consuming, whereas this plan is a garden style unit which enables more density in less amount of land area

Further, the plan observes the same type of edge conditions although staff has encouraged more detail with reqard to the southerly boundary of the site where it adjoins several existing single family residences The new plan proposes additional right-of-way to be dedicated From staff's point of view the site plan will project a positive image to the community in much the same fashion as the existing plan was judged to have done

8 Residential development along the corridor here is important Development of this type will help fulfill housing needs, but perhaps more importantly maintain a tight control over the amount of business zoning in the area It is extremely important that the business zoning presently at the Newell-Hickory Grove Road/The Plaza intersection be maintained at its present level and not be allowed to spill over and away from the intersection Recent proposals for business rezoning have, in fact, failed The approval of this plan will strengthen that goal

9 Therefore, this plan is encouraged for approval The site plan is a good one and respects the adjoining properties through screening and buffering The request is also consistent with overall, broad land use goals for Newell-Hickory Grove Road and the area in general The new plan maintains the kind of zoning pattern appropriate for the area

›Subject to further refinement following public hearing

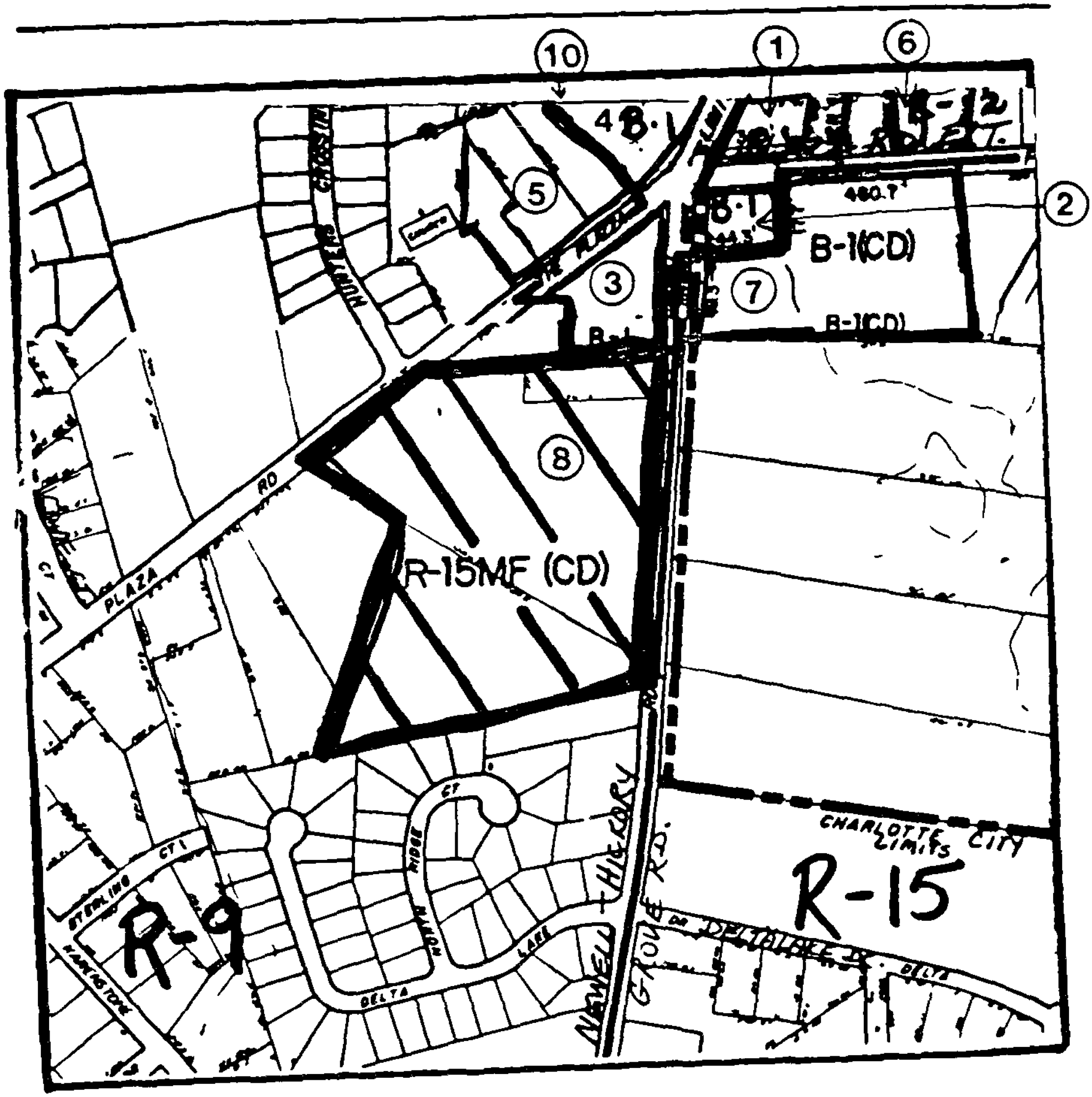
ZONING HISTORY

PETITIONER A. S. Blankenship, Jr.

PETITION NO. 87-82 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING R-15 MF(CD) REQUESTED R-12MF (CD)

LOCATION A 15.28 acre site located on the westerly side of Newell-Hickory Grove Road south of the intersection of The Plaza and Newell-Hickory Grove Road



ZONING MAP NO. 91

SCALE 1" = 400'

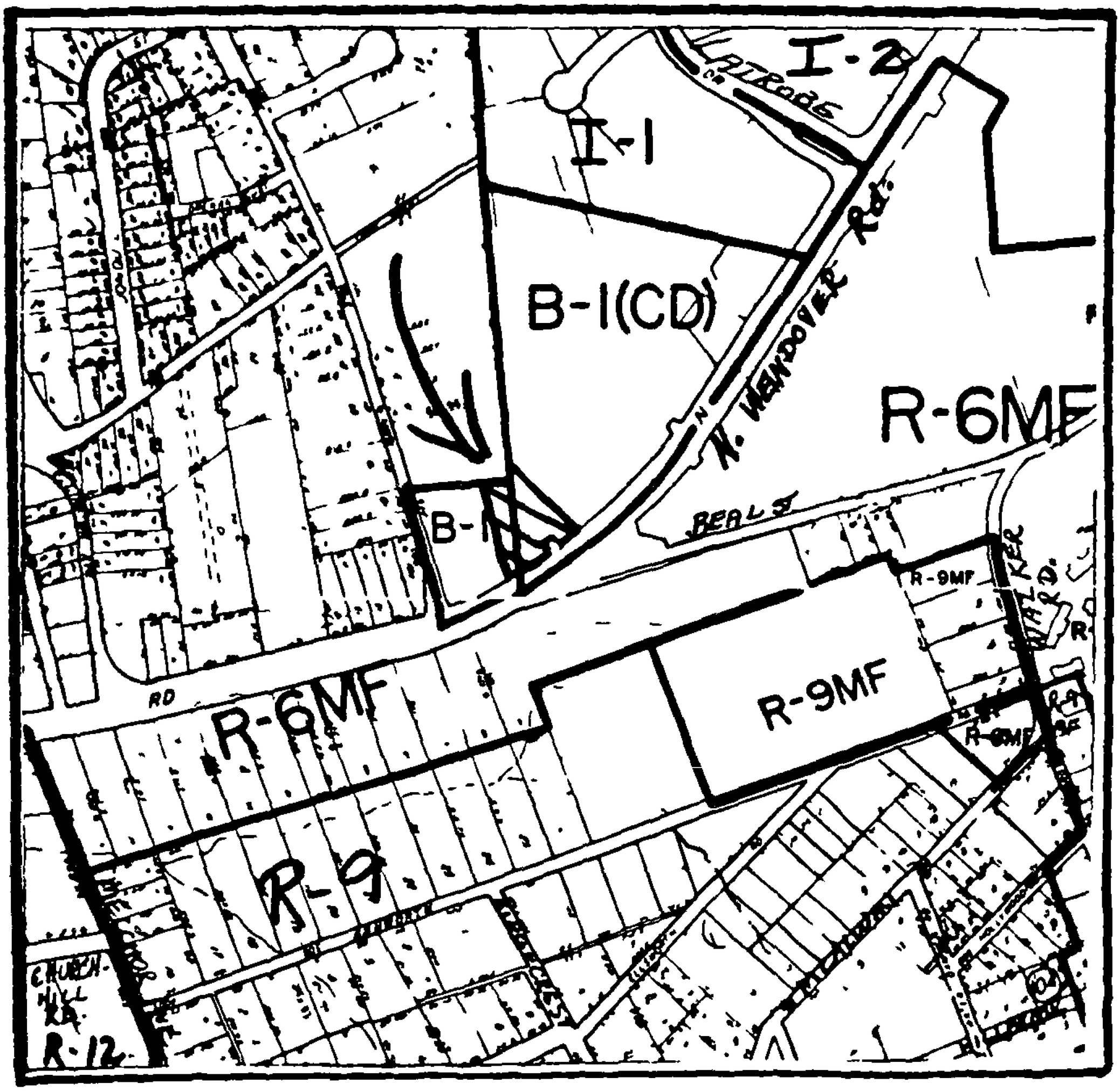
PROPERTY PROPOSED FOR CHANGE

PETITIONER Taco Bell Corporation

PETITION NO. 87-83 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING B-1 and B-1(CD) REQUESTED B-1 (CD) and a B-1 (CD) Site Plan Amendment

LOCATION A .761 acre parcel located on the north side of North Wendover Road approximately 150 feet east of Marvin Road.



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 82-83
Date Filed 9-1
Received By JS
OFFICE USE ONLY

Ownership Information

Property Owner LaCross Properties, a SC. Partnership

Owner's Address P.O. Box 10084, Greenville, SC 29603

Date Property Acquired July 16, 1987

Deed Reference book 5553 page 0324 Tax Parcel Number 157-063-01

Location Of Property (address or description) 819 N. Wendover Rd., Charlotte, NC

Description Of Property

Size (Sq. Ft.-Acres) 33,149.16 / 0.761 AC Street Frontage (ft.) 215.812

Current Land Use Citgo Svc./ Convenience Store

Zoning Request

Existing Zoning B-1 / B-1 SCD Requested Zoning B-1 SCD

Purpose of zoning change Site plan amendment to permit construction of a Taco Bell restaurant on the present Citgo site.

Darrell Harris / Taco Bell Corp.
Name of Agent

2300 W. Meadowview Rd., Greensboro, NC 27407
Agent's Address

(919) 299-0170
Telephone Number

Taco Bell Corp.
Name of Petitioner(s)

2300 W. Meadowview Rd., G'boro, NC
Address of Petitioner(s)

(919) 299-0170
Telephone Number

Darrell Harris
Signature LaCross Properties a Partnership by Everett Pitre

Signature of Property Owner If Other Than Petitioner Everett Pitre

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-83

Petitioner	Taco Bell Corporation
Location	A 0 76 acre parcel on the north side of North Wendover Road approximately 150 feet east of Marvin Road
Request	Change from B-1 and B-1(CD) to B-1(CD) and a Site Plan Amendment

ISSUES

1 Proposed Use vs Existing One. How does the proposed use in this case relate to other types of uses in the immediate vicinity?

2 Potential Improvements to Site. Considering the fact that the property is now an abandoned convenience/gasoline sales facility, what potential visual improvements can be made to the site with the approval of this request?

3 Reason for Rezoning What are the technical reasons for the rezoning request and how can they be solved through this petition?

BACKGROUND

1 Existing Zoning The site is presently zoned a combination of both B-1 and B-1(CD) The site is bordered on one side by other B-1(CD) zoning and on the other by B-1 zoning which extends to the corner of Marvin Road To the rear of the site is R-6MF zoning which also extends across Wendover from the site Single family zoning nearby is R-9 and there is also some R-9MF zoning in the vicinity as well There is also a large amount of R-12 zoning to the southwest of the property. Farther north is an industrial pattern of both I-1 and I-2

2 Existing Land Use The property has an abandoned gasoline sales/convenience store on it at the present time On the westerly side of the site is another convenience store whereas to the east the site is bordered by the Wendover Shopping Center The area along Wendover Road nearby is developed with several multi-family developments including rental units as well as for sale units Other commercial and industrial development are located north towards Monroe Road The nearby neighborhood of Grier Heights is composed of single family, duplex and multi-family development.

3 Site Plan The conditional site plan proposes a fast food restaurant on the property Access is from North Wendover Road The restaurant will contain approximately 2100 square feet.

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been ten (10) rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1966 rezoning from R-9MF to B-1 for the northeast corner of Marvin Road and Wendover Road Case #2 was a 1967 change from R-9 to R-9MF south of Wendover Case #3 was a 1972 denial to rezone from R-9MF to B-1 on Marvin Road north of Billingsley Case #4 was a 1974 change from R-6MF to O-15 north of Billingsley. Case #5 was a 1978 Community Development sponsored change from B-1 and O-15 to R-6MF on Ellington Avenue Cases #6, #8 and #9 all involved parcels along North Wendover Road east of Marvin Road Case #7 was a Community Development sponsored change in 1978 from I-2 to I-1 along Latrobe Avenue Case #10 was a recent denial of a request to change from R-6MF to B-1(CD)

GENERAL FINDINGS

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

2 Grier Heights Redevelopment Plan The plan recognizes the subject property as one of commercial development The proposed request is in compliance with the Grier Heights Plan

3 Pre-Hearing Staff Input The petitioner met with staff prior to the submission of the application Staff offered help and guidance as to the necessary filing materials and generally encouraged the petition

4 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Some additional right-of-way is needed in order to achieve a minimum right-of-way width of 50 feet from the existing centerline of the present right-of-way

3 Building Standards Clarification of the number of parking spaces is needed

4 C-DOT Written comments were unavailable, but are expected by the time the public hearing is held

5 Fire Department Written comments were unavailable, but are expected by the time the public hearing is held

5 Neighborhood Context This site is located within the Grier Heights neighborhood

DETAILED FINDINGS

1 This petition involves a tract of land which fronts on Wendover Road which adjoins the Wendover Shopping Center The parcel is presently zoned both

B-1 and B-1(CD) The petitioner is requesting that the entire site be zoned B-1(CD) and be approved for a fast food restaurant on the site

2. At the present time the property is occupied by a vacant convenience store/gasoline sales facility

3 The adjoining shopping center has recently undergone exterior renovations as well as a small addition These changes have resulted in a much more attractive shopping center along with additional landscaping. Also, other new development has been occurring nearby such as new multi-family residential in the form of both rental and for sale housing This resulting development has upgraded the image of Wendover Road in this immediate area

4 Because this site is abandoned at the present time it does not present a very attractive appearance and the potential to replace it with a new use creates again the opportunity to enhance the image of the street

5 The conditional plan would provide for a significant amount of landscaping in and around the fast food restaurant Furthermore, from a traffic standpoint, the use will not pose any significant increase beyond what was previously associated with the site when used as a gasoline sales/ convenience store outlet

6 The petitioner has been planning the fast food restaurant for several months and was about to begin construction when it became known that the property was partially governed by a conditional zoning which restricted the use to the aforementioned gasoline/convenience store That necessitated the rezoning request. The approval of the request will make the entire parcel B-1(CD) and under the control of a conditional site plan. Staff believes this to be a better zoning pattern for the parcel and would allow for a more attractive site than is presently developed for the property

7. Other similar development is in the area including other fast food restaurants such as McDonalds and Kentucky Fried Chicken. Thus, this use is seen as one which is in keeping with other land uses in the area

8 This request is also consistent with the Grier Heights Redevelopment Plan which recognizes commercial development for the site.

9. Based upon the above circumstances, the petition is encouraged for approval

*Subject to further refinement following public hearing

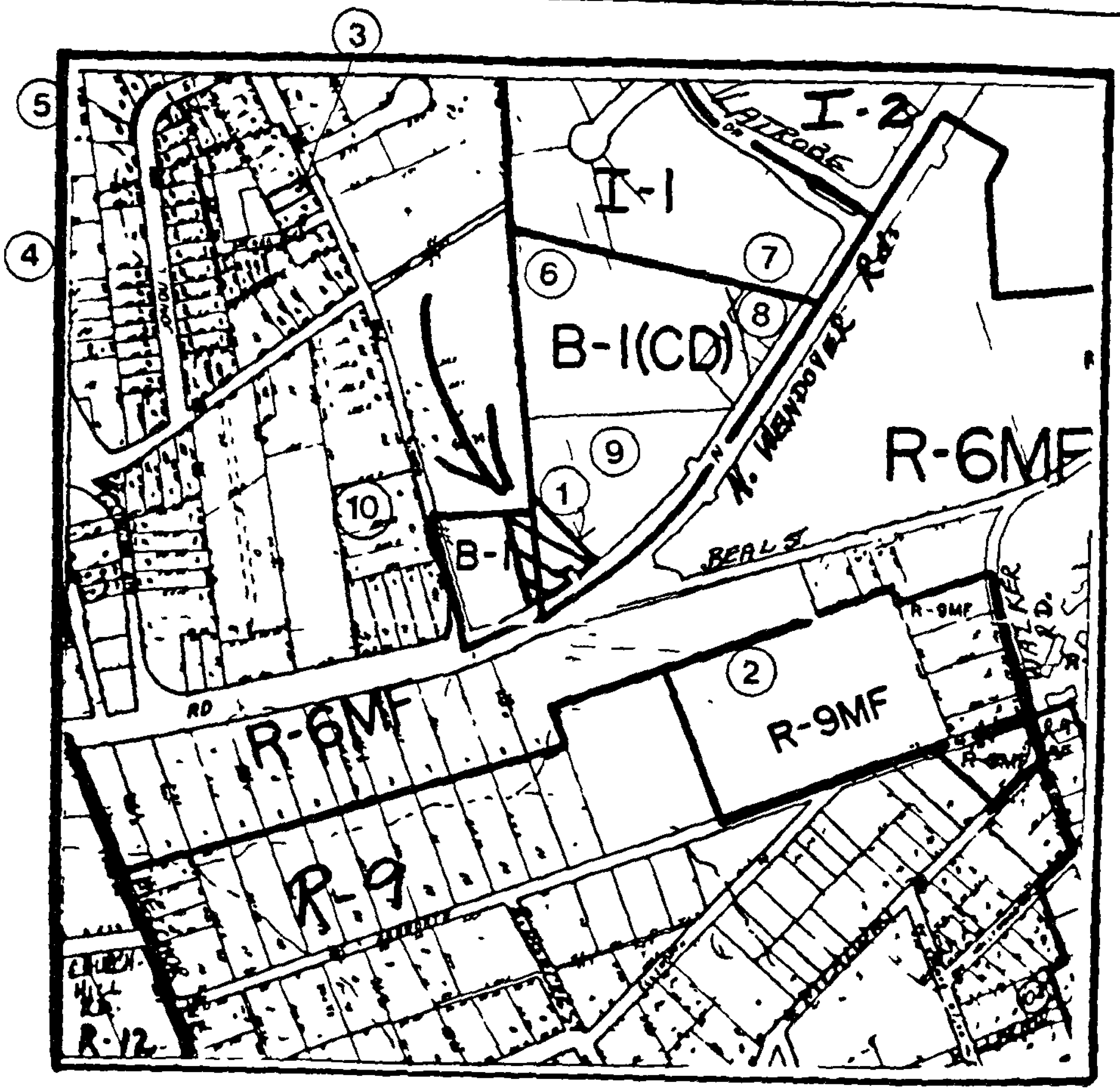
PETITIONER Pico Bell Corporation

ZONING HISTORY

PETITION NO. 87-83 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING B-1 and B-1(CD) REQUESTED B-1 (CD) and a B-1 (CD) Site Plan Amendment

LOCATION A .761 acre parcel located on the north side of North Wendover Road approximately 150 feet east of Marvin Road



ZONING MAP NO. 112

SCALE 1" = 400'

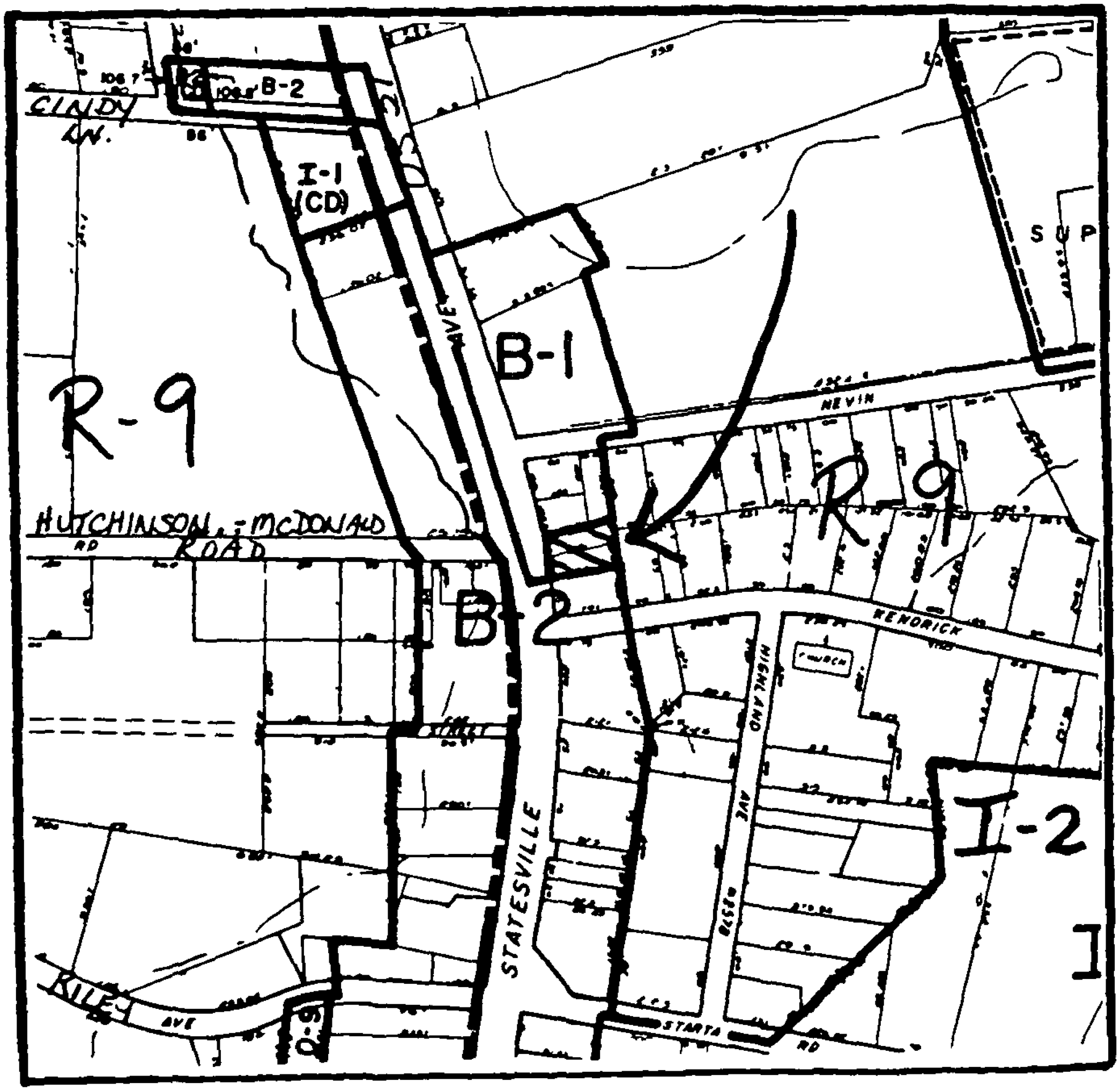
PROPERTY PROPOSED FOR CHANGE

PETITIONER Gene S. Duckworth

PETITION NO. 87-84 HEARING DATE 10/19/87

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

LOCATION A. 445 acre site located on the easterly side of Statesville Avenue (US 21) between Kendrick Avenue and Nevin Road.



ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-84
Date Filed 9-1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Duckworth, Gene S. and wife

Owner's Address: Route 9, Box 733 - Mooresville, NC 28115

Date Property Acquired: August 13, 1980

Deed Reference: Deed Book 4331 Page 395 Tax Parcel Number: 045-271-15 & 16

Location Of Property (address or description) 4432 Statesville Road, Charlotte, NC 2821[illegible]

Description Of Property

Size (Sq. Ft.-Acres): 19,399.87 Sq. Ft. 0.445 Acre Street Frontage (ft.): 100

Current Land Use: Electrical Contracting Business

Zoning Request

Existing Zoning: B-1 Requested Zoning: B-2 (CD)

Purpose of zoning change: To be able to build a storage building for material and tools

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Gene S. Duckworth

Address of Petitioner(s): [illegible] 733, Mooresville, NC 28

Telephone Number: 1-664-3631

Signature: [illegible]

Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-84

Petitioner.	Gene S. Duckworth
Location·	A 0.44 acre site on the easterly side of Statesville Avenue (US 21) between Kendrick Avenue and Nevin Road
Request	Change from B-1 to B-2(CD)

ISSUES

1. Derita Small Area Plan How does this request relate to plans and policies contained in the Derita Small Area Plan?

2. Previous Rezoning Action In accordance with the plan listed above, what rezoning action has taken place with regard to this property?

3 Image of the Area What positive influences have begun to upgrade and enhance the area? Does this petition foster that goal?

BACKGROUND·

1. Existing Zoning. The subject property is presently zoned B-1 as is a series of parcels immediately north running along the easterly side of Statesville Avenue The adjoining tract immediately south of the site is zoned B-2 and the B-2 pattern extends further south towards I-85, as well as slightly north across Statesville Avenue from the site. Residential areas away from Statesville Avenue are zoned R-9 A small parcel north of the tract in question is zoned I-1(CD) at Cindy Lane, as well as two other tracts at that corner which are zoned B-2 and B-2(CD).

2. Existing Land Use. The property is presently used as the site of Duckworth Electrical Contracting Other businesses are scattered along Statesville Avenue including an adjoining convenience store, a couple of other small businesses across Statesville Avenue from the site, a used car lot at the corner of Statesville/Nevin, etc. Much of the area is devoted to residential land uses along nearby streets including a single family structure which adjoins the rear of the site in question There is also a church nearby on Kendrick Avenue as well.

3. Site Plan. The conditional site plan proposes that an electrical contracting business be operated at the site An existing structure would be retained as well as the construction of some expansion space in the rear of the property Some existing trees and other existing vegetation around the site would be retained.

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been twelve (12) prior rezoning requests in the area of the subject property The attached map indicates their locations

1	68-24	R-9 to B-2	Approved
2	68-89	B-2 to I-2	Denied
3	74-36(c)	R-9 to B-2	Denied
4	75-34	R-9 to B-2	Approved
5	75-35	R-9 to B-2	Approved
6	77-63	R-9 to SUP	Approved
7	79-2(c)	B-2 to I-1(CD)	Approved
8	79-14(c)	R-9 to B-2	Approved
9	80-23(c)	R-9 to B-2	Denied
10	86-10(c)	B-2 to B-1	Denied
11	86-15	B-2 to B-1	Approved
12	86-8(c)	I-1(CD) SPA	Approved

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property is one of existing residential land uses Strategies for the general area include the widening of I-85, Nevins Road and Cindy Lane extension improvements and water and sewer line extensions

2 Derita Small Area Plan The Derita Small Area Plan proposes a residential future for the I-77/Statesville Road corridor The predominantly single family development pattern will remain but be augmented by the introduction of multi-family development The treatment along Statesville Road is to enhance the residential character by designating retail convenience nodes as opposed to allowing strip development to take place The plan recognizes potential nonresidential development at the intersection of Interstates 77 and 85 to introduce some business and light industrial developments which relate favorably to the surrounding residential The plan calls for designation of a retail convenience node along Statesville Road between Cindy Lane and Hutchinson-McDonald Road by changing B-2 zoned properties to B-1 The subject property was in fact rezoned from B-2 to B-1 in March, 1986 as part of the implementation of the small area plan

3 Statesville Road Improvements Portions of Statesville Road just south of the site extending to I-85 are being widened as part of the I-85 improvement/widening program

4 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application, but did not encourage the request based on the fact that it was contrary to plans and policies contained in the Derita Small Area Plan

5 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Standard comments which relate to required development permits No additional right-of-way is needed

3. C-DOT. Written comments were unavailable, but are expected by the time the public hearing is held

4 Building Standards Several notes need clarification including the number of parking spaces required and the actual uses on the property

5 Fire Department Comments were unavailable, but are expected by the time the public hearing is held

6 Neighborhood Context This site is located in the Derita neighborhood

DETAILED FINDINGS

1 This petition involves a tract of land which is just under one-half acre in size and fronts on the easterly side of Statesville Avenue between Kendrick Avenue and Nevin Road The property is zoned B-1 and the petitioner is seeking B-2(CD)

2 The petitioner presently operates an electrical contracting business from the site The petitioner has operated from the premise for some time

3 Until March of last year, the property was zoned B-2 which would allow a contracting type business such as the one on the site now However, the site was rezoned as part of the implementation of the Derita Small Area Plan to a B-1 designation The use was "grandfathered" at that time, but now the petitioner is requesting additional expansion space which requires the B-2 classification The petitioner has filed a B-2(CD) plan in order to restrict the property to the use currently on the site and the proposed expansion

4 The Derita Small Area Plan clearly seeks to enhance the residential character of the area by eliminating the highway oriented business zoning in favor of a more neighborhood conducive B-1 zoning City Council rezoned a small from B-2 to B-1 in the area last year, but a similar petition by the County Commission was rejected

5 Staff has no problem with the use as is, it having been "grandfathered" due to the zoning change, but does believe that the rezoning to B-2(CD) is contrary to the publicly adopted plan as well as the recent rezoning on the site The approval of this request will begin to unravel some of the potential gains which have been made through recent rezoning efforts and could possibly set a president for other similar rezonings

6 It is important to protect and preserve the Statesville Road corridor and staff believes that this petition does not accomplish that goal With a planned new park, new residential development, roadway improvements to Statesville Road as well as the interchange with I-85, the area will experience growth and development pressures The existence of the small area plan is seen as a positive force for development guidelines

Furthermore, the neighborhood is working hard to upgrade itself and staff has received several phone calls about this request

7 As a result the overall image of the area is turning around Zoning changes like this, though, will not serve that momentum

8 Based upon the above, the petition is not encouraged for approval

*Subject to further refinement following public hearing

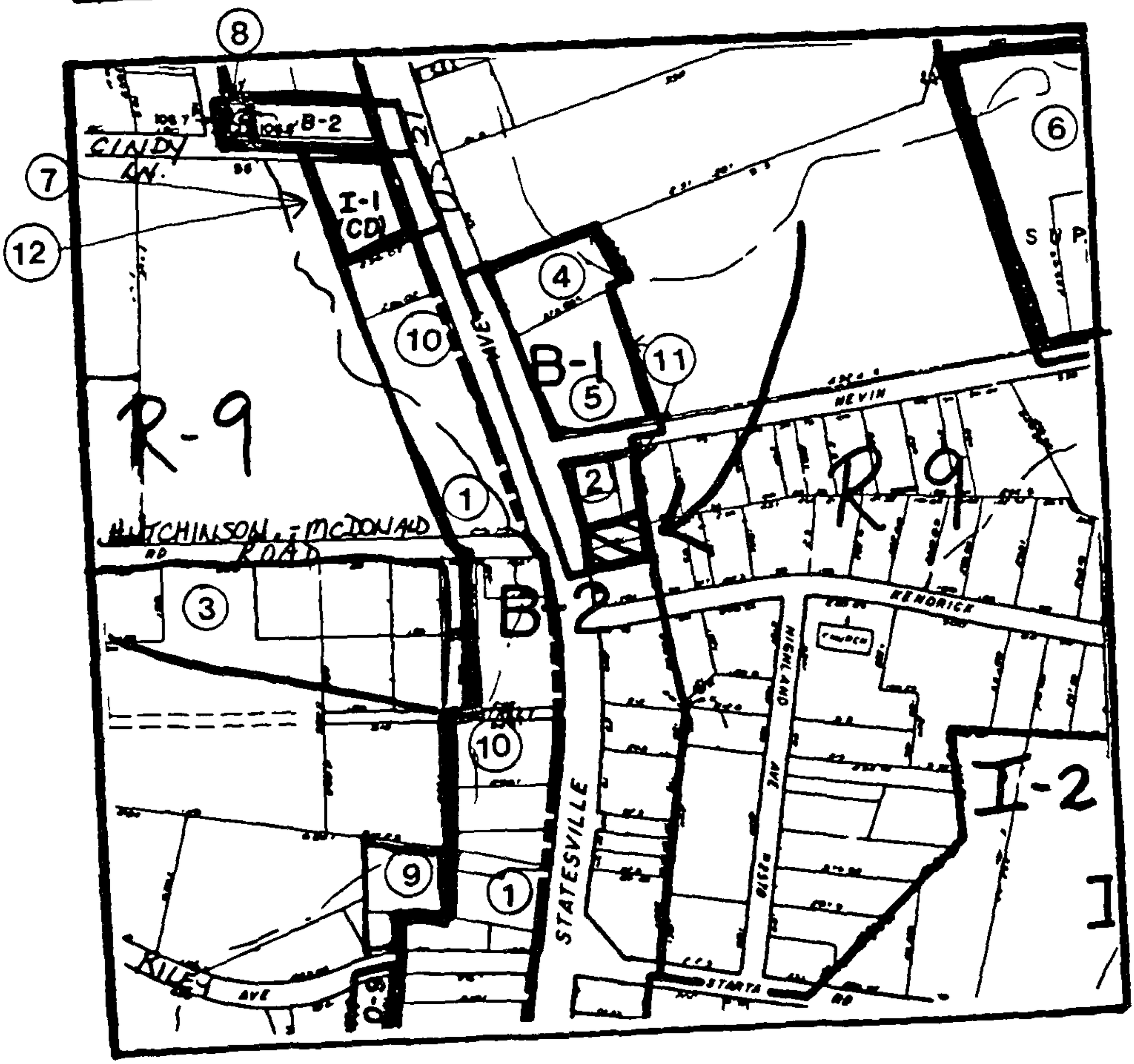
ZONING HISTORY

PETITIONER Gene S. Duckworth

PETITION NO. 87-84 HEARING DATE 10/19/87

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

LOCATION A. 445 acre site located on the easterly side of Statesville Avenue (US 21) between Kendrick Avenue and Nevin Road



SCALE 1" = 400'

ZONING MAP NO. 69

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 87-85
Date Filed 9-1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: John J. Dobson & Fred T. Boyd, Sr.

Owner's Address: c/o Quality Inn Airport
4040 I-85 South, Charlotte, NC 28208

Date Property Acquired: March 7, 1983

Deed Reference: 4634-0320, 4634-0316 Tax Parcel Number: 061-241-05, 04

Location Of Property (address or description)

North side I-85 Service Road,
West side of Sloan Drive (near Billy Graham Parkway)

Description Of Property

Size (Sq. Ft.-Acres): 8.124 acres Street Frontage (ft.): 574'-Service Road 660'-Sloan Drive

Current Land Use: Vacant

Zoning Request

Existing Zoning: B-1(CD) Requested Zoning: B-1(CD) Site Plan Amendment

Purpose of zoning change: To permit the construction of a hotel and associated facilities with new site plan conditions

Fred E. Bryant, Planner
Name of Agent

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

(704) 333-1680
Telephone Number

John J. Dobson & Fred T. Boyd, Sr.
Name of Petitioner(s)

4040 I-85 South, Charlotte, NC 282
Address of Petitioner(s)

(704) 394-4111
Telephone Number

Fred T Boyd [illegible]
Signature

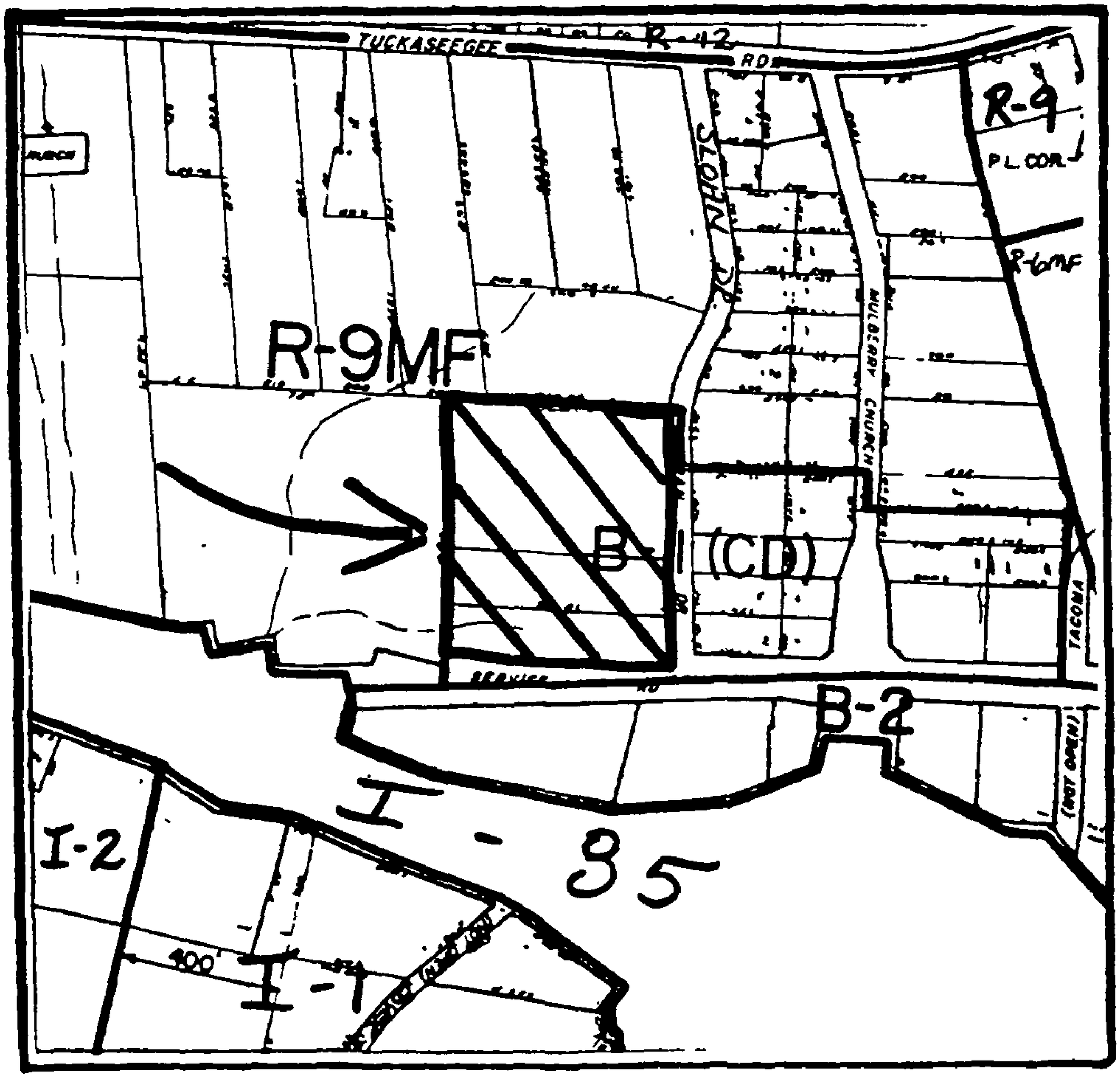
Signature of Property Owner If Other Than Petitioner

PETITIONER John J. Dobson and Fred T. Boyd, Sr

PETITION NO. 87-85 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING B-1 (CD) REQUESTED B-1(CD) Site Plan Amendment

LOCATION An 8.12 acre site located on the northwesterly corner of the intersection of the I-85 Service Road and Sloan Drive, north of the intersection of Billy Graham Parkway and I-85.



