AGENDA

Meeting Type:	Z
Date:	04-17-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda April 17, 1989

FILE COPY

CHARLOTTE

Meetings in April '89

THE WEEK OF APRIL 2 - APRIL 8

3	Monday, 12 Noon	**PLANNING COMMISSION** - CMGC, 8th Floor Conference Room
	Monday, 5 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
4	Tuesday, 1 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION**/Ad Hoc Committee Criminal Courts Project - CMGC, 8th Floor Conference Room
	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 6 00 p m	**PLANNING COMMISSION (Public Meeting on Zoning Ordinance Revision)** - CMGC, Meeting Chamber
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center, Room 267
	Tuesday, 7 15 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** /Ad Hoc Committee Criminal Courts Project - CMGC, 8th Floor Conference Room (NOTE This is a continuation of the 1 00 p m meeting)
6	Thursday, 7 30 a m	**ADVISORY COMMITTEE ON PERFORMANCE APPRAISAL AND INCENTIVE PROGRAMS** _ CMGC, Lobby Conference Room
	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room

THE WEEK OF APRIL 9 - APRIL 15

10	Monday, 10 00 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Coliseum, 100 Paul Buck Blvd
	Monday, 2 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee For Hal Marshall Center** - Hal Marshall Center, 700 N Tryon Street
	Monday, 6 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 7 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 7 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
11	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A, Main Terminal
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
12	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee Spirit Square Project** - CMGC, 8th Floor Conference Room
13	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee Omnimax Project** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive 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 APRIL 26 - APRIL22----------

17	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL /Zoning Hearings**- CMGC, Meeting Chamber
18	Tuesday, 5 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee Coliseum Project** - CMGC, Lobby (First part of meeting is a press conference)
19	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center, Room 267
	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** _ CMGC, Lobby Conference Room
20	Thursday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Conference Center, Room 270
	Thursday, 2 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee CMUD Project** - CMGC, 8th Floor Conference Room
	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - 701 Tuckaseegee Road, Conference Room
21	Friday, 7 30 a m	**PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

----------THE WEEK OF APRIL 23 - APRIL 30----------

24	Monday, 1 00 p m	**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 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	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** - Hal Marshall Building, 700 North Tryon St
	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** - Charlotte-Mecklenburg Utility Department, 5100 Brookshire Blvd
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
26	Wednesday, 4 00 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, Lobby Conference Room
27	Thursday, 3 00 p m	**ADVISORY BOARD FOR CITIZNS WITH DISABILITIES** - Community Relations Committe, 817 E Trade St , 2nd Floor Conference Room
	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Center
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Board Meeting** - CMGC, 8th Floor Conference Room

XXXXX

NOTE: These organizations will <u>not</u> meet in APRIL

Community Relations Committee
Division of Insurance & Risk Management
Municipal Information Advisory Board

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Al Rousso*

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

Council Agenda

Monday, April 17, 1989

5:00 p.m. - Dinner - No presentation
Chamber Conference Room

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

Invocation by The Reverend Alan Queen, Calvary Church of the Nazarene.

ITEM NO.

PUBLIC HEARINGS

1. (89-28) Hearing 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.

   Attachment No. 1.

2. (89-29) Hearing 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.

   Attachment No. 2.

3. (89-30) Hearing on Petition No. 89-30 by University Research Park Corporation for consideration of a text amendment to Section Nos. 3020 through 3028 and 3108 regarding the research districts.

   Attachment No. 3.

4. (89-31) Hearing 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.

Attachment No. 4.

5. (89-32) Hearing on Petition No. 89-32 by Ronald W. Kurstin for a change in zoning from R-6MF to I-2 for a .62 acre site located on the northwest side of Yorkwood Drive south of Pressley Road.

Attachment No. 5.

6. (89-33) Hearing on Petition No. 89-33 by The Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF and Conditional Parking to R-6 and R-9 for approximately 30.9 acres located along parts of Commonwealth Avenue, Westover Street, Morningside Drive, St. Julian Street, and along the Seaboard Rairoad right-of-way between Ridgeway Avenue and Westover Street.

Attachment No. 6.

7. (89-34) Hearing on Petition No. 89-34 by The Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6 for 6 lots comprising .998 acres located east of Pecan Avenue along Shenandoah and Chesterfield Avenues.

Attachment No. 7.

8. (89-35) Hearing on Petition No. 89-35 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from B-2, and Part 2 from B-2 and O-6 as follows: Part 1 to O-6 and B-1, and Part 2 to R-6 for 11.892 acres located along Central Avenue, The Plaza, Commonwealth Avenue, McClintock Road St. Julian Street and Westover Street.

Attachment No. 8.

9. (89-36) Hearing on Petition No. 89-36 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-2 and O-15 to R-9 and R-6MF for 19.71 acres located south of Central Avenue along Iris Drive, and west of Iris Drive.

Attachment No. 9.

10. (89-37) Hearing on Petition No. 89-37 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from B-2, and Part 2 from B-2 and O-6 as follows: Part 1 to B-1 and O-6, and Part 2 to R-9 for 7.9 acres located south of Central Avenue along Lyon Court, Morningside Drive and Ivey Drive.

Attachment No. 10.

POLICY AGENDA

11. (88-88) Decision on Petition No. 88-88 by Providence Park Office Associates for a change in zoning from R-15 to O-15(CD) for a 2.35 acre site located on Providence Road, east of Sharon Amity Road.

This petition was deferred at the March 20 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 Council, not excused from voting, in order to rezone the property.

Councilmembers Clodfelter and Matthews were excused from the hearing.

The zoning Committee recommends that this petition be approved.

Attachment No. 11.

12. (89-2) Decision on Petition No. 89-2 by Alan R. Kessel and Jacqueline S. Kessel for a change in zoning from I-1 to I-2(CD) for a 2.8 acre site located between Old Concord Road and Orr Road, between McDaniel Lane and Fairhaven Drive.

This petition was deferred for 30 days at the March 20 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12.

13. (89-4) Decision on Petition No. 89-4 by McClure Real Estate and Investments, Inc., for a Site Plan Amendment to an existing B-1SCD zoning for an approximately 9.5 acre site located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.

This petition was deferred at the March 20 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 Council, not excused from voting, in order to rezone the property.

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

Attachment No. 13.

14. (89-7) Decision on Petition No. 89-7 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 for approximately 47 acres located in two areas, one on the east side of Yorkmont Road between Nations Ford Road and N. C. 49, and the second along the west of N. C. 49 from Southwood Drive to Southampton Road.

This petition was deferred at the March 20 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 Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that the properties along Yorkmont Road be rezoned to R-9, but the properties along N. C. 49 remain zoned R-9MF.

Attachment No. 14.

15. (89-23) Decision on Petition No. 89-12 by Ralph Kier for a change in zoning from O-15 and R-6MF to O-6(CD) for a 1.23 acre site located just east of the intersection of Providence Road and Colonial Avenue.

This petition was deferred at the March 20 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15.

16. (89-15) Decision on Petition No. 89-15 by J. F. Gladden for a change in zoning from O-6 and R-6MF to B-2(CD) for 41,000 square feet located on the north side of Wilkinson Boulevard east of Holton Avenue.

This petition was deferred at the March 20 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 Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be denied.

Attachment No. 16.

17. (89-18) Decision on Petition No. 89-18 by the Charlotte-Mecklenburg Hospital Authority for a change in zoning from R-15 to R-12MF(CD) and consideration of an R-12MF(CD) Site Plan Amendment for a 5 acre site located on the northwesterly side of Sardis Road between Providence Road and Randolph Road across from Timber Lane.

Councilmember Vinroot was excused from the hearing.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17.

18. (89-19) Decision on Petition No. 89-19 by Harvey Gouch for a change in zoning from R-9 to B-2(CD) for an approximately 1/2 acre site located on the southeast side of Dawn Circle between Dawn Circle and North Tryon Street near Orr Road.

The Zoning Committee deferred action on this request for 30 days and asked the petitioner to commit to additional restrictions to the use of the building on the site.

Attachment No. 18.

19. (89-20) Decision on Petition No. 89-20 by Optima Capital, Ltd. for a change in zoning from R-12 to O-6(CD) for a 4.92 acre site located on the southerly side of Highway 51 between Blue Heron Drive and McMullen Creek.

The Zoning Committee deferred action on this request for 30 days so that the petitioner could be afforded time to comment on issues relative to the intensity of the proposed development.

Attachment No. 19.

20. (89-21) Decision on Petition No. 89-21 by Idlewild Crossing Ltd. Partnership for a change in zoning from R-9 to B-1(CD) for a .08 acre site on the east side of Piney Grove Road south of the intersection of Idlewild Road and Idlewild Road North.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20.

21. (89-22) Decision on Petition No. 89-22 by S & S Development Company for a change in zoning from R-12 to B-1(CD) for a .67 acre site located on the south side of Pence Road (Hickory Grove Road) east of Newell-Hickory Grove Road.

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

Attachment No. 21.

22. (89-24) Decision on Petition No. 89-24 by South Boulevard Limited Partnerships for a change in zoning from R-9 to B-1SCD and consideration of a B-1SCD, O-15(CD), and R-15MF(CD) Site Plan Amendment for a 38 acre site located on the northwest corner of New Arrowood Road and South Boulevard.

Councilmember Clodfelter was excused from the hearing.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22.

23. (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 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.

The Zoning Committee deferred action on this request for 30 days at the specific request of the petitioner.

Attachment No. 23.

24. (89-26) Decision on Petition No. 89-26 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 and R-6MF to R-6 for approximately 40 acres located in the Grier Heights Neighborhood generally east of Randolph Road, north of Wheatley Avenue, west of Marvin Road and South of Drenan Street and Latrobe Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 24.

25. (89-27) Decision on Petition No. 89-27 by Charlotte-Mecklenburg Planning Commission for a text amendment to add new Section 1302.1 to the City of Charlotte Zoning Ordinance to require a traffic study as part of the minimum submission requirements for certain rezoning petitions.

The Zoning Committee deferred action on this request for 30 days.

Attachment No. 25

26. Recommend adoption of a resolution calling for public hearings on Monday, May 15, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-38 through 89-47 for zoning changes.

27. Recommend adoption of a resolution calling for a joint public hearing between the City Council and The Charlotte-Mecklenburg Historic Properties Commission to consider designation of the Newell Rosenwald School, located on Torrence Grove Road, including the interior and exterior of the building and the entire parcel of land upon which it sits, as historic property.

28. Recommend adoption of a resolution calling for a joint public hearing between the City Council and the Charlotte-Mecklenburg Historic Properties Commission to consider designation of the Federal Reserve Bank Building, located at 401 South Tryon Street, including the interior and exterior of the building and the entire parcel of land upon which it sits, as historic property.

BUSINESS

29. Recommend approval of staff recommendation for Alternate B alignment and schedule for Idlewild Road/Idlewild Road North Intersection Improvement Project.

This item was deferred at the April 10, 1989 Council meeting.

Council Action: Choose one of three alternates for the widening of the Idlewild Road/Idlewild Road North intersection.

Alternate A - Widen entirely on the east side of Idlewild Road North (Four homes would be impacted.)

Alternate B - Widen predominately on the west side of Idlewild Road North (Most widening on New Hope Baptist Church property and undeveloped land.)

Alternate C - Widen equally on both sides.

Recommendation: The recommendation is to approve Alternate B and construction award schedule of May, 1990.

Attached is a detailed report about the planning process, description of the alternates, estimated costs, and an evaluation with pros and cons for each alternate.

Background-Idlewild Widening

The November 1987 bond referendum funded improvements to Idlewild Road from Electra Lane to Idlewild Road North. Late in the planning/public involvement phase of the Idlewild Road widening project, projected traffic volumes indicated a need for improvements to the Idlewild Road North/Idlewild Road intersection not previously envisioned as part of the original project and schedule. Additional improvements to the intersection include the addition of a right turn only lane and provisions for a second left turn lane on Idlewild Road North when Idlewild is widened east of Idlewild Road North sometime in the future (this project is not currently scheduled or funded).

Alternate Alignments

. In October, 1988 a map showing a preferred alignment which widened to the east side of Idlewild Road North was sent to affected property owners.

. At a property owner's request, a second alternate was reviewed which widened to the west affecting property of New Hope Baptist Church and several undeveloped lots.

. In January, 1989 a public meeting was held among all property owners affected by both alternate alignments.

. As a result of a New Hope Baptist Church request, a third alternate (widening equally on both sides) was reviewed and discussed in a March, 1989 public meeting.

Costs

The three alternate alignments studied and associated costs are as follows:

Alternate A - Widen to east side $360,700
Alternate B - Widen to west side $374,100
Alternate C - Concentric widening $432,700

Alternate B

Alternate "B" is recommended since it avoids four residentially developed parcels on the east side, meets safety related design criteria, and is only slightly higher in cost than alternate "A".

Construction Schedule	As part of budget deliberations, staff committed to begin construction of the Idlewild Road widening project in May, 1990. It is desirable that the intersection project be constructed simultaneously with the widening project for cost and traffic operation reasons. Staff and the consultant believe design and right-of-way acquisition can be completed such that the two projects can be bid and acquired at a later date.
Clearances	Engineering and CDOT concur in the recommendation.

Attachment No. 26.

#1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-28

Petitioner: Residents of Southwold Drive Area

Location: Approximately 5 acres located south of the intersection of N.C. 49 (York Road) and Yorkmont Road along Southwold Drive.

Request: Change from R-9 to B-1

BACKGROUND

1. Existing Zoning. The properties involved with this request are zoned R-9, as are other properties between York and Yorkmont Roads in the nearby area. The property to the north is zoned B-1. Properties on the other sides of York Road and Yorkmont Road are zoned O-15 and R-9MF.

2. Existing Land Use. The petitioned site is entirely developed with single family residences. Other single family development and a few churches can be found in a southerly direction and across Yorkmont Road. Properties to the north are developed for commercial or office purposes. Across York Road are several large vacant tracts.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area. The Plan recognizes the intersection of Billy Graham Parkway and York Road as an existing commercial center. 2005 strategies for the area include extension of water along Billy Graham Parkway, improving I-77, construction of Tyvola Road Extension and development of the former York Road landfill as a community park.

   2. Billy Graham Parkway Special Project Plan. The Billy Graham Parkway Special Project Plan also recognizes the petitioned site as one of existing residential uses. The plan recommends preservation of existing residential areas as valuable housing stock.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	79-21	R-6MF to B-2	Denied	9/10/79
2.	74-22	B-1 to B-2	Approved	6/17/74

3. 85-44	B-1 and O-15(CD) to B-1(CD) and O-15(CD) S.P.A.	Approved	8/19/85
4. 87-69	B-1 to I-1(CD)	Approved	9/21/87

7. Neighborhood. This property falls within the Yorkmont neighborhood.

REVIEWS

1. Plan Consistency. This request is seeking a rezoning from R-9 to B-1. The request is inconsistent with publicly adopted plans for the area. Both the 2005 Plan and the Billy Graham Parkway Special Project Plan recommend the site remain a residential area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Upon submittal of the application, staff provided technical assistance in preparation of the minimum submission requirements.

   2. Departmental Comments.

      1. Fire Department. No Comment.

      2. Engineering Department. The Engineering Department indicates that York Road is a major thoroughfare requiring 100 feet of right-of-way and Yorkmont Road is a minor thoroughfare requiring 70 feet of right-of-way to meet the street classification system.

      3. CDOT. The Department of Transportation indicates the property, as currently zoned, would generate about 140-312 trips per day. Under the proposed zoning, the site would generate about 5,893 trips per day. Redevelopment of the site will have a significant impact on the nearby street system. CDOT also indicates the need for a specific site plan and a traffic study to adequately evaluate the request.

ISSUES

1. Land Use. This petition presents a significant land use issue. The request is an effort to rezone an established and viable single family neighborhood to a commercial district and is clearly inconsistent with adopted plans for the area which strive to maintain and enhance the residential character of the area. Extension of the commercial zoning and development now established to the north into this area in no way enhances the viability of the Yorkmont neighborhood. It simply extends the commercial core deeper into the neighborhood creating more potential for future

erosion of other nearby properties. This petition should not be considered appropriate for approval.

2. Site Plan. There is no site plan accompanying this petition.

CONCLUSION

The petition is not considered appropriate for approval. It is a clear violation of adopted plans for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-28
Date Filed February 27, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See attached List

Owner s Address

Date Property Acquired

Deed Reference Tax Parcel Number See attached List

Location Of Property (address or description)

4943 Lynch Rd - 4936 Lynch Rd + all of Southwood Dr + + + Yorkmont Rd - (400 ft on S. Dr 223 ft on S Lynch Rd 516 ft on Yorkmont Rd)

Description Of Property

Size (Sq Ft Acres) just under 5 acres Street Frontage (ft.)

Current Land Use Residential - being smothered to death - can't get sleep - house shakes, can't get out of drive, can't breath

Zoning Request

Existing Zoning R-9 Requested Zoning B1

Purpose of Zoning Change [illegible] 100% feel we have outlined the residential neighborhood. It's a health hazard & we are being squeezed [illegible] around us [illegible] & triangle [illegible] you can see on map

Name Of Agent Bobbie Woodle Southwood Drive Resident

Name of Petitioner(s) ~~Residents of Southwood Boulevard Area~~

Agent's Address 4943 S Tryon St

Address of Petitioner(s) 4943 S. Tryon St (Lynch)

Telephone Number 525 3087 588-7260

Telephone Number 525-3087 - 588-726[illegible]

Signature SEE ATTACHED LIST

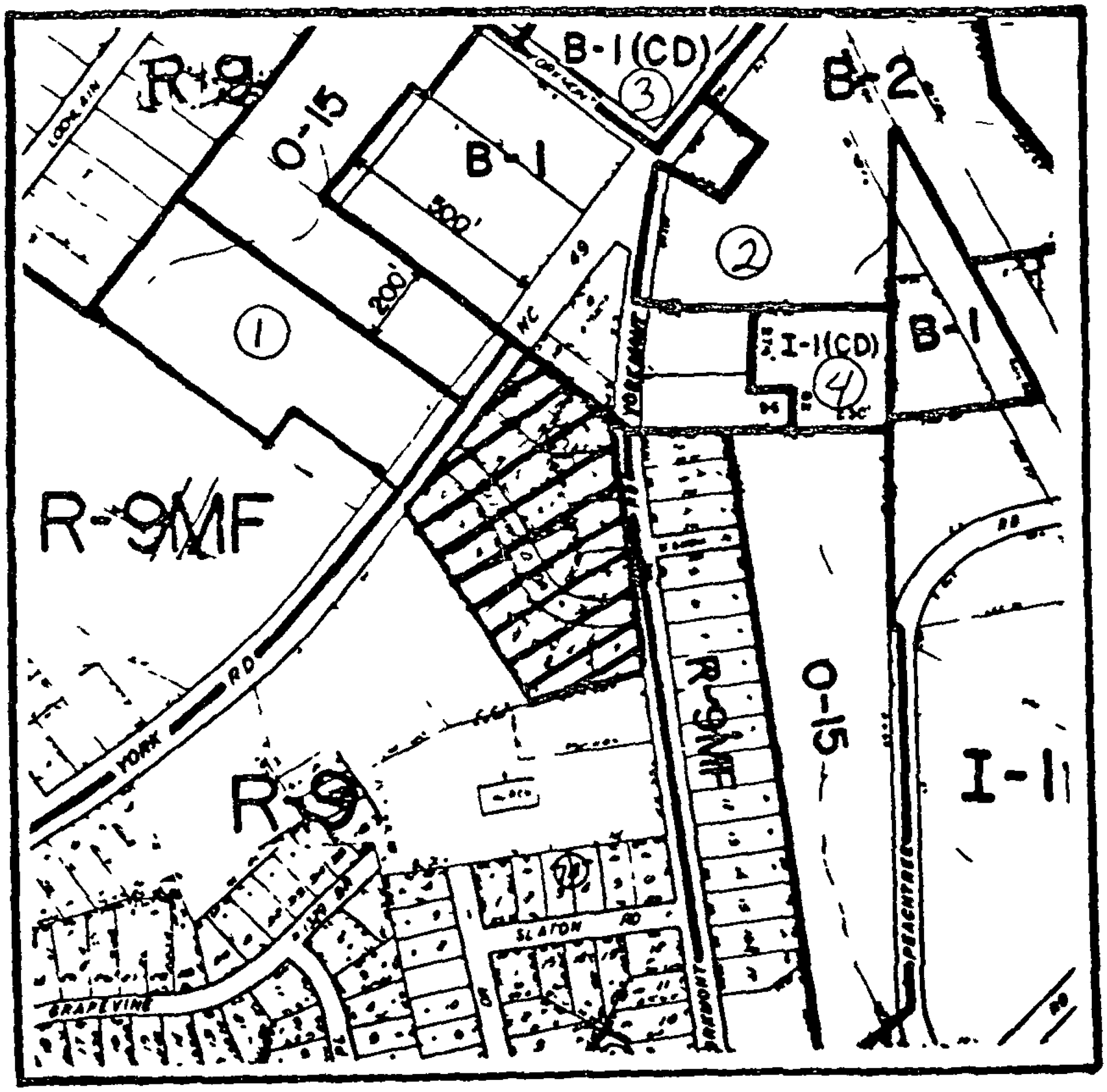
Signature of Property Owner if Other Than Petitioner

PETITIONER Southwold Drive Area Residents

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, (York Rd) north of Yorkmont Rd. and along both sides of Southwold Dr.



ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-29

Petitioner. Landcraft Properties

Location. A 10 acre site located on the west side of Providence Road north of N.C. 51.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15MF(CD). It was part of the large mixed use project which includes all four corners of the intersection of N.C. 51 and Providence Road. Properties to the north, west, and south of the subject site are zoned R-15 single family. Properties immediately adjacent to the intersection of N.C. 51 and Providence Road are zoned O-15 on both the northwest and southeast corners. Across N.C, 51 a large tract is zoned B-1SCD and across Providence Road a large tract is zoned R-15MF(CD). Otherwise properties in the surrounding area are all zoned for single family purposes.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties generally to the north, west, and south of the subject site are also undeveloped. Some distance away can be found a substantial amount of land devoted to single family purposes and directly adjacent to the site near the intersection can be found an office development presently under construction. Across N.C. 51 to the south, a major shopping center is under construction. A number of branch banks are under construction on the southeast corner Properties directly across Providence Road from the site remained undeveloped.

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 mixed use center at the intersection of N.C. 51 and Providence Road. The plan recognizes the mixed use commercial center proposed at this intersection. The 2005 Strategies include widening of N.C. 51 between Pineville and Matthews and the widening of Providence Road.

   2. Transportation Improvement Program. The TIP calls for the widening of N.C. 51 from Pineville to Matthews with the schedule completion date of FY91.

   3. South Mecklenburg Interim District Plan. The South Mecklenburg Plan recognizes the major mixed use center at the intersection of N.C. 51 and Providence Road and calls for the improvements to both N.C. 51 and Providence Road in the future. The plan

notes that the retail portion of the mixed use center should be confined to the southwest quadrant of the intersection and that office and multi-family uses would occupy the remaining three corners The plan also recognizes the N.C. 51 Corridor Plan as supporting the maximum average ceiling for most residential projects at 4-1/2 dwelling units per acre.

4. Site Plan. The site plan which accompanies this application proposes the development of up to 50,000 square feet of single story office buildings on this site. The plan includes a 50 foot landscaped and undisturbed buffer along all portions of the site which adjoin single family zoned property and establishes a 75 foot building setback line in those same areas. The plan proposes a single access point to Providence Road which was previously designated in the large-scale rezoning for this same property and also indicates two connections to existing O-15 zoned land presently being developed to the south.

   The existing plan for this property would accommodate 87 units of multi-family housing.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	73-74(c)	R-15 to R-15MF, B-1	Denied	12/10/73
2.	78-23(c)	R-15 to B-1(CD), R-15MF(CD)	Denied	12/04/78
3.	83-35(c)	R-15 to UDC-V	Approved	05/21/84
4.	86-112	UDC-V, R-PUD, R-15 to B-1SCD, O-15(CD), R-15MF(CD), and R-15(CD)	Approved	02/23/87

7. Neighborhood. This petition falls within the area defined as the Olde Providence neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from multi-family to an office classification. The multi-family zoning was establish two years ago after a lengthy public decision making process on both plans for the area and large-scale zoning petition for the intersection of N.C. 51 and Providence Road. Those plans call specifically for multi-family and office development on three corners of that intersection and for retail development on a fourth corner. This is one of the corners which was to have office and multi-family development. A portion of the office development which was previously approved for this corner is already under construction. However, this petition proposes to convert the remaining multi-family zoned land to office as well. Therefore, this proposal is not consistent with the plans

for the area nor with the large-scale rezoning which was approved a few years ago to implement those 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. At one point in time the petitioner was considering bringing in a much larger proposal which involved all of the remaining vacant land in this quadrant of the intersection of Providence Road and Highway 51. However, this petition as filed only deals with a very small portion of that land area. Subsequent to the filing of the petition, the staff has communicated a number of questions and concerns to the petitioner regarding the site plan.

   2. Departmental Comments.

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

      2. Fire Department. The Fire Department indicated that private fire hydrants would have to be located within 500 feet of the most remote point of all buildings. Comments were also offered about the turning radii required for fire trucks to negotiate the parking areas.

      3. Building Standards Department. The Building Standards Department had no specific comments on this application.

      4. Engineering Department. The Engineering Department offered their standard list of comments regarding the need for additional permits and approvals and also noted the need to ensure that 50 feet of right-of-way was dedicated along the frontage of Providence Road as measured from the centerline.

      5. Department of Transportation. The Department of Transportation indicated that driveways would have to provide for 150 feet of internal channelization. They also indicated that a left turn lane would be required into the site from Providence Road with 150 feet of storage and a 20 to 1 taper. Their technical analysis of the trip generation indicates that this proposal would generate slightly more trips than would be expected under the existing zoning with a maximum from the present zoning classification of 793 trips versus a maximum of the proposed classification of 816 trips.

6. Planning Staff. The Planning staff had a number of comments regarding this petition. The zoning which was originally approved for this site was done so pursuant to an extensive process which included the development of a booklet of conditional requirements. This application needs to carry forward all of those conditions from the originally approved plan. Those conditions included requirements for landscaping, buffers, and land use relationships at the project edge. The staff also expressed concern about conditions dealing with architectural controls for this property, minor technical concerns about a number of conditional notes on the plan, and the overall concern about how this particular proposal fits into the original concept for the intersection of N.C. 51 and Providence Road.

ISSUES

1. Land Use. This request raises a substantial land use issue. The zoning presently approved with this property was granted pursuant to a lengthy public participation process to adopt plans for the area and then to adopt zoning to implement those plans. Key to those plans was the fundamental premise that residential uses would be located on this corner of the intersection of Providence Road and N.C. 51. Residential uses are also located on the northeast corner of the intersection and involve a much larger tract of land. If this rezoning were to be approved eliminating the multi-family zoning, could not the same argument be made for the elimination of multi-family on the opposite corner? 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.

   This petition also raises concerns about the future of the remaining single family zoned land nearby. Early in this process the petitioner was discussing a proposal which would have included all of the residentially zoned land nearby in a master plan which would have provided for additional commitments for residential housing. However, this petition deals only with this small tract of land which is proposed to be used for office purposes and still leaves a substantial question unanswered as to the future of the remainder of the vacant land in the area. Therefore, for this reason and for the reason stated above, this petition should not be considered as appropriate for approval.

2. Site Plan. The site plan which accompanies this application raises no major issues. It contains a number of minor of technical questions and details which need to be resolved by the petitioner, the most significant of which is the inclusion of all of the

conditions of previously approved with the larger rezoning. If those technical matters can be adequately addressed by the petitioner prior to any decision then from a site standpoint, this petition could be considered appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. The overriding issue is the degree to which this petition departs from publicly adopted plans and policies for the area and from the original concept of the large-scale rezoning for the intersection of Providence Road and N.C. 51.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-29
Date Filed February 27, 19
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Eli B. Springs, III and Katherine Springs Lichterman

Owner's Address: 4016 Matthews-Pineville Road
Matthews, NC 28105

Date Property Acquired: September 1, 1988

Deed Reference: 5849-0513 Tax Parcel Number: 211-271-02 (Portl

Location Of Property (address or description)

West side of Providence Road (NC 16) beginning approximately 380 feet north of Pineville-Matthews Road (NC 51).

Description Of Property

Size (Sq. Ft.-Acres): 10.06 acres Street Frontage (ft.): 243.16 feet

Current Land Use: Vacant

Zoning Request

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

Purpose of Zoning Change: To allow the construction of a small planned office park in keeping with other existing and proposed land uses in the area.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent's Address

Charlotte, NC 28204

Telephone Number
333-1680

Landcraft Properties, Inc.
Name of Petitioner(s)

2305 Randolph Road, Suite C
Address of Petitioner(s)

Charlotte, NC 28207

Telephone Number 332-9340

J. Franklin Martin, President
Signature Land Craft Properties, I

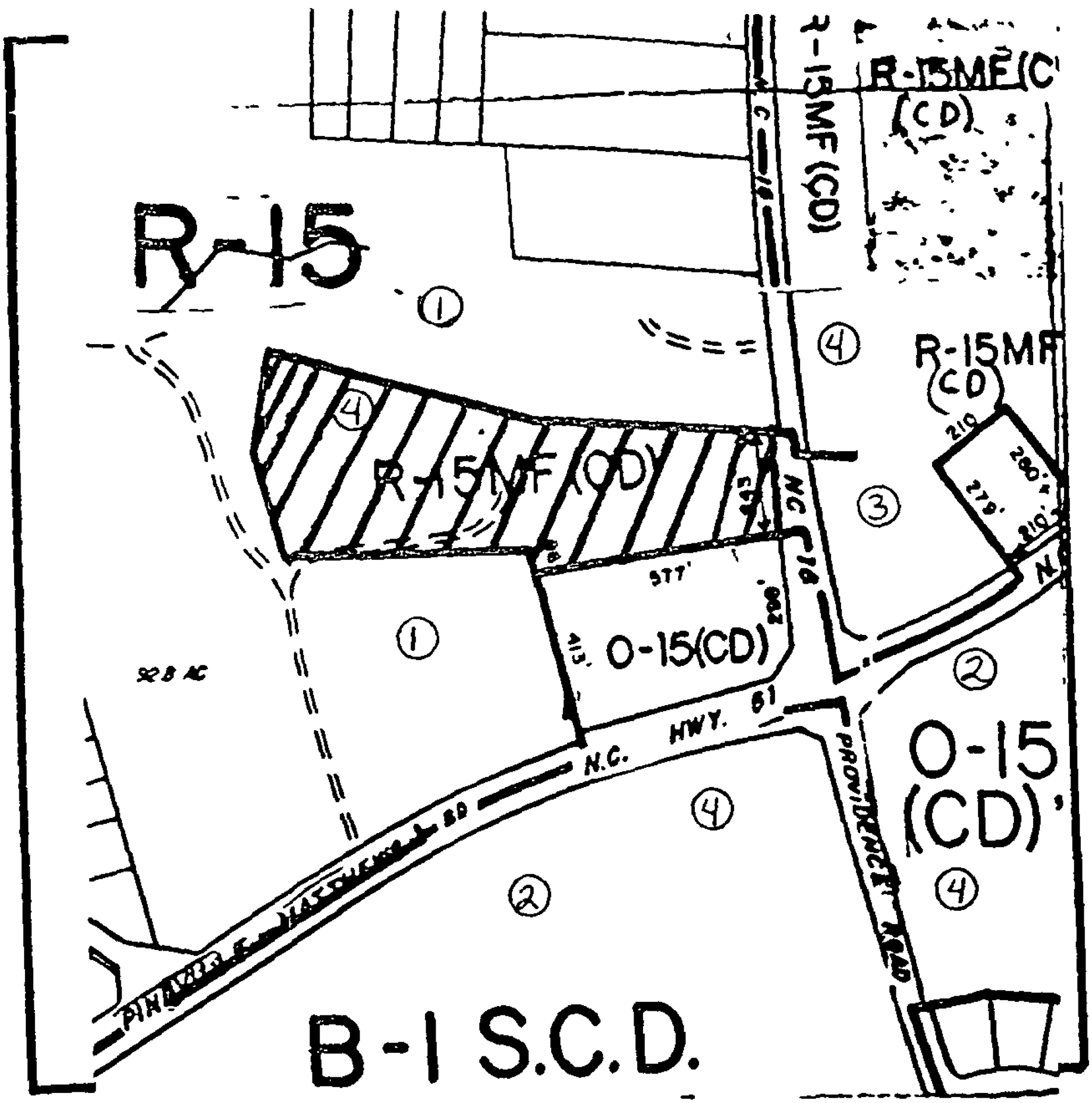
Signature of Property Owner if Other Than Petitioner

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

#3

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-30

Petitioner: University Research Park Corporation

Request Consideration of text amendment regarding the research districts.

BACKGROUND

Both the City and County zoning ordinances contain regulations and standards for two different research districts. The most predominant of the two districts is the RE-2 which composes the bulk of the land of the University Research Park. There is a small area to the east of the Research Park which is zoned RE-1 but over the years the RE-1 district has been replaced with office and other zoning districts.

University Research Park has identified a number of proposed changes to the RE-1 and RE-2 districts. This text amendment proposes to simply delete the existing language from the City and County zoning ordinances and to replace it with the language contained in this amendment. The principal purpose of the change is to reestablish the viability of the RE-1 district by modifying the development requirements within that district. The only significant change to the RE-2 district are modifications to several of the permitted uses and modifications to certain of the yard requirements. The standards for the RE-1 district would be modified to allow a two acre minimum lot size rather than the four acres presently required. It is believed that this change will provide additional opportunities for smaller users of Research Park type lands to be located in or near the Research Park area itself while maintaining high levels of quality in individual site planning and design.

This text amendment as submitted poses a number of questions that the staff has conveyed to the petitioner. There are a number of minor technical comments which relate to cross references, the numbering of certain uses, the degree to which parking would be allowed in setback areas, and the need to clarify development requirements for day-care centers which would be added as a principal use. By and large these are small issues which can be easily addressed by the petitioner. However, a somewhat larger question arises from work on the new zoning ordinance. It had been proposed early on in that process to combine the two research districts into a single research district which would meet the same basic developmental standards as are presently imposed in both the RE-1 and the RE-2. A single district was adequate because the minimum lot sizes, setbacks, and other development standards in the two existing districts were the same. With this proposed amendment it may be necessary to reconsider the draft zoning ordinance and to reestablish two separate research districts different development standards. However, this is not a major issue and can easily be resolved through the discussion of this proposed amendment.

By and large the staff has no significant concerns regarding this text amendment. It proposes to reestablish the viability of the RE-1 district by creating a difference in development standards which would allow smaller land users to locate in areas zoned RE-1. As long as the minor technical question regarding the actual amendment itself can be addressed and the issue resolved with regard to the single district proposal in the new ordinance then this petition should be considered appropriate for approval.

CONCLUSION

Pursuant to resolution of the minor technical issues this petition should be considered appropriate for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-30

Date Filed February 27, 1989

Received By MCM

OFFICE USE ONLY

Section No 3020 - 3028
3108

Research Districts
Manufacturing in Research Districts
(Title)

Purpose of Change

The RE-2 District is now well established as a district allowing controlled usage, large lots, significant setbacks and protection of parameter features The RE-1 District has become almost extinct as to locations on the ground and offers the opportunity to reevaluate its function.

Increasingly, there has become evident a need to have property available for purposes similar to those permitted in the RE-2 District, but somewhat more related to meeting service needs for the Research area. To achieve this use objective, less stringent development requirements are reeded, but designed to continue high standards of development.

It is proposed that the RE-1 District be rewritten to achieve this objective. Suggested technical language to accomplish this is attached and made a part of this request.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

University Research Park Corporation
Name of Petitioner(s)

Two First Union Center Charlotte, NC 28282
Address of Petitioner(s)

375-6220
Telephone Number

J. Stanley Morgan
Signature

ORDINANCE NO. _____

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

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

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

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

1. Delete Sections 3020. - 3028. entitled "Research Districts" in their entirety and replace with the following new sections.

"3020. Research Districts

3021. Purpose. The RE-1 and RE-2 Districts are designed to provide areas in which research and related operations may be established and may be given assurance of wholesome surroundings in the future The standards established for these districts are designed to promote sound, permanent research installations and also to protect nearby residential areas from undesirable aspects of research operations. Research districts are heavily oriented toward research, development and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and the employment of professional, technical or kindred workers. Development within these districts should be characterized by spacious and extensively landscaped settings with emphasis on aesthetic and environmental considerations. While permitted uses are similar in both districts, RE-1 is designed to attract supporting facilities through less stringent lot dimensions.

3022. Permitted Uses. The following uses are permitted by right in research districts.

1. Arboretums
2. Auction sale of real property and such personal property as is normally located thereon for the purpose of liquidating assets.
3. Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
4. Parks and playgrounds.
5. Public utility transmission and distribution lines.
6. Radio and television stations and/or offices.
7. Reservoirs.
8. Railroad right-of-ways.
9. Telephone booths.
10. Parking for uses permitted in the districts.
11. Prototype production facilities and pilot plants.
12. Pharmaceutical preparations and production facilities.
13. Production facilities for electronic, computing and communications equipment and related devices.
14. Optical, dental and medical laboratories.
15. Applied and basic research laboratories.
16. Graphics research and production facilities.

17. Business, Professional and corporate offices.
18. Uses similar to those listed above.

3023. Uses under prescribed conditions. The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

1 Community recreation centers, including but not limited to the YMCA and YWCA See Section 3128.
2. Country clubs and swimming clubs operated on a noncommercial membership basis See Section 3128.
3. Day care centers. See Section 3119
4. Fire and Police Stations. See Section 1626.
5 Golf courses, public and private. See Section 3128.
6. Sewage pumping stations. See Section 3123.
7. Commercial uses in conjunction with office and laboratory buildings including· Restaurants, lounges, cafeterias and snack bars. See Section 3105.
8. Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon completion of construction.
9. Laboratories for testing products, if such products could normally be manufactured or assembled in the district.
10. Drive-in service window as an accessory part of the principal structure or operation subject to the requirements listed in Section 3116.
11. Quarries. As a Major Special Use under Section 3325.
12. Electric and gas substations. See Section 3123.
13. Radio, telephone and television masts, towers, antennas and similar structures. See Section 1605.
14. Telephone repeater stations and huts. See Section 3123.
15. Water storage tanks. See Section 1605.
16 Buildings for dramatic, musical, or other cultural activities with more than 1000 seats and stadiums and coliseums with more than 5000 seats as a Major Special Use under Section 3322.
17. Demolition landfill, on site, in accordance with the standards of Section 3140.

3024. Accessory uses. The following accessory uses are permitted in all research districts.

1. Accessory residential uses and structures clearly incidental to the permitted principal use.
2. Accessory uses and structures clearly incidental to the permitted principal use.
3. Petroleum storage, accessory to a permitted principal use or building.
4. Parking for uses permitted within the districts.
5. Vending machines for cigarettes, candy, soft drinks and similar items, and coin operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
6. Heliports and helistops as an accessory use.
7. Satellite dishes and towers. See Section 3026.3.

3025. Area, Yard and Height Regulations. The following standards apply to uses in the research districts.

	RE-1	RE-2
Min. Lot Area	2 acres	4 acres
Min. Lot Width	200'*	400'*
Min. Side and Rear Yards	25' except 35' when adjacent to Resid Zoning	35' for lots 4-10 acres, 50' for lots greater than 10 acres
Min. Street Side Yards on Corner Lots	40'	75' on lots 4-10 acres; 100' on lots greater than 10 acres
Min. Setback	40' except 100' on thoroughfares and collectors.	100' for lots 4-10 acres, 150' for lots greater than 10 acres
Max. Height	40'**	40'**
Min. Unobstructed Open Space	70%	70%

*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 100' in RE-1 and 200' in RE-2 as the minimum lot width.

**The height may be increased if minimum side and rear yards are increased by one foot for each two feet in building height over 40'.

3026. Development Standards for Various Uses. Uses in the research districts must be developed in accordance with the following standards.

.1 Outside storage and utility lines.

.1 Outside storage of any materials, supplies or products shall not be permitted in the research districts.

.2 All non-public utility distribution lines must be placed underground in the research districts.

.3 A gate or security station may be located in a required yard or setback.

.3 The following standards apply to satellite dishes and towers in the research districts.

.1 Satellite dishes and towers are permitted only when they are a necessary part of a permitted use utilizing such equipment as part of its normal operation

2 Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot.

.3 Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 1601. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.

.4 The following standards apply to all uses in the research districts

.1 At least one-half of the exterior depth of the setback, side and rear yards, except where driveway access or utility easements are required, must be maintained with existing vegetation and natural features. Under certain circumstances the retention of existing vegetation or natural features may be inappropriate or ineffective. In such cases an alternative landscaping and screening plan may be submitted to the Planning Director for consideration and approval. These plans must contain sufficient information to indicate why maintenance of existing conditions would be inappropriate or ineffective due to site design, topography, unique relationships to other properties, natural vegetation or other special considerations. Details of the proposed landscaping treatment shall indicate topographic changes as well as number, type and size of plant material. Within 20 days the Planning Director shall advise the applicant of the disposition of the alternate proposal. If no specific alternative plan can be approved the maintenance of existing features must be observed. It should be understood that the alternative plan procedure is strictly voluntary and that requirements other than those normally associated with the screening Section 1601 may be imposed in order to insure that the intent of this section is met.

.2 As a minimum the requirements of Section 1601, screening shall be enforced for all uses

.3 An area equal to at least 10% of the paved surface of any parking area containing more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot. The minimum width of landscaped islands or planting strips where provided shall be 8 feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to 6 feet.

3027. Signs. Signs are permitted in all research districts in accordance with the provisions of Section 2100 and in accordance with those standards below.

.1 Signs in the Research District may be luminous

.2 Signs lighted internally must be contained within an opaque background with only letters, numbers and symbols being translucent. The intent of this requirement is to provide signs which consist of lighted letters, numbers and symbols on an opaque background.

3028. Parking and Loading Standards. Development of any use in a research district must conform to the parking and loading standards in Section 2000 and with those standards below

1 Parking of motor vehicles is not permitted in any required setback or in the front one half of any required exterior side yard of a corner lot or in the exterior one half of any interior lot line, except that on through lots adjacent to an Interstate Highway parking is permitted in the setback to within 50' of the Interstate right-of-way. The parking area must be paved with dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area.

.2 Underground parking structures are permitted in accordance with Section 2014."

2. Delete Section 3108 in its entirety.

Section 2 That this ordinance shall become effective upon its adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

#4

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-31

Petitioner: H. D. Purser

Location: 2.38 acres on the east side of North Sharon Amity Road north of Albemarle Road.

Request: Change from R-9MF to O-15(CD)

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF. A substantial amount of property in the immediate area is zoned for multi-family use including R-6MF and R-9MF classifications. Toward the intersection of Albemarle Road and North Sharon Amity can be found a combination of nonresidential zoning categories including O-6, O-15, and B-1. To the north of the site near the intersection of North Sharon Amity and Central Avenue, can also be found a concentrations of nonresidential zoning classifications including O-6, B-1, and B-2(CD). A rezoning petition for this property to change the classification from R-9MF to BD(CD) was denied in 1982.

2. Existing Land Use. The property involved with this request is presently undeveloped. It had been the site of a single family structure which was removed some time ago. Properties on all four sides of the subject site are used for multi-family housing. Properties in either direction along North Sharon Amity Road are used for a variety of commercial and office purposes in the vicinity of its intersection with Albemarle Road and Central Avenue.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential type land uses in the areas of the subject property. A major mixed use center (Eastland Mall) is located nearby. There are no specific 2005 Strategies for the area.

   2. Albemarle Road Small Area Plan. The Albemarle Road Small Area Plan recognizes that the area of this petition as a stable developed area for residential use.

4. Site Plan. The site plan which accompanies this application proposes the use of this site for up to 30,000 square feet of floor area for office purposes. The plan indicates the buildings would be limited to to two stories in height and would have two access points from North Sharon Amity Road. The plan indicates that the northerly side of the site would be bounded by an eight foot side yard containing a five foot high brick screening wall. The other two boundaries of the site which adjoin existing multi-family

housing do not contain the brick wall and show little specifics in terms of screening and buffering from the parking and buildings on this property. The plan as submitted shows four building footprints but the plan notes that changes in the proposed buildings, parking, and circulation area may occur upon finalization of architectural plans.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	66-55	R-9MF to I-2	AIP	05/30/66
2.	68-77	R-9 to R-9MF	Approved	10/28/68
3.	69-92	R-9 to R-9MF	Approved	11/03/69
4.	69-114	R-9 to R-6MF	Approved	12/22/69
5.	78-17	B-1 to B-2(CD)	Approved	05/29/78
6.	81-18	R-9MF to BD(CD)	Denied	04/19/82
7.	82-59	R-9MF to O-15(CD)	Approved	01/18/83
8.	83-11	B-2(CD) SPA	Approved	06/18/84
9.	85-39	O-15(CD) to O-6(CD), and O-15(CD) SPA	Approved	7/15/85
10.	MSUP 85-17	R-9 to MSUP for Day Care	Approved	04/01/86

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

REVIEWS

1. Plan Consistency. This petition requests a change in zoning from R-9MF to an O-15(CD) classification. Public plans and policies for the area have indicated that this site is part of a stable and well defined residential community. Indeed, this property is completely surrounded by multi-family uses and is properly zoned to provide opportunities for an additional multi-family housing. Therefore, this petition is not consistent with publicly adopted plan and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this proposal with the staff briefly prior to the filing of the application. Subsequently, the staff has communicated concerns about both the land use and site plan to the petitioner for their consideration.

   2. Departmental Comments.

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

2. Fire Department. Public or private fire hydrants must be installed so that a fire truck does not have to travel more than 500 feet to the most remote point of all buildings.

3. Building Standards Department. The Building Standards Department indicated that screening as required by the ordinance is not shown on the site plan. They also indicated that parking requirements would be based on gross floor area depending on the type of office uses proposed for the property.

4 Engineering Department. The Engineering Department indicated that the petitioner needed to provide for 50 feet of right-of-way for North Sharon Amity Road as measured from the centerline. The site plan appears to indicate additional right-of-way dedication to meet this requirement. Engineering Department also provided a list of additional approvals which would be required prior to any development of this site.

5. Department of Transportation. Technical review by the Department of Transportation indicates the number of trips which could be expected to be generated from this site will approximately double for this rezoning request. They also note that the 2005 Plan recommends a median along North Sharon Amity Road between Central Avenue and Albemarle Road. If that median is installed, the petitioner would have to reconfigure the driveways so that they were only for right-in and right-out only.

6. Planning Staff. The Planning staff had a number of concerns regarding the site plan. Specifically, the staff noted that much of the screening shown on this plan as submitted is actually on adjoining properties. The petitioner needs the show the minimum required screening within their own site boundary. Staff had a number of comments regarding several of the conditional notes on the plan which need to be clarified. The staff also noted that there are substantial mature trees on the site and strongly encourages the petitioner to revise their plan to preserve those trees and make them a feature of the property. The staff further noted that any storm water detention required on this property should not be within any buffer areas.

ISSUES

1. Land Use. This proposal raises a significant land use issue. Public plans and policies for the area indicated that residential uses should be established along this portion of Sharon Amity Road. This site is completely surrounded by properties which are

zoned for and used
for multi-family purposes. This site is presently zoned to provide additional opportunities for multi-family housing and the staff believes that this is consistent with the plans for the area. Therefore, this petition is not consistent with publicly adopted plans for the area and should not be considered as appropriate for approval.

2. Site Plan. There are a number of minor technical issues which accompany the site plan for this application. Foremost among those is the need for the petitioner to ensure that all required screening is provided within their own site. The staff also strongly urges the petitioner to reconsider the design of the site and make the best use of the existing large mature trees present on the property. Clarification of a number of the conditional notes is also required but those matters can be easily addressed by the petitioner prior to any final action on this request. Assuming these matters can be appropriately dealt with and the petitioner is able to take greater advantage of the existing conditions on the site, then this petition could be considered appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. Even if the site plan can be modified to make better use of the site and provide appropriate screening, the overriding concern is the inappropriate land use change that this petition proposes.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-31
Date Filed February 27, 1
Received By DMCM
OFFICE USE ONLY

Ownership Information

Property Owner: Henry Devon Purser and Ruth Y. Purser

Owner's Address: 10417 Blair Road
Charlotte, NC 28215

Date Property Acquired: January 28, 1983

Deed Reference: 4618-662 Tax Parcel Number: 103-011-23

Location Of Property (address or description) 3808 Sharon Amity Road

Description Of Property

Size (Sq. Ft.-Acres): 2.38 acres Street Frontage (ft.): 331.38 feet

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9MF Requested Zoning: O-15(CD)

Purpose of Zoning Change: To allow a small well-designed office project to blend with surrounding apartments.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third St., Suite 216
Agent's Address

Charlotte, NC 28204

Telephone Number
333-1680

Mr. H. D. Purser
Name of Petitioner(s)

P. O. Box 9305
Address of Petitioner(s)

Charlotte, NC 28299

Telephone Number
333-3775

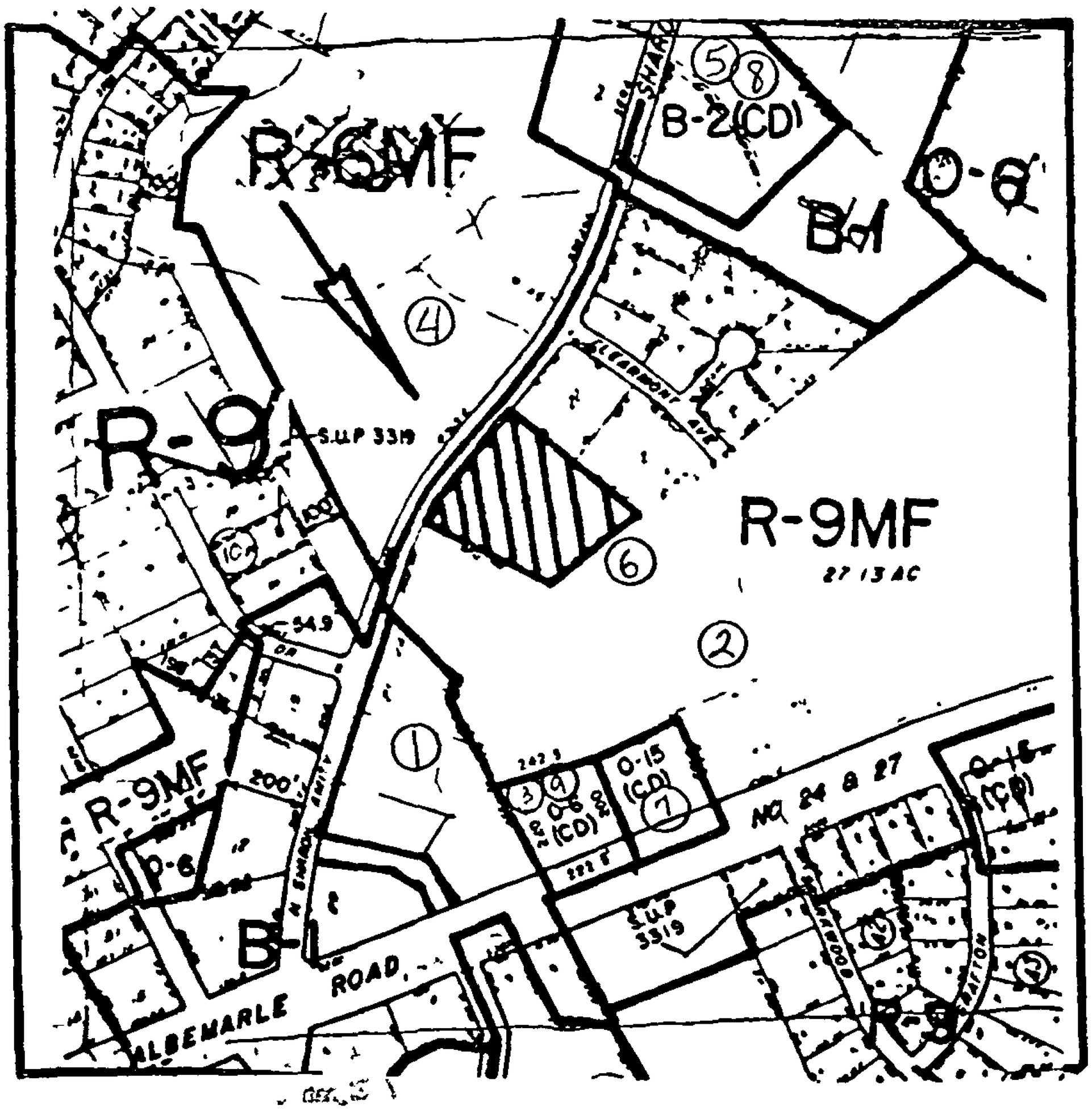
H. D. Purser
Signature

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'

#5

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-32

Petitioner: Ronald W. Kurstin

Location: A .62 acre site located on the northwest side of Yorkwood Drive south of Pressley Road.

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

BACKGROUND

1. Existing Zoning. The petitioned site is zoned R-6MF. The surrounding properties are zoned for commercial and industrial purposes with the exception of a narrow strip of land zoned R-6MF and R-9MF to the South.

2. Existing Land Use. The subject property is presently vacant. All of the nearby and adjoining tracts are either vacant or developed with commercial, office, or industrial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the area of the subject property as one of existing employment land uses. 2005 Strategies for the area include the improvement of I-77 and extension of water along Billy Graham Parkway.

   2. Billy Graham Parkway Special Project Plan. The Billy Graham Parkway Special Project Plan recognizes the nearby area as an office park.

4. Site Plan. There is no site plan which accompanies this petition due to the conventional nature of the application.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	65-92	R-6MF to B-2	Approved	10/25/65
2.	66-60	R-6MF to O-6	Denied	09/19/66
3.	69-80	R-6MF to I-2	Approved	11/24/69
4.	79-29	R-6MF to B-2	Approved	07/16-79
5.	79-31	R-6MF to B-2	Approved	07/16/79
6.	81-1	R-6MF to I-2	Approved	02/09/81
7.	81-5	B-2 to I-2	Approved	02/09/81
8.	83-1	R-6MF to I-1	Approved	05/16/83
9.	84-82	R-6MF to B-2	Approved	12/17/84
10.	85-57(c)	R-9MF to I-1(CD)	Approved	11/18/85

7. Neighborhood. The site falls within the area defined as Clanton Park.

REVIEWS

1. Plan Consistency. This request proposes rezoning from R-6MF to I-2 in an area of the community recognized as an employment center and office park. The petition is, therefore, consistent with publicly adopted plans.

2. Technical Consistency.

    1. Pre-Hearing Staff Input. Staff discussed the request with the agent for the petitioner prior to the submission of the petition. Staff supported the filing of the petition in a conventional mode.

    2. Departmental Comments.

        1. Fire Department. No comments.

        2. Engineering Department. The Engineering Department indicates that Yorkwood Drive is a non-maintained street. If the developer desires City maintenance of the street, it must be constructed to commercial street standards.

        3. CDOT. CDOT indicates the potential trips generated by this site under the proposed zoning will be less than the trips generated under the existing zoning.

        4. Building Standards. No comments.

ISSUES

1. Land Use. There are no land use issues raised by this petition and the requested change is in conformance with public plans and numerous previous rezoning approvals. Therefore, the petition is appropriate for approval.

2. Site Plan. There is no site plan to consider as a part of this petition.

CONCLUSION

The petition is consistent with public plans and is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-32
Date Filed February 27, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Ronald W. Kurstin and Jay Sadofsky

Owner's Address: c/o Scott Taylor, 23161 Ventura Blvd., Suite 100
Woodland Hills, CA 91364

Date Property Acquired: December 21, 1988

Deed Reference: 5926-0785 Tax Parcel Number: 145-282-14

Location Of Property (address or description)

Northwest side of Yorkwood Drive beginning 635 feet southwest of Pressley Road (1438 Yorkwood Drive)

Description Of Property

Size (Sq Ft Acres): .62 acres ± Street Frontage (ft): 148.5' on Yorkwood

Current Land Use: one single-family house

Zoning Request

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

Purpose of Zoning Change: To bring zoning into conformance with adjacent pattern and use in conjunction with remaining property owned by Petitioner

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent's Address

Charlotte, NC 28204

Telephone Number
333-1680

Ronald W. Kurstin
Name of Petitioner(s)

932 Wilson Street
Address of Petitioner(s)

Los Angeles, CA 90021-1684

Telephone Number
213-629-5052

X
Signature

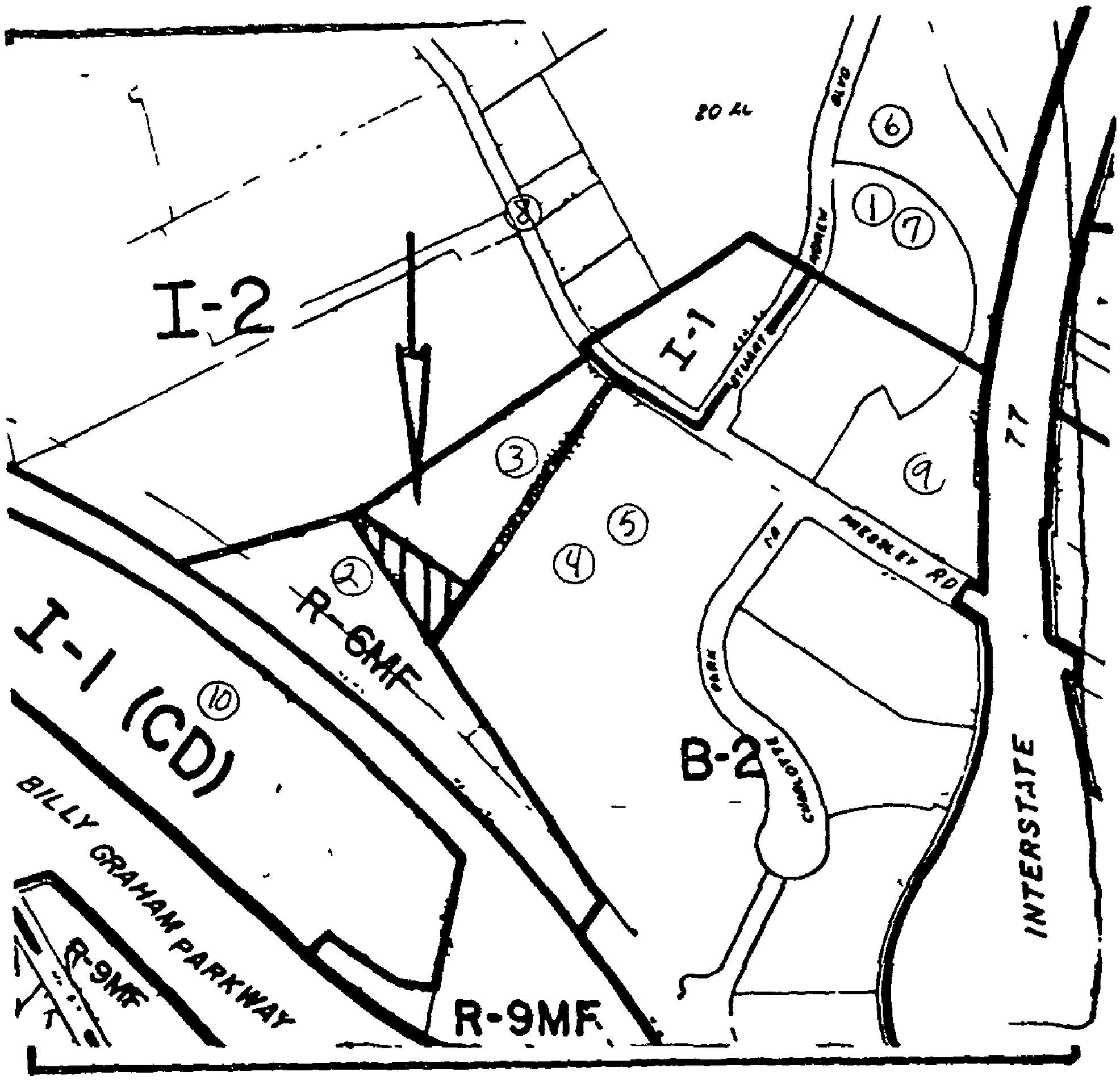
Signature of Property Owner if Other Than Petitioner

PETITIONER Ronald W. Kurstin

PETITION NO. 89-32 HEARING DATE April 17, 1989

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

LOCATION Approx. .62 acres located on the northwest side of Yorkmont Dr. south of Pressley Rd.



ZONING MAP NO. 110,126

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 89-33 through 89-37

Chantilly-Commonwealth Small Area Plan

BACKGROUND

In November, 1987 City Council adopted the Chantilly-Commonwealth Small Area Plan which is designed to guide development in the area and focuses on issues relating to transportation, neighborhood amenities, land use, and zoning. The plan contains numerous recommendations for a wide array of public investments such as installation of sidewalk, curb and gutter, enhancement of existing tree canopies, correction of drainage problems, provision of buffering along the widened Independence Boulevard, extension of the greenway system and provision of bike paths along Briar Creek and development of a streetscape plan for Central Avenue. The plan also contains a series of recommendations for corrective rezonings to establish a zoning pattern that is more reflective of existing land uses and is more compatible with the neighborhood. The recommended rezonings are designed to preserve and to protect the residential character and enhance the livability of the established neighborhood. These recommendations for rezoning are contained in Petition Numbers 89-33 through 89-37.

PETITION NO. 89-33

This petition includes approximately 30.9 acres located along parts of Commonwealth Avenue, Westover Street, Morningside Drive, St Julian Street, and along the Seaboard Railroad right-of-way between Rideway Avenue and Westover Street.

The petitioned properties are presently zoned R-6MF. One parcel located on the east side of Morningside Drive just north of Commonwealth Avenue was rezoned years ago to permit conditional parking. The requested change seeks R-9 for the portion of the petition lying along the east side of Morningside Drive so that these properties can become part of the established R-9 pattern along the majority of Morningside Drive. Of the six lots included in this part of the petition, five are developed with single family residences and one is vacant. The petition seeks a change from R-6MF to R-6 for the balance of the property to more closely match the zoning to the existing land use, which, except for two day care centers and a few scattered duplexes, is single family residential. The portion of the petition adjoining the railroad is currently vacant.

PETITION NO. 89-34

This petition includes six lots totaling just under one acre located east of Pecan Avenue along Shenandoah and Chesterfield Avenues. The properties are presently zoned O-6 and the requested change seeks R-6. Nearby properties to the east are zoned R-6. Properties to the west,

oriented to Pecan Avenue, are zoned B-1 and properties to the north, oriented to Independence Boulevard, are zoned B-2. The petitioned site includes one duplex and five single family residences The adjoining properties to the west and north along Pecan Avenue and Independence Boulevard, are developed with office and commercial uses. Properties to the east are devoted to single family residences and a church. The Chantilly-Commonwealth Plan recognizes the subject property's office zoning as a potential for intrusion of nonresidential uses into the neighborhood and as a potential for loss of good housing stock.

PETITION NO. 89-35

This petition encompasses approximately 11.89 acres located along parts of Central Avenue, The Plaza, Commonwealth Avenue, McClintock Road, St. Julien Street, and Westover Street. The properties along Central Avenue are presently zoned B-2 and are requested for rezoning to B-1. These parcels are occupied by commercial and office uses. The most westerly segment of the petitioned site is presently zoned B-2 and is requested for change to O-6. These properties are developed with office and residential uses. The petition also seeks a change from B-2 to O-6 for two lots located on the northeast corner of the intersection of Nandina Street and McClintock Road. These lots contain an office use and a commercial use.

The petition requests a change from O-6 and B-2 to R-6 for the eight lots located on the southwesterly corner of the intersection of McClintock Road and St. Julien Street. Those parcels are occupied by five single family residences, two duplexes and one office use.

The remaining properties, predominantly occupied by single family residences, are requested to be changed from O-6 and B-2 to R-6 in order to be more reflective of the existing uses The Chantilly Plan recognizes that further nonresidential development in this area would remove much needed affordable homes and weaken the neighborhood edge. Also, intensifying existing nonresidential uses could have an adverse impact on nearby homes.

PETITION NO. 89-36

This petition includes approximately 19.7 acres located south of Central Avenue along Iris Drive and west of Iris Drive. The property is presently zoned O-6, O-15, and B-2 and the requested change seeks R-9 and R-6MF. The petitioned site is comprised of Veterans Park and a tract located on the east side of Iris Drive. The portion of the petitioned site west of Iris Drive contains Veterans Park. The lot on the east side of Iris Drive is occupied by the last unit in a series of duplexes.

The Chantilly-Commonwealth Plan recommends rezoning Veteran's Park to R-9 and the duplex on the east side of Iris Drive to R-6MF to bring the zoning into conformance with the uses on these properties.

PETITION NO. 89-37

This petition includes approximately 7.9 acres located south of Central Avenue along Lyon Court, Morningside Drive, and Ivey Drive. Properties included within the petition are currently zoned a combination of B-2 and O-6 The rezoning request at hand seeks B-1, O-6, and R-9. The portion of the subject property which fronts Central Avenue, except the southeast corner of Central Avenue and Ivey Drive, is petitioned for rezoning from B-2 to B-1 to establish more compatible zoning on the edge of the established neighborhood. The properties are developed with commercial, office and residential uses. It is believed that no non-conforming uses will be created.

The southeast corner of Central Avenue and Ivey Drive is requested for rezoning from B-2 to R-9 for the first three lots south of Central Avenue and from O-6 to R-9 for the fourth, most southerly, lot. These lots are occupied by single family residences. The petition also proposes a change from B-2 to O-6 for two lots located on either side of Lyon Court which are presently occupied by offices. The balance of the petition is requested for rezoning to R-9. These lots form a strip behind the proposed B-1 lots and are presently occupied by single family uses with the exception of one lot on Lyon Court which contains by an office use.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-33
Date Filed February 27, 1989
Received By MCR
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired NA

Deed Reference NA Tax Parcel Number See Attached List

Location Of Property (address or description) See Attachment

Description Of Property

Size (Sq Ft Acres) 30,944 Street Frontage (ft)

Current Land Use Vacant, Single-family, Duplex, Day Care

Zoning Request

Existing Zoning R-6MF & Conditional Parking Requested Zoning R-6 & R-9

Purpose of Zoning Change To comply with the adopted Chantilly-Commonwealth Small Area Plan.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
CMPC

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

Chantilly/Commonwealth #1

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-33 HEARING DATE April 17, 1989

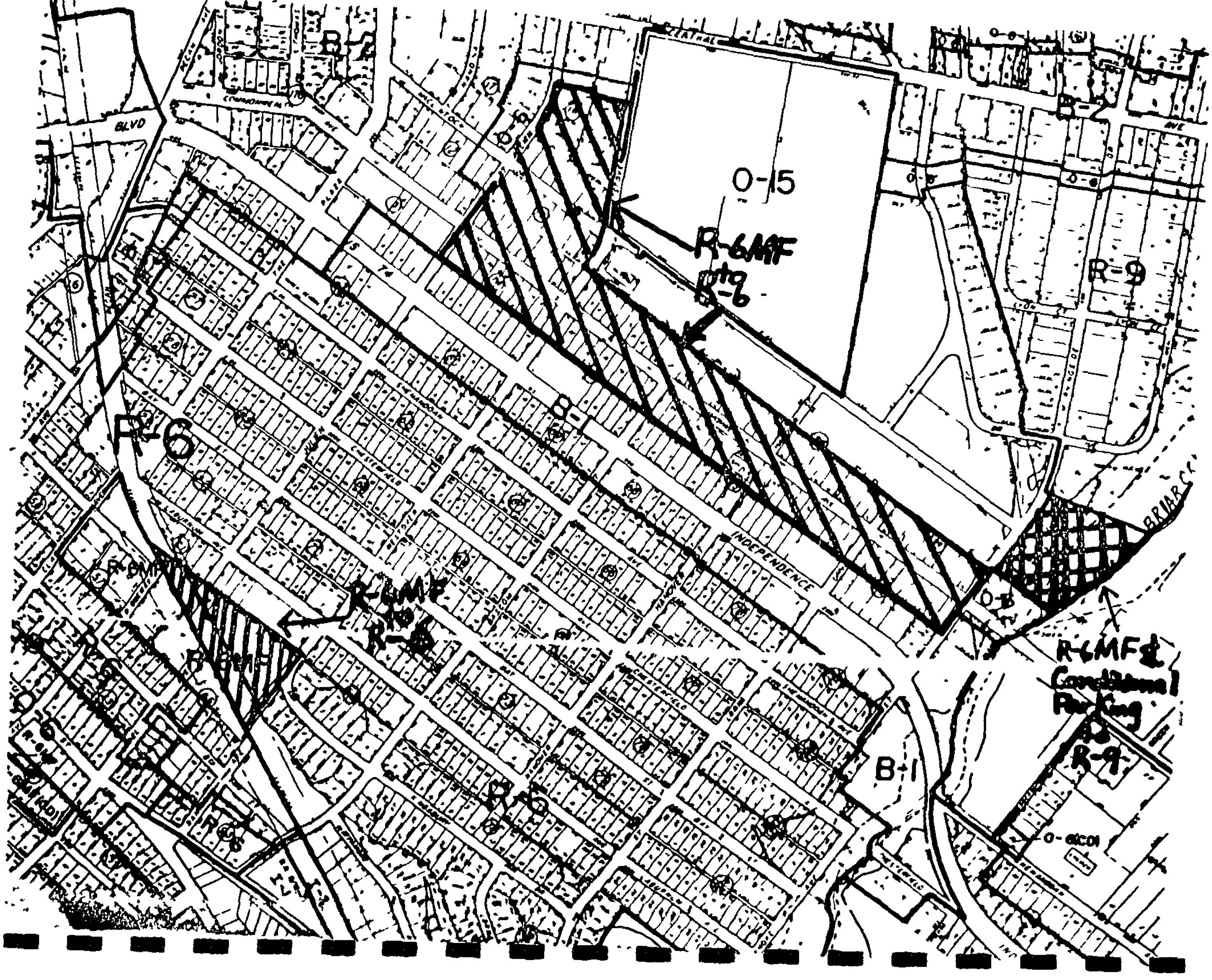
ZONING CLASSIFICATION, EXISTING R-6MF & Conditional Parking REQUESTED R-6 & R-9

LOCATION Approx. 30.944 acres including a triangular shaped parcel founded by Seaboard Railroad right-of-way line to the southwest and Westover St. to the east, property extending from St. Julien St. to Morningside Dr. along both sides of Commonwealth Ave. and a small portion bounded by Westover St. to the northeast, and property located on Morningside Dr. north of Commonwealth Ave. and bounded by Briar Creek on the east.

SEE ATTACHED MAP

ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


O-15
R-6MF
R-6
R-9
B-2
B-1
R-6
R-6MF
R-6MF
R-6MF
Conditional
Parking
R-9
O-1
INDEPENDENCE
BLVD
CENTRAL
BRIARCLIFF

#7

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-34
Date Filed February 27, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference N/A Tax Parcel Number See Attached List

Location Of Property (address or description) See Attachment

Description Of Property

Size (Sq Ft Acres) 0.998 Street Frontage (ft.)

Current Land Use Vacant, Single-family and Duplex

Zoning Request

Existing Zoning O-6 Requested Zoning R-6

Purpose of Zoning Change To comply with the adopted Chantilly/Commonwealth Small Area Plan.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
CMPC

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

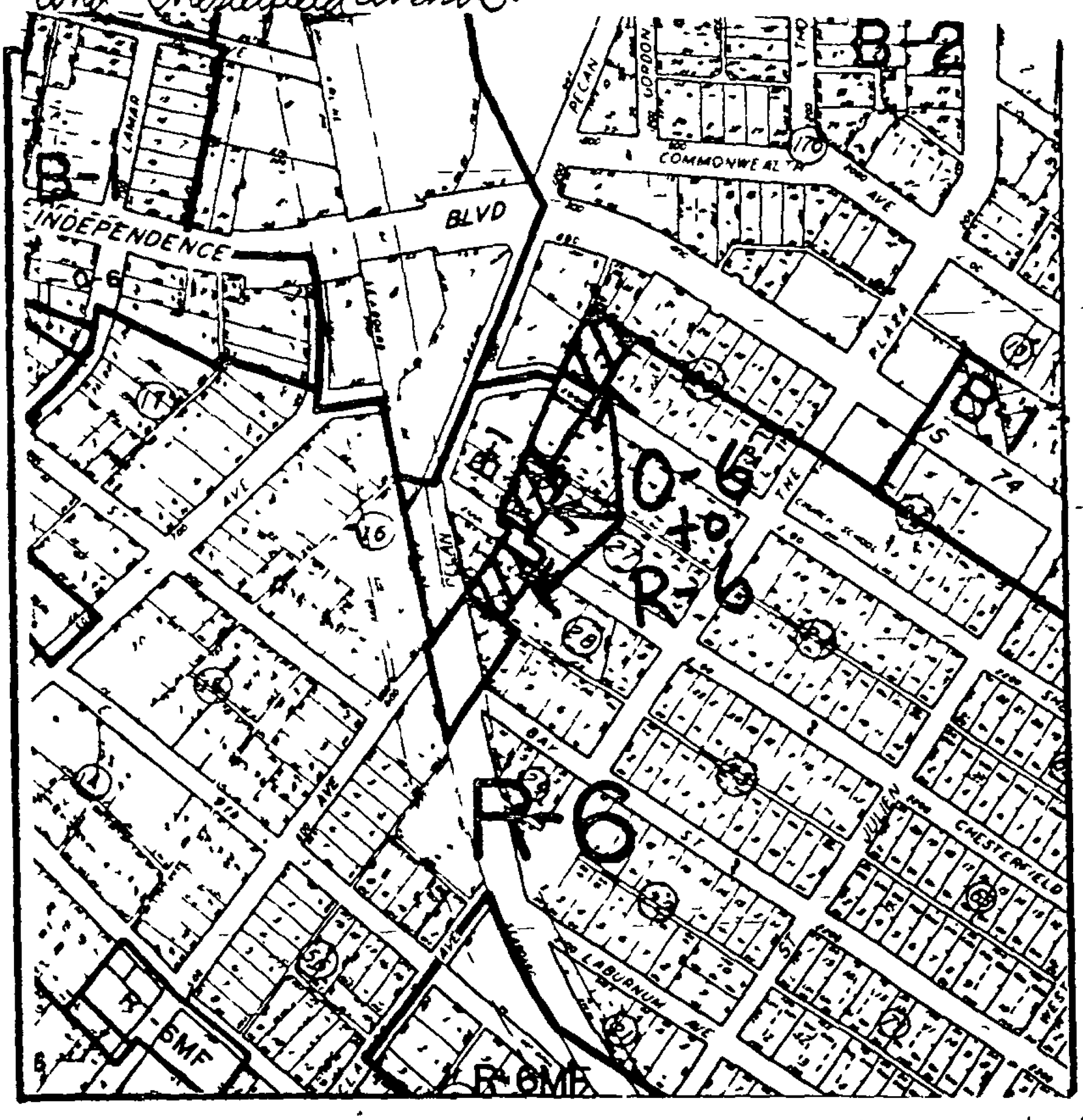
Chantilly Commonwealth
Petition #2

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-34 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-6

LOCATION Approx. 0.998 acres including properties located northeast of the intersection of Pecan Ave. and Shenandoah Ave., northeast of the intersection of Peacan Ave. and Chesterfield Ave., and southeast of the intersection of Peacan Ave. and Chesterfield Avenue.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#8

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-35
Date Filed February 27, 1989
Received By MKM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference N/A Tax Parcel Number See Attached List

Location Of Property (address or description) See Attachment

Description Of Property

Size (Sq Ft Acres) 11.892 Street Frontage (ft)

Current Land Use Single-family, Office and Retail Uses

Zoning Request

Existing Zoning Part 1 B-2, Part 2 B-2 & O-6 Requested Zoning Part 1 O-6 & B-1 Part 2 R-6

Purpose of Zoning Change To comply with the adopted Chantilly/Commonwealth Small Area Plan.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
CMPC

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

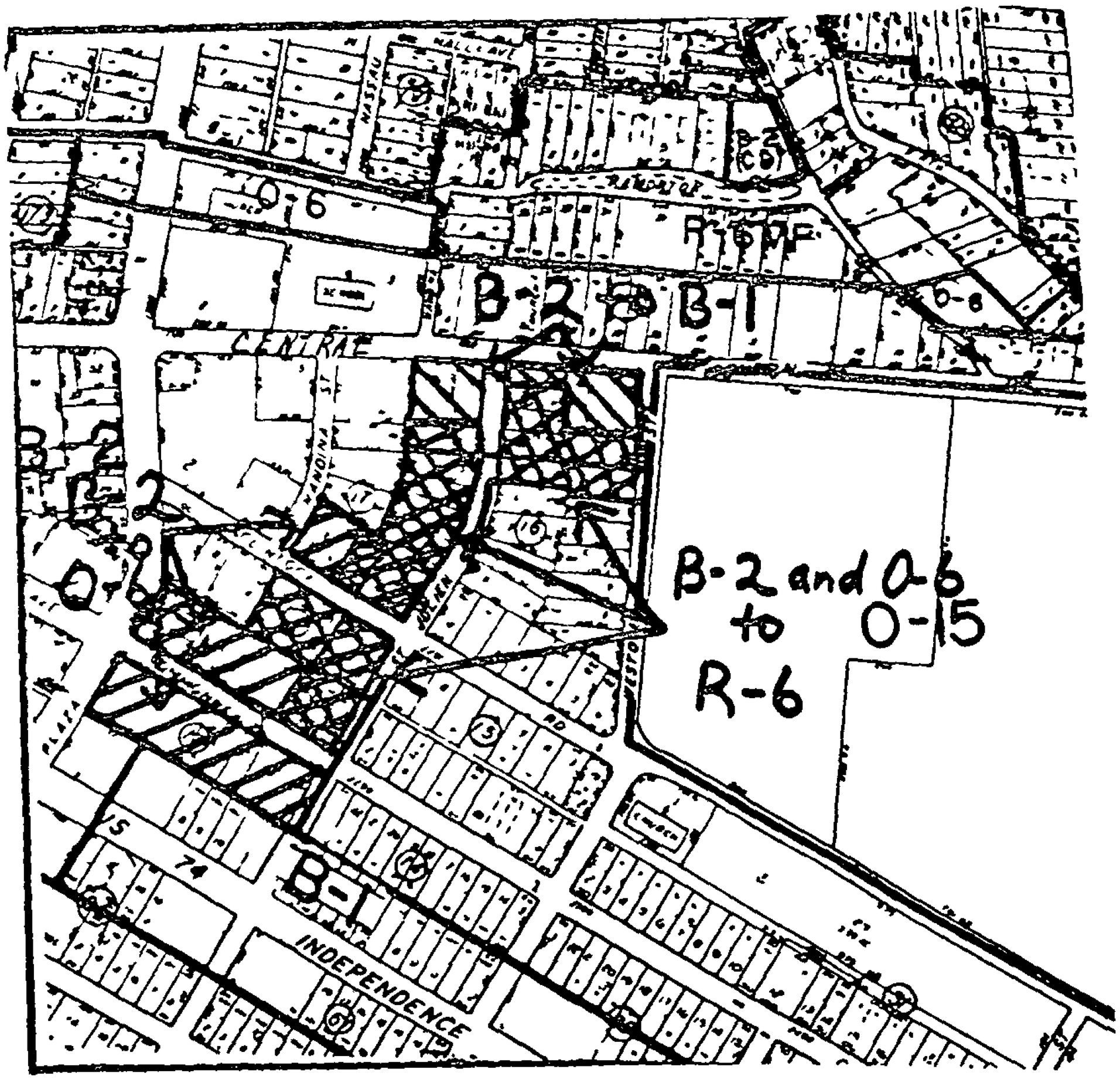
Chantilly/Commonwealth
Petition #3

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-35 HEARING DATE April 17, 1989

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

LOCATION Approx. 11.892 acres including several parcels bounded by the Plaza to the west, Commonwealth Ave to the north, and St. Julien St. to the east, several lots at the northeast corner of the Plaza and Commonwealth Ave., the southeast corner of McClintock Rd. and the Plaza, and the northeast corner of McClintock Rd. and Nandina St.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#9

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-36
Date Filed February 27, 1989
Received By NCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference N/A Tax Parcel Number See Attached List

Location Of Property (address or description) See Attachment

Description Of Property

Size (Sq Ft Acres) 19.71 Street Frontage (ft)

Current Land Use Park, vacant and duplex

Zoning Request

Existing Zoning O-6, B-2 & O-15 Requested Zoning R-9 & R-6MF

Purpose of Zoning Change To comply with the adopted Chantilly/Commonwealth Avenue Small Area Plan.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
CMPC

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

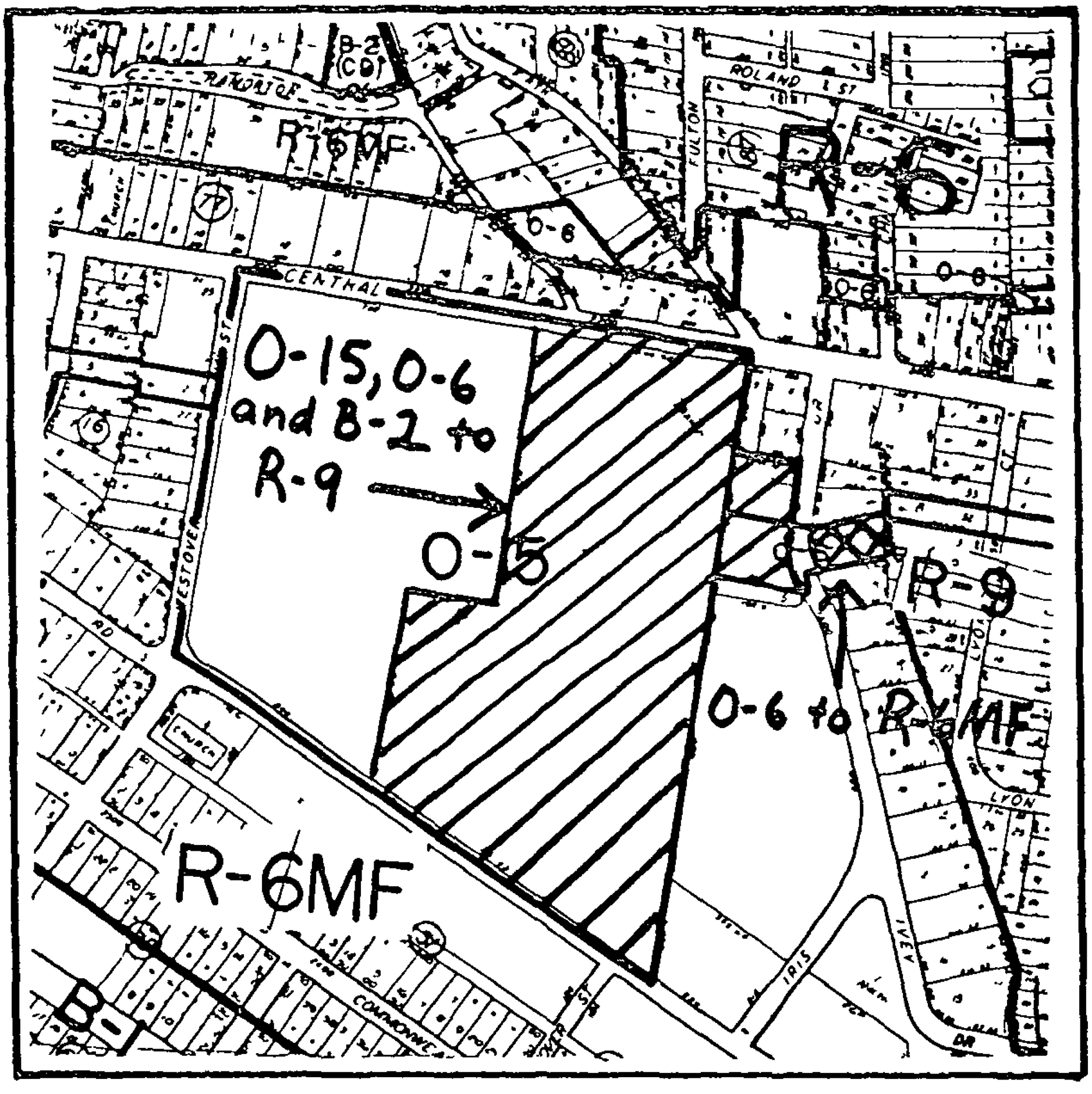
Chantilly Commonwealth
Petition #4

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-36 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING O-15, O-6, & B-2 REQUESTED R-9 and R-6MF

LOCATION Approx 19.71 acres located on the south side of Central Ave. between Westover St. and Ivey Dr. (Veteran's Park property) and property along both sides of Ivey Drive south of Central Ave



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-37
Date Filed February 27 1989
Received By DKM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference N/A Tax Parcel Number See Attached List

Location Of Property (address or description) See Attachment

Description Of Property

Size (Sq Ft Acres) 7.984 Street Frontage (ft.)

Current Land Use Single-family, office, vacant and retail.

Zoning Request

Existing Zoning Part 1 B-2, Part 2 B-2 & O-6 Requested Zoning Part 1 B-1 and O-6 Part 2 R-9

Purpose of Zoning Change To comply with the adopted Chantilly/Commonwealth Small Area Plan.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
CMPC

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

Chantilly/Commonwealth
Petition #5

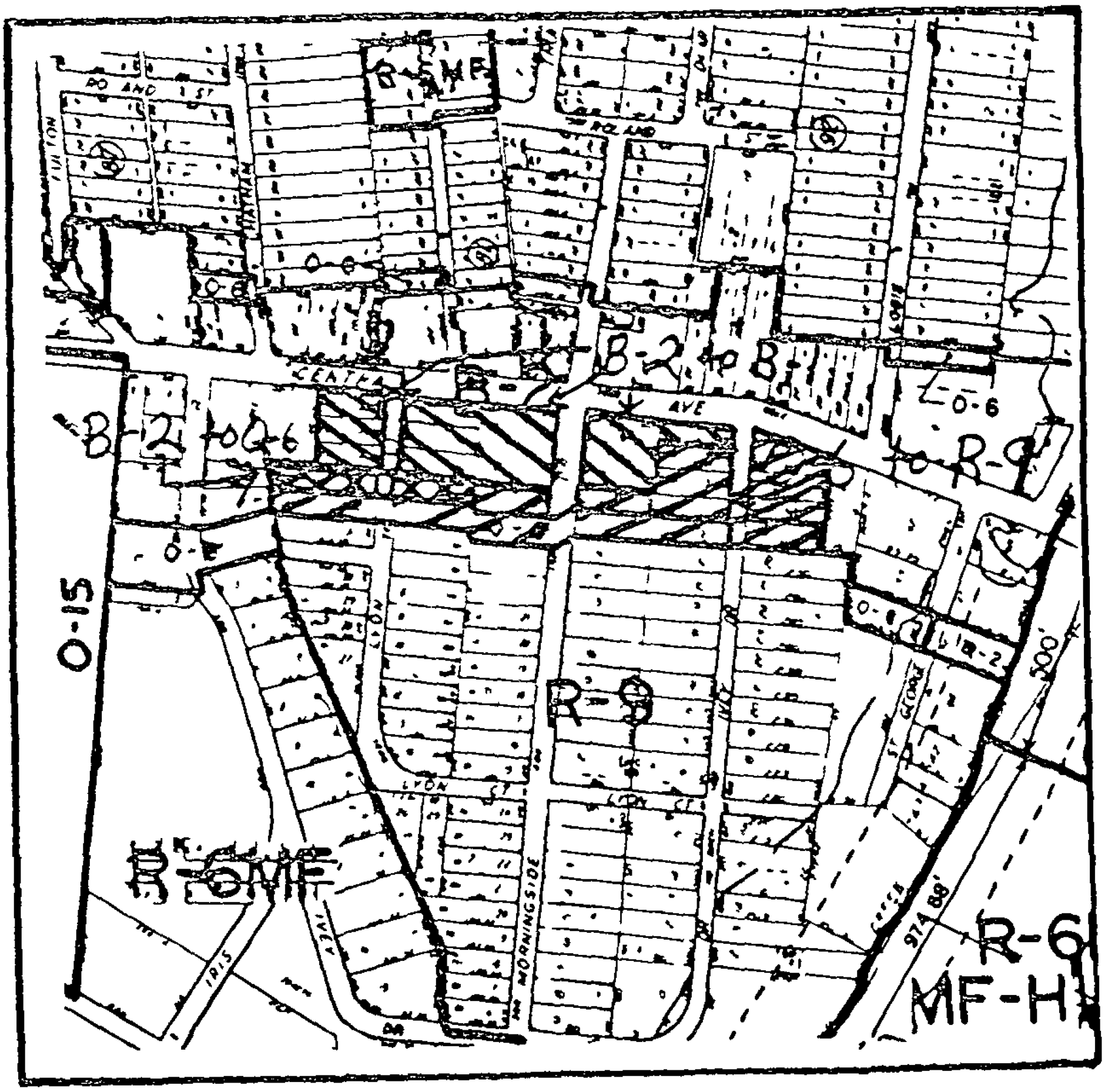
CORRECTED MAP

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-37 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING B-2 & O-6 REQUESTED B-1, O-6, & R-9

LOCATION Approx 7 984 acres located on the south side of Central Ave along both sides of Lyon Ct , Morningside Dr and Ivey Dr.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#11

DATE: February 27, 1989

PETITION NO.: 88-88

PETITIONER(S): Providence Office Park Associates

REQUEST: Change from R-15 to O-15(CD)

LOCATION: A 2.35 acre site located on Providence Road east of Sharon Amity Road.

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

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

Nays: Spencer and Wheeler.

REASONS

This petition proposes the rezoning of a tract of land from single family residential to an office category. The site is bounded by existing office and commercial zoning to the north and multi-family to the rear. Properties to the south are zoned for and used for single family purposes and properties across Providence Road are zoned single family but used as an institutional facility. The petitioner proposes the establishment of two residentially designed and scaled office buildings for a total of 24,000 square feet of floor area. The plan proposes to dedicate additional right-of-way along Providence, preserve a substantial number of existing trees on the site, and provide a masonry screening wall along the rear portion of the property and along the single family margin of the property up to the 100 foot setback line. A majority of the Zoning Committee felt that this site was no longer appropriate for single family use. In addition, they noted that the petitioner indicated a deed restriction on the property which prohibited multi-family use. They indicated that the site plan was of a high quality and that the residential character of the buildings would blend well and provide an appropriate transition for the single family uses remaining along Providence Road. A minority of the Zoning Committee expressed concerns about the long term impact of this rezoning as it relates to the remaining single family lots which front on Providence Road. Concern was expressed that this rezoning represented the beginning of an encroachment into an existing single family community that should be avoided. Indeed a request to rezone this same property and additional properties to office a few years ago was turned down for that very same reason. However, the majority of the Zoning Committee felt that the petition is appropriate for approval.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. Staff believes that this property should be used for residential

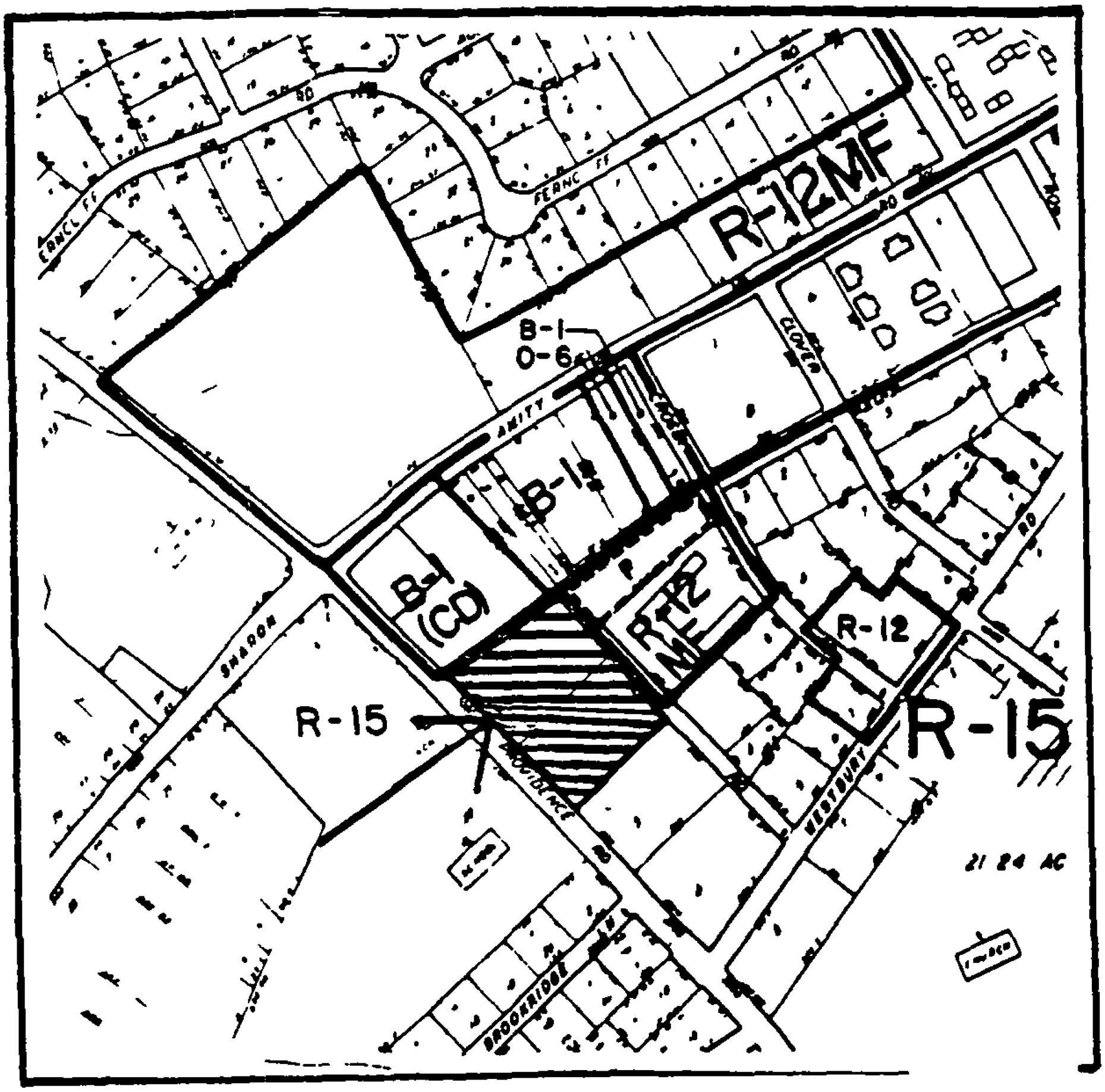
purposes and recognizes the relationship of this site to existing multi-family and commercial uses nearby. The staff expressed concerns that public policy regarding the use of this site should be shaped by private deed restrictions. The staff believes that this petition represents a change in the basic philosophy of the relationship of this property to its neighbors and opens the door to additional rezoning requests along Providence Road in this area.

PETITIONER Providence Park Office Associates

PETITION NO. 88-88 HEARING DATE November 21, 1988

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

LOCATION Approx. 2.35 acres located or the northerly side of Providence Rd. between Sharon Amity Road and Westbury Road adjacent to D'Arcys Restaurant.



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#12

DATE: February 27, 1989

PETITION NO.: 89-2

PETITIONER(S): Allen R. Kessel and Jacqueline S. Kessel

REQUEST: Change from I-1 to I-2(CD)

LOCATION: A 2.8 acre site located between Old Concord Road and Orr Road between McDaniel Lane and Fairhaven Drive.

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

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

Nays: None.

REASONS

The property involved with this request is located in an area which is zoned for and used for a wide variety of heavy commercial and industrial purposes. A portion of this site is already in use and the remainder is vacant. Petitioner seeks the rezoning in order to be able to provide for an expansion of an existing business on the site. The petitioner limits the use of the property to all those uses presently allowed in the I-1 district and outdoor storage which is allowed only in the I-2 district. All of the minor technical questions which were raised in the staff analysis have been dealt with. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

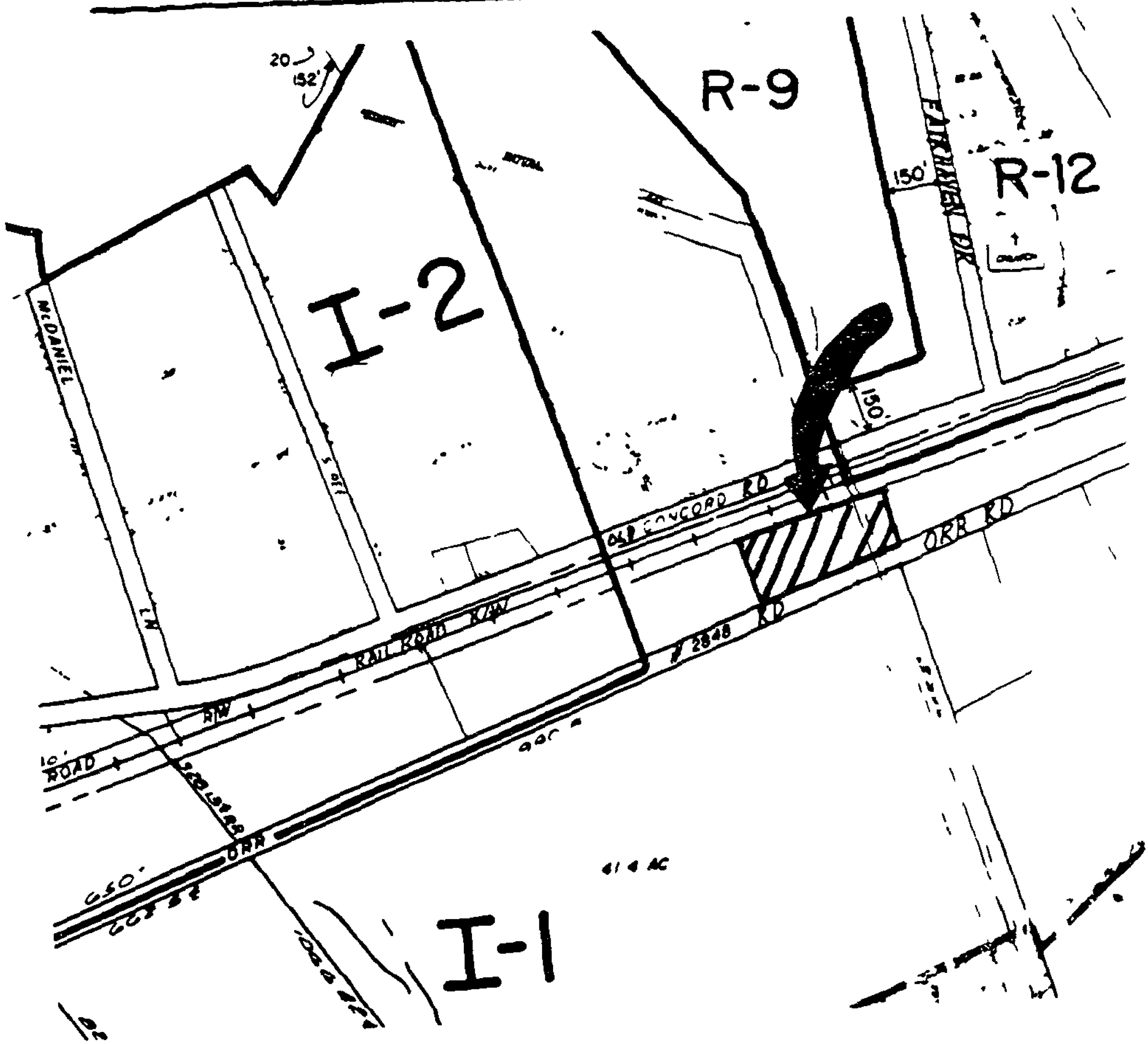
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Alan R. Kessel and wife, Jacqueline S. Kessel

PETITION NO. 89-2 HEARING DATE January 17, 1989

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED I-2

LOCATION Approximately 2.8 acres bounded by Old Concord Road and Orr Road between McDaniel Lane and Fairhaven Drive.



SCALE 1" = 400'

ZONING MAP NO. 77

PROPERTY PROPOSED FOR CHANGE

#13

DATE: February 27, 1989

PETITION NO.: 89-4

PETITIONER(S): McClure Real Estate and Investments

REQUEST: Consideration of a B-1SCD Site Plan Amendment

LOCATION: A 9.5 acre site located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.

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

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

Nays: None.

REASONS

This petition deals with a site plan amendment for an existing shopping center. The petitioner proposes to make minor changes in the site plan itself and add a small amount of floor area to accommodate the expansion of an existing grocery store. At the public hearing, adjoining property owners raised concern about traffic from the petitioner's site onto Rozwood Drive and about noise from the petitioner's site as it related to the adjoining residentially zoned and used properties. Pursuant to those concerns, the petitioner voluntarily modified the site plan after the public hearing to eliminate a driveway connection previously approved to Rozwood Drive and to establish conditions which would call for the installation of noise attenuation devices on the rear of the grocery store. This necessitated an automatic 30 day delay pursuant to the City Council's conditional zoning process to allow interested parties a chance to review the changes. The Zoning Committee believes that these changes have made an improvement to the plan. All of the site plan issues raised by the staff analysis have been addressed and there are no land use issues which accompany this application. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

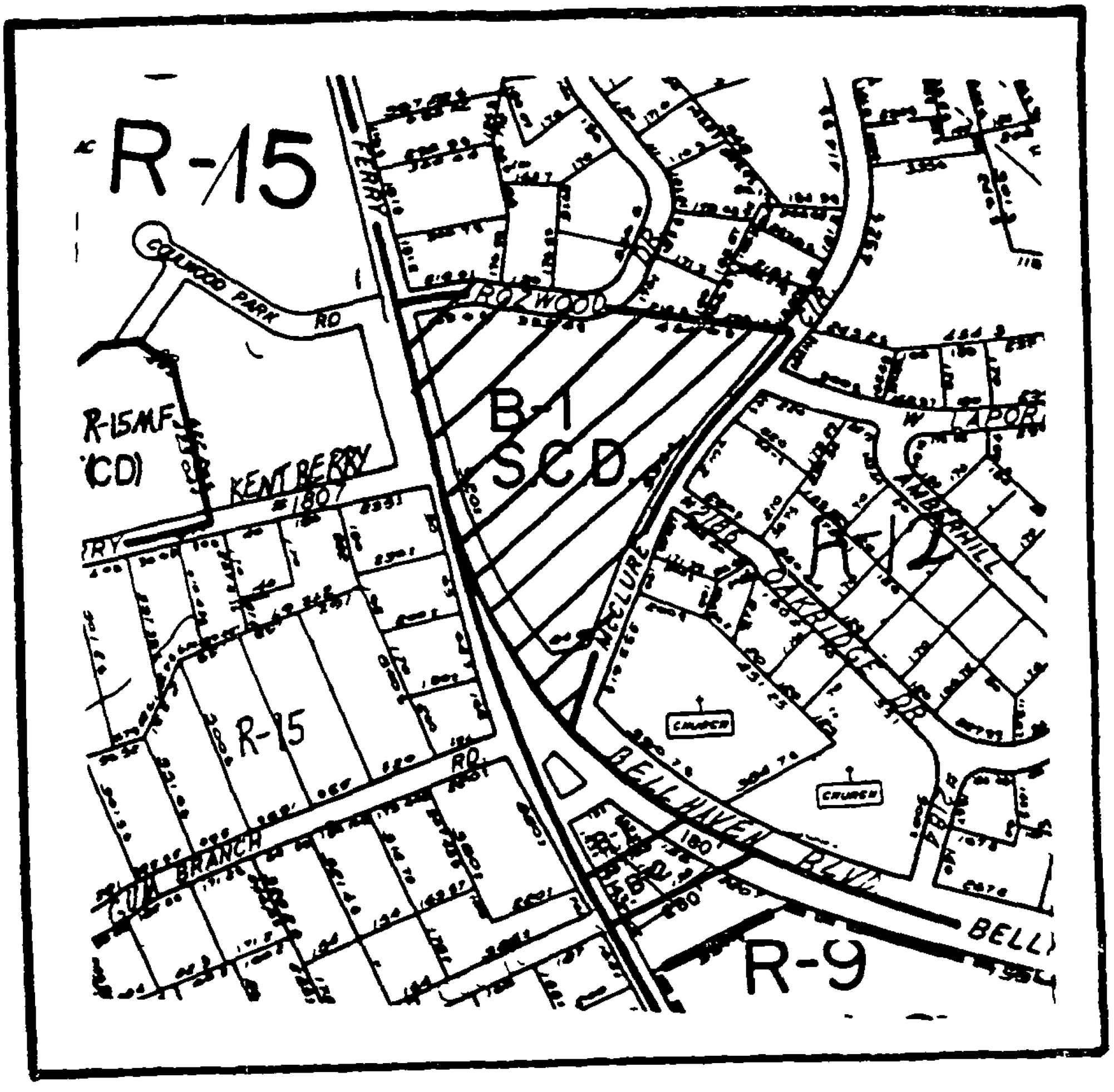
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER McClure Real Estate & Investments

PETITION NO. 89-4 HEARING DATE January 17, 1989

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

LOCATION Approximately 9.52 acres located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.



ZONING MAP NO. 62 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#14

DATE: February 27, 1989

PETITION NO.: 89-7

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-9MF to R-9

LOCATION: Approximately 47.1 acres located in two areas, one on the east side of Yorkmont Road between Nations Ford Road and N.C. 49 and the second along the west of N.C. 49 from Southwood Drive to Shouthampton Road.

ACTION: The Zoning Committee recommends that the properties along Yorkmont Road be rezoned to R-9 but that the properties along N.C. 49 remain zoned R-9MF.

VOTE: Yeas: Lassiter, Spencer, Wheeler, and Winget.

Nays: Latham, Thomasson, and Vaughan.

REASONS

This zoning petition was instituted by the Planning Commission to implement the Billy Graham Parkway/Tyvola Road Special Project Plan. At its first consideration, the Zoning Committee expressed concerns about the recommended rezoning of properties along N.C. 49 to a single family classification and asked that the Planning Committee review the recommendation for currency. The Planning Committee's recommendation indicated that a portion of the property along N.C. 49 could remain zoned multi-family but maintained that the remaining areas along N.C. 49 should be rezoned to single family R-9. After a lengthy discussion, the Zoning Committee concluded that the entire area along N.C. 49 should remained zoned for multi-family use. They felt, however, that the properties along Yorkmont Road which were used for single family purposes should indeed be rezoned to the R-9 category. A minority of the Planning Commission felt that the recommendation should adhere to the original Billy Graham Parkway Plan recommendation as modified by the Planning Committee's recent review. However, the majority felt that the recommendation for single family zoning along that portion of N.C. 49 should not be approved.

STAFF OPINION

The Planning staff supports the Planning Committee's recommendation for a portion of the property along N.C. 49 to remain zoned multi-family but the remainder to be rezoned to single family.

PETITIONER CMPC

PETITION NO. 89-7 HEARING DATE January 17, 1989

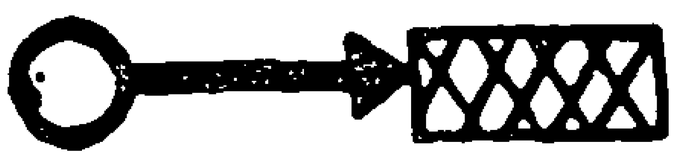
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

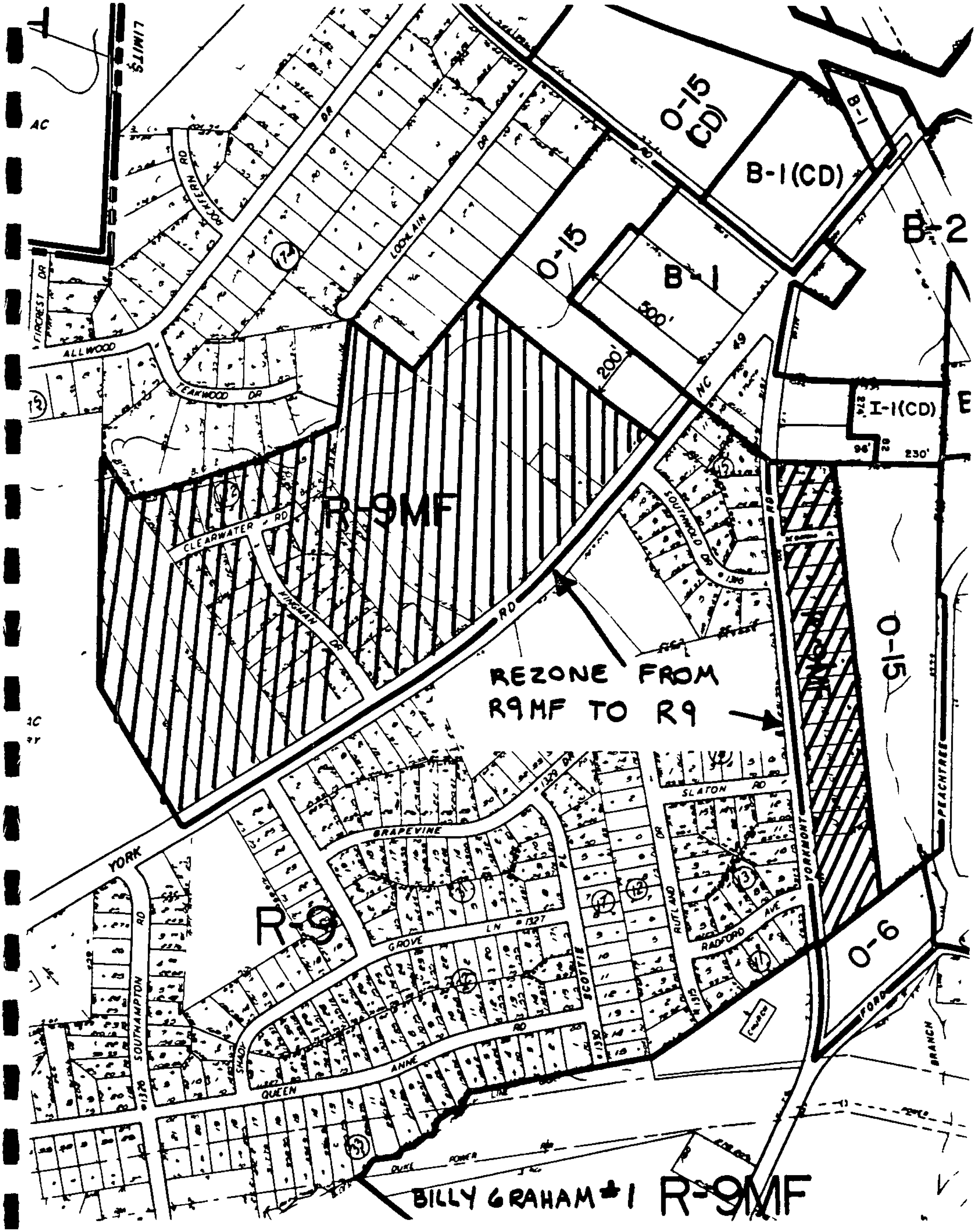
LOCATION Approximately 47.1 acres located along the eastside of Yorkmont Road between Nations Ford Road and N.C. 49. Other properties front along the westside of N.C. 49 from Southwold Drive to Southampton Road and include all properties on Kingman Drive and Clearwater Road.

See Attached

ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




LIMITS
AC
O-15 (CD)
B-1(CD)
B-1
B-2
O-15
B-1
500'
200'
I-1(CD)
96'
230'
ROCKFERN RD
LOOKLAIN DR
FIRCREST DR
ALLWOOD
TEAKWOOD DR
R9MF
CLEARWATER RD
WINGMAN DR
SOUTHWOLD DR
REZONE FROM
R9MF TO R9
O-15
SLATON RD
GRAPEVINE
YORK
R-9
GROVE LN
SCOTTIE
RUTLAND
RADFORD AVE
YORKMONT
O-6
SOUTHAMPTON RD
SHADY
QUEEN ANNE RD
CHURCH
PEACHTREE
BRANCH
BILLY GRAHAM #1 R-9MF

#15

DATE: February 27, 1989

PETITION NO.: 89-12

PETITIONER(S): Ralph Kier

REQUEST: Change from O-15 and R-6MF to O-6(CD)

LOCATION: A 1.23 acre site located just east of the intersection of Providence Road and Colonial Avenue.

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

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

Nays: None.

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

REASONS

This petition proposes the rezoning of existing office zoned land and some residentially zoned land to accommodate a single office development. The petitioner also includes with their application an alternative site plan which incorporates the closure and abandonment of the right-of-way of Circle Avenue at Phil Aull Place. The proposal would establish a 24,000 square foot medical office building with associated parking on the site with access onto Colonial Avenue. If the Circle Avenue right-of-way is abandoned, the petitioner would also incorporate a portion of the right-of-way in their site plan and have access via Phil Aull Place to Providence Road. In either version of the site plan, there would be no vehicular access between the petitioner's property and Circle Avenue. Concerns were expressed at the public hearing about the adequacy of parking on the site. The petitioner's plan indicated that they would provide at least the amount of parking required by the City's Zoning Ordinance for a medical office building. A portion of this parking will be provided underneath the office building itself. The Zoning Committee prefers the site plan which includes the abandonment and permanent closure of Circle Avenue. However, from a land use standpoint, the Zoning Committee recommends that the petition be approved and encourages the City Council to abandon Circle Avenue so that the optional site plan may be incorporated on this site.

STAFF OPINION

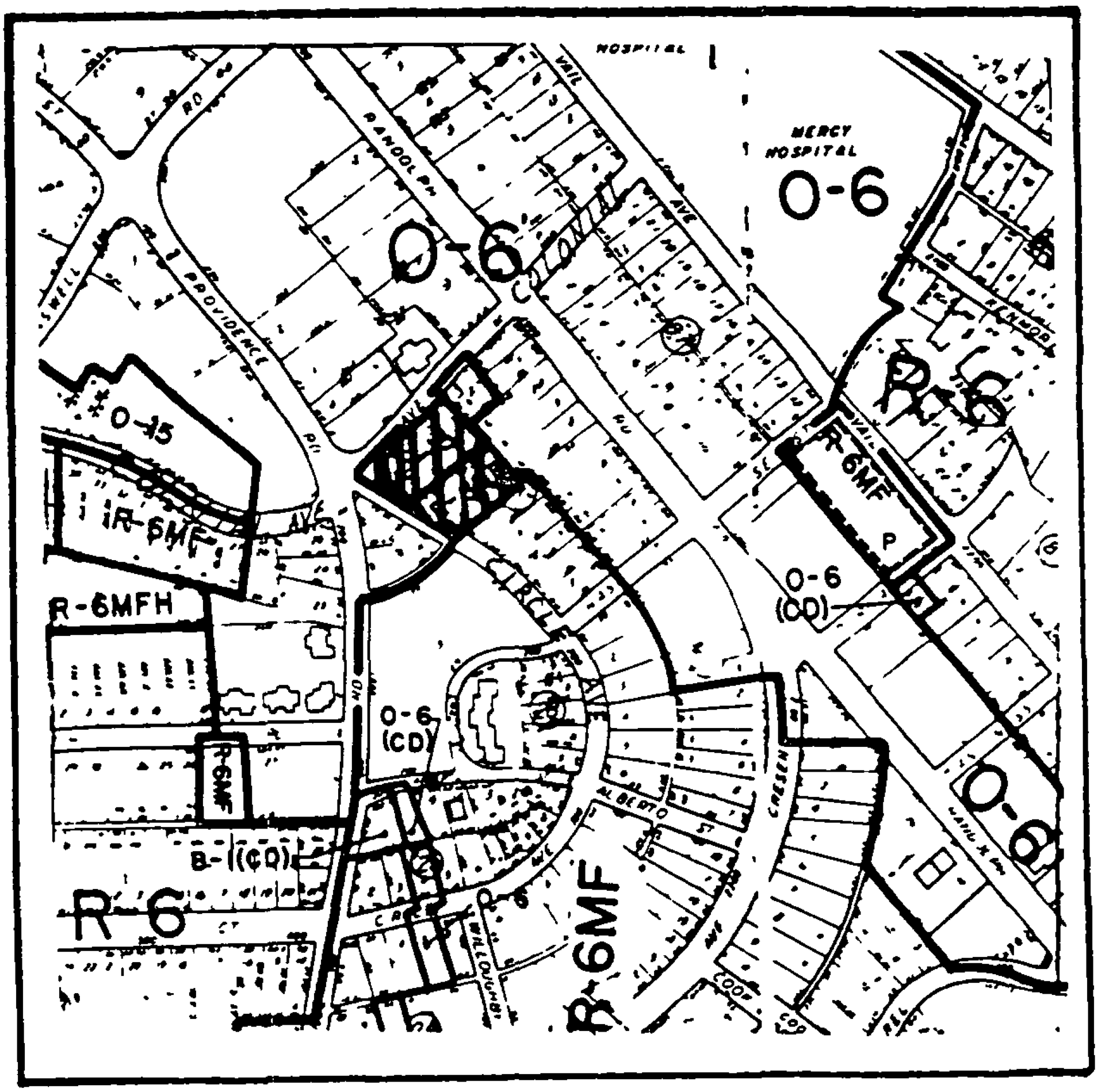
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Ralph Kier

PETITION NO. 89-12 HEARING DATE February 20, 1989

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

LOCATION Approximately 1.23 acres located east of the intersection of Providence Road, Colonial Avenue, and Circle Avenue.



ZONING MAP NO. 111, 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#16

DATE: February 27, 1989

PETITION NO.: 89-15

PETITIONER(S): J. F. Gladden

REQUEST: Change from O-6 and R-6MF to B-2(CD)

LOCATION: Approximately 41,000 square feet located on the north side of Wilkinson Boulevard east of Holton Avenue.

ACTION: The Zoning Committee recommends that this petition be denied.

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

Nays: None.

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

REASONS

This petition request the rezoning of properties from office and residential categories to accommodate the expansion of an automobile car lot. The site plan which accompanies the application had a number of deficiencies and no revised site plan was received prior to the public hearing. This petition would violate the Wilkinson Boulevard Special Project Plan in terms of land use and would intrude into an existing residential neighborhood with highway commercial uses. The Zoning Committee notes the land use and site plan problems with this case and also notes that no one from the petitioner appeared at the public hearing. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

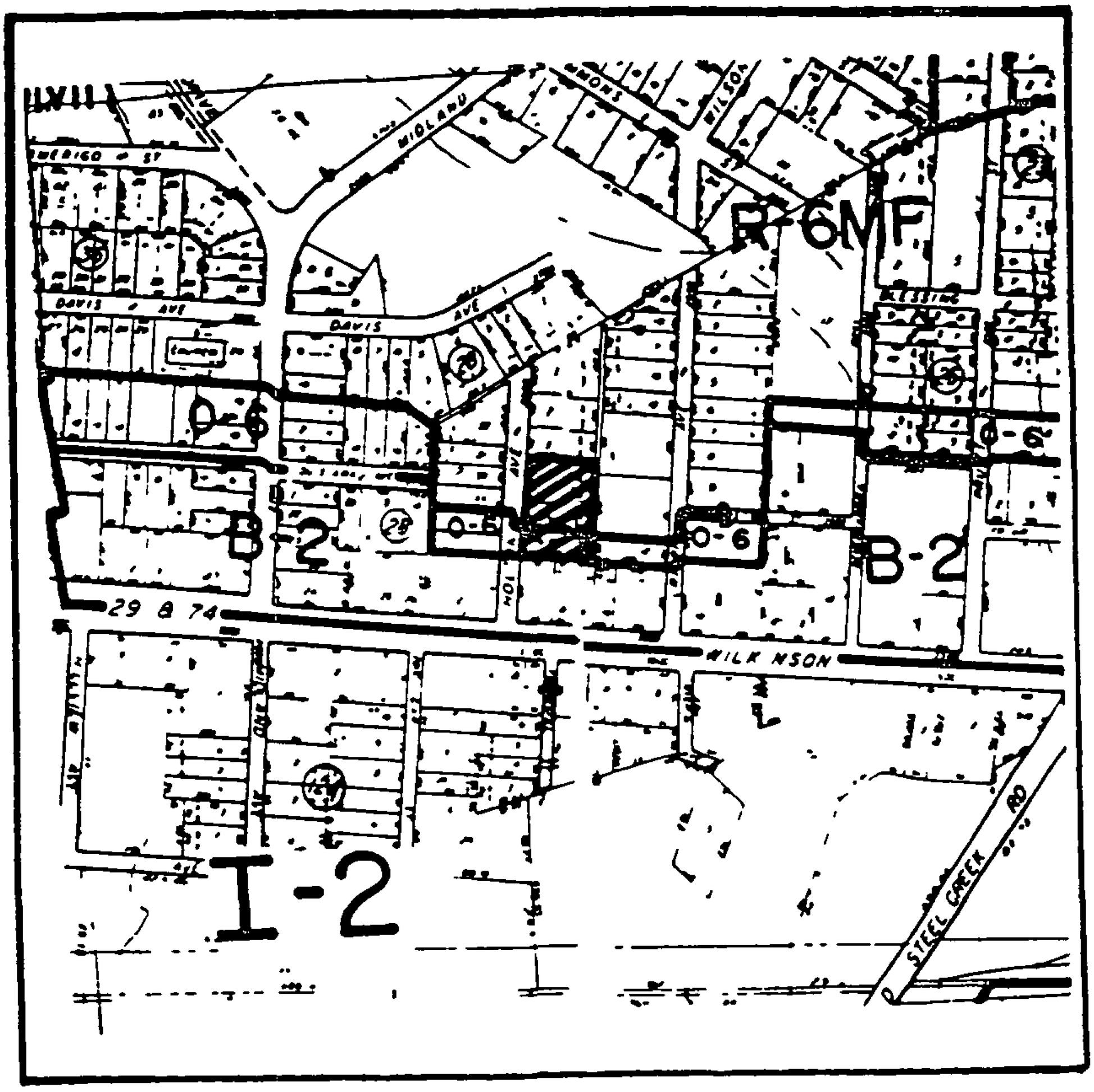
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER J. F. Gladden

PETITION NO. 89-15 HEARING DATE February 20, 1989

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

LOCATION A 40,890 square foot parcel located on the east side of Holton Avenue, north of Wilkinson Boulevard.



ZONING MAP NO. 103 & 104 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#17

DATE: March 27, 1989

PETITION NO.: 89-18

PETITIONER(S): Charlotte-Mecklenburg Hospital Authority

REQUEST: Change from R-15 to R-12MF(CD) and consideration of an R-12MF(CD) site plan amendment.

LOCATION: A 5 acre tract located on the north side of Sardis Road across from Timber Lane.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small piece of property to be incorporated into a larger site which had recently been approved for the site of an extended care facility. This petition does not propose any more development on the site then has already been approved. Therefore, it actually represents a reduction in the intensity of development of the site by incorporating the same level of development on a larger land area. There are no site plan or land use issues which accompany this application. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

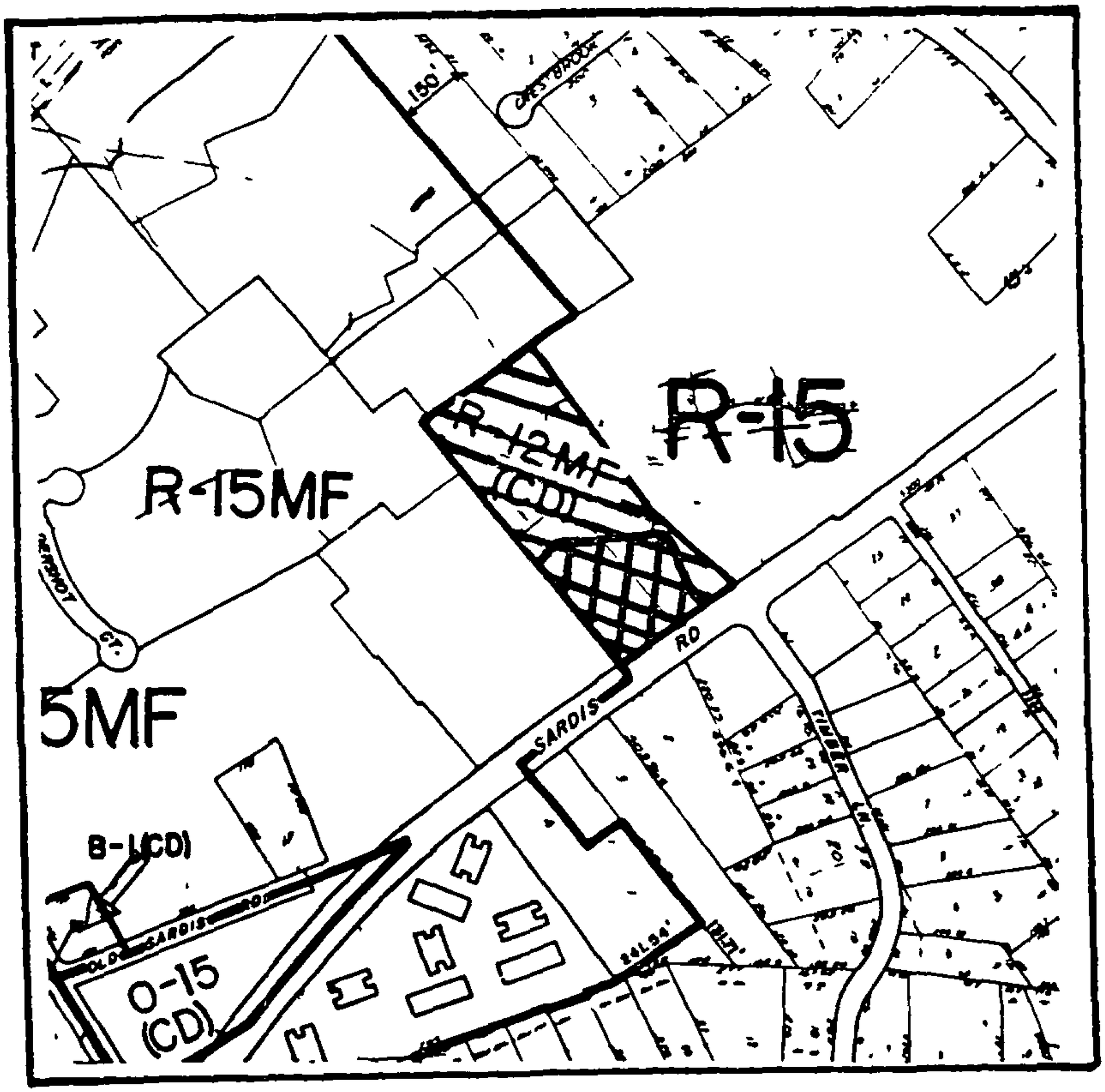
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte/Mecklenburg Hospital Authority

PETITION NO. 89-18 HEARING DATE March 20, 1989

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

LOCATION Approximately 5 00 acres located on the northerly side of Sardis Road between Randolph Road and Providence Road across from Timber Lane.



ZONING MAP NO. 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#18

DATE: March 27, 1989

PETITION NO.: 89-19

PETITIONER(S): Harvey Gouch

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

LOCATION: .5 acres located on Dawn Circle off U.S. 29 north (North Tryon Street).

ACTION: The Zoning Committee deferred action on this request for 30 days and asked the petitioner to commit to additional restrictions to the use of the building on the site.

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

Nays: None.

REASONS

This petition involves the rezoning of a small piece of property so that it may be used in conjunction with a larger commercial tract already existing along North Tryon Street. At the public hearing, concerns were expressed by area residents about noise generated from the existing facility. At that time, the petitioner indicated that the new portion of the building would be used only for storage and, therefore, would not generate any additional noise. The Zoning Committee is very interested in pursuing this notion with the petitioner. However, neither the petitioner nor an agent for the petitioner was present at the work session. Therefore, the Zoning Committee deferred this request for 30 days to allow time for the petitioner to respond to this matter.

#19

DATE: March 27, 1989

PETITION NO.: 89-20

PETITIONER(S): Optima Capital, Limited

REQUEST: Change from R-12 to O-6(CD)

LOCATION: 4.92 acres located on the southerly side of Highway 51 between Blue Heron Drive and McMullen Creek.

ACTION: The Zoning Committee deferred action on this request for 30 days so that the petitioner could be afforded time to comment on issues relative to the intensity of the proposed development.

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

Nays: None.

REASONS

The Zoning Committee discussed this petition for sometime. The Committee noted that the land uses in the area have changed substantially since previously adopted policies for the area were adopted. The Zoning Committee believes that a single family residential use of this property is no longer appropriate and is not persuaded that a multi-family use could be located on the site. Therefore, the Zoning Committee fundamentally accepts the notion that a nonresidential use of the type of proposed might be appropriate for the property. However, the Zoning Committee is concerned about the intensity of the development on the site. The petitioner proposes 96,000 square feet of office floor area on approximately five acres of land. The Zoning Committee is concerned that this represents more floor area than the site can appropriately accommodate and perhaps will lead to adverse influences on single family properties nearby. The committee was especially concerned about the height of the proposed three story buildings and expressed an interest that the petitioner consider building smaller two-story residential scaled structures. Inasmuch as there were no one representing the petitioner at the work session, the Zoning Committee deferred this request to allow time for the petitioner to response to this concern.

#20

DATE: March 27, 1989

PETITION NO.: 89-21

PETITIONER(S): Idlewild Crossing Ltd. Partnership

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

LOCATION: A .08 acre site located on Piney Grove Road south of the intersection of Idlewild Road North and Idlewild Road.

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

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

Nays: None.

REASONS

This very small rezoning request incorporates a residual tract of land into a previously approved retail center. It will allow the petitioner to have a few additional parking spaces and to maintain a screening wall along the rear portion of the site. There are no land use or site plan issues which accompany this application. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

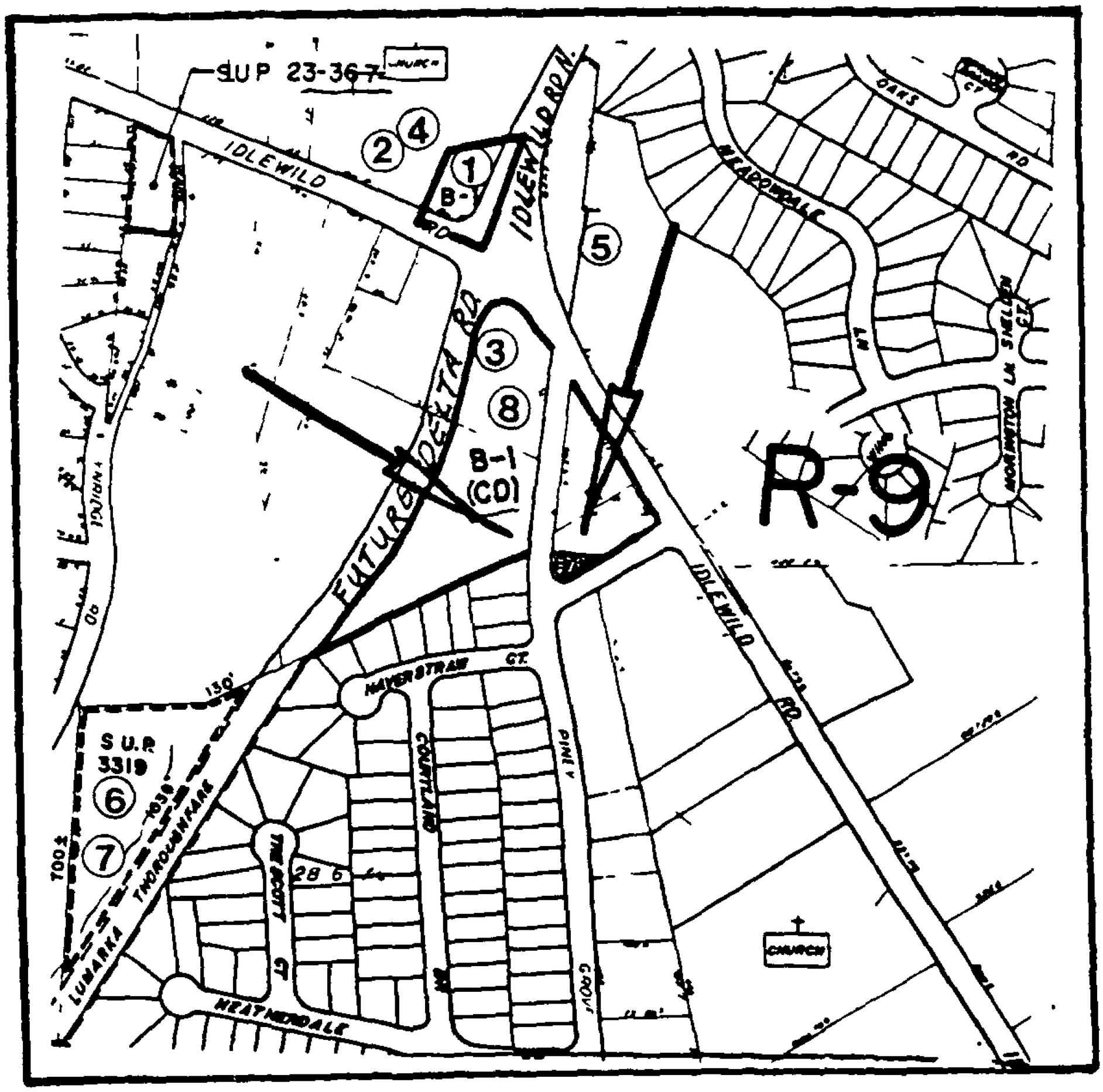
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER ~~David S. Miller~~ Idlewild Crossing Ltd. Partnership c/o Childress Klein Properties

PETITION NO. 89-21 HEARING DATE March 20, 1989

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

LOCATION Approximately .08 acres located on the east side of Piney Grove Road south of the intersection of Idlewild Road and Idlewild Road North.



ZONING MAP NO. 122 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#21

DATE: March 27, 1989

PETITION NO.: 89-22

PETITIONER(S): S&S Development Company

REQUEST: Change from R-12 to B-1(CD)

LOCATION: Approximately .67 acres located on the south side of Pence Road (Hickory Grove Road) east of Newell-Hickory Grove Road.

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

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

Nays: Winget.

REASONS

This petition requests the rezoning of a small tract of land to accommodate a office and retail structure. The original request asked for the structure to accommodate approximately 7,600 square feet of floor area of which 50 percent could be used for retail. Pursuant to concerns raised in the staff analysis, the petitioner at the public hearing indicated a willingness to reduce the size of the building from 7,600 square feet to 6,800 square feet. This will also allow for the elimination of four parking spaces thereby reducing the intensity of the development on the site. Concern was expressed about the proposed request and its long-term effect on future rezonings in the area. Concern was also expressed about approving any additional zoning for retail in this general area when there is vacant property nearby already zoned for retail uses. However, the majority of the Zoning Committee felt that this use was appropriate and represented a logical stopping point for nonresidential zoning along Pence Road.

STAFF OPINION

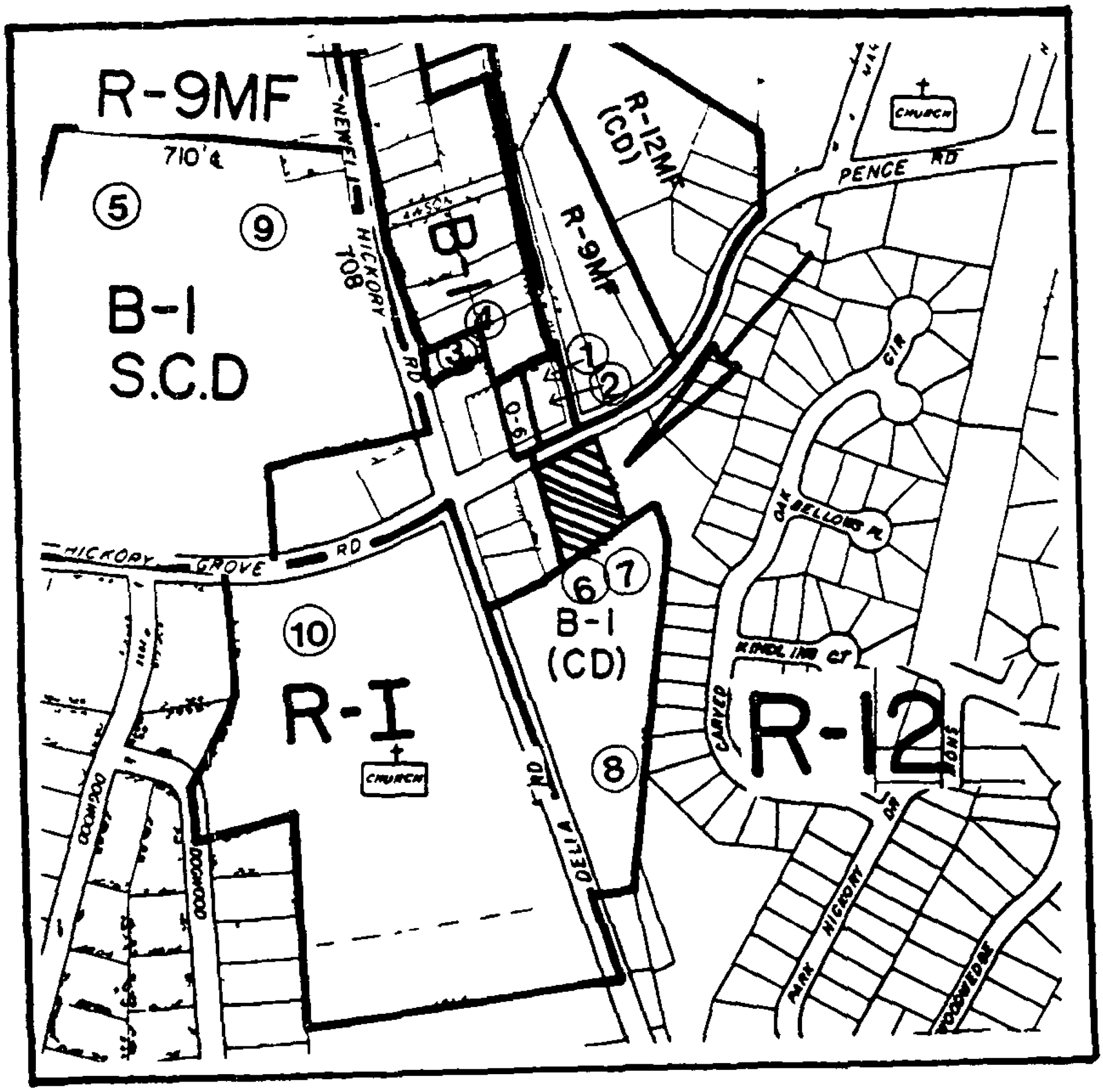
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER S & S Development Company

PETITION NO. 89-22 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED B-1(CD)

LOCATION Approximately .67 acres located on the south side of Pence Road approximately 216 feet east of Newell Hickory Grove Road.



ZONING MAP NO. 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#22

DATE: March 27, 1989

PETITION NO.: 89-24

PETITIONER(S): South Boulevard Limited Partnership

REQUEST: Change from R-9 to B-1SCD and consideration of an B-1SCD, O-15(CD), and R-15MF(CD) Site Plan Amendment.

LOCATION: 38 acres located on the northwest corner of New Arrowood Road and South Boulevard.

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

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

Nays: None.

REASONS

This petition requests the rezoning of a small tract of land to incorporate it into a previously approved retail center. The plan leaves intact the existing office and multi-family portions of the site with the exception of a slight shift in the zoning boundary between the multi-family and the newly zoned B-1SCD area to accommodate a commercial driveway. The petitioner has carried forward all of the previously approved conditions on this plan which relate to streetscape, transportation improvements, and access to Arrowood Road. The petitioner proposes in this request to add 20,000 square feet of additional floor area to the already approved 175,000 square feet of floor area. This is the only fundamental change to the development rights previously granted. There are no land use issues which accompany this application and all of the minor site plan issues have been address by the petitioner. The incorporation of more land into this site with the 20,000 square foot increase and floor area actually reduces the intensity of the development on this property. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

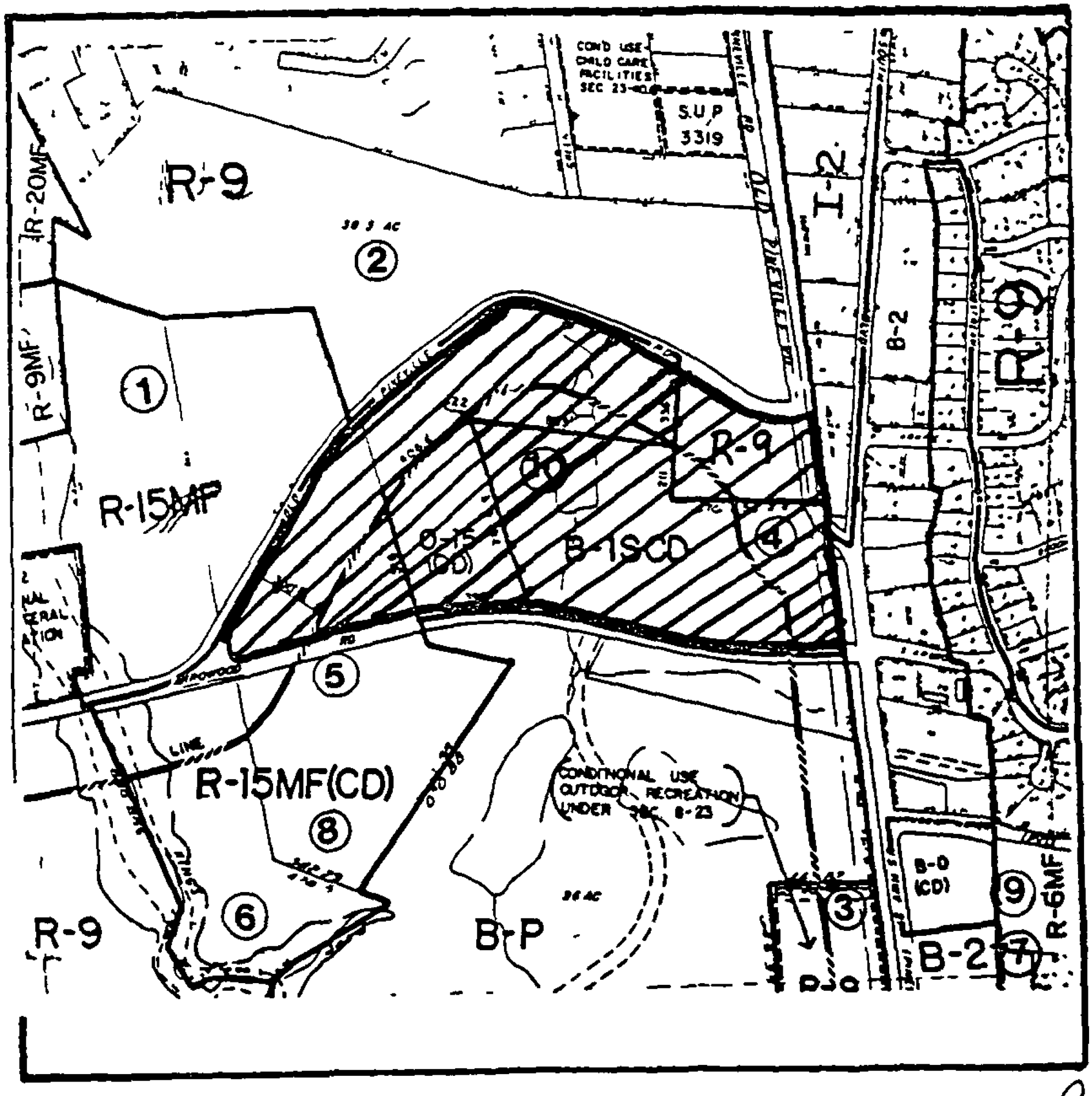
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER South Boulevard Ltd.

PETITION NO 89-24 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING B-1SCD, R-9 R-15MF(CD), O-15(CD) REQUESTED B-1SCDSPA & B-1SCD R-15MF(CD)SPA, O-15(CD)SPA,

LOCATION Approximately 38.13acres located on the northwest corner of Arrowood Road relocation and South Boulevard



ZONING MAP NO. 148 SCALE 1" = ~~300'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

#23

DATE: March 27, 1989

PETITION NO.: 89-25

PETITIONER(S): B. V. Belk Enterprises

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

LOCATION: 14 acres located on the south side of Wallace Avenue west of Delta Road.

ACTION: The Zoning Committee deferred action on this request for 30 days at the specific request of the petitioner.

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

Nays: None.

REASONS

Prior to the beginning of the work session, an agent for the petitioner asked that this matter be deferred for 30 days. The agent indicated that the petitioner was considering making modifications to the proposed site design and, therefore, asked for the matter not to be decided at this point and time.

#24

DATE: March 27, 1989

PETITION NO.: 89-26

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-2 and R-6MF to R-6

LOCATION: Approximately 40 acres located in the Grier Heights neighborhood generally east of Randolph Road, north of Wheatley Avenue, west of Marvin Road, and south of Drenan Street and Latrobe Drive.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of several tracts of land from I-2 and R-6MF to R-6. It is proposed at this time to implement the recommendations of the Grier Heights Special Project Plan which is a revision of the former Grier Heights Community Development Plan. All of the properties involved with this request are either publicly owned, vacant, or used for single family purposes. Therefore, no nonconforming uses will be created. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Company

PETITION NO 89-26 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING R-6MF & I-2 REQUESTED R-6

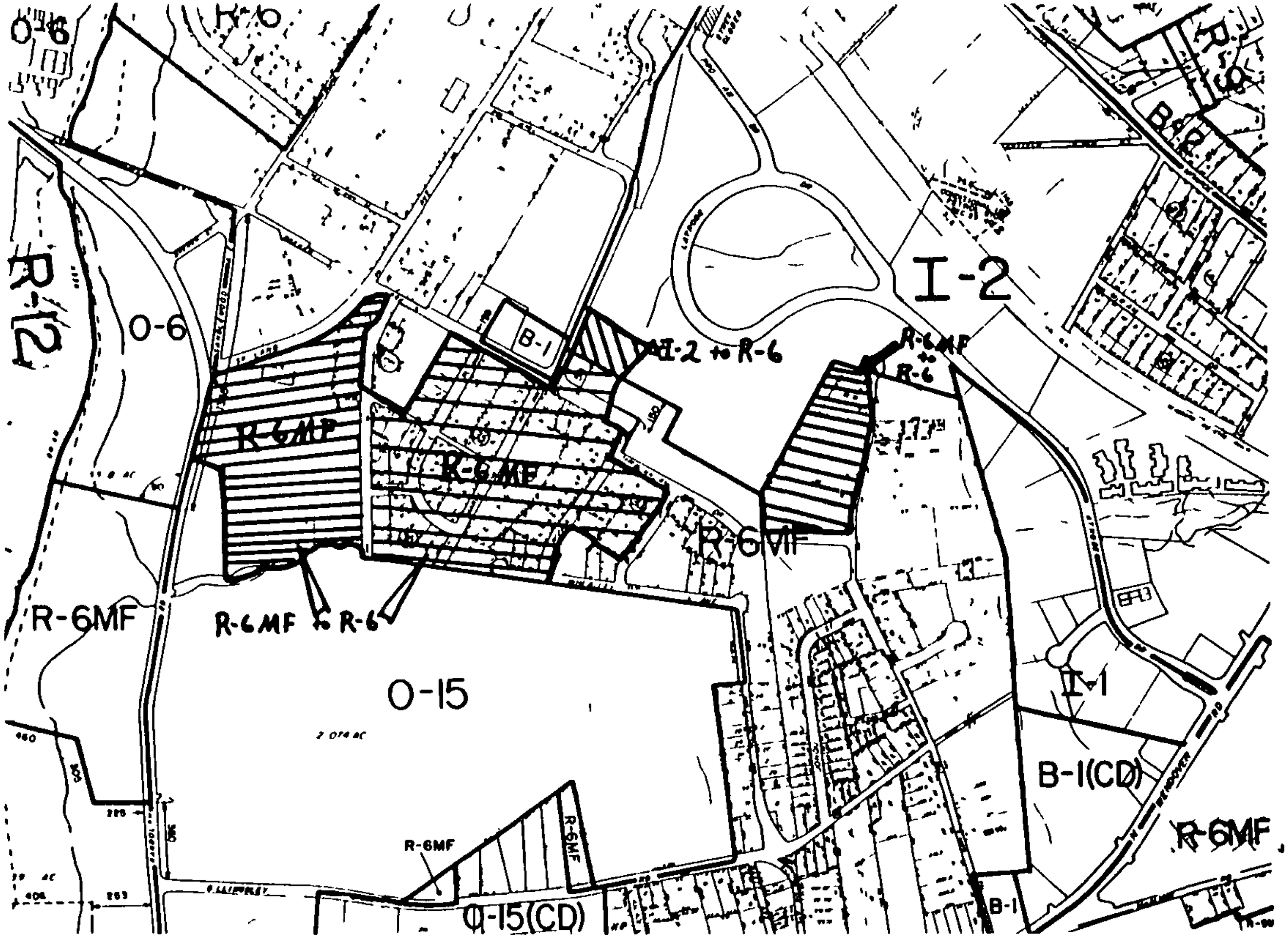
LOCATION Approximately 40.275 acres located in the Grier Heights neighborhood, generally east of Skyland Avenue, south of Drenan Street and west of Bunche Drive Smaller areas are located on the northeast corner of Drenan St. and Marney Ave. and north of Burkland Drive west of Marvin Road.

SEE ATTACHED MAP

ZONING MAP NO. 112

SCALE 1" = ~~200'~~ Reduced

PROPERTY PROPOSED FOR CHANGE


O-6
R-12
O-6
B-1
I-2 to R-6
R-6MF
R-6
I-2
R-6MP
R-6MF
R-6VIF
R-6MF
R-6MF to R-6
O-15
I-1
B-1(CD)
R-6MF
R-6MF
R-6MF
O-15(CD)
B-1

#25

DATE: March 27, 1989

PETITION NO.: 89-27

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to require a traffic impact study as part of the minimum submission requirements for certain rezoning petitions.

ACTION: The Zoning Committee deferred action on this request for 30 days.

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

Nays: None.

REASONS

This text amendment is proposed by the Planning Commission staff as an outgrowth of an Ad Hoc Zoning Committee study of the rezoning process. It would require the submission of a traffic impact analysis in certain rezoning petitions as a minimum submission requirement. Due to an advertising error, the Board of Commissioners did not hold a public hearing on a parallel request in the month of March. Therefore, The Zoning Committee believes it is appropriate to delay consideration of this matter until the same issues have been addressed by the Board of Commissioners. At the April work session, the Zoning Committee will consider this matter and make a recommendation to both elected bodies.

#26

SUMMARY REPORT
PLANNING PROCESS
IDLEWILD ROAD/IDLEWILD ROAD NORTH
INTERSECTION IMPROVEMENTS

PREPARED BY ENGINEERING DEPARTMENT
MARCH, 1989

INTRODUCTION

The following is a summary report of the process followed in completing the planning for improvements at the Idlewild Road/Idlewild Road North/Delta Road intersection. Included in this summary is a description of each alternate considered, overall cost estimates and a listing of the advantages and disadvantages for each alternate.

PLANNING PROCESS

At the conclusion of the planning for the Idlewild Road Widening Project, the engineering consultant, Rummel, Klepper and Kahl (RKK), informed staff that improvements to the Idlewild North approach of the intersection with Idlewild Road would be required in order to properly handle projected traffic volumes. These improvements would be required by the year 1995. In July, 1988, during the second public meeting conducted for the Idlewild Road Widening Project, staff informed those in attendance of these developments and that the extent of the needed improvements was unknown at the time.

In August, 1988, RKK, having completed a traffic analysis, informed CDOT and Engineering that two additional turn lanes would be required on the Idlewild Road North leg. RKK recommended that a right turn only lane and a additional left turn lane be constructed as a part of the Idlewild Road Widening project or, as a minimum, that the City acquire the right of way area needed for future construction. After careful review of the data submitted, CDOT concurred with the recommendation.

Engineering Department staff undertook a preliminary study of various alternates that would address these needs. Two areas of concern that would affect all alternates they considered and greatly influence cost were identified; possible impacts to an existing commercial property located on the northwest corner of the intersection and the possibility of extensive redesign of the Delta Road Extension project, under construction at the time, which will intersect Idlewild Road opposite Idlewild Road North. Concepts widening the intersection to the east and west were explored. Primarily because the concept which widened to the west required substantial right of way acquisition from property developed as a convenience store/gas station, its cost was estimated higher than the concept which widened to the east. The concept which widened to east ("alignment A") was subsequently recommended for implementation. Klein-Childress agreed to donate needed right of way from property undergoing rezoning at the time and located on the southeast corner of the intersection.

On August 8, 1988, staff directed the consultant to prepare a cost proposal and schedule for professional services associated with the preparation of design plans for Alignment "A". On September 20, 1988, an amendment to the original design contact for Idlewild Road was approved. RKK was instructed to begin work on the preparation of design plans based on all the widening being accomplished along the east side of Idlewild Road North. The design was to be completed within the same schedule as the the Idlewild Road Widening project. A memo, dated October 13, 1988, explaining the recommended improvements was mailed to all of the public meeting attendees and affected property owners along the east side of Idlewild Road North. A schematic drawing, showing the areas to be affected, was attached. On October 19, 1988, one of the property owners along

the east side of Idlewild North contacted the Project Manager to express concerns about the impacts to his property. This property owner subsequently contacted Council Member Stan Campbell, who in turn arranged an on-site meeting with Engineering staff. At the request of the property owner and Council Member Campbell, Engineering staff agreed to explore an additional alternate in an attempt to lessen the impacts along the east side of the roadway.

Following the preparation of an additional alternate, staff conducted a public meeting with property owners near the intersection on January 26, 1989, at New Hope Baptist Church. Two alternates were presented: Alignment "A", showing all the widening to the east side of Idlewild Road North, and Alignment "B", depicting widening to the west side of Idlewild Road North. Alternate "B" was different from the previously prepared concept widening to the west in that at the intersection itself, the road is widened to the east staying predominately off the convenience store/gas station property. As improvements extend to the north, widening transitions to the west predominately on New Hope Baptist Church and undeveloped property. Church representatives were very concerned about the impacts of Alignment "B" and requested that staff prepare a third alternate which would more evenly impact both sides of the roadway. Following the meeting, staff proceeded to develop the third alternate, Alignment "C".

On March 2, 1989, a second meeting was conducted. At the meeting staff presented all three alternatives, described advantages and disadvantages of each and indicated the recommendation that alignment "B" be implemented. Representatives of New Hope Baptist Church did not agree with the recommendation. Representatives of a United Methodist Church Association, which owns an undeveloped parcel affected by the recommendation, however agreed with staff.

DESCRIPTION OF ALTERNATES

All alignments widen the intersection to the east at Idlewild Road staying predominately off the convenience store/gas station property to the west. A shift in alignment at this point would be considerably higher in cost. The following descriptions of widening to the "east" and "west" refer to the alignment north of this commercial property. A more complete listing of advantages and disadvantages of all alignments as well as estimated cost is attached.

Alignment "A", as previously stated, would widen entirely to the east side of Idlewild Road North. Existing developed residential property (4 homes) would be impacted. The right of way boundary would be as close as 28' to one home. Of the three alignments, this one is the straightest and considered most safe, although the other two alignments are within safety related design criteria for a thoroughfare.

Alignment "B" widens predominately to the west side of Idlewild Road North, although some widening would still occur on the east side. Most of the widening would be constructed on the property of New Hope Baptist Church and existing undeveloped land. This alignment avoids four residentially developed properties on the east side. Curvature and lane geometry of the road are less desirable than Alignment "B" or "C" but still within acceptable safety related design criteria.

Alignment "C" represents an attempt to evenly distribute the impacts along both sides of Idlewild Road North. The road is widened concentrically about the centerline of the existing road taking some property from both sides.

It should be noted that all three alignments would require that the existing left turn access to New Hope Baptist Church from Idlewild Road North ultimately be removed. Right in and right out would still be allowed. Left turn access would be denied due to a proposed concrete median used in conjunction with dual left turn lanes on this leg of the intersection. A median break will be provided, however, until the second left turn lane is opened in conjunction with widening of Idlewild Road east of the intersection sometime in the future. This project is not scheduled or funded at this time. The church is very concerned over potential loss of this access and has been advised by staff to pursue access via Meadowdale Lane where left turn access is provided.

RECOMMENDATION

As previously stated, staff recommends that Alignment "B" be implemented. The New Hope Baptist Church sanctuary is situated a considerable distance (±120') back from the existing street. The remaining affected parcels on the west side of the road are presently undeveloped. Although slightly more costly than Alignment "B", it avoids additional impact to four residences. Alternate "C" is considerably more expensive and impacts properties on both sides of the street.

IDLEWILD ROAD NORTH ALTERNATES

Alignment "A" - Widening entirely on the east side of Idlewild Road North
(Existing residential development)

Alignment "B" - Widening predominately on the west side of Idlewild Road North
(New Hope Baptist Church side)

Alignment "C" - Concentric widening

Estimated Project Costs

Alignment	Construction	Real Estate	Total	Cost Differences	
"A"	195,700	165,000	360,700		
				13,400	
"B"	228,700	145,400	374,100		72,000
				58,600	
"C"	257,700	175,000	432,700		

ALTERNATE EVALUATION

Alignment "A"

Advantages:

1. Produces the straightest and most safe alignment.
2. No curve superelevation is required.
3. New Hope Baptist Church property and other property on west side are not impacted.
4. Lowest Estimated Cost
5. Does not affect Delta Road alignment on opposite side of intersection.

Disadvantages:

1. Existing residential development on east side of Idlewild North bears entire brunt of the widening.
2. New Hope Baptist Church left turn access at driveway along Idlewild North is removed.

Alignment "B":

Advantages:

1. Widening would occur within undeveloped land on the west side of Idlewild North, compared to existing residential development on the east side of the road.
2. Real Estate damages are lessened.
3. Does not affect Delta Road alignment on opposite side of intersection.
4. Slightly higher cost than Alignment "A".

Disadvantages:

1. West side of Idlewild North bears brunt of impacts.
2. New Hope Baptist Church left turn access at driveway along Idlewild North is removed.
3. Lighted church sign will have to be relocated.
4. A curve is introduced which must be superelevated.
5. Of the three alternates, this one has the most curvature and is therefore the least safe. It still meets safety related design criteria, however.

Alignment "C":

Advantages:

1. Impact will be more evenly split along both sides of Idlewild North.
2. Less curvature than Alignment "B".
3. Does not affect Delta Road alignment on opposite side of intersection.

Disadvantages:

1. Highest estimated cost.
2. New Hope Baptist Church left turn access at driveway along Idlewild North is denied.
3. Probable curve superelevation required.
4. Lighted church sign will have to be relocated.
5. Requires moderate impacts to existing residential properties along the east side of Idlewild Road North.