AGENDA

Meeting Type:	Z
Date:	06-19-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda June 19, 1989

FILE COPY

CHARLOTTE

Meetings in June '89

THE WEEK OF JUNE 1 - JUNE 3

1	Thursday, 4 00 p.m	CITY COUNCIL OPERATIONS & PROCEDURES COMMITTEE - CMGC, Room 270

THE WEEK OF JUNE 4 - JUNE 10

5	Monday, 12 Noon	PLANNING COMMISSION/Work Session - CMGC, 8th Floor Conference Room
6	Tuesday, 4 00 p.m.	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

THE WEEK OF JUNE 11 - JUNE 17

12	Monday, 12 15 p m	PLANNING COMMISSION/Zoning Committee - CMGC, Meeting Chamber Conference Room
	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
	Monday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - 1221 S Caldwell Street
13	Tuesday, 4 00 p m	AIRPORT ADVISORY COMMITTEE/Work Session - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee for Library - CMGC, 8th Floor Conference Room North
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
14	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
15	Thursday, 8 00 a.m.	CLEAN CITY COMMITTEE - CMGC, Conference Center, Room 267
	Thursday, 5 00 p m.	CHARLOTTE-MECKLENUBRG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION - 701 Tuckaseegee Road
16	Friday, 7 30 a.m.	PLANNING LIAISON COMMITTEE - CMGC, 8th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JUNE 18 - JUNE 24

19	Monday, 5 00 p m.	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m.	CITY COUNCIL/Zoning Hearings - CMGC, Meeting Chamber
20	Tuesday, 2 00 p m	HOUSING AUTHORITY - 1301 South Boulevard
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
21	Wednesday, 7 00 p m	METROPOLITAN PLANNING ORGANIZATION - CMGC, 8th Floor Conference Room

THE WEEK OF JUNE 25 - JUNE 30

26	Monday, 1 00 p m	COUNCIL/MANAGER LUNCH - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p.m.	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 2.30 p.m.	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 4 00 p.m.	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Monday, 4 30 p.m.	PLANNING COMMITTEE/Zoning Committee - CMGC, 8th Floor Conference Room
27	Tuesday, 2 00 p.m.	CITY ZONING BOARD OF ADJUSTMENT - Hal Marshall Building, 700 North Tryon Street
	Tuesday, 4 00 p.m.	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
28	Wednesday, 9 00 a m	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Charlotte Coliseum, 100 Paul Buck Boulevard
29	Thursday, 4.00 p.m.	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Board Meeting - CMGC, 8th Floor Conference Room

These organizations will <u>not</u> meet in June:

Advisory Board for Citizens with Disabilities
Advisory Energy Commission
Charlotte Advisory Parks Committee
Community Facilities Committee
Municipal Information Advisory Board

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 | Velia W. Woollen

Monday, June 19, 1989

Council Agenda

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
No Dinner Presentation

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

Invocation by The Reverend John Haughey of St. Peter's Catholic Church.

ITEM NO.

PUBLIC HEARINGS

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

   This item was deferred from the April 17, 1989 Zoning meeting.

   Attachment No. 1

2. (89-48) Hearing on Petition No. 89-48 by Mecklenburg County Building Standards for consideration of a text amendment to Section Nos. 3063, 3073 and 3127 to allow veterinary outpatient clinics in all Business and Industrial Districts.

   Attachment No. 2

3. (89-49) Hearing on Petition No. 89-49 by James B. Black for a change in zoning from R-9 to R-15MF for a 17.23 acre site located on the north side of Tom Hunter Road between Hidden Forest Drive and Montieth Drive.

   Attachment No. 3

4. (89-50) Hearing on Petition No. 89-50 by Bentford Martin for a change in zoning from B-2 to R-6MF for a 3.4 acre site located on the westerly side of Floral Avenue and Worthington Avenue.

Attachment No. 4

5. (89-51) Hearing on Petition No. 89-51 by Metrolina Association for the Blind for a change in zoning from O-6(CD) to R-6MF for a 7,000 square foot parcel located on the northeasterly corner of the intersection of Louise Avenue and Sunnyside Avenue.

Attachment No. 5

6. (89-52) Hearing on Petition No. 89-52 by Tyvola Crossing Associates Limited Partnership for a change in zoning from R-12MF to B-1(CD) and consideration of a B-1(CD) Site Plan Amendment for a 13.05 acre site located at the southeast corner of the intersection of West Tyvola Road and N. C. 49 (York Road).

Attachment No. 6

7. (89-53) Hearing on Petition No. 89-53 by John Usdan, Lemberg Syndicate, Charlotte Joint Venture, for a change in zoning from B-2 to B-1SCD for approximately 14 acres located on the east side of South Boulevard between Archdale Drive and Emerywood Drive.

Attachment No. 7

8. (89-54) Hearing on Petition No. 89-54 by Christos Copsis for a change in zoning from R-12 to B-1(CD) for approximately 1.07 acres located on the east side of Harrisburg Road, south of Albemarle Road.

Attachment No. 8

9. (89-55) Hearing on Petition No. 89-55 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6MF for a 1 acre tract located between Remount Road, Baltimore and Norfolk Avenues.

Attachment No. 9

10. (89-56) Hearing on Petition No. 89-56 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-15 to R-6MF for a 7.6 acre site located on the easterly side of Toomey Avenue, south of the intersection of Remount Road and Toomey Avenue.

Attachment No. 10

POLICY AGENDA

11. Consider adoption of an ordinance designating the Federal Reserve Bank Building (specifically the exterior and the interior of the building and the entire parcel of land upon which it sits), located at 401 South Tryon Street, Charlotte, North Carolina, as historic property.

The Historic Properties Commission bases its judgement on the following considerations·

(1) The Federal Reserve Bank Building, erected in 1941-42 and designed by the Baltimore Architectural firm of Taylor and Fisher, is an especially striking local example of a blend of Art Moderne, Art-Deco, and Neo-Classical styles

(2) The Federal Reserve Bank Building illustrates and documents the importance of Charlotte as a regional banking and commercial center

The owners, Federal Reserve bank of Richmond, oppose the designation.

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

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

Based on the current assessment and tax rate, the amount of deferrable taxes would be $41,304.24

Attachment No. 11

12. (89-29) Decision on Petition No. 89-29 by Landcraft Properties for a change in zoning from R-15MF(CD) to O-15(CD) for a 10 acre site located on the west side of Providence Road north of N. C. 51.

A motion to approve this petition resulted in a 3-2 vote, therefore the Zoning Committee automatically deferred it for 30 days.

Attachment No. 12

13. (89-31) Decision on Petition No. 89-31 by H. D. Purser for a change in zoning from R-9MF to O-15(CD) for a 2.38 acre site on the east side of North Sharon Amity Road north of Albemarle Road and to the rear of the Lake Apartments.

A motion to deny resulted in a 3-2 vote, therefore the Zoning Committee automatically deferred this for 30 days.

Attachment No. 13

14. (89-32) Decision on Petition No. 89-32 by Ronald W. Kurstin for a change in zoning from R-6MF to I-2 for a .62 acre site located on the northwest side of Yorkwood Drive south or Pressley Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 14

15. (89-33) Decision on Petition No. 89-33 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF and Conditional Parking to R-6 and R-9 for approximately 30.9 acres located along parts of Commonwealth Avenue, Westover Street, Morningside Drive, St. Julian Street, and along the Seaboard Railroad right-of-way between Ridgeway Avenue and Westover Street.

A protest petition has been filed and found sufficient, as to a portion of the property, to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the property incorporated within this zoning petition <u>except</u> the triangular tract located along the railroad track.

The Zoning Committee recommends that this petition be approved.

Attachment No 15

16. (89-34) Decision on Petition No. 89-34 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6 for 6 lots comprising .998 acres located east of Pecan Avenue along Shenandoah and Chesterfield Avenues.

A protest petition has been filed and found sufficient, as to a portion of the property, to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone the two parcels fronting on Shenandoah Avenue.

The Zoning Committee recommends approval of the petition to R-6 with the exception of the two lots on Shenandoah Avenue.

Attachment No. 16

17. (89-35) Decision on Petition No. 89-35 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from B-2, and Part 2 from B-2 and O-6 as follows. Part 1 to O-6 and B-1, and Part 2 to R-6 for 11.892 acres located along Central Avenue, The Plaza, Commonwealth Avenue, McClintock Road, St. Julian Street and Westover Street.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Council, not excused from voting, in order to rezone that portion of the petition designated as Part C in the Zoning Committee's recommendation and being the properties recommended to be rezoned from B-2 to O-6 along Commonwealth Avenue.

The Zoning Committee recommends the following actions with retard to this petition.

A. Rezone the portion of the petition south of Central Avenue along St. Julian and Westover Streets from B-2 and O-6 to B-1 and R-6.

B. Rezone the portion of the petition located on the southwest corner of the intersection of McClintock Road and St. Julian Street from B-2 to R-6 except the most westerly lot across from Nandina Street which is recommended to be rezoned from B-2 to O-6.

C. Rezone the balance of the petition along Commonwealth Avenue from B-2 to O-6.

Attachment No. 17

18. (89-36) Decision on Petition No. 89-36 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-2 and O-15 to R-9 and R-6MF for 19.71 acres located south of Central Avenue between Westover Street and Ivey Drive (Veterans Park) and along both sides of Ivey Drive.

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

The Zoning Committee recommends that the petition be approved.

Attachment No. 18

19. (89-37) Decision on Petition No. 89-37 by the Charlotte-Mecklenburg Planning Commission for a change in zoning for Part 1 from B-2, and Part 2 from B-2 and O-6 as follows: Part 1 to B-1 and O-6, and Part 2 to R-9 for 7.9 acres located on the south side of Central Avenue along Lyon Court, Morningside Drive and Ivey Drive.

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

The Zoning Committee recommends that the petition be approved.

Attachment No. 19

20. (89-38) Decision on Petition No. 89-38 by the Charlotte Metro Credit Union for a change in zoning from R-6MF to O-6 for an approximate 8,250 square foot parcel located on the north side of Sunnyside Avenue just east of Brookshire Freeway.

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

Councilmember Clodfelter is excused from this decision.

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

Attachment No. 20

21. (89-39) Decision on Petition No. 89-39 by James B. Stegall for a change in zoning from R-6MF to B-1(CD) for a .38 acre site located on the north side of Ritch Avenue east of Rosedale Avenue.

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

The Zoning Committee recommends that the petition be denied.

Attachment No. 21

22. (89-40) Decision on Petition No. 89-40 by the Charlotte Mecklenburg Planning Commission for a change in zoning from Conditional Use/Truck Terminal to I-1 for a 19.65 acre site located on the northerly side of I-85 to the west of Tuckaseegee Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 22

23. (89-41) Decision on Petition No. 89-41 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from Conditional Parking to R-6MF for a .172 acre site located off the northerly side of Kirkland Avenue west of Coker Avenue.

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

The Zoning Committee recommends that the petition be approved.

Attachment No. 23

24. (89-42) Decision on Petition No. 89-42 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from Conditional Petroleum Storage to I-2 for a one acre tract located along Seaboard Railway west of Monroe Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 24

25. (89-43) Decision on Petition No. 89-43 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from Conditional Use/Recreational to R-12 for a 10 acre site located southwest of the intersection of Randolph Road and Billingsley Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 25

26. (89-44) Decision on Petition No. 89-44 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6(CD) to R-6MF for a .216 acre site located at the intersection of Ranlo and Baldwin Avenues.

The Zoning Committee recommends that the petition be approved.

Attachment No. 26

27. (89-45) Decision on Petition No. 89-45 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-3T(CD) to U-MUD for a 1.47 acre site located on the northerly corner of the intersection of East Morehead Street and Euclid Avenue.

The Zoning Committee recommends that the petition be approved.

Attachment No. 27

28. (89-46) Decision on Petition No. 89-46 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1(CD) to O-6 for a .2 acre site located on the south side of LaSalle Street, 230 feet to the west of Beatties Ford Road.

The Zoning Committee recommends that the petition be approved.

Attachment No. 28

29. (89-47) Decision on Petition No. 89-47 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1(CD) to R-6MF for a 1.208 acre site located on the southwesterly corner of N. C. 16 and North Linwood Avenue.

A motion to approve the petition resulted in a 3-2 vote, therefore the matter is automatically deferred for 30 days.

Attachment No. 29

30. Recommend adoption of a resolution calling for public hearings on Monday, July 17, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-57 through 89-66 for zoning changes.

#1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 89-28

Petitioner Residents of Southwold Drive Area

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

Request Change from R-9 to B-1

BACKGROUND

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

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

3 Public Plans and Policies.

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

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

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

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

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

7 Neighborhood. This property falls within the Yorkmont neighborhood.

REVIEWS

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

2. Technical Consistency.

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

   2. Departmental Comments.

      1. Fire Department. No Comment.

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

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

ISSUES

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

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

2 Site Plan There is no site plan accompanying this petition

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-28
Date Filed February 27, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address:

Date Property Acquired:

Deed Reference: Tax Parcel Number: See attached list

Location Of Property (address or description)

4943 Irish Rd - 4936 Irish Rd & all of Southwood Dr & & & Westmont Rd - (400 ft n of Dr 223 ft n of Irish 516 ft n of Westmont Rd)

Description Of Property

Size (Sq. Ft. Acres): just under 5 acres

Street Frontage (Ft.):

Current Land Use: Residential - being overtaken to decay - get sleep - house broken, cant get out of drive, can't breath.

Zoning Request

Existing Zoning: R-9

Requested Zoning: B1

Purpose of Zoning Change: [illegible] of 18 [illegible] adjacent area not full use have outlined the residential neighborhood. It's a total hazard & we are being overtaken by [illegible] & traffic all around us. [illegible] a triangle [illegible] as you can see on map.

Name Of Agent: Bobbie Vaudle

Name of Petitioner(s): Residents of Southwood Drive Neighborhood Area

Agent's Address: 4943 S Tryon St

Address of Petitioner(s): 4943 S Tryon St ([illegible]

Telephone Number: 525 3087 588-7260

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

Signature: SEE ATTACHED LIST

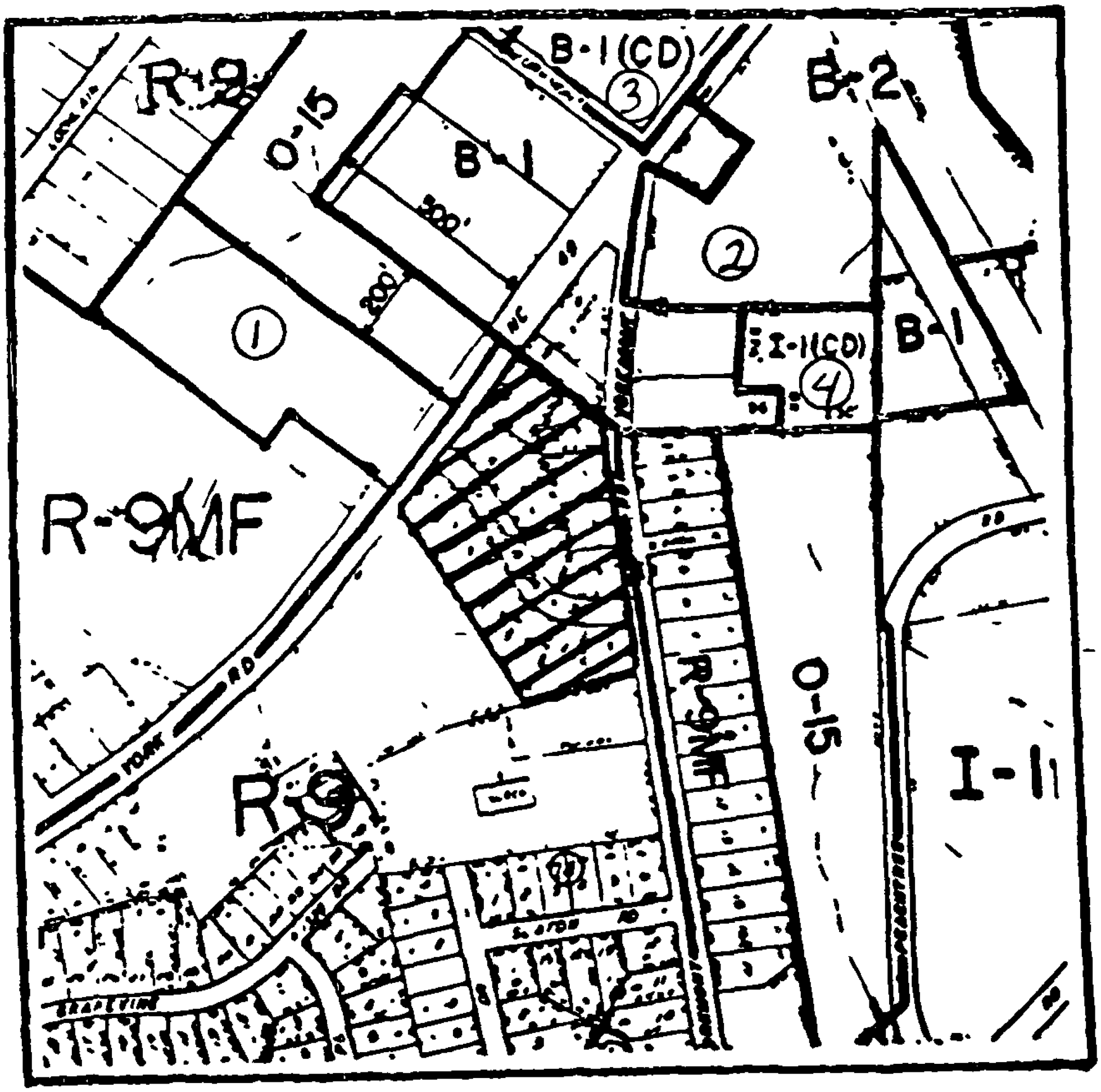
Signature of Property Owner if Other Than Petitioner

PETITIONER Southwold Drive Area Residents

PETITION NO. 89-28 HEARING DATE April 17, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED B-1

LOCATION Approx. 5.0 acres located on the southerly side of N.C. 49, (York Rd) north of Yorkmont Rd. and along both sides of Southwold Dr.



ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-48

Petitioner: Mecklenburg County Building Standards.

Request: Consideration of text amendment to allow veterinary outpatient clinics in all Business and Industrial Districts.

BACKGROUND

Some years ago the County Zoning Ordinance was amended to permit "Veterinary Outpatient Clinics" in Rural, B-2, Distributive Business (B-D), and Industrial Districts. Veterinary outpatient clinics are distinguished from veterinary hospitals in that hospitals may include the boarding of animals with outdoor pens, while the clinics permit only "outpatient services" for medical or surgical treatment with no grooming or boarding permitted.

The City Ordinance does not have the veterinary outpatient clinic provision. Only veterinary hospitals are permitted in B-D, B-2 and Industrial Districts, and commercial kennels in B-2 and Industrial Districts with the provision in all cases that these uses be 300 feet from the nearest residential district.

This text amendment proposes to make the veterinary outpatient clinics with no grooming and boarding of animals in all Business and Industrial Districts, including the B-1 District. This amendment would make the City and County Ordinances alike, except for allowing these uses in the B-1 within the City which are not permitted in the County's B-1 District.

CONCLUSION

It is understood that the intent of this amendment was to make the City and County Ordinances alike. However, the way this proposed City amendment is worded would result in at being different than the County. These issues should be determined with this amendment:

1. Why is grooming of animals prohibited?

2. Should the City's Ordinance differ from the County's by allowing these uses within the B-1 District?

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

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

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

(Title) Veterinary Outpatient Cl

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

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

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

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

Robert Brandon, Zoning Administrator
Name of Agent

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

336-2831
Telephone Number

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

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

336-2831
Telephone Number

Signature Ed L. Woods, Director

ORDINANCE NO._____ AN ORDINANCE AMENDING APPENDIX A-ZONING

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

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

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

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

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

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

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

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

§ 3127. Veterinary Outpatient Clinics.

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

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

Approved as to form:

_____
City Attorney

#3

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-49

Petitioner: James B. Black

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

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

BACKGROUND

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

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

3. Public Plans and Policies.

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

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

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

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

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

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

5. School Information.

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

6. Zoning History (See Attached Map).

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

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

REVIEWS

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

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

2. Technical Consistency.

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

   2. Departmental Comments.

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

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

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

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

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

ISSUES

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

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

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

Property Owner JAMES B. BLACK ROBERT A. RUCHO

Owner s Address 417 LYNDERHILL LANE, MATTHEWS NC 28105

Date Property Acquired APRIL 21, 1981

~~Deed Reference~~ Tax Parcel Number 089 161 09

Location Of Property (address or description) Tom Hunter Road CHARLOTTE, NC

Description Of Property

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

Current Land Use VACANT LAND

Zoning Request

Existing Zoning R-9 Requested Zoning R-15 MF

Purpose of Zoning Change In order to Have a Comparable product equal to Surrounding property-

Name Of Agent

Agent s Address

Telephone Number

Name of Petitioner(s)
JAMES B. BLACK

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

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

X [signature]
Signature

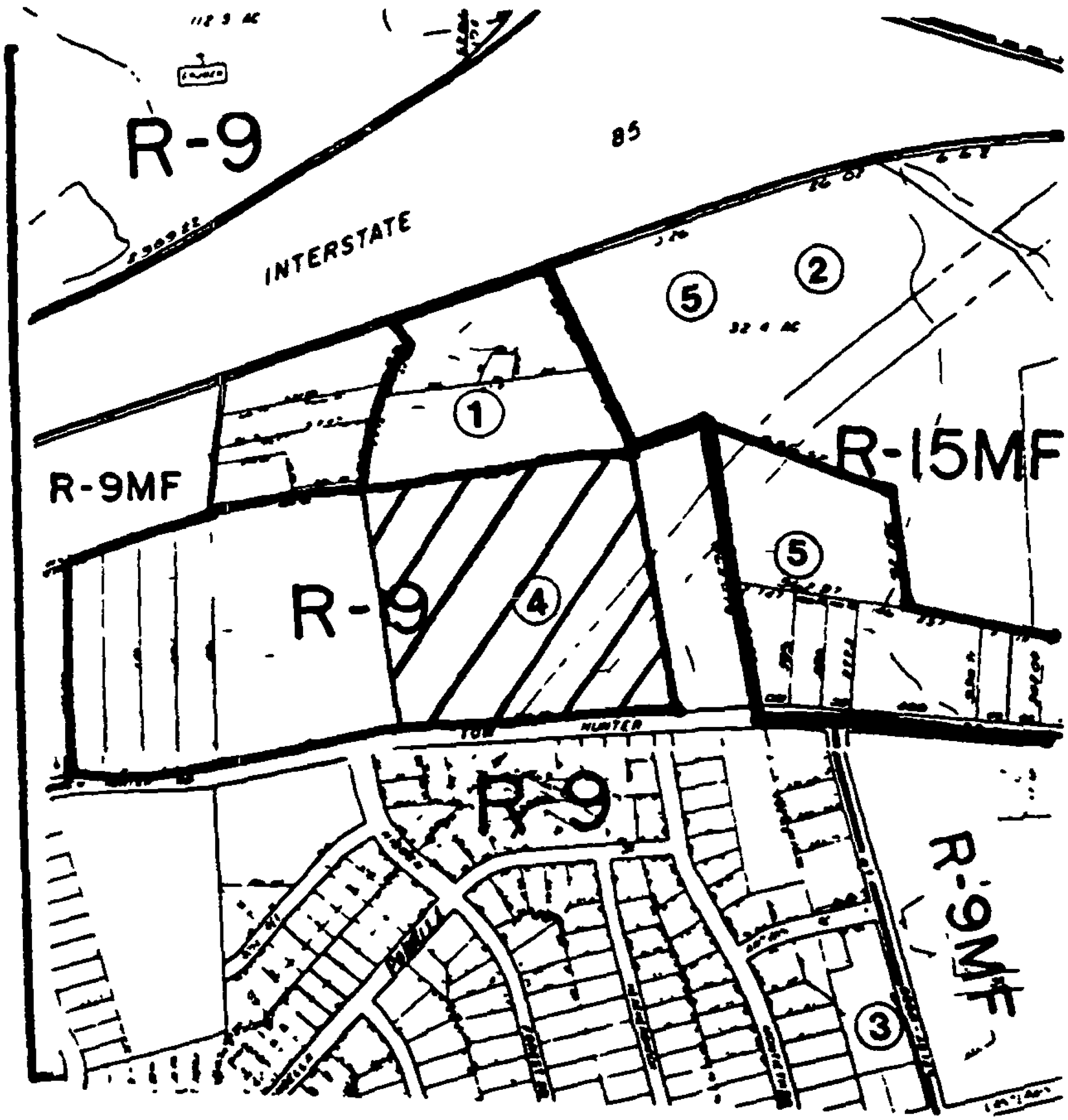
Robert A. Rucho
Signature of Property Owner if Other Than Petitioner

PETITIONER James B. Black

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

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

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



ZONING MAP NO. 71 & 77

SCALE 1" = Reduced

PROPERTY PROPOSED FOR CHANGE

#4

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-50

Petitioner: Bentford Martin and Others

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

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

BACKGROUND

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

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

3. Public Plans and Policies.

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

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

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

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

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

6. Zoning History (See Attached Map).

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

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

REVIEWS

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

2. Technical Consistency.

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

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

ISSUES

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

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

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

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

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-50

Date Filed April 17, 1989

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner Scholtz Greenhouses, Inc.

Owner s Address 1900 Floral Avenue, Charlotte, NC 28203

Date Property Acquired July 11, 1946

Deed Reference Book 1189, Page 95 Tax Parcel Number 151-015-07

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

Description Of Property

Size (Sq Ft -Acres) 3.402 Acres Street Frontage (ft) 513.2 feet

Current Land Use Greenhouses

Zoning Request

Existing Zoning B-2 Requested Zoning R-6MF

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

Name Of Agent

Agent s Address

Telephone Number

BENTFORD E. MARTIN ET AL SEE ATTACHED

Name of Petitioner(s)

1500 E. Worthington Ave.

Address of Petitioner(s)

334-3260

Telephone Number

Bentford E. Martin

Signature

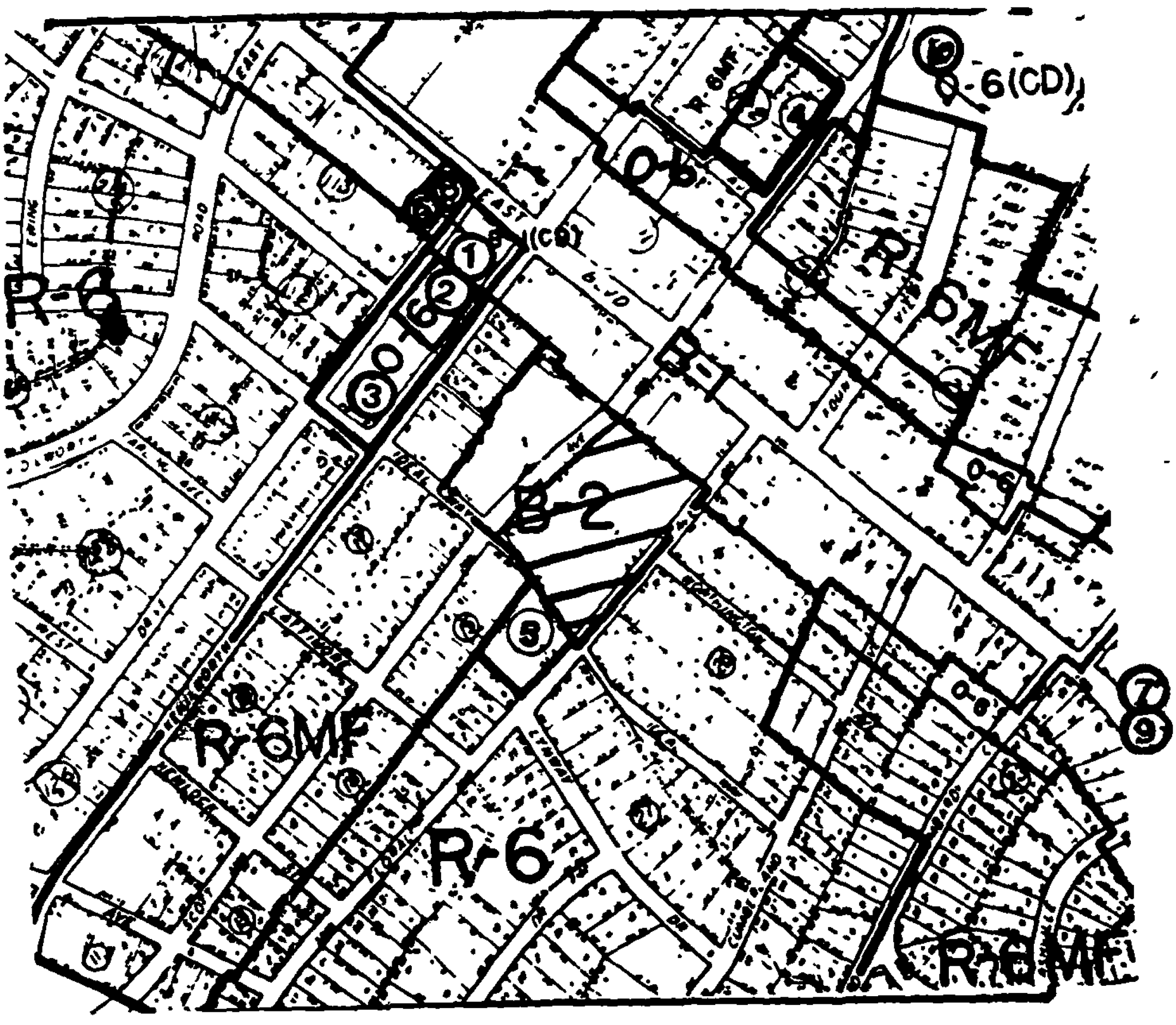
Signature of Property Owner if Other Than Petitioner

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

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

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

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



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

5

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-51

Petitioner: Metrolina Association for the Blind

Location: A 7,000 square foot parcel located on the northeasterly corner of the intersection of Louise Avenue and Sunnyside Avenue.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-6(CD). The nearby area is predominantly zoned for multi-family residential purposes. To the immediate north a parcel is zoned O-6 and along Central Avenue properties are zoned a mixed pattern of commercial, industrial, and office classifications.

2. Existing Land Use. The property involved with this request is occupied by a single family residence that has been used as offices for the Metrolina Association for the Blind. The parcel immediately to the north is used for office purposes and along Central Avenue is a mixture of office, commercial, and residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential uses in the area of the subject property. The plan includes this area in the Midtown Development Enterprise Area which encourages a high intensity district of offices, shops, and housing. An urban greenway along Sugar Creek will provide a pedestrian amenities and an attractive setting for shops a medium to high rise housing. The 2005 Plan recommends preparation of a streetscape plan for Central Avenue to enhance it as a gateway to uptown Charlotte. The plan is recommended to help unify the varied land uses and make specific recommendations for street trees, sidewalks, and removal of sign and utility line clutter.

   2. Elizabeth Small Area Plan. The Elizabeth Small Area Plan approved by City Council in 1985 also recommends streetscape improvements along Central Avenue and study of the Sunnyside Avenue area for a possible designation as an Historic District.

4. Site Plan. There is no site plan which accompanies the petition inasmuch as this is a conventional rezoning application. The property was conditionally rezoned in 1984 from R-6MF to O-6(CD) to permit an existing residence to be used as offices for Metrolina Association for the Blind. One of the conditions of the rezoning

Association for the Blind. One of the conditions of the rezoning plan is that the property will be petitioned for rezoning back to the original R-6MF district in the event the site is discontinued for use by Metrolina Association for the Blind. The property owners now desire to sell the property and consequently have requested rezoning back to R-6MF.

5. School Information. Information on school capacity and enrollment has been requested but, as of preparation of this report, has not been received.

6. Zoning History (See Attached Map).

1.	65-49	R-6MF to O-6	Approved	05/31/65
2.	67-57	R-6MF, O-6 to B-1	Approved	02/05/68
3.	69-44	O-6 to B-2	Denied	05/12/69
4.	72-16	R-6MF to B-1	Denied	03/27/72
5.	73-37	R-6MF to R-6	AIP	11/19/73
6.	84-66	R-6MF to O-6	Denied	10/15/84
7.	77-19	B-1 to B-2(CD)	Approved	11/04-77
8.	84-48	R-6MF to O-6(CD)	Approved	09/17/84
9.	85-3	O-6 to R-6MF	Approved	06/22/86
10.	87-26	B-2 to R-6MF and O-6	Approved	06/22/86

7. Neighborhood. The site falls within the area defined as the Elizabeth community.

REVIEWS

1. Plan Consistency. Public plans for this portion of the community call for property to be used for residential purposes. This petition seeks to rezone the petitioned site from an office district back to its original residential classification. Therefore, the petition is consistent with public plans for the area as well as a previously approved conditional rezoning plan.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff discussed the petition with the petitioner prior to the filing and provided technical assistance.

   2. Departmental Comments.

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

      2. Building Standards. No comment.

3. Fire Department. The Fire Department indicates the available water supply appears to be adequate for the proposed development.

4. Department of Transportation. CDOT indicates the potential trips generated by this proposed rezoning will not impact the surrounding street system.

5. Engineering Department. No comment.

6. School Board. No comment.

7. Parks and Recreation. No comment.

8. Planning Staff. No comment.

ISSUES

1. Land Use. There are no land use issues raised by this petition. Public plans for the area call for properties to be developed for residential purposes. The request at hand seeks to change the zoning of the subject property from its conditional office zoning back to the original multi-family residential district. Therefore, the petition is considered appropriate for approval.

2. Site Plan. There is no site plan which accompanies the petition due to its conventional nature.

CONCLUSION

The petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-51
Date Filed April 17, 1989
Received By MCR

OFFICE USE ONLY

Ownership Information

Property Owner Metrolina Association for the Blind, Inc.

Owner s Address 704 Louise Avenue, Charlotte, NC 28204

Date Property Acquired July, 1984

Deed Reference Book 4712: Page 0451 Tax Parcel Number Tax Lot 080-213-05

Location Of Property (address or description) 700 Louise Avenue, Charlotte, NC 28204

Description Of Property

Size (Sq Ft -Acres) Base: 1,567 sq. ft., opf: 219 sq. ft. on lot 140' x 50' Street Frontage (ft) 50' on Louise 140' on Sunnyside

Current Land Use Office space for Metrolina Association for the Blind

Zoning Request

Existing Zoning 0-6 Requested Zoning R-6 MF

Purpose of Zoning Change Rezoning request from R-6 MF to 0-6 was approved in 1984 conditional that Metrolina Association for the Blind would petition for downzoning in the event that the property was ever sold. Metrolina now desires to sell this property and hereby applies for downzoning.

Name Of Agent

Agent s Address

Telephone Number

Metrolina Association for the Blin
Name of Petitioner(s)

704 Louise Avenue, Charlotte 2820-
Address of Petitioner(s)

(704) 372-3870
Telephone Number

Robert R Schaffer
Signature

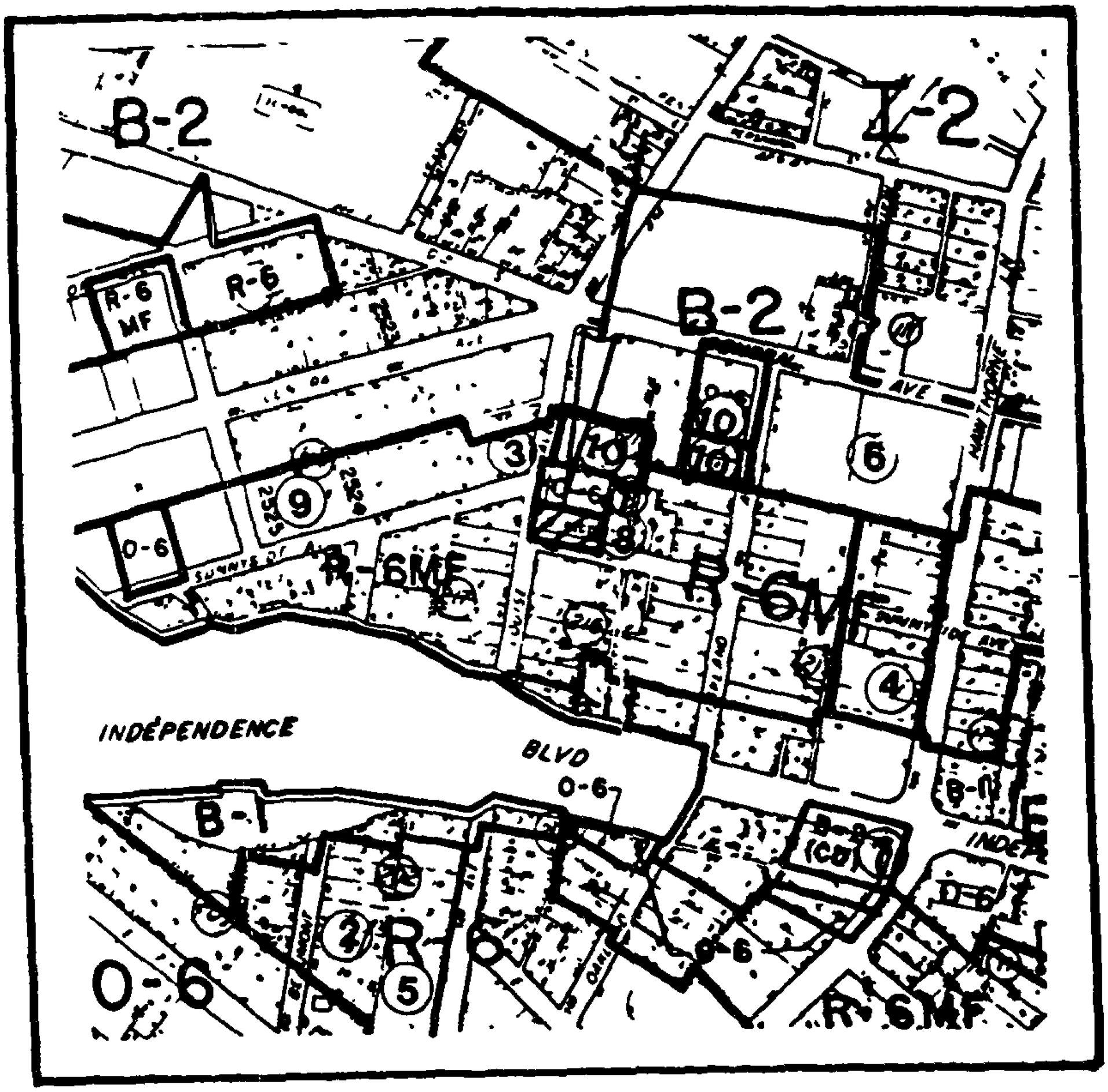
Signature of Property Owner if Other

PETITIONER Metrolina Association for the Blind

PETITION NO. 89-51 HEARING DATE June 19, 1989

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

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



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

6

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-52

Petitioner: Tyvola Crossing Associates Limited Partnership

Location: 13.05 acres at the southeast corner of the intersection of West Tyvola Road and N.C. 49 (York Road).

Request: Change from R-12MF to B-1(CD) and Consideration of a B-1(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-1(CD) and R-12MF. The R-12MF portion is a very small piece of property directly at the intersection of Tyvola Road and York Road. Properties to the south along York Road are zoned O-6 and R-9.

2. Existing Land Use. The property involved with this request is presently undeveloped. To the west along Tyvola Road can be found City owned property which is part of the Renaissance Park development. To the south along Tyvola Road properties are largely undeveloped and to the east of the subject site and to the north along York Road can be found properties developed for single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment type uses in the area of the subject property. It also indicates a district park on the west side of York Road at its intersection with Tyvola Road. The 2005 strategies include extensions of waterlines along Billy Graham Parkway, expanding the greenway along Sugar Creek, and establishment of a major park in the Tyvola Road Extension area.

   2. Transportation Improvement Program. The TIP calls for the widening of York Road from Tyvola Road Extension to N.C. 160 to four lanes. This project is unscheduled.

   3. Billy Graham Parkway Special Project Plan. The Billy Graham Parkway Special Project Plan calls for this property to be used for residential purposes. However, the present B-1(CD) zoning on the site resulted from a compromise in those recommendations which allowed the commercial zoning to remain.

   4. Southwest District Plan (unadopted). The Southwest District Plan presently recommends the B-1(CD) zoning to remain at this intersection and that the property should be used for the development of a community shopping center.

4. Site Plan. The site plan which accompanies this application proposes the development of a community commercial center with up to 99,000 square feet of retail floor area. The small portion of the site which is presently zoned R-12MF is simply being incorporated into the larger B-1(CD) site plan which was approved a number of years ago. The plan indicates a single access point onto Tyvola Road and two access points onto York Road. The plan proposes the establishment of substantial buffer areas along the portions of the site which adjoin residentially zoned properties including a 25 foot undisturbed buffer and 50 feet of additional improved buffer along the rear portion of the center. Along the northerly side of the site the minimum buffer dimension is 25 feet underneath an existing Duke Power overhead transmission line. The petitioner proposes to reestablish earth berms and vegetation as a buffer in that area to the extent allowed by Duke Power. The plan establishes a significant streetscape planting along both Tyvola Road and along York Road as well as the dedication of additional right-of-way near the intersection of York Road and Tyvola Road. The plan indicates a 100 foot building setback line from both York Road and Tyvola Road as well as a 25 foot parking setback line. It establishes a 100 foot building setback line along the rear portion of the site as well as a 75 foot parking setback line. Storm water detention will be accommodated in several different areas of the site and none of those areas include any land devoted to buffers.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	85-67	R-9MF and B-1 to R-12MF and B-1(CD)	Approved	06/16/86
2.	87-4	R-9 with SUP for Coliseum	Approved	08/17/87

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

REVIEWS:

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

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application and reviewed the issues involved with the proposal. Subsequently, the staff communicated the petitioner a number of concerns and comments regarding the site plan.

   2. Departmental Comments. With the exception of the C-MUD comment relative to water and sewer service available nearby and a comment from the Fire Department dealing with turning radii, most of the comments dealt with the access to this project and the buffers being proposed. The Department of Transportation had a number of specific concerns and recommendations regarding driveway location, design, and relationship to adjoining properties. In addition, the Department of Transportation as well as the Engineering Department requested the petitioner to dedicate additional right-of-way on both York Road and Tyvola Road in the vicinity of the intersection. The revised site plan includes compliance with all of these suggestions.

   The other significant issue regarding the site plan dealt with buffers proposed by the petitioner. There was concern about the relationship that this site would have to adjoining residentially zoned and used properties. The petitioner was asked to provide additional information regarding screening, the location of berms and other planting materials, the relationship of this site to the tree ordinance, and information regarding storm water detention. All of this information has been provided by the petitioner and all of the suggestions regarding tree planting, landscaping, and berms have been addressed on the site plan. A minor issue which requires clarification is the building setback line on the rear portion of the site. A conditional note on the plan indicates that the building setback line is 75 feet but illustrations on the plan itself appear to show the setback line at 100 to 105 feet. It appears that the petitioner intends for there to be a 100 foot building setback line along the rear portion of the site but this matter does need to be clarified. Otherwise, all of the issues raised by the various reviewing agencies have been addressed by the petitioner on the revised site plan.

ISSUES

1. Land Use. This petition raises no land use issues. It proposes the modification of a previously approved community retail center at the intersection of two major thoroughfares. Previous actions regarding the zoning of this property in conjunction with the Billy Graham Parkway/Tyvola Road Plan and the proposed Southwest District Plan indicate that this location is appropriate for just such a

center. Therefore from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There are no significant site plan issues relative to this application. All of the technical issues have been addressed by the petitioner in the revised site plan and any minor clarifications which remain can easily be addressed. The plan does not propose any floor area to be placed on this site in excess of what is already approved eventhough the petitioner is adding approximately three quarters of an acre to the site. From a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval. Only minor clarifications of site plan details are necessary.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. May 9 @ 9:00 a.m.

Petition No. 89-52
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Tyvola Crossing Associates Limited Partnership, a North Carolina Limited Partnership

Owner's Address: c/o Crescent Land & Timber Corp., 400 South Tryon Street, Suite 1300, Charlotte, North Carolina 28230

Date Property Acquired: Parcel A - January 5, 1989 Parcel B - February 24, 1989

Deed Reference: Parcel A - Book 5940 Page 489; Parcel B - See Below*

Tax Parcel Number: 167-042-46-Parcel; 167-062-01 Parce

Location Of Property (address or description)

Southeastern corner of Tyvola Road Extension and N. C. Highway No. 49

Description Of Property

Size (Sq. Ft. Acres): Parcel A: 12.273 acres, more or less; Parcel B: .78 of one acre, more or less

Street Frontage (ft.): Tyvola Road - 788'±; N. C. 49 - 453'±

Current Land Use: Vacant land

Zoning Request

Existing Zoning: Parcel A - B-1(CD); Parcel B - R-12MF

Requested Zoning: Parcel A-B-1(CD) Site Plan Amendmer; Parcel B - B-1(CD

Purpose of Zoning Change: To add Parcel B to the existing Parcel A B-1(CD) Tract and amend provisions of the existing B-1(CD) Site Plan so as to facilita a comprehensive development plan for both Parcels.

Name Of Agent: Bailey Patrick, Jr.

Agent's Address: Perry, Patrick, Farmer & Michaux, P.A. P. O. Box 35566, Charlotte, NC 28235

Telephone Number: (704) 372-1120

Name of Petitioner(s): Tyvola Crossing Associates Limited Partnership

Address of Petitioner(s): 400 South Tryon St., Suite 1 Charlotte, NC 28230

Telephone Number: (704) 373-7158

Crescent Land & Timber Corp. General Partner

Signature: [illegible]

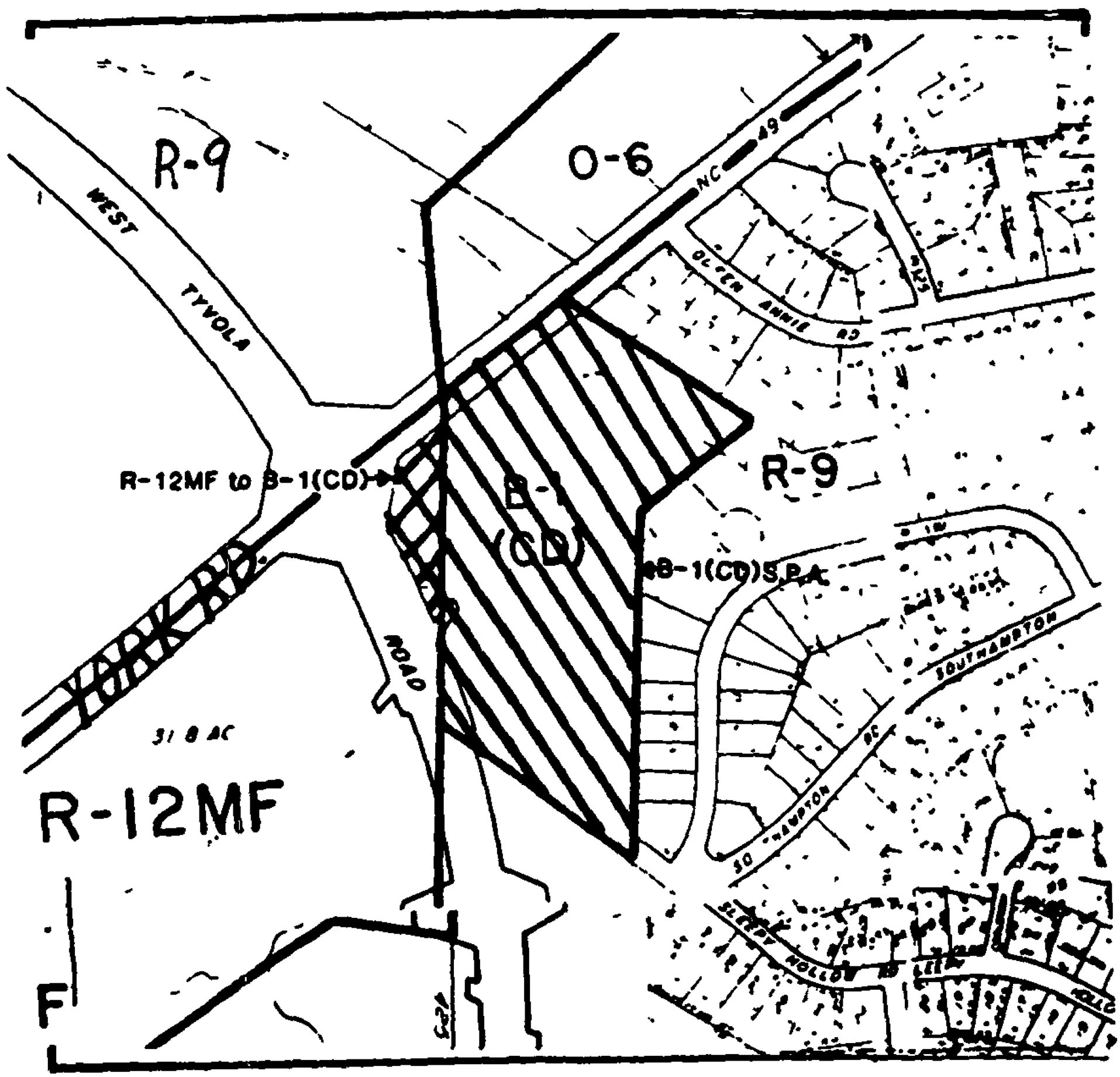
*Book 5971
Pages: 527, 530, 533, 536, 539 & 542

PETITIONER Tyvola Crossing Associates Limited Partnership

PETITION NO. 89-52 HEARING DATE June 19, 1989

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

LOCATION Approximately 13.05 acres located at the southeasterly intersection of Tyvola Road and N.C. 49 (York Road).



ZONING MAP NO. 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR BUILD

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-53

Petitioner: John Usdan, Lamberg Syndicate, Charlotte JV

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

Request: Change from B-2 to B-1SCD

BACKGROUND

1. Existing Zoning. The subject property is presently zoned B-2 as are adjoining properties to the north and to the south along South Boulevard. The property immediately to the south of Archdale Road was rezoned years ago for conditional use outdoor amusement. Properties on the westerly side of South Boulevard are zoned I-2 and properties to the east opposite Ingleside Drive are zoned for multi-family residential purposes. Further to the east properties are predominantly zoned R-9.

2. Existing Land Use. The petitioned property is currently the site of the K-Mart Shopping Center. Properties along South Boulevard are a combination of commercial, industrial, and office uses. Otherwise the area is devoted to single family residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses along South Boulevard and recognizes the general area of the K-Mart Shopping Center and Starmount Shopping Center as a community commercial center. The 2005 strategies for the area includes streetscape improvements along South Boulevard and a light rail station at Archdale and South Boulevard.

4. Site Plan. The site plan which accompanies this application proposes the expansion of the existing K-Mart Shopping Center. The plan indicates the site currently is developed with 163,300 square feet of building area. It proposes an additional 14,392 square feet for a total building area of 177,692 square feet. The expansion would occur on the site's most northerly end adjoining the existing A&P grocery store. A new truck dock would be constructed in this area also. The plan indicates access to the site is to be provided by way of six driveway connections to South Boulevard, one driveway connection to Emerywood Drive, and one driveway connection to Archdale Drive. The plan indicates eight foot planting strips along South Boulevard, Emerywood Drive, and Archdale Drive. The edge of the site adjoining Ingleside Drive would have a narrow planting strip for screening purposes and include an existing chain link fence.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	70-50	B-2 to Cond. Amusement	Approved	04/20/70
2.	76-77	R-9 to R-6MF	AIP	01/17/77

7. Neighborhood. The site falls within the area defined as the Montclaire community.

REVIEWS

1. Plan Consistency. This petition proposes rezoning of properties from one commercial classification to another to accommodate expansion of an existing shopping center. The B-1SCD district is required for shopping centers exceeding 100,000 square feet of retail space. Publicly adopted plans recognize the area as one of existing employment land uses. Therefore, the petition is consistent with publicly adopted plans.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Representatives of the petitioner discussed the application with staff prior to the filing. Staff indicated a number of issues which would need to be addressed on the site plan. Subsequent to the filing, staff discussed a number of site plan related concerns with the petitioner.

   2. Departmental Comments.

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

      2. Building Standards. Comments made by the Zoning Administrator have been addressed by the petitioner on the revised site plan.

      3. Fire Department. Comments made by the Fire Department have been addressed on the revised site plan.

      4. Department of Transportation. The Department of Transportation indicates this site could generate approximately 10,220 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 10,797 trips per day. This will not have a significant impact on the surrounding thoroughfare system. South Boulevard is a major thoroughfare requiring a minimum 100 feet of right-of-way. The petitioner should dedicate right-of-way to meet this requirement measuring 50 feet from the centerline of the roadway. CDOT further indicates

that access to South Boulevard is limited to a maximum of two driveways. The revised plan does not address these two comments from CDOT. Other comments made by the Department of Transportation have now been addressed on the revised site plan.

5. Engineering Department. The Engineering Department also noted the requirement for additional right-of-way dedication for this section of South Boulevard to meet the street classification system. The Engineering Department indicates a five foot sidewalk would be required along the property frontage on South Boulevard. The revised site plan indicates the owner will construct four foot six inch sidewalk along South Boulevard. Engineering also noted that the plan does not conform to the tree ordinance.

6. Planning Staff. Planning staff indicated the need for more adequate buffering along the edge of the site adjoining Ingleside Drive. The revised plan does not address this comment.

ISSUES

1. Land Use. There are no land use issues raised by this petition. Public plans for the area recognize it as one of existing employment land uses. This petition proposes to rezone from one commercial classification to another to accommodate an expanded shopping center. The request is consistent with those polices and, therefore, appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition raises several issues. The existing shopping center on this site was developed years ago prior to the adoption of the current zoning regulations for large shopping centers. It developed, as did many shopping centers, without much attention to proper edge treatment. The petition at hand now seeks to expand the shopping center and add a new truck dock without proposing measures to offset the potential impacts of those additions. The plan does not indicate provision for adequate buffering along Ingleside Drive, does not meet the minimums standards of the City Tree Ordinance, does not address Department of Transportation comments regarding numbers of driveways on South Boulevard and right-of-way needs along South Boulevard. Until these issues have been addressed by the petitioner, the petition is viewed as not appropriate for approval.

CONCLUSION

The petition raises no land use issues. However, the outstanding site plan issues render the petition inappropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-53
Date Filed April 17, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner LEMBERG SYNDICATE & CHARLOTTE JOINT VENTURE

Owner s Address 60 East 42nd St, Suite 1814 New York, New York 10165

Date Property Acquired 12/15/87

Deed Reference 5664-0083

Tax Parcel Number #173-012-01A 5801 S. Blvd # 173-012-01B

Location Of Property (address or description) South Boulevard between Emerywood Drive and Archdale Drive See attached legal descripti

Description Of Property

Size (Sq Ft -Acres) 14 Acres

Street Frontage (ft) 1407.11 ft.

Current Land Use Property currently developed as a shopping center - Retail and branch bank.

Zoning Request

Existing Zoning B-2

Requested Zoning B-1SCD

Purpose of Zoning Change Property owner desires to add to the square foot building area of this development. Present gross building area is 163,300 s.f. As required by code (3066.1)any additional increase in building area calls for rezoning.

Name Of Agent
Ralfe Mesrobian, A.I.A.

Agent s Address
527 Moravian Lane, Charlotte, N.C. 28207

Telephone Number
332- 3774

Name of Petitioner(s) Mr. John Usdan
Lemberg Syndicate, Charlotte J

Address of Petitioner(s) 60 East 42nd S-
Suite 1814, New York, N.Y. 10165

Telephone Number
(212) 682- 9595

Signature

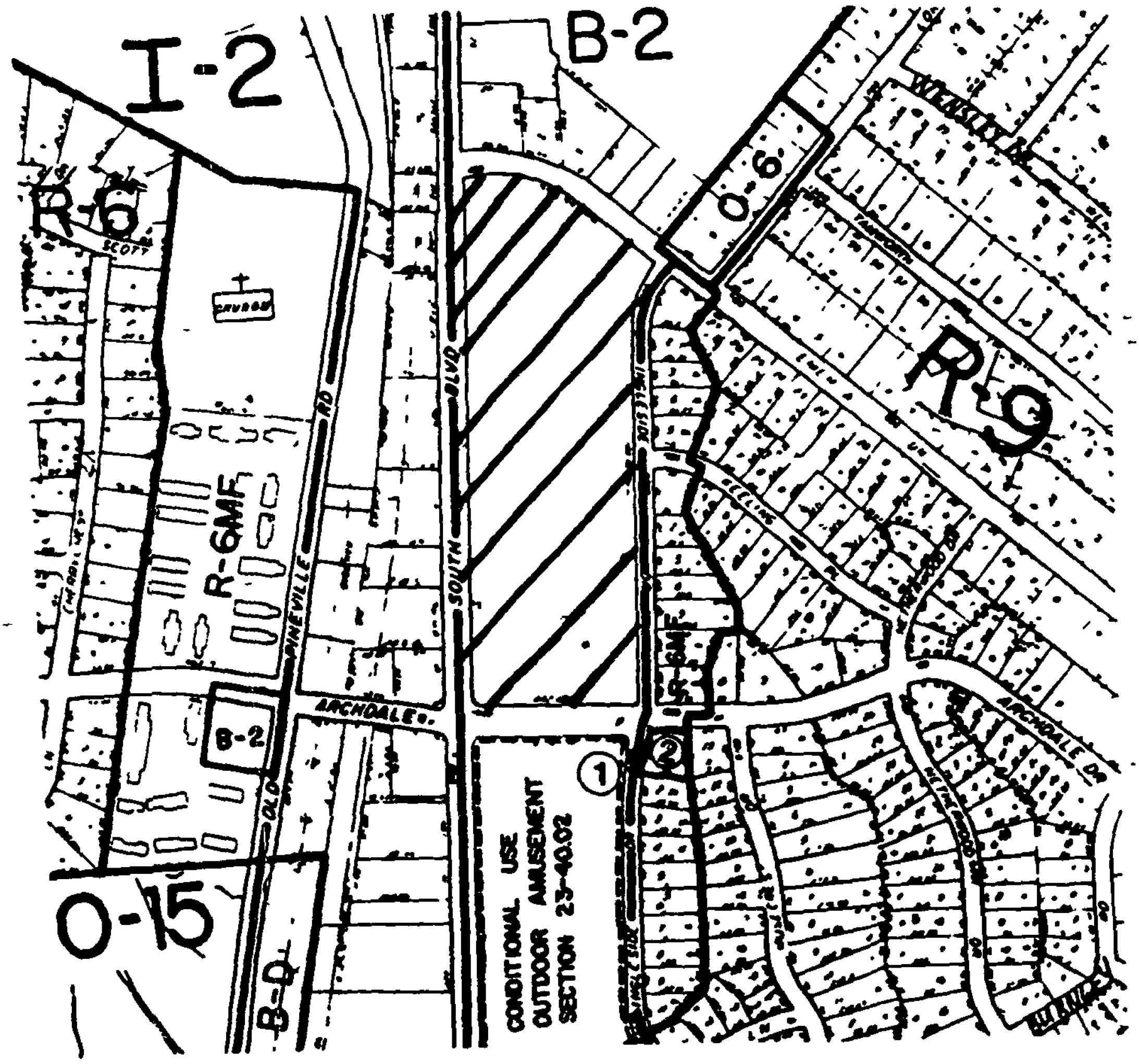
Signature of Property Owner if Other
Than Pet[illegible]

PETITIONER Mr. John Usdan, Lamberg Syndicate, Charlotte JV

PETITION NO. 89-53 HEARING DATE June 19, 1989

ZONING CLASSIFICATION, EXISTING B-2 REQUESTED B-1SCD

LOCATION Approximately 14.0 acres located on the east side of South Boulevard between Archdale Drive and Emerywood Dr.



ZONING MAP NO. 134 SCALE 1" = 400'

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-54

Petitioner: Christos Copsis

Location: Approximately 1.07 acres located on the east side of Harrisburg Road south of Albemarle Road.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-12 as are the adjoining properties generally to the south. Properties to the north along Albemarle Road are zoned a mixed pattern of B-1, B-2, O-6, and I-1.

2. Existing Land Use. The petitioned property is a vacant tract just south of the Seafarer Restaurant. The intersection of Harrisburg Road and Albemarle Road contains a number of other commercial, industrial, and office uses including Handy Pantry, a small shopping center, an animal hospital, and a contractor's office. Otherwise, the area is devoted to single family residential development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing and future residential land uses in the area of the subject property. 2005 strategies include the widening of Albemarle Road.

   2. Transportation Improvement Program. The TIP schedules construction of the widening of Albemarle Road from Delta Road to N.C. 51 to begin in FY90.

4. Site Plan. The existing Seafarer Restaurant is scheduled to be demolished due to the State's Albemarle Road widening project and the new restaurant will need to be located further to the south. Consequently, the parking lot serving the restaurant is also being pushed further to the south away from Albemarle Road. The site plan which accompanies this rezoning petition includes the area of the Seafarer site which will be used for the expanded parking lot. The plan indicates a gravel parking lot will be created to provide for 137 parking spaces. The plan indicates some of the existing trees will remain particularly along the Harrisburg Road frontage.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	71-16(c)	B-1 to I-1	Approved	06/07/71
2.	74-14(c)	R-15, R-12, to B-1 & R-12	Approved	06/03/74

3.	80-37	R-12 to O-15	Approved	12/15/80
4.	81-38	I-1 to O-6	Approved	07/13/81
5.	84-50	R-12 to O-6(CD)	Denied	09/11/84
6.	85-36	B-1 to B-2(CD)	Approved	10/21/85
7.	87-46	B-2(CD) to B-1	Approved	05/18/87

7. Neighborhood. The site falls within the area defined as the Albemarle Road community.

REVIEWS

1. Plan Consistency. This petition requests a change in zoning from R-12 to B-1(CD). Public plans and policies for the area indicate that this site is part of a residential community and encourages a residential future. Therefore, the petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff provided technical assistance and strongly encouraged the petitioner to incorporate the entire restaurant site into the conditional rezoning plan and to incorporate a solid masonry wall into the screening/buffering system adjoining residential zoning. Subsequent to the filing of the application, staff relayed a number of comments regarding the site plan's lack of technical compliance with minimum ordinance requirements. The plan has been revised and appears to meet minimum ordinance requirements.

   2. Departmental Comments.

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

      2. Fire Department. No comment.

      3. Building Standards Department. The comments made by the Zoning Administrator have now been addressed by the petitioner.

      4. Engineering Department. Comments made by the Engineering Department have been addressed by the revised site plan.

      5. Department of Transportation. The Department of Transportation indicates this site could generate approximately 40 to 52 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,627 trips per day. This would

have an impact on the surrounding thoroughfare system if the rezoned site was not conditioned upon use as a parking lot.

6. Planning Staff. Planning staff comments regarding the plan revolved around the need for an exceptional system of buffering around the parking lot. A solid masonry wall would provide much more adequate screening than is provided by this site plan.

ISSUES

1. Land Use. The rezoning request at hand proposes a change from a residential classification to a commercial classification to accommodate reconstruction of an existing restaurant and the subsequent expansion of the parking lot which services that restaurant. Public plans for the area call for residential use of the subject property. As a result, this proposal must be viewed as inconsistent with publicly adopted plans and policies for the area. Therefore any consideration as to the approval of this request must rely heavily upon the quality of the site plan.

2. Site Plan. The site plan which accompanies this application would allow a 137 space gravel parking lot to service the adjoining reconstructed Seafarer Restaurant. The plan indicates conformance with the tree ordinance and shows existing vegetation to remain if possible along Harrisburg Road. Basically the site plan calls for simply shifting the existing development on the property in a southerly direction with the new parking lot bounded on three sides by residential zoning. Only with a buffering system that far exceeds minimum zoning regulations could the petition be viewed as appropriate for approval. The site plan as submitted does not provide sufficient protection for adjoining properties to be considered appropriate for approval.

CONCLUSION

In its present form, this petition is not considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-54
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Christos S. Copsis

Owner s Address 9306 Albemarle Road

Charlotte, North Carolina 28212

Date Property Acquired May 24, 1982

Deed Reference Book 4537, Page 917 Tax Parcel Number 109-412-01

Location Of Property (address or description) 9306 Albemarle Road,

Charlotte, North Carolina 28212.

Description Of Property

Size (Sq Ft Acres) 195' ± x 228' ± or 44,460 sq. feet. Street Frontage (ft) None on Albemarle Road 228' on Harrisburg Rd.

Current Land Use Vacant.

Zoning Request

Existing Zoning B-1 and R-12 Requested Zoning B-1 (CD)

Purpose of Zoning Change (Please see Attached).

Name Of Agent

Goerge J. Miller, Attorney

Agent s Address

1800 First Citizens Plaza

Telephone Number

(704) 377-5700

Christos S. Copsis

Name of Petitioner(s)

Address of Petitioner(s)

9306 Albemarle Road

Telephone Number

(704) 536-7540

Christos S. Copsis

Signature

Signature of Property Owner if Other

Purpose of Zoning Change:

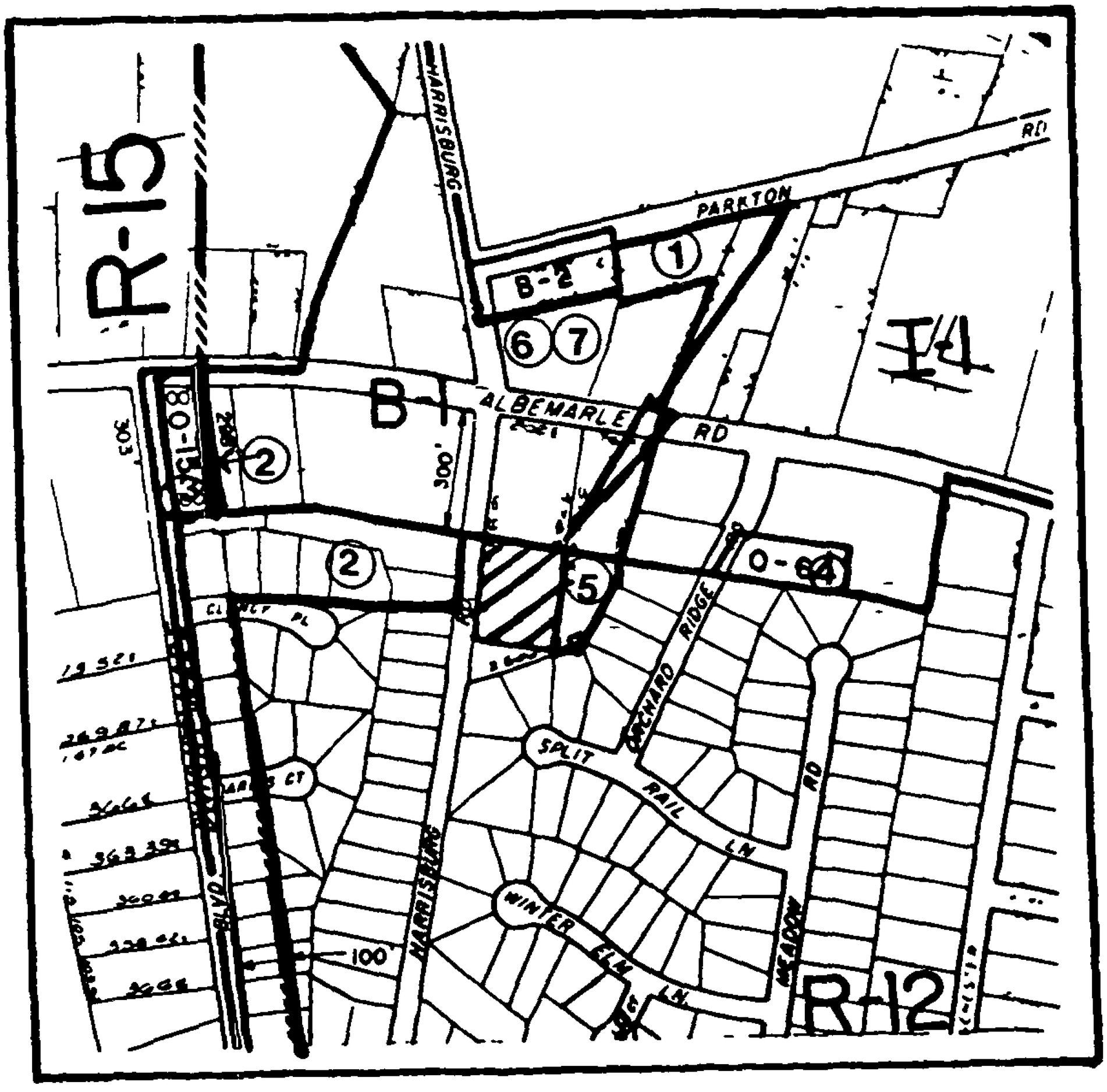
The State of North Carolina is in the process of taking a portion of owner's property through eminent domain for the Albemarle Road widening project. A portion of the building in which Petitioner conducts his business lies within the property to be acquired by the State and will be torn down. A new building, or an addition to the remaining building must be constructed to permit Petitioner to continue his business. In either event, construction of the addition or new building will be on a portion of the present parking lot. The rezoning requested is necessary in order for Petitioner to comply with the off-street parking requirements of the City of Charlotte.

PETITIONER Christos S. Copsis

PETITION NO. 89-54 HEARING DATE June 19, 1989

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

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



ZONING MAP NO. 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition Nos. 89-55 and 89-56

Southside Park Special Project Plan

BACKGROUND

In 1976, City Council adopted the Southside Park Redevelopment Plan. That plan identified a number of goals for the Southside Park Redevelopment Area including housing rehabilitation, separation of commercial traffic from neighborhood residential traffic, provision of adequate street and storm drainage improvements, standard public and private utilities, provision of various recreational improvements to Southside Park, and number of other objectives to enhance the Southside Park area as a residential community. At the time of the Redevelopment Plan's approval, almost $3 million was allocated for real estate acquisition, residential rehabilitation, relocation of displaced persons and infrastructure construction and landscaping. The plan identified a number of issues such as overcrowding, widespread housing dilapidation, substandard streets, and the lack of park facilities. The plan accomplished much towards increasing living standards of the community. In 1988, City Council adopted the Southside Park Special Project Plan which reviewed the accomplishments made as a result of the 1975 Redevelopment Plan. The Special Project Plan reviewed areas such as housing, land use relationships, infrastructure, transportation and aesthetics and outlined a number of objectives for further improvement of the area. Those objectives included development of additional strategies to improve housing conditions, evaluation of the area's infrastructure and amenities, identification of weak links in the transportation system, and number of measures to increase the aesthetic quality of the area. The Plan also contains a comprehensive review of the study area's land use and zoning patterns. The issue that was identified by the Plan is the potential for incompatibility among adjacent zoning designations and the resulting land uses. The plan identifies some areas of Southside Park for potential rezonings to more intensive zoning classifications based upon conditional plans. Other areas of Southside Park were identified for corrective rezonings to less intensive zoning classifications. These areas recommended for rezoning to less intensive zoning are included in Rezoning Petition Numbers 89-55 and 89-56. The properties are entirely owned by the City of Charlotte. It should be noted that subsequent to the interdepartmental review of Petition No. 89-56, City Engineering officials notified Planning staff of plans to locate temporary offices on the property included within that petition for use by the animal shelter. Therefore, an indefinite deferral of the hearing on Petition No. 89-56 is requested.

Petition No. 89-55

This petition includes approximately one acre located on the southwesterly side of Remount Road between Baltimore Avenue and Norfolk Avenue. The properties are presently zoned B-1 and the requested change seeks R-6MF. The subject property is the site of a few single

family homes and an unnamed neighborhood mini park. Nearby properties are predominantly zoned R-6MF, though the intersection Remount Road and Tryon Street is zoned a combination of business and industrial districts. Along I-77 properties are zoned for industrial and office purposes. Nearby properties along Baltimore Avenue and Norfolk Avenue are developed with single family homes and duplexes. Other nearby properties, however, are predominantly developed with multi-family uses including Southside Apartments. Tryon Street is predominantly developed with commercial uses. Other nearby uses include churches, day care centers, and Southside Park. The Southside Park Special Project Plan recommends the subject property be rezoned from B-1 to R-6MF in order to protect open space from future municipal office encroachment.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-55
Date Filed April 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte

Owner's Address 600 East Trade Street, Charlotte, NC 28202

Date Property Acquired N/A

Deed Reference See attached list Tax Parcel Number See attached list

Location Of Property (address or description) Several properties located between Remount Road, Baltimore Avenue and Norfolk Avenue

Description Of Property

Size (Sq Ft-Acres) 1.0 Acres Street Frontage (ft) 158.93 Remount, 80.00 Baltimore, 100.00 Norfolk

Current Land Use Vacant

Zoning Request

Existing Zoning R-1 Requested Zoning R-6MF

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

Name Of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commission

Address of Petitioner(s) 600 East Fourth Street

Telephone Number 704-336-2205

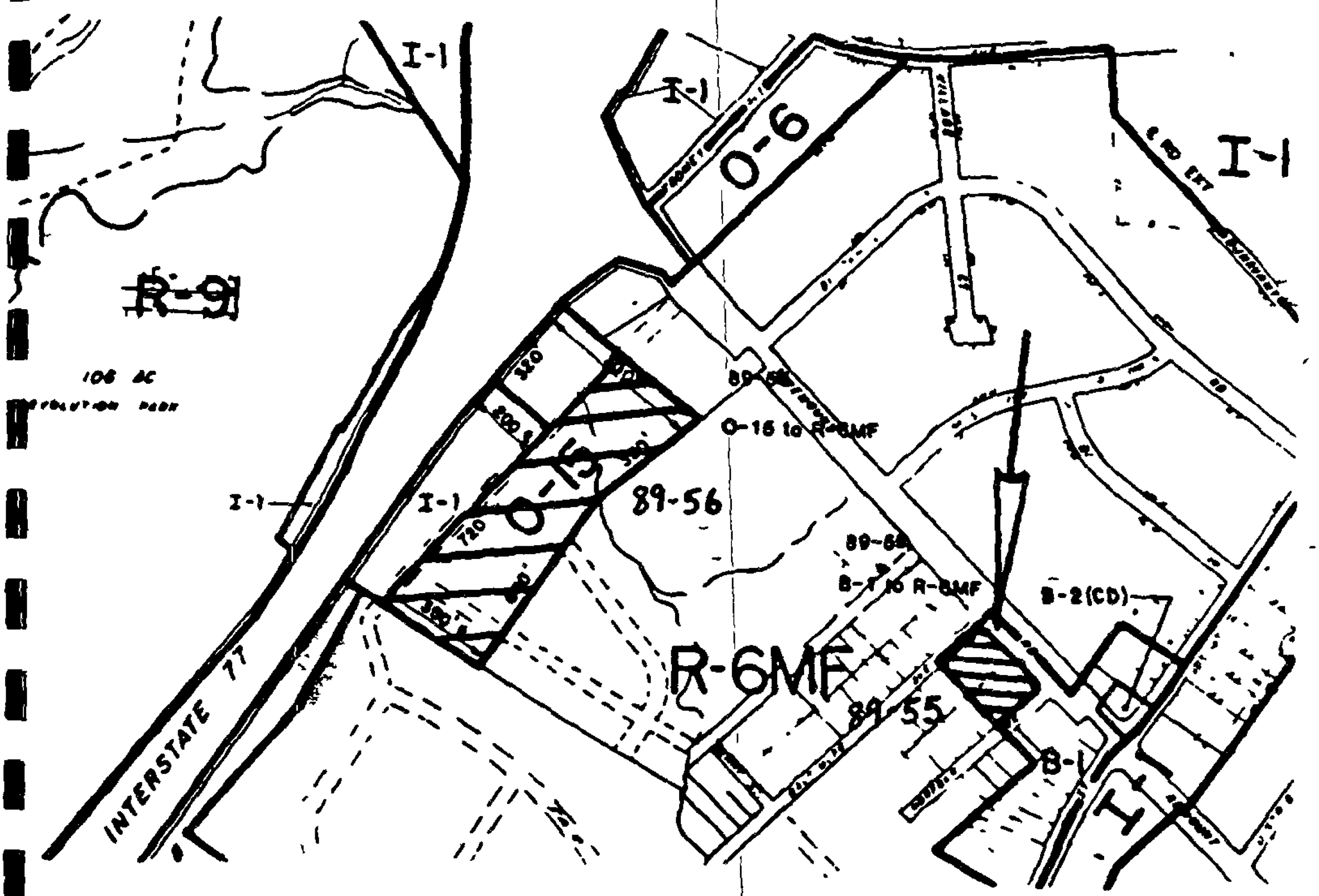
Signature

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-55 HEARING DATE June 19, 1989

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

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



ZONING MAP NO. 110

SCALE 1" = ~~300'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

Petition No. 89-56

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

Property Owner City of Charlotte Animal Shelter

Owner s Address 2700 Toomey Avenue, Charlotte, NC 28203

Date Property Acquired N/A

Deed Reference See attached list Tax Parcel Number 145-032-03 Portion c

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

Description Of Property

Size (Sq Ft Acres) 7.6 Acres Street Frontage (ft) 1300

Current Land Use Vacant/Parking Lot

Zoning Request

Existing Zoning O-15 Requested Zoning R-6MF

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

Name Of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

704-336-2205
Telephone Number

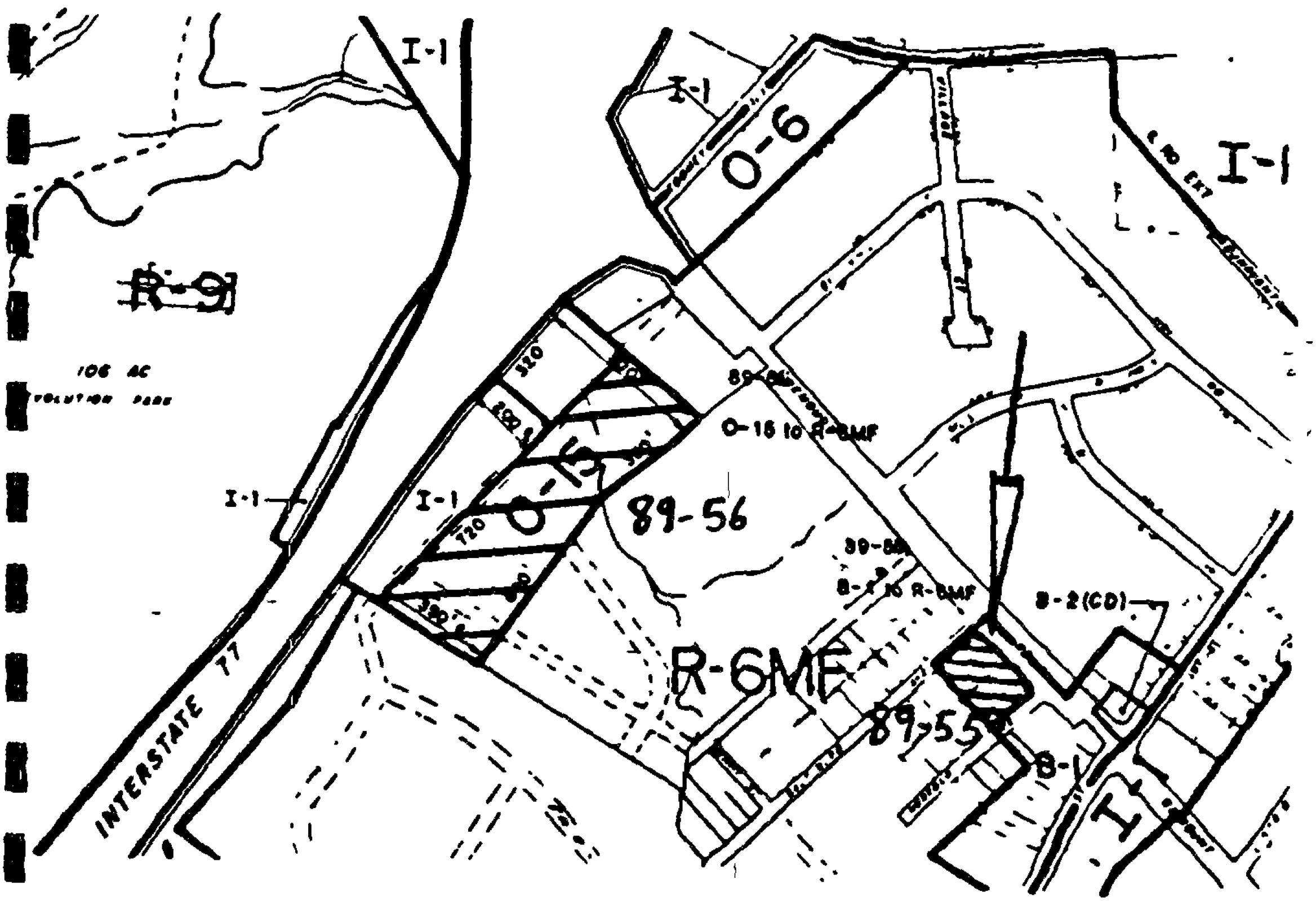
Signature

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

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



ZONING MAP NO. 110

SCALE 1" = ~~200'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "FEDERAL RESERVE BANK BUILDING" (THE EXTERIOR OF THE BUILDING, THE INTERIOR OF THE BUILDING, AND THE ENTIRE PARCEL OF LAND RECORDED UNDER TAX PARCEL NUMBER 125-052-08) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 401 SOUTH TRYON STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 125-052-08 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Federal Reserve Bank Building", erected in 1941-42 and designed by the Baltimore architectural firm of Taylor and Fisher, is an especially striking local example of a blend of Art Moderne, Art-Deco, and Neo-Classical styles; and

WHEREAS, the "Federal Reserve Bank Building" illustrates and documents the importance of Charlotte as a regional banking and commercial center; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the

"Federal Reserve Bank Building" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Federal Reserve Bank Building" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Federal Reserve Bank Building" is vested in fee simple to the Federal Reserve Bank of Richmond, Va.

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

1. That the property known as the "Federal Reserve Bank Building" (the exterior of the building, the interior of the building, and the entire parcel of land recorded under Tax Parcel Number 125-052-08 in the Mecklenburg County Tax Office) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 401 South Tryon Street, Charlotte, North Carolina, and recorded under Tax Parcel Number 125-052-08 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered,

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

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

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

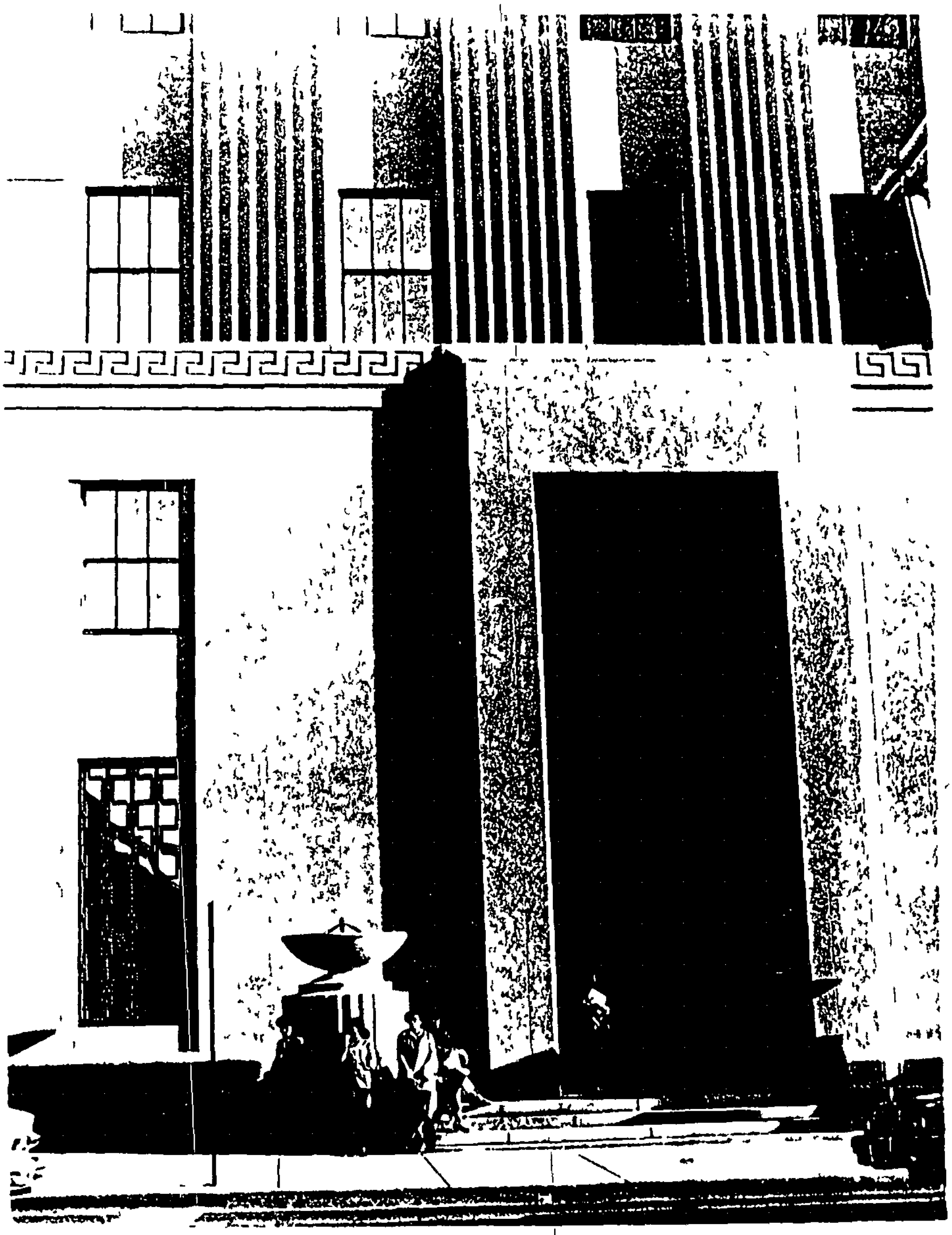
sign may be placed on said property.

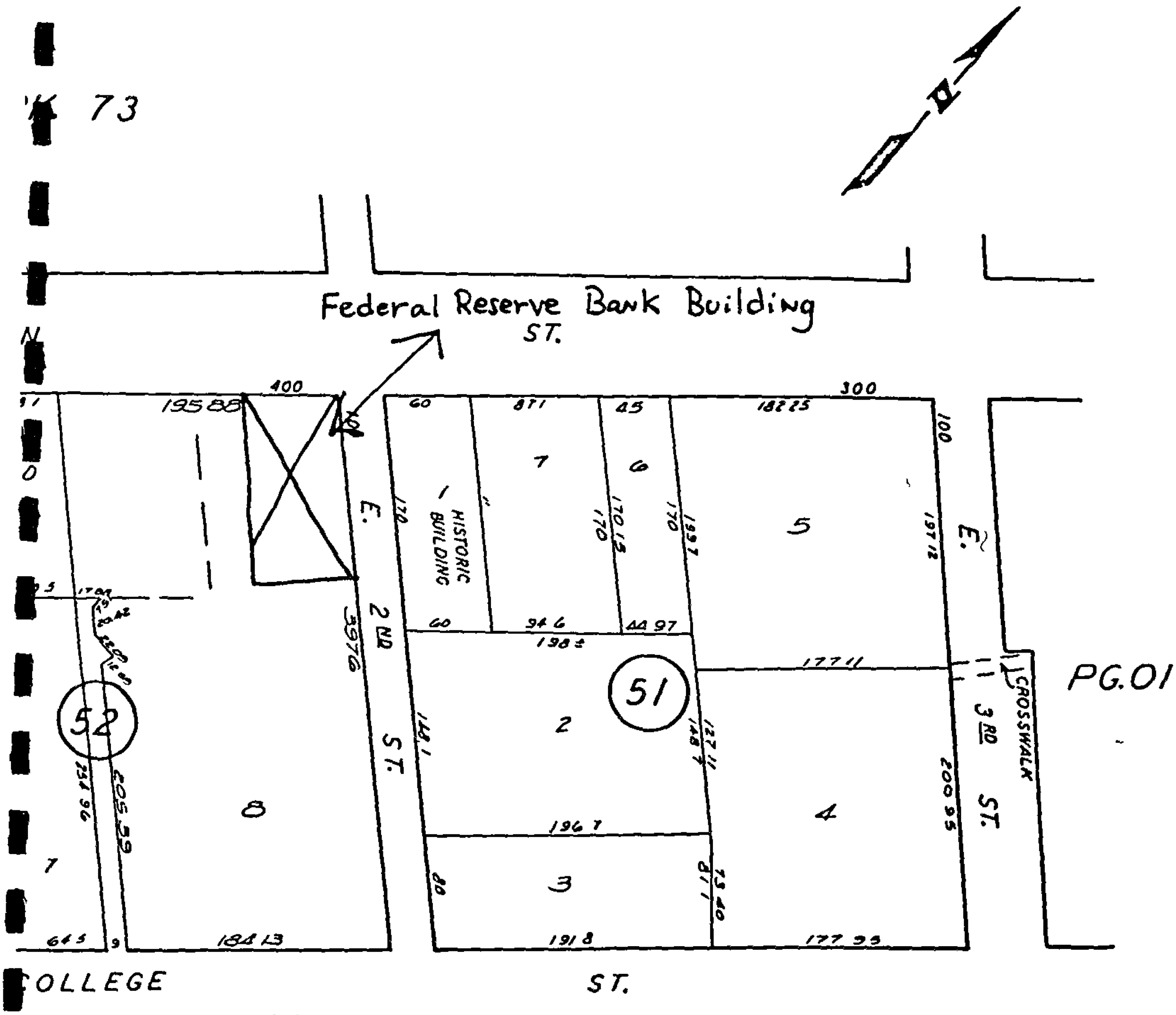
5. That the owners and occupants of the property known as the "Federal Reserve Bank Building" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register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

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney





TAX LINE MAP BOOK 125 PAGE 05	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 100'

FEDERAL RESERVE BANK OF RICHMOND
POST OFFICE BOX 27622
RICHMOND, VIRGINIA 23261
(804) 697 8000

January 31, 1989

Dr. Dan L. Morrill
Consulting Director
Charlotte-Mecklenburg Historic
Properties Commission
1225 South Caldwell Street
Box D
Charlotte, North Carolina 28203

Dear Dr. Morrill:

This letter responds to your request of January 6, 1989, that we submit a written statement regarding the proposal to designate our building at 401 South Tryon Street as a "historic property."

This Bank has taken an active interest in historic preservation over the years. In the case of construction of our new Baltimore Branch beginning in 1979, for example, we voluntarily paid much of the cost of archeological excavating, cataloguing, and preserving eighteenth and nineteenth century artifacts identified by the Maryland Historic Trust on our property, a former railroad yard which had originally been developed as townhouses beginning in 1788. In Richmond we have recently cooperated with the City of Richmond in a street program contiguous to our property to facilitate access to the restored Tredegar Iron Works, where most of the rails, rifles, cannons, and cannonballs for the Confederacy were manufactured during the Civil War.

We are equally appreciative of the Charlotte-Mecklenburg Historic Properties Commission's efforts to further preservation of historically significant properties in Charlotte, but we continue to oppose designation of our Charlotte building as a "historic property" for the same reasons we opposed such designation in 1984, principally because we do not believe the building to be historic.

Our Charlotte building is of recent construction, the oldest part being only 46 years old and a substantial addition having been made in 1956; we do not understand buildings of this age being considered historic and in fact are under the general

impression that an age of at least 100 years is thought to be necessary by architectural historians for a building to be considered historic. While we appreciate the compliment to our participation in the growth of Charlotte as a regional banking and commercial center set forth in the Survey and Research Report, this building was not the first location of our Charlotte Branch. For these reasons we do not believe that there is any particularly historic aspect of our building which warrants it being designated as a "historic property."

We also do not agree with the conclusion in the Survey and Research Report that the streetscape of South Tryon Street warrants our building being designated as a "historic property." Contrary to the opinion expressed in Miss Brown's letter to you of November 30, 1988, we do not understand how our building contributes to the historic integrity of the streetscape because the numerous changes in South Tryon Street over the past several years have in fact made our building look out of place as newer structures have been erected and older ones modified. Indeed, actual and proposed developments to the north of our property are exposing the utilitarian and unattractive features of our building along Second Street, resulting in a negative impact on the streetscape of South Tryon Street.

For the foregoing reasons we object to designation of our building at 401 South Tryon Street as a "historic property" and request that the proposal be dropped.

Sincerely yours,

Welford S. Farmer
Executive Vice President

WSF:jml

#12

DATE: May 22, 1989

PETITION NO.: 89-29

PETITIONER(S): Land Craft Properties, Inc.

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

LOCATION: A 10.06 acre site located on the west side of Providence Road north of N.C. 51.

ACTION: A motion to approve resulted in a 3-2 vote. Therefore, the matter is automatically deferred for 30 days.

VOTE: Yeas: Lassiter, Thomasson, and Wheeler.

Nays: Spencer and Latham.

REASONS

This petition proposes rezoning from a conditional multi-family residential district to a conditional office district to accommodate a 50,000 square foot office park. The Zoning Committee discussed this matter for some time. Some members expressed concerns over the implications of approval of this petition and felt the same arguments used on behalf of this petition could easily be used for other properties located at the same intersection. Concern was also expressed about deviating from the original concept of a mixed use development at this intersection with both residential and nonresidential components. Other members viewed the office zoning as more appropriate for the property than the multi-family residential and felt the neighborhood generally would prefer the office zoning. A motion to approve the petition did not result in the necessary four votes. Therefore, the petition is automatically deferred 30 days.

#13

DATE: May 22, 1989

PETITION NO.: 89-31

PETITIONER(S): H. D. Purser

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

LOCATION: A 2.38 acre site located on the easterly side of North Sharon Amity Road north of Albemarle Road and to the rear of The Lake Apartments.

ACTION: A motion to deny resulted in a 3-2 vote. Therefore, the matter is automatically deferred for 30 days.

VOTE: Yeas: Latham, Spencer, and Wheeler.

Nays: Lassiter and Thomasson.

REASONS

This petition proposes the rezoning of properties from multi-family residential to office to permit a 30,000 square foot office park. Some members viewed the small-scale office park as suitable for the site due to its proximity to the Albemarle Road/Sharon Amity intersection. However, other members noted long-held public plans calling for Sharon Amity Road to remain a residential corridor. A motion to deny the petition resulted in a 3-2 vote. Therefore, the petition is automatically deferred 30 days.

#14

DATE: May 22, 1989

PETITION NO.: 89-32

PETITIONER(S): Ronald W. Kurstin

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

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

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tact of land from a multi-family residential district to a general industrial district. Most of the surrounding area is zoned and used for business and industrial purposes. The 2005 Plan and the Billy Graham Parkway Special Project Plan call for the surrounding area to be used for employment type uses in the future. Therefore, The Zoning Committee recommends that this petition be approved.

STAFF OPINION

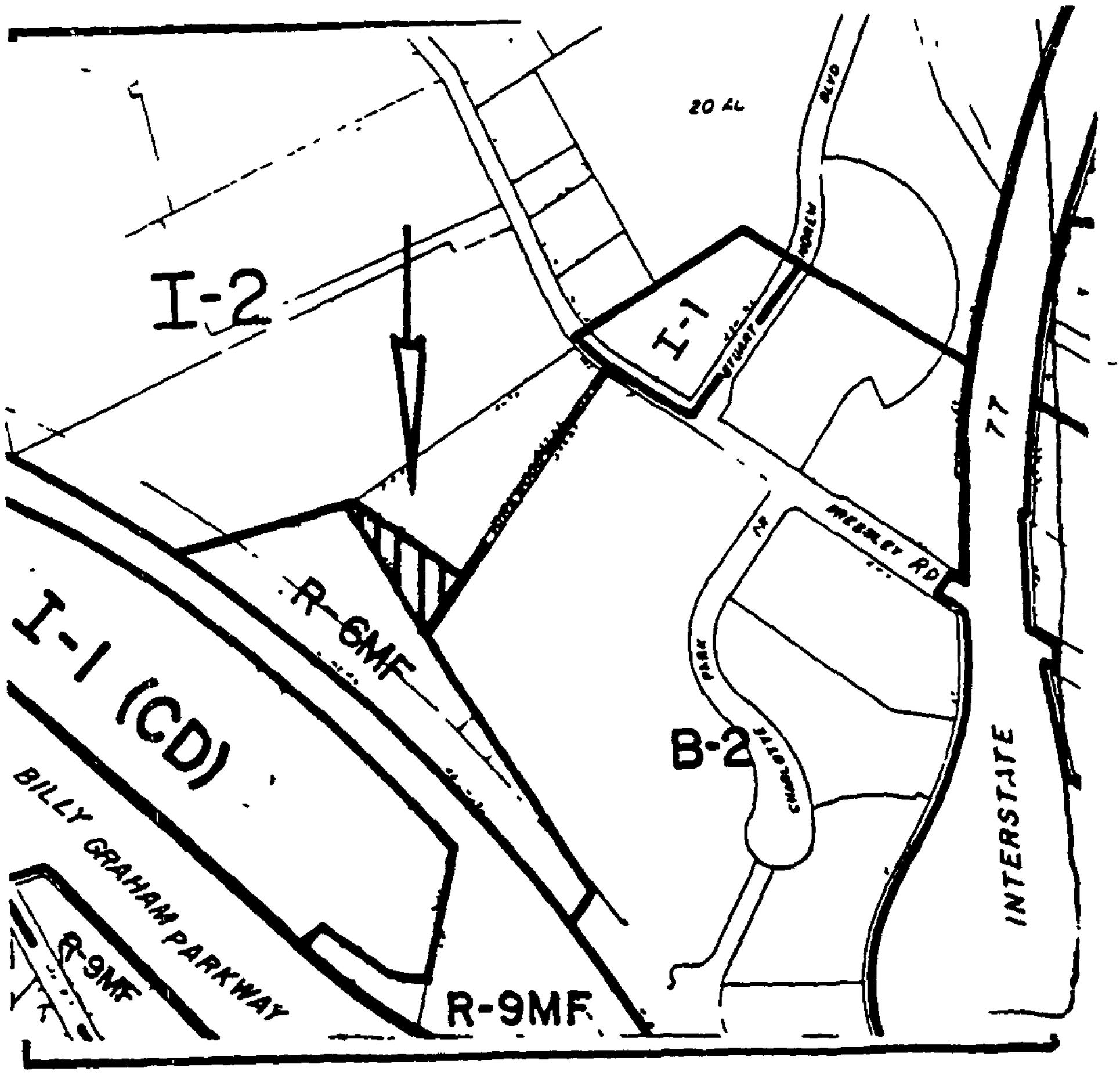
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Ronald W. Kurstin

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

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

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



ZONING MAP NO. 110,126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-33

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-6MF and Conditional Parking to R-6 and R-9

LOCATION: Approximately 30.9 acres including a triangular shaped parcel along the Seaboard Railroad between Ridgeway Avenue and Westover Street and properties extending from St. Julien Street to Morningside Drive along both sides of Commonwealth Avenue and a small portion bounded by Westover Street to the northeast, and property located on Morningside Drive north of Commonwealth Avenue and bounded by Briar Creek to the east.

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

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

Nays: None.

REASONS

This petition was initiated by the Planning Commission to implement the recommendations of the Chantilly-Commonwealth Small Area Plan, adopted in 1987 by City Council. The plan contains a series of recommendations for corrective rezonings to establish a zoning pattern that is more reflective of existing land uses and more compatible with the neighborhood. In the area included within this petition, the plan calls for maintaining the existing single family residential character and encouraging infill single family development on vacant lots. The petitioned properties are presently zoned R-6MF. One parcel located on the east side of Morningside Drive just north of Commonwealth Avenue was rezoned years ago to permit conditional parking. The requested change seeks R-9 for the portion of the petition lying along the east side of Morningside Drive so that these properties can become part of the established R-9 pattern along the majority of Morningside Drive. Of the six lots included in this part of the petition, five are developed with single family residences and one is vacant. The petition seeks a change from R-6MF to R-6 for the balance of the property to more closely match the zoning to the existing land use, which, except for two day care centers and a few scattered duplexes, is single family residential. The portion of the petition adjoining the railroad is currently vacant. The Zoning Committee viewed preservation of the housing stock as a worthwhile goal and felt that the few duplexes and the day care center that will be made nonconforming were not being heavily penalized.

STAFF OPINION

The staff agrees with the Zoning Committee recommendations.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

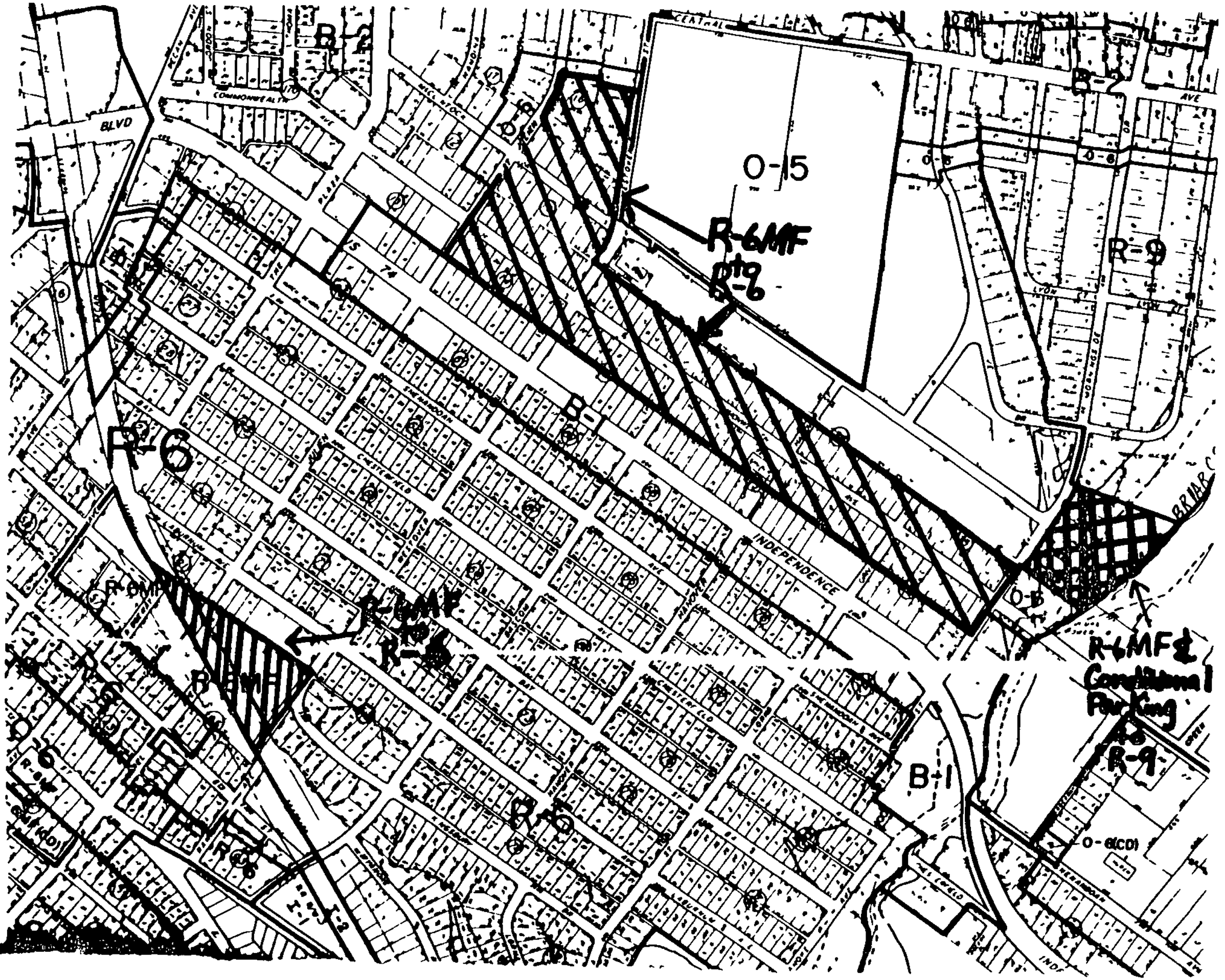
ZONING CLASSIFICATION, EXISTING R-6MF & Conditional Parking REQUESTED R-6 & R-9

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

SEE ATTACHED MAP

ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


B-2
BLVD
O-15
R-6MF
to
B-6
R-9
R-6
B-1
INDEPENDENCE
R-6MF
R-6MF &
Conditional
Parking
R-9
O-8(CD)
I-1
I-2

DATE: May 22, 1989

PETITION NO.: 89-34

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-6 to R-6

LOCATION: Six lots totaling just under one acre located east of Pecan Avenue along Shenandoah and Chesterfield Avenues.

ACTION: The Zoning Committee recommends approval of the petition to R-6 with the exception of the two lots on Shenandoah Avenue.

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

Nays: None.

REASONS

This petition was initiated by the Planning Commission to implement the recommendations of the Chantilly-Commonwealth Small Area Plan, adopted by City Council in 1987. The plan contains a number of recommendations for rezoning to more closely match the zoning patterns to the existing land uses. The subject petition includes six lots totaling just under one acre. The properties are presently zoned O-6 and the requested change seeks R-6. The properties include one duplex and five single family residences. The Chantilly-Commonwealth Plan recognizes the subject property's office zoning as a potential for intrusion of nonresidential uses into the neighborhood and as a potential for loss of good housing stock. The Zoning Committee did note that the best information available to date regarding the widening of Independence Boulevard calls for acquisition of the two lots on Shenandoah Avenue. Therefore, the Zoning Committee recommends approval of the petition with the exception of those two lots in the future right-of-way of Independence Boulevard.

STAFF OPINION

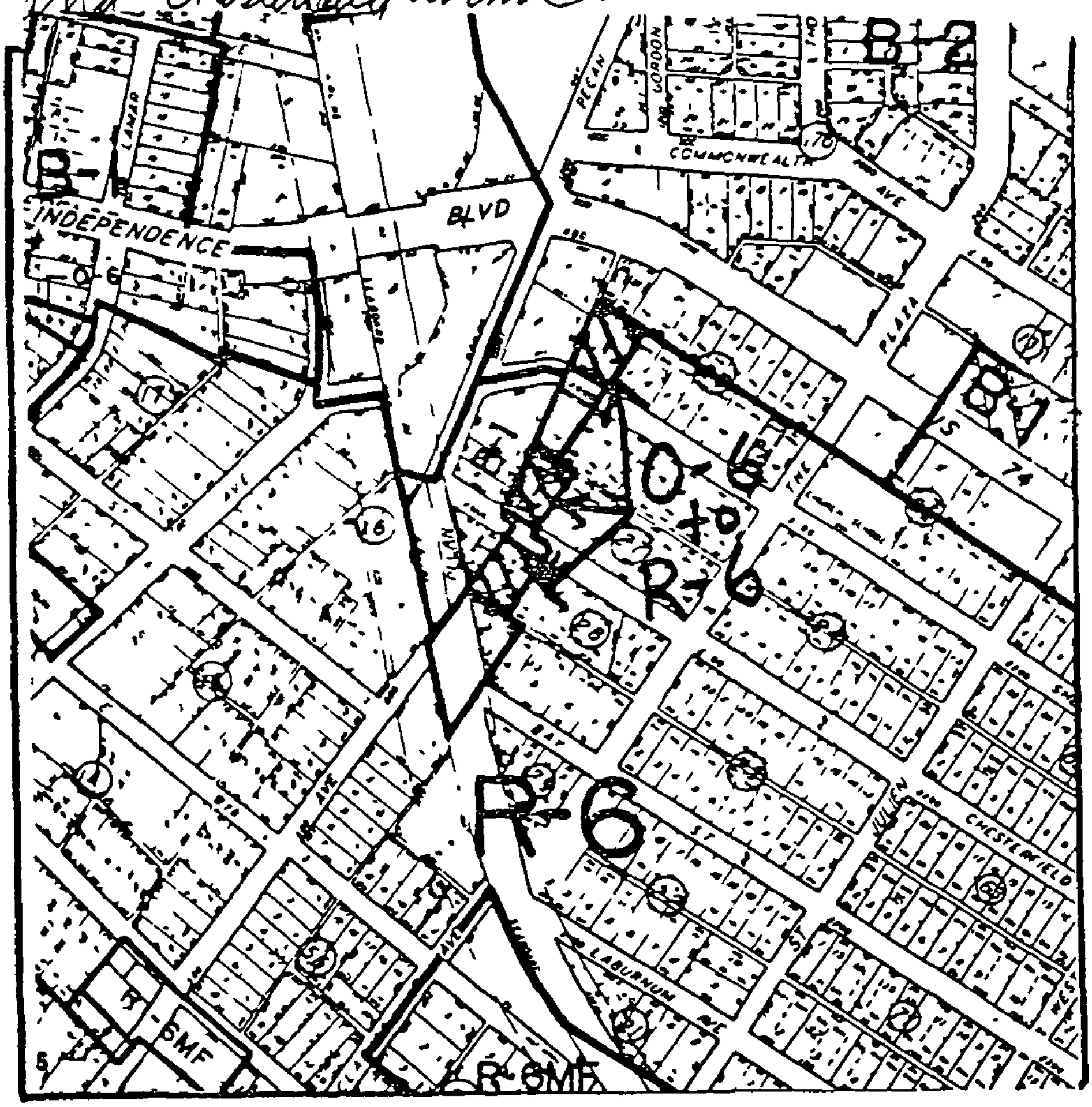
The staff agrees with the Zoning Committee recommendations.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-6

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



ZONING MAP NO. 101 SCALE 1" = 400'

DATE: May 22, 1989

PETITION NO.: 89-35

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-2 and O-6 to B-1, O-6 and R-6

LOCATION: Approximately 11.892 acres including several parcels bounded by The Plaza to the west, Commonwealth Avenue to the north, and St. Julien Street to the east, several lots at the northeast corner of the The Plaza and Commonwealth Avenue, the southeast corner of McClintock Road and The Plaza, and the northeast corner of McClintock Road and Nandina Street.

ACTION: The Zoning Committee recommends the following actions with regard to this petition.

A. Rezone the portion of the petition south of Central Avenue along St. Julien and Westover Streets from B-2 and O-6 to B-1 and R-6.

B. Rezone the portion of the petition located on the southwest corner of the intersection of McClintock Road and St. Julien Street from B-2 to R-6 except the most westerly lot across from Nandina Street which is recommended to be rezoned from B-2 to O-6.

C. Rezone the balance of the petition along Commonwealth Avenue from B-2 to O-6.

PART A: B-2 and O-6 to B-1 and R-6 along Central Avenue, St. Julien Street, and Westover Street.

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

Nays: None.

PART B: B-2 to O-6 and R-6 along McClintock Road.

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

Nays: Wheeler.

PART C: B-2 to O-6 along Commonwealth Avenue.

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

Nays: Wheeler.

REASONS

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

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

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

The Zoning Committee divided the petition into three parts and voted on the three areas separately. Part A, along St. Julien Street and Westover Street, was viewed by Zoning Committee as valuable properties worthy of protection. The Committee supported the plan's goals of preservation of housing stock and protection of neighborhood edges.

Part B, along McClintock Road, generated much discussion regarding the area's potential for a residential future. Most of the members viewed the area as a critical component of the existing residential neighborhood. The minority opinion viewed the area as one without a viable residential future and felt the existing zoning is appropriate.

Part C, along Commonwealth Avenue, was viewed by most members as appropriate for rezoning to O-6 to establish a more compatible neighborhood edge.

STAFF OPINION

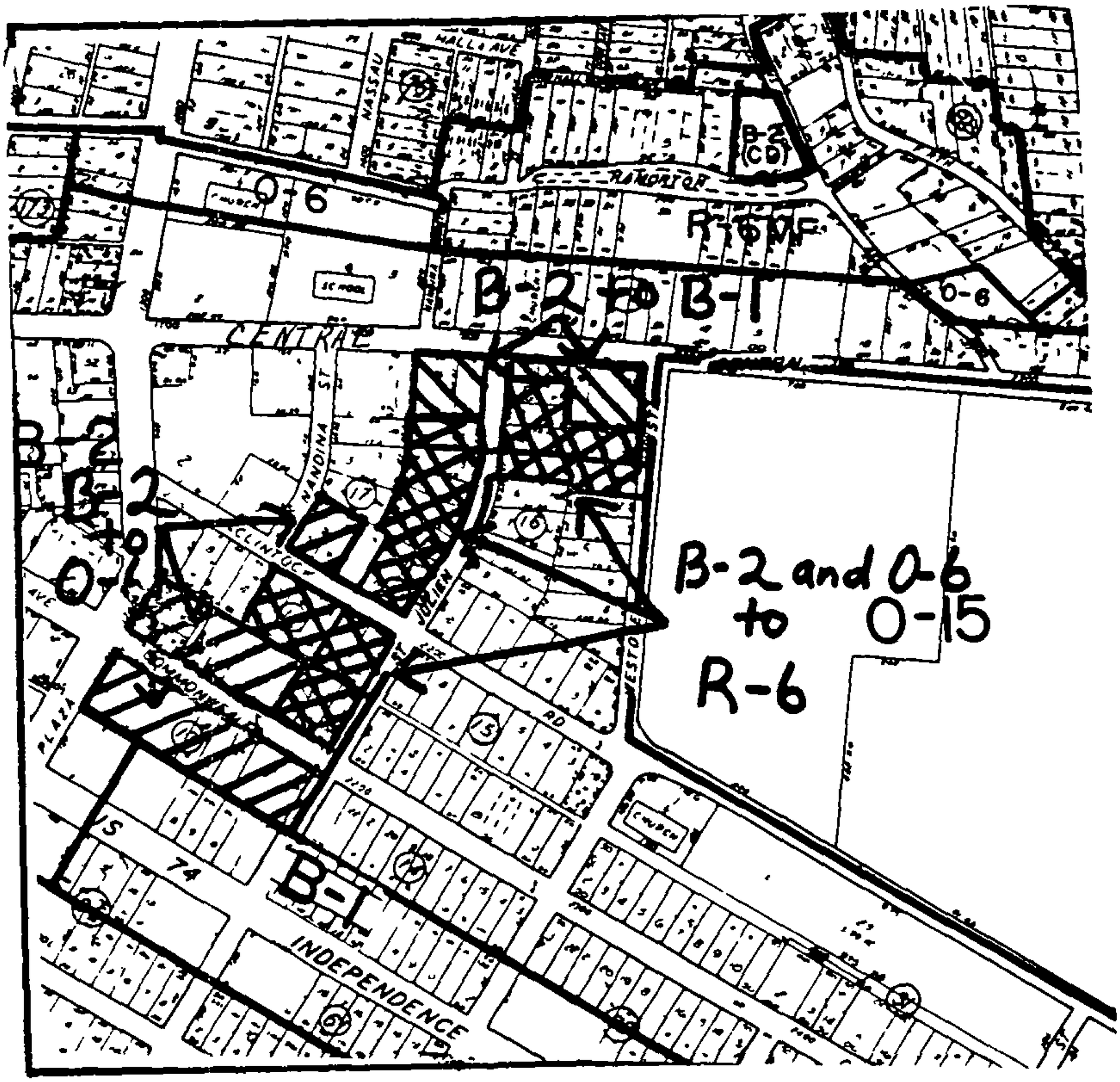
The staff agrees with the Zoning Committee recommendations.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

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



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-36

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-15, O-6, and B-2 to R-9 and R-6MF

LOCATION: Approximately 19.71 acres located south of Central Avenue between Westover Street and Ivey Drive (Veterans Park) and along both sides of Ivey Drive.

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

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

Nays: None.

REASONS

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

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

STAFF OPINION

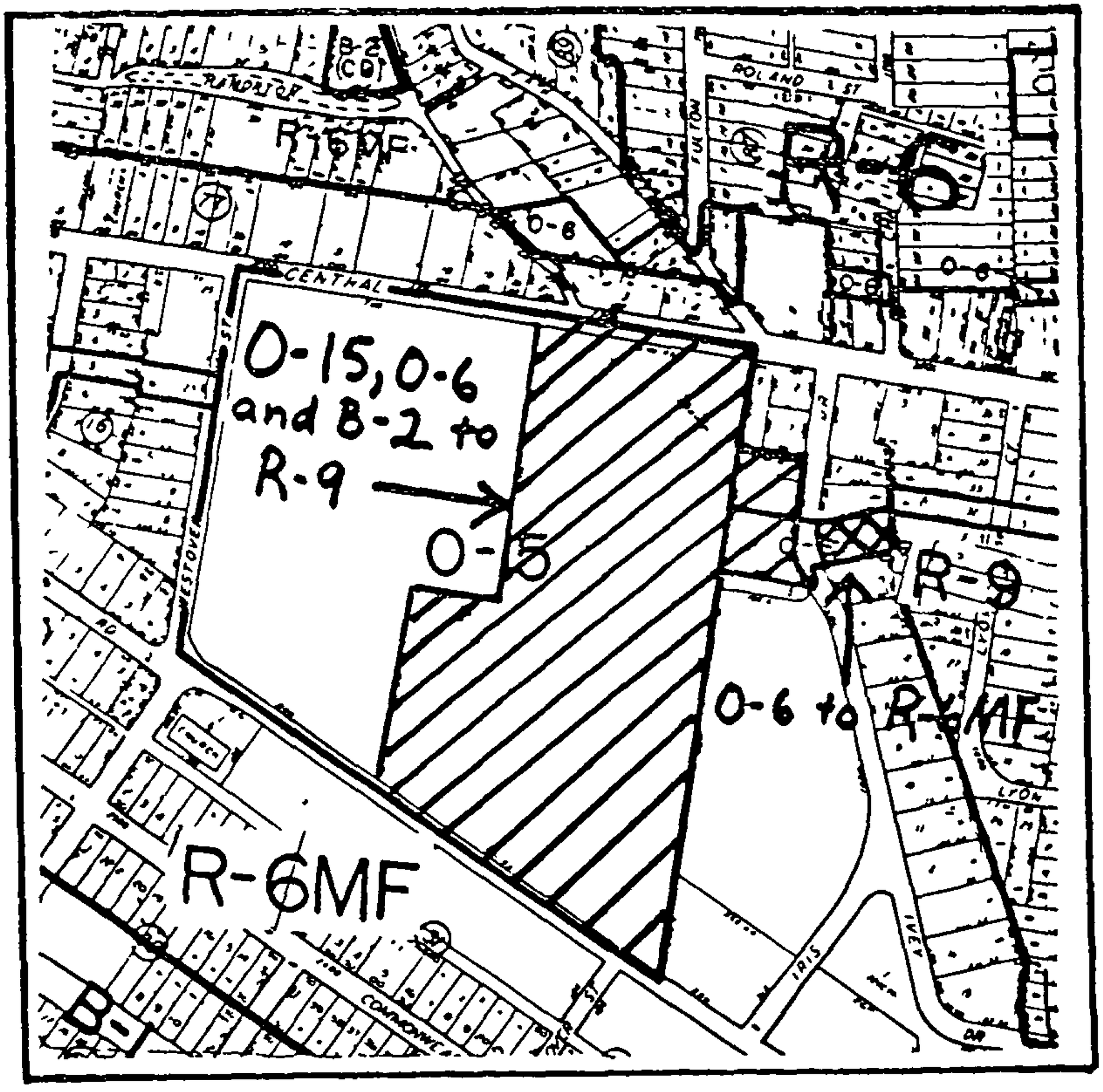
The staff agrees with the Zoning Committee recommendations.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

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



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-37

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-2 and O-6 to B-1, O-6, and R-9

LOCATION: Approximately 7.9 acres located on the south side of Central Avenue along Lyon Court, Morningside Drive and Ivey Drive.

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

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

Nays: None.

REASONS

This petition is involved with implementation of the Chantilly-Commonwealth Small Area Plan. It includes approximately 7.9 acres located south of Central Avenue along Lyon Court, Morningside Drive, and Ivey Drive. Properties included within the petition are currently zoned a combination of B-2 and O-6. The rezoning request at hand seeks B-1, O-6, and R-9. The portion of the subject property which fronts Central Avenue is petitioned for rezoning from B-2 to B-1 to establish more compatible zoning on the edge of the established neighborhood. The properties are developed with commercial, office, and residential uses.

The petition seeks a change from B-2 to O-6 for two parcels on the east side of Ivey Drive which are developed with a single family house. It also proposes a change from B-2 to O-6 for three lots on the west side of Ivey Drive, two lots on either side of Morningside Drive, and two lots on either side of Lyon Court. These lots form a strip behind the proposed B-1 lots and are presently occupied by single family uses except for the two lots on Lyon Court which contain office uses. The balance of the petition is requested for rezoning to R-9. These parcels are occupied by single family residences with the exception of one lot on Lyon Court which contains an office use. The Zoning Committee recommends approval of the petition.

STAFF OPINION

The staff agrees with the Zoning Committee recommendations.

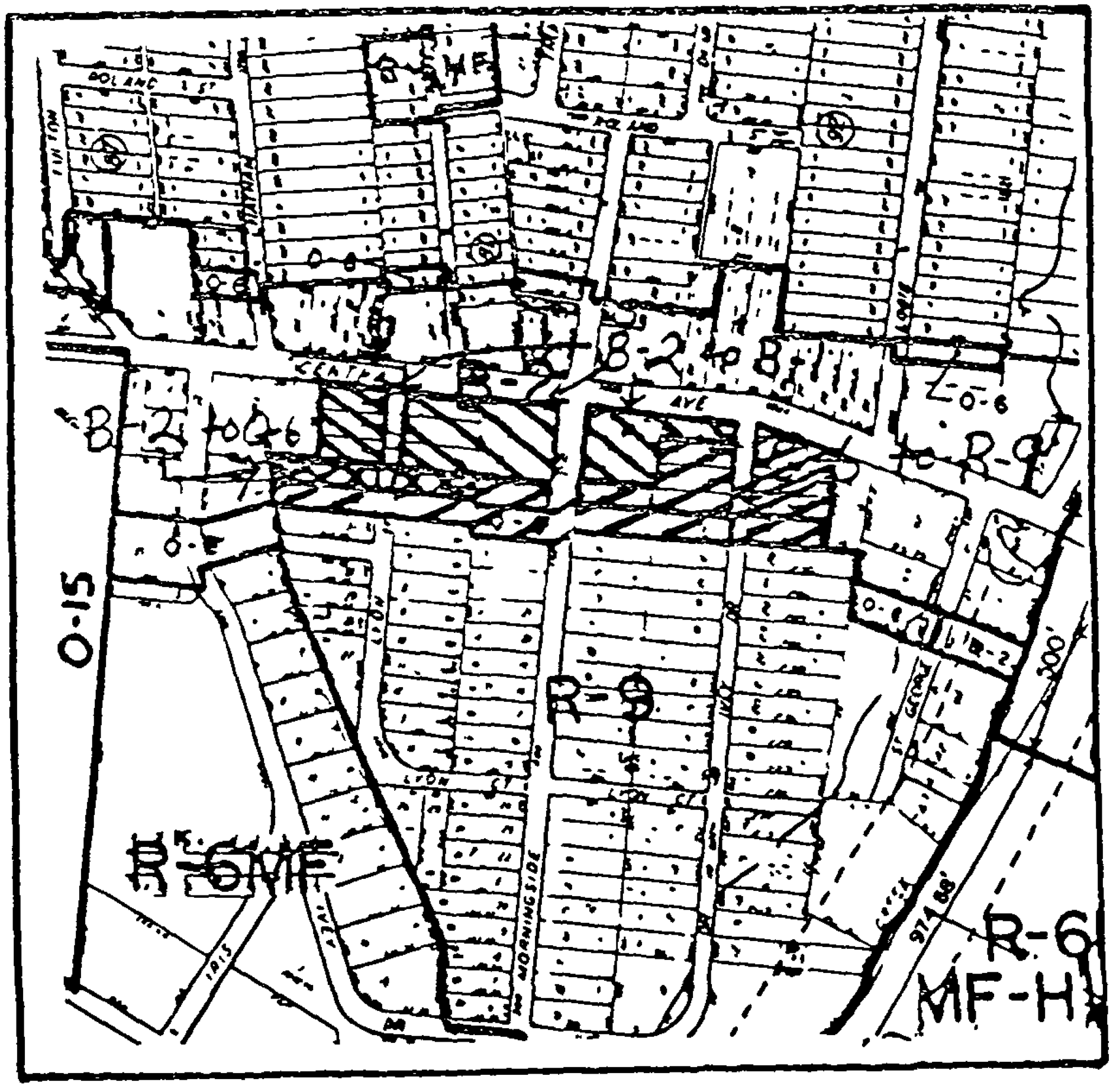
CORRECTED MAP

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

LOCATION Approx. 7.984 acres located on the south side of Central Ave. along both sides of Lyon Ct., Morningside Dr. and Ivey Dr.



ZONING MAP NO. 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-38

PETITIONER(S): Charlotte Metro Credit Union

REQUEST: Change from R-6MF to O-6

LOCATION: An approximately 8,250 square foot parcel located on the north side of Sunnyside Avenue just east of Brookshire Freeway.

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

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

Nays: Spencer.

REASONS

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

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

DATE: May 22, 1989

PETITION NO.: 89-39

PETITIONER(S): James B. Stegall

REQUEST: Change from R-6MF to B-1(CD)

LOCATION: A .38 acre site located off North Tryon Street on the north side of Ritch Avenue east of Rosedale Avenue.

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

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

Nays: None.

REASONS

This petition requests the rezoning of a lot currently residentially zoned to accommodate a parking lot. This rezoning would violate the North Tryon Corridor Study in terms of land use and would intrude into an established neighborhood with commercial zoning and uses. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

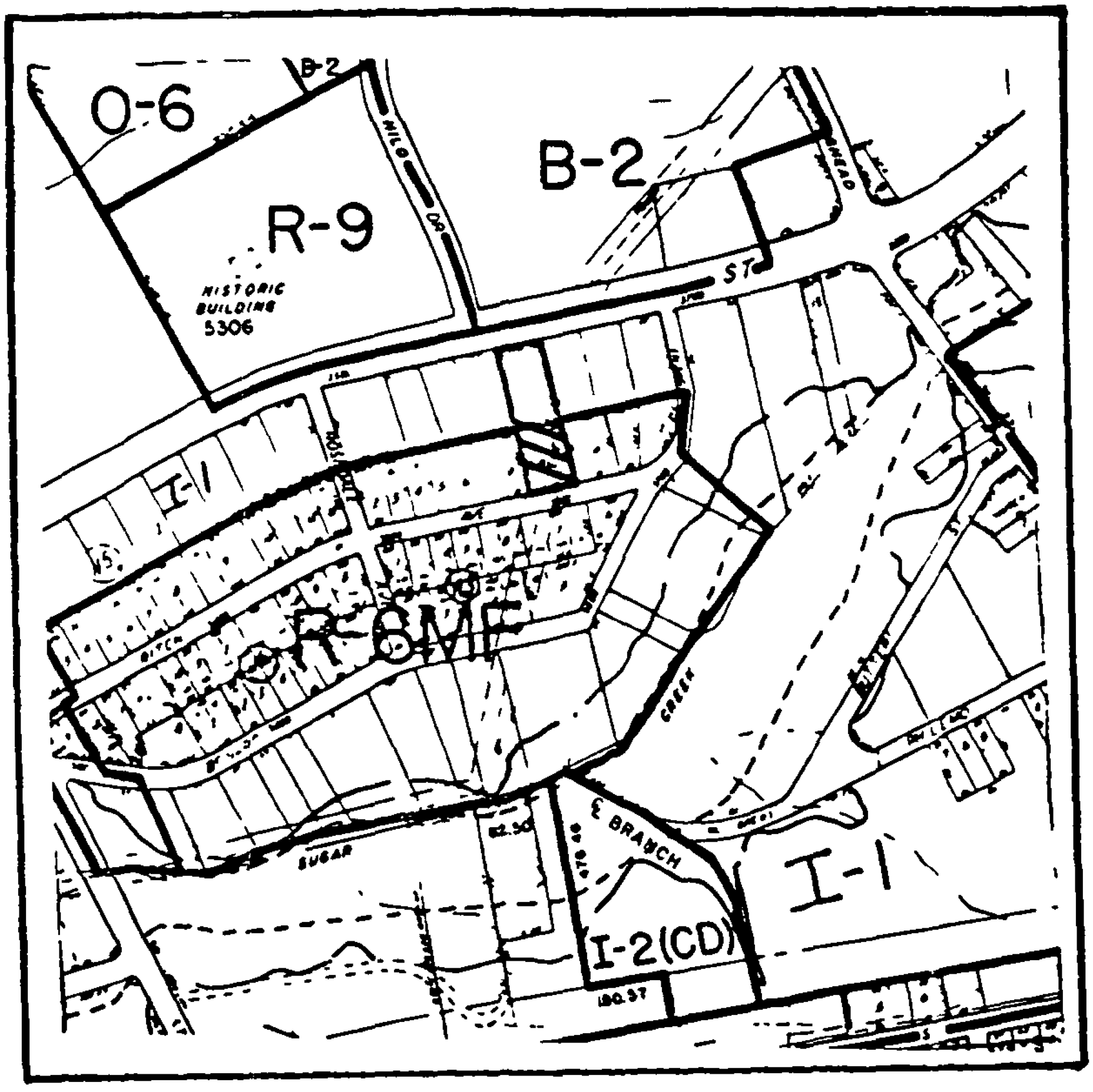
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER James B. Stegall

PETITION NO. 89-39 HEARING DATE May 15, 1989

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

LOCATION Approx. 0.38 acres located off N. Tryon St. on the north side of Ritch Ave. east of Rosedale Ave.



ZONING MAP NO. 89 SCALE 1" = 400'

DATE: May 22, 1989

PETITION NO.: 89-40

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Conditional Truck Terminal to I-1

LOCATION: A 19.65 acre site located on the northerly side of I-85 to the west of Tuckaseegee Road.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and, of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-40

This case involves a 19.65 acre tract located on I-85 near its intersection with Tuckaseegee Road. The site was rezoned in 1966 to permit a conditional truck terminal. The truck terminal was never built. Instead, a 43,000 square foot warehouse with supporting offices was built by Monarch Knitting Machinery Corporation. The warehouse development was permitted by the Zoning Administrator who determined that something other than the conditional truck terminal could be built as long as the standards of the I-1 district were met.

The requested rezoning seeks an I-1 district. All of the adjoining properties are also zoned I-1. Land uses in the nearby area along I-85 are predominantly industrial and office related. At the intersection of I-85 and Tuckaseegee Road is a Days Inn Motel and a Howard Johnson's. The south side of Tuckaseegee Road is developed with an apartment complex, a church, and a day care center. Across Tuckaseegee

Road are single family homes. Publicl/ adopted plans recognize the area as one of developing employment land uses.

Departmental reviews indicate no concerns about this rezoning. CDOT indicates the potential trips generated under the proposed zoning would remain the same as under the current zoning. The property owner is supportive of the request for I-1.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of this request because it is consistent with the plans for the area and the conditional district review process.

STAFF OPINION

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

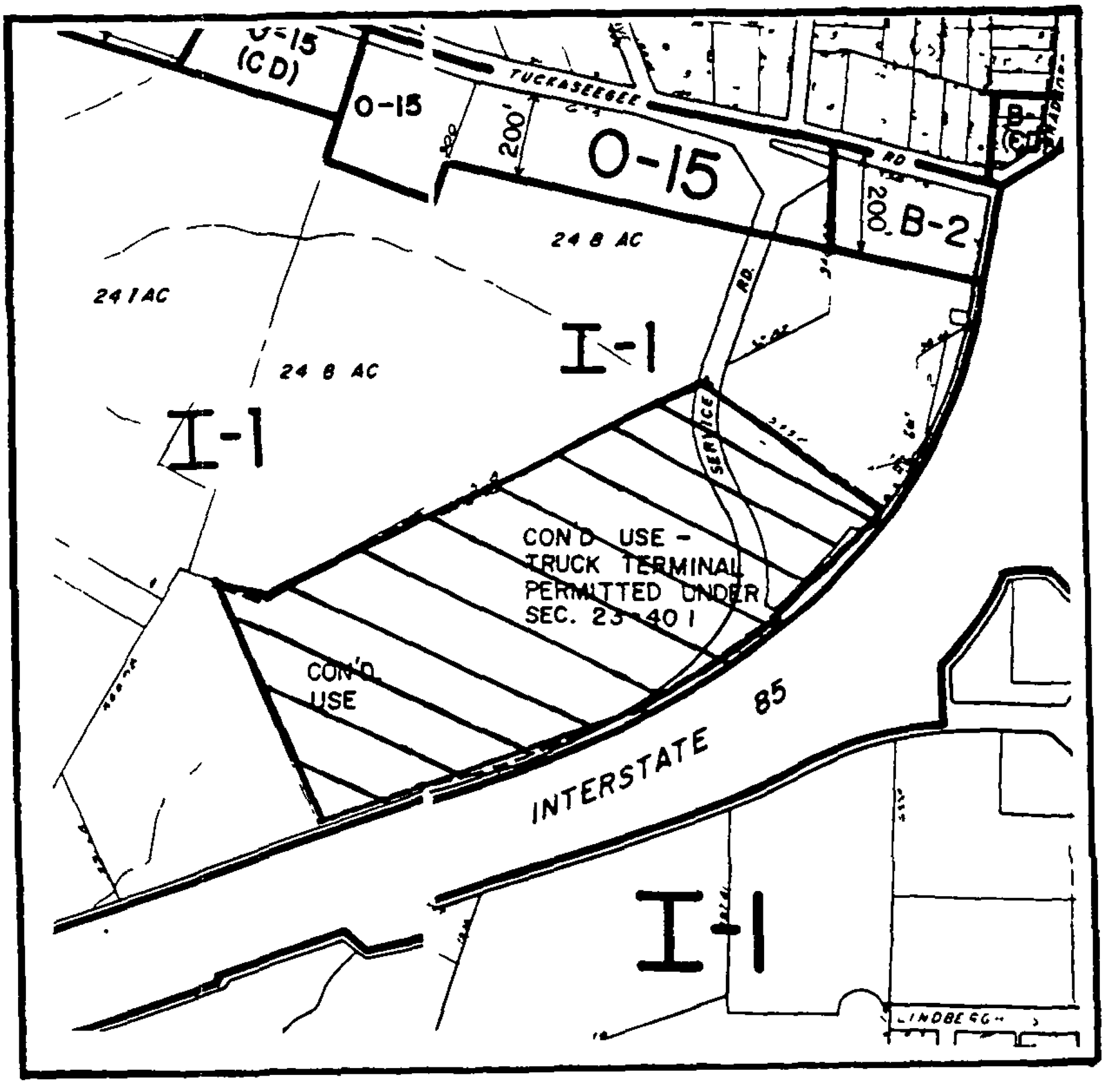
PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-40 HEARING DATE May 15, 1989

ZONING CLASSIFICATION, EXISTING Conditional Truck Terminal REQUESTED I-1

LOCATION Approx. 19.65 acres located on the northerly side of I-85

750' west of Tuckaseegee Road



ZONING MAP NO. 86, 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-41

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Conditional Parking to R-6MF

LOCATION: Approximately .172 acres located off the northerly side of Kirkland Avenue west of Coker Avenue.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-41

This petition involves a .172 acre parcel located north of Kirkland Avenue west of Coker Avenue. The parcel was rezoned in 1970 to permit conditional parking but has remained vacant. The zoning pattern in the nearby area is predominantly R-6MF with parts of Tuckaseegee Road zoned for business purposes. The area south and east of the petitioned site has developed in a solidly single family residential manner. To the north, Tuckaseegee Road is developed with a number of businesses. Public plans indicate that this area is one which should remain residential. There were no departmental concerns regarding the request and CDOT indicates the potential trip generation will be unaffected. This request would restore the site to its original zoning. As of the preparation of this recommendation, no response has been received from the property owner. The Zoning Committee did briefly discuss the fact that a protest petition was filed by the nearby property owners. That protest petition indicated the property owners view multi-family zoning as inconsistent with the

established single family neighborhood. The Zoning Committee agreed with that assessment but noted that the ongoing Central District Plan will recommend corrective rezonings in the area of the subject property to establish single family zoning in the areas of the neighborhood that have predominantly developed with single family homes. Establishment at this time of a single family residential district on this one small parcel in an area otherwise predominantly zoned for multi-family purposes was viewed as premature. The Zoning Committee felt that the Central District Plan process was the more appropriate vehicle for that sort of rezoning.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the request, viewing it as consistent with plans for the area and the conditional district process.

STAFF OPINION

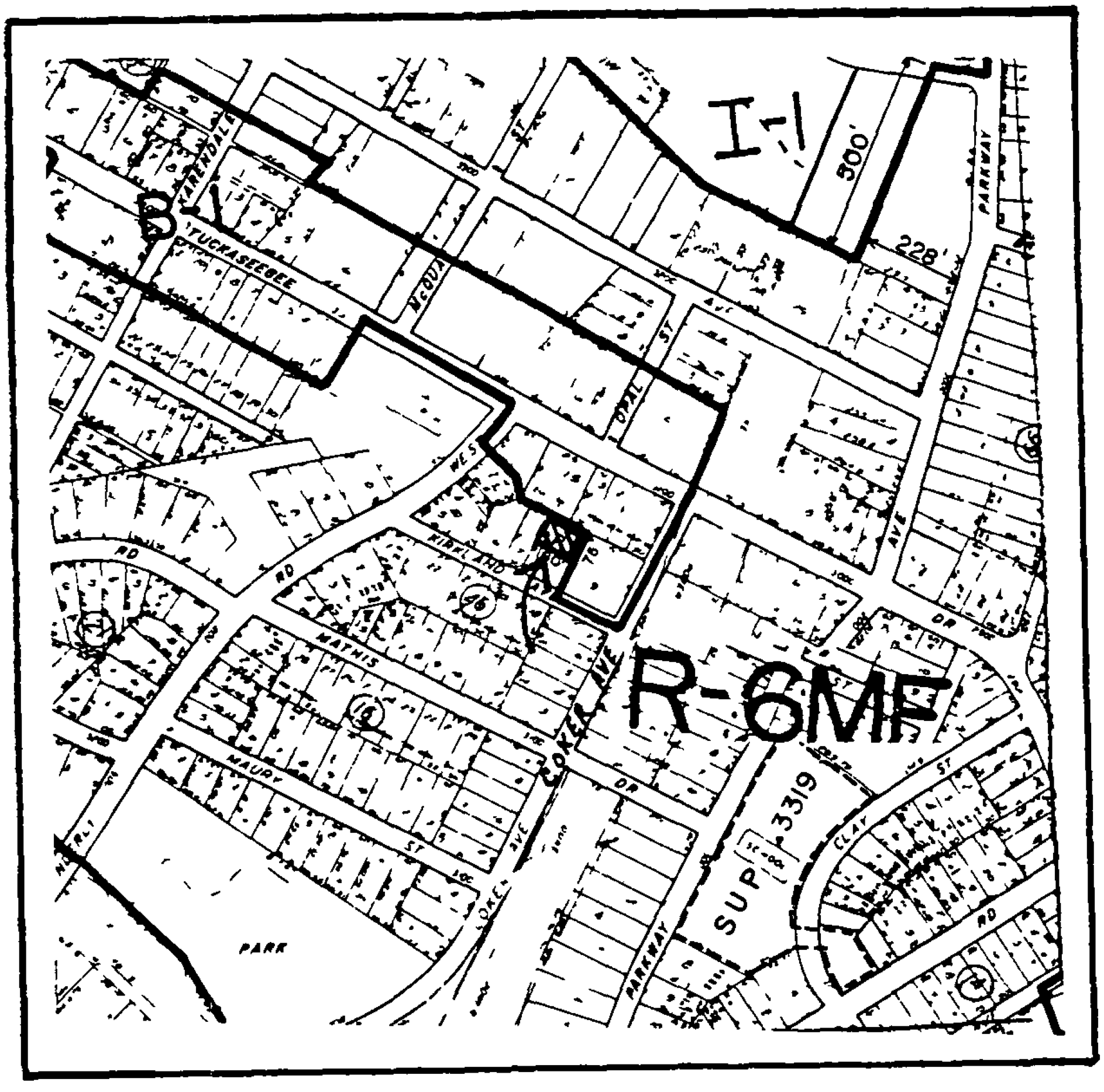
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-41 HEARING DATE May 15, 1989

ZONING CLASSIFICATION, EXISTING Conditional Parking REQUESTED R-6MF

LOCATION Approx. .172 acres located off of the northerly side of Kirkland Avenue west of Coker Avenue



ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-42

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Conditional Petroleum Storage to I-2

LOCATION: A one acre tract located along Seaboard Railway west of Monroe Road.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-42

This request involves a one acre site located along the Seaboard Railroad between Monroe Road and LaTrobe Drive. The site was rezoned in 1974 for conditional oil storage. The site has remained vacant and this petition would change the property back to the original I-2 classification, to conform to the zoning pattern of the surrounding area.

Properties in the nearby area are largely undeveloped. The Arnold Palmer Center lies along LaTrobe Drive to the southeast and numerous commercial establishments are found on Monroe Road to the northeast. Land use along Miriam Drive and Mary Avenue is a mixture of business, office, single family, and multi-family residential. Marvin Road to the southwest contains multi-family and single family residential uses. Public plans for the area recognize it as an existing employment center. Reviewing agencies had no comments about the request. CDOT

indicates the potential trip generation will be unaffected. The property owner is supportive of the I-2 request.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the request because it is consistent with plans for the area and the conditional district process.

STAFF OPINION

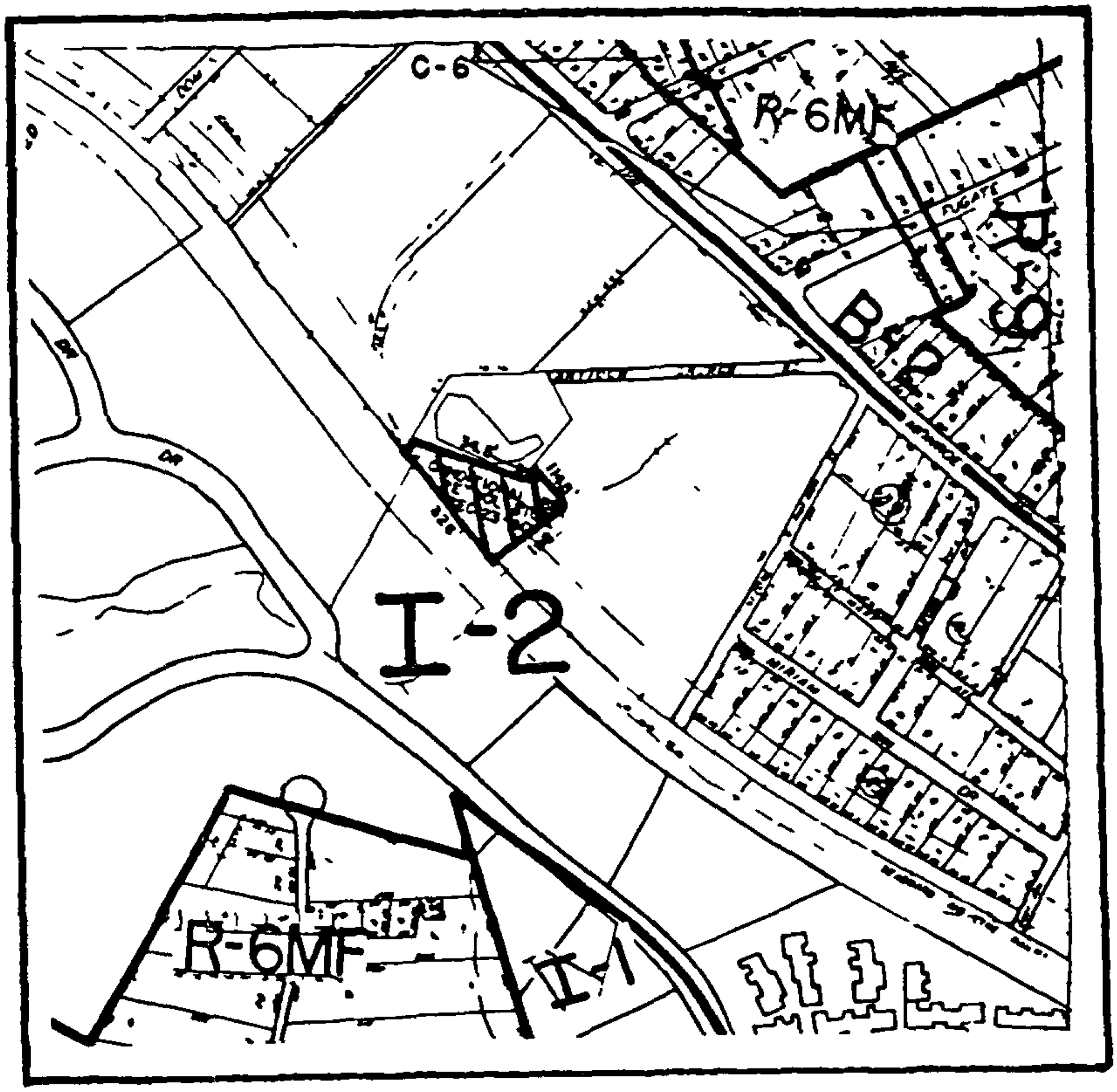
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-42 HEARING DATE May 15, 1989

ZONING CLASSIFICATION, EXISTING Conditional Oil REQUESTED I-2

LOCATION Approx. 1.0 acre located off the westerly side of Monroe Rd. at Seaboard Railroad.



ZONING MAP NO. 112 - SCALE 1" = 400'

DATE: May 22, 1989

PETITION NO.: 89-43

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Conditional Use Recreational to R-12

LOCATION: Ten acres located southwest of the intersection of Randolph and Billingsley Roads.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-43

This request involves a 10 acre site located to the southwest of the intersection of Randolph and Billingsley Roads. The property was rezoned in 1974 to permit conditional recreational uses but has never been developed. This petition would rezone the property back to the original R-12 district to conform to the established zoning pattern in the area. Properties to the west and south are solidly developed with single family homes. The County Social Services complex and public park facilities are located east of the petitioned site along Randolph Road. Public plans indicate this area is one which should be developed for residential purposes. Departmental reviews indicate no concerns about the rezoning request. CDOT indicates the potential trips generated under the proposed zoning would remain the same as under the current zoning. The property owner does not oppose the change.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the request because it is consistent with plans for the area and the conditional district process.

STAFF OPINION

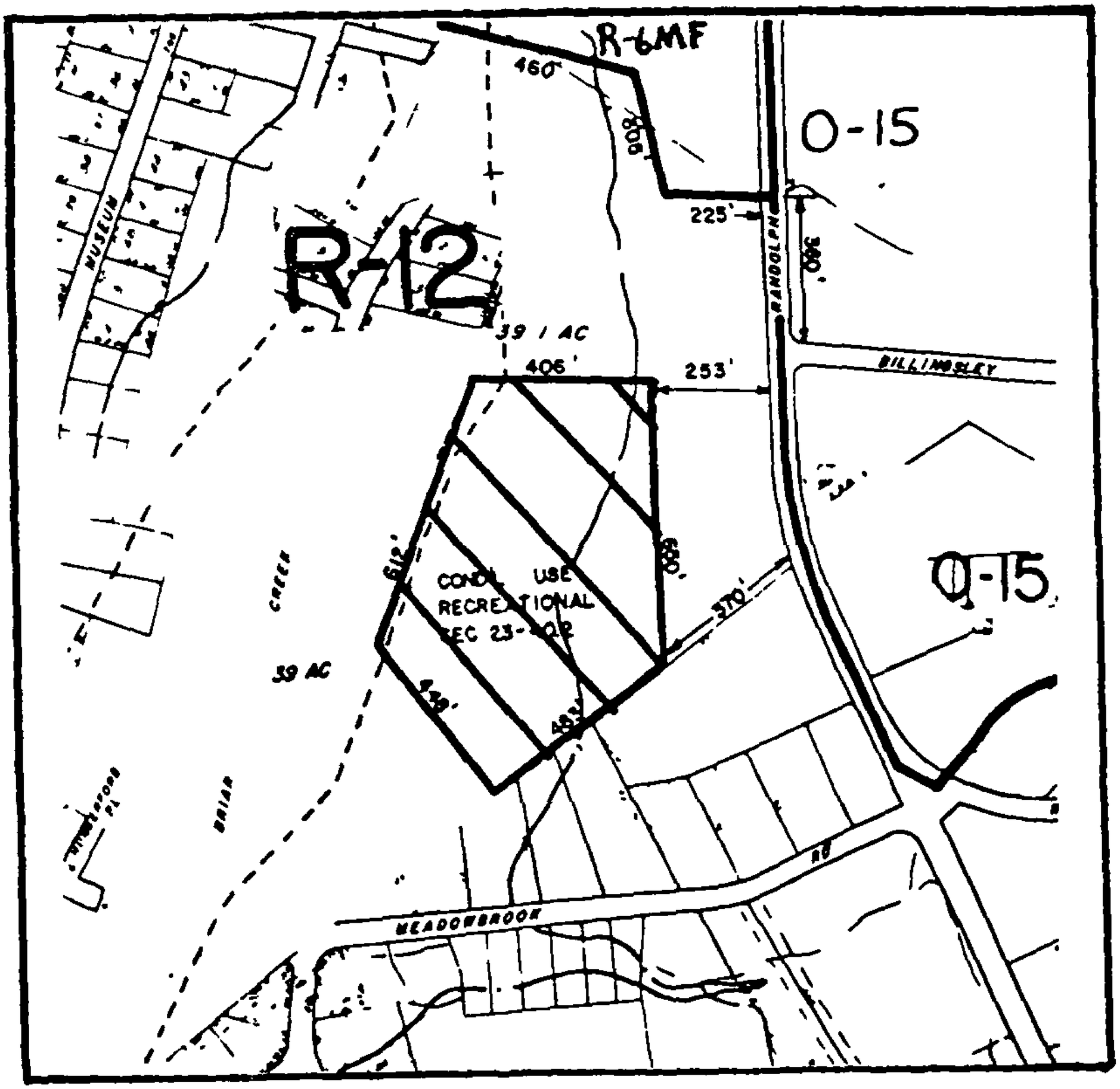
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 89-43 HEARING DATE May 15, 1989

ZONING CLASSIFICATION, EXISTING Conditional Recreational REQUESTED R-12

LOCATION Approx. 10.00 acres located on the southwest corner of Randolph and Billingsley Roads.



ZONING MAP NO. 112, 124

SCALE 1" = 400'

DATE: May 22, 1989

PETITION NO.: 89-44

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: An approximately .216 acre tract located at the intersection of Ranlo and Baldwin Avenues.

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

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

Nays: Lassiter.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-44

This petition involves a .216 acre parcel located on the southwest corner of the intersection of Ranlo and Baldwin Avenues. The property was rezoned in 1977 from R-6MF to O-6(CD) to permit a combination office and residence. That development never occurred and this petition proposes to rezone the property back to the original R-6MF district. The zoning in the nearby area is a mixed pattern of predominantly residential to the southwest of the site and predominantly office and commercial to the northeast of the site. Land use in the area follows that zoning pattern fairly closely. Single family homes are found along Torrence Street, Baldwin Avenue, and Lillington Avenue south of Ranlo Avenue. To the north of Ranlo Avenue is predominantly developed for office uses including the Presbyterian Specialty Hospital. There were essentially no departmental comments regarding the request and CDOT reports the potential trip generation would be unaffected. The property owner indicates a preference for

rezoning to O-6 rather than the requested R-6MF. However, public plans indicate this is an area which should remain residential.

PLANNING COMMISSION RECOMMENDATION

The minority opinion expressed the viewpoint that the petition seeking a residential classification in this location was not appropriate. Others viewed the area of the subject property as fragile and in need of protection as a residential community. Therefore, the Zoning Committee recommends approval of the petition.

STAFF OPINION

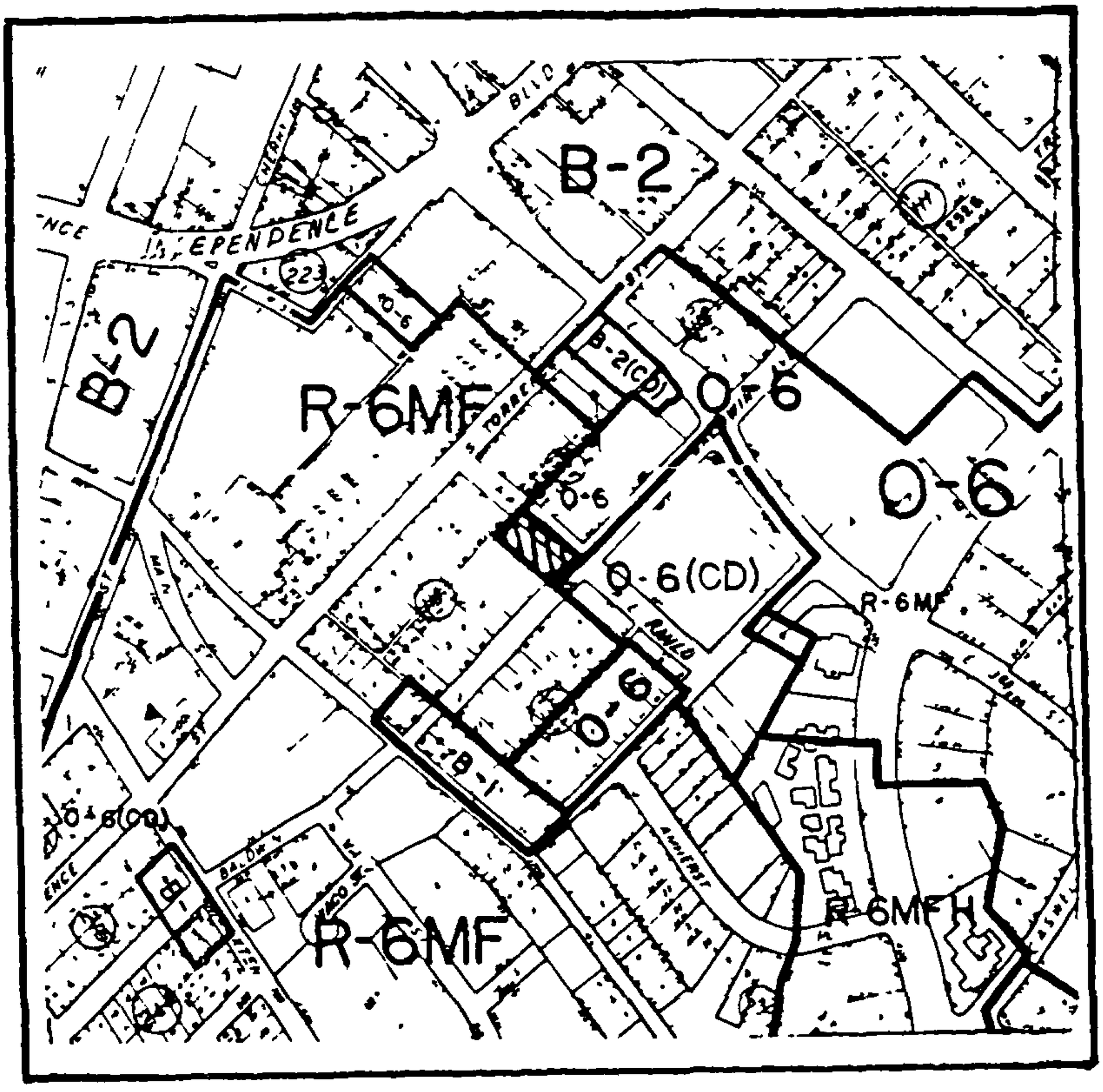
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 89-44 HEARING DATE May 15, 1989

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

LOCATION Approx. .216 acres located on the northwesterly corner of Baldwin Avenue and Ranlo Avenue.



ZONING MAP NO. 102, 111 SCALE 1" = 400'

DATE: May 22, 1989

PETITION NO.: 89-45

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-3T(CD) to UMUD

LOCATION: An approximately 1.47 acre site located on the northerly corner of the intersection of East Morehead Street and Euclid Avenue.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-45

This request seeks to rezone a 1.47 acre site located at the intersection of East Morehead Street and Euclid Avenue from B-3T(CD) to UMUD. The site was rezoned from B-1 to B-3T(CD) in 1979 to allow the old Red Carpet Inn to be converted into 102 housing units for the elderly. The petitioned site is the only parcel of land in Charlotte with the B-3T zoning remaining. The UMUD district is the most compatible zoning for the current use in the area in which it is located. The zoning pattern in the area is comprised of UMUD, B-1, and B-2 on Morehead and a mixture of office and residential on other nearby roads. Land use on Morehead Street in this area is primarily office related. Residential uses are located to the south on portions of Lexington and Templeton Avenues. Public plans recognize the area of the subject property as one of existing employment uses. There were essentially no departmental comments on the petition and CDOT indicates the potential trip generation will be unaffected. The property owner

does not oppose the rezoning. The petition would bring the zoning of the property into conformance with the established zoning pattern in the area.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the request because it is consistent with plans for the area and the conditional district process.

STAFF OPINION

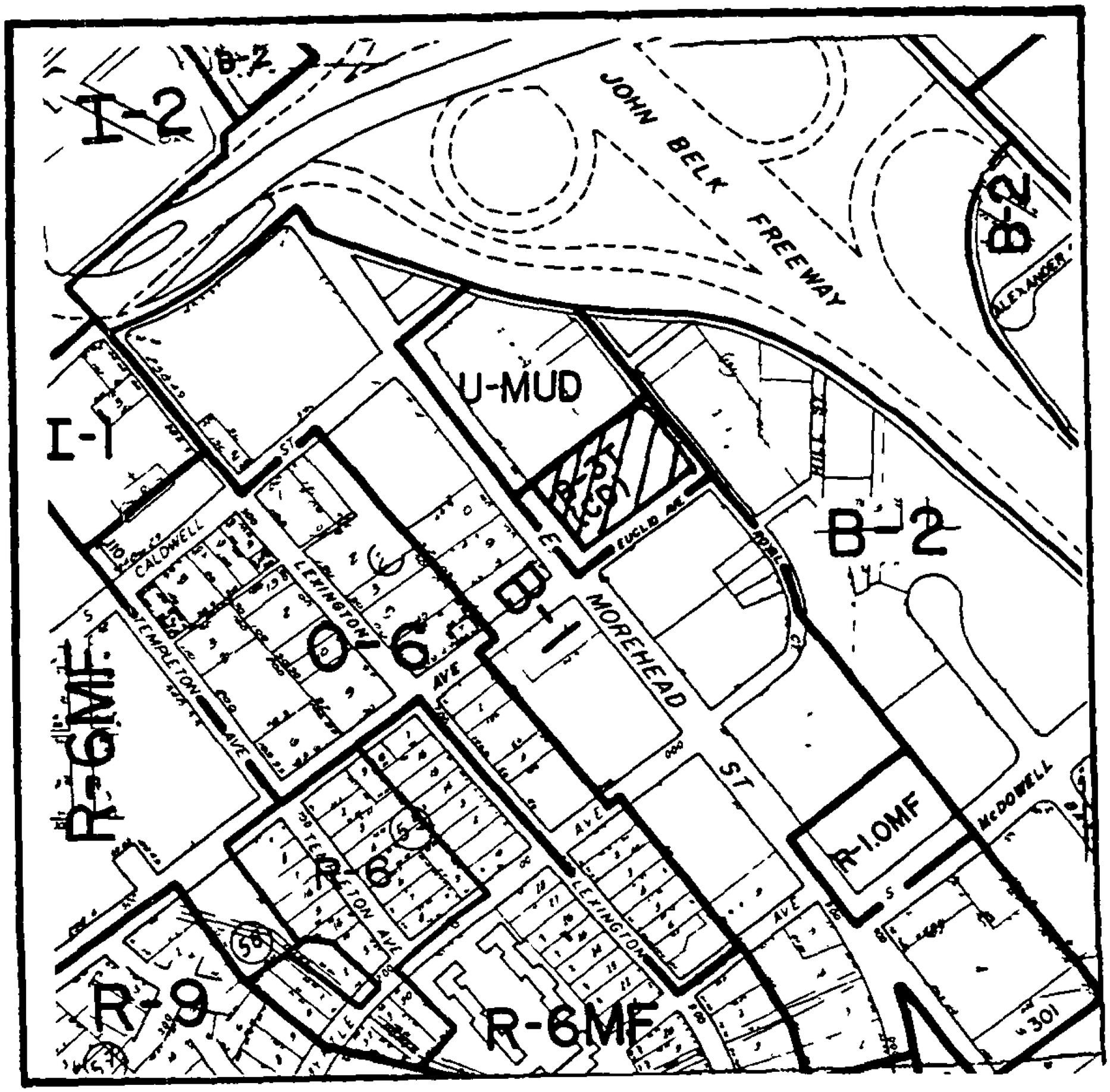
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-45 HEARING DATE May 15, 1989

ZONING CLASSIFICATION, EXISTING B-3(T)CD REQUESTED U-MUD

LOCATION Approx. 1.47 acres located at the northeasterly intersection of East Morehead Street and Euclid Avenue.



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-46

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-1(CD) to O-6

LOCATION: A .208 acre site located on the south side of LaSalle Street 230 feet to the west of Beatties Ford Road.

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

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

Nays: None.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-47

This request involves a .2 acre site located southwest of the intersection of Beatties Ford Road and LaSalle Street. The property was rezoned in 1981 from O-6 to B-1(CD) for a 300 square foot retail facility. The zoning pattern in the area is composed of B-1 along Beatties Ford Road near LaSalle Street, R-6 or R-15MF on nearby residential streets and strips of O-6 zoning occasionally lying between the business and residential districts. The petitioned site has never developed and this request is to change the zoning back to the original O-6. Land use in the surrounding area fairly closely matches the zoning with Beatties Ford Road being devoted to commercial and office uses and areas to the east and west of Beatties Ford Road developed for residential uses. Public plans recognize the existing community commercial center at the intersection of Beatties Ford Road and the existing residential uses elsewhere in the area. Reviewing agencies had no comments on the request. CDOT indicates the potential trip generation will be unchanged by the requested zoning change. As of the

preparation of this report, the property owner has not responded to notifications of the rezoning petition. The request seeks to return the property to the original O-6 district.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the request because it is consistent with plans for the area and the conditional district process.

STAFF OPINION

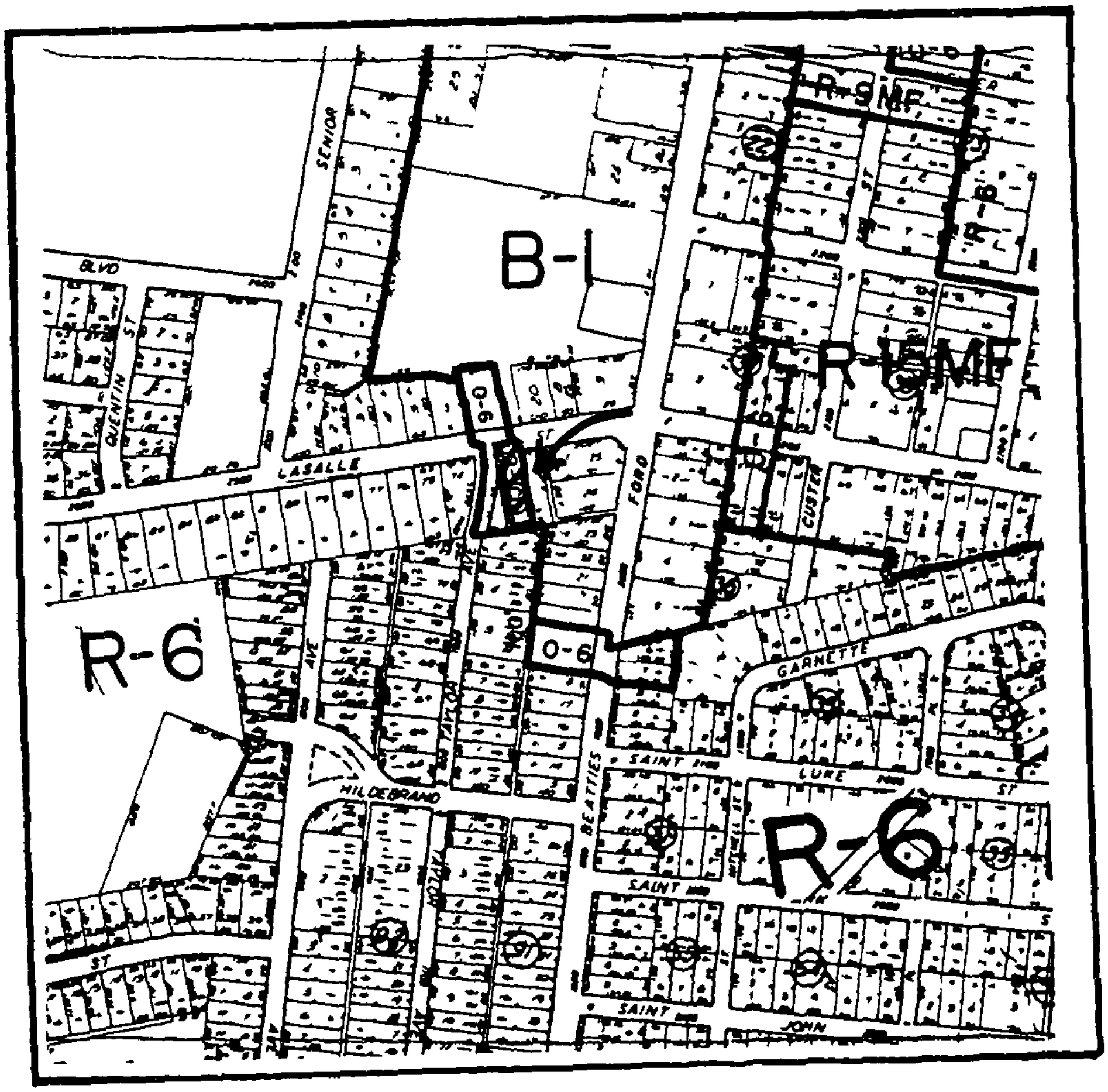
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-46 HEARING DATE May 15, 1989

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

LOCATION Approx. .2 acres located on the south side of LaSalle St. approximately 230' west of Beatties Ford Road.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 22, 1989

PETITION NO.: 89-47

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-1(CD) to R-6MF

LOCATION: An approximately 1.208 acre site located on the southwesterly corner of N.C. 16 and North Linwood Avenue.

ACTION: A motion to approve resulted in a 3-2 vote. Therefore, the matter is automatically deferred for 30 days.

VOTE: Yeas: Spencer, Thomasson, and Wheeler.

Nays: Lassiter and Latham.

BACKGROUND

The City of Charlotte Zoning Ordinance calls for a review of conditional rezonings three years from the date of their approval. According to the zoning ordinance, conditional rezonings are to be considered for firm development proposals and, therefore, a three year review was installed to ensure that those proposals were being developed in accordance with the approved zoning. For a number of years, the three year review of approved conditional rezonings was not conducted on a regular basis. The Charlotte-Mecklenburg Planning Commission has recently, however, concluded an exhaustive review of all conditional rezonings for both Mecklenburg County and the City of Charlotte. This included the review of 501 previously approved conditional zoning cases and of those cases that are within the City's jurisdiction, eight have been recommended for rezoning. Those cases are included in Petition Nos. 89-40 through 89-47.

Petition No. 89-47

This petition involves a 1.2 acre site located at the intersection of N.C. 16 and North Linwood Avenue. The property was rezoned in 1982 from R-6MF to B-1(CD) for a convenience store and associated gasoline sales. That development has never occurred. The zoning in the surrounding area is a mixed pattern of multi-family residential and commercial along N.C. 16 and I-85 and single family residential west of the Seaboard Railroad. Land use in the area is composed of commercial development along the north side of N.C. 16 and a mixture of commercial and residential along the south side of N.C. 16. The predominant land use south of the petitioned site is single family residential. Public plans for the area indicate it is one of existing residential land uses. Reviewing agencies had essentially no comments and CDOT indicates the potential trips generated under the proposed rezoning would be the same as under the current zoning. The property owner indicates development of the convenience store has been delayed due to

the I-85 widening project. This request would restore the site to its original zoning.

PLANNING COMMISSION RECOMMENDATION

The Zoning Committee discussed this petition for some time. Some members expressed the viewpoint that the nearby I-85 widening and interchange projects made the delay understandable. Others felt that there has been sufficient time to develop the project. There was substantial discussion regarding the purpose of the three year review and Zoning Committee emphasized that conditional rezonings are intended for firm development proposals not for land speculation. There was some discussion regarding a suggestion made at the public hearing that other zoning classifications, such as an office district, may be feasible for the site. Zoning Committee viewed that possibility as undesirable and felt that more developmental safeguards and controls exist with either leaving the conditional district intact or returning the property to residential zoning. In terms of the ultimate land use of the subject property, some members felt that the proximity to I-85 and N.C. 16 rendered the site ill-suited for residential purposes. Others viewed the subject property as oriented to the adjoining residentially zoned land to the north and appropriate for extension of that residential zoning. A motion to approve the petition resulted in a 3-2 vote. Therefore, the matter is automatically deferred for 30 days.