AGENDA

Meeting Type·	Z
Date.	01-17-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda January 17, 1989

FILE COPY

CHARLOTTE

Meetings in January '89

JANUARY 1 - JANUARY 7

2	Monday	NEW YEAR HOLIDAY - All City Offices Closed
3	Tuesday, 4 00 p m.	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - Outdoor Adventure Center, Fireman's Hall, 2601 E. Seventh St.
	Tuesday, 7 30 p m.	PLANNING COMMISSION/Public Meeting on Southwest District Plan - Olympic High School, 4301 Sandy Porter Road
5	Thursday, 10 00 a m.	PARADE PERMIT COMMITTEE - CMGC, 6th Floor Conference Room
	Thursday, 4·00 p.m	CITY COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE - CMGC, Conference Center
6	Friday, 7 30 a.m	ADVISORY COMMITTEE ON PERFORMANCE APPRAISAL AND PERFORMANCE INCENTIVES PROGRAMS - CMGC, Lobby Conference Room

JANUARY 8 - JANUARY 14

9	Monday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - 1221 South Caldwell Street
	Monday, 6 00 p.m.	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 7·00 p m	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 7 30 p m	CITY COUNCIL MEETING - CMGC, Meeting Chamber
10	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport Conference Room A
	Tuesday, 12 Noon	PLANNING COMMISSION (Work Session) - CMGC, Conference Center
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room
11	Wednesday, 7 45 a m	PRIVATE INDUSTRY COUNCIL - CMGC, Conference Center
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - CMGC, 10th Floor Conference Room
	Wedresday, 5 00 p.m.	YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center
12	Thursday, 12 30 p m	PLANNING COMMISSION/Zoning Committee - CMGC, Lobby Conference Room
	Thursday, 3 00 p.m.	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - CMGC, Conference Center
	Thursday, 4 00 p m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE - CMGC, Conference Center
13	Friday, 1 00 p m	ART COMMISSION/Spirit Square Ad-Hoc Committee - CMGC, Conference Center
13-14	Friday & Saturday	CITY COUNCIL RETREAT - Hilton Hotel, University Place

JANUARY 15 - JANUARY 21

16	Monday	MARTIN LUTHER KING HOLIDAY - All City Offices Closed
17	Tuesday, 10 00 a m	ART COMMISSION/Charlotte/Douglas International Airport Ad-Hoc Committee - CMGC, Planning Commission, 8th Floor Conference Room
	Tuesday, 12 Noon	DIVISION OF INSURANCE & RISK MANAGEMENT - CMGC, 10th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

JANUARY 15 - JANUARY 21 (Continued)

	Tuesday, 3 00 p m.	ART COMMISSION/Hal Marshall Center Ad-Hoc Committee - Hal Marshall Center, 700 N Tryon Street Engineering Dept Conference Room
	Tuesday, 4 00 p.m.	PLANNING COMMISSION/Planning Committee - CMGC, Lobby Conference Room
	Tuesday, 5 00 p.m.	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Tuesday, 6 00 p m	CITY COUNCIL/Zoning Hearings - CMGC, Meeting Chamber
18	Wednesday, 9 00 a m.	ART COMMISSION/Coliseum Ad-Hoc Committee - CMGC, Conference Center
	Wednesday, 7 00 p.m.	METROPOLITAN PLANNING ORGANIZATION - CMGC, Lobby Conference Room
19	Thursday, 8 00 a.m.	CLEAN CITY COMMITTEE - CMGC, 10th Floor Conference Room
	Thursday, 1 00 p.m.	ART COMMISSION/Coliseum Ad-Hoc Committee - CMGC, Conference Center
	Thursday, 4.00 p.m.	CITY COUNCIL OPERATIONS COMMITTEE - CMGC, Conference Center
	Thursday, 7 30 p.m.	CHARLOTTE TREE ADVISORY COMMISSION - 701 Tuckaseegee Road, Park Operations
20	Friday, 7 30 a.m.	PLANNING COMMISSION/Planning Liaison Committee - CMGC, 8th Floor Conference Room

JANUARY 22 - JANUARY 28

23	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 30 p m	PLANNING COMMISSION/Zoning Committee - CMGC, Lobby Conference Room
24	Tuesday, 1 00 p m	COMMUNITY FACILITIES COMMITTEE - Charlotte-Mecklenburg Utility Depatment, 5100 Brookshire Blvd
	Tuesday, 1 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Performing Arts Center Ad Hoc Committee - CMGC, Conference Center
	Tuesday, 2 00 p m	ART COMMISSION/CMUD Ad-Hoc Committee - CMGC, Planning Commission 8th Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee CMGC, Lobby Conference Room
	Tuesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church
25	Wednesday, 1 00 p.m.	ART COMMISSION/Spirit Square Ad Hoc Committee - Spirit Square
	Wednesday, 4 00 p m	CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, Lobby Conference Room
	Wednesday, 6 30 p.m.	YOUTH INVOLVEMENT COUNCIL CMGC, Conference Center
26	Thursday, 2 00 p m	ADVISORY ENERGY COMMISSION - CMGC, Conference Center
	Thursday, 4 00 p.m.	CITY COUNCIL TRANSPORTTION COMMITTEE - CMGC, Conference Center

JANUARY 29 - JANUARY 31

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

NOTE. These organiztions will <u>not</u> meet in January.

Housing Appeals Board
Municipal Information Advisory Board
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Sue Myrick — Mayor Pro Tem Al Rousso

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

Council Agenda

Tuesday, January 17, 1989

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

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

ITEM NO.

1. Invocation by The Reverend Rayfield Medcalf, Parkwood Institutional CME.

PUBLIC HEARINGS

2. Hearing 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.

   Attachment No. 1-A

3. 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.

   Attachment No. 1-B

4. Hearing 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.

   Attachment No. 1-C

19 JAN 23 10:43

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Consider approval of one of three options for the development of affordable housing units in the Stonehaven community: OPTION A - Authorize an Agreement for Housing Assistance with Charlotte Housing Authority (CHA) to develop 202 units of housing. OPTION B - Authorize an Agreement for Housing Assistance with CHA to develop 162 units of housing. OPTION C - Direct City staff to work with CHA and other parties to develop a proposal for 105 units of housing for future Council consideration.

Requested by Department Community Development

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

BACKGROUND: On April 6, 1987, City Council adopted a Housing Policy Plan which advocated development of housing using public/private partnerships. Subsequently, Council has appropriated a total of $6 million in an Innovative Housing Fund to produce this housing. Consistent with Council's goals, Community Development staff responded to a request from Trinity Group/McDevitt & Street (as developer/contractor), First Union National Bank (as lender/purchaser/lessor) and the Housing Authority (as lessee) to build 152 units of housing for elderly, low-income persons, to be known as "McAlpine Terrace," and 50 units of housing for low-income families, to be known as "Glen Cove Apartments," both properties (the "Project") to be constructed on a site located on Thermal Road at Pineburr Drive in Charlotte, North Carolina, containing approximately 14.59 acres. This project has been been reviewed by the Innovative Housing Fund Review Committee, chaired by Assistant City Manager Julie Burch.

This item was originally pulled from the November 28, 1988 agenda by a Council member, then deferred from the December 12, 1988 meeting to the December 19, 1988 meeting, then deferred again to the January 9, 1989 meeting, with directions given from City Council for the Housing Authority to meet with the Stonehaven Neighborhood Group to review the density and height of the project to determine whether or not the project could be redesigned.

Option B

ACTION BY CITY COUNCIL

JAN 1 1 1989

Deputy City Clerk

City staff, the Housing Authority and the developer requested a time extension until January 17, 1989 to allow adequate time to develop an option submitted by the neighborhood group for 105 units. The neighborhood proposal specified only a total number of units, and not the mix of elderly and family units.

Since the December 19, 1988 Council meeting, there have been three meetings with representatives of the Stonehaven neighborhood group to go over proposals, listen to concerns and incorporate suggestions. City staff facilitated the last two meetings. In its letter to Council on December 19, 1988 the Housing Authority proposed five alternatives for this project. The options were as follows: 1) 202 units of housing; 2) 186 units; 3) 162 units; 4) 105 units and 5) 50 units.

After further analysis, two of the five options were dropped. The 186 unit proposal is not being considered because it does not address the height of the building and the density is very close to the 202 units. The 50 unit proposal is not being considered because it is not financially cost effective to develop on the site. Therefore, three viable options were developed for Council's consideration as shown below.

<u>EXPLANATION OF REQUEST</u>: City Council is being requested to consider one of the following three options for the development of affordable housing units in the Stonehaven community. Options A and B reflect proposals for which actual commitments have been agreed to by the developer, contractor and lender. Option C represents a concept for which a strong effort has been made to develop good cost estimates. At this time, however, there are no commitments by the parties involved. If Option C is selected by Council, City staff will work with CHA to develop the concept into a firm proposal for later Council consideration, assuming the developer would release the land for development of 105 units.

SUMMARY OF OPTIONS FOR COUNCIL'S CONSIDERATION

	OPTION A	OPTION B	OPTION C
1. Number of Units	202	162	105
Elderly	152	112	55
Multi-Family	50	50	50
2. Design of Units			
Elderly	4 & 5 stories	3 & 4 stories	Grouped Garden Units
Multi-Family	2 & 3 stories	2 & 3 stories	2 & 3 stories
3. Development Cost	$8 500,000	$7,709,820	$4 726,520
Building	8 000,000	7,209 820	4 226,520
Land	500 000	500 000	500,000
4. Projected Rental Income	$ 823 680	$ 662,880	$ 433 740
Total Expenses	(471,650)	(411,950)	(268 520)
Net Available for Lease	$ 352 030	$ 250,930	$ 165,220
5. Lease			
Lease Payment Required	($ 444,536)	($ 400,583)	($ 234,855)
Mortgage Payment @7 5%	(44 500)	(44,500)	($ 44,500)
	(489,036)	(445 083)	(279 355)
Less Amt Available for Lease	-352,030	250,930	-165,220
Projected Annual Subsidy	($ 137 006)	($ 194,153)	($ 114,135)*
6. Present Value @ 10% for 15 years	$1,042,081	$1,476,747	$ 868 122
7. Leverage Factor	8 16 to 1	5 22 to 1	5 44 to 1
8. Per Unit Cost at Present Value	$ 5,158 82	$ 9,115 72	$ 8 267 83
9. Per Unit Cost/Year	$ 678 25	$ 1,198 48	$ 1 087 00
10. Developer	The Trinity Group McDevitt & Street	The Trinity Group McDevitt & Street	Unknown
11. Contractor	McDevitt & Street	McDevitt & Street	Unknown
12. Construction Lender	First Union National Bank	First Union National Bank	Unknown
13. Purchaser	First Union National Bank	First Union National Bank	Unknown
14. Lessee/Property Manager	Charlotte Housing Authority	Charlotte Housing Authority	Unknown
15. Lease Term	15 years	15 years	15 years
16. Tax Credits Allocation	Allocated by State	Revised Allocation by State is possible	Competitive Allocation by State is possible
17. City Loan Required	$500 000 repaid over 25 years @7 5%	$500 000 repaid over 25 years @7 5%	$500 000 repaid over 25 years @7 5%
18. City Subsidy Required	1st Yr Max $300 000 Yrly Max $200 000 Yrly Min -$140,000	1st Yr Max-$300,000 Yrly Max $275 000 Yrly Min $195 000	1st Yr Max Unknown Yrly Max Unknown Yrly Min -Projected $114 135* as shown under #5 however there is no Bank commitment to this option

*These figures are conceptual only They are based on a best estimate by the Developer and the Housing Authority using the costs of the other options as a base

The developer has prepared revised site plans for the three options as indicated in Exhibits 1, 2, 3A, 3B and 4. Also, the relationships of the parties under Options A and B are shown on Exhibit 5.

Factors for Council's consideration for each of the above shown Options.

OPTION A - 202 Units

- This Option has met all the criteria established by the City's Innovative Housing Committee.

- This Option has received a financing commitment for construction and permanent financing. (See Exhibit 6)

- This Option provides the greater number of needed units of affordable housing and further maximizes site utilization.

- The leverage factor is greater. Also, the per unit subsidy cost is lower.

- This Option may not address the concerns of density and height.

- All elements of the proposal are in place except for the commitment from the City.

- Developer has control of the land.

OPTION B - 162 Units

- This Option has met all the criteria established by the City's Innovative Housing Committee.

- This Option has received a financing commitment for construction and permanent financing. (See Exhibit 7)

- This Option better addresses the density and height than Option A.

- This Option provides a greater number of needed units of affordable housing than Option C but is obviously not as great as Option A.

- All elements of the proposal are in place except for the commitment from the City.

- Developer has control of the land.

OPTION C - 105 Units

- This is a concept, and the Option does not meet (in its current state) the criteria of the Innovative Housing Committee as follows:
  - Does not have a financing commitment for construction or permanent financing;
  - Does not have an approved or acceptable developer and/or contractor or purchaser and leasee/property manager; and
  - Has not been allocated tax credits by the North Carolina Housing Finance Agency.

  City Council should be aware, as indicated in Exhibit 8, that the North Carolina Housing Finance Agency is no longer accepting applications for tax credits until March 1, 1989 and that tax credit allocations are becoming more competitive, and it would be May 1989 before additional tax credits could be reserved through the Agency.

- This Option is the Stonehaven neighborhood group's proposal for a total of 105 units.

- This Option provides less needed units of affordable housing than Options A or B.

- There is no agreement to purchase land. The Trinity Group is currently in control of the land. The Trinity Group has indicated a willingness to discuss the possibility of developing 105 units.

All three Options are predicated on the City advancing $500,000 to purchase the land which would be repaid at 7.5% interest amortized over 25 years to the City; and each Option would require an annual City subsidy. The City Finance Department had previously provided an analysis of a $2,000,000 one-time loan versus a yearly subsidy for 15 years. It has since been determined that because of future cash value of the loan compared with annual subsidies for 15 years it is more cost effective to grant funds to the project. This would enable the City to develop more housing now while the cost of land, labor, material and money would be cheaper than 15 years from now.

In addition, under any of the three Options, the Developer has agreed to leave the 3 1/2 acre tract as an open park area in response to the neighborhood group's concerns.

If City Council approves Option A or B the annual subsidy would be paid under a continuing contract with the Charlotte Housing Authority and authorization for the annual subsidy is granted under Chapter 157 of the General Statutes. Furthermore, if Council chose Options A or B, it would authorize the City to enter into an Agreement for Housing Assistance as shown in Exhibit 9. The Agreement for Options A and B is subject to review at 5 and 10 year dates by the City, Bank and the Housing Authority to determine whether any adjustment is necessary in the amounts of the annual subsidy. The first year subsidy is due at the end of the first year of occupancy. The City and the CHA will review the rent schedule each year to determine the rent increases; they are expected to increase at a rate approximating the rate of Social Security cost of living increases.

If Council wishes to pursue Option C, City staff will work with the CHA to develop the concept into an actual proposal with all commitments in place to bring back to Council at a later date.

SOURCE OF FUNDING: The City's Innovative Housing Fund

CLEARANCES: The original proposal was approved by the Innovative Housing Review Committee on November 14, 1988. The Committee reviewed and discussed the alternative options at two meetings on December 15, 1988 and January 10, 1989 in preparation for presenting these options for Council consideration. All criteria for qualifying for financial assistance has been met by the applicant in accordance with the requirements outlined in the Housing Policy Plan.

BIBLIOGRAPHY: Copies of the proposal are on file in the Community Development Department.

5. Hearing 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 Bellhaven Boulevard between McClure Circle and Rozwood Drive.

Attachment No. 1-D

6. Hearing 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.

Attachment No. 1-E

7. Hearing 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 along the west side of York Road between Yorkmont Road and Southampton Road, and along the east side of Yorkmont Road between York Road and Nations Ford Road.

Attachment No. 1-F

8. Hearing on Petition No. 89-8 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 for approximately 28 acres located along the westerly side of Nations Ford Road between Radford Avenue and Tyvola Road Extension.

Attachment No. 1-G

BUSINESS AGENDA

9. Consider alternatives for the Housing Authority request for funding of project at the corner of Thermal Road and Pineburr Road.

Information on this item will be delivered to Council on Friday, January 13. The item was deferred at the December 19 Council Meeting.

POLICY AGENDA

10. 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.

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

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

Attachment No. 2-H

11. Decision on Petition No. 88-80 by the Charlotte-Mecklenburg Planning Commission, for a text amendment to Section 2100 of the Charlotte City Code, sign regulations, to allow off-site directional signs, and temporary off-site real estate signs.

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

Attachment No. 2-I

12. Decision on Petition No. 88-93 by the Charlotte-Mecklenburg Hospital Authority for a change in zoning from R-15 to R-12MF(CD) for a 3.16 acre site located on the northerly side of Sardis Road between Providence Road and Randolph Road across from Timber Lane.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 2-J

13. Decision on Petition No. 88-95 by Withrow Capital, Inc. for a change in zoning from R-12 to R-12(CD) and O-15(CD) for a 75.3 acre site located on the northerly side of Arrowood Road opposite the Arrowpoint Business Park.

The Zoning committee recommends that this petition be approved.

Attachment No. 2-K

14. 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.

The Zoning Committee deferred action on this petition to a special meeting of January 12, 1989.

Attachment No. 2-L

15. Decision on Petition No. SUB 88-4 by the Charlotte-Mecklenburg Planning commission to amend various sections of the subdivision ordinance dealing with metes and bounds, property descriptions, definitions, multiple building sites, and minimum road rights-of-way.

The Zoning Committee deferred action on this petition to a special meeting of January 12, 1989.

Attachment No. 2-M

16. Recommend adoption of resolution calling for public hearings on Monday, February 20, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-9 through 89-17 for zoning changes.

17. Recommend adoption of resolution calling for a public hearing on SUP 89-1 to be held in the Meeting Chamber, 600 East Fourth Street, at a time and date to be determined by City Council.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1989

Mayor and City Council

RE Petitions to be Heard in January, 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 January 17, 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/RR

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 89-1

Petitioner	Roger R Lee
Location	Approximately 4 02 acres on the north side of Mt Holly Road east of Lee Drive
Request	Consideration of an I-2(CD) Site Plan Amendment

BACKGROUND

1 Existing Zoning The property involved in this request is zoned I-2(CD) Properties to the east and west are zoned I-1 In a southeasterly direction lies a parcel zoned B-1 Throughout the remainder of the area the primary zoning categories are R-6MF and R-9MF

2 Existing Land Use The property involved with this request is presently occupied by two existing residences and a trucking and equipment company Properties in the surrounding area are used for a variety of residential and nonresidential purposes, with the nonresidential uses lying along Mt Holly Road generally to the east of the site A church is located just to the west of the petitioned site and the predominant land use for the remainder of the area is that of single family residential uses.

3 Public Plans and Policies.

1 2005 Plan. The 2005 Plan indicates existing employment type uses in the generally area of the subject property.

2 Small Area Plan There is no small area plan in effect for the general vicinity of the subject property

4 Site Plan. The subject site plan amendment request seeks to amend a site plan which was approved for Rezoning Petition No 88-62. That petition was approved by City Council on September 19, 1988 Part of that I-2(CD) plan includes a commitment for the dedication of 20 feet of additional right-of-way along Mt Holly Road. The newly proposed site plan amendment seeks to delete that commitment for right-of-way dedication. No other changes are sought by the current site plan amendment proposal

5 School Information. Not applicable.

6. Zoning History (See Attached Map).

1	67-91	R-6MF to B-1	Approved	01/08/1968
2.	82-53	I-1 to I-2(CD)	Approved	12/20/1982
3	88-62	R-9MF, I-1, I-2(CD) to I-2(CD) and I-2(CD SPA	Approved	09/19/1988

7 Neighborhood neighborhood This property falls within the area defined as the Coulwood

REVIEWS

1 Plan Consistency This petition proposes a site plan amendment to a site zoned for industrial purposes The 2005 Plan indicates that properties in this area will be used for nonresidential purposes Therefore, in terms of land use, the petition is consistent with publicly adopted plans for the area However, the purpose of the site plan amendment request at hand is to delete a condition on the approved site plan which calls for right-of-wav dedication along Mt Holly Road to bring that segment of Mt Holly Road into conformance with the street classification system A deletion of that right-of-way dedication commitment would be inconsistent with the street classification system

2 Technical Consistency

1 Pre-Hearing Staff Input The petitioner discussed the proposed site plan amendment request with staff prior to the filing of the application At that time, staff strongly discouraged such a request

2 Departmental Comments

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

2 Building Standards Department No comments

3 Fire Department. No comments

4 Department of Transportation No comments.

5. Board of Education. No comments

6 Engineering Department The City Engineering Department indicates that the State DOT intends to widen Mt. Holly Road at the subject location though the project is not presently designed or funded City Engineering requests the petitioner conform with the street classification system by dedication of the additional 20 feet of right-of-way along the frontage of the subject site

7. Planning Staff. Planning staff also made the comment regarding need for dedication of right-of-way and sees no compelling reason to delete the previous commitment for the right-of-way dedication.

ISSUES

1 Land Use There are no land use issues which accompany this application The property involved is presently zoned for industrial uses and was

recently granted an expansion of development rights under a recent I-2(CD) site plan amendment The 2005 Plan indicates the properties in this area are appropriate for nonresidential uses Therefore, from a land use standpoint, this petition may be considered appropriate for approval

2 Site Plan The site plan amendment request at hand proposes the deletion of a condition on the current site plan which stipulates that 20 feet of additional right-of-way is to be dedicated along the property frontage on Mt Holly Road That condition accompanied a recent request for an expansion of the existing equipment manufacturing facility and residence at this site That recent site plan amendment more than doubled the allowable building area on the subject property The requested site plan amendment is clearly inappropriate for approval and is inconsistent with the City's practice in dealing with parcelled conditional cases

CONCLUSION

This petition is inappropriate for approval While there are no land use issues which accompany the application, the site plan issue raised is a significant one which renders the request inappropriate for approval

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-1
Date Filed 12/1/88
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner ROGER R LEE

Owner's Address BUD LEE EQUIPMENT MANUFACTURING
8844 MT Holly Rd, Charlotte, NC 28208

Date Property Acquired PARCEL 31-47-1 2/8/60, 31-47-5 5/21/84, 31-47-03(PO 2/17/

Deed Reference 4838-899, 1489-225, 2190-469, 5-283

Tax Parcel Number 31-47-1, 31-45-5, 31-47-3(PO)

Location Of Property (address or description)

8844 MT Holly ROAD

Description Of Property

Size (Sq. Ft.-Acres) 4.029 AC

Street Frontage (Ft.) 3302

Current Land Use manufacturing facility for motor graders

Zoning Request

Existing Zoning I-2(CD)

Requested Zoning I-2(CD)SPA

Purpose of zoning change delete provision on approved CD plan for dedication of additional right-of-way along Mt Holly Road.

Name of Agent [redacted]

Agent's Address [redacted]

Telephone No. [redacted]

Roger R. Lee
Name of Petitioner

8844 Mt. Holly Rd
Address of Petitioner

704-392-1038
Telephone Number

Roger R. Lee
Signature

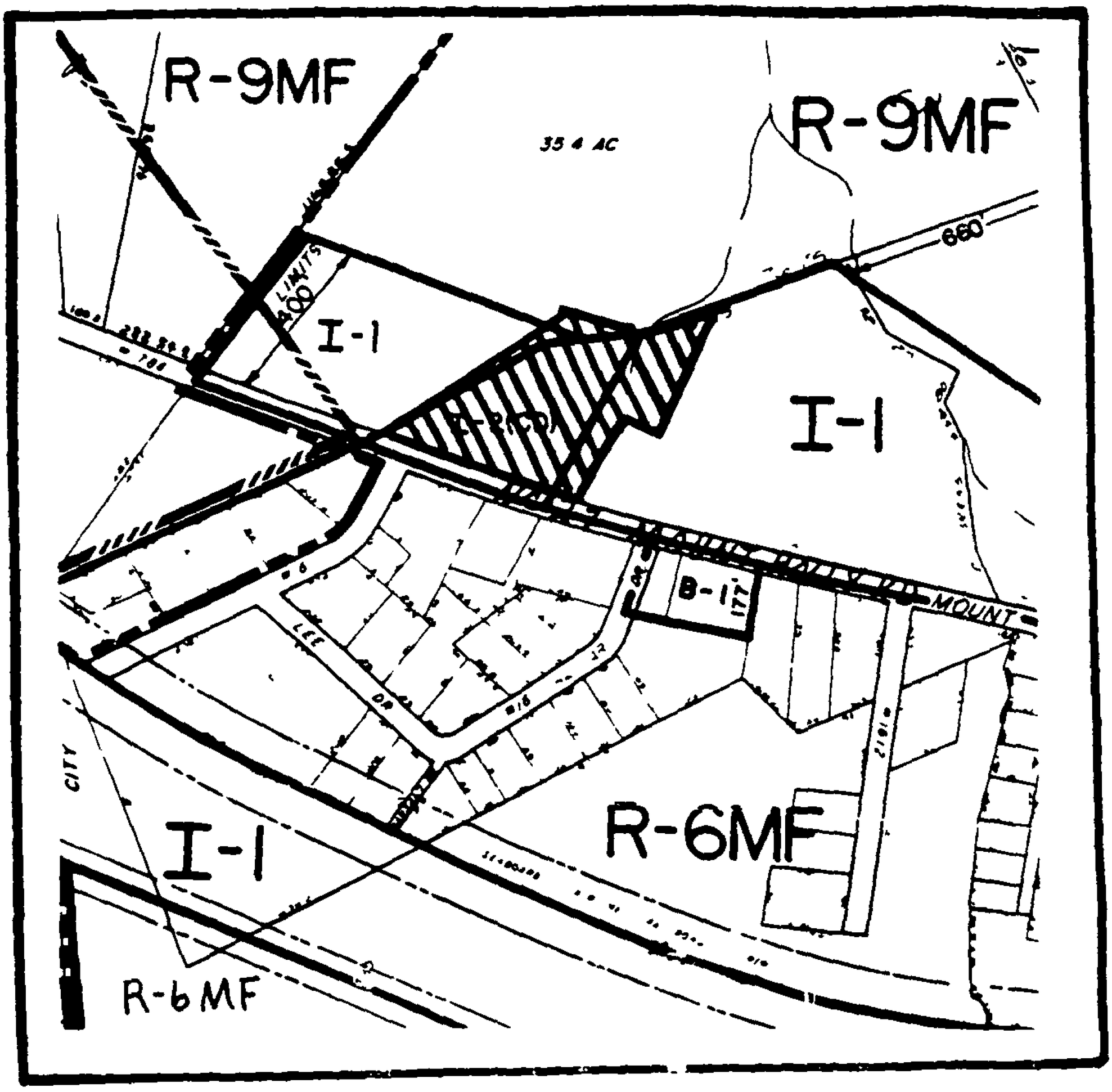
Signature of Property Owner if Other Than Petitioner

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 Amendme

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

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-2
Date Filed 12/1/88
Received By MCM
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 627-D Minuet Lane, Charlotte, NC 28210

Date Property Acquired: March 18, 1987

Deed Reference: 5452/292, 294 & 296

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

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

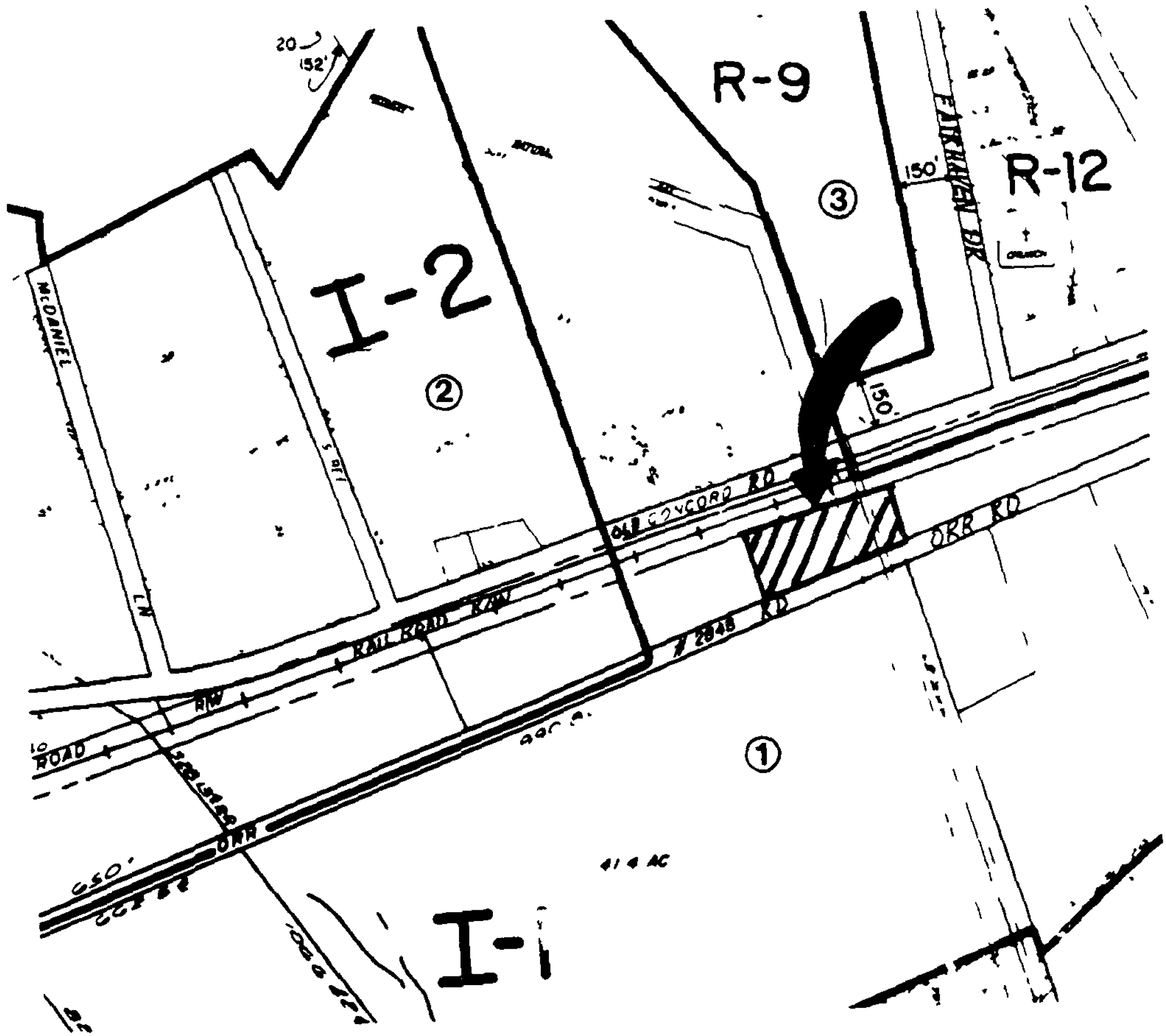
Signature of Property Owner if Other Than Petitioner

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.



ZONING MAP NO. 77

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 89-3

Petitioner	Richard Cherry
Location	A 3,950 square foot parcel located on the southerly side of Monroe Road east of Commodore Street
Request	Change from R-9 and O-6 to O-6(CD)

BACKGROUND

1 Existing Zoning Property involved in this petition is currently zoned a combination of O-6 and R-9 The portion of the subject property which is zoned O-6 is part of a linear strip zoned office along Monroe Road Moving away from Monroe Road in a southerly direction is a large area zoned R-9 Moving away from Monroe Road in a northerly direction is an area zoned R-9MF

2 Existing Land Use The petitioned property is currently developed with a one-story brick structure. In the area of the subject property, Monroe Road is a mixture of office and business uses as well as several residentially used structures Institutional uses including a church, several day care centers, and Oakhurst Elementary School are nearby Otherwise, the area is composed of residential uses.

3 Public Plans and Policies

1 2005 Plan. The 2005 Plan vision for the land use future of properties in the area reflects the already established zoning pattern The 2005 Plan indicates existing employment land uses along the Monroe Road Corridor and existing residential land uses to the north and south of the Monroe Road corridor. No specific strategies are outlined for the area The basic theme for this portion of the City is to conserve the established residential areas while accommodating the strong growth pressures.

2. Small Area Plan There is no small area plan for the area of the subject property.

4 Site plan. The site plan which accompanies this application proposes an addition to the existing one-story brick structure. The proposed addition would be a maximum of 2,244 square feet combined with the existing square footage already on the site. The total square footage would be a maximum of 3,580 square feet. The site plan indicates an existing driveway already on the subject property plus another driveway to be added elsewhere on the site. The proposed building addition would be located to the rear of the existing structure and parking is proposed to be located in front of the existing structure The site plan indicates an existing

six foot hedge is to remain undisturbed around the portions of the site which would adjoin residential zoning

5 School Information Not applicable

6 Zoning History (See Attached Map)

1	66-21	B-1 & I-1 to B-2	Approved	02/28/66
2	67-71	R-9MF to 0-6	Denied	01/08/68
3	70-26	R-9 & R-9MF to 0-6	Approved	01/26/70
4	85-33	B-1(CD) to 0-6(CD)	Approved	06/17/85
5	88-24	R-9MF to 0-6(CD)	Approved	04/18/88

7 Neighborhood This site falls within the area defined as the Oakhurt neighborhood

REVIEWS

1 Plan Consistency This petition seeks an expansion of the existing structure on the subject property. The 2005 Plan indicates properties fronting on Monroe Road are used for employment purposes whereas properties located to the north and south of the Monroe Road corridor are used for residential purposes The 2005 Plan vision seems to be a reflection of the established land use and zoning pattern in this area In this portion of Monroe Road there is a well established zoning boundary *between the 0-6 zoned area and the R-9 zoned area to the south* The subject petition represents a disruption of that established zoning pattern Therefore, this petition proposal to extend the office zoning district into the area established as an R-9 zoned area is inconsistent with publicly adopted plans for the area

2 Technical Consistency.

1. Pre-Hearing Staff Input. The staff discussed this matter with an agent for the petitioner prior to the filing of the application, provided technical assistance, and indicated to the agent that the proposal would be contrary to the established zoning pattern in the area. Subsequent to the filing of the application, staff met with the petitioner to discuss several site plan related issues

2 Departmental Comments.

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

2 Fire Department. No comments.

3 Building Standards Department. The Building Standards Department indicated the site plan needs to document that the existing residence located to the rear of the petitioned site on Elder Avenue will not be made nonconforming as a result of the subject rezoning and also indicated that the minimum parking requirement is not being met The Building Standards Department

also indicated the site plan needs to document that the existing six foot hedge will meet the minimum screening requirements

4 Department of Transportation CDOT indicated the need for dedication of additional right-of-way along Monroe Road

5 Engineering Department The City Engineering Department also indicated the need for dedication of additional right-of-way along Monroe Road

6 Board of Education No comments

7 Parks and Recreations No comments

8 Planning Staff Planning staff had a number of site plan comments including the need for dedication of right-of-way along Monroe Road, clarification of proposed screening treatments along Monroe Road and along the other property edges, a clarification of the proposed height of the building addition, and the need for provision of a cross-section of the existing hedge to verify that the hedge will meet the minimum screening requirements.

ISSUES

1 Land Use This petition proposes the rezoning of a tract from a combination of R-9 and O-6 to O-6(CD) to allow an expansion of an existing structure. The 2005 Plan vision for the land use future of the general area reflects the established zoning and land use pattern in this area The 2005 Plan recognizes Monroe Road as an existing employment corridor and indicates the properties located to the north and south of the Monroe Road corridor as existing residential areas The subject rezoning petition proposes an expansion of the office zoning into the established residential area. Therefore, the petition is not considered appropriate for approval.

2. Site Plan The site plan which accompanies this application proposes a 2,244 expansion of the existing structure to a maximum of 3,580 square feet. The site plan indicates access would be provided via an existing driveway along the most easterly edge of the subject property and an additional driveway elsewhere on the subject property. Parking is proposed to be located in the front of the building and the proposed expansion would be located to the rear of the existing building The site plan indicates an existing six foot hedge will remain undisturbed along the edges of the subject property which are adjoining residentially zoned properties There are numerous site plan issues which accompany this petition including the need for dedication of additional right-of-way along Monroe Road, verification that the rezoning will not result in the creation of a nonconforming use, an indication of the proposed maximum height of the building addition, and more detailed information on the proposed screening along the property edges. If all of the above mentioned site plan issues are adequately dealt with, the site plan would be technically sufficient

The site plan, at least in its present format, does not provide adequate information to assure that the subject rezoning petition does not represent an encroachment into an established single family neighborhood Therefore from a site plan standpoint, the petition is not considered appropriate for approval

CONCLUSION

The subject petition is not considered appropriate for approval from both a land use standpoint and a site plan standpoint

Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-3
Date Filed 12-1-88
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Mark One Construction Co., Inc.

Owner s Address 6916 Monroe Road

Charlotte, NC 28205

Date Property Acquired 6-19-80

Deed Reference 5857-943 Tax Parcel Number 161-081-20

Location Of Property (address or description) 4914 Monroe Road, Charlotte, NC 28205

Description Of Property

Size (Sq Ft.-Acres) 3,950 S.F. Street Frontage (ft.) N/A

Current Land Use Residential

Zoning Request

Existing Zoning R-9 and O-6 Requested Zoning O-6 (CD)

Purpose of Zoning Change Accommodate office addition

Name Of Agent
Richard Cherry

Agent's Address
4914 Monroe Road

Telephone Number
536-0616

Name of Petitioner(s)
Richard Cherry

Address of Petitioner(s)
4914 Monroe Road

Telephone Number
536-0616

Richard Cherry
Signature

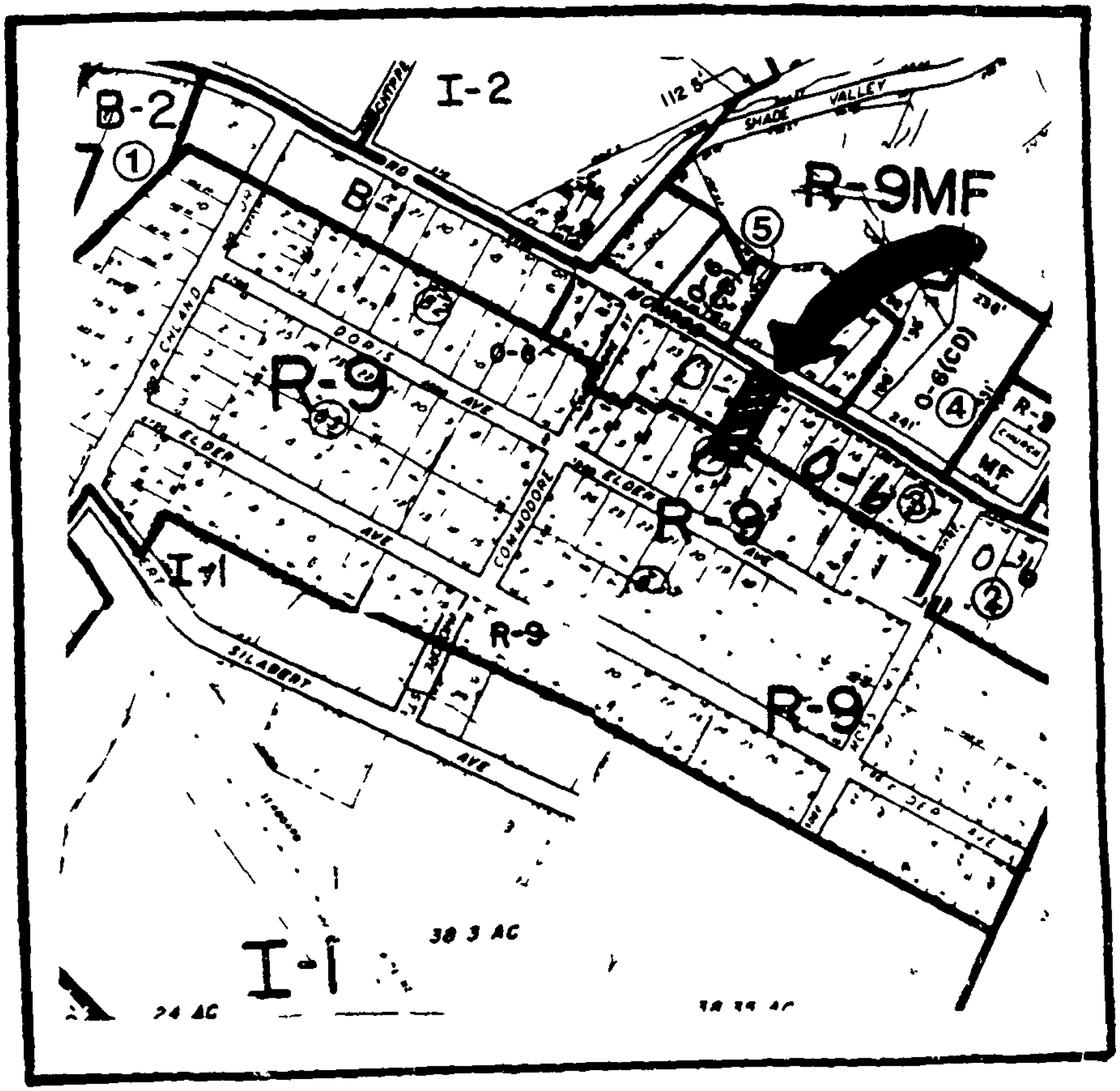
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 89-4

Petitioner	McClure Real Estate & Investments
Location	Approximately 9 52 acres located on the east side of Bellhaven Boulevard between McClure Circle and Rozwood Drive
Request	Consideration of a B-1SCD Site Plan Amendment

BACKGROUND

1 Existing Zoning The property involved with this request is presently zoned B-1SCD Properties in the surrounding area are largely zoned for single-family use as R-15 and RR-12. Some distance to south along Bellhaven Boulevard can be found properties zoned for B-1 and B-2, and to the west of the site along Kentberry Road is a tract zoned R-15MF(CD)

2 Existing Land Use The site involved with this request is presently partially developed as a shopping center To the south along Bellhaven Boulevard can be found several churches but the predominant land use in the surrounding area is that of single-family detached housing

3 Public Plans and Policies

1 2005 Plan The 2005 Plan indicates existing and developing residential land uses in the vicinity of the subject property The 2005 Plan also indicates location of a community retail center in the vicinity of the subject property The 2005 strategies include extension of improved water service to the area, extension of the greenway system into the area, and the establishment of a major development enterprise area at the intersection of N C 16 and Mt. Holly-Huntersville Road

2 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 an amendment to an existing plan which was approved in 1979. That plan and subsequent administrative amendments provides for a total floor area of 81,877 square feet on this site to be used for a variety of uses including retail, office, service, and restaurants This petition proposes to amend the existing plan by increasing the total amount of retail floor area and by decreasing the total amount of office floor area for a resultant overall increase in the total site floor area of approximately 3,544 square feet to 85,421 square feet The fundamental design of the center is unchanged in this petition and the number and location of access points is also unchanged

5 School Information (Not applicable)

6 Zoning History (See Attached Map)

1	64-77	R-12 to B-1SCD	Approved	12/28/1964
2	68-16	R-9 to B-2	Approved	03/18/1968
3	83-5(c)	R-15 to R-15MF(CD)	Approved	08/01/1983
4	86-95	To establish zoning on annexed property		

7 Neighborhood This property does not fall within any defined neighborhood but is adjacent to the Coulwood Community

REVIEWS

1 Plan Consistency This petition proposes the amendment to an existing shopping center which was approved originally in 1964 and amended in 1979 The 2005 Plan indicates that a community commercial center would be located in the vicinity of the subject property. Otherwise property in the area would be developed for residential purposes Inasmuch as this petition request an amendment to an existing approved center in an area defined as an appropriate location for such a center, this petition is consistent with public plans and policies for the area

2 Technical Consistency

1 Pre-hear Staff Input. The staff had no contact with the petitioner prior to the filing of the application Subsequently the staff has discussed with the petitioner a number of questions regarding the site plan

2 Department Comments

1. CMUD. No comments were available from CMUD

2 Fire Department The Fire Department indicated that they did not have any comments on this particular petition.

3. Building Standards Department The Building Standards Department indicated that the parking calculation needed to be revised to comply with the uses as shown on the site plan and that screening needed to be applied to the areas adjacent to residentially zoned properties.

4 CDOT CDOT had a number of comments on this petition including the need to limit the number of driveways on McClure Circle to three. The existing plan provides for four connections onto McClure Circle but CDOT felt that only three driveway connections should be permitted. CDOT also indicated the need for the petitioner to dedicate additional right-of-way along Old N C 16 and for that right-of-way to be recorded prior to the issuance of any additional building permits on the site.

5 City Engineering Department City Engineering Department had a number of comments including the need to install sidewalk on Rozwood Drive, a need for a stormwater detention, and the need to secure driveway permits and approval under the City's Tree Ordinance for the development of the site

6 Planning Staff The Planning Staff had a number of detailed comments regarding the site plan including the need to specify large maturing trees in the parking area, the need to add a note regarding signage, and the need to establish a streetscape treatment along N C 16 The staff also indicated a desire for a vehicular connection between the automobile service station portion of the site and the retail portion of the site to be re-established as exists on the previously approved plan This will allow better circulation between the two portions of the site

ISSUES

1 Land Use There are no land use issues which accompanies this application The 2005 Plan indicates that a community shopping center is appropriate in this area In addition this petition is an amendment to an existing commercial center approved originally in 1964 Therefore, from land use standpoint this petition is considered appropriate for approval

2 Site Plan There are no significant issues which accompany this site amendment request The petitioner asks for an addition of approximately 3,500 square feet to a previously approved plan Most of the comments regarding the site plan result from the fact that the petitioner's property as originally approved was located under the jurisdiction of Mecklenburg County but is now under the jurisdiction of the City of Charlotte The City of Charlotte has different development standards dealing with driveways and especially tree planting and therefore the petitioner's site plan will now have to be brought into conformance with the City Ordinance requirements Assuming all of these site plan changes can be satisfactorily accomplished by the petitioner this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval. There are no major land use or site plan issues involved with this request

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-4
Date Filed 12/1/88
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner McClure Realestate & Investments, Inc.

Owner's Address 8336 Belhaven Blvd. Charlotte, N.C. 28216

Date Property Acquired 1938 1st phase built in 1968

Deed Reference Bk. 1569 Pg. 166 Bk.2458 Pg.7 Bk.1584 pg.447 Bk.2520 pg.165 Bk.1935 pg.526 Bk.2518 pg.203 Bk.2640 Pg.187

Tax Parcel Number 35-172-13

Location Of Property

address or description Coulwood Shopping Center
8100 Belhaven Blvd.
Charlotte, NC 28216

Description Of Property

Size (Sq. Ft.-Acres) 9.52 acres

Street Frontage (Ft.) 800.56 lf. on N.C. Hwy.16
860.31 on McCl Circ

Current Land Use Neighborhood Shopping Center

Zoning Request

Existing Zoning B1 SCD

Requested Zoning Site Plan Amendment

Purpose of zoning change To enlarge Harris Teeter Grocery from the existing 21,760 sq.ft. to 32,351 sq. ft. for a total increase of 10,591 sq.ft. and also to decrease the square foota of future office expansion.

Hal W. McClure
Name of Agent

8336 Belhaven Blvd. Charlotte, N.C. 28216
Agent's Address

394-5560 (704)
Telephone Number

McClure Realestate & In
Name of Petitioner(s)

8336 Belhaven Blvd. Char.N. C.
Address of Petitioner(s)

(704) 394-
Telephone Number

Signature

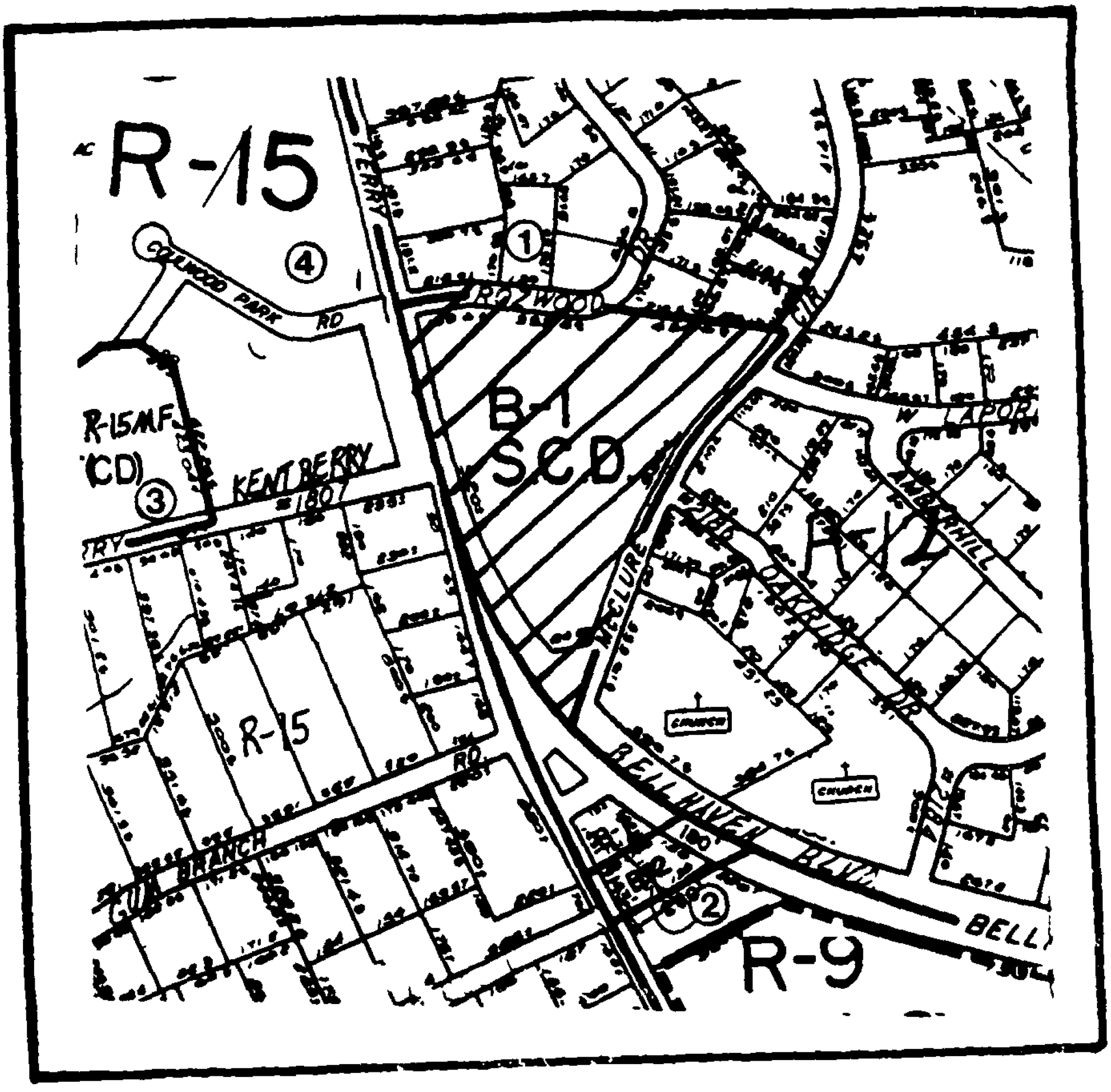
Signature of Property Owner if Other Than Petitioner

PETITIONER McClure Real Estate & Investments

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

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

LOCATION Approximately 9 52 acres located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.



ZONING MAP NO. 62

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No 89-6

Petitioner	Waters Construction Company
Location	Approximately 25 6 acres located on the north side of Sharon view Road, west of Colony Road
Request	Consideration of an R-15MF(CD) Site Plan Amendment

BACKGROUND

1 Existing Zoning The property involved with this rezoning request is zoned R-15MF(CD) To the west and south properties are zoned R-15 for single family housing To the east and north of the site are properties zoned R-15MF(CD) and R-20MF Some distance north of the site can be found properties zoned for a variety of business and office uses including B-1(CD), 0-15(CD), and B-1SCD

2 Existing Land Use The property involved with this request is presently under development as a multi-family condominium project Directly adjacent to this site to the west can be found the Sharon View Country Club South of the site can be found a concentration of existing single family detached housing and to the north and east of the site can be found existing multi-family housing.

3 Public Plans and Policies

1. 2005 Plan The 2005 Plan indicates that this is an area of existing and developing residential land uses The 2005 Plan indicates that Colony Road should be extended from its present terminus at Sharon Road to connect with Rea Road to the south and that the McMullen Creek Greenway System should be extended nearby.

2. 1988 SouthPark Plan Revision. The revisions of the SouthPark Plan indicate that this property should be used for residential purposes, including the possibility of use of the area surrounding this site for higher density residential uses

4. Site Plan. The site plan which accompanies this application is a cut-and-paste version of the grading plan for the condominium project The purpose of this site plan amendment is to address a portion of the project that was not constructed in conformance with the originally approved plan. The existing plan specifies a 50 foot limit of development along the westerly portion of the site and the improvements to the site in this area violate that 50 foot limit. The petitioner has already constructed units in that area and has also constructed a driveway within the 50 foot area on the previously approved plan It now seeks to amend the previously approved plan to allow the driveway to remain as constructed within this 50 foot area This site plan amendment has been

filed pursuant to an agreement entered into between the petitioner and the City of Charlotte regarding the violation of the originally approved plan The plan amendment as submitted still lacks substantial information regarding the exact configuration of landscaping, buffering, and driveways in the vicinity of the portion of the site which is already been constructed This site plan amendment will not add any units to the plan which is previously approved for the site

5 School Information

School	Capacity	Enrollment
Elementary - Sharon	676	711
Junior High - Alexander Graham	884	782
Senior High - Myers Park	1,794	1,711

6 Zoning History (See Attached Map)

1	78-26	R-15 to R-12MF	Approved R-15MF(CD) and R-20MF	10/30/78
2	83-78	R-15 to R-15MF(CD)	Approved	10/15/84
3.	86-6	R-15 to R-20MF	Approved	02/17/86
4	88-32	R-15 to R-PUD & 0-15(CD)	Approved	07/18/88

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

REVIEWS

1 Plan Consistency. This petition proposes the amendment to a previously approved site plan for multi-family housing Both the 2005 Plan and the 1988 SouthPark Plan revisions call for properties in this area to be used for residential purposes including multi-family housing Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2 Technical Consistency.

1 Pre-Hearing Staff Input. The staff met with the petitioner on several occasions prior to the filing of this application to discuss the problems with the already build condominium project and the previously approved plan. Subsequently, the staff has communicated to the petitioner a number of items which needs to be added to or clarified on the site plan.

2 Departmental Comments.

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

2 Fire Department The Fire Department had no additional comments about this site plan amendment

3 Building Standards Department The Building Standards Department had no comments about this site plan amendment except to note that the construction drawings which had been approved for the condominium construction shows conformance with the originally approved site plan

4 Engineering Department The Engineering Department noted that the originally approved subdivision plan for this property would have to be revised pursuant to any change made through this petition

5 Department of Transportation The Department of Transportation indicated that this site plan amendment would have no effect on traffic on nearby streets

6 Planning Staff The Planning staff has a number of comments regarding the petitioner's site plan submitted with this request. The plan submitted was a revised site and grading plan for the entire condominium project that had previously been approved with one portion of the plan cut-and-pasted to represent what has been built. The plan needs to specify certain minimum distances and clarify parking and circulation relationships between various elements of the project Most, but not all of the original notes have been reproduce on this plan but all need to be carried forward inasmuch as this is a plan amendment regarding only one portion of the project A number of the details on this plan need to be clarified and the title of the plan needs to be changed to reflect that this is a site plan amendment and not a site and grading plan. If all these changes can be satisfactorily accomplish, then this plan will meet the minimum submission requirements for consideration and approval

ISSUES

1 Land Use There are no land use issues which accompany this application The property involved with this request is already zoned for a multi-family project and this request is an amendment to the previously approved plan. Both the 2005 Plan and the 1988 SouthPark Plan Amendment indicates that property in this area should be used for residential purposes including multi-family housing. Therefore from a land use standpoint, this petition should be considered appropriate for approval

2 Site Plan. There are a number of issues which accompany this site plan Most of the issues tend to be technical in nature but are matters which need to be corrected by the petitioner prior to any action by the City Council The plan as submitted is simply a cut-and-pasted version of the site and grading plan prepared for the entire condominium project. It does not clearly show the extent of the changes being requested and contains additional matters which need to be clarified as well. The fundamental site plan remains largely unaffected and there is no increase in the number of units proposed to be located on this site Assuming that the needed changes can be made by the petitioner prior to the public

hearing and this plan can be brought into conformance with minimum submission requirements, then it may be considered appropriate for approval

CONCLUSION

Assuming the site plan for this petition can be corrected, it may be considered appropriate for approval However, the staff believes it is important to emphasis that the reason this site plan amendment is being requested is that the petitioner built a project which is not in conformance with the plan originally approved It is the staff belief that amending the plan after the fact to conform to what is actually build rather that building in conformance with the approved plan it is a practice which should not be encourage or condoned By agreement with the City of Charlotte, the petitioner has indicated that if the petition is not approved those improvements which were build in violation of the original plan would be removed

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-6
Date Filed 12/1/88
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Waters Construction Company, Inc.

Owner's Address 3850 Sharonview Road, Charlotte, NC 28226

Date Property Acquired May 27, 1983

Deed Reference Book 4669, Page 546 Tax Parcel Number 183-151-02

Location Of Property (address or description) 3600 Block of Sharonview Road, Charlotte, North Carolina 28226

Description Of Property

Size (Sq. Ft.-Acres) ~~[illegible]~~ acres 2.56 Street Frontage (ft.) 937.38 feet along Sharonview Road

Current Land Use MF

Zoning Request

Existing Zoning R 15 MFCD Requested Zoning R 15 MFCD

Purpose of Zoning Change Site Plan Amendment to allow driveway in rear yard.

Name Of Agent

Agent's Address

Telephone Number

Waters Construction Company, Ir
Name of Petitioner(s)

3850 Sharonview Road, Charlotte NC 28226
Address of Petitioner(s)

(704) 366-5581
Telephone Number

Signature

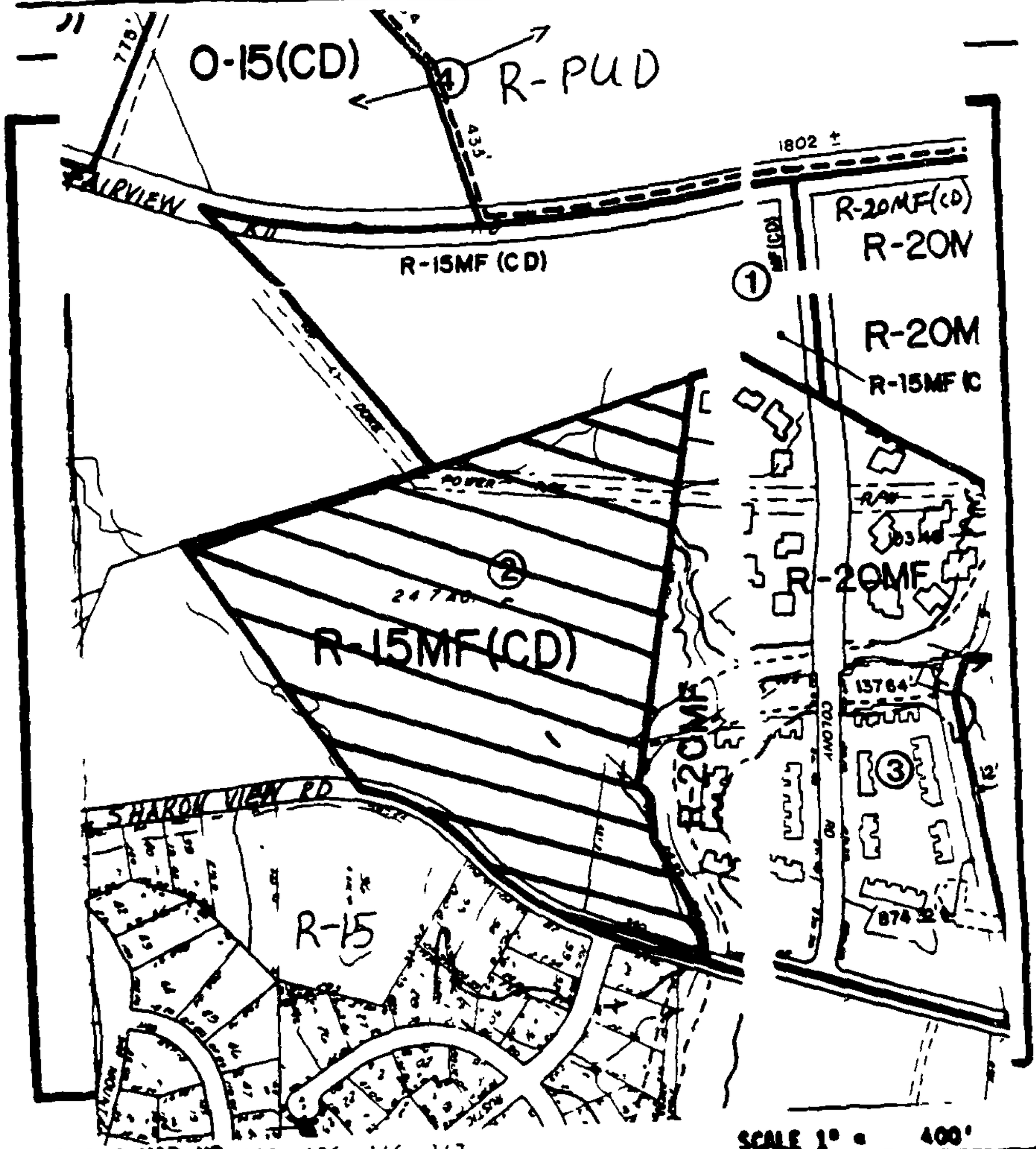
Signature of Property Owner if Other Than Petitioner

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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition Nos 89-7 and 89-8

Billy Graham Parkway/Tyvola Road Extension Special Project Plan

BACKGROUND

In the early 1980's, numerous and significant public investments were made in the area between and surrounding Billy Graham Parkway and Tyvola Road Extension Those investments include the construction of Billy Graham Parkway, the new airport terminal, the airport connector, funding of the Coliseum, extension of utility services, designation of the Farmer's Market, and initiation of the plans for Renaissance Park. Those improvements and plans resulted in heightened interest in the area by the development community

Along with increased development pressures came mounting concerns regarding how future development in the area should occur. As a result of those concerns, City Council adopted the Billy Graham Parkway/Tyvola Road Extension Special Project Plan in May, 1985 as a general policy guide for land use decisions in the area. The Plan's specific objectives are to develop an overall land use and zoning strategy, to establish general streetscape guidelines for gateway areas and to provide general performance standards and design guidelines for new development. The plan's overall vision for the area's land use future includes many elements and recognizes that opportunities exist for office, retail, industrial, and business park development in certain sections of the study area. For example, the plan envisions the creation of a unique employment corridor for highly visible office, service, and business park development along the Parkway surrounding the Coliseum site However, the plan also recognize that a key and extremely valuable component of the area is its housing stock The plan strongly recommends the preservation and enhancement of existing residential neighborhoods as well as the encouragement of new residential growth to provide a strong residential base for the area The plan recognizes infill housing on vacant tracts near existing housing must be compatible with densities of the existing neighborhoods The plan contains a number of recommendations regarding a wide range of issues The plan recommends, for example, spot housing rehabilitation, building code related enforcement activities, curb/gutter/sidewalk projects and a general clean up of vacant, overgrown properties as ways to help preserve existing neighborhoods Some of the recommendations made by the plan are for the rezoning of certain properties in the study area Most of the rezonings recommended by the plan have been implemented previously Rezoning Petition Nos 89-7 and 89-8 are the last in a series of rezoning petitions initiated as part of the implementation of the Billy Graham Parkway Plan.

Petition No 89-7
R-9MF to R-9

This petition encompasses approximately 47 acres located along the west side of York Road in the Kingman Drive area between Yorkmont Road and Southhampton Road and along the east side of Yorkmont Road between York Road and Nations Ford Road. The area is currently zoned R-9MF and the requested zoning change seeks R-9

The subject property is composed of single family homes and vacant tracts Nearby properties are predominantly composed of single family homes which make up the Greenbriar Woods and Yorkmont Park neighborhoods Several churches and a cemetery are also found nearby The intersection of Yorkmont and York Roads is a combination of retail and office uses including Harris Teeter, a Gulf Station and Southern National Bank Most of the surrounding properties are zoned R-9 The Yorkmont/York Road intersection is zoned a combination of office and commercial districts The Billy Graham Parkway/Tyvola Road Extension Special Project Plan recognizes that the Greenbriar Woods community represents the vast majority of residential development near the Parkway Plaza employment core and should be preserved and enhanced by additional housing of compatible types and densities New housing should be encouraged on the undeveloped and underdeveloped parcels which abut the existing community Where logical extensions of existing stub streets such as Teakwood Rive and Clearwater Road are developed, new housing should be detached like the existing development to which these streets connect The Billy Graham Parkway/Tyvola Road Extension Special Project Plan recommends the subject property be rezoned from R-9MF to R-9 as a means of preserving and enhancing existing residential neighborhoods and encouraging infill housing on nearby vacant properties of compatible densities and styles.

Petition No. 89-8
R-9MF to R-9

This petition includes approximately 28 acres located along the westerly side of Nations Ford Road between Radford Avenue and Tyvola Road Extension. The area is presently zoned R-9MF and is requested for rezoning to R-9

The petitioned property is composed primarily of single family residences There is also one church and several vacant tracts included in the subject site Nearby properties are also predominantly developed with single family residences though a multi-family development is located on the west side of Nations Ford Road across from Willetta Drive. Otherwise, nearby land uses include several churches and the Christian Life Center. Most of the properties surrounding the petitioned site are zoned either R-9 or R-9MF. The intersection of Tyvola Road Extension and I-77 is the site of a fairly recent rezoning to B-1SCD and the intersection of Nations Ford Road and Yorkmont Road is zoned O-6. The Billy Graham/Tyvola Road Extension Special Project Plan recognizes the existing residential areas, such as Yorkmont Park, as valuable housing stock which should be preserved and enhanced where necessary through spot rehabilitation, curb/gutter/sidewalk projects, and general clean up of vacant, overgrown properties

The plan indicates that zoning patterns inconsistent with the existing residential development pattern should be changed and the pockets of vacant land in and around the existing residential areas should be developed at densities and in styles very similar to the existing development. The plan recommends the subject property be rezoned from R-9MF to R-9 as a means of helping to attain that goal.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-7
Date Filed 12/1/88
Received By TMCR
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired N/A

Deed Reference N/A Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description)

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

Description Of Property

Size (Sq Ft -Acres) 47.1 acres Street Frontage (ft.) -

Current Land Use Most are vacant or single-family residences. There is also one church and one office.

Zoning Request

Existing Zoning R-9MF Requested Zoning R-9

Purpose of Zoning Change To follow recommendations of Billy Graham Parkway/Tyvola Road Extension Special Project Plan adopted by City Council and County Commission in May, 1985.

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
Charlotte-Mecklenburg Planning Commissi

Address of Petitioner(s)
600 East Fourth Street

Telephone Number
336-2205

Signature

Signature of Property Owner if Other Than Petitioner

Billy Graham #1

PETITIONER CMPC

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

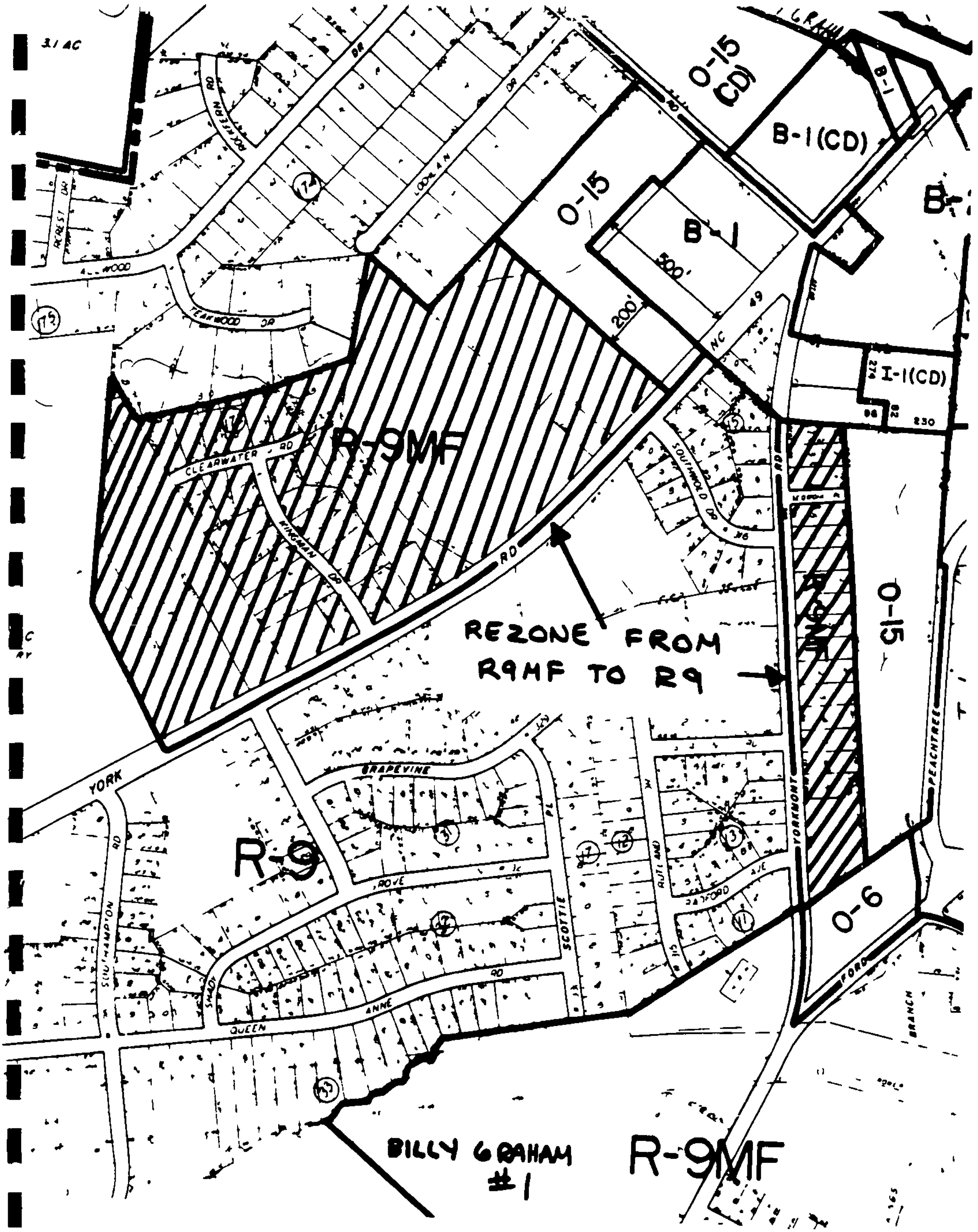
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

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

See Attached

ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


O-15 (CD)
B-1(CD)
O-15
B-1
500'
200'
I-1(CD)
R-9MF
REZONE FROM
R9MF TO R9
O-15
R-9
O-6
BILLY GRAHAM
#1
R-9MF
CLEARWATER RD
KINGMAN DR
SOUTHWOLD DR
YORKMONT RD
PEACHTREE
YORK RD
GRAPEVINE
SCOTTIE
QUEEN ANNE
SHADY
SOUTHAMPTON
FORD
BRANCH
TEAKWOOD DR
ROCKFLEM RD
LOOK LN
DR

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition Nos 89-7 and 89-8

Billy Graham Parkway/Tyvola Road Extension Special Project Plan

BACKGROUND

In the early 1980's, numerous and significant public investments were made in the area between and surrounding Billy Graham Parkway and Tyvola Road Extension Those investments include the construction of Billy Graham Parkway, the new airport terminal, the airport connector, funding of the Coliseum, extension of utility services, designation of the Farmer's Market, and initiation of the plans for Renaissance Park Those improvements and plans resulted in heightened interest in the area by the development community

Along with increased development pressures came mounting concerns regarding how future development in the area should occur As a result of those concerns, City Council adopted the Billy Graham Parkway/Tyvola Road Extension Special Project Plan in May, 1985 as a general policy guide for land use decisions in the area The Plan's specific objectives are to develop an overall land use and zoning strategy, to establish general streetscape guidelines for gateway areas and to provide general performance standards and design guidelines for new development. The plan's overall vision for the area's land use future includes many elements and recognizes that opportunities exist for office, retail, industrial, and business park development in certain sections of the study area. For example, the plan envisions the creation of a unique employment corridor for highly visible office, service, and business park development along the Parkway surrounding the Coliseum site However, the plan also recognize that a key and extremely valuable component of the area is its housing stock The plan strongly recommends the preservation and enhancement of existing residential neighborhoods as well as the encouragement of new residential growth to provide a strong residential base for the area The plan recognizes infill housing on vacant tracts near existing housing must be compatible with densities of the existing neighborhoods. The plan contains a number of recommendations regarding a wide range of issues The plan recommends, for example, spot housing rehabilitation, building code related enforcement activities, curb/gutter/sidewalk projects and a general clean up of vacant, overgrown properties as ways to help preserve existing neighborhoods Some of the recommendations made by the plan are for the rezoning of certain properties in the study area. Most of the rezonings recommended by the plan have been implemented previously. Rezoning Petition Nos. 89-7 and 89-8 are the last in a series of rezoning petitions initiated as part of the implementation of the Billy Graham Parkway Plan.

Petition No 89-7
R-9MF to R-9

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Petition No. 89-8
R-9MF to R-9

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The petitioned property is composed primarily of single family residences There is also one church and several vacant tracts included in the subject site Nearby properties are also predominantly developed with single family residences though a multi-family development is located on the west side of Nations Ford Road across from Willetta Drive. Otherwise, nearby land uses include several churches and the Christian Life Center Most of the properties surrounding the petitioned site are zoned either R-9 or R-9MF The intersection of Tyvola Road Extension and I-77 is the site of a fairly recent rezoning to B-1SCD and the intersection of Nations Ford Road and Yorkmont Road is zoned O-6 The Billy Graham/Tyvola Road Extension Special Project Plan recognizes the existing residential areas, such as Yorkmont Park, as valuable housing stock which should be preserved and enhanced where necessary through spot rehabilitation, curb/gutter/sidewalk projects, and general clean up of vacant, overgrown properties.

The plan indicates that zoning patterns inconsistent with the existing residential development pattern should be changed and the pockets of vacant land in and around the existing residential areas should be developed at densities and in styles very similar to the existing development The plan recommends the subject property be rezoned from R-9MF to R-9 as a means of helping to attain that goal.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-8
Date Filed 12/1/88
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) These properties front the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

Description Of Property

Size (Sq Ft -Acres) 28.2 acres Street Frontage (ft.) -

Current Land Use Single-family residences with one church and a lot used for utility purposes.

Zoning Request

Existing Zoning R-9MF Requested Zoning R-9

Purpose of Zoning Change To bring the properties into conformance with the recommendations of the Billy Graham Parkway/Tyvola Road Extension Special Project Plan adopted by City Council and County Commission in May, 1985.

Name Of Agent	Name of Petitioner(s) Charlotte-Mecklenburg Planning Commissio
Agent s Address	Address of Petitioner(s) 600 East Fourth Street
Telephone Number	Telephone Number 336-2205
	Signature
Billy Graham #2	Signature of Property Owner if Other Than Petitioner

PETITIONER PC

PETITION NO. 89-8 HEARING DATE January 17, 1989

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

LOCATION Approximately 28.2 acres fronting on the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

See Attached

ZONING MAP NO. 126, 134

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PETITIONER CMPC

PETITION NO. 89-8 HEARING DATE January 17, 1989

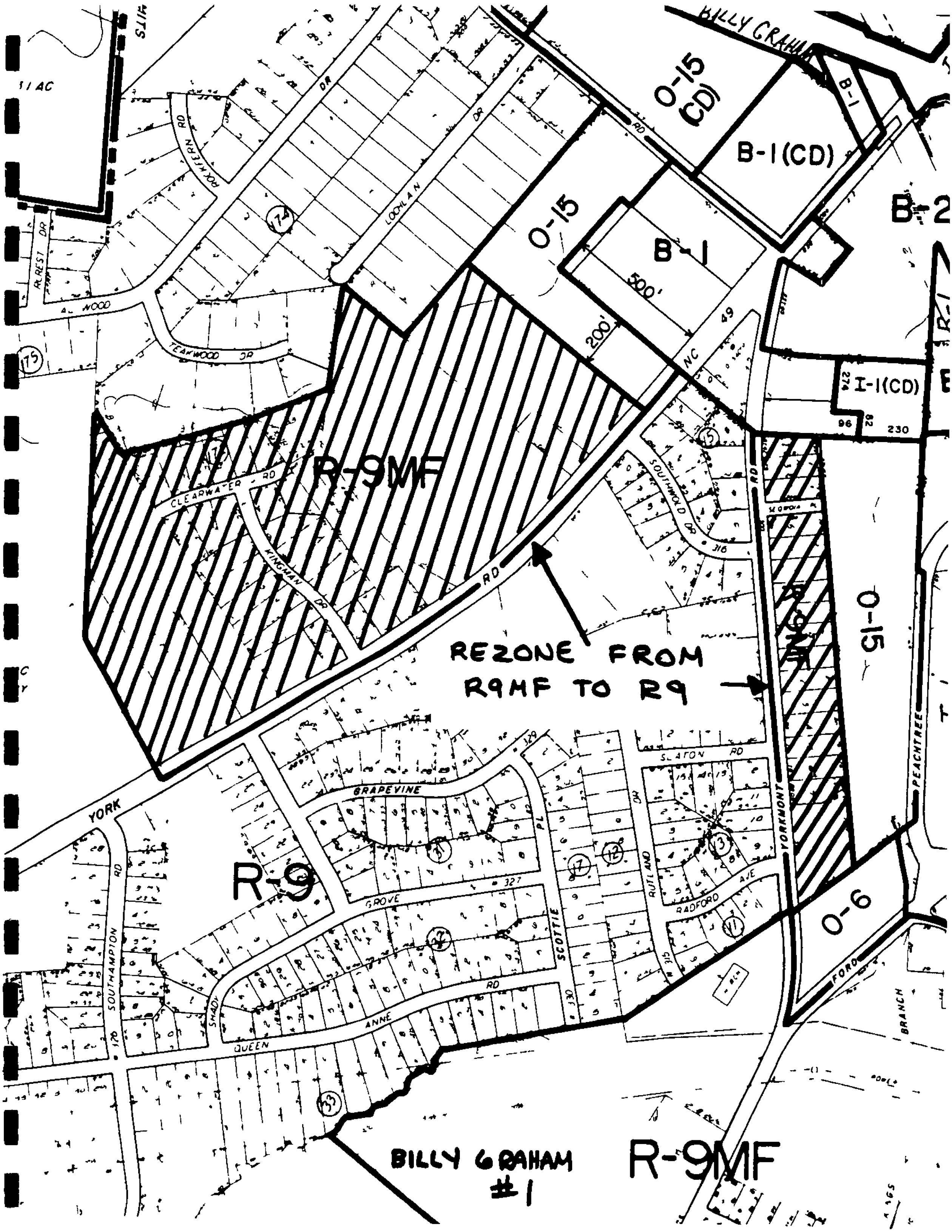
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

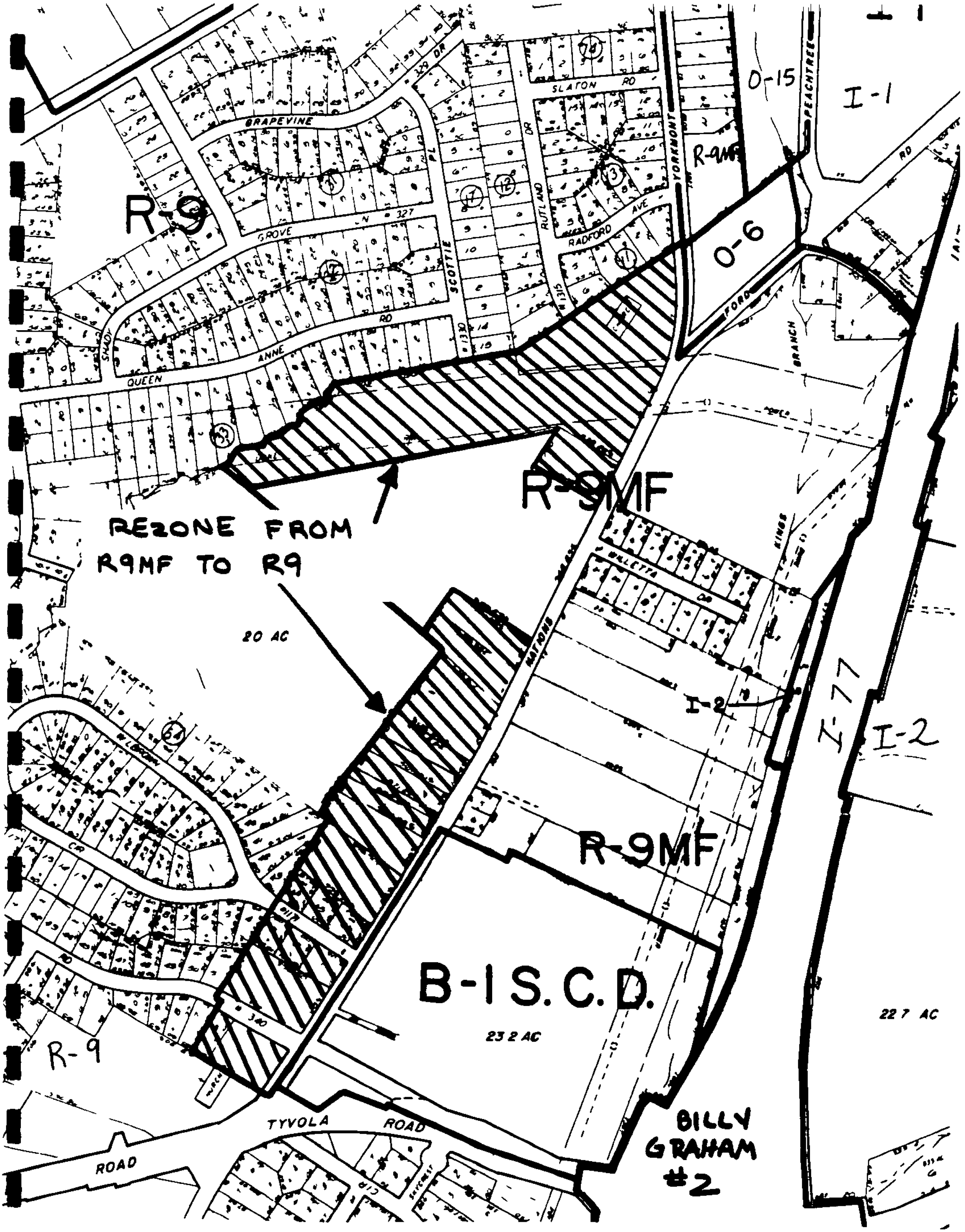
LOCATION Approximately 28.2 acres fronting on the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

See Attached

ZONING MAP NO. 126, 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


BILLY GRAHAM
O-15 (CD)
B-1
B-1(CD)
B-2
O-15
B-1
500'
200'
NC
49
I-1(CD)
96
230
R-9MF
CLEARWATER RD
KINGMAN DR
RD
SOUTHWOLD DR
316
REZONE FROM
R9MF TO R9
O-15
SLATON RD
GRAPEVINE
329
327
YORK
RD
R-9
GROVE
SCOTTIE
PL
RUTLAND
DR
RADFORD AVE
YORKMONT
O-6
FORD
SOUTHAMPTON
170
SHADY
QUEEN
ANNE
RD
130
BRANCH
PEACHTREE
BILLY GRAHAM
#1
R-9MF
ROCKFERN RD
LOCHLAN DR
FOREST DR
WOOD
TEAKWOOD DR
174
175
1/AC


R-9
GRAPEVINE
GROVE
SHADY
QUEEN
ANNE
RD
SCOTTIE
PL
RUTLAND
DR
SLATON
RD
RADFORD
AVE
YORKMONT
O-15
PEACHTREE
I-1
O-6
FORD
BRANCH
R-9MF
REZONE FROM
R9MF TO R9
20 AC
MATHONS
I-2
I-2
R-9MF
B-1 S.C.D.
23 2 AC
22 7 AC
R-9
TYVOLA
ROAD
ROAD
BILLY
GRAHAM
#2

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 3, 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 December 21, 1988

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, January 12, 1989 This will then permit these matters to be placed on your agenda for consideration on January 17, 1989.

If you have any 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.	December 21, 1988
PETITION NO	88-48
PETITIONER(S)	Sayre Lineberger Meyer
REQUEST	Change from B-1 and O-6 to R-12MF
LOCATION	2 76 acres located on the northwesterly corner of Providence Road and Ardsley Road
ACTION	The Zoning Committee deferred action on this request for 30 days
VOTE. Yeas	Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays·	None

REASONS

The petitioner has asked for additional time to continue discussions with the property owner regarding the development of this site. Inasmuch as it was a non-property owner petition, the Zoning Committee feels that a deferral is appropriate

DATE: December 21, 1988

PETITION NO · 88-80

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Consideration of a text amendment to Section 2100 of the Zoning Ordinance to allow the use of off-site directional signs and temporary off-site real estate signs

ACTION. The Zoning Committee recommends that this text amendment, as amended be approved

VOTE Yeas· Burns, Spencer, Thomasson, Vaughan, Wheeler, and Winget

Nays McClure

REASONS

The Zoning Committee discussed this petition on two separate occasions for a total time of almost an hour. During those discussions, the Zoning Committee went through a line by line review of the ordinance itself as well as suggested changes from the Planning staff and other interested parties. Seven separate votes were taken during the course of these discussions on a number of individual items in the text Four of these votes resulted in seven to zero recommendations and three of the votes resulted in six to one recommendations The vote recorded above is the overall vote to adopt the entire package

As recommended, the ordinance would allow three types of off-premises signs off-premises real estate signs, off-premises directional signs, and off-premises identification signs. At its December 1 meeting, the Zoning Committee voted to recommend approval of the definitions and the provisions for off-premises real estate signs These were all seven to zero votes The Committee also asked staff to make some minor changes to the provisions for off-premises directional signs and to review the "Crosland proposal" for off-premises identification signs (a proposal to allow transferring the right to use a sign on a collector or local street to a major or minor thoroughfare)

At its December 21 meeting, the Zoning Committee continued discussion of the amendment The changes the Committee had asked staff to make for the off-premises directional signs provisions were approved as follows 1) minor change to language regarding location and orientation of signs, and 2) increase the maximum panel size of signs from 4 square feet to 5 square feet (both six to one votes) The two other changes voted on separately by a seven to zero vote are 1) to allow the signs to be constructed of aluminum in addition to wood, and 2) to restrict the lighting of signs to nonresidential districts only

Considerable discussion followed on the issue of off-premises identification signs (Crosland proposal) After discussing several options from staff's recommendation of not allowing the signs, of allowing only 20 square foot signs, to allowing these signs as proposed by Crosland, the Zoning Committee recommended a compromise version that would allow off-premises identification

signs for shopping centers, however, the signs could be no larger than 40 square feet in size nor 15 feet in height. This was approved by a six to one vote

The final vote the Zoning Committee took was on the overall sign package By a six to one vote, the Committee recommended approval of the text amendment allowing the three different sign types. The Zoning Committee noted in its discussion the need to carefully monitor these off-site signs during the two year period for which this ordinance is effective They were especially concerned that the public investigate the impact not just on those who need the signs but also on those to whom the signs might be considered an intrusion On the whole, the Zoning Committee considers this modified amendment to be appropriate for adoption.

STAFF OPINION

Staff developed this text amendment in consultation with interested parties at the direction of City Council The staff believes that in view of the fact that the amendment is reasonably restrictive and the fact that the amendment contains a two year sunset provision, the adoption of this amendment provides an appropriate experiment as to whether or not these signs are an asset to the public For these reasons, the staff agrees with the recommendation of the Zoning Committee with the exception of the proposal for off-premises identification signs for shopping centers. Staff believes that the provision for off-premises directional signs or the provisions in the flexibility option in the sign ordinance would generally serve the purpose of directing traffic to shopping centers off major roads However, in light of the fact that there are very few instances where these signs would actually be used and that the signs could be removed in two years if a problem arises, staff is not strongly opposed to the text change

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", Section 2100. Signs, of the Code of the City of Charlotte is hereby amended as follows

1 Amend Section 2102 23 Definitions as follows·

a Modify the definition of "Directional and Instructional Sign" to read as follows

> Directional or Instructional Sign· On-Premises
> A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message The name or logo of the business or use to which the sign is giving direction may also be included on the sign

b Add a new definition to read as follows

> Directional Development Sign. Off-Premises
> A sign used to direct traffic from Class II or III streets to unified developments such as residential subdivisions, apartments or condominium projects, shopping centers, office/business/industrial parks, and/or churches that are located on Class IV or V streets

2 Add a new section 2106 14 Temporary Real Estate Signs to read

14 Freestanding, temporary off-premises real estate signs

Signs providing information as to the location of real estate that is for sale or for rent shall be allowed subject to the following

a No sign shall exceed 3 square feet in area or 4 feet in height

b Such signs shall not exceed 2 in number per property being advertised and shall not be located further than one half mile from the property being advertised

c Such a sign shall not be located closer than 11 feet from the edge of any public street in accordance with code § 10-17, nor shall it

violate the sight distance triangle requirements specified in 2102 17 herein.

d It shall be unlawful to place a temporary, off-premises real estate sign before 8·00 a m of a holiday or of a Saturday or to allow a sign to remain after 6 00 p m , on a Sunday or a designated holiday

If such a sign continues to remain after 6 00 p.m, it shall be deemed an abandoned sign and shall be subject to penalties established in Section 2113 herein and/or Section 10-17 of the City Code Such signs may be removed by a designee of the City or County and destroyed if not retrieved within 24 hours after the sign owner has been notified that the sign has been removed

e Nothing in this provision shall be construed to authorize the posting of such signs upon trees, utility poles, traffic control signs, lights or devises in any place or manner prohibited by the provisions herein.

f. Sunset Provision This code 2106.14 shall automatically terminate on the expiration of two (2) years from the effective date of the adoption of this section or upon the City Council's deletion of this section

3 Add a new Section 2110 3 Off-Premises Directional Signs to read as follows

2110 3 Off-Premises Directional Development Signs

For the purposes of directing traffic from Class II or III streets (major or minor thoroughfares) to developments located on Class IV or V streets (collectors or local streets) and not having direct access or visibility from the Class II or III streets, and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following

a Application Requirements The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including

1 A form statement prepared by the Building Standards Department and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of this ordinance

2 A sketch showing the location of the proposed sign and manifesting that the sign's erection would be in compliance with the locational requirements contained herein.

3. Two blueprints or inked drawings to scale of the plans and specifications of the sign to be erected. Such plans shall include but not be limited to details of the design, dimensions, and material, of the proposed sign

4. A letter from either the City's Department of Transportation or the North Carolina Department of Transportation, whichever agency has jurisdiction over the road on which the sign is to be located, verifying that the sign will not be in violation of any local or State regulations at its proposed location

5 Acknowledgement by the applicant that he/she shall be responsible for the cost of removal of a sign for any reasons stated in (i) herein, and that if the City removes the sign the permit holder has five days to retrieve the sign, after which time the City may dispose of such sign.

6 If the sign is proposed in an historic district, approval of such a sign by the Historic District Commission shall be required prior to obtaining a sign permit

b. Inspection and conditional approval If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above

1 A hold harmless/indemnification statement as described below in (j)

2 A cash bond or cash deposit as described in (j)

c Use of directional sign The person to whom the permit is issued is solely and exclusively responsible for the usage and maintenance of the directional sign and shall make the sign available for use by any eligible user Matters of interpretation such as whether proposed copy is allowed by the provisions of this section, shall be a proper matter for the Zoning Administrator and/or Zoning Board of Adjustment

The permit holder shall allow developments to be identified on the sign subject to the following

1 The development is a unified commercial, residential, or institutional use under single ownership or management that has a minimum of 50 parking spaces and/or 50 units of residential dwellings

2 The entrance that reasonably identifies the development is located no further than one and one half miles along streets from the intersection of the Class II or III Street with the Class IV or V Street

3 The development does not have direct access or visibility from any Class II or III Streets.

4 The development does not have an identification sign located on a Class II or III Street nor does it have identification on another off-site directional sign Only one sign per development shall be permitted.

d. Location and Orientation of Directional Sign The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual The sign face(s) shall be oriented toward the traffic flow on the Class IV or V Street, which is generally perpendicular to the Class II, III, or IV street. The sign must be located on the side of the Class II, III, IV street closest to the development(s) identified on the sign

No portion of any sign shall be situated in such a way as to violate any public ordinances or regulation regarding sight distance or obstruction of vision at street intersections, nor shall any sign be located closer than 11 feet from the pavement edge of any public street; however the Charlotte Department of Transportation or N.C. Dept. of Transportation may require that the sign be located further than 11 feet from the edge of pavement

e Spacing Requirements No sign shall be located closer than 500 linear feet to any other similar directional sign on the same side of the street There shall be no more than two signs erected at any intersection In addition, no directional sign shall be located closer than 20 linear feet to any on-premises sign(s)

f Design of Directional Signs A directional sign shall be constructed as a ground mounted sign designed to accommodate up to 4 panels of equal size for one to 4 separate and distinct development names It shall be designed in accordance with the requirements stated below

1 Maximum Size and Height

Maximum structure width	5-1/2 feet
Maximum sign face size	20 sq feet
Maximum panel size	5 sq feet
Maximum height	6 feet if landscaping is planted at base of sign, otherwise 4-1/2 feet

2 Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of 090 with the overall depth of the sign frame no less than 3 inches Copy on wood signs shall be either routed or sandblasted into the face panels Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five year durability rating

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs

3. Permitted Copy

Only the name, type, and/or logo under which a development is known or designated and a directional arrow shall be permitted on a sign. The name of the owner or developer or information related to availability of units, space, goods, or services shall not be permitted as copy on a sign

4. Lighting

Signs shall not be lighted in residential districts

h Maintenance All signs shall be maintained in accordance with Section 2104 3 herein

i Posting of bond and removal of sign. If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond The sign may be removed for any of the following reasons

1. A failure to maintain a sign in accordance with (h)

2 The failure to erect the sign within the location shown on the survey.

3 The revocation of the permit for any violation of § 2110 3

4. The failure to remove the sign in accordance with the sunset provision in (l).

5 Any other violation of this section

J Bond and indemnification The Director of the Building Standards Department shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

k Trees The permit holder shall not destroy or trim any trees in the public right-of-way nor install a sign in such a manner to impact significant roots on trees in the public domain

l Sunset provision· This Code § 2110 3 shall automatically terminate on the expiration of two (2) years from the effective date of the adoption of this section or upon the City Council's deletion of this Section 2110 3. Whether Section 2110 3 automatically expires in two years or terminates by the City Council's deletion of Section 2110 3, all directional signs shall be removed within one month after the date of the two-year expiration or after the date of the City Council's action, whichever comes first Any signs which are not removed within that one month period shall be subject to removal by the City with the costs of removal, transportation, and storage (for a period not to exceed five days) paid for by the bond

2110 4 Off-Premises Identification Signs

For the purpose of providing flexibility when a shopping center is located on a Class V or VI street and not visible from a Class II, III, or IV street, an applicant may obtain a permit for an off-premises identification sign subject to the following

a. An applicant for an off-premises identification sign must comply with the application requirements specified in Section 2110 3(a), and in addition, provide a statement that the subject property being identified would not be visible from the nearest Class II, III, or IV street

b An approved off-premises identification sign shall be erected instead of (and not in addition to) both an applicant's on-premises identification or business sign and any off-premises directional sign permissible under the provisions herein

c A proposed off-premises sign shall comply with all the requirements in Section 2110 3(b) through (1) with the following exception.

Design of Off-Premises Directional Signs

1 Maximum Size and Height

Maximum sign face size	40 sq ft
Maximum height	15 feet

2 Permitted copy·

Only the name and/or logo of the shopping center and/or names of individual establishments within the shopping center shall be permitted on the sign face(s) No advertising shall be permitted

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

DATE·	December 21, 1988
PETITION NO.	88-93
PETITIONER(S)	Charlotte-Mecklenburg Hospital Authority
REQUEST	Change from R-15 to R-12MF(CD)
LOCATION	A 3.16 acre site located on the northerly side of Sardis Road west of Timber Lane
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 requests the rezoning of properties to a multi-family classification to accommodate a long term nursing care facility The site is bounded on two sides by existing multi-family development and the property would have a single access point onto Sardis Road near Timber Lane. The petitioner has addressed all of the site plan concerns raised by the staff analysis and there are no land use issues which accompany this application Therefore, the Zoning Committee recommends that this petition be approved

STAFF OPINION

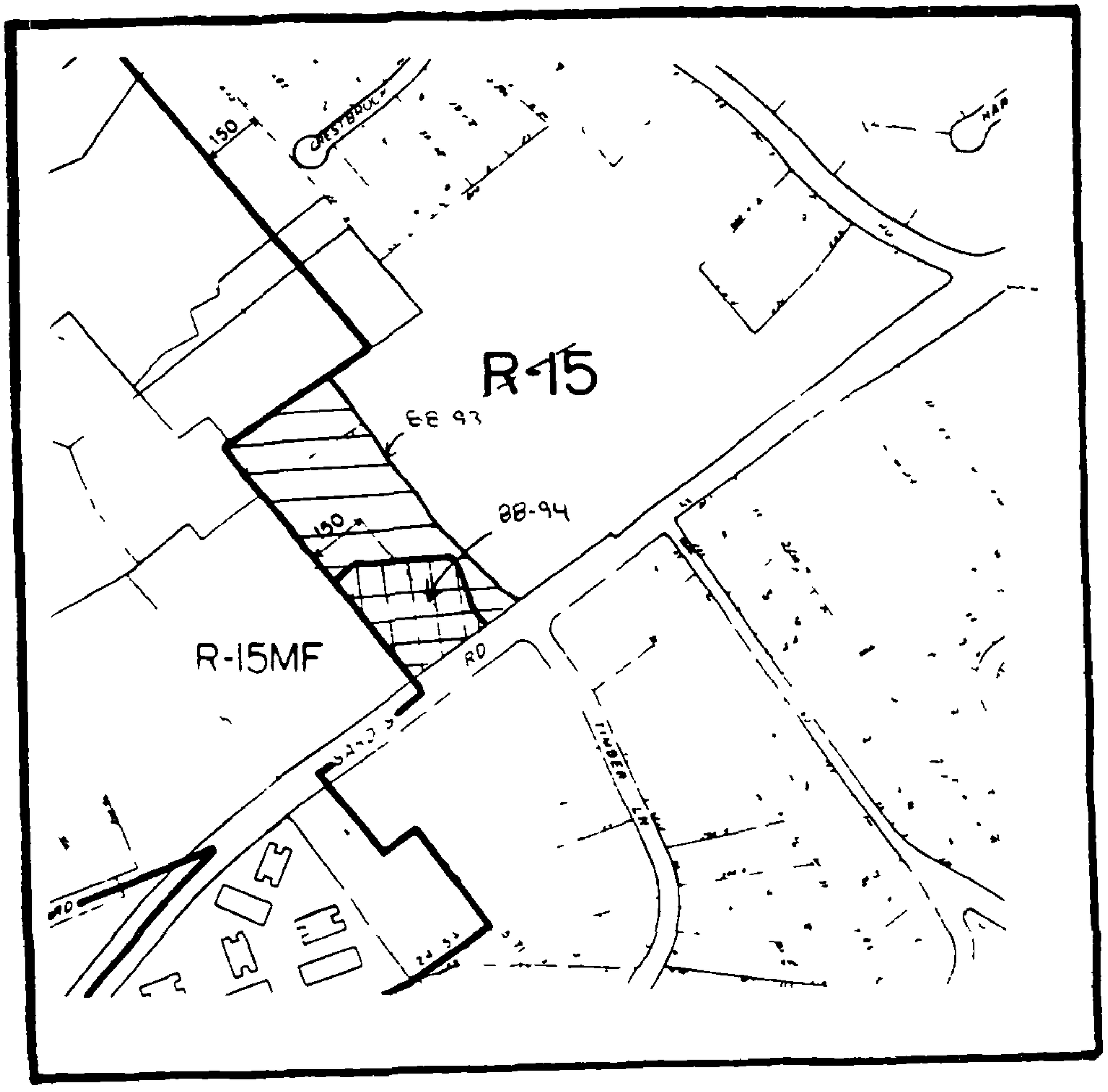
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Hospital Authority

PETITION NO. 88-93 HEARING DATE December 19, 1988

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

LOCATION Approximately 3.61 acres located on the northerly side of Sardis Road, west of Timber Lane



ZONING MAP NO. 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. December 21, 1988

PETITION NO 88-95

PETITIONER(S) Withrow Capital Incorporated

REQUEST Change from R-12 to R-12(CD) and O-15(CD)

LOCATION A 75 3 acres site located on the northerly side of Arrowood Road generally opposite the Arrowpoint Business Park

ACTION The Zoning Committee recommends that this petition be approved

VOTE Yeas. Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget

Nays None.

REASONS

The Zoning Committee discussed this petition for some time The plan proposes the development of the site to accommodate an office park with up to 700,000 square feet of floor area In addition, the plan proposes the creation of a small single family subdivision of 10 lots and the dedication of almost 16 acres of land to the Mecklenburg County Greenway System The principle point of discussion of this application was the matter of plan consistency The staff analysis indicated that this petition was not consistent with plans for the area However, the 2005 Plan appears to indicate that properties in this vicinity would be appropriately used for employment purposes In the course of discussion, the Zoning Committee also noted that there is no opposition to this request Indeed, the neighborhood leader from the most directly affected neighborhood appeared at the public hearing in support of the application The Zoning Committee feels that this office zoning is an appropriate transitionally use from the heavier industrial and commercial zoning along Arrowood Road and Interstate 77 to the multi-family and single family developments further to the west along Arrowood Road and north along York Road According to the City's Transportation Department this petition proposes no significant traffic impact problems, and it does contain a significant dedication of 16 acres of land to the County's greenway system Therefore, The Zoning Committee recommends that this petition be approved

STAFF OPINION

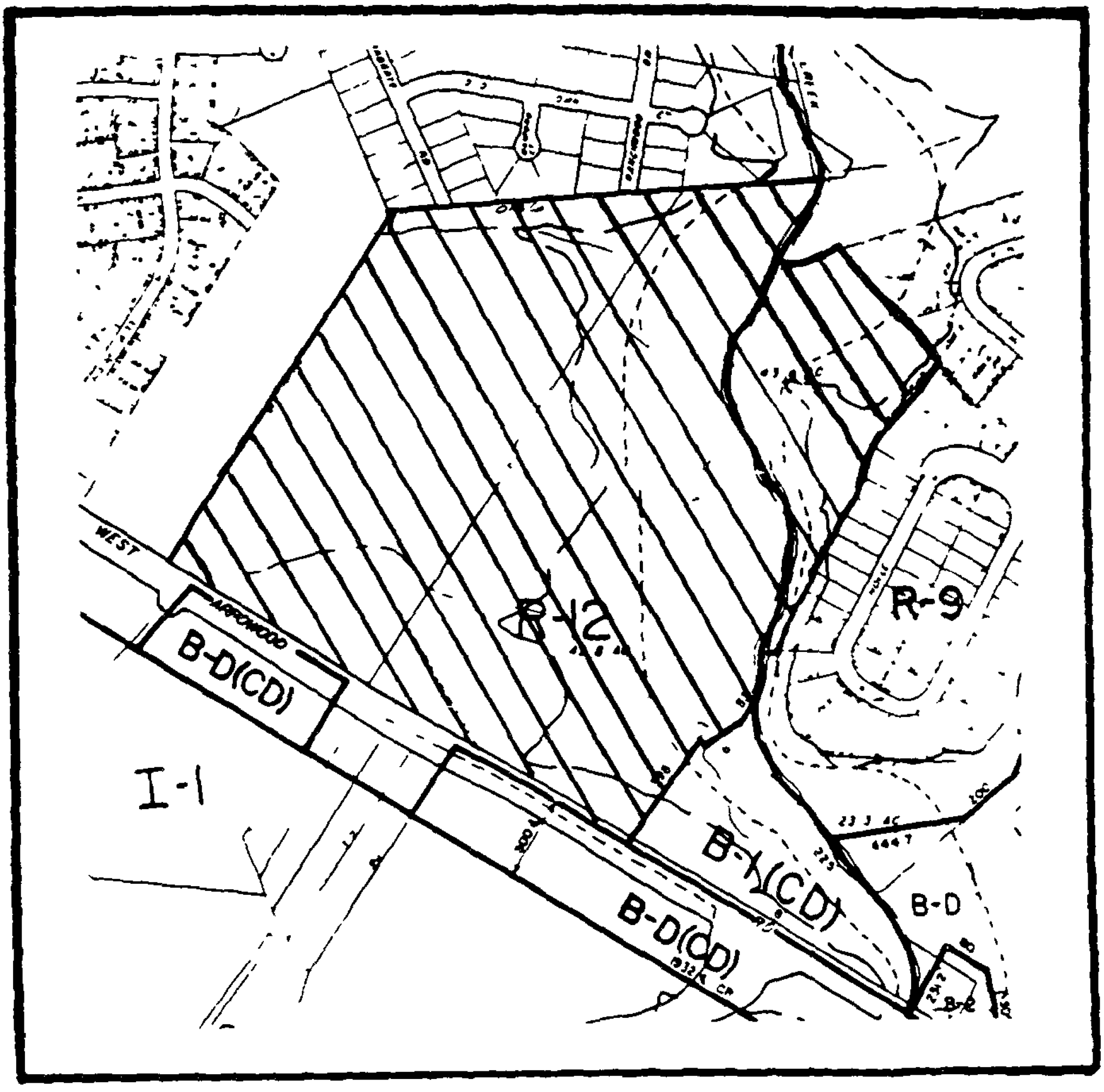
The staff disagrees with the recommendation of the Zoning Committee The staff believes that the long standing land use policies for the area indicate that this property should be used for some sort of residential use to support the growing employment base in the area

PETITIONER Withrow Capital, Inc. for Arrowood 77 Associates

PETITION NO. 88-95 HEARING DATE December 19, 1988

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

LOCATION Approximately 75.3 acres located on the northerly side of West Arrowood Road opposite Arrowpoint Business Park.



ZONING MAP NO. 133, 149 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE.	December 21, 1988
PETITION NO	88-96
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Consideration of a text amendment to amend the definition section regarding thoroughfares and to add additional yard and/or setback requirements for lots along thoroughfares
ACTION	The Zoning Committee deferred action on this request to a special meeting of January 12, 1989
VOTE Yeas	Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget.
Nays	None

REASONS

The Zoning Committee deferred this text amendment and several other text amendments to a specially called meeting on January 12 in order to have sufficient time to adequately discuss the issues.

DATE	December 21, 1988
PETITION NO	SUB 88-4
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Consideration of a text amendment to the subdivision ordinance dealing with metes and bounds, property descriptions, definitions, multiple building sites, and minimum roads rights-of-way
ACTION	The Zoning Committee deferred action on this request to a special meeting of January 12, 1989
VOTE Yeas	Burns, McClure, Spencer, Thomasson, Vaughan, Wheeler, and Winget
Nays	None.

REASONS

The Zoning Committee deferred this text amendment and several other text amendments to a specially called meeting on January 12 in order to have sufficient time to adequately discuss the issues.