AGENDA

Meeting Type:	Z
Date	02-20-1989
SUBJECT	

City of Charlotte, City Clerk's Office

Council Agenda February 20, 1989

FILE COPY

CHARLOTTE

Meetings in February '89

FEBRUARY 1 - FEBRUARY 4

1	Wednesday, 7 45 a m	PRIVATE INDUSTRY COUNCIL - CMGC, Conference Center, Room 267
2	Thursday, 7 30 a m.	ADVISORY COMMITTEE ON PERFORMANCE APPRAISAL AND PERFORMANCE INCENTIVE PROGRAM - CMGC, Lobby Conference Room
	Thursday, 4 00 p m	CITY COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE - CMGC, Room 270

THE WEEK OF FEBRUARY 5 - FEBRUARY 11

6	Monday, 12 Noon	CHARLOTTE-MECKLENBURG PLANNING COMMISSION - CMGC, Conference Center, Room 267
	Monday, 2 00 p.m	PLANNING COMMISSION/Zoning Committee - CMGC, Conference Center, Rm. 267
	Monday, 5 00 p m.	CITY COUNCIL/Workshop - CMGC, Conference Center
7	Tuesday, 4 00 p m.	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room
	Tuesday, 5 00 p.m.	CITY INFORMATION FAIR - CMGC, 600 E 4th Street, Lobby
	Tuesday, 6 00 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - CMGC, Conference Center, Room 267
8	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
	Wednesday, 9 30 a.m.	CIVIL SERVICE BOARD (Hearing) - CMGC, Lobby Conference Room
	Wednesday, 1 00 p.m.	CHARLOTTE-MECKLENBURG ART COMMISSION/Spirit Square Ad Hoc Committee - Spirit Square, 110 East 7th Street
	Wednesday, 4 00 p m.	HISTORIC DISTRICT COMMISSION - CMGC, Conference Center, Room 267
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center, Room 267
9	Thursday, 7 30 a m.	ORGANIZATION REVIEW ADVISORY COMMITTEE - CMGC, Lobby Conference Room
	Thursday, 4 00 p.m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE - CMGC, Room 270
	Thursday, 4 30 p m.	CITY COUNCIL (Special Use Permit Hearing) - CMGC, Meeting Chamber
	Thursday, 5 00 p m.	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee CMGC, 8th Floor Conference Room

THE WEEK OF FEBRUARY 12 - FEBRUARY 18

13	Monday, 9 00 a.m	STORMWATER MANAGEMENT ADVISORY COMMITTEE - Hal Marshall County Service Center, 700 N Tryon Street
	Monday, 10 30 a m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Charlotte Coliseum, 100 Paul Buck Blvd Administrative Conference Room
	Monday, 5 30 p m.	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 7 00 p.m	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 7 30 p.m	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 7 30 p m	HISTORIC PROPERTIES COMMISSION - 1221 S Caldwell Street
14	Tuesday, 4 00 p m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF FEBRUARY 12 - FEBRUARY 18 (Continued)

15	Wednesday, 1 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Coliseum Hoc Committee - Charlotte Coliseum, 100 Paul Buck Blvd.
16	Thursday, 7 30 a.m	ADVISORY COMMITTEE ON PERFORMANCE APPRAISAL & PERFORMANCE INCENTIVE PROGRAMS - CMGC, Lobby Conference Room
	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - CMGC, 10th Floor Conference Room
	Thursday, 4 00 p m	CITY COUNCIL OPERATIONS COMMITTEE - CMGC, Room 270
	Thursday, 7 30 p m	CHARLOTTE TREE ADVISORY COMMISSION - 701 Tuckaseegee Road, Park Operations
17	Friday, 7·30 a m	PLANNING COMMISSION/Planning Liaison Committee, CMGC, 8th Floor Conference Room

THE WEEK OF FEBRUARY 19 - FEBRUARY 25

20	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	CITY COUNCIL/Zoning Hearing - CMGC, Meeting Chamber
21	Tuesday, 7 30 a m	ORGANIZATION REVIEW ADVISORY COMMITTEE - CMGC, Lobby Conference Room
	Tuesday, 12 Noon	COUNTY COMMISSION, CITY COUNCIL & SCHOOL BOARD (Discussion of Planning Workplan for FY 90 - FY91) - CMGC, Conference Center
	Tuesday, 2 00 p m	HOUSING AUTHORITY - 1301 South Blvd , Administrative Offices
	Tuesday, 4 00 p.m	CHARLOTTE-MECKLENBURG ART COMMISSION/WTVI Ad Hoc Committee - CMGC, Lobby Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room
22	Wednesday, 4 00 p m.	CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, Lobby Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center, Room 267
23	Thursday, 2 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee for CMUD - CMGC, 8th Floor Conference Room
	Thursday, 4 00 p m.	CITY COUNCIL TRANSPORTATION COMMITTEE - CMGC, Room 270
	Thursday, 4 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION - CMGC, Lobby Conference Room

FEBRUARY 26 - FEBRUARY 28

27	Monday, 1 00 p m	COUNCIL/MANAGER LUNCHEON - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p.m.	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 2 30 p.m.	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 4 00 p m	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Rm
	Monday, 4 30 p m	PLANNING COMMISSION/Zoning Committee - CMGC, Lobby Conference Room
28	Tuesday, 2 00 p m	CITY ZONING BOARD OF ADJUSTMENT - Hal Marshal Building, 700 North Tryon Street
	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEEE - Utility Dept , 5100 Brookshire Blvd
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room

These organizations will <u>not</u> meet in February·

Advisory Energy Commission
Community Facilities Committee
Division of Insurance & Risk Management
Housing Appeals Board
Municipal Information Advisory Board
Specialized Transportation Advisory Committee

Mayor Sue Myrick *Mayor Pro Tem Al Rousso*

John A. (Gus) Campbell *Roy Mattheus*
Stanley M. Campbell *Cyndee Patterson*
Dan Clodfelter *Ella Butler Scarborough*
Charles S. Dannelly *Richard Vinroot*
Gloria Fenning *Velva W. Woollen*

Council Agenda

Monday, February 20, 1989

5:00 p.m. - Dinner
Chamber Conference Room

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

ITEM NO.

1. Invocation by The Reverend Clyde K. Penry, St. Paul United Methodist Church.

PUBLIC HEARINGS

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

   This hearing was deferred at the January 17, 1989 meeting.

   Attachment No. 1

3. Hearing on Petition No. 88-88 by Providence Park Office Associates for a change in zoning from R-15 to O-15(CD) for a 2.35 acre site located on Providence Road, approximately 216 feet east of Sharon Amity Road.

   This petition was deferred at the November 2, 1988 meeting for 90 days.

   Protest petitions have been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property.

   Attachment No. 2-A

4. Hearing on Petition No. 89-9 by University Research Park for a Text Amendment to Section No. 3025 of the City of Charlotte Zoning Ordinance to establish different development standards for day care centers in the Research districts.

(Petitioner has requested this petition be deferred indefinitely.)

Attachment No. 2-B

5. Hearing on Petition No. 89-10 by Morcroft Leasing Corporation for a Text Amendment to Section No. 1102 and 3142 to permit accessory dwelling units as an accessory use to a principal residence.

Attachment No. 2-C

6. Hearing on Petition No. 89-11 by Gus G. Bacogeorge for a change in zoning from O-6 to B-2 for a 15,900 square foot parcel located on the westerly side of Eastway Drive north of Monroe Road.

Attachment No. 2-D

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

Attachment No. 2-E

8. Hearing on Petition No. 89-13 by William J. Branstorm, III for a Site Plan Amendment to an existing R-15MF(CD) zoning for a 4.44 acres site located at the northwest intersection of Ardsley and Hermitage Road.

Attachment No. 2-F

9. Hearing on Petition No. 89-14 by North Carolina Performing Arts Center at Charlotte Foundation for a change in zoning from UMUD to UMUD Optional for 3.46 acres bounded by North Tryon Street, East Trade Street, North College Street and East Fifth Street.

Attachment No. 2-G

10. Hearing on Petition No. 89-15 by J. F. Gladden for a change in zoning from O-6 and R-6MF to B-2(CD) for a 40,890 square foot parcel located on the east side of Holton Avenue north of Wilkinson Boulevard.

Attachment No. 2-H

11. Hearing on Petition No. 89-16 by Britthaven of Charlotte and R. Gregg Hill, for a change in zoning from R-6MF to O-6(CD) for a 3.6 acre site located along the east side of Cranbrook Lane, north of Randolph Road behind Eastover Medical Park.

Attachment No. 2-I

12. Hearing on Petition No. 89-17 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF, R-9MF and B-1 to R-6 for properties totaling 28.5 acres located in the Greenville neighborhood between Oaklawn Avenue, Brookshire Freeway and Statesville Avenue.

Attachment No. 2-J

POLICY AGENDA

13. Decision on Petition No. SUB 88-4 by the Charlotte-Mecklenburg Planning Commission to amend various sections dealing with metes and bounds property description, definitions, multiple building site, and minimum road right-of-way requirements.

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

Attachment No. 3-K

14. Decision on Petition No. 88-48 by Sayre Lineberger Meyer for a change in zoning from B-1 and O-6 to R-12MF for a 2.76 acre site located on Providence Road at the corner of Ardsley and Providence Roads.

This hearing was deferred at the July 18, September 19, November 21, December 19, and January 17 meetings.

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

The Zoning Committee deferred action on this request indefinitely at the request of the petitioner.

Attachment No. 3-L

15. Decision on Petition No. 88-96 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section No. 1102 of the Charlotte City Code to amend definition section regarding thoroughfares and to add additional yard and/or setback requirements for lots along thoroughfares.

This petition was deferred at the December 19 and January 17 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 3-M

16. Decision on Petition No. 89-1 by Roger R. Lee for a Site Plan Amendment to an existing I-2(CD) zoning for a 4.02 acre site on the north side of Mt. Holly Road east of Lee Drive.

The Zoning Committee recommends that this petition be denied.

Attachment No. 3-N

17. Decision on Petition No. 89-3 by Richard Cherry for a change in zoning from R-9 and O-6 to O-6(CD) for a 3,950 square foot parcel located on the southerly side of Monroe Road east of Commodore Street.

(Petitioner has requested decision on this petition be deferred for 30 days.)

The Zoning Committee recommends that this petition be denied.

Attachment No. 3-O

18. Decision on Petition No. 89-4 by McClure Real Estate & Investments, Inc. for Site Plan Amendment to an existing B-1SCD zoning for approximately 9.52 acres located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.

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

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

Attachment No. 3-P

19. Decision on Petition No. 89-6 by Waters Construction Company for a Site Plan Amendment to an existing R-15MF(CD) zoning for approximately 25.6 acres located on the north side of Sharon View Road, west of Colony Road.

The Zoning Committee recommends that this petition be denied.

Attachment No. 3-Q

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

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

The Zoning Committee deferred action on this request and referred the matter to the Planning Committee for a recommendation on amendments to the Billy Graham Parkway Plan.

Attachment No. 3-R

21. Decision on Petition No. 89-8 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 for a 28.2 acre site fronting on the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

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

The Zoning Committee deferred action on this request and deferred the matter to the Planning Committee for a recommendation on amendments to the Billy Graham Parkway Plan.

Attachment No. 3-S

22. Recommend approval of changes in the rezoning process.

Attachment No. 4

23. Recommend adoption of resolution calling for a public hearing on Monday, March 20, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, for Text Amendment on Petition No. 89-27.

24. Recommend adoption of resolution calling for public hearings on Monday, March 20, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-18 through 89-26. for zoning changes.

SCHEDULE OF MEETINGS
February 20 - 24, 1989

Monday, February 20	COUNCIL/MANAGER DINNER Meeting Chamber Conference Room	5:00 p. m.
	ZONING HEARINGS Meeting Chamber	6:00 p. m.
Tuesday, February 21	CITY COUNCIL, COUNTY COMMISSION & SCHOOL BOARD Discussion of Planning Work Plan for FY90-91. Conference Center, CMGC	12·00 Noon
Thursday, February 23	TRANSPORTATION COMMITTEE Room 270, CMGC	4:00 p. m.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 89-2

Petitioner	Alan R Kessel and Jacqueline S Kessel
Location	A 2 8 acre site located between Old Concord Road and Orr Road between McDaniel Lane and Fairhaven Drive
Request	Change from I-1 to I-2

BACKGROUND

1 Existing Zoning Property involved in this request is currently zoned I-1 as are other tracts both to the north and to the south A large area bounded by U S 29 and Southern Railroad to the west of the subject property is zoned I-2 Otherwise the nearby area is residentially zoned, specifically R-MH, R-9, and R-12

2 Existing Land Use The subject property is the site of a waterproof construction office Nearby properties are developed with a variety of commercial uses including Aloha Pools, Granbar Kennels, several auto service shops, and an industrial park Across Old Concord Road are several single family residences and two mobile home parks There are also several fairly large vacant tracts both to the north and to the south of the site Otherwise, nearby properties are developed with single family residential uses

3 Public Plans and Policies

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

2 Preliminary Draft of Northeast District Plan. The preliminary draft of the Northeast District Plan envisions Old Concord Road and Orr Road as employment corridors in the area of the subject property However, the plan recommends not intensifying the zoning beyond the I-1 district now established in the area The objective of that recommendation is to generally leave intact the established zoning and land use pattern which has a concentration of general industrial zoning and land uses west of the subject property along U.S. 29, Orr Road, and Old Concord Road and large residential areas developing to the east under the R-12 district.

4 Site Plan. There is no site plan which accompanies this request inasmuch as the application is conventional, rather than conditional, in nature

5 School Information. Not applicable

6. Zoning History (See Attached Map)

1	79-9	I-1 & I-2 to R-9	Denied	05/14/79
2	79-12	I-2 to B-D, I-1, R-MH & R-12	Denied	04/30/79
3	81-21	LTD R-MH & R-12 to R-9	Approved	06/09/81

7 Neighborhood Community This site falls within the area defined as the Northeast

REVIEWS

1 Plan Consistency This petition seeks rezoning of a site from the I-1 district to the I-2 district The 2005 Plan generally recognizes this part of Old Concord and Orr Roads as an employment corridor Both the existing zoning classification and the proposed zoning classification could be considered consistent with that general land use vision However, the preliminary draft of the Northeast District Plan recommends no intensification of zoning beyond the I-1 district for the area of the petitioned property

2 Technical Consistency

1 Pre-Hearing Staff Input Staff had no contact with the petitioner prior to the filing of the application

2 Departmental Comments.

1 C-MUD. Water and sewer services are available in the area

2 Fire Department No comment

3 Building Standards Department No comment

4 Department of Transportation The Department of Transportation indicates the subject property could generate approximately 150 trips per day as currently zoned under the proposed zoning, the site could generate approximately 50 trips per day This would have a lesser impact on the surrounding thoroughfare system

5. Engineering Department. No comment.

6. Planning Staff. Planning staff notes the petition's inconsistency with the preliminary draft of the Northeast District Plan and has concerns about the conventional nature of the request.

ISSUES

1 Land Use. This petition seeks a rezoning from a light industrial district to a general industrial district. That sort of change could be viewed as consistent with the very general future land use vision contained in the 2005 Plan. However, the subject property is also included within the scope of the Northeast District Plan which is currently underway. The draft District Plan's more detailed analysis of the future land use goal

is to recognize the vast amount of I-2 zoning located along U S 29, Orr Road, and Old Concord Road west of the petitioned site and to not intensify the area of the subject property beyond the current zoning classification Therefore, from a land use standpoint, the petition is not considered appropriate for approval

2 Site Plan The subject petition has been submitted as a conventional rather than conditional, rezoning application Therefore, there is no information provided as to the future development of the property except the indication on the application that the purpose of the request is to allow outdoor storage In light of the recommendation contained in the preliminary draft of the Northeast District Plan, there is no compelling reason to intensify the zoning in this area, particularly without a conditional site plan that would provide an opportunity to assess the potential impacts of any rezoning

CONCLUSION

The subject petition raises concerns from both the land use and site plan standpoint It is inconsistent with the future land use vision contained in the preliminary draft of the Northeast District Plan and offers no site plan by which to assess its potential impact Therefore, as submitted, the petition is not considered appropriate for approval.

*Subject to further refinement following public hearing

ZONING REQUEST
CITY OF CHARLOTTE

Petition No. 99-2
Date Filed 12/1/98
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Alan R. Kessel and wife, Jacqueline S. Kessel, Eddie W. Sipe and wife, Patricia G. Sipe and Jacqueline S. Kessel

Owner's Address: P.O. Box 221443, Charlotte, NC 28222 and ~~637-D Minuet Lane, Charlotte, NC~~ 28210

Date Property Acquired: March 18, 1987

Tax Parcel Number: 097-062-20, ~~097-062-21~~, 097-062-01

Deed Reference: 5452/292, 294 & 296

Location Of Property (address or description) 6531 Orr Road,

Charlotte, Mecklenburg, NC

Description Of Property

Size (Sq. Ft.-Acres): 2.8 acres - see attached legal description

Street Frontage (ft.): 546.76

Current Land Use: waterproof construction office and vacant land

Zoning Request

Existing Zoning: I-1

Requested Zoning: I-2

Purpose of zoning change: To enable owners to expand business and allow outside storage in connection with business.

Fenton T. Erwin, Jr. & T. LaFontine Odom
Name of Agent

1100 S. Tryon Street, Charlotte, NC 28203
Agent's Address

704/372-4800
Telephone Number

Alan R. Kessel and wife, Jacqueline S. Kessel
Eddie W. Sipe and wife, Patricia G. Sipe
Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature(s)

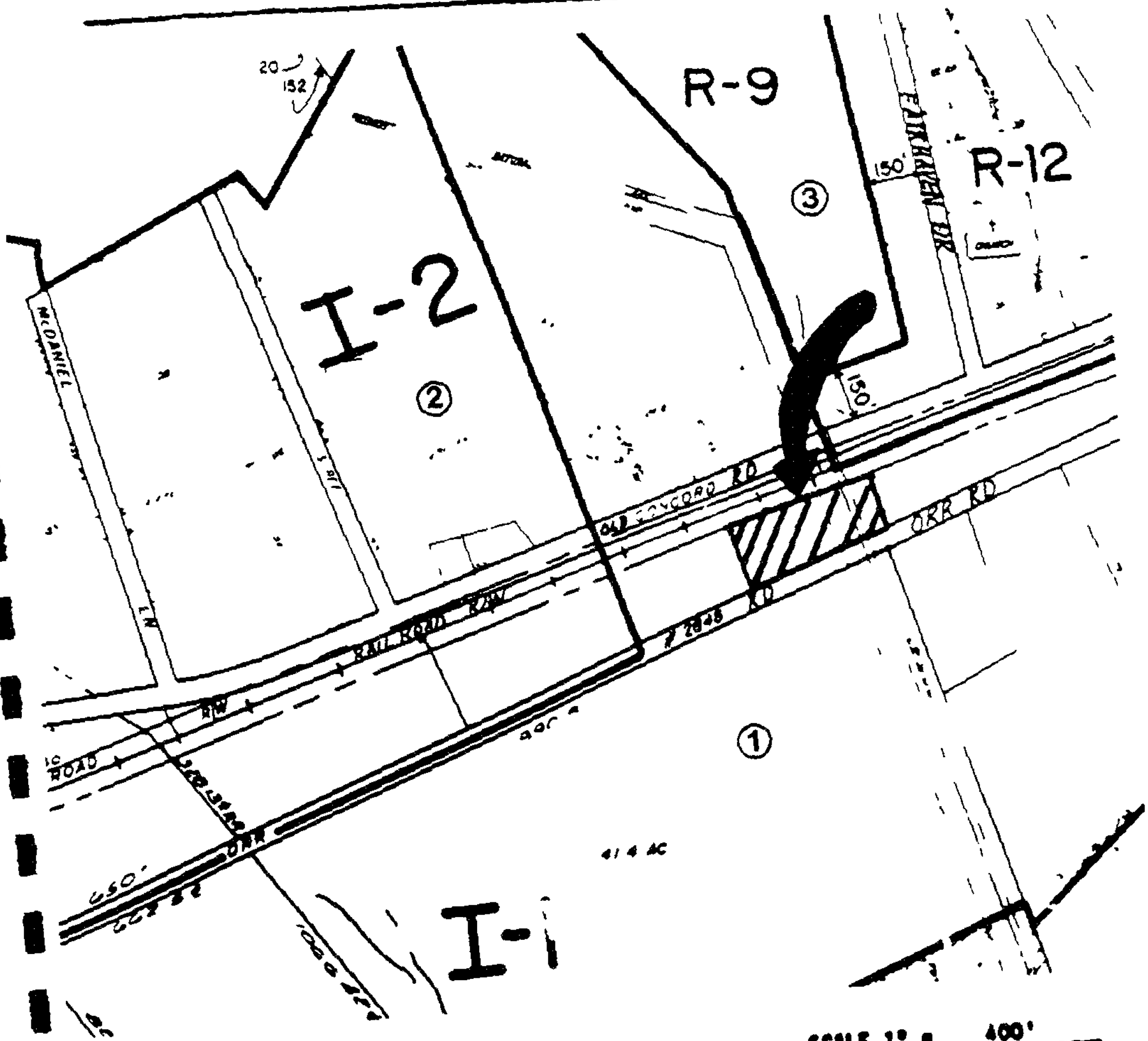
Signature of Property Owner If Other Than Petitioner

PETITIONER Alan R Kessel and wife, Jacqueline S. Kessel

PETITION NO 89-2 HEARING DATE January 17, 1989

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED I-2

LOCATION Approximately 2 8 acres bounded by Old Concord Road and Orr Road between McDaniel Lane and Fairhaven Drive



SCALE 1" = 400'

ZONING MAP NO. 77

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 10, 1989

Mayor and City Council:

RE: Petitions to be Heard in February, 1989

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, February 20, 1989 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 88-88

Petitioner: Providence Park Office Associates

Location: A 2 35 acre site located on Providence Road approximately 216 feet east of Sharon Amity Road.

