AGENDA

Meeting Type:	Z
Date	03-20-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda March 20, 1989

FILE COPY

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 *Velva W Woollen*

Monday, March 20, 1989

Council Agenda

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

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

Invocation by The Reverend Joe Burnette, Associate Pastor, First Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (89-18) Hearing on Petition No. 89-18 by the Charlotte-Mecklenburg Hospital Authority for a change in zoning from R-15 to R-12MF(CD) and consideration of an R-12MF(CD) Site Plan Amendment for a 5 acre site located on the northwesterly side of Sardis Road between Providence Road and Randolph Road across from Timber Lane.

   Attachment No. 1

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

   Attachment No. 2

3. (89-20) Hearing on Petition No. 89-20 by Optima Capital, Ltd. for a change in zoning from R-12 to O-6(CD) for a 4.92 acre site located on the southerly side of Highway 51 between Blue Heron Drive and McMullen Creek.

   Attachment No. 3

4. (89-21) Hearing on Petition No. 89-21 by Idlewild Crossing Ltd. Partnership for a change in zoning from R-9 to B-1(CD) for a .08 acre site on the east side of Piney Grove Road south of the intersection of Idlewild Road and Idlewild Road North.

Attachment No. 4

5. (89-22) Hearing on Petition No. 89-22 by S & S Development Company for a change in zoning from R-12 to B-1(CD) for a .67 acre site located on the south side of Pence Road (Hickory Grove Road) east of Newell-Hickory Grove Road.

Attachment No. 5

6. (89-23) Hearing on Petition No. 89-23 by T. Cooper James for a change in zoning from I-1 to B-1(CD) and consideration of an O-15(CD) Site Plan Amendment for a 5.4 acre site located on the south side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.

Attachment No. 6

7. (89-24) Hearing on Petition No. 89-24 by David S. Miller for a change in zoning from R-9 to B-1SCD and consideration of a B-1SCD, O-15(CD), and R-15MF(CD) Site Plan Amendment for a 38.1 acre site located on the northwest corner of New Arrowood Road and South Boulevard.

Attachment No. 7

8. (89-25) Hearing on Petition No. 89-25 by B. V. Belk Enterprises for a change in zoning from R-12 to R-20MF (Innovative) for a 14 acre site located on the south side of Wallace Avenue west of Delta Road

Attachment No. 8

9. (89-26) Hearing on Petition No. 89-26 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 and R-6MF to R-6 for approximately 40 acres located in the Grier Heights Neighborhood generally west of Randolph Road, north of Wheatley Avenue, west of Marvin Road and South of Drenan Street and Latrobe Drive.

Attachment No. 9

10. (89-27) Hearing on Petition No. 89-27 by Charlotte-Mecklenburg Planning Commission for a text amendment to add new Section 1302.1 to the City of Charlotte Zoning Ordinance to require a traffic study as part of the minimum submission requirements for certain rezoning petitions.

Attachment No. 10

POLICY AGENDA

11.(88-80) Decision on Petition No. 88-80 by the Charlotte-Mecklenburg Planning Commission, for a text amendment to the City of Charlotte Zoning Ordinance to allow off-site directional signs and temporary off-site real estate signs.

The Zoning Committee reaffirms its original recommendation regarding the size and height of off-site directional signs.

Attachment No. 11

12. (88-88) Decision on Petition No. 88-88 by Providence Park Office Associates for a change in zoning from R-15 to O-15(CD) for a 2.35 acre site located on Providence Road, east of Sharon Amity Road.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (89-2) Decision on Petition No. 89-2 by Alan R. Kessel and Jacqueline S. Kessel for a change in zoning from I-1 to I-2 for a 2.8 acre site located between Old Concord Road and Orr Road between McDaniel Lane and Fairhaven Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (89-3) Decision on Petition No. 89-3 by Richard Cherry for a change in zoning from R-9 and O-6 to O-6(CD) for a 3,950 square foot parcel located on the southerly side of Monroe Road east of Commodore Street.

The Zoning Committee recommends that this petition be denied.

Attachment No. 14

15. (89-4) Decision on Petition No. 89-4 by McClure Real Estate and Investments, Inc., for a Site Plan Amendment to an existing B-1SCD zoning for an approximately 9.5 acre site located on the east side of Belhaven Boulevard between McClure Circle and Rozwood Drive.

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

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

Attachment No. 15

16. (89-7) Decision on Petition No. 89-7 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 for approximately 47 acres located in two areas, one on the east side of Yorkmont Road between Nations Ford Road and N.C. 49, and the second along the west of N. C. 49 from Southwood Drive to Southampton Road.

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

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

Attachment No. 16

17. (89-8) Decision on Petition No. 89-8 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-9 for a 28.2 acre site located on both sides of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (89-10) Decision on Petition No. 89-10 by Morcroft Leasing Corporation for a text amendment to various sections of the Zoning Ordinance to establish definitions and regulations for accessory dwelling units.

The Zoning Committee recommends that this petiton be denied.

Attachment No. 18

19. (89-12) Decision on Petition No. 89-12 by Ralph Kier for a change in zoning from O-15 and R-6MF to O-6(CD) for a 1.23 acre site located just east of the intersection of Providence Road and Colonial Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (89-13) Decision on Petiton No. 89-13 by William J. Branstorm, III, for consideration of an R-15MF(CD) Site Plan Amendment for a 4.4 acre site located at the intersection of Ardsley Road and Hernitage Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (89-14) Decision on Petition No. 89-14 by North Carolina Performing Arts at Charlotte Foundation for a change in zoning from U-MUD to U-MUD-O for 3.46 acres bounded by North Tryon, East Trade, North College and East Fifth Streets.

The Zoning Committee recommends that this petition be approved.

Councilmember Clodfelter was excused from the hearing.

Attachment No. 21

22. (89-15) Decision on Petition No. 89-15 by J. F. Gladden for a change in zoning from O-6 and R-6MF to B-2(CD) for 41,000 square feet located on the north side of Wilkinson Boulevard east of Holton Avenue.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 22

23. (89-16) Decision on Petition No. 89-16 by Britthaven of Charlotte/R. Gregg Hill for a change in zoning from R-6MF to O-6(CD) for approximately 24,000 square feet located on the easterly side of Cranbrook Lane north of Randolph Road.

The Zoning Committee recommends that this petiton be approved.

Attachment No. 23

24. (89-17) Decision on Petition No. 89-17 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1, R-6MF, and R-9MF to R-6 for approximately 28.5 acres located in several areas west of Statesville Avenue and south of Oakland Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 24

25. Recommend adoption of resolution calling for public hearings on Monday, April 17, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-28 through 89-37 for zoning changes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 10, 1989

Mayor and City Council:

RE: Petitions to be Heard in March, 1989

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

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-18

Petitioner. Charlotte-Mecklenburg Hospital Authority

Location: 5 acres located on the northwesterly side of Sardis Road between Providence Road and Randolph Road across from Timber Lane.

Request: Change from R-15 to R-12MF(CD) and consideration of an R-12MF(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. Property involved with this request is presently zoned a combination of R-15 and R-12MF(CD). The portion of the subject property which is zoned R-12MF(CD) is the site of a recent rezoning for a 43,000 square foot, 125 bed, long term nursing care facility. The portion of the site which is zoned R-15 is the site of a recent rezoning request which proposed a day care facility but was withdrawn at the scheduled public hearing in December 1988. Most of the nearby area is zoned R-15. The intersection of Providence Road and Sardis Road is the site of a recent rezoning to B-1(CD). South of Sardis Road across from Randolph Road, a site has been rezoned to R-20MF (Innovative). A large area zoned R-15MF lies to the west of the petitioned site.

2. Existing Land Use. The subject property is currently vacant. Just to the east is the former Calvary Church. To the west of the property toward Providence Road are the Strawberry Hill Apartments, United Carolina Bank, and an Exxon Gas Station. Harkey's Nursery is located across Sardis Road. Otherwise, the area is devoted to single family residential land uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area. 2005 strategies include the widening of Sardis Road from Rama Road to N. C. 51 and construction of water mains along Sardis Road, Rama Road, and Providence Road.

   2. Transportation Improvement Program. The TIP's listing of proposed roadway improvements includes the widening of Sardis Road from Rama Road to Sardis Road North. The TIP also schedules improvement of the intersection of Fairview/Providence and Sardis Roads for implementation in FY89-92.

4. Site Plan. The site plan which accompanies this petition proposes to amend an existing conditional site plan as well as rezone a small tract from single family residential to conditional multi-family for the purpose of developing a 125 bed, 43,000 square foot long term nursing care facility. The portion of the subject property which is currently zoned R-15 would be used for an extension of the parking lot. Access to the site would be via one driveway off of Sardis Road. The site plan provides for 35 foot side and rear yards on the property edges and indicates the building will be of masonry construction,

one-story, and with a hip roof. A fence would screen the adjoining property.

5. School Information.

Schools	Capacity	Enrollment
Elementary: Cotswold	416	531
Junior High: Randolph	1100	963
Senior High: West Charlotte	1535	1743

6. Zoning History (See Attached Map)

	Petition No.	Request	Action	Date
1.	70-43	R-15MF to B-1SCD	Denied	4/20/70
2.	73-50	R-15MF to O-15	Denied	1/28/74
3.	72-8	O-6 to B-1	Approved	3/17/72
4.	86-109	R-15MF to R-15	Approved	12/15/86
5.	88-34	R-15MF(CD) to B-1	Approved	7/18/88
6.	88-93	R-15 to R-12MF(CD)	Approved	1/17/89

7. Neighborhood. The site falls within the area defined as the Randolph/Sardis neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a multi-family site plan amendment and a rezoning from a single family residential district to a conditional multi-family residential district for a long term nursing care facility. The 2005 Plan recognizes the area as one of existing residential land uses. Therefore, the petition is consistent with public plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed the petition with the petitioner's agent prior to the filing. Subsequently, the staff conveyed several site plan related comments to the petitioner's agent.

   2. Departmental Comments.

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

      2. Building Standards Department. The Zoning Administrator had no comments.

      3. Fire Department. The Fire Department had no comments.

      4. Engineering Department. The Engineering Department indicated the need for the site plan to show all right-of-way lines.

      5. CDOT. CDOT indicates this site could generate approximately 363-367 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 315 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

Sardis Road is a major thoroughfare requiring a minimum 100 feet of right-of-way. The petitioner should dedicate additional right-of-way to meet this requirement measuring 50 feet from the centerline of Sardis Road. CDOT prefers that the driveway be relocated approximately 125 feet east (measured centerline to centerline) to align with Timber Lane, thus utilizing the existing turn out opposite Timber Lane. This preferred access point can only be attained if an agreement can be worked out between the petitioner and adjacent property owner.

6. Board of Education. No comments have been received as of the preparation of this report.

7. Parks & Recreation. No comments have been received as of the preparation of this report.

8. Planning Staff. Planning staff comments regarding the site plan include the need to bring forward all of the notes, conditions, landscaping treatments, cross sections, etc. from the existing, approved plan and incorporate those items on this plan. The plan needs to indicate screening of the dumpster and detention areas, provide a detail of the proposed fence, specify a minimum distance from the Sardis Road right-of-way to the beginning of the parking lot, and provide screening around all sides of the parking lot.

ISSUES

1 Land Use. There are no land use issues which accompany this application. The request seeks to rezone the subject property from a single family residential district to a conditional multi-family residential district and to amend an existing conditional plan for a nursing care facility. Publicly adopted plans recognize the area of the subject property as one of existing residential land uses. Therefore, the petition is appropriate for approval.

2. Site Plan. There are no major site plan issues which accompany this request. The site plan proposes development of a 43,000 square foot, 125 bed, long term nursing care facility. The plan indicates access to the site would be provided by way of one driveway connection to Sardis Road. The plan also indicates the building shall be of masonry construction, one-story, with a residential style hip roof. A fence would screen the service court. Site plan issues which should be addressed by the petitioner include the need for the plan to incorporate all of the applicable conditions and notes from the existing approved plan, provide more screening in key areas, provide a detail of the proposed fence around the dumpster, specify a minimum distance from the Sardis Road right of way to the parking area and include a note stating right of way is to be dedicated prior to the issuance of building permits. If these site plan issues are addressed, the petition is considered appropriate for approval.

CONSLUSION

If several site plan changes are forthcoming prior to public hearing, the petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-18
Date Filed January 30, 1989
Received By TMC
OFFICE USE ONLY

Staff Review 2/21 @9:00 a.m.

Ownership Information

Property Owner Calvary Presbyterian Church Trustees

Owner s Address P. O. Box 470477
Charlotte, NC 28226

Date Property Acquired June 28, 1984; July 18, 1983

Deed Reference 4865-340; 4693-304 Tax Parcel Number 185-121-16
185-121-23

Location Of Property (address or description)

northwesterly side of Sardis Road, northeast of Providence Road (near Strawberry Hill)

Description Of Property

Size (Sq Ft -Acres) 5.00 acres total Street Frontage (ft.) 304.07 feet

Current Land Use Vacant

Zoning Request

Existing Zoning R-15 & R-12MF(CD) Requested Zoning R-12MF(CD) & Site Plan Amendment

Purpose of Zoning Change To permit the construction of a long term nursing care facility to meet the continuing need for providing health care for the elderly.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third St., Suite 216, Charlotte , NC 28204
Agent's Address

333-1680
Telephone Number

Charlotte/Mecklenburg Hospital Authority
Name of Petitioner(s)

1000 Blythe Blvd., Charlotte, NC 28203
Address of Petitioner(s)

338-4149
Telephone Number

Signature SENIOR VICE PRESIDENT

(SEE ATTACHED)

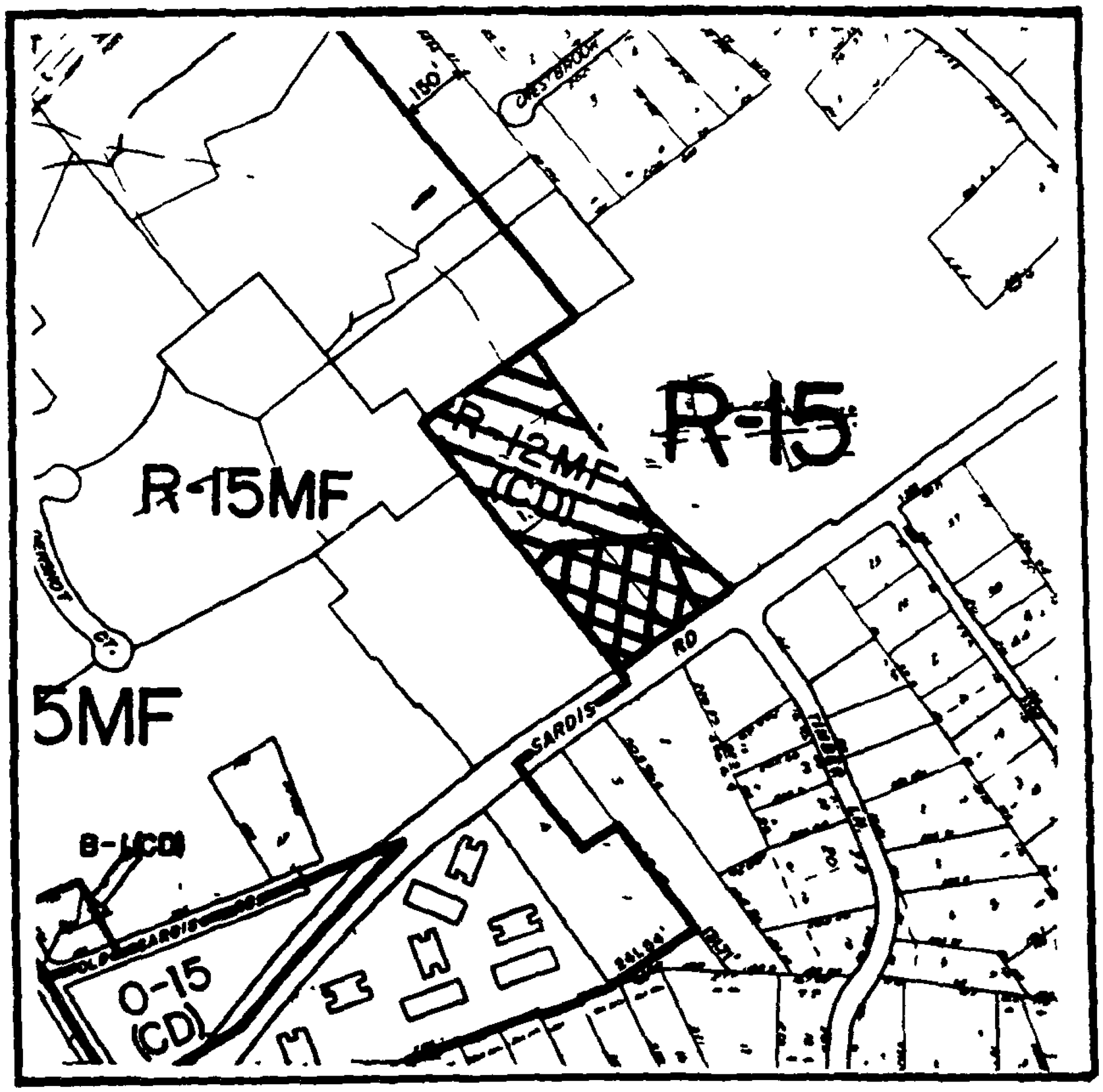
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte/Mecklenburg Hospital Authority

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

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

LOCATION Approximately 5.00 acres located on the northerly side of Sardis Road between Randolph Road and Providence Road across from Timber Lane.



ZONING MAP NO. 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-19

Petitioner: Harvey Gouch

Location: Approximately 1/2 acre located on the southeast side of Dawn Circle between Dawn Circle and North Tryon Street near Orr Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as are the majority of properties along Dawn Circle to the south and west. Properties to the north and east of the site are zoned B-2 with frontage along North Tryon Street. Properties to the east of North Tryon Street are zoned I-2 and properties further to the north along North Tryon are zoned R-9MF.

2. Existing Land Use. The property involved with this request is presently the site of a number of dilapidated manufactured housing units. The site also contains a portion of an unopen public street and public street right-of-way. Immediately adjacent to the subject site to the south with frontage on North Tryon Street can be found a new commercial structure containing a printing business. Other properties nearby with frontage along North Tryon includes small retail centers, automobile oriented centers, and manufactured housing sales and service centers. Properties to the south and east along Dawn Circle are used principally for single family detached housing, even though there are a number of manufactured housing units in the area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. There are no 2005 Strategies for the subject property. The plan does call for streetscaping improvements along North Tryon Street.

   2. North Tryon Street/I-85 Residential Corridor Study. This plan recommends that the property zoned R-9MF in the area of the subject property be rezoned to R-9 to reduce a potential for higher density development and protect the existing housing stock.

4. Site Plan. The site plan which accompanies this application proposes the extension of B-2 zoning through to Dawn Circle. The plan indicates the proposed expansion of an existing facility with the total area to be built on this tract limited to 6,000 square feet. The plan also indicates the proposed abandonment of the unopen public right-of-way, the establishment of street trees

planting and landscaping along Dawn Circle, and the establishment of a 25 foot buffer area along residentially zoned properties to the west.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	79-11	I-2 to R-MH & B-2	Denied	04/30/79
2.	85-6	MSUP Day Care Termination	Approved	09/19/85
3.	86-95	Established zoning on recently annexed area	Approved	08/18/86
4.	87-96	R-9 to B-2	Approved	01/19/88

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning properties from a residential to a nonresidential classification. Plans for the area indicate a strong preference for preserving the residential uses along Dawn Circle. However, this piece of property has its orientation to North Tryon Street and has long been used as an extension of businesses on North Tryon Street. The site is presently covered with a number of dilapidated mobile home units as a nonconforming business use. This petition will allow the extension of a use on adjacent properties onto this site but would also establish buffering and screening along the residentially zoned properties which adjoin it and establish street trees along Dawn Circle. It is believed that this is an improvement over the existing situation and not inconsistent with publicly adopted plans and policies for the area. However, the conversion of any additional residential structures along Dawn Circle to nonresidential uses would be inconsistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner's agent discussed this matter with the staff prior to filing the application. Subsequently the staff has communicated a number of questions and concerns to the petitioner regarding the site plan.

   2. Departmental Comments.

      1. C-MUD. No comments from C-MUD have been received as of the preparation of this report.

2. Fire Department. A public or private fire hydrant will have to be installed on the site and the turn around for the truck will have to be provided so the truck does not have to back up more than 300 feet.

3. Building Standards Department. The Building Standards Department indicated screening would have to be required next to existing residentially zoned areas. They also noted that the procedure to abandon the unopen street right-of-way must precede prior to the pursuing of any building permit for expansion on the site.

4. C-DOT. C-DOT had no comments on this request.

5. Engineering Department. The Engineering Department indicated the petitioner would have to install curb, gutter, and sidewalk along Dawn Circle.

6. Planning Staff. The Planning staff had a number of detailed comments regarding the site plan including the need to specify materials and sizes of plants to be used in the buffer, the need to clarify several of the conditional notes on the plan, and the need to specify what types of uses the property will be put to rather than all uses allowed in the B-2 district.

ISSUES

1. Land Use. There are no significant land use issues which accompany this application. The petitioner seeks the ability to expand an existing use with frontage along North Tryon Street to the rear portion of their site. Plans for the area indicate a strong preference for the preservation of Dawn Circle as a residential street. This request would help to preserve and protect residential uses along Dawn Circle by eliminating an unsightly nonconforming business use which presently exist on the site in favor of a new better screened and well defined commercial use. Therefore, this petition is consistent with plans for the area.

2. Site Plan. The site plan which accompany this application proposes the extension of an existing use onto this property with a maximum floor of approximately 6,000 square feet. The plan proposes the abandonment of an unopen public right-of-way, the establishment of street tree planting and screening along Dawn Circle, and the establishment of a 25 foot buffer along the property's boundary with the adjacent residential uses. The plan contains a number of questions and concerns which can easily be addressed by the petitioner prior to the public hearing. Assuming those matters can be adequately addressed and from a site plan

standpoint, this petition should be considered as appropriate for approval.

CONCLUSIONS

This petition is appropriate for approval. It establishes a well buffered termination for business uses with frontage on North Tryon Street and provides for the elimination of an unsightly nonconforming use which presently relates to residential uses on Dawn Circle.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-19
Date Filed January 30, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Harvey W. Gouch and Louise G. Gouch

Owner's Address: 5801 N. Tryon Street
Charlotte, NC 28213

Date Property Acquired: May 5, 1983; October 19, 1987

Deed Reference: 4662-131; 5622-232 Tax Parcel Number: 089-201-21, 089-201-22

Location Of Property (address or description)

Northwest of North Tryon Street at Dawn Circle and unopened Eloise Avenue

Description Of Property

Size (Sq. Ft.-Acres): .50 acres Street Frontage (ft.): 145 '± - Dawn Cir.

Current Land Use: Mobile Home Storage

Zoning Request

Existing Zoning: R-9 Requested Zoning: B-2(CD)

Purpose of Zoning Change: To allow the expansion of an existing building being used for printing purposes.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Mr. Harvey Gouch
Name of Petitioner(s)

5797 N. Tryon St., Charlotte, NC 28213
Address of Petitioner(s)

596-0807
Telephone Number

Harvey W. Gouch
Signature

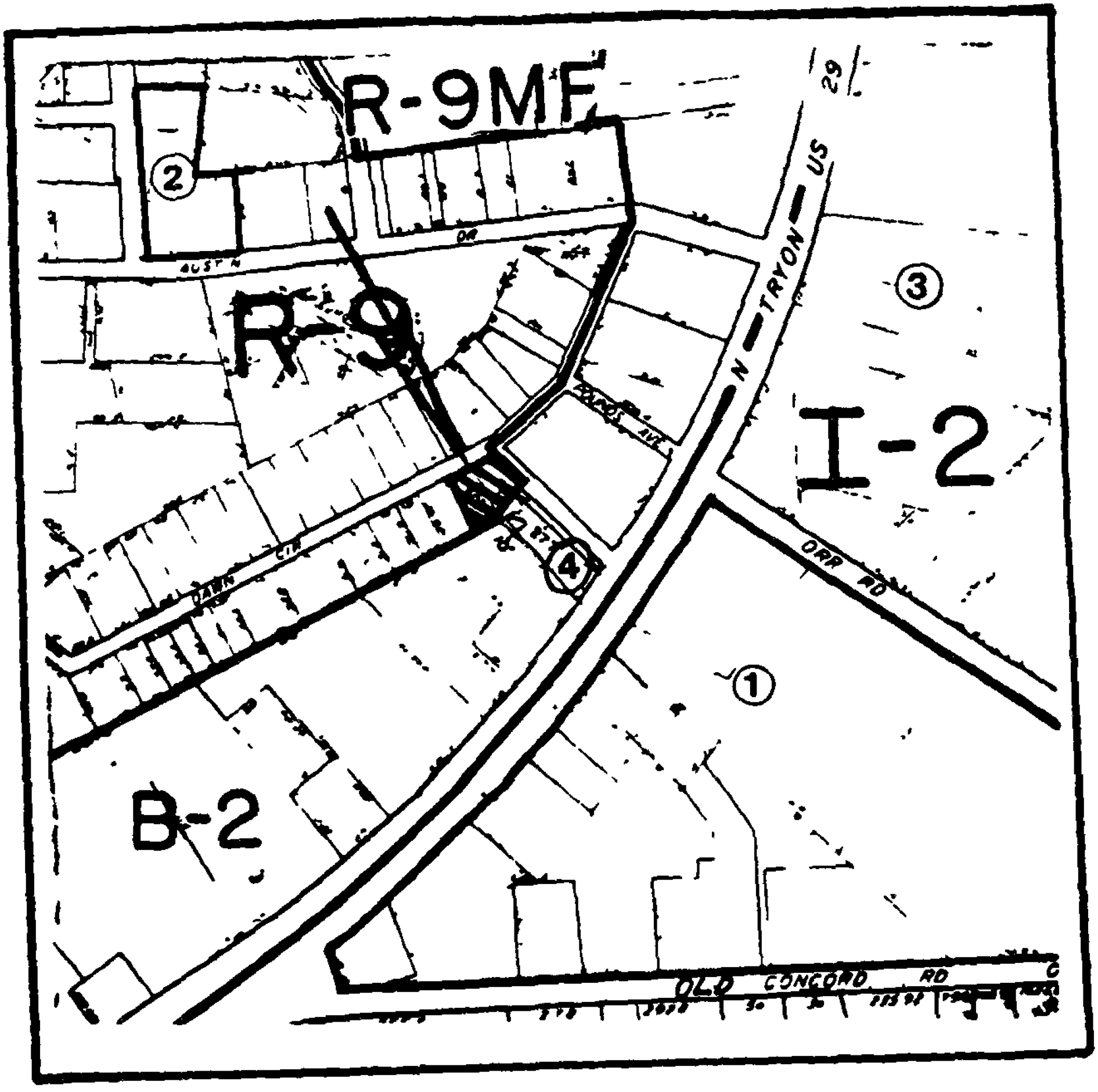
Signature of Property Owner if Other Than Petitioner

PETITIONER Mr. Harvey Gouch

PETITION NO. 89-19 HEARING DATE March 20, 1989

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

LOCATION Approximately .50 acres located on the southeasterly side of Dawn Circle between Old Concord Road and Orr Road northwest of North Tryon Street.



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-20

Petitioner: Optima Capital, Ltd.

Location: A 4.92 acre site located on the southerly side of Highway 51 between Blue Heron Drive and McMullen Creek.

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

BACKGROUND

1. Existing Zoning. Property involved with this request is presently zoned R-12. The R-12 category extends in a southerly direction along McMullen Creek. On either side of the subject property south of N.C. 51 are multi-family districts. The town limits of Pineville run along N.C. 51 in the area, so zoning is controlled by the Town of Pineville on the north side of N.C. 51. Pineville has approved several commercial rezoning requests in the area on the north side of N.C. 51.

2. Existing Land Use. The subject property is the site of two single family residences. Immediately adjacent to the tract on either side are multi-family residential developments. Across N.C. 51 properties are developed with multi-family residential, a church and commercial uses including McMullen Creek Marketplace. Otherwise, the predominant land use pattern in the surrounding area is one of single family housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates the area of the subject property is one of existing residential uses. The plan recognizes the Carmel Commons Shopping center as a major mixed use center and the Park Road/N.C. 51 area as a community commercial center. 2005 Strategies for the area include widening N.C. 51 between Pineville and Matthews to a four lane urban parkway, construction of the Pineville Bypass/Outer Belt to relieve critically congested intersections, widening of Park Road from Linford Drive to N.C. 51 to ease congestion, and construction of the N.C. 51 water main.

   2. N.C. Highway 51 Special Project Plan. The Highway 51 Plan, adopted in 1983 by Charlotte City Council and Mecklenburg Board of County Commissioners, focuses upon N.C. 51 from McAlpine Creek to the Matthews town limits. The plan provides for N.C. 51 from McAlpine Creek to the Matthews town limits. The plan provides for N.C. 51 as a residential corridor with nonresidential development specifically discouraged, except when it occurs through an urban developement center or in small convenience centers located within large-scale residential developments.

3. South Mecklenburg Interim District Plan. The South Mecklenburg Plan also indicates residential development at densities of 0-4 dwelling units per acre in the area of the subject property and recognizes that the Carmel Commons/McMullen Creek Marketplace area functions as a mixed use center for the nearby vicinity. The plan further states that vacant parcels near existing residential development should take on the single family character of the immediate area and, therefore, contain 0-4 dwelling units per acre. Like the Highway 51 Study, the South Mecklenburg Plan envisions Highway 51 as a residential corridor. The plan recommends a maximum average ceiling of 4.5 dwelling units per acre for most projects along 51.

4. Transportation Improvement Program. The TIP calls for improvements to this section of N.C. 51 and the design work for those improvements is already underway.

4. Site Plan. The site plan which accompanies this petition proposes development of a 96,000 square foot office park. The plan proposes three, 3 story and one, 1 story buildings that could contain any of the uses allowed in the 0-6 district. Access to the site is provided via two driveway connections to N.C. 51 and 329 parking spaces are to be provided. The plan indicates 10 foot yards on both sides and a 6 foot wood fence with brick columns along the southerly and westerly property edges.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	71-36(c)	R-12 to R-12MF (AIP)	Approved	5/11/71
2.	71-37(c)	R-12 to R-12MF (AIP)	Approved	05/01/71
3.	72-7(c)	B-1, R-15 to R-PUD	Approved	05/01/72
4.	71-29(c)	R-PUD to R-PUD Modifications	Approved	09/20/71
5.	76-11(c)	R-PUD to R-12, R-12MF and O-15	Approved	06/07/76
6.	79-50(c)	R-12 to R-12(CD), R-12MF(CD) & B-1(CD)	Approved	01/07/80

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

REVIEWS

1. Plan Consistency. This petition is inconsistent with adopted plans for the area. It proposes the rezoning of a tract from a residential to a nonresidential classification in an area in which

publicly adopted plans indicate the existing and future land use to be one of a residential character.

2. Technical Consistency.

    1. Pre-Hearing Staff Input. Petitioner discussed the petition with staff prior to the filing. This petition arose from a previous attempt to rezone the site for a small retail center. Subsequent to the filing of the application the staff relayed numerous site plan related concerns and comments to the petitioner.

2. Departmental Comments.

    1. C-MUD. Water and sewer service is available nearby.

    2. Fire Department. The Fire Department indicated that the fire truck cannot make a 180 degree turn to the rear of the phase one building.

    3. Building Standards Department. The Building Standards Department noted that screening is required adjoining residential areas and 330 parking spaces are required.

    4. Engineering Department. The Engineering Department noted that storm water detention will be required and questioned whether the detention area in the site's northeast corner could serve the westerly portion of the site.

    5. Department of Transportation. CDOT indicates an increase from about 216 to 234 trips per day as currently zoned to about 1,402 trips per day under the proposed zoning. Other comments from CDOT indicate the secondary entrance, which is restricted on the plan to right turns in and out only, must be designed to physically prohibit left turns or straight movements into or out of the driveway.

    6. Board of Education. No comments.

    7. County Parks & Recreation. No comments.

    8. Planning Staff. Planning staff had numerous comments and concerns regarding the site plan. Those comments include concern over the plan's proposal to permit any use allowed in the O-6 district. This is not in conformance with the conditional district provisions of the zoning ordinance. The zoning ordinance established the conditional district process to "address those situations when a particular use may be acceptable but the general classification which would allow that use would not be acceptable." It allows

the City Council to approve a proposal for a specific use with reasonable conditions to ensure the compatibility of the use with surrounding properties. Other Planning staff comments regarding the plan revolve around the need for clarification of buffer edge treatments. The plan needs to specify that areas designated as existing vegetation will remain. The plan should clarify that detention will not be located in buffers or vegetative areas. A cross-section of the easterly project edge should be provided. The plan needs to include a note recognizing that landscaping on the outside of the fence is to be maintained by the office park's owner. All mechanical areas and parking areas need to be screened.

ISSUES

1. Land Use. The subject petition requests a rezoning from a residential district to an office district. All publicly adopted plans for the area discourage nonresidential development in this area. The Planning Commission has long maintained a strong position to establish and retain Highway 51 as a residential corridor with major focal points for growth at key locations to serve the needs of area residents. This desire for N.C. 51 to be a residential corridor dates back at least a decade when a 1978 request for rezoning of the southeast corner of the N.C. 51 and Park Road intersection from a residential district to an office district was recommended for denial by Planning Commission and was denied by County Commission. The Planning Commission recommendation from that case indicated that there should not be any nonresidential zoning south of N.C. 51 in this area. More recently, the petitioned site was the subject of a rezoning request for a change from R-15 to B-1(CD). Planning Commission recommended denial of that petition in November, 1988 reaffirming the policy calling for residential uses in the area. They also indicated that a high quality, higher density residential project would be appropriate for the subject property. The introduction of nonresidential zoning in the area south of N.C. 51 could undermine the integrity of nearby neighborhood and set a precedent that could lead to a continuous nonresidential strip pattern along N.C. 51, defeating the purpose of the current widening project. For all of the reasons stated above, this petition should be denied.

2. Site Plan. The site plan which accompanies this petition raises several issues which need to be resolved prior to hearing. Those issues include the need for complying with the conditional district provisions of the zoning ordinance and clarifying proposed edge treatments. From a site plan standpoint, if these issues can be resolved, the petition could be considered appropriate for approval.

CONCLUSIONS

This petition is not appropriate for approval. Even though the site plan may be modified to address technical concerns, the overriding issue in this case is the long-established land use policy which calls for this property to be used for residential purposes. Departures from that policy by another jurisdiction should not be a precedent for future decisions.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-20
Date Filed January 30, 1989
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Robert Henry McIntosh and Margaret R. Moore McIntosh; Elbert Herman Jackson and Betty Jackson

Owner's Address: RFD 2 Box 453, Pineville, NC 28134; 8301 Highway 51, Pineville, NC 28134

Date Property Acquired: June 5, 1961; March 19, 1957

Deed Reference: 2240-109; 1913-22

Tax Parcel Number: 221-221-72, 221-221-71

Location Of Property (address or description)

South side of Matthews-Pineville Road (NC 51) east of Blue Heron Drive

Description Of Property

Size (Sq. Ft.-Acres): 4.92 acres

Street Frontage (ft.): 1016.5

Current Land Use: Two single family residences

Zoning Request

Existing Zoning: R-12

Requested Zoning: O-6(CD)

Purpose of Zoning Change: To permit the development of a small office center on land unsuited for residential purposes.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third St., Suite 216, Charlotte, NC 28204
Agent's Address

333-1680
Telephone Number

Optima Capital, Ltd.
Name of Petitioner(s)

1043 E. Morehead St., Suite 200
Address of Petitioner(s) Charlotte, NC 28204

332-4658
Telephone Number

Signature

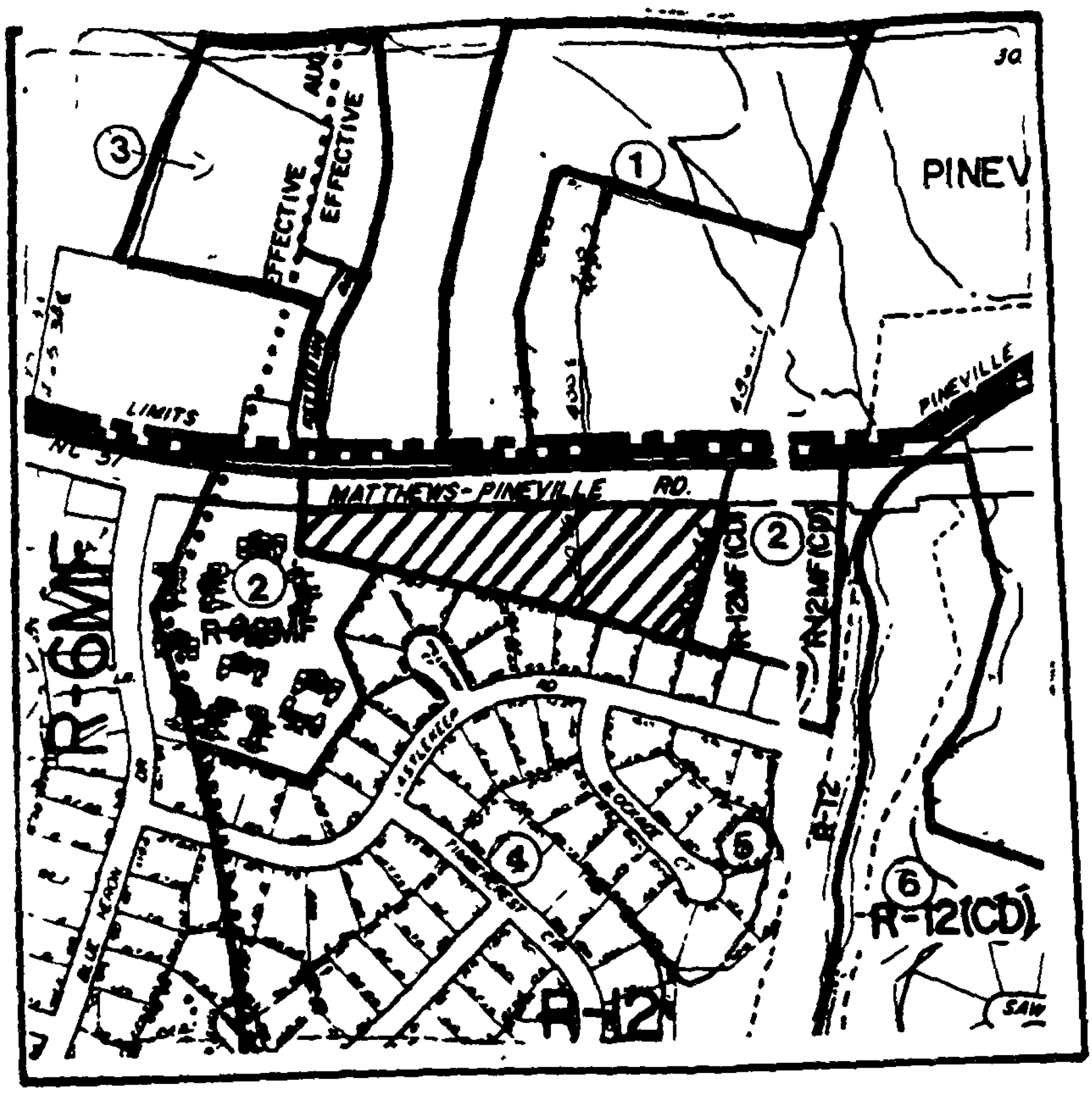
(SEE ATTACHED)
Signature of Property Owner if Other Than Petitioner

PETITIONER Optima Capital, Ltd.

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

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED O-6(CD)

LOCATION Approximately 4.92 acres located on the southerly side of N.C. 51 between Blue Heron Drive and McMullen Creek.



ZONING MAP NO. 167 & 168 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-21

Petitioner: Idlewild Crossing Ltd. Partnership

Location: A .08 acre site on the east side of Piney Grove Road south of the intersection of Idlewild Road and Idlewild Road North.

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

BACKGROUND:

1. Existing Zoning. The property involved with this request is presently zoned R-9. The site adjoins a 5½ acre site recently rezoned to B-1(CD) for a 50,000 square foot shopping center. Diagonally across the intersection from this property is a small tract zoned B-1. Otherwise all the zoning in the surrounding area is R-9.

2. Existing Land Use. The property involved with this request is presently undeveloped. Across from the future shopping center site can be found a small convenience center and a church. Otherwise the predominant land use in the surrounding area is one of single family detached housing and vacant land.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the vicinity of the subject property. 2005 strategies include improving Idlewild and Delta Roads and the construction of a connection between Idlewild Road and Independence Boulevard.

   2. Transportation Improvement Program. The TIP calls for the widening of Idlewild Road in FY 1991 and 1992 and the extension of Delta Road to Independence Boulevard in FY 1988 to 1990.

   3. Small Area Plan. There is not a small area plan which covers this portion of the community.

   4. Site Plan. The site plan which accompanies this application proposes the rezoning of a small tract from R-9 to B-1(CD) and incorporating that property into the parking area for the adjacent shopping center. The brick wall treatment called for by the previously approved conditional shopping center plan will be extended along the outer edges of the petitioned site to provide a continuous brick wall along the project edge adjoining Piney Grove Road.

   5. School Information. Not applicable.

   6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	69-81	R-9 to B-1	Denied	1/15/69
2.	70-95	R-9 to B-1SCD	Approved	8/3/70
3.	73-9(c)	R-9 to B-1	Denied	3/5/73

	Petition No.	Request	Action	Date
4.	75-26	B-1SCD to B-1, R-9	Approved	10/6/75
5.	80-2	R-9 to R-12MF	Denied	4/28/80
6.	85-62	R-9 to R-9MF(CD)	Approved	11/18/85
7.	85-18MSUP	R-9 to MSUP for Day Care	Approved	4/1/86
8.	88-53	R-9 to B-1(CD)	Approved	9/19/88

7. Neighborhood. This site falls within the area defined as the Piney Grove Neighborhood.

REVIEWS:

1. Plan Consistency. This petition proposes the rezoning of properties from a residential to a nonresidential classification The 2005 Plan indicates that all the land in the surrounding area would be used for residential purposes. However, the proposal in this case is simply to incorporate a very small parcel into the previously approved conditional plan for the adjoining property. Though not clearly called for in plans for the area, the addition of this tract to the previously approved plan is not inconsistent with the future of the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has discussed this petition with the petitioner.

   2. Departmental Comments.

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

      2. Fire Department. The Fire Department had no comments.

      3. Building Standards Department. The Building Standards Department had no comment.

      4. Engineering Department. Comments from the Engineering Department indicated the need to install curb, gutter, storm drainage and sidewalk along Piney Grove Road.

      5. Department of Transportation. The Department of Transportation had no comment.

      6. Planning Staff. The Planning staff had no comments.

ISSUES:

1. Land Use. This petition proposes a rezoning from a residential district to a commercial classification in an area in which public plans call for a residential future. However, the rezoning request seeks merely to incorporate the subject property into the conditional plan for the 50,000 square foot shopping center approved for the adjacent tract. The subject property would be devoted to parking associated with the shopping center. Therefore, the petition may be considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition raises no issues. The plan would simply permit the subject property to be incorporated into the overall, conditional plan for the adjacent shopping center site. The brick wall treatment planned for the Piney Grove Road edge will be extended

along the perimeter of the petitioned site to provide screening of the future parking area. The petition is considered appropriate for approval.

CONCLUSION:
The petition is appropriate for approval.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-21
Date Filed January 30, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Idlewild Crossing Limited Partnership

Owner's Address: c/o Childress Klein Properties, Inc., 2800 One First Union Center, 301 South College Street, Charlotte, North Carolina 28202-6021

Date Property Acquired: November, 1988

Deed Reference: _____ Tax Parcel Number: 165-036-03

Location Of Property (address or description)

Piney Grove Road Relocated

Description Of Property

Size (Sq. Ft.-Acres): .08 acres Street Frontage (ft.): 67.89

Current Land Use: Vacant Land

Zoning Request

Existing Zoning: ~~B-2~~ R-9 Requested Zoning: B1 CD

Purpose of Zoning Change: To add contiguous land to existing B1 CD zoning as shown on site plan approved.

David S. Miller
Name Of Agent: Childress Klein Properties, Inc.

Agent's Address: 2800 One First Union Center
301 South College Street
Charlotte, NC 28202-6021

Telephone Number: (704) 342-9000

Idlewild Crossing Ltd. Partnership
David S. Miller c/o Childress Klein Propert
Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature: [signature]

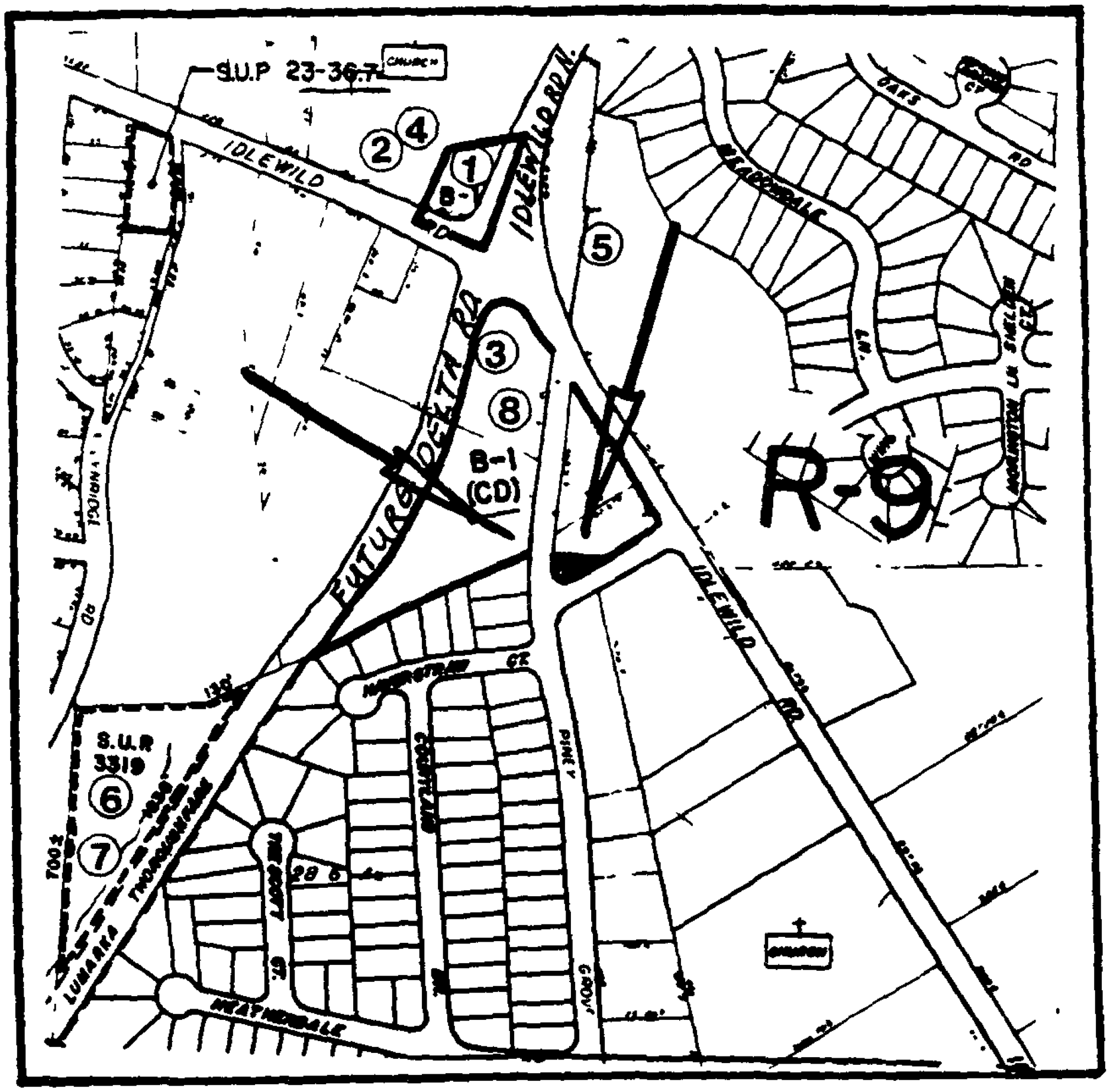
Signature of Property Owner if Other Than Petitioner

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

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

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

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



ZONING MAP NO. 122 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-22

Petitioner: S&S Development Company

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-12 as is a substantial amount of property which adjoins this site to the east and south. Directly adjacent to the site to the south are properties zoned B-1(CD) and B-1. Properties across Pence Road from the site are also zoned B-1 and O-6.

2. Existing Land Use. This site is presently occupied by an existing single family structure. Properties to the north, west, and south are used for commercial and office purposes. Properties to the east are used for single family residential purposes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property and a community commercial center at the intersection of Newell-Hickory Grove Road, Delta Road, and Hickory Grove Road. The 2005 Strategies include improving Hickory Grove Road, widening Newell-Hickory Grove Road, and widening Delta Road.

   2. Transportation Improvement Program. The TIP calls for the widening of Newell-Hickory Grove Road from Albemarle Road to the Plaza and the project is ranked 18th of the 1990 Transportation and Land Development Policy. Both the widening project and the intersection improvements at Hickory Grove Road and Pence Road are already funded projects and will begin construction within the next two years.

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

4. Site Plan. The site plan which accompanies this application proposes a construction of a commercial building not to exceed 7,600 square feet on the site. The building is oriented with its long side running down the length of the lot and parking running down the other side of the lot parallel to the building. Access would be furnish via a single driveway to Hickory Grove Road and the plan specifies no limitation on uses allowed in the B-1 district.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	65-114	R-9MF to B-1	Approved	01/04/66
2.	67-11	O-6 to B-1	Approved	04/03/67
3.	67-62	R-9MF to B-1	Approved	10/23/67
4.	72-66(c)	R-9MF o B-1	Approved	11/20/72
5.	73-41(c)	R-9MF to B-1SCD	Approved	01/07/73
6.	76-17(c)	R-12 to B-1(CD)	Approved	11/15/76
7.	77-19(c)	R-12, B-1(CD) to B-1(CD) & B-1(CD) S.P.A.	Approved	06/06/77
8.	84-19(c)	R-12 & B-1(CD) to B-1(CD) & B-1(CD) S.P.A.	Approved	09-04-84
9.	85-31(c)	B-1SCD S.P.A.	Approved	07/08/85
10.	86-39	R-12 to RI	Approved	05/19/86

7. Neighborhood. This site falls within the area defined as the Hickory-Grove neighborhood.

REVIEWS

1. Plan Consistency. The 2005 Plan indicates that this property is in an area of future residential use. However, it falls at a boundary between existing commercial uses with their orientation toward the intersection of Hickory Grove Road and Pence Road and residential uses to the south and east. Road improvements to Hickory Grove Road and Delta Road and the intersection improvements which will also be accomplish will eliminate many of the existing commercial uses along this portion of Hickory-Grove and Delta Road. The remaining lands are still appropriate for commercial use with their orientation toward the intersection and this property is directly adjacent to that area. The property is also across from a public street named Susan Drive which serves as the boundary between residential and nonresidential land uses in the area. Therefore from the land use standpoint it would be appropriate to consider this piece of property as being the final piece along this side of Pence Road which can be devoted to nonresidential uses. It will orient across Pence Road toward existing commercial uses and it will also orient toward commercial uses with their frontage on Delta Road after its improvement. Therefore, this petition may be viewed as consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agent for the petitioner prior to the filing of the application to discuss the request. Subsequently, the staff has met with the

petitioner's agent again to review the site plan and seek clarifications for a number of issues.

2. Departmental Comments.

   1. C-MUD. No comments from C-MUD had been received as of the preparation of this report.

   2. Building Standards Department. The Building Standards Department had no comments on this request.

   3. Fire Department. The Fire Department indicated that the available water supply is adequate for the proposed development.

   4. City Engineering Department. The Engineering Department noted the need for the petitioner to provide curb, gutter, and sidewalk along Hickory Grove Road, the need to indicate the method of storm water detention on the site if required, and the need to dedicate 35 feet of right-of-way from the centerline from Hickory Grove Road prior to the issuance of any building permits.

   5. C-DOT. The Department of Transportation indicated that the access drive to the site need to be a minimum width of 26 feet.

   6. Planning Staff. The Planning staff had a number of detailed comments and questions regarding the site plan. Those comments included the observation that the site appears to be over utilized in terms of floor area and required parking. The staff also expressed concern about the orientation of the building to Hickory Grove Road and to the future improved intersection of Hickory Grove Road and Delta Road. There were a number of questions about some of the conditional notes on the plan and the specific uses that the property would be put to. The staff was also concerned about the buffering along the easterly margin of the site which adjoins single family zoned property.

ISSUES

1. Land Use. There are no significant land use issues which accompany this application. The 2005 Plan indicates that properties in the general area would be used for residential purposes but that properties associated with the intersection of HIckory-Grove Road and Delta Road would be used for commercial purposes. Properties directly across the street from this site are zoned for and used for commercial purposes and the rezoning of this parcel would create a well defined line for nonresidential uses.

The staff expressed some concern to the petitioner about how this use would relate to the newly improved intersection of Hickory Grove Road and Delta Road and suggested that this property be combined with additional properties in the area so that the building could be oriented toward Hickory Grove Road. On the whole, however, the conversion of this property from a residential to a nonresidential category can be viewed as consistent with public adopted plans for the area and, therefore, may be considered appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes the construction of a single one-story building not to exceed 7,600 square feet on the site. The plan proposes no limitations to the building except those found in the B-1 district except to indicate that no more than 50% of the floor area will be devoted to retail uses. The site appears to be over utilized from the standpoint of the amount of floor area requested. A good rule of thumb for commercial properties would be to expect a maximum of approximately 10,000 square feet of floor area per acre of land. Applying that formula to this site would result in a more appropriately size building of 6,700 square feet rather than the 7,600 square feet proposed by the developer. The staff also believes that the orientation of this building on the site could result in an unusual and perhaps an undesirable relationship with the newly improved intersection of Hickory Grove Road and Delta Road in the future. The petitioner's agent indicates that site plan issues in terms of screening, driveways, etc., will be address in a revised site plan. However, the petitioner's agent indicates that the total amount of floor area will remain as requested. Therefore, from a site plan standpoint, this petition should not be viewed as appropriate for approval. It will result in an unusual relationship to Hickory Grove Road and may precipitate further rezoning requests along Hickory Grove Road due to that relationship. If the petitioner is able to modify the plan and reduce the amount of floor area on the site thus reducing the necessary parking and allowing for more screening and buffering, then this petition may be considered as appropriate for approval.

CONCLUSIONS

This petition should only be considered appropriate for approval upon further modifications of the site plan to reduce the amount of floor area to be developed on the site.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-22
Date Filed January 30, 1989
Received By MCR
OFFICE USE ONLY

Ownership Information

Property Owner: Mrs. L. B. Jordan (Margaret C. Jordan)

Owner's Address: 6616 Hickory Grove Road
Charlotte, N. C.

Date Property Acquired: 6/29/61

Deed Reference: 2252-114 Tax Parcel Number: 109-011-13

Location Of Property (address or description): 6116 Hickory Grove Road

Description Of Property

Size (Sq. Ft.-Acres): approx 0.67 acres (29,138 sq. ft.) Street Frontage (ft.): 120'

Current Land Use: Residential

Zoning Request

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

Purpose of zoning change: construction of office/retail building as a transition between commerical and residential uses

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

S&S Development Company
Name of Petitioner(s)
6852 Newell-Hickory Grove Rd.
Charlotte, N.C. 28215
Address of Petitioner(s)
568-5481
Telephone Number

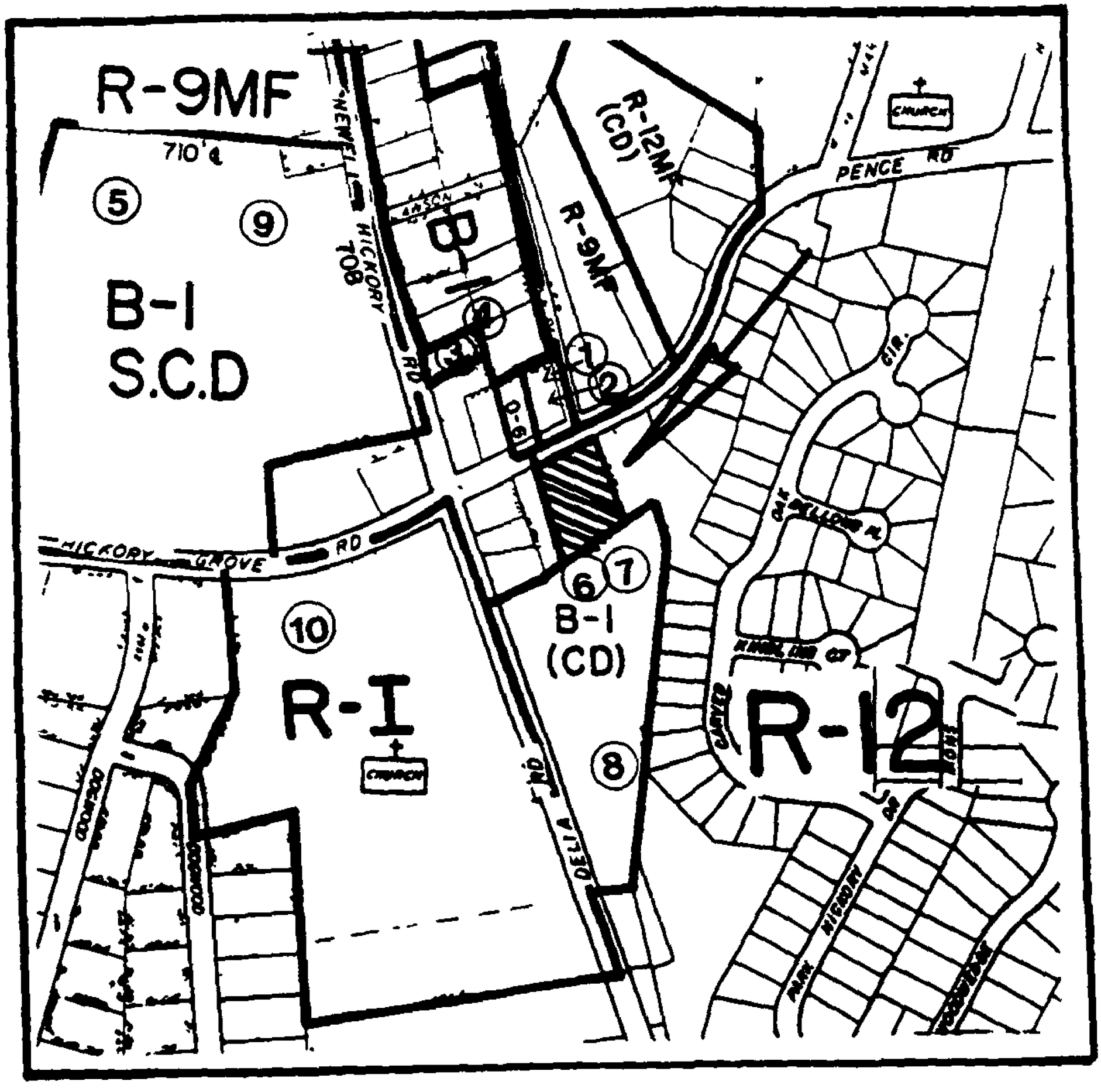
Signature
Margaret C Jordan
Signature of Property Owner if Other Than Petitioner

PETITIONER S & S Development Company

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

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

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



ZONING MAP NO. 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-23

Petitioner: T. Cooper James

Location: Approximately 5.4 acres on the south side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.

Request: Change from I-1 to B-1(CD) and consideration of an O-15(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is composed of two zoning categories; I-1 and O-15(CD). The O-15(CD) category is a strip approximately 200 feet deep along Tuckaseegee Road and was the subject of a conditional site plan approved in 1980. The I-1 properties extend from the rear of the O-15(CD) property all the way through to Interstate 85 and comprises a large industrial concentration. Properties directly across the subject site are zoned R-9 and properties nearby along Tuckaseegee Road include both single family, multi-family, and office categories.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the south toward Interstate 85 are used for a variety of heavy commercial and industrial purposes. Properties to the east and west along Tuckaseegee Road are used principally for residential purposes including single family and multi-family housing. In addition, the site is bounded by a church on one side and a day care center on the other with frontage on Tuckaseegee Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment uses in the area of the subject property. The 2005 Strategies include improving Freedom Drive and the widening of Interstate of 85.

   2. Small Area Plan. The property involved with this request is not covered by any small area plan.

4. Site Plan. This petition proposes the development of a small retail center with access and frontage on Tuckaseegee Road. The retail center itself would be developed on land which is presently zoned I-1 but the principle parking area for the site is in the area zoned O-15(CD). The previously approved site plan on the property indicates that the O-15 area would include two building areas for office uses and establishes a future 60 foot right-of-way from Tuckaseegee Road to connect eventually to the Interstate 85 Access Road via a street called Gateway Boulevard. The purpose of

the plan amendment is to eliminate the proposed 60 foot public street right-of-way from the O-15 portion of the site so that that entire area may be used for parking to support the retail center to the rear. The petition proposes the dedication of 20 feet of additional right-of-way along Tuckaseegee Road, the establishment of buffer and screening areas all the way around the perimeter of the site, and allows for a single outparcel with internal access.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	66-86	I-1 to Cond. Fraternal Org.	Approved	11/28/66
2.	71-63	R-9 to R-6MF (AIP)	Approved	01/07/72
3.	74-41	R-9 to R-12MF	Denied	09-09-74
4.	79-13	R-9 and I-1 to O-15	Approved	04/30/79
5.	80-57	R-9 to O-15(CD)	Approved	01/21/81
6.	83-55	R-9 to R-12MF(CD)	Approved	10/17/83

7. Neighborhood. This site falls within the area defined as the Toddville Road community.

REVIEWS

1. Plan Consistency. The 2005 Plan indicates that properties in the are of this site should be used for employment purposes. In deed the original site plan which deals with the O-15 portion of this site recognize that by providing for a connection through from Tuckaseegee Road via a street called Gateway Boulevard to the I-85 Access Road. The vast majority of the land along this proposed road is zoned for I-1 uses. The establishment of a retail convenient center at this location would be consistent with publicly adopted plans and polices for the area. This is consistent with the thought involved with the creation of the O-15(CD) portion of this site in 1980.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agents for the petitioner on a number of occasions prior to the filing of this application. The petitioner asked the staff to administratively modify the O-15(CD) site to remove the proposed public street. However, the staff that that was beyond the authority of the Planning Director under the zoning ordinance to amend the plan and, therefore, a public hearing would be required. The staff encouraged the petitioner to then bring in a single application which would include the entire site, both the O-15(CD) portion along Tuckaseegee Road and the B-1(CD) portion to the rear. Subsequently, the staff has

discussed with the petitioner a number of questions regarding the site plan.

2. Departmental Comments.

   1. C-MUD. As of the preparation of this report, no comments had been received from C-MUD.

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

   3. Building Standards Department. The Building Standards Department had a number of detailed comments regarding many of the conditional notes on the plan.

   4. C-DOT. Comments from C-DOT indicated the need for driveways to be designed at 36 feet in width, that the outparcel should not have any separate access to Tuckaseegee Road, that the petitioner would need to install a left turn lane on Tuckaseegee Road to furnish access to the site.

   5. Engineering Department. The Engineering Department indicated that curb, gutter, and sidewalk would have to be installed along Tuckaseegee Road and also indicated the need for the petitioner to comply with storm water, grading, and tree planting requirements.

   6. Planning Staff. The Planning staff had a number of detailed comments regarding certain elements of the site plan including the need to clarify some of the conditional notes, the need to provide additional detail about the landscaping to be provided along Tuckaseegee Road, and the need to show required screening of the loading and service areas.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The 2005 Plan indicates that property in this area should be used for employment type purposes. The petitioner proposes to rezone properties from an industrial category to a business category and to combine that land with areas already zoned O-15 for a single site to be used for retail purposes. This petition would eliminate a previous commitment to provide for a public street through the petitioner's site to connect to the Interstate 85 Access Road. Therefore, from a land use standpoint, this petition may be considered appropriate for approval.

2. Site Plan. There are no significant issues which accompany this site plan. The plan indicates the establishment of a small retail center with a single outparcel. The outparcel will not have separate access and the petitioner proposes to dedicate 20 feet of additional right-of-way along Tuckaseegee Road. A number of minor site plan issues can be easily addressed by the petitioner prior to the public hearing. Assuming those matters are adequately addressed, this petition may be considered as appropriate for approval.

CONCLUSIONS

This petition is appropriate for approval. There are no land use issues and the minor site plan issues noted in the staff analysis can be addressed by the petitioner prior to the public hearing.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-23
Date Filed January 30, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Robert N. Burris, Trustee

Owner s Address: 6525 Morrison Boulevard, Suite 333
Charlotte, North Carolina 28211

Date Property Acquired: November 9, 1988

Deed Reference: Deed Book 5899 at Page 372 Tax Parcel Number: 061-161-02

Location Of Property (address or description) southerly side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue

Description Of Property

Size (Sq. Ft.-Acres): 5.48 acres ± Street Frontage (ft.): 377 ft. ±

Current Land Use: Vacant

Zoning Request

Existing Zoning: (a) O-15(CD) (front 200 feet of Property) (Tract A)
(b) I-1 (rear 355 feet (approx.) of Property) (Tract B)

Requested Zoning: (a) O-15(CD) (site plan amendment)
(b) B-1(CD)

Purpose of Zoning Change: (a) to eliminate proposed through street shown on existing conditional site plan; (b) to bring zoning on rear portion of tract into conformity with proposed land use.

Name Of Agent
Saxby M. Chaplin
Smith Helms Mullins & Moore

Agent's Address
227 N. Tryon Street
Charlotte, North Carolina 28202

Telephone Number
(704) 343-2000

Name of Petitioner(s)
T. Cooper Janes

Address of Petitioner(s)
Suite 103, Friendly Center
600 Green Valley Road
Greensboro, NC 27408

Telephone Number
(919) 855-5555

See Attached Exhibit A

Signature

See Attached Exhibit B

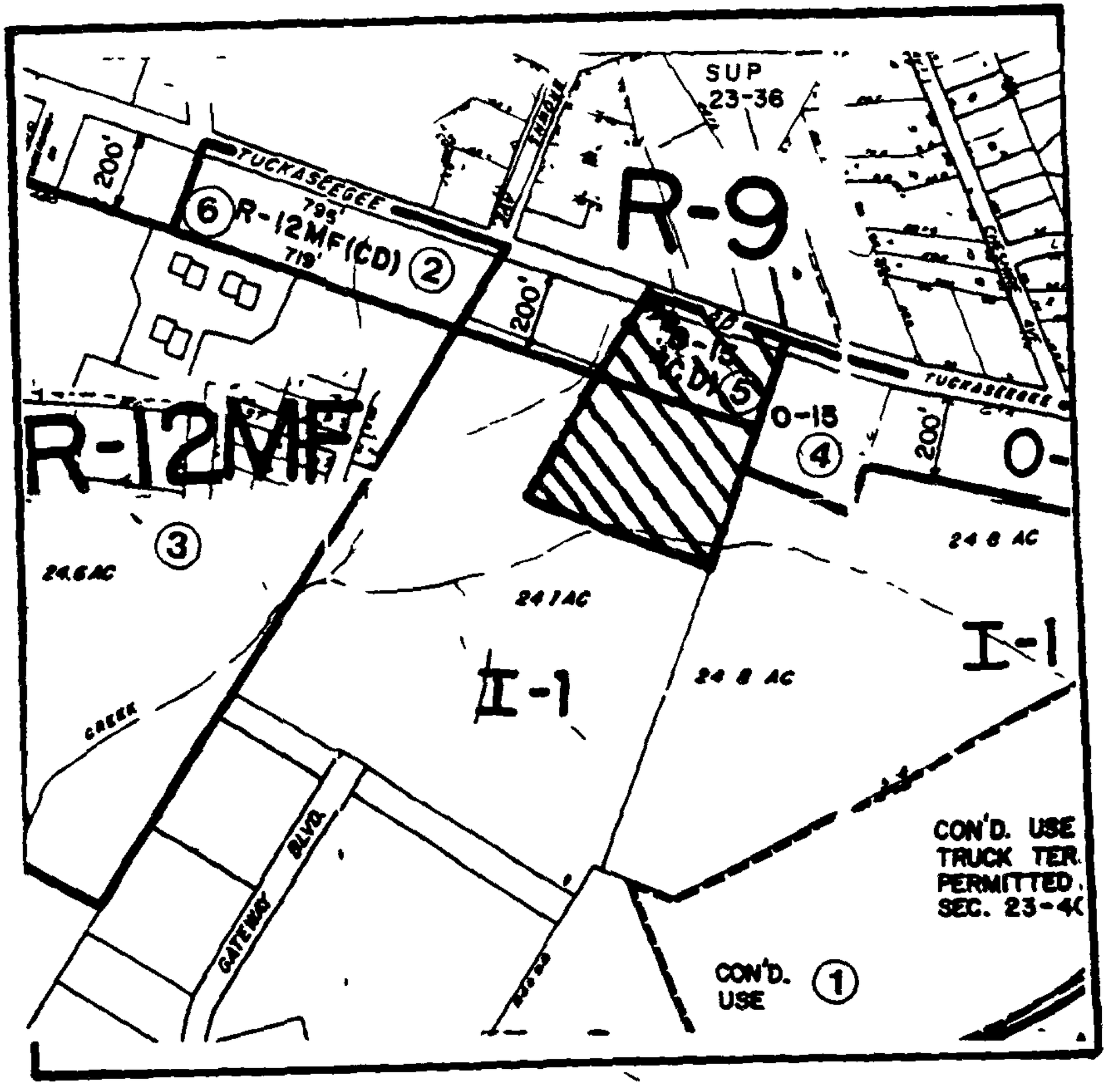
Signature of Property Owner if Other Than Petitioner

PETITIONER T. Cooper James

PETITION NO. 89-23 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING O-15(CD)&I-1 REQUESTED O-15 Site Plan Amendment&B

LOCATION Approximately 5.48 acres located on the south side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-24

Petitioner: David S. Miller

Location: Approximately 38.1 acres located on the northwest corner of New Arrowood Road and South Boulevard.

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

BACKGROUND

1. Existing Zoning. The property involved with this request was rezoned to its present B-1SCD, O-15(CD), and R-15MF(CD) classifications in May, 1988. Properties generally to the north and west of the subject site are zoned for a variety of residential purposes including zoning categories R-9, R-9MF, R-15MF, and R-9MF(CD). Properties immediately to the south of the subject site are zoned for a business park. Properties to the east along South Boulevard are zoned for a variety of business and industrial uses.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the west along Old Arrowood Road and New Arrowood Road are developed and use for a variety of residential uses including single family and multi-family housing. Properties to the south of the subject site are generally vacant while properties to the east along South Boulevard are developed for a variety of business uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing and developing employment uses in the area of the subject property. The 2005 Strategies include extending Hebron Street, the relocation and construction of Arrowood Road, the widening of South Boulevard, and the extension of the greenway system along Kings Branch.

   2. Transportation Improvement Program. The TIP calls for the construction of Hebron Street extension from Nations Ford Road to Arrowood Road and improvements to the Hebron Street/South Boulevard intersection.

4. Site Plan. The site plan which accompanies this application proposes the rezoning of approximately 4.9 acres of land from R-9 to B-1SCD as well as an amendment to an existing site plan which includes B-1SCD, O-15(CD), and R-15MF(CD). The existing plan allows for the construction of 175,000 square feet of retail space, 60,000 square feet of office space, and up to 103 multi-family housing units. The multi-family and office portions of the site plan remain essentially intact and no additional development rights are proposed. However, five acres of land is to be added to the

B-1SCD portion of the plan and the petitioner requests an increase of 20,000 square feet of floor area for a total allowance of 195,000 square feet in the B-1SCD tract. A small portion of the existing R-15MF(CD) site would also be rezoned B-1SCD to accommodate an entrance from the commercial portion of the property to Old Arrowood Road. The petitioner proposes to maintain the same number of access points onto New Arrowood Road while adding a new access point to Old Arrowood Road. The petitioner proposes a reduction of out parcels in the commercial site from three to two and a reorientation of the commercial center from Arrowood Road to South Boulevard. The redesign of this site is brought about by the major anchor tenant which will locate on this property and their unusually large space and parking requirements. All of the conditions approved in the previous application regarding transportation improvements are carried forward on this petition and additional conditions have been added regarding screening and buffering.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	71-48	R-9 to R-15MF	Approved	11/23/70
2.	72-29(c)	R-9 to R-9MF	Denied	11/20/72
3.	72-48(c)	R-9 to Cond Use.	Approved	10/02/72
4.	72-52(c)	R-9 to R-12MF	Approved	11/28/72
5.	73-28(c)	R-9 to R-20MF	Approved	06/04/73
6.	74-4(c)	R-9 to R-20MF	Approved	02/14/74
7.	77-2	R-6MF to Cond Parking	Approved	03/14/77
8.	80-9	R-20MF to R-15MF(CD)	Approved	04/28/80
9.	80-11	R-6MF to R-9	Denied	05/19/80
10.	88-27	R-15MF(CD) to B-1SCD, O-15(CD) and R-15MF(CD)	Approved	05/16/88

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

REVIEWS

1. Plan Consistency. This petition involves the rezoning of a small tract of land and the addition of that tract to a previously approved parcel including commercial, office, and multi-family uses. The 2005 Plan indicates that properties in this area should be used for employment type land uses and this petition proposes essentially the same land uses as were approved only a few months ago. Therefore, this petition may be viewed as consistent with public adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner on several occasions prior to the filing of the application to discuss the proposed amendments and rezoning. Subsequently, the staff has met with the petitioner and conveyed several concerns and questions regarding site plan.

   2. Departmental Comments.

      1. C-MUD. As of the preparation of this report, no comments had been received from C-MUD.

      2. Fire Department. The Fire Department indicates that public or private fire hydrants will have to be located on the site. They also note that the design of the parking areas will have to accommodate the turning movements of fire vehicles.

      3. Building Standards Department. The Building Standards Department had several comments about the site as originally submitted in terms of clarity and some of the conditional notes.

      4. Engineering Department. The Engineering Department asked for information on the plan about how storm water would be managed and noted the requirements for curb, gutter, and sidewalk, street tree planting, and grading permits.

      5. Department of Transportation. As of the preparation of this report, comments had not been received from the Department of Transportation.

      6. Planning Staff. Planning staff had a number of detailed comments about the site plan as originally submitted. Those comments dealt with the clarity of some of the conditional notes, the need to ensure that the square footage included all the out parcels, the need to provide cross-sections of the various screening, buffer, edge treatments, and the need to clarify on the site plan exactly what portions of the property were being rezoned and what portions were being amended with exiting zoning in place.

<u>ISSUES</u>

1. Land Use. There are no land use issues which accompany this application. This petition represents an amendment to a plan approved in May of last year and includes the additional of a small tract of land for commercial purposes. Plans for the area indicate

that employment and service type land uses are appropriate for this site. While it is true that the configuration of this property has changed substantially with the location of a major anchor tenant, the facility will still meet the convenience shopping needs of nearby residential areas. Therefore from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There are no major issues which accompany the site plan for this application. The principle reason for the change in the plan is to accommodate an anchor tenant with a larger than normal space and parking requirement. The petitioner also seeks to add a small tract of land to the commercial area and to provide for an additional access to Old Arrowood Road. The net result of these changes actually decreases the intensity of the commercial site from approximately 10,000 square feet per acre as originally approved to approximately 8,600 square feet per acre as modified. The petitioner has already submitted a revised site plan which has dealt with the vast majority of comments raised by various departments and agencies. The one or two minor technical issues which still remain can be easily addressed by the petitioner prior to a final decision. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSIONS

This petition is appropriate for approval. There are no land use issues and only minor site plan issues which need to be resolved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-24
Date Filed January 30, 1989
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: South Boulevard Limited Partnership #1 &-Zemma Rotan Benfield

Owner's Address: c/o Childress Klein Properties, Inc., 2800 One First Union Center, 301 South College Street, Charlotte, NC 28202-6021

Date Property Acquired: January, 1989 for 17.5 acres B1SCD Parcel 5 acre R12 under contract January, 1989

Deed Reference: 4680-628; Part of 5164-701* and5164-708*

Tax Parcel Number: 205-172-04; Part of Parcels 205-172-05 an 205-172-02

Location Of Property (address or description)

Northwest corner of Arrowood Road relocated and South Boulevard

*New ded reference as of January 26, 1989 to be provided when available.

Description Of Property

Size (Sq. Ft.-Acres): 22.5± Acres

Street Frontage (ft.): ± 1,200 Feet

Current Land Use: Vacant Land

Zoning Request

Existing Zoning: Parcel I - [illegible]; Parcel II - [illegible]; Parcel III - B1-SCD; Parcel III A - [illegible]

Requested Zoning: Parcel I - MFCD Amended Site Plan; Parcel II - Office CD Amended Site Pl.; Parcel III - B1-SCD Amended Site Plan; Parcel IIIA - B1SCD

Purpose of Zoning Change: To add approximately a five-acre tract to an existing B1SCD tract and to amend portions of existing CD site plans for Parcels I, II & III to facilitate a comprehensive development plan for Parcels I, II & III.

Name Of Agent: David S. Miller, Childress Klein Properties, Inc.

Agent's Address: 2800 One First Union Center, 301 South College Street, Charlotte, NC 28202-6021

Telephone Number: (704) 342-9000

Name of Petitioner(s): David S. Miller

Address of Petitioner(s):

Telephone Number:

David S. Miller
Signature

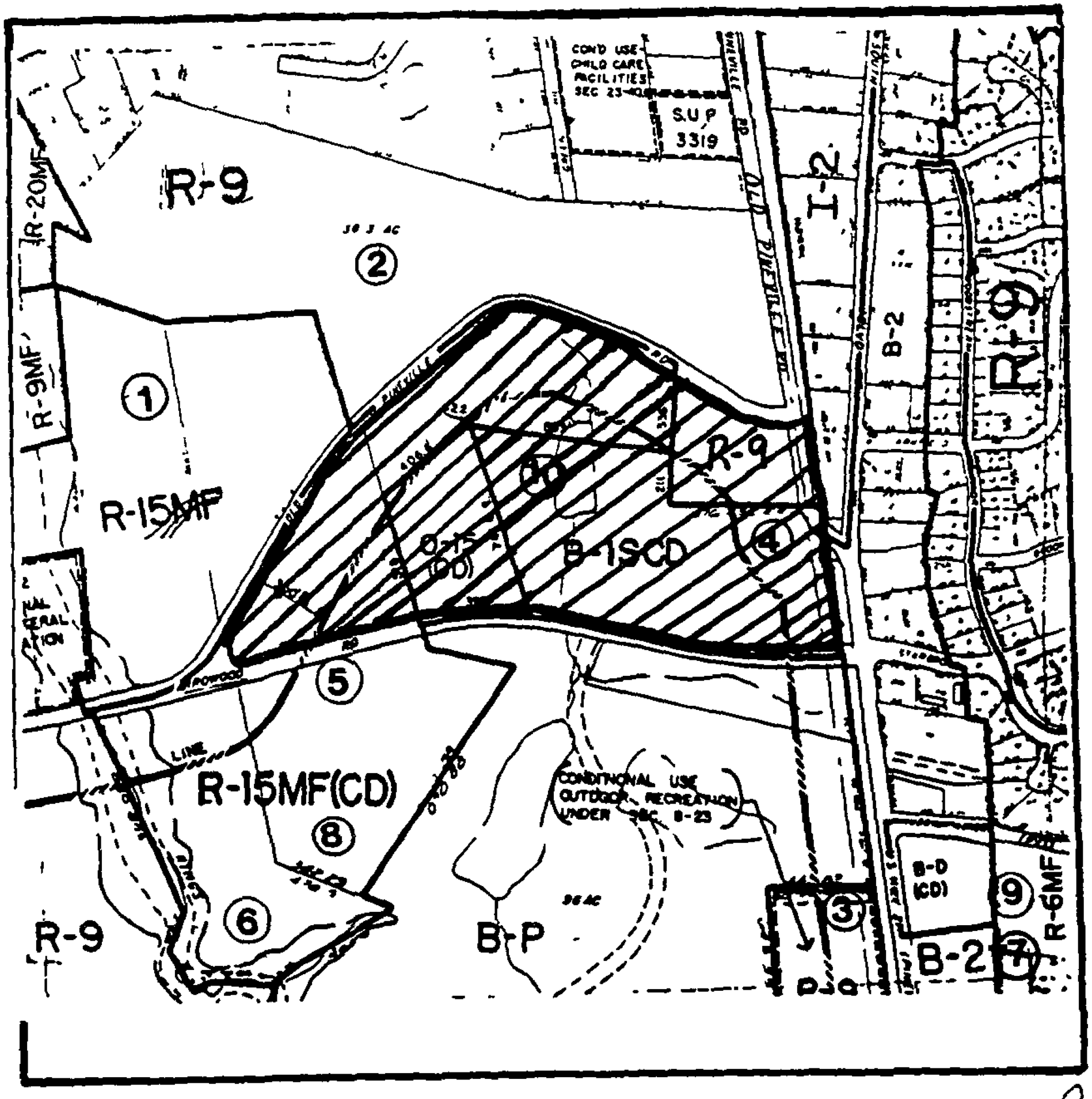
Signature of Property Owner if Other Than Petitioner

PETITIONER South Boulevard Ltd.

PETITION NO. 89-24 HEARING DATE March 20, 1989

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

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



ZONING MAP NO. 148 SCALE 1" = ~~200'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-25

Petitioner: B.V. Belk Enterprises

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

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

BACKGROUND

1. Existing Zoning. The property involved in this petition is zoned R-12, a single family classification. The zoning pattern for the area is a mixture of single family and multi-family categories with single family adjoining the site to the west, the north and the east and multi-family adjoining the site to the south. Some of the R-12 zoning near the site is developed in a cluster configuration with small single family detached lots surrounded by a common open space network.

2. Existing Land Use. The subject property is presently undeveloped and fronts along a portion of Wallace Avenue that is unopened. A portion of Wallace Avenue in the Four Seasons Community has been constructed but is barricaded at the edge of the subdivision. The land use pattern for the area is one of a mixture of various residential styles. Land generally to the west of the site is developed with single family detached housing and land which adjoins the site to the south is developed for multi-family housing with its orientation and access related to Albemarle Road. Land along Wallace Avenue between the subject property and Delta Road is largely undeveloped except for a few scattered single family detached homes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the vicinity of the subject property. The 2005 Plan also recommends the preparation of a Four Seasons Small Area Plan to help conserve the existing neighborhood.

   2. Transportation Improvement Program. The TIP schedules the widening of Newell-Hickory Grove/Delta Road for construction in FY 90-92. This project will widen Newell-Hickory Grove Road to a multi-lane route between Albemarle Road and The Plaza.

4. Site Plan. The site plan which accompanies this petition proposes the creation of a residential community on a system of private streets with an overall density of 4.3 dwelling units per acre. The plan proposes 59 single family lots with a minimum of 5,500 square feet and 18% of the total site dedicated to open space. The plan indicates a community

open space area will be provided via an existing lake bed that will be filled with water or landscaped as open space. Each of the lots will have a minimum setback of 20 feet, a minimum side yard of 5 feet and a minimum rear yard of 10 feet for internal lots and a minimum rear yard of 25 feet for exterior lots. The plan proposes reverse frontage on Wallace Avenue. Access to the site will be provided off of Wallace Avenue, which is to be cul-de-saced to prohibit vehicular access to the Four Seasons neighborhood.

5. School Information.

School	Capacity	Enrollment
Windsor Park Elementary	546	752
Eastway Junior High	970	738
Garinger Senior High	1985	1594

6. Zoning History (See Attached Map).

1.	68-63	R-12 to R-9	Denied	1/22/68
2.	70-73	R-12 to R-9MF	Approved	6/1/70
3.	86-76	R-12 to R-12MF(CD)	Denied	8/18/86

7. Neighborhood Context. The property is located in an area defined as being the Four Seasons Community.

REVIEWS

1. Plan Consistency. The subject request proposes rezoning from one single family category to another single family category in an area envisioned by public plans as having a residential future. Therefore, the petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met with the agent for the petitioner prior to filing of the application. Subsequently, staff has relayed several site plan comments to the petitioner.

   2. Departmental Comments.

      1. CMUD. Water and sewer service is available to the site.

      2. Fire Department. The fire department indicates that a private fire hydrant shall be installed so that the fire truck does not have to travel more than 500 feet to the most remote accessible point of all buildings.

      3. Department of Transportation. CDOT indicates the site could generate approximately 510-663 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 590-767 trips per day. This will not significantly impact the surrounding thoroughfare system. All cul-de-sacs should have a 42 foot turning radius to accommodate single unit vehicles.

4. Engineering Department. Engineering indicates portions of Wallace Avenue adjacent to the site are not publicly maintained. The developer must build this street to City standards if City maintenance is desired.

5. Building Standards. No comment.

6. Board of Education. No comment.

7. Planning Staff. The Planning staff had a number of concerns regarding the site plan and the project's relationship to adjoining properties. Specifically, reverse frontage is not desirable in this location with vacant single family property across Wallace Avenue that would front on Wallace Avenue if developed. If reverse frontage is used, the plan needs to better address the rear yard treatment. Other comments revolve around the need for the site plan to clarify or provide more details on several items including the proposed community open space area, side yard standards adjoining streets, and the proposed treatment for interior rear yards. Also, planning staff noted that there is property across Wallace Avenue that has its access only at this point. The street should be improved with the cul-de-sac moved to the end of the subject property.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The request seeks a change from one single family classification to another to provide single family detached housing on small lots. The publicly adopted plans for the area indicate that the property should have a residential future. Therefore, the petition is considered appropriate for approval.

2. Site Plan. There are several site plan issues accompanying this petition all of which should be resolved prior to public hearing. Those issues include the proposed reverse frontage on Wallace Avenue and the need for more information regarding yards and open space. Assuming that these issues are adequately resolved prior to hearing, the petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval if the outstanding site plan concerns are addressed.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-25
Date Filed January 30, 1989
Received By MCSL
OFFICE USE ONLY

Ownership Information

Property Owner B. V. Belk, Jr.

Owner s Address 428 East 4th Street, Suite 204
Charlotte, N. C. 28202

Date Property Acquired June 22, 1981

Deed Reference 4447-586 Tax Parcel Number 103-311-01

Location Of Property (address or description) South side of Wallace Lane West of Delta Road

Description Of Property

Size (Sq. Ft.-Acres) 14± acres Street Frontage (ft.) 959.49 feet

Current Land Use Vacant

Zoning Request

Existing Zoning R-12 Requested Zoning R-20 MF (Innovative)

Purpose of Zoning Change to permit the development of an innovative single family housing subdivision

Robert G. Young, Inc.
Name Of Agent

301 S. McDowell Street #1012 28204
Agent's Address

334-9157
Telephone Number

B. V. Belk Enterprises
Name of Petitioner(s)

428 E. 4th Street 28202
Address of Petitioner(s)

375-3800
Telephone Number

B V Belk Jr
Signature

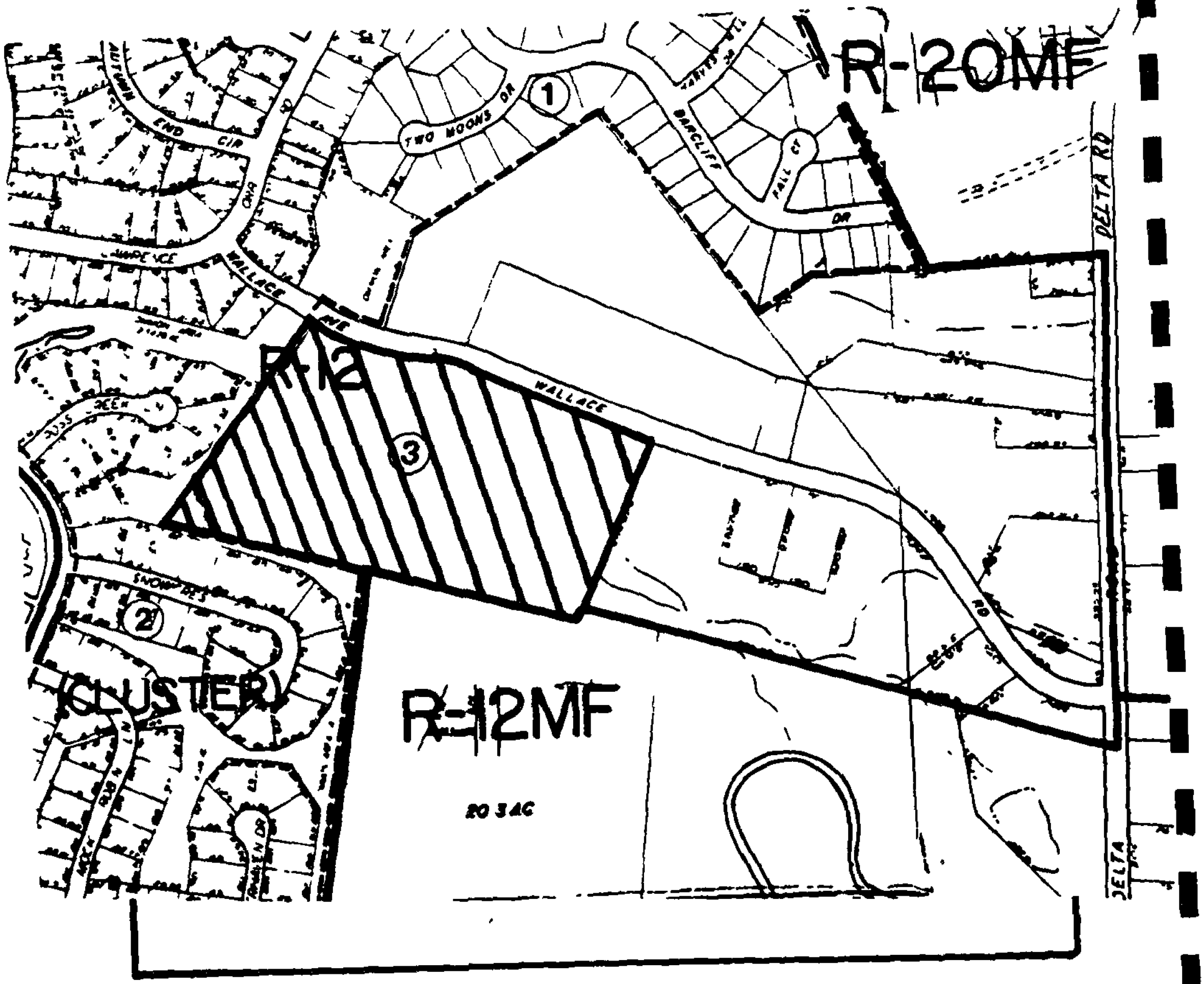
Signature of Property Owner if Other Than Petitioner

PETITIONER B. V. Belk Enterprises

PETITION NO. 89-25 HEARING DATE March 20, 1989

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-20MF (Innovative)

LOCATION Approximately 14.0 acres located on th south side of Wallace Avenue [redacted] west of Delta Road.



ZONING MAP NO. 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-26

Grier Heights Special Project Plan

Petitioner:	Charlotte-Mecklenburg Planning Commission
Location:	Approximately 40 acres located in the Grier Heights neighborhood generally east of Randolph Road, north of Wheatley Avenue, west of Marvin Road and south of Drenan Street and Latrobe Drive.
Request:	I-2 and R-6MF to R-6.

BACKGROUND

The Grier Heights Special Project Plan, adopted in May, 1988, is one of a series of plans aimed at updating existing redevelopment plans for several urban renewal areas in Charlotte. The Special Project Plan attempts to examine the objectives of the original Grier Heights redevelopment plan for its appropriateness 12 years after its adoption and for consistency with the 2005 Plan.

The redevelopment plan was adopted in 1975. Its goal was "to remove conditions which contributed to the decline of the Target Area and to provide physical improvements and social services, so as to ensure the long-term maintenance of a sound residential community."

Problems identified at that time include a number of deteriorated structures, poor vehicle ingress, egress and internal circulation, inadequate pavement, sidewalks, curb and gutter, marginal parks, drainage improvements needed for flow to Briar Creek, and poor socioeconomic conditions, including overcrowded housing.

The plan proposed relocating 109 families from dilapidated structures, the rehabilitation of 8 nonresidential structures and 347 residences, expansion and improvements to Griertown Park and development of a new park, addition of a new centrally located neighborhood shopping area, development of 120 new dwelling units in the redevelopment area, and street improvments including new streets, rebuilt streets, traffic lights, sidewalks, and curb and gutter.

The previous improvements have been completed with the following exceptions:

1. Wheatley Avenue has not been extended to Randolph Road and is no longer being pursued.

2. Neely Street is no longer planned for construction.

The original land use plan for the target-area proposed single family residential between Skyland Avenue and Briar Creek and generally between Rodman Street and Leroy Street. Office uses were planned at Drenan and Randolph Road although the public uses planned north of Billingsley and west of Ellington Street also were to include offices. Industrial sites were designated along the railroad south of the residences at Alpha Street. A neighborhood shopping center was to be located at Drenan and Marvey. The remainder of the vacant land in the neighborhood was planned for medium density multi-family residential.

The plan has been amended several times. The first amendment was made in 1975. Its most important provision was to expand the target area to include an area south of Billingsley Road and west of Ellington Street. Amendment #2, adopted in 1977, enlarged the planned industrial uses north of Wendover Road while reducing them south of Wendover. The major effect of Amendment #3, adopted in 1979, was to add neighborhood business uses along Wendover Road. Amendments #4 and #5 permitted the rezoning of parcels along Billingsley, west of Ellington Street, from multi-family residential to office use in 1984. The last amendment was approved in 1986. It again enlarged the industrial area and reduced the planned multi-family acreage. The plan also required that a large portion of the industrial area be reduced in intensity from an I-2 (Heavy Industrial) to an I-1 (Light Industrial) zoning designation.

The residential portion of the neighborhood has improved and is more stable. The redevelopment plan has largely achieved its objectives of removing blighted areas and conserving the remaining residential structures. The physical improvements have been completed. Dunn Avenue has been closed between the residential and industrial areas, ending the usage of Dunn by heavy vehicles. The industrial area has, in fact, developed more as an office or business park and includes some retail enterprises. This area has been more or less physically separated from the residential areas. The area south of Wendover Road has developed with new market-rate multi-family residential.

The history of amendments to this redevelopment plan clearly shows the pressure upon the neighborhood to convert residential areas to nonresidential uses. Offices or office zoning have expanded east from the west end of Billingsley Road, and there is significant pressure for commercial development west of Marvin Road on the north side of Wendover Road. At stake are 30 existing single family homes, 28 duplexes, and 59 apartment units, (all providing housing for generally low and moderate income residents) and vacant areas currently zoned and available for more such housing. Neighborhood residents have expressed a strong desire to stop the erosion of the neighborhood. It is important that both the City and the neighborhood help conserve the housing in this area since low and moderate income housing is already in short supply. A lowering of property values through neglect of properties would only make the area more attractive for conversion to nonresidential uses.

The original redevelopment plan has been almost completely implemented and has largely achieved its goals. The residential part of the neighborhood has felt minimal impacts from development in the industrial portion of the redevelopment area. However, the area needs to maintain a strong and substantial single family component to remain a viable neighborhood.

The Plan recommends rezoning the subject properties to R-6 as part of the effort to preserve the existing housing stock. All of the property included in the petition is either vacant, developed for single family purposes, or developed with public service uses (Billingsville Elementary and Griertown Park). Staff if not aware of any properties that will be made non-conforming as a result of the rezoning. Properties located in the surrounding area are developed with multi-family housing, institutional and commercial uses.

The petition seeks rezoning from I-2 to R-6 for the city-owned Griertown Park, R-6MF to R-6 for the Billingsville Elementary School site and R-6MF to R-6 for lots which are either developed with single family homes or are vacant.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-26
Date Filed January 30, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Deed Reference _____ Tax Parcel Number See Attached

Location Of Property (address or description) In the Grier Heights neighborhood; generally east of Skyland Avenue, south of Drenan Street, and west of Bunche Drive. Smaller areas are located on the northeast corner of Drenan Street and Marney Avenue, and north of Burkland Drive west of Marvin Road.

Description Of Property

Size (Sq. Ft -Acres) 40.275 acres Street Frontage (ft.) _____

Current Land Use Single-family residential, vacant, elementary school, City park.

Zoning Request

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

Purpose of Zoning Change To bring zoning into conformance with the Grier Heights Special Project Plan adopted in May, 1988.

Name Of Agent

Agent's Address

Telephone Number

Name of Petitioner(s)
Charlotte-Mecklenburg Planning Commissio

Address of Petitioner(s)
600 East 4th Street

Telephone Number
336-2205

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Company

PETITION NO. 89-26 HEARING DATE March 20, 1989

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

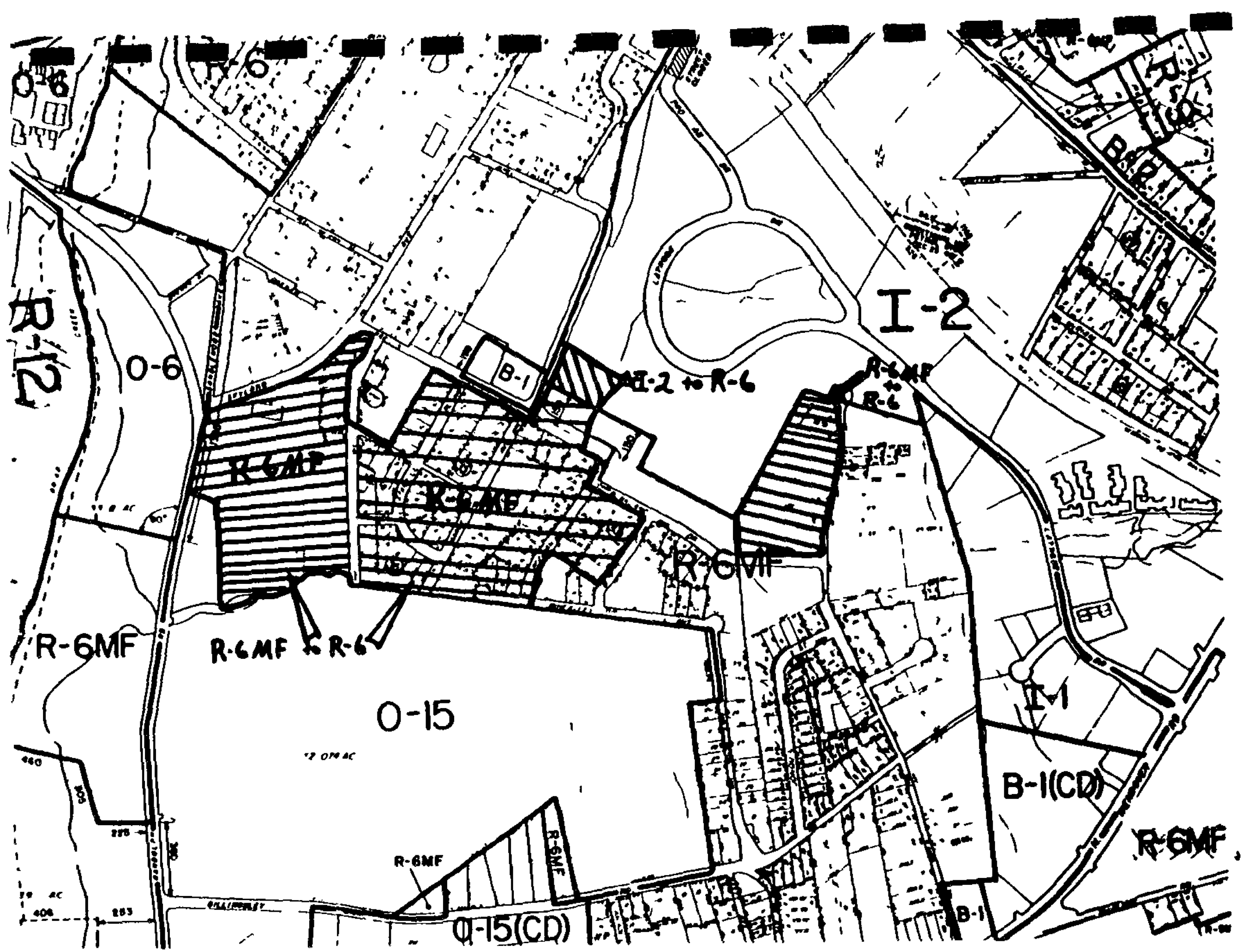
LOCATION Approximately 40.275 acres located in the Grier Heights neighborhood; generally east of Skyland Avenue, south of Drenan Street and west of Bunche Drive. Smaller areas are located on the northeast corner of Drenan St. and Marney Ave. and north of Burkland Drive west of Marvin Road.

SEE ATT-CHED MAP

ZONING MAP NO. 112

SCALE 1" = ~~300'~~ Reduced

PROPERTY PROPOSED FOR CHANGE


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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-27

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Consideration of a text amendment to add new Section 1302.1 to the City of Charlotte Zoning Ordinance to require a traffic study as part of the minimum submission requirements for certain rezoning petitions.

BACKGROUND

In recent months, planning and transportation staff worked with an Ad Hoc Committee representing neighborhood groups and the development community to identify and discuss a number of issues and problems with the current rezoning process and to identify potential strategies for minimizing those problems. The findings of the Ad Hoc Committee's work resulted in several changes to the current administrative procedures regarding the rezoning process which Council approved on February 20, 1989. The one remaining item that was identified by the Ad Hoc Committee is the need for some rezoning petitions to be accompanied by a traffic study. The text amendment that is the subject of this petition would institute that requirement.

NEED FOR TRAFFIC STUDY

More and more frequently the one critical issue raised by a typical rezoning request is transportation, rather than land use, related. It is also becoming more and more routine for the professional transportation staff to identify the need for a traffic study to be submitted before they are adequately able to assess the rezoning's impact on the nearby street system. In these cases, the petition is usually deferred while the petitioner and the transportation staff negotiate improvements designed to mitigate the impact of the development. Many times, the site plan requires substantial revisions in response to the comments received from the transportation staff, further delaying the rezoning process.

All of the Ad Hoc Committe members agreed that some rezoning petitions do warrant the submission of a traffic study. Overall consensus was not reached, however, on exactly what criteria should trigger the requirement for a traffic study. All of the transportation staff members agreed that the language contained in this proposed amendment are excellent criteria and are completely in line with ITE (Institute of Transportation Engineers) national guidelines. Some of the other committee members did express concern that those criteria would trigger the traffic study requirement on too many rezoning petitions.

The text amendment proposed in this case would require that certain rezoning petitions include a traffic study as a part of the minimum submission requirements. Specifically, the amendment would require the traffic study if the proposed development will generate more than 2500 vehicle trips per day or will increase the average annual daily traffic of adjoining streets by greater that 10 percent.

EXAMPLES OF PETITIONS WHICH WOULD REQUIRE A TRAFFIC STUDY

Transportation officials have provided the following examples of developments which generate 2,500 trips per day and, therefore, would be required to submit a traffic study under the proposed amendment:

Land Use	Units/Square Feet
Multi-Family	250 Units
General Office	220,000 Square Feet
Retail/Shopping Center	18,500 Square Feet

The proposed amendment also contains language which clarifies that a negative evaluation of the traffic study by staff or any city agency need not result in a denial of the petition.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 89-27

Date Filed 1/30/89

Received By Laura Simmons

OFFICE USE ONLY

Section No Add New Section 1302.1 Submission of Traffic Impact Study

(Title)

Purpose of Change To require a traffic impact study as part of the minimum submission requirements for certain rezoning petitions.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 East Fourth Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

ORDINANCE NO _____

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

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

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

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

1 Add a new Section 1302 1 as follows·

1302 1 Submission of Traffic Impact Study

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

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

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

The traffic impact study shall include the following information:

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

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

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

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

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

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

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

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

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 8, 1989

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on February 27, 1989.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 noon on Friday, March 17, 1989. This will then permit these matters to be placed on your agenda for consideration on Monday, March 20, 1989.

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

Respectfully submitted,

Lynn M. Wheeler

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

LMW:mlj

Attachments

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

DATE: February 27, 1989

PETITION NO.: 88-80

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow off-site directional signs and temporary off-site real estate signs.

ACTION: The Zoning Committee reaffirms its original recommendation regarding the size and height of off-site directional signs.

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

Nays: None.

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

REASONS

The Zoning Committee discussed the City Council's request that they revisit the issue of shopping center identification signs. The staff's recommendation was to maintain the original recommendation for these signs which sets the size limit at 40 square feet, a height limit of 15 feet, and a prerequisite that the shopping center have at least five stores and total at least 25,000 square feet. These are the standards adopted by the Board of Commissioners and they are the standards that the Zoning Committee feels are important to assure uniformity in the ordinances. Therefore, the Zoning Committee reaffirms its original recommendation that this text amendment be adopted.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING COMMITTEE'S RECOMMENDED
TEXT AMENDMENT FOR OFF-PREMISES
IDENTIFICATION SIGNS

2110.4 Off-Premises Identification Signs.

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

a. An applicant for an off-premises identification sign must comply with the application requirements specified in Section 2110.3(a), and in addition, provide a statement that the subject property being identified would not be visible from the nearest Class II, III, or IV street.

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

c. A proposed off-premises sign shall comply with all the requirements in Section 2110.3(b) through (1) with the following exception:

1. SIZE OF CENTER ELIGIBLE FOR USE OF SIGN

The minimum size of a shopping center eligible for the se of an off-premises identification sign shall be 25,000 square feet, and the center must contain five or more businesses.

2. DESIGN OF SIGN

MAXIMUM SIGN SIZE:	40 square feet
MAXIMUM SIGN HEIGHT:	15 feet

ORDINANCE NO _____

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

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

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

Section 1 Appendix A, "Zoning", Section 2100. Signs, of the Code of the City of Charlotte is hereby amended as follows:

1 Amend Section 2102.23 Definitions as follows·

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

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

b Add a new definition to read as follows·

> Directional Development Sign. Off-Premises
> A sign used to direct traffic from arterial rights-of-way to unified, multi-building sites of residential, commercial, and institutional developments such as residential subdivisions, apartment or condominium projects, shopping centers, office, business, or industrial parks, churches, and other sites of similar character that are located on collector or local roads

2 Add a new section 2106.14 Temporary Real Estate Signs to read

14 Freestanding, temporary off-premises real estate signs

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

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

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

c Such a sign shall not be located closer than 11 feet from the edge of any public street in accordance with code § 10-17, nor shall it violate the sight distance triangle requirements specified in 2102 17 herein

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

If such a sign continues to remain after 6 00 p m , then it shall be deemed an abandoned sign. A zoning inspector, a community improvement inspector, or a sanitation employee shall be authorized to seize such a sign. Such a sign shall be retained in the Building Standards Department for two working days after the 6 00 p.m , of the day of expiration for lawful use of the sign. A person may reclaim the sign during that forty-eight hour time period If the sign is not reclaimed, then the Building Standards Department shall be authorized to destroy the sign

If anyone wishes to challenge the seizure of the sign, then the individual must inform the office of the Zoning Administrator within those same two (2) working days that the person wants the sign to be retained and an opportunity to be heard about the seizure of the sign by a scheduled meeting with the Zoning Administrator or his designee

A violator shall be subject directly to a citation of a civil penalty in the amount of twenty-five ($25 00) dollars for a violation of any of these provisions Each day that a sign is in violation shall subject the violator to a separate penalty This civil penalty is an addition to any other remedies authorized by the Zoning Ordinance

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

3 Add a new Section 2110 3 <u>Off-Premises Directional Signs</u> to read as follows

2110 3 <u>Off-Premises Directional Development Signs</u>

For the purposes of directing traffic from major and minor thoroughfares to developments not having direct access or visibility from the thoroughfare(s), and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following:

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

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

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

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

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

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

b <u>Inspection and conditional approval</u> If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit·

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

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

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

The permit holder shall not allow usage of the directional sign for any development located further than one and one half miles, along streets, from an entrance that reasonably identifies the development or from the nearest intersection of an arterial right-of-way that allows for reasonable access to the development, whichever is closest

d Location and Orientation of Directional Sign: The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual. The sign face(s) shall be oriented perpendicular to the Class II, III, or IV street with the arrow directing traffic from the Class II, III, or IV street to the Class V or VI streets.

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

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

f Design of Directional Signs. A directional sign shall be constructed in accordance with the requirements stated below

1 Maximum Size and Height of Sign

Ground Mounted Sign	Maximum overall structure width	5 feet
	Maximum sign face size.	16 sq. ft.
	Maximum height·	4½ feet
Monument Sign.	Maximum width.	4 feet
	Maximum height.	4½ feet

2. Construction of Sign

Each sign shall be designed to accommodate four panels or spaces of equal size for four separate and distinct development names. The signs shall be constructed of either all-heart grade A wood or of aluminum with the overall depth of the sign face(s) no less than three

inches Copy on a wood sign shall be either routed or sandblasted on into the face panels, and copy on the aluminum signs shall be applied with vinyl letters or routed into the aluminum

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

3 Permitted Copy

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

4 Lighting

Signs may be internally or externally illuminated Internal illumination shall be contained within an opaque background with only letters, numbers, symbols, or logos being translucent Signs lighted externally shall be done so with ground mounted lights Such lights shall be screened by landscaping

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

i Posting of bond and removal of sign If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder If there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond The sign may be removed for any of the following reasons

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

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

3 The revocation of the permit for any violation of § 2110.3.

4. The failure to remove the sign in accordance with the sunset provision in (1).

5. Any other violation of this section

j Bond and indemnification The Director of the Building Standards Department shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign The Director shall have the authority to change the amount of the required bond, based on the criteria stated above, during the month of June for each new fiscal year beginning July 1 Bonds shall be refunded to a permit holder when the permit holder removes the sign

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

k Trees· The permit holder shall not destroy or trim any trees in the public right-of-way

l Sunset provision· This Code § 2110 3 shall automatically terminate on the expiration of five (5) years from the effective date of the adoption of this section or upon the City Council's deletion of this Section 2110 3 Whether Section 2110 3 automatically expires in five years or terminates by the City Council's deletion of Section 2110 3, all directional signs shall be removed within six months after the date of the five-year expiration or after the date of the City Council's action Any signs which are not removed within that six month period shall be subject to removal by the City with the costs of removal, transportation, and storage (for a period not to exceed five days) paid for by the bond.

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: February 27, 1989

PETITION NO.: 88-88

PETITIONER(S): Providence Office Park Associates

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

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

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

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

Nays: Spencer and Wheeler.

REASONS

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

STAFF OPINION

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

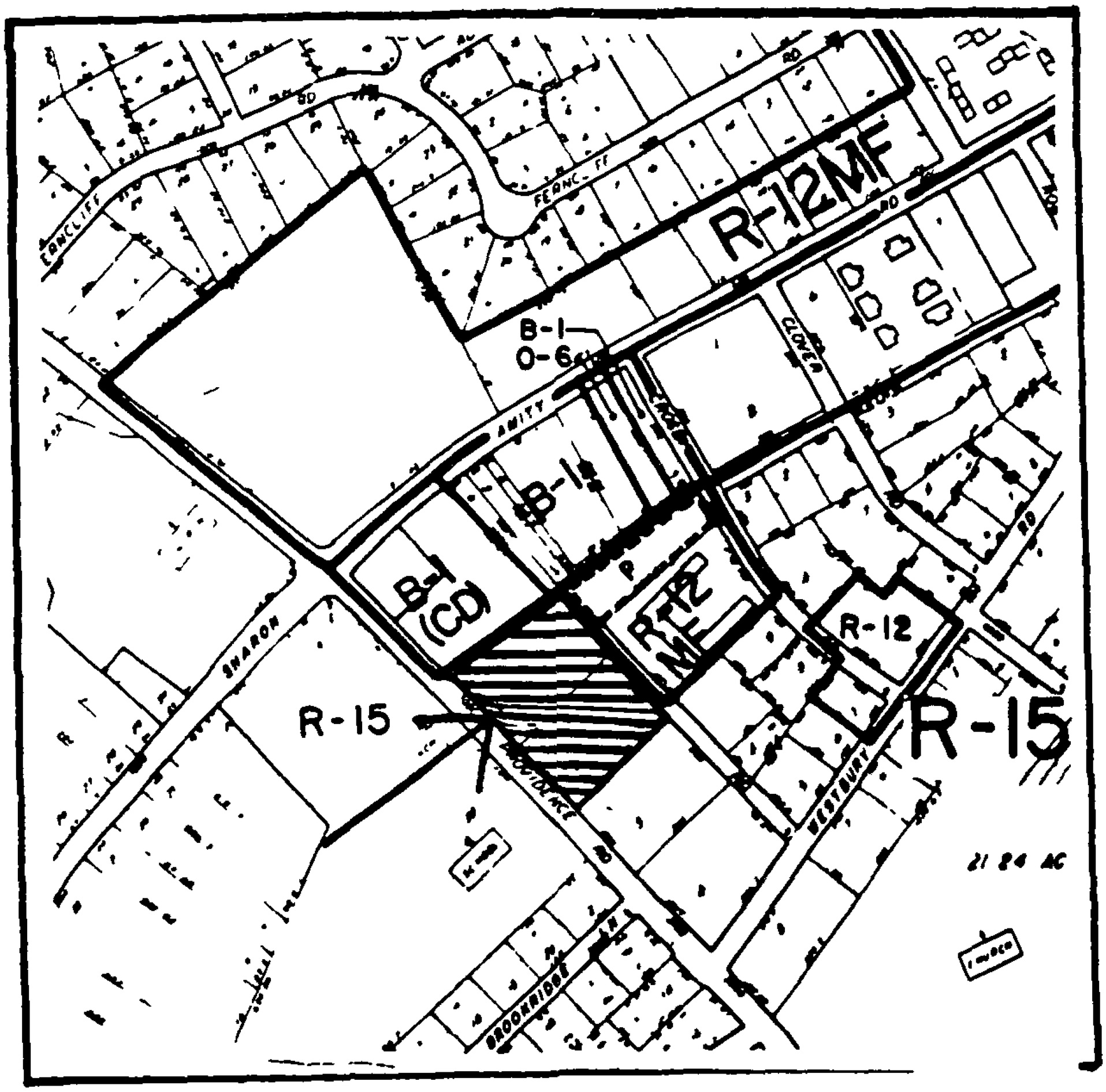
purposes and recognizes the relationship of this site to existing multi-family and commercial uses nearby. The staff expressed concerns that public policy regarding the use of this site should be shaped by private deed restrictions. The staff believes that this petition represents a change in the basic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

PETITIONER Providence Park Office Associates

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

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

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



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-2

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

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

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

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

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

Nays: None.

REASONS

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

STAFF OPINION

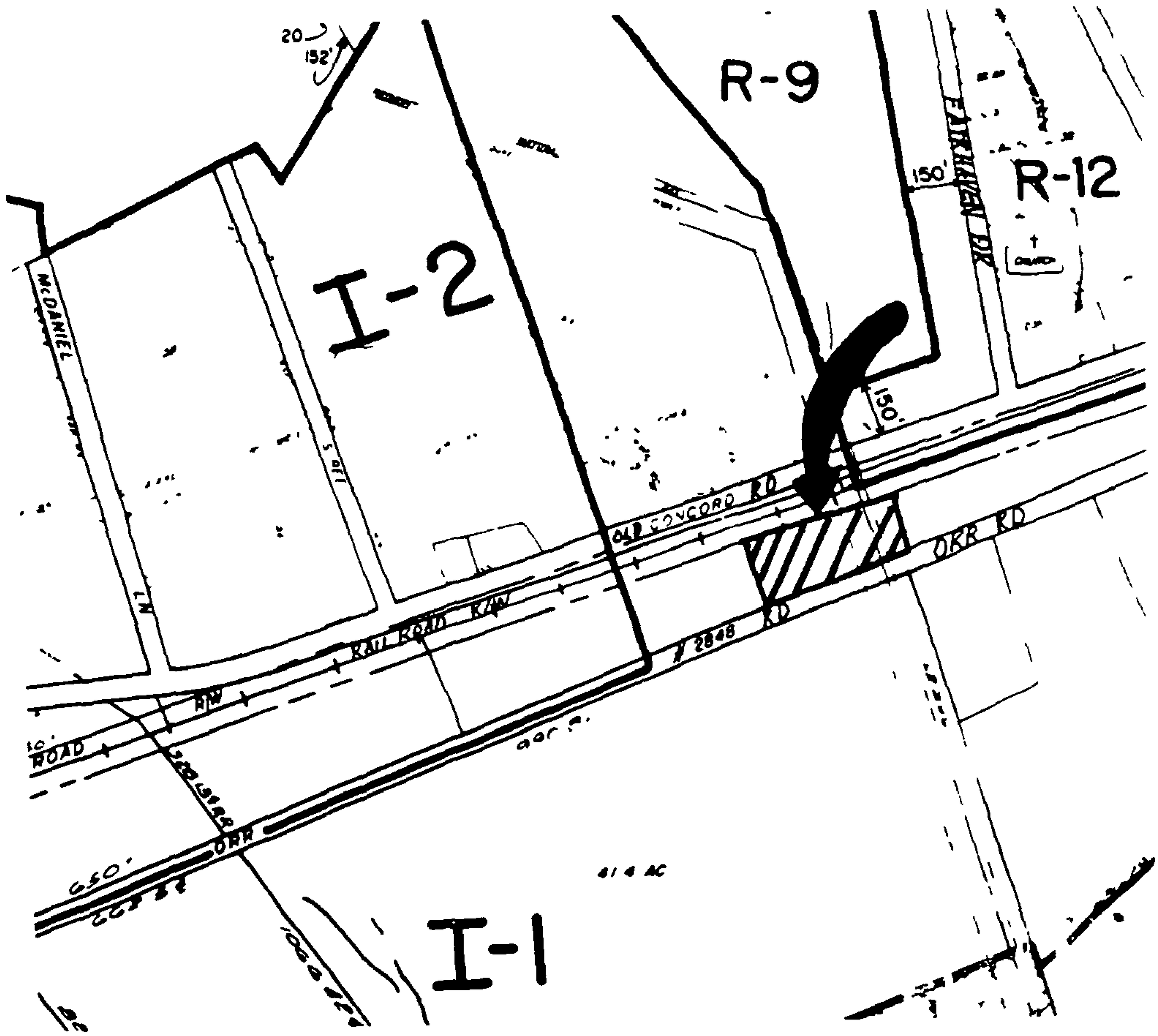
The staff agrees with the recommendation of the Zoning Committee.

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

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

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED I-2

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



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE January 23 1989

PETITION NO 89-3

PETITIONER(S) Richard Cherry

REQUEST Change from R-9 and O-6 to O-6(CD)

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

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

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

Nays: None.

REASONS

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

STAFF OPINION

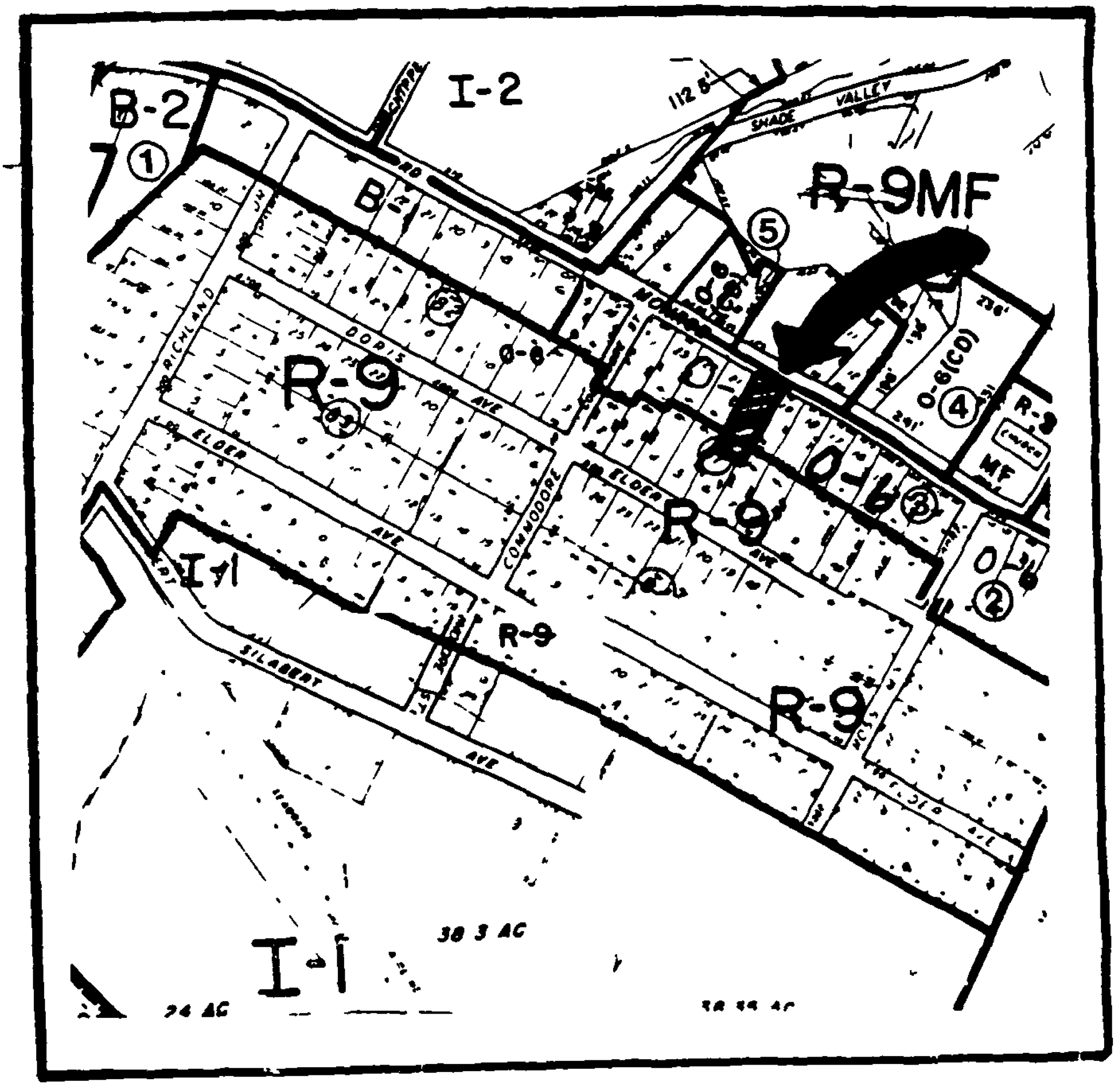
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Richard Cherry

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-4

PETITIONER(S): McClure Real Estate and Investments

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

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

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

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

Nays: None.

REASONS

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

STAFF OPINION

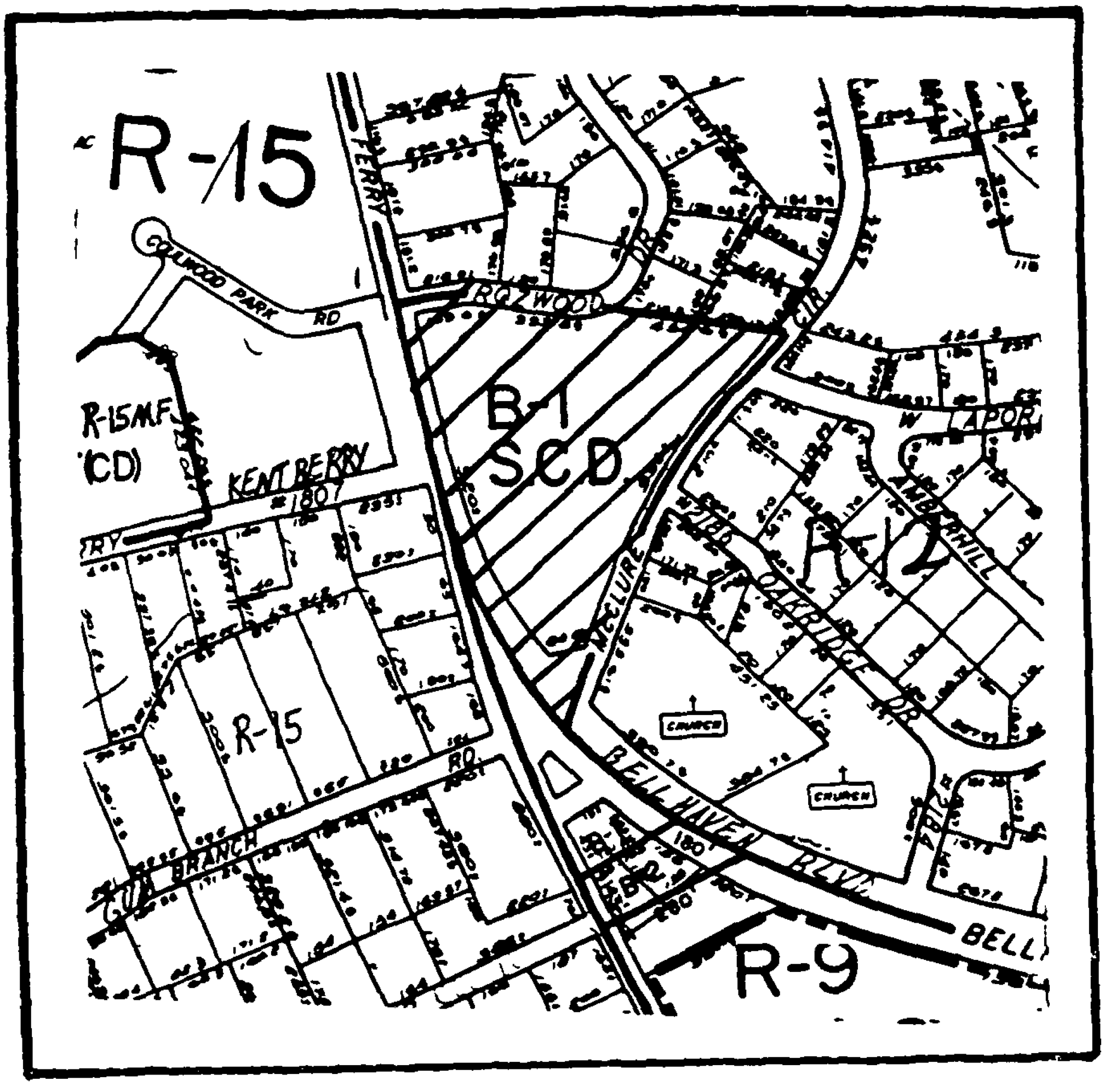
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER McClure Real Estate & Investments

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

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

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



ZONING MAP NO. 62 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-7

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

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

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

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

Nays: Latham, Thomasson, and Vaughan.

REASONS

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

STAFF OPINION

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

PETITIONER CMPC

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

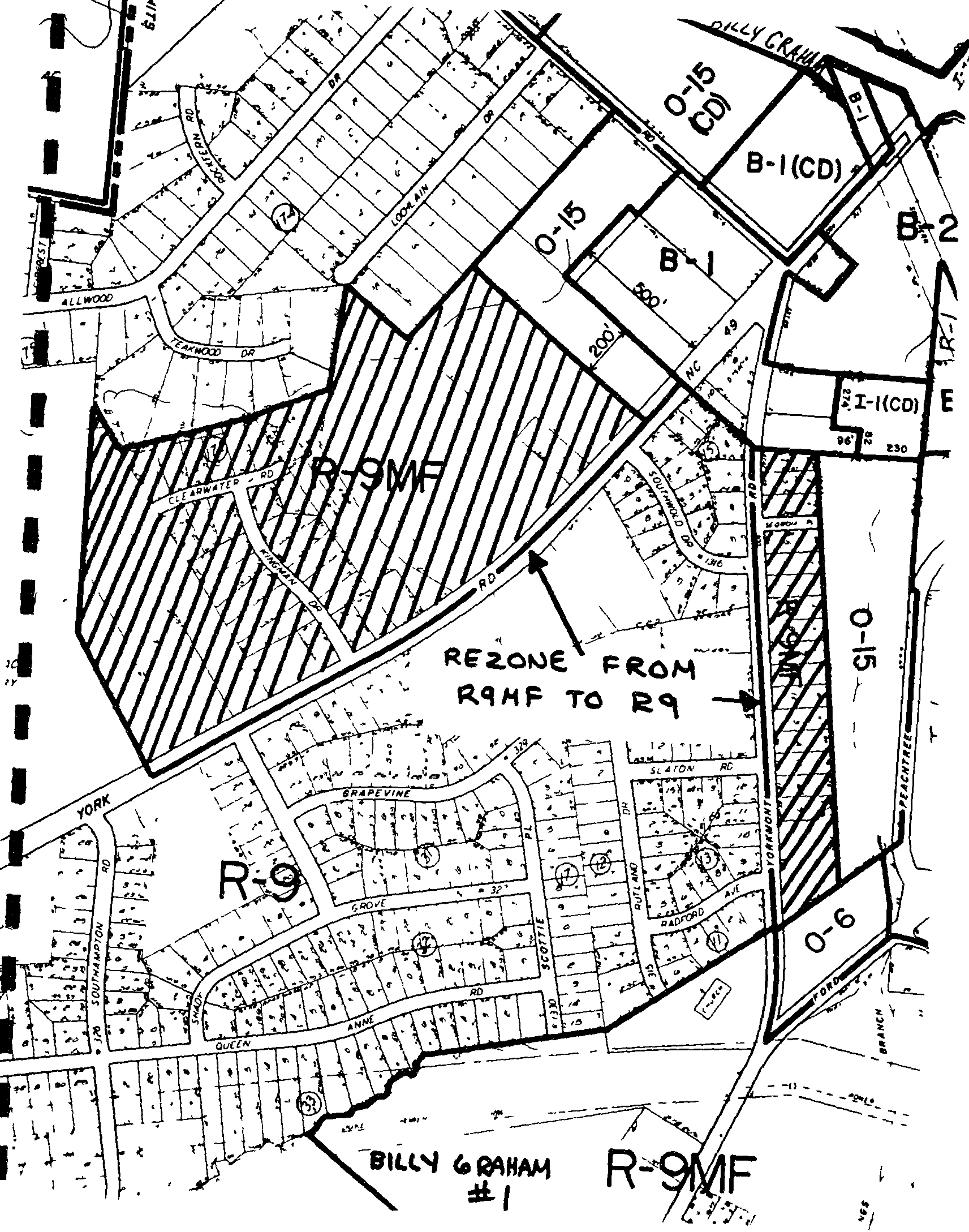
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

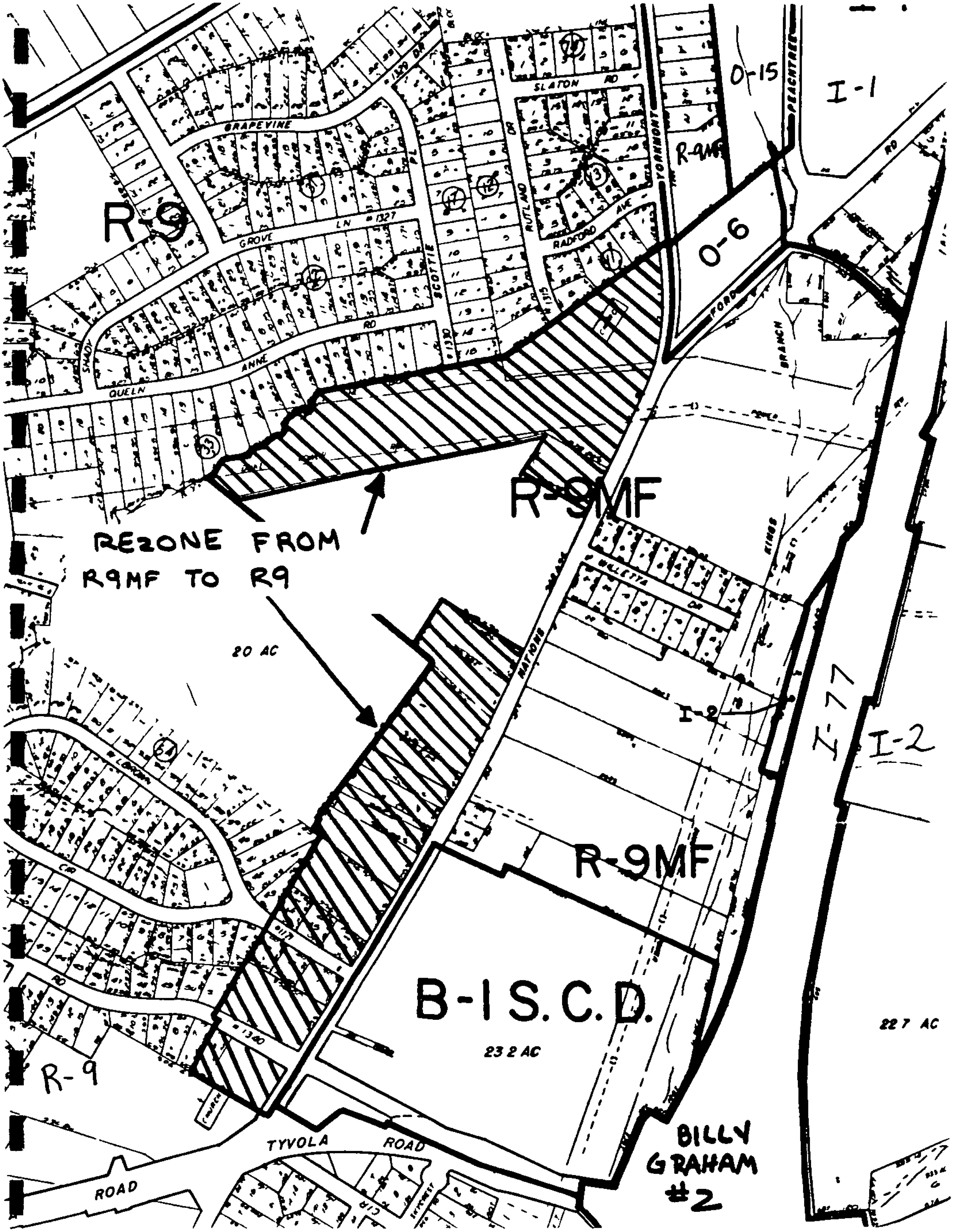
LOCATION Approximately 47.1 acres located along the eastside of Yorkmont Road between Nations Ford Road and N.C. 49. Other properties front along the westside of N.C. 49 from Southwold Drive to Southampton Road and include all properties on Kingman Drive and Clearwater Road.

See Attached

ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


BILLY GRAHAM
O-15 (CD)
B-1 (CD)
B-1
B-2
O-15
B-1
500'
200'
49
NC
I-1(CD)
R-9MF
CLEARWATER RD
KINGMAN DR
RD
SOUTHWOLD DR
REZONE FROM
R9MF TO R9
O-15
SLATON RD
GRAPEVINE
YORK
RD
R-9
GROVE
SCOTTIE
RUTLAND
RADFORD AVE
YORKMONT
O-6
SOUTHAMPTON
SHADY
ANNE
QUEEN
RD
FORD
BRANCH
BILLY GRAHAM
#1
R-9MF


R-9
GRAPEVINE
GROVE LN
SLATON RD
RUTLAND
YORKMONT
RADFORD AVE
O-15
I-1
PEACHTREE
O-6
FORD
BRANCH
SCOTTIE
ANNE
QUEEN
SHADY
R-9MF
REZONE FROM
R9MF TO R9
20 AC
NATIONS
I-2
77
I-2
R-9MF
B-1 S.C.D.
23 2 AC
22 7 AC
R-9
TYVOLA ROAD
ROAD
BILLY
GRAHAM
#2

DATE: February 27, 1989

PETITION NO.: 89-8

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: 28.2 acres located on both sides of Nations Ford and Yorkmont Roads between Tyvola Road Extension and Redford Avenue.

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

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

Nays: None.

REASONS

This petition is sponsored by the Planning Commission to implement the recommendations of the Billy Graham Parkway/Tyvola Road Special Project Plan. The majority of the properties involved with these two areas are either presently utilized for single family purposes or are vacant. The plan indicates that single family land uses in these areas are the most appropriate uses and, therefore, the Zoning Committee recommends that these petitions be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER CMPC

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

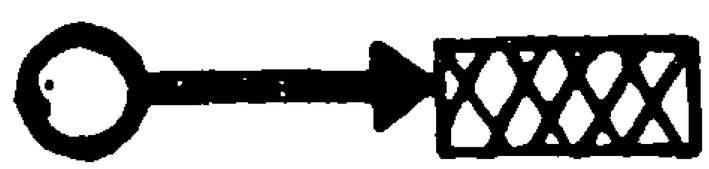
ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-9

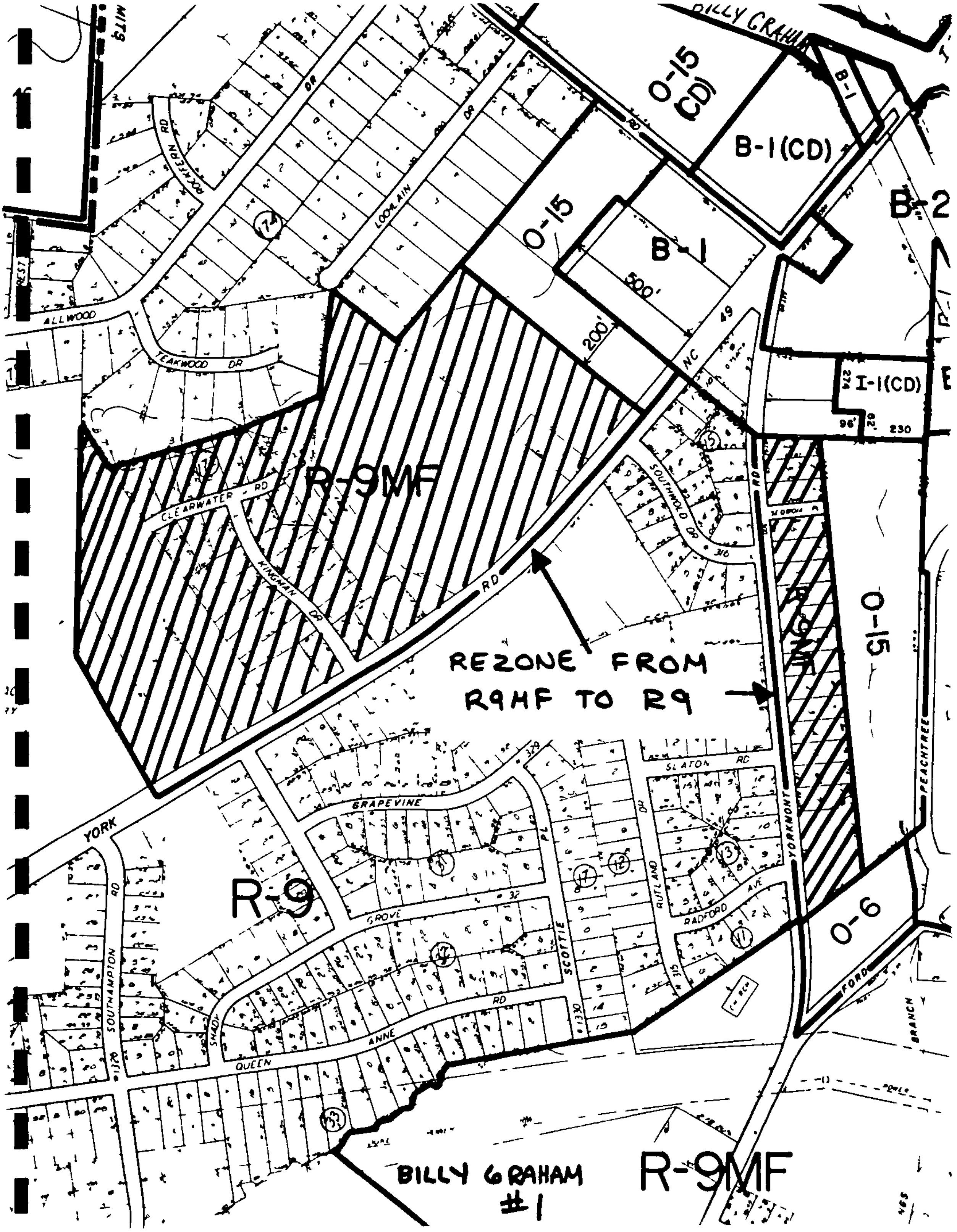
LOCATION Approximately 28.2 acres fronting on the west side of Nations Ford Road and Yorkmont Road between Tyvola Road Extension and Redford Avenue.

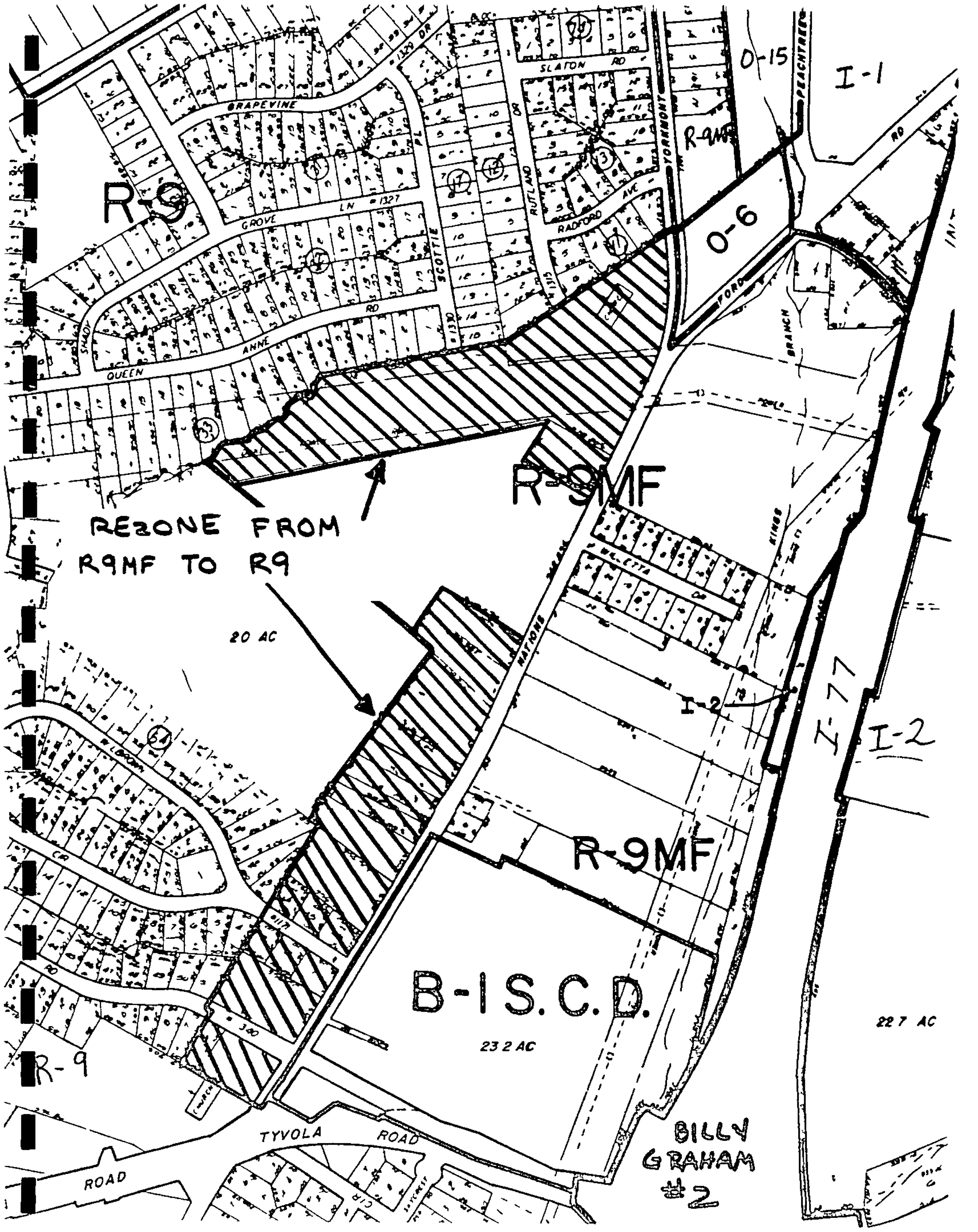
See Attached

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

PROPERTY PROPOSED FOR CHANGE




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


GRAPEVINE
GROVE LN
SHADY
QUEEN ANNE RD
SCOTTIE
RUTLAND
SLATON RD
RADFORD AVE
YORKMONT
PEACHTREE
FORD
BRANCH
R-9
O-15
I-1
O-6
R-9MF
REZONE FROM
R9MF TO R9
20 AC
NATIONS
I-2
I-77
I-2
R-9MF
B-1 S.C.D.
23 2 AC
22 7 AC
R-9
TYVOLA ROAD
ROAD
BILLY
GRAHAM
#2

DATE: February 27, 1989

PETITION NO.: 89-10

PETITIONER(S): Morcroft Leasing Corporation

REQUEST: Consideration of a text amendment to various sections of the Zoning Ordinance to establish definitions and regulations for accessory dwelling units.

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

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

Nays: None.

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

REASONS

This petition requests an amendment to the ordinance to establish provisions for accessory dwelling units. This is a matter which is presently being considered in the overall rewrite of the Zoning Ordinance and represents a major policy change for single family residential districts. In its discussion, the Zoning Committee noted several concerns regarding the text as proposed. The principle concern was the timing of this request relative to the overall ordinance rewrite process. The Zoning Committee noted that this is a major policy change and should have received a much more thorough evaluation and review prior to any action. Committee also had some concerns about some of the technical details of the proposal and noted that there may be other mechanisms, including rezonings to achieve the same end without amending the text at this point and time. The Committee noted that the objective sought to be met by this proposal is one which has merit. However, they felt that at this point and time that this amendment was premature and, therefore, recommends that it be denied.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO. _____

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

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

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

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

1. Add a new definition to Section 1102 as follows

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

2 Add a new section "3142. Accessory Dwelling Units" as follows

"3142 1 Accessory Dwelling Units. An accessory dwelling unit may be placed on a principal residence's lot subject to the requirements listed below and to other applicable requirements of this ordinance.

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

2 Unit must conform to all applicable building codes

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

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

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

.6 Unit must be accessible without going through principal residence.

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

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

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: February 27, 1989

PETITION NO.: 89-12

PETITIONER(S): Ralph Kier

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

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

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

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

Nays: None.

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

REASONS

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

STAFF OPINION

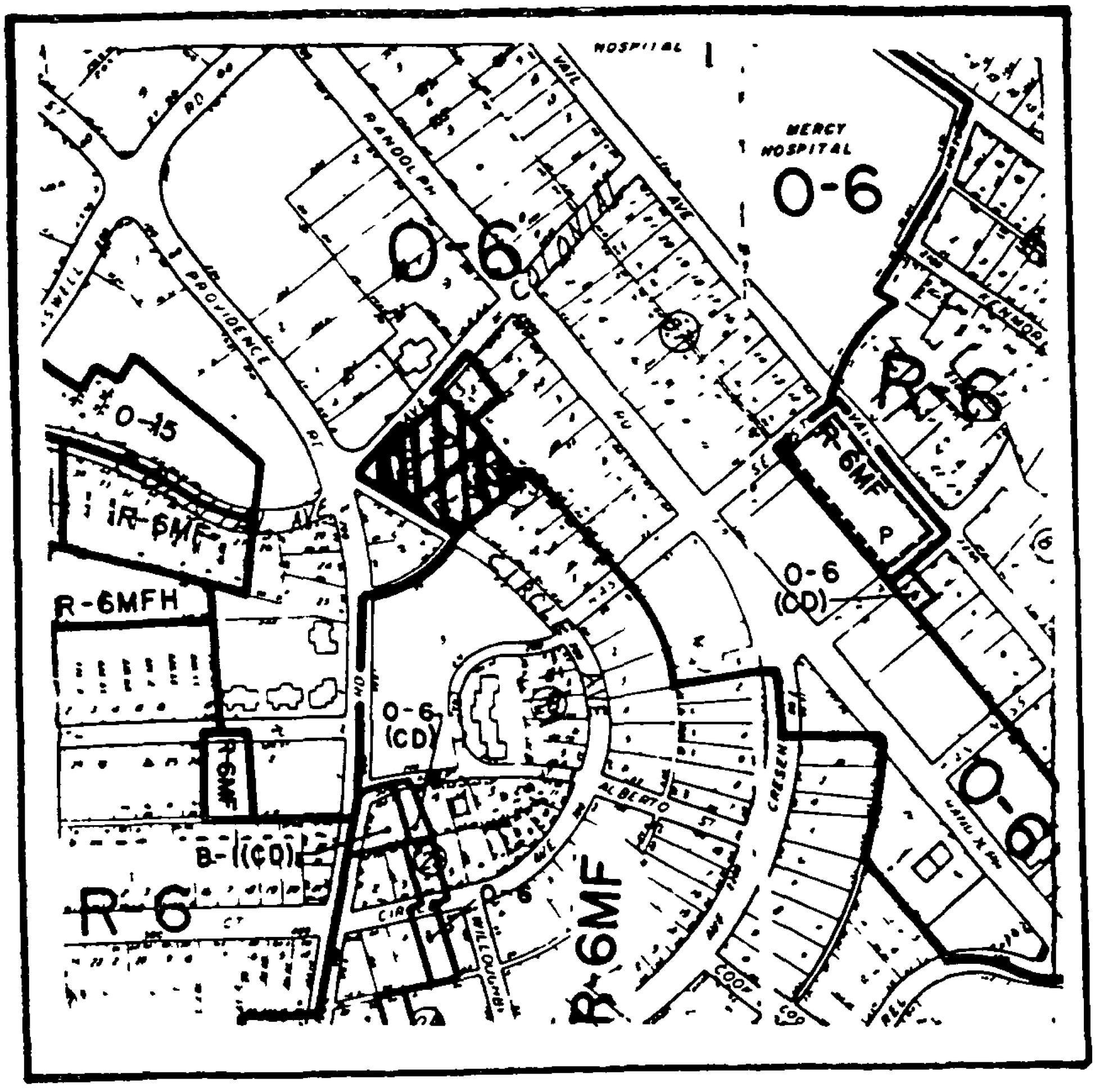
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Ralph Kier

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-13

PETITIONER(S): William J. Branstorm, III

REQUEST: Consideration of an R-15MF(CD) Site Plan Amendment.

LOCATION: A 4.4 acre site located at the intersection of Ardsley Road and Hermitage Road.

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

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

Nays: None.

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

REASONS

This petition request the amendment of a site plan for the Duke Mansion to allow the establishment of four single family detached structures on the site. The property is under a conditional zoning site plan which was approved several years ago that allowed the conversion of the internal portion of the large structure to accommodate six condominium units. The site is a historic property and the Historic Properties Commission has already approved the design changes. The petitioner has dealt with all the site plan issues raised in the staff analysis and, therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

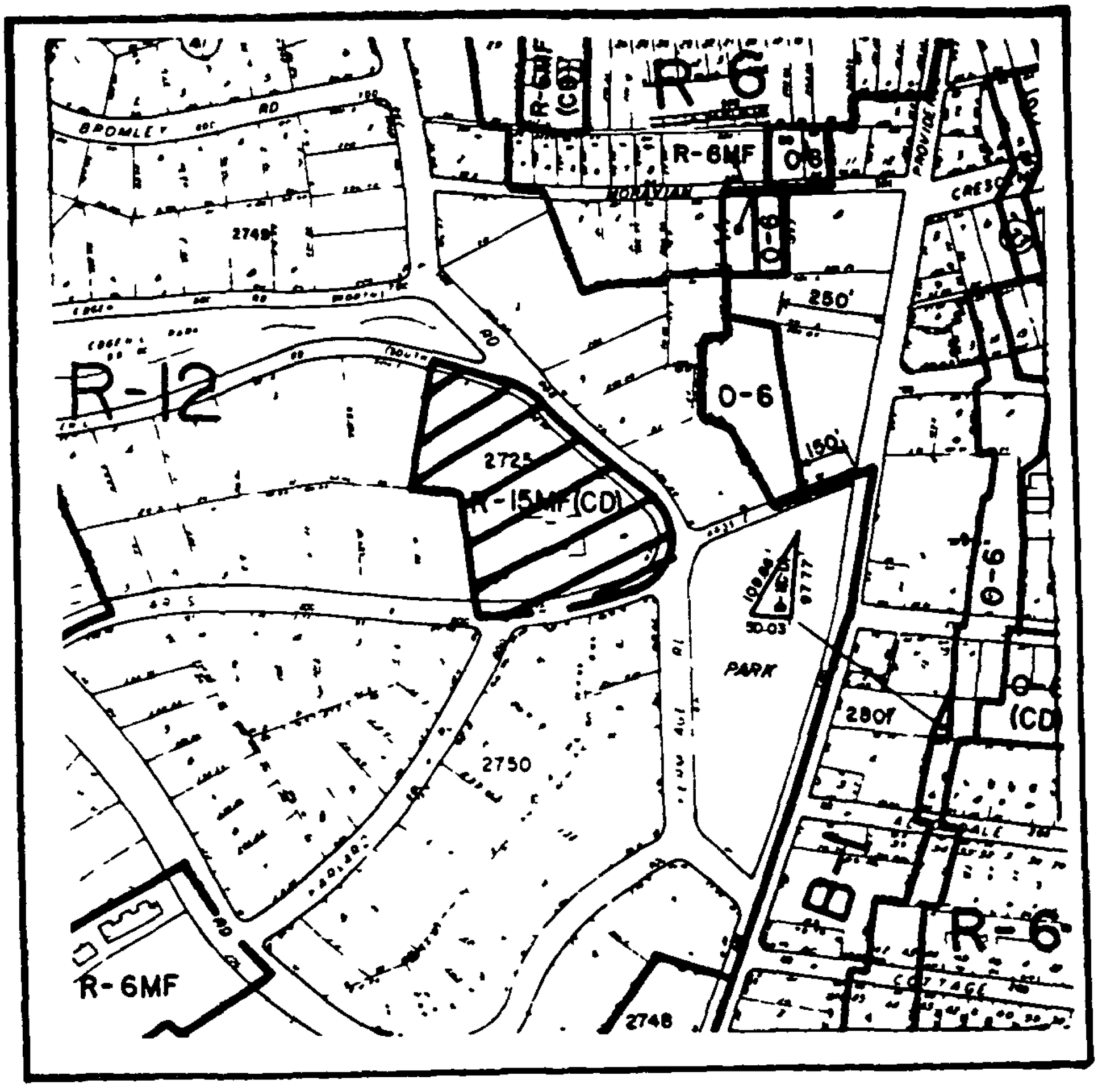
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER William J. Branstrom, III

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

ZONING CLASSIFICATION, EXISTING Consideration of a R-15MF(CD) SPA REQUESTED

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



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-14

PETITIONER(S): North Carolina Performing Arts Center at Charlotte Foundation

REQUEST: Change from U-MUD to U-MUD-O

LOCATION: A 3.46 acre site bounded by North Tryon Street, East Trade Street, North College Street, and East Fifth Street.

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

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

Nays: None.
(Commissioner Vaughan was not present when vote was taken.)

REASONS

This petition request rezoning of properties to the U-MUD Optional category for a major mixed use project in the Uptown area. The project would include the NCNB Tower, Performing Arts Center, a hotel, and Founders Hall. In the review of the design of this complex project it was determined that there were two specific standards in the U-MUD regulations which would require modification through the U-MUD Optional process. Those two specific standards dealt with the arcade height for the building frontages along a portion of College Street and Fifth Street and the required retail floor area.

The portions of the project which will be furnished with arcades are those which relate to the Performing Arts Center itself. Arcades will be establish along College Street and along the entire Fifth Street frontage to accommodate the complex internal design requirements of such a facility. The natural topography of the site falls from Tryon Street to College Street and the petitioner requests that the arcade height along this area and along College Street be reduced from the 20 foot standard to a minimum of 13-1/2 feet. In view of the nature of the building itself and the limitations on relocating the street wall further from the street due to internal design constraints, the Zoning Committee believes that this modification is appropriate for approval.

The second matter addressed by the petitioner's application is the amount of retail floor area. The entire project proposed for this City block generates a retail requirement of appropriately 30,000 square feet. In working with City staff, the petitioner's design has evolved to the point where the total amount of retail provided is approximately 10% short of the minimum requirement. However, the site also includes

a substantial amount of open space which is far and above the minimum required by the ordinance and also includes the space known as Founders Hall which provides interior open space and a public facility which ties the three major site components together with parking on the next block. The petitioner proposes to provide some retail frontage along the public streets and to provide additional retail areas on the first floor within and along Founders Hall. The Zoning Committee believes that this effort to incorporate retail space in this very complex project is noteworthy. The Committee also notes that the petitioner is providing a substantial amount of open space over and above what would normally be required. In view of the unique nature of this project and the substantial amount of open space being provided, the Zoning Committee believes that the standard dealing with the minimum amount of retail is appropriate for modification.

STAFF OPINION

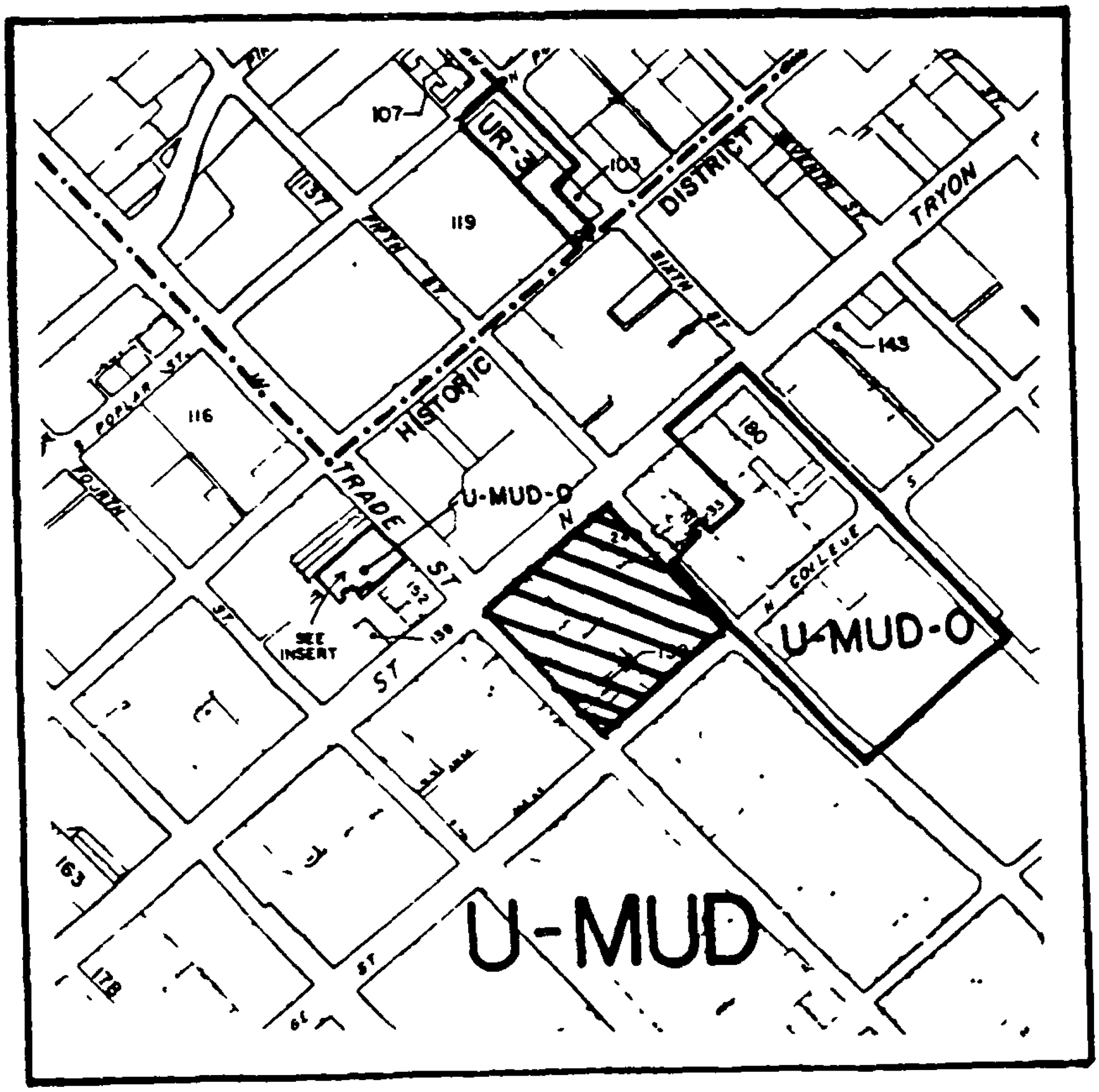
The staff agrees with the recommendation of the Zoning Committee. The staff and petitioner's agents and architects have worked for a number of months on the intricate and difficult design of this project. The staff believes that the unique nature of this project and the highly unusual constraints on the design brought about by the inclusion of the Performing Arts Center warrants the consideration of both of these requests. The staff is concern about the area along Fifth Street which would remain for the establishment of street trees and notes that an amendment to the streetscape plan may be require if the space is insufficient to accommodate the prescribed tree.

PETITIONER North Carolina Performing Arts Center at Charlotte Foundation

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

ZONING CLASSIFICATION, EXISTING UMUD REQUESTED UMUD-O

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



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-15

PETITIONER(S): J. F. Gladden

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

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

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

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

Nays: None.

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

REASONS

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

STAFF OPINION

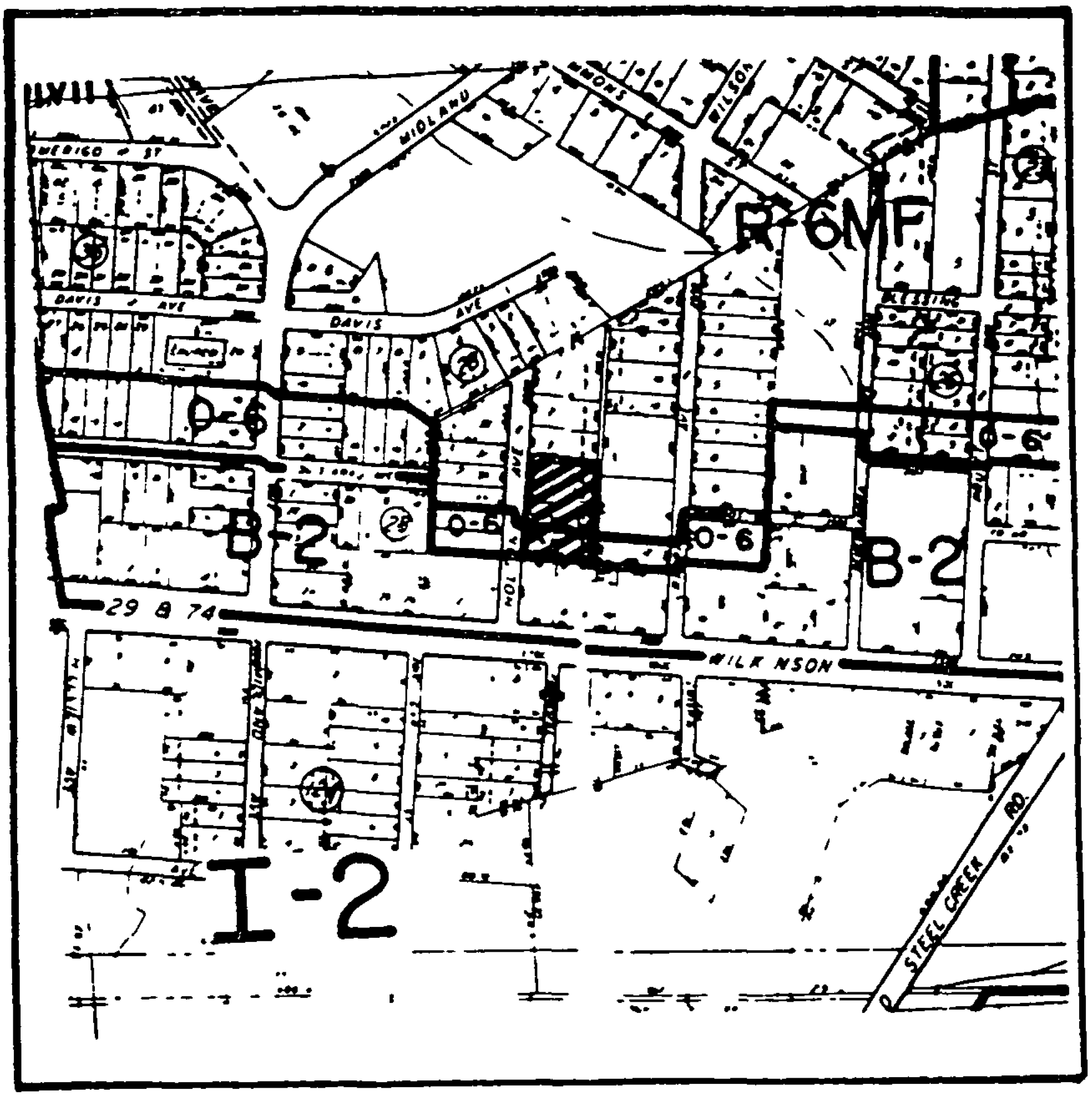
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER J. F. Gladden

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-16

PETITIONER(S): Britthaven of Charlotte

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

LOCATION: A site of approximately 24,000 square feet located on the easterly side of Cranbrook Lane north of Randolph Road.

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

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

Nays: Spencer.

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

REASONS

This petition requests the rezoning of a small tract of land to provide for a 4,000 square foot office building. The property is actually a park of an existing nursing home facility already constructed on the site. It also lies directly adjacent and to the rear of other medical office buildings with frontage along Randolph Road. The petition as initially filed had a number of problems with the site plan which have all been addressed by the petitioner. There are no significant land use issues which accompany this application. Concern was expressed by at least one member of the Zoning Committee about the additional traffic that this facility would attract and its impact on Cranbrook Lane. However, a majority of the Zoning Committee felt that the petition was appropriate for approval.

STAFF OPINION

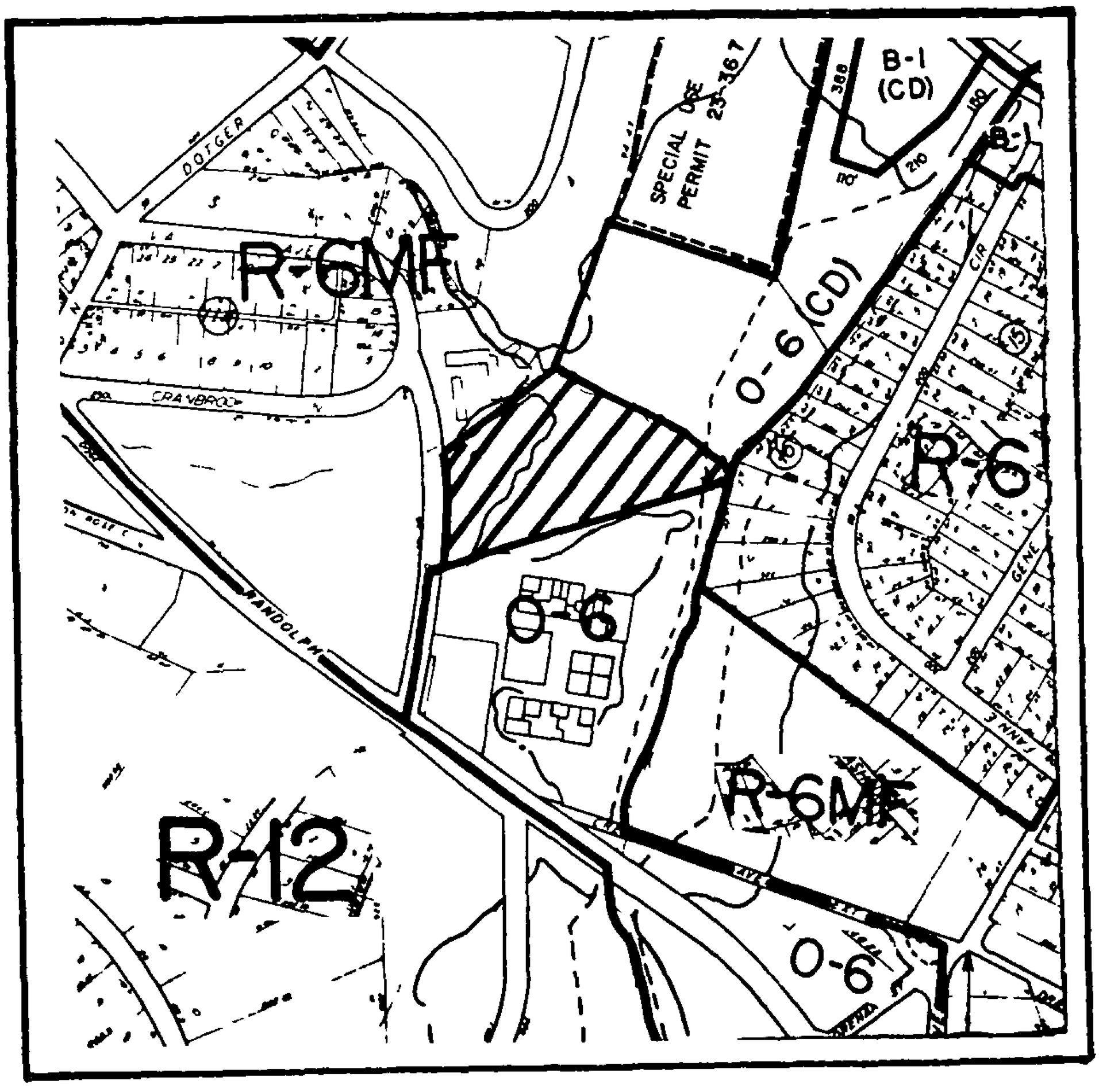
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Britthaven of Charlotte/R. Gregg Hill

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

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

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



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: February 27, 1989

PETITION NO.: 89-17

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: Approximately 28.5 acres located in several areas generally west of Statesville Avenue and south of Oakland Avenue.

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

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

Nays: None.

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

REASONS

This petition was initiated by the Planning Commission to implement the recommendations of the Greenville Community Development Plan. A number of areas within the Greenville Community had been zoned for a variety of uses over the years and the plan indicated the desirability to remove the incompatible zoning categories. The Greenville Community has enjoyed a resurgence in recent years of single family development and this petition provides for protection of those existing single family units as well as opportunities for new single family development in the area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER CMPC

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

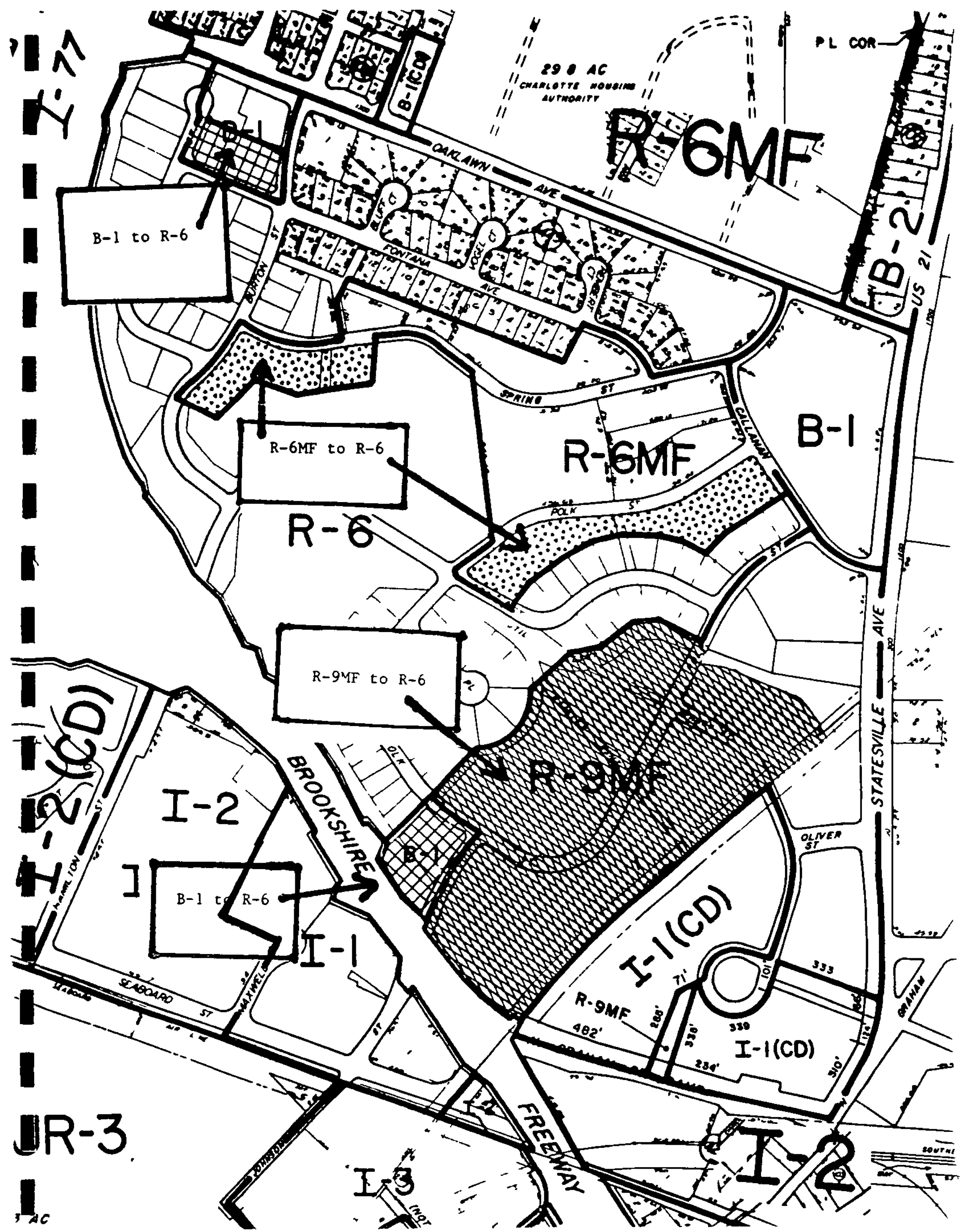
ZONING CLASSIFICATION, EXISTING B-1, R-6MF & R-9MF REQUESTED R-6

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

SEE ATTACHED MAP

ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


T-77
B-1 to R-6
R-6MF to R-6
R-9MF to R-6
B-1 to R-6
R-6
R-6MF
R-6MF
B-1
B-2
B-1(CD)
I-2
I-1
I-1(CD)
I-1(CD)
R-9MF
R-9MF
I-2
I-3
R-3
29.8 AC
CHARLOTTE HOUSING AUTHORITY
PL COR
OAKLAWN AVE
FONTANA AVE
BURTON ST
SPRING ST
CALLAWAY
POLK ST
STATESVILLE AVE
US 21
BROOKSHIRE
OLIVER ST
GRAHAM
SEABOARD ST
MAXWELL
FREEWAY
482'
333
339
284'
310'
288'
330'
71'
101'
114'