AGENDA

Meeting Type·	Z
Date	09-18-1989
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda September 18, 1989

FILE COPY

CHARLOTTE

Meetings in September '89

THE WEEK OF SEPTEMBER 3 - SEPTEMBER 9

4	Monday,	**LABOR DAY** - All City Offices Closed
5	Tuesday, 2 00 p m	**SPECIAL USE PERMIT HEARING** - CMGC, 8th Floor Conference Room
	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, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
6	Wednesday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room

THE WEEK OF SEPTEMBER 10 - SEPTEMBER 16

11	Monday, 6 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 7 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
	Monday, 7 30 p m	**HISTORIC PROPERTIES COMMISSION** - 1221 S Caldwell Street
12	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 3 30 p m	**PLANNING COMMISSION/Planning Committee** (N.E District Tour) - CMGC, 8th Floor Conference Room
13	Wednesday, 7 30 a m	**CENTRAL AREA DESIGN TASK FORCE** - CMGC, 8th Floor Conference Room
	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, Room 119
	Wednesday, 6 30 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
14	Thursday, 7 30 a m	**ZONING ORDINANCE STAKEHOLDERS COMMITTEE** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
15	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF SEPTEMBER 17 - SEPTEMBER 23

17	Sunday, 10 00 a m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Ad Hoc Committee** - Public Library Main Branch, 310 North Tryon Street
18	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
19	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	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
20	Wednesday, 7 30 a m	**ZONING ORDINANCE STAKEHOLDERS COMMITTEE** - CMGC, 8th Floor Conference Room
	Wednesday, 7·00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center
21	Thursday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Conference Center
	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - 701 Tuckaseegee Road, Park Operations Conference Room

THE WEEK OF SEPTEMBER 24 - SEPTEMBER 30

25	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 2 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
26	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Agricultural Extension Service, Large Conference Room, 700 North Tryon Street
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
27	Wednesday, 7 30 a m	**CENTRAL AREA DESIGN TASK FORCE** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE** - CMGC, Room 271
	Wednesday, 6 30 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
28	Thursday, 7 30 a m	**ZONING ORDINANCE STAKEHOLDERS COMMITTEE** - CMGC, 8th Floor Conference Room
	Thursday, 3 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Strategic Planning Workshop** - Days Inn Hotel, 230 North College Street

These organizations will <u>not</u> meet in September

Advisory Board for Citizens with Disabilities
Community Facilities Committee

CMGC - Charlotte-Mecklenburg Government Center

CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Al Rousso

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

Monday, September 18, 1989

Council Agenda

5:00 p.m. - Council-Manager Dinner
Meeting Chamber conference Room
Discussion on South Boulevard Special Project Plan

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

Invocation by The Reverend Ben Matzko, Dilworth United Methodist Church

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Mayfair Manor, (specifically, the entire exterior of the building, and the entire parcel of land upon which it sits), located at 237 North Tryon Street, Charlotte, North Carolina, as historic property.

   The Historic Properties Commission judges that the property known as the Mayfair Manor does possess special significance in terms of Charlotte-Mecklenburg and bases its judgment on the following considerations:

   (1) The Mayfair Manor, erected in 1929, was designed by Louis H. Asbury, an architect of local and regional importance.

   (2) The initial owners of the Mayfair Manor, Drs. J. P. Matheson and C. N. Peeler, were prominent citizens of Charlotte.

   (3) The Mayfair Manor, because it was designed to accommodate some permanent residents, documents the multifunctional nature of Uptown Charlotte in the late 1920's.

   (4) The Mayfair Manor makes an important contribution to the historic streetscape of North Tryon Street, a major axial thoroughfare in Charlotte.

   The present owner, The Dunhill Companies, supports the designation.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $2,423.51.

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

The Department Review process revealed no conflict except the Transportation Department has stated more right-of-way may be needed on Sixth Street.

Consider adoption of an ordinance designating the Mayfair Manor, including the exterior of the building, and the entire parcel of land upon which it sits, as historic property.

Attachment No. 1

2. Hearing to consider designation of the Leeper and Wyatt Store Building, (specifically, the entire exterior of the building, and the entire parcel of land upon which it sits), located at 1923 South Boulevard, Charlotte, North Carolina, as historic property.

The Historic Properties Commission judges that the property known as the Leeper and Wyatt Store Building does possess special significance in terms of Charlotte-Mecklenburg and bases its judgement on the following considerations:

(1) The Leeper and Wyatt Store Building, erected c. 1903, was initially owned by Daniel Augustus Tompkins (1851-1914), a New South industrialist of regional influence.

(2) The Leeper and Wyatt Store Building belonged to a collection of buildings, including the Atherton Mill and mill village, the Atherton Lyceum, the Tompkins Dilworth Machine Shop, and the Tompkins Foundry, which the D. A. Tompkins Company and its affiliates occupied in Dilworth, Charlotte's initial streetcar suburb.

(3) The Leeper and Wyatt Store Building served as a neighborhood grocery for more than fifty years.

(4) The Leeper and Wyatt Store Building is one of the oldest surviving retail commercial brick buildings in Dilwroth's first business district, which was situated along South Boulevard.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $445.35.

Although no letter has been received, the owner has stated verbally that he supports the designation.

The North Carolina Division of Archives and History has concurred in the Committee's recommendation.

The Department Review Process revealed no conflict, except the Engineering Department has stated that more right-of-way may be needed in the future to improve South Boulevard.

Consider adoption of an ordinance designating the Leeper and Wyatt Store Building, including the exterior of the building and the entire parcel of land upon which it sits as, historic property.

Attachment No. 2

3. Hearing to consider designation of the Lucian H. Walker House, (specifically, the entire exterior and interior of the building, and the entire parcel of land upon which it sits), located at 328 East Park Avenue, Charlotte, North Carolina, as historic property.

The Historic Properties Commission judges that the property known as the Lucian H. Walker House does possess special significance in terms of Charlotte-Mecklenburg and bases its judgement on the following considerations:

(1) The Lucian H. Walker House, erected in 1894, belongs to the most significant concentration of pre-1900 suburban homes in Charlotte, North Carolina.

(2) The Lucian H. Walker House, most likely designed by architect Charles Christian Hook (1869-1938), is one of the oldest homes in Dilworth, Charlotte's initial streetcar suburb, and exhibits architectural features, especially its overall form and massing, which are unique among the extant pre-1900 houses in Dilworth.

(3) The Lucian H. Walker House, situated on a corner lot on the southwestern quadrant of the intersection of East Park Avenue and Euclid Avenue, occupies a place of strategic important in terms of the surrounding Dilworth streetscapes.

Based on the current assessment and tax rate, the amount of deferrable taxes would be $913.59.

The owner of the property, as well as the North Carolina Division of Archives and History, concur with the Commission's recommendation.

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

Consider adoption of an ordinance designating the Lucian H. Walker House, including the exterior and the interior of the the building and the entire parcel of land upon which its sits, as historic property.

Attachment No. 3

4. (89-56) Hearing on Petition No. 89-56 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-15 to R-6MF for a 7.6 acre site located off the easterly side of I-77 south of Remount Road.

Attachment No. 4

5. (89-67) Hearing 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 Fenton Place, Laurel Avenue and Crescent Avenue between Providence Road and Randolph Road.

Attachment No. 5

6. (89-68) Hearing 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 Morris Boulevard Extension.

Attachment No. 6

7. (89-69) Hearing on Petition No. 89-69 by Franklin Southern Incorporated 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, 150 feet south of Wilson Lane.

Attachment No. 7

8. (89-70) Hearing 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 northerly side of West Boulevard to the west of Carver Road.

Attachment No. 8

9. (89-71) Hearing on Petition No. 89-71 by Calgreen Incorporated for a change in zoning from R-9 and R-15 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 between York Road and Big Sugar Creek.

Attachment No. 9

10. (89-72) Hearing on Petition No. 89-72 by Southern Realty Development Corporation for a change in zoning from B-1 and R-6MF to B-1(CD) for an approximately 2.5 acre site bounded by The Plaza, East 34th Street, Hudson Street and Matheson Avenue.

Attachment No. 10

11. (89-73) Hearing 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, west of Nations Ford Road.

Attachment No. 11

12. (89-74) Hearing on Petition No. 89-74 by Cornerstone Capital Associates Incorporated for a change in zoning from R-15 to R-20MF (Innovative) for an eight acre site located on the west side of Randolph Road south or Sharon Amity Road.

The petitioner has requested this petition be withdrawn.

Attachment No. 12

13. (89-75) Hearing 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.

Attachment No. 13

14. (89-76) Hearing on Petition No. 89-76 by Crescent Land and Timber 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 Lane and Hutchinson-McDonald Road.

Attachment No. 14

15. 89-77) Hearing on Petition No. 89-77 by George Slay for a change in zoning from R-9 and R-9MF(CD) for a 27,500 square foot parcel located on the southerly side of Cindy Lane east of Hutchinson McDonald Road.

Attachment No. 15

BUSINESS AGENDA

16. Consider approval of the amended South Boulevard Special Project Plan.

Attachment No. 16

POLICY AGENDA

17. Recommend adoption of a resolution calling for public hearings on Wednesday, October 18, 1989, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petitions 89-78 through 89-87 for zoning changes.

18. Recommend adoption of a resolution supporting the Mecklenburg County November 7, 1989, bond referendum totaling $132,170,000.

Attachment No. 17

#11

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "MAYFAIR MANOR" (THE ENTIRE EXTERIOR OF THE BUILDING, AND THE ENTIRE TRACT OF LAND ON TAX PARCEL NUMBER 078-013-16) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 237 NORTH TRYON STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 078-013-16 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Mayfair Manor", erected in 1929, was designed by Louis H. Asbury, an architect of local and regional importance; and

WHEREAS, the initial owners of the "Mayfair Manor", Drs. J. P. Matheson and C. N. Peeler, were prominent citizens of Charlotte; and

WHEREAS, the "Mayfair Manor", because it was designed to accommodate some permanent residents, documents the multi-functional nature of Uptown Charlotte in the late 1920's; and

WHEREAS, the "Mayfair Manor" makes an important contribution

to the historic streetscape of North Tryon Street, a major axial thoroughfare in Charlotte; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Mayfair Manor" possesses integrity of design, setting, workmanship, materials, and/or association; and

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

WHEREAS, the property known as the "Mayfair Manor" is vested in fee simple to Dunhill Associates Ltd. Partnership.

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

1. That the property known as the "Mayfair Manor" (the entire exterior of the building, and the entire tract of land on Tax Parcel Number 078-013-16) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 327 North Tryon Street, Charlotte, North Carolina, and recorded on Tax Parcel Number 078-013-16 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered,

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

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

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

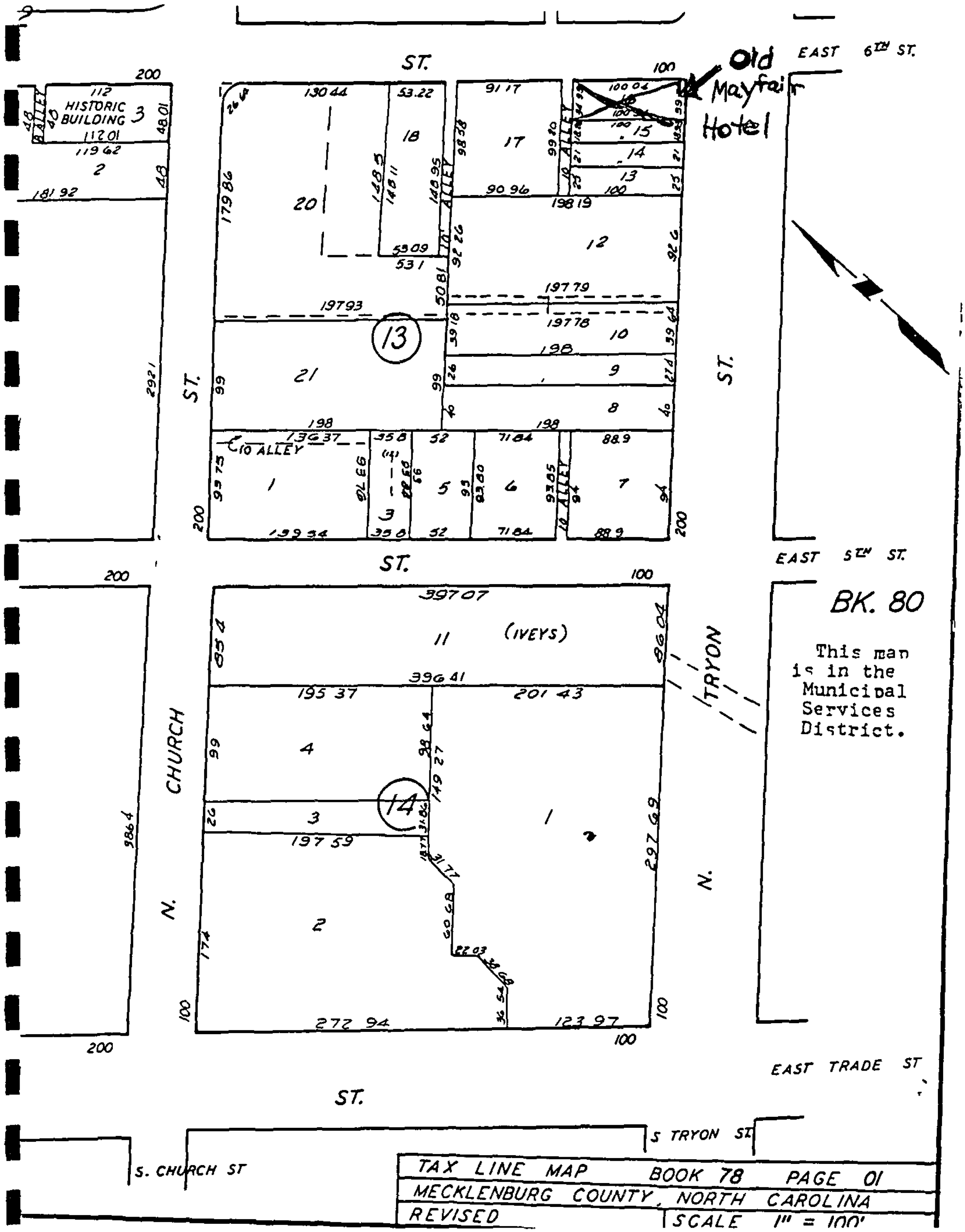
sign may be placed on said property.

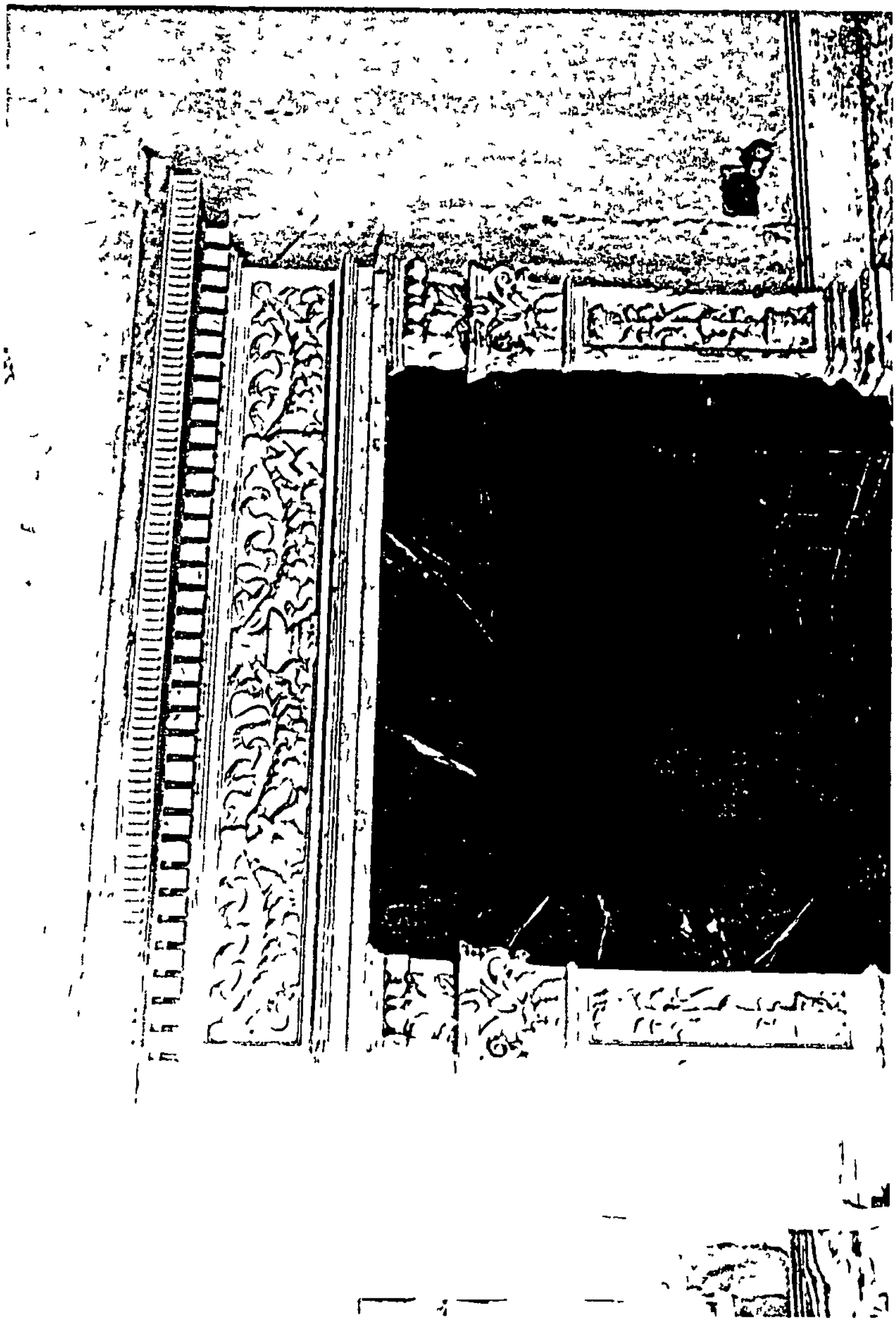
5. That the owners and occupants of the property known as the "Mayfair Manor" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and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

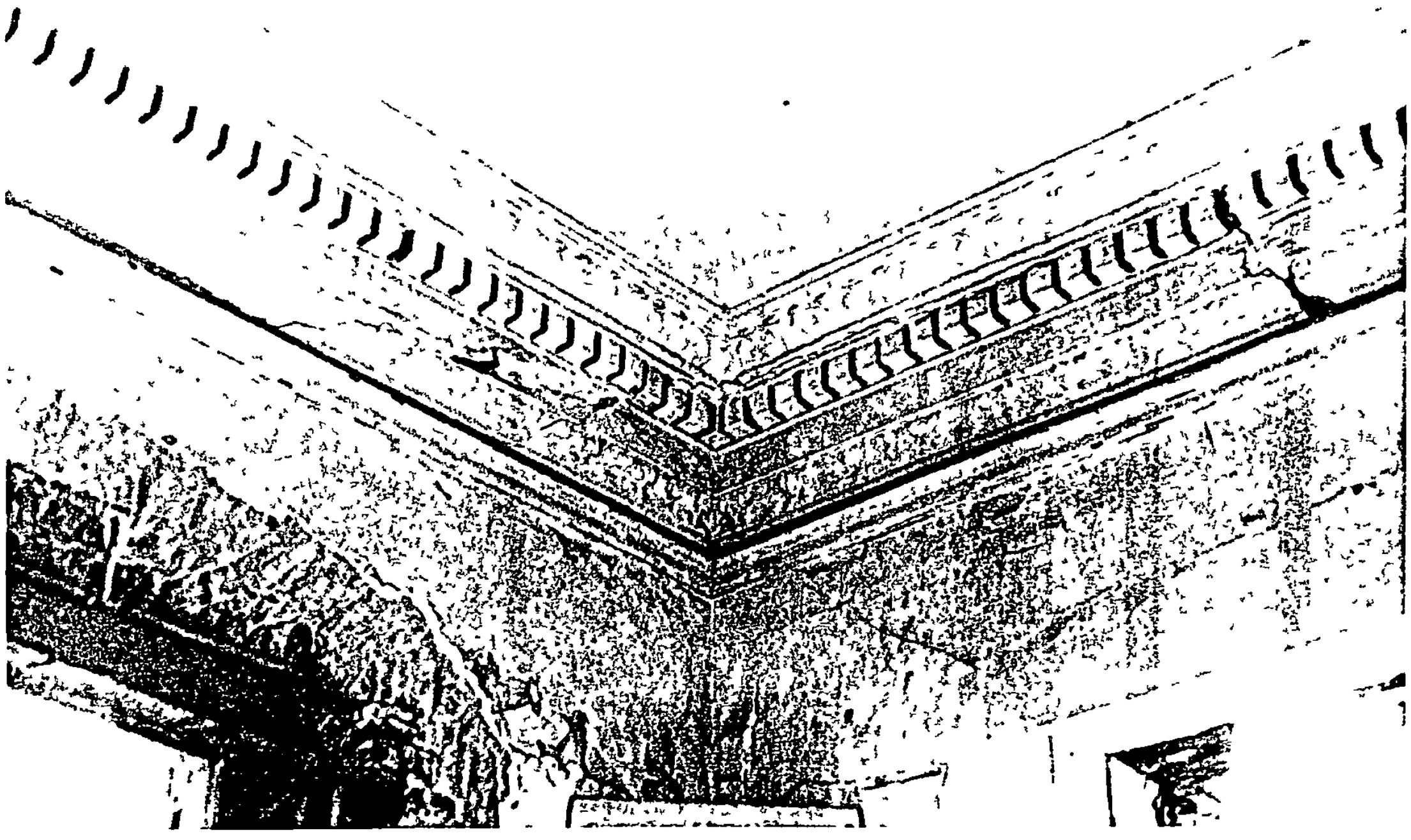
6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney


EAST 6TH ST.
Old Mayfair Hotel
HISTORIC BUILDING
ST.
EAST 5TH ST.
BK. 80
This map is in the Municipal Services District.
(IVEYS)
TRYON
CHURCH
N.
EAST TRADE ST
S TRYON ST
S. CHURCH ST
TAX LINE MAP BOOK 78 PAGE 01
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED
SCALE 1" = 100'





#2

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "LEEPER AND WYATT STORE BUILDING" (THE ENTIRE EXTERIOR OF THE BUILDING, AND THE ENTIRE TRACT OF LAND ON TAX PARCEL NUMBER 121-055-19) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 1923 SOUTH BOULEVARD, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 121-055-19 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Leeper and Wyatt Store Building", erected c. 1903, was initially owned by Daniel Augustus Tompkins (1851-1914), a New South industrialist of regional influence; and

WHEREAS, the "Leeper and Wyatt Store Building" belonged to a collection of buildings, including the Atherton Mill and mill village, the Atherton Lyceum, the Tompkins Dilworth Machine Shop, and the Tompkins Foundry, which the D. A. Tompkins Company and its affiliates occupied in Dilworth, Charlotte's initial streetcar suburb; and

WHEREAS, the "Leeper and Wyatt Store Building" served Charlotte as a neighborhood grocery for more than fifty years; and

WHEREAS, the "Leeper and Wyatt Store Building" is the oldest surviving retail brick commercial building in Dilworth's first business district, which was situated along South Boulevard; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Leeper and Wyatt Store Building" possesses integrity of design, setting, workmanship, materials, and/or association; and

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

WHEREAS, the property known as the "Leeper and Wyatt Store Building" is vested in fee simple to Trolley's End Limited Partnership.

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

1. That the property known as the "Leeper and Wyatt Store Building" (the entire exterior of the building, and the entire tract of land on Tax Parcel Number 121-055-19) is hereby designated as historic property pursuant to Chapter 160A,

Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 1923 South Boulevard, Charlotte, North Carolina, and recorded on Tax Parcel Number 121-055-19 in the Mecklenburg County Tax Office.

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

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

Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

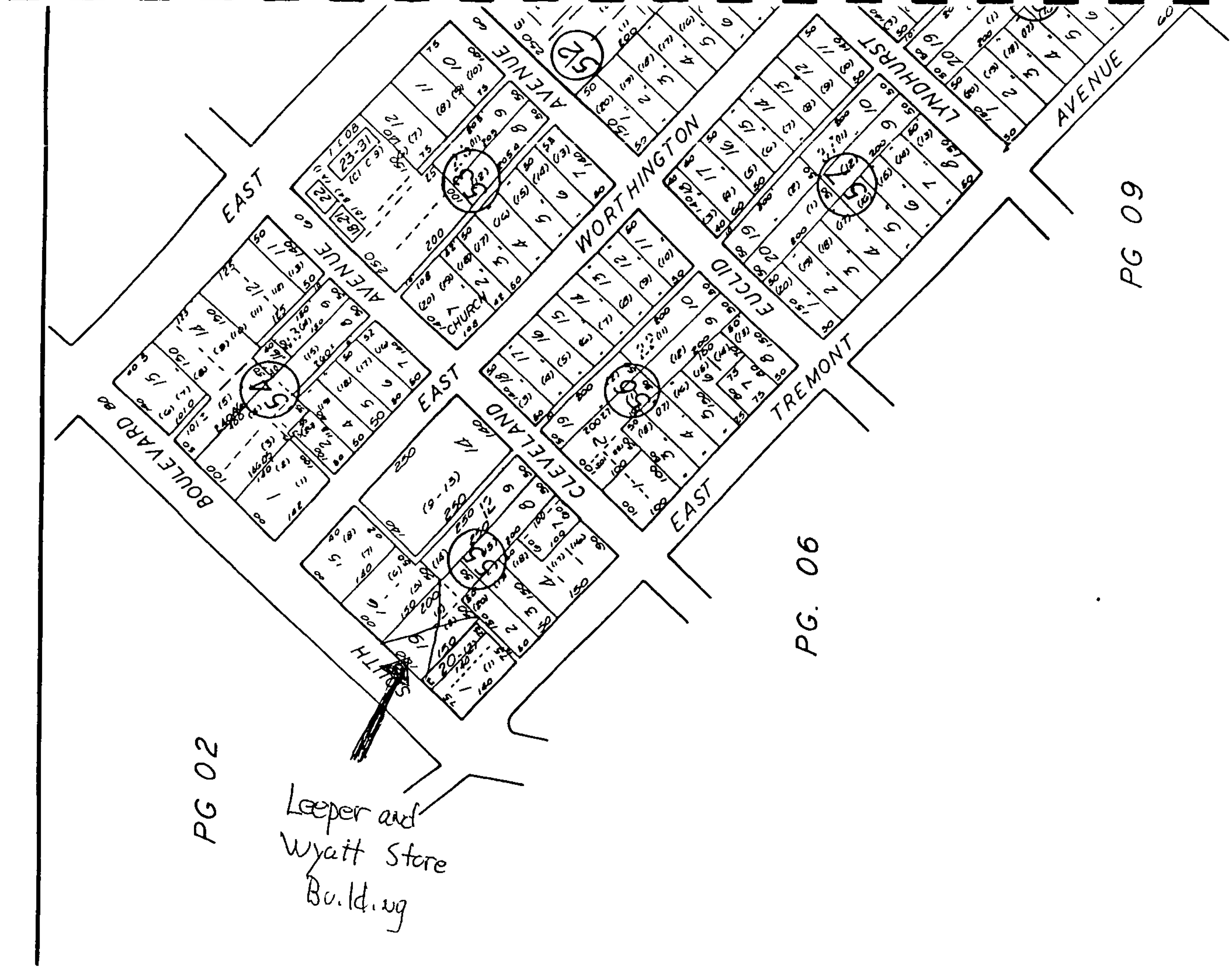
4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

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

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney


EAST
BOULEVARD
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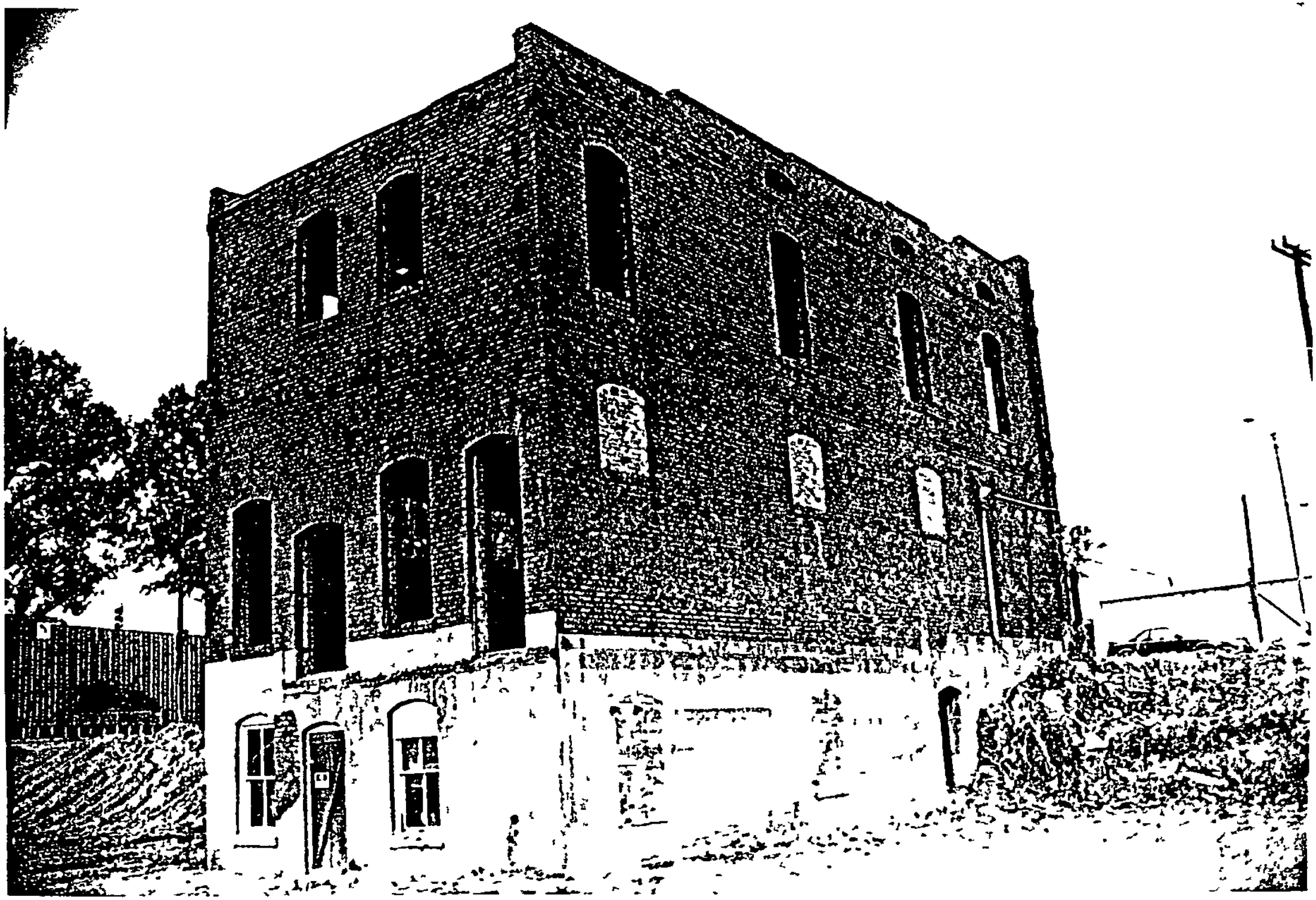
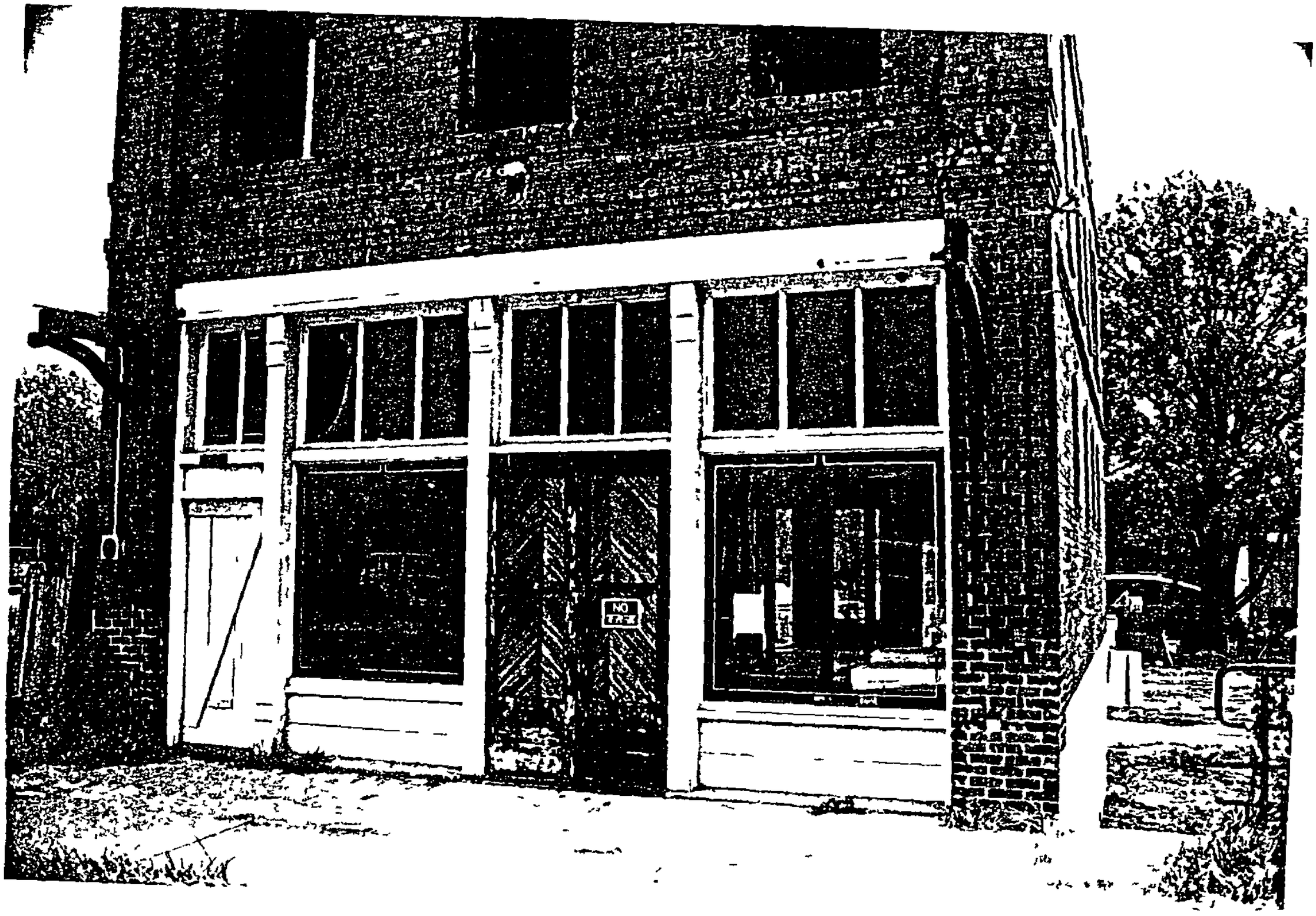
Leeper and
Wyatt Store
Building




NO
TRESPASSING

#3

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "LUCIAN H. WALKER HOUSE" (THE ENTIRE EXTERIOR OF THE BUILDING, THE ENTIRE INTERIOR OF THE BUILDING, AND THE ENTIRE TRACT OF LAND ON TAX PARCEL NUMBER 123-076-10) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 328 EAST PARK AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 123-076-10 IN THE MECKLENBURG COUNTY TAX OFFICE.

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

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

WHEREAS, the "Lucian H. Walker House", erected in 1894, belongs to the most significant concentration of pre-1900 suburban homes in Charlotte, N.C.; and

WHEREAS, the "Lucian H. Walker House", most likely designed by architect Charles Christian Hook (1869-1938), is one of the oldest homes in Dilworth, Charlotte's initial streetcar suburb, and exhibits architectural features, especially its overall form and massing, which are unique among the extant pre-1900 houses in Dilworth; and

Ordinance -- Lucian H. Walker House

WHEREAS, the "Lucian H. Walker House", situated on a corner lot on the southwestern quadrant of the intersection of E. Park Ave. and Euclid Ave., occupies a place of strategic importance in terms of the surrounding Dilworth streetscapes; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Lucian H. Walker House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Lucian H. Walker House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Lucian H. Walker House" is vested in fee simple to Scott Lovejoy.

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

1. That the property known as the "Lucian H. Walker House" (the entire exterior of the building, the entire interior of the building, and the entire tract of land on Tax Parcel Number 123-076-10) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 328 East Park Avenue, Charlotte, North Carolina, and recorded on Tax

Parcel Number 123-076-10 in the Mecklenburg County Tax Office.

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

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

4. That a suitable sign may be posted indicating that said

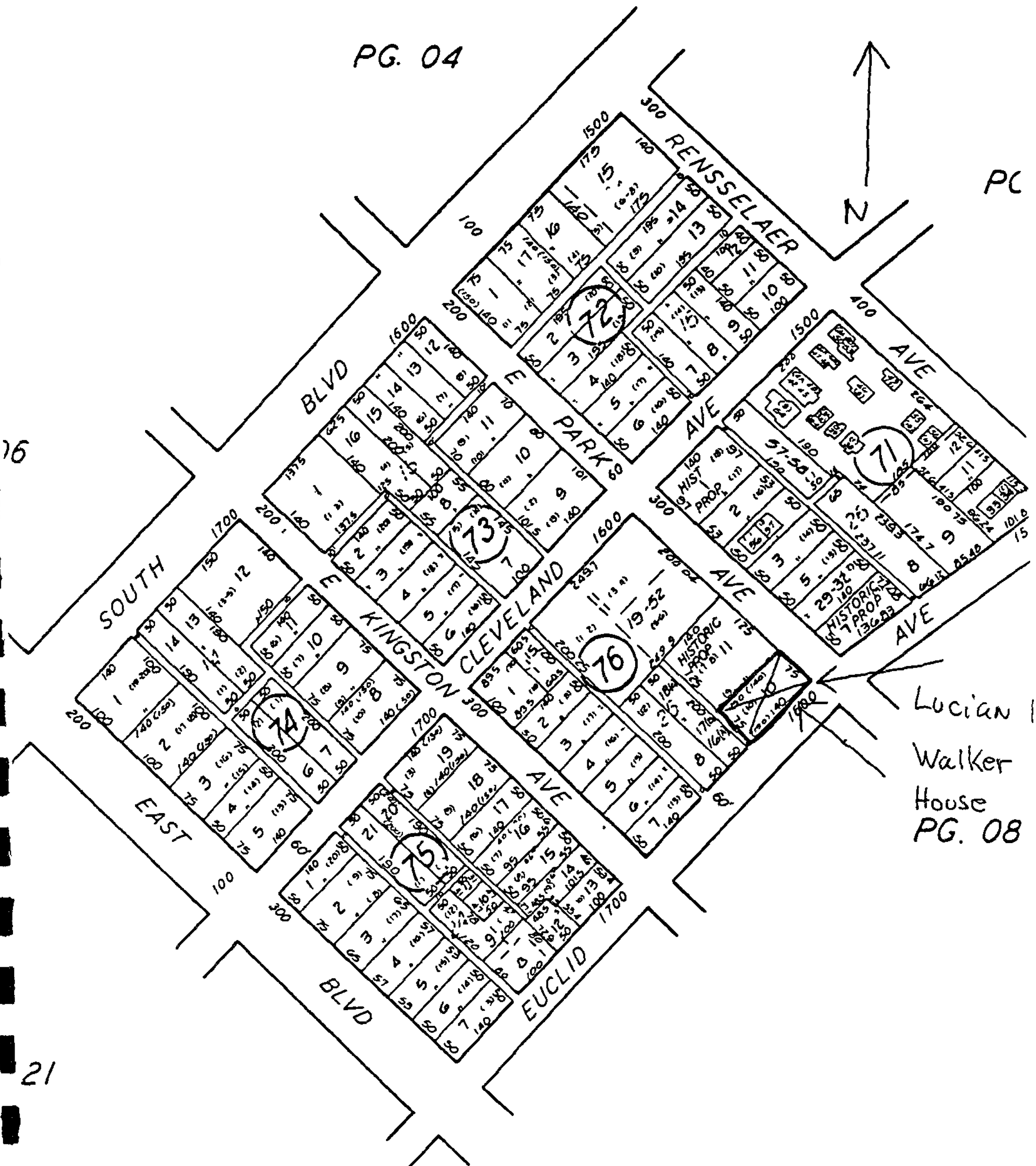
property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

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

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

Approved as to form:

City Attorney



TAX LIN
MECKLENB
REVISED

Fig. 7.
Lucian H. Walker House
328 East Park Ave.
1894
North Elevation

Fig. 8.
Lucian H. Walker House
328 East Park Ave
1894
East Elevation

Fig. 9.
Lucian H. Walker House
328 East Park Ave.
1894
South Elevation

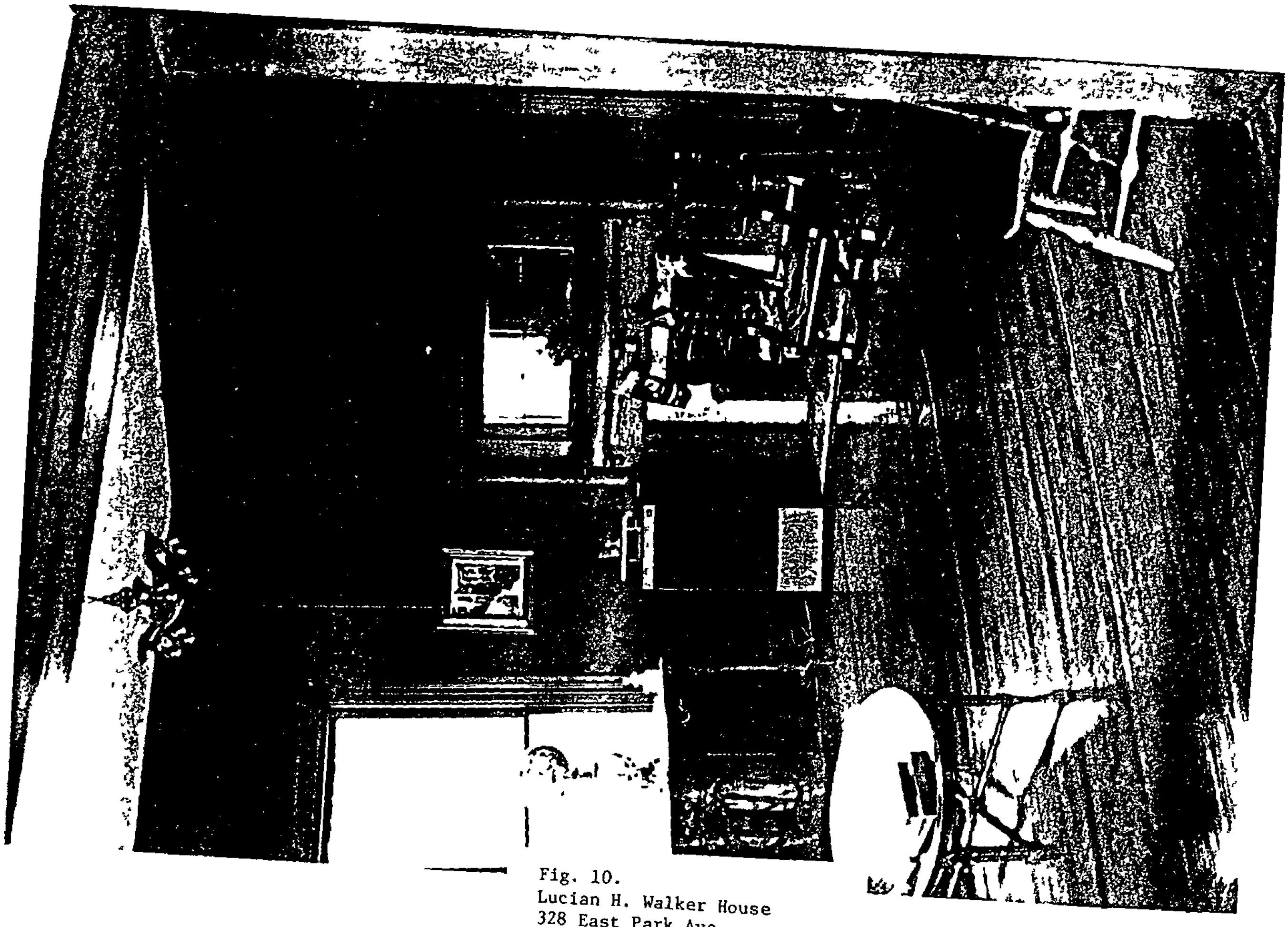


Fig. 10.
Lucian H. Walker House
328 East Park Ave.
Front Parlor

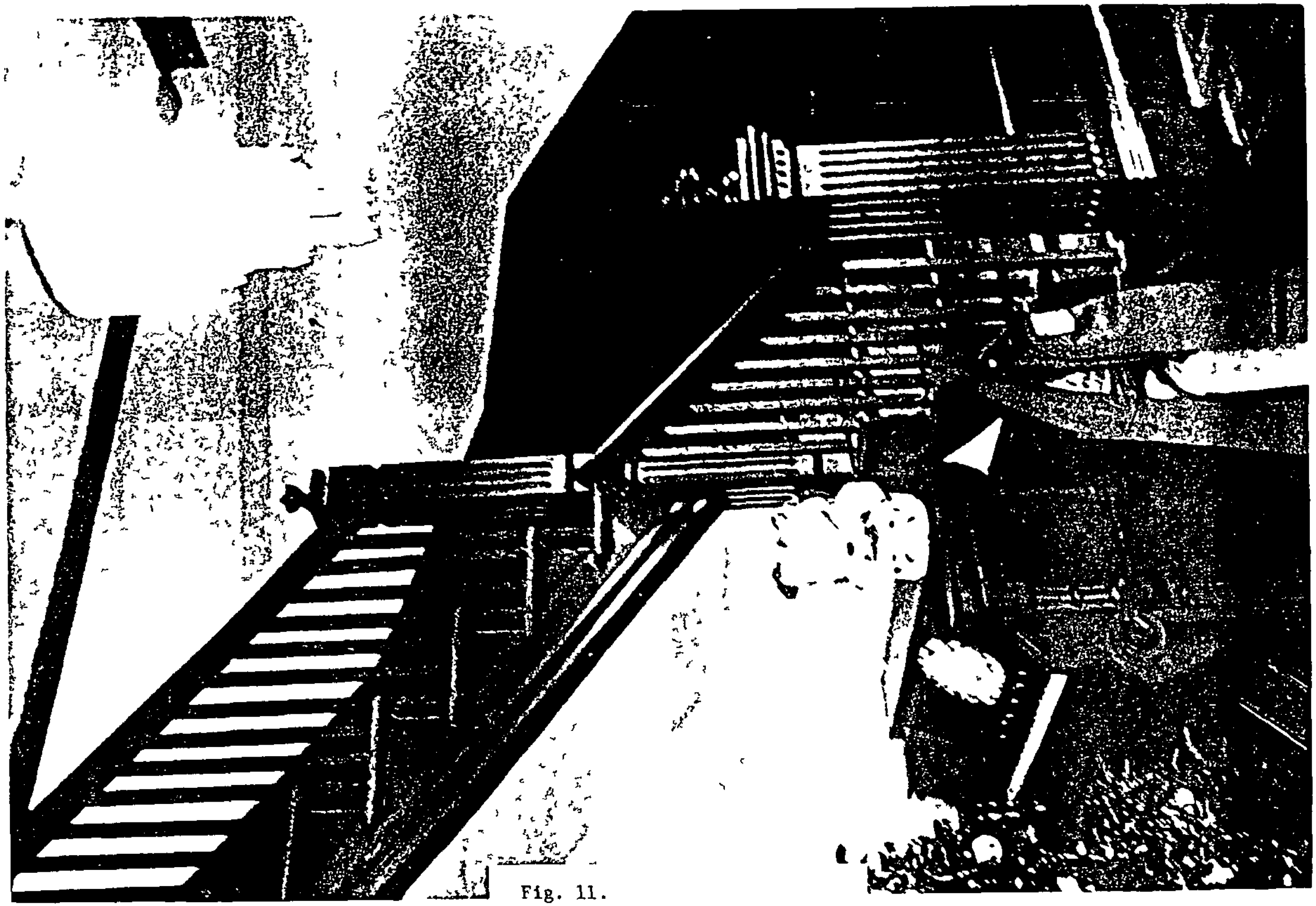


Fig. 11.
Lucian H. Walker House
328 East Park Ave.
Front Stairway

#4

Petition No. 89-56

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Ownership Information

Property Owner City of Charlotte Animal Shelter

Owner's Address 2200 Toomey Avenue, Charlotte, NC 28203

Date Property Acquired N/A

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

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

Description Of Property

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

Current Land Use Vacant/Parking Lot

Zoning Request

Existing Zoning O-15 Requested Zoning R-6MF

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

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

704-336-2205
Telephone Number

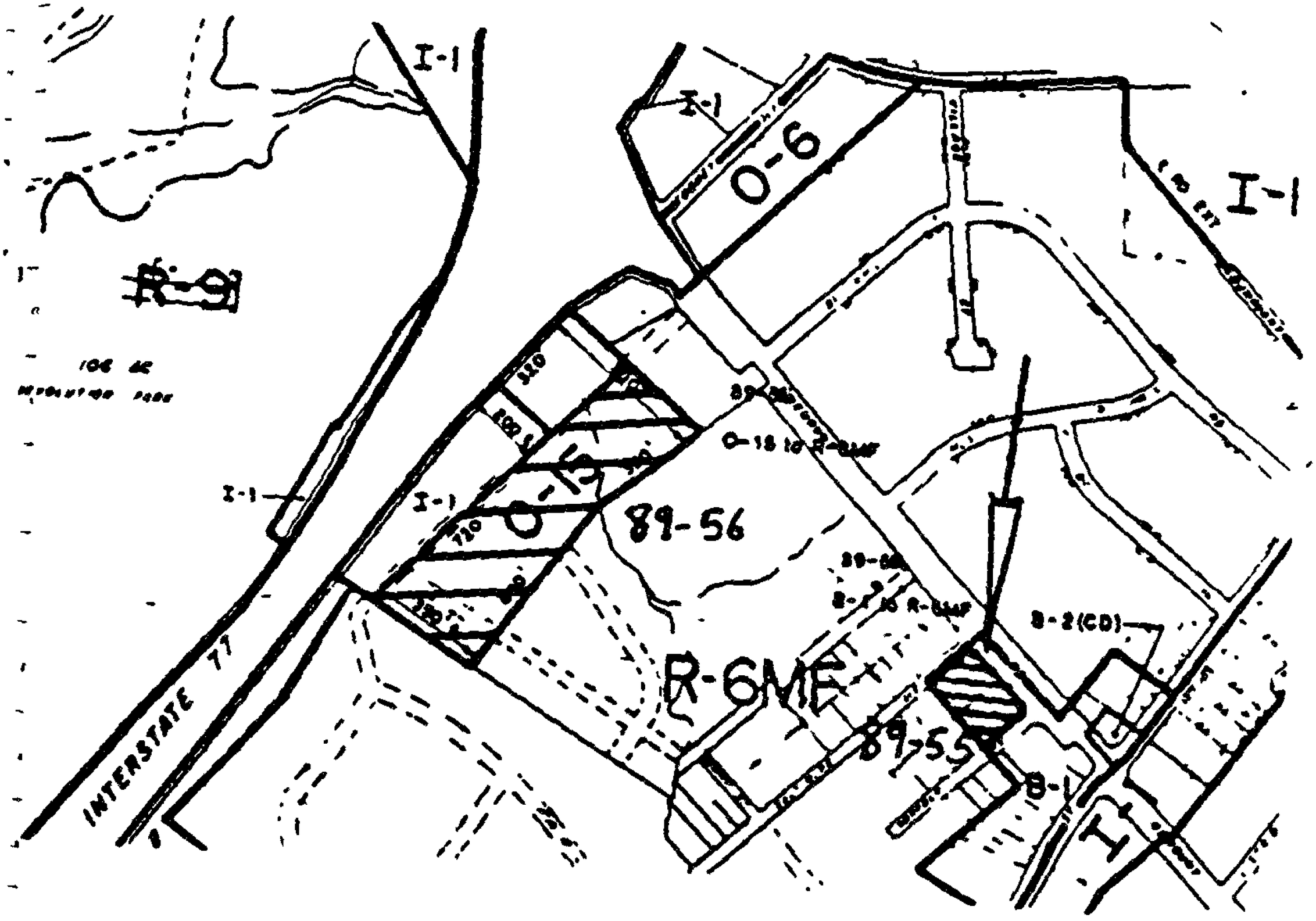
Signature

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

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



ZONING MAP NO. 110

PROPERTY PROPOSED FOR CHANGE

SCALE 1" = ~~1000'~~ Reduced

#5

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-67

Petitioner: Neighborhood Preservation Committee for Fenton Place, Laurel Avenue, and Crescent Avenue.

Location: Approximately 19.4 acres located along Fenton Place, Laurel Avenue, and Crescent Avenue between Providence Road and Randolph Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-6MF. Nearby properties are zoned a combination of single family residential, multi-family residential, office, and commercial zoning classifications. Properties to the south of the subject property along Hempstead Place, Colville Road, and Cherokee Road are zoned R-12. Adjoining properties on portions of Cherokee Road and Laurel Avenue are zoned R-6MF. Properties to the east along Randolph Road are predominantly zoned O-6. To the north, adjoining properties located along Circle Avenue are zoned a combination of B-1, O-6, and R-6MF. Nearby properties located generally along Providence Road are zoned a combination of commercial, office, and residential zoning districts.

2. Existing Land Use. The property involved with this request is developed with single family residential homes and several duplexes. Adjoining properties are developed with a combination of single family residential, multi-family residential, offices, and commercial development. A church is located to the southeast at the intersection of Randolph and Colville Roads. Mercy Hospital is located to the north along Vail Avenue.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include provision of water line extensions along Providence Road. 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 residential land uses in the area of the subject property. Preliminary recommendations contained in the Central District Plan include corrective rezonings for portions of the subject property from multi-family residential to single family residential.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	67-17	R-6MF to O-6	Denied	05/01/67
2.	68-56	R-6MF to O-6	Approved	09/09/68
3.	68-79	R-6MF to O-6	Approved	11/26/68
4.	72-50	R-6MF to O-6	Approved	11/13/72
5.	72-58	R-6MF to Conditional Parking	Approved	12/04/72
6.	73-35	R-6MF to O-6	Approved	09/17/73
7.	74-32	R-6MF to O-15	Approved	11/25/74
8.	76-25	R-6MF to R-6	Approved	06/18/76
9.	76-26	O-6, B-1 to R-6	Approved	06/18/76
10.	81-73	O-6 to B-1	Approved	05/24/82

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a multi-family residential category to a single family residential category. 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 single family residential category would serve to encourage preservation of the existing character. Therefore, the petition is consistent with publicly adopted 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 2,954 to 3,798 trips per day. Under the requested zoning classification, the subject property could generate between 1,692 through 1,833 trips per day.

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 a foundation for the inner-city. The pending Central District Plan recommends portions of the subject property be rezoned from a multi-family residential category to a single family residential category in order to provide stability to the existing neighborhood. Therefore, from a land use standpoint, 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

C

Staff Review August 8 @ 10.30

Petition No 89-67

Date Filed July 17, 1989

Received By MCM

OFFICE USE ONLY

Ownership Information

See Attached List

Property Owner ~~Neighborhood Preservation Committee - Fenton Pl, Laurel Ave. & Crescent Ave~~

Owner's Address ~~c/o Carol Jennings 200 S Laurel Ave Charlotte NC 28207~~

Date Property Acquired

Deed Reference

Tax Parcel Number See Attached List

Location Of Property (address or description)

77 Parcels on Fenton Place, Laurel Ave. & Crescent Ave (includes 1 parcel on Cherokee)

Description Of Property

Size (Sq Ft Acres) 19.476 acres

Street Frontage (ft)

Current Land Use

Zoning Request

Existing Zoning R6 MF

Requested Zoning R6

Purpose of Zoning Change

Name Of Agent

Agent's Address

Telephone Number

Neighborhood Preservation Committee Fenton Laurel & Crescent

Name of Petitioner(s)

200 S Laurel Ave 28207

Address of Petitioner(s)

332-6719

Telephone Number

Carol Jennings

Signature

Signature of Property Owner if Other

PETITIONER Neighborhood Preservation Committee Fenton, Laurel & Crescent

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

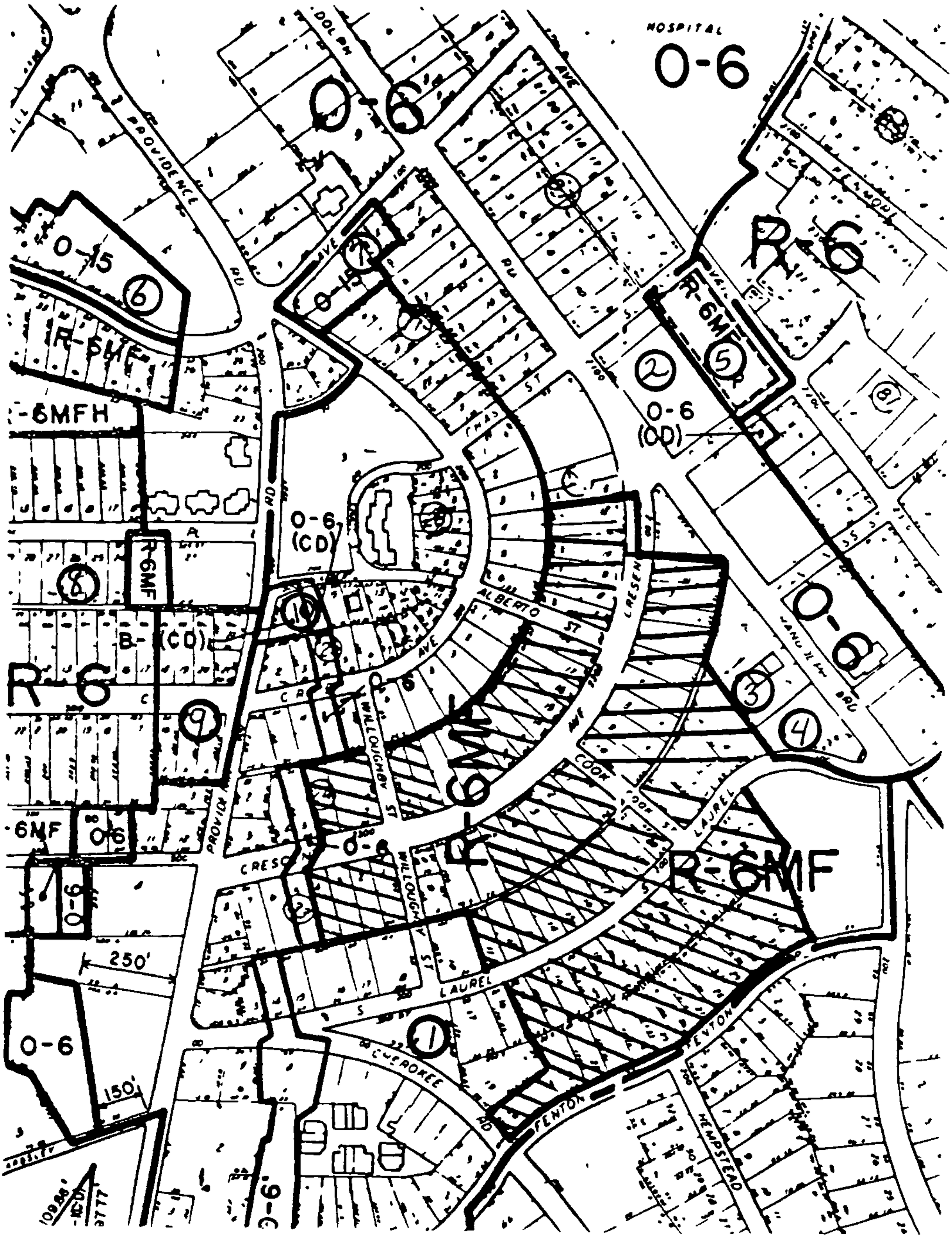
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

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
R-6
O-15
R-6MF
R-6MFH
R-6MF
O-6
(CD)
O-6
(CD)
R-6
R-6MF
O-6
O-6
O-6
250'
150'
PROVIDENCE
AVE
ALBERTO
ST
CRESCENT
WILLOUGHBY
COOK
LAUREL
CRESCENT
CHEROKEE
FENTON
HEMPSTEAD
PLYMOUTH
VANDERBILT
BRU

89-67

#6

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-68

Petitioner: Public Library of Charlotte and Mecklenburg County.

Location: Approximately 33.07 acres located on the southeast side of Sharon Road between Colony Road Extension and Morrison Boulevard Extension.

Request: Consideration an B-1SCD Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The subject property is zoned B-1SCD. That zoning classification was established in 1988 as part of a larger mixed use development known as Morrocroft. The Morrocroft Development also contains office, single family residential, and R-PUD zoning classifications. Nearby properties are zoned a combination of single family residential, multi-family residential, office, and commercial classifications. To the northeast of the subject property lies an area zoned R-15. Across Sharon Road properties are zoned for multi-family residential purposes and Southpark is zoned B-1SCD. To the southwest, properties are zoned for single family residential and for office purposes.

2. Existing Land Use. The property involved with this request is vacant and Colony Road Extension is under construction. Northeast of the subject property is a single family subdivision. Across Sharon Road are the Park South Apartments and Colony Apartments. Southpark also lies across Sharon Road. Southwest of the subject property is a church and a small commercial center. Along Coltsgate Road are a mixture of single family residential homes and offices.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property and recognizes Southpark as a major mixed use center. 2005 strategies for the area include Colony Road Extension between Southpark and Rea Road.

   2. Transportation Improvement Program. The TIP includes the widening of Sharon Road from Sharon View Road to Sharon Lane to six lanes. This project is to be funded by the City and is ranked number seven (7) on the list of proposed roadway improvements. The TIP also includes Colony Road Extension from Carmel Road to Rea Road and from Sharon View Road to Carmel Road.

3. Southpark Land Use Plan. The Southpark Land Use Analysis which was adopted in May, 1988 indicates that this area should be developed with a mixture of uses including community-sized retail, office, multi-family, and single family development.

4. Site Plan. The site plan which accompanies this application proposes an increase in the square footage of the library parcel included within the Village Center component of Morrocroft from the presently allowed 20,000 square foot maximum to a 26,000 square foot maximum and an increase in the maximum height of the library from two(2) stories to a maximum of three (3) stories. The proposed site plan amendment also indicates minor adjustments to the building envelopes for the library parcel and the two adjoining townhouse parcels within the Village Center and a minor adjustment to the driveways to the library parcel to accommodate the increased square footage for the library.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	65-45	R-12, O-15 to B-1SCD	Approved	05/31/65
2.	70-13	R-15 to O-6	Approved	12/14/70
3.	71-8	R-15 to O-6	Approved	03/01/71
4.	80-35	B-1SCD Site Plan Amendment	Approved	08/25/80
5.	66-13	R-12 to R-12MF & O-15	Approved	04/25/66
6.	86-46	B-1SCD & O-6 to B-1SCD Site Plan Amendment & B-1SCD	Approved	07/21/86
7.	88-32	R-15 to R-15(CD), R-PUD, O-15(CD) & B-1SCD	Approved	07/18/88

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 change in the size and scale of the library facility in the proposed Morrocroft Development. Publicly adopted plans for the area recognize it as one of existing employment land uses and the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met with the petitioner prior to the filing of the application and expressed support for the proposed changes. Subsequent to the filing of the petition, staff relayed several fairly minor site plan related comments

to the petitioner. All of those comments have now been addressed by the revised site plan.

2. Departmental Comments. Site plan comments from reviewing agencies were fairly minor. CMUD indicates that water and sewer services are available to the site. The Zoning Administrator pointed out the need for additional information on the site plan and the Engineering Department noted the additional ordinance requirements which will be imposed. The Department of Transportation noted the proposed site plan amendment would result in an increased number of potential trips. The site as currently zoned would generate between 1,437 to 1,509 trips per day. The requested change would generate approximately 1,782 to 1,854 trips per day. All of the site plan comments have been addressed on the revised site plan.

ISSUES

1. Land Use. There are no land use issues which accompany this application. Both the 2005 Plan and the 1988 Southpark Land Use Plan Analysis recognize the area of the subject property as one suitable for nonresidential development. Therefore, this petition is considered appropriate for approval.

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

CONCLUSION

This petition raises no land use or site plan issues and is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-68
Date Filed July 17, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Sara Harris Bissell, Cameron Morrison Harris and John William Harris(co-te

Owner s Address 6337 Morrison Boulevard
Charlotte, NC 28211

Date Property Acquired *Angelia M. Harris Estate - July 13, 1983
**James J Harris Estate - November 18, 1985
*Clerk of Superior Court Estate File 83 E 1749

Deed Reference **Clerk of Superior Court Estate File 85E2437 Tax Parcel Number 183-171-10

Location Of Property (address or description) Southeast side of Sharon Road between Colony Road and proposed Morrison Boulevard

Description Of Property

Size (Sq Ft Acres) 33 07 Acres Street Frontage (ft.) 210 feet on Colony

Current Land Use Vacant

Zoning Request

Existing Zoning B-1SCD Requested Zoning Site Plan Amendment B-1SCD

Purpose of Zoning Change (See Exhibit A attached)

Bailey Patrick, Jr.
Perry, Patrick, Farmer & Michaux, P.A.
Name Of Agent

P. O. Box 35566, Charlotte, NC 28235
Agent s Address

(704) 372-1120
Telephone Number

Public Library of Charlotte
and Mecklenburg County
Name of Petitioner(s)

310 N. Tryon Street
Charlotte, NC 28202-2176
Attention: Director of Libraries
Address of Petitioner(s)

(704) 336-2801
Telephone Number

[illegible]
Signature

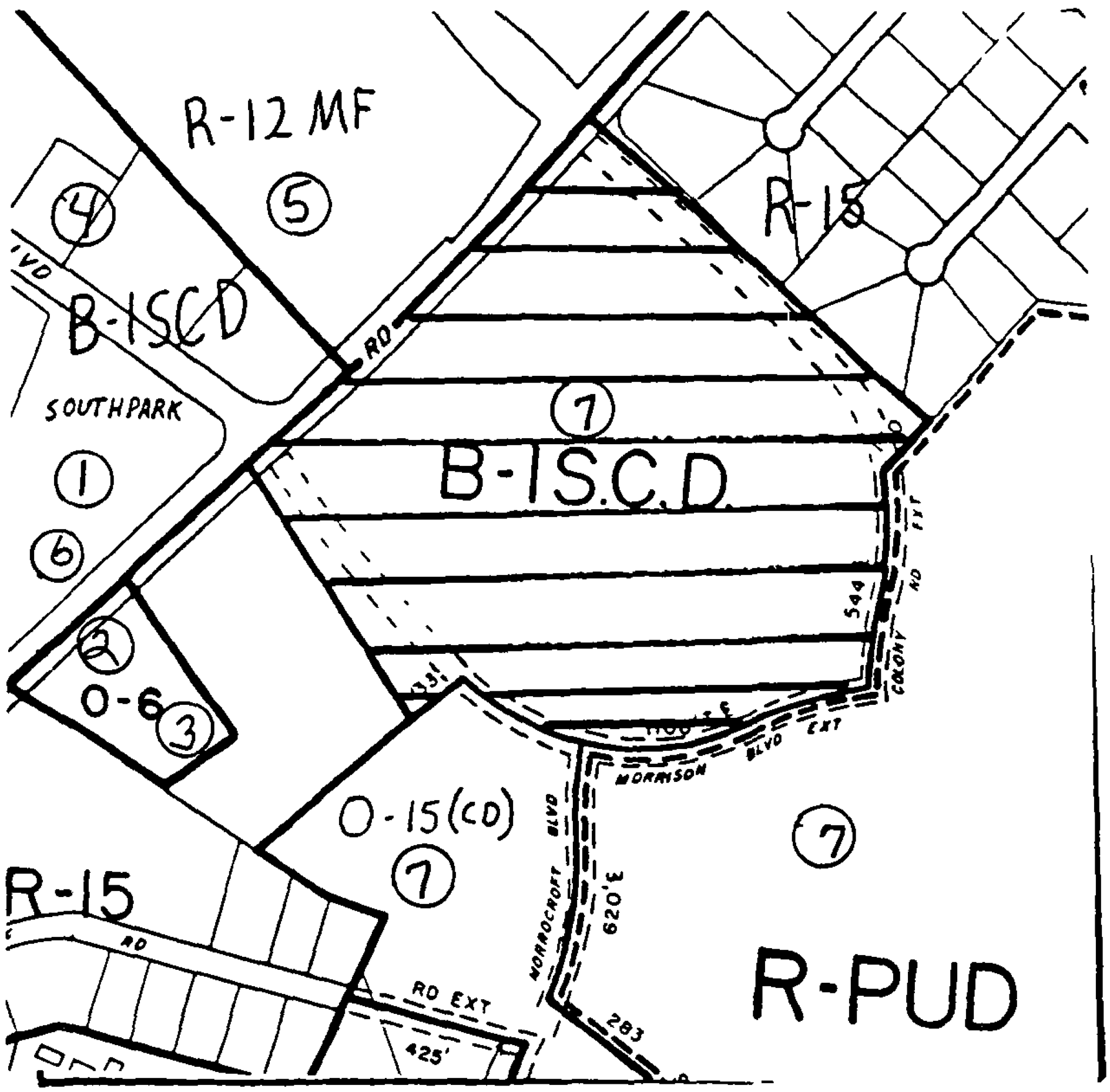
(See attached Property Owner's signature)

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 33.0± 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

#1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-69

Petitioner: Franklin Southern Incorporated

Location: .72 acres on the west side of Sugar Creek Road, 150 feet south of Wilson Lane.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as are a majority of nearby properties located south of Wilson Lane. To the north of Wilson Lane begins an area of nonresidential zoning districts including O-6, B-2(CD), B-1, and B-1(CD). Directly adjoining the subject tract is a parcel zoned B-1(CD) for a fast food restaurant approved in December of last year.

2. Existing Land Use. The property involved with this request is presently occupied by a single family structure. The area to the south of Wilson Lane is generally developed for single family residential uses or is substantially undeveloped. Sugaw Creek Park is also located nearby. To the north of Wilson Lane can be found a variety of commercial and office uses including fast food restaurants, motels, and service stations that are oriented to the I-85/Sugar Creek Road interchange area. Across Sugar Creek Road from the subject property are a few single family residences but the land is largely undeveloped. Directly adjacent to the north is a new fast food restaurant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include water line extension, the widening of I-85, and consideration of a future light rail corridor in the area.

   2. North Tryon/I-85 Residential Corridor Small Area Plan. This site falls within the study boundary of the North Tryon/I-85 Residential Corridor Special Study adopted in 1985. That plan envisioned Sugar Creek Road as remaining a residential corridor between I-85 and North Tryon Street and recommended several parcels located along Sugar Creek Road south of the petitioned site to be rezoned from office and business districts to residential districts. Those rezoning actions were approved in 1986.

   3. Transportation Improvement Program. The TIP indicates the widening of I-85 is to be completed in FY93.

4. Site Plan. The site plan which accompanies the application proposes the construction of a 1,000 square foot drive-in window facility. This land use is a variation on a restaurant with a drive-in window, but has only a kitchen and drive-in window. The site plan indicates a single access point to the Sugar Creek Road and indicates the dedication of 10 feet of additional right-of-way along Sugar Creek Road. The plan indicates the construction of a picket fence along the southerly boundary of the site adjoining residentially zoned land to be supplemented by landscape screening. The plan indicates a large number of trees surrounding the site but those trees appear to be on the adjoining properties and not under the control of this petitioner. The plan shows a very few number of parking spaces due to the fact that the restaurant provides drive-up service only.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	70-79	R-9 to B-2 (A.I.P.)	Approved	09/14/70
2.	71-65	R-9 to B-1	Approved	09/03/71
3.	73-6(c)	R-9 to B-1	Approved	03/05/73
4.	79-14	R-9 to B-1 & I-1	Approved	09/24/79
5.	83-3	R-9, I-1(CD), & B-2(CD) to B-2(CD), I-1(CD) & Site Plan Amendment	Approved	04/18/83
6.	73-72(c)	R-9 to B-1	Approved	01/07/73
7.	87-75	R-9 to B-1(CD)	Approved	10/19/87
8.	88-43	O-6 to B-1(CD)	Denied	07/18/88
9.	88-89	R-9 to B-1(CD)	Approved	12/19/88

7. Neighborhood. This falls within the area defined as the Sugar Creek Neighborhood.

REVIEWS

1. Plan Consistency. This petition is inconsistent with publicly adopted plans and policies for the area. The request seeks permission to develop a drive-in only restaurant on a tract envisioned by publicly adopted plans as having a residential future. Nonresidential developments in the area are highway service uses oriented to the I-85 interchange area. No specific actions have been taken by the City Council to amend plans for the area to extend nonresidential zoning south of Wilson Lane. Therefore this petition remains inconsistent with presently adopted plans and policies for the area and specifically the North Tryon/I-85 Residential Corridor Special Study.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff had met with the petitioner to discuss the general concept of their land use prior to the filing of the of the application. Staff indicated that they believed that the type of facility proposed by this petition should not be allowed in the B-1 district. In addition the staff discouraged the petitioner from filing this application in this location. Subsequently the staff has communicated a number of comments from various departments and agencies to the petitioner regarding the site plan.

   2. Departmental Comments. The revised site plan has addressed all of the comments from various departments and agencies including the need to clarify notes regarding street tree planting, the need to indicate that the driveway may become right-in and right-out in the future, the need to ensure that no minimum required parking is in any future right-of-way area, and a number of minor clarifications.

ISSUES

1. Land Use. This petition raises a significant land use issue. It is clearly inconsistent with publicly adopted plans and policies for the area. In December of 1988 the City Council approved the rezoning of an adjacent tract for a fast food restaurant. This action has been taken by the petitioner and others as an indication of a change in plans for the area which will allow the extension of nonresidential zoning along the Sugar Creek frontage. However, no specific action has been taken on any of the existing plans for the area and therefore the staff must conclude that this petition is inconsistent with publicly adopted plans for the area and should not be approved.

2. Site Plan. The site plan which accompanies the application raises few significant issues. Most of the matters discussed with the petitioner have been addressed on the site plan. The staff has some concern about the degree to which a picket fence provides a significant screening between a commercial use and residentially zoned properties nearby and also has concerns about the degree to which vegetation on an existing property are shown as being part of the screening for the petitioner's site. The staff believes that a more substantial buffer needs to be created between this property and residentially zoned properties to the south. However, even with improved buffers, the significant issue involved with this case is that of land use.

   The staff also takes issue with the allowance of this use in the B-1 (neighborhood commercial) district. The Zoning Administrator has determined that this type of use may be allowed in a B-1

district. Planning staff believes that this type of use should be restricted to the B-2 (general commercial) district which is most often located along major commercial arterials. This use is essentially a drive-in window with a kitchen. A reading of the zoning ordinance indicates that a drive-in window can only be an accessory to a principle use which is otherwise permitted. The staff believes that this use is more similar to a "drive-in" type restaurant in which the public is served in their vehicles than it is to a conventional fast food restaurant in which the drive-in is only an accessory to the principle use of a restaurant. Therefore, the staff believes that this specific use should not be permitted in a B-1 district under any circumstances. To allow such a use in a B-1 district opens to the door to similar facilities in any neighborhood commercial location or any existing convenience store site where as little as a half acre of land maybe available. The staff believes that this use is inappropriate in a neighborhood commercial setting as a matter of good land use.

CONCLUSION

This petition should not be approved. It is not consistent with the publicly adopted plans and policies for the area and is an inappropriate use in a neighborhood commercial district.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-69
Date Filed July 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Hoyle W. Brawley & wife, Doreen Brawley

Owner s Address 1037 W. Sugar Creek Road
Charlotte, N.C. 28213

Date Property Acquired September 12, 1951

Tax Parcel Number 087-071-25; Deed Book 1152 Page 452

Location Of Property (address or description) Southwesterly 151 ft. from intersectic of Sugar Creek Road and Wilson Lane (next to Taco Bell Restaura

Description Of Property

Size (Sq Ft.-Acres) 0.724 acres Street Frontage (ft.) 87.5 on Sugar C

Current Land Use Residence: with outbuildings

Zoning Request

Existing Zoning R-9 Requested Zoning B-1 (CD)

Purpose of Zoning Change To permit construction of a Hot'n Now Restaurant

Name Of Agent
Franklin D. Franklin

Agent s Address
449 Sweet Gum Dr.
Fort Mill, S.C. 29715

Telephone Number
(803) 548-0026

Name of Petitioner(s)
Franklin Southern, Inc

Address of Petitioner(s)
449 Sweet Gum Dr.
Fort Mill, S.C. 29715

Telephone Number
(803) 548-0026

F.D. Franklin pres
Signature of Petitioner

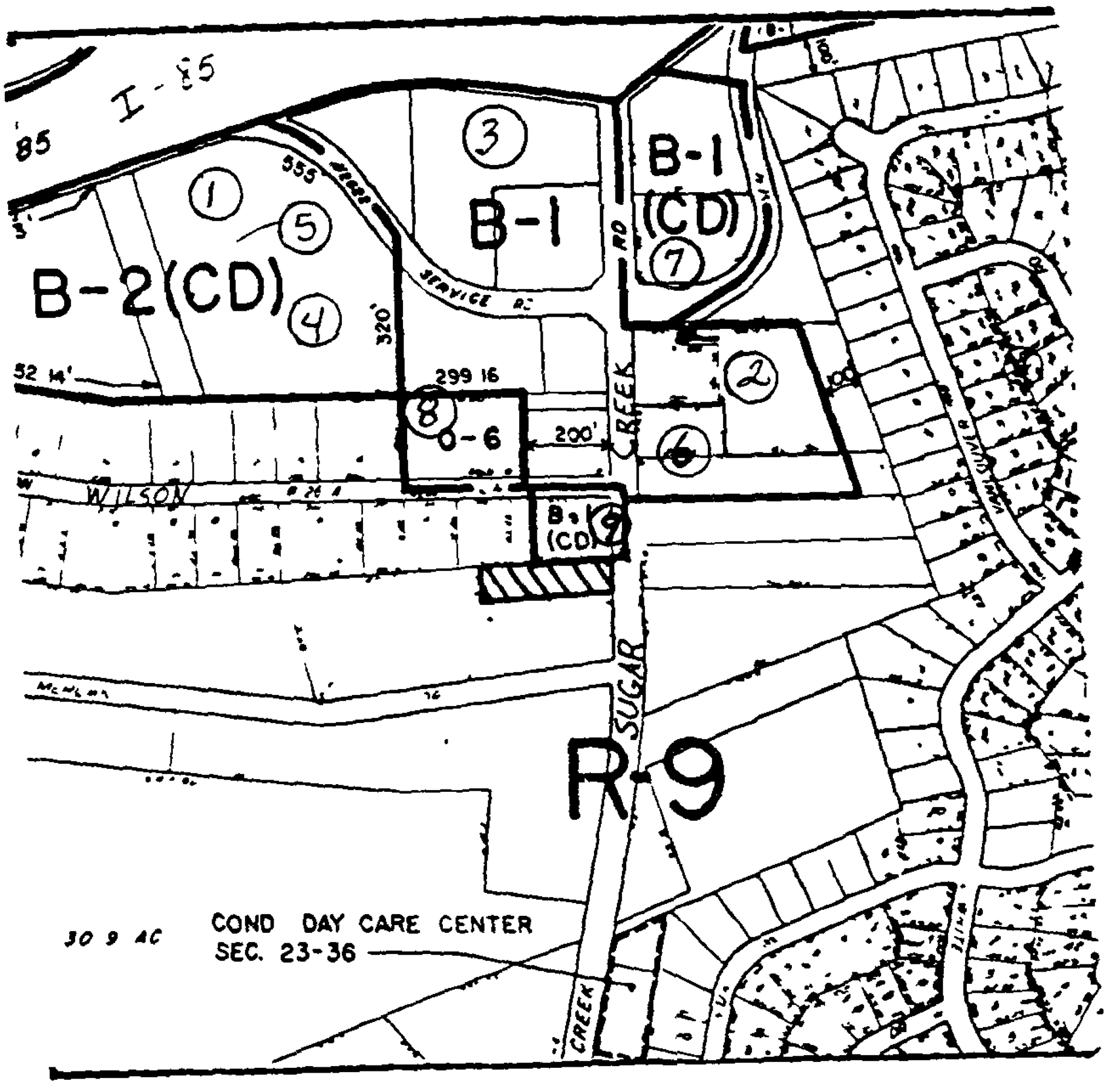
Hoyle W. Brawley
Doreen Brawley
Signature of Property Owner If Other Than Petitioner

PETITIONER Franklin Southern, Inc.

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

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

LOCATION Approximately .72± 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

#8

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-70

Petitioner: Bobby Taylor.

Location: Approximately 2 acres located on the northerly side of West Boulevard just to the west of Carver Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-6MF as are surrounding properties. To the west of the subject property at the intersection of Clanton Road and West Boulevard, properties are zoned B-1 and O-6. To the northeast of the subject property at the intersection of Carver Road and Maiden Street, a small tract of land is zoned I-1.

2. Existing Land Use. The property involved with this request is the site of two single family homes and an auto repair business. Surrounding properties are primarily developed with single family homes. A church is located just to the north of the subject property. Scattered nonresidential uses can be found in the nearby area on Carver Road and Clanton Road. Revolution Golf Course is located to the west of the subject property on Clanton Road and Barringer Elementary School is located to the south of the subject property on Lotus Lane.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the area of the subject property. 2005 strategies for the general area include streetscape improvements along West Boulevard.

   2. Central District Plan (preliminary draft). The pending Central District Plan envisions the subject property as remaining zoned for residential purposes.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	69-17	O-6 to R-6MF	Approved	06/16/69
2.	69-18	R-6MF to R-6	Approved	03/06/69
3.	75-8	R-6MF to B-1	Denied	05/19/75
4.	75-23	R-6MF to B-1	Denied	10/06/75

7. Neighborhood. This site falls within the area defined as the West Boulevard Neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a residential category to the general business category. Publicly adopted and pending plans for the area recognize it as one of existing residential uses and encourage preservation of the existing residential environment. Therefore, this petition is inconsistent with public 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 and strongly discouraged submittal of the application.

   2. Departmental Comments. Due to the conventional nature of the application, there were few comments from reviewing agencies. CMUD indicates that water and sewer services are available to the site. The Department of Transportation indicates the site as currently zoned could generate approximately 308 to 396 trips per day. Under the proposed zoning, the site could generate approximately 3,343 trips per day. This would have a significant impact on the surrounding thoroughfare system. CDOT further indicates that the developer needs to submit a traffic impact study or change the proposed zoning to a conditional district before any further comments can be made by transportation staff.

ISSUES

1. Land Use. This petition raises a significant land use issue. The requested change seeks rezoning from a residential category to a general business category in an area in which publicly adopted and pending plans call for preservation of the existing residential environment. Therefore, this petition is not considered appropriate for approval.

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

CONCLUSION

This petition raises a substantial land use issue and is not considered appropriate for approval. Publicly adopted plans call for the area of the subject property to continue to be used for residential purposes.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-70
Date Filed July 17, 1989
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Robert B. Taft • Georgia M Taft

Owner's Address 3254 Pendleton Ave
Charlotte, N.C. 28210

Date Property Acquired JANUARY 7, 1958 & APRIL 20, 1964

Deed Reference BOOK 2520 P 123 & 1960 P 467 Tax Parcel Number 117-031-10-11

Location Of Property (address or description) 1910 & 1918 WEST BLVD CHAR N.C

Description Of Property

Size (Sq Ft Acres) LOT 12 & 13 = 1.23 AC, LOT 14 = 0.86 AC Street Frontage (ft) TOTAL 249.03'

Current Land Use RESIDENTIAL & BUSINESS (BUSINESS - AUTO REPAIR IS PRESENTLY LOCATED AT REAR OF LOT 13

Zoning Request

Existing Zoning R6-MF Requested Zoning B-2

Purpose of Zoning Change TO CONTINUE OPERATING AN AUTO REPAIR GARAGE THAT HAS BEEN IN EXISTANCE FOR A MINIMUM OF 20 YEARS

Name Of Agent
MARVIN O AMOS dba CS&C CONSULTANTS

Agent's Address
217 N TRYON ST CHAR NC 28202

Telephone Number
(704) 333-1844

Name of Petitioner(s)
BOBBY TAYLOR

Address of Petitioner(s)
1918 S BLVD

Telephone Number
(704) 334-7927

Marvin O Amos
Signature

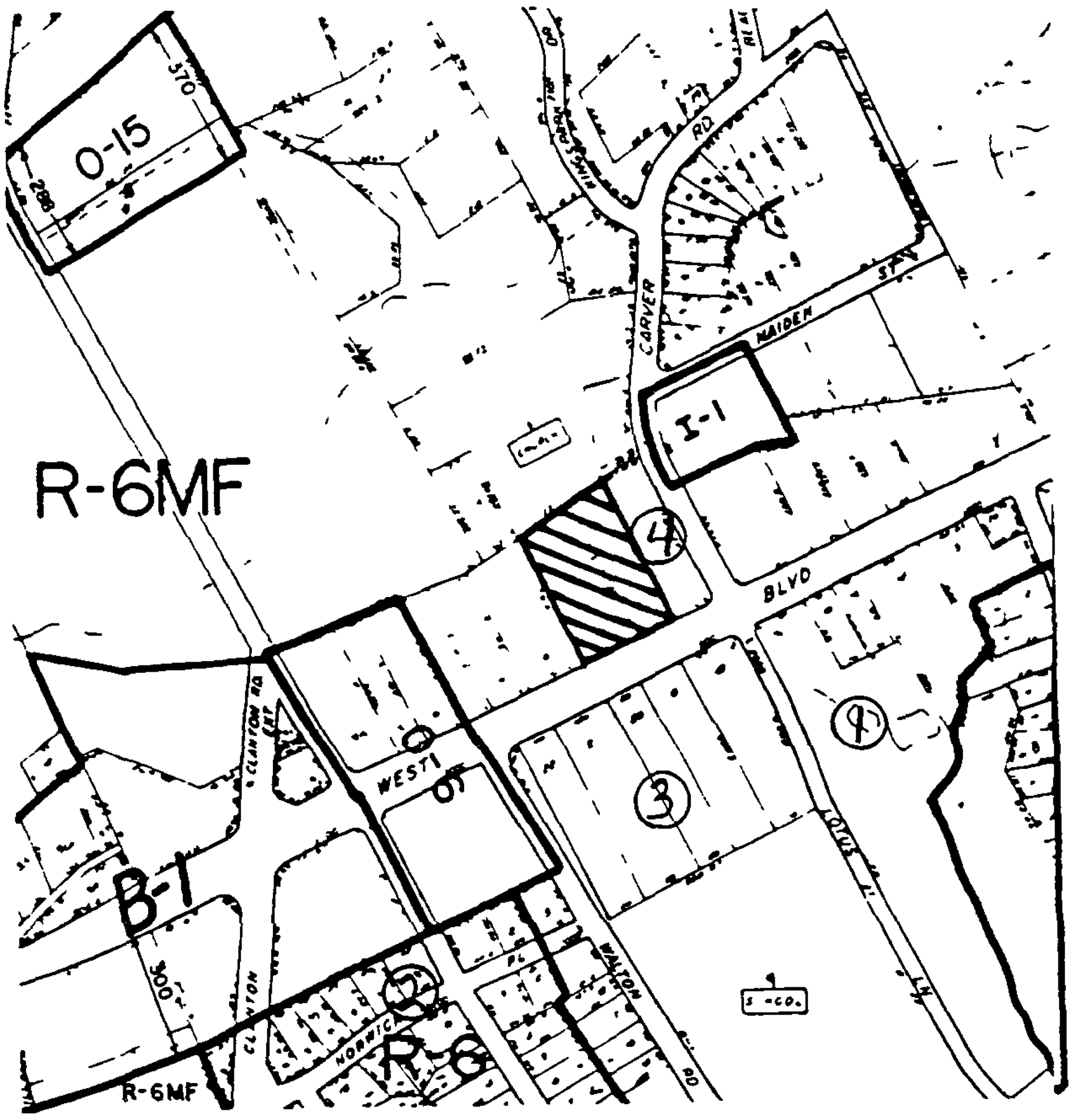
x Robert B. Taft
Signature of Property Owner if Other Than Petitioner

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

#9

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-71

Petitioner: Calgreen Incorporated

Location: 120 acres on the west side of Tyvola Road Extension between York Road and Big Sugar Creek.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned with two single family classifications. The majority of the property in the surrounding area to the southeast and west is also zoned single family. Along York Road can be found properties zoned for B-1, R-12MF, and B-1(CD).

2. Existing Land Use. The property involved with this request is presently undeveloped. To the south of the subject site is an existing single family subdivision and there are other single family properties nearby along York Road. To the north and east of the site across Tyvola Road Extension property is also developed for single family purposes. To the west across York Road is the City's Renaissance Park.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential and some employment land uses in the area of the subject property. It calls for a major park near the intersection of York Road and Tyvola Road Extension as well as a community commercial center at the same intersection. 2005 strategies include the development of Tyvola Road Extension, the development of Renaissance Park, greenway expansion along Big Sugar Creek, and improvements to N.C. 49.

   2. Billy Graham Parkway/Tyvola Road Special Project Plan. The Billy Graham Parkway/Tyvola Road Special Project Plan calls for this property to be used for multi-family housing. Specifically the plan identifies properties opposite Renaissance Park and indicates that they should be developed at a density of 10 to 14 dwelling units per acre. Development should take advantage of the opportunities presented by the large floodplain in the area, the Yorkmont-Springfield Park nearby, and should make use of extensive buffers to protect existing single family areas. Proposals for multi-family housing up to 14 units an acre should be considered on an individual basis with an emphasis on high design standards.

3. Southwest District Plan (draft). The draft Southwest District Plan indicates that this property should be used for multi-family purposes. It specifically indicates that nonresidential land uses should not extend along York Road south of Tyvola Road Extension.

4. Site Plan. The site plan which accompanies this application proposes a mixed use development which includes a substantial nonresidential component. The plan calls for approximately 18 acres of land to be zoned for office development for up to 299,500 square feet of floor area. This portion of the site has its orientation toward Tyvola Road Extension as well as to a major public street to be built connecting Tyvola Road Extension with York Road near Big Sugar Creek. The plan indicates a second area of approximately 34 acres to be devoted to a business park. Even though no specific information about the development of a business park district is required it is estimated that this amount of land would accommodate between 400,000 and 500,000 square feet of floor area. The plan shows two smaller areas totalling just over 12 acres to be rezoned to R-15(CD) and R-12(CD) for single family use. These properties are located to the south of Big Sugar Creek and on both sides of York Road. Both of these areas are heavily impacted by the floodplain of Big Sugar Creek. The remainder of the site totalling approximately 64 acres is proposed to be rezoned to R-9MF(CD) to accommodate up to 950 units of multi-family housing. These areas would have their orientation largely toward the public street to be built through the center of the site and less significant orientation toward Tyvola Road Extension. The plan indicates a 100 foot buffer along the southerly portion of the site adjacent to existing single family developments, buffers ranging from 50 to 75 feet along public streets in the area including Tyvola Road Extension and the major street within the project, and buffers and/or open space areas ranging from 40 to 60 feet along other perimeters of the site and internally along drainageways. The plan proposes an unspecified amount of land to be dedicated to the County's greenway system along Big Sugar Creek. Notes on the plan indicate the petitioner's willingness to provide the necessary transportation improvements and signalization along Tyvola Road and York Road in conjunction with this proposal.

5. School Information.

Elementary	Capacity	Enrollment
Pineville (K-3)	858	774
Nations Ford (4-6)	598	508

Junior High	Capacity	Enrollment
Kennedy	700	660

Senior High	Capacity	Enrollment
Olympic	1,144	1,091

6. Zoning History (See Attached Map).

1. 85-67	B-1 to B-1(CD) & R-9MF to R-12MF	Approved	06/16/86

7. Neighborhood. This project falls within the area defined as the Yorkmont neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the development of a mixed use project on 120 acres of land between Tyvola Road, York Road, and Big Sugar Creek. All of the relevant adopted plans and policies for the area as well as proposed plans for the area indicate that this property should most appropriately be used for residential uses, specifically multi-family housing. In particular, the Billy Graham Parkway/Tyvola Road Special Project Plan which concentrated on the development along the new Tyvola Road Extension identified this property as suitable for multi-family housing at density ranges from 10 to 14 units per acre. As submitted, this petition also includes a significant nonresidential component of office and business park uses. The nonresidential component of this proposal is not consistent with publicly adopted plans and policies for the area. However, the multi-family component of this proposal is consistent with publicly adopted policies 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 indicated at that time that plans for the area called for the property to be used for multi-family housing. The staff also discouraged the petitioner from filing a request which included a significant nonresidential component. Subsequently, the staff has communicated with the petitioners agent a number of concerns regarding both the land use and details of the site plan which accompanied this request. The staff has indicated a continued willingness to evaluate and support a well designed multi-family proposal for the site.

   2. Departmental Comments. This petition generated a number of departmental comments. The vast majority of those comments and concerns have been addressed by the petitioner and with modifications on the revised plan. A major consideration of

this proposal is a traffic study to be prepared by the petitioner and delivered to the City's Department of Transportation. As of the preparation of this report the status of that traffic study and its review is unknown. However, evaluation of the impact of this project on Tyvola Road Extension is especially important. The site plan still contains several minor corrections which need to be made by the petitioner for consistency and clarity. However, none of those details are significant to the fundamental issues of the case.

ISSUES

1. Land Use. This petition raises a significant land use issue. The plan proposes a significant nonresidential component which is contrary to all existing public policies for this area. The petitioners were advised that nonresidential proposals for this site would be inconsistent with the plans for the area. The multi-family portions of the plan are consistent with plans for the area and are worthy of additional consideration. However, the staff believes that the remainder of the site should also be considered for development for residential use and encourages the petitioner to provide a variety of housing styles and densities within the project. As submitted, this petition is not appropriate for approval.

2. Site Plan. The site plan raises several minor technical questions as well as a significant transportation issue. The plan proposes a construction of a public street which would connect York Road with Tyvola Road Extension. The City's Department of Transportation has requested a traffic analysis to evaluate the impact that this proposed street would have on Tyvola Road Extension and the reversible lanes which are installed along Tyvola Road at this point. Any development of this site will have some impact along Tyvola Road and the way in which traffic from this site is handled as a significant public issue. The property does have frontage along York Road and access to the site can be furnished from another major thoroughfare. However, the specific details of the traffic impact must be resolved prior to any approval of this plan. Assuming that the traffic issues can be adequately addressed and that minor technical details on the plan can be addressed by the petitioner then the residential portion of this plan could be considered appropriate for approval. However, with regard to the remainder of the site the land use issue is the overriding concern.

CONCLUSION

In it present form, this petition should not be considered for approval. It is inconsistent with publicly adopted plans and policies for the area and it raises significant concerns regarding traffic impact along Tyvola Road Extension.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-71
Date Filed July 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: R. Marion and Robbie Ross by Ent.

Owner's Address: 2138 Sherwood Avenue
Charlotte, NC 28207

Date Property Acquired: 1/1/75

Deed Reference: 1123-243

Tax Parcel Number: 167-081-04, 167-082-01, 143-221-05

Location Of Property (address or description)

Southerly side of Tyvola Rd., easterly side of York Rd. at Big Sugar Creek.

Description Of Property

Size (Sq. Ft. Acres): 120±

Street Frontage (ft.): 550'± York Rd, 900'± Tyvola Rd.

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9

Requested Zoning: R-15 (CD), R-12 (CD), BP, R-9 UR (CD), OIS

Purpose of Zoning Change: To permit the development of a high quality mixed use development which will include residential, business park and office park uses.

Robert G. Young
Name Of Agent

301 S. McDowell St., Suite 1012
Agent's Address

Charlotte, NC 28204

Telephone Number
334-9157

Calgreen, Inc.
Name of Petitioner(s)

1980 Post Oak Blvd.
Suite 2210
Address of Petitioner(s)

Houston, TX 77056

Telephone Number
(713) 627-1271

Stanley W. Pam Pres.
Signature: William P. Ross
x Robbie Gillis Ross

PETITIONER Calgreen, Inc.

PETITION NO. 89-71 HEARING DATE September 18, 1989

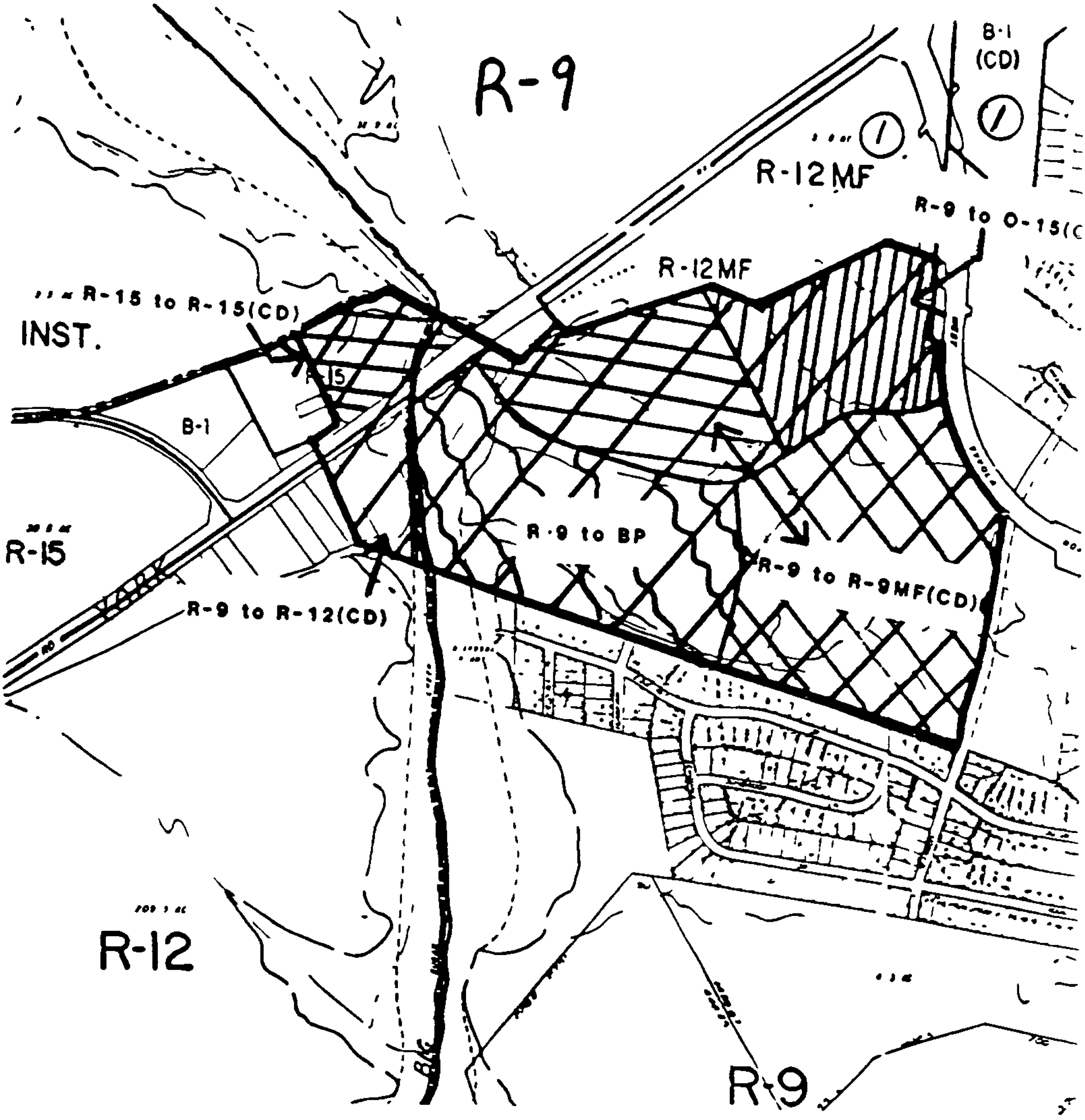
ZONING CLASSIFICATION, EXISTING R-9 & R-15 REQUESTED R-15(CD), R-12(CD), R-9MF(CD), O-15(CD) & BP

LOCATION Approximately 120 acres located on the west side of Tyvola Road Extension extending to York Road at Big Sugar Creek.

SEE ATTACHED MAP

ZONING MAP NO. 127, 133 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
B-1
(CD)
R-12MF
R-9 to O-15(C
R-12MF
R-15 to R-15(CD)
INST.
R-15
B-1
R-15
R-9 to BP
R-9 to R-9MF(CD)
R-9 to R-12(CD)
R-12
R-9

89-71

#10

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-72

Petitioner: Southern Realty Development Corporation

Location: Approximately 2.5 acres bounded by The Plaza, East 34th Street, Hudson Street, and Matheson Avenue.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is predominantly zoned B-1. The subject property also contains a narrow strip of R-6MF zoning along Hudson Street. To the north of the subject property, the nearby area is predominantly zoned R-6MF. Nearby properties along The Plaza are zoned B-1. Properties to the south are zoned R-6 and R-6MF.

2. Existing Land Use. The subject property is the site of a small shopping center consisting of a vacant grocery store, a dry cleaner, and a drug store. Nearby properties located along The Plaza are developed with commercial, single family residential, multi-family residential, and churches. To the north and south of the subject property, the predominant land use is single family residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses along The Plaza and existing residential development to the north and to the south of The Plaza. There are no particular 2005 strategies identified for the general area.

   2. Central District Plan (preliminary draft). The Central District Plan does not identify any specific recommendations for the subject property.

4. Site Plan. The site plan which accompanies this application proposes an expansion of the existing shopping center. The plan indicate that 11,062 square feet would be added to the existing 25,480 square foot shopping center for a total of 36,542 square feet. The plan indicates one driveway along The Plaza, one driveway along East 34th Street, and two driveways along Matheson Avenue. The plan indicates a landscaping strip along all of the adjoining rights-of-way in accordance with the City of Charlotte Tree Ordinance. The plan also indicates a combination of trees and shrubs along Hudson Street where the site adjoins residential zoning. The plan also indicates that the parking lot adjoining Hudson Street is to be below the grade level of Hudson Street and a six foot retaining wall would separate the edge of the parking lot from the planting strip to be installed by the petitioner.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	63-57	B-1 to I-1	Approved	11/14/63
2.	65-116	R-6MF to B-1	Denied	01/04/65
3.	74-54	B-1 to B-2	Denied	01/06/76
4.	79-4	R-6MF to O-6(CD)	Approved	04/02/79
5.	79-53	B-1 to B-2	Denied	10/15/79

7. Neighborhood. This site falls within the area defined as the North Charlotte Neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a combination of multi-family residential and neighborhood business to a conditional neighborhood business district to allow the expansion of an existing shopping center. Publicly adopted plans for the area recognize it as one of existing employment land uses. Therefore, from a land use standpoint, this petition is consistent with publicly adopted land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met with the petitioner prior to the filing of the application and provided technical assistance. Subsequent to the filing of the petition, staff forwarded several site plan related comments and concerns to the petitioner. Some of those comments have been addressed by the revised site plan.

   2. Departmental Comments. There were a number of departmental comments on the subject petition. CMUD indicated that water and sewer services are available to the site. The Engineering Department relayed the standard list of additional ordinance requirements including the tree ordinance and curb, gutter, and sidewalk. The Engineering Department also indicated the need for additional right-of-way on Matheson Avenue and The Plaza. Planning staff had several site plan comments including the need for landscaping in the parking islands and the addition of a note indicating that low growing shrubs or a low wall would be installed to screen parking areas from public streets. The comments revolving around the need for additional right-of-way dedication, the parking islands landscaping and the screening of the parking from public streets were not addressed on the revised plan. The staff recognizes that this is a very constricted site and that full compliance with the right-of-way needs could severely impact the proposed development.

ISSUES

1. Land Use. There are no particular land use issues which accompany this application. The proposed expansion of the existing shopping center is appropriate and is in line with publicly adopted land use plans for the area. Therefore, from a land use standpoint this petition should be considered appropriate for approval.

2. Site Plan. There are several remaining site plan issues which accompany this application. The revised site plan does not provide additional right-of-way dedication or adequate parking lot screening and landscaping. The site is very tight and the proposed development literally consumes every foot of the site. The proposal will improve the existing site and enhance the surrounding area. A determination must be made as to whether the improved site or the needed "optimum" right-of-way is the most important issue. The plan does met all the ordinance minimums and will enhance the site.

CONCLUSION

The outstanding site plan issues which accompany this petition need to be thoroughly discussed prior to a decision on this petition.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-72
Date Filed July 18, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Southern Realty Development Corp.

Owner's Address 700 E. Gervais Street
Columbia, S. C. 29201

Date Property Acquired 1/1/75

Deed Reference 2110-381 Tax Parcel Number 083-109-01

Location Of Property (address or description) Bounded by The Plaza, E. 34th St., Hudson St. and Matheson Ave.

Description Of Property

Size (Sq Ft Acres) ± 2.5 AC. Street Frontage (ft) 355' (The Plaza

Current Land Use Neighborhood retail center (drug store, dry cleaner, and vacant grocery store)

Zoning Request

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

Purpose of Zoning Change To allow for expansion and upgrade of existing neighborhood shopping facility

Robert G. Young
Name Of Agent

301 S. McDowell St. #1012
Agent's Address

Charlotte, N. C. 28204

Telephone Number
334-9157

Southern Realty Development Corp.
Name of Petitioner(s)

700 E. Gervais Street
Address of Petitioner(s)

Columbia, S. C. 29201

Telephone Number

SOUTHERN REALTY DEVELOPMENT CORPOR
X By: John S. Rainey
Signature Vice President

Signature of Property Owner if Other Than Petitioner

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

#11

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-73

Petitioner: Trammell Crow Company - Residential

Location: Approximately 24.4 acres on the south side of Tyvola Road, west of Nations Ford Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as is the vast majority of property in the surrounding area. Nearby along Nations Ford Road can be found a small tract of land zoned B-2. In addition to the land at the intersection of Nations Ford Road and Tyvola Road Extension can be found a tract of land zoned B-1SCD.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties nearby to the south, east, and north across Tyvola Road Extension are developed for single family detached housing. Some distance to the south along Nations Ford Road can be found several small retail uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates a mix of residential and employment type uses in the area of the subject property. 2005 strategies include the extension of Tyvola Road, the improvements to I-77, and a major public park nearby.

   2. Billy Graham Parkway/Tyvola Road Special Project Plan. The Billy Graham Parkway/Tyvola Road Special Project Plan indicates that properties in this area should be used for a variety of housing including single family and multi-family housing. It emphasizes the protection and preservation of existing single family housing stock while creating opportunities for multi-family housing in the 10 to 14 unit per acre density ranges.

   3. Southwest District Plan (draft). The Southwest District Plan indicates that properties in this area should be used for multi-family housing.

4. Site Plan. The site plan which accompanies this application proposes the use of this site for up to 340 units of multi-family housing (13.9 dwelling units per acre). The property has access on Tyvola Road Extension as well as access on Nations Ford Road. The plan proposes the establishment of a 75 foot buffer along Tyvola Road, 40 foot buffers along properties presently used for single family housing as well as along Nations Ford Road, and a

combination 30 foot buffer and side yard along other portions of the site. The plan limits the height of buildings which are most closely related to adjoining residentially zoned properties to two stories and contains a number of accessory uses within the site including a accessory storage area as well as a car wash facility. These accessory features are limited to use by the residents of the project only.

5. School Information.

Elementary	Capacity	Enrollment
Pineville (K-3)	858	774
Nations Ford (4-6)	598	508

Junior High	Capacity	Enrollment
Kennedy	700	660

Senior High	Capacity	Enrollment
Olympic	1144	1091

6. Zoning History (See Attached Map).

1.	65-37	R-9 to B-2	Approved	05/17/65
2.	85-68	B-2 to R-12MF	Denied	11/25/85

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a single family to a multi-family classification. Plans and policies for the area indicate that the desire to create a variety of housing styles in the area and specifically for multi-family housing on this property. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application and discussed the details of the request. Subsequently the staff has communicated a number of questions to the petitioner regarding the site plan.

   2. Departmental Comments. All of the detailed departmental comments have been addressed by the petitioner on the revised

site plan. The City's Department of Transportation expressed the need for a revised transportation impact study and that information has been provided to the Department of Transportation. As of the preparation of this report the analysis of that revised transportation study is not available.

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 multi-family housing at densities ranging from 10 to 14 units per acre. In addition the plans call for the protection of the existing single family housing stock from adverse influences of new development. This plan establishes significant buffers and height limitations for the project where it is most closely related to existing single family housing. Therefore from a land use standpoint this petition is consistent with plans for the area and appropriate for approval.

2. Site Plan. The revised site plan for this proposal has dealt with all of the technical issues raised by various departments and agencies. The plan calls for the creation of up to 340 units of multi-family housing on this property with access both from Tyvola Road and Nations Ford Road. Assuming that the traffic analysis satisfactorily addresses impacts that this project will have on the local thoroughfare system, then 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 89-73
Date Filed July 17, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Estate of Malvena A. Greene

Owner s Address: c/o Nancy M. Greene, P.O. Box 5516
Statesville, NC 28677

Date Property Acquired: January 1, 1975

Tax Parcel Number: 167-072-01 (all), 167-072-02 (all), 167-072-07 (part)

Location Of Property (address or description)

South side of Tyvola Road and west side of Nations Ford Road

Description Of Property

Size (Sq Ft - Acres): 24.46 acres

Street Frontage (ft.): Tyvola: 827 ft
Nations Ford: 400 ft

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9

Requested Zoning: R-12MF (CD)

Purpose of Zoning Change: To allow development of a community of multifamily housing.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Charlotte, NC 28204
Agent s Address

333-1680
Telephone Number

Tramell Crow Company-Residential
Name of Petitioner(s)

2700 One First Union Center
Charlotte, NC 28202-6022
Address of Petitioner(s)

332-3992
Telephone Number

James E. Shuffler 6/20/89
Signature

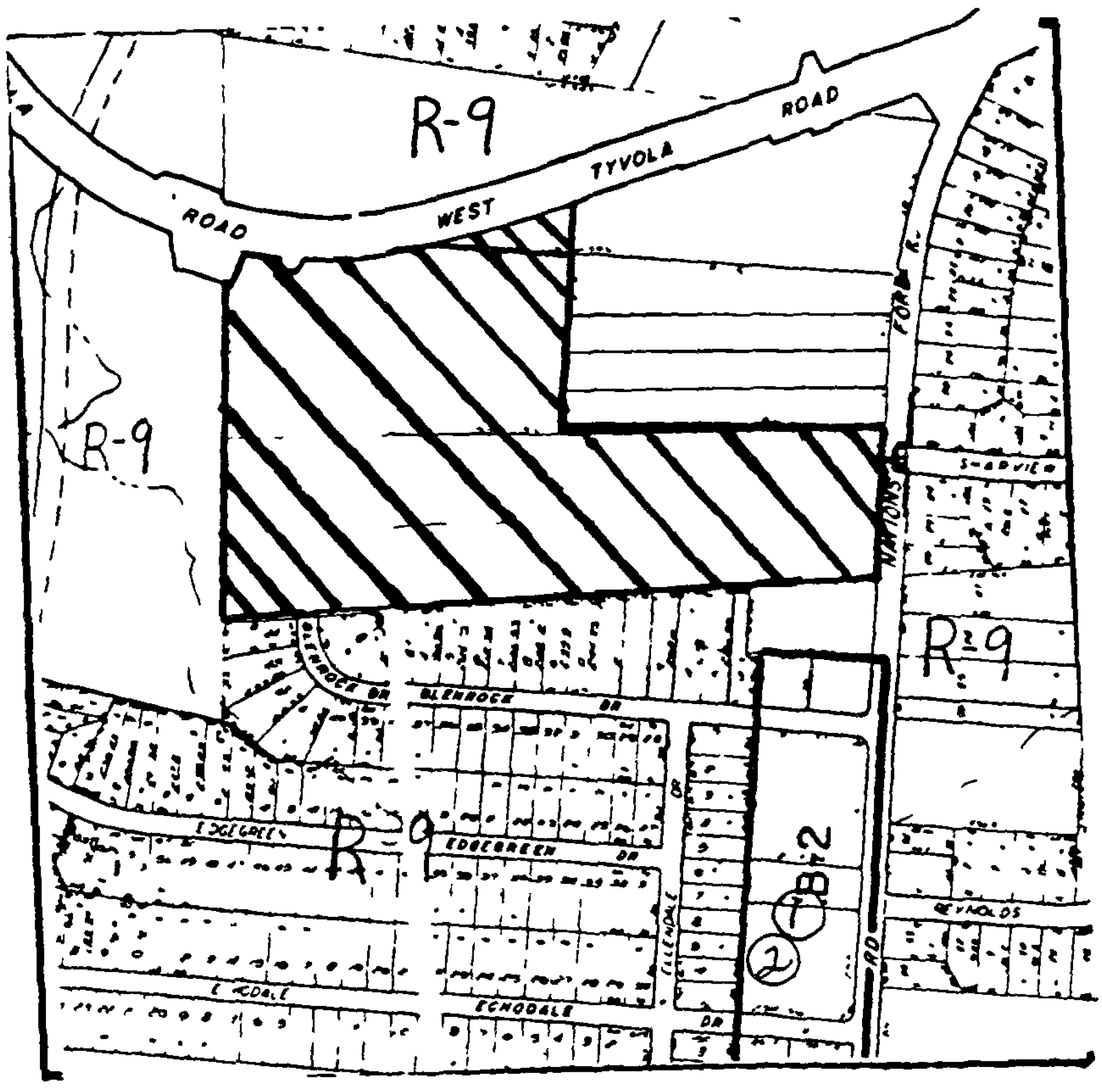
see attachment
Signature of Property Owner If Other Than Petitioner

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

#12

ROBERT G YOUNG INC

August 28, 1989

Mr. Walter Fields
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28204

Dear Walter:

This is to inform you of the intention to withdraw re-zoning petition 89-74 by Cornerstone Capital Associates Although we had seemingly negotiated a successful compromise with the adjoining neighborhoods, late last week we received notification that a neighborhood protest was going to take place instead.

Based on that opposition the owners of the property have decided not to pursue the re-zoning. No further changes to the existing plan will be offered and unless City Council has any questions we do not intend to make any sort of comments or presentations on September 18.

Call me should you have any questions.

Best regards,

Robert G. Young

RGY/d

cc. Pat Sharkey, City Clerk

RECEIVED
1989
OFFICE OF CITY CLERK

301 South McDowell Street Suite 1012 Charlotte North Carolina 28204 (704) 334-9157

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-74

Petitioner: Cornerstone Capital Associates Incorporated.

Location: Eight acres on the west side of Randolph Road south of Sharon Amity Road.

Request: Change from R-15 to R-20MF (Innovative).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 as is a substantial amount of property in the surrounding area. Directly across from the subject site can be found properties zoned R-12 which contain a nursing home under a conditional use permit. To the north and west of the property is an area zoned for multi-family housing and near the intersection of Randolph Road and Sharon Amity Road can be found a variety of nonresidential zoning classifications including O-6, O-15, and B-1.

2. Existing Land Use. The property involved with this request is presently occupied by five single family structures. To the north and west the site is bounded by an existing multi-family housing project. Directly across Randolph Road and to the south of the site can be found existing single family dwellings, as well as institutional uses with frontage on Randolph Road. Near the intersection of Randolph Road and Sharon Amity Road can be found a variety of nonresidential uses including office and retail facilities.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment type uses at the intersection of Sharon Amity and Randolph Roads but residential uses elsewhere in the area.

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

4. Site Plan. The site plan which accompanies this application proposes an innovative housing development consisting of up to 65 residential units on lots with a minimum lot size of 3,000 square feet. Access to the site would be furnished via a single connection to Randolph Road and the site plan includes a club house facility as well as substantial buffer between this project and single family properties to the south. The plan indicates that the structures may include single family as well as duplex housing units with a zero lot line configuration. As of the preparation of this report no revised site plan has been submitted.

5. School Information.

Elementary	Capacity	Enrollment
Cotswold (K-6)	416	539
Junior High	**Capacity**	**Enrollment**
Randolph	1040	969
Senior High	**Capacity**	**Enrollment**
West Charlotte	1716	1679

6. Zoning History (See Attached Map).

1.	66-85	R-12MF, O-15 to B-1	Denied	10/24/66
2.	69-26	R-12MF to Cond. Parking	Denied	03/24/69
3.	73-7	R-12MF to O-6	Approved	03/26/73
4.	74-20	R-15 to R-20MF	Denied	06/17/74
5.	70-57	R-12MF to O-6	Approved	06/08/70
6.	75-53	R-15 to R-12 Cond. Use	Approved	06/17/76
7.	86-82	R-15 to O-15	Denied	08/18/86

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

REVIEWS

1. Plan Consistency. This petition proposes the conversion of single family zoned land to the R-20MF innovative category for single family and duplex housing on small lots. Publicly adopted plans for the area indicate that this property should be used for residential purposes. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met on numerous occasions with the petitioner and property owners prior to the filing of this application. A number of different development scenarios were investigated prior to the filing of the application for a housing development subsequently the staff has communicated a number of technical comments to the petitioner regarding the site plan.

   2. Departmental Comments. A number of detailed comments were communicated to the petitioners agent regarding this site plan. Those comments included concerns about turning radius for firefighting vehicles, the need for the dedication of

additional right-of-way along Randolph Road, questions about whether the streets will be public or private, as well as concern about protection of the substantial number of existing trees on the site. Additional comments related to the configuration of the entrance drive, a proposed wall which surrounded a portion of the project, the need for additional information on individual lot yards and setbacks, and the need to provide additional survey data. As of the preparation of this report no revised site plan has been received which address these issues.

ISSUES

1. Land Use. This petition raises no significant land use issues. It proposes the construction of a innovative project on land presently zoned for single family detached housing. Plans for the area indicate that this property could be used for residential purposes and therefore this request is consistent with public policy for the area and is appropriate for approval.

2. Site Plan. The site plan which is submitted with this application calls for the construction of 65 units of innovative housing consisting of single family and duplex units on lots of at least 3,000 square feet. There are a number of technical issues which are yet to be addressed on this plan. Assuming that those technical issues can be adequately addressed then this petition could be considered appropriate for approval.

CONCLUSION

Assuming that site plan issues can be appropriately addressed this petition could be considered appropriate for approval.

Note. In a letter dated August 28, 1989 the agent for this petitioner has requested that the City Council allow this application to be withdrawn. According to the City of Charlotte Zoning Ordinance that withdrawal can only be allowed by the City Council on the day of the hearing. It is believed that this request for withdrawal is the reason that the petitioner did not file a modified site plan for this property.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-74
Date Filed July 17, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: see attached information

Owner's Address: see attached information

Date Property Acquired: see attached information

Deed Reference: see attached information Tax Parcel Number: see attached inform

Location Of Property (address or description)

fronting on the westerly side of Randolph Rd. opposite Hodgson Rd.

Description Of Property

Size (Sq Ft Acres): 8 ± acres Street Frontage (ft): 703'± Randolph Rd

Current Land Use: single family residential

Zoning Request

Existing Zoning: R-15 Requested Zoning: R-20MF(Innovative)

Purpose of Zoning Change: to provide for an innovative single family residential subdivision

Robert G. Young
Name Of Agent

301 S. McDowell St. #1012
Agent's Address

Charlotte, NC 28204

Telephone Number
334-9157

Cornerstone Capital Assoc., Inc
Name of Petitioner(s)

Philip M. Hayes

Address of Petitioner(s)
212 S. Tryon St., #1660
Charlotte, NC 28281

Telephone Number
342-2141

Signature
see attached

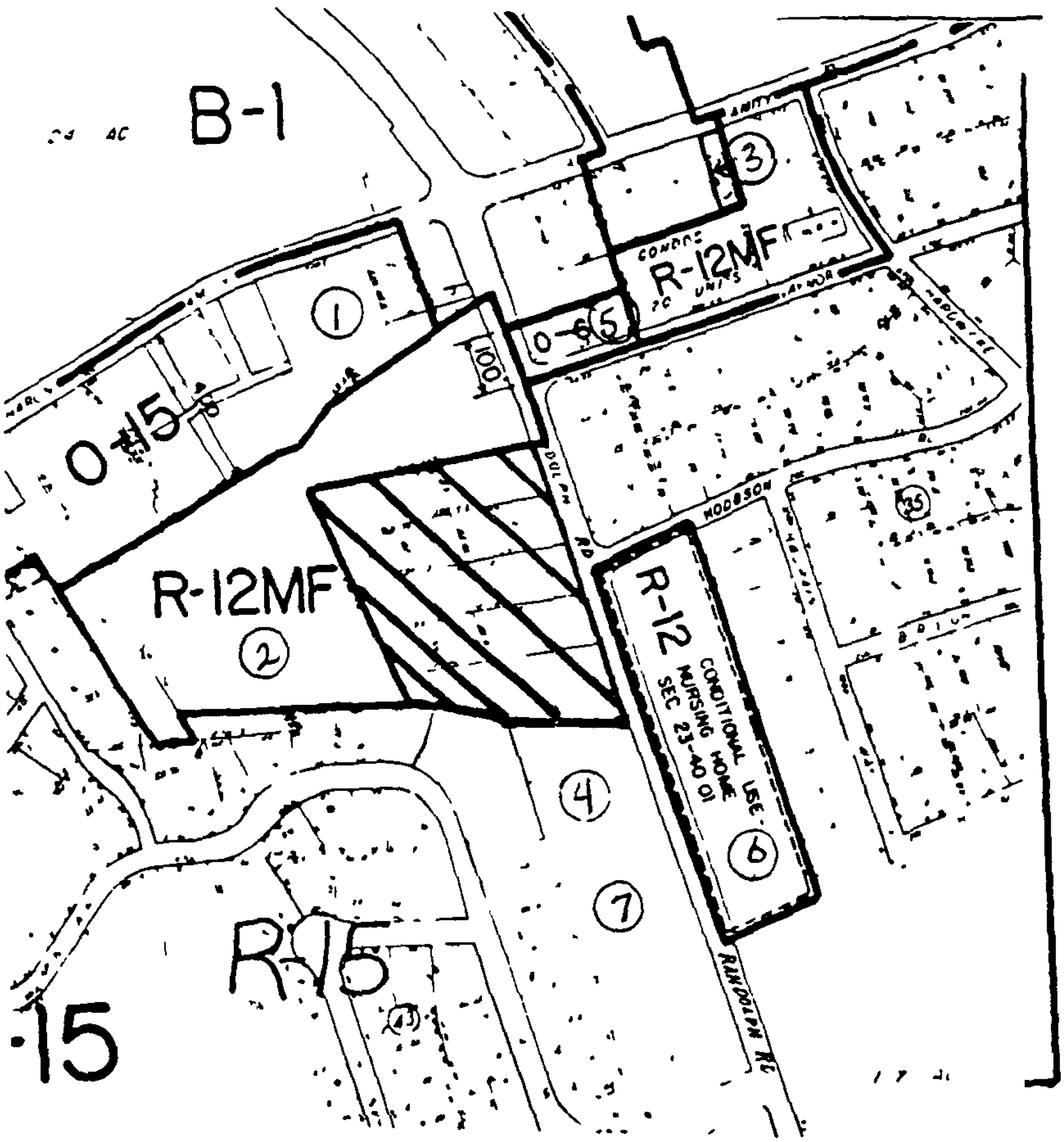
Signature of Property Owner if Other Than Petitioner

PETITIONER Cornerstone Capital Associates, Inc.

PETITION NO. 89-74 HEARING DATE September 18, 1989

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-20MF

LOCATION Approximately 8 acres located on the west side of Randolph Road opposite Hodgson Road.



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

#13

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-75

Petitioner: Panos Properties.

Location: 6.5 acres on the southeast corner of McGill Street and Gloryland Avenue, approximately 400 feet east of North Tryon Street.

Request: Change from B-2 and R-12 to BD(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-2 and R-12. There is only a very small portion of the site zoned B-2 which relates to properties with frontage along North Tryon Street. All of the properties along North Street are zoned B-2. The bulk of the property is zoned R-12 as is the vast majority of properties to east and south of the subject site.

2. Existing Land Use. The property involved with the request is presently vacant. To the west along North Tryon Street can be found a concentration of commercial and office uses including restaurants, a post office, financial institutions, and a small shopping center. To the south and east of the site can be found a scattered single family housing pattern and directly across Gloryland Avenue is located a church.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment type land uses along North Tryon extending to the area of the subject property. 2005 strategies include streetscape improvements along North Tryon Street as well as extending water service to nearby areas.

   2. North Tryon Corridor Study. The North Tryon Corridor Study does not make any specific recommendations for the subject property.

4. Site Plan. The site plan which accompanies the application proposes the development of the site to accommodate the maximum of 60,000 square feet of warehouse and office uses, wholesale sales, and storage buildings with associated loading and parking facilities. The project is proposed to be developed with individual small sites rather than with one or two large structures. The plan calls for a 50 foot undisturbed buffer along the portions of the property which border existing residentially zoned properties. In addition the plan proposes to improve both Gloryland Avenue and McGill Street to serve the site but to abandon portions of both of those streets which are not presently open or

serviceable. There will be no connections from this project to any street which offers access into any residentially developed areas.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1. 66-18	B-2, R-9MF to I-2	Denied	03/07/66
2. 86-42	R-12 to B-2(CD)	Approved	05/19/86

7. Neighborhood. This property does not fall within defined neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes the development of a small business/service park just off of the North Tryon Street Commercial Corridor. Its access will be directly to North Tryon Street and will have no physical connection or relationship to residentially zoned properties nearby. Plans for the area support the notion of nonresidential uses along North Tryon Street Corridor. Therefore, this petition may be viewed as consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this application and reviewed the proposal and offered suggestions as to the development. Subsequently the staff has conveyed a number of comments regarding the site plan for the petitioners consideration.

   2. Departmental Comments. A number of detailed comments were delivered to the petitioner regarding the site plan including the need to specify street improvements, the need to deal with screening between the use and adjoining properties, and the need to provide additional information regarding driveway connections to public streets. The petitioner has addressed all of these concerns on the revised site plan.

ISSUES

1. Land Use. There are no significant land use issues raised by this application. It proposes the development of a business/service park consisting of a number of small structures on a piece of property which relates to North Tryon Street. Access to the site is on the North Tryon Street and public plans and policies for the area support employment type land uses. Therefore, this petition is consistent with those plans and is appropriate for approval.

2. Site Plan. There are no site plan issues which accompany this application. The revised site plan has dealt with all of the technical questions raised by City staff and the plan will be integrated well into the portion of the community for which it is proposed. Therefore, from a site plan standpoint this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval. There are no significant land use or site plan issues which remain to be resolved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 89-75
Date Filed July 18, 1989
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner PANOS PROPERTIES

Owner's Address c/o Mr. Tom Giannibas
7029 Burlwood Drive, , Charlotte, N.C. 28211

Date Property Acquired June 11, 1986

Deed Reference 5252-0323 Tax Parcel Number 049-082-01

Location Of Property (address or description) S.E. corner of McGill St. and Gloryland Ave., approx. 400' east of N. Tryon St.

Description Of Property

Size (Sq. Ft.-Acres) 6.52 acres Street Frontage (Ft.) 1300 L.F.

Current Land Use VACANT

Zoning Request

Existing Zoning R-2, R-12 Requested Zoning B-D(C.D.)

Purpose of zoning change To allow for development of an office-warehouse use, with associated sales, parking, loading and storage.

Sandra Turnbull, Turnbull Design Group,P.A.
Name of Agent

2207 E. 7th St., Charlotte, N.C. 28204
Agent's Address

(704) 375-8154
Telephone Number

PANOS PROPERTIES
Name of Petitioner(s)

7029 Burlwood Dr., Char., NC 28
Address of Petitioner(s)

(704) 366-0188
Telephone Number

Tom Giannibas
Signature

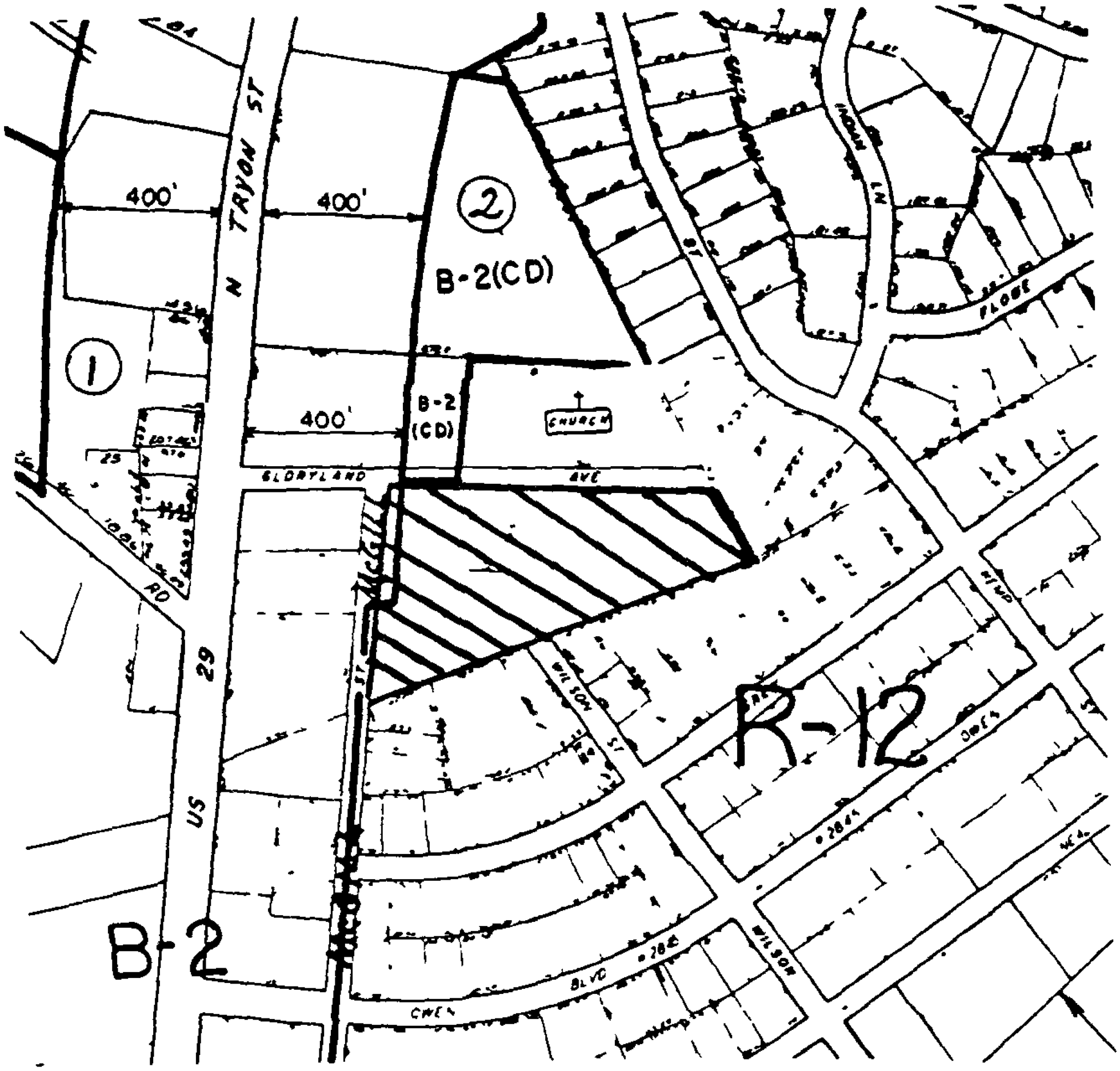
N.A.
Signature of Property Owner if Other Than Petitioner

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 Glorvland Avenue, approximately 400' east of North Tryon Street.



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

PROPERTY PROPOSED FOR CHANGE

#14

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-76

Petitioner: Crescent Land and Timber.

Location: 62.8 acres on the west side of Statesville Road between Cindy Lane and Hutchison-McDonald Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 and B-2. The B-2 portion is the frontage along Statesville Road an area which contains strip B-2 zoning as well as other districts such as B-2(CD), B-1, and I-1(CD). The bulk of the property is zoned R-9 as is the vast majority of the property in the surrounding area.

2. Existing Land Use. The property involved with this request is presently undeveloped. Along Statesville Road can be found a mixture of commercial and residential uses ranging from single family detached housing to a wrecker service. Otherwise the predominant land use pattern in the area is one of scattered single family detached housing. A church adjoins the site directly to the west.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment type land uses in the area of the subject property. 2005 strategies include the improvements to Statesville Road and to Interstate 77.

   2. Derita Small Area Plan (1985). The Derita Small Area Plan called for the properties in this area to be used for multi-family housing. The Derita Plan also recognizes that employment type uses would be located in the general area of the intersection of I-85 to I-77 and along the Statesville Road corridor to the north.

   3. Northeast District Plan (unadopted). The draft Northeast District Plan calls for this property to be used for a mixture of multi-family residential and employment purposes. Cindy Lane would serve as the boundary between nonresidential uses to the south and residential uses to the north.

4. Site Plan. The site plan which accompanies this application proposes the development of this property for a variety of uses including retail, office, offfic/warehouse, and bulk warehouse. The total amount of floor area which could be developed on the site is 862,000 square feet. Access to the site would be furnished via

public and private street connections from Hutchison-McDonald Road and Statesville Road. No access would be gained to the site from Cindy Lane. The plan calls for a 100 foot buffer along a substantial portion of the Cindy Lane frontage with the buffer reducing to 50 feet at its narrowest point. The plan indicates a 100 foot buffer along the westerly side of the site near an existing church and around to existing single family structures which front on Cindy Lane. The plan further indicates a 50 foot buffer along the entire frontage of Hutchison-McDonald Road but no buffer treatment is proposed along this Statesville Road frontage. A revised site plan was not submitted in time to be considered in this staff analysis. However, the petitioner has indicated that the technical issues raised by the staff review will be addressed by the petitioner.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	66-42	R-9 to B-1	Denied	05/31/65
2.	68-7	R-6 to O-6	Approved	01/22/68
3.	68-24	R-9 to B-2	Approved	04/29/68
4.	71-37	R-9 to I-2	Denied	09/13/71
5.	75-34	R-9 to B-2	Approved	11/17/75
6.	75-35	R-9 to B-2	Approved	11/17/75
7.	79-2(c)	B-2 to I-1(CD)	Approved	04/02/79
8.	80-30(c)	R-9 to I-1(CD)	Approved	11/03/80
9.	86-8(c)	I-1(CD) Site Plan Amendment	Approved	04/21/86
10.	89-24(c)	I-1(CD) to R-9	Approved	07/10/89

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

REVIEWS

1. Plan Consistency. This project proposes the development of an office/business/industrial park in the I-77/Statesville Road Corridor. The 2005 Plan and the pending Northeast District Plan allow for the development property in this area for employment type uses as well as multi-family residential uses. The Derita Small Area Plan which was adopted in 1985 calls for the use of this property exclusively for multi-family housing. However, the review of that plan during the preparation of the draft Northeast District Plan shifted the multi-family housing to the north side of Cindy Lane and indicates that this appropriately used for both residential and/or nonresidential uses. Therefore this petition is viewed as consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner on several occasions prior to the filing of this application to discuss the proposal. Subsequently the staff communicated a number of technical concerns regarding the site plan. A revised site plan was prepared but not submitted in time to be considered as part of this staff analysis.

   2. Departmental Comments. A number of technical comments were transmitted to the petitioner regarding the site plan. Those comments included the need for clarification of certain buffers areas, the need to clarify right-of-way dedication, the need to acknowledge the installation requirements for sidewalk on exterior and interior streets, and the need to add notations regarding tree preservation and protection. In addition the City Department of Transportation commented on the alignment of the proposed public street within the project and its relationship to both Hutchison-McDonald Road and Statesville Road. They noted that only three driveways would be allowed from the property onto any single street frontage including Hutchison-McDonald Road. The Building Standards Department indicated that screening would be required along the boundaries of the property where it adjoin residentially zoned land. In addition, several of the conditional notes need to be clarified to coincide with the illustrated plan. None of these comments materially affect the design or the impact of the proposal.

ISSUES

1. Land Use. There are no significant land use issues which accompanied this application. The property is proposed to be developed for employment type land uses in an area where both the 2005 Plan and the pending Northeast District Plan indicates such uses are appropriate. While the Derita Small Area Plan propose multi-family use for this property, subsequent review of that plan has indicated that employment type land uses would also be a appropriate future for the site. Therefore, from a land use standpoint this petition is appropriate for approval.

2. Site Plan. The site plan submitted with the application contains a number of minor deficiencies and technical issues which need to be addressed by the petitioner. The petitioner understands these issues and has indicated that all of the appropriate comments will be addressed. However, a revised site plan was not prepared in time to be considered as part of this staff analysis. Assuming that the technical issues can be adequately addressed at the public hearing then, from a site plan standpoint this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval assuming technical site plan issues can be addressed.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-76
Date Filed July 17, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Champion Contracting Company

Owner s Address Post Office Box 489
Kings Mountain, North Carolina 28086

Date Property Acquired 2-21-84, 2-19-85, 5-29-85

Tax Parcel Number 041-101-02, 041-101-09, 041-101-04

Location Of Property (address or description) West of Statesville Road between Cindy Lane and Hutchinson-McDonald Road

Description Of Property

Size (Sq Ft -Acres) 19.463 acres, 7.97 acres, 35.379 acres

Street Frontage (ft.) 733.98' Statesville Road
2865.48' Hutch.-McDon Rd
1686.59' Cindy Lane

Current Land Use Vacant

Zoning Request

Existing Zoning R-9 / B-2

Requested Zoning I-1CD

Purpose of Zoning Change To permit the development of a mixed use business and industrial park.

Name Of Agent
ColeJenest

Agent s Address
417 East Blvd., Suite 206, Charlotte, NC 28203

Telephone Number
(704) 376-1555

Name of Petitioner(s)
Crescent Land & Timber Corp.

Address of Petitioner(s)
400 S. Tryon St., Ste. 1300, Charlotte N 2

Telephone Number
(704) 373-3012

Richard C Ramon
Signature

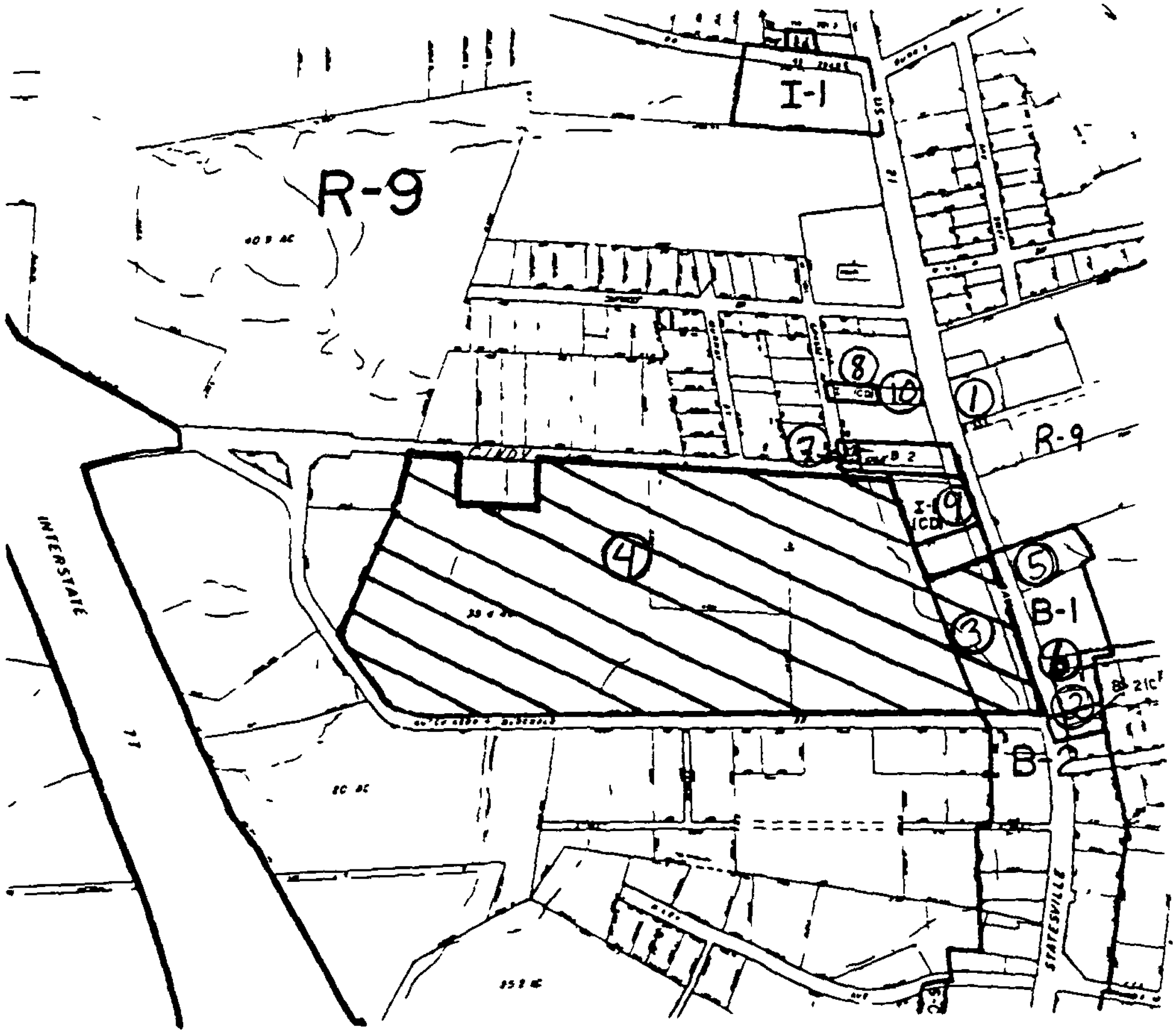
Donna J Betts
Signature of Property Owner If Other Than Petitioner

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

#15

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 89-77

Petitioner: George Slay

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

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-9 as are properties in the surrounding area. Properties along Statesville Road to the east of the site are zoned for business and industrial purposes.

2. Existing Land Use. The property involved with this petition is occupied by a single-family residence. The area to the north of the petitioned site is also developed with scattered single-family residential structures. To the south of the site are a number of large vacant tracts and a church. Numerous commercial and industrial uses can be found along Statesville Road to the east.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment land uses in the area of the subject property. 2005 strategies for the area include water and sewer line extensions.

   2. Transportation Improvement Program. The TIP's listing of proposed roadway improvements includes extension of Cindy Lane from the intersection of Cindy Lane and Statesville Road to the intersection of Nevins Road and Lake Road.

   3. Derita Small Area Plan. The Derita Small Area Plan recognizes the desirability of conditional multi-family residential development in the area between Cindy Lane and Hutchinson-McDonald Road.

   4. Northeast District Plan (pending). The Northeast District Plan (unadopted) recommends the area of the subject property be developed for multi-family residential and/or employment purposes.

4. Site Plan. The site plan which accompanies this application indicates the existing 1,850 square foot residence is to remain for use as a residence and a new 3,300 square foot structure is to be added for use as a rest home. The new structure is to be attached to the rear of the existing residence and will house a maximum of 12 clients. Eight parking spaces are to be located in the rear yard. Screening is indicated on the project edges. The subject

property was recently petitioned for the same zoning change by the same petitioner. The Board of County Commissioners heard the request in February, 1989 and the Planning Commission subsequently recommended approval of the petition. Prior to the scheduled decision date, the petitioner requested a deferral to discuss several issues with State officials revolving around the original concept of using the existing structure for rest home purposes. In the course of the deferral, the City's annexation of the area became effective and the need for another public hearing arose.

5. School Information.

School	Capacity	Enrollment
Statesville Road Elementary	780	605
Ranson Jr. High	754	823
West Charlotte High (White Students)	1,716	1,732
North Mecklenburg High (Black Students)	1,404	1,274

6. Zoning History (See Attached Map).

1.	71-37	R-9 to I-2	Denied	09/13/71
2.	74-36(c)	R-9 to B-2	Denied	01/06/75

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

REVIEWS

1. Plan Consistency. This petition proposes the establishment of a 12 bed rest home facility in an area in which public plans recognize the feasibility of multi-family residential development. Inasmuch as nursing homes and rest homes fall within the multi-family residential category, the request is consistent with public plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The normal staff input and review occurred on this petition while the application was being processed as a County case.

   2. Departmental Comments. Departmental comments indicate that water and sewer services are available to the site. CDOT indicates the site could generate from 30-39 trips per day

under the current zoning. Under the proposed zoning, the site could generate 42 trips per day.

ISSUES

1. Land Use. There are no land use issues which accompany this application. Publicly adopted and pending plans for the area recognize it as one suitable for multi-family residential development. Therefore, the petition is considered appropriate for approval.

2. Site Plan. There are no site plan issues which accompany this application and it is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval inasmuch as it is consistent with publicly adopted plans for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 89-77
Date Filed December 27, 198
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Mr.George L.Slay

Owner s Address 4516 Hidden Valley Rd

Date Property Acquired Dec.15,1988

Deed Reference BOOK 45 PAGE 14 Tax Parcel Number 04110105

Location Of Property (address or description) 2912 Cindy Ln.

Description Of Property

Size (Sq Ft.-Acres) 220/125 27,500 SQ.FT. Street Frontage (ft.) 125/220

Current Land Use Residence

Zoning Request

Existing Zoning R-9 Requested Zoning ~~R-6~~ R-9MF(CD)

Purpose of Zoning Change Rest Home Care

Name Of Agent
Steven Ascher

Agent s Address
1311 East Morehead St

Telephone Number
(704) 375-9336

Name of Petitioner(s)
George L.Slay

Address of Petitioner(s)
4516 Hidden Valley Rd.

Telephone Number
(704) 596-8401

Signature

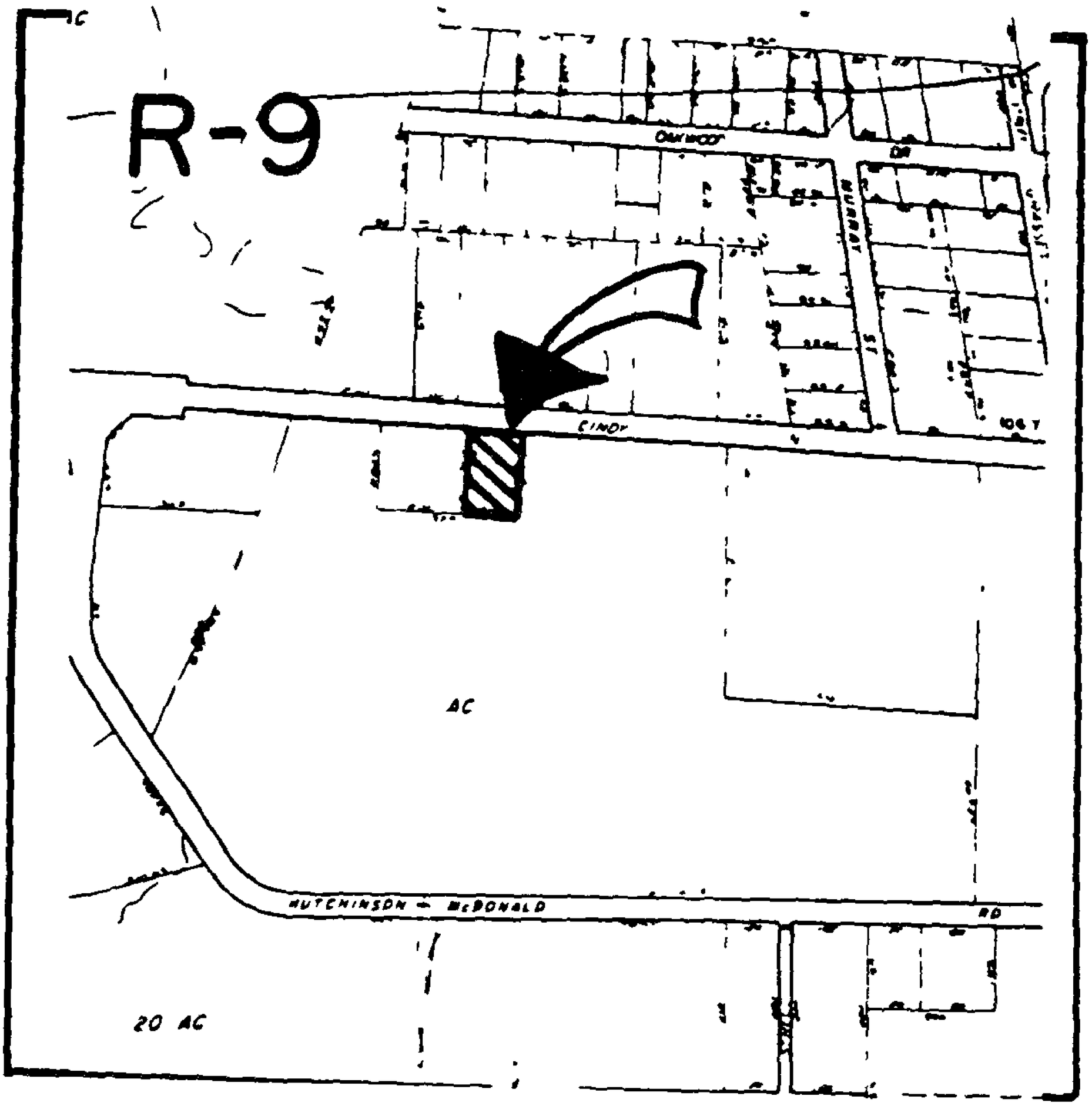
Signature of Property Owner if Other Than Petitioner

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

#16

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

TO: City Council Members
FROM: David A. Howard, Community Planning Manager
DATE: August 21, 1989
RE: South Boulevard Rezonings

On September 18, 1989, the Planning Commission staff will be making a presentation of the proposed rezoning amendments to the South Boulevard Special Project Plan, adopted in 1987. These changes are recommended because land uses have significantly changed in some areas of South Boulevard. Staff has fine tuned the rezoning recommendations in the 1987 plan to address these changes.

Staff has taken these recommended rezoning changes to the Planning Committee for their review. At that meeting, the Commissioners asked that City Council members be given the opportunity to consider the amended rezoning plan before the formal rezoning process begins. Once City Council members approve an amended plan, staff will initiate the rezoning process and schedule a public hearing before Council.

Attached you will find a color xerox of the original 1987 South Boulevard Plan Rezoning and the proposed 1989 changes.

DAH/SA:sls

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

Mecklenburg County
November 7, 1989 Bond Referendum

On November 7 voters in Mecklenburg County will be asked to vote "YES" or "NO" on seven County bond questions. All bond items are improvements needed to meet the needs of a growing community.

The bond package reflects the efforts of the Board of County Commissioners, County staff, and concerned citizens and organizations who have spent many hours reviewing and assessing the capital needs of the County and placing priorities on those needs.

SCHOOL BONDS
$80,130,000
- 179 elementary classroom additions
- maintenance center relocation
- renovations
- 3 new elementary schools
- cafeteria expansion
- media center replacement and renovations
- bus garage addition
- a middle and/or junior high school
- asbestos removal program

NEIGHBORHOOD IMPROVEMENT BONDS
$16,683,000
- channel improvements on Little Sugar Creek
- detention basins for Mallard, McDowell and Gar Creeks

PARK AND RECREATION BONDS
$15,820,000
- development of Jetton Road Park
- Catawba Riverfront Park
- development of the Southeast Community Park
- Phase II of Walden Greenway
- development of a McDowell Park boat access/picnic island
- rehabilitation of existing parks
- a public access facility on Lake Wylie
- new entrance for Latta Plantation Park
- historic preservation/restoration package
- maintenance complex construction
- land acquisition

COMMUNITY COLLEGE BONDS
$8,730,000
- major renovation of four buildings
- renovation of the Learning Resources Center
- acquisition of property

WTVI BONDS
$7,750,000
- tower and transmitting facility improvements
- WTVI facilities upfitting

LIBRARY BONDS
$1,700,000
- UNCC area branch library

GOVERNMENT FACILITIES BONDS
$1,357,000
- renovation of second floor of County Services Center

TOTAL $132,170,000

1989 Mecklenburg County Bond Committee

Chairman:	Bill Covington Executive Vice President NCNB National Bank One NCNB Plaza TO3-6 Charlotte, NC 28255 374-5916
Vice Chairman:	Pete Sloan Chairman of the Board Lance, Inc. P.O. Box 32368 Charlotte, NC 28232 554-5570
Vice Chairman:	Edna W. Chirico (chair-eh-co) 8300 Ballantray Charlotte, NC 28213 547-1690
Vice Chairman:	Ike Heard Owner--Heard Systems 4109 Stewart Andrew Blvd., Ste. J Charlotte, NC 28217 529-0225
Finance Chairman:	John Tate Commercial Banking Manager First Union National Bank 301 South Tryon St. CCO-7-0145 Charlotte, NC 28288 374-3169
Treasurer:	Bob Kreidler Tax Division Administrator Arthur Andersen 2300 Charlotte Plaza Charlotte, NC 28244 332-1488
Schools:	Jane McIntyre 1901 Wandering Way Drive Charlotte, NC 28226 542-1984
Neighborhood Improvements/ Government Facilities:	Elliott Lynch AT&T 3411 Gresham Place Charlotte, NC 28211 335-6585

bond committee22222222

Park and Recreation:	Ed Wadsworth Account Executive Consolidated Planning 4201 Congress Street, Ste. 350 Charlotte, NC 28209 552-8507	
Community College (CPCC):	Bill Claytor Attorney Baucom, Claytor, Benton, & Morgan P.O. Box 35246 Charlotte, NC 28235 376-6527	John Harper VP --Business & College Services CPCC P.O. Box 35009 Charlotte, NC 28235 342-6717
WTVI:	Dale F. Halton President Pepsi Cola Bottling Company of Charlotte P.O. Box 241167 Charlotte, NC 28224 523-6761	Claudia Sturges 2314 Sedley Road Charlotte, NC 28211 366-5208
Library:	Eleanor Morris 1000 Homeplace Drive Matthews, NC 28105 846-4449	Elizabeth Randolph 1616 Patton Avenue Charlotte, NC 28216 375-5069