ZONING MAP NO. 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-85

Petitioner.	John H. Dobson and Fred T. Boyd, Sr.
Location	An 8 1 acre site on the northwesterly corner of the intersection of the I-85 Service Road and Sloan Drive
Request	Consideration of a B-1(CD) Site Plan Amendment

ISSUES

1 New Plan vs Old Plan What are the differences between the proposed plan in this case and the existing approved plan?

2 Zoning History What issues surrounded the 1983 rezoning of this site? Are those issues still valid today in terms of the overall zoning and land use pattern?

BACKGROUND

1 Existing Zoning. The subject property is presently zoned B-1(CD). It borders B-1 zoning on the east and B-2 zoning to the south across the I-85 Service Road The remaining two sides of the site adjoin existing R-9MF zoning which extends to the east and west away from the site South of the interstate is an area of industrial zoning, both I-1 and I-2

2. Existing Land Use The subject property is undeveloped Across Swan Drive from the site is a new Hampton Inn motel and a restaruant under construction The Red Roof Inn and Knights Inn motels are also located at the interchange of I-85 and Mulberry Church Road near this site Other quadrants of the I-85 interchange are also developed with highway oriented uses Other portions of Swan Drive are developed with single family residential as is Mulberry Church Road A similar pattern exists along Tuckaseegee Road with neighborhood institutional uses in the area as well such as a church and day care center

3. Proposed Site Plan The proposed site plan in this case calls for a motel which would contain 103 suites along with a detached restaurant. Access to this parcel would come from the I-85 Service Road Along the northerly property line is a minimum of 75 feet of buffer area along with about that much space again used as open space before any parking and circulation areas in association with the proposed use begins

4 Existing Site Plan The existing site plan for this property was approved in 1983 That plan also calls for a motel The motel would contain 150 rooms as well as a restaurant, office and lounge area as well. A 60 to 70 foot buffer is shown along the northerly boundary and through it and portions of the eastern and western boundaries runs a brick wall Access is limited to one entry point along the I-85 Service Road

5 School Information Not applicable

6 Zoning History (See Attached Map) There have been seven (7) previous rezoning requests in the area of the subject property The attached map indicates their locations Case #1 was a 1967 change from R-9MF to B-2 Case #2 was a 1977 change from R-9MF to B-2 Case #3 was a 1977 denial to rezone from R-9MF to B-2 Case #4 was a 1979 change from R-9MF to B-2 Case #5 was a 1983 change from R-9MF to B-1(CD) Cases #6 and #7 were 1985 changes from R-9MF to B-1(CD)

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property as one of existing employment land uses Strategies for the general area include the widening of I-85, Little Rock Road and Freedom Drive

2 Transportation Improvement Program The TIP schedules the widening of I-85 from NC 273 to the US 29/49 connector from four lanes to eight lanes for construction in FY86-89.

3 Airport Master Plan The Airport Master Plan indicates the subject property is in the 65-70 LDN noise zone and recommends preventive measures to discourage new residential development

4 Pre-Hearing Staff Input The petitioner met with staff prior to the submission of the application Staff has reviewed this site in connection with the review of all conditional district cases In a preliminary manner, staff had viewed the subject property as a potential one to rezone back to the former R-9MF category The property owner was made aware of this No action has been taken pending the outcome of this case

5 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Standard comments dealing with required development permits No additional right-of-way is needed

3 Building Standards The number of parking spaces should be clarified

4 C-DOT The net effect of this amendment with regards to trip generation is negligible

5 Fire Department Comments were unavailable as of the preparation of this material, but are expected by the time the public hearing is held

6 Neighborhood Context This site is located in the Toddville Road neighborhood

DETAILED FINDINGS·

1. The subject property is an 8.1 acre site located on the northwesterly corner of the intersection of Sloan Drive and the I-85 Service Road The site is presently zoned B-1(CD) and the petitioner is seeking a site plan amendment to the existing plan.

2. The site was rezoned in 1983 to allow the present plan, which calls for a 150 room motel and an associated restaurant and lounge facility The property remains vacant at the present time

3. In this case, the petitioner is submitting a site plan amendment which still calls for a similar development although the number of rooms has been reduced from 150 to 103 (For further details refer to Background #3)

4 At the time of the original 1983 request staff did not favor the change, believing that the site was far enough removed from the influence of I-85 so as to be suitable still for multi-family development. Nonetheless, the site was rezoned to permit this project Since that time two other similar requests have been approved for sites immediately at the northeasterly and northwesterly corners of Mulberry Church Road and the I-85 Service Road In those cases staff supported the requests Those two petitions represented reasonable changes based on the site's location relative to the I-85 interchange and the influence of the interstate highway.

5. The case here represents somewhat similar issues as in 1983. The Hampton Inn and an associated restaurant has developed across Sloan Drive from the site, which may be used at least by the petitioner as an argument for the continuance of the proposed use in this case. However, staff would still maintain that the site could be developed for multi-family purposes and would like to see that happen. A change to R-9MF or some other similar multi-family zoning would be staff's preference.

6. As far as the site plan amendment is concerned in this case, the plan does represent less intensity and more open space than the existing plan From that standpoint it does represent a better plan than the existing one and will relate better to properties on Sloan Drive If approved, this plan would generate approximately 30% less traffic, also. However, the plan could be improved with the reintroduction of a brick wall around perimeters of the site where it adjoins multi-family zoning, especially along the westerly border where there is minimal separation between parking and circulation areas and the property line

7. In summary, staff believes that the site plan here is an improvement over the existing one, but would still be of the opinion that multi-family development on this site is not out of the question as a reasonable land use for the site and for the overall land use and zoning pattern for the area

Subject to further refinement following public hearing

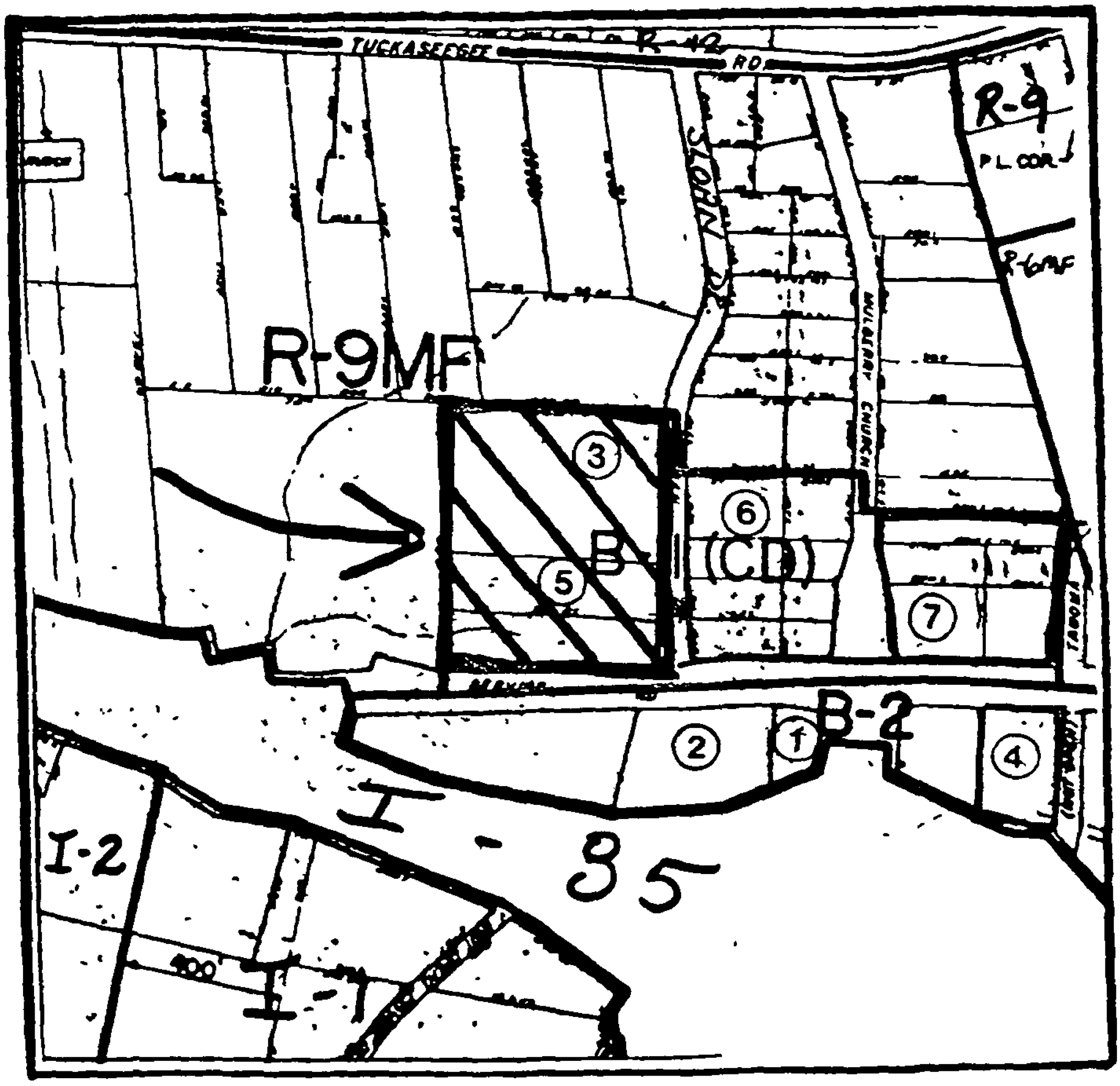
ZONING HISTORY

PETITIONER John J. Dobson and Fred T. Boyd, Sr.

PETITION NO. 87-85 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING B-1 (CD) REQUESTED B-1(CD) Site Plan Amendment

LOCATION An 8.12 acre site located on the northwesterly corner of the intersection of the I-85 Service Road and Sloan Drive, north of the intersection of Billy Graham Parkway and I-85.



ZONING MAP NO. 86 SCALE 1" = 400'

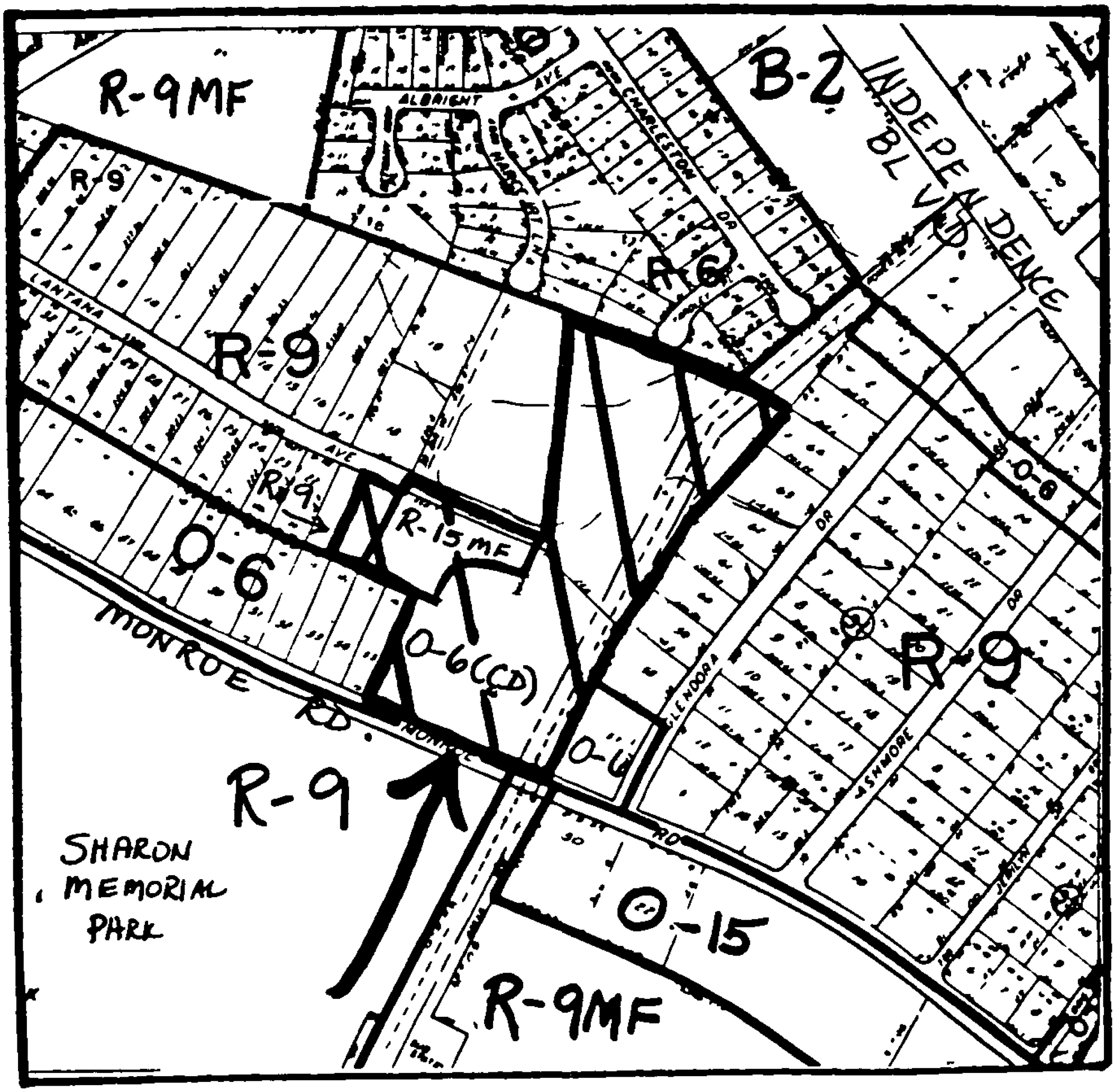
PROPERTY PROPOSED FOR CHANGE

PETITIONER Wingate College

PETITION NO. 87-86 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING R-15MF, R-9 and O-6(CD) REQUESTED O-6(CD) and O-6(CD) Site Amendment

LOCATION An 11.8 acre site located north of Monroe Road in the vicinity of Lantana Avenue.



ZONING MAP NO. 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Pet # 87-86
Filed 9/.
LS

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner W. Palmer Watson Wingate College

Owner's Address 5923 Orr Road

Charlotte, North Carolina Wingate, North Carolina 28174-0157

Date Property Acquired April 13, 1981 August 21, 1987

Deed Reference Book 3625 PG. 64 Book 3625 PG. 64
Book 4418 PG. 984 Book 4418 PG. 984

Tax Parcel Number 163-021-20 163-021-2
163-021-56 163-021-5

Location Of Property (address or description)

Located on the easterly terminus of the northerly right of way of Lantana Avenue and directly across Monroe Road from the Sharon Memorial Park as shown on the vacinity map.

Description Of Property

Size (Sq. Ft.-Acres) 2.02 Acres + Site Plan Revision on 9.78 Acres

Street Frontage (ft.) 455 Ft., Monroe Rd / 114 Ft., Lantana Ave

Current Land Use Vacant

Zoning Request

Existing Zoning R-15 MF and R-9

Requested Zoning O-6 CD

Purpose of zoning change To create an O-6 office district and to make minor revisions to an approved site plan under Petition #87-61.

Ervin, Kornfeld, MacNeill & Wilson
Name of Agent

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

704/372-8000
Telephone Number

Wingate College
Name of Petitioner(s)

Wingate, N.C. 28174-0157
Address of Petitioner(s)

704/233-8111
Telephone Number

Signature Ray Saunder

Signature of Property Owner if Other

\\

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 87-86

Petitioner:	Wingate College
Location.	An 11.8 acre site located north of Monroe Road in the vicinity of Lantana Avenue.
Request·	Change from R-9, R-15MF and O-6(CD) to O-6(CD) and an O-6(CD) Site Plan Amendment.

ISSUES

1. Benefit to Lantana Avenue Residents. How would the approval of this request benefit the residents of Lantana Avenue when compared to the property's existing zoning and development potential?

2. Site Plan What aspects of the conditional site plan are important to evaluate including such things as vehicular circulation, relationship to residential areas, open space, etc?

3 Recent Action. How does this request relate to recent rezoning action on this site?

BACKGROUND

1. Existing Zoning. The subject property is zoned a combination of R-9, R-15MF and O-6(CD). Other nearby residential areas along Glendora, Ashmore and other streets are zoned R-9 as well as a small area of R-6 zoning to the north of the site. Office zoning in the form of both O-6 and O-15 stretches along portions of Monroe Road nearby. Business zoning is located at the intersection of Monroe Road and Sharon Amity

2. Existing Land Use. The property involved in the petition is vacant Single family development for the most part extends along Lantana Avenue to the site whereas office development which fronts on Monroe Road extends between the site and North Sharon Amity. Sharon Memorial Cemetery is located across from the site, also. Other single family development is located along Glendora, Ashmore and other streets and there is also a small amount of office development and multi-family on the south side of Monroe Road across from those streets.

3. Site Plan The conditional site plan proposes office development The office area would include a total of 100,000 square feet of space. There would be no vehicular connection to Lantana Avenue. Twenty (20) feet of right-of-way along Monroe Road would be dedicated and the northernmost driveway would be restricted to right in/right out only. Buildings closest to Lantana Avenue would be a combination of 60 feet and 85 feet away from the closest property lines Ten percent (10%) of the parking areas would be devoted to landscaping with trees and shrubs

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been fifteen (15) rezoning cases in the area of the subject property Cases #1 and #6 involved portions of the subject property Case #1 sought a change from R-9 to R-6MF and was denied in 1966 Case #6 sought a change from R-9 to R-9MF and was denied in 1972 Case #2 was a 1969 change from R-9 to R-9MF for a large area south of the subject property Case #3 and Case #9 involved a tract of land located on the south side of Monroe Road Case #3 was a 1970 change from R-9 to R-9MF and O-15 and Case #9 was a 1972 change from O-15 to O-9 Case #4 was a 1971 change from R-9MF to O-6 also for a parcel on the south side of Monroe Road Cases #5 and #7 both involved changes from R-9 to O-6 on the north side of Monroe Road in 1971 and 1972, respectively Case #8 was a 1972 denial for a change from O-6 to B-1 Case #10 involved a 1973 change from R-9 to O-6 and a change from R-9 to R-15MF that included all of the subject property Case #11 was a 1981 change from R-9 to O-6 for an area on the north side of Monroe, east of Jerilyn Drive Case #12 was a 1981 request to rezone from O-6, R-15MF and R-9 to O-15(CD) that included all of the subject property The request was denied Case #13 was a 1983 change from R-9 to O-6 at the corner of Glendora Drive and Monroe Road Case #14 was also a 1983 request for a change from R-9 to O-6, but the request was denied That involved the corner of Jerilyn Drive and Monroe Road Case #15 was a recent request involving the subject property

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the portion of the subject property along Monroe Road as a area of existing employment land uses The plan indicates the remainder of the subject property as a area of existing residential land uses Strategies for the area include the widening of Rama Road and Independence Boulevard

2 Transportation Improvement Program The TIP schedules the improvement of the intersection of Idlewild/Monroe and Rama Roads for FY86-90 Also scheduled is the widening of Rama Road between Idlewild and Sardis

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application Staff encouraged the request

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department All buildings must be within 500 feet of a fire hydrant

3 Engineering An additional 20 feet of right-of-way is needed along Monroe Road

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

5 Building Standards Parking standards should be specified and screening areas were not shown

5. Neighborhood Context This site is located in the Amity Gardens neighborhood

DETAILED FINDINGS

1. This petition involves an 11 8 acre site north of Monroe Road in the vicinity of Lantana Avenue The property is zoned R-9, O-6(CD) and R-15MF and the petitioner is seeking O-6(CD) and a Site Plan Amendment

2 The petitioner plans an office development A conditional site plan stipulates development restrictions (For further details refer to Background #3)

3 Recently this property was involved in a petition which rezoned substantial portions of the property from R-15MF to O-6(CD) That petition also sought some multi-family conditional at the end of Lantana Avenue, but due to a last minute agreement between the petitioner and the neighborhood that portion of the rezoning petition was denied. The neighborhood did not want any multi-family development at the end of Lantana and chose to accept office development there instead so long as it did not connect to Lantana and there were reasonable buffers imposed.

4. The petitioner agreed to that The former petition, which was 87-61, then approved the O-6(CD) portion and denied the multi-family This resulted in the submission of this application which added some additional office development and amended the overall site plan.

5. The site plan in this case is very similar to the previous one. This plan adds about 24,000 square feet of additional office space while providing for an 85 foot setback from the closest single family lot along the northerly property line and a 60 foot setback closest to the other single family areas along Lantana. The first setback includes a 70 foot undisturbed buffer

6 Staff finds the proposal in this case to be acceptable. No vehicular access to Lantana is proposed and therefore all traffic will flow in and out of Monroe Road This plan represents a very good compromise between the petitioner and the neighborhood by providing for a campus-like, well designed office park which is very residential in character. At the same time the plan will not allow any traffic on Lantana, which will help preserve its single family character

7. Based upon the above circumstances, the petition is encouraged for approval

*Subject to further refinement following public hearing

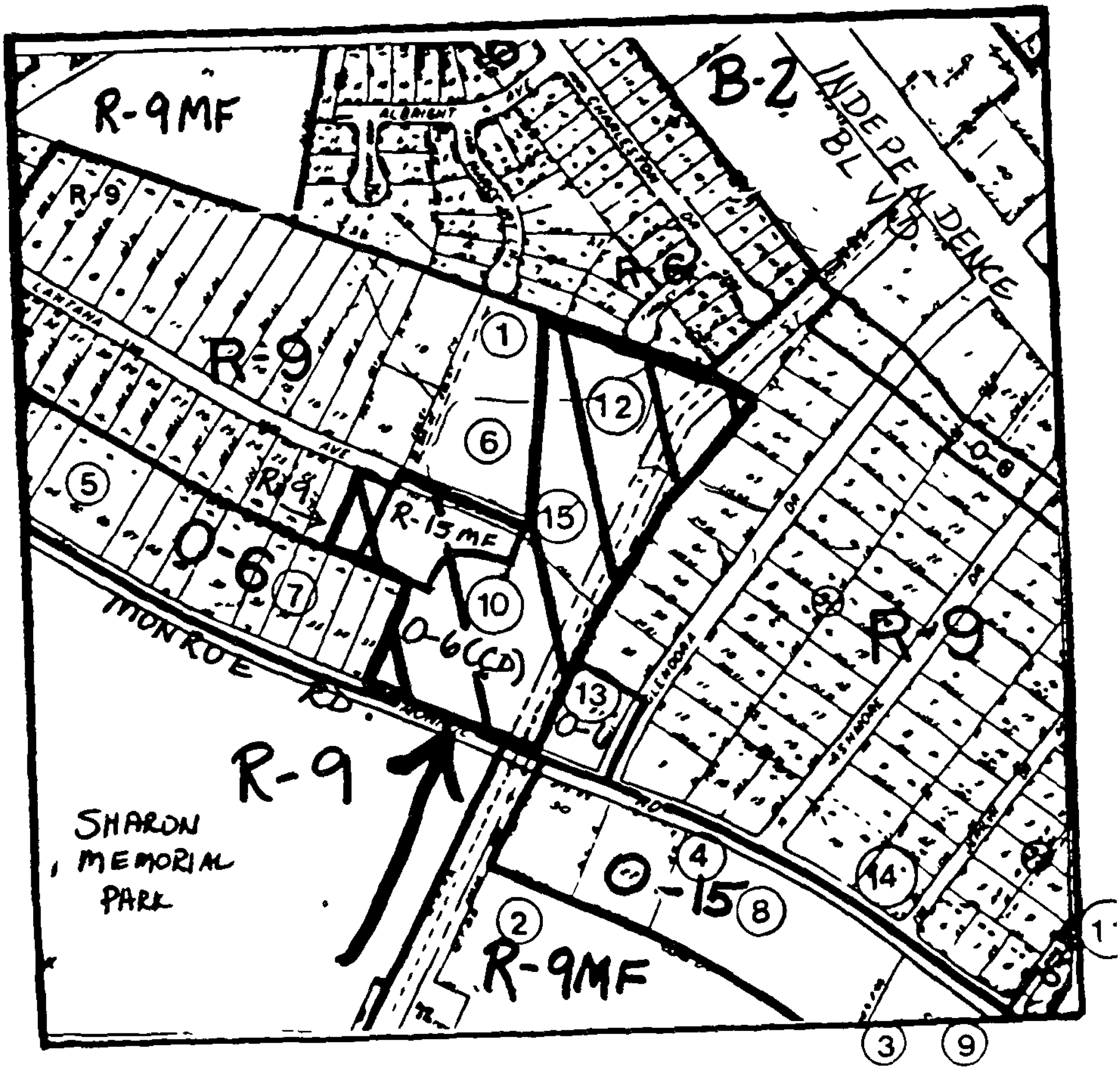
ZONING HISTORY

PETITIONER Wingate College

PETITION NO. 87-86 HEARING DATE 10/19/87

ZONING CLASSIFICATION, EXISTING R-15MF, R-9 and O-6(CD) REQUESTED O-6(CD) and O-6(CD) Site Amendment

LOCATION An 11.8 acre site located north of Monroe Road ~~in the vicinity of~~ Lantana Avenue.



ZONING MAP NO. 123

SCALE 1" = 400'

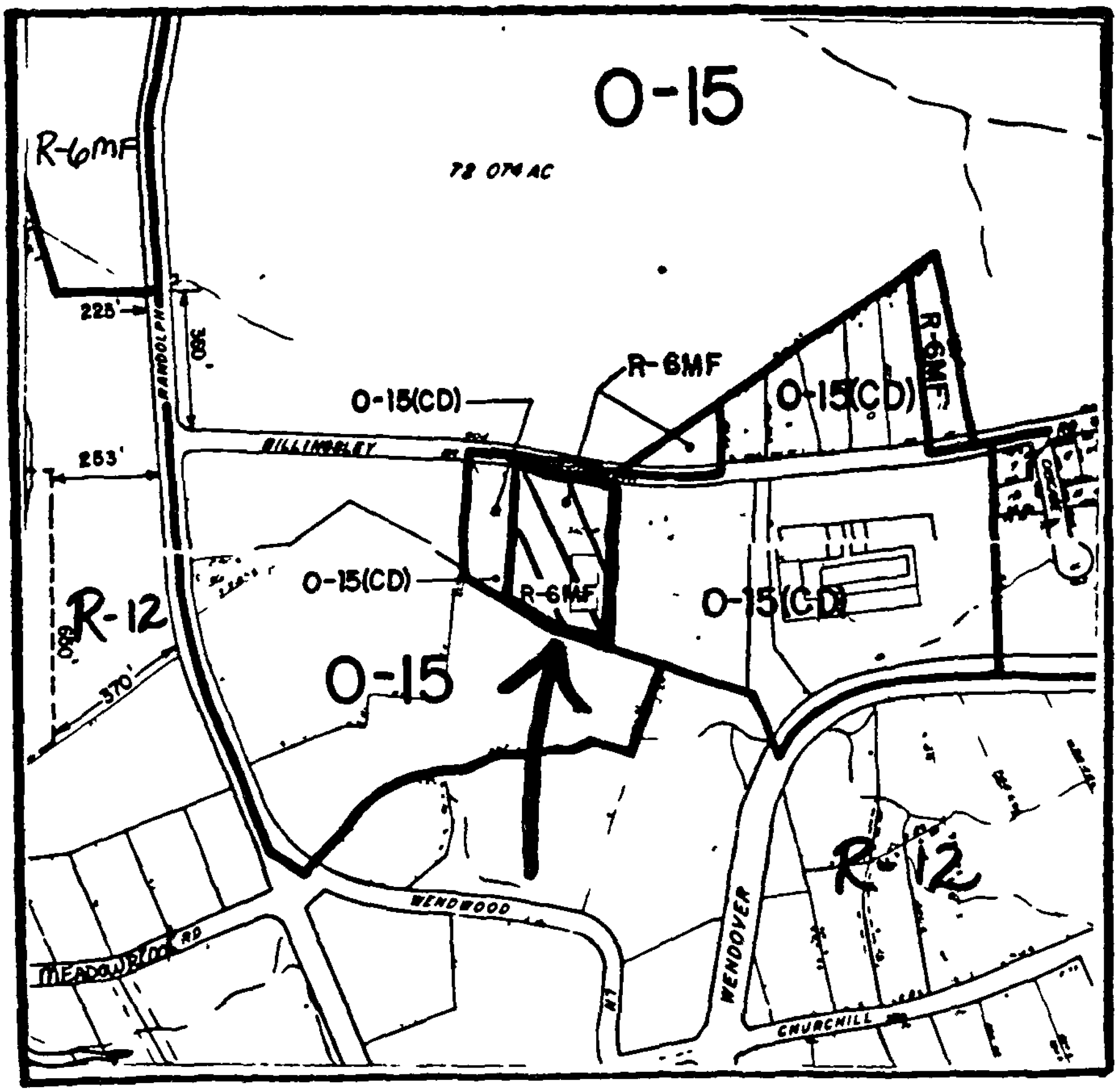
PROPERTY PROPOSED FOR CHANGE

PETITIONER Charlotte Eve Associates, PA

PETITION NO. 87-87 HEARING DATE 10/19/87

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

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



ZONING MAP NO. 112 & 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

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

Owner's Address 306 Billingsley Road
Charlotte, NC 28211

Date Property Acquired August 2, 1965

Deed Reference 2687-271 Tax Parcel Number 15707230

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

Description Of Property

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

Current Land Use Church

Zoning Request

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

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

William P. Farthing, Jr.
Name of Agent

Parker, Poe, Thompson, Berstein
Gage & Preston
Agent's Address

2600 Charlotte Plaza
Charlotte, NC 28244
704-372-9000
Telephone Number

Charlotte Eye Associates, P.A
Name of Petitioner(s)

353 Randolph Roa
Suite 202, Randolph Building
Charlotte, NC 28211
Address of Petitioner(s)

704-364-8576
Telephone Number

James P. Presley
Signature

Wardell Henderson
Signature of Property Owner if Other Than Petitioner

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 87-87

Petitioner: Charlotte Eye Associates, PA

Location A 1 8 acre parcel on the southerly side of Billingsley Road approximately 800 feet to the east of Randolph Road

Request Change from R-6MF to O-15(CD)

ISSUES

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

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

BACKGROUND

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

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

3 Site Plan The conditional site plan proposes office development for the property A total of 12,500 square feet of building area is proposed Two driveways to Billingsley Road are shown

4. School Information. Not applicable

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

GENERAL FINDINGS

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

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

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and encouraged the request based upon existing zoning patterns in the area as well as conformance with the Grier Heights Plan

4 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Standard comments which relate to development permits

3 Building Standards No comment

4 Fire Department Comments were unavailable as of the preparation of this material, but are expected by the time the public hearing is held

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

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

DETAILED FINDINGS

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

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

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

4 Rezoning the property to O-15(CD) as requested will not only be consistent with the existing as well as anticipated zoning pattern, but it will also

comply with the Grier Heights Redevelopment Plan That plan also recognizes the fact that this parcel would eventually be used for office purposes

5. The site plan involved here is a rather simple one in that the subject tract is small and few conditions are imposed due to the fact that the area is developed for office purposes No screening is required, but some existing significant trees near Billingsley will be saved in accordance with site plan conditions

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

7 Based upon the above circumstances, the petition is encouraged for approval It is entirely consistent with area patterns and publicly adopted plans for the site

*Subject to further refinement following public hearing

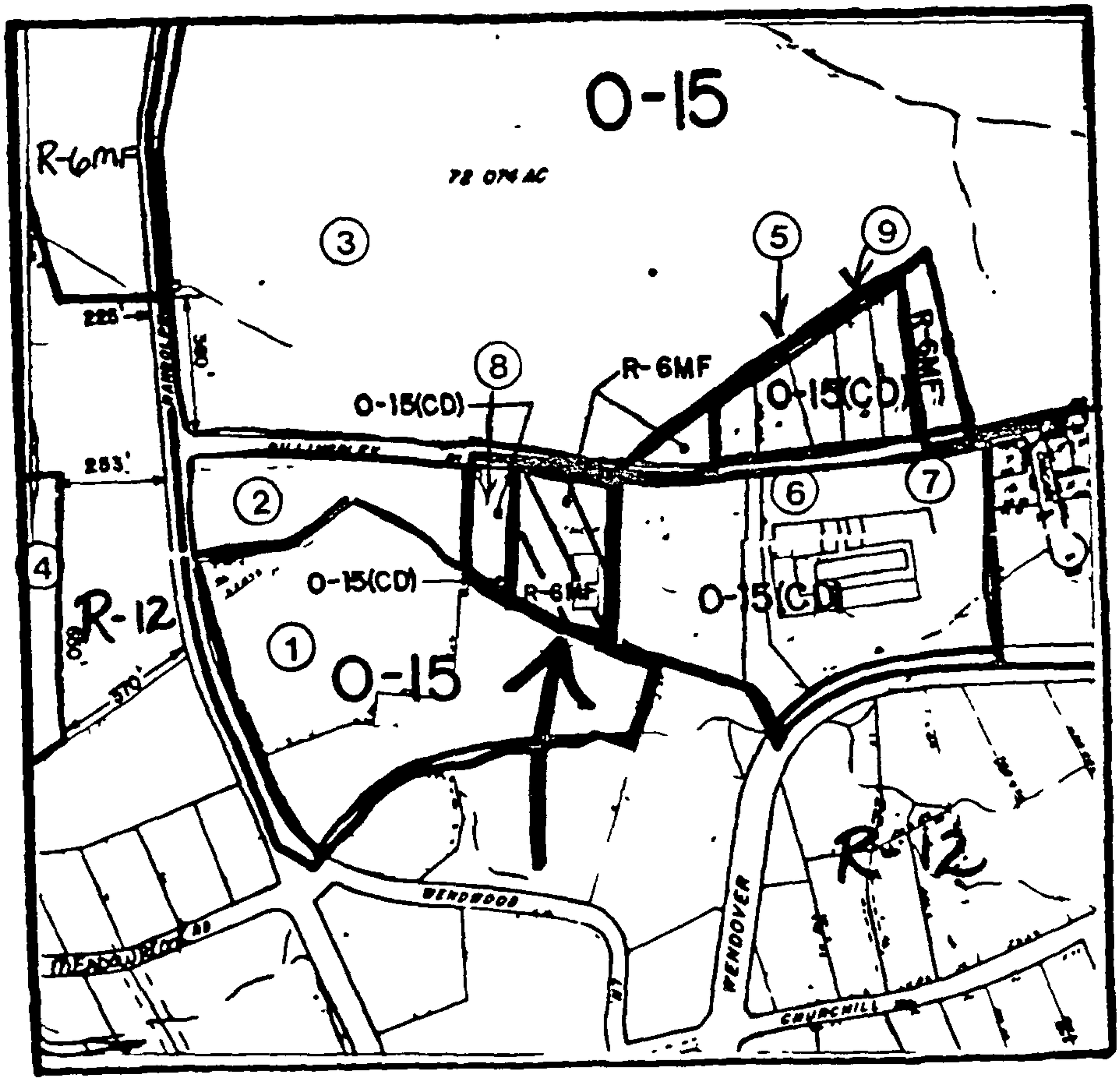
ZONING HISTORY

PETITIONER Charlotte Eye Associates, PA

PETITION NO. 87-87 HEARING DATE 10/9/87

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

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



ZONING MAP NO. 112 & 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 2, 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 September 24, 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 October 12, 1987 This will then permit these matters to be placed on your agenda for consideration on October 19, 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 September 24, 1987

PETITION NO 87-33

PETITIONER(S) Charlotte-Mecklenburg Planning Commission
(Note Property owner is Dr Charles Tillett, Jr)

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

LOCATION Four (4) parcels on Greenway Avenue between Ridgeway Avenue and Laurel Avenue

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

This request represents the conclusion of rezoning petition 87-33 City Council has previously approved a change from R-6MF to R-6 for other parts of this petition At the time of decision, though, City Council deferred action on Dr Tillett's property in order for him to prepare a CD site plan which would recognize the existing duplex structures on the parcels involved Dr Tillett's request was endorsed by the Elizabeth neighborhood

The site plan is a simple, yet effective one A total of five duplexes, which already are developed, would be recognized by the CD plan Under the existing zoning the duplexes face an uncertain future, the property is zoned for multi-family development at about 21 dwelling units per acre Redevelopment of the property at this density is definitely out of character for the street and the nearby land use on Greenway Avenue

The duplexes would be allowed to remain under the CD plan These units are similar in size, scale and appearance to other single family homes on the street Keeping these structures is, therefore, important in that it maintains the character and integrity of the neighborhood

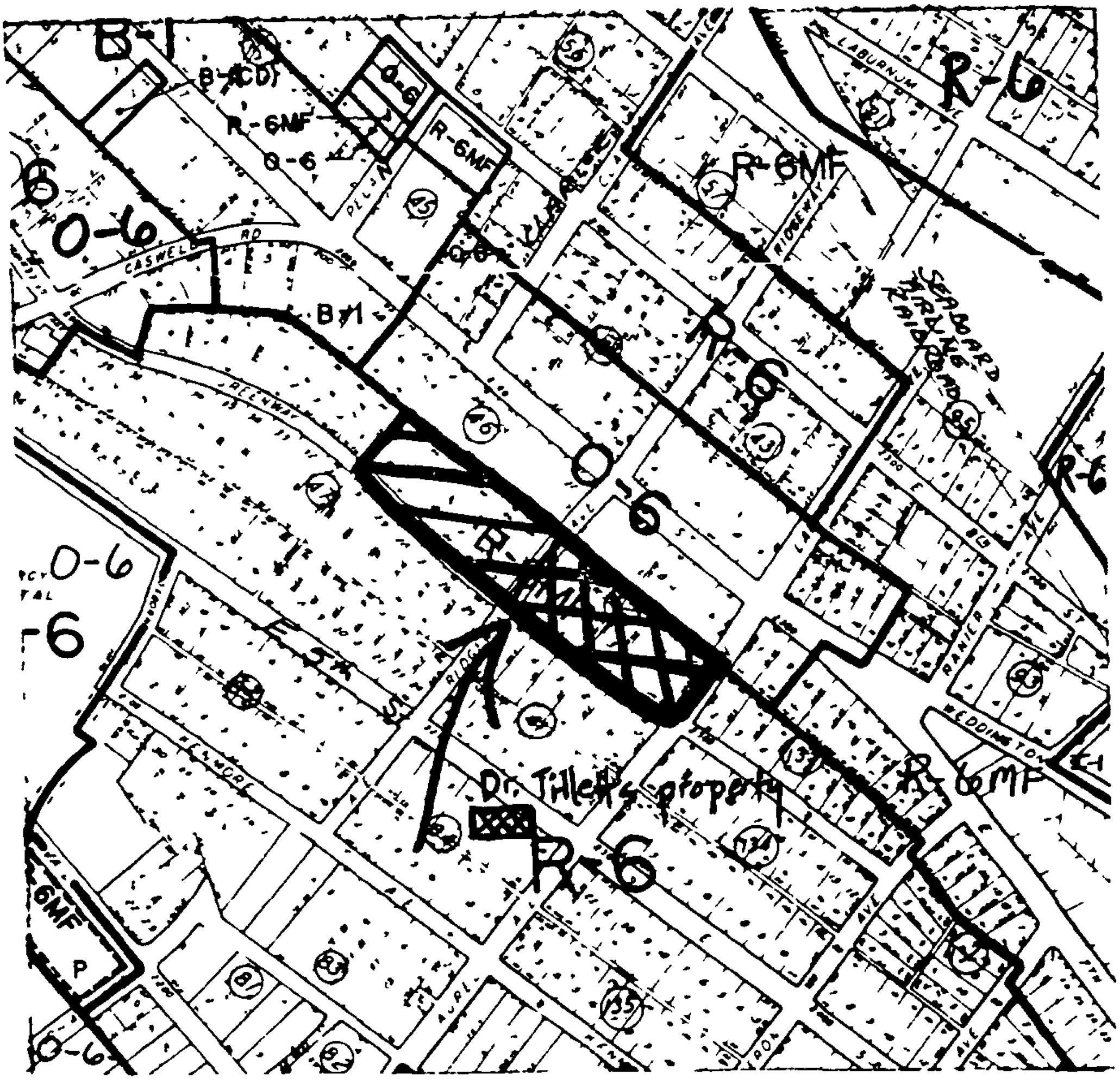
Planning staff reviewed the site plan and recommended its approval to the Planning Commission Planning Commission unanimously endorsed the request

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 87-33 HEARING DATE March 30, 1987

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

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



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-55

PETITIONER(S) D. H and S Associates

REQUEST Change from B-1 and 0-6 to B-1(CD)

LOCATION A 1 03 acre site on the northwest corner of the intersection of Park Road and Woodlawn Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Emory, Griffin, McClure, Mead and Wheeler

Nays Burns

REASONS

ISSUES

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

2 Area Zoning/Land Use Patterns How does this request relate to existing zoning and land use patterns in the area?

BACKGROUND

1 Existing Zoning The subject property is currently zoned B-1 and 0-6 A large area of B-1 zoning is located east of the site along Woodlawn and Park Roads Areas of 0-6 zoning are located directly north and south of the site Residential zoning in the form of R-6MF, R-6MFH(CD), R-6MF(CD) and R-9 is located to the west

2 Existing Land Use The subject property is currently used for a service station, also a small portion of the site is vacant at this time To the east along Park Road are business uses, including the Park Road Shopping Center Several office uses including a doctor's and dentist's office are located on the west side of Park Road Moving away from the intersection of Woodlawn and Park Roads to the west along Woodlawn, is a mixture of single family and multi-family uses

3 Site Plan The conditional site plan proposes a 2,240 square foot convenience store, gasoline and car wash facility Two access points each from Park Road and Woodlawn Road are planned A 30 foot buffer area with a four foot high berm and landscaping is proposed adjacent to the multi-

family development to the west A six foot buffer is shown along the northern property line. Other landscaping is shown along Park Road and Woodlawn Road

4. School Information Not applicable

5 Zoning History (See Attached Map) There have been ten (10) prior rezoning requests in the area of the subject property Cases #1 and #3 involved the subject property with Case #1 being a 1964 change from R-6MFH to O-6 and Case #3 being a 1966 change from O-6 to B-1 Case #2 was a 1966 denial to rezone an area south of Montford from O-15 to B-1 Case #4 was a 1967 denial to rezone from R-9 to O-6 a lot on Drexel Place Case #5 was a 1969 change from R-9 to R-6MF for property on Woodlawn Case #6 was a 1971 approval for conditional parking in R-9 Case #7 was a 1973 denial to rezone from R-9 and R-9MF to B-1 for a large area on Woodlawn Case #8 was a 1976 change from R-9 to O-6 for parcels on Woodlawn at Drexmore Case #9 was a change from R-9 and R-9 Conditional Parking to R-6MFH(CD) for an area between Woodlawn and Drexel Case #10 was a 1978 change from R-9 to R-6MF(CD) for property on Woodlawn between Halstead and Drexmore

GENERAL FINDINGS

1 2005 Plan The 2005 Plan recognizes Park Road at Woodlawn Road as an area of existing employment land uses with Park Road Shopping Center serving as a community commercial center No specific strategies are outlined for the area of the subject property

2 Park Road/Marsh Road Small Area Plan. The Park Road Plan recognizes the office and business zoning of the subject property The plan also recommends the prevention of driveway cuts on Park Road and the provision of sidewalks by new developments along Park Road

3 Pre-Hearing Staff Input Staff assisted with the preparation of the rezoning application

4. Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department. No comment

3 Building Standards It was indicated a note was needed regarding screening to be provided.

4 Engineering Department Engineering indicated the normal comments regarding development and also noted an additional 11 feet of right-of-way would be required on Woodlawn Road, and an additional 15 feet along Park Road

5 C-DOT It was indicated that additional right-of-way was needed and the proposed rezoning would have little impact on the surrounding street system

5 Neighborhood Context This site is located in the Ashbrook neighborhood

DETAILED FINDINGS

1. This petition involves a 1 03 acre site at the intersection of Woodlawn Road and Park Road The petitioner is seeking a change from B-1 and O-6 to B-1(CD)

2 The petitioner proposes a convenience store, gasoline and car wash facility (For further details refer to Background #3)

3 The proposal by the petitioner would involve the razing of the existing gas station and the construction of the new larger facility, which would require an expansion of the business zoned property

4 This matter was deferred once by the Planning Commission to clarify right-of-way provisions The petitioner, after consultation with C-DOT and Engineering determined that future right-of-way needs here amounted to an additional 24 feet along Park Road and 12± feet along Wendover Road

5 Staff was especially interested in a dedication of that right-of-way, but the petitioner has declined

6 The site plan indicates the new right-of-way, but it is assumed that when such right-of-way is needed it will be purchased

7 Planning Commission believes that the request has merit for several reasons First of all, the redevelopment of the property will improve the appearance of the site A modern, upgraded facility will replace the older structure

8 Despite some concern about the lack of right-of-way dedication, Planning Commission was influenced by the fact that no improvements to the intersection are planned Thus, no apparent need for the additional right-of-way has been identified Planning Commission felt that under the circumstances the desired right-of-way dedication posed a hardship in addition to seemingly being unnecessary

9 Planning Commission was satisfied that all other aspects of the CD plan were satisfactory, especially the creation of a 30 foot buffer with berm/landscaping treatment to adjoining multi-family uses on Wendover Road

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

Minority Opinion
The minority opinion expressed the viewpoint that too much intensity was being planned for the site

Staff Opinion
Staff agreed with the minority opinion If future right-of-way was needed the trees and landscaping adjacent to Park Road and Wendover Road would be removed and no room is left to replace those elements

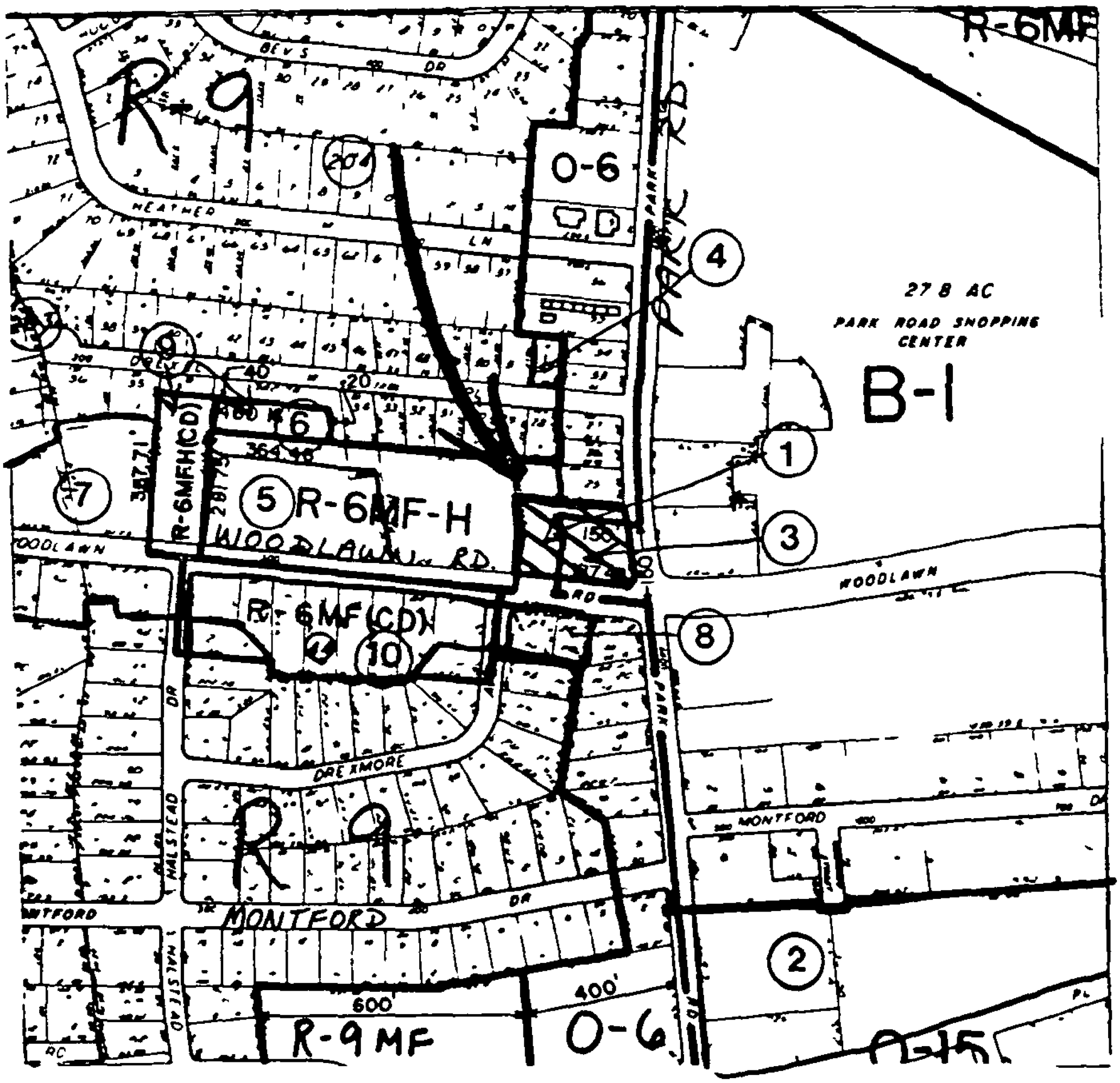
ZONING HISTORY

PETITIONER D.H. and S. Associates

PETITION NO 87-55 HEARING DATE August 17, 1987

ZONING CLASSIFICATION, EXISTING B-1 and O-6 REQUESTED B-1(CD)

LOCATION A 1.03 acre site located on the northwest corner of the intersection of Park Road and Woodlawn Road.



ZONING MAP NO. 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-67

PETITIONER(S) D L Phillips Investment Builders, Inc

REQUEST. Change from B-1 to B-2

LOCATION A 27 859 acre site (Merchandise Mart) located south of the intersection of Independence Boulevard and Briar Creek Road, including five (5) parcels on the southerly side of Madeline Avenue

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

1 Conditional Approach How could this petition be enhanced by a conditional rezoning approach, and what site plan elements should that plan include?

2 Overall Area Patterns and Goals How does this request relate to existing land use and zoning patterns in the area?

3 Necessity of Rezoning Request What prompted the filing of the rezoning request to B-2?

BACKGROUND

1 Existing Zoning The property involved in this request is presently zoned B-1. The site adjoins B-1 zoning to the north and B-2 zoning to the east and south An area of O-6 adjoins the site across Briar Creek Other areas nearby are zoned R-9, I-2 and R-6MF

2. Existing Land Use The subject property is the site of the Merchandise Mart The Charlotte Coliseum and Ovens Auditorium adjoin the site to the east Chantilly Elementary School is located directly across Briar Creek Road from the site Other institutional uses in the form of several churches are also located nearby Independence Boulevard contains primarily business uses, with a few residences Further down Briar Creek near Monroe Road is a mixture of office, business and residential uses, as well as a few vacant parcels

3 School Information Not applicable

4 Zoning History (See Attached Map) There have been seven (7) previous rezonings in the area of the subject property Cases #1 and #2 were both requests that were denied for parcels located north of the subject property Case #1 was a 1967 request for a change from O-6 to B-1 Case #2 was a 1968 request for a change from B-1 to B-2 Case #3 was a 1970 rezoning from O-6 to B-1 on Independence Boulevard Cases #4 through #6 were along Washburn Avenue Case #4 was a 1970 change from R-6MF to B-1 Cases #5 and #6 were 1970 and 1971 changes from R-6MF to O-6 Case #7 was a 1973 change from O-6 to B-1 on Colonnade

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates both Independence Boulevard and Monroe Road are corridors consisting of existing employment land uses with some existing residential uses between the two roadways Strategies for the area include the widening of Independence Boulevard and extension of the greenway system along Briar Creek

2 Chantilly/Commonwealth Small Area Plan The subject property is located to the east of the boundaries of the Chantilly Small Area Plan That plan does, however, recommend buffers along both sides of Independence Boulevard including noise attentuation walls and berms with shrubs, evergreens, and deciduous trees

3 Transportation Improvement Program The TIP schedules the US 74/Freeway/Expressway/Busway project for construction in FY89-91 The project will construct a full access control six-lane freeway on US 47 from I-277 to Briar Creek Road and an eight-lane expressway from Briar Creek Road to Albemarle Road The project will be designed to include a two-lane busway for the entire length of the project

4 Pre-Hearing Staff Input Staff had no contact with the petitioner prior to the submission of the application

5 Pre-Hearing Departmental Comments (Summary)

Due to the fact that the petition is not conditional in nature, departments normally reporting were not asked to comment on this request

6. Neighborhood Context This site is located in the Chantilly neighborhood

DETAILED FINDINGS

1 This petition involves a 27 859 acre tract (the Merchandise Mart) located at the intersection of Briar Creek Road and Independence Boulevard The petition also includes five (5) lots on the southerly side of Madeline Avenue The property is presently zoned B-1 and the petitioner is seeking B-2

2 The petitioner states on the application that the purpose of the rezoning is to rezone the property consistent with its use for many years

3 The Merchandise Mart has been used for various shows for many years Recently a car show was held which involved the sale of the automobiles A B-2 zoning district is required for wholesale sales, as well as for automobile sales It was brought to the attention of the Merchandise Mart by Building Standards and Zoning that they were in violation of the Zoning Ordinance, and hence the rezoning request

4 Planning Commission deferred the matter once to receive additional information regarding planned improvements to Independence Boulevard Some right-of-way, about 4 to 5 feet, will be taken in front of the Merchandise Mart as part of the widening of Independence

5 Planning Commission debated this versus the possibility of a CD approach which would require new landscaping and street trees However, Planning Commission concluded that such an approach was undesirable due to the Independence Boulevard project

6 Planning Commission felt comfortable with the change as proposed considering the existing zoning pattern and the use of the property

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

Staff Opinion

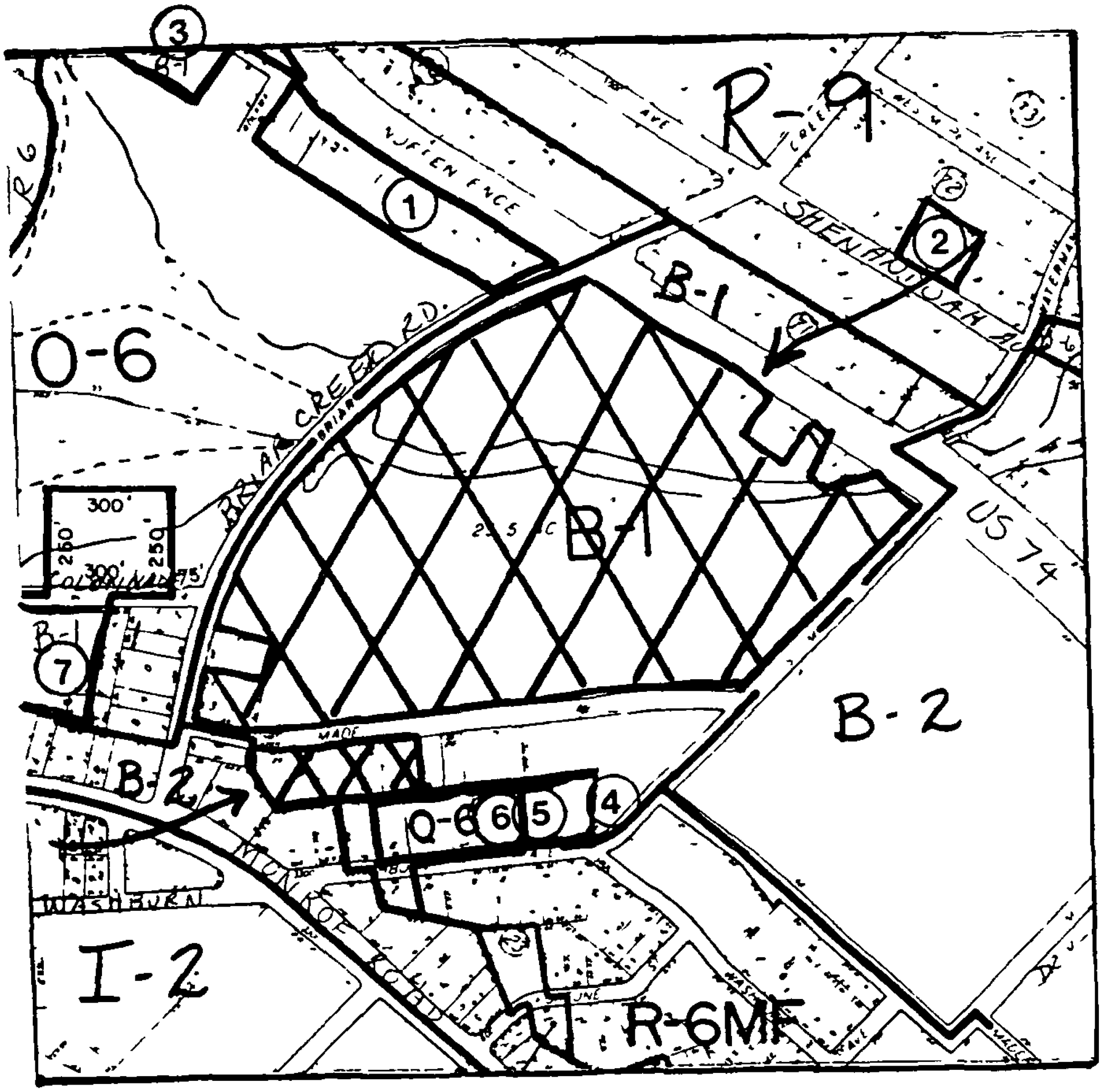
Staff had no objection to the continued use of the site by the Merchandise Mart However, staff would recommend a conditional approach The plan should take into account the relationship of the site to the Coliseum/Auditorium, and provide for adequate landscaping treatment around the perimeter of the site, with particular attention to the streetscape along the major roadways This would also be in keeping with recommendations contained in the Chantilly Small Area Plan regarding landscaping

PETITIONER D. L. Phillips Investment Builders, Inc.

PETITION NO. 87-67 HEARING DATE August 17, 1987

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2

LOCATION A 27 859 acre site (the Merchandise Mart) located south of the intersection of Independence Boulevard and Briar Creek Road including five (5) parcels on the southerly side of Madeline Avenue



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-72

PETITIONER(S) Crosland-Erwin-Merrifield Associates

REQUEST Change from U-MUD and U-MUD-O to U-MUD-O and a U-MUD-O Site Plan Amendment

LOCATION A 3 46 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 Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

1 Need for the Rezoning What is the extent of the proposed modifications of the existing approved U-MUD-O plan?

2 Relationship to Adjoining Properties What is the impact of the proposed amendment to the existing U-MUD-O plan on properties in the surrounding area? What impact does the proposed change have on the streetscape surrounding the site?

BACKGROUND

1 Existing Zoning The site in question is presently zoned U-MUD-O with the exception of a very small tract which fronts directly on College Street A portion of this petition involves the rezoning of that small tract to U-MUD-O so that it would conform with the remainder of the zoning on the site Zoning in the surrounding area is largely U-MUD which is the Uptown Mixed Use District Across College Street from the site is a block which is principally zoned U-MUD-O in support of the CityFair Project Some distance away are residential areas zoned a variety of Urban Residential classifications

2 Existing Land Use The site is presently being developed to support the recently approved Apparel Center This development includes the reconstruction of two existing warehouse buildings on the site, new construction along College Street, and the construction of a multi-level parking deck to the rear of the site along the Southern Railroad right-of-way Other land uses in the general vicinity include a mixture of retail, warehouse,

and office uses The CityFair Project is presently under construction across College Street from the site

3 Explanation of Request The petitioner seeks a major amendment to the previously approved U-MUD-O plan for the Apparel Center, and a small rezoning of a tract on College Street from U-MUD to U-MUD-O to conform to the remainder of the zoning on the site. The change to the existing plan involves the construction of a 13 story hotel along College Street opposite the CityFair Project This hotel facility was not contemplated at the time that the Apparel Center rezoning was approved in May of 1987 Therefore, the design of the Apparel Center site did not take into account or make any provisions for such a facility to be constructed as part of that project As part of the revisions to the existing approved site plan, the petitioner proposes to modify the corner of the property at Sixth and College to create an open space area which will be used for a motor entrance to the hotel In addition, the petitioner proposes to construct a tunnel-like driveway along the frontage of the property on Sixth Street in order for vehicles to go from the front of the hotel along College Street to the parking deck at the rear of the petitioned site without having to go back onto College Street or other streets in the area The petitioner also seeks to have at least one connection from this driveway to Sixth Street The petitioner proposes to maintain the pedestrian arcade along College Street as originally approved and asked for no other specific variations in the U-MUD standards. The reason that this proposal requires another public hearing is the specific nature of the U-MUD-O District Only the Apparel Center as presently approved can be constructed on the site Any additions or modifications to the site plan of the extent and magnitude proposed by the petitioner, requires a new public hearing

4 Zoning History (See Attached Map) There have been six (6) previous rezonings in the area The attached map indicates their locations Case #1 was 1981 change for much of the Uptown area from B-1, B-2, B-3 and other districts to a variety of Urban Residential Districts and other Urban Districts Case #2 was a 1983 rezoning from B-3 to U-MUD for large part of the Uptown area Cases #3 and #4 were both Carley Capital petitions that rezoned part of the area bounded by Tryon, College, Fifth and Sixth Streets from U-MUD to U-MUD-O in 1985 and 1986 respectively for the CityFair Project Case #5 was a 1987 change from U-MUD to U-MUD-O for most of the subject property Case #6 was another 1987 change from U-MUD to U-MUD-O for a site near the Square

GENERAL FINDINGS

1. 2005 Plan The 2005 Plan indicates the area is comprised of existing employment land uses and has included a development enterprise area which is created to encourage high intensity uses including office, 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 warehouses on the property The plan seeks an initiative from the private

sector for (1) adaptive reuse of the warehouses, and (2) landscaping and screening projects for parking in the area In turn the plan proposes the public sector to 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 services 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 The staff has met with the petitioner on several occasions regarding this matter Staff has expressed concerns from the outset about the advisability of incorporating such a major facility into a site which was already designed and approved without it Staff encouraged the petitioner to consider a number of different configurations of the hotel on the site including relocations on College Street, Sixth and Fifth Street The staff further indicated to the petitioner it's concerns about proposed traffic relationships, streetscape and height and bulk of the building as it related to the CityFair Project directly across College Street These matters were communicated to the petitioner on many occasions through many meetings over a two or three month period As of the public hearing the petitioner's plans were essentially in the same form as they were when they were first presented to the staff several months ago, except that the facade of the hotel had been revised to integrate more closely with the Apparel Center

4 Pre-Hearing Departmental Comments (Summary)

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

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

3 Engineering Comments from the Engineering Department include a notation for requirements for tree planting permits, driveway permits, and a strong recommendation that if the developer disturbs the existing curb on College Street as part of its work that they strongly recommend the curb be realigned to provide a wider street at that point This would, however, result in the project being built without the minimum required 12 foot setback

4 C-DOT C-DOT has evaluated the proposed project from two aspects (1) traffic generation, and (2) proposed driveway connections Regarding traffic generations, C-DOT feels that the project will not have a significant impact on surrounding street systems With regard to the driveway connection the petitioner proposes from their on site driveway onto Sixth Street at various locations the Department of Transportation does not find any configuration of driveways which would be acceptable under city requirements They also note the desirability of having the landscaping along College Street installed in such a fashion that it would not have to be relocated should the City choose to widen College Street to 37 feet

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 right-of-way The current zoning on the site is U-MUD-O with a small tract fronting on College Street still zoned U-MUD

2 The site is presently being developed A joint public-private venture which would result in a refurbishing of older buildings along with new construction to create the Apparel Center was approved in May of 1987

3 The proposed use and amendment to the existing plan are in an area where there is a tremendous amount of building development which is either being proposed or is underway These projects include such efforts as the new CityFair Market, the expansion of the main library branch, and a proposed major mixed use development on the block occupied by the present Eckerd and Belk stores All these projects will add significantly to the vitality of the Uptown environment

4 This request proposes the addition of a 270 room hotel to the front of the Apparel Center site directly adjacent to College Street and opposite the CityFair Market Place The building would occupy approximately 2/3 of the block face and be 13 to 14 stories tall As presently designed the building would have a significant presence and a significant impact along the streetscape of College Street and an impact on the CityFair Project directly across College Street Staff has expressed concern to the petitioner for several months that the impact of such a structure would be similar to the relationship which exist along other portions of College Street, such as between the Civic Center and Radisson Hotel and between the Southern National Building and Charlotte Plaza These environments have been criticized over the years for creating an inhospitable place for the pedestrian to be Taken in the context of the CityFair development across the street, which is approximately 5 stories on the street and then steps back before it goes up any further, this hotel project represents a significant impact to the streetscape in that block of College Street However, the Planning Commission feels that this will not create an undesirable street environment and that the relationship between the two block faces will enhance that block of North College Street

5 Another portion of the petitioner's proposal involves the creation of a park-like area at the corner of Sixth and College However, this is a park which is intended to accommodate the automobile as a motor entrance to the hotel facility. This motor entrance will be directly opposite the major public open space portion of the CityFair Project and would not be a space which would be used by the pedestrians However, the petitioner has agreed to a condition on the plan which would ensure the staff's approval in the design of this corner, as well as the corner of College and Fifth Streets as pedestrian spaces The Planning Commission feels that this will result in an appropriate mechanism to ensure pedestrian compatibility In addition, the petitioner proposes the construction of a tunnel-like

driveway from the motor entrance to the hotel along the Sixth Street frontage to it's parking deck at the rear of the site. This is needed to allow vehicles using the motor entrance to the hotel to have convenient access to the parking deck in a fashion which would be counter to the direction of the flow of traffic along Sixth Street which is one-way from east to west As part of this driveway proposal the petitioner is asking for consideration of an exit from this driveway onto Sixth Street The petitioner has modified the plan to remove a structural column to accommodate the concerns of the C-DOT The petitioner has agreed to work out the details of the design with the staff In addition, the petitioner has agreed to install a traffic control gate at the driveway to protect pedestrians, subject to C-DOT approval

6 In as much as the petitioner is not requesting any specific consideration of modification of standards of the U-MUD District regarding this hotel proposal, they will still be required to meet all the minimum standards of the ordinance for the hotel building itself as well as those standards which continue to apply to the Apparel Center site This is especially important in terms of the retail requirements in that the hotel building will occupy a large portion of the space in the Apparel Center first floor which would have originally been devoted to retail The petitioned site will only provide 18% retail space as opposed to the minimum 25% needed At the public hearing the petitioner asked that either the hotel be considered "retail" or that they be granted a modification of the standard to 18% The Planning Commission recommends the latter

7 The petitioner was also advised that if there were any future plans to add to the Apparel Center, such as the addition of an extra floor, that the material should be submitted along with this application Further, any changes or additions to the parking structure at the rear of the site to accommodate additional development should have also been submitted with this application Those additions were shown on the revised plans that were presented at public hearing.

8. The Planning Commission recognizes that it is desirable to have additional hotel accommodations in the Uptown area. It is also desirable in the case of this particularly hotel to provide accommodations and close connection with the Apparel Center The Planning Commission recognizes that the concerns of the staff were valid and worthy of consideration and discussion However, in the final analysis, the Planning Commission believes that this proposal as presented at the hearing, and including the conditions agreed to by the petitioner should be approved

Staff Opinion

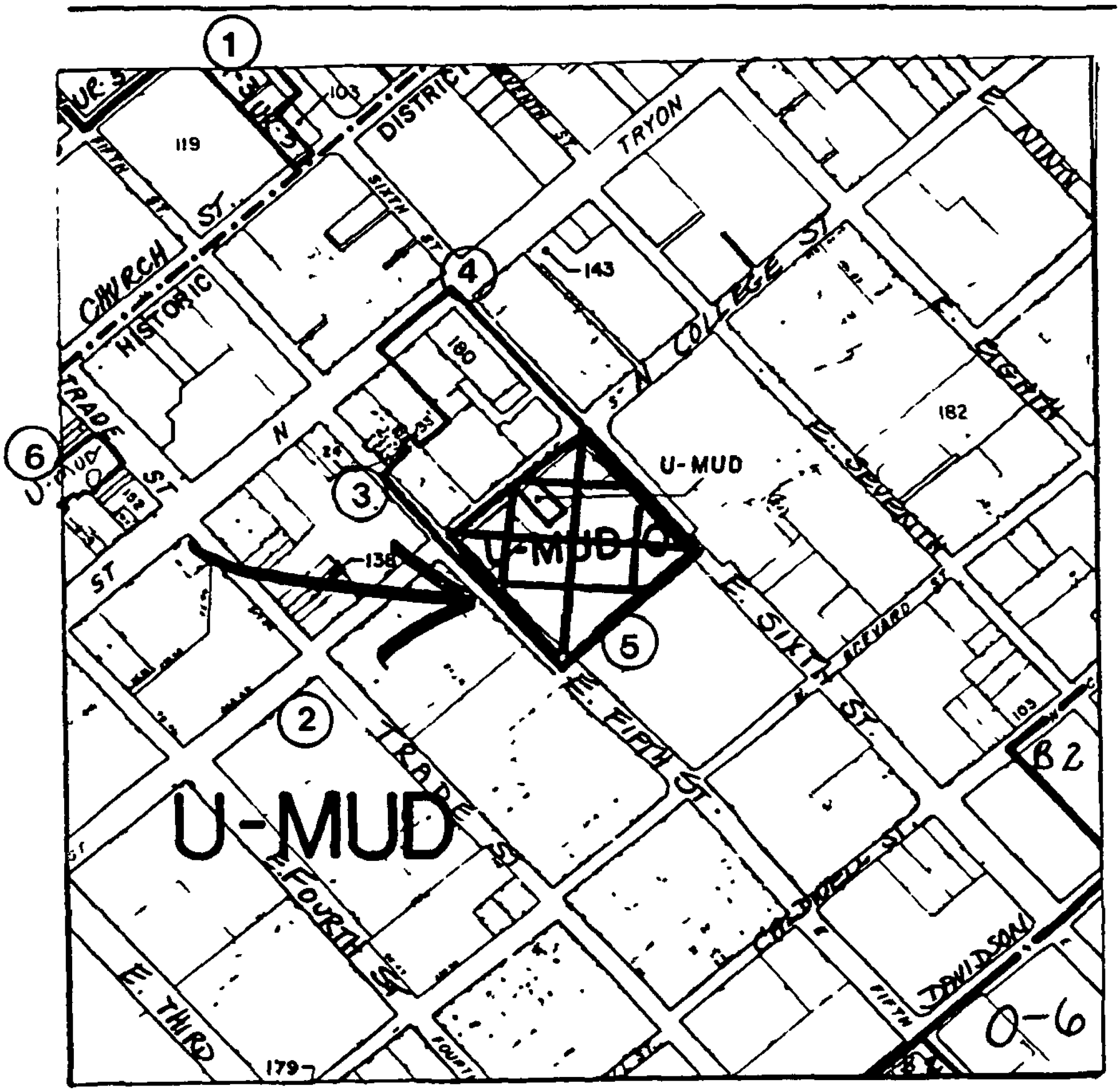
The staff disagreed with the Planning Commission The staff maintains that the fundamental issues of the building scale, the relationship to the street and adjacent properties, and the pedestrian environment along Sixth Street could have been better addressed

PETITIONER Crosland-Erwin-Merrifield Associates

PETITION NO. 87-72 HEARING DATE September 21, 1987

ZONING CLASSIFICATION, EXISTING U-MUD & U-MUD-O REQUESTED U-MUD-O and a U-MUD-O Site Plan Amendment

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



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-73

PETITIONER(S) Philip A and Valya E Visser

REQUEST Change from R-6MFH to O-6(CD)

LOCATION A 208 acre parcel located at 1925 Park Drive at Greenway Avenue

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure and Wheeler

Nays Mead

REASONS

ISSUES

1 Recent Rezoning Action What rezoning action on this property has recently transpired as the result of the Elizabeth Small Area Plan?

2 Small Area Plan vs Interest of Property Owner Considering the plans and policies contained in the small area plan, what overall community interests should be weighed here vs the interests for the property by the property owner?

BACKGROUND

1 Existing Zoning The subject property is presently zoned R-6MFH It is adjoined by R-6MFH property on one side of Park Drive, but across Greenway property is zoned O-6 There is also O-6 zoned land at the present time where Independence Park is located B-1 zoning stretches along Seventh Street as well as a small area at the intersection of Caswell Road and Fifth Street Otherwise much of the immediate vicinity is zoned O-6 along major streets or is zoned residential in other areas along neighborhood residential streets.

2 Existing Land Use The subject property is presently developed with an unoccupied single family structure A variety of land uses currently exist along Park Drive including a mixture of small offices, uses associated with Kings College, an occasional residential structure, parking lot, etc The site is located across the street from Independence Park Along major streets in the area are a variety of commercial and institutional uses, particularly Presbyterian Hospital and Mercy Hospital Various other office and associated medical uses are in the vicinity as

well The Elizabeth neighborhood is principally made up of single family dwellings nearby although there is a mixture of small apartment buildings and duplex structures, too

3 Site Plan The site plan proposes to retain the existing house on the site along with some additions such that the structure could be converted to be used for a medical office New screen planting will be installed and existing street trees will be saved

4 Zoning History (See Attached Map) The subject property itself has very recently been rezoned from O-6 to R-6MFH The list below outlines other rezonings which have occurred throughout the neighborhood

1	63-60	O-6 to B-1	Denied	10-21-63
2	67-84	R-6MF and O-6 to B-1	Approved	1-8-67
3	70-25	R-6MF to O-6	Denied	3-2-70
4	70-29	O-6 to B-1	Approved	3-2-70
5	72-20	R-9 to R-6MF	Approved	4-17-72
6	72-35	R-6MF to B-1	Denied	8-21-72
7	73-20	R-6MF to O-6	A I P	7-16-73
8	73-37	R-6MF to R-6	A I P	11-19-73
9	76-15	B-1 to B-1(CD)	Approved	3/29-76
10	76-67	B-1(CD) Site Plan Amendment	Denied	12-20-76
11	77-55	B-1(CD) to O-6	Approved	11-21-77
12	83-36	B-1 to B-2(CD)	Approved	9-19-83
13	83-52	R-6 to R-6MF(CD)	Denied	10-17-83
14	87-28	R-6MF to R-6	Approved	5-18-87
15	87-29	B-1 to R-6	Approved	
16	87-31	O-6 to R-6	Approved	8-17-87
17	87-34	O-6 to R-6MFH	A I P	8-17-87
18	87-54	R-6MF to R-6	Approved	

5 School Information Not applicable

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property as one of existing residential land uses The plan also identifies a community commercial center in the area of Seventh Street and Pecan Avenue, which lies to the east of the subject property No specific strategies are identified for the subject property

2 Elizabeth Small Area Plan The 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 craft building in the east end of the park to reestablish a garden like theme The park can also serve as an anchor in establishing a Historic District to the north between Hawthorne and Laurel Housing development is encouraged at key locations around or near Independence Park The subject property is designated as a residential infill area The property was recommended for rezoning to R-6MFH and has recently been done so

3 Pre-Hearing Staff Input Staff had conversation with the petitioner prior to the submission of the application and in particular stressed the fact that the site plan needed additional work Staff also indicated that the property has just been rezoned pursuant to the Elizabeth Small Area Plan and stressed that the petitioner should meet with the Elizabeth neighborhood

4 Pre-Hearing Departmental Comments (Summary)

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

2 Engineering Department Usual comments associated with departmental reviews and permits, although it was recommended that the existing driveway on Park Drive should be closed and the existing sidewalk on Park Drive should be repaired

3 C-DOT The site can generate 20-30 trips per day as currently zoned Under the proposed rezoning the site can generate 60-120 trips per day This will not have a significant impact on the surrounding street system

4 Building Standards No comments except that screening is required

5 Fire Department Comments were unavailable as of the preparation of this material, but are expected by the time the public hearing is held

5 Neighborhood Context The site is located in the Elizabeth neighborhood

DETAILED FINDINGS

1 This petition involves a small parcel of land located at 1925 Park Drive at the intersection of Greenway Avenue and Park Drive The petitioner has requested a change from R-6MFH to O-6(CD)

2 The petitioner has submitted a conditional request which would use the existing structure for a medical office

3 The property was recommended for rezoning in the Elizabeth Small Area Plan from O-6 to R-6MFH City Council recently rezoned the property to the present R-6MFH classification

4 The Elizabeth Small Area Plan recognizes Independence Park as a significant amenity to the Elizabeth neighborhood The park serves as a focus and a geographic center of the neighborhood and the plan sought to rezone the O-6 area around the park in lieu of higher density multi-family zoning

5 In this case the petitioner's desire is to use the property for office purposes Obviously under the new zoning the property can not be used as such and therefore the O-6 zoning through a conditional approach is being requested by the property owner This request has the general endorsement of the Elizabeth neighborhood

6 Planning Commission noted the endorsement of the neighborhood Planning Commission felt the CD plan was a very restrictive one and the use of the property as proposed represented the best use for the site Retaining the structure, significant trees, etc , was important in their opinion. The overall residential look made for an acceptable site plan.

7. One technical note was addressed by the Planning Commission The second floor will only be used for storage purposes

Staff Opinion

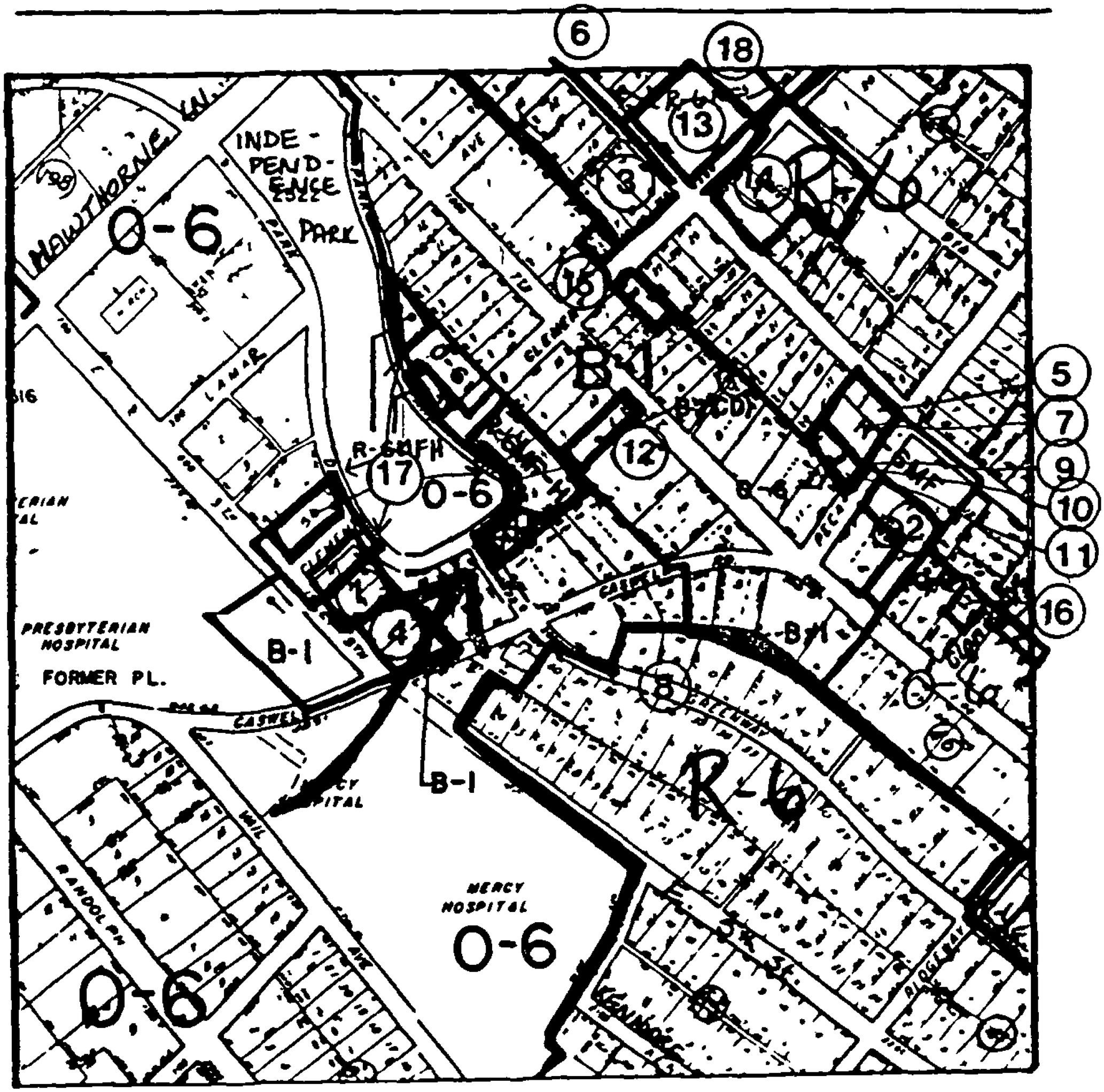
The staff disagreed with Planning Commission Staff felt the recent rezoning in accordance with the Elizabeth Small Area Plan was the appropriate zoning for the site

PETITIONER Philip A. Visser and Valya E. Visser

PETITION NO. 87-73 HEARING DATE September 21, 1987

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

LOCATION A .208 acre parcel located at 1925 Park Drive at the intersection of Park Drive and Greenway Avenue



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-75

PETITIONER(S) Turnpike Properties, Inc

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

LOCATION A 2 9 acre site located on the southeast corner of the intersection of I-85 and Sugar Creek Road along the I-85 Service Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

1 Site Relationship to I-85 How does the site relate to I-85 and the I-85 Service Road? Based upon the relationship of other similarly situated properties, does the current single family zoning make sense?

2 Site Plan What aspects of the conditional site plan are important to evaluate, especially the relationship to Sugar Creek Road?

BACKGROUND.

1 Existing Zoning The property involved in this request is presently zoned R-9 Property across Sugar Creek is zoned B-1 Generally the area around the Sugar Creek and I-85 interchange is zoned B-1 or B-2 The property across the Service Road from the site and to the east is also zoned R-9 Those properties are located in the Hidden Valley subdivision

2 Existing Land Use The property in question is developed with two single family residences at the present time Other single family development is concentrated nearby in the Hidden Valley subdivision Highway oriented uses are located at the interchange with I-85 and Sugar Creek Road Among them are fast food restaurants, several hotels and gasoline service stations Other residential development is located farther north and south of Sugar Creek Road

3 Site Plan The conditional site plan proposes a motel for the site Access will be gained from the I-85 Service Road A total of 132 rooms is planned and the motel shall be a maximum of two stories in height A

buffer for existing trees will remain along the easterly boundary of the site adjacent to the I-85 Service Road

4 Zoning History (See Attached Map) There have been eight (8) prior rezonings in the area of the subject property The attached map indicates their locations Case #1 was a 1970 rezoning from R-9 to B-2 along I-85 Cases #2 through #5 were 1971 and 1973 rezonings from R-9 to B-1 in the area south of I-85 Case #6 was a 1979 change from R-9 to B-2 and I-1, also south of I-85 Case #7 was a 1980 rezoning from R-9 to I-1(CD) north of I-85 Case #8 was a 1983 rezoning from R-9, I-1(CD) and B-2(CD) to B-2(CD) and I-1(CD) and an I-1(CD) Site Plan Amendment

5 School Information Not applicable

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates the area of the subject property as one of existing residential land uses Strategies for the area include the widening of I-85 and extension of water lines along I-85

2 Transportation Improvement Program The TIP schedules the widening of I-85 for FY86-89 Construction is presently underway

3 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department Comments were unavailable as of the preparation of this report, but are expected by the time the public hearing is held

3 Engineering Standard comments in association with development requirements and permits

4 C-DOT Current zoning could generate 150 to 170 trips per day whereas under the proposed zoning about 800 to 1,000 trips per day could be expected The additional trips will not significantly change the level of service

5 Building Standards No comments except to indicate that the parking shown is the minimum for the size of the motel with no restaurant lounge or conference facility

4 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the request based upon the fact the R-9 zoning seems illogical given its relationship to other zoning patterns in the I-85 interchange

5 Neighborhood Context The site is located in the Hidden Valley neighborhood

DETAILED FINDINGS

1 This request involves a rezoning from R-9 to B-1(CD) for a site located along the southeasterly corner of Sugar Creek Road and I-85 The site is approximately 3 acres in size and is comprised of two parcels, each of which have a single family residence

2 The petitioner has has filed a conditional zoning in order to construct a motel on the site (For further details refer to Background #3)

3 The site is located immediately at the interchange of I-85 and Sugar Road Other properties similarly situated here are already zoned either B-1 or B-2 Other commercial zoning extends to other nearby properties as well

4 Given the site's size and it's location as well as the proximity to other commercial zoning, it seems illogical that R-9 is the appropriate zoning for the property today The reclassification to the business designation is much more in line with the realistic potential for this site

5 It's quite logical and reasonable to expect a highway oriented type use as proposed here to locate on this site Several other similar uses are already associated with the interchange Thus from a land use standpoint the property proposal is consistent with the existing pattern

6 From the zoning standpoint it is interesting to note that business zoning extends both across Sugar Creek Road as well as south of the site Therefore from a zoning pattern standpoint the request seems very reasonable, too

7 The site plan is a good one in that a buffer of trees closest to the Hidden Valley neighborhood is being retained Further, the height of the motel is restricted to two stories The petitioner has been advised that staff would like to see better landscape treatment along Sugar Creek Road This could be accomplished with some additional shrubbery planting and a low brick wall to help shield the parking areas adjacent to Sugar Creek Road, too

8 The petitioner also worked with transportation officials to safely locate the closest point of ingress and egress to Sugar Creek Road For all the above reasons, the site plan is considered a good one.

9 The property as it is presently zoned, under the current single family zoning, is not at all logical given the site's relationship to I-85 and the interchange with the interstate This a natural location for highway oriented uses and the site plan insures for an appropriate design suitable for the setting

10 Planning Commission does, therefore, recommend approval

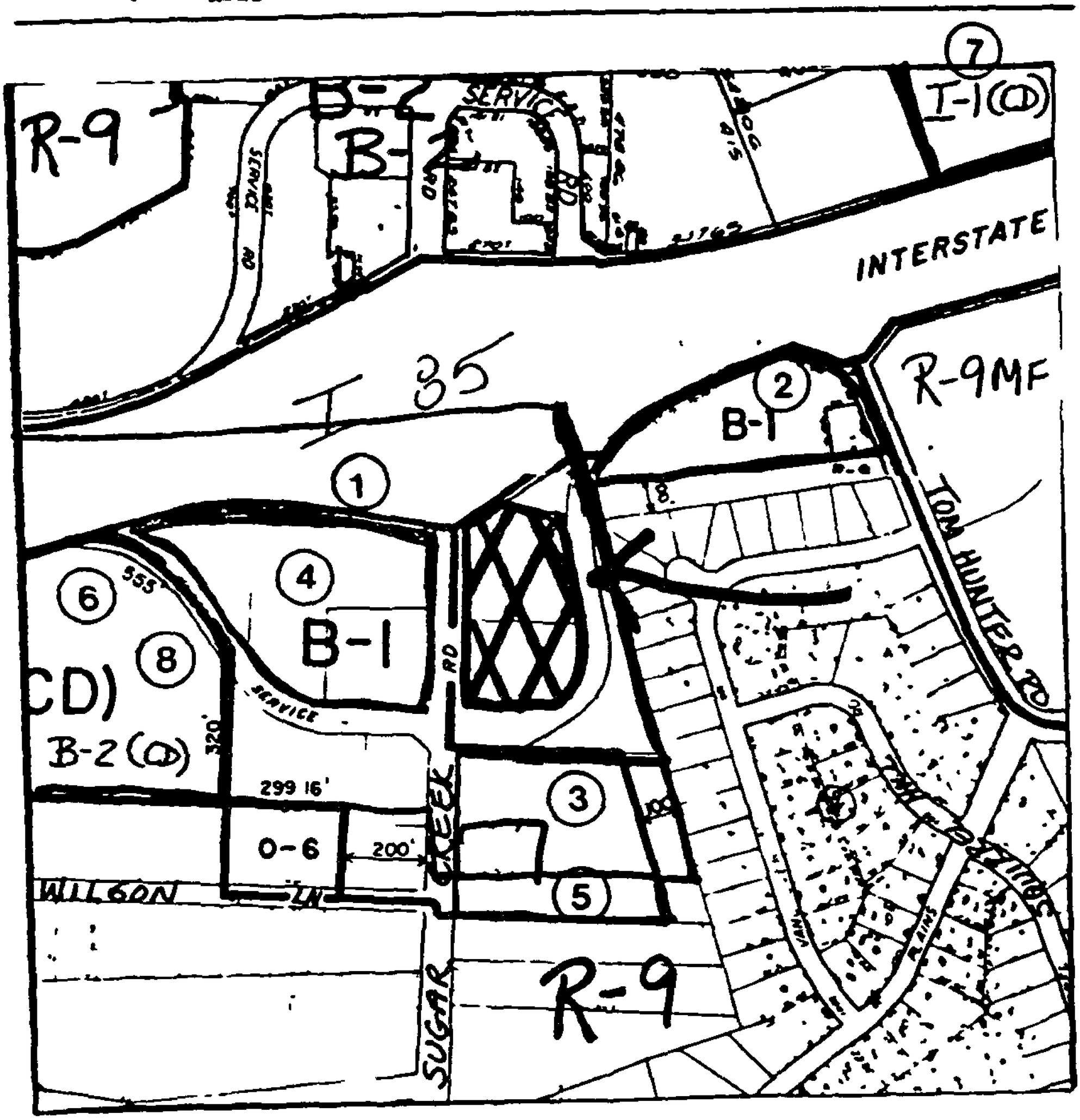
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Turnpike Properties, Inc.

PETITION NO. 87-75 HEARING DATE September 21, 1987

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

LOCATION A 2.9 acre site located on the southeast corner of the intersection of I-85 and Sugar Creek Road along the I-85 Service Road



ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-76

PETITIONER(S) John G Blackmon

REQUEST Change from R-9 to B-2(CD)

LOCATION A 50 foot by 500 foot strip of land totaling 56 acres located off Dion Avenue northeast of Independence Boulevard

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

1 Propose Use What is the nature of the proposed use in this case?

2 Overall Effect of Change What overall effect from a zoning, land use and transportation perspective will result if this petition is approved?

3 Potential Benefit to Future Development Considering the fact that this rezoning establishes a 50 foot buffer to adjoining land, what potential benefit to future development adjoining the site can result?

BACKGROUND

1 Existing Zoning The petitioned property is presently zoned R-9. A large area in the vicinity of Dion Avenue is also zoned R-9 One side of the site is adjacent to B-2 zoning which fronts on Independence Boulevard and the B-2 zoning extends across Independence Boulevard as well. At the southwesterly corner of Margaret Wallace Lane and Independence is a large area of 0-6 zoning

2. Existing Land Use The subject property is vacant A concentrated, wide variety of shopping, retail and highway oriented uses are located along Independence Boulevard Immediately off of Independence along Dion Avenue are a couple of single family homes Other residential development is located nearby on Wallace Lane and Briardale Apartment development is located at the corner Margaret Wallace Road and Independence Boulevard Other areas of residential development are north of site along other portions of Dion Avenue and City View Drive

3 Site Plan The conditional site plan proposes that the property in question be almost exclusively used as a 50 foot buffer. The existing trees within the site would be retained The rezoning area would also include a new driveway cut to Dion Avenue which serves as a secondary access for business property which fronts on Independence Boulevard

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been eleven (11) prior rezoning in the area of the subject property The attached map indicates their locations Cases #1, #2 and #9 regarding area on Wallace Lane Case #1 was 1965 denial to rezone R-9 to B-2 while case #2 was in 1967 approval for the same change Case #9 involved another small area from R-9 and B-2 to O-6 Case #3 was a 1968 denial to rezoning from R-9 to B-2 for a large area also on Wallace Lane Cases #4 and #5 involve property located north City View Drive Case #4 was 1969 change from R-9 to B-2 Case #5 was 1969 change from R-9 to R-12MF Case #6 was a 1971 change form O-15 to B-2 west of U S 74 Case #7 was a 1971 change from R-12 to O-6 west of U S 74 Case #8 was a 1972 change from R-12 to O-9 in the same general area Case #10 was a 1985 request to rezone land south of Wallace Lane, west of U S 74 from O-6 to R-12 The request was denied except for a small strip which was changed to O-6(CD) Case #11 was a 1985 change from R-9 to B-2(CD) south of Wallace Lane, east of U S 74

GENERAL FINDINGS

1 2005 Plan The 2005 Plan indicates existing employment uses for properties fronting on Independence Boulevard and existing residential uses for properties lined east of Independence

2 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the request

3 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards No comment

3 Engineering Curb and gutter along Dion Avenue is needed from the proposed driveway entrance to the existing curb and gutter to the south of the site

4 C-DOT The rezoning will generate no additional trips and since the extent of the proposed driveway used to provided secondary access to the existing site, it will have little or no impact on the surrounding streets system

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

DETAILED FINDINGS

1 This petition involves a strip of land which parallels Independence Boulevard just off of Dion Avenue The total size of the tract is 56 acres The tract of land is a 50 foot strip which is located to the rear of the present B-2 zoning and the petitioner is requesting that this site, which is presently zoned R-9, be rezoned to B-2(CD)

2 The petitioner has filed a conditional rezoning which stipulates that the site will be used as a 50 foot buffer and also provide for a new driveway access onto Dion Avenue The driveway will serve a tract of land which has it's frontage and principal orientation to Independence Boulevard

3 The current B-2 pattern stretches along both sides of Independence The depth of the B-2 zoning varies from spot to spot and in this particular area is located approximately 400 feet away from the right-of-way

4 The zoning change here is viewed as a very minor one from the present pattern The approval of the request will establish a new driveway entrance off of Dion Avenue, but Dion already has a number of commercial driveway entrances associated with it Thus from a land use point of view no significant change to the street would result if the petition is approved

5 Further, the change in the zoning pattern does not signal any significant change to the present B-2 pattern The approval here is not an indication that major land areas which are vacant near the Independence corridor are eligible for commercial zoning and commercial uses, but rather recognizes the fact that a secondary access is provided and for the most part sets up a 50 foot buffer between the commercial zoning and future residential development

6 Staff was particularly interested in securing a buffer here because it is felt that the current R-9 zoning which directly abuts the Independence Boulevard B-2 zoning is likely to be developed for higher density residential As a matter of fact the petitioner in this case owns other property in the immediate vicinity and may have future plans to do just that Therefore, the creation of a 50 foot buffer insures a logical separation and transition from the commercial zoning along Independence to future new residential development in this area

7 Little or no impacts can be associated with the request Therefore, based upon this and the above circumstances, the petition is recommended for approval by the Planning Commission

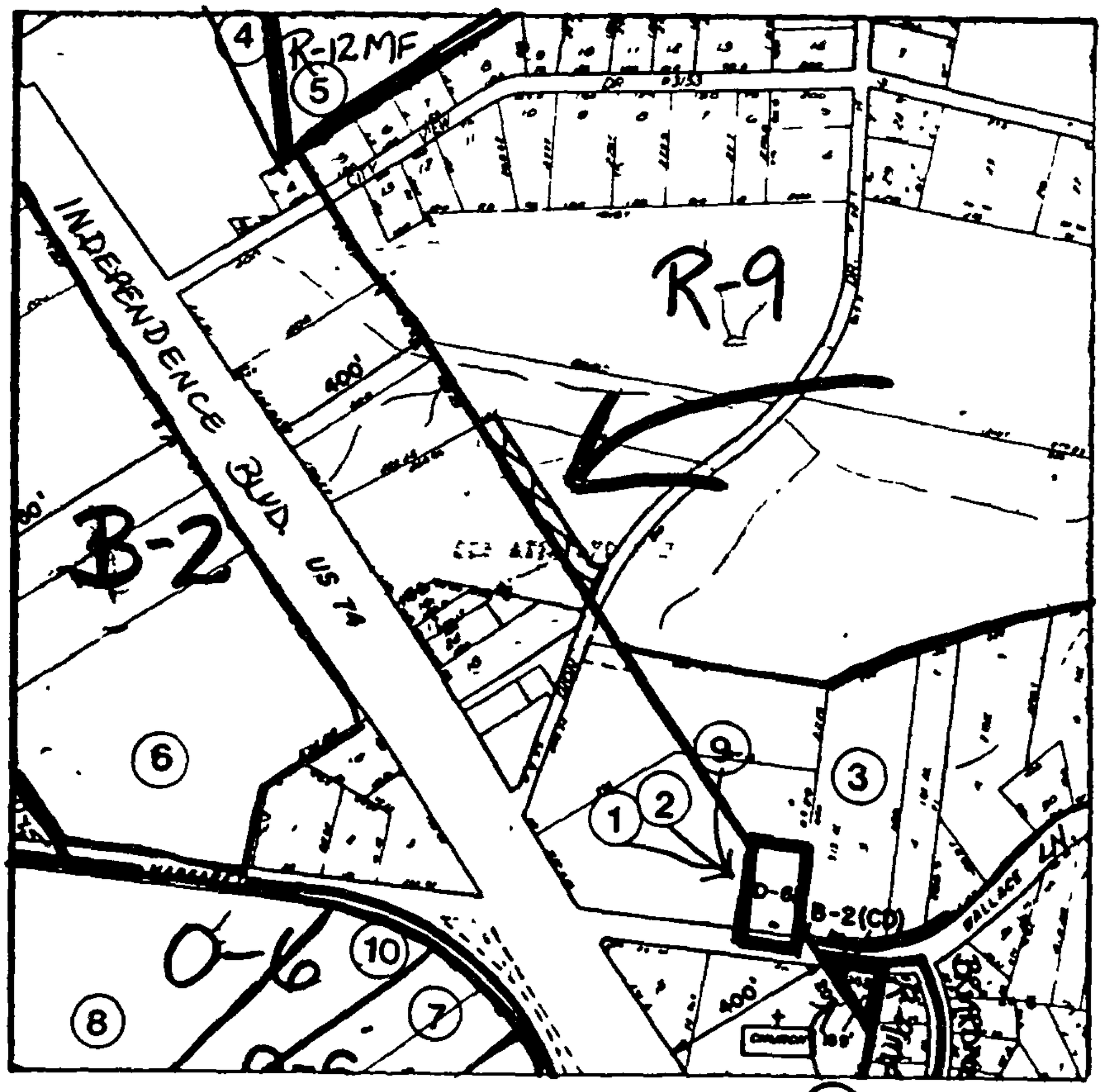
Staff Opinion
The staff agreed with Planning Commission

PETITIONER John G. Blackmon

PETITION NO. 87-76 HEARING DATE September 21, 1987

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED B-2(CD)

LOCATION A 50 foot by 500 foot strip of land totaling .56 acres located off Dion Avenue northeast of Independence Boulevard



ZONING MAP NO. 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-78

PETITIONER(S) Peerless, Inc

REQUEST Change from O-15 and B-2 to B-D(CD)

LOCATION A 6 8 acre site located on the northerly side of I-85 between Stewart Creek and Beatties Ford Road

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

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

2 Overall Zoning and Land Use Patterns How would this request relate to overall zoning and land use patterns for the area?

BACKGROUND

1 Existing Zoning The subject property is zoned a combination of B-2 along the I-85 frontage and O-15 to the rear of the site The O-15 zoning pattern continues to the north to Hoskins Road, and to the east to Beatties Ford Road Areas of B-2 and B-1 zoning exist along the interstate to the Beatties Ford Road interchange Directly west of the site is an area of I-1 zoning extending to Stewart Creek while other areas of I-1 and I-2 zoning are located farther west A mixture of the R-9, R-6MF and I-2 zoning districts are located on the northerly side of Hoskins Road nearby

2 Existing Land Use The subject property is currently undeveloped An industrial park is under construction adjoining the property to the west along Stewart Creek Several office uses are located along the I-85 Service Road Other areas adjoining the site are undeveloped A trucking company is located across Stewart Creek nearby The northerly side of Hoskins Road is primarily vacant, with a few single family homes

3 Site Plan The conditional site plan proposes the development of a 100,000 square foot office/warehouse distribution facility, to be done in

two phases Phase I would contain 40,000 square feet, and Phase II 60,000 square feet. A buffer area surrounds the site The site plan indicates any existing vegetation in the buffer area will be retained and supplemental plantings installed to provide visual screening The site will be accessed by two drives off the I-85 Service Road

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been four (4) prior rezoning requests in the area of the subject property The attached map indicates the locations Case #1 was a 1965 change from R-6 to R-6MF and B-2 with Case #3 taking the same property to I-1 Case #2 was a 1965 change from R-15 to O-15 and B-2 Case #4 was a 1976 denial to rezone from O-15 to B-2

GENERAL FINDINGS

1 2005 Plan The 2005 Plan denotes the area of the subject property as one of existing residential and employment uses The widening of I-85 is indicated in the 2005 Plan

2 Transportation Improvement Program The TIP schedules the widening of I-85 for FY86-89

3 Pre-Hearing Staff Input. Staff had no contact with the petitioner prior to the submission of the application

4 Pre-Hearing Departmental Comments (Summary)

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

2 Fire Department Comments have not been received as yet, but are expected prior to the public hearing

3. Building Standards It was indicated that more information was required to calculate parking requirements

4 C-DOT Under existing zoning 3500-4500 TPD could occur, and 500-700 TPD under the proposed zoning This would have a lesser impact on the area street system

5 Engineering Department Engineering indicated the normal comments regarding development, and stated that curb and gutter would be required along the I-85 Service Road frontage

5 Neighborhood Context. This site is located in the Northwood neighborhood

DETAILED FINDINGS

1 The site involved in this petition is located on the northerly side of I-85 between Stewart Creek and Beatties Ford Road The petitioner is seeking a change from O-15 and B-2 to B-D(CD) for the 6 8 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 lies in an area which is generally devoted to nonresidential uses and zoning I-1 and I-2 zoning currently exist nearby, as well as O-15, B-2 and B-1 zoning at the Beatties Ford Road/I-85 interchange An industrial park is under construction adjacent to the site

4 Prior to public hearing several minor details were worked out with the petitioner These included clarification of the existing vegetation and minimum buffer width Also, C-DOT indicated that one of the proposed driveways was located too close to the side property line, and should be adjusted

5 Inasmuch as the frontage of the property is currently zoned unrestricted B-2, which could permit a number of unsightly uses, and the site does have a direct relationship to I-85, this conditional rezoning request seems logical

6 It appears the site will be adequately buffered, with the existing vegetation retained along the perimeter of the site The office/wholesale sales/warehouse distribution facility is viewed as a reasonable use for the property given the relationship to surrounding land use and zoning patterns

7 Based upon the above circumstances, Planning Commission recommends approval of this request

Staff Opinion
The staff agreed with Planning Commission

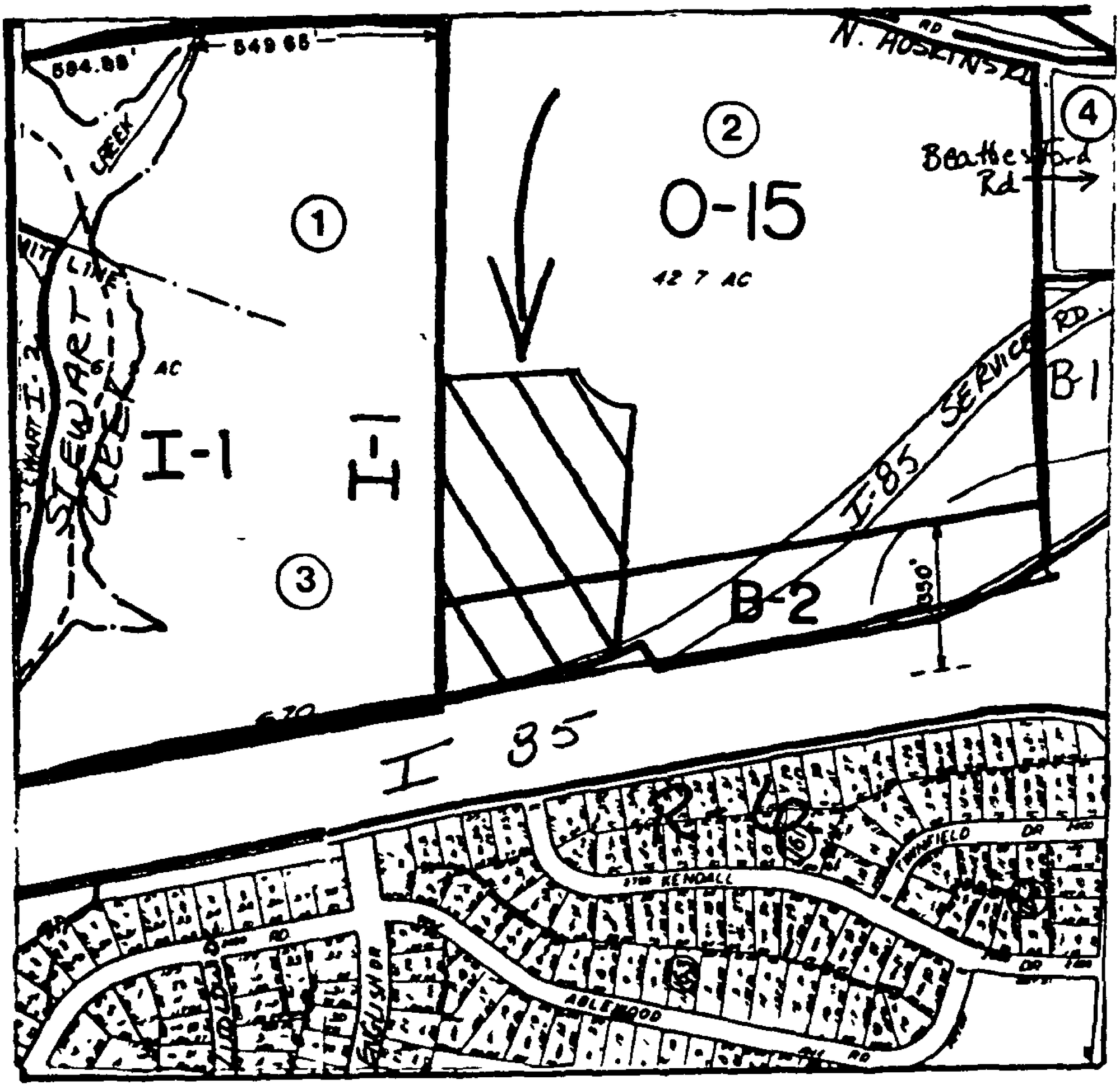
ZONING HISTORY

PETITIONER Peerless, Inc.

PETITION NO. 87-78 HEARING DATE September 14, 1987

ZONING CLASSIFICATION, EXISTING O-15 & B-2 REQUESTED B-D(CD)

LOCATION A 6.8 acre site located on the northerly side of I-85 between Stewart Creek and Beatties Ford Road



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE September 24, 1987

PETITION NO 87-79

PETITIONER(S) Quail Corners Associates

REQUEST Consideration of a B-1SCD Site Plan Amendment

LOCATION Approximately 17 15 acres (Quail Corners Shopping Center) bounded by Sharon Road West, Park Road, Hamlin Park Drive and Branden Forest Drive

ACTION The Planning Commission recommends that the petition be approved

VOTE Yeas Burns, Emory, Griffin, McClure, Mead and Wheeler

Nays None

REASONS

ISSUES

1 Proposed Change What is the nature of the proposed site plan amendment and would the approval of this request be consistent with original goals and objectives for this development?

BACKGROUND

1 Existing Zoning The subject property is presently zoned B-1SCD Immediately across Park Road from the site is an area of R-15 zoning and it is this classification which generally dominates the area although a number of other classifications are located in the vicinity as well For example, north of the site across Sharon Road West is an R-12PUD District Adjoining the site on the other two sides are areas of R-15MF(CD) zoning Nearby is an R-20MF district as well Finally, to the west of the site land is zoned R-12

2 Existing Land Use The subject property is the Quail Corners Shopping Center A significant amount of residential development is located immediately in the area, this despite the fact that land immediately across Park Road from the site is vacant The Hamlin Park multi-family area is located adjacent to the site as is other multi-family development along Branden Forest Drive Single family development in the form of the Oberbeck Farms subdivision is in the immediate vicinity as is the Quail Hollow PUD across from the site Further south of the site on Park Road is both the Quail Hollow Junior High School and South Mecklenburg High School and the new South Minister Retirement Village

3 Site Plan The site plan in this case is a plan amendment which seeks to add 4,650 new square feet to the shopping center The total shopping area with the addition would comprise just under 105,000 square feet The new addition is to the Harris Teeter Food Store only No other changes are proposed to the site plan from the existing one

4 School Information Not applicable

5 Zoning History (See Attached Map) There have been five (5) previous rezoning requests in the area of the subject property The attached map indicates their locations Cases #1 and #4 involve property that include the subject property in this case Case #1 was in 1969 change from R-12 to R-12PUD Case #4 was 1979 change from R-12PUD to B-1SCD, R-15MF(CD) and R-12 Case #2 was in 1974 denial to rezone from R-12 to B-1 Case #3 was a 1979 denial to rezoning from R-15 to B-1(CD) Case #5 changed an area from R-15MF(CD) to R-20MF

GENERAL FINDINGS·

1 2005 Plan The 2005 Plan recognizes the subject property as a community commercial center Strategies for the area include the widening of Park Road and streetscape improvements along Park Road

2 Transportation Improvement Program The TIP recommends the widening of Park Road from N C 51 to Frederick Place to a multi-lane facility Construction is not scheduled

3 Pre-Hearing Staff Input Staff met with the petitioner prior to the submission of the application and generally encouraged the request

4 Pre-Hearing Departmental Comments (Summary)

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

2 Building Standards. No comments except that according to the statistics parking does not comply with the ordinance

3 Fire Department Comments were unavailable as of the preparation of this report, but are expected by the time the public hearing is held

4 Engineering Department Standard comments Furthermore the Engineering Department has a policy which states that additions which are clearly auxiliary in nature and equal to 5% or less of the existing building do not require construction of curb and gutter In this case the maximum allowable expansion to be exempted from this requirement is 4,727 square feet and the petitioner has requested approval for 4,650 square feet of expansion Also, C-DOT is preparing a concept for a future intersection at Park Road and Sharon Road West which may require additional right-of-way on both those two streets

5 C-DOT Written comments were unavailable, but are expected by the time the public hearing is held C-DOT officials have commented that additional turn lanes and right-of-way may be needed at this site

5 Neighborhood Context The site is not located within any defined neighborhood

DETAILED FINDINGS

1 This petition involves the site at the Quail Corners Shopping Center and the intersection of Sharon Road West at Park Road The property is presently zoned B-1SCD and the petitioner is asking for a Site Plan Amendment

2 The extent of the amendment involves a request for an additional 4,650 square feet of building area The additional square footage would be allocated to the Harris Teeter Food Store The present B-1SCD plan is approved for grand total of 100,000 square feet and the addition here would make for a total of just under 105,000 square feet

3 The change to the overall center and configuration of buildings is considered to be slight The change would have no impact on the center itself The food store desires a minor expansion, but due to the fact that the shopping center is built out at the maximum the site plan amendment is necessary in order to accomplish that

4 The shopping center fulfills a basic market need in this area The Park Road corridor has seen tremendous growth and the food store expansion will continue to enable it to provide services to nearby residents The shopping center is also considered one of the better designed neighborhood shopping centers

5 The planning staff generally encouraged this request from the outset

6 However, at an early stage C-DOT and Engineering identified some technical aspects dealing with curb and gutter and right-of-way Both departments were vitally interested in obtaining additional right-of-way due to future improvements to Park Road and the Park Road/Sharon Road West/Gleneagle intersection Although the precise extent of needed right-of-way is unknown at this time, the petitioner did pledge to cooperate in this effort and that condition was attached to the site plan

7 In summary, the petition represents a very slight and minor amendment to the overall concept of the shopping center development and certainly is in keeping with the original goals of the B-1SCD plan which is now in effect

8 Planning Commission, therefore, recommends that the request be approved

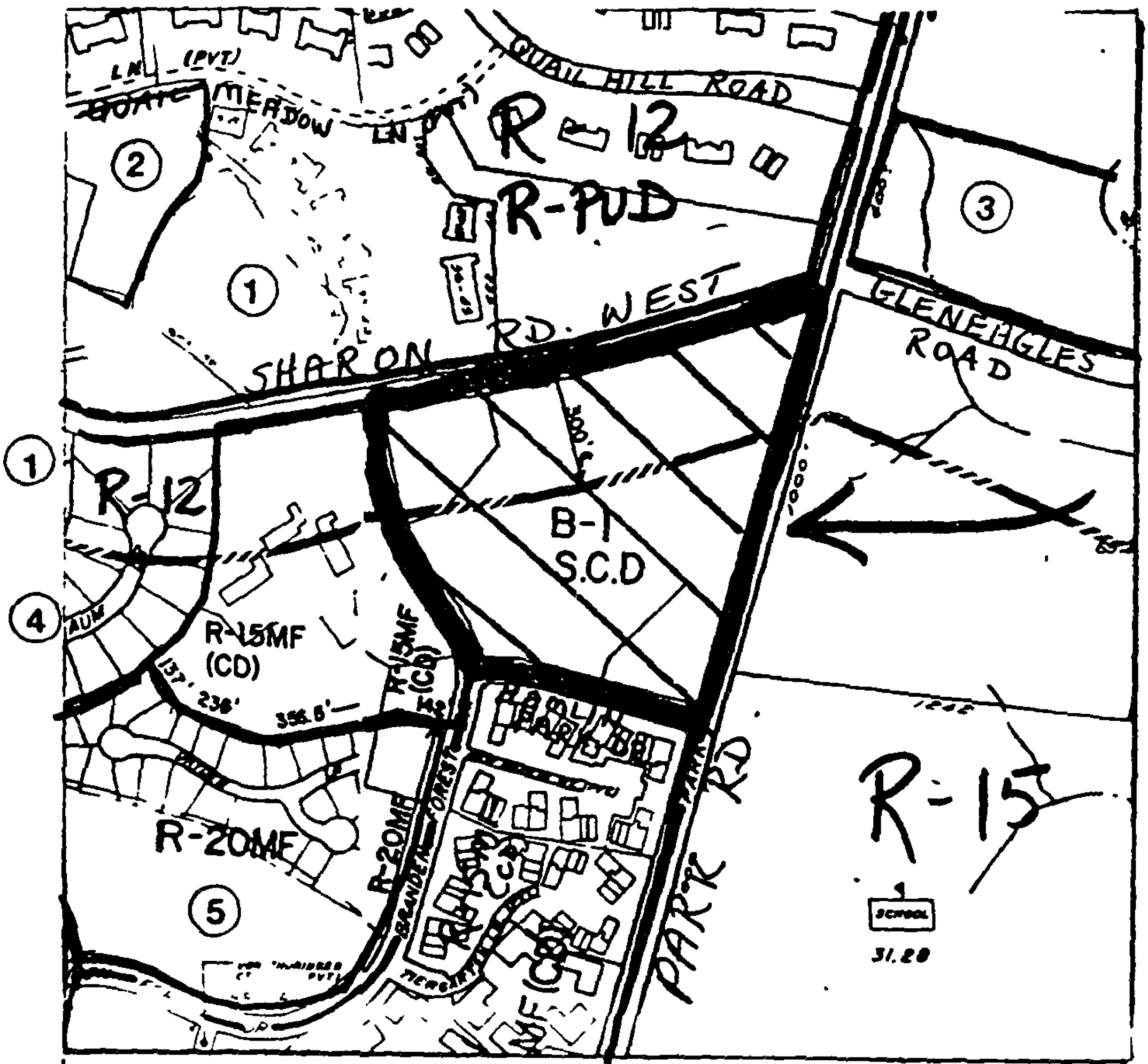
Staff Opinion
The staff agreed with Planning Commission

PETITIONER Quail Corners Associates

PETITION NO. 87-79 HEARING DATE 9/21/87

ZONING CLASSIFICATION, EXISTING B-1SCD REQUESTED B-1SCD Site Plan Amendment

LOCATION Approximately 17.15 acres (the Quail Corners Shopping Center) bounded by Sharon Road West, Park Road, Hamlin Park Drive and Branden Forest Drive.



ZONING MAP NO. 158 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE