AGENDA

Meeting Type:	Z
Date:	07-17-1988
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda July 17, 1989

FILE COPY

CHARLOTTE

Meetings in July '89

THE WEEK OF JULY 1 - JULY 8

3	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
4	Tuesday	**INDEPENDENCE DAY** - All City offices closed
5	Wednesday, 3 00 p m	**CULTURAL STUDY COMMITTEE** - CMGC, Conference Center, Room 271
	Wednesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center, Room 271
6	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room

THE WEEK OF JULY 9 - JULY 15

10	Monday, 8 30 a m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, Meeting Chamber
	Monday, 12 Noon	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
	Monday, 7 30 p m	**HISTORIC PROPERTIES COMMISSION** - 1221 S Caldwell Street
11	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
12	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 9 30 a m	**CIVIL SERVICE BOARD** - CMGC, Meeting Chamber Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, Room 119
13	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF JULY 16 - JULY 22

17	Monday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Sharon Regional Public Library Ad Hoc Committee** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL MEETING (Zoning Hearings)** - CMGC, Meeting Chamber
18	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 2 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/CMUD Ad Hoc Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 3 00 p m	**CULTURAL STUDY COMMITTEE** - CMGC, Conference Center, Room 271
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee (Tour)** - CMGC, 8th Floor Conference Room
19	Wednesday, 7 30 a m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, 8th Floor Conference Room
20	Thursday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Conference Center, Room 267
	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - 4910 Carmel Park Drive
21	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JULY 23 - JULY 29

24	Monday, 12 Noon	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 2 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
25	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Agricultural Extension Service, Large Conference Room, 700 North Tryon Street
	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** - CMUD, 5100 Brookshire Boulevard
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
27	Thursday, 3 00 p m	**CHARLOTTE-MECKLENBURG ADVISORY BOARD FOR CITIZENS WITH DISABILITIES** - CMGC, Room 11[illegible]
	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - 619 South Cedar Street
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Board Meeting** - 619 South Cedar Street

THE WEEK OF JULY 30 - JULY 31

31	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

These organizations will <u>not</u> meet in July

Municipal Information Advisory Board
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Al Rousso

John A. (Gus) Campbell | Roy Matthew
Stanley M. Campbell | Cynthia Patterson
Dan Clodfelter | Ella Butler Scarborough
Charles S. Dannelly | Richard Vinroot
Gloria Fenning | Velta W. Woollen

Council Agenda

Monday, July 17, 1989

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Discussion of decision date for July zoning cases.

6:00 p.m. - ZONING HEARINGS
Meeting Chamber

Invocation by The Reverend Scott Kusel, Youth For Christ.

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the McNeil Paper Company Warehouse, (specifically, the exterior and the interior of the building and the entire parcel of land upon which it sits), located at 305-307 East 8th Street, Charlotte, North Carolina, as historic property.

   The Historic Properties Commission judges that the property known as the McNeil Paper Company Warehouse does possess special significance in terms of Charlotte-Mecklenburg and bases its judgement on the following considerations:

   (1) The McNeil Paper Company Warehouse is a good, primarily intact example of its genre.

   (2) The McNeil Paper Company Warehouse and its site reflect the importance of the railroad in the growth and development of Charlotte during the late nineteenth and early twentieth centuries.

   (3) The McNeil Paper Company Warehouse is an integral component of a small enclave of industrial and warehouse buildings close to the center of Charlotte.

   Based on the current assessment and tax rate, the amount of deferrable taxes would be $258.80.

Although no letter has been received from the owner, we have knowledge the owner is most supportive of designation. In fact, the owner has requested that historic designation be expedited.

The North Carolina Division of Archives and History has concurred in the Commission's recommendation.

The Department Review process revealed no conflict with other City projects.

Consider adoption of an ordinance designating the McNeil Paper Company Warehouse, including the exterior and the interior of the building and the entire parcel of land upoin which its sits, as historic property.

Attachment No. 1

2. (89-49) Hearing on Petition No. 89-49 by James B. Black for a change in zoning from R-9 to R-15MF for a 17.23 acre site located on the north side of Tom Hunter Road between Hidden Forest Drive and Montieth Drive.

This hearing was deferred at the June 19th Meeting.

Attachment No. 2

3. (89-50) Hearing on Petition No. 89-50 by Bentford Martin for a change in zoning from B-2 to R-6MF for a 3.4 acre site located on the westerly side of Floral Avenue and Worthington Avenue.

This hearing was deferred at the June 19th Meeting.

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 Councilmember, not excused from voting, in order to rezone the property.

Attachment No. 3

4. (89-56) Hearing on Petition No. 89-56 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-15 to R-6MF for a 7.6 acre site located off the easterly side of I-77 south of Remount Road.

This hearing was deferred at the June 19th Meeting.

Attachment No. 4

5. (89-57) Hearing on Petition No. 89-57 by Crown Point Plaza Associates for a Text Amendment to Section No. 3210.3 to allow the sale of building materials at retail in a B-1SCD District under prescribed conditions.

Attachment No. 5

6. (89-58) Hearing on Petition No.89-58 by St. Luke Baptist Church for a change in zoning from R-6MF to R-I for a 2.3 acre site located to the east of Old Statesville Road along Montreat Street where it intersects with Rodey Avenue and Norris Avenue.

Attachment No. 6

7. (89-59) Hearing on Petition No. 89-59 by Flavius J. Settin for a change in zoning from R-6MF to I-1(CD) for a .36 acre site located on the south side of Elmin Street to the east of Old Steele Creek Road.

Attachment No. 7

8. (89-60) Hearing on Petition No. 89-60 by Frank J. LaPointe for a change in zoning from R-9 to O-15(CD) and B-2(CD) for a 15.4 acre site located on the east side of Independence Boulevard, north of Margaret Wallace Road, along both sides of Delta Road Extension.

Attachment No. 8

9. (89-61) Hearing on Petition No. 89-61 by The Pantry for a change in zoning from O-6 to B-1(CD) for a 1.34 acre site located on the west side of North Sharon Amity Road north of Central Avenue.

Attachment No. 9

10. (89-62) Hearing on Petition No. 89-62 by Fralin and Waldron, Inc. for a change in zoning from R-12 to R-9MF(CD) for a 5 acre site located on the east side of Toddville Road to the south of Freedom Drive.

Attachment No. 10

11. (89-63) Hearing on Petition No. 89-63 by the City of Charlotte to establish zoning jurisdiction of the City of Charlotte in newly annexed areas.

Attachment No. 11

12. (89-64) Hearing on Petition No. 89-64 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2, R-6MF and O-6 to R-9 for approximately 5½ acres located on the westerly side of Park Avenue between Southwood Avenue and South Tryon Street.

Attachment No. 12

13. (89-65) Hearing on Petition No. 89-65 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to I-1 for 2.6 acres located on the northwesterly corner of South Tryon Street and West Summit Avenue.

Attachment No. 13

14. (89-66) Hearing on Petition No. 89-66 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 and I-3 to U-MUD for 8.4 acres bounded by Carson Boulevard on the west, Morehead Street on the east, Winnifred Street on the south and John Belk Freeway to the north and the east.

Attachment No. 14

POLICY AGENDA

15. (89-25) Decision on Petition No. 89-25 by B. V. Belk Enterprises for a change in zoning from R-12 to R-20MF (Innovative) for a 14 acre site located on the south side located on the south side of Wallace Avenue, west of Delta Road.

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

This decision was deferred at the May 15, 1989 meeting for 60 days. The petitioner is requesting an additional 90 day (if necessary) deferral to continue to work on this project.

The Zoning Committee recommends that this petition be approved as modified.

Attachment No. 15

16. (89-28) Decision on Petition No. 89-28 by Residents of Southwold Drive Area for a change in zoning from R-9 to B-1 for an approximately 5 acre site located south of the intersection of N. C. 49 (York Road) and Yorkmont Road along Southwold Drive.

This item was deferred from the April 17 and June 19 Zoning Meetings.

The Zoning Committee recommends that the petition be denied.

Attachment No. 16

17. (89-29) Decision on Petition No. 89-29 by Landcraft Properties for a change in zoning from R-15MF(CD) to O-15(CD) for a 10 acre site located on the west side of Providence Road north of N. C. 51.

This decision was deferred for 30 days at the June 19 meeting.

The Zoning Committee recommends that the petition be approved.

Attachment No. 17

18. (89-31) Decision on Petition No. 89-31 by H. D. Purser for a change in zoning from R-9MF to O-15(CD) for a 2.38 acre site on the east side of North Sharon Amity Road north of Albemarle Road and to the rear of the Lake Apartments.

This decision was deferred for 30 days at the June 19 Meeting.

The Zoning Committee recommends that the petition be denied.

Attachment No. 18

19. (89-38) Decision on Petition NO. 89-38 by the Charlotte Metro Credit Union for a change in zoning from R-6MF to O-6 for an approximately 8,250 square foot parcel located on the north side of Sunnyside Avenue just east of Brookshire Freeway.

A protest petition has been filed and found insufficient to invoke the 3/4 rule.

Councilmember Clodfelter is excused from this decision.

This decision was deferred for 30 days at the June 19 Meeting.

The Zoning Committee deferred action on this request for 30 days to allow the petitioner time to modify the petition to include the adjacent parcel and to convert the application to be considered through the conditional district approach.

Attachment No. 19

20. (89-47) Decision on Petition No. 89-47 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1(CD) to R-6MF for a 1.208 acre site located on the southwesterly corner of N. C. 16 and North Linwood Avenue.

This decision was deferred for 30 days at the June 19 meeting.

The Zoning Committee recommends that the petition be approved.

Attachment No. 20

21. (89-51) Decision on Petition No. 89-51 by Metrolina Association for the Blind for a change in zoning from O-6(CD) to R-6MF for a 7,000 square foot parcel located on the northeasterly corner of the intersection of Louise Avenue and Sunnyside Avenue.

The Zoning Committee recommends that the petition be approved.

Attachment No. 21

22. (89-52) Decision on Petition No. 89-52 by Tyvola Crossing Associates Limited Partnership for a change in zoning from R-12MF to B-1(CD) and consideration of a B-1(CD) Site Plan Amendment for a 13.05 acre site located at the southeast corner of the intersection of West Tyvola Road and N. C. 49 (York Road).

The Zoning Committee recommends that the petition be approved.

Attachment No. 22

23. (89-53) Decision on Petition No. 89-53 by John Usdan, Lemberg Syndicate, Charlotte Joint Venture, for a change in zoning from B-2 to B-1SCD for approximately 14 acres located on the east side of South Boulevard between Archdale Drive and Emerywood Drive.

The Zoning Committee deferred action on this request for 30 days to allow the petitioner time to modify the site plan to address concerns raised at the public hearing.

Attachment No. 23.

24. (89-54) Decision on Petition No. 89-54 by Christos Copsis for a change in zoning from R-12 to B-1(CD) for approximately 1.07 acres located on the east side of Harrisburg Road south of Albemarle Road.

A protest petition has been filed and found insufficient to invoke the 3/4 rule.

The Zoning Committee recommends that the petition be approved.

Attachment No. 24

25. (89-55) Decision on Petition No. 89-55 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6MF for a 1 acre tract located on the southwesterly side of Remount Road between Baltimore Avenue and Norfolk Avenue.

The Zoning Committee recommends that the petition be approved.

Attachment No 25

26. (89-48) Decision on Petition No. 89-48 by Mecklenburg County Building Standards for consideration of a text amendment to section Nos. 3063, 3073 and 3127 to allow veterinary outpatient clinics in all Business and Industrial Districts.

The Planning Committee recommends that this petition be approved.

Attachment No. 26

#1

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "MCNEIL PAPER COMPANY WAREHOUSE" (THE ENTIRE EXTERIOR OF THE BUILDING, THE ENTIRE INTERIOR OF THE BUILDING, AND THE ENTIRE TRACT OF LAND ON TAX PARCEL NUMBER 080-043-15) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 305-307 EAST EIGHTH STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 080-043-15 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "McNeil Paper Company Warehouse", erected in the late 1910's or early 1920's, is a good, primarily intact example of early twentieth century brick warehouse construction; and

WHEREAS, the "McNeil Paper Company Warehouse" and its site reflect the importance of the railroad in the growth and development of Charlotte during the late nineteenth and early twentieth centuries; and

WHEREAS, the "McNeil Paper Company Warehouse" is an integral

component of a small enclave of industrial and warehouse buildings close to the center of Charlotte; and

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

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

WHEREAS, the property known as the "McNeil Paper Company Warehouse" is vested in fee simple to Rudy Heer and his wife, Jacqueline Heer, and to Claes C. Honig.

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

1. That the property known as the "McNeil Paper Company Warehouse" (the entire exterior of the building, the entire interior of the building, and the entire tract of land on Tax Parcel Number 080-043-15) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 305-307 East Eighth Street,

Charlotte, North Carolina, and recorded on Tax Parcel Number 080-043-15 in the Mecklenburg County Tax Office.

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

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

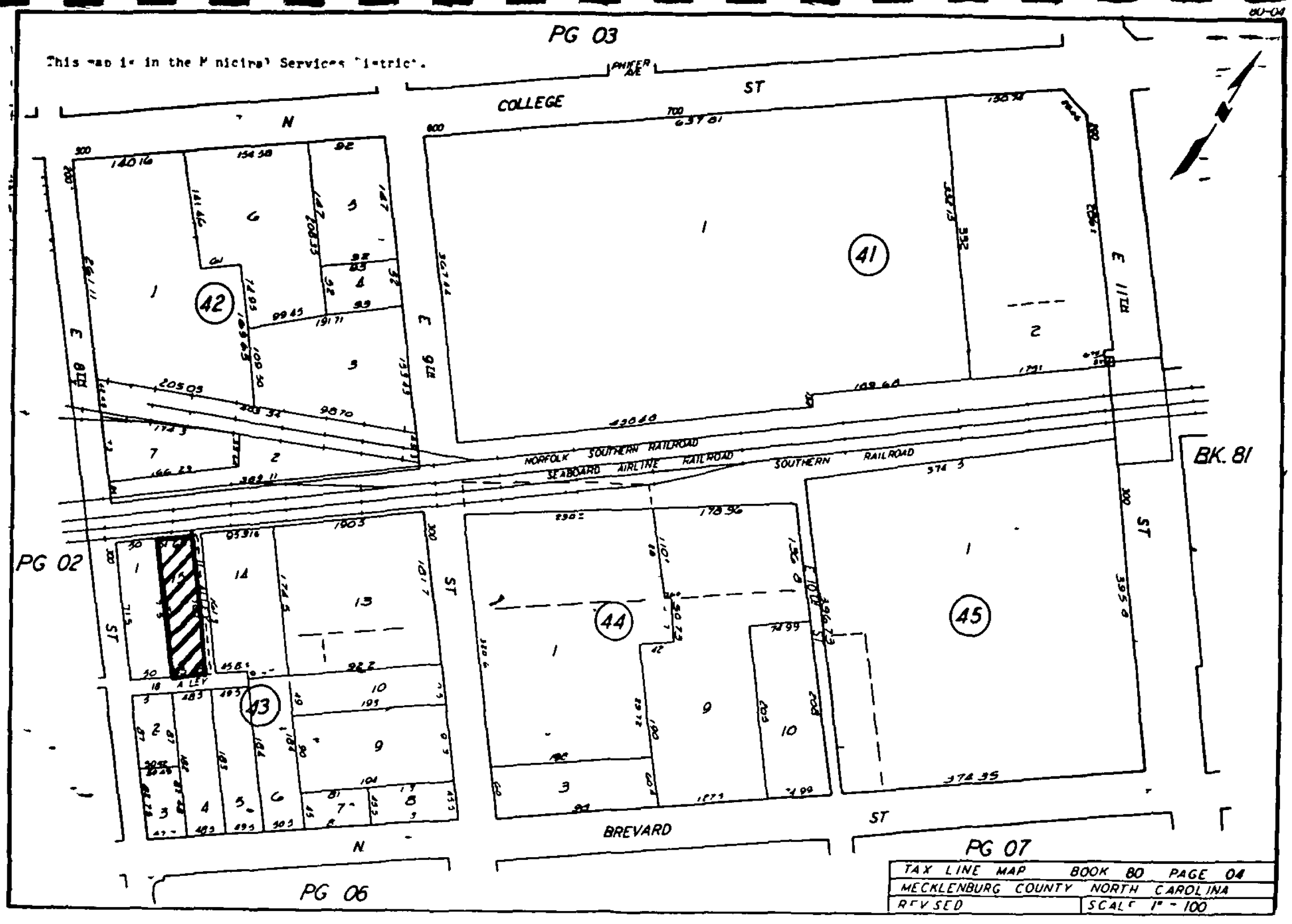
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

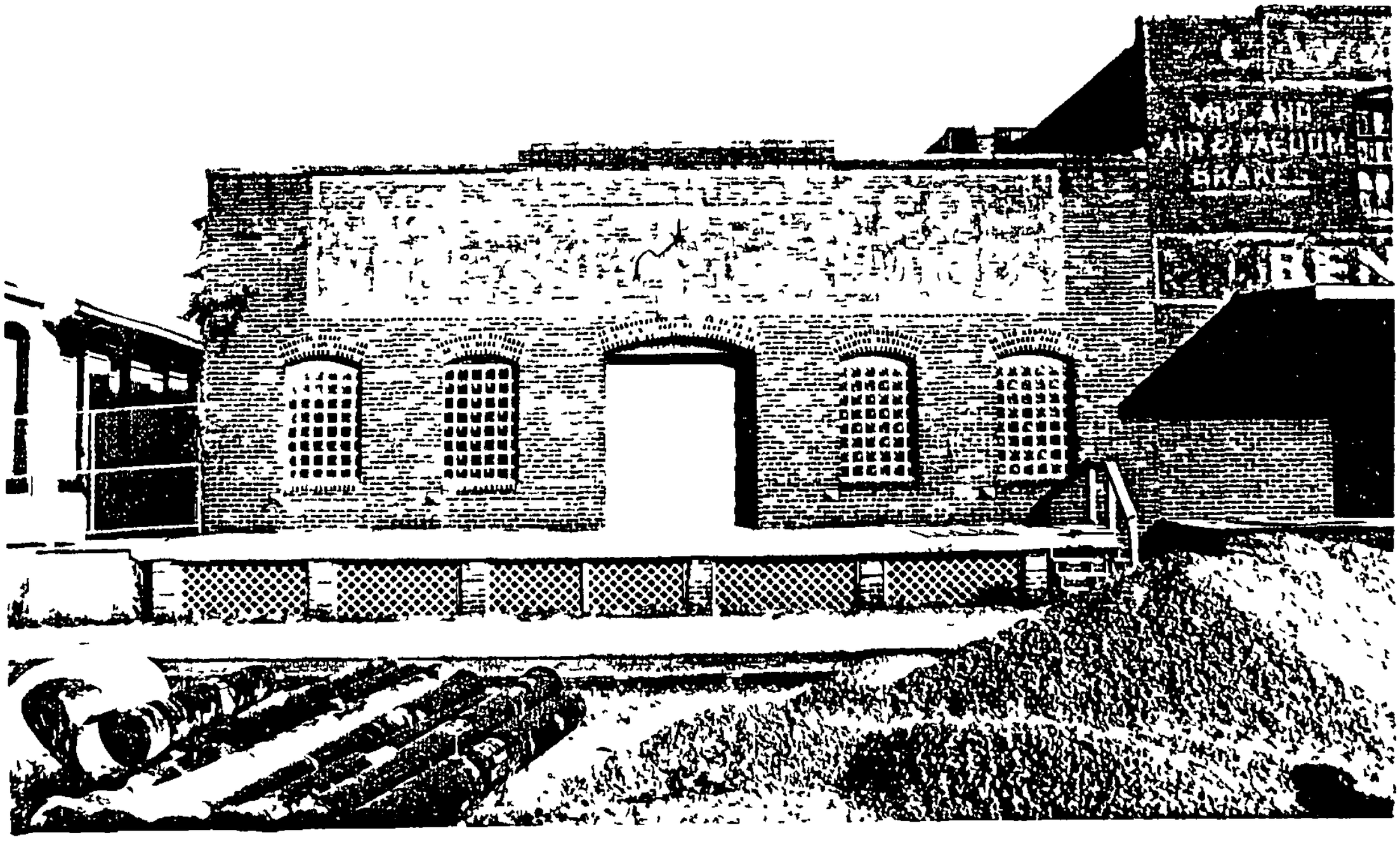
5. That the owners and occupants of the property known as the "McNeil Paper Company Warehouse" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register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

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

Approved as to form:

City Attorney
by David M. Smith
Assistant City Attorney


PG 03
This map is in the Municipal Services District.
PARKER AVE
COLLEGE ST
N
E 8TH
E 9TH
E 11TH
42
41
NORFOLK SOUTHERN RAILROAD
SEABOARD AIRLINE RAILROAD
SOUTHERN RAILROAD
BK. 81
PG 02
ST
ALLEY
43
44
45
BREVARD ST
PG 07
PG 06
TAX LINE MAP BOOK 80 PAGE 04
MECKLENBURG COUNTY NORTH CAROLINA
REVISED
SCALE 1" = 100


AIR & VACUUM
BRAKES

#2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-49

Petitioner: James B. Black

Location: A 17.23 acre site located on the north side of Tom Hunter Road between Hidden Forest Drive and Montieth Drive.

Request: Change from R-9 to R-15MF

BACKGROUND

1. Existing Zoning. The property involved with this request is currently zoned R-9. Adjoining properties on the east, west, and south are also zoned R-9. To the north and further to the east and west, properties are zoned for multi-family purposes in the form of R-15MF and R-9MF.

2. Existing Land Use. The petitioned site is presently undeveloped. Adjoining tracts to the north, east, and west are sparsely developed with only a few scattered single family residences. To the south, Tom Hunter Road is predominantly developed with single family residences. Further to the east and west along Tom Hunter Road are a number of multi-family projects including Heritage Apartments, Somerset Apartments, Silverstone Apartments, and Orchard Trace Apartments. A small park is located on Tom Hunter Road just to the west of the subject property.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include waterline extensions along I-85 and the widening of I-85.

   2. North Tryon/I-85 Residential Corridor Special Study. The North Tryon/I-85 Residential Corridor Special Study, adopted in 1985 by City Council, was prepared in response to community concerns about the impacts of multi-family development in the Hidden Valley area. At the time the study was prepared, multi-family units comprised approximately 60 percent of the total housing units in the study area. The study also noted that there were 245 acres of vacant land zoned R-9MF which would permit an additional 4,263 multi-family units, almost doubling the total residential units in the study area. The potential impacts on the transportation system, water pressure and the overall character and liveability of the area were identified as issues of major concern to residents. The plan contained a series of recommendations for rezonings to decrease the potential residential densities in the area. The property involved with this request was part of a 42 acre site recommended by the

North Tryon/I-85 plan to be rezoned from R-9MF to R-6. The current R-9 district was actually approved. The plan recommended the area be rezoned to a single family district to strengthen the single family character of Tom Hunter Road and to break up the massing of multi-family development to the north of Tom Hunter Road.

3. Transportation Improvement Program. The TIP includes the widening of I-85 from Gaston County to U.S. 29 which is currently under construction and scheduled for completion in FY93. The TIP also includes an EIS to study possible alternatives for the N.C. 49/Graham Street Extension connector which would provide a direct linkage from the Graham Street/Sugar Creek Road area to N.C. 49 and the University area with interchanges at I-85 and U.S. 29.

4. U.S. 29/North Tryon Street Improvement Study. This proposal is to obtain funds for the necessary planning and environmental studies to develop an improvement project for this corridor and to determine the feasibility of such a project.

4. Site Plan. There is no site plan which accompanies this petition inasmuch as it is a conventional application.

5. School Information.

Schools

		Capacity	Enrollment
Elementary:	Newell	780	740
Junior High:	Williams	780	737
Senior High:	West Charlotte	1,716	1,743

6. Zoning History (See Attached Map).

1.	66-17	R-9MF to I-2	Denied	03/07/66
2.	66-18	B-2, R-9MF to I-2	Denied	03/07/66
3.	69-56	R-9 to R-9MF	Denied	06/02/69
4.	86-17	R-9MF to R-9	Approved	04/21/86
5.	86-16	R-9Mf to R-15MF	Approved	04/21/86

7. Neighborhood. This site falls within the area defined as the Hidden Valley neighborhood.

REVIEWS

1. Plan Consistency. This petition requests a change in zoning from a single family residential district to a multi-family residential district. Public plans and policies for the area have identified the nearby community as one within an overabundance of land zoned and used for multi-family development. The property was recently

rezoned from a multi-family classification to a single family classification as part of the implementation of land use goals identified by the North Tryon/I-85 Residential Corridor Special Study. Therefore, the petition is inconsistent with adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this application with staff very briefly prior to its submittal. Staff noted the petition's inconsistency with plans for the area.

   2. Departmental Comments.

      1. C-MUD. Water and sewer services are available.

      2. Fire Department. The Fire Department indicates the available water supply does not appear to be supportive of the proposed development.

      3. Department of Transportation. CDOT indicates the site could generate approximately 913 to 996 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,477 to 1,899 trips per day. This will have a significant impact on the surrounding thoroughfare system. Tome Hunter Road is a local street and the developer would be required to provide a left turn lane, a minimum of 150 feet of storage and a through lane taper at a minimum rate of 35:1.

      4. Engineering Department. The Engineering Department had no comments due to the conventional nature of the petition.

      5. Building Standards. The Zoning Administrator had no comments due to the conventional nature of the petition.

ISSUES

1. Land Use. This request raises a significant land use issue. Several years ago, the North Tryon/I-85 Residential Corridor Special Study was developed to address the impacts of an overabundance of multi-family zoning in the area of the subject property. The petitioned site was part of a larger area rezoned from R-9MF to R-9 as a result of implementation of the recommendations of the North Tryon/I-85 Residential Corridor Special Study. The petition is inconsistent with publicly adopted plans and policies and is not considered appropriate for approval.

2. Site Plan. There is no site plan which accompanies this petition inasmuch as it is a conventional application.

CONCLUSION

This application is not considered appropriate for approval due to its inconsistency with public plans and policies for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-49
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner JAMES B. BLACK ROBERT A. RUCHO

Owner's Address 417 LYNDERHILL LANE, MATTHEWS NC 28105

Date Property Acquired APRIL 21, 1981

Tax Parcel Number 089 161 09

Location Of Property (address or description)

TOM HUNTER ROAD
CHARLOTTE, NC

Description Of Property

Size (Sq. Ft. Acres) 17 23 Ac Street Frontage (ft.) 904 ± Ft

Current Land Use VACANT LAND

Zoning Request

Existing Zoning R-9 Requested Zoning R-15 MF

Purpose of Zoning Change IN ORDER TO HAVE a Comparable product equal to Surrounding property-

Name Of Agent

Agent's Address

Telephone Number

Name of Petitioner(s)
JAMES B. BLACK

Address of Petitioner(s)
417 LYNDERHILL LANE
MATT. NC 28105

Telephone Number
(O) 377 5936 (H) 847 9938

X [signature]
Signature

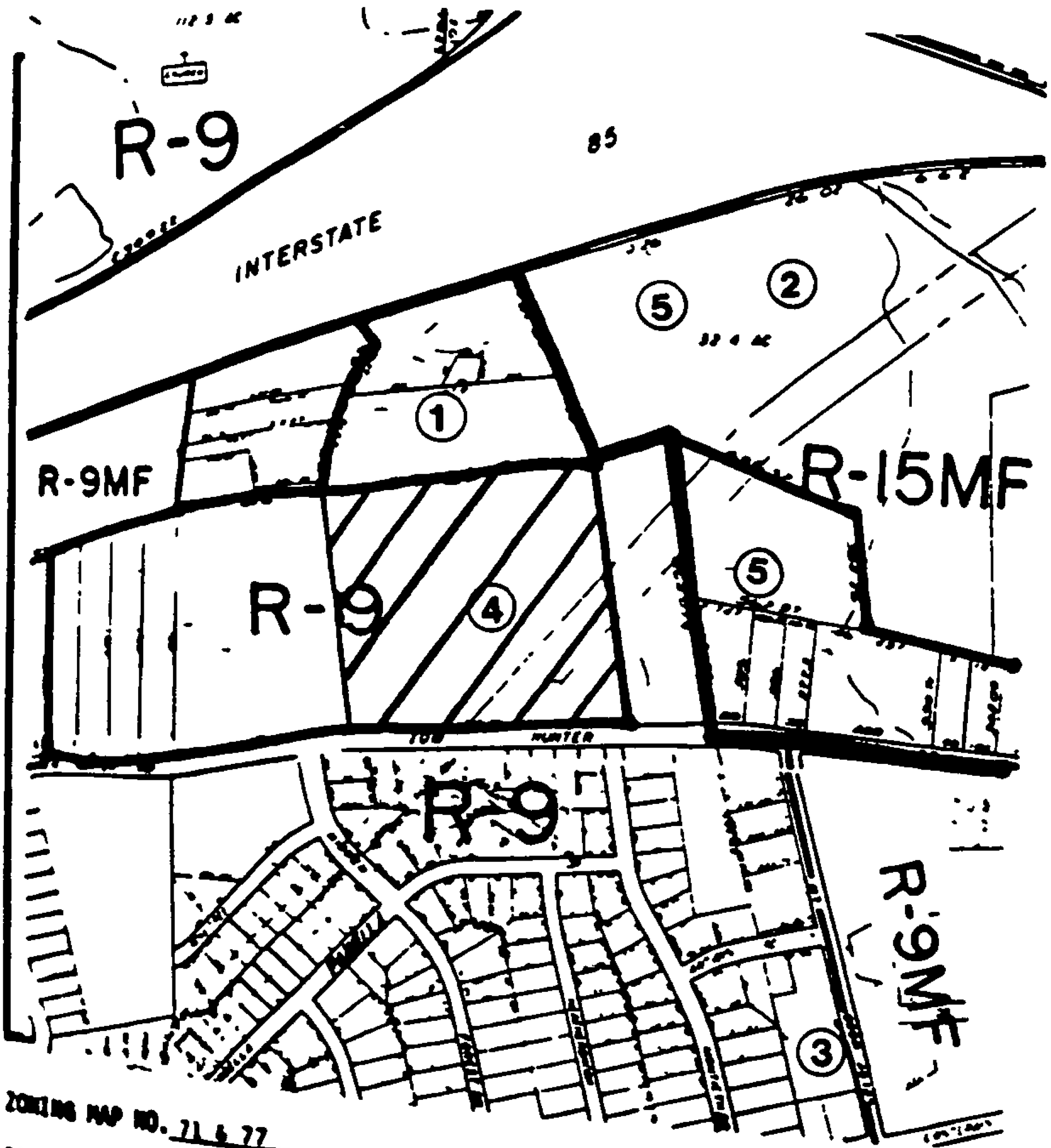
Robert A. Rucho
Signature of Property Owner if Other Than Petitioner

PETITIONER James B. Black

PETITION NO. 89-49 HEARING DATE June 19, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED R-15MF

LOCATION Approximately 17.23 acres located on the north side of Tom Hunter Road between Hidden Forest Drive and Montieth Dr.



ZONING MAP NO. 71 & 77

PROPERTY PROPOSED FOR CHANGE

SCALE 1" = ~~200'~~ Reduced

#3

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-50

Petitioner: Bentford Martin and Others

Location: 3.4 acres on the westerly side of Floral Avenue and Worthington avenue.

Request: Change from B-2 to R-6MF

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-2 as is a smaller tract directly across Scott Avenue from the subject site owned by the same property owners. To the north and east along East Boulevard can be found a strip of B-1 zoning with some associated O-6 zoning. To the south of the subject site can be found larger areas zoned for R-6 and a smaller area zoned for R-6MF uses.

2. Existing Land Use. The property involved with this request is presently the site of a commercial nursery facility. However, the site is being actively considered for a small retail center under the existing B-2 zoning. To the east along East Boulevard can be found a mixture of retail and office uses taking advantage of the zoning in that area. Elsewhere the property is used almost exclusively for single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan identifies the existing residential land uses in the area of the subject property. The plan indicates a community commercial center generally in the vicinity of the intersection of East Boulevard with Scott Avenue and Kenilworth Avenue. This indication appears in the plan as a result of the fact that there is already a concentration of retail and office type uses in that area on properties zoned B-1.

   2. Dilworth Small Area Plan. This site does not fall within the area covered by the Dilworth Small Area Plan.

   3. Central District Plan (unadopted). The Central District Plan, in its present form, does not make any specific recommendations regarding this property.

4. Site Plan. There is no site plan which accompanies this request inasmuch as it is a conventional rezoning.

5. School Information. Information from the School Board has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	64-15	R-6MF to B-1, R-6MF	Approved	03/23/65
2.	66-66	R-6MF to B-1	Approved	08/08/66
3.	68-66	B-1, R-6MF to O-6	Approved	09-23-68
4.	68-76	R-6MF to O-6	Approved	10/28/68
5.	73-27	R-6 to O-6	Denied	07/30/73
6.	77-6	O-6 to B-1(CD)	Approved	03-21-77
7.	78-10	O-6 to B-1(CD)	Approved	04/03/78
8.	83-2	B-1(CD) S.P.A.	Approved	04-18-83
9.	83-81	B-1(CD) to O-6	Approved	02/20/84
10.	86-31	R-6MF, O-6, B-1, B-2 to O-6(CD)	Approved	05/19/86

7. Neighborhood. This property falls within the area defined as the Dilworth neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a piece of property from the B-2 general business district to R-6MF, a multi-family district. Plans for the area have indicated that properties in the vicinity of the subject site would be used for residential purposes with the exception of a community commercial center indicated in the vicinity of Scott Avenue/Kenilworth Avenue and East Boulevard intersections. It could be argued that this property should be included within that commercial center, especially in view of the fact that it is already zoned B-2. However, it could also be argued that the commercial center should be concentrated along East Boulevard in the areas where existing neighborhood business zoning occurs. The B-2 zoning on this property has been there for a number of years to accommodate the commercial greenhouse activity which exists there. Any other classification, such as B-1 or O-6 would have made the greenhouse operation a nonconforming use. Therefore, it is possible to conclude that the only reason the B-2 zoning exists in that location was to accommodate a preexisting business which is now closing. If one accepts the proposition that this property should be used for commercial purposes then it may be more appropriate to consider a B-1 zoning classification rather than B-2. B-2 permits a wide variety of uses which are more properly situated along major thoroughfares in highly commercialized areas. Therefore, it can be concluded that this rezoning request is not inconsistent with publicly adopted plans and policies for the area inasmuch as it proposes elimination of a highway/business classification. However, it may be appropriate to consider a commercial development in this area if the zoning were changed to a more appropriate category, such as B-1 with a conditional site plan.

2. Technical Consistency.

1 Pre-Hearing Staff Input. The staff offered assistance to the petitioner in filing the application.

2. Departmental Comments. There were no specific departmental comments regarding this application inasmuch as there was no site plan or specific development proposal to review. It can be assumed that the level of impact of this property developed under the proposed classification would be less than if developed under its existing classification with the exception of its impact on the school system.

ISSUES

1. Land Use. This petition raises a significant land use issue. The property being considered for rezoning has been zoned B-2 for a number of years to accommodate a commercial greenhouse operating on the site. It now appears that the greenhouse operation will cease and the property being considered for development as a retail center. This retail center would have certain undesirable impacts on adjoining residentially zoned properties and it is some of those adjoining residents who have brought this petition. It can be argued that this petition is inconsistent with plans for the area because it falls within the general vicinity of a community commercial center as indicated in the 2005 Plan. It can also be argued that this petition is consistent with plans for the area which truly envisioned the community commercial center being oriented toward East Boulevard in the area of existing B-1 zoning. An important question to resolve is whether B-2 zoning is an appropriate classification for this site. If indeed this property is to be part of a community commercial center then a B-1 classification would be sufficient to accommodate the proposed uses. The staff believes that a well designed community shopping facility might be appropriate at this location. However, the staff also notes that this site could easily accommodate higher density multi-family housing with the close proximity to shopping, transportation facilities, and employment centers. Therefore, the proposed classification is also appropriate.

A related issue is a tract of land across Scott Avenue from the subject site which is part of the same commercial nursery operation and which is also zoned B-2. If the site involved in this request is rezoned to R-6MF, the remaining property is to the west of Scott Avenue will still be zoned B-2. No matter what the decision on this site, it may be appropriate to review the zoning pattern for the immediate vicinity of the intersection of Scott Avenue and East Boulevard and to develope policies sufficient to guide future land use decisions in this immediate area.

On the whole, this petition may be considered appropriate for approval. Multi-family housing in this location would be an asset to the community and an appropriate transitional land use between single family uses to the south and east and commercial and office uses along East Boulevard. The staff believes that a well design community center might also be appropriate for this location. However, no such plan is available for review and the staff believes that the B-2 zoning is incompatible with the overall objectives for the development of the surrounding area.

2. Site Plan. There is no site plan which accompanies this request.

CONCLUSION

This petition is appropriate for approval. However, the site may still be appropriately used for some sort of retail facility if developed pursuant to a conditional site plan in the B-1 category.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-50
Date Filed April 17, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Scholtz Greenhouses, Inc.

Owner's Address 1900 Floral Avenue, Charlotte, NC 28203

Date Property Acquired July 11, 1946

Deed Reference Book 1189, Page 95

Location Of Property (address or description) 1900 Floral Avenue, Charlotte, NC 28203

Tax Parcel Number 151-015-07

Description Of Property

Size (Sq. Ft. Acres) 3.402 Acres

Current Land Use Greenhouses

Street Frontage (ft.) 513.2 feet

Zoning Request

Existing Zoning B-2

Requested Zoning R-6MF

Purpose of Zoning Change To prevent business development intrusive upon and inconsistent with residential character of petitioners' property.

Name Of Agent

Agent's Address

Telephone Number

BENTFORD E. MARTIN ET AL
Name of Petitioner(s) SEE ATTACHED

1500 E. Worthington Ave.
Address of Petitioner(s)

334-3260
Telephone Number

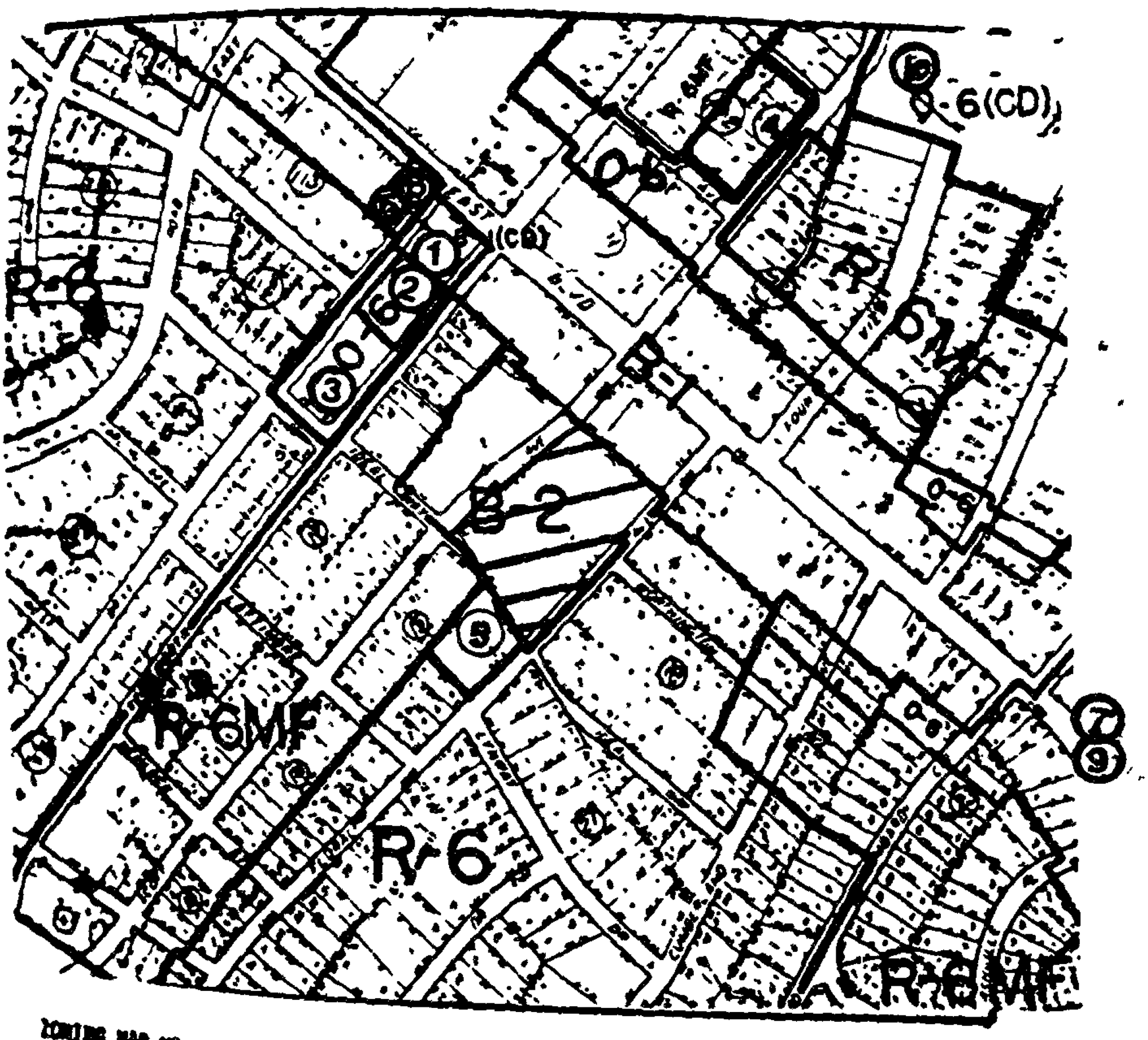
Bentford E. Martin
Signature

PETITIONER Bentford E. Martin, R. C. Green, B&D Tarleton, J&J Carter, & C&M Murray

PETITION NO. 89-50 HEARING DATE June 19, 1989

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

LOCATION Approximately 3.4 acres located on the westerly side of Floral Avenue at the Worthington Avenue intersection.



ZONING MAP NO. 111

PROPERTY PROPOSED FOR CHANGE

SCALE 1" = 400'

#4

Petition No. 89-56

This petition includes approximately 7.6 acres located off the easterly side of I-77 south of Remount Road. The property is presently zoned O-15 and the requested change seeks R-6MF. Nearby properties are predominantly zoned R-6MF though properties adjoining I-77 are zoned a combination of industrial and office districts. Across I-77 properties are predominantly zoned R-9. The land use pattern in the nearby area is a mixed pattern of vacant land, multi-family residential, commercial, and public parks. The property that is being requested for rezoning is vacant except for a parking lot which services the City Animal Shelter. Southside Park is located just to the northeast on Remount Road and Revolution Park is located across I-77. Other nearby properties are predominantly devoted to multi-family development including Southside Apartments. The Southside Park Special Project Plan recognizes that a portion of Southside Park is zoned for office uses. This designation would not prevent offices from encroaching upon the park's open space in the future. Therefore, the plan recommends rezoning to a residential district.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-56
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte Animal Shelter

Owner's Address 2700 Toomey Avenue, Charlotte, NC 28203

Date Property Acquired N/A

Deed Reference See attached list

Tax Parcel Number 145-032-03 Portion c

Location Of Property (address or description) Located on eastside of Toomey Road, approximately 122 ft. south of intersection of Toomey and Remount Road

Description Of Property

Size (Sq Ft Acres) 7.6 Acres

Street Frontage (ft) 1300

Current Land Use Vacant/Parking Lot

Zoning Request

Existing Zoning O-15

Requested Zoning R-6MF

Purpose of Zoning Change To bring property into compliance with the recommendations in the Southside Park Special Project Plan adopted by City Council in May 1988.

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

704-336-2205
Telephone Number

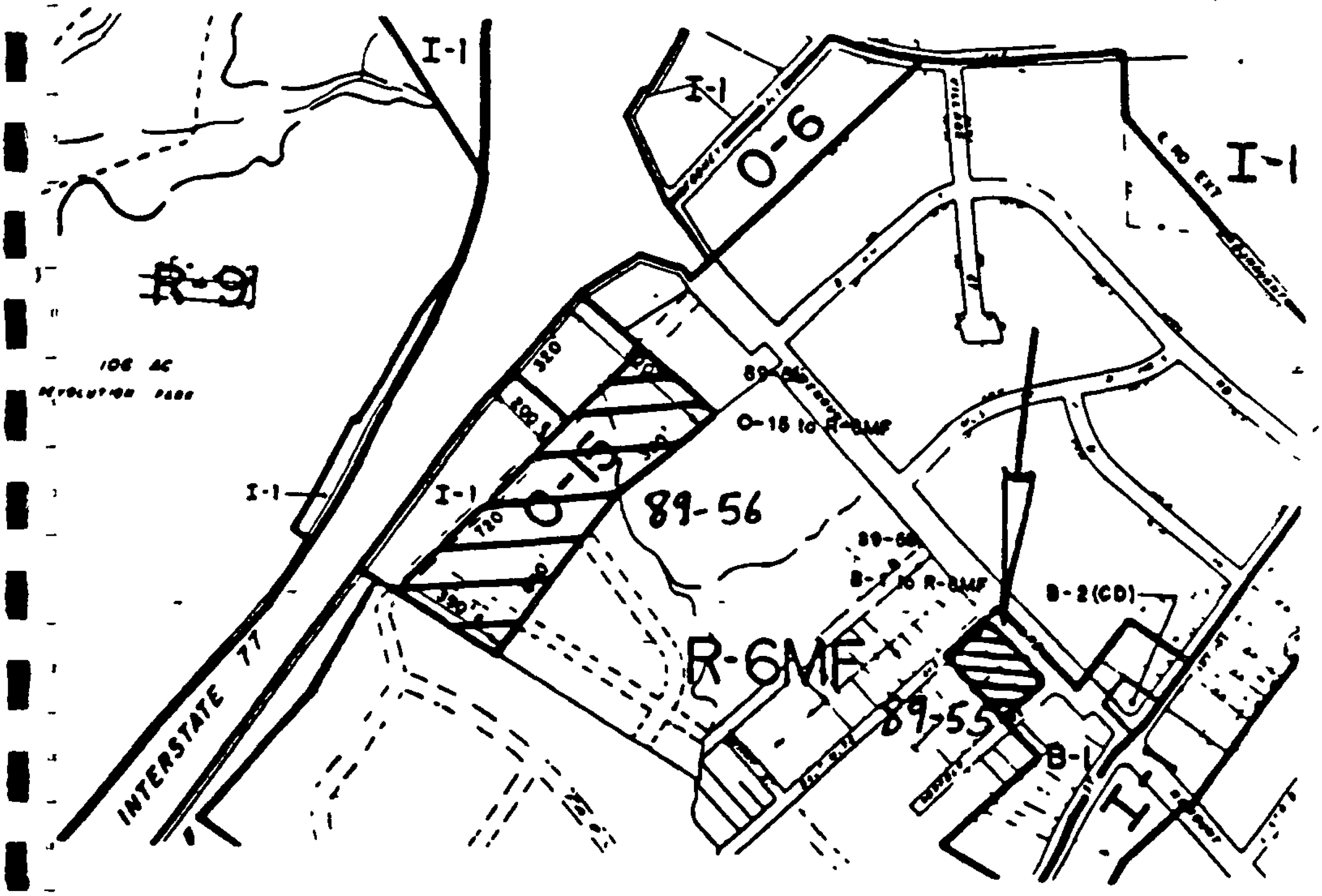
Signature

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-56 HEARING DATE June 19, 1989

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

LOCATION Approximately 7.6 acres located off the east side of I-77 south of Remount Road



ZONING MAP NO. 110

SCALE 1" = ~~200'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

#5

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-57

Petitioner Crown Point Plaza Associates

Request Text amendment to allow the sale of building materials at retail in a B-1SCD District under prescribed conditions

BACKGROUND

Presently the sale of building materials may be conducted only in Industrial Districts by right and in the B-2 District subject to the following limitations

1 All portions of the business including the storage of all materials must be housed within a completely enclosed structure

2 Only retail sales of building materials will be permitted For the purpose of this section this means sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited

3 The operator of the business will not be permitted to provide for the delivery of building materials from the site

In recent years it has become more common practice for large retail establishments to sell in one store a vast array of home improvement supplies, hardware, building and yard materials. This proposed amendment would also permit building materials to be sold in the B-1 Shopping Center District subject to the same conditions cited above for the B-2 District.

CONCLUSION

It is felt that this amendment is appropriate for approval in the B-1 Shopping Center District with its accompanying limitations.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-57
Date Filed May 15, 1989
Received By ACM

OFFICE USE ONLY

Section No 3210 3 B-1 Shopping Center District (B-1 SC

(Title)

Purpose of Change Consideration of an amendment to the Zoning Ordinance of the City of Charlotte which would allow the sale of building materials at retail in a B-1 SCD District under prescribed conditions so as to recognize the fact that building materials are now being sold at retail in establishments which cater solely to the consuming public.

The prescribed conditions would be those specified below:

1 All portions of the business including the storage of all materials must be housed within a completely enclosed structure.

.2 Only retail sales of building materials will be permitted. For the purpose of this section this means sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

.3 The operator of the business will not be permitted to provide for the delivery of building materials from the site.

Crown Point Plaza Associates, a
North Carolina Limited Partnership

By: Erwin Properties, Inc.
General Partner

By: [signature]
Mark W. Erwin, President

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

Name of Petitioner(s) Assistant Secretary
125 Scaleybark Road, Charlotte, NC 28209
Address of Petitioner(s)
523-0272
Telephone Number
[signature]
Signature

ZONING ORDINANCE
TEXT AMENDMENT NO. _____

A RESOLUTION AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE

BE IT RESOLVED BY THE CHARLOTTE CITY COUNCIL that the City zoning regulations, as embodied in the Charlotte Zoning Ordinance, are hereby amended as follows:

Section 1. Amend Section 3210 by deleting all the provisions of paragraph 3210.3, and substituting the following provisions in lieu thereof:

3210.3. PERMITTED USES. The uses permitted in the B-1 shopping center district are as follows:

Those specified for the B-1 district;

Theaters within an enclosed building; and

Building materials sales, subject to the following limitations:

.1 All portions of the business including the storage of all materials must be housed within a completely enclosed structure.

.2. Only retail sales of building materials will be permitted. For the purpose of this section this means sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

.3 The operator of the business will not be permitted to provide for the delivery of building materials from the site.

Section 2. That this Ordinance shall become effective upon its adoption by the Charlotte City Council.

#6

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-58

Petitioner: **St. Luke Baptist Church**

Location: An approximately 2 3 acre site located to the east of Old Statesville Road along Montreat Street where it intersects with Rodey Avenue and Norris Avenue.

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

BACKGROUND

1 Existing Zoning The property involved with this request is presently zoned R-6MF as is the majority of the property in the nearby area. A mixed pattern of B-1 and O-6 classifications can be found along Old Statesville Road to the west of the subject property Across Statesville Avenue, properties are zoned R-6MF

2. Existing Land Use. The property involved with this request is the site of a single family residence and several parcels currently being used as parking lots Most of the nearby properties are developed with duplexes or single family residences. Many nearby properties are vacant Along Old Statesville Road are a mixture of single family residences, churches, and commercial developments Across Statesville Avenue are the Double Oaks Apartments.

3. Public Plans and Policies.

   1. **2005 Plan. The 2005 Plan indicates existing residential development in the area of the subject property. The nearby Statesville Avenue corridor is recognized as an area of existing employment uses. The 2005 strategies for the area include improvement of Statesville Avenue and extension of LaSalle Street from Statesville Avenue to Graham Street.**

   2. **Transportation Improvement Plan. The TIP includes the widening of Statesville Avenue to a multi-lane route from Newell Road to Hickory Lane in its lists of proposed roadway improvements.**

   3. **Central District Plan (preliminary draft). The pending Central District Plan envisions the property as remaining zoned and used for residential purposes. It also includes the subject property within a neighborhood reinvestment area designed to promote and maintain the area as a residential community.**

4. Site Plan. The site plan which accompanies this application proposes use of the subject property as a parking lot for St. Luke Baptist Church. The lot would include 205 parking spaces and would have entrances off of Rodey Avenue and Norris Avenue. The site plan indicates that a portion of Montreat Street has been removed from dedication and will be incorporated into the proposed parking

lot The plan further indicates the preservation of a large number of existing mature trees and supplements the existing trees with new planting to take place within the parking lot and along the perimeter of the parking lot

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1	65-43	B-1 to B-2	Denied	05/21/65
2	73-40	R-6MF to R-6	AIP	11/26/73

7. Neighborhood. This site falls within the area defined as the Druid Hills neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property to the residential institutional category This zoning district was specifically developed to accommodate the growth and expansion of large churches in residential environments Publicly adopted and pending plans for the area recognize it as one of existing residential uses and encourages preservation of the existing residential environment. The residential institutional district was specifically designed to provide for this type of facility in a residential setting and, therefore, this petition is viewed as consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff provided technical assistance to the petitioner prior to the filing of the application. Subsequent to the filing of the petition, staff relayed several site plan related comments and concerns to the petitioner which have now been addressed by a revised site plan.