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

BACKGROUND

1. Existing Zoning The property involved with this request is presently zoned R-15 as is the majority of property to the south, west, and north of the subject site. In the immediate vicinity of the Sharon Amity and Providence Road intersection, the properties are zoned for a variety of nonresidential categories including B-1, B-1(CD), and O-6 In addition, along Sharon Amity Road and to the rear of the subject site can be found a property zoned for multi-family uses as R-12MF.

2 Existing Land Use The property involved with this request is presently the site of two single family structures Directly across Providence Road from the subject site is located a church and school. North and east of the subject site can be found a property use for office, business, and multi-family purposes Otherwise, properties in the surrounding area are used for single family detached housing

3. Public Plans and Policies.

   1 2005 Plan. The 2005 Plan indicates existing residential type land uses in the area of the subject property It indicates a community commercial center and existing employment uses at the intersection of Sharon Amity Road and Randolph Road to the east The 2005 strategies include waterline extension out Providence Road to Sharon Amity Road

   2. Transportation Improvement Program The TIP calls for improvements at the intersection of Providence Road and Sharon Amity Road.

   3. Small Area Plan. There is no small area plan which covers this portion of the community.

4 Site Plan The site plan which accompanies this application proposes the construction of two office buildings with a total floor area no to exceed 25,000 square feet The plan indicates a single entrance from Providence Road and the construction of a deceleration lane on Providence Road to service that entrance The plan proposes a building setback restriction of 100 feet and specifies the preservation of a number of existing trees on the site The plan also proposes the preservation of one single family structure and notes that the portion of the site upon which that structure would rest would be derestricted to an R-15 use The site plan arranges

the majority of the parking to the rear portion of the site and orients the office buildings toward Providence Road and to commercial property which fronts on Sharon Amity.

5. School Information. Not applicable.

6 Zoning History (See Attached Map)

1.	66-20	R-9MF to R-6MF & I-1	Denied	09/27/65
2.	67-95	R-12MF to Cond. Parking	Approved	01/08/62
3.	66-35	R-15 to R-12MF	Denied	04/25/66
4	69-38	R-12MF to 0-15	Approved	06/30/69
5.	68-48	R-15 to R-12MF	Denied	09/23/68
6.	66-85	R-12MF & 0-15 to B-1	Denied	10/24/66
7.	72-1	0-15 to 0-6	Denied	01/24/72
8	72-40	R-15 to R-12	Approved	08/07/72
9	78-51	0-15 to B-1(CD)	Approved	10/30/78
10.	85-52	R-15 to 0-15(CD)	Denied	09/16/85

7 Neighborhood. This petition falls within the area defined as the Providence Park/Randolph Park neighborhood

REVIEWS

1 Plan Consistency. The 2005 Plan indicates that the property involves with this request should be used for residential purposes. The petition proposes to convert the property to primarily office uses with a small portion of the site to continue to be used for residential purposes The site is across from a major institutional use and adjoins a commercial use, but also adjoins existing single family residential and multi-family residential properties This property is in a key location to facilitate the implementation of the 2005 Plan which calls for residential uses However, this petition which proposes the use of the property for office purposes is not consistent with publicly adopted plans and policies for the area

2 Technical Consistency.

1. Pre-Hearing Staff Input The petitioner discussed this request with the staff prior to filing the application The staff indicated concern over a proposal to rezone this property for office uses. The staff indicated to the petitioner a strong preference for the property to be used for residential purposes and indicated a willingness to consider a multi-family proposal Subsequent to the filing of the application, the staff met with petitioner to review deficiencies and questions regarding the site plan

2 Departmental Comments

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

2 Building Standards Department Building Standards Department indicated that the plan as presented is deficient in required parking In addition, they note the plan needs to indicate screening along residential boundaries of the site and that the screening must be placed on the petitioner's property and not on public right-of-way.

3. Engineering Department. The Engineering Department indicated the need for the petitioner to install a 5 foot sidewalk along the property frontage on Providence Road. They indicated that the petition would be required to show storm water detention facilities on the site and the need to provide for 50 feet of right-of-way from the centerline of Providence Road along the frontage of their property In addition, the Engineering Department has been made aware of adjacent property owners concern regarding flooding in the area. They recommended the developer commit to providing documentation showing that the proposed development will not worsen the existing flooding condition and that that documentation should be approved by the Engineering Department prior to any development of the site

4 Fire Department. The Fire Department indicated that a public or private hydrant would have to be installed on the site.

5 Department of Transportation The Department of Transportation had a number of verbal comments regarding the design of the driveway to Providence Road They indicated the need to revise the design of the parking lot, the need to dedicate the necessary right-of-way along the frontage of the site on Providence Road, and the need to clarify the status of a right-of-way which appears on the tax maps on the rear portion of this property. They noted that the trip generation from the site as presently zoned is approximately 120 trips and that could be expected to increase to 800 to 900 trips if this petition were approved

6. Planning Staff. The Planning staff had a number of comments regarding the site plan including the need to clarify the status of a public right-of-way at the rear portion of the property, the need to establish screening along the residential boundaries of the property, the need to note the storm water detention on the site plan, and the need to clarify exactly what portion of the site is being rezoned In addition, the staff requested that the petitioner indicate in more specificity which trees would be protected during the construction and how that protection would occur

ISSUES

1 Land Use. This petition raises a significant land use issue The 2005 Plan indicates that this property should be used for residential purposes The present nonresidential uses which fronts along Sharon Amity are well defined in their present locations This property is in a critical

location in terms of the implementation of the plan and can provide a transition from the nonresidential uses along Sharon Amity to the single family residential uses further to the south and east along Providence Road This request is actually half of a previous request to rezone this property to office which was denied in 1985. The land uses in the area are essentially unchanged since that time and the public policies for the protection of the single family residential neighborhoods along Providence Road are still in place While a multi-family residential project for this site might be highly appropriate, the present request for office zoning is inconsistent with plans for the area and may be reviewed as a precedent for further rezoning along this portion of Providence Road Therefore, this petition should not be approved

2 Site Plan The site plan which accompanies this application contains a number of minor issues which need to be resolved. Those issues revolved around an apparent public right-of-way on the rear portion of the site, the access to the site on Providence Road and its design, the parking and storm water requirements for the site, and the means by which the substantial amount of tree cover on the site would be preserved. From a site plan standpoint, if these technical issues can be addressed, the petition can be considered as appropriate for approval.

CONCLUSION

This petition is not appropriate for approval Even though the site plan may be modified to address technical concerns, the overriding issue in this case is the land use policy which calls for this property to be used for residential purposes It is a key piece to provide a transition from the nonresidential uses along Sharon Amity to the single family uses along Providence Road

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 88-88
Date Filed October 3, 1988
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner (1) Providence Park Office Associates (2) Mytle Carter Spoon

Owner's Address (1) Suite 200 3703 Latrobe Dr. Char. NC (2) 3019 Providence Road Char. NC

Date Property Acquired (1) 11/85 (2) Unknown

Deed Reference (1) 5136-335 (2) Unknown

Tax Parcel Number (1) 185-014-01 (2) 185-014-02

Location Of Property (address or description) 3001 Providence Rd 3019 Providence Road

Description Of Property

Size (Sq. Ft.-Acres) 2.35 acres

Street Frontage (Ft.) 311.7

Current Land Use Single family residences

Zoning Request

Existing Zoning R-15

Requested Zoning O-15(CD)

Purpose of zoning change It is not economically feasable to maintain as single family residences. To build two attractive office buildings in the trees on this site. Also we are willing to temp. deed restrict the remaining 100' frontage to single family to provide a stop to the encroachment plus use some of the profit to provide an attractive single family residence.

Bettie N. Henderson
Name of Agent

3703 LaTrobe Drive, Suite 240
Agent's Address Charlotte, NC 28211

(704) 364-3855
Telephone Number

Providence Park Office Associate
Name of Petitioner(s)

3703 Latrobe Dr, Suite 220
Charlotte, NC 28211
Address of Petitioner(s)

704-365-2750
Telephone Number

William H. Spoon partner
Signature

Signature of Property Owner If Other Than Petitioner Mrs. Myrtle Spoon

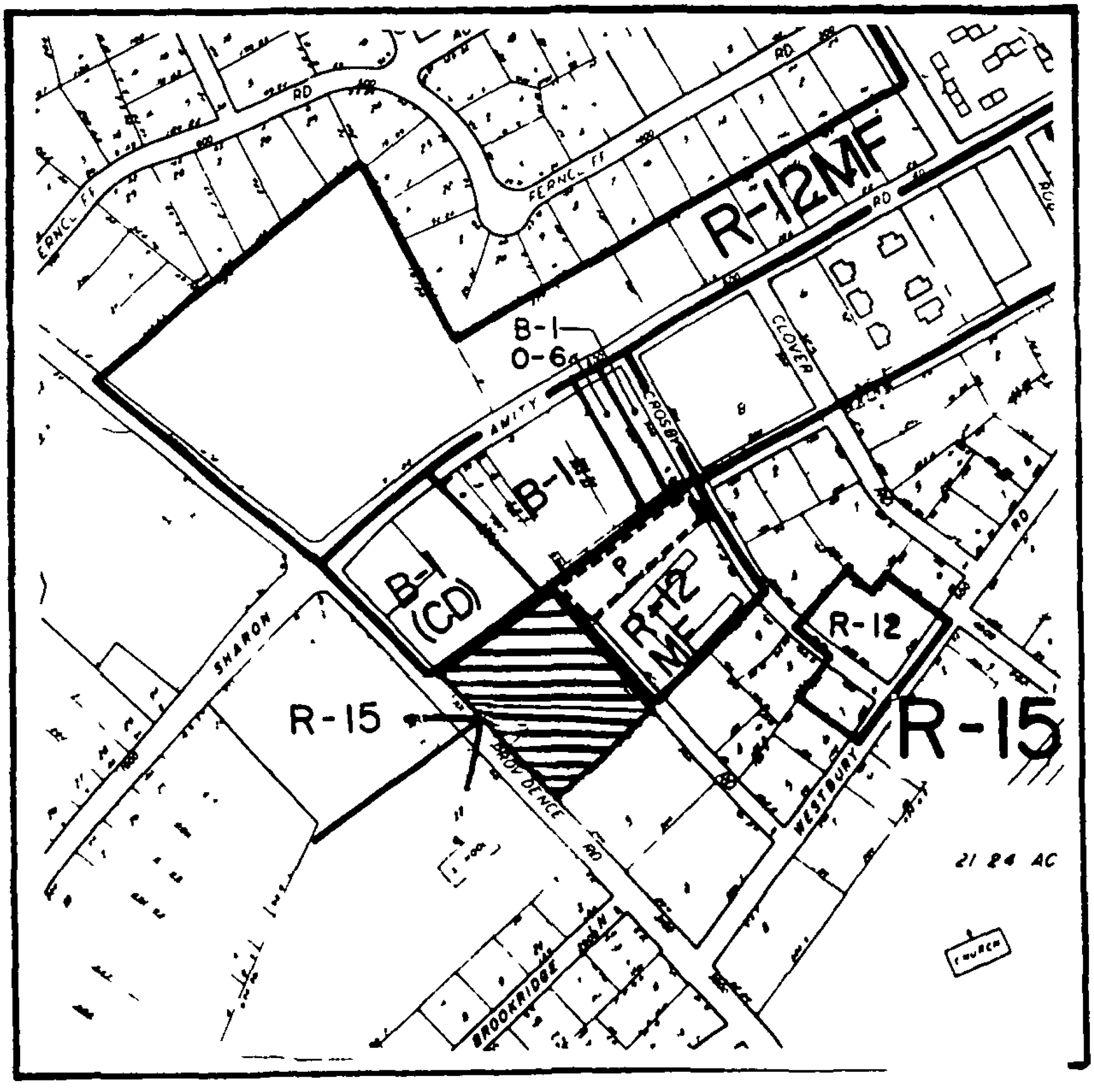
X Myrtle Carter Spoon

PETITIONER Providence Park Office Associates

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

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

LOCATION Approx. 2 35 acres located or the northerly side of Providence Rd. between Sharon Amity Road and Westbury Road adjacent to D'Arcys Restaurant.



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Petition No. 89-9

Petitioner: University Research Park

Request: Consideration of a Text Amendment to Section 3025 of the City of Charlotte Zoning Ordinance to establish different development standards for day care centers in the Research districts.

BACKGROUND

The text amendment proposed in this case would establish a different set of development standards for day care centers than the development standards that apply to other permitted uses in the Research districts.

1. Existing Development Standards. The existing development standards in the Research districts include a minimum lot area of 4 acres, a minimum lot width of 400 feet, minimum side and rear yards of 35 or 50 feet depending on lot size and a minimum setback of 100 or 150 feet depending on lot size. Parking of motor vehicles is not permitted in the required setback.

2. Proposed Development Standards. The proposed amendment would set up different development standards for day care centers in Research districts. The proposed standards include a minimum lot area of 2 acres, a minimum lot width of 200 feet, minimum side and rear yards of 25 feet (35 feet when next to residential zoning), and a minimum setback of 40 feet (100 feet on thoroughfares and collectors). Parking of motor vehicles would not be allowed in the front 40 feet of the setback but would be allowed in the remainder of the required setback.

The requested text amendment's proposal to allow day care centers to develop on smaller lots and with smaller required lot widths and yards can be viewed as appropriate for approval. However, the portion of the proposal that would allow day care centers to develop and operate with smaller setbacks and with parking in the setback raises a concern.

SETBACK TREATMENT ISSUE

The development standards required in the Research districts emphasize aesthetic and environmental considerations and development in those districts is characterized by spacious, landscaped settings and large, well-manicured lawns.

This amendment proposes to permit day care centers in the Research district to develop and operate with smaller setbacks and with parking allowed in most of the setback.

Deviations in the setback treatment for certain uses would result in a disruption of one of the most aesthetically pleasing features of established development in the Research districts.

The proposal should be amended to require the setback treatment for day care centers to conform to the standards for the other uses in the districts.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-9

Date Filed January 3, 1989

Received By MCM

OFFICE USE ONLY

Section No 3025 Research Districts

(Title)

Purpose of Change

The zoning ordinance is deficient in describing reasonable standards for day care centers when located in the Research District. Lot sizes and other dimensional standards should be adjusted to the requirements for such uses. Proposed standards are presented as part of this proposal.

Suggested technical language to accomplish this objective is attached and made a part of this request.

Fred E. Bryant
Name of Agent

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

333-1680
Telephone Number

University Research Park
Name of Petitioner(s)

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

375-6220
Telephone Number

Fred E. Bryant, Agent
Signature
FOR UNIVERSITY RESEARCH PARK

ORDINANCE NO. _____

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

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

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

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

1. Add a new Section "3025.1" as follows:
"3025.1 The following standards apply to day care centers in the research districts.

Min. lot area	2 acres
Min. lot width	200'
Min. side and rear yards	25' except 35' when adjacent to residential zoning
Min. set back	100' on thoroughfares and collectors, 40' on others (no parking allowed in front 40' of set back)
Max. height	40'
Min. unobstructed open space	70%"

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-10

Petitioner: Morcroft Leasing Corporation

Request: Consideration of a Text Amendment to Section Numbers 1102 and 3142 to permit accessory dwelling units as an accessory use to a principal residence.

BACKGROUND

The proposed text amendment seeks to permit accessory dwelling units for occupancy by elderly or handicapped relatives of the occupants of the principal residence of a lot.

The proposed amendment also prescribes development standards that would apply to the accessory structures. Those standards relate to the unit's location, size, composition, access and utility connections.

Considerable discussion and debate is occurring regarding the accessory dwelling unit issue by Planning Committee and Planning staff as part of the ongoing process of rewriting the zoning ordinance. The petitioner should work through that process with Planning Committee in lieu of through the text amendment process.

The time frame involved in a proposed text amendment is not sufficient to adequately examine all of the questions and concerns raised by the requested change.

ISSUES

Some of the issues related to the subject request are:

1. Occupancy Issue. The proposed amendment would limit the occupancy of the structures to elderly or handicapped relatives of the occupant of the principal residence. That may be a worthwhile goal. However, staff would suggest that research, from a legal standpoint, should be undertaken to explore whether zoning authority extends to the occupant of a structure. Also, the proposed amendment provides no definition of the terms "elderly" and "handicapped". That would leave the Zoning Administrator in a position to have to make an interpretation as to the definition of those terms.

2. Temporary vs. Permanent Issue. The proposed amendment requires the unit to be "relocatable". That standard appears to require the unit to be mobile/manufactured housing. Is that preferable to a permanent structure? Planning Committee's discussion, to date, of the accessory unit issue identified the need for provisions to ensure the disallowance of mobile or manufactured units as accessory dwelling structures.

3. Location Issue. The proposed amendment would require the unit to observe the required setback. Should this be changed to require the unit to observe the established setback?

4. Construction Materials Issue. The proposal would require the unit's exterior to be of materials commonly used in standard residential construction. Would it be preferable to change that section to require the unit to be constructed of materials similar to that of the principal residence?

In summary, the accessory dwelling issue merits much more discussion and research than can be achieved in the context of this petition. This sort of propoal should be incorporated into the ongoing rewrite process so that the lingering concerns and questions can be more adequately addressed.

Otherwise, the language contained in the proposed zoning ordinance should be considered as an alternative to that contained in the proposed text amendment. The section of the draft zoning ordinance that deals with accessory dwellings is attached.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-10

Date Filed January 3, 1989

Received By MCM

OFFICE USE ONLY

Section No 1102 "Definitions"; 3142 "Accessory Dwelling Units" (New Section)

(Title)

Purpose of Change

1 To permit adult family members to provide small temporary residences for their aging relatives who are in need of support, while maintaining as much independence of the two generations as possible

2 To permit families to provide security and support for non-elderly relatives with serious health problems or disbilities

3 To reduce the degree to which frail elderly homeowners have to choose between increasing isolation and institutionalization in nursing homes.

4. To permit accessory dwelling units in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

Jerry Berne, Architect
Name of Agent

Suite 227, 5200 Park Road, Charlotte 28209
Agent's Address

704/527-1237
Telephone Number

Morcroft Leasing Corporation
Name of Petitioner(s)

25 Just Road, Fairfield, NJ 07006
Address of Petitioner(s)

201/808-8488
Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Add a new definition to Section '1102 as follows

'Accessory Dwelling Unit A self-contained living unit, free-standing or attached, for an elderly or handicapped relative(s) -a maximum of two persons- of the occupants of the principal residence on a lot

2 Add a new section 3142 Accessory Dwelling Units as follows

3142.1. Accessory Dwelling Units An accessory dwelling unit may be placed on a principal residence's lot subject to the requirements listed below and to other applicable requirements of this ordinance

1 Unit must conform to the same zoning requirements of the lot of the principal residence If detached, the unit must comply with all setback and sideyard requirements of the principal residence and may be placed a maximum of 50% into the required rear yard

2 Unit must conform to all applicable building codes

3 Unit must be relocatible and must be removed from the lot within ninety days of the termination of the residence of its intended occupant

4 Unit exterior appearance must be of materials and finishes comparable in composition, appearance, and durability to those commonly used in standard residential construction

5 Maximum size of unit's floor area is 750 SF

6 Unit must be accessible without going through principal residence.

7 Unit may be connected to principal residence's utility services.

8 Additional parking, where needed, must conform to the requirements of this code.

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

Notes

portion of the landfill is located within 300 feet of any adjoining residentially zoned property

Section 10 506. Fences and walls in residential districts.

The following restrictions shall apply to all fences and walls located in any residential district, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers.

(1) No solid fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet

(2) No fence or wall located in the required side yard between the required front and rear yards shall be built to a height greater than 6 feet above grade

(3) No limit on fence or wall height in the rear yard

Section 10 507 Accessory dwellings

An accessory dwelling shall be permitted as accessory to any single family dwelling unit in accordance with the following requirements

(1) Accessory dwelling may be attached, within or separate from the principal dwelling

(2) The principal use of the lot shall be a detached dwelling

(3) No more than one accessory dwelling shall be located on a lot

(4) The accessory dwelling shall be owned by the same person as the principal dwelling

Notes

(5) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling.

(6) The accessory dwelling shall have a floor area no greater than 50 percent of the floor area of the principal dwelling

(7) Accessory dwelling shall not be any closer than 10 feet to the rear property line

(8) If the entrance to the accessory dwelling is separate from the entrance to the principal dwelling, then that entrance shall not face any street on which the lot fronts

(9) If the accessory dwelling will be in a separate accessory structure, then that structure shall be no taller than the principal dwelling

Section 10 508 Home occupations

A home occupation shall be permitted as accessory to any dwelling unit in accordance with the following requirements

(1) If the use is to be located in the principal dwelling, then the primary access to the use shall not be by an entrance separate from the primary entrance to the dwelling unit

(2) If the use is to be located in an accessory structure, then that structure shall also serve as a garage for residents of the dwelling unit

(3) The use shall employ no more than one person who is not a resident of the dwelling unit.

(4) The use shall occupy no more than 20 percent of the total floor area of the dwelling unit.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-11

Petitioner: Gus. G. Bacogeorge

Location: A 15,9000 square foot parcel located on the westerly side of Eastway Drive north of Monroe Road.

Request: Change from O-6 to B-2.

BACKGROUND

1. Existing Zoning. The petitioned property is zoned O-6. The zoning pattern along the Monroe Road corridor, in the nearby area, is composed of I-2 south of Monroe Road, B-2 along the north side of Monroe Road and a linear strip of O-6 to the rear of the B-2 area. Otherwise, nearby properties are zoned either R-9MF or R-9.

2. Existing Land Use. The subject property is occupied by a structure that has been converted to an office use. The adjoining parcel located at the intersection of Monroe and Eastway is vacant except for a billboard. Other properties along Monroe Road are developed with numerous industrial, commercial and office uses including Sandoz Chemicals, Gus's Restaurant, Uniroyal Tire and H & S Lumber. Other nearby properties are developed with single family residential structures.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses along Monroe Road. The Plan also recognizes that Eastway Drive, between Monroe Road and Independence Boulevard, is a residential corridor. No specific strategies are indicated for the area.

   2. Small Area Plan. There is no small area plan which covers this portion of the community.

   3. Transportation Improvement Program. The TIP recommends improvement of the Eastway/Monroe/Wendover intersection but the project is not yet funded.

   4. Traffic Operations Plan. The TOP identifies this intersection as operating at Level of Service F and warranting a major improvement project. The intersection's rank is 154 out of 202 high accident locations and 20th among high congestion locations.

4. Site Plan. There is no site plan which accompanies this application in as much as the petition seeks a conventional, rather than conditional rezoning.

5. School Information. Not applicable.

6. Zoning History (see Attached Map).

	Case	Request	Action	Date
1.	65-113	R-9 to R-6MF	Approved	01/04/1965
2.	68-49	O-6 & R-9MF to I-1, B-2 & I-1	Approved in part	09/09/1968
3.	71-24	R-9 to O-6	Denied	03/29/1971
4.	71-35	R-9MF to B-1	Approved	05/31/1971
5.	72-2	R-9MF, O-6 to O-6 & B-2	Approved	11/24/1972
6.	73-33	O-6 to B-2	Approved	09/17/1973
7.	78-6	B-2 & I-2 to I-2(CD)	Approved	05/08/1978
8.	80-5	O-6 to B-2	Denied	04/28/1980
9.	81-29	O-6 to B-2	Denied	06/21/1981
10.	84-80	R-9MF & O-6 to B-D(CD)	Denied	04/28/1980

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

REVIEWS

1. Plan Consistency. The petition seeks conventional rezoning from an office category to a general business district. The 2005 Plan recognizes the existing employment land uses along Monroe Road. However, this property fronts on Eastway Drive which plans indicate should be a residential corridor. Unless this property can be combined with properties fronting on Monroe Road and served with access from Monroe Road, this request is not consistant with plans for the area.

2. Technical Consistency.

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

   2. Fire Department. No comment.

   3. Department of Transportation. CDOT indicates the site could generate approximately 193 trips per day under present zoning. Under the proposed zoning, the site could generate approximately 1,074 trips per day. This will have a moderate impact on the surrounding thoroughfare system.

      Eastway Drive is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The petitioner must dedicate a minumum of 50 feet from the centerline of Eastway Drive to meet this requirement.

      This rezoning is in the area of the Eastway/Monroe/Wendover intersection improvement project which is not funded at this time. Once the project is implemented, the driveway accessing the site will be limited to right in/right out movements only.

   4. Engineering Department. The Engineering Department made no comment due to the conventional nature of the petition.

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

   6. Board of Education. No comment.

7. Planning Staff. Planning staff recommends the petitioner amend the application to be considered through the conditional district approach. The adjoining properties to the north are zoned for office uses, but are occupied by single family residences. Zoning regulations will not require any screening between the subject property and the adjoining residence. A system of buffering that adjoining property from the future commercial development of the subject property could be achieved through a conditional rezoning. Additionally, CDOT indicates additional right-of-way is necessary for Eastway Drive to meet the street classification system standards. A conditional rezoning request would allow the petitioner the opportunity to dedicate the additional right-of-way and to plan for the development of the site to avoid future disruptions.

ISSUES

1. Land Use. There is a significant land use issue raised by the request. The 2005 Plan recognizes Monroe Road as an employment corridor, but calls for Eastway Drive to be a residential corridor. This property represents the "turning point" with regard to the orientation of lots. All of the remaining lots on Eastway front on the street and would all be likely candidates for lot-by-lot rezoning to nonresidential. Redevelopment of the subject property for commercial purposes could be appropriate with adequate buffering provided next to the adjoining residential uses and with its combination with lots fronting on Monroe Road. Otherwise, this petition should not be approved.

2. Site Plan. This petition has been submitted as a conventional, rather than conditional, request so there is no site plan to consider. The conventional nature of the request raises some concerns about its potential impact on the nearby area. If the property is rezoned as requested, there would be no requirement for any screening between the subject property and the adjoining residence. Additionally, the uses allowed by the requested zoning district could feed substantially more traffic into an intersection already plagued by traffic woes. Conversion of the application to a conditional petition is necessary for an adequate assessment of its potential impact on both the surrounding street system and the adjoining residence. However, as a freestanding use with access only to Eastway Drive, this petition should not be approved.

CONCLUSION

This petition is not appropriate for approval as submitted.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-11
Date Filed January 3, 1989
Received By MKW
OFFICE USE ONLY

Ownership Information

Property Owner Gus G. Bacogeorge and wife Calliope F. Bacogeorge

Owner s Address 9545 White Hemlock Lane
Matthews, North Carolina 28105

Date Property Acquired May 15, 1974

Deed Reference Book 3684, Page 15 Tax Parcel Number 159-051-04

Location Of Property (address or description) 4316-4318 Eastway Drive

Description Of Property

Size (Sq Ft -Acres) Approximately 15,900 square feet Street Frontage (ft.) 100 feet

Current Land Use Office in converted house

Zoning Request

Existing Zoning O-6 Requested Zoning B-2

Purpose of Zoning Change Develope for business purposes together with adjoining B-2 zoned property (Tax lot 159-051-03, corner of Monroe Road and Eastway) owned by petitioner

Moore & Van Allen
Name Of Agent

Gus G. Bacogeorge
Name of Petitioner(s)

3000 NCNB Plaza, Charlotte, NC 28280
Agent s Address

9545 White Hemlock Lane
Matthews, NC
Address of Petitioner(s)

331-1000
Telephone Number

846-1123
Telephone Number

R. Brady Kuhn
Attorney Agent
Signature

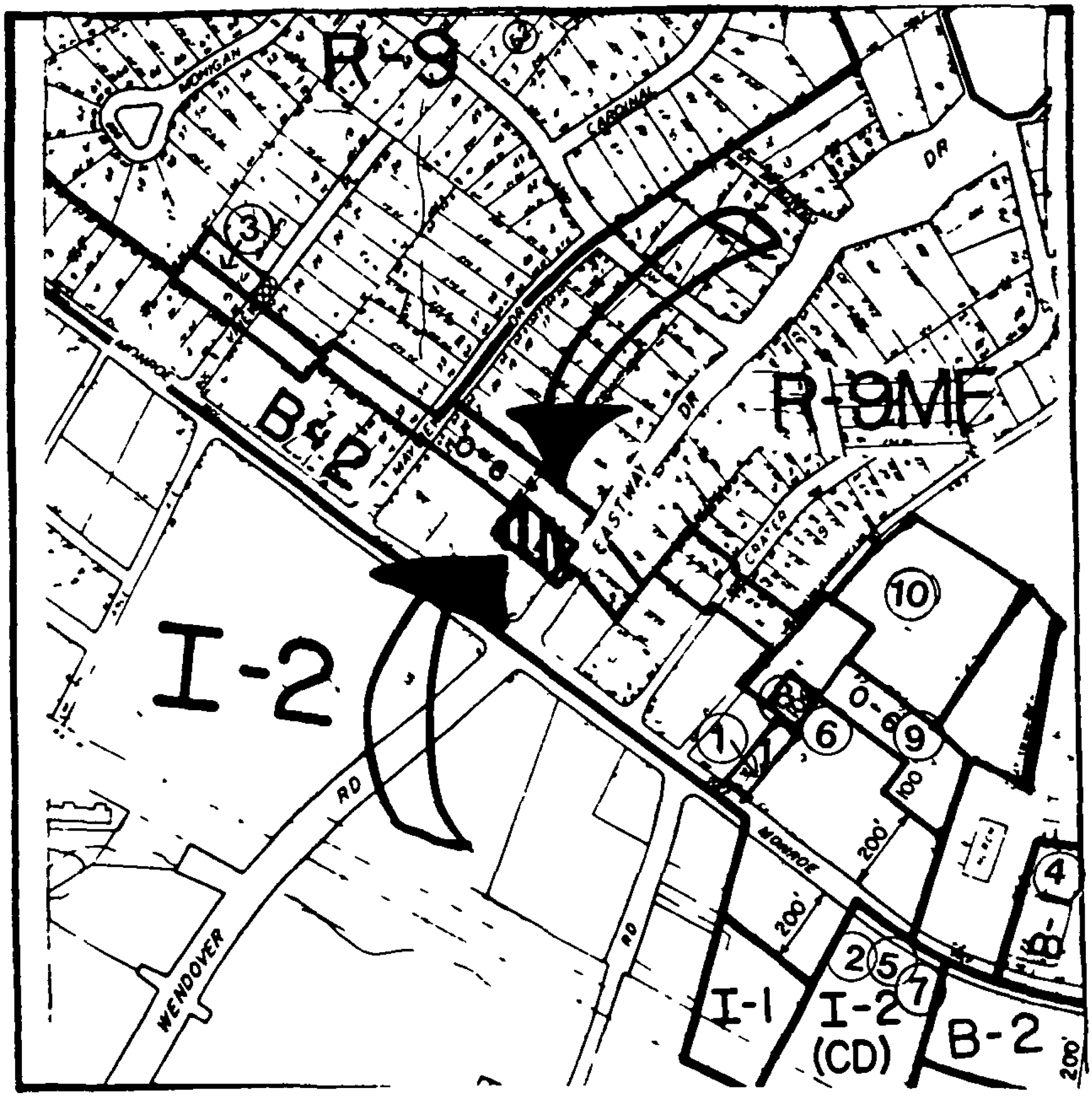
Signature of Property Owner if Other Than Petitioner

PETITIONER Gus G. Bacogeorge

PETITION NO. 89-11 HEARING DATE February 20, 1989

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED B-2

LOCATION An approximately 15,900 square foot parcel located on the north side of Eastway Drive east of Monroe Road.



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-12

Petitioner: Ralph Kier

Location: 1.23 acres east of the intersection of Providence Road and Colonial Avenue.

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

BACKGROUND

1. Existing Zoning. The property in this request is presently zoned a combination of O-15 and R-6MF. The O-15 portion of the site has frontage along Colonial Avenue and along a portion of Circle Avenue. The R-6MF zoning fronts on Circle Avenue. Properties generally to the north and west of the site with frontage along Providence Road, Colonial Avenue, and Randolph Road are zoned O-6. Properties generally to the south of the site are zoned R-6MF along Circle Avenue and Crescent Avenue. Other properties in the area along Providence Road are zoned O-15, B-1, and O-6(CD).

2. Existing Land Use. The property involved with this request is presently occupied by five residential structures two of which are still used as residences, two of which are vacant, and one of which is used for a nonresidential purpose. Nearby properties along Providence Road, Colonial Avenue, and Randolph Road are used for office purposes. Properties to the rear of the subject site along Circle Avenue are used for single-family detached housing and there are multi-family housing units in the immediate area off of Circle Avenue and Providence Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment type land uses in the area of the subject property surrounded by existing residential land uses.

   2. Central District Plan (Draft). The Central District Plan which is presently being developed recommends that Circle Avenue be terminated near the rear of the subject site and that the R-6MF zoned properties are appropriate for consideration for a nonresidential classification. In this way the properties nearest the residential areas would be oriented toward Colonial Avenue and a firm and well defined boundary would exist between nonresidential and residentially zoned properties along Circle Avenue.

4. Site Plan. The site plan which accompanies this application includes two different development scenarios depending upon whether a portion of Circle Avenue can be abandoned. If Circle Avenue is not abandoned the property would have no vehicular connection to Circle Avenue and would have only a single access point to Colonial Avenue. The site would contain a two story medical office building with both surface and subgrade parking. The petitioner proposes a brick screening wall along the rear portion of the site where the property adjoins land zoned and used for single-family purposes. An alternative version of the petitioners plan incorporates half of the right-of-way of the existing Circle Avenue. Circle Avenue is presently terminated at Colonial Avenue and the abandonment of this right-of-way would not cause any property owners to lose access to a public street. The petitioner would construct the brick wall along the rear portion of the site and would also add landscaping and improvements to the former Colonial Avenue right-of-way. In this design scenario the petitioner would have access to Providence Road via the old Circle Avenue right-of-way and Phil Aull Place. Otherwise the plan remains essentially the same. The total amount of floor area the petitioner would propose on this site is 24,000 square feet.

5. Schools. Not Applicable.

6. Zoning History (See Attached Map).

1.	68-79	R-6MF to O-6	App	11/26/68
2.	71-13	R-6MF Cond. Parking	Denied	3/22/71
3.	72-36	R-6MF to O-6	App	8/7/72
4.	72-50	R-6MF to O-6	App	11/13/72
5.	73-35	R-6MF to O-6	App	9/17/73
6.	74-32	R-6MF to O-15	App	11/26/74
7.	76-25	R-6MF to O-6	App	6/18/76
8.	76-26	O-6, B-1 to R-6	App	6/18/76
9.	78-27	R-6MF to O-6	Denied	7/24/78
10.	81-73	O-6 to B-1	App O-6(CD) & B-1(CD)	5/24/82

7. Neighborhood. This property falls within the area defined as the Eastover Neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the redevelopment of existing residentially zoned and used properties to accommodate a medical office. The 2005 Plan indicates a mixture of existing residential and employment land uses in the vicinity of the subject site. In addition the Draft Central District Plan indicates that it is appropriate to consider nonresidential uses in this immediate area so long as there is a well defined separation between residential and nonresidential uses. This case proposes to provide such a definition between residential and nonresidential and, therefore, is consistent with public 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 and discussed the proposal. Subsequently, the staff has met with the petitioner and conveyed several questions and comments regarding the site plan.

   2. Departmental Comments.

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

      2. Fire Department. The Fire Department indicated the need for the petitioner to maintain seven feet of clearance within the subgrade parking area. In addition that parking area would have to be furnished with sprinklers and a complete ventilation system.

      3. City Department of Transportation. The Department of Transportation indicated that the petitioner would have to work with the City on arrangements for the termination of Circle Avenue and the proper configuration of a connection to Phil Aull Place. In addition they indicated the need to modify the design of the surface parking area. They indicated that the overall trip generation of the site would grow from approximately 403 trips per day to approximately 685 trips per day but that this would not have a significant impact on the surrounding thoroughfare system.

      4. Building Standards Department. The Building Standards Department had several detailed comments regarding certain aspects of the site plan including the need to clarify some of the conditional notes and the need to limit the height of the brick wall on the property to between 5 and 7 feet.

      5. Engineering Department. Comments from the Engineering Department had not been received as of the preparation of this report.

      6. Planning Staff. The staff had a number of detailed comments regarding several aspects of the site plan. First the staff expressed a clear preference for the site plan which includes the abandonment of Circle Avenue. In addition the staff conveyed a number of comments regarding the need to provide additional information on some the details on the site including the dumpster, screening, some of the conditional notes, and the need for the ends of the building to receive special treatment. This is especially important in view of the fact that one end of the building addresses the existing single-family residential community on Circle

Avenue and the other end of the building addresses the public street at Colonial Avenue. The staff also identified the need for the petitioner to insure that in development of the site the Tree Ordinance requirement for preserving trees in the setback is complied with.

ISSUES

1. Land Use. There are no major land use issues which accompany this application. The 2005 Plan and the Draft Central District Plan each indicate a mixture of nonresidential and residential uses in the immediate vicinity. This petition proposes to provide a permanent well defined boundary between nonresidential uses along Colonial Avenue and residential uses along Circle Avenue. This is especially true of the site plan which include the abandonment of Circle Avenue. From a land use standpoint this petition may be considered appropriate for approval.

2. Site Plan. Of the two site plans which accompanied this application the site plan which includes the abandonment of Circle Avenue provides the better proposal. It allows the petitioner to define and improve the boundary between existing residential and the proposed medical office building and it gives the petitioner a somewhat larger site within which to meet the necessary parking requirements. It also would give the petitioner the ability to move parking around on the site to preserve a number of existing trees. All of the other site plan issues are minor in nature and can easily be addressed by the petitioner prior to the public hearing. Therefore, from a site plan standpoint this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval the site plan which includes the abandonment of Circle Avenue is the better of the two proposal.

Staff Site Plan Review
Tuesday 1/24 @ 9:00 a.m.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-12
Date Filed January 3, 1989
Received By JMCM
OFFICE USE ONLY

Ownership Information

Property Owner See attached "Exhibit A"

Owner s Address 2812 Wickersham Road, Charlotte, N.C. 28211

Date Property Acquired September 22, 1988

Deed Reference Book 5862, Pages 521 and 524 Tax Parcel Number See Exhibit A

Location Of Property (address or description) See Exhibit A

Description Of Property

Size (Sq Ft -Acres) 1.2256 Acres Street Frontage (ft) See Exhibit A

Current Land Use The property contains one commercial business on lot 9, two occupied residences, and two vacant residences.

Zoning Request

Existing Zoning See Exhibit A Requested Zoning O-6 (CD)

Purpose of zoning change To allow for the construction of a medical office building.

William P. Farthing, Jr. Parker, Poe, et al.
Name of Agent

2600 Charlotte Plaza, Charlotte, N.C. 28244
Agent s Address

(704) 372-9000
Telephone Number

Ralph Kier
Name of Petitioner(s)

2222 S.Blvd., Charlotte, N.C. 28203
Address of Petitioner(s)

(704) 376-5609
Telephone Number

Ralph Kier by W.L.B.
Signature

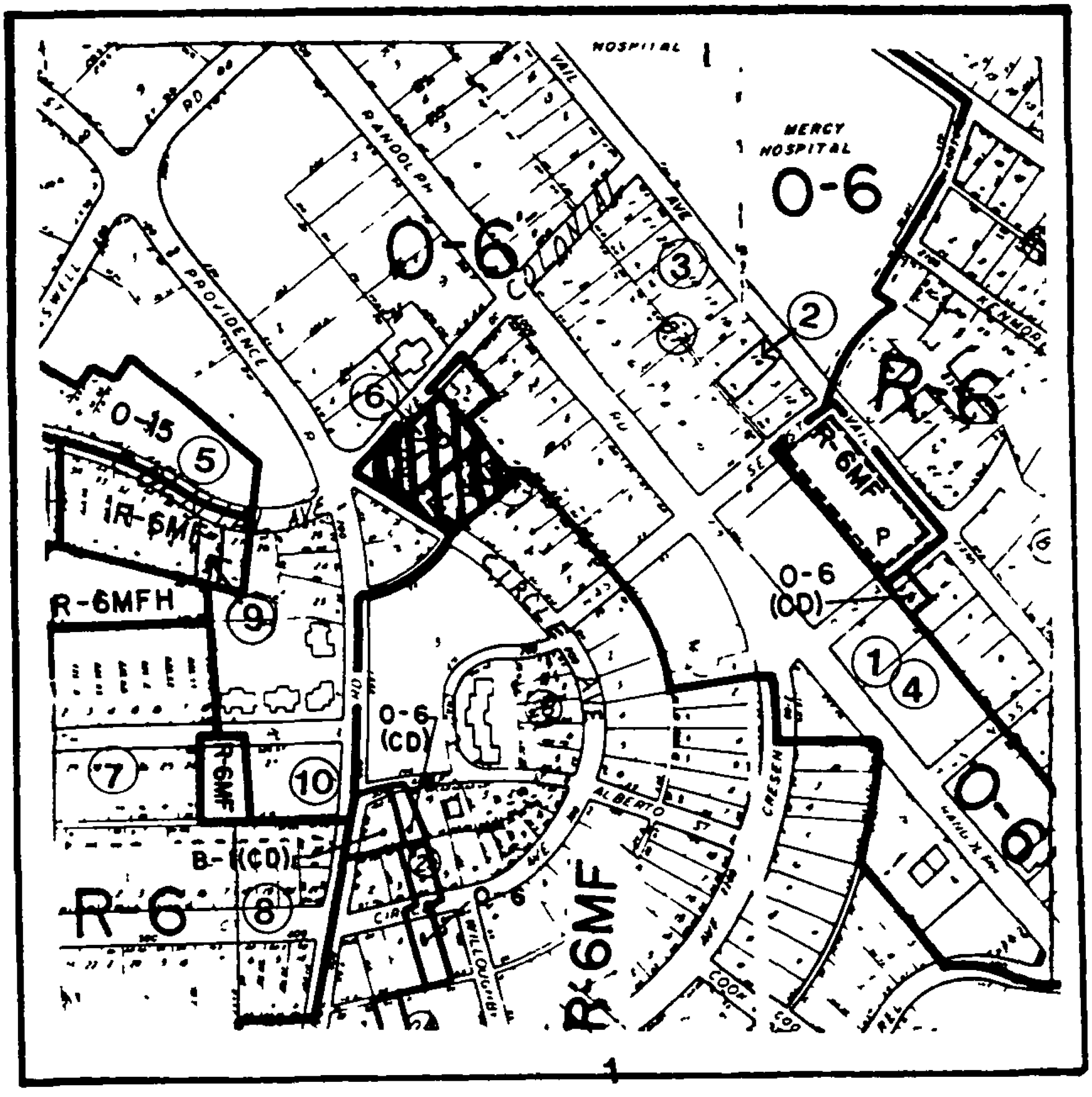
x Lucy J. White
Signature of Property Owner if Other Than Petitioner

PETITIONER Ralph Kier

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-13

Petitioner: William J. Branstrom, III

Location: Approximately 4.44 acres located at the northwest intersection of Ardsley and Hermitage Road.

Request: Consideration of a R-15MF(CD) Site Plan Amendment

BACKGROUND

1. Existing Zoning: The property involved in this request is presently zoned R-15MF(CD). Property surrounding this petition is zoned R-12. Outside of this area there is a parcel to the northeast that is zoned O-6. Properties to the east of Providence Road are predominantly zoned B-1.

2. Existing Land Use: The subject property currently contains one historic structure that has been converted to contain six multi-family units. The surrounding area to the northeast, south and the west are occupied by single family residence. Two parks are located adjacent to the property involved, one to the north across Edgehill drive and the other located across the Hermitage to the east. The frontage on the easterly side of Providence Road is mainly composed of business uses, with some office uses also found in this area.

3. Public Plans and Policies:

   1. 2005 Plan. The 2005 Plan indicates existing residential type land uses in the area of the subject property. The 2005 strategies include a major water line expansion along Providence Road.

   2. Transportation Improvement Program. Not applicable.

   3. Small Area Plan. The draft Central District Plan does not make any specific recommendations for this site.

4. Site Plan. The site plan which accompanies this application proposes to allow the addition of four single family homes on the property that is currently occupied by the Duke Mansion which is presently composed of six condominium units. Access to three of the units will be from the existing driveway and the fourth will have a separate drive onto Ardsley Road. The existing historic structure will be preserved in its present form.

5. School Information. No information had been received at the time of the preparation of this report.

6. Zoning History (See Attached Map).

1.	66-16	R-6MF to B-2	Approved	02/28/89
2.	70-52	R-6MF to R-6MFH	Approved	04/27/70
3.	73-47	R-6MF, O-6, R-6MFH to R-12	Denied	03/11/74
4.	76-25	R-6MF to R-6	Approved	06/18/76
5.	76-31	R-6MF to R-12	Approved	06/18/76
6.	76-33	R-6MFH to R-15MF	A.I.P.	06/18/76
7.	76-59	R-6MF to R-6	A.I.P.	10/04/76
8.	78-18	R-12 to R-15MF(CD)	Approved	05/29/78
9.	81-48	O-6 to B-1(CD)	Approved	09/20/82
10.	86-57	O-6 to R-12	Approved	09/15/86

7. Neighborhood. The subject property falls within the area defined as the Myers Park neighborhood.

REVIEWS

1. Plan Consistency. The subject petition seeks to allow the addition of four single family dwelling units on a lot that is currently occupied by the Duke Mansion which is presently composed of six condominium units. Plans for the area indicate present and future residential land uses. Therefore, this petition is consistent with public plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with the Planning staff prior to the filing of the application. Subsequently, the staff has informed the petitioner of several minor changes that needed to be made to the site plan.

   2. Departmental Comments.

      1. CMUD. Water and sewer services are available to the site.

      2. City Fire Marshall. No comments.

      3. Board of Education. No comments received as of the preparation of this report.

      4. Building Standards Department. The Zoning Administrator indicated that if the pool is part of the individual lots, a variance will be required to allow it in this location. The petitioner should pursue the variance prior to the rezoning request. The petitioner should assure that the square footage of the remaining property for the Duke Mansion is sufficient to make sure that it does not become nonconforming.

      5. City Engineering Department. The Engineering Department indicated that a grading permit would be required.

6. City Department of Transportation. This site could generate 48-60 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 96-112 trips per day. This would not significantly impact the surrounding thoroughfare system.

7. Planning Staff. The staff had a number of minor concerns regarding the site plan. The remaining acreage after the lots are subdivided must be adequate to support six multi-family units. The plan must indicate all setbacks and parking of existing building and the minimum lot area and minimum lot width at the required setback (80' required). Individual lots will have to be established and recorded as per City of Charlotte Subdivision Ordinance. The staff asked the petitioner to add a note detailing how existing trees will be protected during grading and construction through the use of barriers, staking, etc. The references to deed restriction and the note related to maximum building square footages are not normally incorporated as conditional notes on a rezoning plan.

ISSUES

1. Land Use. There are no land use issues which accompany this petition. This petition seeks permission to place four single family dwelling units on the same property as an existing converted multi-family structure. Plans indicate that this area is appropriate for residential uses. Therefore, this petition is consistent with plans for the area and is appropriate for approval.

2. Site Plan. There are a number of minor site plan issues which accompany this application. Those issues include the need for a variance to be filed in order for the pool to be part of the individual lots. The plan needs to show the amount of square footage of the remaining property to confirm that it is not becoming setback lines. These matters can be easily addressed by the petitioner and therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval assuming that the site plan issues are addressed by the petitioner.

*Subject to further refinement following the public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-13
Date Filed January 13, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: William J. Branstrom, III, William Allan, Christopher Mahoney

Owner's Address: 400 Hermitage Road

Date Property Acquired: 12/10/78

Deed Reference: 2444-337

Tax Parcel Number: 155-043-25, 155-043-26, 155-043-27, 155-043-28, 155-043-29

Location Of Property (address or description)

400 HERMITAGE ROAD

Description Of Property

Size (Sq. Ft.-Acres): 4.44 AC

Street Frontage (Ft.): 1204.29

Current Land Use: R-12 MF (CD) 6 UNIT CONDOMINIUM BUILDING ON SITE

Zoning Request

Existing Zoning: R-12 MF (CD)

Requested Zoning: R-12MF (CD) PLAN AMENDMENT

Purpose of zoning change: TO LOCATE 4 SINGLE FAMILY LOTS ON PROPERTY ALONG WITH EXISTING MULTI-FAMILY BUILDING

COLEJENEST
Name of Agent

417 EAST BLVD. SUITE 206 28203
Agent's Address

376-1555
Telephone Number

WILLIAM J. BRANSTROM, III
Name of Petitioner(s)

320 S. TRYON ST. SUITE 202
CHARLOTTE 28202
Address of Petitioner(s)

376-0368
Telephone Number

William J. Branstrom III
Signature

Signature of Property Owner if Other Than Petitioner

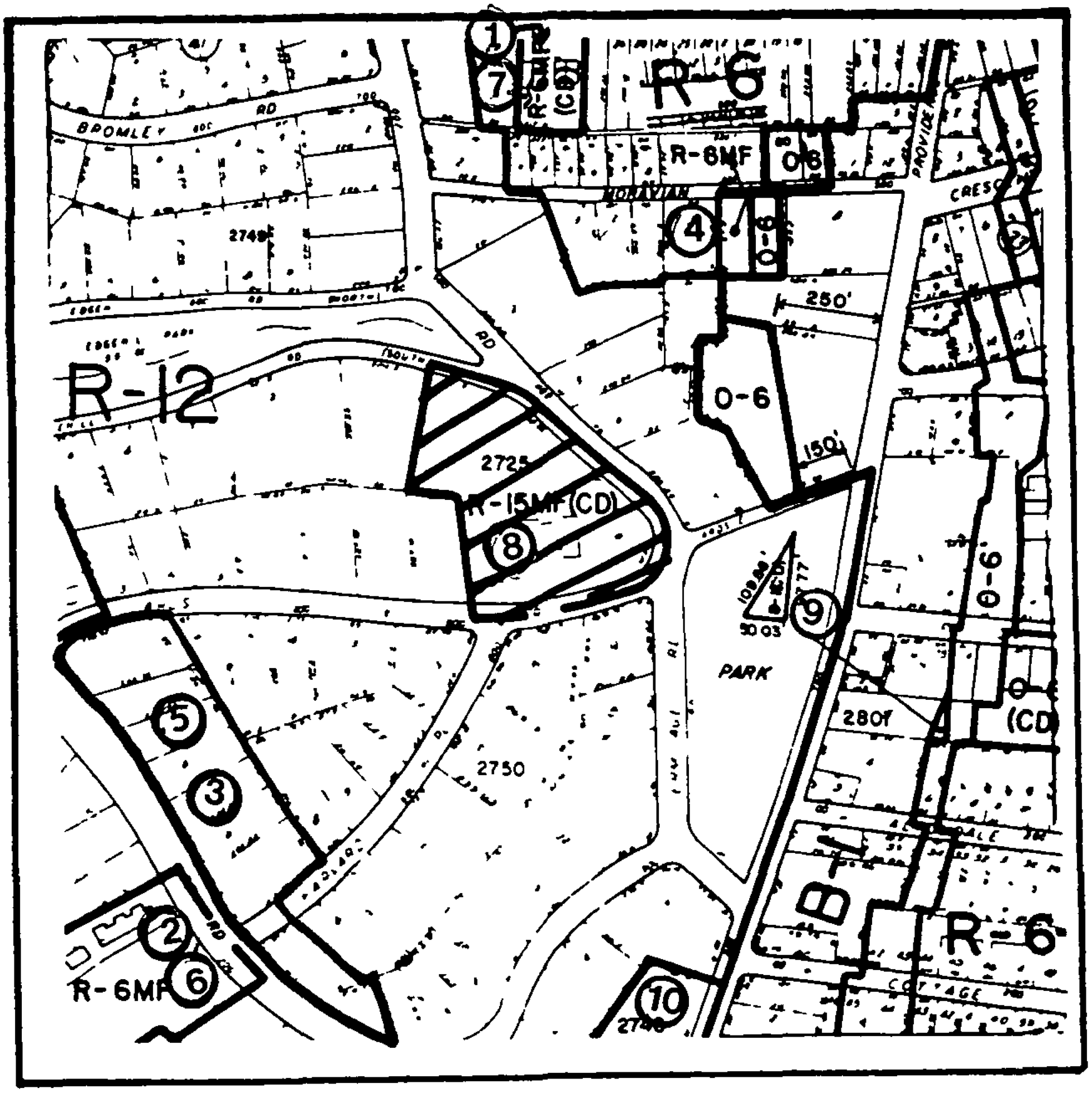
PETITIONER William J. Branstrom, III

PETITION NO. 89-13 HEARING DATE February 20, 1989

Consideration of a R-15MF(CD) SPA

ZONING CLASSIFICATION, EXISTING _____ REQUESTED _____

LOCATION Approx. 4.44 acres located at the northwest intersection of Ardsley and Hermitage Road.



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-14

Petitioner: North Carolina Performing Arts Center at Charlotte Foundation

Location: 3.46 acres bounded by North Tryon Street, East Trade Street, North College Street, and East Fifth Street.

Request: Change from UMUD to UMUD Optional

BACKGROUND

1. Existing Zoning. The property involved with this request is zoned UMUD, the Uptown Mixed Use District. Properties in the general area are all zoned UMUD. Directly across Fifth Street from the subject site is a portion of the block which is zoned UMUD Optional and diagonally across College Street from the subject site is an additional parcel also zoned UMUD Optional. On the 100 block of West Trade Street just to the west of the subject site is a third parcel zoned UMUD Optional.

2. Existing Land Use. The property involved with this request is presently the site of the Belk's Department Store, The Eckerd's Drug Store, and a number of smaller retail uses. The entire block is in the process of being cleared to accommodate the proposed development. Nearby properties are developed and used for a variety of uses including office, hotel, retail, and exhibition and marketing spaces. The Charlotte Convention Center is across Trade Street.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicate existing employment uses and a major mixed use center in the area of the subject property. The 2005 strategies envision streetscape improvements in the uptown area as well as a Development Enterprise Area encompassing the uptown area. Strategies call for major mixed use projects in the uptown area to be built as joint public/private ventures. Such a project might include a Performing Arts Center and Convention Center and possibly a Trade Mart and Hotel. All of these uses would be designed to generate significant pedestrian activities.

   2. Urban Design Study for Central Charlotte. The Urban Design Study for Central Charlotte which is presently being developed calls for a mixed use facility on this property including a Performing Arts Center, hotel, retail, and office uses.

   3. Central Area Plan. The Central Area Plan, also known as the RTKL Plan, calls for a mixed use core in the vicinity of the subject property. That core focuses on the intersection of

Trade and Tryon Streets, between College and Church Streets, and extending from Fourth Street to Sixth Street. The Plan indicates that such a mixed use core would include a mixture of office, retail, parking, and possibly even high density housing type uses. The plan also indicates that the successful development of the central area requires a partnership between public and private sectors.

4. Site Plan. The site plan which accompanies this application indicates a proposed mixed use facility on the block. This facility would include a major office tower, the North Carolina Performing Arts Center, a major open space and retail facility which connects to the City's existing overstreet walkway system, and a hotel. The major components of the plan are oriented toward the two major streets in the area, those being Trade Street and Tryon Street. The Performing Arts Center is oriented with its principle entrance on North Tryon Street and the office tower and hotel are oriented with their primary entrances on Trade Street. The plan includes a major open space element at the intersection of Trade and Tryon Street and a smaller open space component in front of the Performing Arts Center at the corner of Tryon and Fifth Streets. A small amount of parking is provided on the site but the bulk of the parking required for this project will be provided in an off-site parking deck across College Street.

This is a UMUD Optional request in which the petitioner is asking for modifications of two of the UMUD development requirements. The first involves the requirement for retail space. The complex nature of the project and its orientation toward two different principle streets results in a retail requirement of 29,532 square feet. The petitioner's most recent plans indicate that including all of the spaces that they have provided for retail, which will include a 50% allowance for the floor area of Founders Hall, and also includes a reduction for separate entrances to individual retail uses, the petitioner is still approximately 2,180 feet short of the minimum required retail. This amounts to approximately 7.4% of the required amount of retail space. The petitioner asks that they be relieved of the obligation to provide this additional space.

The second issue addressed by this UMUD Optional application is the matter of the height of arcades along Fifth Street and at College Street. The ordinance requires that the overhead clearance in such arcades should be a minimum of 20 feet. The petitioner indicates that due to changes in grade along Fifth Street and due to internal design requirements along College Street the arcades in these two locations will be at a minimum height of 14 feet. Therefore, the petitioner request modification of the standard from 20 feet to 14 feet. The resultant pedestrian sidewalks outside of the arcade will be approximately 10.8 feet wide at the narrowest point on College Street and approximately 6.8 feet wide along most of Fifth Street. Street trees which are required as part of Uptown Development Regulations will be planted in these areas.

5. Schools. Not applicable.

6. Zoning History (See Attached Map).

1.	83-60	B-3 to UMUD	Approved	11/21/83
2.	85-81	UMUD to UMUD-0	Approved	11/18/85
3.	86-54	UMUD to UMUD-0	Approved	06/24/86
4.	87-60	UMUD to UMUD-0	Approved	08/17/87
5.	87-64	UMUD-0 to UMUD-0	Approved	08/17/87
6.	87-45	UMUD to UMUD-0	Approved	05/18/87
7.	87-72	UMUD & UMUD-0 to UMUD & UMUD-0 S.P.A.	Approved	10/21/87

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

REVIEWS

1. Plan Consistency. This rezoning request proposes the development of a major mixed use center at the intersection of Trade and Tryon Streets. The 2005 Plan, the proposed Central Area Urban Design Plan, and the 1981 RTKL Plan all recognize the desirability and the need for major mixed use projects in the central portion of Charlotte. In additional, the RTKL Plan specifically calls for public/private ventures such as this project as an implementation tool for the Central Area Plan. Consideration of this UMUD Optional request relates directly to the implementation of previously adopted public plans and polices. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The Planning staff has been working with the design team for this proposal for approximately eight months. As early as late last summer, it became apparent that the design constraints imposed by the mixture of uses on this site may require a UMUD Optional consideration. The staff has been working with the design team to refine and define the extent to which UMUD Optional provisions might have to be considered. Only the amount of required retail space and the overhead arcade clearance along College and Fifth Streets were determine to require UMUD Optional consideration. The design team indicates that the rest of the UMUD regulations will be met.

   Subsequent to the filing of the application, the staff has continued to work with the petitioner to further refine the amount of retail space that is being provided in this project. The most recent information provided by the petitioner indicates that the project is still approximately 7.4% short in terms of the minimum amount of required retail. In addition, the staff has conveyed additional comments from other departments and agencies regarding this site.

2. Departmental Comments.
   1. Fire Department. The Fire Department had no comments at this time.

   2. City Engineering Department. The Engineering Department commented on the need for the petitioner to secure grading and driveway permits, the need to deal with the alignment and reconstruction of certain curbs, and the need to ensure that street trees be installed along the streets in accordance with the adopted streetscape plan.

   3. Building Standards Department. The Building Standards Department had a number of detailed comments regarding the site plan including the need to address the street wall requirement, the need to state certain information regarding setbacks, seating, open space, and the need to state the required and provided amount of retail space.

   4. CDOT. CDOT had a number of comments regarding curb lines, rights-of-way along College and Fifth Street, driveway entrances along Trade Street and College Street, and the need to assure that no certificates of occupancy are issued for any of the improvements on this site until the required amount of parking is provided and available.

   5. Planning Staff. The Planning staff had a number of comments regarding the site plan dealing with the issues of retail space, entrances to Founders Hall, minimum requirements for street tree and irrigation, and sidewalk widths along Fifth Street.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The petitioner proposes to build a public/private venture including a major office tower, hotel, retail spaces, and Performing Arts Center. All of the public plans for this area indicate that this is just the sort of facility needed to implement the objectives of the Central Area Plan. Indeed, a significant public purpose is served by the establishment of this facility at this location. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. This UMUD Optional application requests the modification of two standards relative to this project. The first recognizes a minor deficiency in the required amount of retail space and the second would recognize a modification in the arcade height along Fifth Street and College Street. With regard to the retail requirement, the staff recognizes the complex nature of the design of a facility of this sort. The principle retail space provided on this block consist of the Founders Hall area. Based on the petitioner's narrative which accompanies the application, the staff believes that it is appropriate to count up to half of the floor area of the central courtyard of Founders Hall toward meeting

the retail requirement. This, coupled with bonus reductions in retail spaces for separate entrances leaves the petitioner only approximately 2,000 feet short of the requirement of almost 30,000 square feet of retail space. In view of other mitigating circumstances including the synergy generated by Founders Hall as the central activity focus of the entire block, the substantial amount of open space provided on this property in excess of the minimum requirements, and the public/private nature of this project which includes the Performing Arts Center the staff believes that this minor modification of the retail requirement is appropriate.

With regard to the second part of the optional request dealing with arcade heights, the staff also recognizes the unusual circumstances regarding this proposal. The principle constraint upon the petitioner in terms of the arcade heights results from the unusual internal design requirements of the Performing Arts Center and the substantial change in grade from Tryon Street to College Street. The petitioner points out in their narrative that the minimum 12 foot setback requirement is met along all building facades. Indeed, along College Street, much of the building facade adjacent to the Performing Arts Center exceeds the minimum 12 foot requirement but is divided by the columns forming the arcade. The resultant pedestrian sidewalk outside of the arcade along College Street is approximately 10.8 feet at its narrowest point. The staff believes that this still provides an adequate space for pedestrian circulation and street tree planting outside of the arcade itself.

Internal design constraints also affect the arcade height and dimensions along Fifth Street. The petitioner's plans indicate that the pedestrian circulation area remaining outside the column line along Fifth Street will be approximately 6.8 feet. However, the pedestrian area inside the arcade will be approximately 7 feet in width. The petitioner believes that the combination of these two pedestrian areas will provide for an effective and convenient pedestrian linkage between Tryon Street and College Street. The petitioner recognizes that street tree plantings in the six foot area may somewhat constrict pedestrian movements. However, they believe the design will contribute to the overall enhancement of the Fifth Street streetscape. The staff has had considerable discussions with the petitioner regarding this matter and has sought modifications to the building design to allow for a wider pedestrian facility outside of the arcade. The staff had also expressed concern that the narrower sidewalk area which also includes the City's street trees might not provide for an adequate area for the trees to property grow and mature. However, the petitioner indicates that due to the complex nature of the Performing Arts Center itself, and the interrelationship between the Performing Arts Center, Founders Hall, the office tower, and hotel, modifications to the design to provide for a wider pedestrian facility cannot be accommodated. In view of these unusual design circumstances and limitations, the staff believes that it is appropriate for the City Council to consider this request. Under ideal circumstances it would be desirable to

achieve a wider pedestrian facility outside the building arcade. However, the staff believes that with careful attention to detail including the street wall which adjoins the pedestrian area, the petitioner can create an inviting and interesting pedestrian environment along Fifth Street.

With regard to both of the matters requested for UMUD Optional consideration, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval. The unique design considerations for the Performing Arts Center and the complex relationship between the various components of the site warrant favorable consideration of both parts of this request.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-14
Date Filed January 3, 1989
Received By MCD
OFFICE USE ONLY

Ownership Information

Property Owner NCNB-Charter Associates

Owner s Address

Date Property Acquired See Exhibit A

Deed Reference See Exhibit A Tax Parcel Number See Exhibit A

Location Of Property (address or description) Block bound by Trade Street, Tryon Street, Fifth Street and College Street

Description Of Property

Size (Sq Ft.-Acres) 3.461 Acres Street Frontage (ft.)
Trade Street 397.93'
Tryon Street 381.02
Fifth Street 398.33
College Street 377.76

Current Land Use Retail/Office

Zoning Request

Existing Zoning Uptown Mixed Use District Requested Zoning Uptown Mixed Use District - Optional

Purpose of Zoning Change Arcade Height within set back at Fifth Street and College Street is less than 20' in clear height. Reduction of total square foot requirement for retail facilities.

Name Of Agent
John Tabor c/o Middleton McMillan Architects

Agent s Address
6230 Fairview Rd. Charlotte, NC 28210

Telephone Number
704/364-8660

Name of Petitioner(s)
North Carolina Performing Arts Center at Charlotte Foundation

Address of Petitioner(s)
PO Box 31456 Charlotte, NC 28220

Telephone Number
704/551-6515

Signature

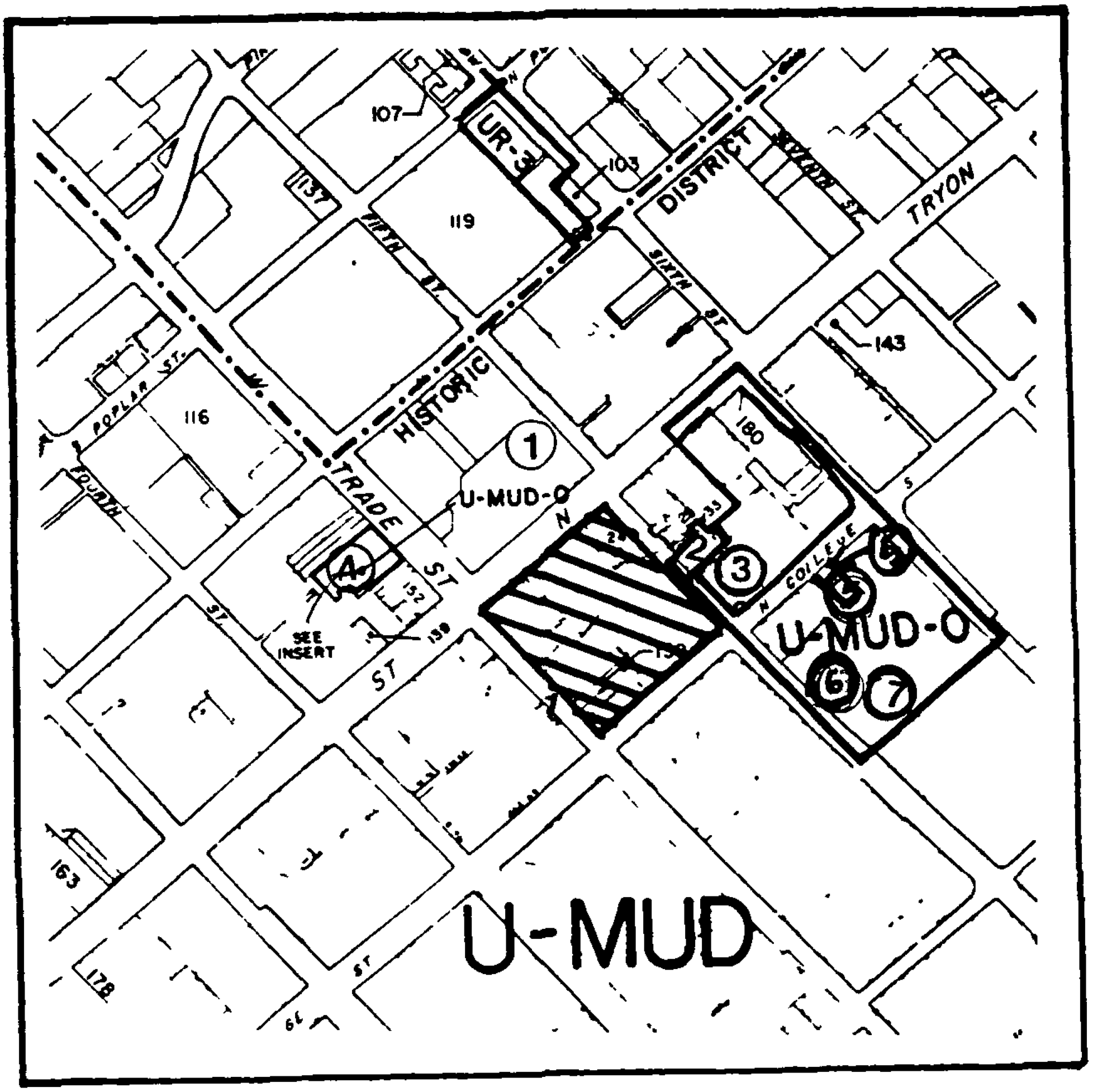
Signature of Property Owner if Other Than Petitioner

PETITIONER North Carolina Performing Arts Center at Charlotte Foundation

PETITION NO. 89-14 HEARING DATE February 20, 1989

ZONING CLASSIFICATION, EXISTING UMUD REQUESTED UMUD-O

LOCATION Approximately 3.461 acres bounded by N. Tryon St., E. Trade St., N. College St., and E. Fifth St.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-15

Petitioner: J. F. Gladden

Location: A 40,890 sq. ft. parcel on the east side of Holton Avenue north of Wilkinson Boulevard.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned a combination of O-6 and R-6MF. South of Wilkinson Boulevard is a large area of I-2 zoning. On the north side of Wilkinson Boulevard is a solid area of B-2 zoning and north of the B-2 zoning is a strip zoned O-6. The R-6MF category makes up the remainder of the nearby area.

2. Existing Land Use. The petitioned property is currently vacant. The tracts on the northwest and northeast corners of Holton Avenue and Wilkinson Boulevard are auto dealerships. The Wilkinson Boulevard corridor is developed with numerous industrial and commercial uses. The property lying immediately to the north of the petitioned site is developed with apartments and a few other apartment complexes are located nearby. Otherwise, the area is predominantly composed of single family residences

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. The plan recognizes Wilkinson Boulevard as an employment corridor. 2005 strategies for the area include streetscape improvements on Wilkinson Boulevard and a study to determine the feasibility of light rail transit service in the existing rail corridor along Wilkinson Boulevard.

   2. Wilkinson Boulevard Special Project Plan. The Wilkinson Boulevard plan supports the location of employment uses along the corridor and protection of the surrounding residential neighborhoods from encroaching non-residential uses. The plan recommends rezoning the O-6 zoned properties north of Wilkinson Boulevard from Westerly Hills Drive to west of Midland Avenue to R-6MF to create a buffer between the single family neighborhoods and the Wilkinson Boulevard corridor. The plan also contains a number of detailed recommendations for Wilkinson Boulevard streetscape improvements in the form of tree plantings, elimination of utility poles, decorative street lights, sidewalk construction and repair and reducing the number of signs and curb cuts.

4. Site Plan. The site plan which accompanies this application seeks rezoning from O-6 and R-6MF to B-2(CD) and would permit a maximum of 66,000 sq. ft. of any of the retail, commercial or fraternal uses permitted in the B-2 district. The plan indicates a ten foot screening strip along Holton Avenue and along the adjoining properties with the exception of the property located on the northeast corner of the intersection of Wilkinson Boulevard and Holton Avenue. The plan is silent regarding access to the property.

5. School Information. Not applicable.

6. Zoning History. (See attached Map).

Case	Request	Action	Date
1. 73-25	O-6 to B-2	Denied	07/30/73

7. Neighboorhood. This site falls within the area defined as the Westerly Hills neighborhood.

REVIEWS

1. Plan Consistency. The subject petition is clearly inconsistent with publicly adopted plans and policies. The request seeks rezoning to allow commercial development in an area in which public plans call for a residential future.

2. Technical Consistency.

   1. Pre-Hearing Staff Impact. Staff provided technical assistance and suggested the petitioner meet with neighborhood leaders prior to filing. Subsequent to filing, staff relayed numerous site plan and land use related concerns to the petitioner.

   2. Departmental Comments.

      1. CMUD. Water and sewer services are available to the area.

      2. Building Standards The Zoning Administrator indicates the site plan does not meet the minimum requirements for a conditional district plan. The plan needs to indicate the areas to be devoted to parking and buildings and must depict the circulation system to be used.

      3. Department of Transportation CDOT indicates this site could generate 246 - 270 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,270 trips per day. Wilkinson Bouelvard is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer should dedicate 50 feet of right-of-way from the centerline to meet this requirement. This site is in the area of the funded Wilkinson Boulevard median revitalization project. CDOT indicates any proposed driveway connections need to be shown on the plan.

      4. Parks and Recreation. The Parks Department indicates the plan needs to specify the proposed types and sizes of tree plantings.

      5. Engineering. The Engineering Department indicates curbs, gutter and sidewalk on Holton Avenue will be required.

      6. Board of Education. No comments.

7. Planning Staff. Planning staff cited numerous site plan deficiencies. The plan does not meet the minimum requirements for a conditional rezoning. Specifically, the plan lacks information on the proposed use, the area in which structures are to be located, and the proposed circulation system. Additionally, the request should include the adjoining parcel at the corner of Holton Avenue and Wilkinson Boulevard so that the site plan reflects the entire proposed development.

ISSUES

1. Land Use. This petition raises a critical land use issue. The request is an effort to rezone to a commercial district on an established residential street and is clearly inconsistent with adopted plans and policies for the area. Indeed, the Wilkinson Boulevard Plan recommends the portion of the subject property zoned O-6 be rezoned to R-6MF to help preserve the nearby residential area. This petition represents an intrusion into an established neighborhood and is not appropriate for approval.

2. Site Plan. There are numerous site plan issues which accompany this request. The site plan lacks compliance with minimum ordinance requirements and needs substantial improvement just to meet minimum standards. Therefore, the application is not apropriate for approval.

CONCLUSION

The petition is not appropriate for approval from either a land use or site plan standpoint.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-15
Date Filed January 3, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Johnny F. Gladden

Owner s Address 3700 Wilkinson Boulevard

Charlotte, North Carolina 28208

Date Property Acquired June, 1988

Deed Reference 5789-288 Tax Parcel Number 061-027-04, 05, & 06

Location Of Property (address or description) Wilkinson Blvd. & Holton Avenue

Description Of Property

Size (Sq Ft -Acres) 40,890 sq. ft./.938 Ac. Street Frontage (ft) 235 ft.

Current Land Use Residential

Zoning Request

Existing Zoning O-6/R-6 MF Requested Zoning B2-CD

Purpose of Zoning Change Expand existing business.

Name Of Agent

Brian Sigmon Landscape Architecture

Agent s Address
129 W. Trade Street, Suite 1107
Charlotte, North Carolina 28202

Telephone Number

704/375-0725

Name of Petitioner(s)

J.F. Gladden

Address of Petitioner(s)
3700 Wilkinson Blvd.
Charlotte, NC 28208

Telephone Number

704/392-8438

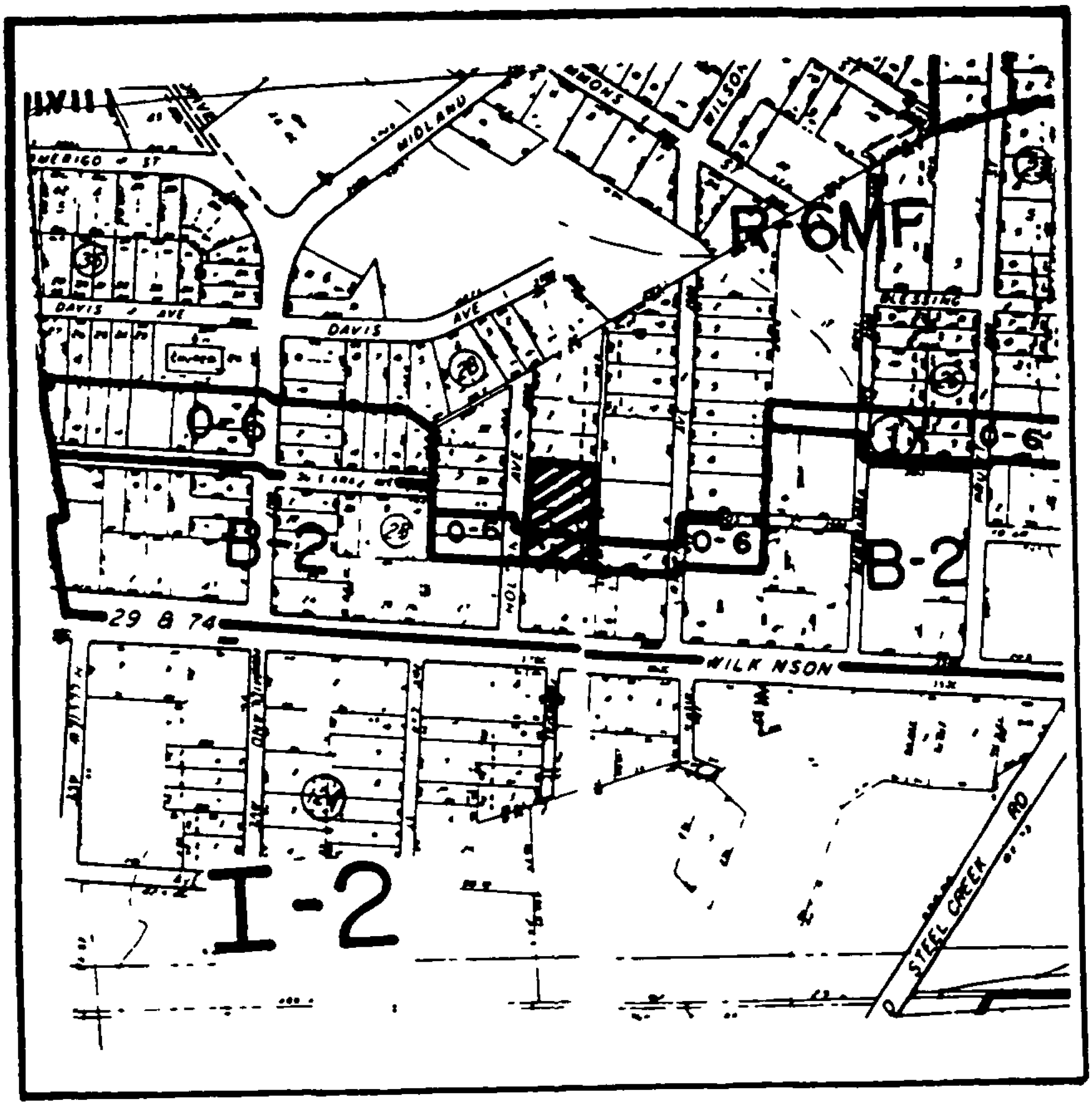
Signature
Johnny F. Gladden
Signature of Property Owner if Other Than Petitioner

PETITIONER J. F. Gladden

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-16

Petitioner: Britthaven of Charlotte and R. Gregg Hill

Location: 3.6 acres located along the east side of Cranbrook Lane north of Randolph Road behind Eastover Medical Park.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-6MF as are other properties in a westerly direction north of Randolph Road. Properties located to the north and south are zoned for office purposes. Otherwise, the nearby area is zoned for single family and multi-family residential uses.

2. Existing Land Use. The subject property is the site of the Britthaven Nursing Home. Eastover Medical Park is located just to the south on Randolph Road. Several multi-family residential developments are located nearby including Cranbrook Apartments and Eastover Glen Apartments. Other nearby properties are used for single family residential purposes.

3. Public Plan and Policies.

   1 2005 Plan. The 2005 Plan indicates both existing employment and existing residential land uses in the area. No specific strategies are identified for the area.

   2. Small Area Plan. There is no small area plan available for the area.

4. Site Plan. The site plan which accompanies this application proposes addition of a 6,000 square foot dialysis unit to the existing nursing home site. However, a note on the plan states "it is the intent of the rezoning to allow future use as allowed in O-6 zoning" for the subject property. Access to the site is via Cranbrook Lane.

5. School Information. Not Applicable.

6. Zoning History (See Attached Map).

1.	78-2	R-6MF, B-1, B-2, O-15 and I-2 to R-6, R-9MF O-15, and R-12MF	Approved	2/27/78
2.	SUP 79-1	Nursing Home in R-6MF	Approved	5/7/79
3.	84-27	R-6MF & B-1 to O-6(CD) and B-1(CD)	Approved	6/18/84

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning of the Britthaven Nursing Home to an office district. The site plan accompanying the petition indicates the existing nursing home facility plus a future dialysis unit to be accessed off Cranbrook Lane. The plan also includes a note permitting future uses as allowed under O-6 zoning.

   The request could be viewed as consistent with public plans if the site plan's scope was scaled down to propose rezoning for just the future dialysis unit. However, the concept of rezoning the entire Britthaven site for all office uses without a specific development proposal is not consistent with public plans and policies.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff provided technical assistance before and after the filing of the petition. The petitioner was advised to reduce the rezoning request's scope to only permit the addition of the dialysis unit.

   2. Department Comments.

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

      2. Building Standards Department. The Zoning Administrator indicates the need for screening adjoining residential properties and the need for indication of the floodway fringe line.

      3. Fire Department. The Fire Department indicates the need for adequate access to existing buildings near dumpsters is required.

      4. Department of Transportation. CDOT indicates the site could generate approximately 532 - 684 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 532 - 631 trips per day. This would not have a significant impact on the surrounding street system. The existing driveway does not appear to meet the minimum driveway requirements.

      5. Engineering Departments. The City Engineering staff pointed out the requirement to comply with floodway regulations.

      6. Park and Recreation. The Parks and Recreation Department indicated the need to show and label all existing trees and how they would be preserved during the grading and construction process.

      7. Board of Education. No comments.

8 Planning Staff. Planning staff had a number of comments including the need to reduce the request to include only the property necessary for the dialysis unit. The petitioner also needs to investigate the possibility of accessing the dialysis unit through Eastover Medical Park rather than off of Cranbrook Lane and to tighten up the note permitting all O-6 uses on the property. The plan should also show the proposed streetscape treatment on Cranbrook Lane and how the site will comply with the tree ordinance.

ISSUES

1. Land Use. The petition, as submitted, raises some concern regarding the land use issue. It proposes rezoning of the Britthaven Nursing Home site to an office category to permit redevelopment for any uses allowed in the O-6 district. The 2005 Plan indicates the property lies in an area of transition between existing residential uses and existing employment uses. Any rezoning to a nonresidential category on this property should be based on a much more specific and detailed proposal than has been submitted.

2. Site Plan. The site plan which accompanies this petition also raises some concern. It could be considered appropriate for approval only with several significant revisions and improvements.

CONCLUSION

The petition cannot be considered appropriate for approval unless the scope of the request is scaled down to a smaller area and a more specific proposal is developed.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-16
Date Filed January 3, 1989
Received By MCR
OFFICE USE ONLY

Ownership Information

Property Owner WESLEYAN NURSING HOME, INC., DBA, BRITTHAVEN OF CHARLOTTE

Owner s Address 2019 N. CENTENNIAL ST.
HIGH POINT, N.C. 27260

Date Property Acquired SEPTEMBER 1, 1967

Deed Reference BOOK 2891, PAGE 75 Tax Parcel Number 127-121-02

Location Of Property (address or description)

2623 CRANBROOK LANE

Description Of Property

Size (Sq Ft.-Acres) 3.60 ACRES Street Frontage (ft.) 282

Current Land Use NURSING HOME

Zoning Request

Existing Zoning R6-MF Requested Zoning O6-CD

Purpose of Zoning Change CONSTRUCTION OF DIALYSIS CENTER FOR OUT PATIENT USE
TO ALLOW FOR FUTURE USE AS IN O-6 ZONE

Name Of Agent
WALTER REYNOLDS

Agent s Address
501 PLANTATION DR , KINSTON, N C 28501

Telephone Number
9195222587

Name of Petitioner(s)
BRITTHAVEN OF CHARLOTTE
R. GREGG HILL

Address of Petitioner(s)
P.O. BOX 190
HOOKERTON, N C. 28538

Telephone Number
9195239094

R. Gregg Hill
Signature

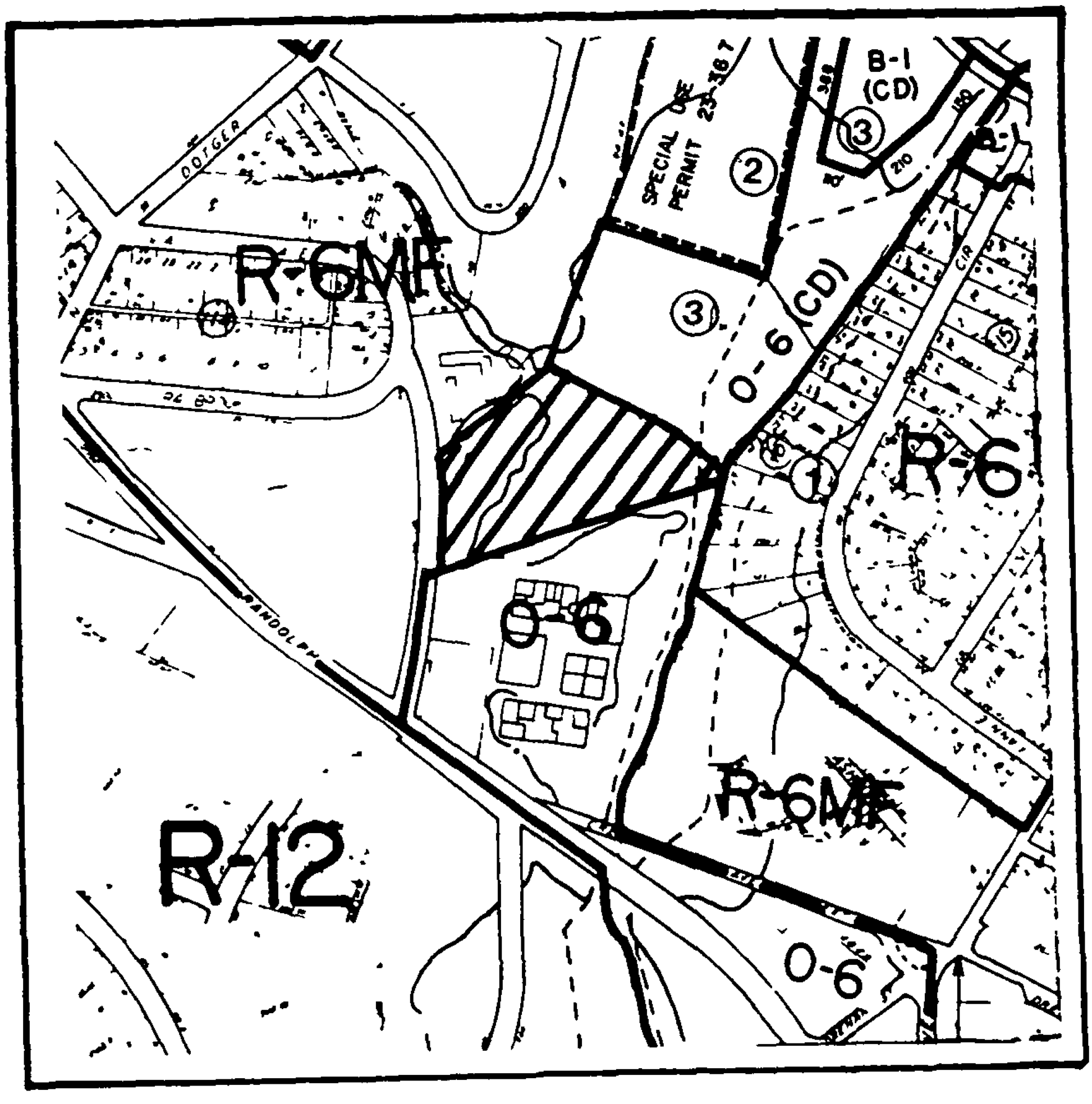
Lezell B. Parker, President
Signature of Property Owner if Other Than Petitioner

PETITIONER Britthaven of Charlotte/R. Gregg Hill

PETITION NO. 89-16 HEARING DATE February 20, 1989

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

LOCATION Approximately 3.6 acres located on the east side of Cranbrook Lane south of Vail Avenue.



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-17

Greenville Special Project Plan

PETITIONER: Charlotte-Mecklenburg Planning Commission

REQUEST: R-6MF, R-9MF and B-1 to R-6

LOCATION: Properties totaling 28.5 acres located in the Greenville neighborhood between Oaklawn Avenue, Brookshire Freeway and Statesville Avenue.

BACKGROUND

The Greenville Area Special Project Plan, adopted in October, 1987, is one of a series of plans aimed at reviewing and updating existing redevelopment plans for several urban renewal areas in Charlotte. The Greenville Special Project Plan attempts to examine the objectives of the original redevelopment plan for appropriateness almost 20 years later. It also reviews the plan for consistency with policies in the 2005 Plan.

The Greenville area is just over 177 acres in size and is located on the north side uptown. It is bounded by Oaklawn Avenue, Statesville Avenue, Seaboard Street, and Interstate 77. Urban renewal occurred in the 1969-1972 timeframe, with most housing constructed between 1974 and 1981. All vacant land in the plan area is owned by the City.

Prior to redevelopment, the area was primarily zoned for multi-family residential uses. Parcels along Oaklawn Avenue were commercially zoned and along Statesville Avenue was a combination of business and heavy industrial zoning. The area south of Brookshire Freeway was multi-family residential and heavy industrial.

The original redevelopment plan envisioned the area south of Brookshire Freeway as a combination of light and heavy industrial. North of the freeway, single family homes and two churches were to be located where they presently exist. Multi-family residential units were planned for the interior of the site and most of those have been built. Additional substantial numbers of multi-family residences were intended for the southeast portion of the project. These have not been constructed. A neighborhood shopping center was planned for the corner of Oaklawn and Statesville Avenue.

The redevelopment plan has been amended several times to designate some areas for industrial development to allow the County Social Services facility and an office building to house several relocated City divisions.

RECOMMENDATIONS OF THE SPECIAL PROJECT PLAN

The Special Project Plan recognized that many of the original redevelopment objectives have been met and resulted in removal of the blighted area, installation of the major infrastructure and provision of new housing facilities for low and moderate income families. The Special Project Plan also indicates that some of the original redevelopment plan's objectives are no longer appropriate and that the plan has several deficiencies including:

1. The commercial property on the southwest corner of Oaklawn Avenue and Burton Street was proposed to be a full block deep. However, it was actually developed as a commercial strip only 1/2 block deep. This has left a B-1 (neighborhood business district) zoned area with no frontage on a major street.

2. There are large vacant areas still zoned for multi-family residential development. Since adoption of the original plan, experience has shown that the concentration of low income, high-density residential development may not be desirable.

3. The existing plan contains a parcel of land zoned B-1 at the corner of Johnson Street and Polk Street. This was intended to be a convenience shopping facility to service the large number of dwelling units anticipated in Greenville. The location was questionable, and without the high density development there is no market for commercial on this site.

The large vacant tracts of land in Greenville are a clear indication that redevelopment is not complete. The existing single family homes have been in place long enough to give the air of an "established neighborhood". An updated plan which replaces vacant multi-family areas with single family residential would clarify the status of those areas and make those tracts more desirable. Additional single family housing in Greenville is needed.

The Special Project Plan recommends rezoning most of the vacant property zoned for multi-family residential purposes to a single family residential district and rezoning of the inappropriate business zoned parcels to residential districts. Those recommendations are reflected in Rezoning Petition No. 89-17. The petition seeks rezoning from B-1, R-6MF and R-9MF to R-6 for tracts totaling 28.5 acres. All of the properties included in the rezoning petition are vacant and owned by the City. Properties located in the surrounding area are developed with a wide array of land uses including industrial facilities, office buildings, multi-family housing, and single family housing. The rezoning petition requests rezoning to the R-6 district as part of the implementation of the Greenville Special Project Plan.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-17
Date Filed January 3, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See attached list

Owner s Address See attached list

Date Property Acquired N/A

Deed Reference _____ Tax Parcel Number See attached list

Location Of Property (address or description) Several parcels in the Greenville neighborhood - generally west of Statesville Ave. and south of Oaklawn Ave.

Description Of Property

Size (Sq Ft -Acres) 28.548 Street Frontage (ft) _____

Current Land Use All parcels proposed for rezoning are cerrently vacant

Zoning Request

Existing Zoning ~~B-1, R-6MF, R-9MF~~ Requested Zoning ~~R-6~~

Purpose of Zoning Change ~~To bring zoning into conformance with the Greenville Special Project~~ Plan adopted by the City Council in October, 1987

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
Charlotte-Mecklenburg Planning Comm

Address of Petitioner(s)
600 E. Fourth St.

Telephone Number
336-2205

Signature

Signature of Property Owner if Other Than Petitioner

NO COMMENT
CHHuntley
1/20/89

PETITIONER CMPC

PETITION NO. 89-17 HEARING DATE February 20, 1989

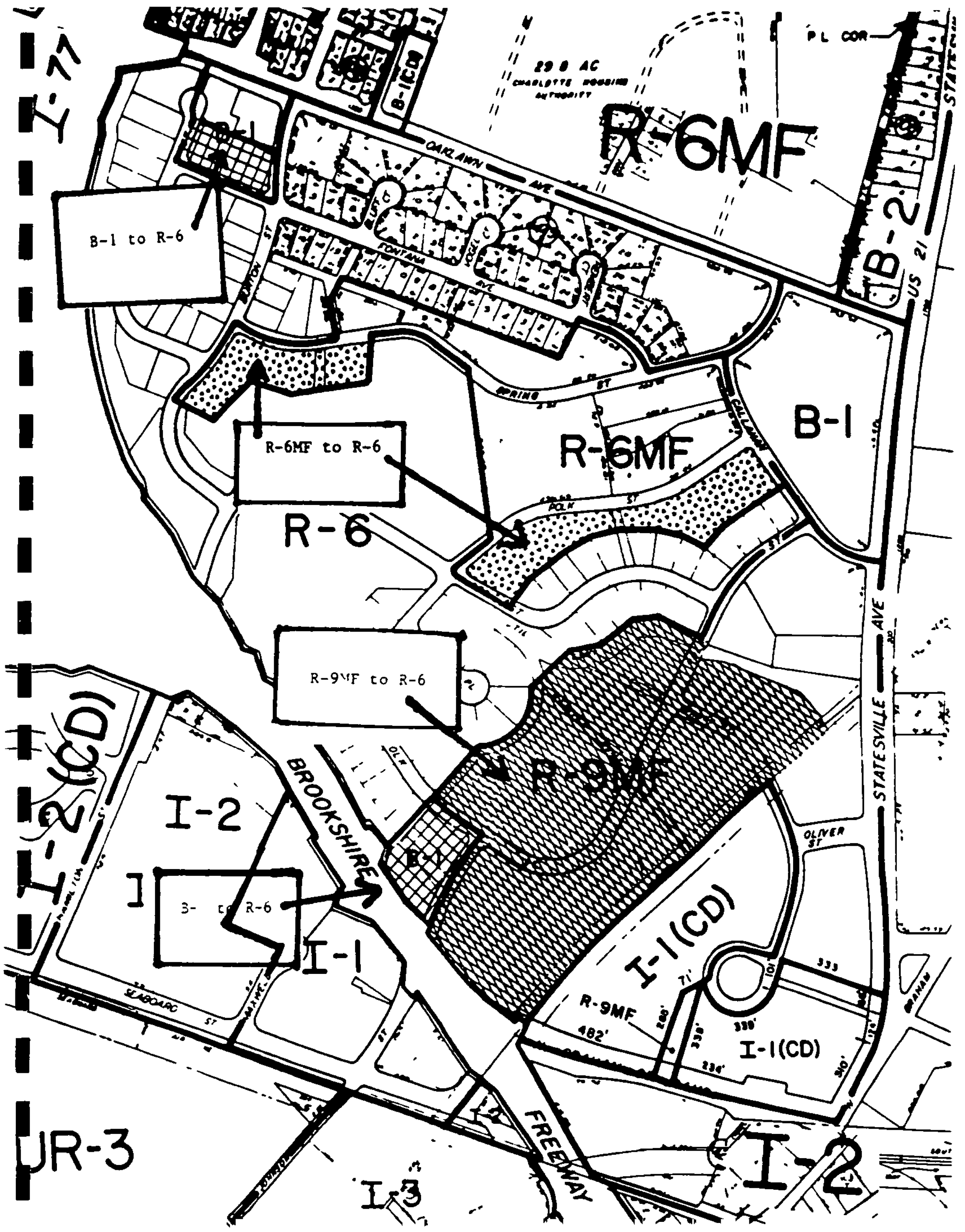
ZONING CLASSIFICATION, EXISTING B-1, R-6MF & R-9MF REQUESTED R-6

LOCATION Approximately 28.548 acres located generally west of Statesville Avenue and south of Oaklawn Avenue.

SEE ATTACHED MAP

ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


T-77
B-1 to R-6
R-6MF to R-6
R-9MF to R-6
B-1 to R-6
R-6
R-6MF
R-6MF
B-1
B-2
B-1(CD)
I-2
I-1
I-1(CD)
I-1(CD)
I-2
I-3
R-9MF
R-9MF
R-3
29.8 AC
CHARLOTTE HOUSING AUTHORITY
OAKLAWN AVE
FONTANA AVE
SPRING ST
POLK ST
CALLAND
STATESVILLE AVE
US 21
BROOKSHIRE
FREEWAY
SEABOARD ST
OLIVER ST
PL COR
482'
333
330'
236'
230'
101
71'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 7 1989

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on January 12 and January 23, 1989.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12 00 noon on Thursday, February 16, 1989. This will then permit these matters to be placed on your agenda for consideration on Monday, February 20, 1989.

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

Respectfully submitted,

Lynn M Wheeler

Lynn M. Wheeler
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

LMW:mlj

Attachments

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

DATE	January 12 1988
PETITION NO	SUB 88-4
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Consideration of a text amendment to the subdivision ordinance to amend various sections dealing with metes and bounds property description, definitions, multiple building sites and minimum road right-of-way requirements
ACTION	The Zoning Committee recommends that this petition, as amended be approved
VOTE Yeas	Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	None

REASONS

These amendments to the subdivision ordinance were developed after consultation and study by a committee of City and County staff members and interested parties who were charged by the elected officials with reviewing certain aspects of the subdivision ordinance which were deleted last summer. With regard to the issues, the committee discussed metes and bounds divisions of property, multiple building site division of property, and the degree to which certain improvements or dedication should be required along thoroughfares. This amendment proposes three specific changes to the subdivision ordinance.

The first change would restore the application of the ordinance to the division of property by metes and bounds descriptions. General statues clearly authorize local governments to regulate the subdivision of property and note that metes and bounds descriptions of property are not exempt. Therefore, reestablishment of this provision in the ordinance is in accordance with general statutes and allows local government to be aware of divisions of property and the impact that those divisions may have on needed public services.

The second issue deals with multiple building sites. The general statutes authorize the regulation of multiple building sites under the definition of subdivision. Multiple building sites would include things such as shopping centers, office parks, and business or industrial parks. This provision would restore the application of the ordinance to the review and approval of such developments and in addition includes a grandfather provision which exempts developments previously approved from the provisions of the ordinance.

The third issue deals with right-of-way along existing streets when adjoining property is being subdivided This recommendation would call

for the reservation of such rights-of-ways through the subdivision process for a specified period of time. The public hearing document included a recommendation for a 10 year reservation period. However the Zoning Committee feels that a five year period is more practical and more defensible. Inasmuch as the City and the County have five year capital improvements programs, it would be possible for public decisions to be made to acquire properties reserved under this provision within the time frame of a normal capital improvements program. It is believe that this provision will go a long way toward protecting rights-of-way for future streets, and will work in combination with the zoning provisions which were also recommended as part of this package.

Therefore, the Zoning Committee believes that all three of these provisions should be re-adopted into the subdivision ordinance and that the length of the reservation proposed by this ordinance should be limited to five years.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. In addition, the staff would suggest that the effective date for this subdivision amendment should be set at a period of time to allow the land development and legal community an opportunity to take its requirements into account. Hopefully this will avoid the confusion and subsequent amendments to the ordinance which resulted from a lack of awareness about changes to the subdivision ordinance last year. The staff suggests that an effective of May 1 would give interested parties over 60 days to become aware of and take account of these provisions.

PRELIMINARY
Subject to Revision
Before Final Approval 1/12/89

AMENDING CHAPTER 20

ORDINANCE NO _____

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1 Chapter 20, is hereby amended as follows

1 Amend Section 1 500 Compliance with Ordinance, by deleting the entire section which reads as follows.

1 500 Compliance with Ordinance

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will exempt the transaction from compliance with this ordinance.

and replacing it with the following language:

1 500 Compliance with Ordinance

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance.

2. Amend Section 2.100. Definitions, SUBDIVISION, as follows:

a Delete in its entirety the following paragraph:

SUBDIVISION. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including residential or nonresidential use and also includes all divisions of land involving the dedication of a new street or a street right-of-way or a change in existing streets; provided, however, that, the following will not be included within this definition nor be subject to the requirements of this ordinance:

and replacing it with the following language·

PRELIMINARY
Subject to Revision 1/12/89
Before Final Approval

SUBDIVISION. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type (including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets, provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance·

d Delete in its entirety numbered paragraph 13. (an exception to the definition of subdivisions) which reads as follows·

13 The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land

3 Amend Section 6.100. Compliance Required, by deleting the entire section which reads as follows·

6.100. Compliance Required.

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Charlotte-Mecklenburg Planning Commission staff This includes all divisions of land as defined in Section 2.100 and includes the development of any residential multiple building site even if there is no division of the underlying land into separate parcels which is submitted to be recorded with the Register of Deeds. This does not include the development of a nonresidential multiple building site if there is no division of the underlying land into separate parcels which is submitted to be recorded with the Register of Deeds.

and replacing it with the following language.

6.100 Compliance Required.

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Charlotte-Mecklenburg Planning Commission staff. This includes all divisions of land as defined in 2.100.

PRELIMINARY
Subject to Revision
Before Final Approval

1/12/34

4 Amend Section 7 110 by adding the following after the Minimum Right-of-Way listing

> Along existing streets, any additional right-of-way required for streets proposed to be greater than sixty (60) feet in width (i e proposed to have a right-of-way more than 30 feet on each of the centerline), shall be so noted on preliminary plans and/or final plats as "reserved" for future street right-of-way acquisition or dedication Any required reservation shall be for a time period not to exceed five (5) years from the date of final plat approval. After this time period has elapsed, the property shall be clear of any reservation At any time the developer may dedicate the reserved right-of-way to take advantage of any permitted transfer of development rights

5 Amend Section 7 120 , by deleting the following wording which reads as follows

> The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with the provisions of Section 8.110

and replacing it with the following language;

> The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with the provisions of Section <u>7110. or</u> 8.110.

6 Amend Section 8.110. <u>Improvement responsibility</u> by deleting the following wording which is the last sentence in the next to last paragraph:

> The standards in this ordinance for the reservation and dedication of rights-of-way will not apply to any development which was approved under the parallel conditional use district process found in Section 3200 of the zoning ordinance so long as the approval occurred prior to January 21, 1986.

and replacing it with the following language:

> The standards in this ordinance for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:
>
> 1. Any multi-building site or multi-site project that had at least one building built or under construction, or had a valid, unexpired building permit issued for at least one building prior to (insert date of adoption of this amendment).
>
> 2. Any project which had a site plan not requiring any additional right-of-way approved prior to (insert date of adoption of this amendment) either·

PRELIMINARY 1/12/80
Subject to Revision
Before Final Approval

1 by the Planning Commission and/or Planning Staff, or

2 under the conditional zoning district and/or special use permit zoning processes of the Zoning Ordinance However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to the provisions of this ordinance

Section 2 This ordinance shall become effective upon adoption

Approved as to form·

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

Editorial Note. Where new language has been added to the existing ordinance, it has been underlined here for clarity but will not be so underlined in any adopted text.

DATE	January 23 1989
PETITION NO	88-48
PETITIONER(S)	Sayre Lineberger Meyer
Request	Change from B-1 and O-6 to R-12MF
LOCATION	Approximately 2.76 acres on the northwesterly corner of Providence Road and Ardsley Road.
ACTION	The Zoning Committee deferred action on this request indefinitely at the request of the petitioner
VOTE Yeas	Burns, Latham, McClure, Spencer, Thomasson, Vaughan, and Wheeler.
Nays	None.

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

REASONS

The petitioner is working with the property owner to try to arrive at a solution to the use of this property. In that context, the petitioner requested that action be deferred indefinitely so that negotiations between the petitioner and the property owner can continue.

DATE	January 12, 1989
PETITION NO.	88-96
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Consideration of a text amendment to the City Zoning Ordinance regarding definitions and additional standards for yards or setbacks along thoroughfares
ACTION	The Zoning Committee recommends that this petition be approved
VOTE Yeas	Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget.
Nays:	None.

REASONS

This petition is the result of a study conducted by the Planning staff and a committee of interested parties reviewing the contents of the City's Subdivision Ordinance relative to rights-of-way along existing streets. The work of this committee arose from discussions last summer when concerns were raised about the impact of the subdivision ordinance on certain types of development. During the course of numerous meetings, recommendations were formulated for both subdivision and zoning text amendments to deal with the complex issues of development along thoroughfares. This petition represents the zoning part of that package which establishes additional setback requirements for development which occurs along thoroughfares. It would require the setbacks for these properties to be measure from the future right-of-way of the street as established by the street classification system and the thoroughfare plan rather than from the existing right-of-way if different. In this way, future road widenings will not severely impact parking or other major components of uses which develope along the thoroughfares. It is believed that this amendment, along with a companion amendment to the subdivision ordinance, will effectively protect rights-of-way for future roads from the encroachment of development.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PRELIMINARY
Subject to Revision
Before Final Approval
1/12/00

Zoning Ordinance Amendments Related to Protecting Thoroughfare Rights-of-Way

ORDINANCE NO _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

83-1,

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

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

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

1 Amend Section 1102, Definitions, Add the following definitions in proper alphabetical order to the existing listing of definitions.

Collector street (Class V) A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds

Commercial arterial street (Class III-C). A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

Freeway or expressway (Class I). A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal or state primary highway system. A Class I road will be built to or approaching interstate design standards.

Limited access arterial street (Class II). A multi-lane limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only a cross streets rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

Local street (Class VI). This is a two lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include planned developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class

VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways

Major arterial (Class III) A multi-lane major roadway connecting Class I, II or III streets with lesser streets in the network The Class III road may also provide connections between this and other regions It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

Minor arterial (Class IV) A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions Therefore, it usually only handles trips for short to moderate distances

Proposed right-of-way line. The margin of a thoroughfare's right-of-way of the full width for that thoroughfare's classification as established by the Planning Commission pursuant to the Subdivision Ordinance.

Transitional setback or yard. That area, if any, along a thoroughfare which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way line and the Proposed Right-of-Way Line are the same. (See Figure 1 below).

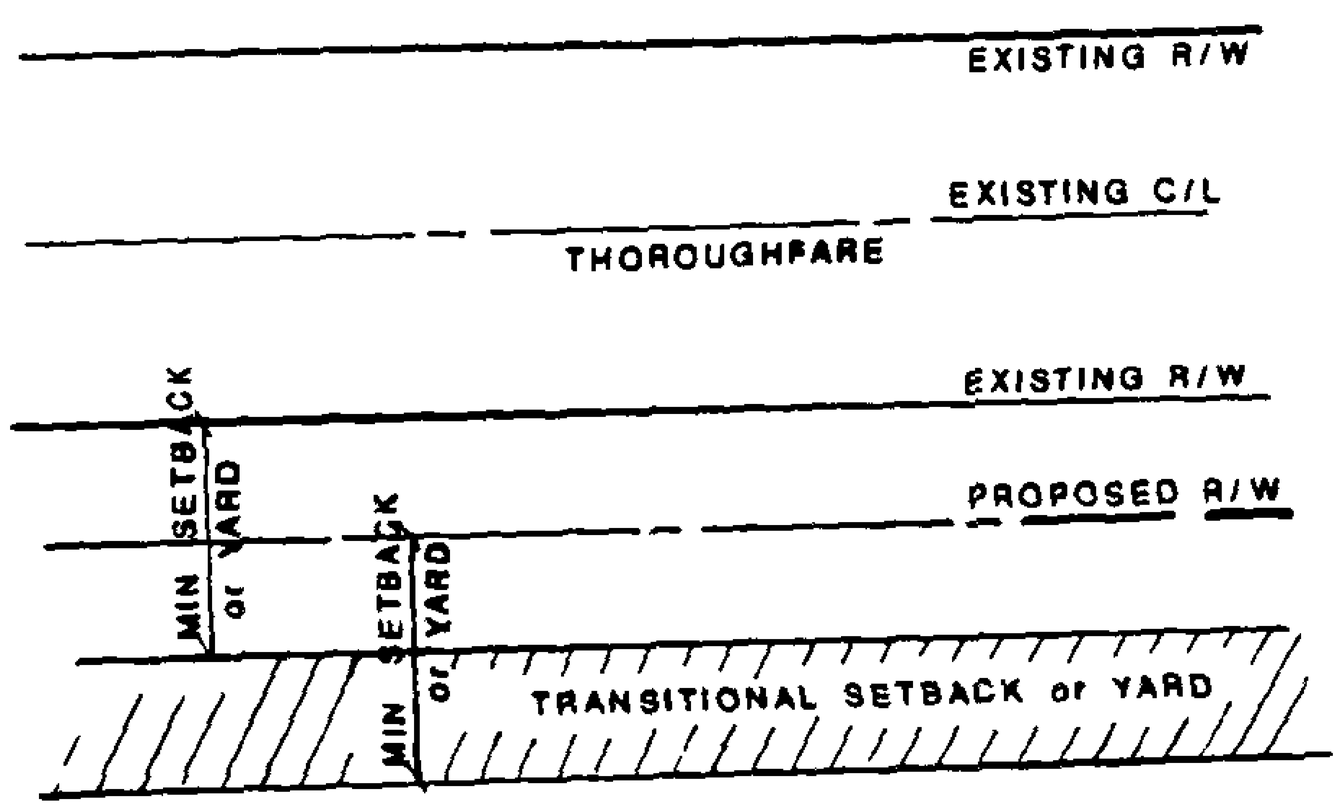


Figure 1
SPECIAL ZONING REQUIREMENTS
for LOTS ALONG THOROUGHFARES

PRELIMINARY
Subject to Revision
Before Final Approval

1/12/83

Thoroughfare Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-C, or IV

Thoroughfare plan The most recent map approved by the City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation The words thoroughfare plan and arterial plan are used synonymously

2 Add a new section, Section 1631 as follows 1631 Special Requirements for Lots Along Thoroughfares

1631 1 Pursuant to North Carolina General Statutes 153A-326., and 160A-306 (which state that counties and cities shall have authority to (i) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic loads, and other characteristics relevant to the achievement of the purposes of this section, and (ii) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply

1631 2. The minimum yards or setbacks prescribed for each zoning district which abut a thoroughfare shall be measured from the Proposed Right-of-Way Line established for each classification of thoroughfare as follows.

Thoroughfare Classification	Distance From Thoroughfare Centerline to "Proposed Right-of-Way Line"
Freeway or Expressway (Class I)	125-175 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet
Minor Arterial (Class IV)	35 feet

PRELIMINARY
Subject to Revision Before Final Approval 1/12/89

1631 3 A transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for permanent structures, any minimum parking required by this ordinance, any minimum open space requirements, any minimum lot size requirements, or any other minimum requirements imposed by this ordinance At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the setback or yard by the district regulations The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses

1631 4. The standards of Section 1631 2 and 1631.3. will not apply to any development meeting one or more of the following circumstances.

1 Any multi-building site or multi-site project that had at least one building built or under construction, or had a valid, unexpired building permit issued for at least one building prior to (insert date of adoption of this amendment).

2 Any project which had a site plan not requiring any additional right-of-way approved prior to (insert date of adoption of this amendment) either:

.1 by the Planning Commission and/or Planning Staff, or

.2 under the conditional zoning district and/or special use permit zoning processes of the Zoning Ordinance. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to the provisions of this ordinance.

1631 5 An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that·

1 The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement, and

PRELIMINARY
Subject to Revision
Before Final Approval 1/12/80

2 The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and

3 Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari all in accordance with N C General Statutes Section 160A-388(e)

Section 2 That this ordiance shall become effective upon adoption

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE	January 23 1989
PETITION NO	89-1
PETITIONER(S)	Roger Lee
REQUEST	Consideration of an I-2(CD) Site Plan Amendment
LOCATION	A 4 029 acre site located on the northerly side of Mt. Holly Road east of Lee Drive
ACTION·	The Zoning Committee recommends that this petition be denied.
VOTE· Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, and Wheeler
Nays	None

REASONS

This petition request the deletion of a condition which was agreed to by the petitioner approximately three months ago. At that time, the petitioner requested a site plan amendment and the rezoning of properties from I-1 to I-2(CD) to accommodate the expansion of a heavy construction equipment manufacturing facility. The petitioner indicated that they would dedicate 20 feet of additional right-of-way along the frontage of their site. The petitioner now wants to retract that commitment and delete that requirement from the site plan. The Zoning Committee believes that this would be a bad precedent to establish for future rezonings. It is very common for petitioners in zoning cases to dedicate property along thoroughfare streets through the rezoning process. The purpose of this dedication is to ensure that the development of the site will not adversely impact future road widening plans and to offset at least a portion of the impact of the additional development rights granted to the site on the local thoroughfare system. A petitioner always has the option not to propose any right-of-way dedication or any other commitments above the minimum standards through the rezoning process However, when a petitioner does propose to exceed the minimums and/or proposes to dedicate land for right-of-way, parks, or greenways, it is treated as a firm commitment which is one of the factors contributing toward the decision on the zoning request. The petitioner's agent in this case was advised that additional right-of-way along the front of the petitioner's property needed to bring the street up to the minimum standard. The revised site plan included such a dedication commitment. The Zoning Committee believes that the petitioner should honor their commitment for the right-of-way dedication and that this request should be denied.

STAFF OPINION

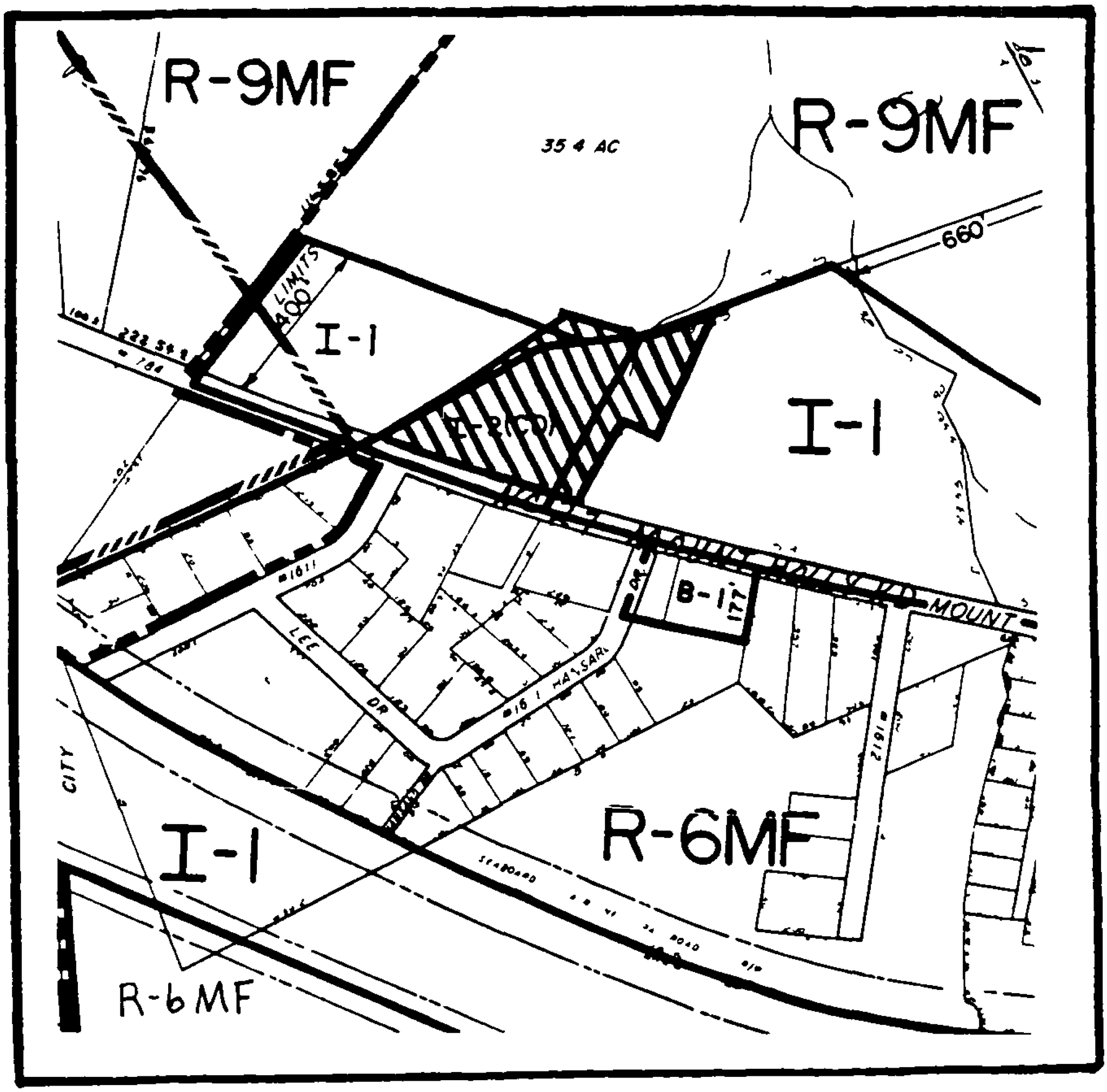
The staff agrees with the recommendation of the Zoning Committee

PETITIONER Roger R. Lee

PETITION NO. 89-1 HEARING DATE January 17, 1989

ZONING CLASSIFICATION, EXISTING I-2(CD) REQUESTED I-2(CD) Site Plan Amendmen

LOCATION Approximately 4 02 acres on the north side of Mount Holly Road east of Lee Drive.



ZONING MAP NO. 66 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	January 23 1989
PETITION NO	89-3
PETITIONER(S)	Richard Cherry
REQUEST	Change from R-9 and O-6 to O-6(CD)
LOCATION	A 3,950 square foot parcel located on the southerly side of Monroe Road east of Commodore Street
ACTION.	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas·	Lassiter, Latham, Spencer, Thomasson, Vaughan, Wheeler.
Nays	None

REASONS

This petition request the rezoning of a small tract of land to provide for the extension of a nonresidential use with frontage along Monroe Road The petitioner needs this additional property in order to accommodate an expansion of a office use in a converted residential structure The extra floor area would require the petitioner to provide additional parking and this rezoning would afford extra land on the site to establish the parking lot However this parking lot expansion would be at the expense of an intrusion into a stable residential community to the rear The Zoning Committee expressed concerns about the potential for additional rezonings to extend office and/or business uses from Monroe Road through into the residential community by expanding to the rear of their nonresidential sites The Zoning Committee believes that this petitioner can still make use of their property in its present form and that it is inappropriate to consider extension of nonresidential zoning into this residential community Therefore, the Zoning Committee recommends that this petition be denied

STAFF OPINION

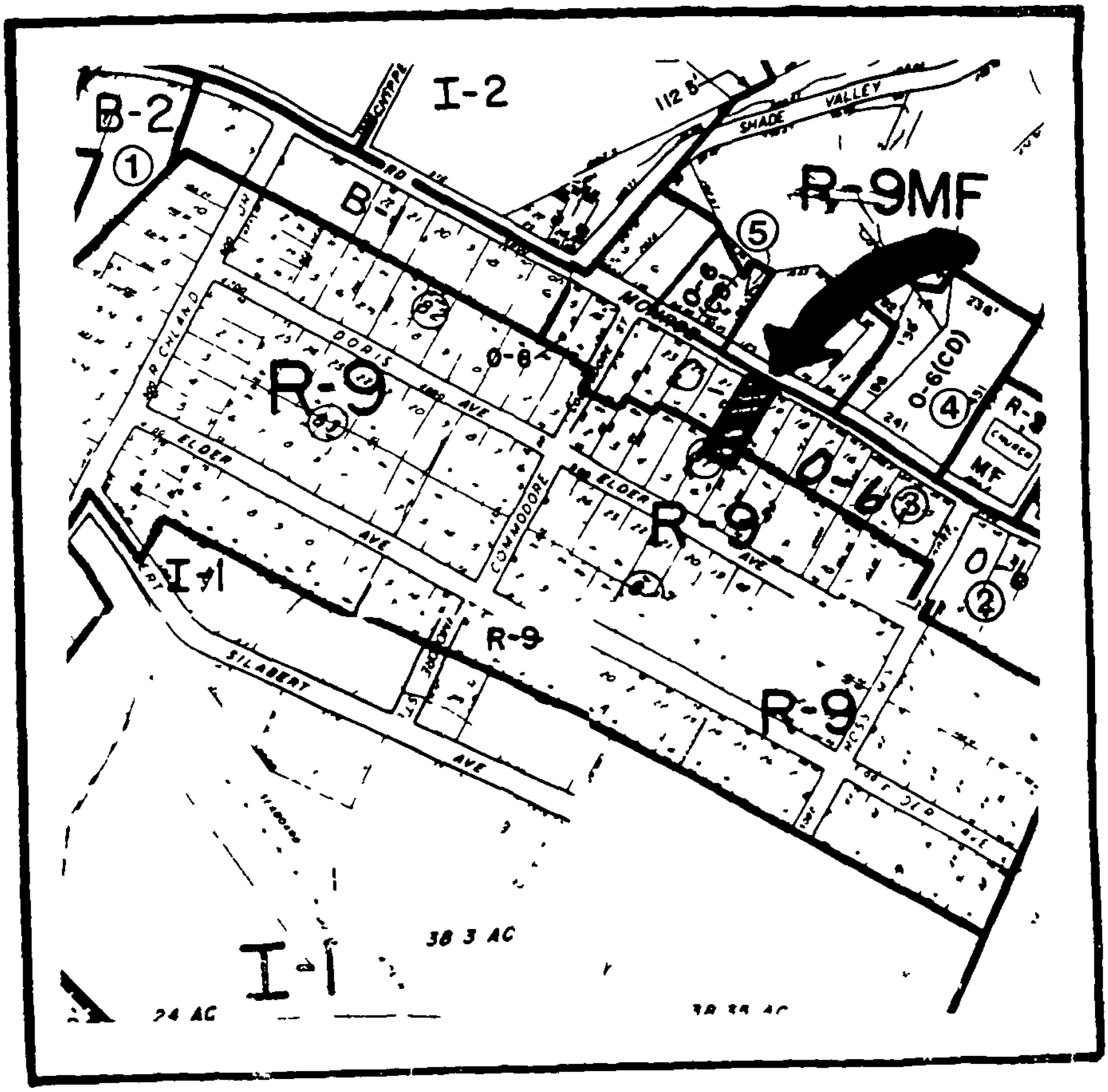
The staff agrees with the recommendation of the Zoning Committee

PETITIONER Richard Cherry

PETITION NO. 89-3 HEARING DATE January 17, 1989

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

LOCATION A 3,950 square foot parcel located on the southerly side of Monroe Road east of Commodore Street.



ZONING MAP NO. 112, 113, 123, 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	January 23 1989
PETITION NO	39-4
PETITIONER(S)	McClure Real Estate and Investments
REQUEST	Consideration of a B-1SCD Site Plan Amendment
LOCATION	A 9 52 acre site located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive
ACTION	The Zoning Committee deferred action on this request for 30 days to allow the petitioner time to modify the site plan to address concerns raised at the public hearing
VOTE Yeas	Burns, Latham, McClure, Spencer, Thomasson, Vaughan, and Wheeler.
Nays	None.

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

REASONS

At the public hearing on this request, neighboring property owners complained of noise and of traffic via an access from the commercial center to Rozwood Drive. The petitioner has indicated a willingness to reconfigure the site to close the access point onto Rozwood Drive. This is a substantial change in the site plan which would result in an automatic 30 day deferral under the City's conditional rezoning review policies. Therefore, this matter will be place on the Zoning Committee's agenda for action on February 27.

DATE	January 23, 1989
PETITION NO.	89-6
PETITIONER(S)	Waters Construction Company, Inc
REQUEST	Consideration of an R-15MF(CD) Site Plan Amendment
LOCATION.	25 6 acre site located on the north side of Sharon View Road west of Colony Road.
ACTION	The Zoning Committee recommends that this petition be denied.
VOTE Yeas.	Lassiter, Latham, Spencer, Vaughan, and Wheeler
Nays	Thomasson

REASONS

This request involves the modification of a site plan to address an error in the construction of a portion of the project The petitioner's approved zoning and approved construction drawings for the multi-family project indicated a 50 foot area of undisturbed vegetation along a boundary of the site. However, the petitioner's construction of the first phase of the project included the grading and installation of a driveway in this 50 foot buffer area. This was discovered when the petitioner sought to receive final plat approval so that individual units could be recorded with the Registrar of Deeds. The petitioner in an agreement with the City of Charlotte agreed to pursue this site plan amendment in order to modify the plan to recognize the disturbance of the buffer area and the construction of the driveway within the area. However, the agreement also establishes that the petitioner will remove the driveway and establish landscaping in the area if the petition is denied. The Zoning Committee believes that this petition should be denied. To allow a petitioner to violate a conditional plan and even the construction drawings pursuant to that plan and then seek amendment to the plan after the fact would set a bad precedent. A minority opinion expressed concern that the petitioner should be allowed to develop a mechanism to mitigate the impacts of this violation of the original plan without having to remove the improvements already installed. However, the majority of the committee felt that the conditional planning process should be based on firm plans to develop as stated in the ordinance. Therefore, when a petitioner proposes to develop a property in a certain fashion and construction drawings are approved consistent with that plan, then it should be the petitioner's obligation to carry out the plan as approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. The staff notes that an alternative screening mechanism might be desirable from the petitioner's standpoint to protect the property from adverse

Petition No. 89-6

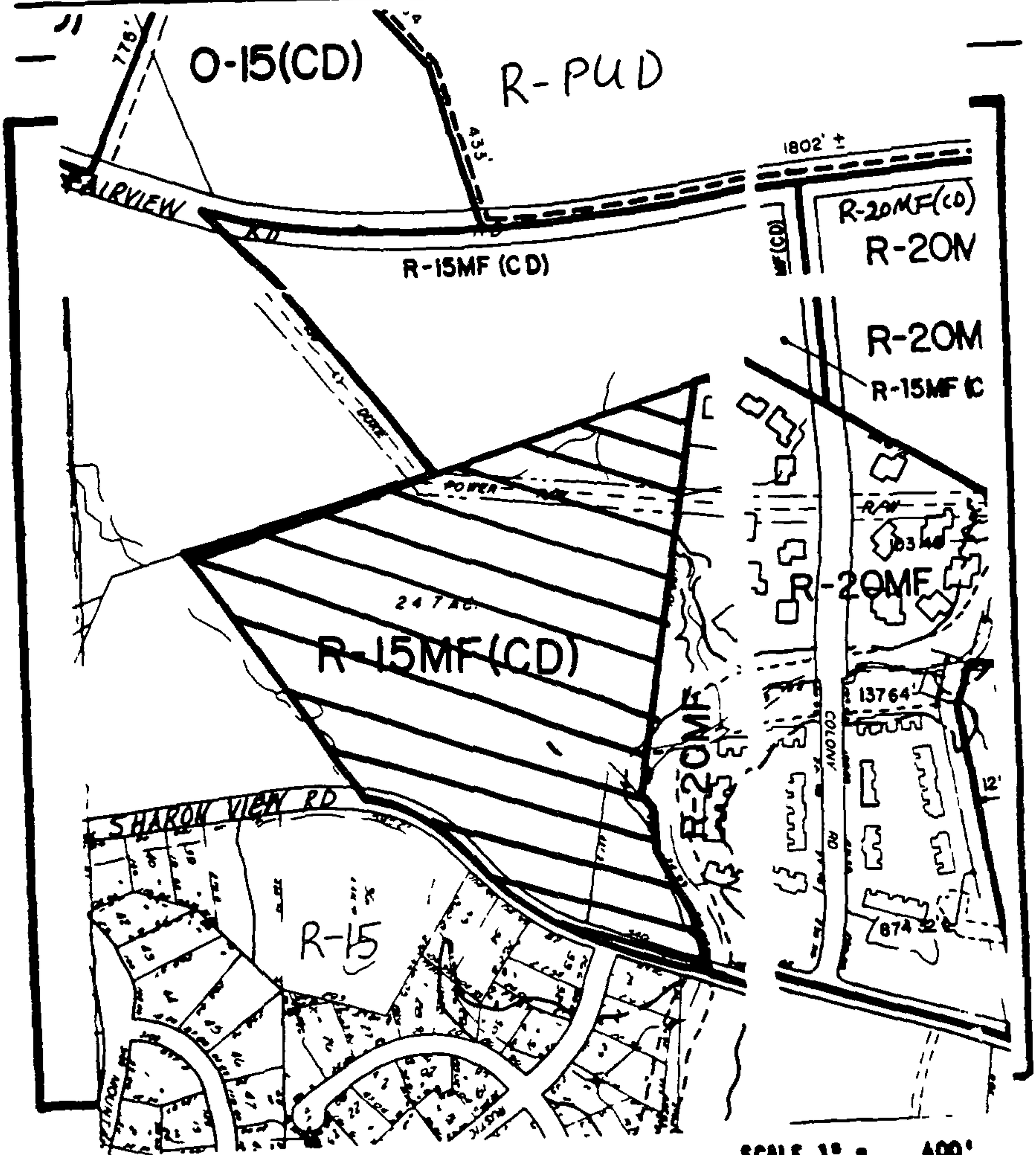
uses on adjoining properties However the staff supports the notion of building projects in accordance with approved plans.

PETITIONER Waters Construction Company, Inc

PETITION NO. 89-6 HEARING DATE January 17, 1989

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

LOCATION Approximately 25.6 acres located on the north side of Sharon View Road west of Colony Road



ZONING MAP NO. 135, 136, 146, 147

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	January 23 1989
PETITION NO	89-7
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from R-9MF to R-9
LOCATION	47 acres located on the east side of Yorkmont Road between Nations Ford Road and N C 49 and along the west of N C 49 from Southwood Drive to Shouthampton Road.
ACTION	The Zoning Committee deferred action on this request and referred the matter to the Planning Committee for a recommendation on amendments to the Billy Graham Parkway Plan.
VOTE Yeas	Lassiter, Latham, Spencer, Thomasson, Vaughan, and Wheeler.
Nays.	None.

REASONS

The Zoning Committee discussed this petition and a companion petition (89-8) which were filed to implement the recommendations of the Billy Graham Parkway Plan. However, a number of objections arose at the public hearing to pursuing these matters and the Zoning Committee felt that it would be appropriate to refer to matter back to the Planning Committee for an updated review of the original plan recommendations.

DATE	January 23 1989
PETITION NO	89-8
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from R-9MF to R-9
LOCATION	28.2 acres fronting on the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.
ACTION	The Zoning Committee deferred action on this request and referred the matter to the Planning Committee for a recommendation on amendments to the Billy Graham Parkway Plan.
VOTE· Yeas.	Lassiter, Latham, Spencer, Thomasson, Vaughan, and Wheeler.
Nays.	None.

REASONS

The Zoning Committee discussed this petition and a companion petition (89-7) which were filed to implement the recommendations of the Billy Graham Parkway Plan. However, a number of objections arose at the public hearing to pursuing these matters and the Zoning Committee felt that it would be appropriate to referred the matter back to the Planning Committee for an updated review of the original plan recommendations.

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Approval of recommended changes in the rezoning process

Responsible Department Charlotte-Mecklenburg Planning Commission

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

BACKGROUND:

In recent months the Council and Planning Commission have expressed concern about the rezoning process as it relates to information made available for the public hearings. Specifically, the following issues have been identified.

- °Lack of certain technical information from various government agencies.
- °Change in site plans which have occurred pursuant to staff review.
- °Compliance with minimum submission requirements and/or ordinance standards.
- °The need for some rezoning petitions to be accompanied by a traffic impact analysis.

In late 1988, Planning staff formed an Ad Hoc Committee representing the development community, neighborhood groups and technical staff to examine strategies for revising and improving the rezoning process. (See Attachment No. 1 for Ad Hoc Acommittee membership).

The Committee identified the following ways to improve the process:

1. Two weeks should be added to the overall time frome devoted to the processing a rezoning petition. By extending the process two weeks and having the revised site plan due three weeks prior to the public hearing, rather than one week prior to the hearing, the Planning staff will be able to base the pre-hearing staff analysis on the revised site plan rather than the original, preliminary site plan.

2. An optional, non-mandatory preliminary site plan review should be incorporated into the rezoning process. This would reduce the current problems associated with rezoning petitions that go to hearing with technically deficient site plans. The effect of the preliminary review availability should be to eliminate petitions in which the petitioner is not aware of many ordinance requirements until well after he is immersed in the rezoning process. The preliminary review would be accomplished by amending the application forms and by staff recommending it to petitioners who are not experienced in the rezoning process;

3. A pre-filing conference between Planning staff and a potential petitioner should be incorporated into the process. All of the committee members who have played the role of a petitioner agreed that that is something they already do anyway, and

4. Some rezoning petitions warrant the submittal of a traffic impact analysis. Overall consensus was not reached on exactly what criteria would trigger the requirement for a traffic study. All of the City and County transportation staff members agreed that the provisions contained in the proposed zoning ordinance are excellent criteria and parameters and are completely in line with ITE national guidelines. Some of the other committee members did express concern that those criteria would trigger the traffic study requirement on too many rezoning petitions.

EXPLANATION OF REQUEST:

The request seeks Council approval of the Ad Hoc Committee findings outlined above. The traffic study requirement (No. 4) would necessitate a zoning ordinance text amendment. The other policies would be implemented with the cycle for cases to be heard in May.

(See Attachment No. 2 for recommended text amendment). March 20, 1989 is the recommended date for public hearing on the text amendment.

AD HOC REZONING COMMITTEE

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Perry, Patrick, Farmer & Michaux
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Work 372-1120

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Laura Simmons
CMPC
Work: 336-2205

ORDINANCE NO _____

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

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

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

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

1. Add a new Section 1302.1 as follows:

1302.1 Submission of Traffic Impact Study.

Petitions for the rezoning of property shall include a traffic impact study prepared in accordance with this section if the City of Charlotte Department of Transportation, using methods identified and accepted in the "Transportation and Traffic Engineering Handbook" of the Institute of Transportation Engineers, determines that the proposed development will generate more than 2,500 vehicle trips per day or will increase the average annual daily traffic of any adjacent street by greater than 10 percent.

The traffic impact study shall be performed and prepared by a qualified transportation or traffic engineer or planner

Before beginning the study, the engineer or planner shall meet with the appropriate staff of the Department of Transportation to determine the acceptable study area boundary, target forecasting years, background traffic levels, imminent transportation improvement projects, data collection needs, and the format of the study report.

The traffic impact study shall include the following information:

(a) Existing traffic conditions within the study area boundary;

(b) Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels;

(c) The distribution of existing and proposed trips through the street network;

(d) Analyses of the capacities of intersections located within the study area boundary;

Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and

Other pertinent information, including but not limited to accidents, noise, and impacts on air quality and other natural resources.

The petition for rezoning shall not be deemed complete until the traffic impact study report is received by the Planning Director

A negative evaluation of the traffic impact study by the Planning Commission staff or any other City agency need not result in denial of the application by the City Council

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk