

AGENDA

Meeting Type:	Z
Date:	12-18-1989
SUBJECT	

City of Charlotte, City Clerk's Office



Council Agenda

December 18, 1989

15 horizontal lines for notes or agenda items.

FILE COPY



Request for Council Action

1. *the City Council on the City Manager*

2. *in the City*

Recommend adoption of a resolution authorizing the Mayor or City Manager to execute legal documents in connection with the City's appeal from the judgment in the case of Robert C. Lonon v. City of Charlotte, et al

Legal Department

Legal Department

*This request should be granted according to the following categories:
Background and Explanation of Request, Source of Funding, Citations Bibliography*

BACKGROUND

On October 24, a jury returned a verdict against the City and Thomas L. Talbert in the amount of \$8,702,312.42 in favor of Robert Lonon for an accident that occurred in the South Park area on November 9, 1986. The City has given notice of appeal from the judgment entered as a result of the verdict. In order to stay or prevent the judgment from becoming effective pending the appeal, the City is required by state law to post a bond in the amount of the judgment. Before a surety company will agree to issue a bond in this amount, it requires evidence that some appropriate City official is authorized to execute the bond and other related documents on the City's behalf.

EXPLANATION OF REQUEST

Adoption of the attached resolution would authorize either the Mayor or the City Manager to execute any and all necessary documents required to secure a bond in connection with the City's appeal of the judgment in the Lonon case. Once this authorization is granted, the City will be able to purchase the required bond. The City will be required to post this bond before the end of the year in order to continue with its appeal in this case.

FUNDING

Funds are available in the budget of the Division of Insurance and Risk Management to purchase the bond.

BIBLIOGRAPHY

The file of this case is available in the City Attorney's office.

- M E M O R A N D U M -

TO: Mayor and City Council

Date: December 13, 1989

FROM: Pat Sharkey, City Clerk *Pat*

SUBJECT: Council Appointments to Boards and Commissions

Nominations will be scheduled on your agenda of January 8, 1990, for the following appointments to boards and commissions. These nominations are for appointments expiring in January, February, and March, as well as for openings created by resignations that we are aware of at the present time. Present members serve until their terms expire.

1. Area Fund Board of Directors - One appointment from City Council to replace Charlie Dannelly/Designee. Terms are duration of Council term.
2. Citizen's Advisory Committee-Convention & Visitor's Bureau - Eight appointments expiring March 26, 1990. Terms are for two years. The following five incumbents are eligible for reappointment; Cyrus M. Johnson, Jr., Fran Juneau, Catherine Thompson, Jan Beck, and Joan P. Maultsby. George Westerfeld, Laura Campbell, and Ange DeVivo are not eligible.
3. Citizen's Oversight Committee for Cable TV - Four appointments expiring March 31, 1990. Terms are for two years. All four incumbents, Earl Beam, Walter Kreiling, Dayna Lucas, and Arthur Perschetz, are eligible for reappointment.
4. Clean City Committee - Three unexpired appointments, one ending June 30, 1990 (Nora Kuester has resigned), and two ending June 30, 1992 (Nancy Garber has resigned, and Rickey Hall has been removed because of attendance). Normal terms are three years.
5. Housing Appeals Board - One appointment expiring April 4, 1990. Terms are for three years. The incumbent, James Alexander, Sr., is eligible for reappointment.
6. Parade Permit Committee - One appointment expiring March 1, 1990. Terms are for three years. Tom Baldwin is ineligible for reappointment.
7. Sister Cities Committee - Fourteen appointments expiring April 5, 1990. Terms are for two years. The following incumbents are eligible for reappointment; Carole Clark, Catherine Sanders, Helmut Renner, Douglas Mitchell, Linda Albright, Vincent James, Mary Wiggins, Paul Hatten, Douglas M. Martin, Jerald Melberg, and Robert M. Bryan. Jeanne P. Johnson, Wilson Edmunds, and Lee Major are ineligible for reappointment.

Also, there are two unexpired terms ending April 5, 1990; Lyn R. Renwick resigned, and Doris McLaughlin was removed because of attendance. Appointments could be made to fill the unexpired terms and also the next

full terms so that Council would not have to fill these positions again in the second quarter.

8. Tree Advisory Commission - One appointment expiring December 13, 1989 (Gayle Wardner is unable to serve). Terms are for three years.
9. Uptown Development Corporation - One appointment in Class D-City Council category to replace Gloria Fenning. The term expires December 31, 1989, and is a one year term.
10. Waste Management Advisory Committee - RECOMMENDATION TO THE COUNTY COMMISSION for one unexpired term ending 2/20/92, to replace Robert L. Davis who resigned. Mr. Frank Emory has recommended that this be the same person the County appoints to replace Lynn Wheeler on the Planning Commission.



Meetings in December '89

WEEK OF DECEMBER 1 - DECEMBER 2

THE WEEK OF DECEMBER 3 - DECEMBER 9

- 4 Monday, 12 Noon PLANNING COMMISSION/Work Session - CMGC, 8th Floor Conference Room
- Monday, 5 30 p m OATH OF OFFICE CEREMONIES - CMGC, Meeting Chamber
- 5 Tuesday, 4 00 p m PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
- Tuesday, 6 00 p m CHARLOTTE ADVISORY PARKS COMMITTEE - CMGC, Room 267
- 6 Wednesday, 6 30 p m YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
- 7 Thursday, 7 30 a m ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room
- Thursday, 3 00 p m CITY COUNCIL ORIENTATION - CMGC, Room 267

THE WEEK OF DECEMBER 10 - DECEMBER 16

- 11 Monday, 8 00 a m AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
- Monday, 6 30 p m CITIZENS HEARING - CMGC, Meeting Chamber
- Monday, 7 30 p m CITY COUNCIL MEETING - CMGC, Meeting Chamber
- 12 Tuesday, 7 30 a m ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room
- Tuesday, 4 00 p m PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
- 13 Wednesday, 7 45 a m PRIVATE INDUSTRY COUNCIL - CMGC, Conference Center
- Wednesday, 8 30 a m CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
- Wednesday, 9 30 a m CIVIL SERVICE BOARD/Hearing - CMGC, Room 270
- Wednesday, 2 00 p m CIVIL SERVICE BOARD/Hearing - CMGC, Room 270
- 14 Thursday, 5 00p m CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
- 15 Friday, 7 30 a m PLANNING LIAISON COMMITTEE - CMGC, 8th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte, NC 28202 2861

704/336-2395

MEETINGS IN '89 (Continued)
Page 2

THE WEEK OF DECEMBER 17 - DECEMBER 23

18	Monday, 10 30 a m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, 4th Street & College
	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
19	Tuesday, 11 30 a m	HOUSING AUTHORITY - 1301 South Blvd
	Tuesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE - CMGC, Room 267
20	Wednesday, 4 00 p m	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - CMGC, Room 271
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
21	Thursday, 7 30 a m	PLANNING COMMISSION/Zoning Work Session - CMGC, Room 267
	Thursday, 7 30 a m	ZONING STAKEHOLDERS COMMITTEE - CMGC, 8th Floor Conference Room
	Thursday, 7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION - CMGC, Room 270

THE WEEK OF DECEMBER 24 - DECEMBER 31

25	Monday	CHRISTMAS DAY - All City Offices Closed
26	Tuesday	CHRISTMAS HOLIDAY - All City Offices Closed

These organizations will not meet in
Community Facilities Committee
Housing Appeals Board



Mayor Sue Myrick

Mayor Pro Tem Cyndee Patterson

Stanley M Campbell
Daniel G Clodfelter
Ann Hammond
Pat McCrory
Tom Mangum

Hoyle H Martin
Roy Matthews
Ella Butler Scarborough
Richard Vinroot
Lynn M Wheeler

Council Agenda

Monday, December 18, 1989

5:00 p.m. - Council-Manager Dinner
Meeting Chamber conference Room

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

Invocation

ITEM NO.

BUSINESS AGENDA

1. Recommend approval of actions necessary to conduct a bond sale tentatively scheduled for February 13, 1990 to refund Airport General Obligation Bonds sold in 1980.

\$1,000,000
Savings

On August 5, 1980 the City sold \$27,000,000 Airport General Obligation Bonds, to construct a portion of the Terminal Complex. These bonds were sold at a Net Interest Cost (NIC) of 7.833%. The bonds maturing March 1, 1991 and thereafter may be redeemed prior to maturity on any date after March 1, 1990. Issuing Airport Refunding Bonds to prepay the remaining Airport General Obligation Bonds - Series 1980A, under current interest rate conditions, will result in present value savings of approximately \$1,000,000.

Actions
Required

Council is requested to take the following actions:

- Designation of Director of Finance and/or Deputy Director of Finance to make and file the sworn Statement of Debt.
- Approval of an order authorizing up to approximately \$23,000,000 Airport Refunding Bonds.
- Designation of January 8, 1990, at the CMGC, for a public hearing on the bond order and directing the City Clerk to publish the required notice.

- Ratification of the filing of an application with the Local Government Commission requesting their approval of the transaction.

Clearance This transaction has been cleared through Finance and Bond Counsel.

2. Recommend setting the effective date of annexation and the adoption of an ordinance annexing a portion of the Westinghouse Boulevard Extension route.

A public hearing on this annexation was held on December 11, 1989. The annexation ordinance could not be adopted at that time because the notice period under the City's annexation agreements with the Mecklenburg Towns had not expired by the public hearing date. That notice period has now run.

- A. Set the effective date of the annexation as January 2, 1990.
- B. Adopt annexation ordinance for the Westinghouse Boulevard Extension Area No. 1.

3. A. Council is requested to approve a date and location for the annual retreat.

At last week's City Council meeting, the staff was asked to develop additional suggestions for a retreat to be held on Friday/Saturday in early January of February. We have been unable to locate any unbooked properties out of town with adequate meeting space and sleeping rooms. Therefore, we are suggesting that the following in town options be considered:

OPTIONS

1. January 5-6 (Friday/Saturday)

The Hyatt Hotel at SouthPark
The Hilton Hotel at University Place

2. February 2-3 (Friday/Saturday)

The Hyatt Hotel at SouthPark
The Hilton Hotel at University Place

- B. The Planning staff requests that a joint City Council and County Commission meeting be held on January 8, 1990 at 12:15 in room 267. The purpose of this meeting will be to present the Urban Design Plan as an update to the Central Area Plan. The Urban Design Task Force and Zoning Committee will be present at the meeting.

4. Recommend approval of several actions with regard to the acquisition of the Third Ward/CSX Railroad Property. More information concerning this agenda item will be provided in the Friday Council/Manager Memo.

PUBLIC HEARINGS

5. Hearing to consider designation of the "First Associated Reformed Presbyterian Church" (specifically, the entire exterior and the entire interior of the buildings and the entire tract of land located at the corner of North Tryon Street and West Eleventh Streets, Charlotte, North Carolina, as historic landmark.

The Historic Landmarks Commission judges that the property known as the "First Associated Reformed Presbyterian Church" does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgment on the following considerations:

- (1) The First Associated Reformed Presbyterian Church was designed by James Mackson McMichael (1870-1944), an architect of local and regional importance.
- (2) The Church, although a ruin, is the only vestige of a Christian congregation which once played an important role in the religious life of this community.
- (3) The First Associated Reformed Presbyterian Church is one of a collection of imposing church edifices which adorns North Tryon Street.
- (4) This church occupies a significant place in terms of the cityscape of the Fourth Ward Neighborhood.

Based on the current assessment and tax rate, the amount of deferrable taxes would be \$4,376.36.

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

Special Note:

The Charlotte-Mecklenburg Historic Landmarks Commission duly noted the comment from the Division of Archives and History stating that the subject property does not qualify for Historic Landmark designation. The Historic Landmarks Commission voted to recommend designation because it believes the property does qualify.

Consider adoption of an ordinance designating the First Associate Reformed Presbyterian Church, including the exterior and interior of the building and the entire parcel of land upon which it sits, as historic landmark.

4

4. Recommend taking the following actions with regard to the proposed acquisition of land or interest in land from Cedar Street Land Partners, a general partnership, for use in connection with one or more of the following public purposes: a parking site; a greenway park; light rail facility; a stadium site; or some other public purpose.

- (a) Approve the purchase by the City of approximately _____ square feet of land (included related interests in land) located off Cedar Street and being a portion of the former P & N Railroad right-of-way from Cedar Street Land Partners, a general partnership, for a price of \$_____, for use in connection with a parking site; a greenway park; light rail facility; a stadium site or some other public purpose, including without limitation acquiring options or entering into purchase contracts with respect to such land acquisition. Authorize the City Manager to execute any documents or instruments relating to this transaction including the granting of any easements or encroachment agreements necessary to consummate the transaction.
- (b) Adoption of a budget ordinance appropriating \$_____ from the NFL Football Account to purchase said land.
- (c) Approve the use of bonds, notes, and financing under N.C.G.S. § 160A-20 as methods of financing the acquisition of said land (including related interests in land), including financing, issuance and all other costs necessary in conjunction with such financing and authorize appropriate City officials to investigate and negotiate the selection and terms of such financing.

CLEARANCES:

City Manager's office; Budget and Evaluation; Department of Transportation and City Attorney's office

6. (89-60) Hearing on Petition No. 89-60 by Frank J. LaPointe for a change in zoning from R-9 to R-9MF(CD) and B-2(CD) [Original request: R-9 to O-15(CD) and B-2(CD)] for a 15.4 acre site located on the east side of Independence Boulevard north of Margaret Wallace Road, along both sides of Delta Road Extension (East Harris Boulevard).

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

Attachment No. 6

7. (89-88) Hearing on Petition No. 89-88 by Douglas Burns/AEC, PA for a change in zoning from UMUD to UMUD-O for a 1.12 acre site located on the northwesterly corner of North Tryon Street and West 11th Street.

The petitioner has requested that this hearing be deferred to the January meeting.

Attachment No. 7

8. (89-89) Hearing on Petition No. 89-89 by Metrolina Landscape Maintenance Incorporation for a change in zoning from R-9MF to I-1(CD) for a .9 acre site located on the westerly side of Morningside Road north of Mt. Holly Road.

Attachment No. 8

9. (89-90) Hearing on Petition No. 89-90 by Vulcan Materials Company for a change in zoning from R-9MF and I-1 to I-1(CD) and I-2(CD) for a 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

Attachment No. 9

10. (89-91) Hearing on Petition No. 89-91 by CK Charlotte Industrial Land Development, Inc. for a change in zoning from O-15 to I-1(CD) for a 33.2 acre site located on the south side of North Hoskins Road, north of Interstate 85 and west of Beatties Ford Road.

Attachment No. 10

11. (89-92) Hearing on Petition No. 89-92 by Wood Keith Design for a change in zoning from R-15 to R-15MF(CD) for a 3.4 acre site located on the easterly side of Sharon Road south of Chandworth Road.

Attachment No. 11

12. (89-93) Hearing on Petition No. 89-93 by Spectrum Properties for a change in zoning from R-9 to I-1(CD) for 44 acres located in the northeast quadrant of the intersection of Interstate 77 and Interstate 85.

Attachment No. 12

13. (89-94) Hearing on Petition No. 89-94 by Rich Lambeth for a change in zoning from R-15MF to R-12MF(CD) for a 14.6 acre site located on the northerly side of Oneida Road to the west of Graham Street.

Attachment No. 13

14. (89-95) Hearing on Petition No. 89-95 by City View Development Corporation for a change in zoning from R-9MF to I-1(CD) for approximately 32 acres located on the east side of Ashley Road across from Alleghany Street, extending to the rear of properties along Royston Drive.

Attachment No. 14

15. (89-96) Hearing on Petition No. 89-96 by Aston Properties, Inc. for a change in zoning from B-2 and R-6MF to B-1SCD for approximately 30.5 acres located on the southwesterly corner of the intersection of Central Avenue and Eastway Drive.

Attachment No. 15

16. (89-97) Hearing on Petition No. 89-97 by Miller Newton for a change in zoning from O-15 to B-2(CD) for approximately 3 acres located on the southerly side of Milton Road to the west of Sharon Amity Road.

Attachment No. 16

17. (89-117) Hearing on Petition No. 89-117 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to the Historic Districts "Citations" section in Appendix A of the City Code, to correct erroneous citation and to add text related to issuing a civil complaint or criminal summons if a citation is not paid within 15 days.

Attachment No. 17

POLICY AGENDA

18. (89-86) Decision on Petition No. 89-86 by Zaremba CenterPoint Company for a change in zoning from O-6 and R-6MF to B-1SCD for a 13.8 acre site located on the northeasterly corner of the intersection of Eastway Drive and Biscayne Drive.

Councilmember Clodfelter was excused from the public hearing.

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

Attachment No. 18

19. (89-98- 89-106) Decisions on Petition Nos. 89-98 through 89-106 South Boulevard Special Project Plan.

The Zoning Committee deferred action on these cases until its January work session.

Attachment No. 19

20. (89-107- 89-116) Decision on Petition Nos. 89-107 through 89-116 Thomasboro Hoskins Special Project Plan.

The Zoning Committee deferred action on these cases until its January work session.

Attachment No. 20

21. Recommend adoption of Resolution setting public hearings for January 16, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 90-1 through 90-8 for zoning changes.

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "FIRST ASSOCIATE REFORMED PRESBYTERIAN CHURCH" (THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE CHURCH RUIN, THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE RECTORY, AND THE ENTIRE 1.117 ACRES OF LAND RECORDED UNDER TAX PARCEL NUMBER 078-045-03) AS A HISTORIC LANDMARK, SAID PROPERTY BEING LOCATED AT NORTH TRYON AND ELEVENTH STREETS IN CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 078-045-03 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the day of _____, 19____, on the question of designating a property known as the "First Associate Reformed Presbyterian Church" as a historic landmark; and

WHEREAS, the "First Associate Reformed Presbyterian Church" was designed by James Mackson McMichael (1870-1944), an architect of local and regional importance; and

WHEREAS, the "First Associate Reformed Presbyterian Church," although a ruin, is the only vestige of a Christian congregation which once played an important role in the religious life of this community; and

WHEREAS, the "First Associate Reformed Presbyterian Church" is one of a collection of imposing church edifices which adorn North Tryon Street; and

WHEREAS, the "First Associate Reformed Presbyterian Church" occupies a significant place in terms of the cityscape of the Fourth Ward neighborhood; and

Ordinance — First A.R.P. Church

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "First Associate Reformed Presbyterian Church" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "First Associate Reformed Presbyterian Church" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "First Associate Reformed Presbyterian Church" is vested in fee simple to North Church Corporation.

WHEREAS, the owner, the North Church Corporation, has given the owner's consent for interior review of the entire interior of the church ruin and the rectory and, thereby, the owner has given the Commission jurisdiction of the entire interior.

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

1. That the property known as the "First Associate Reformed Presbyterian Church" (the entire exterior and the entire interior of the Church ruin, the entire exterior and the entire interior of the rectory, and the entire 1.117 acres of land recorded under Tax Parcel Number 078-045-03) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said landmark is noted as being situated at North Tryon and

Ordinance -- First A.R.P. Church

Eleventh Streets, Charlotte, North Carolina, and recorded under Tax Parcel Number 078-045-03 in the Mecklenburg County Tax Office.

2. That said designated landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except when such landmark is determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction,

Ordinance -- First A.R.P. Church

reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations.

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

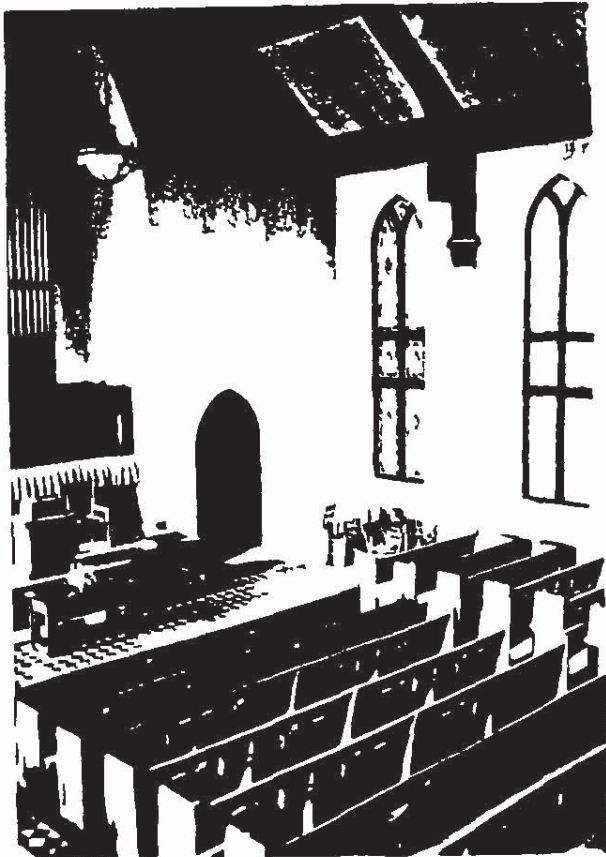
5. That the owners and occupants of the landmark known as the "First Associate Reformed Presbyterian Church" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg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

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

Approved as to form:

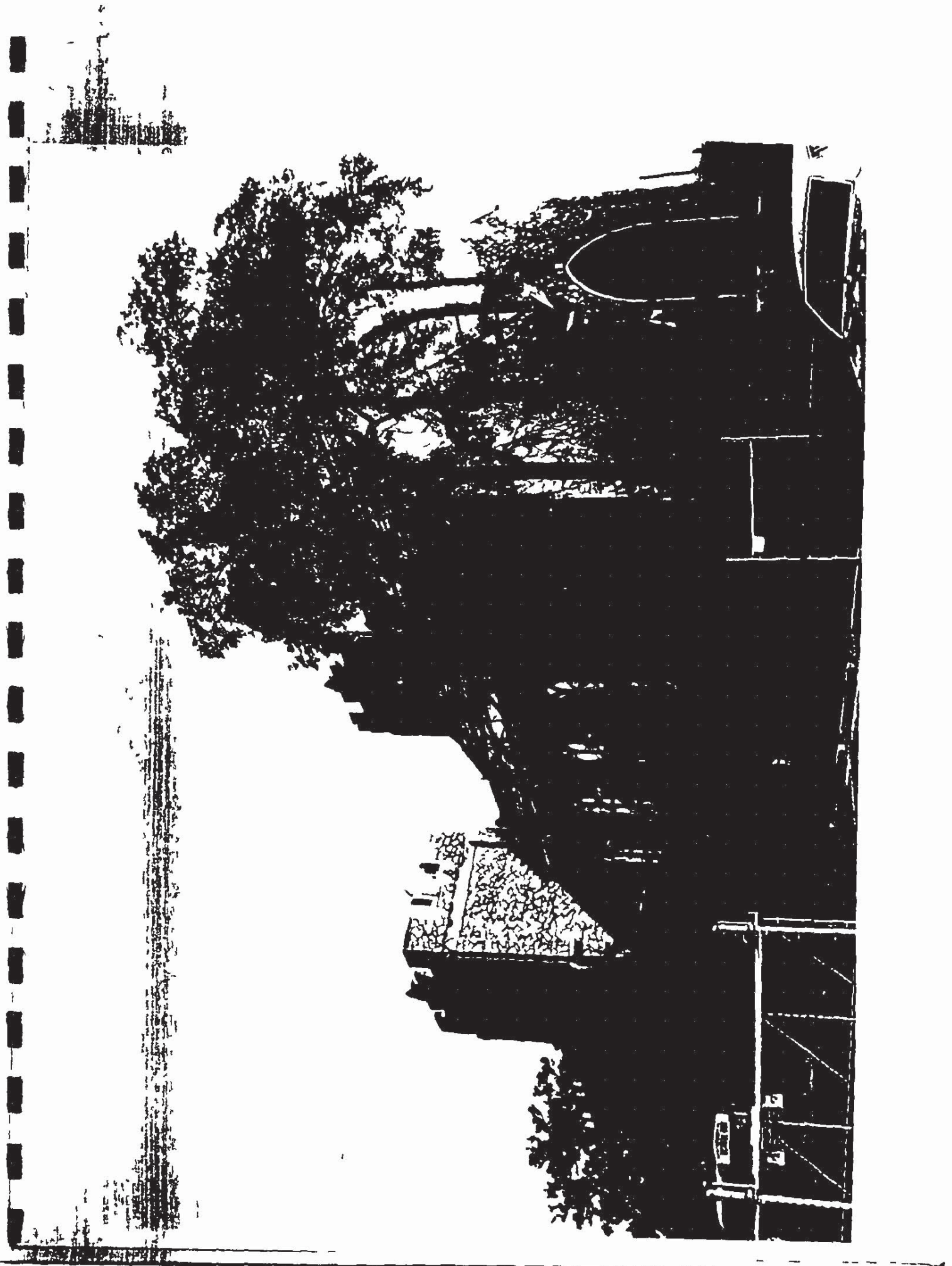
Henry W. Wadsworth, Jr. 4
City Attorney
by *David M. Smith*
Assistant City Attorney

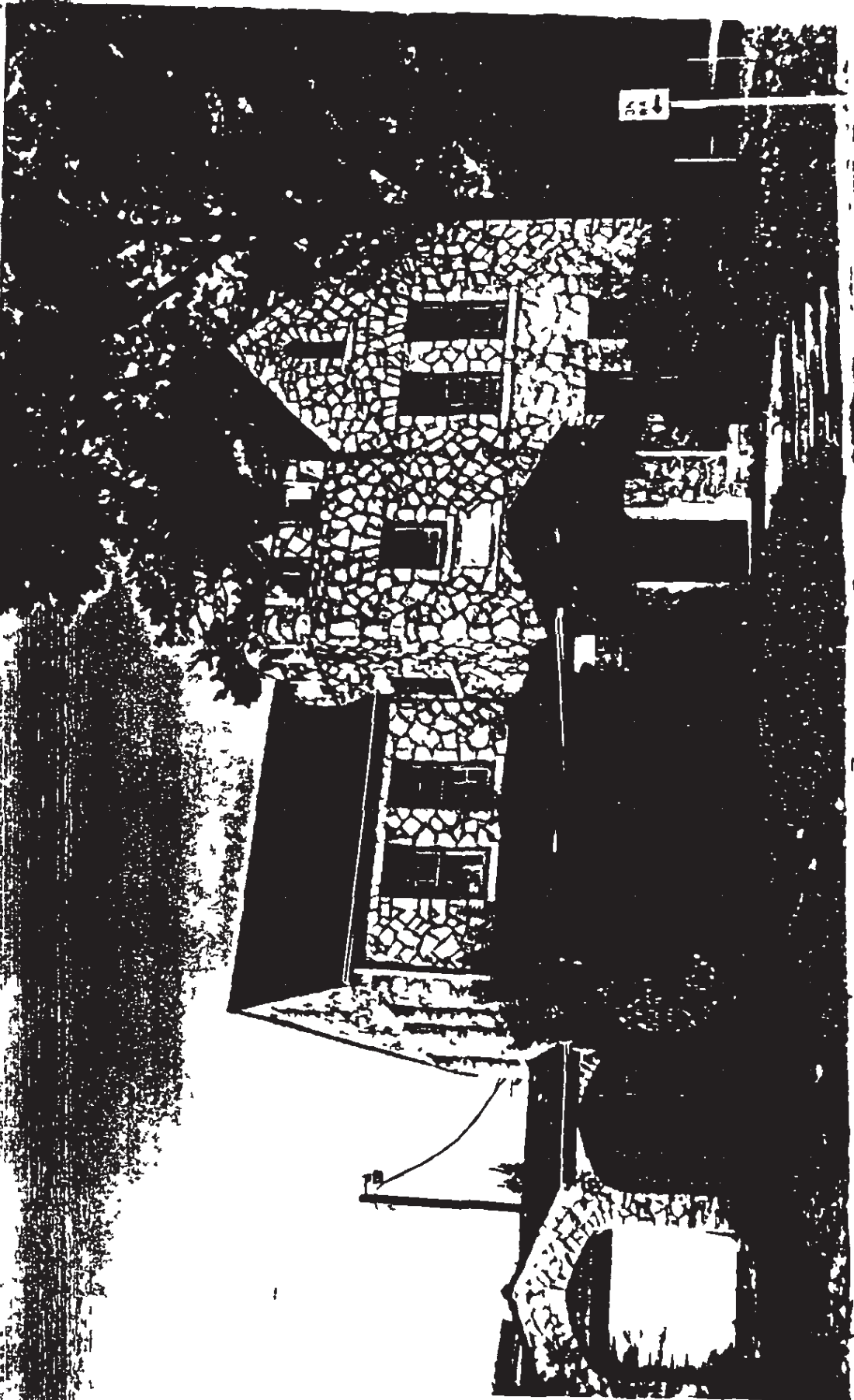
Views of First Associate Reformed Presbyterian
Church Before November, 1985 Fire
Taken by Dr. Dan I. Morrill (c. 1980)









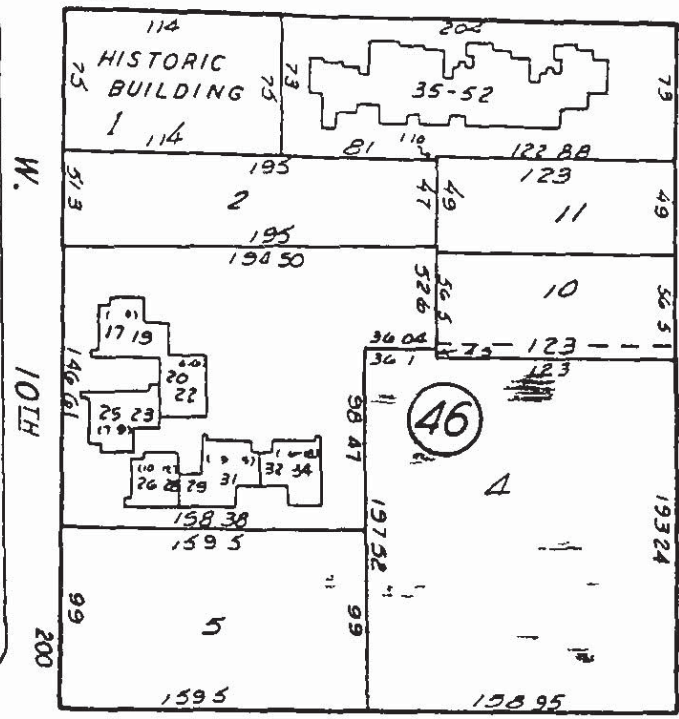


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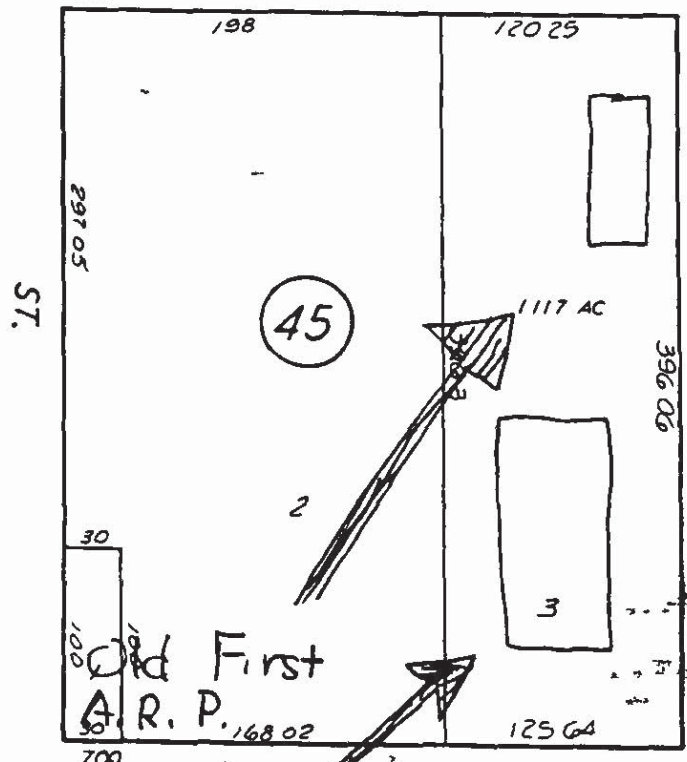
SERVICES

DISTRICT

700 N. POPLAR

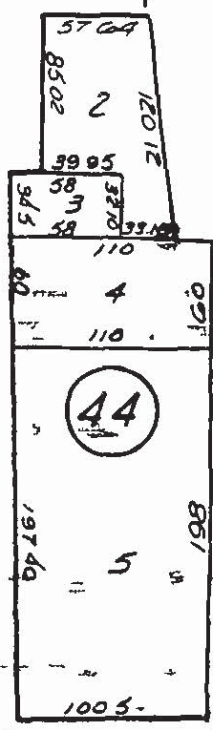


700 N. CHURCH



Old First
A.R.P.

700 N. CHURCH
TRYON



PG. 03

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FF6

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-60

Petitioner: Frank J. LaPointe

Location: 15.4 acres on the east side of Independence Boulevard north of Margaret Wallace Road, along both sides of Delta Road Extension (East Harris Boulevard).

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

BACKGROUND

1. Original Request. The property involved with this petition was originally considered at a public hearing in July of this year. The original application requested the rezoning of this tract to accommodate 90,000 square feet of floor area for an automobile dealership and 116,650 square feet of floor area for office uses. After the public hearing, the petitioner asked that action on this request be deferred so that they might consider a revised plan. Subsequently, the petitioner revised the plan to delete the office proposal, include a multi-family component, and reduce the size of the commercial portion of the request. The Zoning Committee concluded that this constituted a substantial change in the plan and recommended that a second public hearing be held. The original staff analysis for the request is attached for reference.
2. Revised Plan. The revised plan for this request now seeks the rezoning of properties from R-9 to a combination of R-9MF and B-2. The petitioner has reduced the size of the commercial request from 7.5 acres to 5.4 acres and has reduced the requested floor area from 90,000 square feet to 59,500 square feet. The use is still proposed to be an automobile dealership with its orientation and access to East W. T. Harris Boulevard. The remainder of the site is proposed to be rezoned to an R-9MF(CD) classification to accommodate approximately 150 multi-family housing units. The plan contains a number of conditional notes relating to the use of the site, buffer areas which would be eliminated in the future, access points to East W. T. Harris Boulevard, and dedication and reservation of right-of-way along East W. T. Harris Boulevard.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to provide for the establishment of an automobile dealership and a multi-family development with frontage along Delta Road. The multi-family portion of the petition is consistent with publicly adopted plans and policies for the area as was pointed out in the analysis for the original rezoning request. However, the automobile dealership is not consistent with those plans even though the size of the property and the amount of floor area has

been reduced in this revised request. So long as the commercial zoning remains a major part of this petition, it will not be consistent with public plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The petitioner has had discussions with both the Planning and Department of Transportation staffs about the revised site plan. The petitioner has been advised that many of the conditional notes are still either incorrect or inappropriate for consideration. For example, the plan illustrates and at least two of the notes refer to a number of driveways on the easterly side of East Harris Boulevard. The petitioner has been advised most recently on November 10 and again on November 29 by the City's Department of Transportation that the plan illustrates and the notes refer to driveways which will not be permitted. Yet they still appear on the plan. The petitioner already has three driveway connections to East W. T. Harris Boulevard in the first 600 feet of that new road measured from Independence Boulevard. Although that property is not part of this rezoning request, it is owned by the petitioner and the zoning request does indicate access from that property to the commercial portion of this property. In order to protect the capacity of a still unopened thoroughfare, the number of driveway connections should be kept to a minimum.

The petitioner's plan contains another conditional note which relates to a median opening in East W. T. Harris Boulevard. It indicates that that opening will be placed a certain minimum dimension from another location to the east of the petitioner's property. However, the measurement of this location with the location of the median shown on the plan would result in the median opening being located too close to Independence Boulevard. The median opening shown on the illustrative site plan is in the correct location and the note should be modified to relate that distance to Independence Boulevard rather than to another median opening further to the east.

Another significant issue remaining to be addressed is that of a traffic impact study. Both with the original rezoning request and on November 10 and 29 of this year, the City's Department of Transportation requested that the petitioner prepare a traffic impact study to address the increase in trips generated by this development and the impact of those trips on the intersection of Harris Boulevard and Independence Boulevard and the adjacent residential developments along Harris Boulevard. As of the preparation of this report, the petitioner has still not provided the necessary traffic impact information requested by CDOT.

The site plan still contains a proposal to create a new automobile dealership with its orientation and access to the new thoroughfare. The plan indicates that this facility would be served with at least two and possibly three driveways and would also be furnished with a connection to the existing automobile dealership with its frontage to Independence Boulevard. While the Planning staff acknowledges that it may be desirable to allow for a reasonable expansion of the existing automobile dealership, the staff believes that it is totally inappropriate to locate a new automobile dealership along East W. T. Harris Boulevard. Eventhough the petitioner has reduced the size of the commercial request and reduced the amount of floor area, it is clear that the intent to establish a highway commercial use directly across the street from what is proposed to be multi-family housing. If this is to be case, then a substantial building and parking setback as well as landscape treatment should be incorporated at the front of the commercial site along East W. T. Harris Boulevard in order to provide an acceptable relationship with the multi-family housing across the street and adjacent to the east.

ISSUES

1. Land Use. This petition, even in its modified form, still raises a significant land use issue. It proposes the extension of highway commercial type uses along East W. T. Harris Boulevard, which is otherwise a residential thoroughfare. Plans for the area call for the use of this property for residential purposes and the petitioner has recognized that by modifying the original request to substitute multi-family in place of office. However, the fundamental purpose of the petition is to create a new automobile dealership site with its orientation to Harris Boulevard and it is not entirely clear if the multi-family would ever be built. It is reasonable to assume that the City could be faced with the rezoning of the adjoining tracts to some other nonresidential use at sometime in the future if the automobile dealership is indeed built. Therefore, the establishment of that automobile dealership along that thoroughfare is an inappropriate use, establishes an inappropriate precedent for future rezonings, and is inconsistent with the land use plans for the area. From the land use standpoint, this petition should not be approved.
2. Site Plan. The site plan still contains a number of significant issues which must be resolved. Paramount among those issues is the need for the petitioner to prepare a traffic impact study as they have been requested to do since July. In addition, the site plan in its present form cannot be approved because it shows more driveways on the southerly side of East W. T. Harris Boulevard servicing this property then can be approved under the City's ordinances. In addition minor corrections need to be made in a

number of the conditional notes and a significant change in the design of the front portion of the automobile dealership's site needs to occur in view of the fact that it will relate to multi-family housing across the way. If all of these site plan related issues could be adequately addressed by the petitioner, then it is possible that this petition might be considered appropriate for approval. However, the land use consideration is the principal concern in this request.

CONCLUSION

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

*Subject to further refinement following public hearing.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-60

Petitioner: Frank J. LaPointe

Location: 15.4 acres on the east side of Independence Boulevard north of Margaret Wallace Road, along both sides of Delta Road Extension.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9. Properties along Independence Boulevard are zoned for a variety of commercial classifications including B-1SCD, B-2, B-2(CD), and B-D(CD). Properties to the north, east, and south of the subject site are generally zoned R-9. The property also adjoins land zoned for multi-family categories including R-6MF(CD) and R-9MF(CD).
2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the south and west along Independence Boulevard are used for a variety of heavy commercial purposes, principally automobile dealerships. Properties to the north are presently developed for single family and multi-family uses, and properties generally to the west are undeveloped. The property is bounded by Campbell Creek floodplain which is in the County's Greenway Master Plan for development.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates residential type land uses in the area of the subject property. The 2005 strategies include improvements to Delta Road and extending Delta Road to connect with Independence Boulevard, extending water service along Idlewild Road, and extending the greenway system along Campbell Creek.
 2. Transportation Improvement Program. The TIP calls for the widening of Idlewild Road between Electra Drive and Delta Road and the construction of Delta Road Extension from Idlewild Road to Independence Boulevard. This road is presently under construction and is scheduled for completion in FY90. This road will complete the linkage between Harris Boulevard and Independence Boulevard.
 3. East District Plan (unadopted). The East District Plan calls for multi-family type land uses in the area of the subject property.

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

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

5. **School Information.** Not applicable.
6. **Zoning History (See Attached Map).**

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

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

REVIEWS

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

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

2. Technical Consistency.

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

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

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

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

ISSUES

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

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

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-60</u>
Date Filed	<u>May 15, 1989</u>
Received By	<u>YMK</u>
OFFICE USE ONLY	

Ownership Information

Property Owner Frank J. LaPointe
Owner's Address 2424 Beretania Circle
Charlotte, N. C. 28211

Date Property Acquired (1) 10/31/83 (2) 4/11/88
Deed Reference (1) 5890-764 (2) 5736-978 Tax Parcel Number (1) 165-151-01 (2) 165-151-38

Location Of Property (address or description) Both sides of Delta Road Extension between rear of existing auto dealerships on Independence Blvd., and Sharon Forest Subdivision

Description Of Property

Size (Sq Ft Acres) 15.4± acres Street Frontage (ft) 900'±
Current Land Use Vacant

Zoning Request

Existing Zoning R-9 Requested Zoning O-15 (CD) and B-2 (CD)

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

Name Of Agent Robert G. Young
Agent's Address 301 S. McDowell Street #1012
Telephone Number 334-9157

Name of Petitioner(s) Frank J. LaPointe
Address of Petitioner(s) 2424 Beretania Circle
Telephone Number _____

Frank J. LaPointe
Signature

Signature of Property Owner if Other

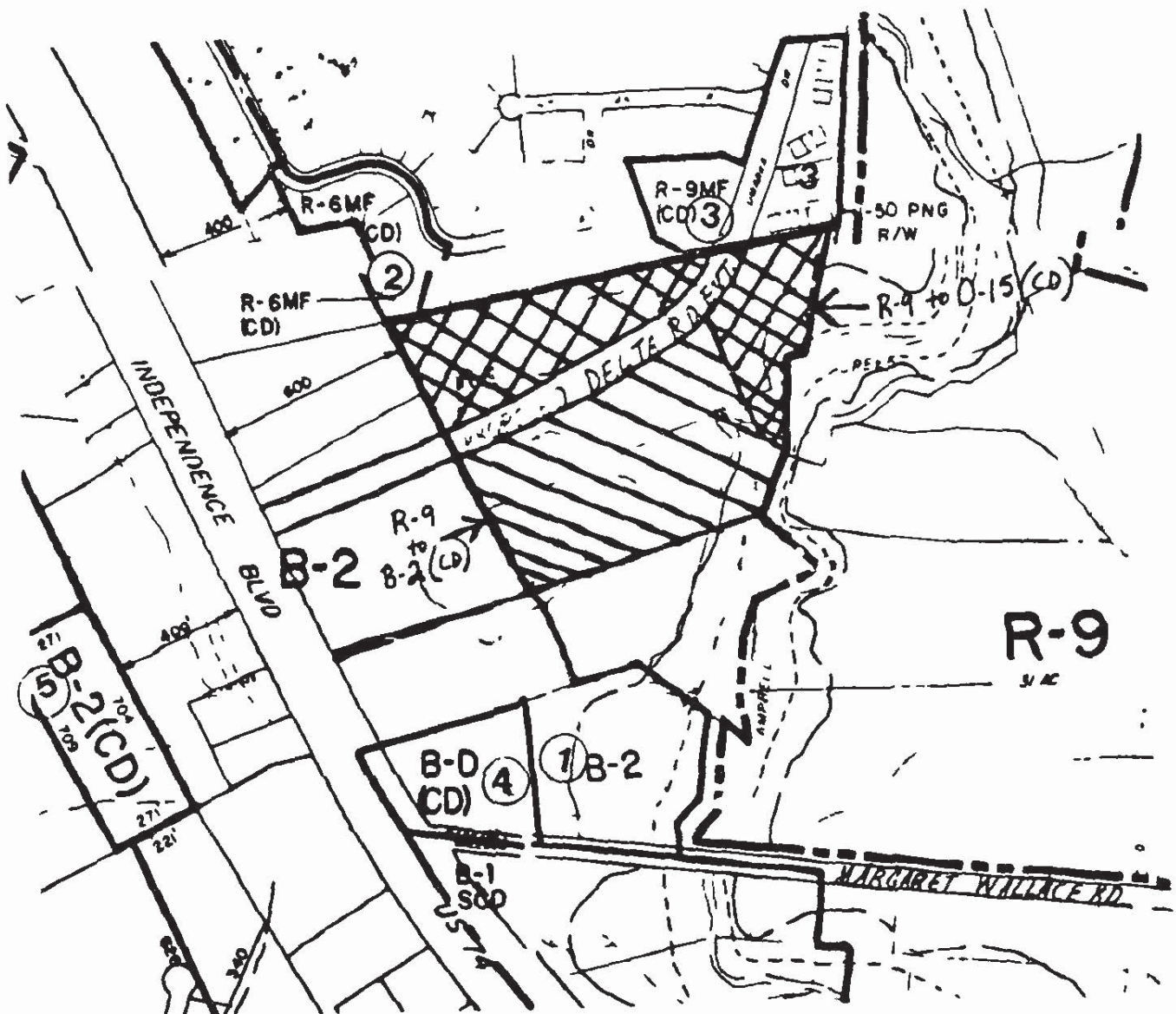
PETITIONER Frank J. LaPointe

PETITION NO. 89-60

HEARING DATE July 17, 1989

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

LOCATION Approximately 15.4 acres located off the east side of Independence Boulevard north of Margaret Wallace Road along both sides of Delta Road Extension
(Proposed)



ZONING MAP NO. 122, 123, 137, & 138

SCALE 1" = 200' Reduced

PROPERTY PROPOSED FOR CHANGE



#7

Architectural
Engineering
Concepts, PA

November 27, 1989

Ms Laura Simmons
Planning Commission
600 East 4th Street
Charlotte, NC 28202-2853

Dear Laura

As we have discussed, due to time limitations on our part we would like to request that the hearing on our rezoning petition #89-88 North Tryon Street and West 11th Street, be delayed until the January 1990 hearing

We will resubmit the proposed conditional site plan with your recommended changes as soon as possible

Please let me know if there is anything more I can do in regard to this petition

Sincerely,

Joe Wynn
Joseph Wynn, II

RECEIVED

NOV 29 1989

OFFICE OF CITY CLERK

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-88

Petitioner: Douglas Burns/AEC, PA

Location: Approximately 1.12 acres located on the northwesterly corner of North Tryon Street and West 11th Street.

Request: Change from UMUD to UMUD-0.

NOTE: Subsequent to the preparation of this report, staff received a request from the petitioner for a thirty day deferral of the public hearing. The staff analysis will be amended to reflect site plan revisions that may be submitted at a later date. Any amended staff analysis will be included in the January package of staff analyses.

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned UMUD. The property directly across Eleventh Street is zoned B-2 and UMUD. All the property across North Tryon Street and adjacent to the site is zoned UMUD. The property to the North and across North Church Street is zoned UR-C, UR-3 and UR-2. In general the property to the Northwest of the site is zoned Urban Residential whereas the property to the south and southeast is zoned UMUD.
2. Existing Land Use. The property involved in this request is presently the site of an abandoned church and rectory. The property across Eleventh Street is used as a dry cleaners and athletic shoe store. The property across North Tryon Street is used as office space and retail with the office use occupying four fifths of the block. The property adjacent to the site is a hotel. Further south on Tryon and across Tenth Street is a recently completed renovation of a hotel into a retirement center. The property to the rear of the site across North Church Street is vacant. Further along North Church Street there are office and multi-family uses.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan shows the area as an existing and developing employment corridor along North Tryon Street and North College Street. The plan also calls for the area to the northeast across North Church Street to develop with residential land uses. The plan identifies the whole uptown as a Development Enterprise Area, with a major mixed use center located to the south of the site along Tryon Street. The Central Area Plan further defines the area of this petition as developing with office, residential, and retail uses. Some of

the 2005 Plan strategies include extension of the Tryon Streetscape Plan (Transit Mall design and standards) and further development of the Development Enterprise Area.

2. **Transportation Improvement Program.** The Transportation Improvement Program calls for a study of improving U.S. 29/North Tryon Street from Eleventh Street to Tom Hunter Road.

4. **Site Plan.** The site plan which accompanies this application purposes to renovate the two existing structures on the site into a mix of retail and office uses. The old church will house approximately 33,885 square feet of office and retail space. The former rectory will be redeveloped into a 2,688 square foot office. The plan also provides 57 parking spaces served by three driveways. The parking spaces are split up into two lots. The smaller of the two lots has 16 spaces and is located in front of the church with access from North Tryon Street. The larger parking lot is located at the rear of the site, in a 'L' shape around the rectory with access both from Eleventh Street and North Church Street. The plan notes but does not totally demonstrate compliance with the UMUD streetscape improvement requirements.

5. **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

1.	67-74	R-1MF to B-2	Approved	11/27/67
2.	71-45	R-1MF to O-6	Approved	07/12/71
3.	80-17	O-6 to UR-3	Approved	06/09/80
4.	80-61	B-3 to I-3(CD)	Denied	02/02/81
5.	81-22	O-6 to UR-3	Approved	06/08/81
6.	81-28	O-6 to UR-3	Approved	06/22/81
7.	81-47	O-6 to UR-3	Approved	10/19/81

7. **Neighborhood.** This property falls within the area defined as Fourth Ward.

REVIEWS

1. **Plan Consistency.** This petition's proposal of office and retail uses is consistent with the 2005 Plan as well as the Central Area Plan. Both plans see the area developing with employment and retail uses. The one inconsistency with adopted policy is the request for a driveway along North Tryon Street. Public policy for several years disallows new connection to Tryon Street (Transit Mall) for new parking facilities.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this application to discuss the proposed plan. Subsequently, the staff has again met with the petitioner to convey a number of questions and/or comments regarding the site plan. The petitioner has requested deferral of the public hearing and has not yet submitted a revised site plan.
2. Departmental Comments. Comments from reviewing agencies include the need for right-of-way dedication to match the existing Transit Mall, clarification of the specific items requested for UMUD-0 consideration and the need for the site plan to indicate required streetscape improvements (street trees, tree grates, sidewalks, and irrigation). The plan also needs to indicate required setbacks and screening for the proposed surface parking lots. At this time, the petitioner has requested UMUD-0 only for a driveway along the Tryon Street Mall. This driveway serves only 16 spaces.

ISSUES

1. Land Use. This petition is requesting a change from the UMUD zoning classification to UMUD-O. The UMUD-O zoning classification is different from other zoning classifications in that it allows the petitioner to seek relief from specific requirements of the zoning ordinance. The proposed land uses are allowed in both the UMUD and UMUD-O zoning classifications and are in accordance with the Central Area Plan and the 2005 Plan. In this case the petitioner is requesting UMUD-O to add a driveway to North Tryon Street. This request is the only significant land use issue in this case. The Transit Mall plans and implementing ordinances restrict access to new parking from Tryon Street. Approval of this request would be inconsistent with that policy and would represent an inappropriate precedent for similar requests. Therefore, from a land use standpoint, this petition is not appropriate for approval.
2. Site Plan. The site plan issue relates to the land use issue. The petitioner requests a driveway from North Tryon Street to serve a 16 space parking lot. The petitioner feels that this driveway is the only way the site can be conveniently accessed since both Eleventh and Church Streets are one-way streets. Eventhough access to the site is awkward it is not unique to this property. The proposed driveway would appear to serve as a convenience more than a primary entrance essential to the development. Since this is the first block of North Tryon Street and will eventually become one of the gateways into the uptown area it would seem inappropriate to allow new driveways. The approval of this driveway could also set a precedence for future development along the Tryon Street Mall.

CONCLUSION

This petition is not appropriate for approval. The petitioner should be encouraged to find off-site parking that is easily accessible.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-88
Date Filed October 16, 1989
Received By MCN
OFFICE USE ONLY

Ownership Information

Property Owner The North Church Corporation
Owner's Address % Mr. Bill White Phone #: 011-44-372-372218
Juniper House Givens Grove Leatherhead Surrey, England
Date Property Acquired October 13, 1986
Tax Parcel Number 078-045-03

Location Of Property (address or description) 721 N. Tryon Street/The Corner of
N. Tryon St. and West 11th Street.

Description Of Property

Size (Sq Ft -Acres) 1.117 Acres Street Frontage (ft.) Tryon St: 125.64'
W.11th St: 396.09'
Current Land Use Abandoned burned out sanctuary and rectary buildings
(currently unoccupied)

Zoning Request

Existing Zoning ~~UMUD~~ UMUD Requested Zoning ~~UMUD~~ UMUD-0
Purpose of Zoning Change To allow for a curb cut on Tryon St. and parking to
the front of the existing sanctuary along Tryon St.

Name Of Agent Mr. Bill White
Agent's Address Juniper House, Givens Grove, Leatherhead
Surrey, England
Telephone Number 011-44-372-372218

Name of Petitioner(s) Douglas Burns / AEC, PA Architect
Address of Petitioner(s) 1043 E. Morehead ST. Suite 200
Charlotte, NC 28204
Telephone Number 334-4658

Douglas Burns
Signature
William C White
Signature of Property Owner if Other

PETITIONER Douglas Burns/AEC, PA Architects

PETITION NO. 89-88

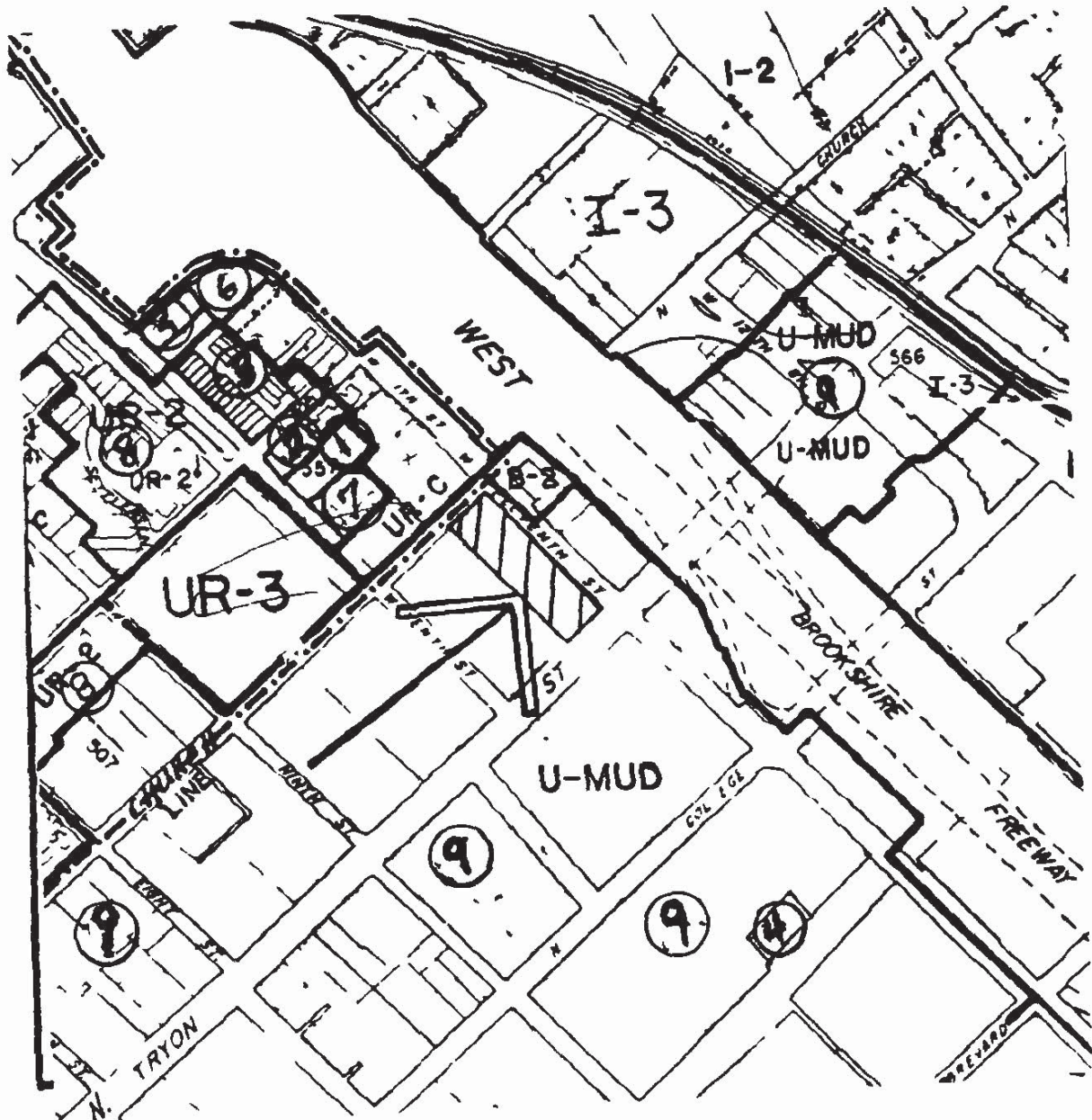
HEARING DATE

December 18, 1989

ZONING CLASSIFICATION, EXISTING U-MUD

REQUESTED U-MUD-0

LOCATION Approximately 1.12 acres located on the northwesterly corner of
N. Tryon Street and W. 11th Street.



ZONING MAP NO. 88 & 102

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGES

#8

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-89

Petitioner: Metrolina Landscape Maintenance Incorporated

Location: Approximately .9 acres located on the westerly side of Morningside Road north of Mt. Holly Road.

Request: Change from R-9MF to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presented zoned R-9MF for a depth of approximately 150 feet along Morningside Road. Properties directly across Morningside Road are also zoned R-9MF and properties to the south and west are zoned for a combination of I-1 and I-2 classifications.
2. Existing Land Use. The property involved with this request is presently the site of Metrolina Landscape Maintenance Incorporated. The purpose of this request is to address a potential zoning violation on the front portion of the petitioner's site. Directly adjacent is a commercial trucking business but otherwise properties in the surrounding area are used for a mixture of single family and duplex housing. Some distance to the south along the south side of Mt. Holly-Huntersville Road, can be found a pattern of industrial uses.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates developing employment type land uses in the area of the subject property. The 2005 strategies include the extension of Lakeview Road to Mt. Holly Road.
 2. Transportation Improvement Program. The TIP calls for the creation of a northwest circumferential to connect Interstate 85 on the south to Interstate 77 on the north to relive congestion and provide an additional entrance into the Airport.
 3. Westside Policy Plan. The Westside Policy Plan promotes residential stabilization in the area of the subject property.
 4. Northwest District Plan (unadopted). The draft Northwest District Plan identifies this area for a special project plan. The plan for this area will focus on removing existing and industrial uses and expanding the residential base in the area. No start date is scheduled for that special project plan.

4. Site Plan. The site plan which accompanies this application proposes the use of the property to support an existing one story office and warehouse type building on land which is already zoned I-1. The land covered by this petition would be used to provide parking for the existing facility and would also be used to establish a landscape buffer between the existing industrial use and properties across Morningside Road. The site would be served with two driveways and the area between the driveways would be heavily landscaped with a combination of trees, shrubs, and annual flowers.

5. School Information. Not application.

6. Zoning History (See Attached Map).

1.	70-63	R-9MF to I-1	Approved	06/22/70
2.	73-14(c)	R-9MF to B-2	Approved	04/02/73
3.	84-17	R-9MF to I-1(CD)	Approved	04/16/84
4.	84-32	R-9MF to B-2	Denied	06/18/84
5.	85-32(c)	R-9MF to R-MH	Denied	08/12/85

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a small piece of land from multi-family to an industrial classification. The zoning pattern for the area indicates that this 150 foot strip of multi-family zoning was most likely established along Morningside Road to provide protection and separation of the residential uses on Morningside Road from industrially zoned lands to the west. Properties on both sides of this site will still remain zoned R-9MF and this petition if approved would bring industrial zoning all the way to the Morningside Road frontage. While the 2005 Plan recognize the existing industrial zoning in the area, the draft Northwest District Plan and the Westside Policy Plan both call for the stabilization and expansion of residential uses in this area. Indeed, the Northwest District Plan draft calls for a special project plan to be conducted in this immediate area which would consider eliminating and relocating the existing industrial uses to provide for a broader residential base in the future. The result of the approval of this petition would be to eliminate a multi-family buffer which has been in place for a number of years and to further establish industrial uses in the area which recent plans call for to be used for residential purposes. Therefore, this petition is not consistent with publicly adopted plans and polices for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Agents for the petitioner met with the staff prior to the filing of the application and discussed the proposal. Staff expressed concern at that time that the petition would not be consistent with plans for the area and raised concerns about impact on adjoining properties. Subsequently the staff has conveyed a number of comments to the petitioner regarding the site plan.
2. Departmental Comments. There were very few departmental comments on this request. Neither the City's Fire Department nor the City's Department of Transportation has any comments whatsoever. City Engineering Department indicated that curb and gutter would be required on the frontage of the property which is not yet shown on the plan.

ISSUES

1. Land Use. This petition raises a significant land use issue. It proposes the removal of multi-family zoned land which was originally established as a buffer area to protect residentially zoned and used properties from industrially zoned properties nearby. Plans for the area indicate that the long-term future of the Morningside Road community is that of a residential rather than industrial nature. Therefore any zoning actions which extend industrial zoning into this area should not be viewed with as consistent with long-term plans for the area. In addition, the purpose of this request is to deal with an apparent violation of the present zoning regulations in that the petitioner is already using a portion of this property to support their landscaping business. While it is understandable that the petitioner would seek this action rather than relocate their business, it is also important to maintain the integrity of the zoning ordinance and the zoning maps so that the districts have meaning. Therefore, from a land use standpoint, this petition is not appropriate for approval.
2. Site Plan. There are no significant site plan issues raised by this petition. The plan that accompanies the request proposal the use of property essentially for parking to support an existing industrial use. The petitioner proposes to establish landscaping along the front and both sides of the land involved with this request. From a site plan standpoint, the application can be considered appropriate for approval. But the land use issue is the overriding concern.

CONCLUSION

This petition is not appropriate for approval. It is not consistent with long-term land use plans for the area and it violates an existing multi-family buffer between existing residential uses and industrial uses in the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-89
Date Filed October 16, 1988
Received By MM
OFFICE USE ONLY

Ownership Information

Property Owner Metrolina Landscape Maintenance, Inc.

Owner's Address 309 Morningside Road
Charlotte, North Carolina 28214

Date Property Acquired June 29, 1988

deed Reference Book 5997, Page 0846 Tax Parcel Number 31-13-17

Location Of Property (address or description) 309 Morningside Road
Charlotte, North Carolina 28214

Description Of Property

Size (Sq Ft, Acres) 0.3 Acres Street Frontage (ft) 225 ft.

Current Land Use Landscaping business

Zoning Request

Existing Zoning P-9MF Proposed Zoning I-1 (CD)

Purpose of Zoning Change To conform with Charlotte City Code section which
currently prohibits parking in the portion of the lot zoned P-9MF.

Name Of Agent William P. Farthing, Jr.
Agent's Address 2600 Charlotte Plaza, Charlotte, N.C. 28244
Telephone Number (704) 372-9000

Name of Petitioners Metrolina Landscape Maintenance, Inc.
Address of Petitioners 309 Morningside Road,
Charlotte, N.C.
Telephone Number 28214
(704) 392-9501

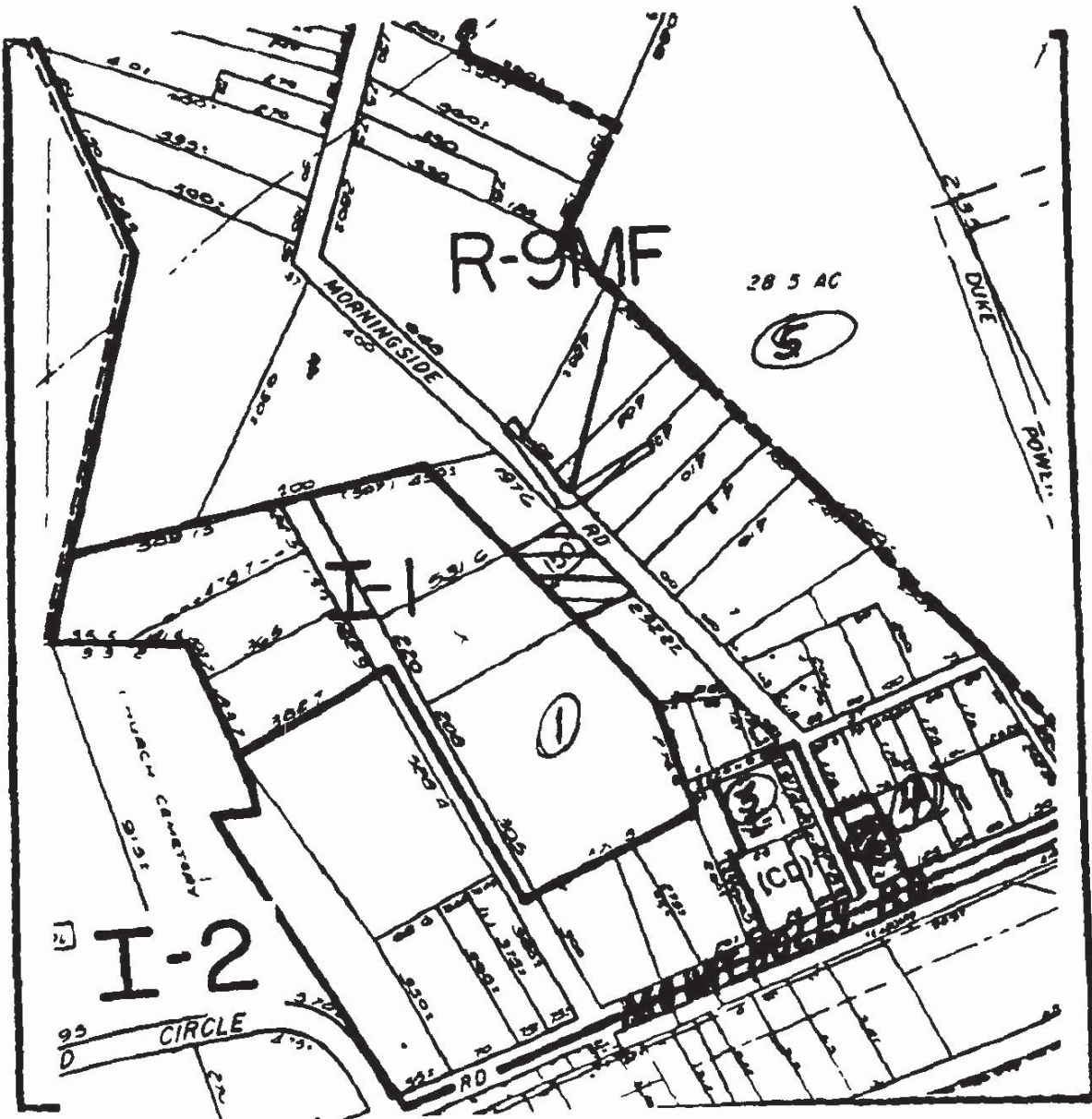
Joseph D. [Signature]
Signature Print Name

PETITIONER Metrolina Landscape Maintenance, Inc.

PETITION NO. 89-89 HEARING DATE December 18, 1989

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

LOCATION Approximately .9 acres located on the westerly side of Morningside Drive north of Mount Holly Road.



PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-90

Petitioner: Vulcan Materials Company

Location: Approximately 69.8 acres located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

Request: Change from R-9MF and I-1 to I-1(CD) and I-2(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of R-9MF and I-1. In general, the R-9MF zoning lies along the frontage of Nations Ford Road with a minimum depth of approximately 300 feet and ranging up to over 900 feet. The property to the rear portion of the site is zoned I-1. Properties to the south and east of the subject site are zoned for a combination of I-1 and I-2 uses and properties to the north and west of the site across Nations Ford Road are zoned for a combination of districts including R-9, R-9MF, and O-15(CD).
2. Existing Land Use. The property involved with this request is presently undeveloped except for one residence with outbuildings. Properties generally to the south and east of the subject site are used for a variety of nonresidential purposes including the existing Vulcan and Blythe Industries quarry operations. Properties generally to the north of the site are developed for single family detached housing. There is also a substantial portion of vacant property to the north along both sides of Hebron Street Extension and further to the south across Nations Ford Road can be found a Ramblewood Park.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates developing employment type land uses in the area of the subject property. The 2005 strategies include extending waterlines into the area, the construction of the southwestern portion of the outer belt, and expanding the greenways along Sugar Creek.
 2. Transportation Improvement Program. The TIP calls for the northern and western portions of the outer belt to connect Interstate 77 to Interstate 85. The Environmental Impact Statement is underway and design and right-of-way could begin as early as FY96.
 3. Southwest District Plan (unadopted). The draft Southwest district Plan recognizes the existing multi-family zoning on the site by calling for the property to be used for multi-family residential purposes. It also proposes the

rezoning of certain of the industrial properties in the area to residential as well.

4. **Site Plan.** The site plan which accompanies the application proposes the rezoning of the property to I-1(CD) and I-2(CD). The plan also maintains a 100 foot R-9MF strip of property along Nations Ford Road to serve as a buffer. Existing trees and vegetation in that 100 foot area will remain and be supplemented by additional plantings along Nations Ford Road. This planting plan will extend over the entire frontage of the petitioner's property from the intersection of Nations Ford Road and Old Nations Ford Road south to Sugar Creek. The 100 foot strip of R-9MF land is not part of this zoning petition but will remain intact. The plan calls for a 300 foot wide strip of I-1(CD) land to be located adjacent to the 100 foot strip of multi-family zoned land. This property would be used for the establishment of an earthen berm to provide further screening and visual and physical separation between residentially zoned properties and the quarry operations to the south and east. This berm would be composed of materials removed from other portions of the quarry site and would be constructed as those materials are excavated. The remaining portion of the site would be rezoned to I-2(CD) to accommodate the extension of the existing quarry operations.

Conditional notes on the plan indicate the petitioner will dedicate additional right-of-way along Nations Ford Road and will dedicate right-of-way for the reconfiguration of the intersection of Nations Ford Road and Old Nations Ford Road.

5. **School Information.** Not application.
6. **Zoning History (See Attached Map).**

1.	68-70(c)	R-9MF, R-9, I-1 to R-9MF, I-1, & I-2	Approved	10/16/68
2.	71-18(c)	R-9MF to I-1	Approved	06/21/71
3.	88-35	R-9MF and R-9 to O-15(CD), B-D(CD), & B-1(CD)	Approved	07/18/88

7. **Neighborhood.** This petition does not fall within any previously defined neighborhood area.

REVIEWS

1. **Plan Consistency.** This petition proposes the rezoning of properties from residential to industrial classifications to provide for the expansion of an existing quarry. The 2005 Plan calls for the expansion of employment type uses in the area of the subject property. However, the draft Southwest District Plan, in recognizing the existing multi-family zoning on this site, proposes

the use of this property for multi-family residential purposes. It is believed that preservation of the existing multi-family zoning on this site will protect the Ramblewood and Windsong Trail neighborhood from an encroaching nonresidential development. In addition through the Southwest District Plan process, nearby neighborhoods have identified problems with the quarry operation such as noise and structural damage because of blasting at the current facility. Therefore, the staff concludes that this request is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Agents for the petitioner discussed the proposal with staff prior to the filing of the application. The staff expressed some concerns about the consistency of the proposal with plans for the area and expressed views that a substantial buffer should be created to separate any quarrying activities from residentially zoned properties across Nations Ford Road. Subsequently, the staff communicated a number of minor site plan issues to the petitioner for their consideration and correction.
2. Departmental Comments. There were very few departmental comments regarding this application. Environmental Protection and Fire Departments had no comments at all. The Building Standards Department and City's Department of Transportation had minor comments about the wording of certain of the conditional notes which have all been addressed by the petitioner. The Engineering Department noted that curb, gutter, and 5 foot sidewalk be required along the portion of Nations Ford Road covered by this petition.

ISSUES

1. Land Use. This petition raises a land use issue with regard to future plans for the area. Although the 2005 Plan calls for this property to be used for employment type uses, the more recent draft Southwest District Plan indicate that this property should be used for residential purposes. The plan would preserve the multi-family zoning of the property to provide a buffer between the existing quarry operations and residentially zoned properties across Nations Ford Road. The resulting development pattern would have multi-family housing directly adjacent to the quarry and single family housing across Nations Ford Road. Eventhough a strip of multi-family zoned land would remain along the Nations Ford Road frontage, this petition as proposed is not consistent with plans for the area and, therefore, is not appropriate for approval.

2. Site Plan. There are no significant site plan issues which accompany this application. All of the technical corrections have been made by the petitioner are all on the site. The plan would establish a strip of industrial zoning approximately 300 feet deep directly adjacent to a strip of multi-family zoning 100 feet deep. This would result in all quarrying activities remaining a minimum of 400 feet away from the frontage of Nations Ford Road. The plan establishes a street tree planting and landscaping program along Nations Ford Road and calls for the creation of an earthen berm in the the I-1(CD) area to further visually and physically separate nearby residential properties from an expanded quarrying operation. From the site plan standpoint, this petition can be considered appropriate for approval.

CONCLUSION

Even though the site plan establishes a substantial buffer along Nations Ford Road, approval of this petition would not be consistent with the draft Southwest District Plan.

*Subject to further refinement following public hearing.



OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No. <u>89-90</u>
Date Filed <u>October 16, 1982</u>
Received By <u>Mc</u>
OFFICE USE ONLY

Ownership Information

Property Owner ¹ Juanita M. Lee ² William Andrew Huskey and ³ Vulcan Materials Company
Richard Alexander Huskey
 Owner's Address 359 Mark Trail Lake 9611 Nations Ford Road P. O. Box 4195
Fort Mill, SC 29715 Charlotte, NC 28217 Winston Salem, NC 27103

Date Property Acquired ¹ 9/29/82 ² 10/12/82 ^{3a} 7/13/75
^{3b} 1/31/84
^{3c} 5/13/59

Deed Reference ¹ 4583-184 ² 4583-887 ³ Tax Parcel Number Portion of 205-152-01
^{3a} 3778-521; 4781-865; 3756-320 ^{3b} 205-152-02; 205-152-04, 01; 205-131-02A&B

Location Of Property (address or description) Southeast side of Nations Ford Road
from Old Nations Ford Road to near Sugar Creek

Description Of Property

Size (Sq. Ft -Acres) 69.88 acres Street Frontage (ft.) 912.96' - Nations Ford Rd.

Current Land Use Vacant except for one residence with outbuildings.

Zoning Request

Existing Zoning R-9MF and I-1 Requested Zoning I-1(CD) and I-2(CD)

Purpose of Zoning Change To allow the logical expansion of an existing quarry area over a long term period.

Neil C. Williams/Fred E. Bryant	Vulcan Materials Company
Name Of Agent 2600 One First Union Center	Name of Petitioner(s) 818 Tyvola Road, Suite 105
Agent's Address Charlotte, NC 28202-6038	Address of Petitioner(s) Charlotte, NC 28217
Telephone Number 704-377-2500; 704-333-1680	Telephone Number 704-527-5980

Juanita M. Lee
 Signature of Property Owner if Other Than Petitioner

William Andrew Huskey
 Signature of Property Owner if Other Than Petitioner

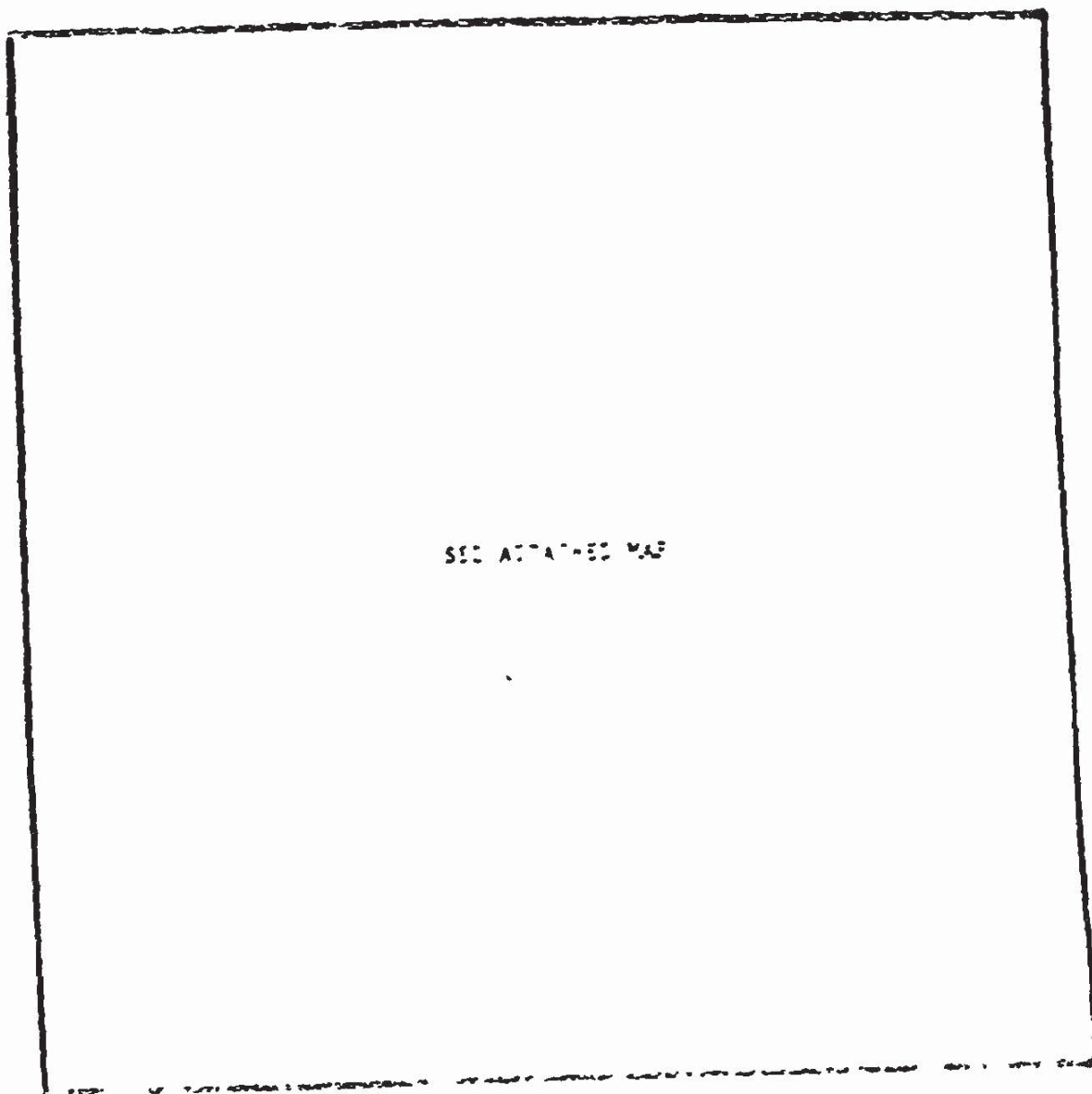
Richard Alexander Huskey
 Signature of Property Owner if Other Than Petitioner

PETITIONER Vulcan Materials Company

PETITION NO. 89-90 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING R-9MF to I-1 REQUESTED I-1(CD) & I-2(CD)

LOCATION Approximately 69 ± acres located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.



ZONING MAP NO. 148, 149, 156, & 157

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



R-9MF

1225

3

O-15 (CD)

1279 E

I-1

2

35 AC

35 AC

R-9

1

I-1

I-1

R-9MF

DUKE

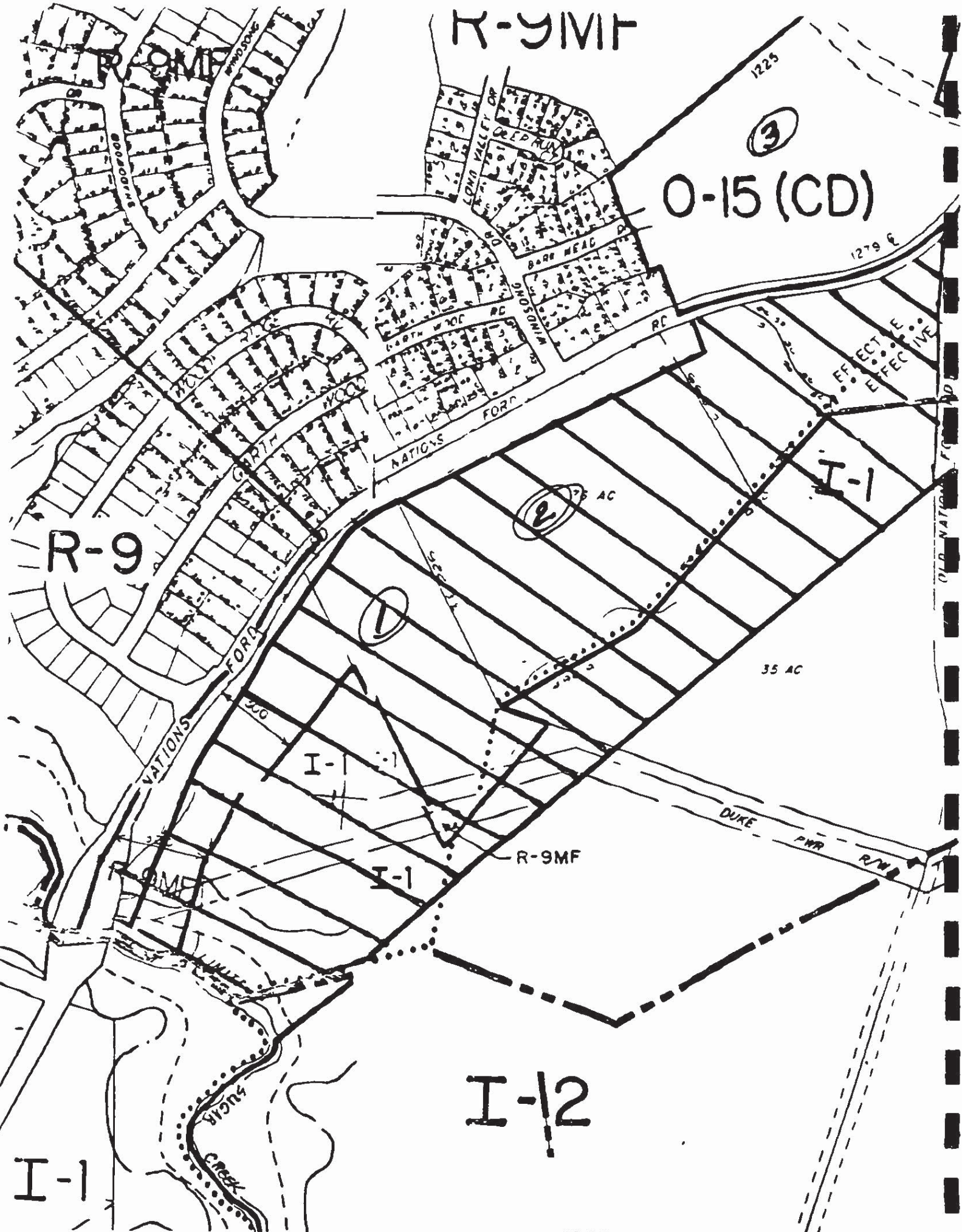
PWR

R/W

I-1/2

I-1

SUGAR CREEK



PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-91

Petitioner: CK Charlotte Industrial Land Development Inc.

Location: Approximately 33.2 acres located on the south side of North Hoskins Road, north of Interstate 85 and west of Beatties Ford Road.

Request: Change from 0-15 to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned 0-15 as are nearby properties to the east. Properties generally to the south of the site are zoned for a variety of nonresidential purposes including B-1, B-2, B-D(CD), and I-1. All of these areas have their orientation toward Interstate 85. To the north of the site can be found properties zoned for a variety of districts including R-9, R-6MP, 0-15, and I-2, all with their orientation to Hoskins Road.
2. Existing Land Use. The property involved with this request is presently the site of a former elementary school and then former County office building. Properties generally to the west of the site with access along the Interstate 85 frontage road are used for a variety of nonresidential business and industrial uses. Properties to the east of the site with their orientation toward Beatties Ford Road are used for a variety of purposes including single family detached housing, churches, and retail facilities. Properties to the north of the site across Hoskins Road are used almost exclusively for single family detached housing. Properties to the south of the site across Interstate 85 are also used for single family detached housing.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property and a community commercial center nearby. The 2005 strategies include widening and improving the streetscape along Beatties Ford Road.
 2. Transportation Improvement Program. The TIP calls for the widening of Beatties Ford Road from I-85 to Capps Hill Mine Road with construction scheduled to begin in FY90.
 3. Westside Policy Plan. The Westside Policy Plan states that the current zoning pattern is sufficient to provide for future employment and expansion in the area.

4. Northwest District Plan (unadopted). The draft Northwest District Plan indicates office type uses in the area of the subject property.
4. Site Plan. The site plan which accompanies this application proposes the development of this property to accommodate up to 580,000 square feet of floor area. The plan indicates that the proposed use of the site will be a business park with a associated uses permitted by BP zoning. The zoning requested in this application, however, is I-1(CD). The plan indicates that access to the three building sites will come from a reconfigured I-85 Service Road and none of the building sites will have any direct access to North Hoskins Road. The plan indicates the property will have 40 foot buffers around the perimeter of the site and the configuration of the buffers will vary depending on whether they are at grade, a cut slope, or a fill slope. The petitioner proposes to dedicate 35 feet of right-of-way from the centerline of North Hoskins Road in accordance with the thoroughfare plan.
5. School Information. Not applicable.
6. Zoning History (See Attached Map).

1.	65-73	R-6 to O-15 & B-2	Approved	08/30/56
2.	66-27B	R-6 to R-6MF	Approved	03/28/66
3.	69-39	B-2 & R-6MF to I-1	Approved	06/16/69
4.	76-12(c)	O-15 to B-2	Denied	07-19-76
5.	76-36(c)	I-2 to R-9	Denied	07/19/76
6.	76-66	R-6, R-6MF, O-6, O-9, & I-1 to R-9, R-15MF, & O-15	Approved	01/17/77
7.	87-78	O-15 & B-2 to B-D(CD)	Approved	10/19/78
7. Neighborhood. The project falls within the area defined as the Northwood neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from office to industrial to accommodate a business park type development. While the 2005 Plan indicates residential type land uses in the area of the subject property, the more detailed draft Northwest District Plan proposes office type uses. While this petition proposes to restrict the use of the site to those uses permitted under the business park zoning category which includes office uses, a wide variety of other uses could also be located on the site including wholesale distribution, light manufacturing, hotels, and even certain limited retail uses. The petitioner's site plan shows three building sites but no building or parking envelopes or indications about the type of uses

anticipated. Therefore, it must be assumed that the petitioner would be allowed to build any of the uses provided for in the BP district, many of which would be inconsistent with the office type future for this area as called for in the draft Northwest District Plan. Therefore, this petition is not consistent with present or proposed plans for the long-term future of this area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Petitioner met with the staff prior to the filing of the application and discussed the proposal. The staff indicated at that time some concern about the conversion of this site from an office category to an industrial category. The staff advised the petitioner to pay special attention to the streetscape and building relationships along North Hoskins Road.
2. Departmental Comments. There were several comments relayed to the petitioner regarding the site plan which have not been adequately addressed. The Fire Department asked for a notation on the plan regarding the location of hydrants and a notation indicating necessary turnarounds. The site plan has not been modified to address these points. The City's Department of Transportation asked for a notation on the plan regarding the dedication of the right-of-way of North Hoskins Road to be completed prior to the issuance of any building permits. While the plan does indicate a willingness to dedicate the right-of-way, no time-frame is provided. The Department of Transportation also expressed concern about site distance relationship at the various entry drives and the site plan is not clear that these site distances will be adequately protected. City Engineering Department indicated that curb, gutter, and sidewalk will be required along Hoskins Road and that the plan should demonstrate compliance with the Tree Ordinance including notations of areas where trees are to be saved. None of this information appears on the plan. The Planning staff had suggested to the petitioner that rather than show individual buildings with specific floor areas that the illustration of the site could be accomplished with building and parking envelopes. The petitioner however removed all references to building and parking and simply shows large building sites on the plan. The petitioner was also asked to delineate minimum required yards on the plan and those yards are not illustrated on the revised plan. In general, it appears that the notes on the plan illustrates that only a minimum development standards will be met.

ISSUES

1. Land Use. This petition raises a significant land use issue. The long-term land use plans for this area call for this property to be used for office purposes as it is currently zoned. The office uses will provide transition between the heavier industrial uses to the west and single family and other residential uses to the north and east. This petition proposes the development of a business park under the industrial zoning classification. Eventhough business park type uses include office uses, that category also allows for a wide variety of other uses which would not be consistent with an office future. Therefore, from a land use standpoint, this petition is not appropriate for approval.
2. Site Plan. The revised site plan which accompanies this application still contains a number of deficiencies. The petitioner has not provided some of the minimum required information as noted and comments which were relayed to the petitioner. In addition, the revised site plan contains less information than the one originally submitted with the zoning request in terms of the location of building and parking areas. In order for a conditional rezoning to be considered, the minimum requirements must be met with regard to the site plan. As revised, this plan does not met those minimum requirements and, therefore, is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. The land use is inconsistent with long-term plans for the area and the site plan does not meet minimum requirements for conditional rezoning.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-91</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>Nick</u>
OFFICE USE ONLY	

Ownership Information

Property Owner I85-77 Ltd.
Owner's Address c/o Mfg. Association of the South, Inc.
P. O. Box 32215, Charlotte, NC 28232
Date Property Acquired May 24, 1966
Tax Parcel Number 039-061-06

Location Of Property (address or description) Northerly side of Interstate 85, south of North Hoskins Road, west of Beatties Ford Road

Description Of Property

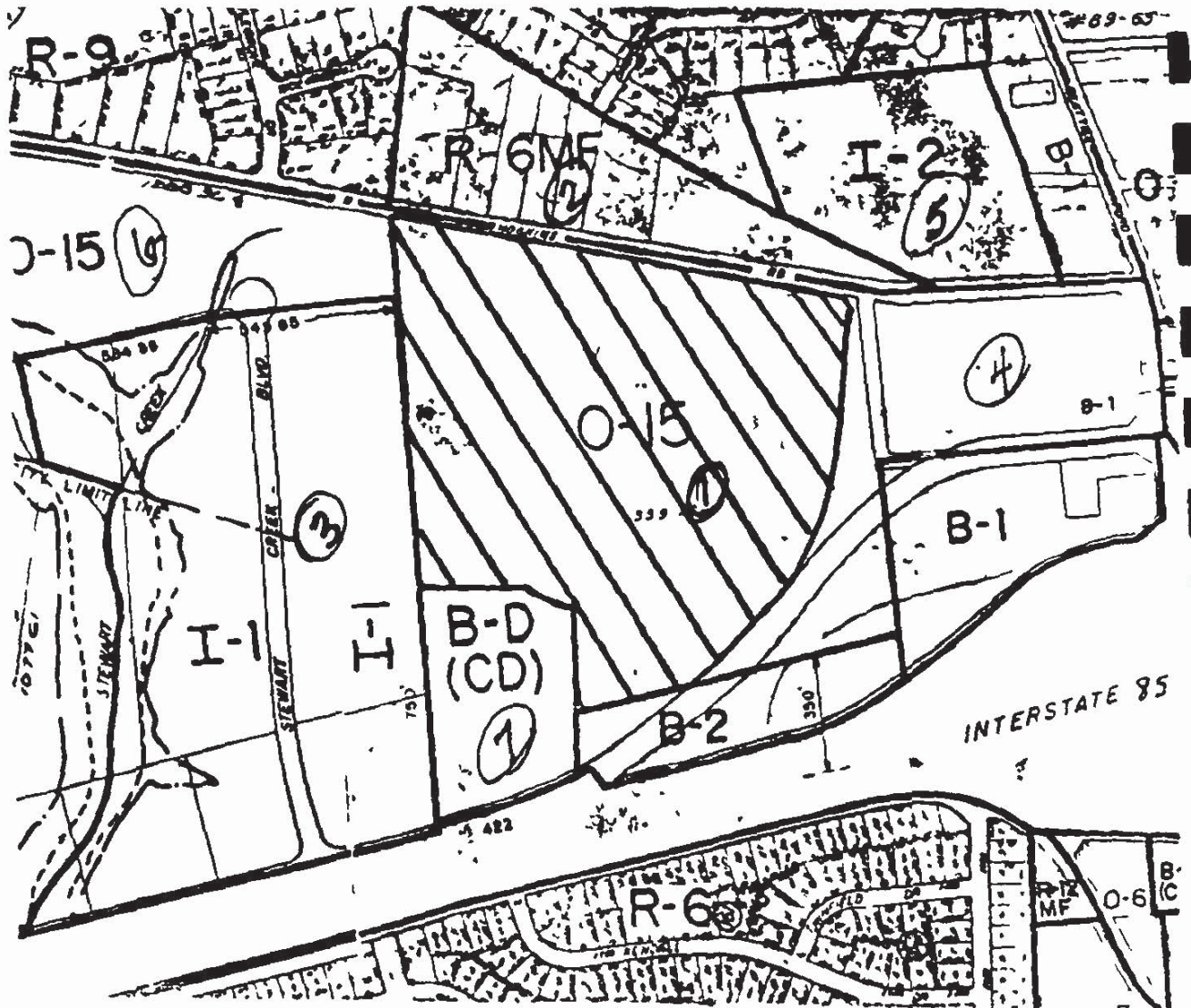
Size (Sq Ft.-Acres) 33.268 Acres Street Frontage (ft.) 1256' N. Hoskins Rd.
1800' I-85 Service Rd.
Current Land Use _____

Zoning Request

Existing Zoning O-15 Requested Zoning I1CD
Purpose of Zoning Change To permit the development of an office/distribution park as a transition use to industrial area to the west and commercial area to the east.

Name Of Agent	Name of Petitioner(s)
<u>N/A</u>	<u>CK Charlotte Industrial Land Development, Inc.</u>
Agent's Address	Address of Petitioner(s)
<u>N/A</u>	<u>2800 One First Union Center Charlotte, NC 28202</u>
Telephone Number	Telephone Number
<u>N/A</u>	<u>704/342-9000</u>
	<u>FatNeil Paris</u>
	Signature
	(See Attached Sheet)
	Signature of Property Owner if Other Than Petitioner

PETITIONER CA Charlotte Industrial Land Development, Inc.
PETITION NO. 89-91 HEARING DATE December 18, 1989
ZONING CLASSIFICATION, EXISTING O-15 REQUESTED I-1(CD)
LOCATION approximately 33.2 acres located on the south side of N. Hoskins Road, north of I-85, east of Stewart Creek, and west of Beatties Ford Road.



#11

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-92

Petitioner: Wood Keith Design

Location: Approximately 3.4 acres located on the easterly side of Sharon Road south of Chandworth Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 as are other properties located to the east and south between Sharon Road and Sharon Hills Road. Across Sharon Road from the petitioned site, properties are zoned R-12. The adjacent tract to the north is zoned R-15MF(CD). The tract bounded by Sharon Road to the north, Sharon Hills Road to the west, and Quail Hollow Road to the east is controlled by a special use permit. To the south of the special use permit site, property is zoned R-15MF(CD). Across Quail Hollow Road, properties are zoned a mixture of single family and multi-family residential classifications.
2. Existing Land Use. The property involved with this request is the site of a former plant nursery and residential uses. Immediately to the east are single family residential homes and to the south is a mixture of churches and single family residential homes. Across Sharon Road properties are developed for single family residential purposes. The tract to the north is developed for multi-family residential purposes. Across Sharon Hills Road is the Harris YMCA. Across Quail Hollow Road is Beverly Woods Elementary School and a mixture of single family and multi-family residential uses.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. No particular strategies are identified for the area of the subject property.
 2. Transportation Improvement Program. The TIP includes the Sharon Road/Quail Hollow Road intersection improvements for implementation in FY90-91.
4. Site Plan. The site plan which accompanies this application proposes the development of an 18 unit townhouse for sale community at a density of approximately 6 du./ac. The site plan indicates access to the site is to be provided by one driveway connection to Sharon Road. The plan indicates a 40 foot setback, 30 foot side yards, and a 45 foot rear yard and construction of a

brick wall along the Sharon Road frontage as well as to the rear of each of the individual units. The plan indicates compliance with the City of Charlotte Tree Ordinance, provides for right-of-way dedication in conformance with the street classification system, and provides for a system of screening along the rear of the property composed of a 25 foot landscape buffer with four to six foot continuous evergreen plantings and 12 to 14 foot red maples located to the rear of the six foot brick wall treatment.

5. School Information.

<u>Schools</u>	<u>Capacity</u>	<u>Enrollment</u>
Beverly Woods	598	665
Barringer	728	668
Carmel	960	1,303
South Mecklenburg	1,640	1,470

6. Zoning History (See Attached Map).

1. 64-74	R-15 to R-15MF	Approved	09/28/65
2. 78-47	R-15 to S.U.P.	Approved	12/11/78
3. 82-30	R-15 to R-15MF(CD)	Approved	01/18/83
4. 82-36(c)	R-15 to R-15MF(CD)	Approved	06/21/83
5. 82-90	R-15 to R-15MF(CD)	Approved	08/15/83
6. 85-10	S.U.P for YMCA	Approved	11/05/85

7. Neighborhood. This site lies within the Old Georgetown/Sharon Hills neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the development of a multi-family residential project in an area in which publicly adopted plans envision continuing residential development. In view of the relatively low density of the project, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application to discuss the proposal and to provide technical assistance on the preparation of the conditional site plan. Subsequent to the filing of the application, staff relayed several site plan comments to the petitioner. Those comments have now been addressed by the revised site plan.

2. Departmental Comments. Departmental comments revolved around the need for right-of-way dedication, clarification of yards,

and improvement to buffer treatments. All of the departmental comments arising from the review of the preliminary site plan have been addressed by the revised site plan. Comments from CDOT on trip generation indicate the site could generate approximately 120 to 130 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 144 to 180 trips per day.

ISSUES

1. Land Use. This petition seeks a change from a single family residential category to a conditional multi-family residential district to allow development of a small multi-family residential project. The 2005 Plan recognizes the area as one with a residential future. Therefore, in terms of land use, the request is viewed as appropriate for approval.
2. Site Plan. There are no site plan issues which accompany this application. The site plan proposes the development of an 18 unit townhouse for sale project and indicates a system of buffer treatments which include a brick wall and continuous evergreen landscaping along the project edges. All comments made by reviewing agencies have been addressed by the revised site plan and the request is appropriate for approval.

CONCLUSION

This petition is appropriate for approval from both a land use and site plan standpoint.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-92</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>MOYN</u>
OFFICE USE ONLY	

Ownership Information

Property Owner PILGRIM UNITED CHURCH OF CHRIST / SOUTHERN CONFERENCE OF THE UNITED CHURCH OF CHRIST
Owner's Address 6151 SHARON ROAD
CHARLOTTE, NC 28210

Date Property Acquired OPTIONED MAY 1, 1989 (PURCHASED DEC. 1984) 269-401
Deed Reference 4962-146 Tax Parcel Number 479 401-2T 14

Location Of Property (address or description) 6001 SHARON RD.

Description Of Property

Size (Sq Ft Acres) 3 437 ACRES (3 305 TO ROW.) Street Frontage (ft) 504 FT
Current Land Use RESIDENTIAL, FORMER NURSERY

Zoning Request

Existing Zoning R 15 Requested Zoning R-15 MF 40
Purpose of Zoning Change TO CONSTRUCT AN EIGHTH UNIT ROW/HOUSE COMPLEX

Name Of Agent _____ Name of Petitioners) BELVER KETH / WOOD KETH DEAR
Agent's Address _____ Address of Petitioners) 119 EAST EIGHTH ST. CHARLOTTE NC 28202
Telephone Number _____ Telephone Number 704 342 4434

[Signature]
Signature

[Signature]
Signature of Property Owner if Other Than Petitioner

PETITIONER Wood Keith Design

PETITION NO. 89-92

HEARING DATE

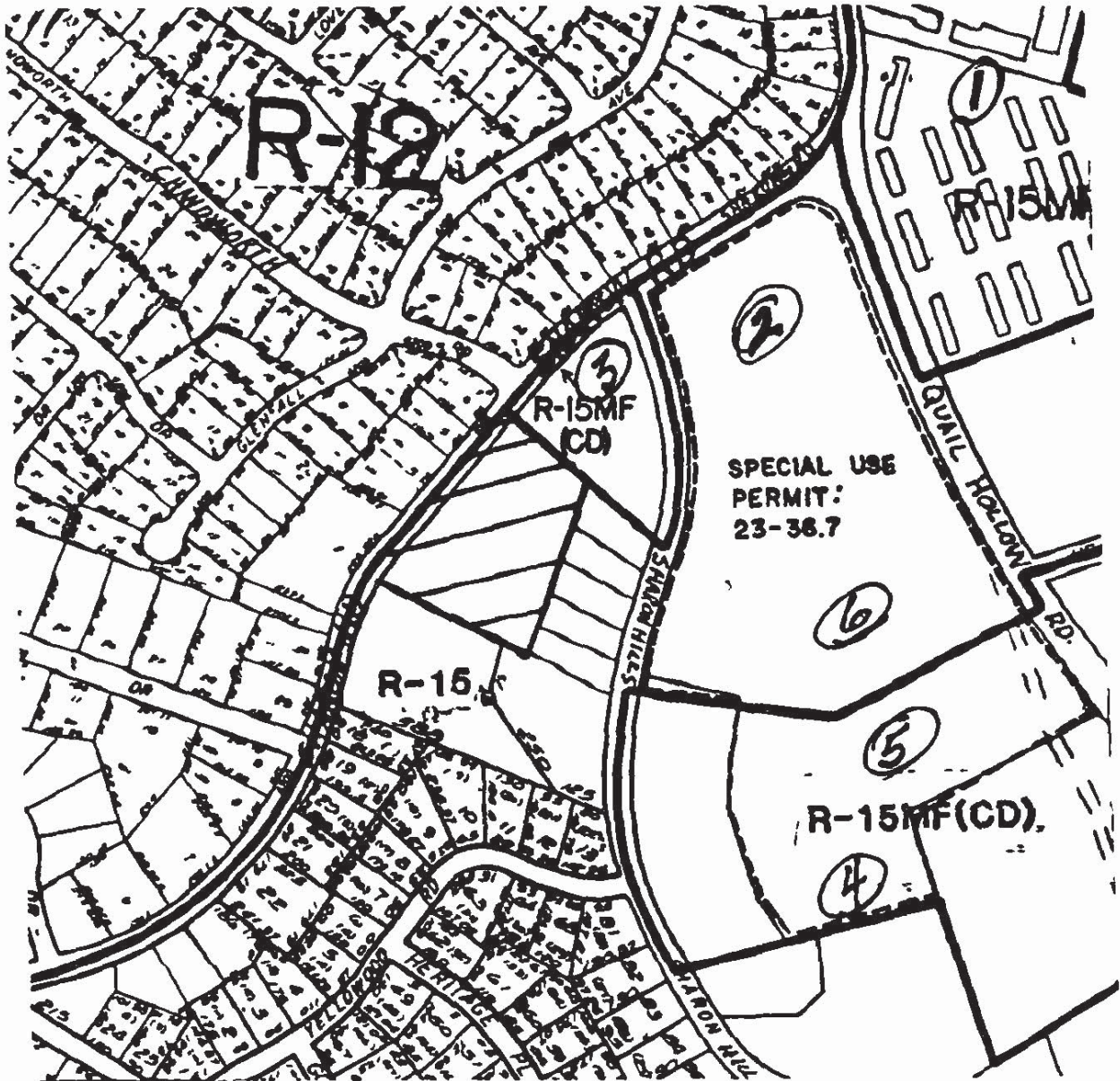
December 18, 1989

ZONING CLASSIFICATION, EXISTING R-15

REQUESTED

R-15MF(CD)

LOCATION Approximately 3.4 acres located on the easterly side of Sharon Road south of Chandworth Road.



PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-93

Petitioner: Spectrum Properties

Location: 44 acres located in the northeast quadrant of the intersection of Interstate 77 and Interstate 85.

Request: Change from R-9 to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as is a substantial amount of property to the north of the subject site. Properties to the south along Interstate 85 and to the east along Old Statesville Road are zoned for a variety of nonresidential categories including I-1, I-2, O-6, and B-2.
2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the west and south are incorporated into the right-of-way of Interstate 77 and 85. Properties to the north and east are developed with scattered single family detached housing. There is a substantial amount of vacant land remaining in the area. Properties further to the east along Statesville Road include mixed commercial and industrial uses.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates developing employment type land uses in the area of the subject property. The 2005 strategies include extension of water and sewer lines in the area and improvements to both Interstate 85 and Interstate 77.
 2. Transportation Improvement Program: The TIP calls for the widening of I-77 from I-85 to the South Carolina line to six lanes. This project is programmed only for environmental impact statement and right-of-way protection at this point in time. The TIP also calls for the widening of I-85 from Gaston County to U.S. 29 which is currently under construction.
 3. Derita Small Area Plan. The Derita Small Area Plan calls for the area of the subject property to be designated as future employment. The plan calls for mixture of office, business park, and industrial type uses with emphasis on high quality design and appropriate edge relationships with adjoining residential areas.
 4. Northeast District Plan (unadopted). The draft Northeast District Plan proposes office and industrial type uses in the area of the subject property.

4. **Site Plan.** The site plan which accompanies this application proposes the use of this property for those uses is allowed in I-1 district with 22 exceptions noted on the plan. All of the access to the site would be gained through the relocated Interstate 85 and Interstate 77 Service Road with the maximum of three connections to the service road. Eventhough the site plan does not contain a maximum amount of development which could be placed on the site, it is estimated that the development types allowed in the I-1 district would result in a maximum development potential of between 530,000 and 660,000 square feet of floor area. The plan maintains a minimum 40 foot landscaped buffer around the margins of the site which increases to 75 feet where the property adjoins residentially zoned areas nearby. The plan indicates that all of the buildings on the site will architecturally compatible and specifically prohibits metal skinned or "butler" type buildings.

5. **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

1.	68-24	R-9 to B-2	Approved	04/28/88
2.	71-37	R-9 to I-1	Denied	09/13/71
3.	74-36(c)	R-9 to B-2	Denied	01/16/75
4.	75-34	R-9 to B-2	Approved	11/17/75
5.	75-34	R-9 to B-2	Approved	11/17/75
6.	80-23	R-9 to B-2	Denied	10/06/80
7.	80-30(c)	R-9 to I-1(CD)	Approved	11/03/80
8.	84-43(c)	B-2, I-1, R-9 to B-2(CD), B-D(CD), & I-2(CD)	Denied	11/19/84
9.	89-78	R-9 & B-2 to I-1(CD)	Approved	10/18/89

7. **Neighborhood.** This project falls within the area defined as the Derita neighborhood.

REVIEWS

1. **Plan Consistency.** This petition proposes the rezoning of properties from a residential to an industrial classification to accommodate a business park type development. Plans for this area have long called for the utilization of this property for just a purpose. Indeed the 2005 Plan, the Derita Small Area Plan, and the draft Northeast District Plan all foresee this location as an employment area for the surrounding community. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. **Technical Consistency.**

1. **Pre-Hearing Staff Input.** Agents for the petitioner discussed this request with the staff prior to the filing of

the application and the staff offered several suggestions as to how the property might be best developed. Subsequently, the staff communicated a number of minor site plan concerns to the petitioner's agents.

2. Departmental Comments. The petitioner has addressed the majority of the comments from various departments which reviewed this plan. However, there are several minor details which remain to be corrected. The Department of Transportation indicates that while the project will have a minimum impact on the surrounding thoroughfare system that the number of driveways to the Interstate Service Road will be limited to three. However, the site plan contains a note which appears to say that additional driveways might be requested at a later date. This note need to be deleted. In addition, the site plan indicates a 75 foot buffer along the portion of the site which adjoins residentially zoned properties. However, the notation on the plan indicates a 40 foot buffer along exterior property lines. This discrepancy needs to be corrected.

ISSUES

1. Land Use. There are no land use issues raised by this request. The proposal seeks the rezoning of properties to accommodate a business park type development in an area where plans have call for just such a use. The plans also emphasizes the need to seek high quality design and a mixture of uses including office and industrial type uses. This petition offers just such a plan. Therefore, from a land use standpoint, this petition is appropriate for approval.
2. Site Plan. There are no significant site plan issues which remained to be resolved. There are two or three minor details which need to be corrected but can easily be accomplished by the petitioner prior to a final decision on this plan. All of the other comments have been addressed by the petitioner in the revised plan. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-93</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>MCN</u>
OFFICE USE ONLY	

Ownership Information

Property Owner John A. McRae, Jr.; William H. McRae and Martha McRae Alsop

Owner's Address 9317 Blair Road

Charlotte, NC 28227

Date Property Acquired September 3, 1960

Deed Reference Will Book 30 Page 363 Tax Parcel Number 041-042-11
041-031-01

Location Of Property (address or description) Adjacent to Service Road in Northeast

Quadrant of I-77/I-85 Interchange and West of Statesville Road

Description Of Property

Size (Sq Ft Acres) 44.264 acres Street Frontage (ft) 1,974.5 feet

Current Land Use Vacant

Zoning Request

Existing Zoning R-9 Requested Zoning I-1(CD)

Purpose of Zoning Change To permit the development of a Business/Office/Light Industrial Park in conformance with area plans. The entire area to be master planned with coordination of buildings, circulation and site design.

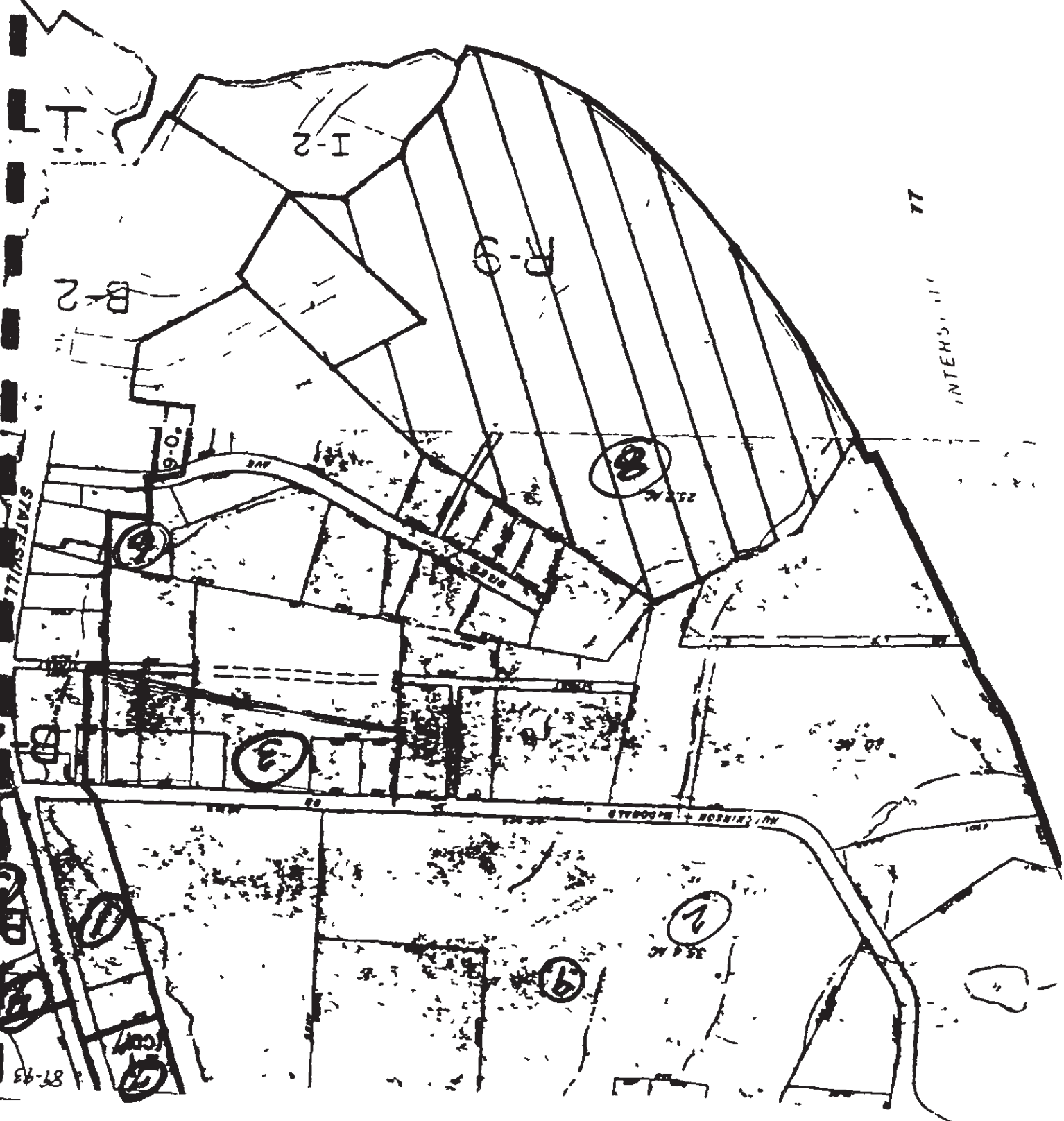
Fred E. Bryant, Planner Spectrum Properties

Name Of Agent 1850 E. Third Street, Suite 216 Name of Petitioner(s) Three Parkway Plaza
4944 Parkway Plaza Blvd.

Agent's Address Charlotte, NC 28204 Address of Petitioner(s) Charlotte, NC 28217

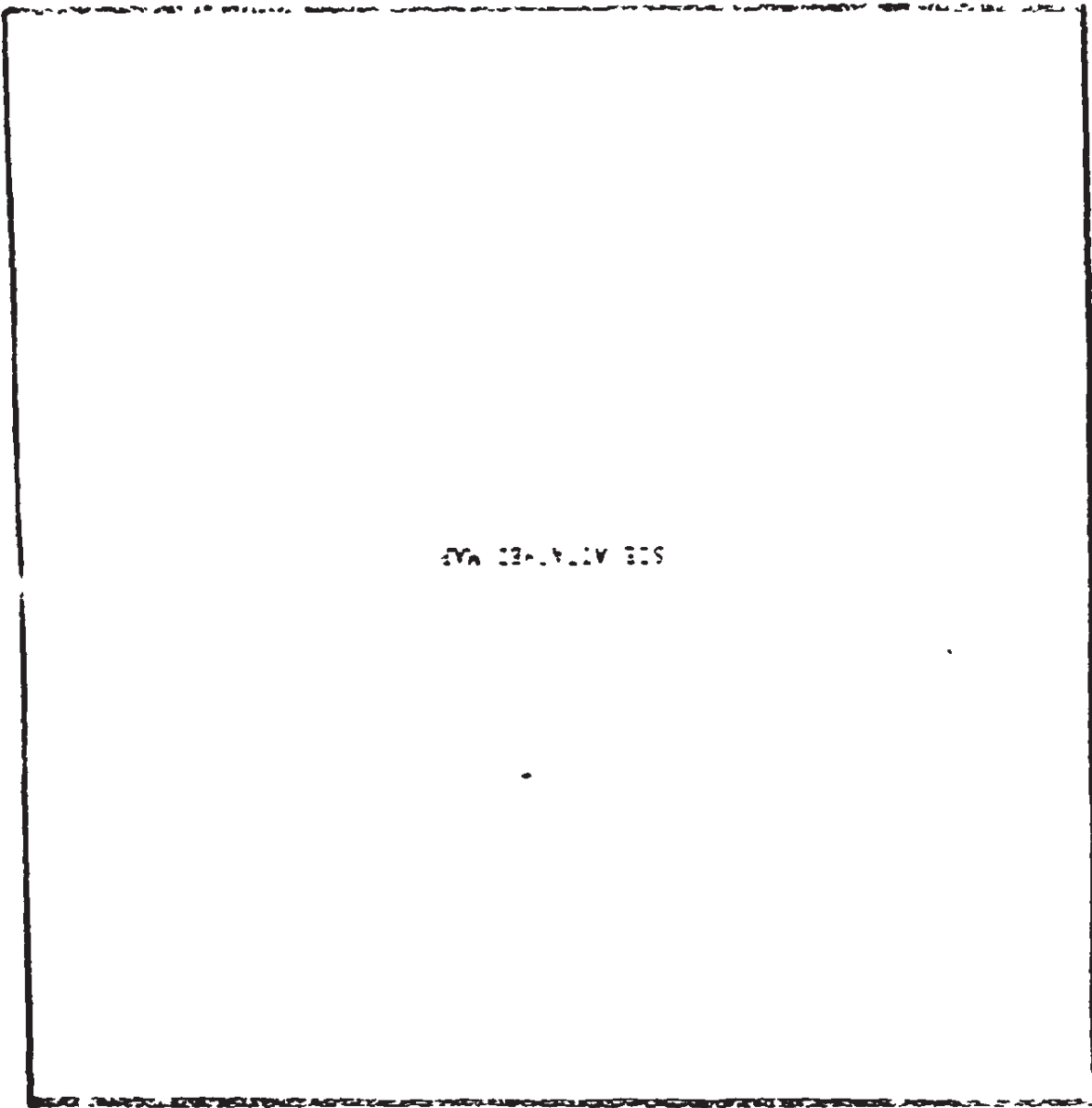
Telephone Number (704) 333-1680 Telephone Number (704) 357-8700

James Mitchell Rubin
Signature
John A. McRae, Jr.
Signature of Property Owner if Other Than Petitioner



77

INTERSECTION



PETITIONER Spectrum Properties

PETITION NO. 89-93 HEARING DATE December 18, 1989

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

LOCATION Approximately 46 acres located within the northeast quadrant of I-77 and I-85.

#13

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-94

Petitioner: Rich Lambeth

Location: Approximately 14.6 acres located on the northerly side of Oneida Road to the west of Graham Street.

Request: Change from R-15MF to R-12MF(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-15MF as are adjoining properties both to the south, east, and to the west. To the south of the petitioned site along Graham Street properties are zoned a mixture of I-1 and I-2. Otherwise, the area is composed of R-12 and R-9 zoning districts.
2. Existing Land Use. The petitioned site is currently undeveloped. Properties to the south along Graham Street contain a mixture of residential, commercial, and industrial land uses. To the south of the petitioned site cross Oneida Road are the Mayfield Memorial Apartments. Further to the southwest are the Woodstone Apartments. Otherwise the area is developed with single family residential land uses.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies call for the extension of Graham Street to Mallard Creek Road and a light rail station and corridor nearby.
 2. Transportation Improvement Program. The TIP includes Graham Street Extension from Sugar Creek Road to Mallard Creek Road. That project is unscheduled and unfunded at this point.
 3. Derita Small Area Plan. The Derita Small Area Plan recommends multi-family residential land uses in the area of the subject property. The plan also recommends that Oneida Road be improved and realigned to eliminate hazardous curves through the development process.
 4. Northeast District Plan. The Northeast District Plan which was approved by the Charlotte-Mecklenburg Planning Commission in October recommends residential land uses in the area.
4. Site Plan. The site plan which accompanies this application proposes the development of a 192 unit multi-family residential community at a density of approximately 13 du./ac. Access to the site would be provided by two driveway connections to Oneida Road. The plan indicates the standard setbacks and yards plus a tree

preservation area on the northerly project edge measuring approximately 200 feet in depth. The plan indicates compliance with the City of Charlotte Tree Ordinance and also indicates that right-of-way shall be dedicated along Oneida Road sufficient to increase the radius of the existing southwest horizontal curve to a 35 mile per hour design speed prior to the issuance of building permits.

5. School Information.

<u>Schools</u>	<u>Capacity</u>	<u>Enrollment</u>
Derita	572	538
Ranson	600	783
North Mecklenburg	1,180	1,256

6. Zoning History (See Attached Map).

1.	66-46	R-9MF to R-6MF & I-1	Approved	06/20/66
2.	69-21	R-9MF & I-1 to I-1 & I-2	Approved	
3.	76-6(c)	I-1 to I-1(CD)	Denied	03/04/76
4.	85-16	R-12 to R-12MF	Denied	04/15/85
5.	86-10	R-9MF to R-15MF, & R-12	Approved	03/17/86
6.	86-12	I-2 to I-1	A.I.P.	03/17/86
7.	86-26	R-9MF to R-12	Approved	06/16/86

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

REVIEWS

1. Plan Consistency. The 2005 Plan, the Derita Small Area Plan, and the pending Northeast District Plan all envision a residential future for the area of the subject property. This petition requests a change from one multi-family residential category to another multi-family residential category to allow the development of a 192 unit multi-family residential project. Therefore, this petition is consistent with publicly adopted and pending plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Staff met with the agent for the petitioner prior to the filing of the application. Subsequent to the filing of the application, the staff has discussed with the petitioner's agent a number of changes necessary on the site plan.

2. Departmental Comments. Comments from CMUD are not available as of the preparation of this report. Comments from other

departments indicated the need for additional notes committing to installation of fire walls or sprinklers in each building, a note committing to the dedication of additional right-of-way along Oneida Road, and clarification of buffer and edge treatments. The revised site plan has addressed all of the departmental comments. Comments from CDOT on trip generation indicate the site could generate approximately 1,253 to 1,611 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,470 to 1,890 trips per day.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The request seeks a change from one multi-family residential classification to another multi-family residential classification to allow the development of a multi-family residential community. The publicly adopted and pending plans for the area indicate that this property should have a residential future. Therefore, from a land use standpoint, this petition is considered appropriate for approval.
2. Site Plan. There are no site plan issues which accompany this application. The site plan proposes the development of a 192 unit multi-family residential community on the subject property. The plan indicates that access to the site is to be provided via two driveway connections to Oneida Road and the plan indicates a series of setbacks and side yards plus a tree preservation area of approximately 200 feet in depth along the northerly project edge where the site adjoins single family residential zoning. The plan commits to additional right-of-way dedication sufficient to increase the radius of the existing curve on Oneida Road to a 35 mile per hour design speed. Comments made by reviewing agencies have all been addressed by the revised site plan. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval. There are no land use or site plan issues which accompany this application.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-94</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>MEH</u>
OFFICE USE ONLY	

Ownership Information

Property Owner Magnum Properties
Owner's Address 222 North Sharon Amity Road
Charlotte, North Carolina 28211
Date Property Acquired September 28, 1989
Deed Reference 3726 p. 352 Tax Parcel Number 045-181-01

Location Of Property (address or description)

Oreida Blvd, Charlotte, North Carolina

Description Of Property

Size (Sq Ft Acres) 14.629 acres Street Frontage (ft) 1530.1
Current Land Use undeveloped

Zoning Request

Existing Zoning P-15 MF Requested Zoning R-12 MF (C)
Purpose of Request _____

Name Of Agent <u>Cole Ernest</u>	Name of Petitioner <u>Rick Lambeth</u>
Agent's Address <u>417 East Boulevard, Suite 206</u>	Address of Petitioner <u>222 North Sharon Amity Road</u>
Telephone Number <u>376-1555</u>	Telephone Number <u>365-1644</u>

Rick Lambeth
Signature

PETITIONER Rich Lambeth

PETITION NO. 89-94

HEARING DATE

December 18, 1989

ZONING CLASSIFICATION, EXISTING R-15MF

REQUESTED

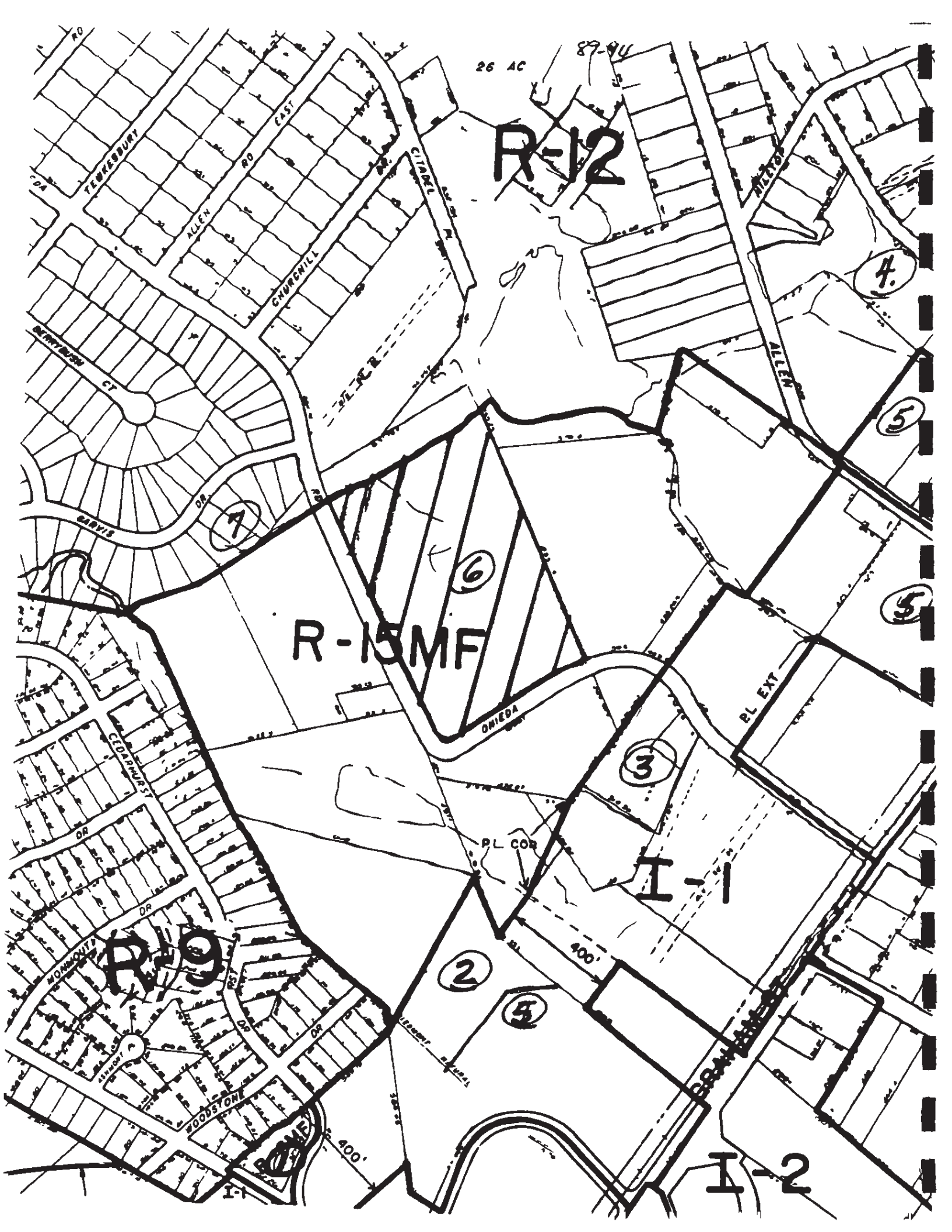
R-12MF(CD)

LOCATION Approximately 14.6 acres located on the northerly side of Oneida Road west of Graham Street.

SEE ATTACHED MAP

ZONING MAP NO. 70

SCALE 1" = 400'



26 AC

89-9U

R-12

R-15MF

R-19

I-1

I-2

2

5

3

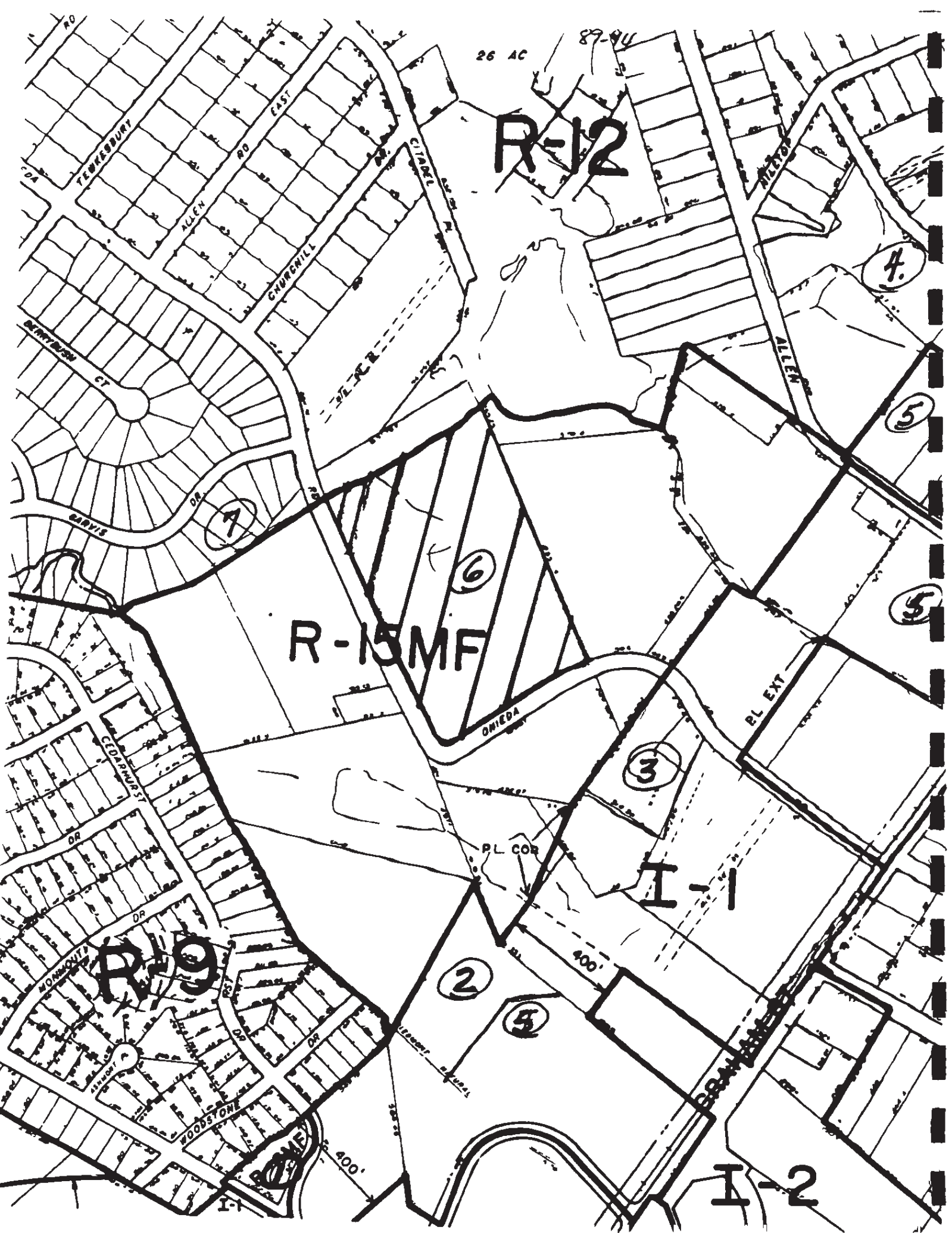
6

5

5

4

7



#14

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-95

Petitioner: City View Development Corporation

Location: Approximately 32 acres on the east side of Ashley Road across from Alleghany Street extending to the rear of properties along Royston Drive.

Request: Change from R-9MF to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF as are properties to the south of the subject site. To the south are also properties zoned for R-9 single family uses. To the north properties are zoned I-2 and I-1 and there are several conditional uses approved under former zoning regulations on the I-1 properties. To the west across Ashley Road can be found properties zoned R-15MF and I-1.
2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the south are used for a mixture of single family and duplex housing and properties to the east and north with orientation toward Freedom Drive are used for a variety of commercial purposes. Properties to the west of the site are also used for single family detached housing and there is a public school nearby.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. Property along Freedom Drive is indicated as having existing employment uses. It indicates a community commercial center nearby along Freedom Drive and 2005 strategies include a potential light rail station in the area.
 2. Transportation Improvement Program. The TIP calls for the widening of Freedom Drive from I-85 to Mt. Holly Road to four lanes. The Thoroughfare Plan indicates a connecting road between Ashley Road and Clanton Road. The Thoroughfare Plan also indicates a potential connection from Freedom Drive to Ashley Road.
 3. Westerly Hills/Ashley Park Small Area Plan (1984). The Westerly Hills Plan calls for this property as well as additional acreage adjacent to the present Freedom Mall to be developed with a mixture of well integrated light industrial, office, commercial, and residential uses. The present zoning mixed provides just such opportunities. The plan would not support the connection between Freedom Drive and Ashley Road

because of the negative impact it would have on Ashley Road and adjacent neighborhoods due to increase traffic

4. Central District Plan (unadopted). The Central District Plan recommends a mixed use center in the vicinity of the subject property including commercial, office, and residential uses.
4. Site Plan. The site plan which accompanies this application proposes the use of this property to provide a buffer between existing residential uses and heavier commercial and industrial uses to be located on other vacant property nearby and also for some development. The plan lists as permitted uses all of those uses allowed in the I-1 district and indicates that there would be a 100 foot undistributed buffer along residentially developed properties to the south. The plan indicates only one building with a floor area dimension of any sort and includes portions of properties which would be developed under existing zoning. The plan includes a portion of a proposed public street which would connect Ledwell Street with Ashley Road at Alleghany Road. The conditional notes which accompany the plan only speak in terms of minimum requirements. The plan indicates that the petitioner will provide a left turn land on Ashley Road and will commit to the dedication of 35 feet of right-of-way from the centerline of Ashley Road over that portion of the property covered by this petition.
5. School Information. Not applicable.
6. Zoning History (See Attached Map).

1.	68-78	R-9MF to B-1	Approved	11/18/68
2.	69-20	I-1 to I-2	Approved	03/17/69
3.	69-89	R-9MF to B-1	Denied	09/22/69
4.	70-49	B-2 to Cond. Amusement	Approved	04/20/70
5.	71-30	Cond. Amusement	Approved	05/03/71
7. Neighborhood. This petition falls within the area defined as the Ashley Park neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of multi-family zoned land to an industrial classification. Although this zoning petition is approximately 32 acres, the petitioner controls an additional 79 acres nearby which is proposed to be developed as a single project but which is not included in this zoning petition. In early discussions, the petitioner was encouraged to include all of the property under a single development plan. In that way, the recommendations of the Westerly Hills/Ashley Park Plan and other proposed plans could have been discussed. Those recommendations include a mixed use center with a

residential component. This petition as submitted does not contain a residential component whatsoever and eliminates residentially zoned properties which could be used for such a component. Therefore, this petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner on several occasions prior to the filing of this application to discuss the overall proposal. However, the petitioner chose only to submit for the rezoning of the multi-family zoned land to an industrial classification and leaves the existing industrially zoned land as straight-up zoning. The staff reminded the petitioner that if any of the adjoining development on industrially zoned properties includes retail space of over 100,000 square feet that property would also have to be rezoned. The staff also encouraged the petitioner to bring in a unified development plan which would include a mixed use proposal including a residential component. Subsequent to the submission of the application, the staff communicated a number of comments to the petitioner about the site plan.

2. Departmental Comments. Most significant among the departmental comments are those from City's Department of Transportation. CDOT specifically asked that a traffic impact study be done to assess the impacts of the proposal on the surrounding thoroughfare system. They estimate that the traffic will increase from a theoretical 3,900 to 5,000 trips as currently zoned to a estimated 8,900 trips as the zoning is proposed. A letter in the zoning file indicates that the petitioner will submit a traffic analysis on December 11, approximately one week before the hearing. There were a number of detailed comments regarding the site that the petitioner has not included. Comments from the Fire Department regarding the placement of hydrants, from the Engineering Department regarding curb, gutter, and sidewalk, and from the Building Standards Department regarding the labeling of yards, screening, and setbacks have not been included on the revised plan. As noted earlier, the conditions on the plan are essentially a list of minimums.

ISSUES

1. Land Use. This petition raises a significant land use issue. It proposes the rezoning of residentially zoned properties to industrial classification for any use allowed in the industrial district. It is 32 acres out of an overall 112 acre site of which the balance is already zoned industrial. The petitioner was encouraged to consider a unified development plan for the entire

parcel which would incorporate employment type uses as well as retail and residential uses. However, the application only deals with industrial development. The Westerly Hills/Ashley Park Small Area Plan specifically calls for a residential component in the development of this larger site. The elimination of multi-family zoning in favor of industrial zoning is inconsistent with that plan. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application also contains several unresolved issues. The conditional notes on the plan are a list of minimum ordinance requirements and the list of uses allowed are all of those uses permitted in the industrial district. In addition, the plan is deficient in a number of technical areas with regard to information required by the Zoning Administrator, by the City Engineering Department, and by the Fire Department. The plan specifies no specific development rights to be attributed to this property and refers only through the illustrative sheet to this tract being part of a larger overall development proposal. The City's Department of Transportation has requested a traffic analysis to be conducted so that the impacts of this development might be assessed. However, as of the preparation of this report no traffic study has been submitted. This traffic impact study is especially important in terms of examining the overall implications of this project on the residential communities of Westerly Hills and Ashley Park. The connection from Ledwell Street to Ashley Road is likely to generate a substantial level of new traffic through this neighborhood which is an undesirable condition. Therefore, from a site plan standpoint, this petition is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It is inconsistent with plans for the development of this larger tract and it is deficient in a number of specific areas with regard to the site plans submitted.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-95</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>McM</u>
OFFICE USE ONLY	

Ownership Information

Property Owner City View Development Corp.
Owner's Address 3640 One First Union Center, 301 S. College Street
Charlotte, NC 28202
Date Property Acquired June 27, 1989
Tax Parcel Number portion of 067-142-05

Location Of Property (address or description) bounded on the west by Ashley Road, on the east by Freedom Drive and Royston Road, on the north by Freedom Mall and on the south by Marsh Estates

Description Of Property

Size (Sq Ft -Acres) 32.37 Street Frontage (R.) 1,141.88 feet (Ashley Road)
Current Land Use Vacant--heavily wooded site

Zoning Request

Existing Zoning R-9MF Requested Zoning I-1(CD)
Purpose of Zoning Change To permit the development of property as a possible office distribution center and other related uses.

Name Of Agent	Name of Petitioner(s)
<u>David H. Jones</u>	<u>City View Development Corp.</u>
Agent's Address	Address of Petitioner(s)
<u>3300 NCNB Plaza</u>	<u>3640 One First Union Center</u>
<u>Charlotte, NC 28280</u>	<u>Charlotte, NC 28202</u>
Telephone Number	Telephone Number
<u>(704) 331-7481</u>	<u>(704) 348-0950</u>

[Signature]
Signature Thomas E. Norman
President

Signature of Property Owner if Other Than Petitioner

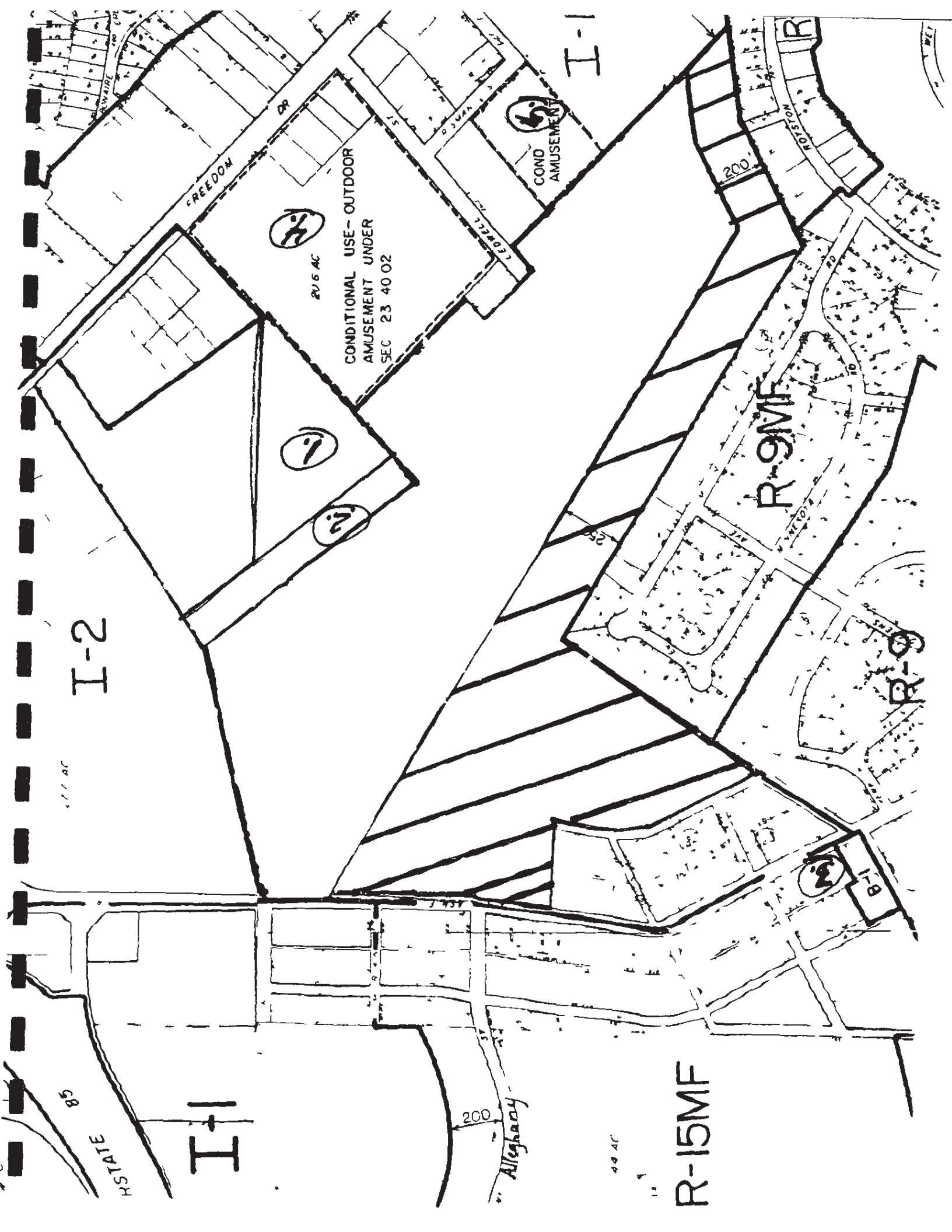
PETITIONER City View Development Corp.

PETITION NO. 89-95 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING R-9MF, I-1, & I-2 REQUESTED I-1(CD), I-1, & I-2

LOCATION Approx 112 acres located on the east side of Ashley Rd extending to Freedom Drive.

SEE ATTACHED MAP



I-2

I-1

CONDITIONAL USE- OUTDOOR
AMUSEMENT UNDER
SEC 23 40 02

20.6 AC

COND
AMUSEMENT

R-9MF

R-15MF

4.8 AC

I-1

H-STATE

200'

Allegheny

25'

1-B

#15

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-96

Petitioner: Aston Properties, Inc.

Location: Approximately 30.5 acres located on the southwesterly corner of the intersection of Central Avenue and Eastway Drive.

Request: Change from B-2 and R-6MF to B-1SCD.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-2 with the exception of a 200 foot wide strip of land along the southerly portion of the subject property which runs parallel to Pinecrest Avenue and is zoned R-6MF. To the west of the subject property is a large area zoned R-9. Across Eastway Drive, properties are zoned a combination of B-2, O-6, and R-6MF. Further to the east across Eastway Drive properties are predominantly zoned R-9. The intersection of Eastway Drive and Central Avenue is zoned a combination of B-1 and B-2 districts.
2. Existing Land Use. The more northerly portion of the subject property is the site of the Eastway Crossing Shopping Center. The southerly half of the subject property is undeveloped at this time. Properties located across Eastway Drive are predominantly developed for office purposes including a branch bank. The intersection of Central Avenue and Eastway Drive is developed with a variety of commercial and office uses including fast food restaurants and gas stations. Otherwise, nearby properties are developed with single family residential homes.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates a community commercial center at the intersection of Central Avenue and Eastway Drive. The plan does not identify any particular strategies for the area of the subject property.
 2. Capital Improvements Program. The CIP includes the Central Avenue/Eastway Drive intersection improvement for implementation in FY90.
 3. Transportation Improvement Program. The TIP calls for the widening of Eastway Drive from Sugar Creek Road to Kilborne Road to the north of subject property.
 4. Central District Plan (unadopted). The draft Central District Plan recognizes the existing Eastway Crossing Shopping Center as a community mixed use center for the area.

4. Site Plan. The site plan which accompanies this application proposes the expansion of the existing Eastway Crossing Shopping Center with a resultant increase in square footage from the existing 96,700 square feet to a total of 293,847 square feet, an increase of 197,147 square feet. The plan indicates a 100 foot undisturbed buffer along the southerly project edge composed of existing mature trees and a 25 foot rear yard on the westerly project edge behind the expansion to be composed of a three foot berm with planting and a chain link fence. The plan indicates seven of the existing driveways into the shopping center will be eliminated reducing the number of driveway on Eastway Drive to six. The two driveways on Central Avenue will remain. The plan indicates shopping center will come into compliance with the City of Charlotte Tree Ordinance and the new sign ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	64-16	B-1 to B-2	Denied	04/27/64
2.	66-29	0-6 & B-1 to B-2	Approved	03/28/66
3.	66-58	0-6 to B-1	Approved	06/27/66
4.	69-13	B-1 & R-6MF to B-2 & 0-6	Denied	05/26/69
5.	69-93	R-6MF to B-1	Approved	11/03/69
6.	71-106	0-6 & R-6MF to B-1	Approved	12/06/71
7.	72-19	R-6MF to B-1	Denied	03/27/72
8.	74-17	R-6MF to B-1	Denied	07/15/75
9.	79-7	R-9MF to 0-6	Approved	04/30/79
10.	80-4	B-1 to B-2	Denied	02/11/80
11.	85-85	R-9 to 0-6	Approved	01/21/86

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from the general business district and a multi-family residential classification to accommodate an expansion of the existing shopping center. The 2005 Plan recognizes the intersection of Eastway Drive and Central Avenue as a community commercial center. The draft Central District Plan specifically indicates the area of the subject property as the site of a community mixed use center for the general area. Therefore, this petition is consistent with publicly adopted and pending plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff has met extensively with the petitioner on several occasions both prior to and subsequent to the filing of the application to discuss this request. During those meetings, staff stressed the need for the petitioner to work closely with the Department of Transportation and to be sensitive to edge treatments. Staff has communicated a number of site plan concerns to the petitioner, some of which have now been addressed.
2. Departmental Comments. Site plan comments from reviewing agencies included the need for submission of a traffic impact analysis, the need for additional right-of-way dedication along Eastway Drive and Central Avenue, reduction of driveways on Eastway Drive with all access to outparcels to be internal, extension of the existing median on Central Avenue to prevent left turns into the site, showing compliance with the Tree Ordinance, clarification of a number of notes and data on the site plan, and a general comment to better address screening on the rear edge, specifically to provide a brick wall as part of the screening treatment for the rear edge. Some of those original site plan comments have not been addressed by the revised site plan.

ISSUES

1. Land Use. There are no significant land use issues raised by this application. A portion of the subject property is occupied by an existing shopping center and this petition proposes to rezone properties to allow that shopping center to expand in a southerly direction. Publicly adopted and pending plans for the area recognize the existing shopping center as a community commercial center and the proposed expansion is a logical extension of that retail shopping center. Therefore in terms of land use, the petition is considered appropriate for approval.
2. Site Plan. There are a number of site plan issues which need to be resolved by the petitioner prior to a decision on this request. Included in those site plan issues are the need for improvements to edge treatments, right-of-way dedication at the TCBY outparcel on the corner of Central Avenue and Eastway Drive, reduction of driveways along Eastway Drive, and clarification of certain of notes on the site plan. Only with the submittal of a revised site plan that addresses these items, can the petition be considered appropriate for approval from a site plan standpoint. The most critical outstanding site plan concern is the need for improved treatment of the westerly project edge.

CONCLUSION

This petition could be considered appropriate for approval if the outstanding site plan issues are addressed adequately.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No 89-96
Date Filed 10/14/89
Received By MC/je
OFFICE USE ONLY

Ownership Information

Property Owner Morris Investment Company
Owner's Address 1400 Medford Court
Charlotte, NC 28205
Date Property Acquired 1958 - Developed parcel 1963 - Vacant parcel.
Tax Parcel Number 129-091-21, 55, 54, 22, 23, 24, 25, 26, 52, 53, 51

Location Of Property (address or description)

Southwest corner of Central Avenue and Eastway Drive

Description Of Property

Size (Sq Ft Acres) Total 30.498 + Acres Street Frontage (ft) 2,196 + ft. Eastway
303 + ft. Central
Current Land Use 17 + Acres, vacant parcel 13,098 + Acres developed parcel
Eastway Crossing Shopping Center. See attached rezoning plan.

Zoning Request

Existing Zoning 26.789 + Acres B.2 3.7 + Acres R-6MF Requested Zoning 30.09E - -acre B.2
Purpose of Zoning Change To allow expansion of existing shopping center

Name of Agent Baily Patrick, Jr.
P.O. Box 35566
Agent's Address Charlotte, NC 28235
Telephone Number (704) 372-1120

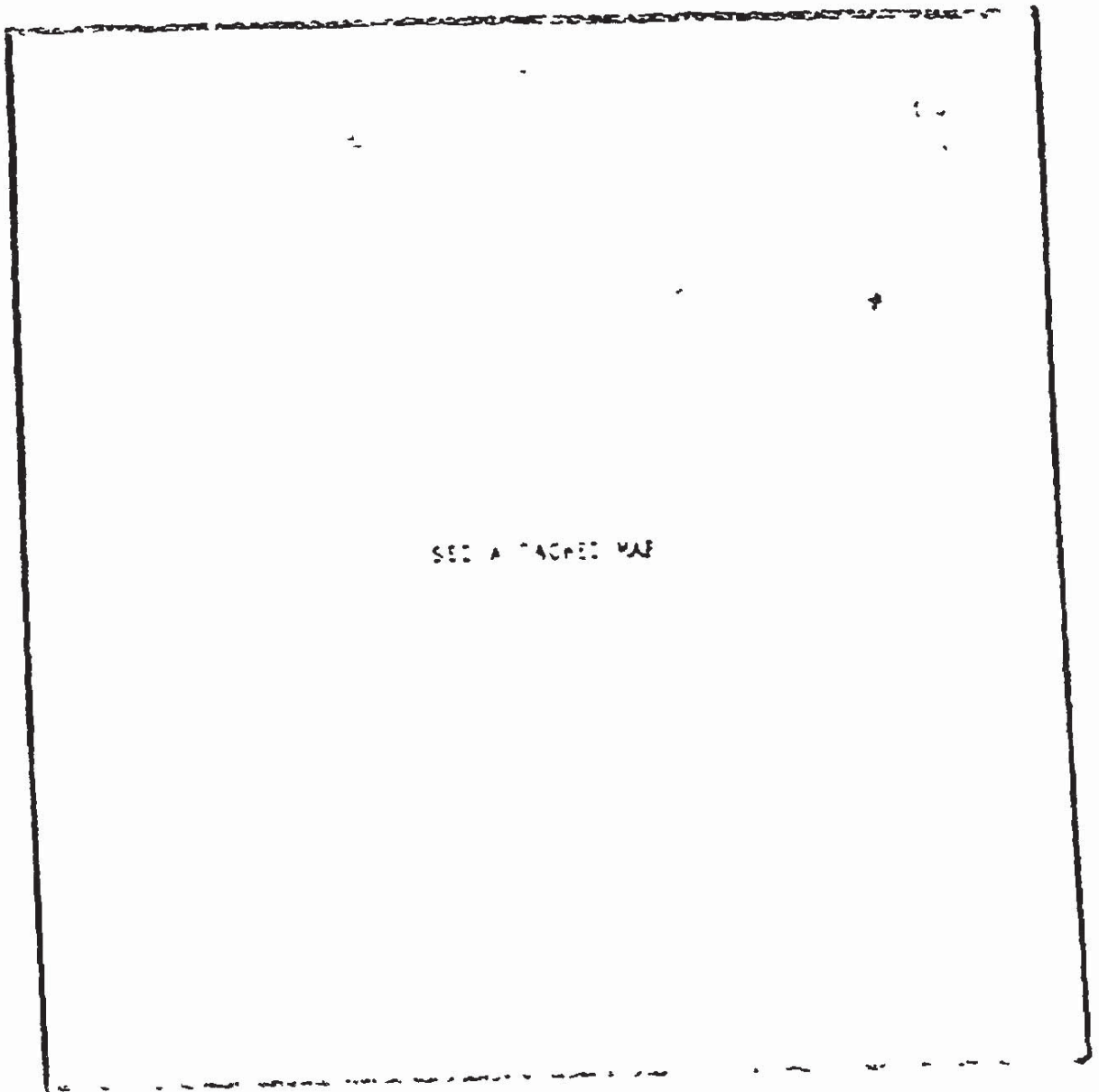
Name of Petitioner(s) Aston Properties Inc.
Suite 300, 6525 Marion Blvd.
Address of Petitioner(s) Charlotte, NC 28211
Telephone Number (704) 365-7337
By G. Steele Dewey, President
Signature Morris Investment Company

PETITIONER Aston Properties Inc.

PETITION NO. 89-96 HEARING DATE December 18, 1989

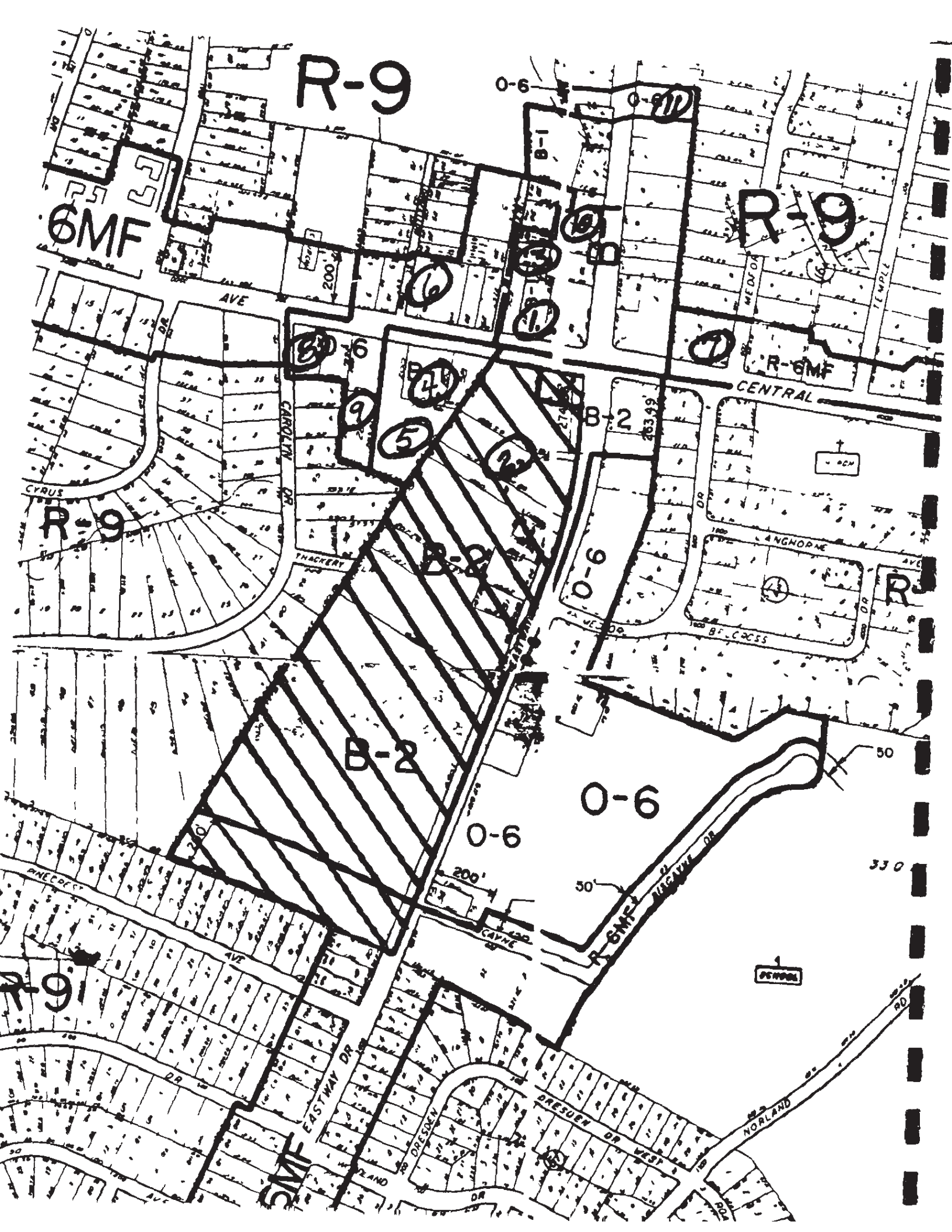
ZONING CLASSIFICATION, EXISTING B-2 & R-6MF REQUESTED B-1SCD

LOCATION Approx 30.5 acres located on the Southwest corner of Central Ave and Eastway Drive.



ZONING MAP NO. 100 & 101

SCALE 1" = 400'



R-9

O-6

6MF

R-9

AVE

CENTRAL

5

B-2

LANGHORNE

R-9

B-2

O-6

O-6

330

R-9

6MF EASTWAY DR

R-6MF

NORLAND

DRESDEN DR

DR

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-97

Petitioner: Miller Newton

Location: Approximately 3 acres located on the southerly side of Milton Road to the west of Sharon Amity Road.

Request: Change from O-15 to B-2(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is zoned O-15 as is the adjacent tract to the east. Properties located to the south of the petitioned site are zoned a combination of I-1 and I-2 districts. Properties located across Sharon Amity Road and the adjacent tract immediately to the west are zoned B-1SCD. Properties located across Milton Road to the north and properties located across Newell-Hickory Grove Road are zoned a combination of R-9MF, R-9, and R-15.
2. Existing Land Use. The petitioned site is currently vacant as are other nearby tracts located to the east, west, and southwest. Nearby tracts along Milton Road and Sharon Amity Road are developed with a variety of commercial and industrial uses including convenience stores, the East Town Market, a Wendy's restaurant, a NAPA store, and Roger's Builders. To the west of the subject property south of Milton Road, are the Barrington Oaks Apartments and Spring Run Apartments. To the north of Milton Road are the Sunridge Apartments, single family residences, and the Brittany Apartments. Across Newell-Hickory Grove Road are the Rosecroft Apartments and Hickory Grove Presbyterian Church. Other nearby properties are developed with single family residential homes.
3. Public Plans and Policies.
 1. 2005 Plan. The 2005 Plan indicates that this is an area of existing employment land uses and recognizes the East Town Market as a community commercial center. 2005 strategies for the area include improvement of Newell-Hickory Grove Road and water line extensions in the area.
 2. Transportation Improvement Program. The TIP schedules the widening of Newell-Hickory Grove Road/Delta Road between The Plaza and Albemarle Road for construction in FY1990-92.
 3. Capital Improvement Program. The CIP schedules the widening of Milton Road to four lanes from The Plaza to Sharon Amity for construction in FY1994.
 4. East District Plan. The draft East District Plan designates the intersection of Sharon Amity Road and Newell-Hickory Grove

Road as a community mixed use center with East Town Market as the focal point of the development. The community mixed use center would consist of 1 million square feet of development with an approximately 1/2 and 1/2 mixture of office and retail uses. The draft East Plan also contains a recommendation for rezoning of the B-1SCD tract which adjoins the subject property immediately to the west to a multi-family residential category.

4. Site Plan. The site plan which accompanies this application proposes the development of 15,000 square feet of retail sales and service including car maintenance and offices. The plan indicates access to the site would be provided by two driveway connections to Milton Road with the more westerly driveway along Milton Road as full movement and the northeasterly driveway as right turns in and out only. The plan also indicate possible future vehicular accesses along the easterly edge of the petitioned site into the adjoining O-15 tract to the east and to the I-1 tract to the south. The plan indicates a 20 foot building setback along Milton Road and a 20 foot rear yard adjoining the B-1SCD tract to the west which will include a 3 foot high evergreen hedge and tree planting.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	72-37	O-15 to B-1SCD	Approved	08/21/72
2.	74-7	O-15 to B-1SCD	Denied	01/06/74
3.	76-54	B-1SCD Site Plan Amendment	Approved	08/23/76
4.	80-49	R-9MF to I-2	Denied	02/02/81
5.	84-16	R-9MF to B-1SCD	Approved	04/16/84
6.	85-54	O-15 & B-1SCD to B-1SCD & B-1SCD Site Plan Amendment	Denied	11/25/84
7.	88-2	B-1SCD Site Plan Amendment	Approved	02/15/88

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from an office category to a conditional general business district to allow the development of a car maintenance and retail sales and service facility. The 2005 Plan recognizes East Town Market as a community commercial center with existing employment and existing residential uses located nearby. The preliminary East District Plan also designates East Town Market as the focal point for a mixed use center composed of approximately 500,000 square feet of retail and 500,000 square feet of office

uses. Plans for the area reinforce the need to maintain office zoning in this area by recommending that nearby business zoning be changed to office. Therefore, this petition is not consistent with adopted and proposed plans for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Staff had no contact with the petitioner prior to the filing of this application. Subsequent to the filing of the application, staff relayed several site plan related comments to the petitioner regarding the site plan. Some of those comments have not been addressed by the revised site plan.

2. Departmental Comments. Comments from C-MUD are unavailable as of the preparation of this report. Other departmental comments indicated the need for the dedication of additional right-of-way measuring 70 feet from the centerline of Milton Road prior to the issuance of building permits and provision of a left turn lane into the site. The revised site plan has an additional note stating that the petitioner will dedicate an additional 20 feet of right-of-way along Milton Road upon the request of the City of Charlotte. The revised site plan does not address the left turn lane comment. Comments from CDOT regarding trip generation indicate the site could generate approximately 938 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,165 trips per day.

ISSUES

1. Land Use. This petition seeks a change from an office category to a conditional general business district to allow the development of a car maintenance and retail sales and service facility. The 2005 Plan recognizes East Town Market as a community commercial center. The pending East District Plan also recognizes East Town Market as the focal point of a community mixed use center of 1 million square feet of development with roughly a 1/2 and 1/2 mixture of retail and office uses with residential uses located nearby. In order to provide the office component of the community mixed use center, the draft East District Plan recommends the office zoning on the subject property and on nearby properties remain. Additionally, the plan calls for the B-1SCD strip running along the southerly side of Milton Road to be rezoned to a multi-family residential district. Therefore, in terms of land use, the subject petition is viewed as inconsistent with pending and adopted plans and policies for the area and is not appropriate for approval.

2. Site Plan. This petition also raises issues in terms of its site plan. Departmental comments had indicated the need for the addition of notes relating to right-of-way dedication and the installation of a left turn lane on Milton Road. The revised site plan does not address the left turn lane comments whatsoever and does not conform to the right-of-way comments. CDOT has asked for the addition of a note to the site plan committing to dedication of 70 feet of right-of-way from the centerline of Milton Road prior to the issuance of building permits. Instead, the site plan indicates the petitioner will dedicate 20 feet of additional right-of-way along Milton Road upon the request of the City of Charlotte. The plan needs to be amended to reflect the original comments from the Department of Transportation.

CONCLUSION

This petition is not appropriate for approval. It is not consistent with the pending East District Plan and the site plan does not comply with comments made by the Department of Transportation.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition No	<u>89-97</u>
Date Filed	<u>October 16, 1992</u>
Received By	<u>MEM</u>
OFFICE USE ONLY	

Ownership Information

Property Owner Miller Newton
Owner's Address P. O. Box 36407
Charlotte, NC 28236
Date Property Acquired December 24, 1985
Deed Reference 5148-037 Tax Parcel Number 099-221-01

Location Of Property (address or description) South side of Milton Road, west of
Sharon Amity Road

Description Of Property

Size (Sq Ft Acres) 3 014 acres Street Frontage (ft) 298.47' on Milton
Current Land Use Vacant

Zoning Request

Existing Zoning O-15 Requested Zoning B-2(CD)
Purpose of Zoning Change To permit the development of a limited commercial use as a
transition to adjoining industrial land.

Fred E. Bryant, Planner	Miller Newton
Name Of Agent	Name of Petitioner(s)
<u>1850 E. Third St., Suite 316</u>	<u>P. O. Box 36407</u>
Agent's Address	Address of Petitioner(s)
<u>Charlotte, NC 28204</u>	<u>Charlotte, NC 28236</u>
Telephone Number	Telephone Number
<u>333-1680</u>	<u>332-7353</u>

[Signature]
5/14/92

#17

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-117

Petitioner: Charlotte-Mecklenburg Planning Commission.

Request: Text amendment to Historic District "Citations" section in Appendix A of the City Code, to correct erroneous citation and to add text related to issuing a civil complaint or criminal summons if a citation is not paid within 15 days. (Section 1629.9.5)

BACKGROUND

Two text amendments are needed for the Historic Districts "Citations" section of the City Zoning Ordinance. The first amendment is to correct an erroneous citation to section 3-24 of the City of Charlotte Code. This section does not exist now. The revision simply deletes the sentence referring to this section.

The second part of the amendment rewords the entire second paragraph of Section 1629.9.5 and adds text that states each day constitutes a separate violation and a new citation may be issued for each day the violation continues. This issue was not addressed in the ordinance before.

In addition, more text is added to the citation to inform a violator that a civil complaint or a criminal summons will be filed if the citation is not paid within fifteen days of the date the citation was issued.

CONCLUSION

This amendment will clarify the citation process and make it conform with other City citation procedures.

*Subject to further refinement following public hearing.

**ZONING ORDINANCE
TEXT AMENDMENT
APPLICATION
CITY OF CHARLOTTE**

Petition No	<u>89-137</u>
Date Filed	<u>October 16, 1989</u>
Received By	<u>[Signature]</u>
OFFICE USE ONLY	

Section No. 1629.9.5 Historic Districts "Citations"
(Title)

- Purpose of Change:
1. To correct an erroneous citation to Section 3-24 of the City Code.
 2. To add that a civil complaint or criminal summons will be filed if a citation is not paid within 15 days of issuance.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)
600 E. Fourth St., Charlotte, NC 28202

Address of Petitioner(s)
336-2205

Telephone Number

Signature

ORDINANCE NO. _____

AMENDING APPENDIX A-ZONING

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA THAT

Section 1 Appendix A-Zoning; § 1629 9 5, "Citations", shall be amended by deleting in its entirety the second complete paragraph of § 1629 9 5 beginning with the words "If the warning citation" and ending with the words "with these provisions " and substituting in lieu thereof a new second paragraph to read as follows

'If there has not been compliance with the warning citation then a citation in the amount of fifty dollars (\$50 00) may be issued. Each day shall constitute a separate violation and a new citation may be issued for each day of a continuing violation. This citation shall inform the violator that a civil complaint or criminal summons will be filed if the citation is not paid within fifteen (15) days of the date of the citation. The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the director and or Commission to ensure compliance with these provisions "

Section 2 This Ordinance shall become effective upon adoption.

Approved as to form


City Attorney

#18

DATE: November 27, 1989

PETITION NO.: 89-86

PETITIONER(S): Zaremba Centerpoint Co.

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

LOCATION: 13.8 acres located on the northeasterly corner of the intersection of Eastway Drive and Biscayne Drive.

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

VOTE: Yeas: Latham, Majeed, Vaughan, Wheeler, and Winget.

Nays: None.

(Commissioner Lassiter abstained from voting as he was not present for the discussion.)

REASONS

The petitioner in this case asked for a deferral in order to continue working with the neighborhood interests in the area and to further define other technical issues involved in the site plan.

DATE: November 27, 1989

PETITION NO.: 89-98 through 89-106 (South Boulevard Special Project Plan).

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of various zoning changes to implement the South Boulevard Special Project Plan.

ACTION: The Zoning Committee deferred action on these cases until its January work session.

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

Nays: None.

REASONS

The Zoning Committee deferred action on these requests in order to arrange tours of the affected properties as well as to conduct a joint meeting with the Planning Committee to discuss the specific recommendations of the South Boulevard Special Project Plan. Those tours and meetings will be arranged during the month of December and early January in order that these matters may be considered at the January work session.

7/20

DATE: November 27, 1989

PETITION NO.: 89-107 through 89-116 (Thomasboro/Hoskins Special Project Plan).

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of various zoning changes to implement the Thomasboro/Hoskins Special Project Plan.

ACTION: The Zoning Committee deferred action on these cases until its January work session.

VOTE: Yeas: Lassiter, Latham, Majeed, Vaughan, Wheeler, and Winget.
Nays: None.

REASONS

The Zoning Committee deferred action on these requests in order to arrange tours of the affected properties as well as to conduct a joint meeting with the Planning Committee to discuss the specific recommendations of the Thomasboro/Hoskins Special Project Plan. Those tours and meetings will be arranged during the month of December and early January in order that these matters may be considered at the January work session.

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