   2. Departmental Comments.

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

      2. Building Standards Department. Comments made by the Zoning Administrator have now been addressed.

      3. Fire Department. The Fire Department had no comments.

      4. Department of Transportation. Comments made by CDOT have been addressed.

5. Engineering Department. The Engineering Department offered the standard list of additional ordinance requirements and noted that no additional right-of-way would be required to meet the street classification system.

6 Planning Staff Comments made by Planning staff have been addressed by the revised plan.

ISSUES

1 Land Use There are no land use issues which accompany this application Proposed use of this site as a parking facility to serve an existing church which is to be expanded in the future is an appropriate use in a residential environment. The residential industrial district was specifically designed to provide for such facilities and includes design safeguards to ensure compatibility with surrounding properties Therefore from a land use standpoint, this petition should be considered appropriate for approval

2 Site Plan. There are no site plan issues which accompany this application. The site plan proposes the development of the site to accommodate a 205 space parking lot for a church. The site plan indicates compliance with the City's Tree Ordinance as well as the comments made by the reviewing agencies Therefore, the petition is considered appropriate for approval

CONCLUSION

This petition raises no land use or site plan issues and is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-58
Date Filed May 15, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Saint Luke Baptist Church

Owner s Address 1109 Rodey Avenue

Charlotte North Carolina 28206

Date Property Acquired December 2- 1[illegible]

Deed Reference 3900-308 Tax Parcel Number 0[illegible]-077-[illegible]1

Location Of Property (address or description) 1109 Rodey Avenue

Description Of Property

Size (Sq Ft Acres) 14,868 sq Ft. Street Frontage (ft.) [illegible] 120

Current Land Use Parking (Zoned R6MF)

Zoning Request

Existing Zoning R6MF Requested Zoning R1

Purpose of Zoning Change To comply with Section 3333.1 City of Charlotte Zoning Ordinance regarding noncontignons parcels/expansion of existing facilities.

Name Of Agent
Gantt Huberman Architects

Agent s Address
112 West 5th Street/Charlotte, NC 28202

Telephone Number
334-6436 Attn Rick Lyon

Name of Petitioner(s)
St. Luke Baptist Church

Address of Petitioner(s)
1109 Rodey Avenue

Telephone Number
333-6377

L.D. Parker, D.D., Pastor

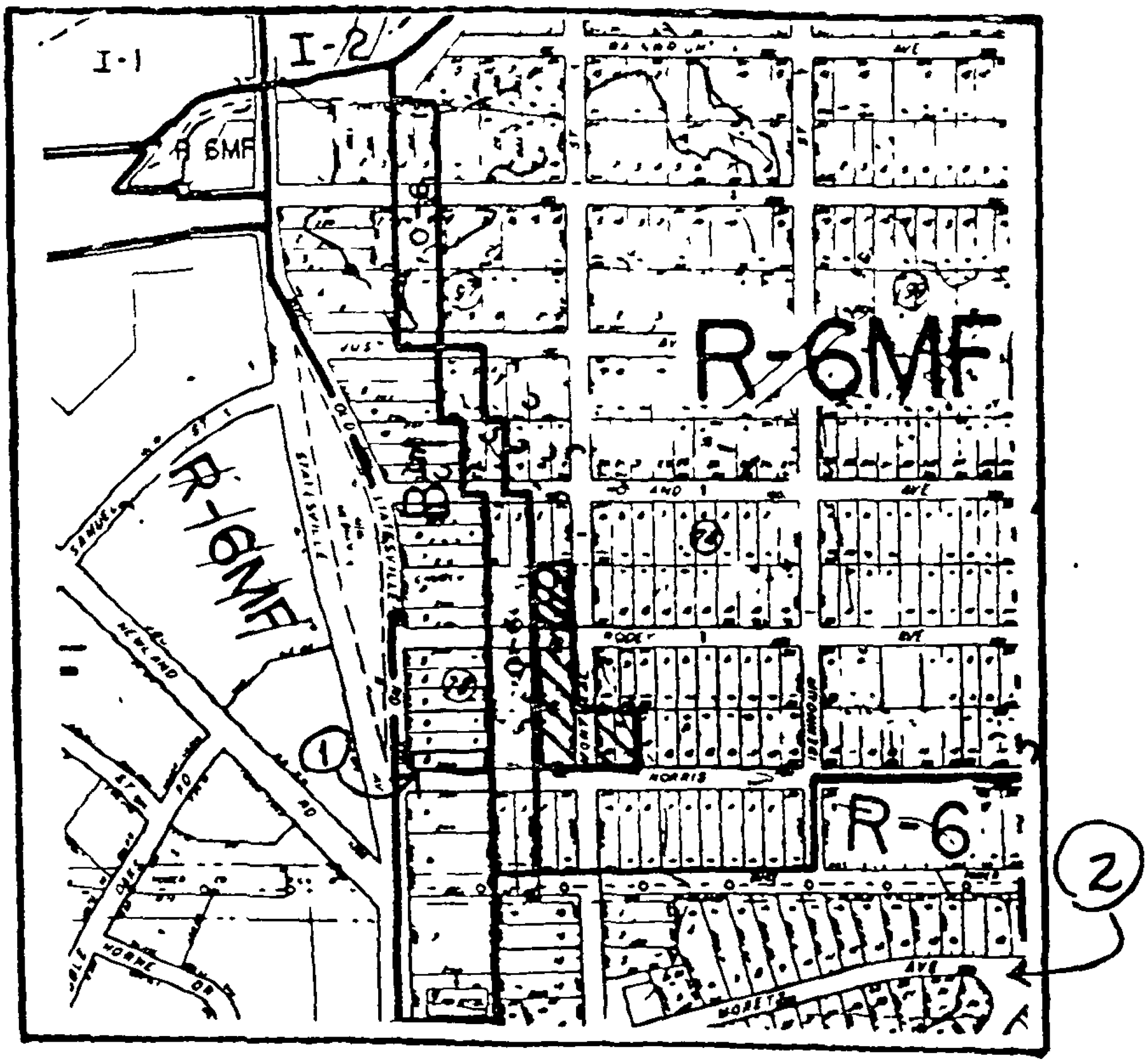
Signature
[illegible] Church

PETITIONER St Luke Baptist Church

PETITION NO. 89-58 HEARING DATE July 17, 1989

ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED RI

LOCATION A 14,868 square foot parcel located off of Old Statesville Road on the northwest corner of Rodey Avenue and Montreal Street.



ZONING MAP NO. 79 SCALE 1" = 400'

#7

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-59

Petitioner: Flavius J. Settin

Location Approximately .36 acres located on the south side of Elmin Street to the east of Old Steele Creek Road

Request Change from R-6MF to I-1(CD).

BACKGROUND

1 Existing Zoning The property involved with this request is presently zoned R-6MF as are most other properties located on Elmin Street and generally to the north along Old Steele Creek Road To the south along West Boulevard properties are predominantly zoned I-1 Otherwise, nearby properties are residentially zoned in the form of R-6MF, R-9, or R-6

2 Existing Land Use The subject property is currently the site of a church. Elsewhere on Elmin Street, properties are vacant or developed with single family homes To the north along Old Steele Creek Road, properties are predominantly developed with single family residences, though a scattering of multi-family and commercial uses can also be found To the south along West Boulevard is a mixture of commercial, industrial, office, and institutional uses

3. Public Plans and Policies.

1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property as well as a major open space facility nearby. 2005 strategies include streetscape improvements along West Boulevard and Wilkinson Boulevard and improvements to Wilmount Road and Billy Graham Parkway.

2. Central District Plan (unadopted). The preliminary draft of the pending Central District Plan recommends that the subject property remain residentially zoned and used. The plan includes the subject property within a neighborhood reinvestment area with the objective of encouraging and preserving residential development.

4. Site Plan. The site plan which accompanies this application proposes the expansion of an industrial site onto the subject property to allow an additional 8,000 square feet of building area on the subject property. The plan indicates no vehicular connection to Elmin Street and a landscaping treatment along the frontage on Elmin Street and the edge where the site adjoins R-6MF zoning. The plan indicates a 20 foot planting strip along Elmin Street composed of large maturing shade trees and a solid evergreen

hedge The plan indicates a 25 foot planting strip along the site's easterly edge where it adjoins R-6MF zoning. Within this area, the existing vegetation would remain and be supplemented by large maturing shade trees and a solid evergreen hedge The plan indicates the maximum building height shall be two stories.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1	69-35	R-6MF & I-1 to R-6	Approved	06/16/69
2.	69-45	I-1, B-2, and R-6MF to B-1 and R-6MF	Approved	06/30/69
3.	72-51	R-6 MF to R-9	Approved	11/13/73
4.	73-15	R-9 to R-6MF	Denied	07-02-73

7. Neighborhood This petition falls within the area defined as the West Boulevard neighborhood.

REVIEWS

1 Plan Consistency This petition proposes the rezoning of properties from multi-family residential to a conditional industrial district Publicly adopted and pending plans call for the area to remain one of residential zoning and land uses The pending Central District Plan envisions the nearby area as being targeted for reinvestment to encourage residential development. Therefore, this proposal is not consistent with plans for the area which seek to encourage and maintain residential uses.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this request. Staff pointed out the discrepancy between the request and the pending Central District Plan recommendation. Subsequent to the filing of the request, staff relayed a number of site plan related comments and concerns to the petitioner. Those comments have now been addressed by the revised site plan.

2. Departmental Comments. Departmental comments indicate that water and sewer service is available to the site. There were several comments regarding the proposed landscaping/screening treatment along the project edges and comments requesting clarification of a couple of the conditional notes. These comments have now been addressed by the revised site plan.

ISSUES

1. Land Use. This petition raises a land use issue due to its inconsistency with publicly adopted and pending plans that call for continued residential development in this area The 2005 Plan and the pending Central District Plan call for encouraging and maintaining residential development in the area and would discourage the creation of more industrially zoned land in the area Therefore, this petition is not consistent with public plans for the area and is not considered appropriate for approval

2 S te Plan The revised site plan which accompanies this application has addressed the earlier comments noted by the various departments during the review process From the technical site plan standpoint, the petition raises no issues

CONCLUSION

This petition is not considered appropriate for approval due to its inconsistency with public plans for the area

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 88-59

Date Filed May 15, 1989

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner (1) Ms. Vermelle R. Elder and (2) Flavius J. Sellers and wife Virginia

Owner's Address 6848 Dumbarton Drive 10311 Apt 2-D Willow Bend Dr

Charlotte, N.C. 28210 Charlotte NC 28210

Date Property Acquired

Deed Reference (1) 3967/20 (2) 5000/640 Tax Parcel Number 117-076-15 and 12

Location Of Property (address or description) Being a part of Lot 4, Block A, A. S. Spence Property, Map Book 6, Page 361

Description Of Property

Size In Acres (1) Street Frontage (ft) 64.2 and 30

Current Land Use Church on Sunday & Sunday and (2) Vacant

Zoning Request

Existing Zoning R-6 MF Requested Zoning I-1(CD)

Purpose of Zoning Change Build building for office and storage of packing materials

Name Of Agent John C. Surles, Attorney

Agent's Address 6743 Fairview Road, Charlotte, NC. 28210

Telephone Number (704) 364-0010

Name of Petitioner(s) Vermelle R. Elder

Address of Petitioner(s) 6848 Dumbarton Drive, Charlotte, 2821

Telephone Number

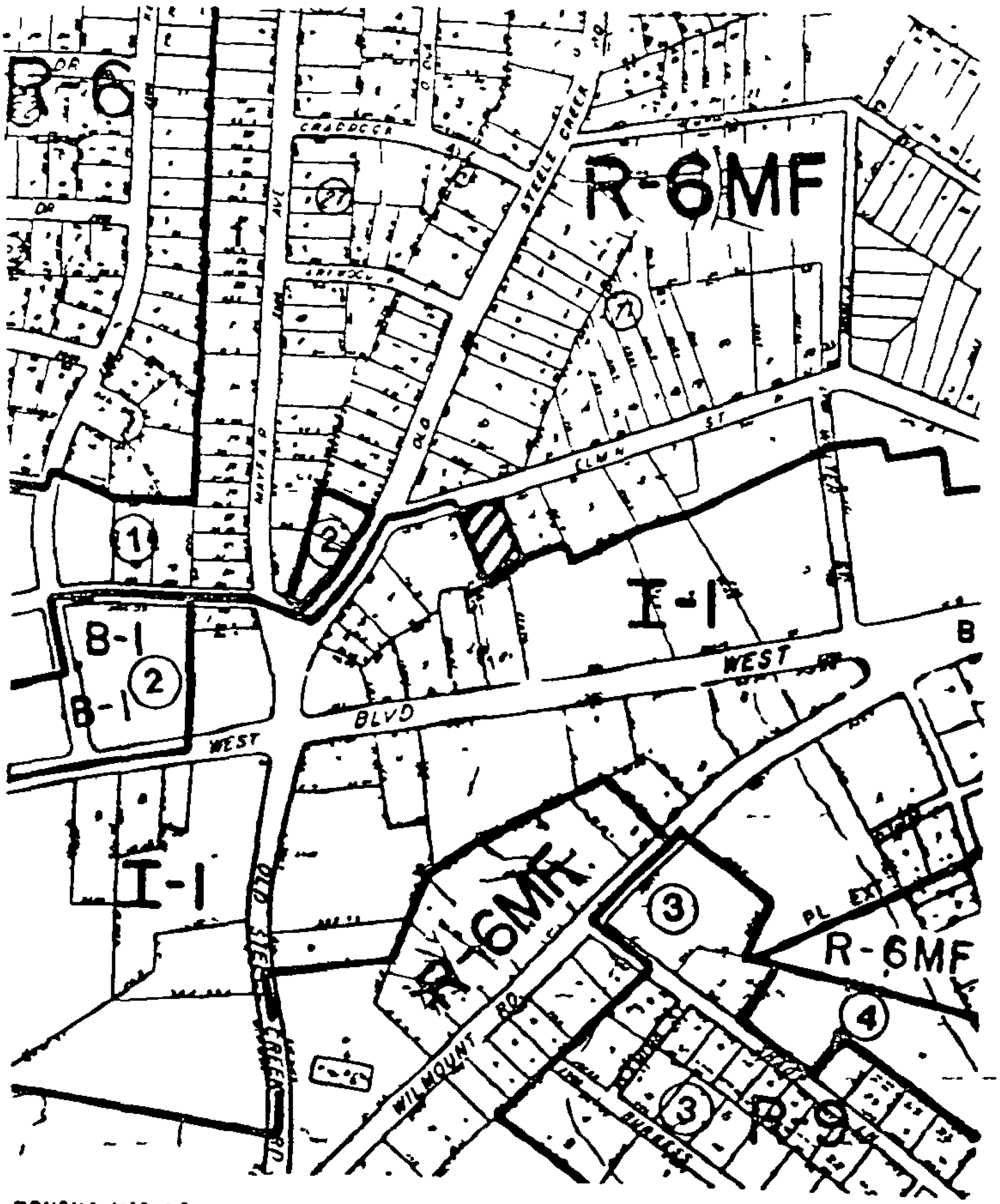
Signature

PETITIONER M. Flavius J. Settin

PETITION NO 89-59 HEARING DATE July 17, 1989

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

LOCATION Approximately 36± acres located on the south side of Elmin Street east of Old Steele Creek Road



ZONING MAP NO. 104 & 109 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#8

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-60

Petitioner: Frank J. LaPointe

Location: 15 4 acres on the east side of Independence Boulevard north of Margaret Wallace Road, along both sides of Delta Road Extension.

Request Change from R-9 to O-15(CD) and B-2(CD).

BACKGROUND

1 Existing Zoning The property involved with this request is presently zoned R-9 Properties along Independence Boulevard are zoned for a variety of commercial classifications including B-1SCD, B-2, B-2(CD), and B-D(CD) Properties to the north, east, and south of the subject site are generally zoned R-9 The property also adjoins land zoned for multi-family categories including R-6MF(CD) and R-9MF(CD).

2 Existing Land Use The property involved with this request is presently undeveloped Properties to the south and west along Independence Boulevard are used for a variety of heavy commercial purposes, principally automobile dealerships Properties to the north are presently developed for single family and multi-family uses, and properties generally to the west are undeveloped The property is bounded by Campbell Creek floodplain which is in the County's Greenway Master Plan for development.

3. Public Plans and Policies.

1. 2005 Plan. The 2005 Plan indicates residential type land uses in the area of the subject property. The 2005 strategies include improvements to Delta Road and extending Delta Road to connect with Independence Boulevard, extending water service along Idlewild Road, and extending the greenway system along Campbell Creek.

2. Transportation Improvement Program. The TIP calls for the widening of Idlewild Road between Electra Drive and Delta Road and the construction of Delta Road Extension from Idlewild Road to Independence Boulevard. This road is presently under construction and is scheduled for completion in FY90. This road will complete the linkage between Harris Boulevard and Independence Boulevard.

3. East District Plan (unadopted). The East District Plan calls for multi-family type land uses in the area of the subject property.

4 Site Plan. The revised site plan which accompanies this application proposes the development of this property for an automobile dealership and office uses. The automobile dealership has its relationship and orientation to Delta Road Extension with three access points. The plan also indicates a possible connection to the existing automobile dealership which fronts on Independence Boulevard. The remainder of the site is proposed to be developed for up to 116,650 square feet of office floor area in two development parcels One parcel is located on the north side of Delta Road Extension and would have two access points and the other parcel is located on the south side of Delta Road Extension with a single access point

The site plan proposes to dedicate 10 feet of additional right-of-way on both sides of Delta Road Extension throughout the project length. In addition, the plan proposes to reserve 10 additional feet on both sides of Delta Road Extension for acquisition by the public at a later date. The office portions of the plan include minimum 40 foot rear yards along the project boundary with single family zoned properties. The plan contains general notes with regard to compliance with other ordinances such as the sign ordinance and the tree ordinance, and contains a note that allows the petitioner to eliminate a 20 foot undisturbed buffer on the south side of the site if the property along that boundary is ever zoned to any nonresidential classification A 15 foot landscaped area along the front portion of the automobile dealership site which was present on the originally submitted plan has been removed in the revised plan.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	74-26	R-9 to B-2	Approved	09/23/74
2.	79-20	R-9 to R-6MF(CD)	Approved	07/02/79
3.	80-73	R-9 to R-9MF(CD)	Approved	08-11/80
4.	82-9	B-2 to B-d(CD)	Approved	02/22/82
5.	88-3	R-12MF to B-2(CD)	Approved	02/15/88

7. Neighborhood. This property falls within the area defined as the Sharon Forest neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to provide for the establishment of an automobile dealership and office development with frontage along Delta Road. Both the 2005 Plan and the draft East District Plan indicate that this property should be used for residential purposes, specifically

multi-family residential purposes. Therefore, this petition is not consistent with publicly adopted or proposed plans for the area.

2. Technical Consistency.

1 Pre-Hearing Staff Input. The agent for the petitioner met with staff prior to the filing of the application and discussed the proposal. At that time, the staff expressed concern about the magnitude of the development being discussed and reminded the petitioner s agent that plans for the area call for multi-family type development The petitioner's agent was encouraged to try to incorporate all of the R-9 properties on the west side of Campbell Creek in a single petition and to devote the bulk of the land in the petition to multi-family housing. Subsequently, the staff has communicated a number of concerns regarding the site plan to the petitioner Many of those concerns have been addressed but as of the preparation of this report others remain unresolved.

2 Departmental Comments Comments from the Fire Department, Building Standards Department, and some of the comments from the Department of Transportation and Planning staff have been incorporated into the plan However, several significant issues remain

The Department of Transportation indicates that the expected trip generation on this site will increase approximately 500 percent from an estimated maximum of 988 trips per day under the present zoning to anticipated maximum of 5,817 trips per day. This will have a significant impact on the surrounding thoroughfare system. Therefore, a traffic impact study should be prepared by the petitioner/developer to analyze the effect traffic will have on the thoroughfare system. As of the preparation of this report, no traffic study has been submitted to CDOT. In addition, the Department of Transportation advised that the property should only have three driveway connections on each side of the proposed Delta Road Extension. As submitted, the revised site plan shows four driveway connections on the south side and two driveway connections on the north side. One of the driveways on the south side of the site should be eliminated. CDOT also indicates that a single median opening which is shown on the site plan should be located as far as possible from the intersection of Delta Road Extension and East Independence Boulevard. CDOT believes that the median could be located further to the north along Delta Road Extension without substantially impacting petitioner's site. In addition, CDOT indicates the petitioner would be responsible for the construction of left turn lanes at the median opening to serve both the automobile dealership and the proposed office development. The details of the traffic

analysis will
determine the length of the appropriate left turn lanes in each direction.

The Planning staff also has several concerns about the site plan which have not been addressed by the petitioner. The zoning application for this case indicates that the proposed use is to provide for the "expansion and growth of existing auto dealerships adjoining the site". However, the site plan appears to be designed in such a way as to facilitate the construction of a totally separate automobile dealership with its principal access and sole relationship to Delta Road Extension. In addition, the notes on the plan, while touching all the appropriate basics with regard to other ordinances which may bare on the site, are very general with regard to the manner in which compliance will be achieved. In addition the petitioner has removed an earlier note which proposed to establish a 15 foot landscape buffer along at least the commercial portion of the site with frontage along Delta Road Extension. The staff believes that this 15 foot landscape area should be restored and carried throughout the entire frontage of the project on both sides of Delta Road. Customary language regarding the protection of buffers labeled as undisturbed is not present on the plan

ISSUES

1. Land Use. This petition raises significant land use issues. It is not consistent with the 2005 Plan nor with the proposed East District Plan both of which call for this property to be used for residential purposes. The site is bounded on three sides by land zoned for and in many cases used for single family and multi-family residential uses. It is also bounded by the Campbell Creek floodway which is the number three priority on the County's Greenway Master Plan for development. In addition, this property falls on both sides of one of the City's newest thoroughfares (Delta Road Extension) which connects Independence Boulevard with the UNCC/University Research Park area. To establish a highway type commercial use, such as an automobile dealership, along this road is inappropriate and not in keeping with the City Council and Board of Commissioners efforts to limit commercial development along thoroughfares. From a land use standpoint, this petition should not be approved.

2. Site Plan. The site plan which accompanies the application also raises a number of issues. It proposes an automobile dealership with its access and orientation toward Delta Road Extension. If, as the zoning application indicates, the purpose of this petition is to provide for the expansion of existing automobile dealerships adjoining the site then the orientation of the site itself, the

access to the site, and the depth of the commercial zoning all should be modified The two office parcels are proposed to contain 116,650 square feet of office uses. These uses range from single family and multi-family housing to business and professional offices, branch banks, and even hotels The staff believes more detailed information needs to be provided regarding the specific uses of the office portions of the site as well as detailed cross-sections showing the type of buffer and edge treatments where the office property adjoins land zoned for residential purposes If all of these site plan concerns can be adequately addressed, then this petition might be appropriate for approval However, the site plan issues are secondary to the land use issues regarding this request

CONCLUSION

This petition should not be approved It is inconsistent with adopted and proposed plans for the area, it establishes nonresidential highway type uses along one of the City's newest thoroughfares, it contains a number of site plan issues which have not been resolved including the substantial traffic impact that this proposal will have on the thoroughfare system, and is far in excess of what would be required in terms of a rezoning to provide for an expansion of an existing automobile dealership on an adjoining site

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-60
Date Filed May 15, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Frank J. LaPointe

Owner's Address: 2424 Beretania Circle
Charlotte N. C 28211

Date Property Acquired: (1) 10/31/88 (2) 4/11/88

Deed Reference: (1) 5890-764 (2) 5736-978

Tax Parcel Number: (1) 165-151-01 (2) 165-151-38

Location Of Property (address or description)

Both sides of Delta Road Extension between rear of existing auto dealerships on Independence Blvd., and Sharon Forest Subdivision

Description Of Property

Size (Sq. Ft. Acres): 15.4± acres

Street Frontage (ft.): 900 ±

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9

Requested Zoning: O-15 (CD) and B-2 (CD)

Purpose of Zoning Change: Property is ill suited for single family development due to the fact that Delta Road Extension splits the property in half. Rezoning will permit a logical transition of office zoning as well as the expansion and growth of existing auto dealerships adjoining the site.

Name Of Agent: Robert G. Young

Agent's Address: 301 S. McDowell Street #1012

Telephone Number: 334-9157

Name of Petitioner(s): Frank J. LaPointe

Address of Petitioner(s): 2424 Beretania Circle

Telephone Number:

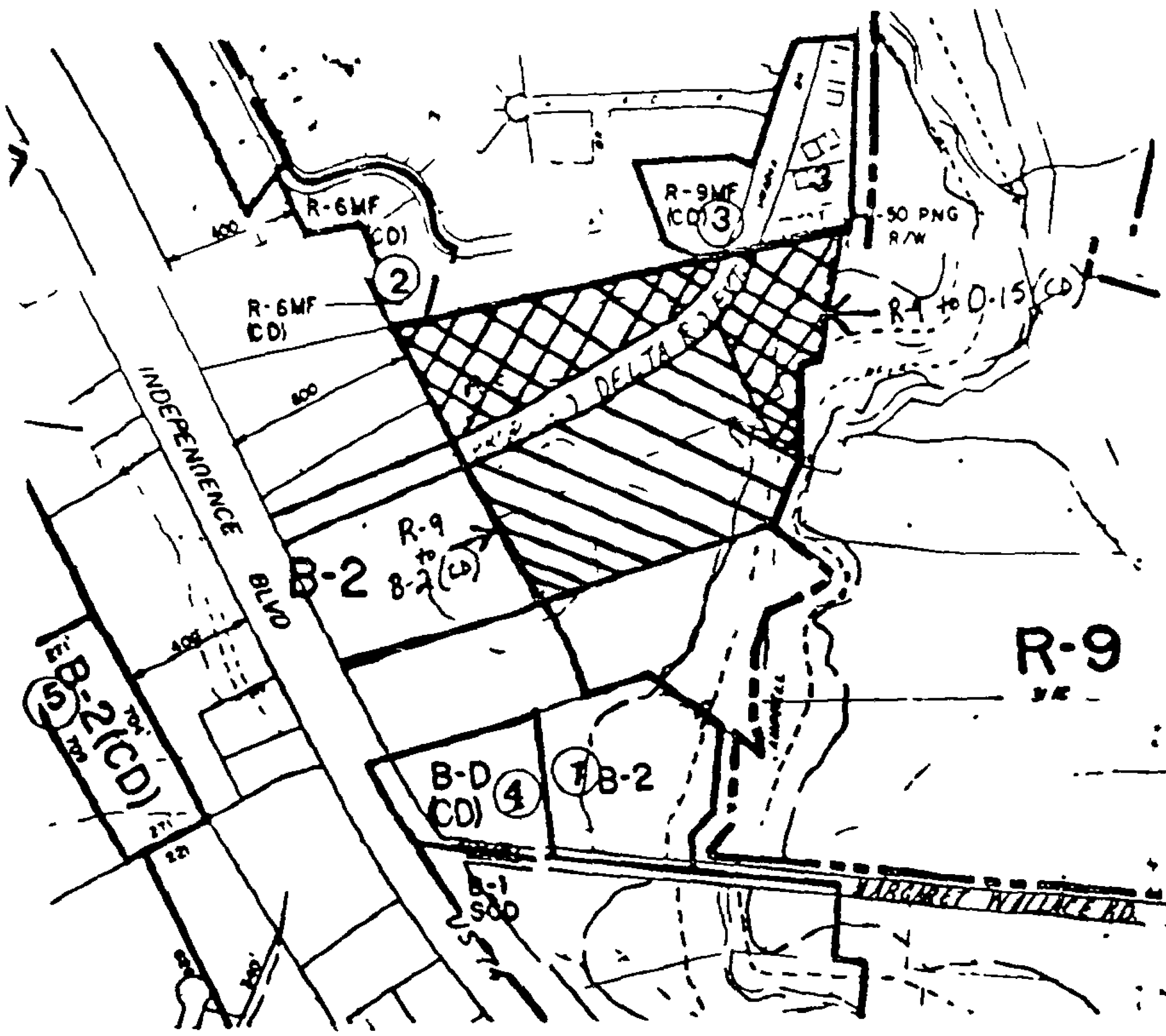
x Frank J. LaPointe
Signature

PETITIONER Frank J. LaPointe

PETITION NO. 89-60 HEARING DATE July 17, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED O-15(CD) & B-2(CD)

LOCATION Approximately 15 4 acres located off the east side of Independence Boulevard north of Margaret Wallace Road along both sides of Delta Road (Proposed) Extension



ZONING MAP NO. 122, 123, 137,& 138 SCALE 1" = Reduced

PROPERTY PROPOSED FOR FUTURE

#9

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition NO. 89-61

Petitioner	The Pantry
Location:	1.34 acres on the west side of North Sharon Amity Road north of Central Avenue
Request	Change from O-6 to B-1(CD)

BACKGROUND

1 Existing Zoning: The property involved with this request is presently zoned O-6. The several other properties in the vicinity of the Central Avenue Sharon Amity intersection. The configuration of this zoning represents a buffer area between the business zoning near the intersection of Sharon Amity and Central Avenue and the multi-family and single family zoning to the north and west. The intersection area itself is zoned for a variety of commercial classifications including B-1, B-1SCD, and B-2 CD)

2 Existing Land Use: The property involved with this request is presently occupied by a single family structure. The lot immediately adjacent to the north is occupied by a financial institution and properties to the south are occupied by a variety of commercial and office uses with their orientation to North Sharon Amity and to Central Avenue. To the rear of the site and directly across from the site can be found two multi-family housing projects and nearby, at the intersection of Sharon Amity and Central Avenue, can be found a variety of commercial and office uses including Eastland Mall.

3. Public Plans and Policies

1. 2005 Plan. The 2005 Plan indicates existing employment-type land uses at the intersection of Sharon Amity and Central Avenue and along Central Avenue. Properties along Sharon Amity are indicated as existing residential land uses

2. East District Plan (Unadopted). The East District Plan presently indicates that this propety should remain zoned for office purposes.

4. Site Plan. The revised site plan which accompanies this application proposes the use of this property for a convenience store with gas pump islands. The plan indicates the building area will not exceed 2,400 square feet. The site would be served via a single driveway connection to North Sharon Amity Road. This driveway will be limited to a right-in and right-out driveway access only. The plan indicates the petitioner proposes to dedicate 20 feet of additional right of way along North Sharon Amity Road and to establish an improved pedestrian connection to a multi-family property which adjoins to the rear. The plan contains a number of notes but virtually all of these notes deal with detailed construction standards. The plan indicates a 20 foot landscaped area to be located along the front portion of the site which will include large maturing trees. However, this landscaped area is shown within the area proposed to be dedicated for future road right of way.

5. School Information Not applicable.

6. Zoning History (See Attached Map).

1.	68-70	B-1, O-6, R-9MF to B-1SCD, O-6	Approved	9/23/68
2.	69-114	R-9 to R-6MF	Approved	12/22/69
3.	71-36	R-6MF to B-1	Approved	5/31/71
4.	72-40(c)	B-2, O-9, B-1 to R-9MF and B-1SCD	Approved	7/24/72
5.	76-3	O-6 to B-1	Denied	5/10/76
6.	80-27	R-9MF to O-6	Approved	8/11/80
7.	78-17	B-1 to B-2(CD)	Approved	5/29/78
8.	83-11	B-2(CD) S P A	Approved	6/18/84
9.	85-38	B-1SCD S P A	Approved	9/16/85
10	85-63	R-6MF to O-15(CD)	Approved	1/28/86

- Neighborhood This petition lies within the area defined as the Sobrinhood Woods and Sedgemoor Park Neighborhood

REVIEWS

1 Plan Consistency This petition proposes the rezoning of property from an office classification to a business classification The 2005 Plan indicates that this site could be used for employment-type uses and the draft East District Plan indicates that an office use is the most appropriate use of the property This property is adjacent to other tracts zoned for office uses which form a transitional zone between business zoning near the intersection of Sharon Amity and Central Avenue and single family and multi-family zoning some distance away from the intersection. Changing the zoning of this site to a business classification brings that commercial zoning closer to existing residential areas and sets up a potential situation for additional commercial petitions in the future Therefore, this petition is not consistent with publicly adopted plans and policies for the area.

2 Technical Consistency.

1. Pre-Hearing Staff Input The staff met with agents for the petitioner prior to the filing of the application and discussed the proposal. The staff strongly discouraged this application as inconsistent with publicly adopted plans for the area. Subsequently, the staff communicated a number of site plan deficiencies to the petitioner's agent to be included in the revised site plan.

2. Departmental Comments. The revised site plan addresses the vast majority of departmental comments. Those included eliminating an extra driveway along Sharon Amity, dedicating additional right of way along Sharon Amity, and clarifying a number of the notes on the plan with regard to pedestrian access and tree planting.

   One issue which is yet to be resolved deals with the 20 foot landscaped strip along the front portion of the site. The original site plan indicated a 20 foot landscaped strip at the very front portion of the site along Sharon Amity Road right of way. The petitioner modified the plan to recognize a comment for 20 feet of additional right of way to be dedicated along the front portion of the site. However, the 20 foot landscaped strip remained in the same location as originally

submitted The staff believes that the 20 foot landscaped strip should be relocated to conform to the new right of way line as shown on the revised plan. In addition, the site plan needs to specifically indicate that the petitioner will comply with the Charlotte Tree Ordinance. The plan indicates that there is a single tree on the existing property which will be removed for construction However, there is no information about the location of that tree on the site or its relationship to the Tree Ordinance requirements for preservation of certain trees near public streets This matter needs to be clarified. Finally, a number of minor issues on the plan need to be resolved, such as screening for the dumpster as shown on the plan, the removal of certain pavers along the driveway within the public right of way, and compliance with other ordinances such as storm water detention and sign regulations.

ISSUES

1 Land Use This petition raises a significant land use issue But the 2005 Plan and the draft East District plan indicate that this property should continue to be used for employment type land uses such as the existing office category. This office zoning also serves as a transitional area between commercial zoning along Central Avenue and single family [illegible] zoning to the north along Sharon Amity To change the zoning of this property to a business category would invariably result in additional requests for rezoning of properties with frontage along Sharon Amity Road This property and the one site adjacent to it to the north represent a boundary point beyond which nonresidential zoning should not extend along North Sharon Amity Road From a land use standpoint this petition [illegible] be approved

2 Site Plan The revised site plan which accompanies this application contains a number of minor issues which need to be addressed prior to any final decision Principal among those issues is the establishment of the 20 foot landscaped strip along the front portion of the site which conforms to the new right of way line as shown on the petitioner's plan. This will insure that the improvements made by the petitioner, which include landscaping and tree planting, will remain in place even after improvements are made to Sharon Amity Road in the future. In addition, a number of minor revisions need to be made to the plan regarding several technical matters. Assuming that all of these changes can be equitably addressed by the petitioner then, from a site plan standpoint, this petition could be considered as appropriate for approval. However, the land use issue is the more significant concern in this petition.

CONCLUSION

This petition should not be approved. It is inconsistent with the plans for the area and would result in the extension of commercial zoning along one of [illegible] thoroughfares

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-61
Date Filed May 15, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Ruth C. Bradley and husband, Ray W. Bradley, Jr., John K. Civil, Jr. and wife Rose Civil, Helen C. Adams, William R. Foster, Sr.

Owner's Address: ~~8120 Pineville Road~~ 2843 Sharon View Road

Charlotte, NC ~~28226~~ 28210

Date Property Acquired: November 9, 1965

Deed Reference: Book 2697, page 407 Tax Parcel Number: 101-212-11

Location Of Property (address or description)

North Sharon Amity Road; part of Lot C in Map Book 6 at page 823

Description Of Property

Size (Sq. Ft. Acres): 1.341 acres Street Frontage (ft.): 150.00 feet

Current Land Use: A house is located on the property

Zoning Request

Existing Zoning: O-6 Requested Zoning: B-1(CD)

Purpose of Zoning Change: To allow for the construction of a convenience store and gas pumps

Name Of Agent
Gary W. Swindell
MOORE & VAN ALLEN

Agent's Address
3000 NCNB Plaza, Charlotte, NC 28280

Telephone Number
(704) 331-1000

John K. Civil, Jr. Rose F. Civil
Rose F. Civil
Helen C. Adams

Name of Petitioner(s)
The Pantry

Address of Petitioner(s)
1801 Douglas Drive
Sanford, NC 27330

Telephone Number
(704) 846-3096
(919) 774-6700

Signature Ray W. Bradley, Jr.
Ray W. Bradley, Jr.
Ruth C. Bradley
Signature of Property Owner if Other

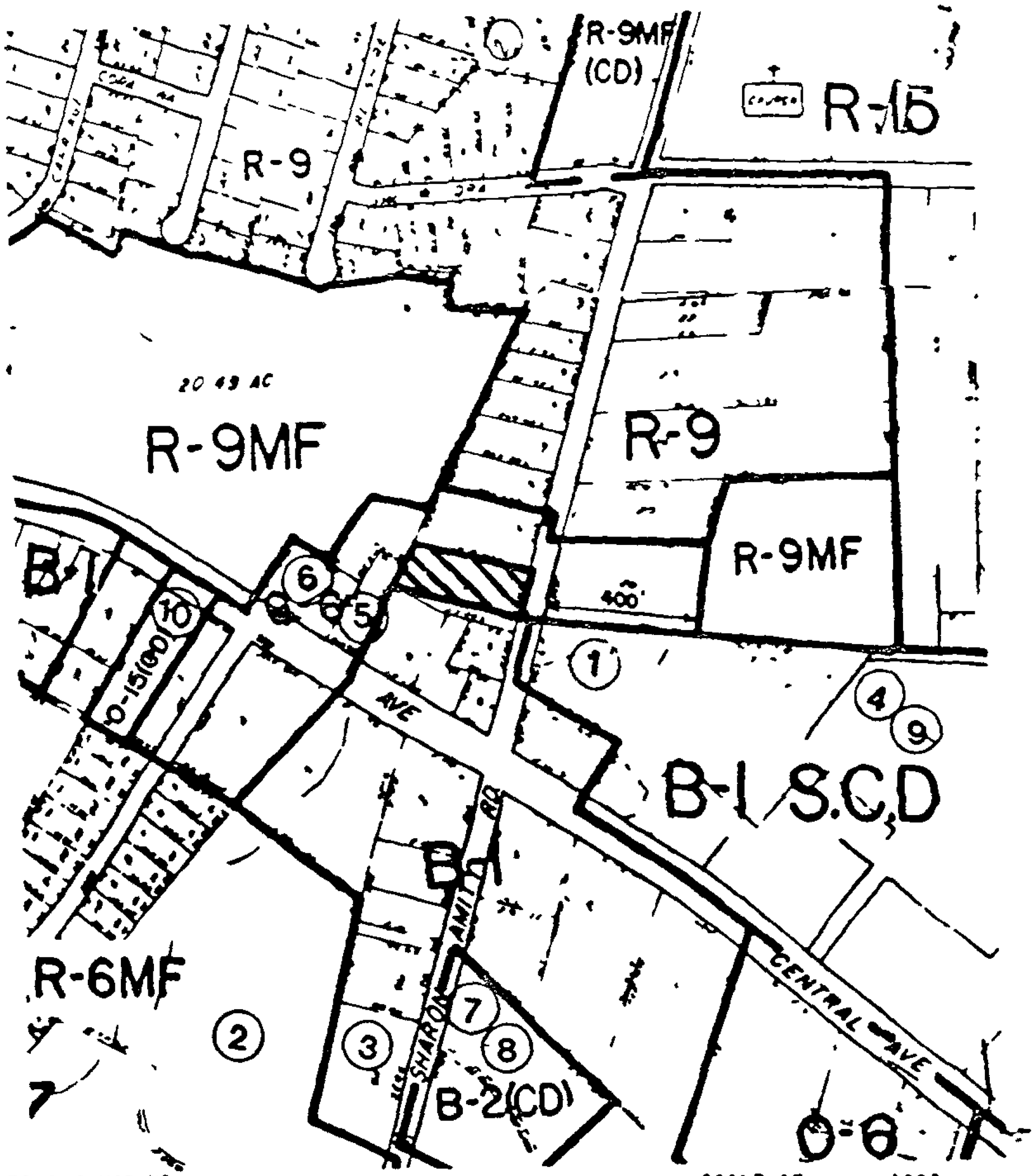
PETITIONER The Pantry

PETITION NO. 89-61 HEARING DATE July 17, 1989

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

LOCATION Approximately 1.341 acres located on the west side of

N Sharon Amity Road north of Central Avenue.



ZONING MAP NO. 100 & 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#10

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-62

Petitioner: Fralin and Waldron, Inc.

Location: Approximately 5 acres located on the east side of Toddville Road to the south of Freedom Drive.

Request Change from R-12 to R-9MF(CD)

BACKGROUND

1 Existing Zoning The subject property is currently zoned R-12 as are surrounding properties along Toddville Road. To the north along Freedom Drive properties are zoned R-9MF.

2 Existing Land Use The property involved with this request is presently undeveloped The nearby area along Toddville Road is somewhat sparsely developed with single family residential homes To the north at the intersection of Toddville Road and Freedom Drive are some apartment complexes and churches.

3 Public Plans and Policies

1 2005 Plan The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies include improvements to Freedom Drive and extension of the greenway system along Paw Creek.

2. Northwest District Plan (unadopted). The pending Northwest District Plan recommends residential land uses in the area of the subject property.

4 Site Plan. The site plan which accompanies this application proposes the development of a 38,000 square foot home for the aged to accommodate a maximum of 120 residents. The site plan indicates access to the site would be provided off an existing unnamed public street off of Toddville Road. The plan indicates screening along the project edges in conformance with the City of Charlotte's Tree Ordinance. The building is to be one story and of residential design. The plan also indicates the petitioner will dedicate right-of-way to bring Toddville Road into compliance with the street classification system, will construct a left turn southbound lane into the existing unnamed public street and will pave the unnamed road 100 feet back to provide access into the nursing home. The plan also contains a provision that the property would be petitioned for rezoning back to R-12 if the requested certificate of need is not approved by the State.

5 School Information

Schools		Capacity	Projected (1989-90) Enrollment
Elementary	Allenbrook (K-5)	468	338
Junior High	Northwest (6-8)	1,014	443
Senior High	Harding (9-12)	1,222	1,091

6 Zoning History There have been no rezonings in the area.

7 Neighborhood. This petition falls within the area defined as the Toddville Road neighborhood.

REVIEWS

1 Plan Consistency This petition proposes the rezoning of properties from a single family residential district to a multi-family residential district to accommodate the development of a home for the aged for a maximum of 120 residents. Inasmuch as public plans envision continued residential development in the area the petition is consistent with publicly adopted plans

2 Technical Consistency

1 Pre-Hearing Staff Input The staff met with the petitioner on several occasions prior to the filing of this request Subsequent to the filing, staff relayed a number of site plan related comments which have now been addressed by the revised site plan.

2. Departmental Comments. Departmental comments indicate that water and sewer service is available to the site. Comments received from the normal reviewing agencies included the need for construction of a left turn lane into the project, additional right-of-way dedication, emergency equipment access, and improvements to the landscaping treatment. These comments have now been addressed by the revised site plan.

ISSUES

1 Land Use This request seeks rezoning from a single family residential district to a conditional multi-family residential district to allow development of a home for the aged. Publicly adopted and pending plans for the area call for a residential land use future. The request is viewed as consistent with those plans and, therefore, is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes a 38,000 square foot home for the aged for a maximum of 120 residents. The site plan indicates compliance with zoning regulations and the tree ordinance and includes a note requiring the petitioner to submit a request for rezoning back to the R-12 district if the requested certificate of need is not approved by the State. There are no site plan issues raised by the application and it is, therefore, considered appropriate for approval.

CONCLUSION

There are no land use or site plan issues raised by this application and it is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-62
Date Filed May 15, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Estate of Ted Lewis Trustee Harold M. Edwards

Owner's Address: 901 Elizabeth Avenue, Court Plaza Building

Suite 210 Charlotte, North Carolina

Date Property Acquired: The property is under written option to the petitioners

Deed Reference: N/A Tax Parcel Number: 059-104-16

Location Of Property (address or description)

Property is located on Toddville Road 800' South from the corner of Freedom Drive adjoining Durham Memorial Baptist Church (see attached plan)

Description Of Property

Size (Sq. Ft. Acres): Total Tract 15.88 acres; (CD) portion 5 acres Street Frontage (ft.): 418 +

Current Land Use: The property is currently just raw land with no improvements

Zoning Request

Existing Zoning: R-12 single family Requested Zoning: R-9 multi-family (CD

Purpose of Zoning Change: It is requested to conditionally rezone 5 acres from R-12 to R-9 multi-family as indicated on the enclosed plan subject to us receiving a C.O.N. from the State for a nursing home.

Name Of Agent: Bill Grigg, II

Agent's Address: 2917 Penn Forest Boulevard, SW
Roanoke, VA 24018-0503

Telephone Number: (703) 774-4415

Name of Petitioner(s): Fralin and Waldron, Inc.

Address of Petitioner(s): 2917 Penn Forest Boulevard, SW
Roanoke, VA 24018-0503

Telephone Number: (703) 774-4415

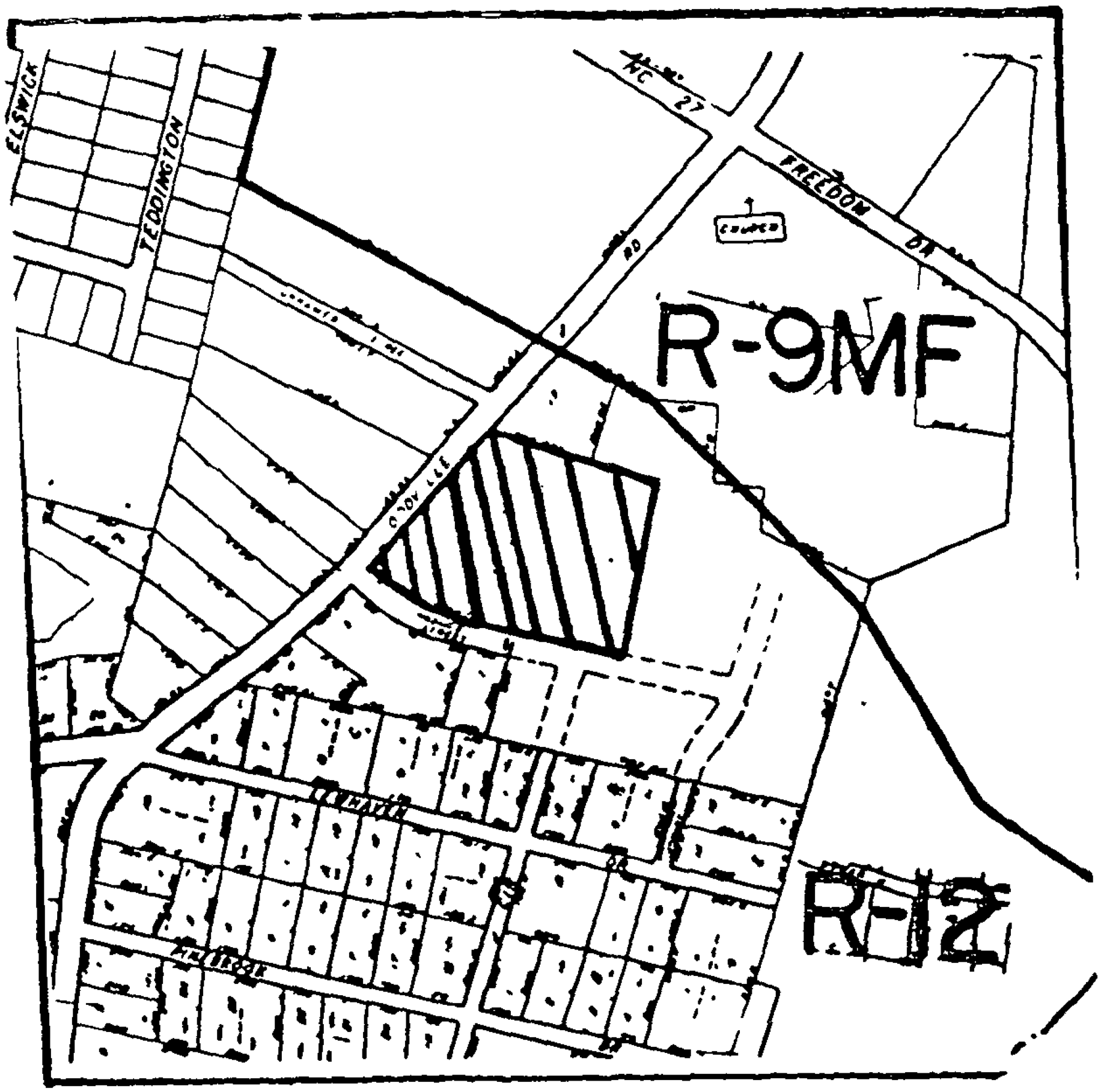
Signature

PETITIONER Fralin and Waldron, Inc.

PETITION NO. 89-62 HEARING DATE July 17, 1989

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-9MF(CD)

LOCATION Approximately 5.0 acres located on the east side of Toddville Road south of Freedom Drive.



ZONING MAP NO. 81 SCALE 1" = _

#11

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-63

Petitioner	City of Charlotte
Location	Approximately 6,276 acres located in five annexation areas annexed effective June 30, 1989
Request	Establish zoning jurisdiction of the City of Charlotte in newly annexed areas

BACKGROUND

As of [illegible], 1989 the City of Charlotte annexed approximately 6,2[illegible] acres in [illegible] different areas of Mecklenburg County. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish that jurisdiction. The zoning categories which presently exist in this area include virtually all of the single family, multi-family, office, business and industrial classifications including many conditional districts. The City's policy in these matters has been to establish its zoning jurisdiction using the same zoning classifications which presently exist under Mecklenburg County's zoning jurisdiction for the areas annexed. It has also been the City's policy when City zoning districts did not include the same categories as County zoning districts to rezone properties to the closest category under the City's zoning regulations. For the purposes of this rezoning, [illegible] areas which fall under the latter [illegible]

Within the I-77 Corridor North annexation area there are five small areas zoned O-9. The City of Charlotte zoning regulations do not contain an O-9 category. It has been the City's practice in the past when properties were annexed that contain the O-9 classification for the City to establish zoning on those properties as an O-6 classification. This will insure that the properties can still be developed for office purposes and will not result in the creation of any nonconforming uses from the standpoint of the district classification. It is recommended that the zoning for these five areas be established as O-6 in place of the existing O-9.

In the Rea Road/Elm Lane West annexation area, there is a site presently zoned RU(CD). The RU category is a rural residential category which allows a wide variety of residential and agricultural type uses. This particular property is the site of Harkey's Nursery which was approved under a conditional plan as RU(CD). The closest City zoning classification to the RU(CD) which exists on this property would be a B-1(CD). The B-1(CD) district would permit the site to be developed as zoned pursuant to the conditional site plan which controls the property. The owners of the property have been contacted and have agreed to the zoning of this property to the B-1(CD) classification. Therefore, it is recommended that the zoning on this property be established as B-1(CD) pursuant to the site plan originally approved under the RU(CD) classification.

CONCLUSION

Properties within the five annexation areas should be rezoned to the categories present under the Mecklenburg County zoning jurisdiction. Exceptions are the five parcels located in the I-77 Corridor North area for which zoning

would be established as O-6 rather than O-9 and the parcel in the Rea Road/Elm Lane West annexation area for which zoning would be established as B-1(CD) rather than RU(CD).

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-63
Date Filed May 15, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Five (5) Annexation Areas

Owner's Address:

Date Property Acquired: Annexations to become effective June 30, 1989

Deed Reference: Tax Parcel Number:

Location Of Property (address or description): Areas - I-77 Corridor North, Hemphill, Rea Road/Elm Lane West, Arrowood I, and Arrowood II

Description Of Property

Size (Sq. Ft. Acres): 6,276 [redacted] Acres Street Frontage (ft.):

Current Land Use: Residential, Commercial, Industrial, Institutional

Zoning Request

Existing Zoning: R-15, R-12, R-9, R-6, R-15(CD), R-9(CD), B-1(CD) & 1(CD), B-1SCD, I-1, I-2, I-1(CD), I-2(CD) & a mix(CD), R-15MF(CD), RU(CD), O-15, O-9, B-2, B-1, R-12MF, R-9MF, R-6MF, R-15MF, R-12MF, R-9MF, R-6MF

Existing Zoning except for O-9 and RU(CD) parcels (See Attached Map)

Requested Zoning:

Purpose of Zoning Change: To establish City zoning on recently annexed property.

Name Of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): City of Charlotte

Address of Petitioner(s): 600 E. Trade Street

Telephone Number:

Signature:

PETITIONER City of Charlotte

PETITION NO. 89-63 HEARING DATE July 1, 1989

ZONING CLASSIFICATION, EXISTING SEE ATTACHED REQUESTED SEE ATTACHED (NOTES 1 & 2)

LOCATION 6,276 acres of recently annexed property in the I-77 Corridor North, Hemphill, Rea Road/Elm Lane West, Arrowood I, and Arrowood II.

SEE ATTACHED MAP

ZONING MAP NO. Several

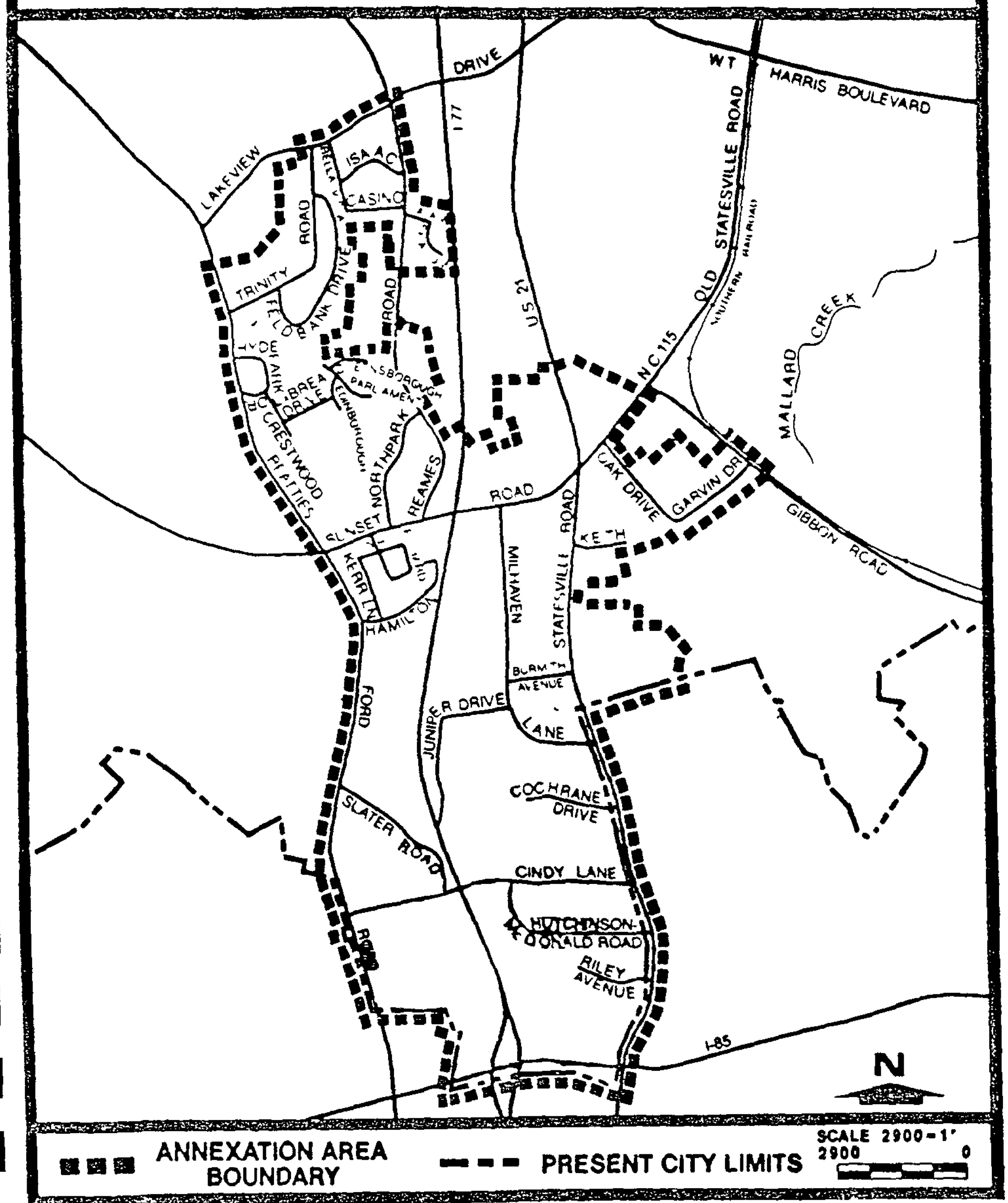
Petition No. 89-63

Existing Zoning: R-15, R-15(CD), R-12, R-9, R-9(CD), R-6, R-20MF, R-PUD, R-15MF, R-15MF(CD), R-12MF, R-12MF(CD), R-9MF, R-6, RU(CD), O-9, O-15, B-1, B-1(CD), B-2, B-2(CD), B-1SCD, I-1, I-1(CD), I-2, and I-2(CD).

Change to: Note 1 (Rea Road/Elm Lane West): One (1) parcel on Rea Road between Summerlin Place and Rea Branch is zoned RU(CD). The City has no RU district; therefore, the parcel is recommended for B-1(CD).

Note 2 (I-77 Corridor North): Three (3) parcels along Beatties Ford Road and one on Riley Avenue are zoned O-9. The City has no O-9 district; therefore, these parcels are recommended for O-6.

I-77 CORRIDOR NORTH

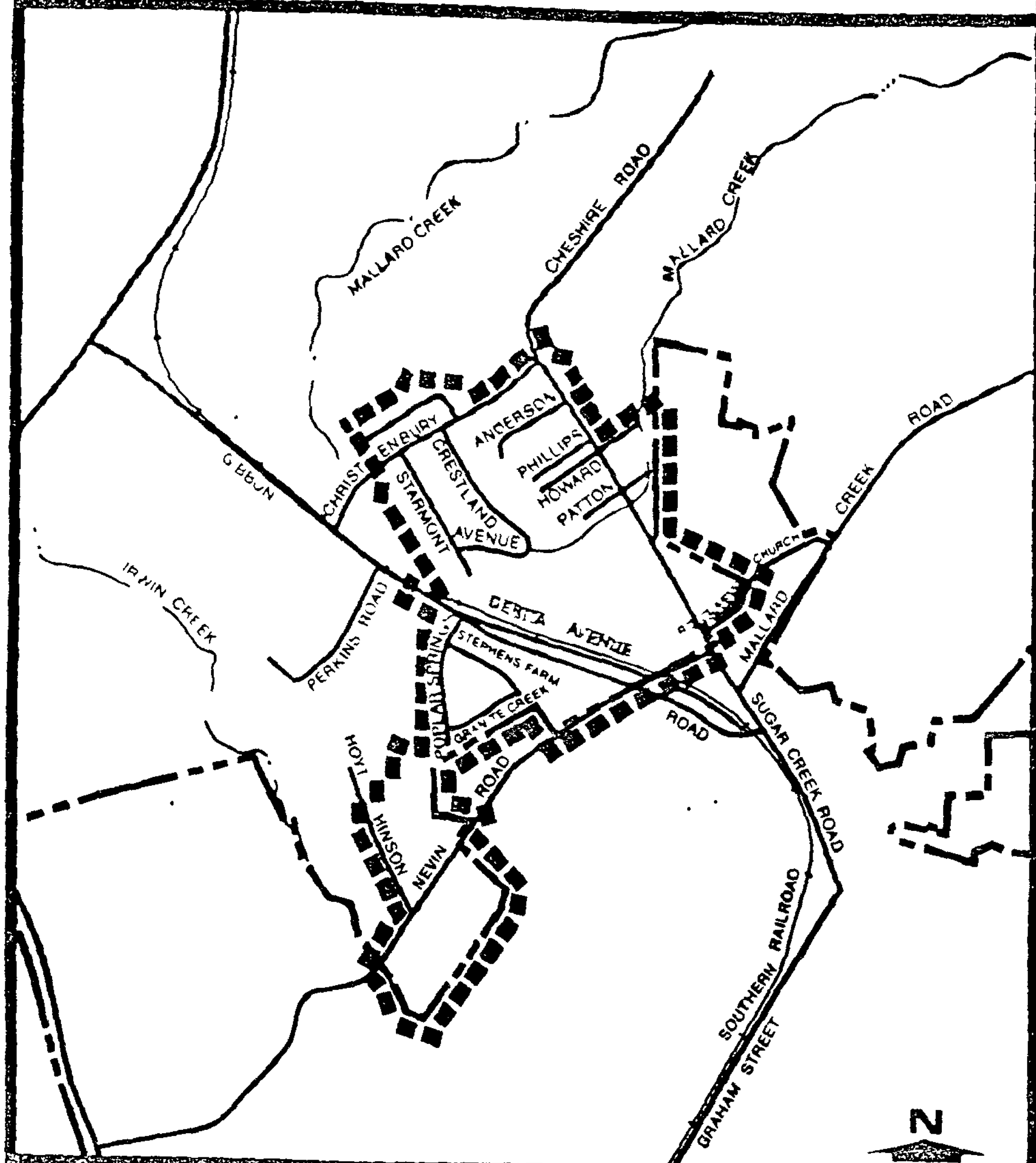


ANNEXATION AREA BOUNDARY

PRESENT CITY LIMITS

SCALE 2900-1'
2900 0

HEMPHILL

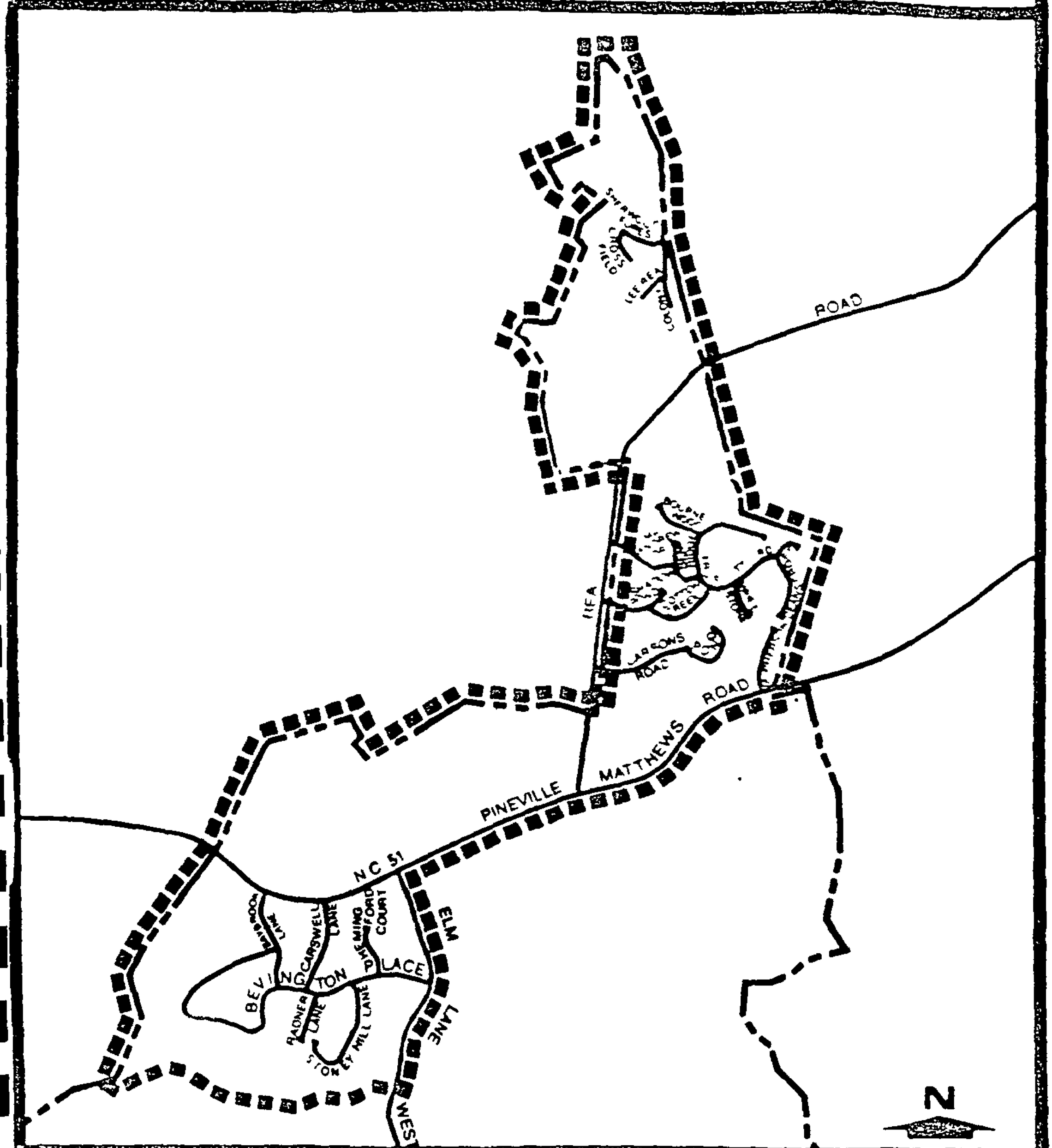


ANNEXATION AREA BOUNDARY

PRESENT CITY LIMITS

SCALE 2000-1'
2000 0

REA ROAD/ ELM LANE WEST

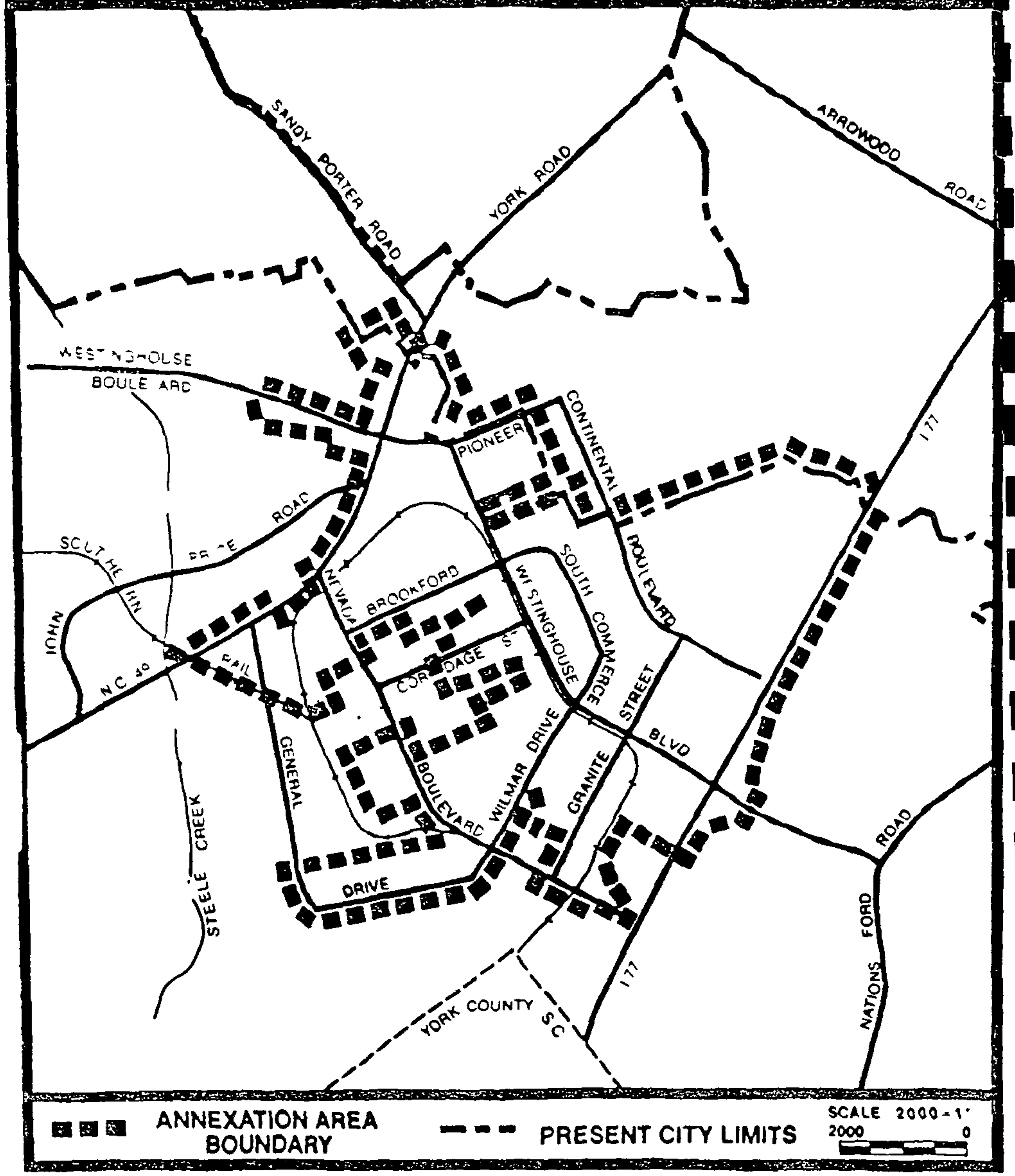


ANNEXATION AREA BOUNDARY

PRESENT CITY LIMITS

SCALE 2044=1"

ARROWOOD I

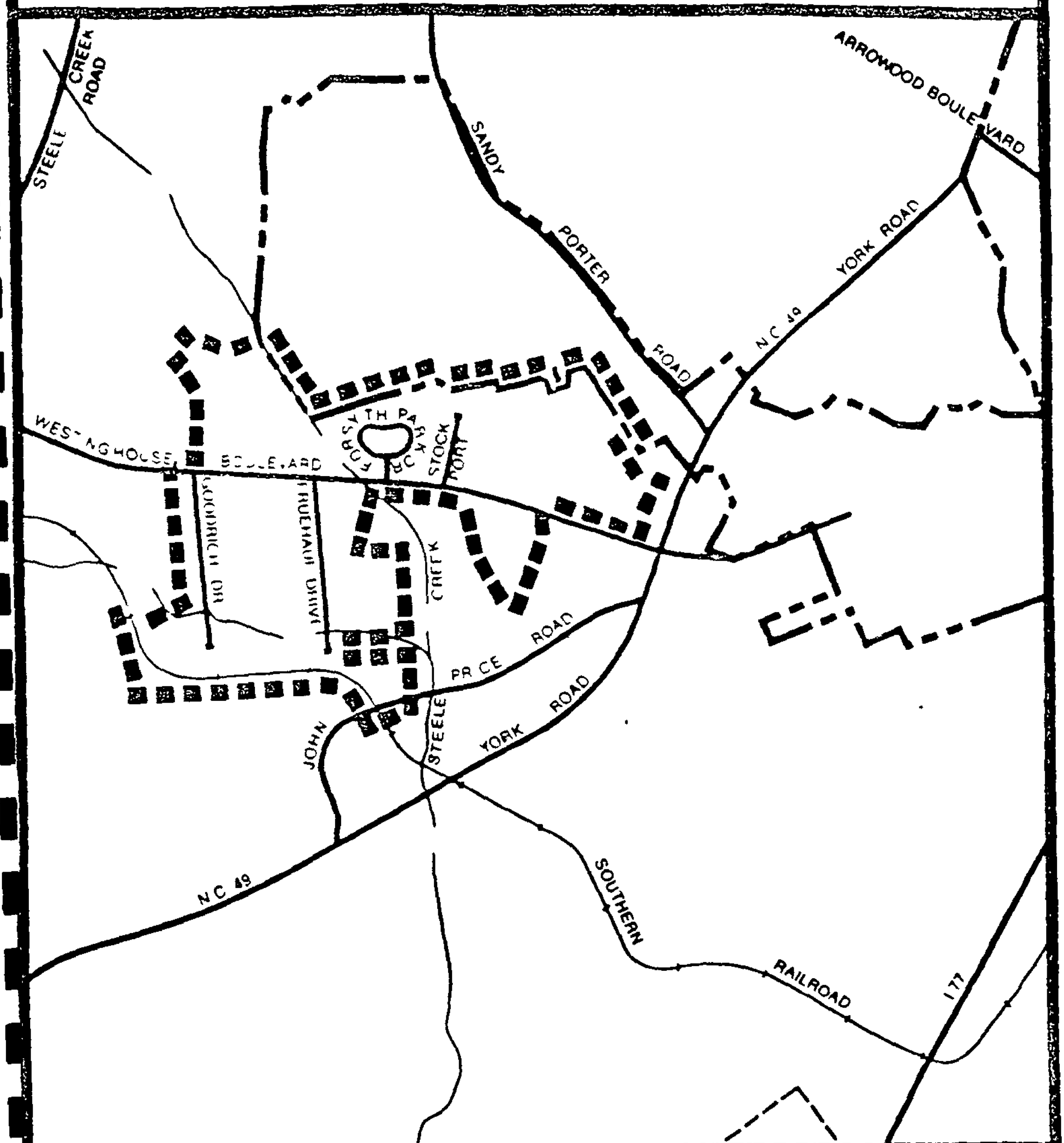


ANNEXATION AREA BOUNDARY

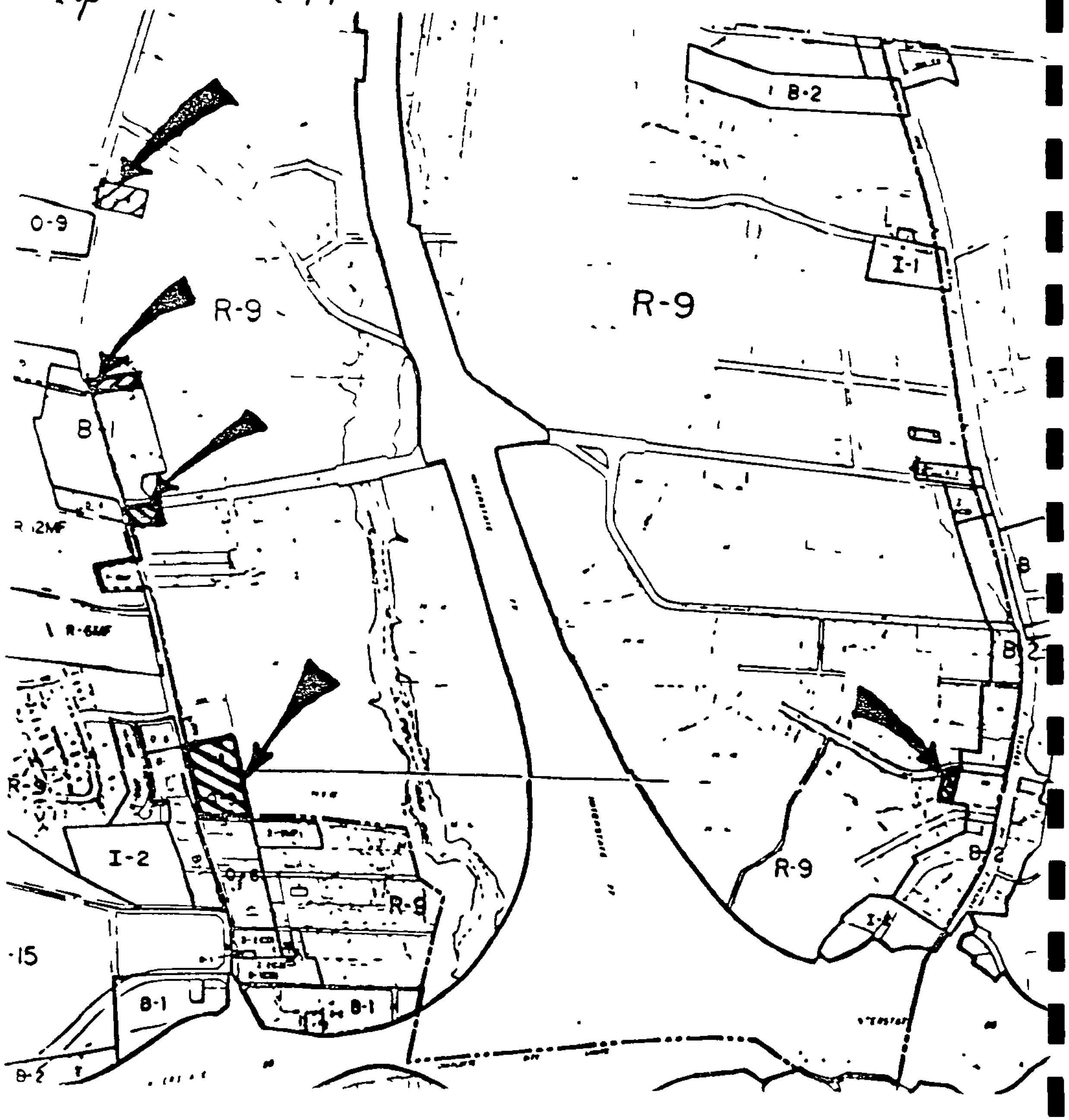
PRESENT CITY LIMITS

SCALE 2000 = 1"
2000 0

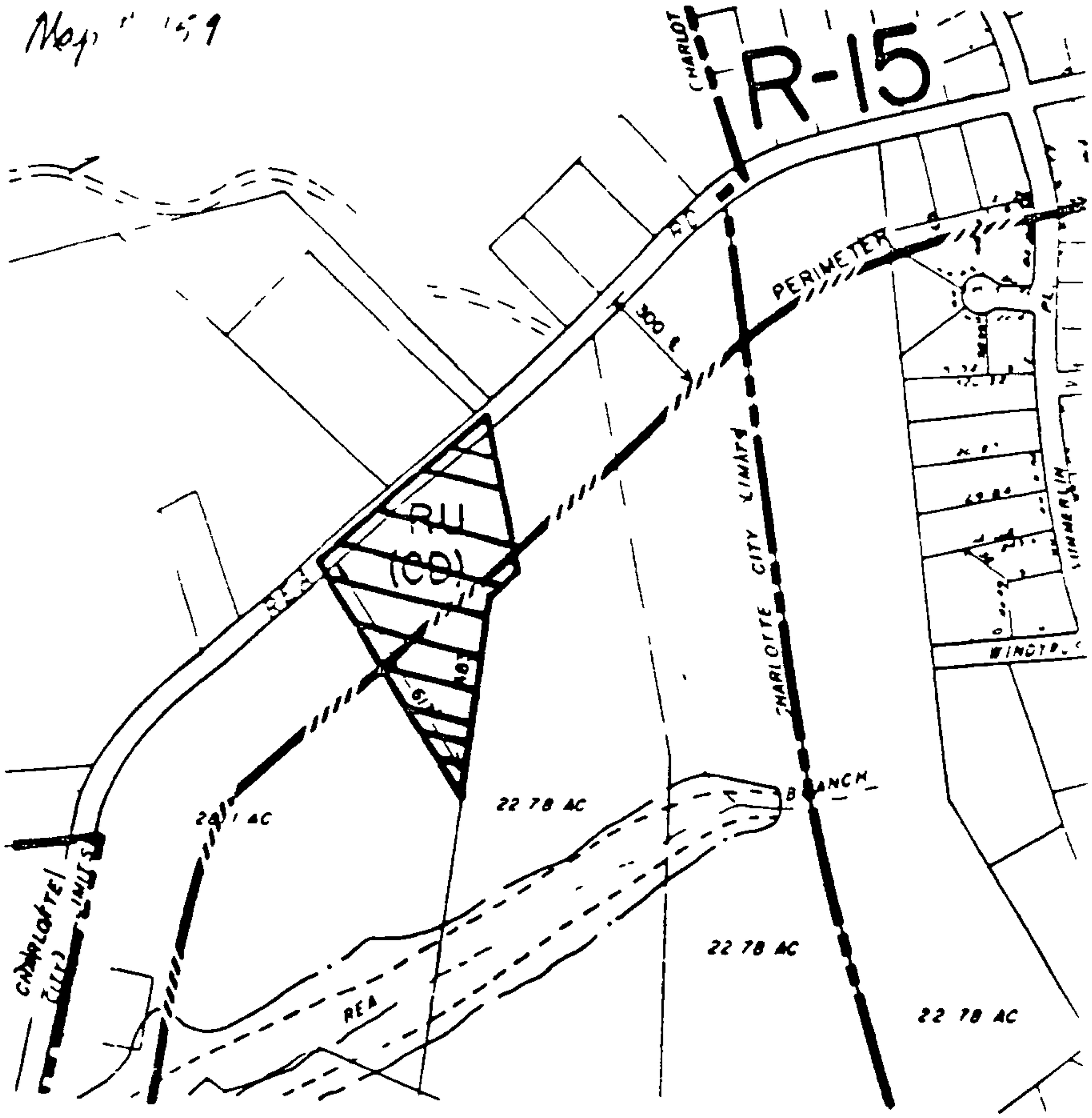
ARROWOOD II


STEELE CREEK ROAD
SANDY PORTER ROAD
ARROWOOD BOULEVARD
YORK ROAD
NC 49
WESTINGHOUSE BOULEVARD
FORSYTH PARK DR
STOCKMONT
GOODRICH DR
TRUEHAUT DRIVE
STEELE CREEK
PRICE ROAD
JOHN YORK ROAD
NC 49
SOUTHERN RAILROAD
I-77
ANNEXATION AREA BOUNDARY
PRESENT CITY LIMITS
SCALE 2000-1'
2000
0

Map # 69 and 79



Map 1 '59


R-15
CHARLOTTE
PERIMETER
300 ft
RU
(68)
CITY LIMITS
CHARLOTTE CITY LIMITS
22 78 AC
22 78 AC
22 78 AC
22 78 AC
REA
BRANCH

#12

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition Nos. 89-64, 89-65, and 89-66

BACKGROUND

In February, 1976, a redevelopment plan was approved for the West Morehead Community Development Target Area At that time, the West Morehead Target Area was described as a "blighted area predominantly residential in character, and considered eligible for clearance and redevelopment activities," i e , Urban Renewal.

The goal of the West Morehead Redevelopment Plan was "to remove conditions which have created contributed to, or perpetuated the decline of the redevelopment area, to provide physical improvements and to encourage redevelopment of compatible land uses so as to ensure the long-term maintenance of a sound nonresidential area related to Downtown Charlotte, nearby "

Accompanying the specific objectives, the redevelopment plan also established standards for new development and redevelopment including site design landscaping permitted uses, and other general regulations and controls These standards and controls were used by the Community Development Department for review and approval of development in the area

Since 1976, the complexion of this area has changed dramatically, primarily in conformance with the redevelopment plan There have been area plans approved since that time that include portions of the target area The West Morehead Special Project Plan, approved by City Council in 1987, examined the original objectives of the redevelopment plan and the recommendations of the applicable area plans against the existing land use and zoning of the West Morehead Target area. The target area is generally bounded by Tryon Street, Stonewall Street, Cedar Street, Palmer Street, Mint Street, and West Park Avenue The West Morehead Special Project Plan recognizes that the West Morehead Redevelopment Plan has been successful in accomplishing its land use objectives and that the basic land use foundation of the plan is sound. Industrial development, seeded by the redevelopment plan, continues to occur in this area as the market has been strengthened. New development and redevelopment is also taking place north of I-277 in accordance with the redevelopment plan. The Special Project Plan also recognized, however, that some areas of the redevelopment plan could be enhanced by reflecting changes in the transportation system, strengthening site design standards, identifying streetscape improvements and applying more appropriate zoning. The existing zoning pattern in the area is predominantly industrial (I-1, I-2, and I-3) with some U-MUD zoning and a mixture of multi-family, office and general business zoning within the only area earmarked for residential land use. The plan recognizes that a mixture of industrial, office, and commercial facilities with a proper relationship to residential areas should be the continuing general land use pattern for the area. In an attempt to provide more adequate protection for nearby residential areas and to ensure proper

site design for developing properties along I-277, the plan contains a series of recommendations for rezoning which are included within Rezoning Petition Nos 89-64 through 89-66

Petition No 89-64

The area included within this petition includes approximately 5-1/2 acres located on the westerly side of Park Avenue between Southwood Avenue and South Tryon Street The property is presently zoned a combination of B-2, R-6MF, and O-6 and the requested change seeks R-6 and O-6 The zoning in the surrounding area is composed of R-6MF, B-2, I-1 and O-6 The subject property is developed with single family residences and a few duplexes The nearby properties are predominately developed with single family residential homes The adjoining I-1 zoned tract along Church Street and Key Court contains a scattering of industrial uses The Special Project Plan recognizes that the existing land uses in the area included within this rezoning petition are predominantly single family residential and recommends rezoning to R-9 to more accurately reflect the current land use

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-64
Date Filed May 15, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired

Deed Reference

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description)

East side of Southwood Avenue from intersection of Summit Avenue and Southwood Avenue to intersection of Southwood Avenue and W. Park Avenue. Also the north side of W. Park Avenue from the intersection of Southwood Avenue and W. Park Avenue to intersection of W. Park Avenue and South Tryon Street.

Description Of Property

Size (Sq. Ft. Acres) 5.53 acres

Street Frontage (Ft.)

Current Land Use Single-family residential and vacant.

Zoning Request

Existing Zoning B-2, R-6MF, O-6

Requested Zoning R-9

Purpose of Zoning Change To bring property into conformance with recommendations in the West Morehead Special Project Plan, adopted by the Charlotte City Council in October, 1987.

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Comm

Name of Petitioner(s)

600 East Fourth Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

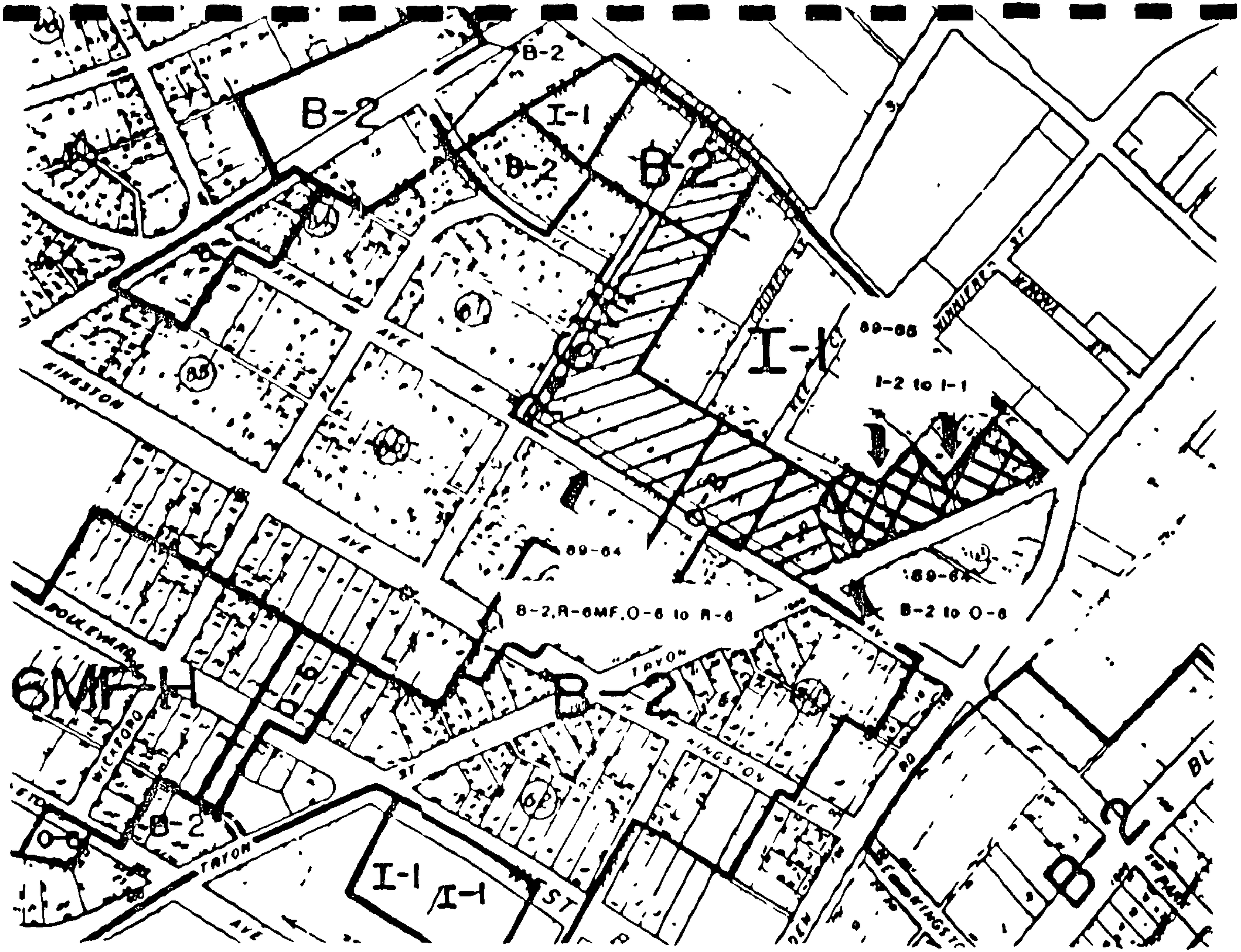
PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-64 HEARING DATE July 17, 1989

ZONING CLASSIFICATION, EXISTING O-6 B-2, R-6MF and REQUESTED R-9

LOCATION Approximately 5.53 acres located on the westerly side of Park Avenue between Southwood Avenue and South Tryon Street.

SEE ATTACHED MAP


B-2
B-2
I-1
B-2
B-2
I-1
89-85
I-2 to I-1
KINGSTON
AVE
89-84
B-2,R-6MF,O-6 to R-6
B-2 to O-6
TAYON
6MF-H
WICKFORD
B-2
TAYON
I-1
I-1
KINGSTON
B-2

#13

Petition No 89-65

This petition encompasses approximately 2 6 acres located on the northwesterly corner of South Tryon Street and West Summit Avenue The properties are presently zoned I-2 and are proposed for rezoning to I-1 The zoning in the nearby area includes I-1, I-2, and B-2. The subject property is vacant with the exception of one tract occupied by an upholstery shop The Special Project Plan recommends rezoning the subject property from I-2 to I-1 in order to provide a more appropriate relationship to the nearby Wilmore neighborhood The plan recognizes that light industrial uses as opposed to heavy industrial uses would be more appropriate for a primary gateway such as South Tryon Street

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-65
Date Filed May 15, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired

Deed Reference Tax Parcel Number SEE ATTACHED LIST

Location Of Property

address or description Starts at southwest corner of intersection of Summit Avenue and South Tryon Street and runs along west side of South Tryon Street

Description Of Property

Size Sq Ft Acres [illegible] acres Street Frontage ft

Current Use of Property vacant

Zoning Request

Existing Zoning I-2 Requested Zoning I-1

Purpose of Zoning Change To bring property into conformance with recommendations in the West Morehead Special Project Plan, adopted by the Charlotte City Council in October, 1987

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commis

Name of Petitioner(s)

600 East Fourth Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

West Morehead #2

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-65 HEARING DATE July 17, 1989

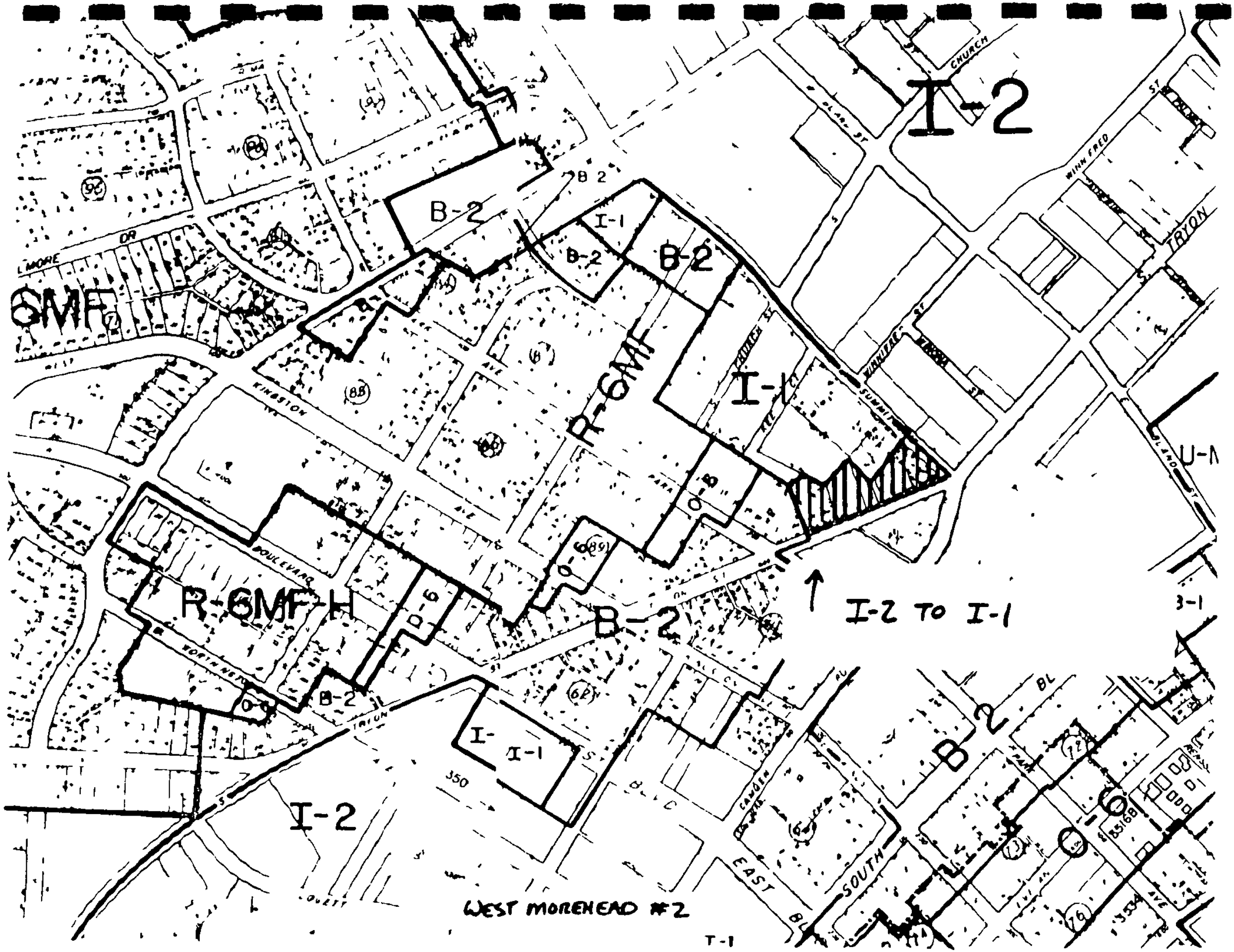
ZONING CLASSIFICATION, EXISTING I-2 REQUESTED I-1

LOCATION Approximately 2 697 acres located at the northwesterly intersection

of South Tryon Street and W Summit Avenue

SEE ATTACHED MAP

ZONING MAP NO. 102 & 103 SCALE 1" = 400'


I-2
CHURCH
PLAZA ST
WINN FRED ST
TRYON
B-2
I-1
B-2
B-2
R-6MF
I-1
SUMMIT
KINGSTON
R-6MF-H
BOULEVARD
NORTHWEST
B-2
B-2
I-2 TO I-1
I-1
I-2
350
CAMDEN
EAST
SOUTH
WEST MOREHEAD #2
T-1

#14

Petition No 89-66

This petition encompasses approximately 8 4 acres bounded by Carson Boulevard or the west, Morehead Street on the east, Winnifred Street on the south, and John Belk Freeway to the north and the east The properties are presently zoned I-2 and I-3 and are proposed for rezoning to U-MUD The zoning in the nearby area includes I-2 and U-MUD The subject property contains a mixture of land uses including single family residences office buildings commercial and industrial facilities Nearby properties also contain a wide variety of land uses including offices, commercial, and industrial development The West Morehead Special Project Plan recognizes that the blocks between I-277 and Carson Boulevard have great potential for redevelopment The plan recommends rezoning the property bounded by I-277, Carson Boulevard, and South Tryon from I-2 and I-3 to U-MUD to ensure proper site design along I-277

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-66
Date Filed May 15, 1989
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired

Deed Reference

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description) Properties bounded by Carson Boulevard, John Belk Freeway, Winnifred Street and West Morehead Street.

Description Of Property

Size (Sq. Ft. Acres) 8.397 acres

Street Frontage (ft.)

Current Land Use Retail, vacant, institutional, SF Residential, parking, office

Zoning Request

Existing Zoning I-2, I-3

Requested Zoning UMUD

Purpose of Zoning Change To bring property into conformance with recommendations in the West Morehead Special Project Plan, adopted by Charlotte City Council in October, 1987.

Name Of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commiss

Address of Petitioner(s) 600 East Fourth Street

Telephone Number 336-2205

Signature

West Morehead #3

PETITIONER Charlotte-Mecklenburg Planning Commission

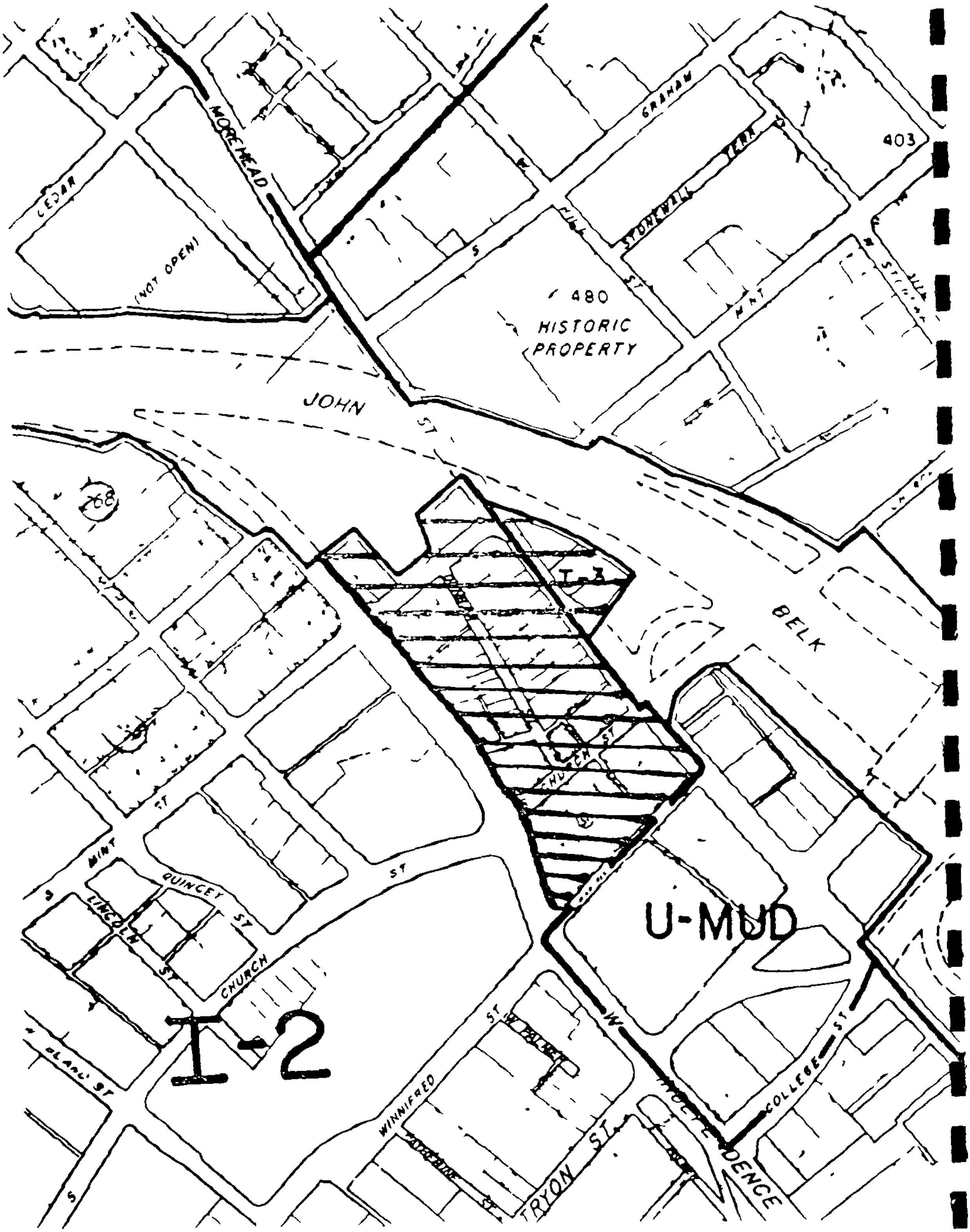
PETITION NO. 89-66 HEARING DATE July 17, 1989

ZONING CLASSIFICATION, EXISTING I-2 & I-3 REQUESTED U-MUD

LOCATION Approximately 8.397 acres bounded by West Independence Boulevard (Carson Boulevard) on the west, Morehead Street on the east, Winnifred Street on the south, and John Belk Freeway to the north and east

SEE ATTACHED MAP

ZONING MAP NO.


MOREHEAD
CEDAR
(NOT OPEN)
GRAHAM
LANE
STONEWALL
403
480
HISTORIC
PROPERTY
JOHN
ST
MINT
ST
68
BELK
U-MUD
QUINCEY
ST
LINCOLN
ST
CHURCH
T-2
WINNIFRED
ST
TRYON
ST
COLLEGE
ST
PROVIDENCE

#15

DATE. April 24, 1989

PETITION NO. 89-25

PETITIONER(S) B. V Belk Enterprises

REQUEST Change from R-12 to R-20MF (Innovative)

LOCATION. A 14 acre site located on the south side of Wallace Avenue west of Delta Road.

ACTION· The Zoning Committee recommends that this petition, as modified, be approved.

VOTE: Yeas Lassiter, Latham, Thomasson, Vaughan, Wheeler, and Winget.

Nays Spencer.

REASONS

This matter had been deferred at the last work session at the request of the petitioner who was considering modifying the site plan. The petitioner chose not to make any major changes to the site plan and has responded to those concerns raised at the public hearing and in the staff analysis. Those changes included notations on the plan regarding the maintenance of the private street, and clarification on the preservation and installation of trees around the perimeter of the site. Some concern was expressed about the continued evolution of the innovative housing provisions which allow the construction of private streets. However, the majority of the Zoning Committee felt that inasmuch as there were no land use issues which accompany this application and the site plan issues had been addressed, that this petition was appropriate for approval.

STAFF OPINION

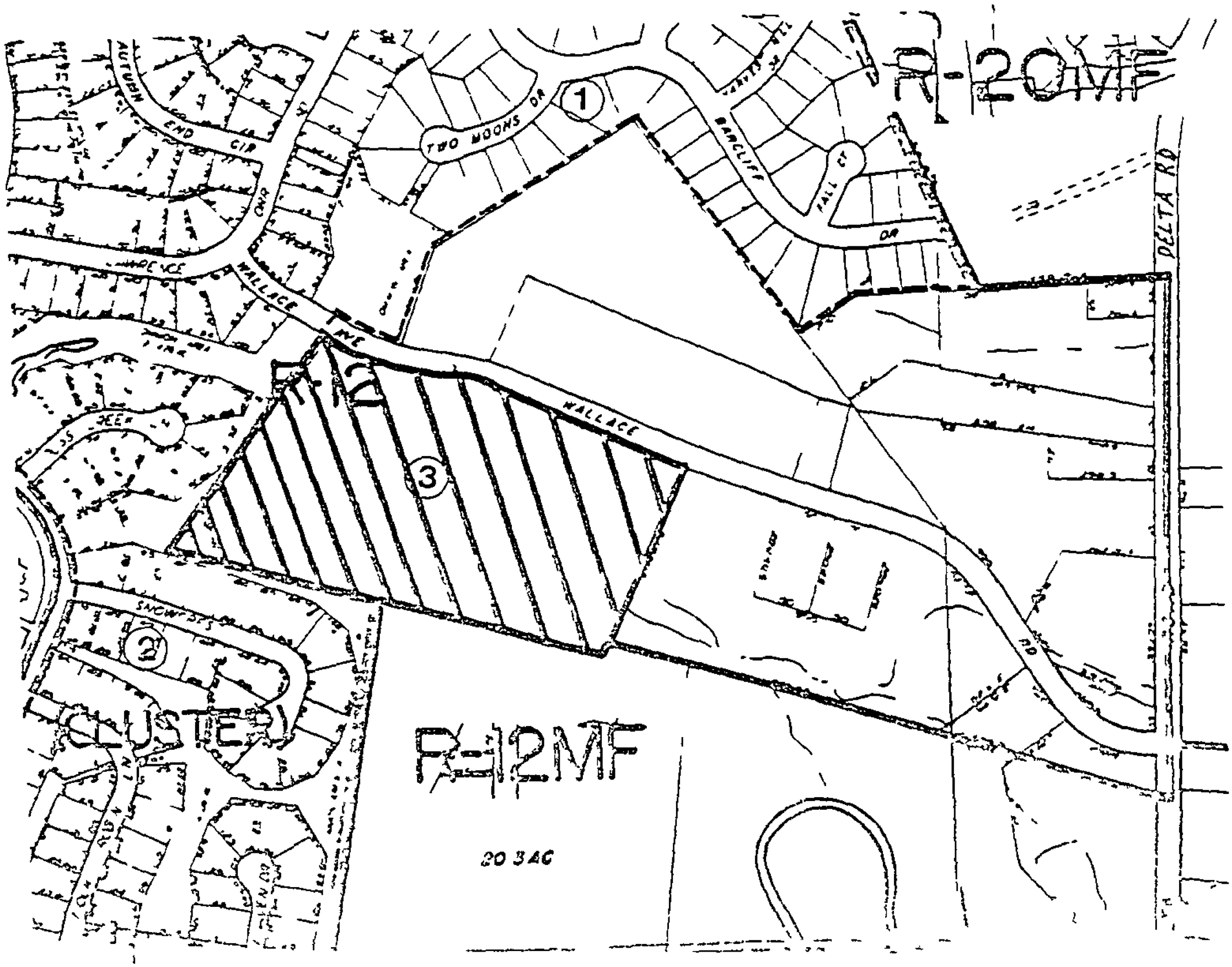
The staff agrees with the recommendation of the Zoning Committee

PETITIONER B. V Belk Enterprises

PETITION NO 89-25 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-20MF (Innovative)

LOCATION Approximately 14 0 acres located on th south side of Wallace Avenue west of Delta Road.



ZONING
LAND USE
URBAN
LAND DEVELOPMENT

ROBERT G YOUNG, INC

June 16, 1989

Mayor Sue Myrick
Members, City Council

Dear Mayor and Council Members:

You may recall that last month you deferred action for 60 days on Petition 89-25 by B. V. Belk Investments for a site located on Wallace Avenue. The petition seeks to rezone the property from R-12 to R-20 MF (Innovative).

During your discussion you clearly indicated a preference for public streets in this project. As a result Mr. Belk is evaluating several zoning and development options. He is also in the process of adding new personnel to his staff. This new staff person will be directly involved in the development options and marketing of this site.

Therefore, based on the above reasons, I am requesting on behalf of Mr. Belk an additional 90 days (if necessary) to continue to work on this project. This will allow sufficient time for the appropriate staff to work with me and Mr. Belk to determine the final response to your concerns. This matter will re-appear on your July Zoning Agenda for action. The deferral will mean a final decision will be scheduled instead for October's Agenda.

Thank you for your time and consideration.

Best regards,

Robert G. Young

RGY·M

cc: Mr. B. V. Belk
Mr. Walter Fields
Ms. Pat Sharkey

301 South McDowell Street Suite 1012 Charlotte North Carolina 28204 (704) 334-9157

#16

DATE	June 26, 1989
PETITION NO	89-28
PETITIONER(S)	Residents of Southwold Drive Area
REQUEST	Change from R-9 to B-1
LOCATION	Approximately 5 acres located south of the intersection of N C 49 (York Road) and Yorkmont Road along Southwold Drive.
ACTION	The Zoning Committee recommends that the petition be denied.
VOTE Yeas	Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	Lassiter

REASONS

This petition proposes rezoning from R-9 to B-1 for about five acres along Southwold Drive. Most nearby properties along N C. 49 and Yorkmont Road and properties to the south are residentially zoned Properties to the north at the intersection of Yorkmont Road and N C 49 are zoned B-1 The petitioned site is entirely developed with single family residences Both the 2005 Plan and the Billy Graham Parkway Special Project Plan recommend the site remain a residential area Zoning Committee viewed the area as a viable residential neighborhood and recommends the petition be denied The minority opinion, however, viewed the petition as appropriate and did not view the area as one with a residential future

STAFF OPINION

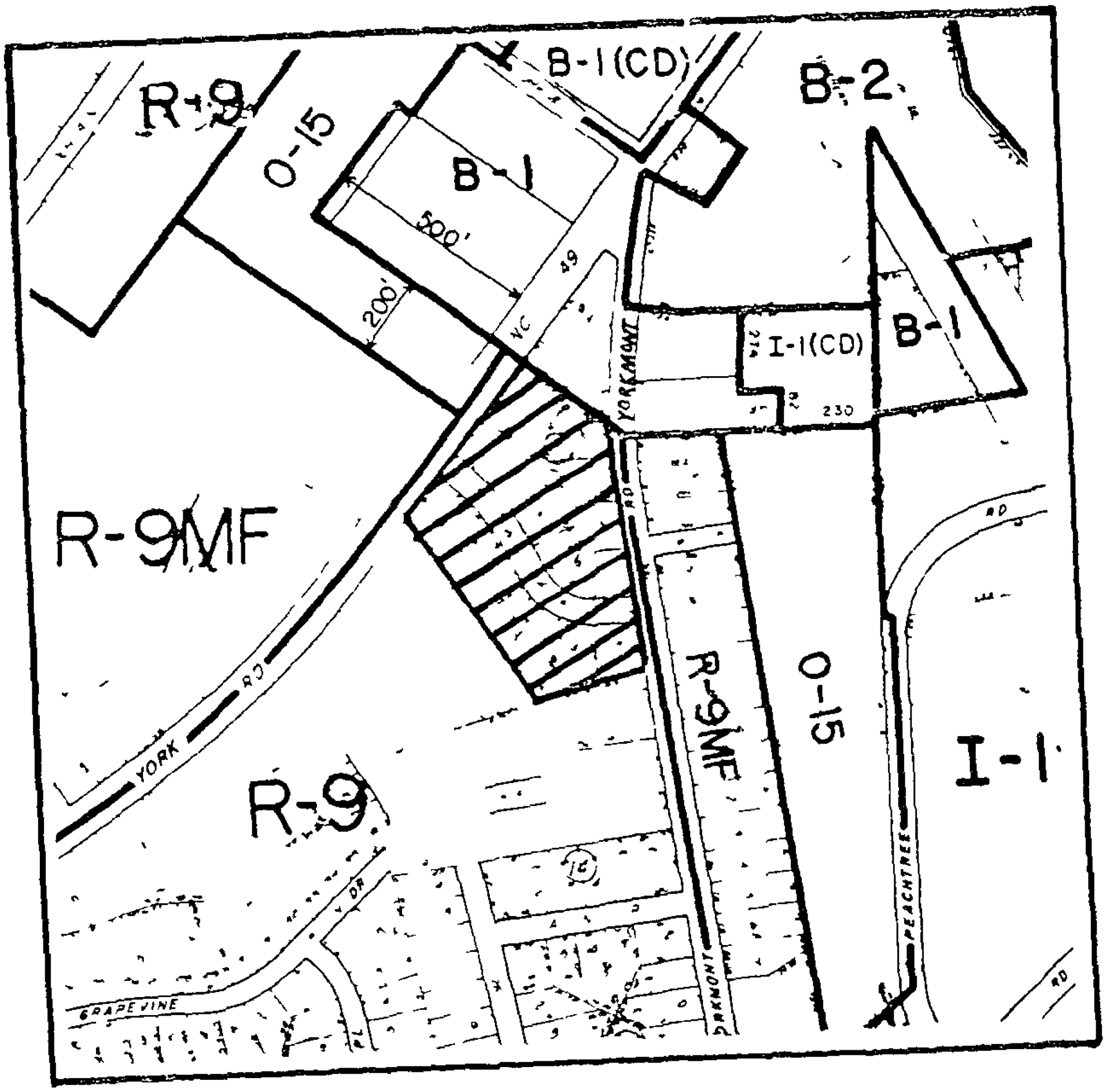
The Planning staff agrees with the recommendation of the Zoning Committee

PETITIONER Residents of Southwold Drive Area

PETITION NO 89-28 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED B-1

LOCATION Approx 5 0 acres located on the southerly side of N C 49, north of Yorkmont Rd and along both sides of Southwold Dr.



ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#17

DATE	June 26, 1989
PETITION NO	89-29
PETITIONER(S)	Landcraft Properties, Inc
REQUEST	Change from R-15MF(CD) to O-15(CD)
LOCATION	A 10 06 acre site located on the west side of Providence Road north of N.C. 51.
ACTION	The Zoning Committee recommends that the petition be approved
VOTE Yeas	Lassiter, Thomasson, Vaughan, and Wheeler
Nays	Latham, Spencer, and Winget

REASONS

This petition proposes rezoning from a conditional multi-family residential district to a conditional office district to accommodate a 50,000 square foot office park. The Zoning Committee discussed this matter for some time. Some members expressed concerns over the implications of approval of this petition and felt the same arguments used on behalf of this petition could easily be used for other properties located at the same intersection Concern was also expressed about deviating from the original concept of a mixed use development at this intersection with both residential and nonresidential components However most members viewed the office zoning as more appropriate for the property than the multi-family residential and felt the neighborhood generally would prefer the office zoning Therefore Zoning Committee recommends approval of the request

STAFF OPINION

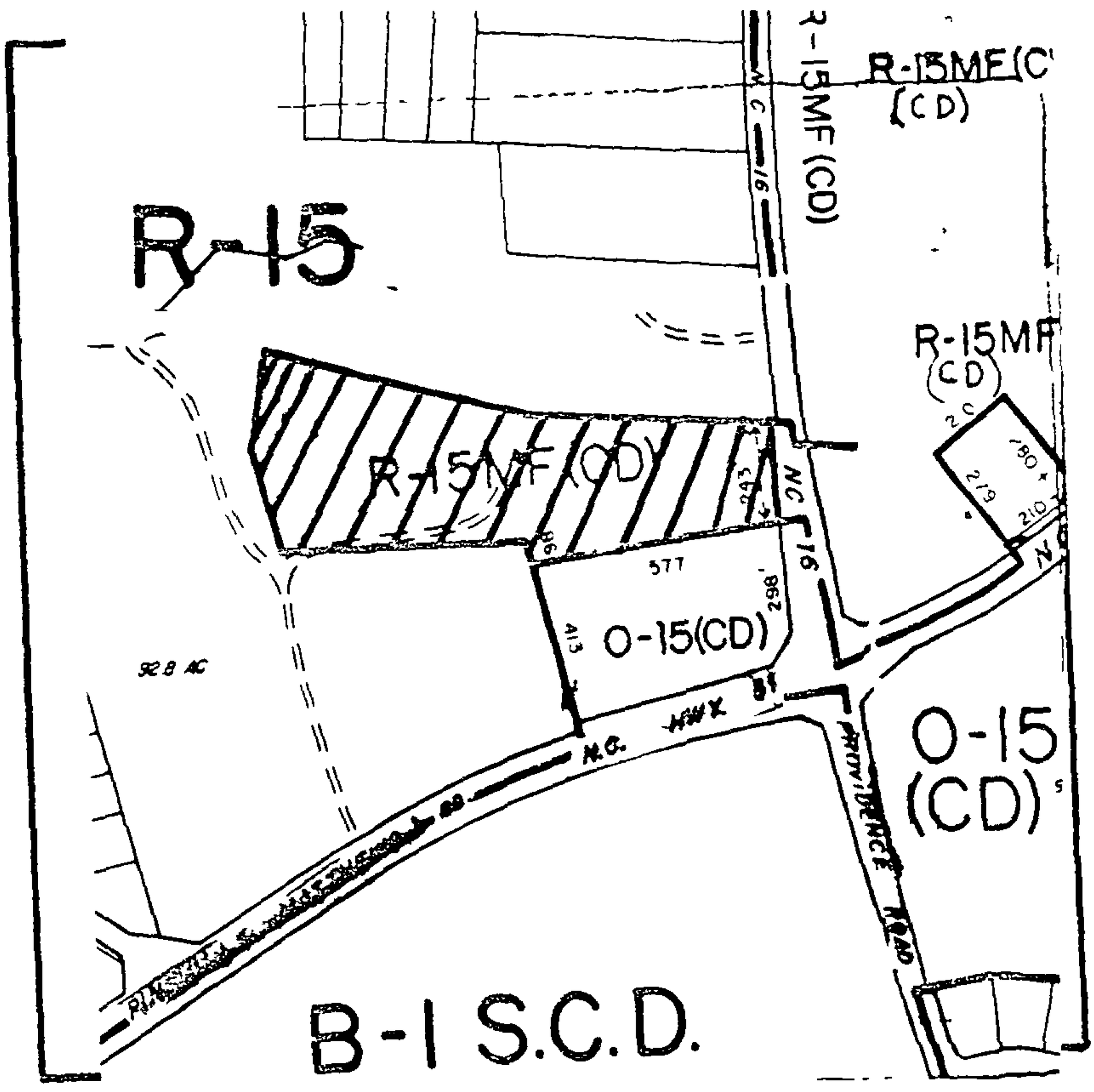
Staff disagrees with the recommendation of Zoning Committee The overall concept of the mixed use center at this location was to include a substantial residential component This petition, which proposes to eliminate a portion of that residential property, is not consistent with publicly adopted plans and policies for the area and opens the door to additional zoning requests in the immediate area. The staff supports a comprehensive look at vacant land in the area to determine how the area should be developed prior to any changes in the present zoning.

PETITIONER Landcraft Properties, Inc.

PETITION NO 89-29 HEARING DATE April 17, 1989

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

LOCATION Approx 10 06 acres located on the west side of Providence Rd north of Pineville-Matthews Rd (N.C 51).



ZONING MAP NO. 166 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#18

DATE	June 26, 1989
PETITION NO	89-31
PETITIONER(S)	H D Purser
REQUEST	Change from R-9MF to O-15(CD)
LOCATION	A 2 38 acre site located on the easterly side of North Sharon Amity Road north of Albemarle Road and to the rear of The Lake Apartments.
ACTION	The Zoning Committee recommends that the petition be denied
VOTE Yeas	Latham, Spencer, Vaughan Wheeler, and Winget.
Nays	Lassiter and Thorasson.

REASONS

This petition proposes the rezoning of properties from multi-family residential to office to permit a 30,000 square foot office park Some members viewed the small-scale office park as suitable for the site due its proximity to the Albemarle Road/Sharon Amity Road intersection and noted that the nearby neighborhood leader spoke in favor of the office zoning at the public hearing However, most members supported long-held public plans calling for this part of Sharon Amity Road to remain a residential corridor and felt the introduction of office zoning in the area could lead to pressure to redevelop nearby properties for non-residential purposes

STAFF OPINION

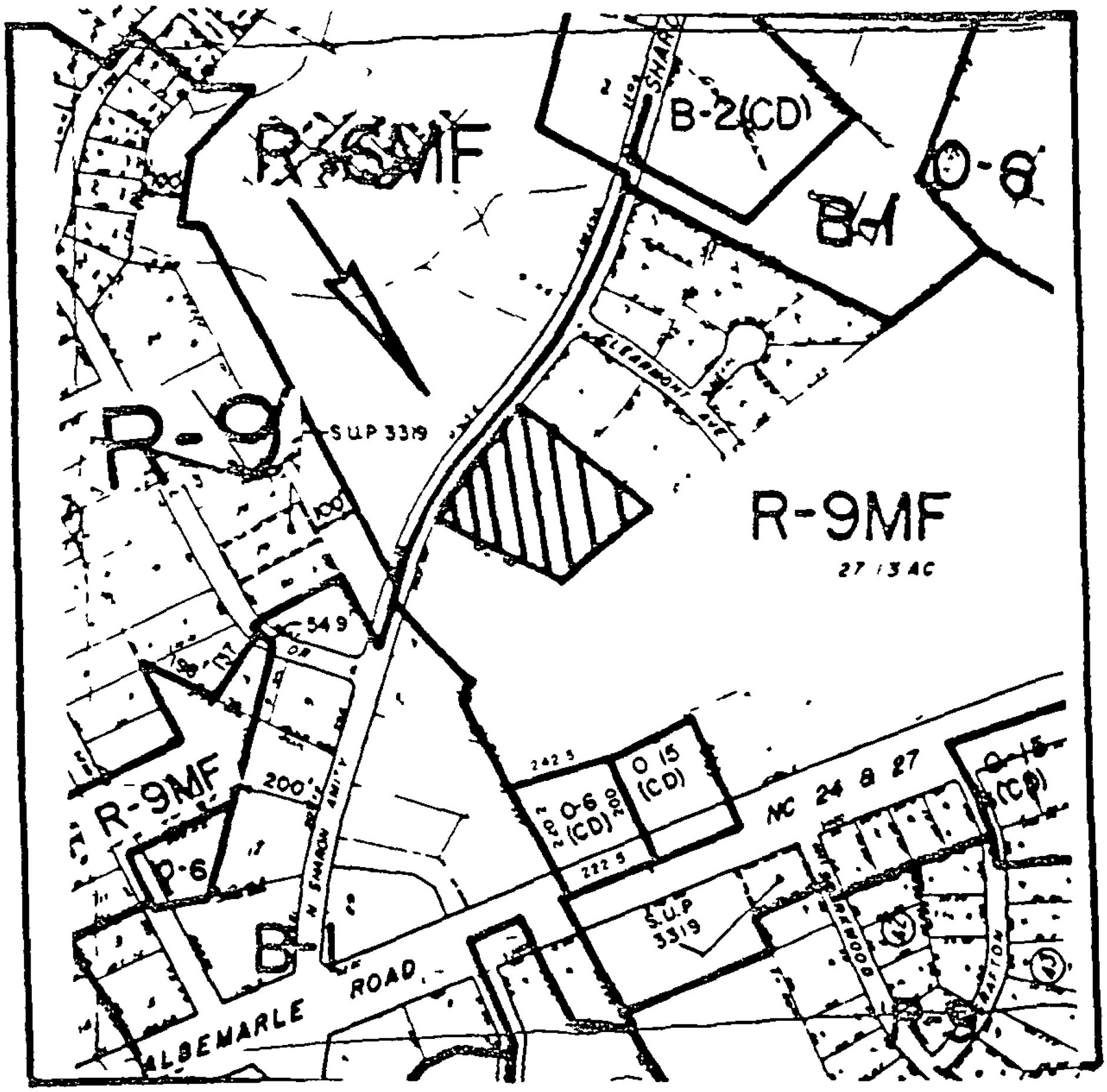
The Planning staff agrees with the recommendation of the Zoning Committee

PETITIONER Mr. H. D. Purser

PETITION NO. 89-31 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED O-15(CD)

LOCATION Approx. 2.38 acres located on the easterly side of N. Sharon Amity Rd north of Albemarle Rd. and to the rear of the Lake Apartments.



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#19

DATE	May 22, 1989
PETITION NO.:	89-38
PETITIONER(S)	Charlotte Metro Credit Union
REQUEST	Change from R-6MF to O-6
LOCATION	An approximately 8,250 square foot parcel located on the north side of Sunnyside Avenue just east of Brookshire Freeway.
ACTION	The Zoning Committee deferred action on this request for 30 days to allow the petitioner time to modify the petition to include the adjacent parcel and to convert the application to be considered through the conditional district approach.
VOTE Yeas	Lassiter, Latham, Thomasson, and Wheeler.
Nays.	Spencer.

REASONS

This petition proposes the rezoning of an 8,250 square foot parcel from a multi-family residential district to an office district to accommodate expansion of a credit union. The Zoning Committee discussed the petition at length Principal among the issues discussed were the conventional nature of the petition, vehicular access to Sunnyside Avenue and the need for an exceptional system of buffering and landscaping Most members felt the office classification could be appropriate if the petition were modified to incorporate the adjoining tract now developed with the drive through window and modified to be considered under the conditional district approach The conditions need to stipulate that there would be no vehicular access to Sunnyside Avenue and include extensive buffering However, the minority opinion expressed the viewpoint that the office zoning is inappropriate in this location regardless of whether the application is conventional or conditional

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

#20

DATE	June 26, 1989
PETITION NO	89-47
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from B-1(CD) to R-6MF
LOCATION	An approximately 1 208 acre site located on the southwesterly corner of N C 16 and North Linwood Avenue
ACTION	The Zoning Committee recommends that the petition be approved
VOTE Yeas	Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	Lassiter and Latham

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning Petition No 89-47 is one of those eight cases

Petition No 89-47

This petition involves a 1 2 acre site located at the intersection of N C 16 and North Linwood Avenue The property was rezoned in 1982 from R-6MF to B-1(CD) for a convenience store and associated gasoline sales That development has never occurred. The zoning in the surrounding area is a mixed pattern of multi-family residential and commercial along N C 16 and I-85 and single family residential west of the Seaboard Railroad Land use in the area is composed of commercial development along the north side of N C 16 and a mixture of commercial and residential along the south side of N.C 16 The predominant land use south of the petitioned site is single family residential Reviewing agencies had essentially no comments and CDOT indicates the potential trips generated under the proposed rezoning would be the same as under the current zoning. The property owner indicates development of the convenience store has been delayed due to the I-85 widening project. This request would restore the site to its original zoning.

Public plans for the area call for a residential future and Zoning Committee recommends that the petition be approved. The minority opinion expressed the viewpoint that the nearby I-85 widening and interchange projects made the delay understandable and felt it appropriate to allow more time for development of the project

STAFF OPINION

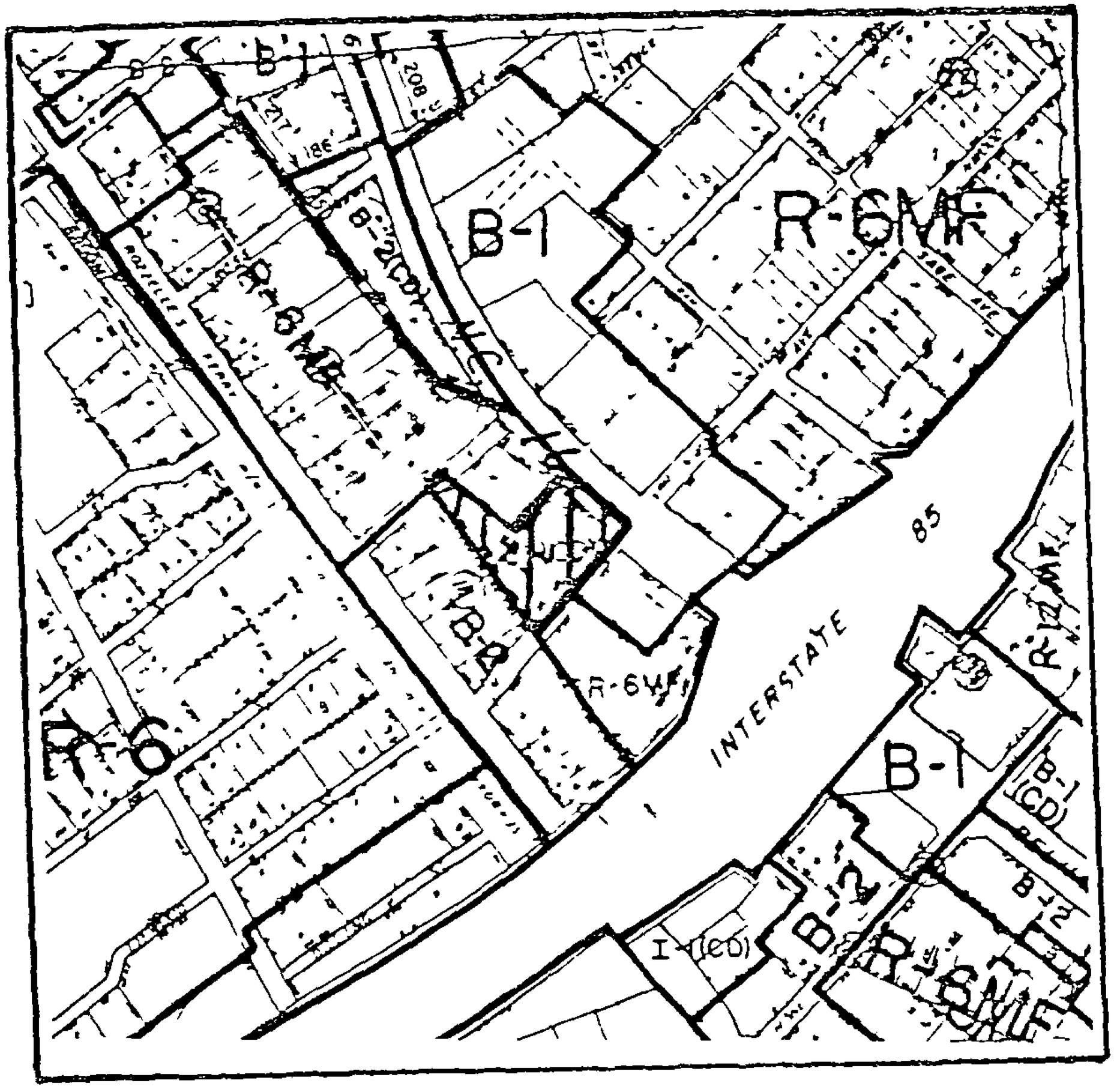
The Planning staff agrees with the recommendation of the Zoning Committee

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 89-- HEARING DATE May 15, 1989

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

LOCATION Approx 1.208 acres located on the southwesterly corner of N.C. 16 and N. Larwood Avenue



ZONING MAP NO. 80

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#21

DATE	June 26, 1989
PETITION NO	89-51
PETITIONER(S)	Metrolina Association for the Blind
REQUEST	Change from O-6(CD) to R-6MF
LOCATION	A 7,000 square foot parcel located on the northeasterly corner of the intersection of Louise Avenue and Sunnyside Avenue.
ACTION.	The Zoning Committee recommends that the petition be approved
VOTE Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	None

REASONS

The subject property was conditionally rezoned in 1984 from R-6MF to O-6(CD) to permit an existing residence to be used as offices for Metrolina Association for the Blind One of the conditions of the rezoning plan is that the property will be petitioned for rezoning back to the original R-6MF district in the event the site is discontinued for use by Metrolina Association for the Blind The property owners now desire to sell the property and consequently have requested rezoning back to R-6MF Public plans for this portion of the community call for property to be used for residential purposes Therefore, Zoning Committee recommends approval of the petition

STAFF OPINION

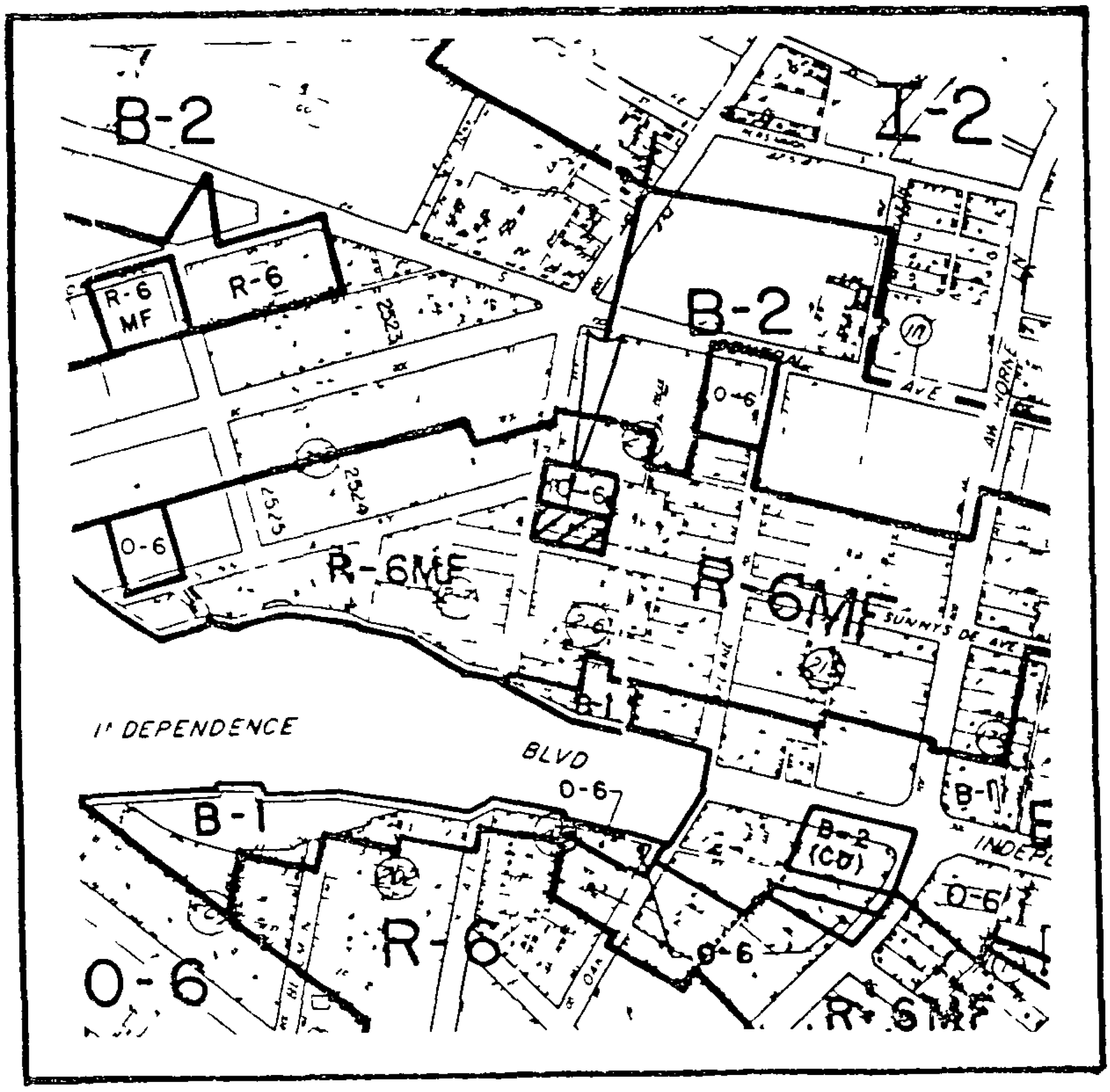
The Planning staff agrees with the recommendation of the Zoning Committee

PETITIONER Metrolina Association for the Blind

PETITION NO 89-51 HEARING DATE June 19, 1989

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

LOCATION A 7,000 square foot parcel located on the northeast corner of Louise Avenue and Sunnyside Avenue



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

PROPERTY PROPOSED FOR CHANGE

#22

DATE	June 26, 1989
PETITION NO.	89-52
PETITIONER(S)	Tyvola Crossing Associates Limited Partnership
REQUEST	Change from R-12MF to B-1(CD) and Consideration of a B-1(CD) Site Plan Amendment
LOCATION	13 05 acres at the southeast corner of the intersection of West Tyvola Road and N C. 49 (York Road).
ACTION	The Zoning Committee recommends that the petition be approved
VOTE Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget.
Nays	None.

REASONS

This petition proposes the inclusion of a small piece of property with a previously approved community shopping center at the intersection of two major arterials Both the 2005 Plan and the draft Southwest District Plan indicate that this is a site which can be used for just such a purpose The Billy Graham Parkway Special Project Plan had originally recommended that the commercial zoning on this site be removed in favor of residential zoning However, a compromise was agreed upon which allowed the commercial zoning to remain pursuant to an approved site plan Therefore, this petition is consistent with publicly adopted plans and policies for the area and Zoning Committee recommends approval of the petition

STAFF OPINION

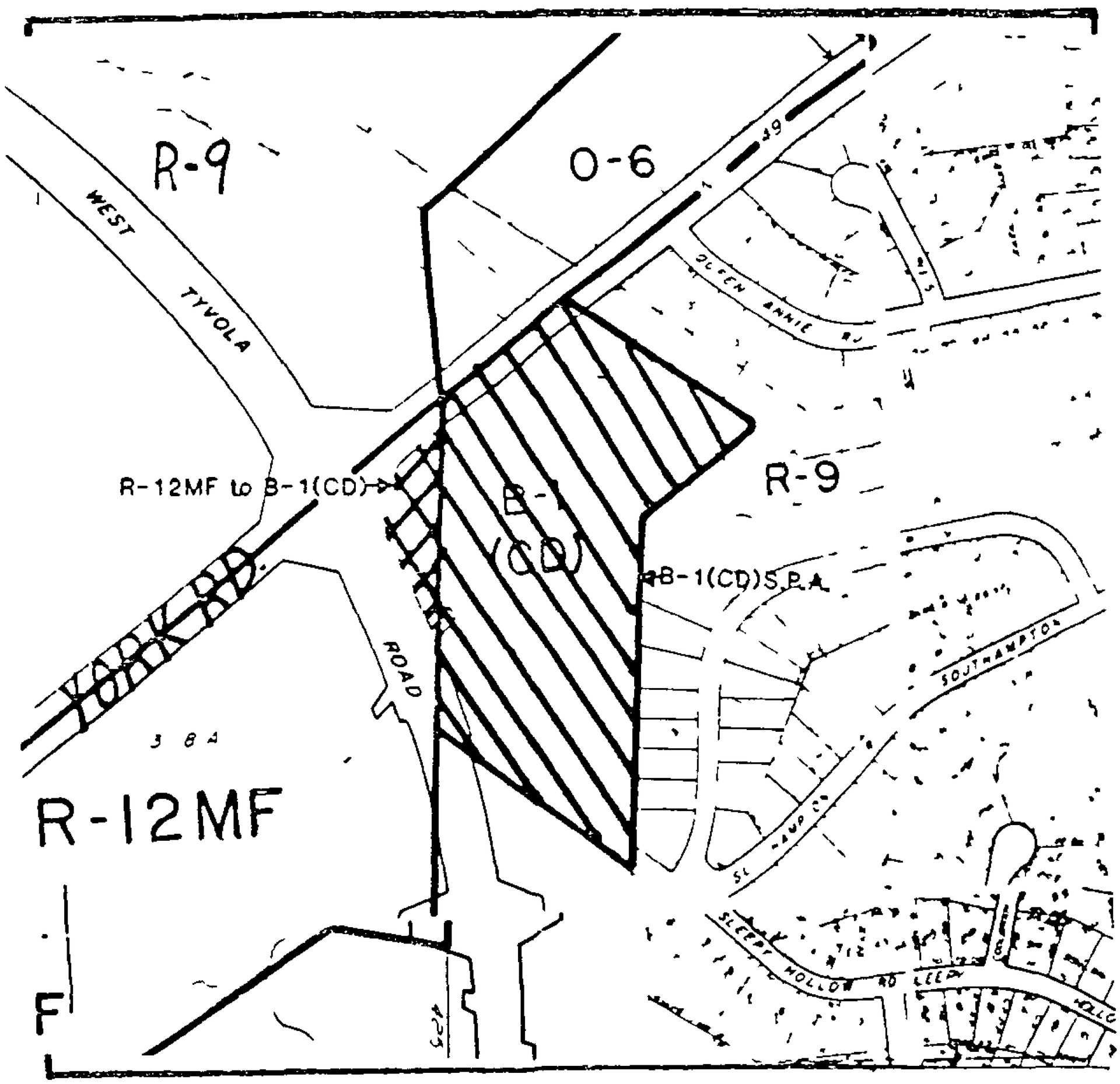
The Planning staff agrees with the recommendation of the Zoning Committee

PETITIONER Tyvola Crossing Associates Limited Partnership

PETITION NO 89-52 HEARING DATE June 19, 1989

ZONING CLASSIFICATION, EXISTING B-1(CD) and R-12MF REQUESTED B-1(CD) B-1(CD) Site Plan Amend--

LOCATION Approximately 13 05 acres located at the southeasterly intersectio- of West Tyvola Road and N C 49 (York Road).



ZONING MAP NO. 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#23

DATE· June 26, 1989

PETITION NO.: 89-53

PETITIONER(S) John Usdan, Lamberg Syndicate, Charlotte JV

REQUEST· Change form B-2 to B-1SCD

LOCATION Approximately 14 acres located on the east side of South Boulevard between Archdale Drive and Emerywood Drive.

ACTION: The Zoning Committee deferred action on this request for 30 days to allow the petitioner time to modify the site plan to address concerns raised at the public hearing.

VOTE Yeas Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget

Nays None.

REASONS

At the public hearing on this request, a number of site plan related issues were discussed and were left unresolved. Those issues include the plan's lack of compliance with Transportation Department comments and the City Tree Ordinance. Zoning Committee stressed the importance of compliance with the tree ordinance and the petitioner indicated a willingness to meet with the responsible City agencies to attempt to work out a technically sufficient site plan Therefore, Zoning Committee deferred action on the request until July 24.

#24

DATE	June 26, 1989
PETITION NO	89-54
PETITIONER(S)	Christos Copsis
REQUEST	Change from R-12 to B-1(CD)
LOCATION	Approximately 1.07 acres located on the east side of Harrisburg Road south of Albemarle Road
ACTION	The Zoning Committee recommends that the petition be approved.
VOTE Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	None

REASONS

This petition requests a rezoning from R-12 to B-1(CD) to accommodate reconstruction of an existing restaurant and the subsequent expansion of the parking lot which services the restaurant Zoning Committee briefly discussed the impact of this rezoning on the landlocked parcel adjoining the subject property immediately to the east Ultimately, however, Zoning Committee viewed the petition as appropriate for approval and noted that the petitioner improved the buffering and screening treatments proposed for the parking lot edges Therefore, Zoning Committee recommends that the petition be approved

STAFF OPINION

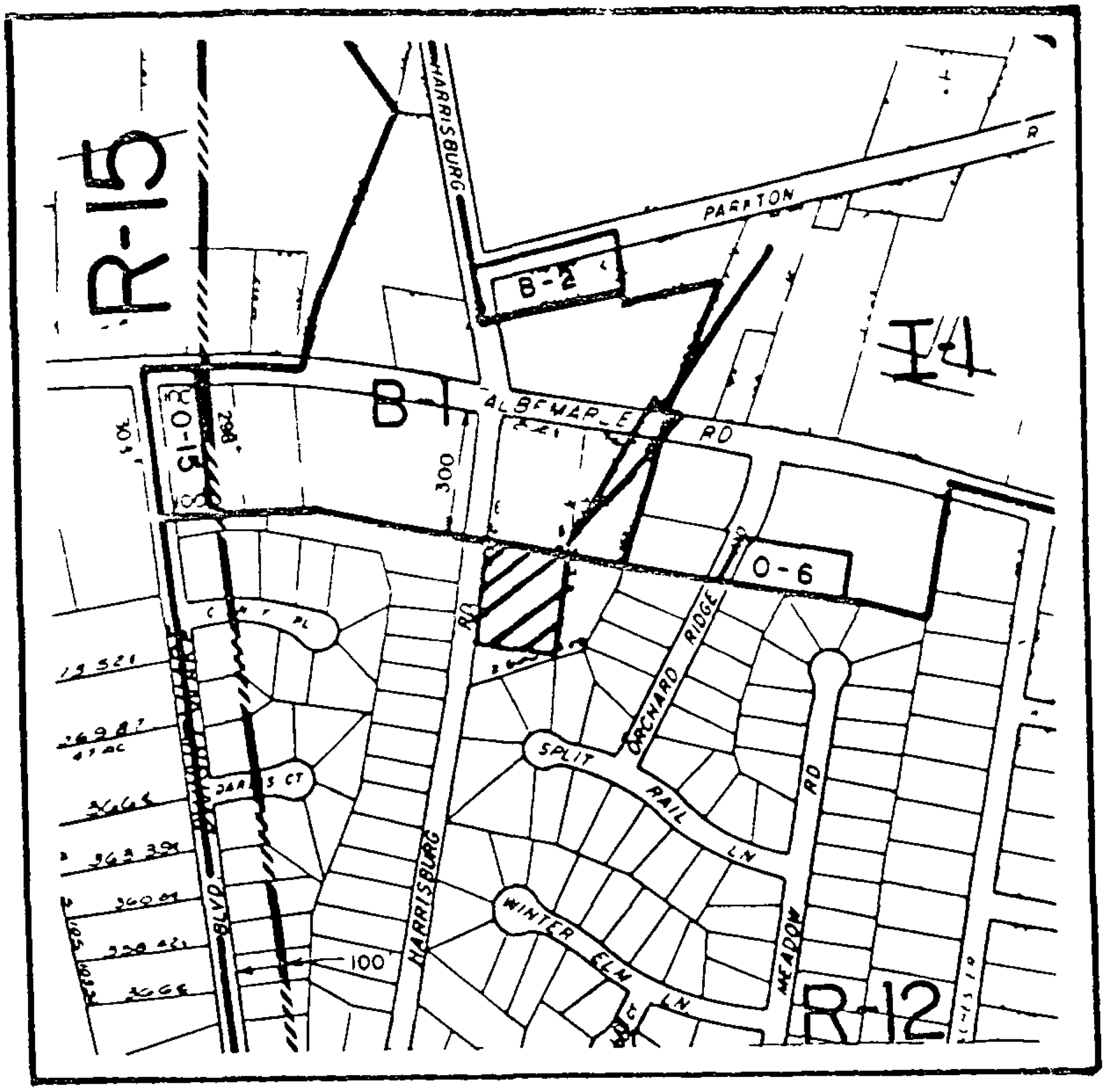
Staff also viewed the improvement to the screening treatment as sufficient to make the petition appropriate for approval

PETITIONER Christos S Copsis

PETITION NO 89-54 HEARING DATE June 19 1989

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED B-1

LOCATION Approximately 1.07 acres located on the east side of Harrisburg Road south of Albemarle Road



ZONING MAP NO. 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#25

DATE		June 26, 1989
PETITION NO		89-55
PETITIONER(S)		Charlotte-Mecklenburg Planning Commission
REQUEST		Change from B-1 to R-6MF
LOCATION		A one acre site located on the southwesterly side of Remount Road between Baltimore Avenue and Norfolk Avenue
ACTION		The Zoning Committee recommends that the petition be approved
VOTE	Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler, and Winget
	Nays	None

REASONS

This petition proposes rezoning properties from B-1 to R-6MF It is proposed at this time to implement the recommendations of the Southside Park Special Project Plan All of the properties involved with this request are owned by the City of Charlotte The subject property includes several single family homes and an unnamed neighborhood mini park Nearby properties are predominantly zoned R-6MF, though the intersection Remount Road and Tryon Street is zoned a combination of business and industrial districts Along I-77 properties are zoned for industrial and office purposes The Southside Park Special Project Plan recommends the subject property be rezoned from B-1 to R-6MF in order to protect open space from future municipal office encroachment Zoning Committee recommends approval of the petition

STAFF OPINION

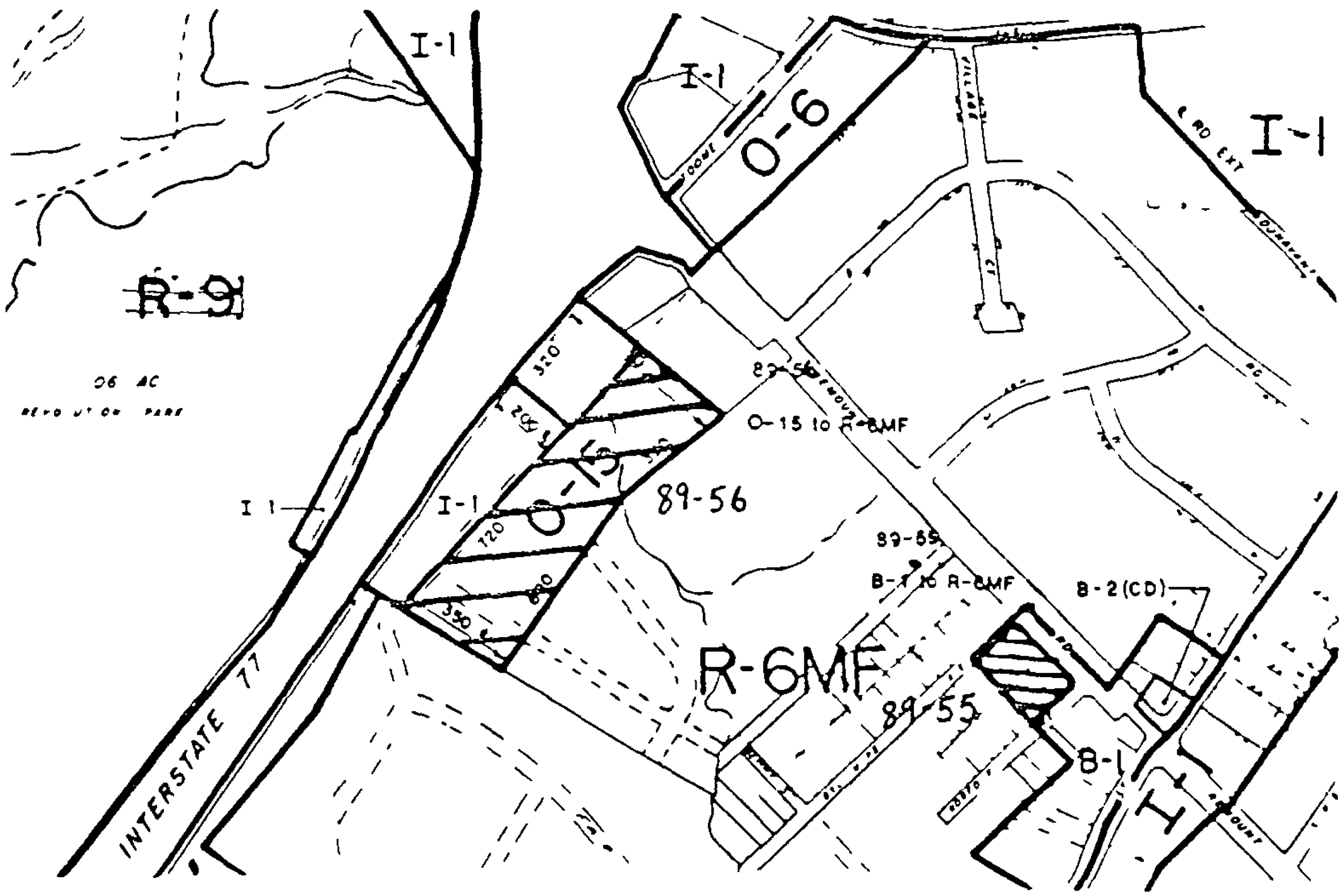
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 89-55 HEARING DATE June 19, 1989

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

LOCATION Approximately 1.0 acre located on the southwesterly side of Remount Road between Baltimore Avenue and Norfolk Avenue



ZONING MAP NO. 110

SCALE 1" = ~~200'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

#26

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 3, 1989

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached is a recommendation of the Planning Committee of the Charlotte-Mecklenburg Planning Commission on a text amendment which was previously heard at public hearing and referred to the Planning Committee for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Committee held on June 27, 1989.

According to the adopted rules of procedure, this recommendation will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse at 12:00 Noon on Friday, July 14, 1989. This will then permit this matter to be placed on your agenda for consideration of decision on Monday, July 17, 1989.

If you have any questions or wish to discuss any aspect of this recommendation, please let me know.

Respectfully submitted,

Frank E. Emory, Chairman
Charlotte-Mecklenburg Planning Committee

FEE.mlj

Attachment

600 East Fourth Street • Charlotte North Carolina 28202 2853 • (704) 336 2205

DATE: June 27, 1989

PETITION NO.: 89-48

PETITIONER(S): Mecklenburg County Building Standards Department

REQUEST: Consideration of a text amendment to allow veterinary outpatient clinics in all business and industrial districts.

ACTION: The Planning Committee recommends that this petition be approved.

VOTE· Yeas: Burns, Davis, Emory, Majeed, Mead, and Points.

Nays: None.

REASONS

This petition was originated by the Building Standards Department in an effort to clarify a disputed matter in the City's Zoning Ordinance. A number of years ago the Mecklenburg County Ordinance was amended to make special provisions for outpatient veterinary clinics as a distinct and separate use from a traditional veterinary hospital. Recently the location of just such a facility within the City's jurisdiction caused some concern on behalf of the Zoning Administrator in that the City's Ordinance had never been amended to specifically provide for veterinary outpatient clinics. The Zoning Administrator initiated this text amendment and depending upon the outcome of the petition will administer the ordinance accordingly.

The Planning Committee discussed this matter and concluded that the amendment has merit. Those in opposition at the hearing raised issues of odor and noise as being reasons that this petition should not be adopted. However, the members of the Planning Committee indicated that the objectors seem to be more interested in a matter of competition among various veterinary service providers rather than a true land use issue. The Planning Committee noted that even a dog grooming facility can be located in business districts and saw no significant difference between an outpatient veterinary clinic and a pet store or grooming facility. The staff indicated that in order for the two ordinances to be the same this amendment should be modified to allow outpatient clinics in the B-2 district only as opposed to the B-2 and B-1 as proposed by the Zoning Administrator. The Planning Committee concurred in this and recommends that the petition be adopted to allow outpatient veterinary clinics in the B-2, I-1, and I-2 districts.

STAFF OPINION

The staff agrees with the recommendation of the Planning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-48
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

tion No 3063, 3073 Uses Under Prescribed Conditions
3127 Special Requirements for Certain Uses

(Title) Veterinary Outpatient Clir

urpose of Change Code § 3062(36) allows: "Clinics, medical, dental and doctors' offices (except in B-D)" and Code § 3062(82) allows: "Veterinary hospitals and commercial kennels, located at least 300 feet from the nearest residential district (except in B-1 and B-D)." Code § 3073(23) is the same provision for industrial districts as Code § 3062(82) .

A veterinarian sought a building permit for the use of premises for "outpatient services" in that animals would not be kept on the premises at all. The Zoning Administrator determined that the use of the premises, which would not have the attendant problems of odor, noise, etc., was more within the intent of a "clinic" than an "veterinarian hospital".

The Mecklenburg County Zoning Ordinance makes a specific distinction between a veterinarian outpatient clinic and a veterinarian hospital. The proposed text amendment is the provision of the Mecklenburg County Zoning Ordinance. In 1988, The Greater Charlotte Veterinarian Medical Association had submitted a similar text amendment but it was withdrawn before the scheduled public hearing.

By the City Council taking action on the proposed text amendment, whether approving or disapproving it, the Zoning Administrator can perceive the intent of the City Council.

Robert Brandon, Zoning Administrator
ame of Agent

700 N. Tryon Street, Charlotte, NC
Agent's Address

336-2831
elephone Number

Mecklenburg Co., Building Standards
Name of Petitioner(s)

700 N. Tryon Street, Charlotte, N
Address of Petitioner(s)

336-2831
Telephone Number

Signature Ed L. Woods, Director

ORDINANCE NO._____ AN ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, of the City Code shall be amended as follows:

1. Amend § 3063, "Uses under prescribed conditions", by adding a new Item "32" as follows:

> "32. Veterinary Outpatient Clinics, subject to the regulations in § 3127 (except in B-1)."

2. Amend § 3073, "Uses under prescribed conditions", by adding a new Item "28" as follows:

> "28. Veterinary Outpatient Clinics, subject to the regulations in § 3127."

3. Amend § 3127, which is currently designated "Not Used", to read as follows:

> § 3127. Veterinary Outpatient Clinics.
>
> Veterinary Outpatient Clinics, as defined below, must comply with the yard, area, and height requirements for the district in which they are located. A veterinary outpatient clinic is a facility where small animals or pets are given medical or surgical treatment and are cared for only while there for the treatment. It must be within a completely enclosed building with no outside storage or animal areas. Grooming and boarding of animals is not permitted. All building plans submitted for a veterinary outpatient clinic whether for a new or existing structure must be accompanied by a certification by a registered Architect or Acoustical Engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels."

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney