AGENDA

Meeting Type:	Z
Date·	10-18-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda October 18, 1989

FILE COPY

CHARLOTTE

Meetings in October '89

THE WEEK OF OCTOBER 1 - OCTOBER 7

2	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
3	Tuesday, 3 00 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Wednesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
5	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room
	Thursday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, 14th Floor Conference Room

THE WEEK OF OCTOBER 8 - OCTOBER 14

9	Monday, 3 05 p m	**HISTORIC PROPERTIES COMMISSION** - 1221 S Caldwell Street
	Monday, 4 00 p m	**CITY COUNCIL WORKSHOP (HAP)** - CMGC, Conference Center
10	Tuesday, 3 00 p m	**CULTURAL STUDY COMMITTEE** - CMGC, Room 271
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Tuesday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Tuesday, 7 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
11	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 3 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Strategic Planning Workshop** - Days Inn Hotel, 1030 N College Street
	Wednesday, 5 00 p m	**CITY/COUNTY ZONING BOARD OF ADJUSTMENT/Workshop** - CMGC, Room 118
	Wednesday, 6 30 p m	**YOUTH INVOLVEMENT COUNCIL** CMGC, Room 118
12	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF OCTOBER 15 - OCTOBER 21

16	Monday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 4th & College Street, VIP-B Room
17	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Room 267

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF OCTOBER 15 - OCTOBER 21 (Continued)

18	Wednesday, 5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Wednesday, 6 00 p m	CITY COUNCIL/Zoning Hearings - CMGC, Meeting Chamber
19	Thursday, 8 00 a m	CLEAN CITY COMMITTEE - CMGC, Room 267
	Thursday, 7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION - CMGC, Room 267
20	Friday, 7 30 a m	PLANNING LIAISON COMMITTEE - CMGC, 8th Floor Conference Room

THE WEEK OF OCTOBER 22 - OCTOBER 28

23	Monday, 1.00 p m	COUNCIL/MANAGER LUNCHEON CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	CITIZENS HEARING - CMGC, Meeting Chamber
	Monday, 2 30 p m	CITY COUNCIL MEETING - CMGC, Meeting Chamber
	Monday, 4 30 p m	PLANNING COMMISSION/Zoning Work Session - CMGC, 8th Floor Conference Room
24	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE - CMGC, 5100 Brookshire Blvd
	Tuesday, 3 00 p m	CULTURAL STUDY COMMITTEE - CMGC, Room 271
	Tuesday, 6 15 p m	PLANNING COMMISSION/Planning Committee Dinner - CMGC, Meeting Chamber Conference Room
	Tuesday, 7 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, Meeting Chamber
25	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
	Wednesday 7 00 p m	CITIZENS CABLE OVERSIGHT COMMITTEE/Annual Public Hearing - CMGC, Meeting Chamber
26	Thursday, 4 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Board Meeting - CMGC, 8th Floor Conference Room

THE WEEK OF OCTOBER 29 - OCTOBER 31

30	Monday, 12 Noon	HOUSING AUTHORITY - 1301 South Boulevard
	Monday, 12 Noon	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 6·00 p m	CITY COUNCIL/Zoning Hearings CMGC, Meeting Chamber
31	Tuesday, 2.00 p m	CITY ZONING BOARD OF ADJUSTMENT - 700 North Tryon Street, Agricultural Extension, Large conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

These organizations will <u>not</u> meet in October
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Al Rousso

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

Council Agenda

Wednesday, October 18, 1989

5:00 p.m. - Council-Manager Diner
Meeting Chamber Conference Room
Discussion Old Coliseum Special Project Plan

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

Invocation

ITEM NO.

PUBLIC HEARINGS

1. (89-78) Hearing on Petition No. 89-78 by Dilworth Community Development Association for a change in zoning from O-6 and R-6MF to R-6MF and R-6 for a 3.1 acre site located between Kingston Avenue and East Boulevard from Euclid Avenue to Park Road.

   Attachment No. 1

2. (89-79) Hearing on Petition No. 89-79 by Dr. Joseph J. Estwanik for a change in zoning from R-6MF to O-15(CD) for a .39 acre tract located on the north side of Billingsley Road, north of Randolph Road.

   Attachment No. 2

3. (89-80) Hearing on Petition No. 89-80 by Crosland Land Company for a change in zoning from R-12MF(CD) to R-20MF (Innovative) for an 18.6 acre site located on the southerly side of Marsh Road bounded by Selwyn Farms Lane.

   Attachment No. 3

4. (89-81) Hearing on Petition No. 89-81 by Crosland Properties for a change in zoning from R-12 to R-12MF(CD) and terminate an existing special use permit for a nursing home, for a 14.05 acre site located on the southeast corner of Wilora Lake Road and Verndale Road.

Attachment No. 4

5. (89-82) Hearing on Petition No. 89-82 by W. K. Gladden and Helen R. Gladden for a change in zoning from R-15 to R-12 for approximately 2.5 acres located on the westerly side of Dwightware Boulevard to the south of Albemarle Road.

Attachment No. 5

6. (89-83) Hearing on Petition No. 89-83 by Janell Gardner for a Site Plan Amendment to an existing R-9MF(CD) zoning for approximately 1.7 acres located on the easterly side of Newell-Hickory Grove Road to the north of Robinson Church Road.

Attachment No. 6

7. (89-84) Hearing on Petition No. 89-84 by Charter Properties, Inc. for a change in zoning from R-15 and B-1 to B-1SCD and R-15(CD) for a 30.2 acre tract located on the north side of Albemarle Road at Harrisburg Road.

Attachment No. 7

8. (89-85) Hearing on Petition No. 89-85 by Crosland Erwin Associates for a Site Plan Amendment to an existing R-PUD Zoning for approximately 4.97 acres located on the southerly side of Fairview Road between Valencia Terrace and Simsbury Road.

Attachment No. 8

9. (89-86) Hearing on Petition No. 89-86 by Zaremba CenterPoint Company for a change in zoning from O-6 and R-6MF to B-1SCD for a 13.8 acre tract located on the northeast corner of Eastway Drive and Biscayne Drive, south of Central Avenue.

Attachment No. 9

10. (89-87) Hearing on Petition No. 89-87 by Seven Eagles HOA, Harris Land Company, Cameron M. Harris Holding Company for a change in zoning from R-15 to R-15(CD), R-20MF, R-20MF (Innovative), and B-1(CD) for approximately 121.3 acres located at the intersection of Park Road and Gleneagles Road.

Attachment No. 10

BUSINESS AGENDA

11. Recommend adoption of a budget ordinance estimating and appropriating grant revenue anticipated funds to be received to cover HUGO eligible costs.

12. (81-31) Decision on Petition No. 81-31 by Charlotte Community Development Department for a change in zoning from B-2 and O-6 to R-6MF, and from I-2 to I-1 of several parcels located within the area bounded by South Tryon Street, Summit Avenue, Southwood Avenue and West Park Avenue and within the West Morehead Urban Renewal Area.

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 Planning Commission recommends that this petition be denied.

Attachment No. 12

13. (81-71) Decision on Petition No. 81-71 by Charlotte City Council to consider an amendment to Article III, Division No. 3, Section 23-36 - Special User Permits of the City of Charlotte Zoning Ordinance.

The petition was initiated as a result of concern regarding the time consuming nature of the Special Use Permit process.

The Zoning Ordinance rewrite process has recently evaluated the issue of special use permits and their administration. At this point, the special use permit process is being recommended for deletion, therefore, Petition No. 81-71 should be denied or withdrawn.

Attachment No. 13

14. (86-67) Decision on Petition No. 86-67 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to R-9 for an approximate 4 acre site located east of Packard Street and north of the Pineville By-Pass.

Staff recommends the petition be approved.

Attachment No. 14

15. (89-9) Decision on Petition No. 89-9 by University Research Park for a Text Amendment to the Charlotte Zoning Ordinance to establish different development standards for day care centers in the Research districts.

This petition was replaced by another proposal which has now been approved. Petition No. 89-9 has not yet gone to public hearing.

Staff recommends the petition be withdrawn.

Attachment No. 15

16. (89-53) Decision on Petition No. 89-53 by John Usdan, Lemberg Syndicate, Charlotte Joint Venture, for a change in zoning from B-2 to B-1SCD for approximately 14 acres located on the east side of South Boulevard between Archdale Drive and Emerywood Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (89-56) Decision on Petition No. 89-56 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-15 to R-6MF for a 7.6 acre site located off the easterly side of Toomey Avenue south of the intersection of Toomey Avenue and Remount Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (89-59) Decision on Petition No. 89-59 by Flavius J. Settin for a change in zoning from R-6MF to I-1(CD) for a .36 acre site located on the south side of Elmin Street to the east of Old Steele Creek Road.

The Zoning Committee recommends that this petition be denied.

Attachment No. 18

19. (89-60) Decision on Petition No. 89-60 by Frank J. LaPointe for a change in zoning from R-9 to O-15(CD) and B-2(CD) for a 15.4 acre site located on the east side of Independence Boulevard north of Margaret Wallace road with frontage along both sides of the new Delta Road Extension.

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

The Zoning Committee recommends that this petition be scheduled for a new public hearing due to the substantial change in the nature of the Petitioner's proposal.

Attachment No. 19

20. (89-66) Decision on Petition No. 89-66 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 and I-3 to U-MUD for 8.3 acres bounded by West Independence Boulevard (Carson Boulevard) on the west, Morehead Street on the east, Winnifred Street on the south, and John Belk Freeway on the north.

The Zoning Committee recommends that the petition be approved.

Attachment No. 20

21. (89-67) Decision on Petition No. 89-67 by Neighborhood Preservation Committee for Fenton Place, Laurel Avenue and Crescent Avenue for a change in zoning from R-6MF to R-6 for a 19.4 acre site along the north side of Fenton Place and along both sides of Laurel and Crescent Avenues, east of Providence Road and west of Randolph Road.

A protest petition has been filed and is insufficient.

The Zoning Committee recommends that this petition be approved.

Attachment No. 21

22. (89-68) Decision on Petition No. 89-68 by Public Library of Charlotte and Mecklenburg County for a Site Plan Amendment to an existing B-1SCD zoning for approximately 33.07 acres located on the southeast side of Sharon Road between Colony Road Extension and Morrison Boulevard Extension.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. (89-69) Decision on Petition No. 89-69 by Franklin Southern Incorporate for a change in zoning from R-9 to B-1(CD) for a .72 acre site located on the west side of Sugar Creek Road approximately 150 feet south of Wilson Lane.

The Zoning Committee recommends that this petition be denied.

Attachment No. 23

24. (89-70) Decision on Petition No. 89-70 by Bobby Taylor for a change in zoning from R-6MF to B-2 for a 2 acre site located on the north side of West Boulevard, west of Carver Road.

The Zoning Committee recommends that this petition be denied.

Attachment No. 24

25. (89-71) Decision on Petition No. 89-71 by Calgreen Incorporated for a change in zoning from R-9 to R-15(CD), R-12(CD), R-9MF(CD), O-15(CD) and BP for a 120 acre tract located on the west side of Tyvola Road Extension extending to York road at Big Sugar Creek.

Councilmember Leeper was excused from the public hearing.

The Zoning Committee did not make a recommendation since the vote was 3-2 and this petition will be on their next work session for reconsideration.

Attachment No. 25

26. (89-72) Decision on Petition 89-72 by Southern Realty Development Corporation for a change in zoning from B-1 and R-6MF to B-1(CD) for approximately 2.5 acre site bounded by The Plaza, East 34th Street, Hudson Street, and Matheson Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 26

27. (89-73) Decision on Petition No. 89-73 by Trammell Crow Company - Residential for a change in zoning from R-9 to R-12MF(CD) for approximately 24.4 acres located on the south side of Tyvola Road and extending west to Nations Ford Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 27

28. (89-75) Decision on Petition No. 89-75 by Panos Properties for a change in zoning from B-2 and R-12 to BD(CD) for a 6.5 acre site located on the southeast corner of McGill Street and Gloryland Avenue, approximately 400 feet east of North Tryon Street.

The Zoning Committee recommends that this petition be approved.

Attachment No. 28

29. (89-76) Decision on Petition No. 89-76 by Crescent Land and Timber Corporation for a change in zoning from R-9 and B-2 to I-1(CD) for a 62.8 acre tract located on the west side of Statesville Road between Cindy Land and Hutchinson-McDonald Road.

Councilmembers Scarborough and Vinroot were excused from the public hearing.

The Zoning Committee recommends that this petition be approved.

Attachment No. 29

30. (89-77) Decision on Petition No. 89-77 by George Slay for a change in zoning from R-9 to R-9MF(CD) for a 27,000 square foot parcel located on the south side of Cindy Lane east of Hutchinson - McDonald Road.

The Zoning Committee recommends that this petition be approved

Attachment No. 30

#1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-78

Petitioner: Dilworth Community Development Association.

Location: Approximately 3.1 acres in the Dilworth Neighborhood generally located between Kingston Avenue and East Boulevard from Euclid Avenue to Park Road.

Request: Change from O-6 and R-6MF to R-6MF and R-6.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of O-6 and R-6MF. Nearby properties are zoned a combination of single family residential, multi-family residential, office, and commercial classifications. Properties to the south of the subject property along East Boulevard are predominantly zoned O-6. Further to the south along Worthington Avenue and Tremont Avenue, properties are zoned a combination of R-6MF and R-6. Properties to the north of the subject property generally along Kingston Avenue are zoned R-6. Further to the north in the area of Latta Park and Berkley Avenue properties are zoned R-9.

2. Existing Land Use. The property involved with this request is developed with single family residential homes. Adjoining properties are developed with a combination of single family residential, multi-family residential, offices, and commercial development. Two churches are located along East Boulevard at Springdale Avenue. A number of commercial developments are located on East Boulevard just to the northwest of the subject property towards South Boulevard.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property and recognizes East Boulevard as an employment corridor and Latta Park as a major open space. One of the basic 2005 themes for the Central Area of Charlotte-Mecklenburg is the preservation of existing, sound neighborhoods as the foundation for the inner city.

   2. Central District Plan (Preliminary Draft). The pending Central District Plan recommends continued residential land uses in the area of the subject property. This rezoning request is consistent with preliminary recommendations contained in the Central District Plan.

4. Site Plan. There is no site plan which accompanies this application due to its conventional nature.

5. School Information. School information has been requested but is unavailable as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	82-86	R-6MF to R-6	Denied	05/16/83
2.	78-54	O-6 to R-6MF	Approved	12/18/78
3.	82-82	R-6MF to R-6	Approved	05/16/83
4.	82-83	R-6MF & O-6 to R-6	Approved	05/16/83
5.	82-84	R-6MF to R-6	Approved	05/16/83
6.	82-87	R-6MF to R-6	Approved	05/16/83
7.	82-88	R-6MF to R-6	Approved	05/16/83
8.	82-89	R-6MF to R-6	Approved In Part	05/16/83

7. Neighborhood. This site falls within the area defined as the Dilworth Neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from office and multi-family residential categories to multi-family residential and single family residential categories. Publicly adopted and pending plans for the area recognize it as one of existing residential land uses and encourage preservation of the existing neighborhood. The requested residential categories would serve to encourage preservation of the existing character. Therefore the petition is consistent with publicly adopted and pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff provided technical assistance to the petitioner prior to the filing of the application.

   2. Departmental Comments. Due to the conventional nature of the application there were few departmental comments. CMUD indicates that water and sewer services are available to the site. The City Department of Transportation indicates the property as currently zoned could generate approximately 948 to 972 trips per day. Under the proposed zoning, the site could generate approximately 273 to 354 trips per day. This will not have an impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The proposed rezoning is consistent with both the

2005 Plan and the pending Central District Plan. The 2005 Plan stresses the need for preservation of existing sound neighborhoods in order to serve as the foundation for the inner city. The pending Central District Plan contains preliminary rezoning recommendations consistent with the subject petition. The goal of those preliminary Central District Plan rezoning recommendations is to provide stability to the existing neighborhood and to preserve the existing residential character. Therefore, this petition is considered appropriate for approval.

2. Site Plan. There is no site plan to consider as part of this application due to its conventional nature.

CONCLUSION

This petition is consistent with public land use plans for the area and is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-78
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information (SEE ATTACHED EXHIBIT A)

Property Owner

Owner s Address

Date Property Acquired

Tax Parcel Number

Location Of Property (address or description) (SEE ATTACHED EXHIBIT A)

Description Of Property (SEE ATTACHED EXHIBIT A)

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

Current Land Use

Zoning Request

Existing Zoning SEE ATTACHED EXHIBIT A Requested Zoning SEE ATTACHED EXHIBIT A

Purpose of Zoning Change REMEDIAL REZONING FOR PURPOSE OF HAVING ZONING CLASSIFICATION ACCURATELY REFLECT THE RESIDENTIAL USES TO WHICH THE PARCELS ARE CURRENTLY BEING PUT.

Name Of Agent

Agent s Address

Telephone Number

Dilworth Community Development Association
Name of Petitioner(s)

c/o G. Robert Turner, III
Address of Petitioner(s)
900 Cameron-Brown Building
Charlotte, North Carolina 28204

Telephone Number
704-333-1246

By: [illegible] President
Signature

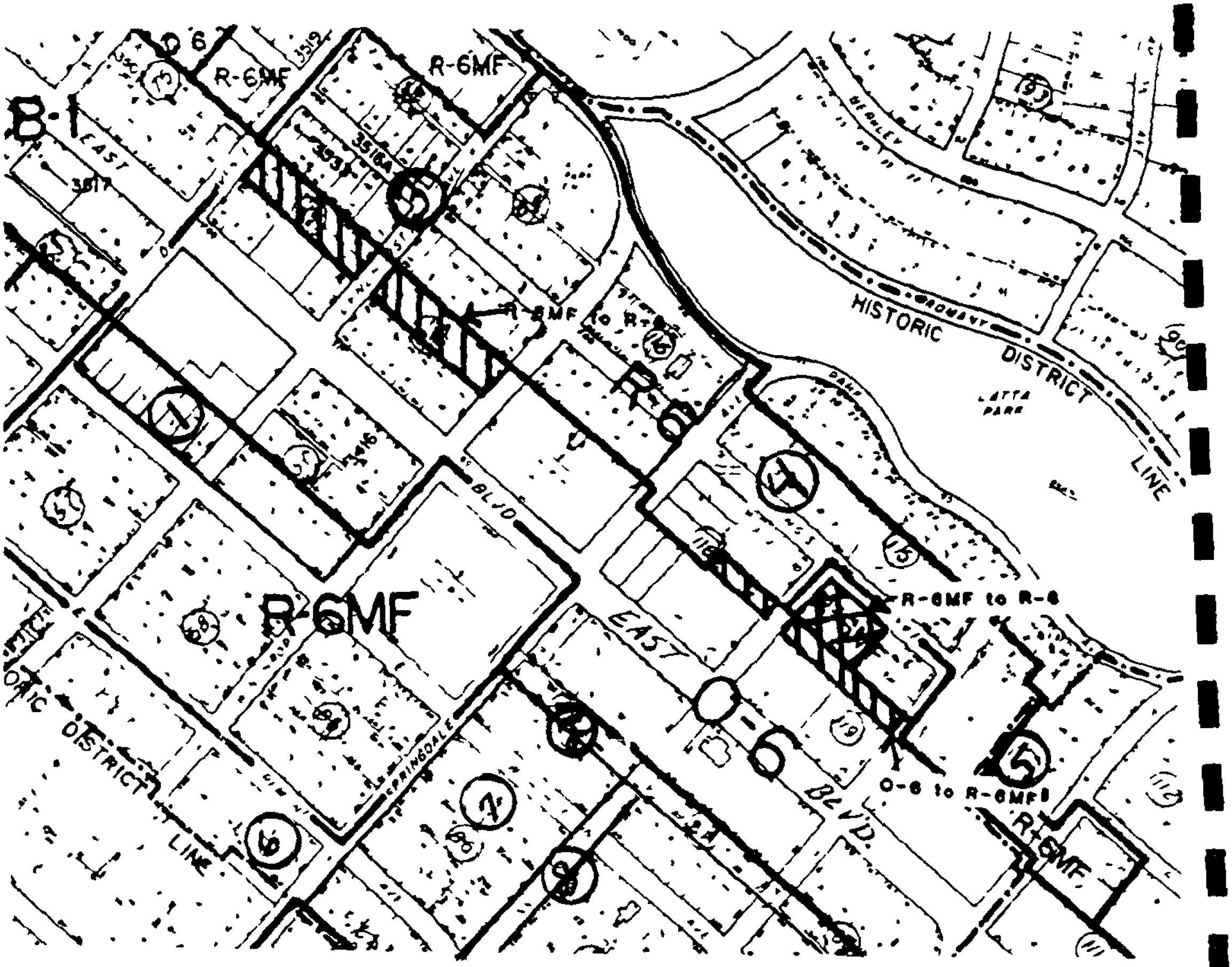
Signature of Property Owner if Other Than Petitioner

PETITIONER Dilworth Community Development Association

PETITION NO. 89-78 HEARING DATE October 18, 1989

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

LOCATION Approximately 3.1 acres located in the Dilworth neighborhood, the southeast corner of Kinston and Lennox Avenue, Lennox Avenue south of Kingston Avenue, and properties extending from Euclid Avenue to Lyndhurst and Winthrop Avenues between E. Kinston Avenue and East Blvd.



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-79

Petitioner: Dr. Joseph J. Estwanik

Location: .39 acres located on the north side of Billingsley Road north of Randolph Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-6MF and is one of two small tracts with the same classification surrounded by office zoning. Land on both sides of Billingsley Road is zoned either O-15 or O-15(CD) for a considerable distance north of Randolph Road. Further north the zoning pattern changes to one of R-6MF. There is also R-12 single family zoning located near the subject site on the east side of Wendover Road.

2. Existing Land Use. The property involved with this request is presently undeveloped. The property directly to the north of this site is also undeveloped. Properties to the south, east, and west of the subject site are developed for a variety of office purposes, principally medical offices or governmental offices. To the north of the subject site along Billingsley Road can be found a mixture of single family and multi-family uses in the Grier Heights community.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing employment type land uses in the area of the subject property. The plan also recognizes Eastover Park as a major park and open space area.

   2. Transportation Improvements Program. The TIP identifies the intersection of Randolph Road and Wendover as a high accident intersection and calls for improvements to that intersection.

   3. Central District Plan (unadopted). The draft Central District Plan recognizes the existing employment uses in the area of the subject property.

   4. Grier Heights Special Project Plan (adopted May 1988). The Grier Heights Special Project Plan recognizes institutional and office type land uses in the area of the subject property.

4. Site Plan. This site plan which accompanies this application proposes the development of this site principally for parking to serve an office development on adjoining properties owned by the petitioner. Those properties are covered by a previously approved

conditional site plan for office use. The petitioner in this case has acquired additional land and simply proposes to merge the existing with this proposed rezoning.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	72-7	R-12 to O-15	Approved	03/20/72
2.	72-38	R-9 to O-6	Approved	08/07/72
3.	74-6	R-6MF to O-15	Approved	05/06/74
4.	78-2	R-6MF, B-1, B-2, O-15, & I-2 to R-6, R-9MF, O-15, & R-12MF	Approved	02/27/78
5.	83-28	R-6MF & R-12 to O-15(CD)	Approved	09/19/83
6.	84-23	O-15(CD) S.P.A.	Approved	05/21/84
7.	86-80	R-6MF to O-15(CD)	Approved	08/18/86
8.	84-49	R-6MF to O-15(CD)	Approved	08/20/84
9.	86-119	O-15(CD) & R-6MF to O-15(CD)	Approved	02/23/87
10.	87-87	R-6MF to O-15(CD)	Approved	01/19/88

7. Neighborhood. This petition falls within the area defined as the Grier Heights neighborhood.

REVIEWS

1. Plan Consistency. This rezoning proposes the conversion of land from a multi-family to an office category. All of the adopted and pending plans for the area call for properties to be used for office and institutional uses in this area. Therefore, this petition is consistent with publicly adopted plans and policies for the area and indeed is one of only two small tracts of non-office zoned land along this portion of Billingsley Road.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with the staff prior to the filing of this application and sought guidance on the process and site plan requirements. Subsequently, the staff has communicated a number of site plan concerns to the petitioner.

   2. Departmental Comments. The petitioner has modified his site plan to take into account comments from the various departments and agencies reviewing the plan. However, the plan still needs additional clarification with regard to the location of storm water detention to serve the site involved with this rezoning as well as the adjoining site covered by a previously approved site plan. In addition, the plan does

not indicate that the driveways are properly aligned with driveways directly across Billingsley Road. A driveway which had previously been located at the front of the building has now been relocated to the rear. The Fire Department had indicated concerns about their fire fighting vehicles being able to make a turn to this driveway. The plan indicates screening to be placed along the parking area to screen the lot from Billingsley Road. However, the plan does not specify the type and amount of plant materials to be utilized.

ISSUES

1. Land Use. There are no land use issues which accompany this application. It proposes the rezoning of a small tract of land from a multi-family to an office category. All of the properties in the immediate area are zoned for office in conformance with all of the adopted and proposed plans for the area. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan which accompanies this application still has a number of minor technical deficiencies which need to be rectified. All of these matters can easily dealt with by the petitioner prior to any final decision. Assuming that these matters can be adequately addressed then, from a site plan standpoint, this petition may be considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval contingent upon the technical site plan issues being adequately resolved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-79
Date Filed August 16, 1989
Received By JWCM
OFFICE USE ONLY

Ownership Information

Property Owner: Dr. Joseph J. Estwanik

Owner's Address: 1516 Elizabeth Avenue, Charlotte, NC 28204

Date Property Acquired: Aug. 1989

Tax Parcel Number: 157-041-08

Location Of Property (address or description): Unimproved parcel, north side of Billingsley Road near Randolph Road, Charlotte, Mecklenburg County, NC

Description Of Property

Size (Sq. Ft.-Acres): 1.5 AC

Street Frontage (ft.): 214.83 FT.

Current Land Use: Land is not being used

Zoning Request

Existing Zoning: R-6MF

Requested Zoning: O-15(CD)

Purpose of Zoning Change: To allow parking spaces for new medical office building to be constructed at 335 Billingsley Road.

Name Of Agent

Dr. Joseph J. Estwanik
Name of Petitioner(s)

Agent's Address

1516 Elizabeth Avenue
Address of Petitioner(s)

Telephone Number

704-334-4663
Telephone Number

Joseph J. Estwanik M.D.
Signature

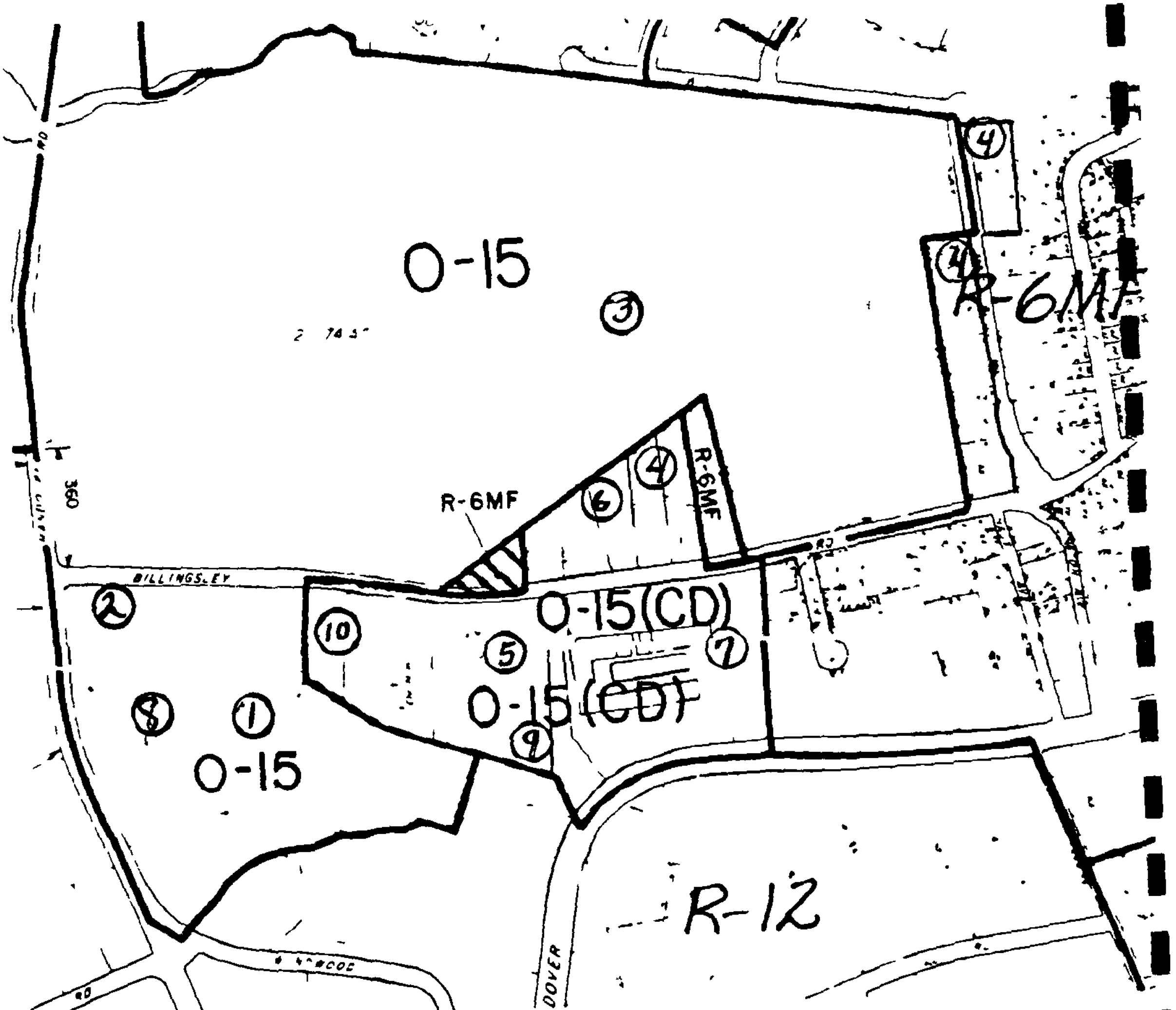
Gerald Oppenheimer
Signature of Property Owner if Other Than Petitioner

PETITIONER Dr Joseph J. Estwanik

PETITION NO. 89-79 HEARING DATE October 18, 1989

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

LOCATION Approximately 30 acres located on the north side of Billingsley Road east of Randolph Road.



ZONING MAP NO. 112,124

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#3

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-80

Petitioner: Crosland Land Company

Location: 18.6 acres on the southerly side of Marsh Road bounded by Selwyn Farms Lane.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-12MF(CD) and was originally zoned for that category as part of the large Selwyn Farms development. Zoning in the surrounding area includes properties zoned for R-9 single family development as well as R-15MF(CD) and R-12MF multi-family categories. In addition there are special use permits for institutional uses located nearby on Park Road.

2. Existing Land Use. The property involved with this request is presently the site of an existing single family structure which is being use as a sales office and club house facility. Property in the surrounding area within the Selwyn Farms community is developed for a mixture of single family and multi-family housing. In the community beyond Selwyn Farms property is also developed for a mixture of single family and multi-family housing. There are several institutional uses nearby including the Park Road YWCA and several churches.

3. Public Plans and Policies.

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

   2. Park Road/Marsh Road Small Area Plan. The Park Road Small Area Plan calls for densities of up to 7.5 dwelling units per acre and the maximum of 1,017 units in the Selwyn Farms development. The Plan clearly defines Selwyn Farms as a development with a mixture of housing types and densities which would allow a variety of housing styles.

   3. Central District Plan (unadopted). The draft Central District Plan recognizes residential land uses in the area of the subject property.

4. Site Plan. The site plan which accompanies this application proposes the development of this site for innovative housing under the R-20MF category. It proposes a total of 105 small lots for single family detached housing. The minimum lot size would be 4,700 square feet with front setbacks ranging from 20 feet to 30 feet and rear yards at 25 feet. The plan proposes a construction

of
public streets on 40 foot rights-of-way utilizing a hammer head turnaround as opposed to the conventional cul-de-sac. The overall density of the proposed development is 5.62 units per acre. The existing zoning on the property would accommodate 220 units of multi-family housing and a density of 11.7 units per acre.

5. School Information. Information has been requested from the School Board but is not available as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	76-40	R-6MF to R-12	Approved	06/18/76
2.	79-62	R-9 & Cond. Parking to R-15MF(CD)	Approved	02/19/80
3.	81-61	R-12 to R-12MF(CD)	Approved	12/03/81
4.	83-17	R-12MF(CD) to R-20MF	Denied	06/20/83
5.	86-23	R-12MF(CD) to R-6(CD)	Approved	04/21/86
6.	88-59	R-12MF(CD) S.P.A.	Denied	09/19/88

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties form multi-family category to accommodate single family housing on small lots. Plans for the area call for this property to be used for residential purposes and recognize a mixture of housing types in the Selwyn Farms development. Existing zoning on the property would allow densities of approximately twice what is being proposed in this petition. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met with the petitioner on numerous occasions prior to the filing of this application. Subsequently the staff has communicated a number of concerns about the site plan to the petitioner.

   2. Departmental Comments. The majority of the departmental comments raised by this application have been dealt with by the petitioner on the revised site plan. However, several issues remain. Both the City's Engineering Department and the City's Department of Transportation indicate a preference for a conventional cul-de-sac turnaround rather than the hammer head design shown on the petitioner's plan. They indicate that the petitioner's design is not acceptable and will require

difficult turning movements on the part of certain vehicles. In addition, they recommend that the street rights-of-way be 50 feet rather than 40 feet and that sidewalks be installed in accordance with the Subdivision Ordinance. The petitioner has agreed to make certain off site drainage improvements in concert with the City Engineering Department. However, those improvements are limited to the difference between the proposed off site drainage impacts and those impacts which might result if the property were to be developed as an R-9 single family development.

ISSUES

1. Land Use. There are no land use issues which accompany this application. Plans for the area call for this property to be used for residential purposes and the Selwyn Farms development is specifically identified as an area for a mixture of housing types. This property presently would accommodate up to 220 units of multi-family housing and the petitioner's plan for 105 units of single family detached housing cuts the density approximately in half. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan which accompanies the application proposes the construction of an innovative housing development on this property. The petitioner indicates the purpose for the innovative housing is to provide a transition between single family detached housing and other multi-family housing in the area. In addition, the petitioner indicates the market for the multi-family housing already approved for this site no longer exists. The petitioner is requesting several departures from normal development standards for this property including non-conventional turnaround designs, reduced rights-of-way, omission of sidewalk from the local streets, and the reduction in lot sizes and yards. Both the City Department of Transportation and the City Engineering Department express concerns about the turnarounds proposed and both suggested that the petitioner use a standard 50 foot right-of-way street with sidewalks as opposed to the 40 foot street requested by the petitioner. The innovative development provisions of both the subdivision and zoning ordinance allow this development to precede with these streets as proposed if approved by the City Council. Inasmuch as the streets are to remain public streets, it is important for the City to consider whether the unconventional turnaround design are appropriate for permanent City maintenance. Otherwise, from a site plan standpoint all the issues have been addressed by the petitioner and pursuant to the resolution of the transportation related issues this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval. However, serious consideration should be given to the transportation issues involved with the smaller streets and non-conventional turnarounds.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-80
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Crosland Land Company, A Division of The Crosland Group, Inc.

Owner s Address: 125 Scaleybark Road, PO Box 11759
Charlotte, NC 28220

Date Property Acquired: June 14, 1989

Deed Reference: 5602-580 Tax Parcel Number: 149-123-99

Location Of Property (address or description)

Selwyn Farms Parcel D-2
Property encompassed by Selwyn Farms Lane and Marsh Road

Description Of Property

Size (Sq Ft Acres): 18.645 Acres Street Frontage (ft): 3606.80 +/-

Current Land Use: Undeveloped, one two story wood frame structure

Zoning Request

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

Purpose of Zoning Change: To provide single family detached housing, which creates a transition between the mutli-family attached housing to the east and west, and the single family detached housing to the south.

Karla Hammer
Name Of Agent

Same
Agent s Address

Telephone Number

Crosland Land Company
Name of Petitioner(s)

125 Scaleybark Road, Charlotte, NC 28220
Address of Petitioner(s)

529-5233
Telephone Number

Signature

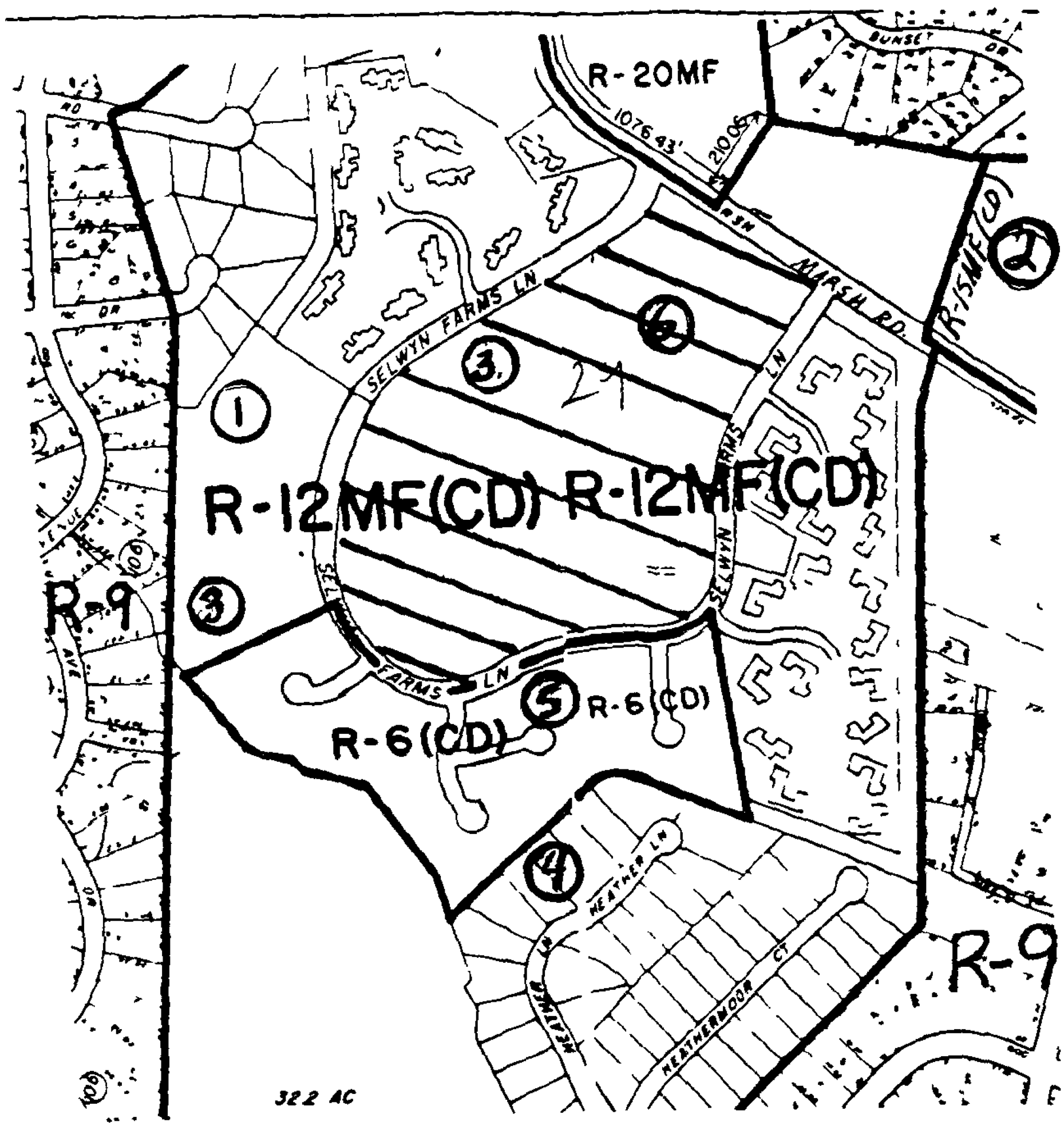
Signature of Property Owner if Other Than Petitioner

PETITIONER Crosland Land Company

PETITION NO 89-80 HEARING DATE October 18, 1989

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

LOCATION Approximately 18.6 acres located on the southerly side of Marsh Road encompassed by Selwyn Farms Lane.



ZONING MAP NO. 125, 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#4

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-81

Petitioner: Crosland Properties.

Location: 14.05 acres on the southeast corner of Wilora Lake Road and Verndale Road.

Request: Change from R-12 to R-12MF(CD) and terminate an existing special use permit for a nursing home.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-12 but is covered by a special use permit which allows for a nursing home. Property in the surrounding area contains a number of zoning classifications ranging from B-1SCD and O-15(CD) to R-15MF(CD), R-9, R-12, and R-15.

2. Existing Land Use. The property involved with this request is presently the site of Laurel Lake Lodge, a retirement center. The rear portion of the site is undeveloped. Immediately adjacent to the site to the south can be found an existing multi-family housing project. Throughout the surrounding area, a substantial concentration of single family housing is well established. Eastland Mall is nearby to the south and there's a concentration of commercial activities along the frontage of Albemarle Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential type land uses in the area of the subject property and recognizes Eastland Mall as a major mixed use center nearby.

   2. East District Plan (unadopted). The draft East District Plan indicates that this property should be used for residential purposes.

4. Site Plan. The site plan which accompanies this application proposes to expand the existing Wilora Lake Lodge facility which is presently located on this site and adding an additional nursing care facility to the rear. The lodge expansion would expand the total number of units from 136 to 176 and would expand the parking accordingly. The nursing center proposed for the rear portion of the site would accommodate a total of 150 beds providing various levels of care. The plan indicates the appropriate setbacks along the frontage of the unopened portion of Verndale Road and does not make use of Verndale Road for any access to the site. The plan indicates 50 and 60 foot buffer areas along the easterly and southerly side of the site that represents approximately 35 percent of the site. The plan indicates that the front portion of the site contains a total of 38 percent open space.

5. School Information. Information from the School Board has been requested but has not been received as of the preparation of this report. However in view of specific land use proposed by this multi-family rezoning, it can be assumed that impact on the school system in the area would be minimal.

6. Zoning History (See Attached Map).

1.	72-33(c)	R-12 to R-9MF	Denied	07/03/72
2.	68-70	B-1, O-6, & R-9MF to B-1SCD, & O-6	Approved	09/23/68
3.	72-40(c)	B-2 & O-9, to B-1, R-9MF, & & B-1SCD	Approved	07/24/72
4.	SUP 83-2	SUP for a nursing home in R-12	Approved	02/19/83
5.	84-19	R-12 to O-15(CD)	Approved	09/17/84
6.	84-20	R-12 to R-15MF(CD)	Approved	09/17/84
7.	85-38	B-1SCD S.P.A.	Approved	09/16/85

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a single to a multi-family classification but the rezoning is to accommodate a nursing home and housing for the elderly project. Both the 2005 Plan and the draft East District Plan indicate that properties in this area should be used for residential purposes. The impact of this project as a residential use will be minimal on surrounding properties. In addition, the plan recognizes its relationship with adjoining properties by providing significant buffers along its margin. Therefore, this petition may be viewed as consistent with plans and policies for the surrounding area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application and reviewed the proposal. Subsequently the staff indicated a number of minor site plans questions to the petitioner for modification of their original submittal.

   2. Departmental Comments. The petitioner has modified the site plan to take into account all of the comments from various departments and agencies. Those included the need to clarify that the plan would meet certain minimum ordinance requirements such as the tree ordinance, the need to indicate more clearly the setback dimension along Verndale Drive, and

the need to redesign the circular drive in front of the nursing facility to allow for emergency vehicle maneuvering.

ISSUES

1. Land Use. There are no land use issues raised by this application. The site is presently occupied by the Wilora Lake Lodge and this petition proposes to rezone the property to continue that project as well as to add a nursing facility to the rear portion of the site. Plans for the area call for property to be used for residential purposes and this petition is consistent with those plans. The site relates well to its neighbors and proposes to make no connection to Verndale Road which would allow traffic into residential areas to the north. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There are no significant site plan issues raised by this request. The petitioner has modified the plan to address all of the departmental comments offered on the originally submitted site plan. The plan proposes a minor expansion to the existing Wilora Lake Lodge and the construction of a new nursing care facility to accommodate up to 150 beds. All of the access to the project is from existing driveways which connect to Wilora Lake Road. The plan indicates significant buffer areas along the portions of the site which adjoins single family and even multi-family developed properties to the south and east. From a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-81
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Wilora Lake Lodge, Ltd.

Owner's Address: 125 Scaleybark Road, Charlotte, NC 28209

Date Property Acquired: on or before October 31, 1986

Deed Reference: Deed Book 5612, page 635

Tax Parcel Number: Book 103, page 12, parcel 11

Location Of Property (address or description)

6053 Wilora Lake Road, Charlotte, NC

Description Of Property

Size (Sq. Ft.-Acres): 14.05 acres

Street Frontage (Ft.): Wilora Lake Rd. 670 ft.

Current Land Use: (front) Retirement Center (rear) Vacant

Zoning Request

Existing Zoning: S.U.P.

Requested Zoning: R-12 MF (CD)

Purpose of zoning change: The purpose is to facilitate the addition of 40 units to the existing Wilora Lake Lodge (retirement center) and the development of a separate nursing center including skilled nursing, intermediate care, and/or home for the aged facilities to total up to 150 beds.

Name of Agent: Bradley W. Davis, LandDesign, Inc.

Agent's Address: 1701 East Boulevard, Charlotte, NC 28203

Telephone Number: 333-0325

Name of Petitioner(s): ATTN: Roger Lewis Crosland Properties

Address of Petitioner(s): 125 Scaleybark Rd. Charlotte 28209

Telephone Number: 529-6098

Signature: Roger M. Lewis

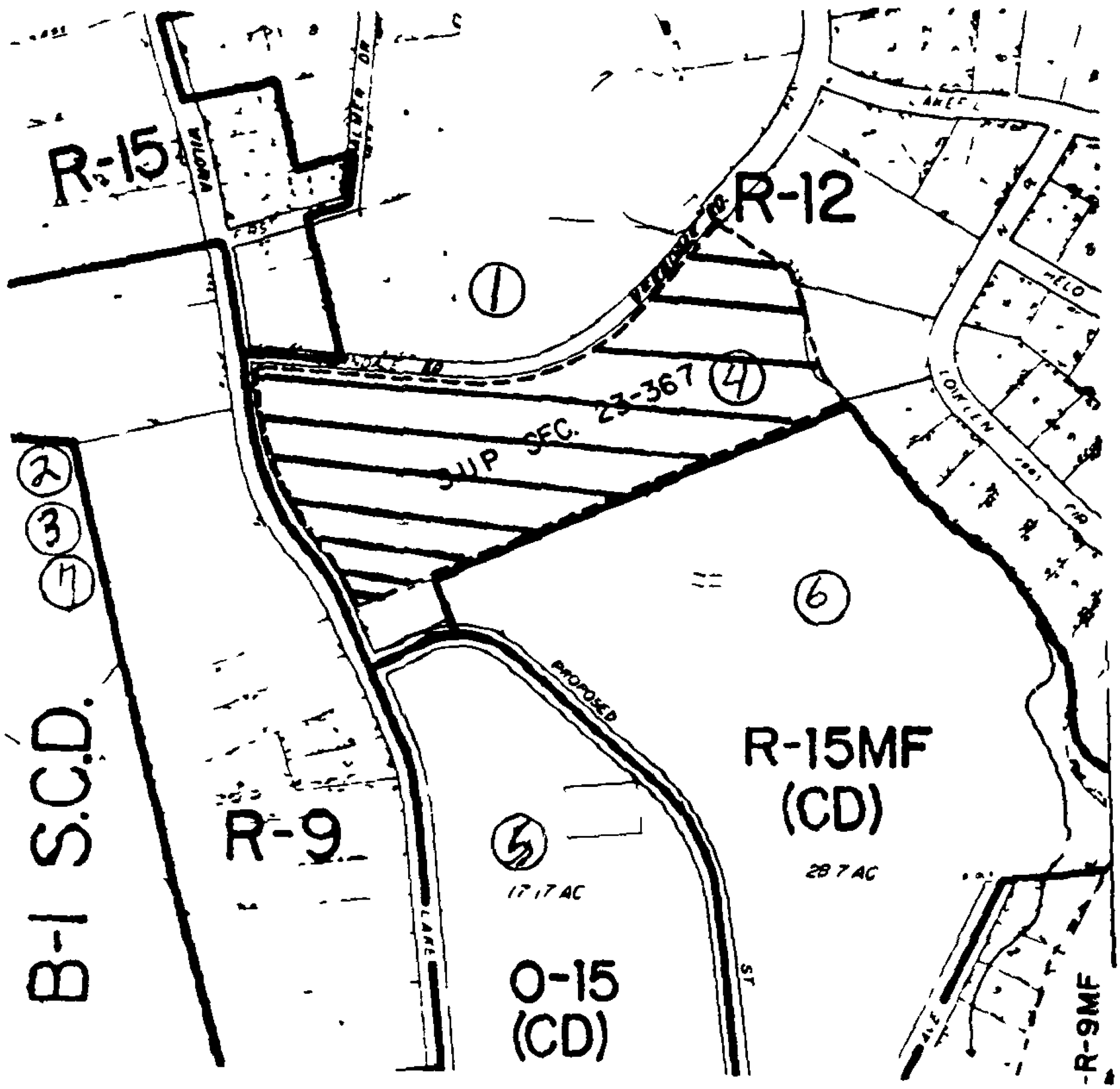
Signature of Property Owner if Other Than Petitioner

PETITIONER Crosland Properties

PETITION NO. 89-81 HEARING DATE October 18, 1989

ZONING CLASSIFICATION, EXISTING R-12 w/SLP for a nursing home REQUESTED R-12MF(CD)

LOCATION Approximately 14.05 acres located on the southeast corner of Wilora Lake Road and Verndale Road.



ZONING MAP NO. 113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#5

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-82

Petitioner: W.K. Gladden and Helen R. Gladden.

Location: Approximately 2.5 acres located on the westerly side of Dwightware Boulevard to the south of Albemarle Road.

Request: Change from R-15 to R-12.

BACKGROUND

1. Existing Zoning. The subject property is zoned R-15 as are surrounding properties on the westerly side of Dwightware Boulevard. Properties located on the easterly side of Dwightware Boulevard are predominantly zoned R-12. The nearby intersection of Harrisburg Road and Albemarle is zoned a combination of B-1 and B-2 classifications.

2. Existing Land Use. The property involved with the request is vacant. Nearby properties are predominantly developed with single family residential homes. The intersection of Harrisburg Road and Albemarle Road contains a number of commercial developments including the Seafarers Restaurant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the area of the subject property. 2005 strategies include the widening of Albemarle Road.

   2. Transportation Improvement Program. The Transportation Improvement Program includes the widening of Albemarle Road from Lawyers Road to N.C. 51 from two to four lanes. Construction is scheduled to begin in FY90.

   3. East District Plan. The pending East District Plan recognizes the area of the subject property as one suitable for single family residential development.

4. Site Plan. There is no site plan which accompanies this application due to it conventional nature.

5. School Information. School information has been requested but, as of the preparation of this report is unavailable.

6. Zoning History (See Attached Map).

1.	71-16(c)	B-1 to I-1	Approved	06/07/71
2.	74-14(c)	R-15 & R-12 to B-1 & R-12	Approved	06/03/74
3.	80-37	R-12 to O-15	Approved	12/15/80

4. 81-43	I-1 to B-2	Approved	08/24/81
5. 84-50	R-12 to O-6(CD)	Denied	09/17/84

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

REVIEWS

1. Plan Consistency. This petition seeks a rezoning from one single family residential category to another. Publicly adopted plans call for continued residential development in this area. Therefore the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met the petitioner prior to the filing of the application and offered technical advice upon the filing of the application.

   2. Departmental Comments. Due to the conventional nature of the application, departmental comments were very limited. CMUD indicates that water and sewer services are available to the site. The Department of Transportation indicates the site could generate approximately 70 to 91 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 90 to 117 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. There are no land use issues which accompany this application. Both the 2005 Plan and the pending East District Plan recognize the area of the subject property as one suitable for continued residential development. Therefore, this petition is considered appropriate for approval.

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

CONCLUSION

This petition raises no issues and is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-82
Date Filed August 16, 1989
Received By MCN
OFFICE USE ONLY

Ownership Information

Property Owner W. K. Gladden and wife, Helen R. Gladden

Owner s Address 9925 Hannon Road, Charlotte, NC 28212

Date Property Acquired May 9 and August 31, 1988

Tax Parcel Number 109-301-49 and -50

Location Of Property (address or description) west side of Dwight Ware Boulevard, 520.0 feet south from Albemarle Road (N.C. Hwy 27) intersection

Description Of Property

Size (Sq Ft.-Acres) 2.52 acres Street Frontage (ft) 320.0 feet

Current Land Use unimproved

Zoning Request

Existing Zoning R-15 Requested Zoning R-12

Purpose of Zoning Change To permit development of seven residential building lots and erection of a residence on each lot

Ray Rankin, Attorney
Name Of Agent

514 Law Building, Charlotte, NC 28202
Agent s Address

(704) 332-6109
Telephone Number

W. K. and Helen R. Gladden
Name of Petitioner(s)

9925 Hannon Road, Charlotte, NC 28212
Address of Petitioner(s)

(704) 545-4718
Telephone Number

W. K. Gladden
Helen R. Gladden
Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER W K. & Helen R. Gladden

PETITION NO. 89-82 HEARING DATE October 18, 1989

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-12

LOCATION Approximately 2.5 acres located on the west side of Dwightware Boulevard south of Albemarle Road.

ZONING MAP NO. 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#6

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-83

Petitioner: Janell Gardner

Location: Approximately 1.7 acres located on the easterly side of Newell-Hickory Grove Road to the north of Robinson Church Road.

Request: Consideration of an R-9MF(CD) site plan amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF(CD). Adjacent properties located on the easterly side of Newell-Hickory Grove Road are zoned R-15 whereas across Newell-Hickory Grove Road the zoning pattern changes to R-9MF and R-9MF(CD). To the north toward Milton Road are areas zoned B-1SCD and O-15(CD).

2. Existing Land Use. The subject property is the site of an existing day care center. The immediate area is generally developed with single family homes with the largest concentration located in the Grove Park Subdivision nearby. To the north is a mixture of multi-family development and commercial development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates this area as one of existing residential development. The 2005 Plan recognizes the intersection of Milton Road and Newell-Hickory Grove Road as a community commercial center. 2005 strategies for the area include the widening of Newell-Hickory Grove Road and extension of water lines in the area.

   2. Transportation Improvement Program. The TIP schedules Newell-Hickory Grove Road for widening from its present two lane configuration to a multi-lane facility from Albemarle Road to Plaza Road for construction in FY90-92. Right-of-way acquisition is scheduled for FY89-90.

   3. Northeast District Plan. The Northeast District Plan recognizes the subject property as one used for institutional purposes.

4. Site Plan. The site plan which accompanies this application proposes an increase in the maximum number of children allowed in the existing day care center from a maximum of 176 to a maximum of 200. The existing building square footage totals 9,000 square feet and the proposed site plan proposes no additional building construction. The parking lot location and the drop off area location would remain essentially unchanged. The 37,500 square

feet of outdoor play space provided on site exceeds the required amount by 17,500 square feet. The plan indicates installation of street trees as required by the City of Charlotte Tree Ordinance along Newell-Hickory Grove Road. Screening of the parking lot as required by the zoning ordinance would remain along the easterly project edge.

5. School Information. School information has been requested but is unavailable as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	63-59	R-15 to B-2	Approved	09/23/63
2.	74-15	R-15 to B-1	Approved	06/17/74
3.	SUP 79-5	R-15 w/SUP for a Day Care	Approved	12/11/79
4.	82-56	R-9MF to R-9MF(CD)	Approved	07/18/83
5.	SUP 84-1	R-15 w/SUP for Day Care	Approved	06/18/84
6.	86-69	R-15 w/SUP for Day Care to R-9MF(CD)	Approved	07/21/86

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

REVIEWS

1. Plan Consistency. This petition proposes a site plan amendment which would allow an increase in the maximum number of children allowed in the existing day care facility. All of the relevant adopted and pending plans and policies for the area indicate that this property should be used for residential purposes. Therefore, this petition is consistent with publicly adopted policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff discussed this proposal with the petitioner prior to the filing of the application and relayed several site plan comments to the petitioner subsequent to the submittal. Most of those comments have been addressed by the revised site plan.

   2. Departmental Comments. Departmental comments indicate that water and sewer services are available to the subject property. Most of the departmental comments generated by the original site plan have been addressed by the revised site plan. One comment that has not been adequately addressed is the need for additional right-of-way along Newell-Hickory Grove

Road. The petitioner committed to additional right-of-way dedication along Newell-Hickory Grove Road years ago when the site was originally rezoned. That right-of-way dedication has not yet occurred. The site plan comments on the subject petition included the need for that right-of-way dedication to be recorded at this time and a note added to the site plan stating that the right-of-way has been dedicated. Instead the revised site plan indicates that the additional right-of-way dedication shall occur at any time upon request by the City of Charlotte. Inasmuch as there will be no building permit plan review to trigger an additional request for the right-of-way dedication in the future, the petitioner needs to record the dedication prior to the decision on the rezoning request.

ISSUES

1. Land Use. This petition raises no land use issues. It proposes a slight increase in the number of children permitted in the existing day care facility. Publicly adopted plans and policies for the area recognize it as one suitable for continued residential development. Therefore, the petition is appropriate for approval from a land use standpoint.

2. Site Plan. Most of the site plan issues originally relayed to the petitioner have been addressed. However, the previous commitment to provide additional right-of-way dedication when the site was originally rezoned has not yet been accomplished. Staff comments to the petitioner included the need for the petitioner to provide that dedication now and to add a note to the revised plan stating that the right-of-way has been dedicated. Instead the plan indicates that the additional right-of-way dedication shall occur at any time upon request by the City of Charlotte. Inasmuch as there will be no further city review and approval necessary for the proposed expansion, the right-of-way dedication should occur prior to the approval of the rezoning. In this case there will be no building permit plan review that would trigger the request for the indicated additional right-of-way.

CONCLUSION

Assuming the remaining site plan related issue is addressed by the petitioner prior to the decision in this case, the petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-83
Date Filed August 16, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Janell Gardner

Owner's Address: 7218 Newell-Hickory Grove Road
Charlotte, NC 28215

Date Property Acquired: December 4, 1986

Deed Reference: 5373-662 Tax Parcel Number: 107-291-01 91

Location Of Property (address or description)

East side of Newell-Hickory Grove Road north of Robinson Church Road

Description Of Property

Size (Sq. Ft -Acres): 1.71 acres Street Frontage (ft.): 159.5 feet

Current Land Use: Child Development Center

Zoning Request

Existing Zoning: R-9MF(CD) Requested Zoning: R-9MF(CD) Site Plan Amendment

Purpose of Zoning Change: To permit an increase of 30 children in maximum capacity to address market need and provide a more reasonable density of usage.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
(704) 333-1680

Ms. Janell Gardner
Name of Petitioner(s)
Hickory Grove Child Development Cnt
7218 Newell-Hickory Grove Road
Address of Petitioner(s)

Charlotte, NC 28215

Telephone Number
(704) 568-0450

Janell Gardner
Signature

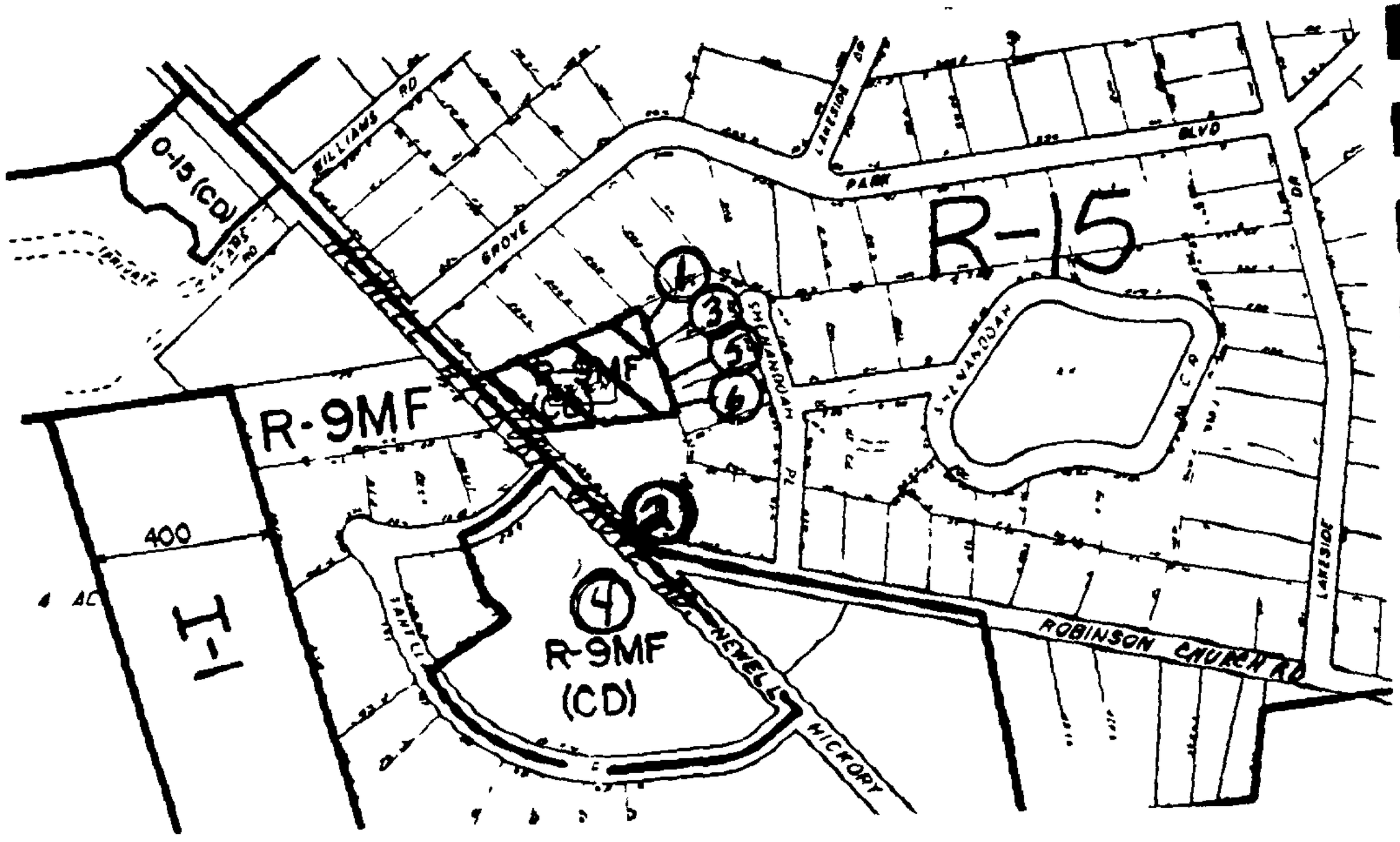
Signature of Property Owner if Other Than Petitioner

PETITIONER Ms. Janell Gardner

PETITION NO. 89-83 HEARING DATE October 18, 1989

ZONING CLASSIFICATION, EXISTING R-9MF(CD) REQUESTED R-9MF(CD) Site Plan Amendment

LOCATION Approximately [illegible] acres located on the easterly side of Newell-Hickory Grove Road north of Robinson Church Road.



ZONING MAP NO. 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#7

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-84

Petitioner: Charter Properties, Inc.

Location: 30.2 acres on the north side of Albemarle Road at Harrisburg Road.

Request: Change from R-15 and B-1 to B-1SCD and R-15(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 and B-1, with the B-1 portion being the smaller of the two areas and having a relationship to Harrisburg Road and Albemarle Road near their intersection. At the intersection of Harrisburg and Albemarle Roads can be found other areas zoned for B-1 as well as tracts zoned for B-2 and I-1. The bulk of the property in the surrounding area is zoned R-15, single family.

2. Existing Land Use. The property involved with this request largely undeveloped, but does contain several single family structures. To the west of the site can be found several churches with frontage along Albemarle Road and further to the west can be found the entrances to numerous single family subdivisions. To the south across Albemarle Road from the subject site can be found single family housing as well as a small strip retail center and restaurant. To the east across Harrisburg Road can be found a variety of uses including commercial, industrial, and vacant land. To the north along Pence Road can be found existing single family housing and further to the north the Counties Harrisburg Road Landfill/Park. To the east of the site along the Albemarle Road frontage can be found a number of nonresidential uses including commercial, institutional, and office uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing and developing residential land uses in the area of the subject property. The 2005 strategies include widening of Albemarle Road, potential light rail station and corridor in the area, extending water and sewer lines to the area, and expanding the greenway system and park system.

   2. Albemarle Road East of Delta Small Area Plan. The Albemarle Road Small Area Plan which has been adopted by the City Council and the Board of Commissioners proposes multi-family land use for the subject site. The plan calls for the B-1 property that is part of this rezoning request to be rezoned to multi-family in the long term.

3. East District Plan (unadopted). The draft East District Plan proposes multi-family land use for the subject site. The plan specifically states that business uses should not extend west of Harrisburg Road. The plan emphasizes the utilization of existing zoned land between Harrisburg Road and Wilgrove Road to accommodate the commercial needs of the area. In this way properties which already have the proper zoning may be reused for commercial purposes rather than establishing new commercial areas and leaving a question as to the future of the properties with present nonresidential zoning.

4. Transportation Improvement Program. The TIP proposes the widening of Albemarle Road from Lawyers Road to N.C. 51 from two to four lanes. Construction is scheduled to begin in FY90. The TIP also calls for the construction of the eastern outerbelt for which the environmental impact statement has been completed and right-of-way acquisition is scheduled to begin in FY95. The TIP further calls for an eastern circumferential thoroughfare which would be a four lane facility constructed on a new right-of-way or using existing roads. This circumferential is needed to provide better connectivity between the UNCC area and the southern and eastern portions of Charlotte and Mecklenburg County.

4. Site Plan. The site plan which accompanies this application proposes the rezoning of properties to B-1SCD and R-15(CD). The R-15(CD) portion of the site lies along the westerly and northerly boundaries of the site and it will serve as a buffer between development on this site and existing church property and single family properties to the north and west. The plan proposes the dedication of right-of-way for the proposed Eastern Circumferential Road passing through the site from Pence Road to Albemarle Road. The right-of-way varies from a standard 100 foot cross-section up to 130 feet in the vicinity of the intersection with Albemarle Road. The petitioner also proposes to dedicate rights-of-way along Albemarle Road and along Harrisburg Road as part of this request. The plan proposes the development of up a 193,000 square feet of retail floor area which includes four outparcels. The site will have a principle access on Albemarle Road, a principle access on Harrisburg Road, and a principle access on the future proposed Eastern Circumferential Road. All outparcels will be served via internal driveways. The plan proposes a 40 foot buffer along the front portion of the site and along the proposed Eastern Circumferential Road including landscaping and buffers to be added as well as areas to be preserved in their natural state. The plan calls for a 100 foot building setback line along Albemarle Road and the Circumferential Road and a 80 foot building setback line along Harrisburg Road. The plan includes a number of conditional notes relating to future access to church properties which adjoin the site to the west, phasing of development to

coincide with the improvements for Albemarle Road, access to an adjoining service station site which is not part of this petition, and architectural control to unify all of the development of the site under a single theme. The plan indicates that stormwater detention will be accommodated in the front portion of the site along the Albemarle Road right-of-way within the area defined as the 40 foot buffer.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	71-16(c)	B-1 to I-1	Approved	06/07/71
2.	74-14(c)	R-15, R-12 to B-1, R-12	Approved	06/03/74
3.	80-37	R-12 to O-15	Approved	12/15/80
4.	81-43	I-1 to B-2	Approved	08/24/81
5.	84-50	R-12 to O-6(CD)	Denied	09/17/84
6.	88-61	R-15 to R-15MF(CD)	Denied	09/19/88
7.	88-26	R-15 to R-15MF(CD)	Denied	11/21/88
8.	89-54	R-12 to B-1(CD)	Approved	07/17/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from single family and commercial to accommodate a much larger commercial complex. All of the plans, both pending and adopted for this area, indicate that this property should be used for residential purposes, specifically multi-family use. The Albemarle Road Plan goes so far as to recommend that the existing small area of this site zoned B-1 be rezoned to accommodate multi-family housing. The Albemarle Road and East District Plan specifically recognize this as a multi-family site and indicate that commercial activity in the area should be concentrated in properties already zoned for such uses between Harrisburg Road and Wilgrove Road and located on both sides of Albemarle Road. This area which is approximately 110 acres of land is already zoned I-1. During the discussions of the Albemarle Road Plan proposals were entertained to rezone portions of that site from industrial to office categories. However, the adopted plan recognizes the existing zoning as a asset to provide for future retail development activities in the area and therefore no rezonings of the property were proposed. This petition represents a substantial departure in the philosophy which resulted in the Albemarle Road Plan and raises significant issues about the viability of the existing industrially zoned land along Albemarle Road if retail activities are concentrated at a new location. Therefore, to establish commercial

zoning in this location is inconsistent with adopted and proposed plans for this area and raises substantial questions about the future of properties which already have nonresidential zoning.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff had several meetings with the petitioner prior to the filing of this application to discuss request. The staff has continued to indicate to this petitioner as well as to numerous other parties with similar proposals that a commercial proposal at this location violates adopted and proposed plans for the area. Subsequent to the application being filed the staff has communicated a number of questions and comments to the petitioner regarding the site plan.

   2. Departmental Comments. The site plan has been modified to accommodate all of the issues raised by reviewing departments and agencies. These comments range from the need to clarify a number of conditional notes relating to the Tree Ordinance, stormwater management, and easements to modification of driveway locations and notations for two of the outparcels. The petitioner has been very thorough in their response to the staffs' concerns.

<u>ISSUES</u>

1. Land Use. This proposal raises a significant land use issue. It is not in conformance with existing or proposed plans for the Albemarle Road area which call for this property to be used for residential purposes, specifically multi-family. The magnitude of this inconsistency is compounded by the fact that a considerable amount of discussion ensued during the Albemarle Road Small Area Plan adoption process which emphasize the need to concentrate retail activities on land which was already appropriately zoned. As noted earlier, a substantial amount of land along both sides of Albemarle Road just to the east of this site is zoned I-1, which would accommodate all of the retail uses proposed in this petition. Early versions of the Albemarle Road Plan recommended that portions of that I-1 land be rezoned to office categories to diminish the development potential for retail along that highway. However, the final version recommended by the Planning Commission and adopted by the City Council and Board of Commissioners specifically recognize the existing I-1 zoned land as the appropriate location for retail activities to serve the surrounding area. If it is appropriate to consider approval of this request then it is equally appropriate to consider modifying the Albemarle Road Plan and the draft East District Plan to address the land zoned I-1 which will still remain along both sides of Albemarle Road. Until that discussion occurs and a final resolution of the

appropriate location of a commercial center has been reached no further action should be taken regarding this request. Otherwise the staff must conclude that, with regard to land use, this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application raises few issues. All of the comments from the various reviewing departments and agencies have been addressed by the petitioner. They propose the dedication of substantial portions of land for right-of-way along Harrisburg Road, Albemarle Road, and the new proposed Eastern Circumferential Road through their site. They propose the phasing of the project so that no construction on the site can commence until after the awarding of a contract by NCDOT for the construction of Albemarle Road. The number of access points have been minimized, the design of the site and architectural controls will ensure a quality development, and the relationship to the most sensitive adjoining properties has been addressed and preserved. From a site plan standpoint this petition leaves little to be desired. However, the land use issue is paramount.

CONCLUSION

This petition is not appropriate for approval without a reevaluation of plans for the area. If it is determined that this request should be approved, then the Council should instruct the Planning staff to immediately undertake to determine an appropriate use for the property already properly zoned and to initiated the appropriate rezoning action.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-84
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Hilda T. Kiser, et. al. See Exhibit A attached hereto.

Owner's Address See Exhibit A.

Date Property Acquired See Exhibit A.

Deed Reference See Exhibit A. Tax Parcel Number See Exhibit A.

Location Of Property (address or description) Northwest corner intersection

between Albemarle Road and Harrisburg Road

Description Of Property

Size (Sq Ft Acres) 30.21 acres Street Frontage (ft.) Albemarle - 1,342 Harrisburg- 447'± Pence - 98'+

Current Land Use Varies - see Exhibit A.

Zoning Request

Existing Zoning R-15 and B-1 Requested Zoning B-1 (SCD)

Purpose of Zoning Change To accommodate development of a shopping center and outparcels on this property.

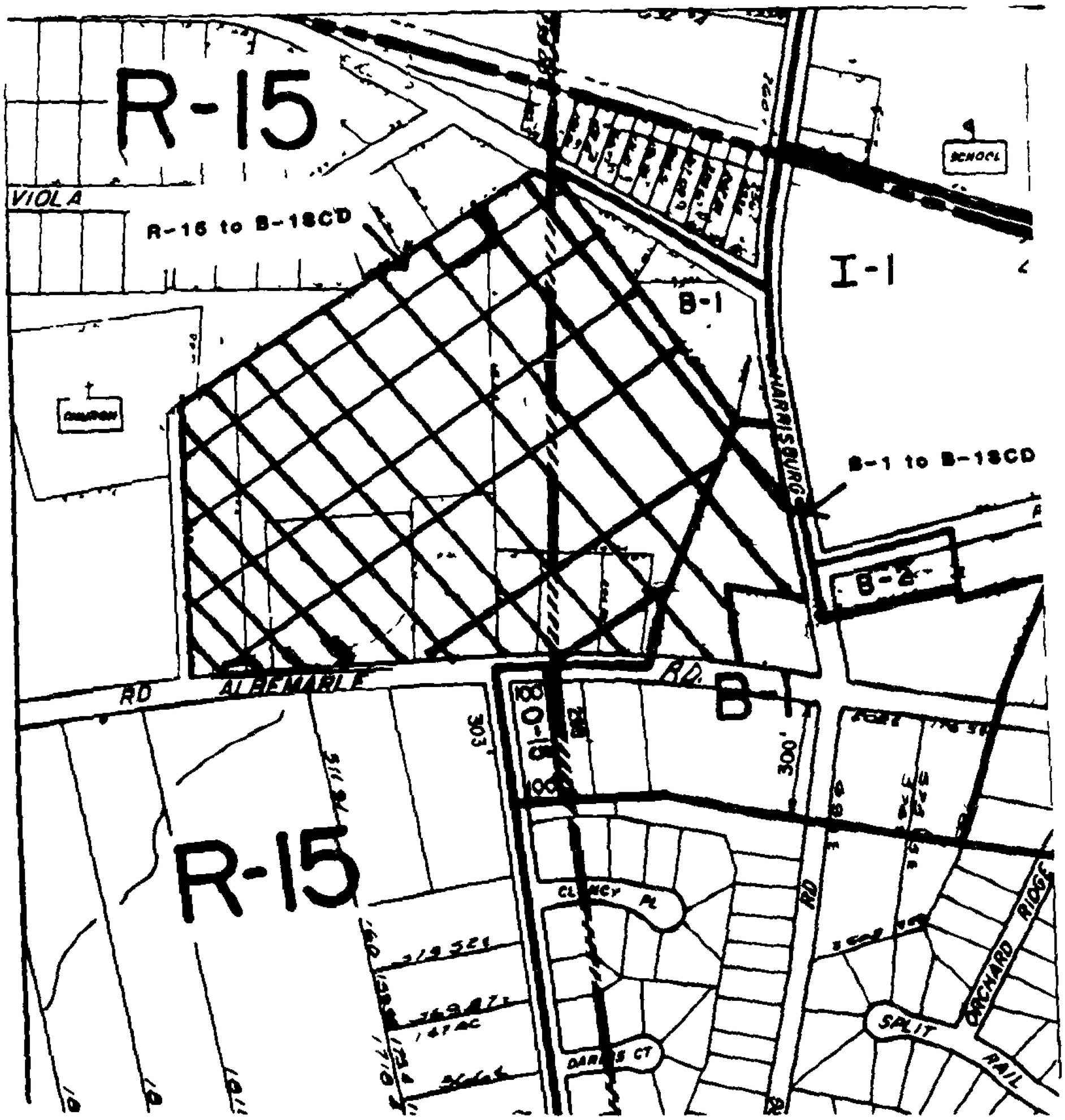
Bailey Patrick, Jr.	Charter Properties, Inc.
Name Of Agent	Name of Petitioner(s)
P. O. Box 35566 Charlotte, NC 28235	P. O. Box 37166 Charlotte, NC 28237-7166
Agent's Address	Address of Petitioner(s)
(704) 372-1120	(704) 377-4172
Telephone Number	Telephone Number
	By:
	Signature
	Signature of Property Owner

PETITIONER Charter Properties, Inc.

PETITION NO. 89-84 HEARING DATE October 18, 1989

ZONING CLASSIFICATION, EXISTING R-15 & B-1 REQUESTED B-1SCD

LOCATION Approximately 30 2 acres located on the north side of Albemarle Road at Harrisburg Road.



ZONING MAP NO. 115.98 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#8

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-85

Petitioner: Crosland Erwin Associates.

Location: Approximately 4.97 acres located on the southerly side Fairview Road between Valencia Terrace and Simsbury Road.

Request: Consideration of an R-PUD site plan amendment.

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-PUD. This zoning classification was established in 1969 when the subject property was part of a larger rezoning to R-PUD for the Foxcroft East neighborhood. Surrounding properties are entirely devoted to single family residential development.

2. Existing Land Use. The property involved with this request is the site of a neighborhood shopping center. Surrounding properties are entirely 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 of the subject property. The Plan recognizes SouthPark as a major mixed use center. 2005 strategies for the area include expansion of the greenway system along McMullen Creek and extension of Colony Road from SouthPark to Rea Road.

4. Site Plan. The site plan which accompanies this application proposes an amendment to the originally approved site plan to allow an additional 4,500 square feet of retail space to the existing Foxcroft East Village Center. The plan proposes no changes to the site otherwise except to bring the site into conformance with the Tree Ordinance. Access to the site would continue to be provided via one driveway connection to Valencia Terrace and two driveway connections to Simsbury Road.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

   1. 69-84 R-15 to R-PUD Approved 09/22/69

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

REVIEWS

1. Plan Consistency. This petition seeks a site plan amendment to allow a minor increase in the size of the existing Foxcroft East Village Center. Publicly adopted plans for the area recognize it as one of existing residential land uses. Inasmuch as the existing land use is nonresidential, the proposal is not consistent with those plans. However, the R-PUD zoning which exists on the subject property and in the surrounding area was established 20 years ago and part of the original approval contained the existing neighborhood shopping center. The subject request seeks merely to add a small amount of square footage to the existing shopping center. Therefore, the petition can be considered consistent with rezoning plans approved years ago. Additionally, the request is consistent with the district plan concept of small, neighborhood convenience centers of less than 50,000 square feet of retail to serve the immediate neighborhood.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application and provided technical assistance. Subsequent to the filing of the petition staff relayed several site plan related comments to the petitioner.

   2. Departmental Comments. Departmental comments indicate that water and sewer services are available to the site. The Department of Transportation indicates the site could generate approximately 3,556 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 4,607 trips per day. This increase will not have a significant impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. This request seeks a site plan amendment to allow a minor addition to an existing shopping center. Publicly adopted plans for the area recognize it as one of existing residential land uses and do not encourage creation of nonresidential land uses in this section of Fairview Road. However, the subject property was part of a 1969 rezoning to R-PUD which established the existing Foxcroft East neighborhood and the existing shopping center. Therefore, the request can be considered consistent with the earlier zoning policy which established the R-PUD classification and the existing shopping center.

2. Site Plan. There are no site plan issues which accompany this application. Comments made by reviewing agencies have been addressed on the revised plan and the petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-85
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Center Properties

Owner's Address 125 Scaleybark Road
Charlotte, NC 28209

Date Property Acquired 1970

Deed Reference 3664-487 Tax Parcel Number 183-195-87

Location Of Property (address or description) 7810 Fairview Road, 7802 Simsbury Road

7800 Fairview Road, 7814 Fairview Road

Description Of Property

Size (Sq Ft Acres) 25,000 square feet, 4.97 acres Street Frontage (ft) 418.41 Fairview Road
593.15 Simsbury Road

Current Land Use Retail (neighborhood) Shopping Center

Zoning Request

Existing Zoning RPUD Requested Zoning Increase square foota as designated on site plan

Purpose of Zoning Change To add room for a hardware store as shown on site plan. This will increase the total square footage and designated uses allowed in the RPUD.

Name Of Agent
Crosland-Erwin-Associates

Agent's Address
125 Scaleybark Road, Charlotte, NC 28209

Telephone Number
704-523-0272

Name of Petitioner(s)
Stever H. Brumm, Property Manager
Crosland-Erwin-A

Address of Petitioner(s)
125 Scaleybark Road, Charlotte, NC
28209

Telephone Number
704-523-0272

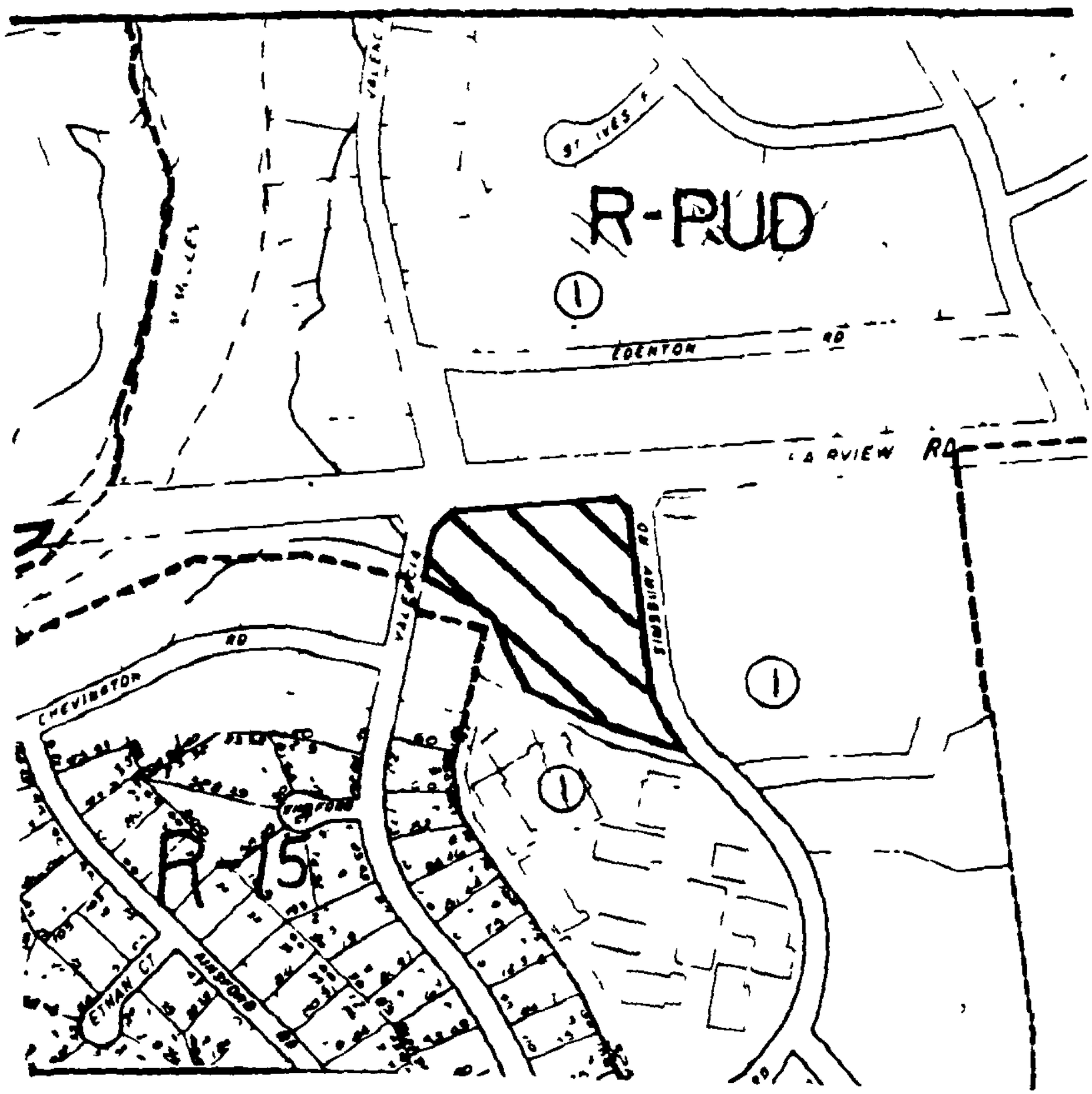
Signature

PETITIONER Crosland-Erwin Assoc.

PETITION NO. 89-85 HEARING DATE October 18, 1989

ZONING CLASSIFICATION, EXISTING R-PUD REQUESTED R-PUD Site Plan Amendment

LOCATION Approximately 4.97 acres located on the north side of Fairview Road between Valencia Terrace and Simsbury Road.



ZONING MAP NO. 136,146 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#9

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-86

Petitioner: Zaremba CenterPoint Company.

Location: 13.8 acres on the northeast corner of Eastway Drive and Biscayne Drive, south of Central Avenue.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-6 with the exception of a small strip located along Biscayne Drive which is zoned R-6MF. The strip is approximately 50 feet wide and was apparently intended to serve as a buffer between the office zoning and additional single family zoning on the opposite side of Biscayne Drive. That zoning as well zoning throughout the surrounding area is R-9. Directly across Eastway Drive from the subject property can be found a large tract of land zoned for B-2 development as well as a smaller strip of office zoning along the east side of Eastway Drive north of the subject site. To the south along both sides of Eastway Drive can be found properties zoned R-6MF one lot deep along the road frontage.

2. Existing Land Use. The property involved with this request is largely undeveloped at this time. There are two small one story office buildings on the northwest corner of the site with frontage along Eastway Drive. To the north the site is bounded by existing single family development. To the east the site is bounded by Eastway Junior High School property. To the south and to the west across Eastway Drive properties are undeveloped. However, to the north along Eastway Drive can be found a substantial concentration of existing retail development, both in terms of strip commercial development along Eastway Drive and Central Avenue and in terms of an existing neighborhood commercial center. The property directly across Eastway Drive, although zoned B-2, is presently vacant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing residential land uses in the area of the subject property and a community commercial center at the intersection of Eastway Drive and Central Avenue.

   2. East District Plan (unadopted). The draft East District Plan proposes the use of the property for employment purposes, specifically office or business park type uses. This would serve as an adjunct to the retail development which exists and is proposed directly across Eastway Drive from the subject

property. It also recognizes the existing O-6 zoning in place.

3. Transportation Improvement Program. The TIP calls for the widening of Eastway Drive from Sugar Creek Road to Kilborne Road but not extending into the area of the subject property. The plan does call for intersection improvements at the intersection of Central Avenue and Eastway Drive for FY90.

4. Site Plan. The site plan which accompanies this application proposes the construction of up to 138,255 square feet of retail floor area. This figure includes 8,955 square feet of floor area which already exists on the site in the form of two single story office buildings. The plan proposes a major entrance on Eastway Drive and secondary entrances off of Biscayne Drive. The two existing buildings on the site as well as a single outparcel will all be served via internal access. However, the plan reserves the right to remove the two existing structures in the future. The plan proposes the dedication of 15 feet of additional right-of-way along Eastway Drive, the construction of a left turn lane and signalization at Eastway Drive and the major entrance to the site, and the establishment of a eight foot wide screening and planting strip around the perimeter of the site which relates to the Biscayne Drive frontage. The plan indicates that the rear portion of the site will be substantially graded to reduce the elevation of the property and as a result the plan does not propose to preserve any of the existing substantial vegetation on the rear portion of the site directly across from Eastway Junior High School. The plan indicates a single customer entrance and a separate service from Biscayne Drive and indicates compliance with the Tree Ordinance with regard to perimeter and internal plantings.

5. School Information. This petition will not impact directly on capacity of the school system.

6. Zoning History (See Attached Map).

1.	66-28	B-1 to B-2	Approved	03/28/66
2.	66-29	O-6 & B-1 to B-2	Approved	03/28/66
3.	68-62	R-6MF to Cond. Parking	Approved	09-09-68
4.	69-13	B-1 to R-6MF, B-2, & O-6	Denied	05/26/69
5.	69-28	R-6MF to O-6	Approved	03/24/69
6.	69-93	R-6MF to B-1	Approved	11/03/69
7.	74-17	R-6MF to B-1	Denied	07/15/75
8.	78-9	R-6MF Cond. Parking to O-6	Approved	04/03/78
9.	79-7	R-9MF to O-6	Approved	04/30/79

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from office and multi-family classifications to accommodate a commercial center. Plans for the area indicate that this property should be used for residential and/or office purposes. The draft East District Plan specifically indicates this property to be used for office or business type land uses to serve as an adjunct to the substantial retail concentration directly across Eastway Drive. The establishment of a retail center on the east side of Eastway Drive could also bring additional pressures to bare on other properties zoned O-6 with similar frontage as well as properties along the southerly side of Biscayne Drive which are still zoned for multi-family use. Therefore, this petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has met with the petitioner on several occasions prior to the filing of the application to discuss this request. During those meetings, the staff expressed concern that the petition was not consistent with plans for the area and especially emphasized the existing vacant B-2 property directly across Eastway Drive from the subject site as a concern. Subsequently, the staff has communicated a number of site plan concerns to the petitioner.

   2. Departmental Comments. The majority of the technical notes from the various departments and agencies which have reviewed this plan have been addressed by the petitioner. Clarifications have been added to the plan regarding setbacks, the creation of dimensional nonconformancies along Eastway Drive with the existing buildings, and more detailed information about screening along Biscayne Drive. A traffic impact study has been submitted to the City's Department of Transportation and the developer has indicated the dedication of 15 feet of additional right-of-way. However, the comment from DOT requested that the developer dedicate 50 feet of right-of-way from the centerline of Eastway Drive. In addition, the plan indicates a 10 foot landscaping and sidewalk easement along Eastway Drive. Comments from the School Board indicate their opposition to this rezoning. They indicate they believe that the office uses which could locate on the property are preferable to the retail uses which might be placed their under the rezoning proposal. The Planning Staff also notes that the plan maximizes the use of the site. The site is 13.8 acres and the petitioner proposes 138,000 square feet of floor area. This is normally the maximum though of as an appropriate level intensity for a retail site. The result of

this intensity is the substantial grading of the property which removes natural vegetation from the rear portion of the site directly across from Eastway Junior High School.

ISSUES

1. Land Use. This petition raises a significant land use issue. It proposes the rezoning of properties from office and multi-family categories to accommodate a new commercial center. Plans for the area indicate that the property should be used for uses no more intensed than office and business park type activities. In this way, the property serves as an adjunct to the existing and proposed retail development on the west side of Eastway Drive. To expand the commercial zoning to the east side of Eastway Drive is contrary to plans for the area and will result in additional pressures being brought to bare for other commercial zonings in the same area. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes a rather intense development of this site for a retail center. The plan would result in the property being substantially graded and the bulk of the existing natural vegetation removed. This is especially important as the rear portion of the site is directly across Biscayne Drive from the front of Eastway Junior High School. Staff believes that the amount of screening offered around the perimeter of the site is minimal at best and that a preferable treatment would be to preserve 30 to 40 feet of undistributed vegetation prior to any substantial changing of the grade of the property. The petitioner has proposed to make a number of transportation related improvements in connection with the construction of this facility. However, a number of minor detailed site issues still need to be resolved. On the whole, the staff believes that this site establishes poor relationships with its neighbors along Biscayne Drive and is an overly intensive use of this property given its location. Even if those relationships could be improved and the intensity of the site reduced, the land use issue is the more significant consideration in this request.

CONCLUSION

This petition is not appropriate for approval. It is inconsistent with plans for the area, establishes poor relationships with its neighbors along Biscayne Drive, and could serve as a precedent for additional zoning requests along this portion of Eastway Drive.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-86
Date Filed August 16, 198
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Marsh Realty Company

Owner's Address: P. O. Box 35329, Charlotte, North Carolina 28235

Date Property Acquired: (1) Deed dated September 22, 1954; filed October 18, 1954 (2) Deed dated October 27, 1954; filed February 23, 1955

Deed Reference: (1) Book 1717, page 305 (2) Book 1741, page 127

Tax Parcel Number: 131-062-31, 34, 35, & 36

Location Of Property (address or description)

Northeasterly corner of Eastway Drive and Biscayne Drive; bounded by Eastway Drive on the west, and Biscayne Drive on the south and east.

Description Of Property

Size (Sq Ft Acres): 13.835

Street Frontage (ft): *779.74 feet on Eastway Drive and 1,463.5 feet on * Biscayne Drive

Current Land Use: Primarily vacant (Tax Parcels 131-062-31 and 34). One story office building located on Tax Parcels 131-062-35 and 36.

Zoning Request

Existing Zoning: O-6 (12.46 ac) and R-6MF (1.35 ac)

Requested Zoning: B1-SCD

Purpose of Zoning Change: To allow the development of a shopping center in accordance with proposed site plan

Name Of Agent: Moore & Van Allen

Agent's Address: 3000 NCNB Plaza, Charlotte, NC 28280

Telephone Number: (704) 331-1000

MOORE & VAN ALLEN, Agent for Petitioner

By: R. Beverly Webb
R. Beverly R. Webb

Name of Petitioner(s): Zaremba CenterPoint Co.

Address of Petitioner(s): 3000 NCNB Plaza, Charlotte, NC

Telephone Number: (704) 331-1000

Marsh Realty Company

Signature

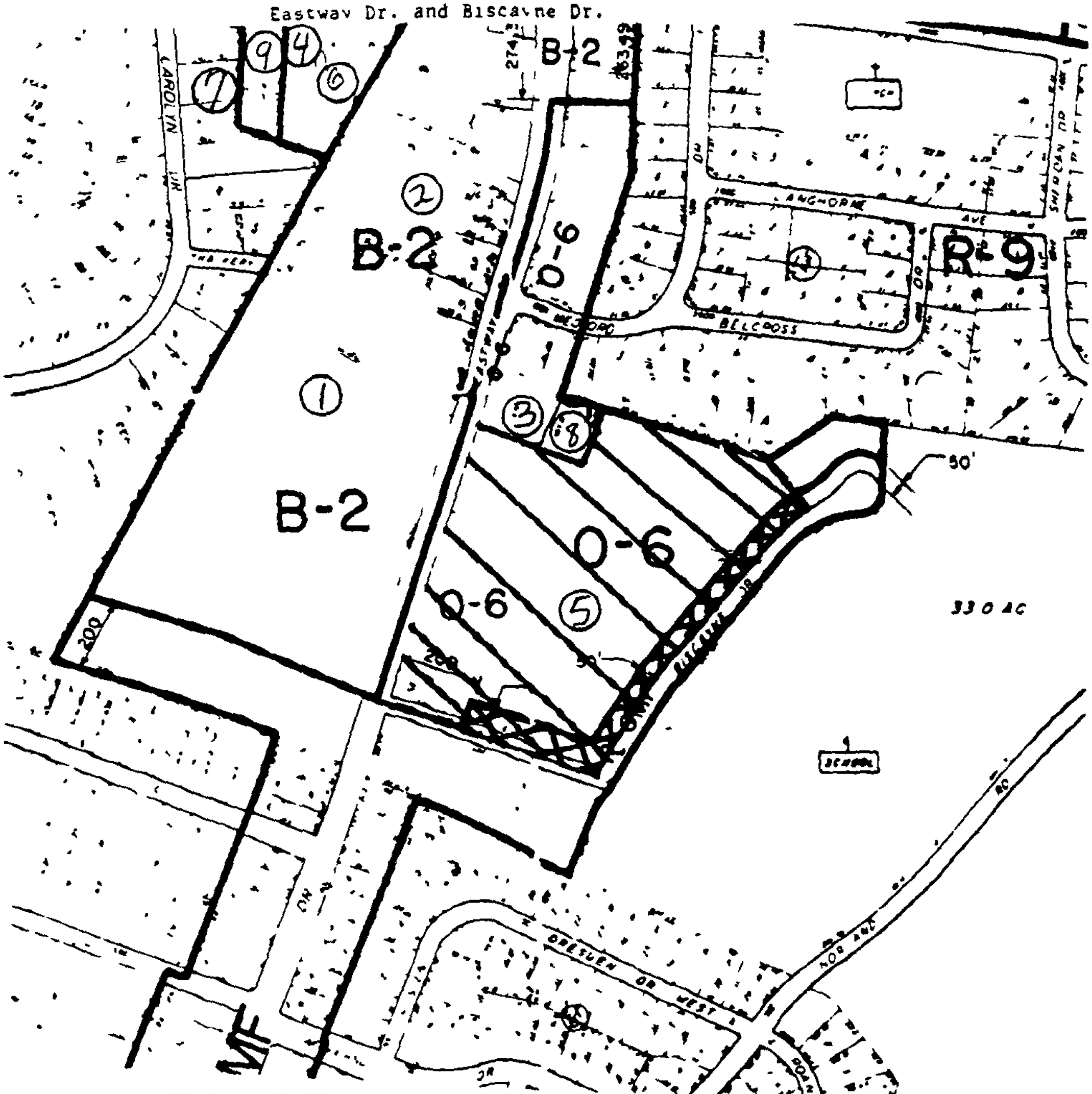
By: (See attached letter)

PETITIONER Zaremba CenterPoint Co.

PETITION NO. 89-86 HEARING DATE October 18, 1989

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

LOCATION approximately 13.8 acres located on the northeasterly corner of Eastway Dr. and Biscayne Dr.



ZONING MAP NO. 100,101,112,113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#10

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-87

Petitioner: Seven Eagles HOA, Harris Land Company, Cameron M. Harris Holding Company.

Location: Approximately 121.3 acres located at the intersection of Park Road and Gleneagles Road.

Request: Change from R-15 to R-15(CD), R-20MF, R-20MF (Innovative), and B-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 as is the majority of property in the surrounding area. At the intersection of Sharon Road West and Park Road can be found properties zoned B-1SCD as well as a mixture of residential classifications including R-12, R-12MF(CD), R-15MF(CD), and R-20MF. In addition there are properties zoned R-12/PUD and properties covered by special use permits for a retirement center.

2. Existing Land Use. Approximately 80 acres of the land involved with this request is presently developed as a single family subdivision. Public streets are in place and a number of houses have been built or are under construction. However, the remainder of the lots are vacant and there is an additional 20 or so acres which are also vacant but yet unsubdivided. The remainder of tract, that property with its orientation to the intersection of Gleneagles Road and Park Road, is also undeveloped. To the east of the subject site can be found the Quail Hollow Golf Course and to the west across Park Road is the Quail Corners Shopping Center. In the vicinity of the intersection of Sharon Road West/Gleneagles Road and Park Road can be found a mixture of residential uses including single family and multi-family housing as well as a retirement center. In addition the property adjoins an existing junior high school site as well as single family subdivisions under construction. To the north across Gleneagles Road can be found single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A community commercial center is indicated at the intersection of Sharon Road West/Gleneagles Road and Park Road and a major park and open space area (Quail Hollow Country Club) is nearby. 2005 strategies include improving Park Road by adding transportation improvements as well as streetscape improvements, expanding sewer lines in the area, and expanding the greenway system along Sugar Creek.

2. Transportation Improvement Program. The TIP calls for the widening of Park Road from Goneaway Road to Sharon Road to four lanes with construction scheduled to begin in FY90.

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

4. South District Plan. The South District Plan is the last of the seven district plans to be initiated and work has not yet begun sufficient to offer any guidance in this matter.

4. Site Plan. This zoning request is divided into two parts. Part One involves approximately 100 acres of land and three requested residential zoning classifications. Part Two involves approximately 20 acres of land and involves the B-1(CD) classification.

Part One of the application proposes the rezoning of 75 acres of land to R-20MF (Innovative). This area would involve conventional single family lots varying in size from 7,000 square feet to several acres on private streets. Portions of the streets proposed by this plan are already constructed as public streets. However this proposal suggests removing those streets from public dedication and establishing private streets throughout the development. A portion of the site would be used for what the plan refers to as "garden homes". This would involve single family detached houses on lots as small as 7,000 square feet with 10 foot front yards, 20 foot rear yards, and side yards ranging from 0 to 14 feet. A second area is proposed to be rezoned to R-20MF. This is a site which would be used for 18 condominium type units in three structures. These units would be served via a private driveway connection which would run parallel to Gleneagles Road. The third portion of the residential component of this plan involves the rezoning of some properties to R-15(CD). A portion of this area is located along the rear side of the subdivision adjacent to a public street (Smithfield Church Road). The other portion of the R-15(CD) area is located with frontage along Gleneagles Road. The principal reason that these lots are proposed to be rezoned to R-15(CD) rather than R-20MF (Innovative) is the 75 acre limitation on innovative development proposals.

Part Two of the rezoning proposes the conversion of vacant single family zoned land to accommodate a small mixed use commercial and office development. This site would include an 80 room inn, up to 85,000 square feet of office floor area, and up to 49,000 square feet of retail floor area. Up to 7,000 square feet of that retail floor area would be located within the inn facility. The plan indicates a single entrance from Park Road and a single entrance from Gleneagles Road with the construction of a left turn lane. The entrance to Park Road would be right-in and right-out only due

to the median which will be constructed during the Park Road improvements. The plan includes a substantial open space component which is oriented principally toward the Gleneagles Road frontage. The plan proposes to dedicate additional right-of-way along Park Road and along Gleneagles Road sufficient to accommodate the programmed improvement. The plan provides for a 50 foot building and parking setback along the street frontages of the site, a future internal access to the residential portion of the Seven Eagles Subdivision, the potential for at least one level of structured parking to accommodate the office development, and indicated that no certificate of occupancy will be issued for development on this site until the intersection improvements for the Park Road/Gleneagles Road intersection have been completed or until October 1, 1992, which ever comes first.

5. School Information. Information from the School Board has been requested but is unavailable as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	69-13(c)	R-12 to R-PUD	Approved	05/12/69
2.	75-12(c)	R-15, R-PUD to R-15 & R-PUD Site Plan Amendment	Approved	07/07/75
3.	79-36	R-15 to B-1(CD)	Denied	08/13/79
4.	79-36(c)	R-PUD to B-1SCD; R-15MF(CD) & R-12	Approved	12/03/79
5.	81-39	R-12PUD Site Plan Amendment	Approved	07/03/81
6.	MSUP 85-3	MSUP for retirement center	Approved	07/08/85
7.	87-79	B-1SCD Site Plan Amendment	Approved	10/19/87

7. Neighborhood. The site does not fall within any previously identified neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of single family zoned property for two different types of development. The first is a mixed use residential development which includes single family detached housing, condominium development, and detached housing on small lots. The overall density of the proposed development is slightly over one unit per acre and plans for the area indicate that the property should be put to residential uses. The degree to which this particular rezoning is approved allowing for innovative development and private streets does not bear directly on the plan consistency question. With regard to part one

of the rezoning the petition is consistent with publicly adopted plans and policies for the area.

Part Two of the rezoning proposes converting single family zoned land for retail uses at the intersection of a major and minor thoroughfare. The 2005 Plan is the only guide to land uses in this area and it indicates a neighborhood commercial center in the vicinity of the intersection of Park Road and Gleneagles/Sharon Road West. The Quail Corners Shopping Center is well established at this intersection and serves as the focus for retail activities in this area. Under normal circumstances a community commercial center of this size would be sufficient to accommodate the retail needs of the surrounding area. Therefore, the establishment of additional retail in the area could serve to generate additional traffic and detract from the overall residential environment of the surrounding neighborhoods.

The retail center proposed in this rezoning petition includes a 80 room inn which is arguably not a neighborhood convenience use. It includes a potential of 49,000 square feet of additional retail floor area which is almost half the size of the present Quail Corners Shopping Center. The petitioner indicates that the uses proposed in this center will be of a "specialty" nature rather than general retail. However, the staff believes that the creation of another small neighborhood shopping center at this heavily traveled intersection is not essential to providing additional service to the surrounding neighborhoods. In the absence of a more specific land use plan for the surrounding area which addresses this issue, the staff must conclude that Part Two of this rezoning petition is not consistent with plans for the area with regard to necessary and convenient retail services. In addition the commercial site include the potential for 85,000 square feet of office floor area. While small scale office uses are often associated with small retail sites the establishment of two four-story office buildings in this area only serve to add additional traffic and to add to the nonresidential character of the proposed development. This to, the staff believes is inconsistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this proposal with the petitioner on several occasions prior to the filing of the application. The staff expressed concern about the nonresidential component of this proposal as it related to plans for the area. The staff also noted some concern about the "innovative" nature of the residential proposal. Subsequently the staff has communicated a number of site plan concerns to the petitioner.

2. Departmental Comments. The petitioner has addressed the majority of the comments related to the site plan for this proposal. However, several issues remain. The City's Department of Transportation indicate that this proposal will roughly double the number of trips which could be generate by the property as presently zoned and that this will have a significant impact on the surrounding thoroughfare system. They indicate that a traffic impact study should be conducted to evaluate the effect that the site traffic will have on the thoroughfare system.

The Fire Department indicated some concern about maneuvering room for fire trucks and portions of the innovative development. A note has been added to the plan indicating the petitioner will assure that maneuvering space is provided during the design of that portion of the project.

The petitioner has committed to additional right-of-way dedication along the entire Gleneagles frontage in the residential portion of the plan as well as the nonresidential portion. However, a technical issue arises with regard to a portion of the plan which adjoins Smithfield Church Road. An existing 10 foot "spite strip" which was created at the time of the original Seven Eagles subdivision needs to be eliminated. The petitioner should commit to making certain improvements to Smithfield Church Road as part of the normal subdivision process. This strip must be removed so that several of the lots in the R-15(CD) area will abut a public street if the present streets are removed from public dedication. The plan presently indicates that the petitioner will convey the 10 foot strip to adjoining lot owners but makes no mention of improvements to Smithfield Church Road. Minor technical issues need to be addressed with regard to access to the condominium project in the R-20MF zoned area. Specifically parking, maneuvering, and other forms of access are not allowed within the setback. It should be pointed that the approval of the R-20MF Innovative portion of this petition will require the homeowners association to purchase or arrange for the maintenance of water, sewer, and streets with this project area. All of these details must be worked out with CMUD and the City's Departments of Transportation and Engineering prior to any actual transfer of those systems.

ISSUES

1. Land Use. This rezoning petition raises a land use issue with regard to the nonresidential part of the request. It proposes the development of a small retail center in an area which is already served by adequate commercial facilities. Such a center will add traffic to an already congested intersection, will detract from the

residential character of surrounding neighborhoods, and will introduce non-neighborhood type commercial uses into the neighborhood setting. While there are no detailed plans for this portion of the community, the staff must conclude that to expand commercial zoning on this property is inconsistent with those plans that we do have. The residential component of the rezoning petition proposes a mixture of housing types in three different zoning classifications. This element, as well as the density which it would allow, is consistent with plans for the area which call for the property to be used for residential purposes. Therefore, from a land use standpoint, the residential portion of this petition is appropriate for approval. However, the staff believes that the nonresidential portion of the petition is inconsistent with plans for the area and should not be approved.

2. Site Plan. This petition raises unusual issues with regard to the site plan. In terms of the residential component of the request the principal issue revolves around the innovative zoning question. The plan proposes single family detached housing on lots ranging from 7,000 square feet to several acres in size. It proposes the conversion of already constructed and dedicated public streets and utility systems back to private ownership. Lots which are not part of the innovative development would also be served via these private street systems by virtue the fact that they adjoin other public rights-of-way. However, in at least one circumstance no improvements are proposed along that public right-of-way. As reported to the City Council earlier this year by the Planning staff, innovative housing can be said to be "in the eye of the beholder". The staff opinion regarding this particular innovative proposal is that there is very little that is innovative about it. The innovative zoning is simply being used as a means to establish a private neighborhood with control of access into its streets. There are still several technical issues which need to be resolved regarding the residential portion of the site plan, principally the issue of improvements along Smithfield Church Road and the relationship of the R-20MF condominium portion of the site to the minimum development standards for that particular district.

The second part of the petition proposes a very low intensity commercial development at the intersection of two thoroughfares. That plan incorporates an inn as well as a substantial amount of open space along the Gleneagles Road and Park Road frontages. Even though not submitted as part of the application, the petitioner indicates that very strict and specialized architectural controls will govern development on this site. All of the various comments from reviewing agencies have been addressed.

From a site plan standpoint, the staff's principal concern revolves around the issues in the residential part of this proposal. Assuming that those issues can be adequately addressed prior to any

final action then both the residential and nonresidential portions of this proposal can be considered appropriate for approval. However, the staff believes that the land use issue is the most significant determining factor with regard to the nonresidential component of this request.

CONCLUSION

Assuming that the technical issues can be adequately addressed then the residential portion of this proposal is appropriate for approval. However, the nonresidential component is not consistent with plans for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-87
Date Filed August 16, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: PART I (SEE ATTACHED LIST) PART II Cameron M. Harris Holding Co.

Owner's Address: (SEE ATTACHED LIST) c/o Cameron M. Harris Co.
6400 Fairview Rd., Charlotte, NC 28210

Date Property Acquired: PART I (SEE ATTACHED LIST) PART II November 28, 1988

Deed Reference: PART I (SEE ATTACHED LIST) PART II 5909-698

Tax Parcel Number: PART I (SEE ATTACHED) PART II 209-201-03

Location Of Property (address or description)

Southside of Gleneagles Road and east side of Park Road.

Description Of Property

Size (Sq. Ft.-Acres): 121.33 acres

Street Frontage (ft.): 1,062' - Park Road; 3,483' - Gleneagles

Current Land Use: A combination of vacant land and an area developed with streets and lots on which 28 houses are under construction or completed.

Zoning Request

Existing Zoning: PART I and PART II R-15

Requested Zoning: PART I R-20MF (Innovative); PART II B-1(CD)

Purpose of Zoning Change: To allow the completion of a master planned mixed use community to contain in PART I, a residential development with a mixture of housing types and, PART II, a specialty area of shops, inn, garden center and offices.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
(704) 333-1680

Seven Eagles HOA, Harris Land Co., Cameron M. Harris Holding Co.
Name of Petitioner(s)

6400 Fairview Road
Address of Petitioner(s)

Charlotte, NC 28210

Telephone Number
(704) 366-8834

(SEE ATTACHED SIGNATURES)
Signature (PART I)

Signature (PART II)

Signature of Property Owner if Other Than Petitioner

PETITIONER Seven Eagles HOA, Harris Land Co., Cameron M. Harris Holding Co.

PETITION NO. 89-87 HEARING DATE October 18, 1989

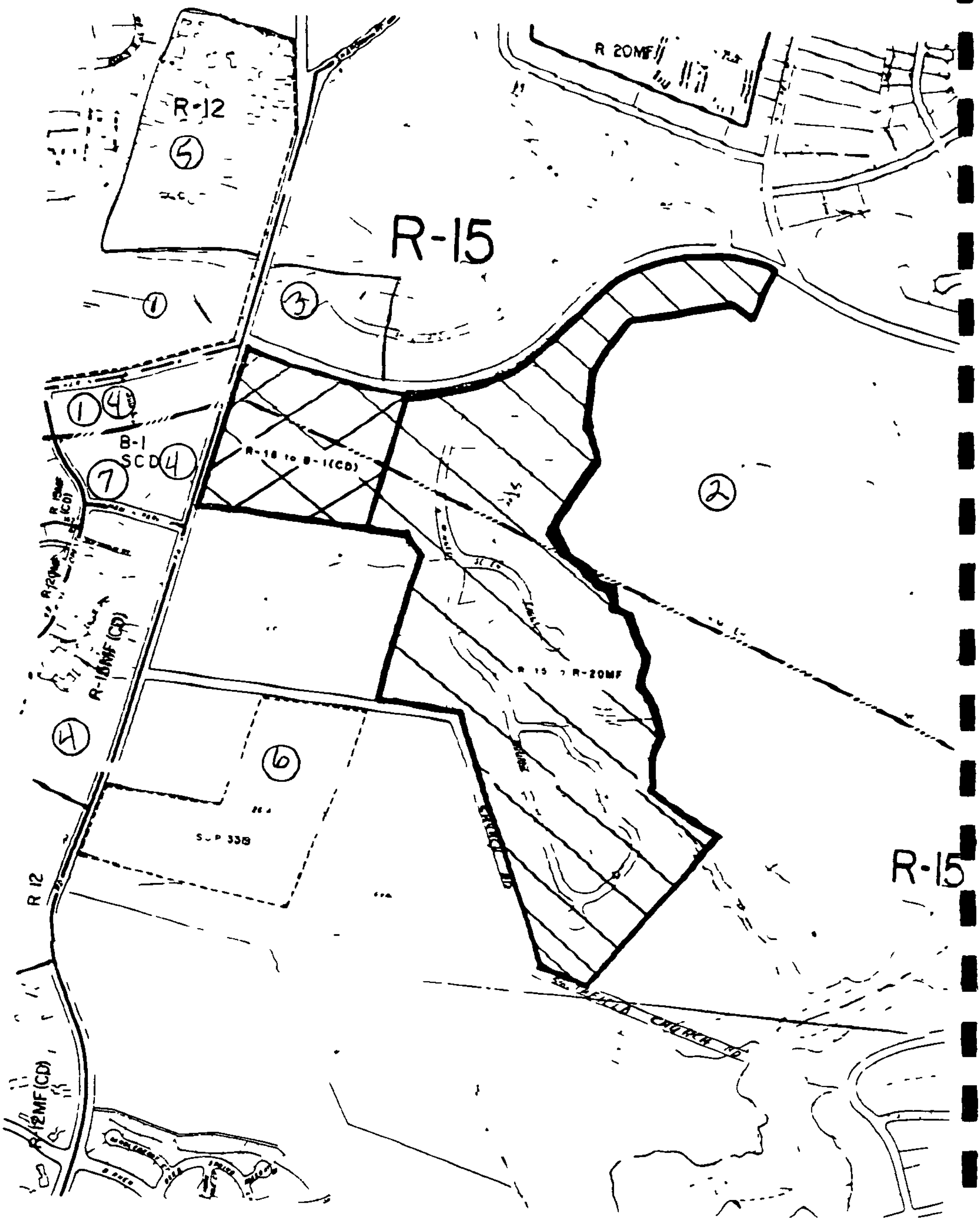
ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-20MF(Innovative) & B-1(CD)

LOCATION Approximately 121 33 acres located on the southeast corner of Gleneagles Road and Park Road.

SEE ATTACHED MAP

ZONING MAP NO. 158 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-12
R-15
R 20MF
B-1
SCD
R-15 to B-1(CD)
R-15 to R-20MF
R-16MF (CD)
S-P 338
R 12
R-12MF (CD)
R-15

#12

Petition No: 81-31

Petitioner: Community Development Department

Location: Several parcels along South Tryon Street between Summitt Avenue and Park Avenue.

Request. Change from B-2, O-6 and I-2 to R-6MF and I-1.

Background: Petition was initiated to implement land use goals contained in the West Morehead Redevelopment Plan

Status: After a negative recommendation by Planning Commission, the petition was deferred indefinitely by City Council in 1981 for further study. Subsequently, the West Morehead Special Project Plan was adopted and the petition has now been replaced by other rezoning petitions (Petition Nos. 89-64 and 89-65. (See attached Planning Commission recommendation).

STAFF RECOMMENDATION: Denial

DATE July 13, 1981

PETITION NO. 81-31

PETITIONER(S) Charlotte Community Development Department

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

LOCATION Several parcels located on South Tryon Street between Summit Avenue and Park Avenue, several lots located on Park Avenue west of South Tryon Street and parcels at the corner of Summit Avenue and Southwood Ave.

ACTION The Planning Commission recommends that the petition be disapproved.

VOTE Yeas: Culbertson, Cummings, Ervin, Jernigan, Kirk, Lawing & Trotter.

Nays None.

REASONS:

This request involves a proposal from the Community Development Department to rezone property in the West Morehead Target Area Plan to bring them in compliance with the conditions of that plan.

At the time the public hearing was held on this matter, several property owners and property owner representatives appeared and voiced strong concern about the rezoning of several of the parcels involved in the petition. Following the public hearing, the Planning Commission deferred action pending additional discussion of this request with Community Development Department representatives.

A meeting between the staffs of the Planning Commission and the Community Development Department was held and after a lengthy discussion of the merits and objectives of this entire area proposal, it was recommended by the Community Development Department that the petition be disapproved at the present time and action taken to begin as soon as feasible a study of a broader area of the residential segment of this community in order to devise future plans which would recognize broader neighborhood involvement than just that contained within the West Morehead Target Area. It was recognized that the West Morehead Area was primarily an effort to redevelop an industrial area and the recommendations as they pertain to the treatment of residential properties along the fringe were inadequate and did not satisfactorily address the total issues of adjoining residential areas.

Acting upon this discussion, the Planning Commission is recommending that the petition be disapproved since it cannot be withdrawn at this time and would indicate that the

adjoining residential areas will be added to the neighborhood planning list and will be addressed as soon as feasible considering current workload constraints

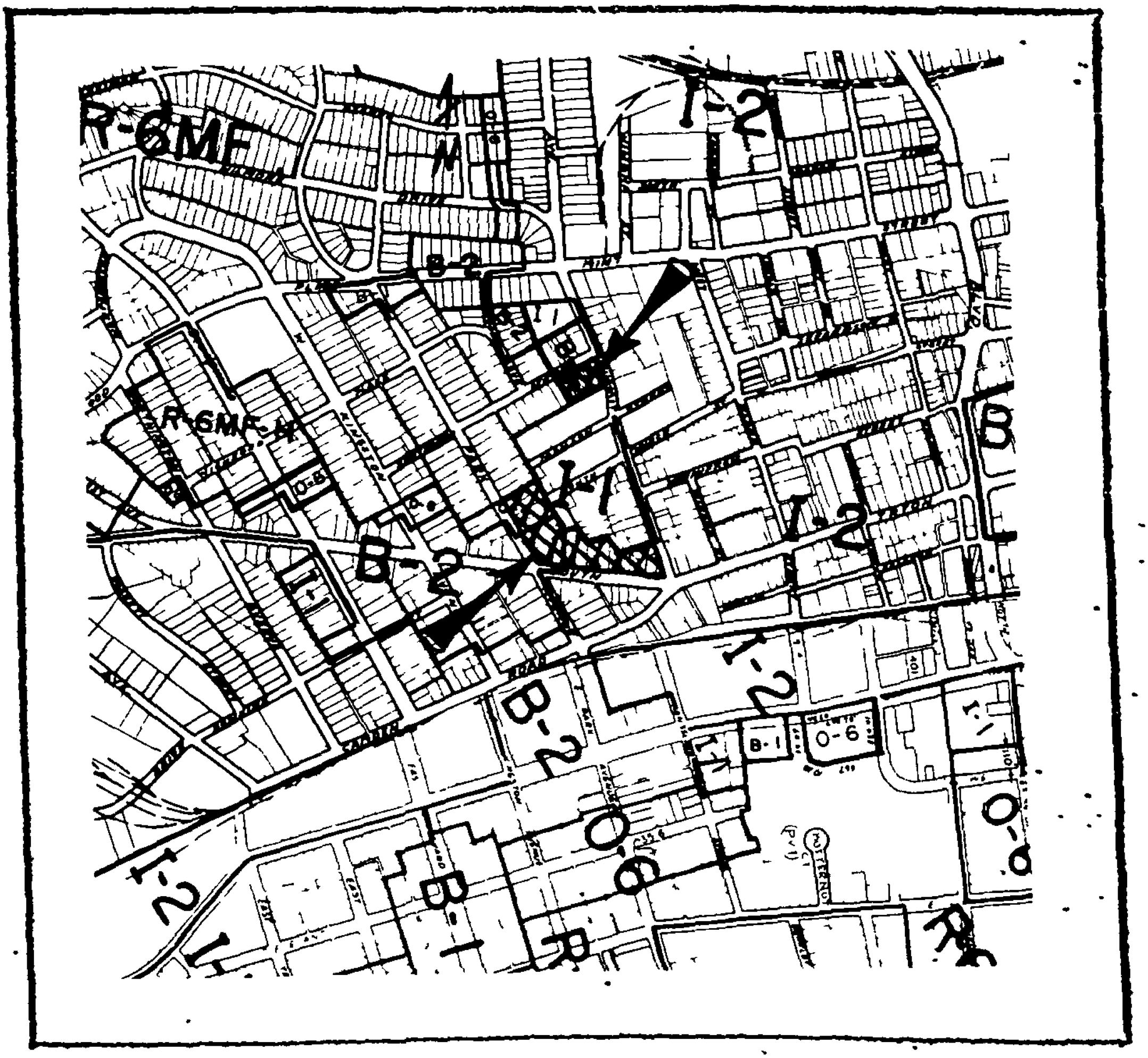
It is believed that this action is desirable at the present time since acting favorably upon this rezoning request would only deal with the residential needs on a very piecemeal basis and would not satisfactorily address the issues on a broader scale. In view of this, the Planning Commission does, therefore, recommend that the City Council deny this request and accept that alternative proposals will be submitted in the future.

PETITIONER Community Development Department

PETITION NO. 81-31 **HEARING DATE** 5/18

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

LOCATION Several parcels located within an area bounded by South Tryon Street, Summit Avenue, Southwood Avenue and W. Park Avenue and within the West Morehead Urban Renewal Area.


R-6MF
I-2
B-2
R-6MF
O-6
B-2
I-2
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O-6
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B-2

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 31, 1989

To Mayor and City Council:

Re: Pending rezoning petitions awaiting action by Council

Attached you will find status reports on rezoning petitions and text amendments that have been deferred and are awaiting action by City Council. This material is intended to provide background information concerning the requests and the current status held by each petition.

These items will be placed on the September 18, 1989 dinner agenda for discussion purposes only. Should Council wish to take action on any of these matters, the petitions would be placed on the October 18, 1989 agenda for decision. The affected property owners would be notified of the pending decision prior to the October 18 session.

Please contact me at 336-2205 if there are any questions regarding these items.

Sincerely,

Walter G. Fields, III
Land Development Manager

WGFIII:LS:jlb

cc: O. Wendell White
Ann Marsh

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

Petition No: 81-71

Petitioner: Charlotte City Council

Request: Consideration of a text amendment to the Charlotte Zoning Ordinance to transfer from the City Council to the Planning Commission the authority to issue Special Use Permits.

Background: The petition was initiated as a result of concern regarding the time consuming nature of the Special Use Permit process.

Status: After a positive recommendation from Planning Commission, the petition was deferred indefinitely by City Council in 1982 pending further study. (See attached Planning Commission recommendation). Subsequent amendments to the Zoning Ordinance in 1983 and 1985 addressed the issues involved in Petition No. 81-71. Those amendments resulted in the creation of the Minor Special Use Permit Board and reduced the number of uses which require a special use permit.

STAFF RECOMMENDAITON: The Zoning Ordinance rewrite process has recently evaluated the issue of special use permits and their administration. At this point, the special use permit process is being recommended for deletion . Therefore, Petition No. 81-71 should be denied or withdrawn.

DATE February 22, 1982

PETITION NO. 81-71

PETITIONER(S) Charlotte City Council

REQUEST Consider an amendment to the text of the zoning ordinance to transfer from the City Council to Planning Commission the authority to issue Special Use Permits.

LOCATION

ACTION The Planning Commission recommends the petition be approved.

VOTE Yeas. Boyce, Culbertson, Cummings, Curry, Ervin, Jernigan, Lawing and McCoy.

Nays: None.

REASONS:

Recently there has been considerable discussion about the Special Use Permit process. It is a time-consuming process and it is now generally recognized by City Council, County Commission and Planning Commission that some changes in the process are needed. One way to respond to this problem is the text amendment discussed below.

The purpose of this text amendment is to transfer from the City Council to the Planning Commission the authority to issue Special Use Permits. In order to do this special enabling legislation was created which amended North Carolina General Statute 160A-388. Board of Adjustment. This amendment provides that a city may designate a planning agency to perform any and all the duties of a board of adjustment, one of these empowered duties being the fact that the zoning ordinance may provide that the board of adjustment issue Special Use Permits.

From a technical standpoint the ordinance is a relatively simple one in that wherever "City Council" appears in the text, it has been changed to read "Planning Commission". One question about the text change that was addressed at public hearing should be noted. Some concern was expressed about the lack of an appeal from the Planning Commission's decision to City Council. Current legislation provides that any appeal from a decision of the Board of Adjustment is to a court of competent jurisdiction. Thus, if the Planning Commission assumes the decision-making authority granted to the Board of Adjustment with regard to Special Use Permits, then likewise an appeal from the Planning Commission's decision is also to a court of competent jurisdiction. Therefore there is no appeal to the City Council.

As was pointed out above this text amendment represents but one way to address the problem of the Special Use Permit process. Recently the Planning Commission has been asked to explore other options. One such option might be to turn the process over to a hearing officer. Another might involve the deletion or reclassification of some Special Use Permits. While the change accomplished by this text amendment is a desirable one, it may represent an interim process until a closer, more comprehensive examination of the problem involving Planning Commission, City Council and County Commission can be explored.

An Ordinance Amending Chapter 23
Section 23-36 Entitled "Special
Use Permits" of the City Code -
Zoning Ordinance

Ordinance No _____

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

1 Amend the last sentence of subsection (a) of Section 23-36 by adding the following words after the words "General Statutes"

"and Chapter 364 of the N C Session Laws of 1981"

2 Amend paragraph two of Section 23-36, subsection (b) by deleting the words "city council" and inserting in lieu thereof the words "Charlotte Mecklenburg Planning Commission"

3 Amend Section 23-36(c) by deleting the words "and/or city council" from the second sentence

4 Subsection (e) of Section 23-36 shall be deleted in its entirety, and the following substituted in lieu thereof

"(e) Hearing procedure Hearings shall be conducted in accordance with the "Rules of Hearing Procedure for Special Use Permits" adopted by the Charlotte-Mecklenburg Planning Commission and on record in the office of the city clerk The applicant shall have the burden of supplying sufficient and reliable evidence to enable the planning commission to make its required findings In considering an application for a special use permit, the planning commission shall consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the planning committion may find appropriate or the petitioner may propose The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the planning commission For the purposes of Section 23-36 the term planning commission shall include the planning commission as a whole or any combination of members of the planning commission less than the whole "

5 Subsection (g) of Section 23-36 shall be deleted in its entirety, and the following substituted in lieu thereof

"(g) Re-application for a special use permit If an application for a special use permit is denied by the planning commission, a re-application for the special use shall not be instituted earlier than two (2) years from the date of denial However, upon request of the property owner, the planning commission may, in its discretion, determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application earlier than the two (2) year waiting period Such request shall be submitted to the planning director for identification of those changes which the applicant alleges have occurred The planning director shall review the request and transmit his recommendations to the planning commission for a final determination as to the re-application request An approved re-application must comply with the same procedures as a new application "

6 Amend subsection (h) of Section 23-36 by deleting the words "governing body" in the third sentence and substituting the words "planning commission", and by deleting the words "city council" in the fourth sentence and substituting the words "planning commission"

7 Amend the second sentence of subsection (i)(1) by the deletion of the words "city council" and substituting in lieu thereof the words "Charlotte-Mecklenburg Planning Commission"

8 Amend subsection (j) by the deletion of the words "city council" in the last sentence, and substituting in lieu thereof the words "planning commission"

9 Amend subsections (c) and (d) of Section 23-36 1 by the deletion of the words "city council" in the first sentence, and substituting in lieu thereof the words "planning commission" in both places

10 Amend subsections (c) and (d) of Section 23-36 2 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof in both places the words "planning commission" in both places

11 Amend subsections (c) and (d) of Section 23-36 3 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof the words "planning commission" in both places

12 Amend subsections (c) and (d) of Section 23-36 4 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof the words "planning commission" in both places

13 Amend subsections (c) and (d) of Section 23-36 5 by the deletion of the words "city council" and substituting in lieu thereof the words "planning commission" in both places

14 Amend subsections (c) and (d) of Section 23-36 6 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof the words "planning commission" in both places

15 Amend subsections (c) and (d) of Section 23-36 7 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof the words "planning commission" in both places

16 Amend subsections (c) and (d) of Section 23-36 8 by the deletion of the words "city council" in the first sentence and substituting in lieu thereof the words "planning commission" in both places

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 _____

Ruth Armstrong,
City Clerk

Petition No: 86-67

Petitioner: Charlotte-Mecklenburg Planning Commission (Sterling Small Area Plan)

Location: Approximately 4 acres located just to the north of the Pineville By-pass east of Packard Street.

Request: Change from I-2 to R-9.

Background: The petition was initiated to implement land use objectives contained in the Sterling Small Area Plan. The Plan recommended that the proposed By-pass act as a boundary between industrial zoning and development to the south and the Sterling residential neighborhood to the north.

Status: After a negative recommendation by Planning Commission, City Council deferred action pending right-of-way purchase for the By-pass. (See attached Planning Commission recommendation). NCDOT has now purchased the subject property for construction of the By-pass. The land was acquired by the State for construction purposes only, not to meet actual road right-of-way needs. The State indicates the property will be sold in 3-4 years.

STAFF RECOMMENDATIONS: Inasmuch as the property is scheduled to be marketed in the near future, the original recommendation for residential zoning is still valid. The concept of the By-pass acting as a barrier between the industrial zoning to the south and the neighborhood to the north remains feasible. The original request for R-9 is recommended for approval.

DATE June 19, 1986

PETITION NO 86-67

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from I-2 to R-9

LOCATION Approximately 4 acres located east of Packard Street and north of the proposed Pineville Bypass

ACTION The Planning Commission recommends that the petition be denied

VOTE Yeas Curry, Lawing, Lowerv, M Smith and Wheeler

Nays Clodfleter and Lewis

(Commissioners Emory and Griffin were not present when vote was taken)

REASONS

The property which is involved in this request is presently zoned I-2 and the petition is requesting R-9 The land area involved comprises approximately four (4) acres and is located east of Packard Street and north of the proposed Pineville Bypass right-of-way

The subject property is undeveloped Areas to the north are used for residential purposes and comprise part of the Sterling neighborhood Further north is the elementary school and there is also one church in the vicinity To the east across Pineville Road land is undeveloped

This petition seeks to implement the Sterling Small Area Plan by establishing the R-9 zoning here The property is directly contiguous to R-9 zoning to the north and west and in the future will be separated by industrial zoning due to the construction of the Pineville Bypass Like other small area plan petitions similarly situated, it is felt in the small area plan that the bypass will provide a future barrier between the neighborhood and industrial development to the south Those properties which are located on the neighborhood side such as the property in this case should be related to the neighborhood by way of zoning and, thus, the rationale for the residential request in this petition The zoning change will enable the use of this property to relate much better to the neighborhood than the existing industrial zoning

However, in this case the Planning Commission was bothered by the circumstances of the property's relationship to the future bypass and the consideration of compensation by the state to the property owner The property owner appeared at public hearing to protest the change citing the fact that rezoning the

property now would hurt him economically The Planning Commission agreed Planning Commission believed that access to the petitioned area was going to be a problem and in all likelihood this site would be purchased by the state A zone change would impose a hardship that the majority of the Planning Commission was not comfortable with

Minority Opinion
The minority opion expressed the viewpoint that the small area plan should be supported, particularly since it was not exactly known whether or not the site would be purchased (Although voting in favor of the motion to deny, Mr Lowery did so assuming this site would be purchased)

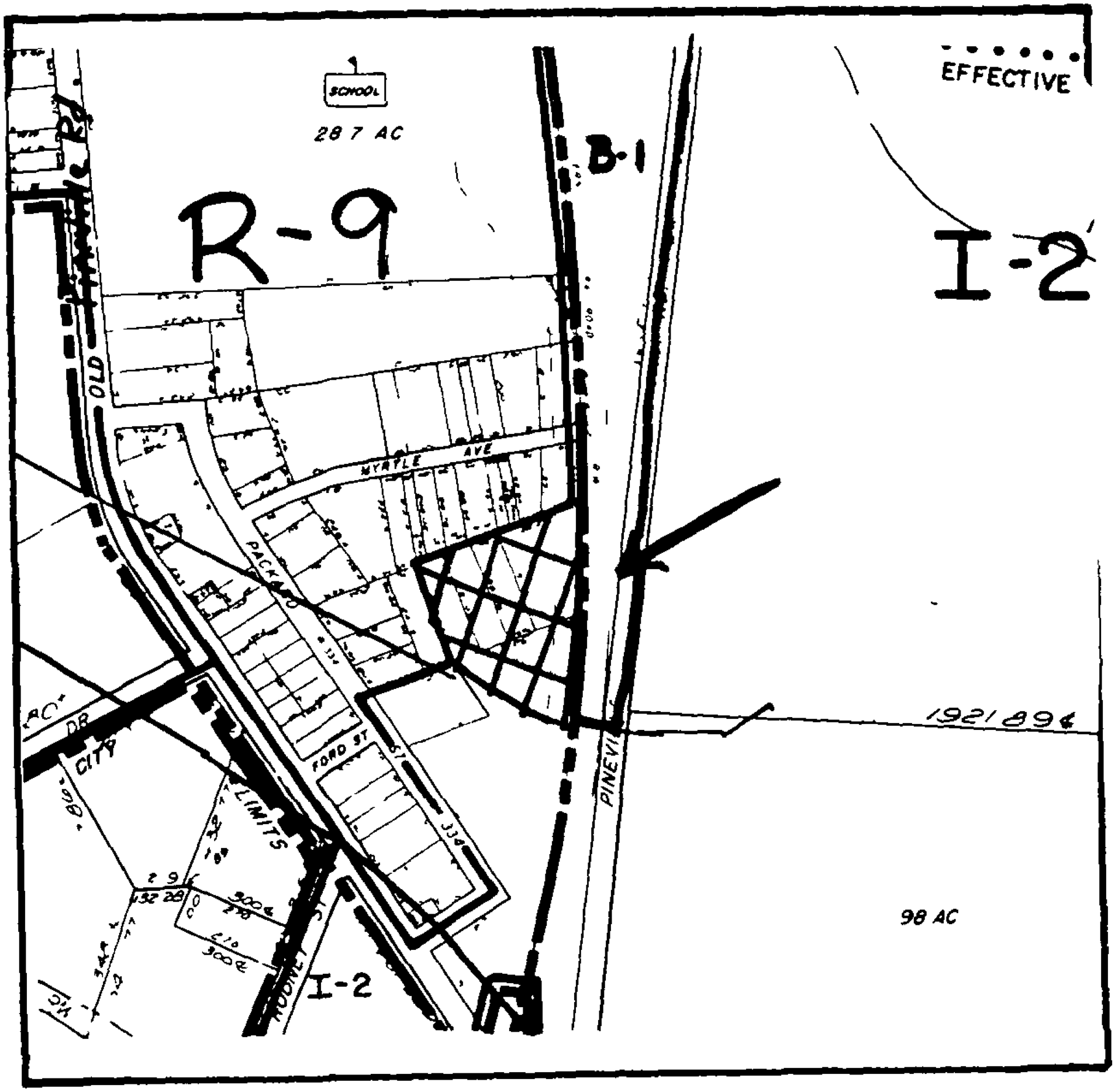
Staff Opinion
Stafi supported the request as filed

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 86-67 HEARING DATE 6/16/86

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED R-9

LOCATION Approxmately 4 acres located east of Packard Street and north of the proposed Pineville By-Pass



ZONING MAP NO. 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition No: 89-9

Petitioner: University Research Park

Request. Consideration of a text amendment to the Charlotte Zoning Ordinance to establish different development standards for day care centers in the Research districts.

Background. The proposed amendment sought to establish smaller minimum lot sizes for day care centers than for other uses in the Research district.

Status: The petition was replaced by another proposal which has now been approved. Petition No. 89-9 has not yet gone to public hearing.

STAFF RECOMMENDATION: Allow for withdrawal.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 31, 1989

To Mayor and City Council:

Re: Pending rezoning petitions awaiting action by Council

Attached you will find status reports on rezoning petitions and text amendments that have been deferred and are awaiting action by City Council. This material is intended to provide background information concerning the requests and the current status held by each petition.

These items will be placed on the September 18, 1989 dinner agenda for discussion purposes only. Should Council wish to take action on any of these matters, the petitions would be placed on the October 18, 1989 agenda for decision. The affected property owners would be notified of the pending decision prior to the October 18 session.

Please contact me at 336-2205 if there are any questions regarding these items.

Sincerely,

Walter G. Fields, III
Land Development Manager

WGFIII:LS:jlb

cc: O. Wendell White
Ann Marsh

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

16

DATE: October 5, 1989

PETITION NO.: 89-53

PETITIONER(S): John Usdan, Lamberg Syndicate, Charlotte JV.

REQUEST: Change from B-2 to B-1SCD.

LOCATION: A 14 acre site located on the east side of South Boulevard between Archdale Drive and Emergywood Drive.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of an existing shopping center site to provide for a modest expansion. Action on this request was deferred to allow the petitioner to work with the City staff to ensure compliance with all appropriate ordinance standards. Specifically, the petitioner sought and was granted a variance by the Tree Commission for the planting methods and arrangement of trees in the parking area. Petitioner's site plan is now technically correct and meets all minimum ordinance requirements for this type of use. This petition will result in the renovation of an older commercial center along South Boulevard and will eliminate several existing driveways and provide streetscape improvements as well. The Zoning Committee believes that this petition is appropriate for approval and will enhance the area by renovating and modernizing an older shopping center.

STAFF OPINION

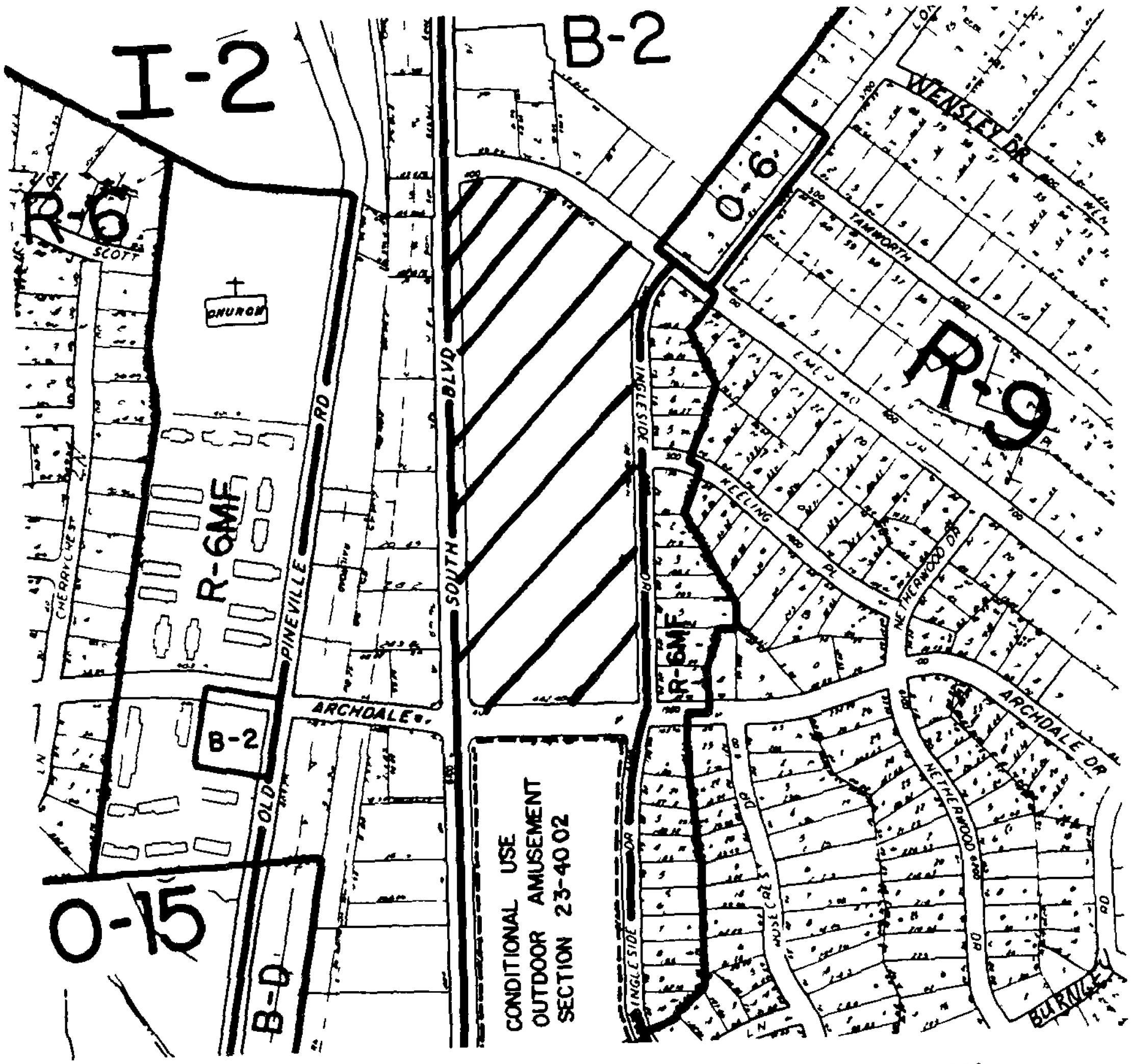
The staff agrees with the recommendation of the Zoning Committee in terms of the rezoning request. However, the staff points out that the petitioner has not addressed the needs of future right-of-way along South Boulevard. The City staff worked with the petitioner to develop a revised site plan which accommodated all of the petitioner's required parking, tree ordinance improvements, and set aside sufficient land area to provide for future widening of South Boulevard. This information was provided to the petitioner's agent but the agent indicated that the petitioners were not inclined to modify their plan to allow for future right-of-way whether it be dedicated, reserved, or simply left free of minimum required parking or other facilities. The staff believes that this plan can be developed with right-of-way protection measures included.

PETITIONER Mr. John Usdan, Lamberg Syndicate, Charlotte JV

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

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

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



ZONING MAP NO. 134

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-56

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-15 to R-6MF.

LOCATION: A 7.6 acre site on the easterly side of Toomey Avenue south of the intersection of Toomey Avenue and Remount Road.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a piece of City owned property from an office category to a multi-family category. The land will be incorporated into a park in the general area and is consistent with and implements the Southside Park Special Project Plan. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

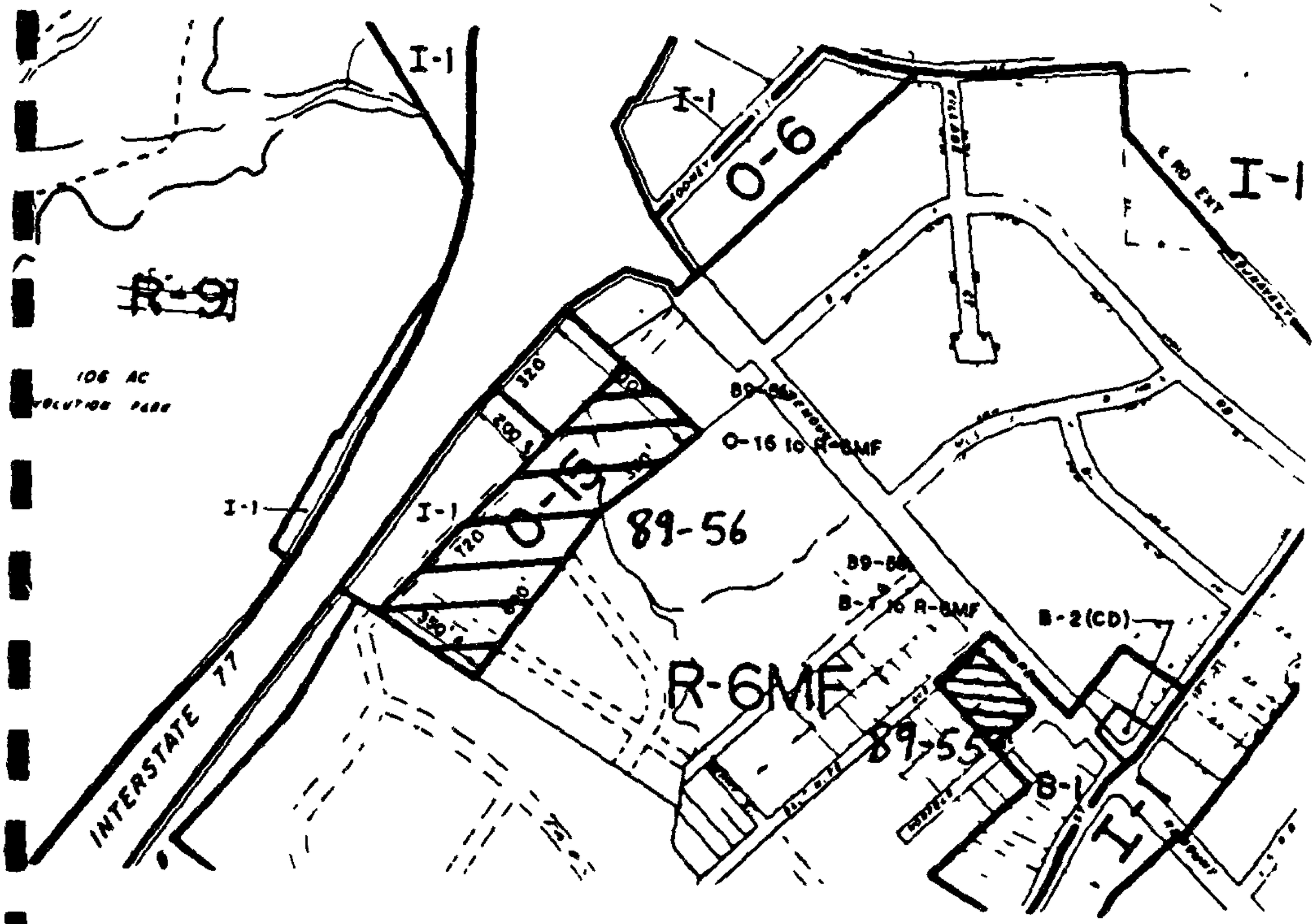
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

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



ZONING MAP NO. 110

SCALE 1" = ~~1000'~~ Reduced

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-59

PETITIONER(S): M. Flavius J. Settin

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

LOCATION: A .35 acre site located on the south side of Elmin Lane east of Old Steele Creek Road.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tract of land to add to an existing industrial site. It represents an encroachment of industrial type development along a street which is essentially residential in character. The staff noted during its field investigation that there were other properties with frontage on the south side of Elmin Lane which appeared to have industrial type uses on residentially zoned land. Investigation by the Zoning Administrator's office has resulted in the determination that those properties are being used illegally and that notifications of violations will be sent to those property owners. The Zoning Committee believes it is important to maintain the residential character of this area and to protect the fragile nature of the existing residential environment. Therefore, the Zoning Committee believes that this petition should be denied.

STAFF OPINION

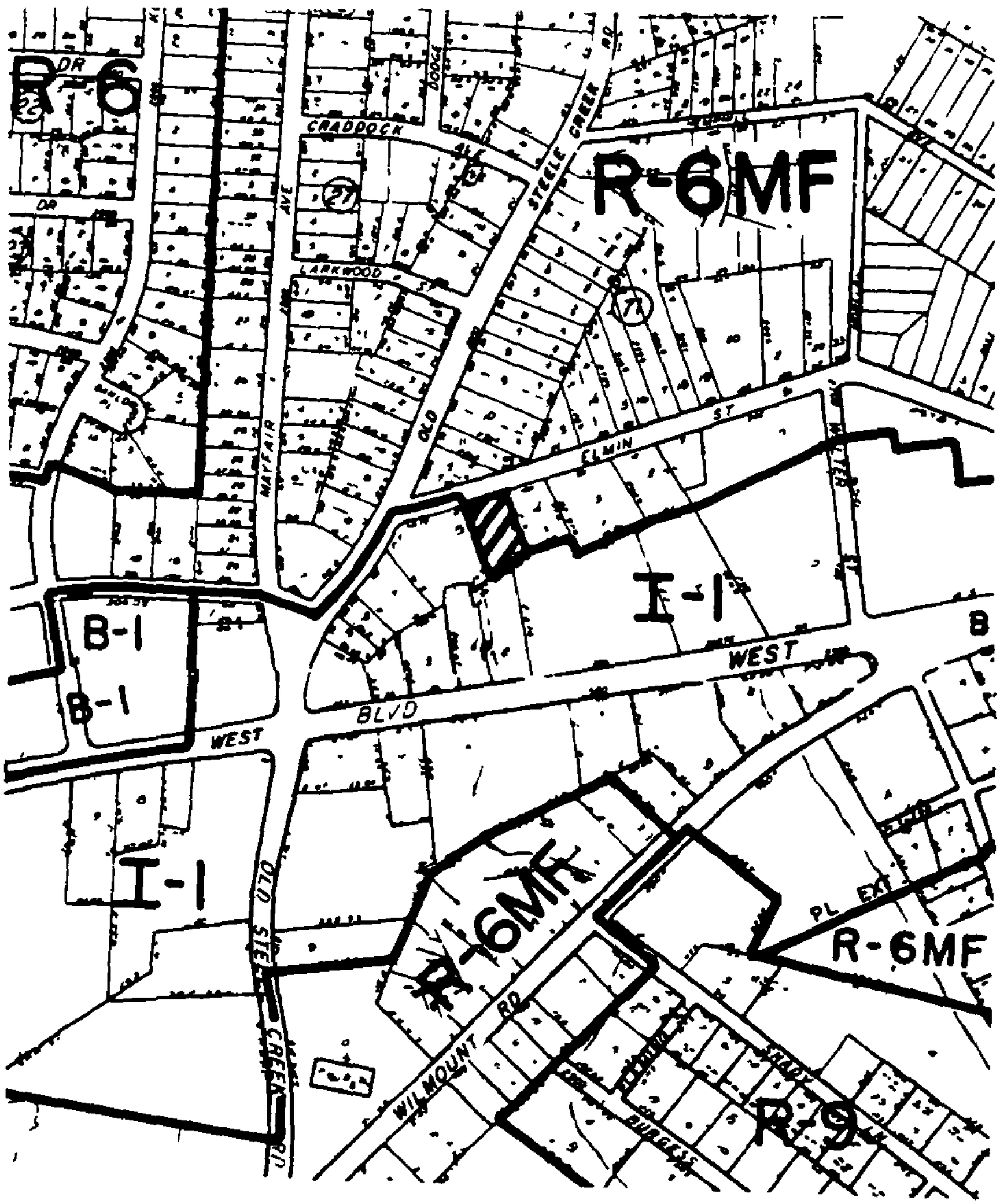
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER M. Flavius J. Settin

PETITION NO. 89-59 HEARING DATE July 17, 1989

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

LOCATION Approximately .36± acres located on the south side of Elmin Street east of Old Steele Creek Road.



ZONING MAP NO. 104 & 109 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-60

PETITIONER(S): Frank J. LaPointe

REQUEST: Change from R-9 to R-9MF(CD) and B-2(CD).

LOCATION: A 15.4 acre site located on the east side of Independence Boulevard north of Margaret Wallace road with frontage along both sides of the new Delta Road Extension.

ACTION: The Zoning Committee recommends that this petition be scheduled for a new public hearing due to the substantial change in the nature of the petitioner's proposal.

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

Nays: Lassiter.

REASONS

This petition was originally filed several months ago and proposed a rezoning of this property to accommodate business and office uses. In the staff analysis and at the public hearing, considerable concerns were raised about the nature of this petition and its inconsistency with publicly adopted plans for the area. Subsequently, the petitioner asked for the matter to be deferred and has submitted a revised site plan which eliminates the office zoning in favor of multi-family zoning and reduces the size of the commercial zoning from that originally requested. The Zoning Committee believes that this represents a substantial change in the petition which was not discussed or could have been anticipated by interested parties attending the public hearing. Therefore, the Zoning Committee believes that a new public hearing should be scheduled on this request.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

DATE: October 5, 1989

PETITION NO.: 89-66

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-2 and I-3 to U-MUD.

LOCATION: A 8.3 acre site bounded by West Independence Boulevard (Carson Avenue) on the west, Morehead Street on the east, Winnifred Street on the south, and John Belk Freeway on the north.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of properties from the two heavy industrial classifications to the U-MUD district. This recommendation arises from the West Morehead Street Special Project Plan which proposed the elimination of a number of industrial zoned properties in favor of the more appropriate U-MUD category. In its initial discussion of this request, the Zoning Committee expressed some concern about the amount of U-MUD land being created and the extent to which this petition was appropriate in view of the comments from the Central Area Urban Design Task Force. Staff indicated that the principal concern of that group was with the U-MUD areas in the North Tryon Corridor and not so much in the South Tryon or Morehead Street area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 89-66 HEARING DATE July 17, 1989

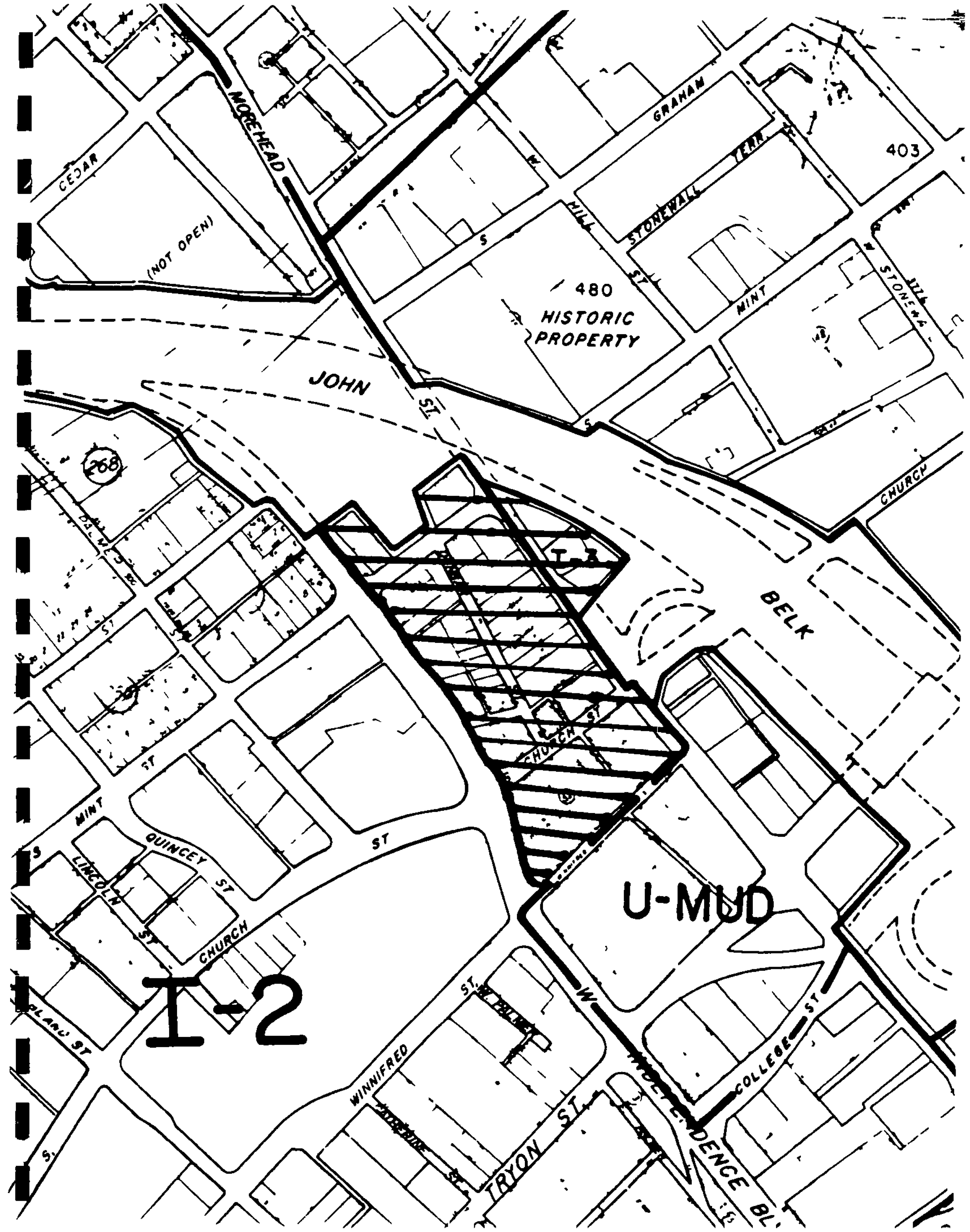
ZONING CLASSIFICATION, EXISTING I-2 & I-3 REQUESTED U-MUD

LOCATION Approximately 8.397 acres bounded by West Independence Boulevard (Carson Boulevard) on the west, Morehead Street on the east, Winnifred Street on the south, and John Belk Freeway to the north and east.

SEE ATTACHED MAP

ZONING MAP NO. 102 & 103 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


CEDAR
(NOT OPEN)
MOREHEAD
GRAHAM
YERR
STONEWALL
MILL
ST
403
480
HISTORIC
PROPERTY
MINT
STONEWALL
JOHN
ST
268
CHURCH
BELK
CHURCH ST
MINT
QUINCEY
ST
LINCOLN
ST
CHURCH
U-MUD
I-2
WINNIFRED
TRYON ST
COLLEGE
ST

DATE: October 5, 1989

PETITION NO.: 89-67

PETITIONER(S): Neighborhood Preservation Committee of Fenton, Laurel, and Crescent.

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

LOCATION: 19.47 acres located along the north side of Fenton Place and along both sides of Laurel and Crescent Avenues, east of Providence Road and west of Randolph Road.

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

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

Nays: None.

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

REASONS

This petition is proposed by a neighborhood organization to bring the zoning of their community into line with the land uses on the property involved. By in large, all of the land involved with this petition is used for single family detached housing. There are several duplexed type housing units and one triplex type housing unit also involved with this petition which will become nonconforming. However, those uses can continue indefinitely in may even be replaced if they are destroyed through fire or other calamity. The Zoning Committee believes it is important to provide for neighborhood preservation wherever possible and that this petition will eliminate the possibility of individual units being lost to more intense uses under the multi-family zoning category. Therefore, the Zoning Committee recommends that this petitioner be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Neighborhood Preservation Committee Fenton, Laurel & Crescent

PETITION NO. 89-67 HEARING DATE September 18, 1989

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

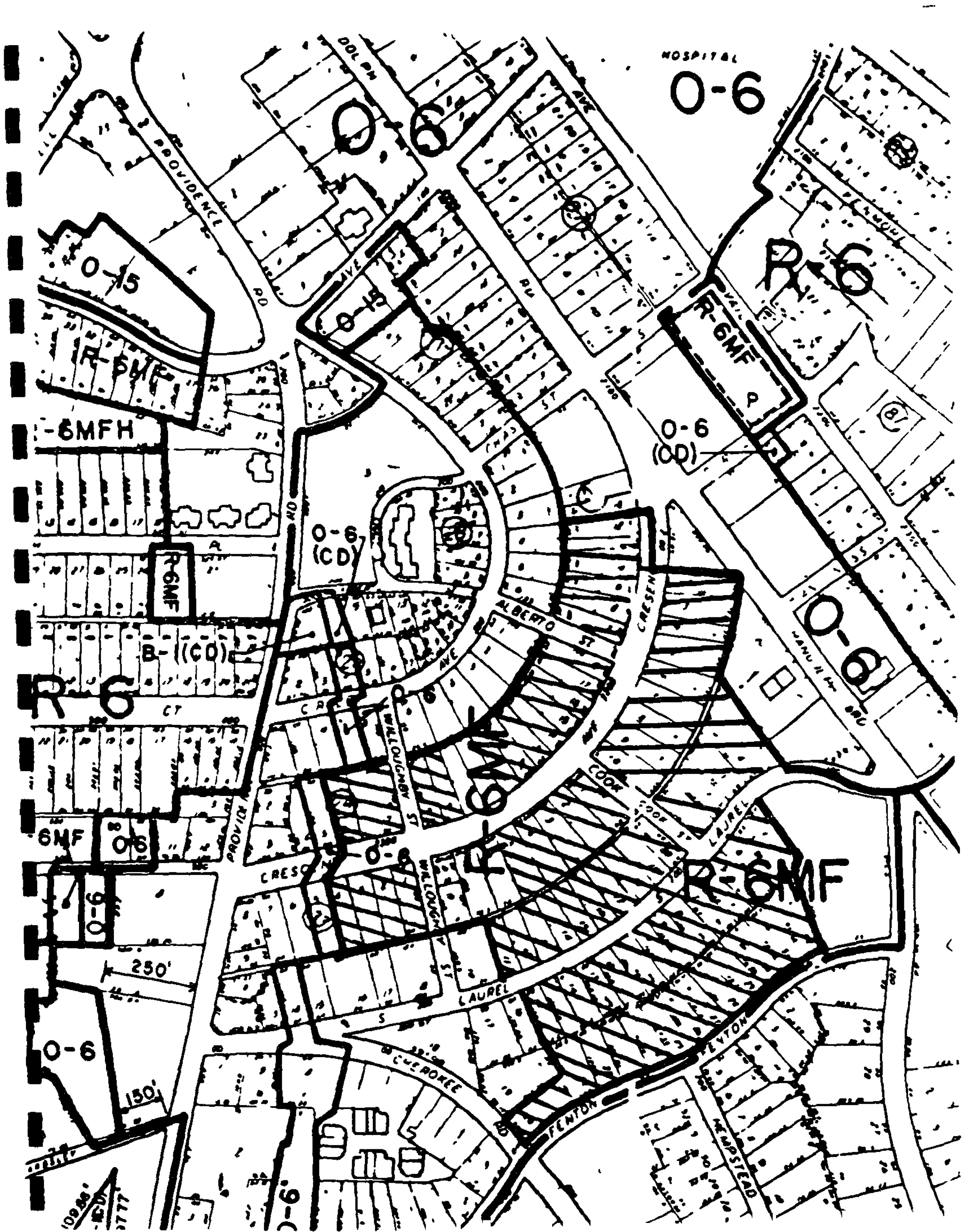
LOCATION Approximately 19.476 acres located along the north side of Fenton Place along both sides of S. Laurel and Crescent Avenues, east of Providence Road and west of Randolph Road.

SEE ATTACHED MAP

ZONING MAP NO. 111 & 112

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


HOSPITAL
O-6
O-6
O-15
O-15
R-6
R-6MF
O-6
(CD)
O-6
(CD)
O-6
B-1(CD)
R-6
R-6MF
O-6
O-6
O-6
250'
150'
PROVIDENCE
ALBERTO
CRESTON
COOK
LAUREL
CHEROKEE
FENTON
HAMPSTEAD

DATE: October 5, 1989

PETITION NO.: 89-68

PETITIONER(S): Public Library of Charlotte and Mecklenburg County.

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

LOCATION: A 33.07 acre site located on the southeast side of Sharon Road between Colony Road Extension and Morrison Boulevard Extension.

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

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

Nays: None.

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

REASONS

This petition requests a minor amendment to a previously approved site plan which includes a public library site. The petition would allow the library to be increased from 20,000 square feet to 26,000 square feet and would provide for the building to be three stores tall rather than two stories as originally approved. Other minor modifications of the site plan to accommodate the changing library design are also incorporated into this request. The Zoning Committee believes that this represents a minor request and notes that it is consistent with the previously adopted Morocroft Plan for the surrounding area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

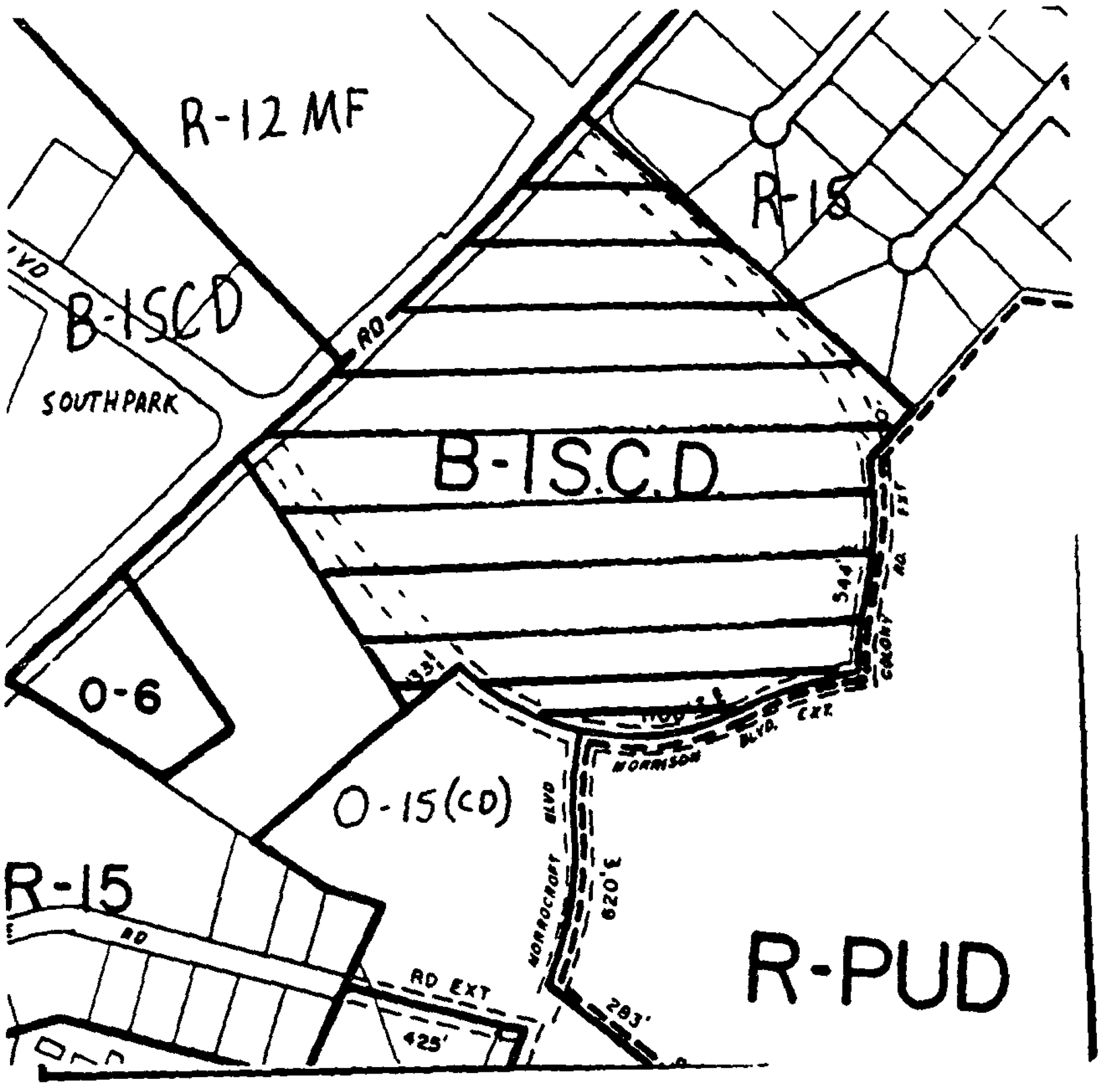
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Public Library of Charlotte and Mecklenburg County

PETITION NO. 89-68 HEARING DATE September 18, 1989

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

LOCATION Approximately 33 07 acres located on the southeast side of Sharon Road between Colony Road Extension and Morrison Boulevard Extension.



ZONING MAP NO. 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-69

PETITIONER(S): Franklin Southern, Inc.

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

LOCATION: A .72 acre site located on the west side of Sugar Creek Road approximately 150 feet south of Wilson Lane.

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

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

Nays: Majeed.

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

REASONS

This petition proposes the rezoning of a small tract of land to provide for a type of fast-food restaurant. It is located within an area where public plans indicate that property should be put to a residential use. A similar petition approximately one year ago for a fast-food restaurant was approved on the adjacent site. The Zoning Committee at that time noted that that request was not appropriate for approval and expressed concerns that approving one request would lead to similar requests nearby. This request represents that very concern come to fruition and proposes a land use which is not consistent with presently adopted plans for the area. Views were expressed that properties in this particular area should be considered for rezoning to nonresidential categories and that the City's Sugaw Creek Park provides an appropriate dividing line. However, the majority of the Zoning Committee felt that the petition was not appropriate for approval and that it represented the very sort of creeping nonresidential strip development which has occurred on many other thoroughfares in the City.

STAFF OPINION

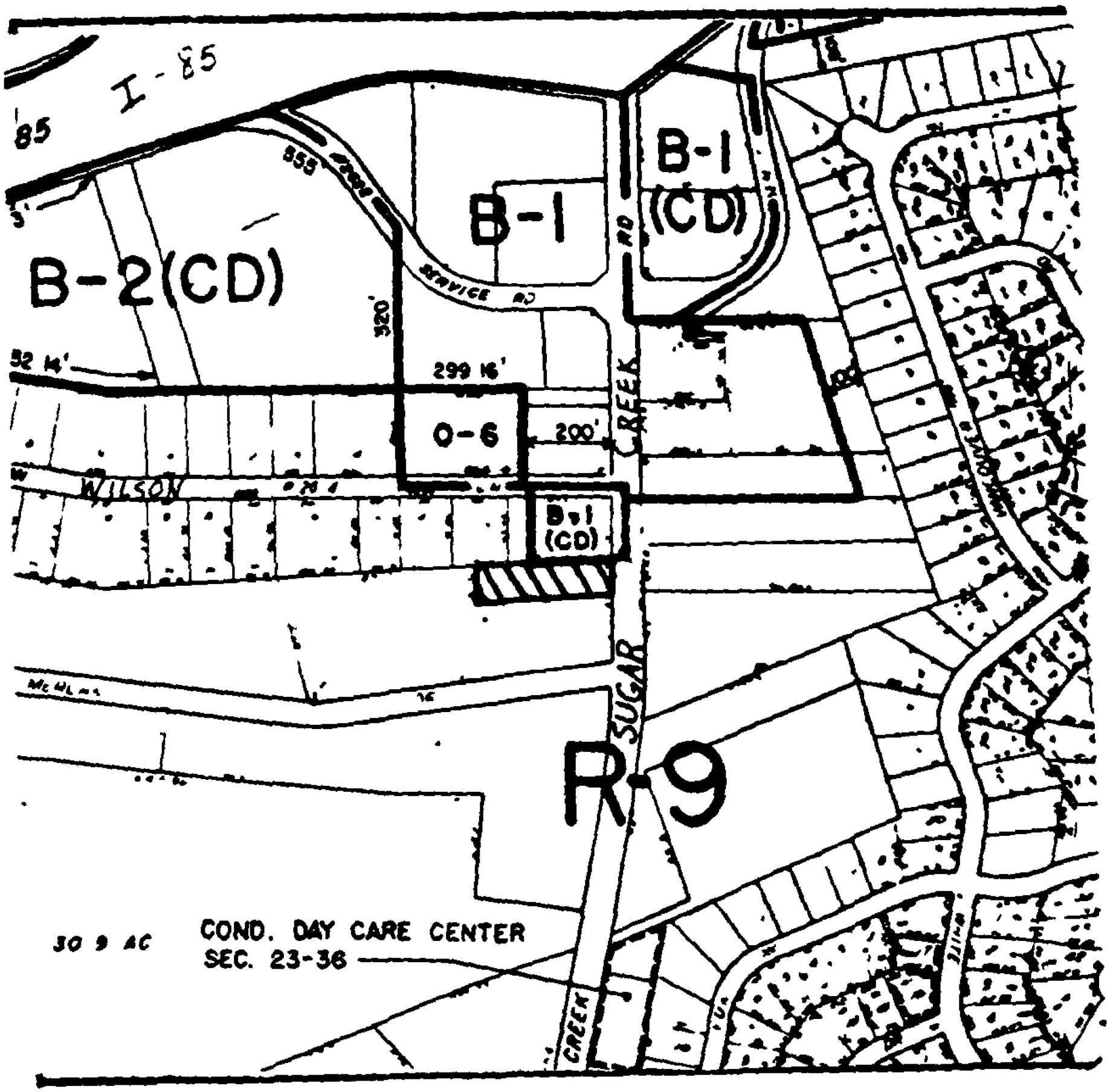
The staff agrees with the recommendation of the Zoning Committee that this petition should not approved. In addition, the staff believes that this use should not be allowed in the B-1 district at all.

PETITIONER Franklin Southern, Inc.

PETITION NO. 89-69 HEARING DATE September 18, 1989

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

LOCATION Approximately .724 acres located on the west side of Sugar Creek Road 150' south of Wilson Lane.



ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-70

PETITIONER(S): Bobby Taylor

REQUEST: Change from R-6MF to B-2.

LOCATION: A 2.09 acre site located on the north side of West Boulevard, west of Carver Road.

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

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

Nays: None.

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

REASONS

This petition requests the rezoning of properties from a residential to a highway commercial category in an area which is almost exclusively residential. The petition is not conditional in nature and, therefore, any use allowed in the B-2 district could be placed on this property. From a land use standpoint alone this petition should not be considered appropriate for approval under any circumstances. The Zoning Committee notes that the petitioner indicated at the public hearing that he often does work for citizens in the area. It was suggested at public hearing that the City might be in a position to assist the petitioner in finding another location for his business. The Zoning Committee endorses this notion and would hope that some alternative location for the petitioner's activities might be located. However, the petitioner's present activities are in violation of the Zoning Ordinance and changing of the zoning to accommodate those activities in that location is not appropriate.

STAFF OPINION

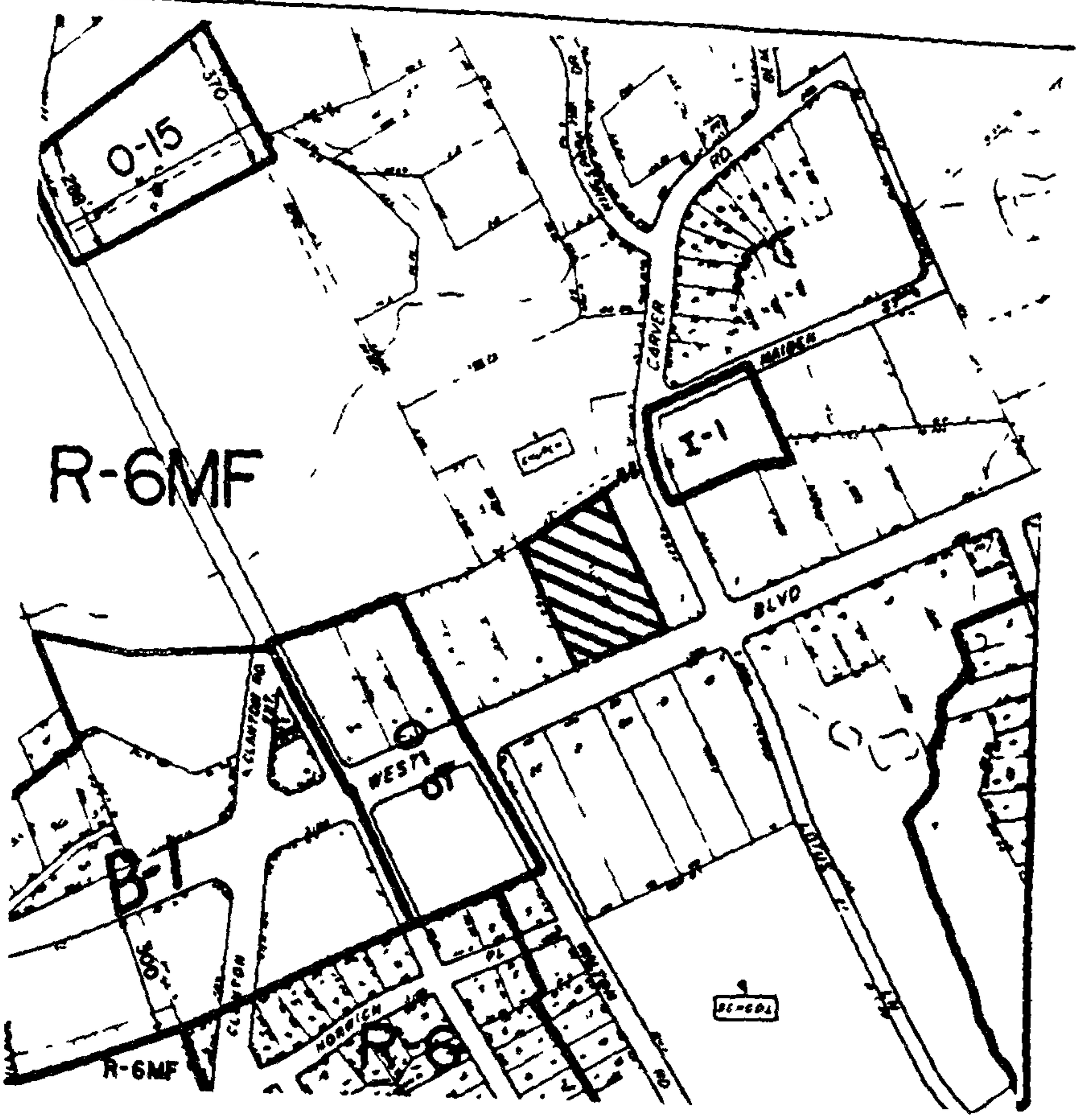
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Bobby Taylor

PETITION NO. 89-70 HEARING DATE September 18, 1989

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

LOCATION Approximately 2.09 acres located on the north side of West Boulevard west of Carver Road.



ZONING MAP NO. 103

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

25

DATE: October 5, 1989

PETITION NO.: 89-71

PETITIONER(S): Calgreen, Inc.

REQUEST: Change from R-9 to R-15(CD), R-12(CD), R-9MF(CD), BP, and O-15(CD).

LOCATION: A 120 acre site located on the west side of Tyvola Road Extension extending to York Road at Big Sugar Creek.

ACTION: On a motion to approve, the resultant vote was 3-2. According to the Zoning Committee's Rules of Procedure, this petition will automatically be placed on the next work session agenda for reconsideration.

VOTE: Yeas: Lassiter, Majeed, and Latham.

Nays: Wheeler and Winget.

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

DATE: October 5, 1989

PETITION NO.: 89-72

PETITIONER(S): Southern Realty Development Corporation

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

LOCATION: A 2.5 acre site bounded by The Plaza, East 34th Street, Hudson Street, and Matheson Avenue.

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

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

Nays: None.

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

REASONS

This petition requests the rezoning of a piece of property from B-1 and R-6MF to B-1(CD) to accommodate the revitalization and expansion of an abandoned commercial center. The petition raises no site plan or land use issues with the exception of a question of right-of-way. The City's Department of Transportation notes that additional right-of-way would be desirable along both Matheson Avenue and The Plaza. However, the petitioner's site is so constricted that any additional right-of-way dedicated through this process would result in the development no longer meeting ordinance standards. The Zoning Committee believes that this is a circumstance under which the normal expectations for additional right-of-way must be weighed against the overall improvement that this petition will bring to the area. The Zoning Committee believes that the revitalization of this site is the most significant consideration with this request and, therefore, recommends that it be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Southern Realty Development Corporation

PETITION NO. 89-72 HEARING DATE September 18, 1989

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

LOCATION Approximately 2.5 acres bounded by The Plaza, E. 34th Street, Hudson Street, and Matheson Avenue.

ZONING MAP NO. 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-73

PETITIONER(S): Trammell Crow Company-Residential

REQUEST: Change from R-9 to R-12MF(CD).

LOCATION: A 24.46 acre site located on the south side of Tyvola Road and extending west to Nations Ford Road.

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

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

Nays: None.

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

REASONS

This petition requests the rezoning of properties from a single family to a multi-family classification to accommodate up to 320 units of multi-family housing. The site will have access onto both Tyvola Road Extension and Nations Ford Road south of its intersection with Tyvola Road. Concerns were expressed at the public hearing by residents in the area about the traffic implications of this petition for their existing community. However, the petitioner has agreed to installed traffic improvements to facilitate turning movements both into their own site as well as to the existing residential community to the east. In view of the consistency of this petition with plans for the area and in view of the fact that all the site plan issues have been resolved, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

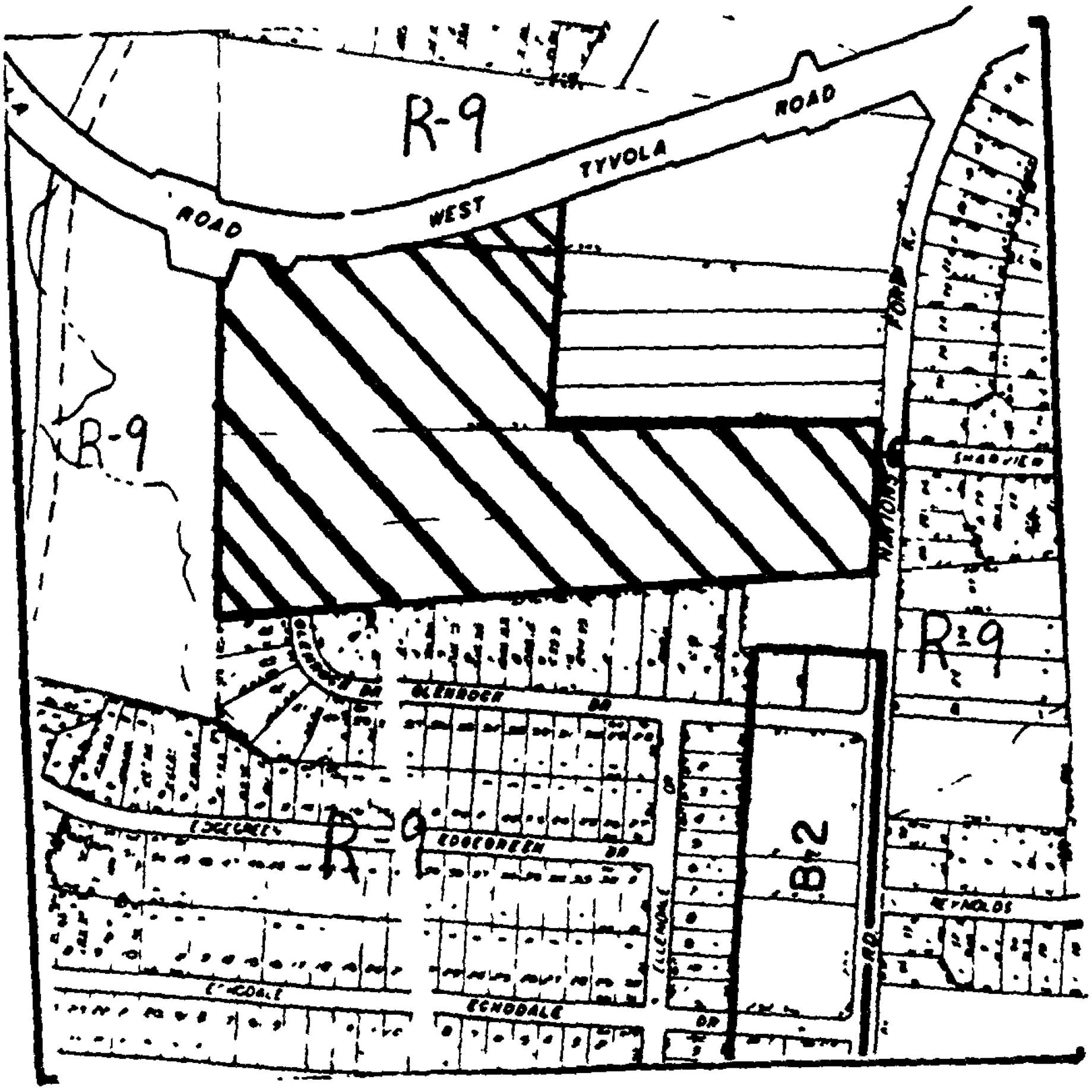
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Trammell Crow Company-Residential

PETITION NO. 89-73 HEARING DATE September 18, 1989

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED R-12MF(CD)

LOCATION Approximately 24.46 acres located on the south side of Tyvola Road and the west side of Nations Ford Road.



ZONING MAP NO. 134, 133 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-75

PETITIONER(S): Panos Properties

REQUEST: Change from B-2 and R-12 to B-D(CD).

LOCATION: A 6.52 acre site located on the southeast corner of McGill Street and Gloryland Avenue, approximately 400 feet east of North Tryon Street.

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

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

Nays: None.

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

REASONS

This petition proposed the development of a small tract of land for small scale distributive business and office type uses. The property is located directly adjacent the rear of commercially developed properties along North Tryon Street. Its access is from a single public street to North Tryon Street and will have no physical connection to residentially zoned properties nearby. All of the site plan issues identified by the staff have been addressed by the petitioner and the petition raises no significant land use issues. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Panos Properties

PETITION NO. 89-75 HEARING DATE September 18, 1989

ZONING CLASSIFICATION, EXISTING B-2 & R-12 REQUESTED B-D(CD)

LOCATION Approximately 6 52 acres located on the southeast corner of McGill Street and Gloryland Avenue, approximately 400' east of North Tryon Street.

ZONING MAP NO. 71 & 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 5, 1989

PETITION NO.: 89-76

PETITIONER(S): Crescent Land & Timber Corporation

REQUEST: Change from R-9 and B-2 to I-1(CD).

LOCATION: A 62.8 acre site located on the west side of Statesville Road between Cindy Lane and Hutchinson-McDonald Road.

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

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

Nays: Majeed.

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

REASONS

This petition proposes the rezoning of properties from residential and highway commercial to a conditional industrial classification. The plan proposes the development of retail service facilities as well as bulk warehouse and distribution facilities. The plan establishes 100 foot buffer along the majority of the property's frontage on Cindy Lane as well as around existing residential and institutional land uses nearby. The plan proposes a 50 foot buffer along Hutchinson-McDonald Road as well as landscaped improvements along Statesville Road. Plans for the area indicate that properties should be used for employment type purposes and this petition is consistent with those plans. All of the site plan issues have been addressed by the petitioner. Concern was expressed that this request could be viewed as putting more "heavy" uses on the west side of the City. But the majority of the Zoning Committee felt that this proposal represents a positive step and, therefore, recommends that the petition be approved.

STAFF OPINION

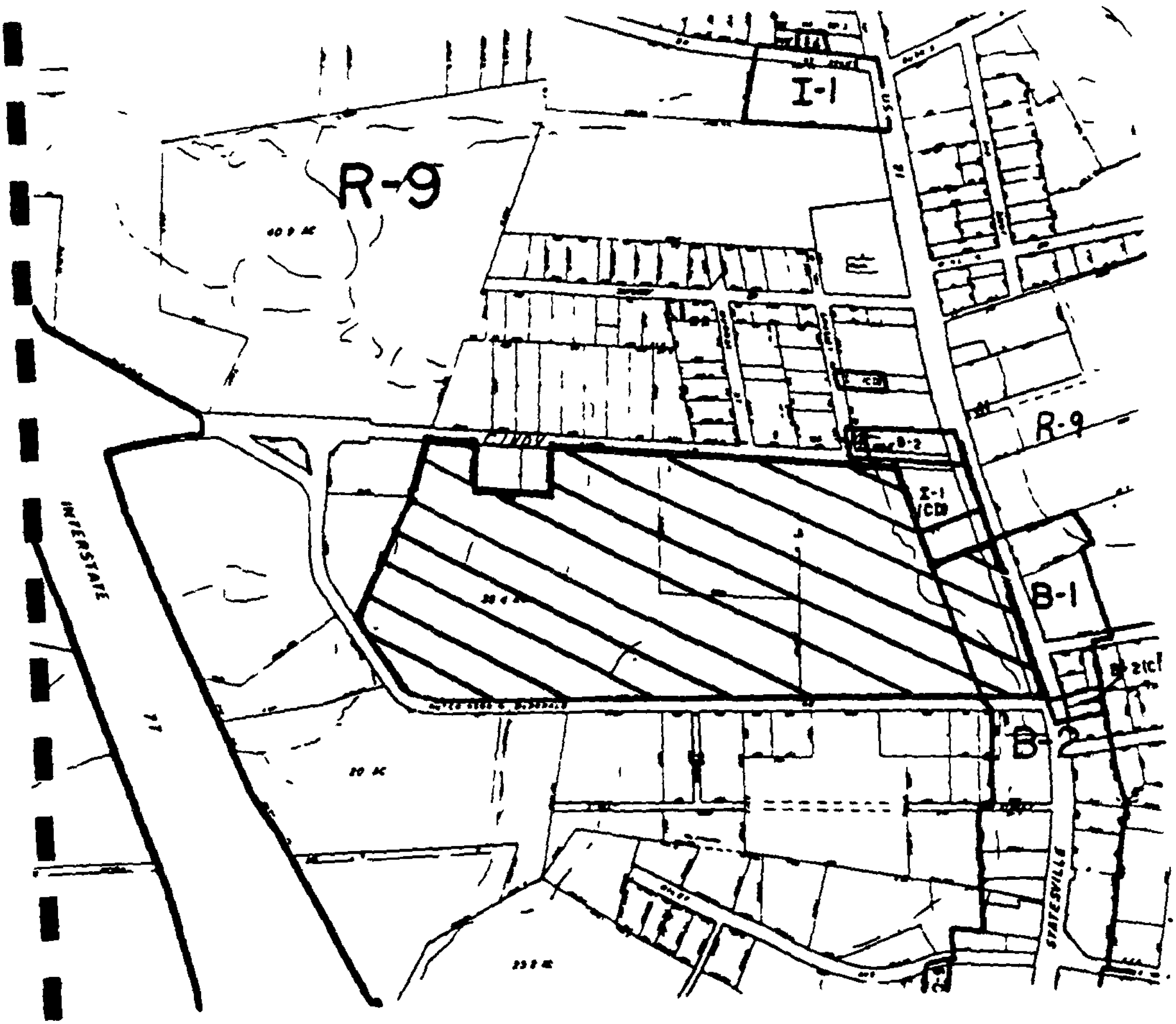
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Crescent Land & Timber Corporation

PETITION NO. 89-76 HEARING DATE September 18, 1989

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

LOCATION Approximately 62.81 acres located on the west side of Statesville Road between Cindy Lane and Hutchison-McDonald Road.



ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

30

DATE: October 5, 1989

PETITION NO.: 89-77

PETITIONER(S): George Slay

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

LOCATION: A 27,000 square foot parcel located on the south side of Cindy Lane east of Hutchison-McDonald Road.

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

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

Nays: None.

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

REASONS

This petition requests the rezoning of a very small tract of land to accommodate a nursing home facility. The request involves adding a new 3,300 square foot building to the site which already contains an 1,850 square foot single family residence. The facility will accommodate up to 12 clients and the site plan meets all minimum standards and is technical correct. This petition raises no land use issues and, therefore, the Zoning Committee recommends that it be approved.

STAFF OPINION

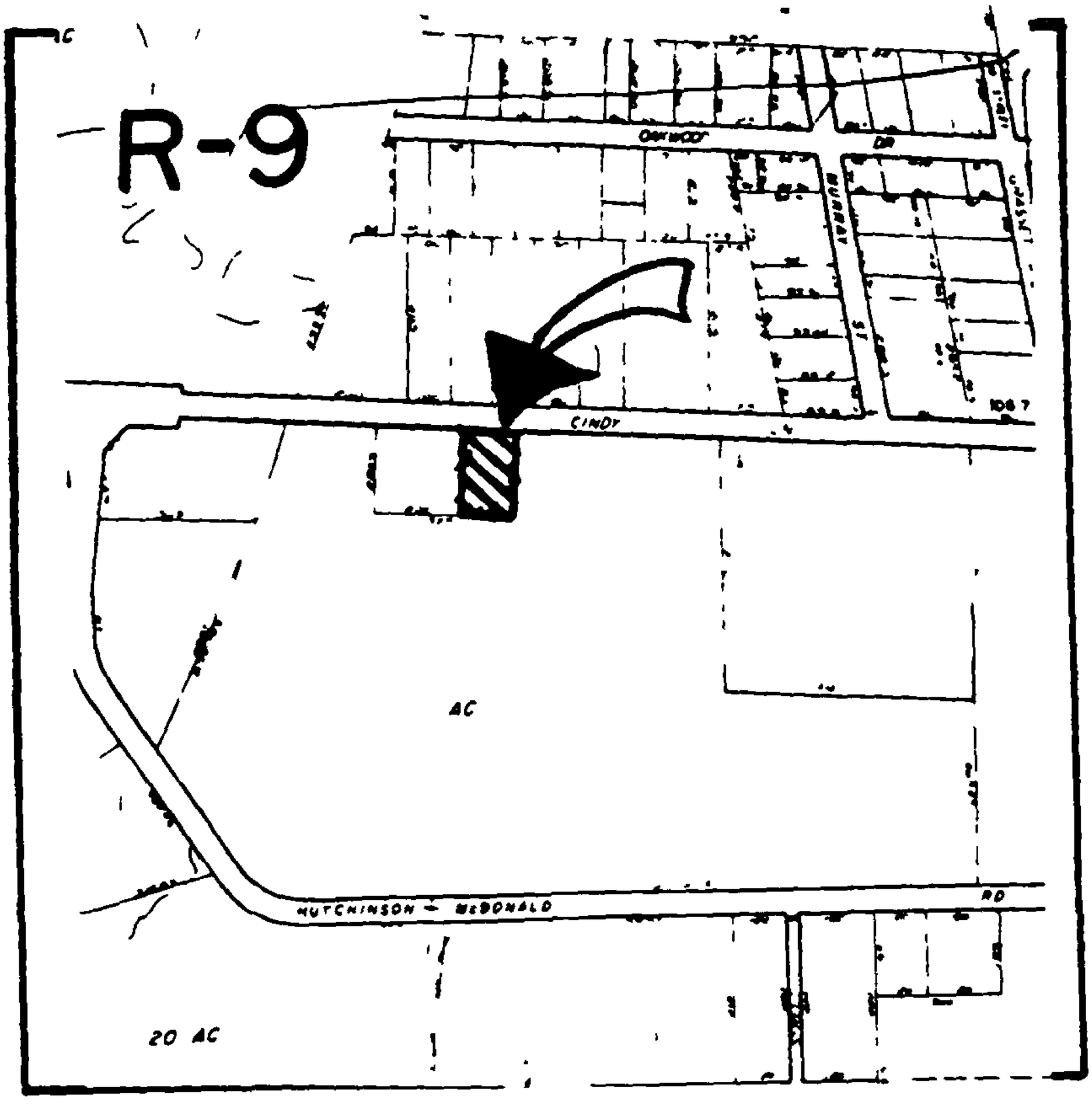
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER George Slay

PETITION NO. 89-77 HEARING DATE September 18, 1989

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

LOCATION A 27,500 square foot parcel located on the southerly side of Cindy Lane east of Hutchinson-McDonald Road.



ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE