AGENDA

Meeting Type:	Z
Date	04-16-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

April 16, 1990

FILE COPY

CHARLOTTE

Meetings in April '90

THE WEEK OF APRIL 1 - APRIL 7

1	Sunday, 9 00 a m	CHARLOTTE-MECKLENBURG ART COMMISSION/OmniMax Art Advisory Committee - CMGC, 8th Floor Conference Room
2	Monday, 12 Noon	PLANNING COMMISSION/Work Session - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	CITY COUNCIL WORKSHOP - CMGC, Room 267
3	Tuesday, 2 30 p m	HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
4	Wednesday, 12 Noon	DIVISION OF INSURANCE & RISK MANAGEMENT - CMGC, 10th Floor Conference Room
	Wednesday, 12 15 p m	POLITICAL CONSOLIDATION MEETING - CMGC, Room 118
	Wednesday, 6 30 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Room 118
5	Thursday, 10 00 a m	PARADE PERMIT COMMITTEE - CMGC, 6th Floor Conference Room
	Thursday, 5 30 p m	ADVISORY COMMITTEE ON CMUD POLICIES - CMGC, Room 118
6	Friday, 7 30 a m	PLANNING LIAISON COMMITTEE - CMGC, 8th Floor Conference Room

THE WEEK OF OF APRIL 8 - APRIL 14

8	Sunday, 9 00 a m	CHARLOTTE-MECKLENBURG ART COMMISSION/Aquatic Center Ad Hoc Committee - Main Library, 310 North Tryon Street, Dalton Room
9	Monday, 6 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	CITIZENS HEARING (Televised on Channel 32) - CMGC, Meeting Chamber
	Monday, 7 00 p m	CITY COUNCIL MEETING (Televised on Channel 32) - CMGC, Meeting Chamber
	Monday, 7 30 p m	HISTORIC LANDMARKS COMMISSION - 1221 S Caldwell Street
10	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC 8th Floor Conference Room
	Tuesday, 5 15 p m	OLD COLISEUM ADVISORY COMMITTEE CMGC, Room 267
11	Wednesday, 8 00 a m	CLEAN CITY COMMITTEE - CMGC, Room 270
	Wednesday, 8 30 a m	CHARLOTTE STORMWATER MANAGEMENT CITIZENS ADVISORY COMMITTEE CMGC, Meeting Chamber Conference Room
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD CMGC, 7th Floor Conference Room
	Wednesday, 3 00 p m	HISTORIC DISTRICT COMMISSION/Special Meeting - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - CMGC, 8th Floor Conference Room
12	Thursday, 12 Noon	CITY COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE - CMGC, Room 270
	Thursday, 5 00 p m	CHARLOTTE-MECKELNBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
13	Friday	EASTER HOLIDAY - All City Offices Closed

(CONTINUED ON BACK)

Public Service And Information Department
600 East Fourth Street
Charlotte NC 28202 2861
704/336-2395

THE WEEK OF APRIL 15 - APRIL 21

16	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/Zoning Meeting** - CMGC, Meeting Chamber
17	Tuesday, 12 Noon	**JOINT CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Room 267
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Strawn Apartments Activity Center, 1225 S Caldwell Street
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
18	Wednesday, 10 00 a m	**CIVIL SERVICE HEARING** - CMGC, Rooms 270-271
	Wednesday, 6 30 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
19	Thursday, 10 00 a m	**ADVISORY BOARD FOR CITIZENS WITH DISABILITIES** - Conference Room at Mid Town Square, Independence Blvd & Kings Drive
	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270
20	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

THE WEEK OF APRIL 22 - APRIL 28

23	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING (Televised on Channel 32)** - CMGC, Meeting Chamber
	Monday, 2 30 p m	**CITY COUNCIL MEETING (Televised on Channel)** - CMGC, Meeting Chamber
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Room
24	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 North Tryon Street, Building Standards Training Room
	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** - CMUD, 5100 Brookshire Boulevard
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Room 267
25	Wednesday, 9 00 a m	**CIVIL SERVICE HEARING** - CMGC, Meeting Chamber Conference Room
	Wednesday, 4 00 p m	**SPECIAL TRANSPORTATION ADVISORY COMMITTEE** - CMGC, 6th Floor Conference Room
26	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - Hal Marshall Center, 700 North Tryon Street, Standards Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - Hal Marshall Center, 700 North Tryon Street, Building Standards Conference Room
	Thursday, 6 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Special Committee** - Hal Marshall Center, 700 North Tryon Street, Building Standards Conference Room

THE WEEK OF APRIL 29 - APRIL 30

30	Monday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 South College Street, VIP-B Room

CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndie Patterson*

Stanley M Campbell | *Hoyle H Martin*
Daniel G Clodfelter | *Roy Mattheus*
Ann Hammond | *Ella Butler Scarborough*
Pat McCrory | *Richard Vinroot*
Tom Mangum | *Lynn M Wheeler*

Council Agenda

Monday, April 16, 1990

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Dinner Presentation - Plaza Park

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

Invocation by Dr. Preston Pendergrass, Antioch Baptist Church

ITEM NO.

PUBLIC HEARINGS

1. (90-21) Hearing on Petition No. 90-21 by Pineville Realty Associates, Inc., for a change in zoning from R-9MF to O-6(CD) and B-1(CD) for a 10.2 acres site located on the east side of Cheshire Road at Nivens Road and extending to Mallard Creek Road.

   This hearing was deferred at the March 19 meeting.

   Attachment No. 1

2. (90-26) Hearing on Petition No. 90-26 by Sam Johnson for a change in zoning from R-6MF and R-6MF (Conditional Parking) to B-2(CD) for approximately 1.54 acres located off the east side of US Highway 521 (South Boulevard) to the rear of Metro Lincoln Mercury Merkur Car Dealership.

   Attachment No. 2

3. (90-27) Hearing on Petition No. 90-27 by S. C. Hondros & Associates for a change in zoning from O-15 to I-1(CD) for 2.79 acres located on the southerly side of North Hoskins Road on the east side of Stewart Creek Boulevard.

   Attachment No. 3

4. (90-28) Hearing on Petition No. 90-28 by Billingsley Road Associates for a Site Plan Amendment to an existing O-15(CD) zoning for 7.2 acres located on the south side of Billingsley Road east of Randolph Road.

Attachment No. 4

5. (90-29) Hearing on Petition No. 90-29 by Thomas M. and Dorothy McMillan for a change in zoning from R-15MF to R-15(CD) and I-1(CD) for approximately 2.7 acres located off the northerly side of Alleghany Street west of Heywood Avenue.

This petition addresses issues raised on original petition No. 90-5; therefore it would be appropriate to allow the withdrawal of Petition No. 90-5 to close out the file. Decision on Petition No. 90-5 was deferred indefinitely at the request of petitioners.

Attachment No. 5

6. (90-30) Hearing on Petition No. 90-30 by Kimco Development Corporations for a change in zoning from B-2 to B-1SCD for 13.8 acres on the southeast corner of the intersection of Tyvola Road and South Boulevard.

The petitioner has requested this petition be withdrawn.

Attachment No. 6

7. (90-31) Hearing on Petition No. 90-31 by Kimco Development Corporation for a change in zoning from I-2 to B-1SCD for approximately 12.8 acres located on the southwest corner of the intersection of Woodlawn Road and South Boulevard.

Attachment No. 7

8. (90-32) Hearing on Petition 90-32 by Charles Brewington for a change in zoning from B-1 to B-2(CD) for a .459 square foot parcel located on the east side of Beatties Ford Road, south of Holly Street.

Attachment No. 8

9. (90-33) Hearing on Petition No. 90-33 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 to B-1 for approximately 3.24 acres located along the southwesterly side of Rozzelles Ferry Road between Oregon Street and Norwood Drive.

Attachment No. 9

10. (90-34) Hearing on Petition No. 90-34 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-2 for approximately .394 acres located on the northwest corner of the intersection of East Carson Boulevard and South Boulevard.

Attachment No. 10

11. (90-35) Hearing on Petition No. 90-35 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-1 for approximately 6 acres located on the southwest corner of South Boulevard and Bland Street.

Attachment No. 11

DECISIONS

12. (90-116) Decision on Petition No. 89-116 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 (Thomasboro/Hoskins Plan Implementation) for 57.25 acres at the intersection of Browns Avenue and Freedom Drive and extending to Marmion Drive.

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

This petition was deferred at the March 8 and March 19 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (90-25) Decision on Petition No. 90-25 by the Charlotte-Mecklenburg Planning Commission for a text amendment to establish definitions and develop standards for jails and prisons to be allowed in Institutional, Office, Business, Industrial and UMUD Districts, pursuant to specific development standards for lot size, yards, fences and lightning, and accessory uses.

The Planning Commission recommends this matter be deferred 30 days.

Attachment No. 13

14. (90-17) Decision on Petition No. 90-17 by Wachovia Bank and Trust Company for a change in zoning from I-1 and R-9MF to O-6(CD) for a 1.3 acre site located on the northerly side of North Tryon Street west of Sugar Creek Road.

The Zoning Committee recommends this petition be approved.

Attachment No. 14

15. (90-18) Decision on Petition No. 90-18 by Silver Convenience Centers of Charlotte, Inc. for a change in zoning from R-12 to B-1(CD) for a 3.9 acre site located on the southeast corner at the intersection of Tuckaseegee Road and Little Rock Road.

The Zoning Committee recommends this petition be approved.

Attachment No. 15

16. (90-19) Decision on Petition No. 90-19 by T. Cooper James for a change in zoning from I-1 and O-15(CD) to B-1(CD) for a 5.4 acres site located on the southerly side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.

The zoning Committee recommends this petition be approved.

Attachment No. 16

17. (90-20) Decision on Petition No. 90-20 by E. C. Griffith Company and Laurel Eye Associates for a change in zoning from R-12 to O-15(CD) for approximately 46.5 acres located on the westerly side of Randolph Road at the Billingsley Road intersection.

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

A motion to deny resulted in a three to one vote with one abstention. According to the Planning Commission rules of procedure, this matter is automatically deferred for 30 days and will appear on the April work session agenda.

Attachment No. 17

18. (90-22) Decision on Petition No. 90-22 by Crescent Resources, Inc. for a change in zoning from R-9 to I-1(CD) for a 4.3 acre site located on the southeasterly side of Hutchinson-McDonald Road south of Cindy Lane and extending to I-77.

Councilmembers McCrory and Scarborough were excused from the hearing.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

19. (90-23) Decision on Petition No. 90-23 by Marathon Petroleum Company for a change in zoning from R-12 to B-1(CD) for a 1.2 acre site located on the northeasterly corner of the intersection of Little Rock Road and Tuckaseegee Road.

The Zoning Committee recommends that this petition be denied.

Attachment No. 19

20. (90-24) Decision on Petition No. 90-24 by City View Development Corporation for a change in zoning from R-9MF, I-1 and I-2 to I-1(CD), B-D(CD) and B-1SCD for a 112 acre site located on both sides of Ledwell Street between Freedom Drive and Ashley Road.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (89-95) Decision on Petition NO. 89-95 by City View Development Corporation for a change in zoning from R-9MF to I-1(CD) for approximately 32.3 acres located on the east side of Ashley Road at its intersection with Alleghany Street.

Inasmuch as this petition has been replaced by Petition No. 90-24, the Zoning Committee recommends that the petitioner be allowed to withdraw Petition No. 89-95.

Attachment No. 21

22. Recommend adoption of Resolution setting a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Palmer Fire School (including the interiors and interiors of the education building and the tower, and the land upoin which it is located) as historic property. The property owned by the City of Charlotte is located at 2601 East Seventh Street.

23. Recommend adoption of Resolution setting public hearings for May 21, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 90-36 through 90-45 for zoning changes.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-21

Petitioner: Pineville Realty Associates, Inc.

Location: Approximately 10.2 acres located on the east side of Cheshire Road at Nivens Road and extending to Mallard Creek Road.

Request: Change from R-9MF to O-6(CD) and B-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF as are properties generally to the north and east. The south of the site are properties zoned for a variety of nonresidential categories including O-6, O-9, B-1, and B-2(CD). Some distance to the north, the zoning pattern changes to that of single family R-9.

2. Existing Land Use. The property involved with this request is mostly undeveloped. There is a small commercial use located along the Mallard Creek frontage and the adjacent tract to the south is used for a neighborhood shopping center. There are several churches in the immediate area of the intersection of Nivens Road and Cheshire Road and a funeral home to the south of the site across Mallard Creek Road. Otherwise, properties in the area are used for single family detached housing, are vacant, or are part of the IBM site connected with the University Research Park.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing and developing residential land uses in the area of the subject property. The 2005 strategies include improvements to Cheshire Road, extension of Nivens Road from Cheshire Road to Mallard Creek Road and points east, and improving Mallard Creek Road.

   2. Transportation Improvements Program. The Transportation Improvements Program calls for the widening of Mallard Creek Road and the realignment to intersect with an extended Nivens Road. The plan also calls for the Graham Street Extension to W. T. Harris Boulevard and possible connection to N.C. 49 to the east.

   3. Derita Small Area Plan (adopted 1985). The Derita Small Area Plan calls for property in this area to be used for residential and park purposes. The plan indicates that properties to the south of Nivens Road Extension should be used for a neighborhood business.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to accommodate office and business uses. All of these properties are located to the south of a proposed realignment of Nivens Road. The Derita Small Area Plan previously indicated that Nivens Road should be the boundary line between residential and nonresidential uses but that plan showed the Nivens Road realignment in a different location. Establishing the road in the location shown on the petitioner's site plan has the effect of expanding the amount of land available for commercial uses in conflict with the intent of the original Derita plan. The staff believes that this petition should adhere to the original intent of the Derita Small Area Plan and that this property should be used for residential purposes. Therefore, this petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the petitioner prior to the filing of the application and discussed the proposal. The staff expressed concern about the realignment of Nivens Road and about the proposal to establish commercial development in an area that had originally been considered for residential development. Subsequently, the staff has communicated a number of detailed comments to the petitioner regarding the site plan. In addition, the petitioner is still in negotiation with City Engineering and DOT regarding the exact alignment and timing of the Nivens Road Extension.

   2. Departmental Comments. There are a number of detailed comments regarding conditional notes and information on the plan which have all been addressed by the petitioner. However, there are substantial issues remaining regarding access to the site. The petitioner does not propose to build Nivens Road. The petitioner's expectation is that the center would not be developed until the road was in place. However, the City's Department of Transportation indicated that the petitioner should either provide a traffic impact study explaining how the center would function in its present configuration without Nivens Road or to commit to construct Nivens Road. In addition, the petitioner was asked to provide additional turning lanes along Cheshire Road at the intersection of Nivens Road as well as additional right-of-way. The petitioner has committed to the additional right-of-way but has not proposed to provide the additional left turn lanes. The access issue is a significant matter which must be resolved prior to any action on this request.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 90-21
Date Filed January 16, 19
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: William Glenn Dellinger

Owner's Address: 418 Hillcrest Avenue
Charlotte, NC 28206

Date Property Acquired: March 9, 1971

Deed Reference: 3275-459 Tax Parcel Number: 043-012-08

Location Of Property (address or description)

East of Sugar Creek Road and west of Mallard Creek Road, north of their intersections and south of Rockwell Church Road

Description Of Property

Size (Sq. Ft.-Acres): 10.2 acres Street Frontage (ft.): 278' - Sugar Cre 781' - Mallard C

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9MF Requested Zoning: O-6(CD) & B-1(C

Purpose of Zoning Change: To permit the development of retail and office space to make reasonable use of property drastically affected by the proposed thoroughfare extension of Nevins Road

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Pineville Realty Associates,
Name of Petitioner(s)

P. O. Box 5187
Address of Petitioner(s)

Lake Wylie, SC 29710

Telephone Number
(803) 831-2393

Signature

W. G. Dellinger
Signature of Property Owner if Other Than Petitioner

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 6, 1990

Mayor and City Council:

RE: Petitions to be Heard in April, 1990

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, April 16, 1990 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-26

Petitioner: Sam Johnson

Location: Approximately 1.54 acres located off of the east side of U.S. Hwy 521 (South Boulevard) to the rear of Metro Lincoln Mercury Merkur Car Dealership.

Request: Change from R-6MF and R-6MF (Conditional Parking) to B-2(CD).

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-6MF and R-6MF (Conditional Parking). The properties immediately to the north, east, and south of this site zoned R-6MF, and further east, the zoning is R-9. Along the western boundary of this site are properties zoned B-D(CD) and B-2. Further west, across U.S. Hwy 521 is found B-P and B-D zoned properties with a small existing R-9 site and some scattered I-1 zonings.

2. Existing Land Use. Presently the subject tract of R-6MF (Conditional Parking) is used as an existing parking area for the adjacent car dealership and the R-6MF tract is currently vacant. The adjoining R-6MF and R-9 residentially zoned properties have been developed with multi-family and single family detached dwellings. The B-2 and B-D(CD) tracts along the easterly side of U.S. Hwy. 521 (South Boulevard) are developed with various automobile dealerships, including the petitioner's storage facilities and a restaurant. Along the westerly side of U.S. Hwy 521, the business park and industrial properties are currently under development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates the area of the subject property is one of existing residential land uses. 2005 strategies along South Boulevard indicate streetscape improvements and a potential light rail station and corridor.

4. Site Plan. The site plan which accompanies this petition proposes combining an existing R-6MF (Conditional Parking) and a R-6MF zoned properties under one B-2(CD) site plan. The site plan provides for a 10' buffer area along the residentially zoned properties that will contain a 6' wood fence supplemented by the planting of 4' evergreen hedge. No access to the site is proposed through the residential area. The petitioner has also provided for the dedication of 15' of additional right-of-way and reservation of another 5' of right-of-way along South Boulevard.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-130	R-6MF to B-2, O-6 (AIP)	Approved	11/23/70
2. 71-6	R-9MF to Conditional Parking	Approved	02/08/71
3. 71-103	R-9 to R-6MF	Denied	11/23/71
4. 72-13(c)	R-9 to B-2	Denied	11/20/72
5. 72-98(c)	B-2 to R-9MF	Approved	01/02/73
6. 77-21	R-6MF to Conditional Parking	Approved	03/14/77
7. 80-11	R-6MF to R-9	Denied	05/19/88
8. 81-17	R-9 to I-1 (App. B-D)	Approved	06/08/81
9. 84-9	B-2 to B-D(CD)	Approved	04/16/84
10. 85-24	B-D, I-1, I-2, R-9 and R-15MF(CD) to R-12MF(CD)	Approved	07/15/85
11. 88-28	R-9, R-12MF(CD) and B-D to B-P and I-1	Approved	05/16/88

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

REVIEWS

1. Plan Consistency. This request seeks the rezoning of two residentially zoned tracts to one conditional business district to allow for the expansion of vehicle storage for an existing automobile dealership. One of the tracts involved in this petition is already used for vehicular storage under a conditional parking rezoning approved in 1977. Publicly adopted plans for this area call for the continuation of existing residential land uses. Therefore, this proposal is not viewed as consistent with the publicly adopted plans for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agent for the petitioner prior to the filing of this request. Subsequent to the filing, staff relayed several site plan comments which have been addressed by the revised site plan.

   2. Departmental Comments. Departmental comments indicated the need for better screening between the subject tract and the existing residential districts. Right-of-way dedication was also requested along U.S. Hwy. 521 (South Boulevard). These comments have been addressed on the revised site plan.

ISSUES

1. Land Use. This request seeks rezoning from residential districts to a conditional business district to allow for the expansion of vehicular storage for an existing automobile dealership. The majority of the subject tract is already used for vehicular storage under a conditional parking rezoning approved in 1977. The publicly adopted plans for this are call for the continuation of the residential land use. This rezoning proposal is inconsistent with these plans. While the expansion of the storage facilities under a conditional district will probably result in better protection and separation of the existing residential and nonresidential land uses, this could be accomplished with a less intensive conditional office or B-1 district requiring more intensive screening than the proposed B-2(CD). Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application raises no issues. The petitioner has agreed to provide screening with a wooden fence and supplemental plantings that will protect the existing residential developments. The screening proposed will be an improvement over the existing conditions. The petitioner has also agreed to the dedication and reservation of additional right-of-way along U.S. Hwy. 521 (South Boulevard) although this area is not technically part of this petition. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition may be considered appropriate for approval to a B-1(CD).

*Subject to further refinement following public hearing.

PA 6

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-26
Date Filed February 12, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner SAM JOHNSON.

Owner s Address 7301 SOUTH BOULEVARD
CHARLOTTE NC 28217.

Date Property Acquired PARCEL 2: 05.22.86. PARCEL 3: 02.01.90.

Tax Parcel Number 173-162-17.

Location Of Property (address or description) 7301 SOUTH BOULEVARD.
CHARLOTTE NC 28217. (AT REAR OF).

Description Of Property

Size (Sq Ft Acres) 1.544 ACRES. Street Frontage (ft) NONE.

Current Land Use PARCEL 2: PARKING IN R-6MF ZONED PROPERTY.
PARCEL 3: REAR YARD TO SINGLE FAMILY DWELLING R-6MF.

Zoning Request

Existing Zoning R-6MF (PARKING) + R-6MF. Requested Zoning B-2 (CD).

Purpose of Zoning Change TO PROVIDE ADDITIONAL PARKING AREAS
FOR EXISTING AUTO-DEALERSHIP IN PARCEL 1 ADJACENT

Name Of Agent
DEVELOPMENT SERVICES GROUP.

Agent s Address
P.O. BOX 37182 CHARLOTTE NC 28237.

Telephone Number
704. 342. 4655

Name of Petitioner(s)
SAM JOHNSON.

Address of Petitioner(s)
7301 SOUTH BOULEVARD
CHARLOTTE NC 28217.

Telephone Number
704. 553. 8300.

Sec Treas
Signature

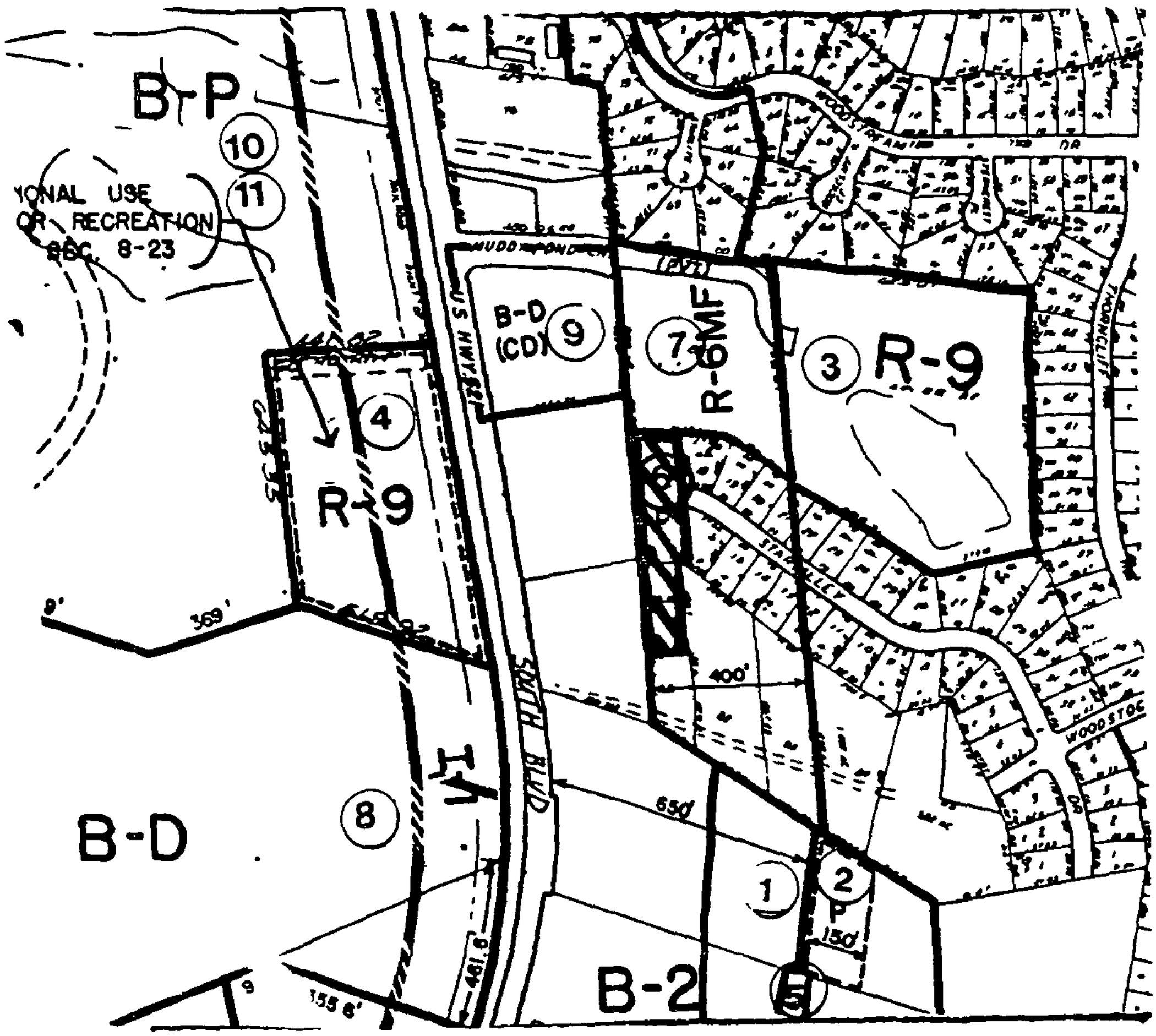
for Sam Johnson
Signature of Property Owner if Other Than Petitioner

PETITIONER Sam Johnson

PETITION NO. 90-26 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING R-6MF & R-6MF(Cond. Parking) REQUESTED B-2(CD)

LOCATION Approximately 1.54 acres located off of the east side of U.S. Hwy 521 (South Boulevard) to the rear of Metro Lincoln Mercury Merkur Car Dealership.



ZONING MAP NO. 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-27

Petitioner: S. C. Hondros & Associates

Location: 2.79 acres located on the southerly side of North Hoskins Road on the east side of Stewart Creek Boulevard.

Request: Change from O-15 to I-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-15 as are nearby properties to the east and west. Properties across North Hoskins Road from the subject site are zoned for single family and multi-family uses and properties to the south of the site along both sides of Stewart Creek Boulevard are zoned I-1.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the north of this site across Hoskins Road are developed primarily for single family detached housing. There also a few vacant tracts north of Hoskins Road as well. Properties to the south of the site along both sides of Stewart Creek Boulevard are either undeveloped or are being developed as part of a business/industrial park. Also in the same vicinity along the I-85 Service Road can be found other commercial and industrial type uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property and a community commercial center nearby. The 2005 strategies include widening and improving the streetscape along Beatties Ford Road.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of Beatties Ford Road from I-85 to Capps Hill Mine Road with construction scheduled to being in FY90.

   3. Westside Policy Plan (1984). The Westside Policy Plan indicates that the current zoning pattern is sufficient to provide for future employment expansion in the area. The plan recognizes the need to limit employment expansion and the need to define and protect residential areas.

   4. Northwest District Plan (unadopted). The draft Northwest District Plan indicates office type uses in the area of the subject property. These uses would form a transition between unrestricted industrial uses to the south and existing and

developing residential land uses to the north of the subject site.

4. Site Plan. The site plan which accompanies this application proposes a development of a manufacturing facility of approximately 12,213 square feet. The plan indicates that 3,000 square feet of this floor area would be office space and indicates that minimum parking requirements will be met. The plan indicates the dedication of five feet of additional right-of-way along the south side of North Hoskins Road and proposes the establishment of a undisturbed buffer along the North Hoskins Road right-of-way adjacent to the site. Though not noted on the plan, a scale indicates that the buffer is the minimum 20 feet required between industrial and residential land uses. The plan provides a very little additional information other than minimum ordinance requirements.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-73	R-6 to O-15 & B-2	Approved	08/30/56
2. 66-27B	R-6 to R-6MF	Approved	03/28/66
3. 69-39	B-3 & R-6MF to I-1	Approved	06/16/69
4. 76-66	R-6, R-6MF, O-6, O-9, & I-1 to R-9, R-15MF, & O-15	Approved	01/17/77
5. 87-78	O-15 & B-2 to B-D(CD)	Approved	10/19/78
6. 89-91	O-15 to I-1(CD)	Withdrawn	01/15/90

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

REVIEWS

1. Plan Consistency. This petition proposes the conversion of existing office zoned land to accommodate industrial uses. The 2005 Plan, Westside Policy Plan, and the draft Northwest District Plan all indicate that this property should not be used for industrial purposes. The 2005 Plan and the Westside Policy Plan indicate that this property is in a border area between industrial uses and residential uses. The Northwest District Plan specifically indicates that these properties should be used for office purposes to serve as a transitional use between unregulated industrial uses to the south and existing and developing residential uses on the north side of Hoskins Road. A recent petition on the adjacent tract of land raised the same issues and was withdrawn by the petitioner prior to the public hearing. This

petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this proposal with the staff prior to filing the application and the staff discouraged the request. Subsequently, the staff communicated a number of minor site plan issues for the petitioner for correction.

   2. Departmental Comments. All of the departmental comments conveyed to the petitioner have been addressed on the revised site plan. Those comments included clarifications for curb, gutter, and sidewalk construction on Hoskins Road, compliance with the tree ordinance, dedication of right-of-way along North Hoskins Road, the 20 foot minimum required buffer along North Hoskins Road, and other modifications dealing with grading in the buffer area.

ISSUES

1. Land Use. This petition raises a significant land use issue. The property involved is presently zoned for office use as are other properties on the south side of Hoskins Road in this area. Further to the south is a concentration of business and industrial districts and uses which have their orientation and access to the Interstate 85 frontage road. Immediately to the north of this site is an existing single family neighborhood with several additional tracts of vacant land yet to be developed for residential purposes. The office zoning in this location provides an appropriate and necessary transition between the heavy industrial and highway orientated uses to the south and the fragile single family community to the north. Changing this to an industrial category brings the industrial uses all the way to the edge of the residential neighborhood. This is an unsatisfactory relationship and the office zoning in this area should be preserved to provide for a mixture of both neighborhood oriented as well as business oriented office uses. From a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes the construction of a 12,000 square foot manufacturing/business facility. The plan contains little more than the minimum submission requirements for a use of this sort except that it does restrict grading in the 20 foot buffer along North Hoskins Road and does propose to dedicate five feet of additional right-of-way along North Hoskins Road even though the petitioner will not use North Hoskins Road for access. The staff believes that if this site is developed as proposed it will have a

significant impact on the streetscape of North Hoskins Road as well as the residential community to the north. From a site plan standpoint, this petition is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It raises both site plan and land use issues.

*Subject to further refinement following public hearing.

79
80

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-27
Date Filed February 12, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner S. C. HONDROS & ASSOCIATES, INC.

Owner s Address P. O. Box 220456

Charlotte, NC 28222

Date Property Acquired 12/01/86

Tax Parcel Number 039-061-17 P. O.

Location Of Property (address or description) Eastern side of cul-de-sac on Stewart Creek Blvd. [illegible]

Description Of Property

Size (Sq Ft Acres) 2.795 Street Frontage (ft) 111.6

Current Land Use Vacant

Zoning Request

Existing Zoning O15 Requested Zoning I-1 CD

Purpose of Zoning Change to allow the construction of a building to house Harris Electronics that would assemble electrical components.

Name Of Agent

Agent s Address

Telephone Number

S. C. HONDROS & ASSOCIATES, INC.
BY: Sam N. Kleto
Name of Petitioner(s)

P. O. Box 220456
Address of Petitioner(s) Charlotte, NC 28222

(704) 377-4614
Telephone Number

S. C. HONDROS & ASSOCIATES, INC.
BY: Sam N Kleto, Vice President
Signature

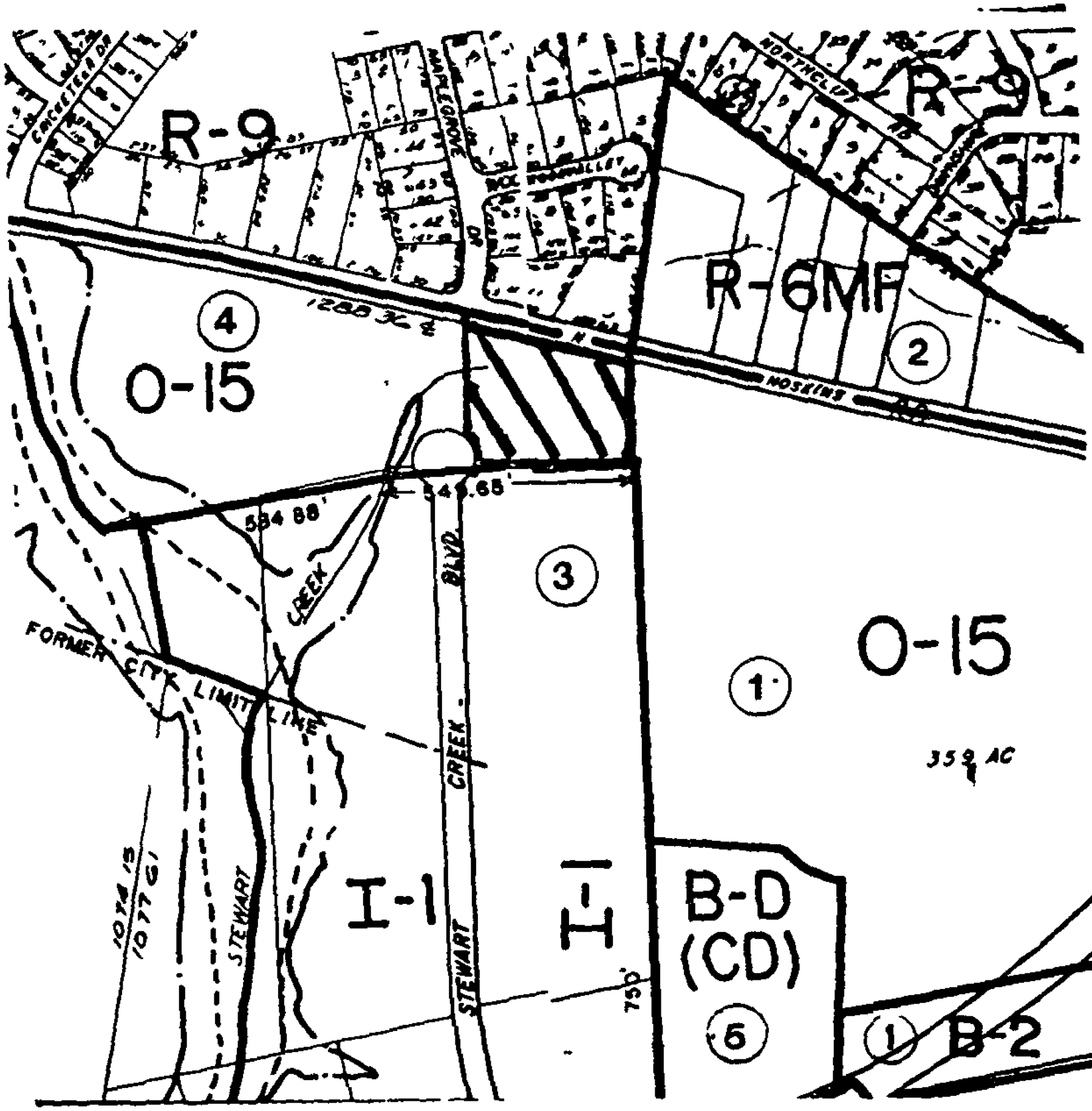
Signature of Property Owner if Other Than Petitioner

PETITIONER S. C. Hondros & Associates, Inc.

PETITION NO. 90-27 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING O-15 REQUESTED I-1(CD)

LOCATION Approximately 2.79 acres located off the southerly side of N. Hoskins Road extending to the east side of Stewart Creek Boulevard Cul-de-sac.



ZONING MAP NO. 79,80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-28

Petitioner: Billingsley Road Associates

Location: A 7.2 acre site on the south side of Billingsley Road east of Randolph Road.

Request: Consideration of an O-15(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-15(CD). Much of the property in the surrounding area is also zoned either O-15(CD) or O-15. Properties some distance to the south and east are zoned for single family uses and properties to the east along Billingsley Road are zoned for multi-family uses.

2. Existing Land Use. The property involved with this request is largely undeveloped but one tract does contain an existing small church building. Properties to the north, east, and west of the subject site are developed for a variety of medical office and institutional uses. Properties along Randolph Road are undeveloped or are used for park purposes. Properties to the south along Wendwood Lane and Wendover Road are used for single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property and a major park nearby. The 2005 strategies include extending the greenway system along Briar Creek Road and the potential for light rail service nearby.

   2. Transportation Improvement Program. The Transportation Improvement Program identifies the intersection of Randolph Road and Wendover Road as a high congestion/high accident location. Intersection improvements are proposed for this area but not designed or programmed at this point and time.

4. Site Plan. The site plan which accompanies this application proposes the revision of an existing site plan to divide the property into two developmental phases and to add an additional 16,100 square feet of floor area. This will bring the overall development potential for the site to 100,500 square feet. The plan indicates four access points to Billingsley Road, two for each phase. The plan also indicates connections from Phase B of the plan to an adjoining tract which is also developed for medical offices. Phase A of the plan would include up to 42,000 square feet of gross floor area and Phase B would include up to 58,500

square feet of gross floor area. The plan is divided into phases based on the ownership of the property and there are no restrictions as to which phase may be constructed first.

It should be noted that this petition is the result of complications arising from the combination of three previously approved petitions. In three separate zoning cases beginning in 1984, the properties involved with this request were individually approved for medical office development with a total development potential of 84,400 square feet of floor area. Phase A of this plan is composed of two previously approved cases with total development rights of 25,900 square feet of floor area. Phase B of this petition is composed of a single tract which was originally approved with 58,500 square feet of floor area. As originally approved, Phase A of this petition, being composed of two separate petitions, had two access points to Billingsley Road. Phase B of this petition which was approved as a separate case also had two access points to Billingsley Road. In October of 1989, the Zoning Committee acting upon representations of some of the property owners and upon a recommendation of the Planning staff administratively combined the three previously approved cases into a single site plan. That site plan was furnished with three access points to Billingsley Road and still included the total developme rights of the previously approved petitions combined. This reque. is prompted by the desire of the property owners to again separate the development into two separate tracts. In the case of Phase A, the property owners are requesting an additional 16,100 square feet of floor area to be added to what was originally approved. Phase B of this petition remains unchanged from what was originally approved.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.		Request	Action	Date
1.	72-7	R-12 to 0-15	Approved	03/20/72
2.	72-38	R-9 to 0-6	Approved	08/07/72
3.	74-6	R-6MF to 0-15	Approved	05/06/74
4.	78-2	R-6MF, B-1, B-2, 0-15, I-2 to R-6, R-9MF, 0-15, & R-12MF	Approved	02/27/78
5.	83-28	R-6MF and R-12 to 0-15(CD)	Approved	09/19/83
6.	84-49	R-6MF to 0-15(CD)	Approved	08/20/84
7.	86-80	R-9MF to 0-15(CD)	Approved	08/18/86
8.	86-119	R-6MF & 0-15(CD) to 0-15(CD) & 0-15(CD) Site Plan Amendment	Approved	02/23/87

9.	87-87	R-6MF to O-15(CD)	Approved	01/18/88
10.	89-26	R-6MF & I-2 to R-9	Approved	04/17/89
11.	89-79	R-6MF to O-15(CD)	Approved	11/20/89

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

REVIEWS

1. Plan Consistency. This petition is a site plan amendment for a previously approved series of zoning cases for office use. Plans for the area indicate that these uses are appropriate in this area and all three petitions have been previously approved in accordance with those plans. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has been heavily involved with this petitioner for a number of months in trying to workout a mechanism to separate the development rights which had been previously combined. Subsequent to the filing of the application, the staff communicated a number of detailed comments to the petitioner for site plan corrections.

   2. Departmental Comments. There were a number of departmental comments from reviewing agencies which dealt with minor corrections or clarifications needed on the plan. All of these corrections have been made by the petitioner. However, one substantial issue remains. At the time the three previously approved zoning cases were combined into a single development plan, the petitioners eliminated one of the four previously approved driveways. In this application, petitioners proposed to restore that driveway so that each individual development phase is furnished with two connections to Billingsley Road. The Department of Transportation indicates that since this is a single development proposal the maximum number of driveways that may be permitted is three. The petitioner indicates that their desire is simply to restore the number of driveways which had been originally approved under the three separate petitions so that each development phase is furnished with two access points.

ISSUES

1. Land Use. This petition raises no land use issues. It it consistent with plans and policies for the area and is an amendment to a previously approved conditional plan adding a small amount of floor area. From a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There is only one remaining issue involved with the site plan accompanying this request. The Department of Transportation has indicated that it will only permit three driveway connections to Billingsley Road. The petitioner seeks through this site plan amendment to restore the four driveways that were originally approved in three different zoning applications on this property. All other site plan matters have been addressed by the petitioner. Subject to the resolution of the driveway issue, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval subject to the resolution of the driveway issue.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-28
Date Filed February 12, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner (1) Billingsley Road Associates Limited Partnership, Suite 100, 717 S. Torrence St., Charlotte, NC 28204; (2) Joseph J. Estwanik, III & Janice C. Estwanik, 1925 Clematis Dr
Owner s Address Charlotte, NC 28211; (3) Thomas M. Hampton & Ann Y. Hampton, 2505 Haymow Court, Matthews, NC 28226

Date Property Acquired 11/30/89; 12/08/89; 11/24/85; 08/06/82; 09/07/79

Tax Parcel Number 157-072-33; 157-072-30; 157-072-29; 157-072-27; 157-072-18

Location Of Property (address or description) South side of Billingsley Road, approximately 665 feet east of Randolph Road.

Description Of Property

Size (Sq Ft Acres) 7.2 acres Street Frontage (ft) 717.5 feet

Current Land Use Vacant

Zoning Request

Existing Zoning O-15 (CD) Requested Zoning O-15 (CD)

Purpose of Zoning Change To continue a unified plan of development which allows for phase development by separate property owners and to increase the maximum square footage from 84,400 square feet to 100,500 square feet.

Name Of Agent
Neil C. Williams

Agent s Address
2600 One First Union Center, 301 S. College St.
Charlotte, NC 28202-6038

Telephone Number : 704/377-2500

Janice C. Estwanik
Janice C. Estwanik

Thomas M. Hampton
Thomas M. Hampton

Ann Y. Hampton
Ann Y. Hampton

Name of Petitioner(s) Billingsley Road Associates Limited Partnership; Joseph J. Estwanik, III, Janice C. Estwanik; Thomas Hampton & Ann Y. Hampton

Address of Petitioner(s) (See above)

Telephone Number : 704/342-4046

Billingsley Road Associates Limited Partnership
By: Diane B. Rivers
Signature Diane B. Rivers

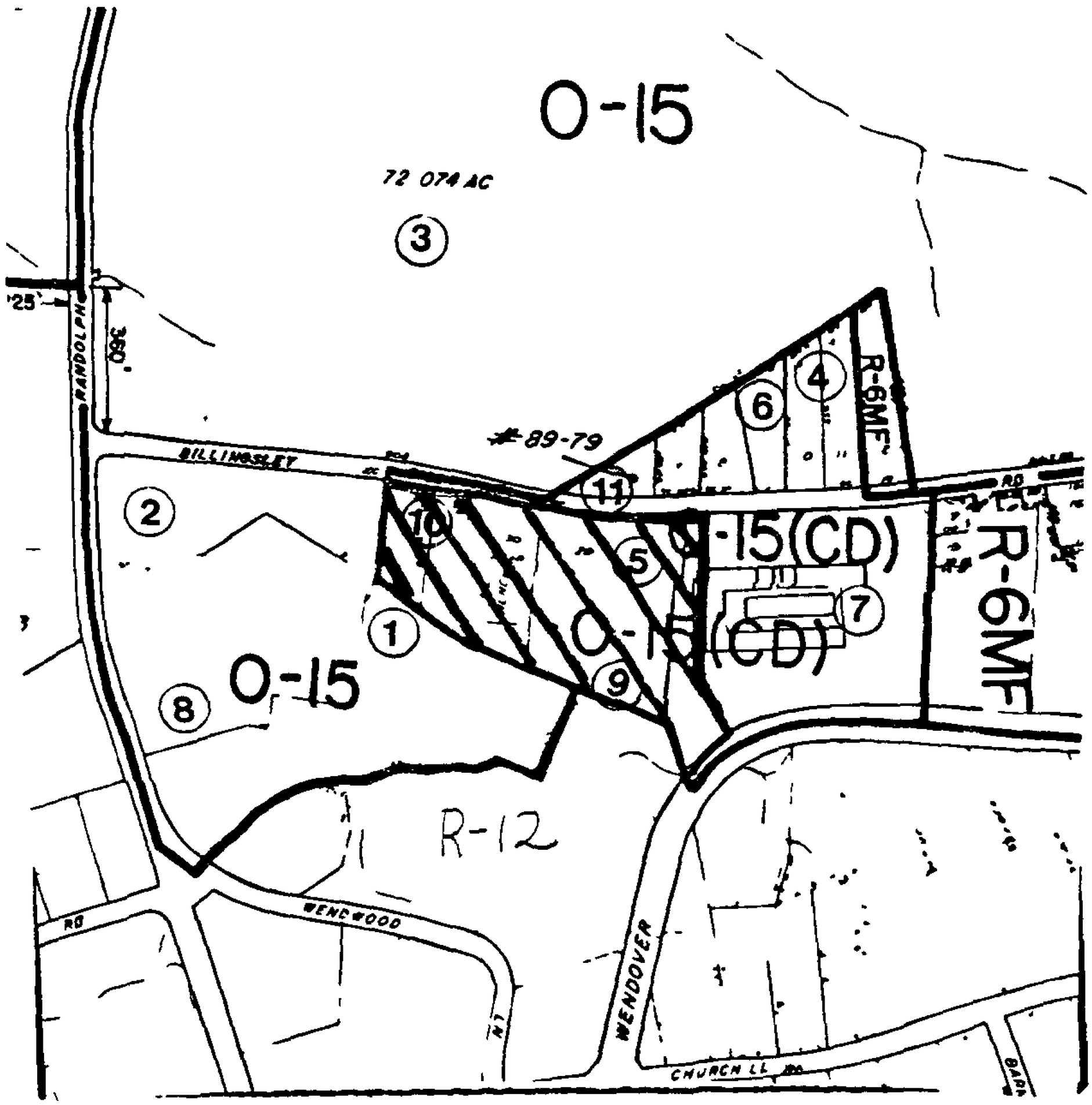
Joseph J. Estwanik, III
Signature ~~[illegible]~~ Joseph J. Estwanik, III

PETITIONER Billingsley Road Associates

PETITION NO. 90-28 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING O-15(CD) REQUESTED O-15(CD) Site Plan Amendment

LOCATION Approximately 2 acres located on the south side of Billingsley Road, approximately 665 feet east of Randolph Road.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-29

Petitioner: Thomas M. and Dorothy McMillan

Location: Approximately 2.7 acres located off of the northerly side of Alleghany Street west of Hayward Avenue.

Request: Change from R-15MF to R-15(CD) and I-1(CD).

BACKGROUND

This petition is in response to issues raised in Petition No. 90-5. A copy of the staff analysis for 90-5 is attached for your review.

ISSUES

1. Land Use. This substitute petition proposes the rezoning of the existing 200 foot multi-family residential zoning strip which runs along the northerly boundary of Alleghany Street to a more restrictive conditional single family residential district. This strip is to remain undeveloped and undisturbed as a permanent landscape buffer. This will provide a transition between industrial development oriented toward I-85 to the north and single family and multi-family residential districts located to the south. This modified petition is viewed as consistent with the publicly adopted plans for this area and has addressed the land use issues raised in the previous petition. From a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan that accompanies this application clearly provides for the subject area to remain as a permanent landscape buffer. Commitments from the petitioner include the provision for supplemental landscaping where the existing vegetation is insufficient to provide the necessary screening. From a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

Land use and site plan issues raised on the original Petition No. 90-5 have been addressed by the filing of this petition through the conditional district approach. Therefore, this petition is appropriate for approval. It would be appropriate to allow the withdrawal of Petition No. 90-5 to close out the file.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-29
Date Filed February 12, 1990
Received By JMCM
OFFICE USE ONLY

Ownership Information

Property Owner Thomas M. & Dorothy K. McMillan

Owner s Address c/o Oliver McMillan, 4660 La Jolla Village Drive, Suite 80
San Diego, California 92122

Date Property Acquired April 28, 1981

Tax Parcel Number 061-133-07 (Portion Of)

Location Of Property (address or description) Alleghany Street

Description Of Property

Size (Sq Ft Acres) 2.741 Acres Street Frontage (ft) 261.99 feet

Current Land Use Vacant

Zoning Request

Existing Zoning R-15 MF Requested Zoning R-15 (CD) I-1 (CD)

Purpose of Zoning Change To accommodate the development of a rear-loaded Office/Warehouse industrial building complex with a permanent 150' wide 1.82 acre landscaped buffer on Alleghany Street.

Name Of Agent
N.J. O'Shaughnessy

Agent s Address
Development Services Group
P.O. Box 37182 Charlotte, NC 28237

Telephone Number
704-342-4655

Name of Petitioner(s)
Charles E. Knox (For the Owners)

Address of Petitioner(s)
817 East Trade Street
Charlotte, NC 28202

Telephone Number
704-372-1360

Charles E. Knox
Signature

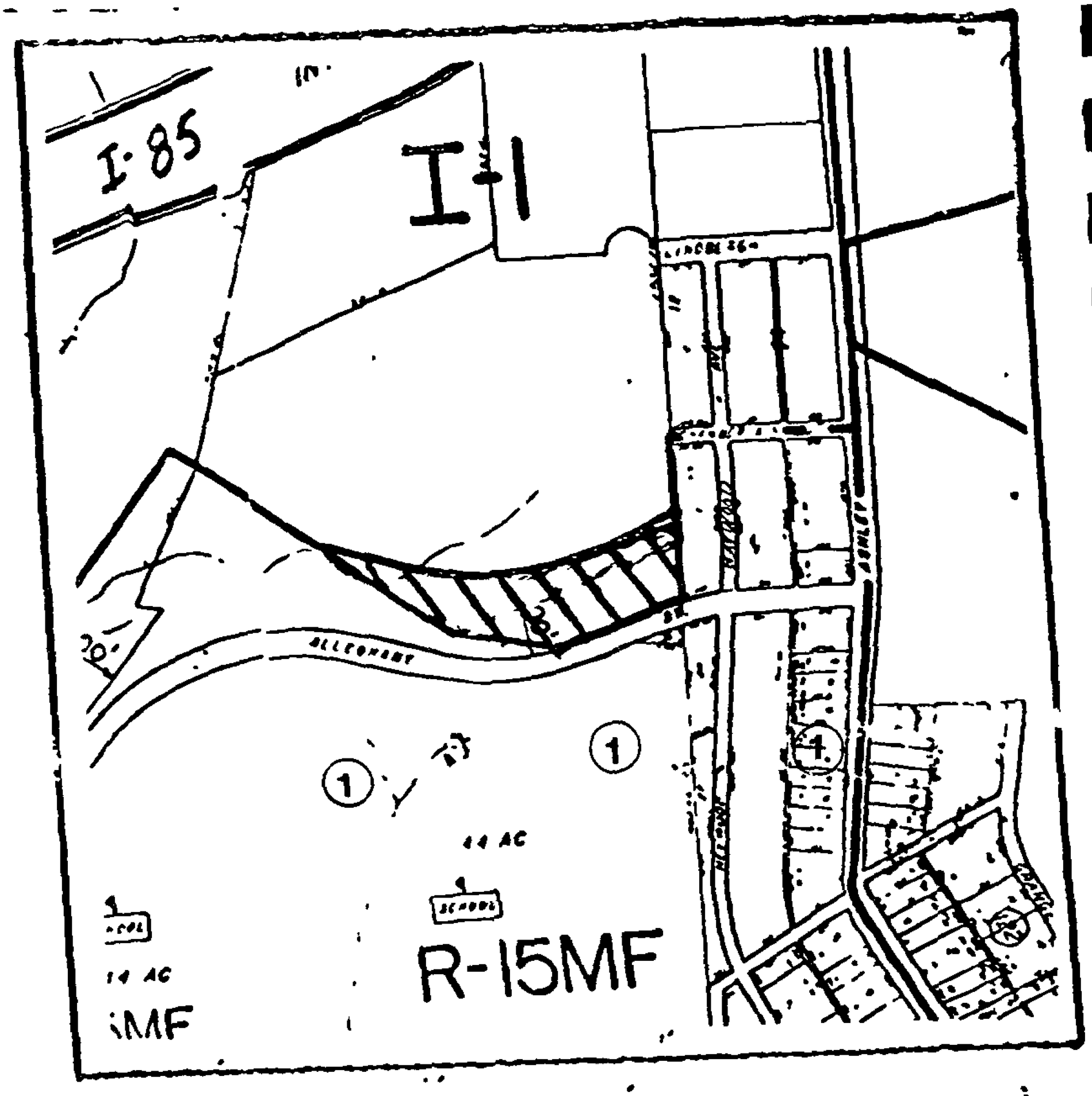
Signature of Property Owner if Other Than Petitioner
See Attached Letter
Dated February 1, 1990

PETITIONER Charles E. Knox

PETITION NO. 90-29 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED R-15(CD) & I-1(CD)

LOCATION Approximately 2.7 acres located off of the northerly side of Allegheny Street west of Haywood Avenue.



ZONING MAP NO. 86 & 87

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-5

Petitioner: Thomas M. and Dorothy K. McMillan

Location: Approximately .701 acres located on the northerly side of Alleghany Street to the west of Haywood Avenue.

Request: Change from R-15MF to I-1.

BACKGROUND

1. Existing Zoning. Property involved with this request is presently zoned R-15MF as are other properties generally to the south of the subject site. Properties to the north are predominantly zoned I-1. Across Ashley Road, properties are zoned a combination of multi-family and industrial districts.

2. Existing Land Use. The property involved with this request is presently vacant. To the north, properties are developed with a combination of commercial and office uses including a gas station, a mini-warehouse, and a U-haul service. To the south across Alleghany Street is Harding High School. Across Ashley Road is the Freedom Mall Shopping Center. Other properties located in the general vicinity are developed with single family residential homes and churches.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates properties lying along I-85 and Freedom Drive are developed with existing employment land uses and properties to the south are developed with existing residential land uses. The subject property lies in the transitional area between the existing employment uses and existing residential uses. The 2005 Plan also recognizes Freedom Mall as a community commercial center. Strategies for the area include the widening of I-85.

   2. Westerly Hills-Ashley Park Small Area Plan. The subject property is included within the scope of the Westerly Hills-Ashley Park Small Area Plan. The plan does not contain any specific recommendations for the subject property though general themes outlined in the plan are to support existing viable neighborhoods by resolving relationships between different land uses as well as land use and zoning conflicts, to identify areas of opportunity and to encourage high quality development in these areas and to address areas that have an image problem.

   3. Central District Plan (pending). The pending Central District Plan envisions the subject property and the adjoining residentially zoned properties as having a residential future.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1. 72-45	R-9MF to R-15MF	Approved	09/21/72

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from a multi-family residential classification to an industrial classification. The subject property lies between an area designated as one of existing employment uses and an area designated as one of existing residential uses by the 2005 Plan. In this case it is difficult to determine the 2005 Plan recommendation on such a small piece of property. However, the more detailed pending Central District Plan does envision the subject property as having a residential future. The Central District Plan recommendation for properties with frontage along Alleghany Street to be developed for residential purposes recognizes the approximately 200 foot wide strip of residential zoning which runs along the northerly side of Alleghany Street as a buffer between the industrial development oriented to I-85 and the multi-family and single family residential uses along Alleghany Street. Therefore in terms of the Central District Plan recommendation, the petition is inconsistent with plans for this area of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this matter with the staff prior to the filing of the application. Staff indicated the need for the application to be submitted through the conditional district approach.

   2. Departmental Comments. Due to the conventional nature of the application, there were very few comments from reviewing agencies. CDOT indicates that the site would generate approximately 35 to 45 trips per day as currently zoned. Under the requested I-1 zoning, the site would result in approximately 42 trips per day.

ISSUES

1. Land Use. This petition proposes the rezoning of properties from a residential district to an industrial district in an area in which the pending district plan calls for residential land uses to be established. The subject property is part of an approximately 200 foot wide strip of multi-family residential zoning which runs along the northerly side of Alleghany Street providing a transition between industrial development oriented toward I-85 to the north and single family and multi-family residential land uses located to the south. Pending plans for the area recognize Alleghany Street as a residential corridor composed predominantly of single family residential homes located further to the southwest of the subject property. The petition proposes an extension of industrial zoning into an already narrow strip of residential zoning. From a land use standpoint, the petition is not considered appropriate for approval without being accompanied by a conditional site plan which could offer an exceptional system of screening to offset the potential impact of additional industrial development. An exceptional system of screening would maintain the goal of the existing residential zoning which is to a provide buffer between the industrial development to the north and the area envisioned for a residential future along Alleghany Street.

2. Site Plan. There is no site plan which accompanies this application. Inasmuch as the subject petition represents an encroachment into an area designed to provide a buffer between industrial development and residential development, the petition should be amended to be considered through the conditional district process to provide an exceptional system of screening for any future residential development along Alleghany Street. Therefore, this petition is not appropriate for approval as submitted.

CONCLUSION

This petition is not appropriate for approval as submitted. It is inconsistent with publicly adopted and pending plans which call for residential development in the area of the subject property. Additionally, the petition as submitted offers no site plan by which to access the impact of the creation of more industrial zoning on adjacent residentially zoned properties.

*Subject to further refinement following public hearing.

ROBERT G YOUNG, INC

March 26, 1990

Ms. Pat Sharkey, City Clerk
600 E. Fourth Street
Charlotte, North Carolina 28204

Dear Pat

As a follow up to our phone conversation from last week please be advised that I am requesting a withdrawal of Petition 90-30 by Kimco Development Corporation. Their property is located at the intersection of South Boulevard and Tyvola Road. Kimco has decided to examine various development options for the site and has concluded that at this time not to pursue the rezoning petition.

Please let me know if there is any problem with the withdrawal.

Best regards,

Robert G Young/d

RECEIVED
MAR 1990
OFFICE OF CITY CLERK

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-30

Petitioner: Kimco Development Corporations

Location: 13.8 acres on the southeast corner of the intersection of Tyvola Road and South Boulevard.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-2 as is most of the frontage property on the east side of South Boulevard north and south of the subject site. The west side of South Boulevard is zoned I-2. To the rear of the subject site is a large area zoned R-9MF and across Tyvola Road can be found two small parcels zoned B-1 and O-6 and a much larger area zoned for R-9 single family uses.

2. Existing Land Use. The property involved with this request is presently the site of an existing shopping center. Properties to the north and south of the subject site along both sides of South Boulevard are used for a wide variety of retail uses. Properties to the west along Tyvola Road are also used for retail uses while properties to the east along Tyvola Road are used for a mixture of multi-family housing, single family housing, and the site for a junior high school.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses along South Boulevard as well as a community commercial center at the intersection of South Boulevard and Tyvola Road. The 2005 strategies include potential light rail corridor in the area and streetscape improvements along South Boulevard.

   2. Transportation Improvement Program. The Transportation Improvement Program identifies South Boulevard as a major thoroughfare which is required to be widen from Woodlawn Road to Tyvola Road. No program for these improvements is yet in place.

   3. South Mecklenburg District Plan. This property falls within the area which will be included in the South Mecklenburg District Plan. Work is scheduled to commence on the South Mecklenburg District Plan this spring to be completed in approximately nine months.

4. Site Plan. The site plan which accompanies this application is barely more than a survey. It indicates that the existing square footage of the shopping center is 180,000 square feet and the

proposed amendment would add an additional 30,000 square feet for a total of 210,000 square feet. This represents a development intensity of over 15,000 square feet per acre or approximately 50% greater than is appropriate for a retail facility of this type. The plan contains three rather general conditional notes indicating compliance with other ordinances.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-104	R-9 to B-1, & 0-6	Approved	08/24/76
2. 71-49	R-9 to 0-6	Denied	07/12/71
3. 70-135	B-2 to Cond. Amusement	Approved	01/04/71

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

REVIEWS

1. Plan Consistency. This petition proposes the addition of commercial floor area to a property already commercially zoned. Plans for the area indicate that properties in this vicinity should be used for employment and retail service purposes. Therefore, the petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. An agent for the petitioner met with staff briefly prior to the filing of this application to discuss the proposal. Subsequent to the filing of the application, the staff communicated a number of comments to the petitioner regarding the inadequacies of the site plan.

   2. Departmental Comments. There were a number of comments from various departments and agencies which reviewed this plan. All of those comments remain outstanding due to the fact that the petitioner did not submit a revised plan for this request.

ISSUES

1. Land Use. This petition raises no significant land use issue. It is consistent with publicly adopted plans and polices for the area and from that standpoint would be considered appropriate for approval. In the context of the review of this petition however, the site plan issues are more significant.

2. Site Plan. There are major unresolved issues regarding the site plan which accompanies this application. The site is already substantially overdeveloped for a retail location and it is not entirely clear that the petitioner can meet present development requirements in order to add to any floor area to this site. No revised site plan has been submitted to accompany this application to the public hearing and, therefore, in its present form it is not even appropriate for consideration as it does not meet minimum submission requirements.

CONCLUSION

This petition is not appropriate for consideration at this point and time due to the insufficiency of the site plan.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-30

Date Filed February 12, 1990

Received By MCM

OFFICE USE ONLY

134

Ownership Information

Property Owner Kimco Development Corporation

Owner s Address P.O. Box C 1044 Northern Blvd.

Roslyn, New York 11576

Date Property Acquired 7/15/86

Tax Parcel Number 171-141-30

Location Of Property (address or description) southeasterly corner of Tyvola Rd. and South Boulevard

Description Of Property

Size (Sq Ft -Acres) 13.8 acres

Street Frontage (ft) 1348 South Blvd 485 Tyvola Rd

Current Land Use Shopping center

Zoning Request

Existing Zoning I-2

Requested Zoning B-1 SCD

Purpose of Zoning Change To permit the expansion of the existing shopping center; the zoning ordinance requires B-1 SCD in order for the expansion to take place

Robert G Young/Robert G. Young, Inc.
Name Of Agent

Kimco Development Corp.
Name of Petitioner(s)

301 S. McDowell St. # 1012
Agent s Address

P.O. Box C 1044 Northern Blvd
Address of Petitioner(s)

Charlotte, N.C. 28204
Telephone Number
334-9157

Roslyn, New York 11576
Telephone Number
(516) 484-5858

X
Signature

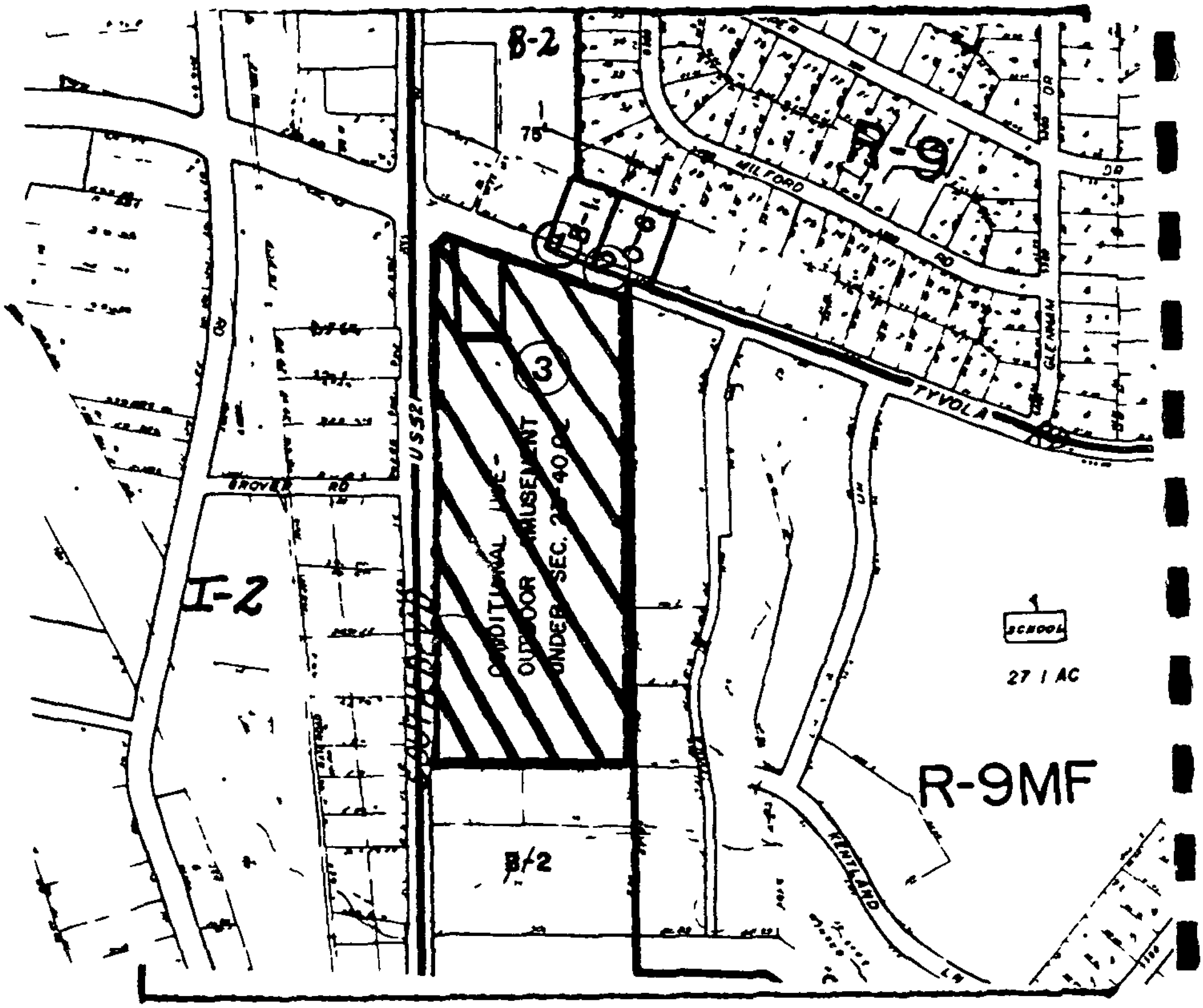
Signature of Property Owner if Other Than Petitioner

PETITIONER Kimco Development Corp.

PETITION NO. 90-30 HEARING DATE April 16, 1990

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

LOCATION Approximately 13.8 acres located on the southeasterly corner of Tyvola Road and South Boulevard.



ZONING MAP NO. 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90- 31

Petitioner: Kimco Development Corporation

Location: Approximately 12.8 acres on the southwest corner of the intersection of Woodlawn Road and South Boulevard.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned I-2 as is the property to the east and north of the subject site along South Boulevard and Woodlawn Road. Properties to the south of the site are zoned B-1SCD and properties across South Boulevard are zoned for a mixture of industrial business and single family residential classifications.

2. Existing Land Use. The property involved with this request is presently the site of the Hechinger shopping center. Properties to the west, north, and east of the subject site along both sides of Old Pineville Road, Woodlawn Road, and South Boulevard are used for a variety of retail, office, highway commercial, and industrial uses. Properties further to the east along both sides of Woodlawn Road are used for single family detached housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment type land uses in the area of the subject property and indicates a community commercial center at the intersection of South Boulevard and Woodlawn Road. The 2005 strategies include streetscape improvements along South Boulevard and the potential light rail corridor in the area.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of Woodlawn Road from I-77 to South Boulevard to six lanes. It further calls for the widening of South Boulevard from Woodlawn Road to Tyvola Road to six lanes. No programmed improvements for either of these projects are presently scheduled. Intersection improvements are scheduled by NCDOT to begin in 1992.

   3. District Plan. This property falls within the area covered by the South Mecklenburg District Plan. Work on the South Mecklenburg District Plan is scheduled to begin of the spring of 1990 and be completed in approximately nine months.

4. Site Plan. The site plan which accompanies this application proposes the addition of floor area to an existing commercial shopping center increasing the total amount of development from

98,459 square feet to 125,900 square feet. This translates to a retail intensity of approximately 10,500 square feet per acre which is viewed as appropriate. The plan indicates the maintenance of two existing driveway connections to South Boulevard and the relocation of one drive and the creation of a new driveway to connect to Woodlawn Road. The petitioner proposes to reserve additional right-of-way along Woodlawn Road and along South Boulevard and indicates that certain of the driveways would be restricted to right-in and right-out movements only. The plan indicates compliance with the tree ordinance including landscaping along Woodlawn Road and on South Boulevard.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-62	B-2 to I-2	Denied	07/12/65
2. 65-76	B-2 to I-1	Approved	08/30/65
3. 67-39	R-6MF, R-9MF, B-2, & I-1 to I-1 & I-2	Approved	06/18/67
4. 73-45	R-9, R-9MF to B-1	Denied	11/26/73
5. 81-33	R-9MF to R-9	Approved	06/22/81
6. 88-83	I-2 to B-1SCD	Approved	12/19/88

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to allow for the expansion of an existing retail facility. Plans for the area indicate the maintenance of existing employment and retail type land uses in the area of the subject property. The intensity of the development proposed by this petition is appropriate for a retail facility of this sort and, 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 an agent for the petitioner prior to the filing of the application and discussed the proposal. Subsequently, the staff communicated a number of comments to the petitioner regarding details on the site plan.

   2. Departmental Comments. There were several small departmental comments regarding details on the site plan. All of those

site plan matters have been corrected by the petitioner. However, several transportation related issues remain. The City's Department of Transportation requested that the petitioner dedicate right-of-way along both Woodlawn Road and South Boulevard up to the standards necessary to accommodate the intersection of two major arterial streets in the future. The petitioner has agreed to reserve this right-of-way but does not proposed to dedicate it. In addition, the Department of Transportation indicated that a proposed driveway on Woodlawn Road should be eliminated and that access should be through internal circulation means. The driveway has been modified to be a right turn in and right turn out access point but it does remain on the plan. Further, the southernmost driveway on South Boulevard was indicated to need a 150 feet of internal channelization. The revised site plan does not indicate that that channelization would be added to the existing driveway.

ISSUES

1. Land Use. This petition raises no land use issues. Plans for the area indicate that this site should be used for employment and retail service type uses which this petition proposes. In addition, the intensity of development here is appropriate for a retail facility of this type and, therefore, from a land use standpoint this petition is considered appropriate for approval.

2. Site Plan. The only remaining issues involved with the site plan which accompany this application deal with specific requests from the City's Department of Transportation. CDOT requested the dedication of right-of-way along Woodlawn Road and South Boulevard which the petitioner has set aside through reservation only. Additional comments regarding driveway connections to both locations have been addressed but not totally complied with by the petitioner. Subsequent to the resolution of these transportation related issues, the site plan is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval subject to resolution of the transportation related issues on the site plan.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

124

Petition No 90 31
Date Filed February 12, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Passive Investors, Inc.

Owner s Address: P. O. Box C 1044 Northern Blvd.
Roslyn, New York 11576

Date Property Acquired: 5/28/68 , 4/89

Tax Parcel Number: 169-012-03

Location Of Property (address or description)

southwesterly corner of Woodlawn Rd. and South Blvd.

Description Of Property

Size (Sq Ft Acres): 12.8 acres

Street Frontage (ft): 340 S. Blvd
513 Woodlawn

Current Land Use: Shopping center

Zoning Request

Existing Zoning: ~~B-2~~ I-2

Requested Zoning: B-1 SCD

Purpose of Zoning Change: To permit expansion of existing shopping center; zoning ordinance requires B-1 SCD in order for expansion to take place

Robert G. Young/Robert G. Young,Inc.
Name Of Agent

301 S. McDowell St. #1012
Agent s Address

Charlotte, N.C. 28204

Telephone Number: 334-9157

Kimco Development Corp.
Name of Petitioner(s)

P. O. Box C 1044 Northern Blvd.
Address of Petitioner(s)

Roslyn, New York 11576

Telephone Number: (516) 484-5858

X
Signature: Todd Cooper

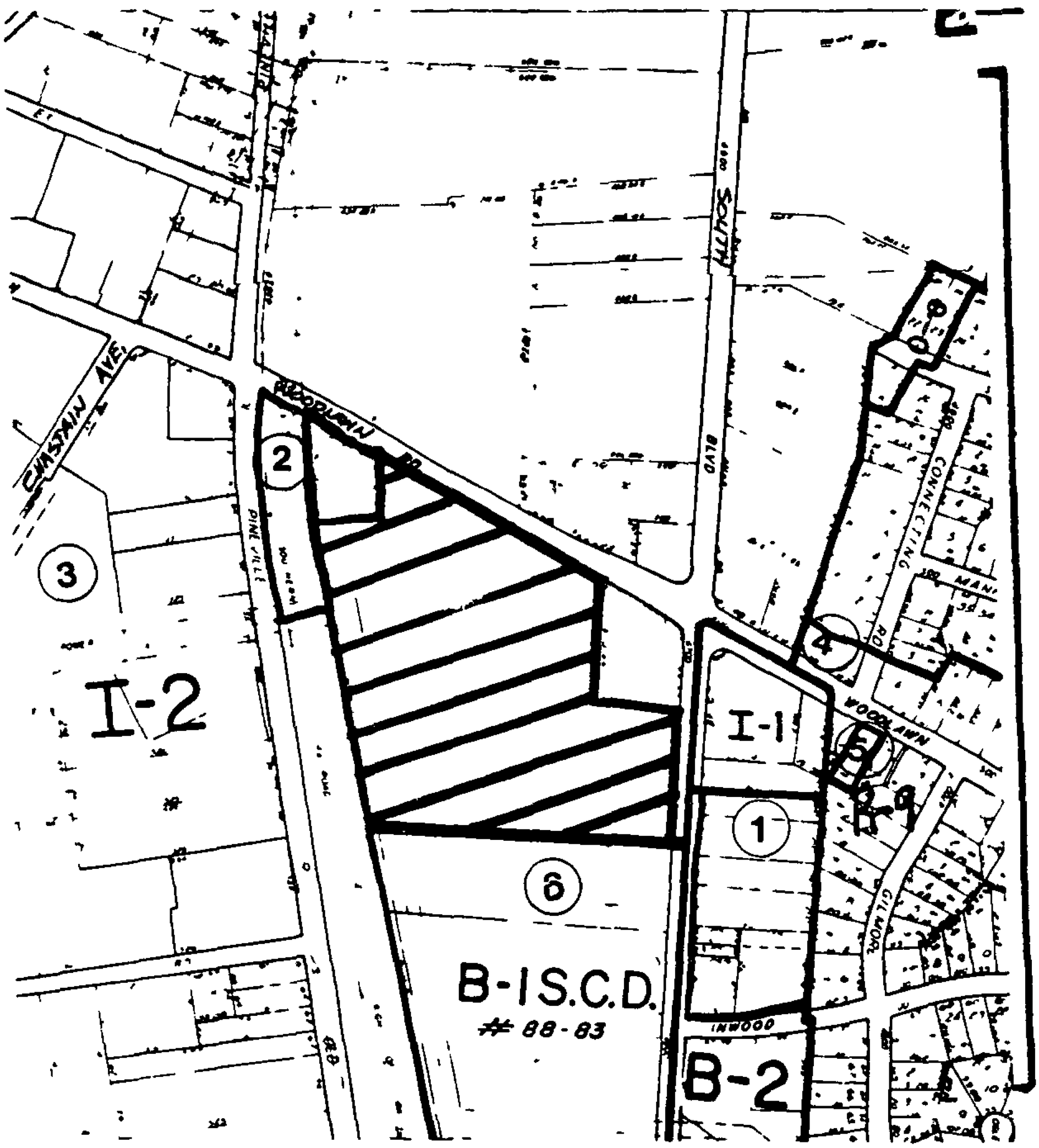
Signature of Property Owner if Other Than Petitioner

PETITIONER Kimco Development Corp.

PETITION NO. 90-31 HEARING DATE April 16, 1990

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

LOCATION Approximately 12.8 acres located on the southwesterly corner of Woodlawn Road and US 521 (South Boulevard).



ZONING MAP NO. 126 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-32

Petitioner: Charles Brewington

Location: A .459 square foot parcel located on the east side of Beatties Ford Road, south of Holly Street.

Request: Change from B-1 to B-2(CD).

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned B-1 as are most of the parcels along both the east and west sides of Beatties Ford Road. There are scattered B-2 sites in the area as a result of existing B-2 uses on those sites. Beyond these business districts to the east and west the existing zoning is a combination of single family and multi-family residential districts.

2. Existing Land Use. The petitioned property is presently developed with an existing building. Along the Beatties Ford Road corridor, existing neighborhood business uses include restaurants, banks, churches, a day care center, and offices. Behind these business districts are developed single family and multi-family residential areas.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. A community commercial center is indicated at the intersection of LaSalle Street and Beatties Ford Road. 2005 strategies include streetscape improvements along Beatties Ford Road.

   2. Transportation Improvement Plan. Beatties Ford Road widening between I-85 and Capps Hill Mine Road is scheduled to begin construction in FY90.

   3. Beatties Ford Road Small Area Plan (adopted 1985). The Beatties Ford Road Plan, indicates neighborhood B-1 land uses for the corridor area including the subject property.

4. Site Plan. The site plan which accompanies this application proposes the development of 4,601 square feet of business space with permitted uses limited to retail sales and service, catering, office, and photo shop. Access to the site is proposed through two driveway connections (one is existing) off Beatties Ford Road. The plan indicates the owner will dedicate 50 feet of right-of-way measured from the centerline along Beatties Ford Road prior to the issuance of any certificates of occupancy. It also states that landscaping and tree planting shall be in accordance with the

streetscape plans for Beatties Ford Road. Screening along adjacent residential properties to the rear is proposed as a 6 foot high chain link fence with decorative PVC slats, and security wire along the top.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	82-22	R-6 to B-1(CD)	Denied	11/21/82
2.	83-49	B-1 to B-2(CD)	Approved	09/19/83
3.	83-6	Fraternal Org. Res. S.U.P. District	Approved	04/19/84
4.	87-3	B-2 to B-1	Approved	04/22/87
5.	87-11	R-6MF to R-15MF	Approved	04/22/87
6.	87-12	R-6MF to R-9MF	Approved	04/22/87
7.	87-15	R-6MF to R-12MF	Approved	04/22/87
8.	87-16	O-6 to R-12MF	Approved	04/22/87
9.	87-17	R-6MF and B-1(CD) to O-6	Approved	04/22/87
10.	87-18	B-1(CD) to R-12MF	Approved	04/22/87

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

REVIEWS

1. Plan Consistency. This request seeks rezoning from a neighborhood business district to a conditional general business district with the permitted uses to be limited to retail sales and service, catering, office, or photo shop. The Beatties Ford Road Small Area Plan (1985) indicates the corridor along Beatties Ford Road that includes this tract to remain B-1 neighborhood business district. This proposal is inconsistent with the publicly adopted plans for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this request. Subsequent to the filing, the staff relayed comments to the petitioner and his agent.

   2. Departmental Comments. Departmental comments indicated the need for 50 feet of total right-of-way to be dedicated along Beatties Ford Road. All parking and maneuvering must be outside this future right-of-way. Comments also included the need for more information relating to proposed screening,

including a detail of proposed fences. These comments have been incorporated into the revised plans.

ISSUES

1. Land Use. This request seeks rezoning of an existing neighborhood business district to a conditional general business district to allow the limited permitted uses of retail sales and service, catering, office, or a photo shop. The Beatties Ford Road Small Area Plan (adopted 1985) clearly indicates this area to remain as a B-1 neighborhood business district. In fact, the subject property is in the area of several rezonings to less intensive uses as a direct result of the Beatties Ford Road Small Area Plan recommendations. Rezoning of this property to a conditional general business district could allow for the development of "highway" oriented businesses rather that the neighborhood business visualized in the publicly adopted plans. Therefore, this request is considered inappropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this request also raises some issues. The primary issue deals with the protection of the residential areas to the rear of the petitioned site. Screening is proposed to be accomplished entirely by a 6 foot chain link fence with decorative PVC slats and security wire along the top of the fence. No landscaping is proposed to buffer the area. Additionally, the entire site is shown as potentially covered with building, driveways, and parking. The only landscaped areas are shown to be along Beatties Ford Road, the majority of which is presently within the area to be dedicated as additional right-of-way. Notes on the plan do indicate that any landscaping and tree planting along the Beatties Ford Road frontage will be in accordance with plans for Beatties Ford Road. However, from a site plan standpoint, this petition is not appropriate for approval.

CONCLUSION

The petition is not appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-32
Date Filed February 12, 1990
Received By MCM
OFFICE USE ONLY

19

Ownership Information

Property Owner Charles L. Brewington

Owner s Address 2340 Beatties Ford Road, Charlotte, Mecklenburg County, North Carolina

Date Property Acquired March 25, 1985

Tax Parcel Number 075-021-02

Location Of Property (address or description) 2340 Beatties Ford Road - near interstate 85 within North Central Section of Charlotte

Description Of Property

Size (Sq Ft Acres) 4,601 Square Feet Street Frontage (ft)

Current Land Use Small Offices and Retail

Zoning Request

Existing Zoning B1 Requested Zoning B2(CD)

Purpose of Zoning Change We request that the area encompassing the facility (which is currently within zone B1) be rezoned. The reclassification of the area under zone B2 will allow the shopping center to attract those businesses restricted under current B1 regulations.

Name Of Agent
Laura McClettie

Agent s Address
3623# 210 Latrobe Dr.

Telephone Number
704 535-5370

Name of Petitioner(s)
Charles Brewington

Address of Petitioner(s)
2340 Beatties Ford Road

Telephone Number
704 392-9801

Charles L. Brewington
Signature

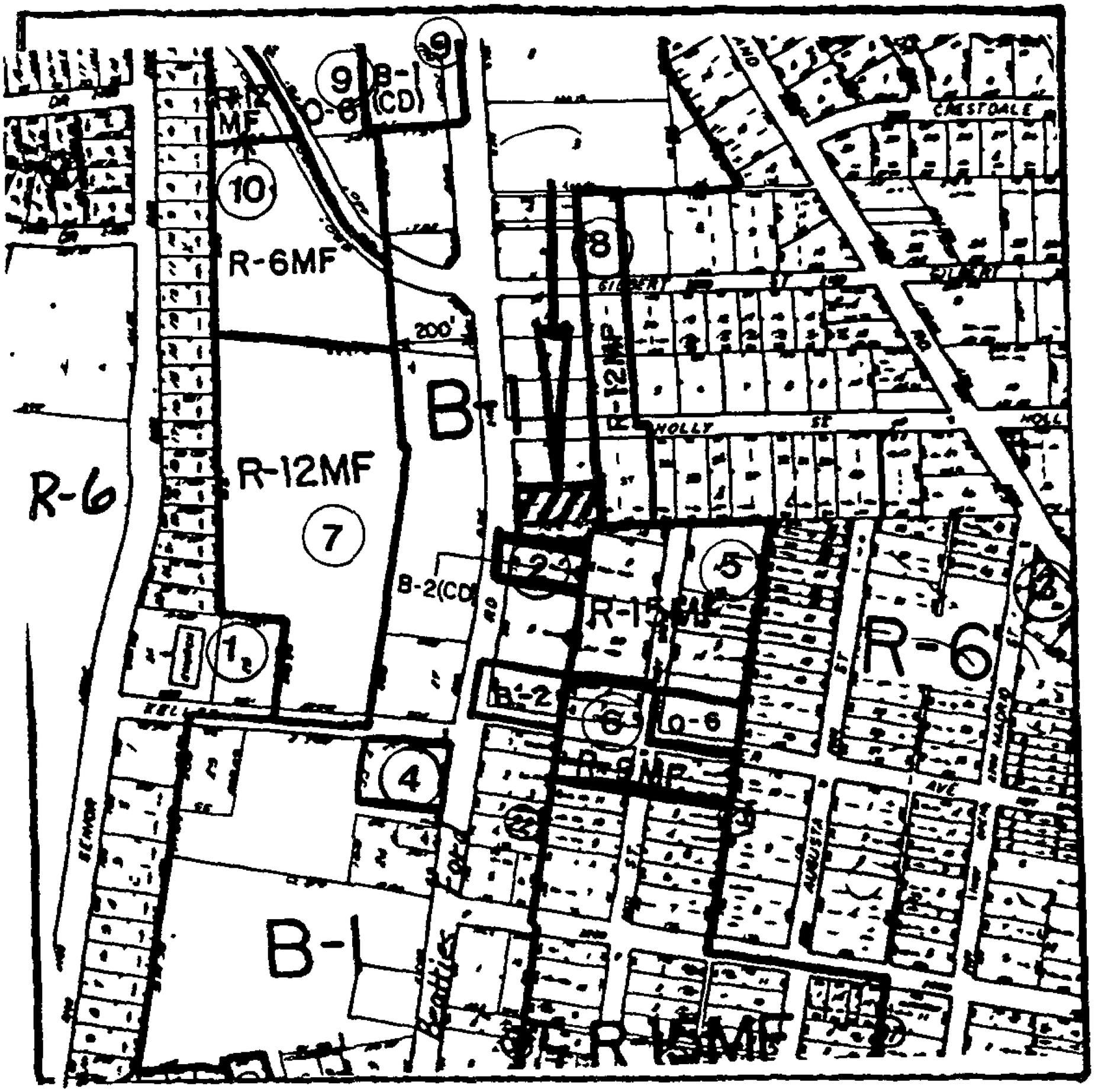
Charles L. Brewington
Signature of Property Owner if Other Than Petitioner

PETITIONER Charles Brewington

PETITION NO. 90-32 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2 (CD)

LOCATION A 4,601 square foot parcel located on the east side of Beatties Ford Road south of Holly Street.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-33

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 3.24 acres located along the southwesterly side of Rozzelles Ferry Road between Oregon Street and Norwood Drive.

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

BACKGROUND

The City Council recently considered a number of rezoning petitions designed to implement the recommendations of the Thomasboro/Hoskins Special Project Plan. In the context of its deliberations on those petitions and subsequent to a tour of the affected area, the Zoning Committee of the Planning Commission instructed the Planning staff to prepare an additional petition for properties which were not included in the recommendations of the Thomasboro/Hoskins Special Project Plan. These properties lie along the southwesterly side of Rozzelles Ferry Road and are composed of a mixture of single family detached housing and retail uses. These properties are directly across Rozzelles Ferry Road from other sites which were recommended for rezoning during the Thomasboro/Hoskins discussions. Those properties were rezoned to the B-1 neighborhood business classification and the Zoning Committee recommended that the subject properties also be rezoned from their present B-2 classification to the B-1 neighborhood business classification. It is believed that no nonconforming uses would be created as a result of this petition. Inasmuch as this petition is initiated by the Planning Commission to carry out the objectives of the Thomasboro/Hoskins Special Project Plan with regard to properties which were not previously considered for rezoning, this petition is recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-33
Date Filed February 12, 1990
Received By MCW
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Tax Parcel Number See Attached

Location Of Property (address or description) Property located along Rozzelles Ferry Road between Oregon Street and Norwood Drive.

Description Of Property

Size (Sq Ft -Acres) 3.24 Street Frontage (ft) 836 Rozzelles Ferry 331.6 Lakewood 153.2 Norwood

Current Land Use Single-family homes and several commercial businesses (Beauty salon, radiator shop, restaurants)

Zoning Request

Existing Zoning B-2 Requested Zoning B-1

Purpose of Zoning Change To comply with overall goals and objectives of Thomasboro Hoskins Special Project Plan adopted by City Council in October, 1988.

Name Of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commiss.
Name of Petitioner(s)

600 E. 4th Street
Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-33 HEARING DATE April 16, 1990

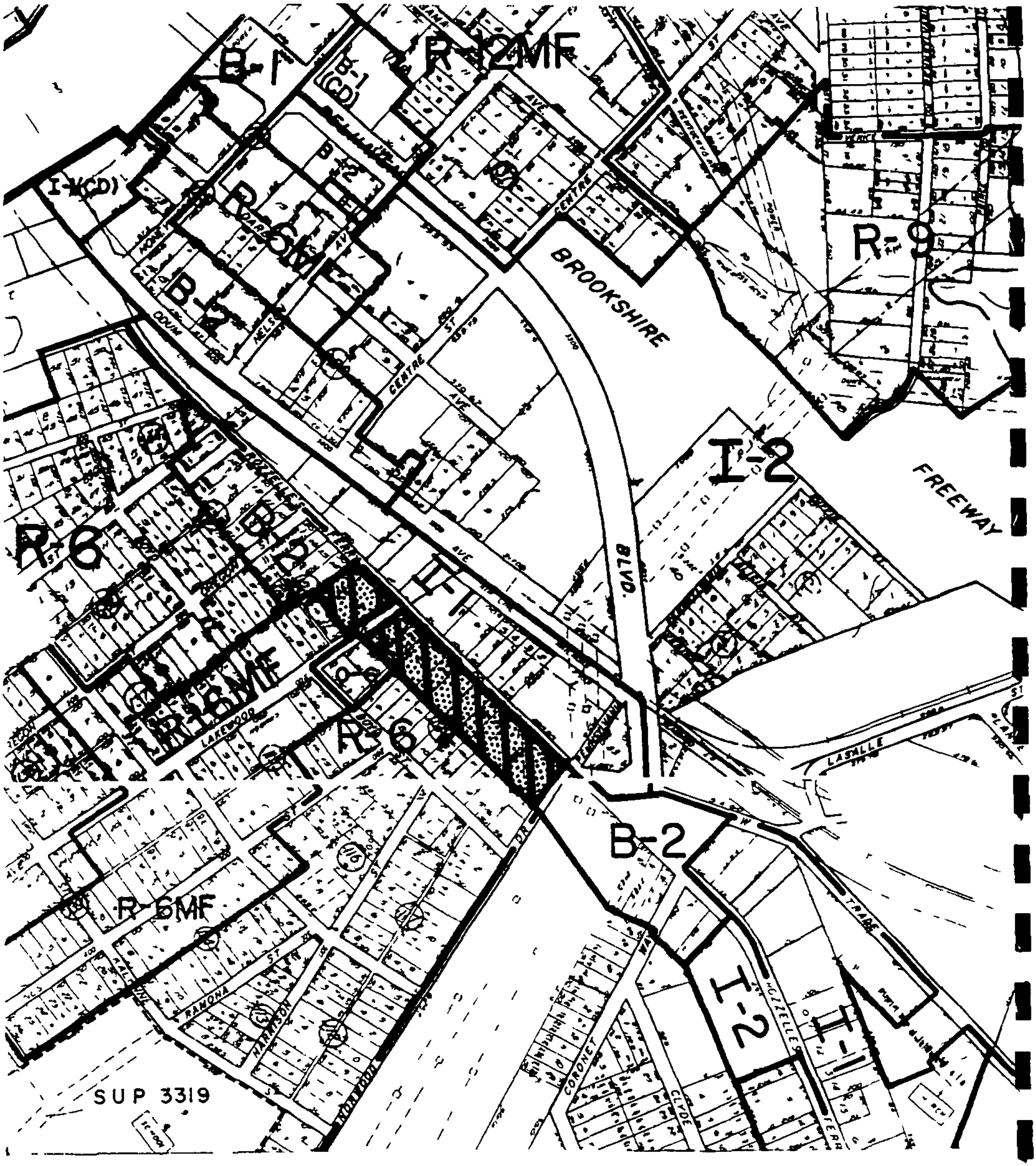
ZONING CLASSIFICATION, EXISTING B-2 REQUESTED B-1

LOCATION Approximately 3.24 acres located along the southwesterly side of Rozzelles Ferry Road between Oregon Street and Norwood Drive.

SEE ATTACHED MAP

ZONING MAP NO. 80,87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



THOMASBORO HOSKINS SPP

Petition #1

Rezone from B-2 to B-1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-34

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately .394 acres located on the northwest corner of the intersection of East Carson Boulevard and South Boulevard.

Request: Change from I-2 to B-2.

BACKGROUND

The City Council recently considered rezoning petitions which were initiated by the Charlotte-Mecklenburg Planning Commission to implement the South Boulevard Plan. During its deliberation of those petitions and subsequent to a tour of the area, the Zoning Committee noted that a small tract of land appeared to have been omitted from the plan's recommendations. Properties on both sides of this site were proposed to be rezoned from I-1 to B-2 and the Zoning Committee instructed the staff to prepare an application to change the zoning of this property to conform with the zoning of other properties covered by the recommendations of the plan. The site involved with this request is presently vacant and, therefore, no nonconforming uses would be created. A portion of the property is owned by the City of Charlotte. Inasmuch as the rezoning of this property from I-2 to B-2 is consisted with recommendations of the South Boulevard Plan for properties on either side of the subject site, this petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-34
Date Filed February 12, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached Sheet

Owner s Address See Attached Sheet

Date Property Acquired N/A

Tax Parcel Number See Attached Sheet

Location Of Property (address or description) Rezone the I-2 property bound by South Blvd. to the East, E. Palmer St. to the South, East Carson to the North and Railroad right of way to the West.

Description Of Property

Size (Sq Ft Acres) .394 acres Street Frontage (ft)

Current Land Use Vacant

Zoning Request

Existing Zoning I-2 Requested Zoning B-2

Purpose of Zoning Change

To comply with the goals and objectives of the South Blvd. SpecialProject Plan

Name Of Agent

Charlotte-Meckenburg Planning Commissic
Name of Petitioner(s)

Agent s Address

600 East Fourth Street, Charlotte, N. C
Address of Petitioner(s)

Telephone Number

336-2205
Telephone Number

South Blvd. Rezonings #10

Signature

Signature of Property Owner if Other Than Petitioner

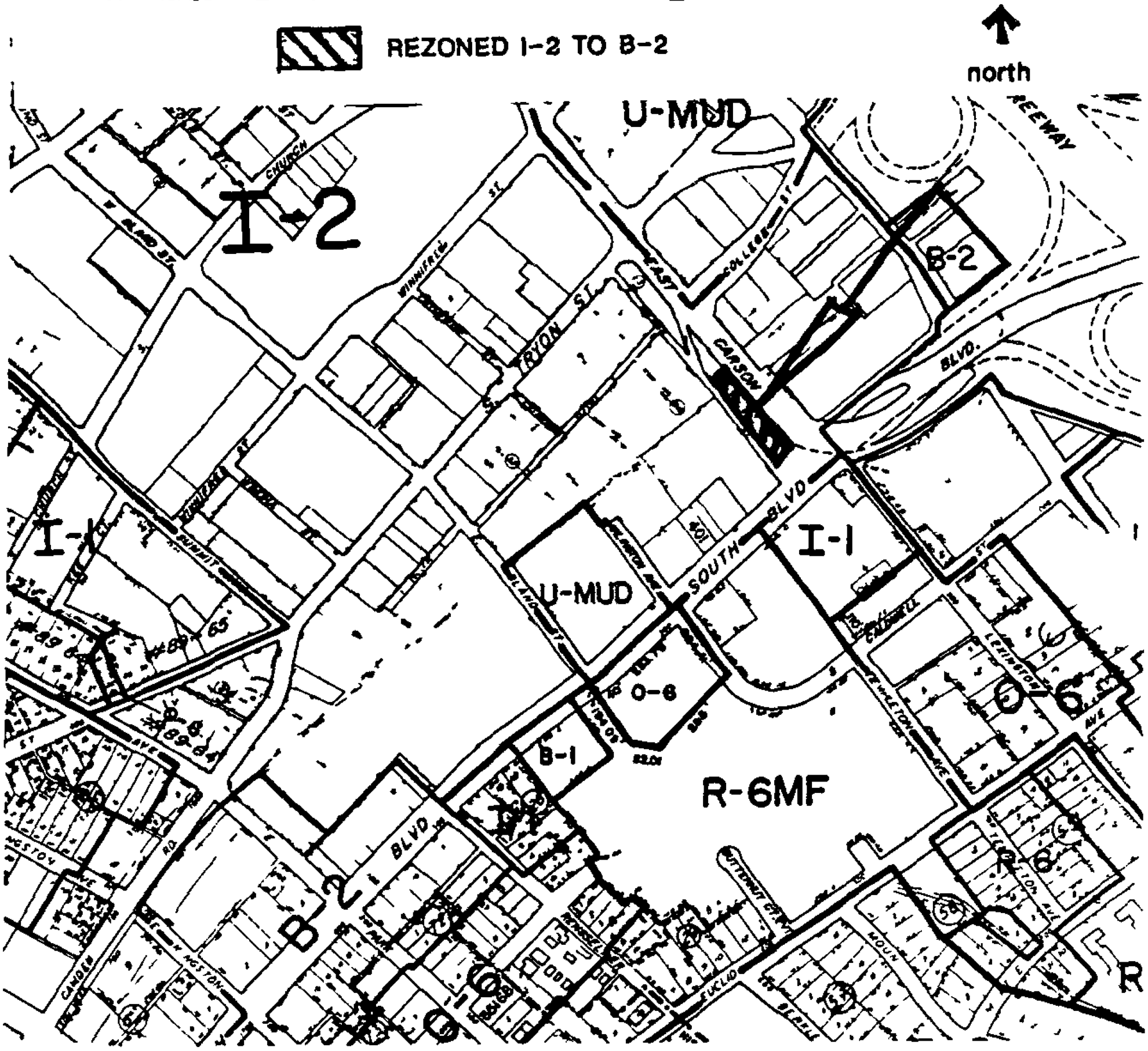
PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-34 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED B-2

LOCATION Approximately .394 acres located on the northwest corner of the intersection of East Carson Boulevard and South Boulevard.

South Boulevard Rezoning # 10



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-35

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 6 acres located on the southwest corner of the intersection of South Boulevard and Bland Street.

Request: Change from I-2 to B-1.

BACKGROUND

The City Council recently considered zoning petitions initiated by the Charlotte-Mecklenburg Planning Commission to implement the recommendations of the South Boulevard Plan. During its deliberations of the plan's recommendations and subsequent to a tour of the area, the Zoning Committee instructed the Planning staff to prepare an application for the rezoning of this site from I-2 to B-1. Recommendations of the South Boulevard Plan had called for the rezoning of properties directly to the south of the subject site from B-2 and I-2 to B-1 in order to facilitate the resurgence of neighborhood retail uses along South Boulevard. The Zoning Committee believes that it is appropriate to consider the rezoning of this site as well eventhough it was not specifically discussed or recommended for rezoning in the South Boulevard Plan. The site is presently occupied by a Duke Power Operations Center which consist of a large maintenance structure as well as open storage yards. The rezoning of this property to the B-1 classification would make this site nonconforming but would allow it to continue in its present use indefinitely. The long-term expectation would be that this property would redevelop at some later date to a use which is consistent with the recommendations of the South Boulevard Plan and, therefore, it is recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-35
Date Filed February 12, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Duke Power

Owner s Address 422 S. Church Street
Charlotte, N. C. 28242

Date Property Acquired N/A

Tax Parcel Number 123-04-26

Location Of Property (address or description) 1424 South Blvd.

Description Of Property

Size (Sq Ft -Acres) 6.000 acres Street Frontage (ft)

Current Land Use Utilities, General Office and Service Garage

Zoning Request

Existing Zoning I-2 Requested Zoning B-1

Purpose of Zoning Change To comply with the goals and objectives of the South Blvd. Special Project Plan.

Name Of Agent

Agent s Address

Telephone Number

South Blvd. Rezonings #11

Charlotte-Mecklenburg Planning Commissi
Name of Petitioner(s)

600 E. Fourth Street, Charlotte, N. C.
Address of Petitioner(s)

336-2205
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

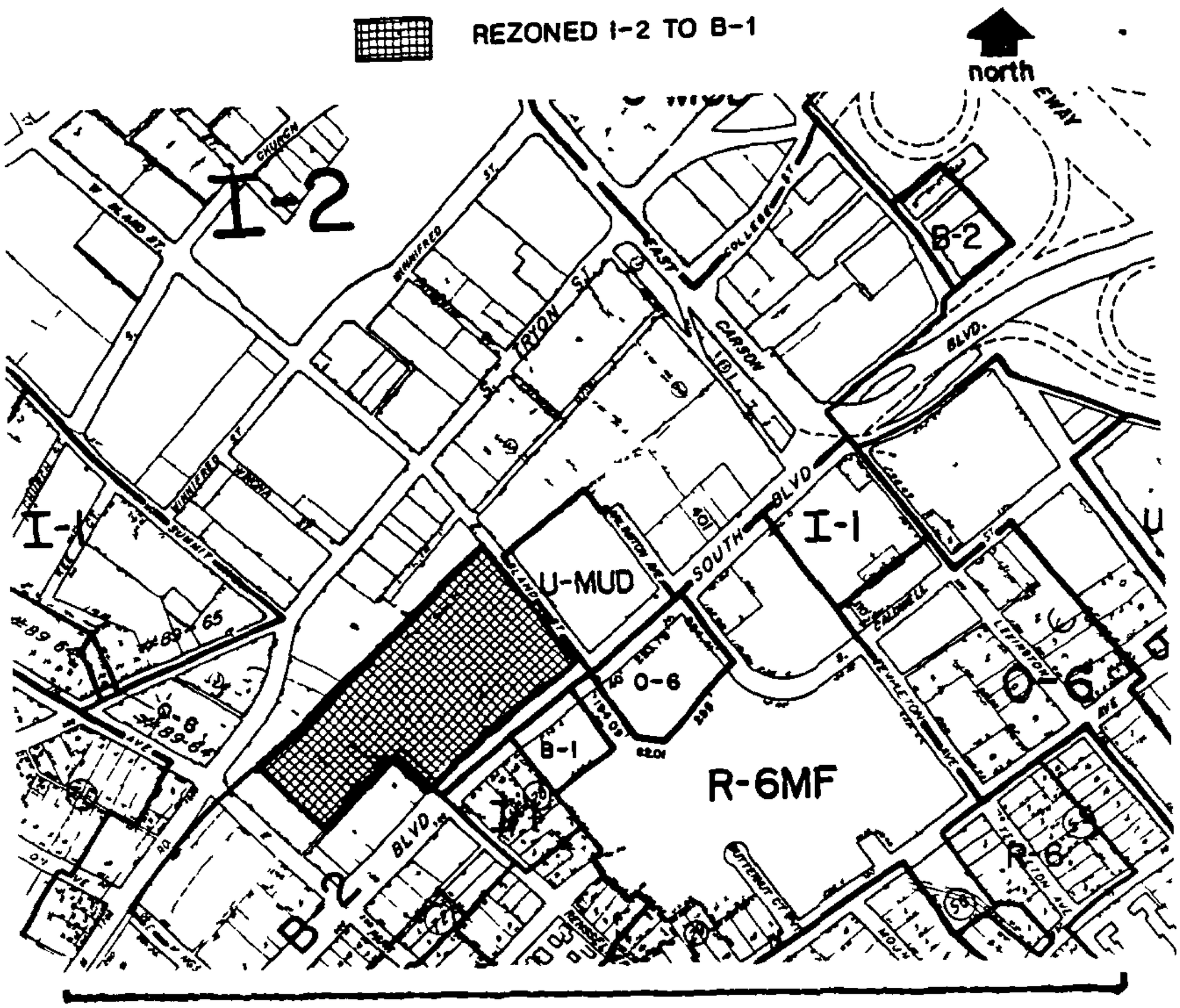
PETITIONER Charlott-Mecklenburg Planning Commission

PETITION NO. 90-35 HEARING DATE April 16, 1990

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED B-1

LOCATION Approximately 6.0 acres located on the S.W. corner of the intersection of South Boulevard and Bland Street

South Boulevard Rezoning # 11



ZONING MAP NO. 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 1, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on February 26, 1990.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 noon on Monday, March 12, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, March 19, 1990.

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

Respectfully submitted,

Dr. Timothy Mead
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

TM:mlj

Attachments

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

DATE:	January 22, 1990
PETITION NO.:	89-116
PETITIONER(S):	Charlotte-Mecklenburg Planning Commission
REQUEST:	Change from R-6MF to R-6 (Thomasboro/Hoskins Plan Implementation).
LOCATION:	Approximately 57.25 acres at the intersection of Browns Avenue and Freedom Drive and extending to Marmion Drive.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Burns, Lassiter, Latham, Majeed, Mead, and Points.
Nays:	None.
	(Commissioner Davis was not present when vote was taken.)

REASONS

This petition proposes the elimination of multi-family zoning in favor of single family zoning for these properties. The vast majority of properties covered by the petition are either used for single family purposes or are vacant. Existing multi-family and commercial developments within the subject area have been eliminated from the petition. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

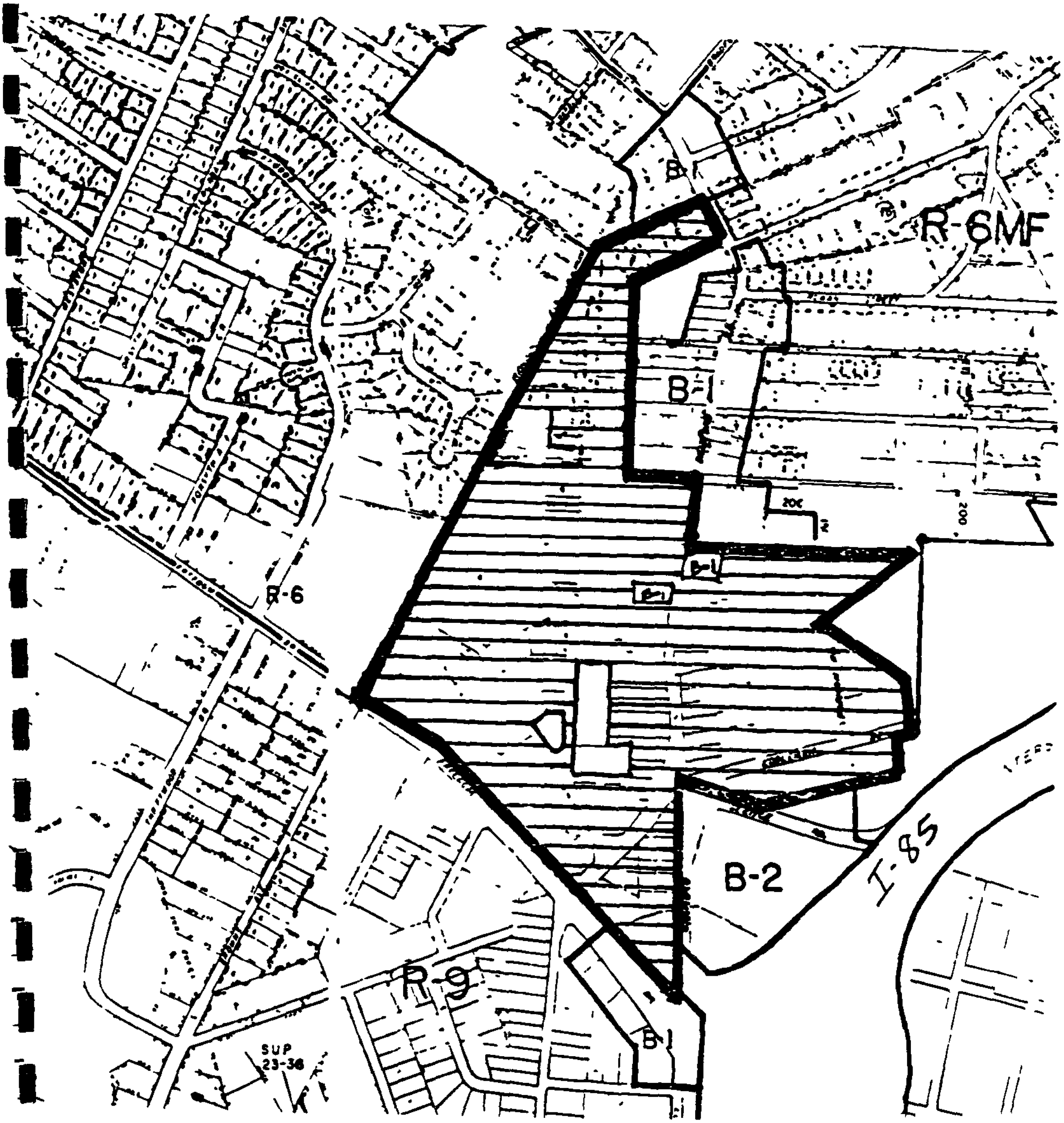
PETITION NO. 89-116 HEARING DATE October 30, 1989

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

LOCATION Approximately 57 25 acres at the intersection of Browns Avenue and Freedom Drive extending to Marmion Drive.

SEE ATTACHED MAP

ZONING MAP NO 80 & 87


R-6MF
B-1
B-1
B-1
B-1
B-2
R-6
R-9
I-85
SUP
23-36

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 2, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached is a recommendation of the Planning Committee of the Charlotte-Mecklenburg Planning Commission on a text amendment which was previously heard at public hearing and referred to the Planning Committee for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Committee held on March 27, 1990.

According to the adopted rules of procedure, this recommendation will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse at 12:00 Noon on Wednesday, April 11, 1990. This will then permit this matter to be placed on your agenda for consideration of decision on Monday, April 16, 1990.

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

Respectfully submitted,

Frank E. Emory, Chairman
Charlotte-Mecklenburg Planning Committee

FEE:mlj

Attachment

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

DATE: March 27, 1990

PETITION NO.: 90-25

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment which would provide definitions and standards for jails.

ACTION: The Planning Committee recommends that this matter be deferred for 30 days.

VOTE: Yeas: Baucom, Emory, McClure, Spencer, Thomasson, Vaughan, and Winget.

Nays: None.

REASONS

The Planning Committee discussed this proposed text amendment for some time. The Committee expressed specific concern about the lack of public input into the locational process for jails and prisons. While the Committee members understood the philosophy behind the text amendment which was to provide as many locational opportunities as possible, Committee members still believed that siting of such a facility should include some public process. The Committee discussed the possibility of utilizing the special use permit process but discarded that in favor of an overlay or special purpose district. The Committee members noted that in certain circumstances large churches require a rezoning which includes a public hearing and felt that a jail facility should undergo no less public input.

With regard to specific standards, the Committee observed that a jail facility should not be located directly adjacent to any residentially zoned or used property. They noted that even though the ordinance does provide some separation requirements they thought that the use was inappropriate located directly adjacent to residential uses. In addition, the Committee discussed briefly a comment from the public hearing about the location of security fences within the setback area of the building. Staff indicated that it would be possible to revise the standards to specify that no security fencing could be located within the required setback in whatever district a jail might be located. This represents a standard which is slightly more restricted than other uses in the district which are not restrictive from locating fences within the setback area. However, it can be argued that a security fence is part of the principle use of the site and, therefore, should observe all yard and setback standards as if it were a structure.

After lengthy discussion, the Planning Committee decided to defer any action on this request and instructed the staff to develop additional ordinance language which would establish jails through the review and approval of an overlay zoning district. Staff is to develop draft ordinance language and report back in 30 days.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 2, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on March 26, 1990.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 noon on Wednesday, April 11, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, April 16, 1990.

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

Respectfully submitted,

Tim Mead

Dr. Timothy Mead
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

TM:mlj

Attachments

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

DATE: March 26, 1990

PETITION NO.: 90-17

PETITIONER(S): Wachovia Bank and Trust Company

REQUEST: Change from I-1 and R-9MF to O-6(CD).

LOCATION: A 1.3 acre site located on the northerly side of North Tryon Street west of Sugar Creek Road.

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

VOTE: Yeas: Burns, Davis, Majeed, Mead, and Points.

Nays: None.

REASONS

This petition proposes the redevelopment of an existing branch bank site to accommodate a new and larger facility. The rezoning is principally required due to the fact that the bank property is annexing a small piece of land which is zoned multi-family. All of the site plan issues involved in this application have been addressed and the petition is consistent with plans for the area. The only matter which arose at the public hearing was that of a buffer adjacent to the adjoining property. However, agents for the adjoining church indicated a desire for the buffer to be minimized at this particular location in order to provide for greater security and less opportunity for trash and debris to collect. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

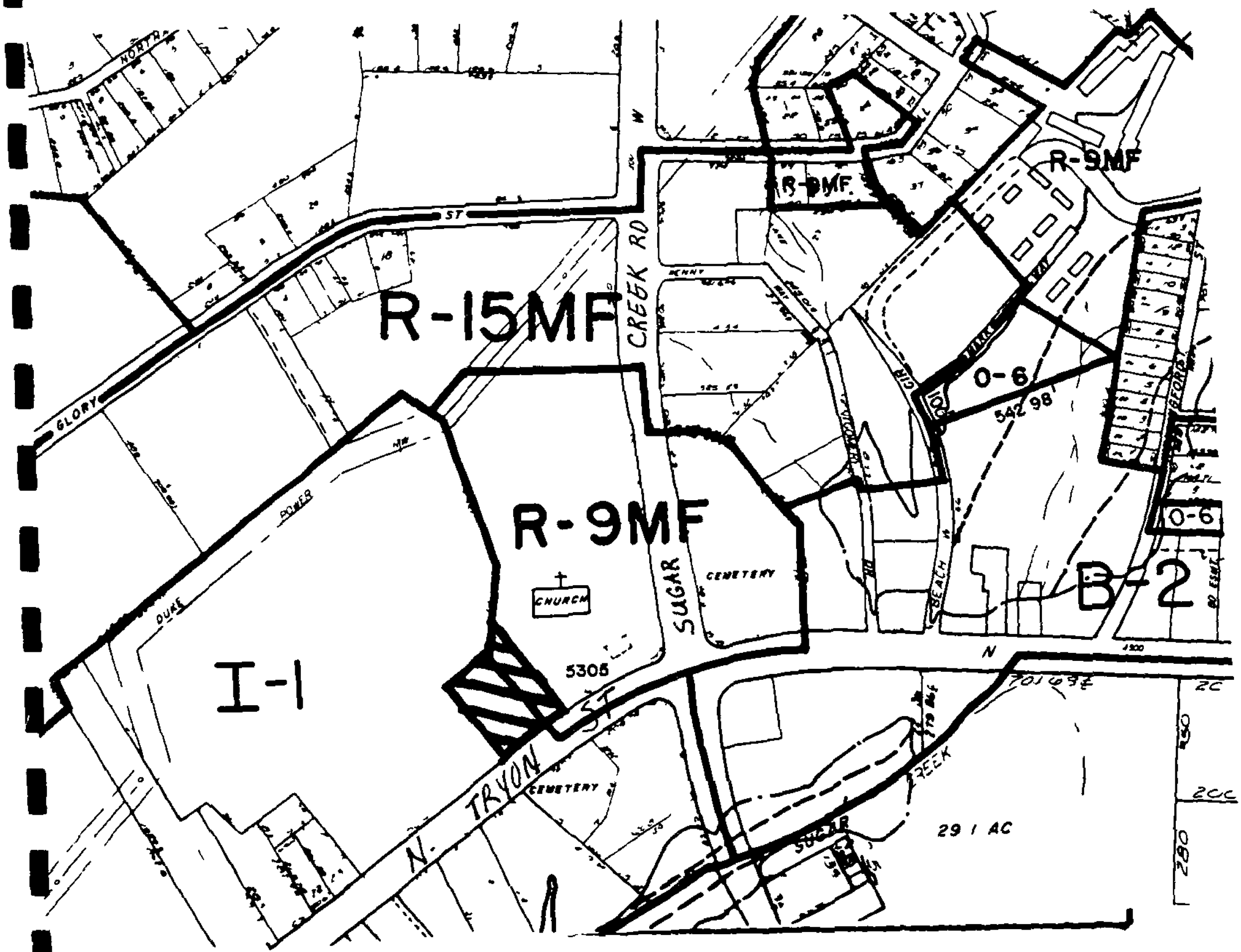
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Wachovia Bank & Trust Company

PETITION NO. 90-17 **HEARING DATE** March 19, 1990

ZONING CLASSIFICATION, EXISTING I-1 & R-9MF **REQUESTED** O-6(CD)

LOCATION Approximately 1.31 acres located on the north side of North Tryon Street west of Sugar Creek Road.



ZONING MAP NO. 78 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 26, 1990

PETITION NO.: 90-18

PETITIONER(S): Silver Convenience Centers of Charlotte, Inc.

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

LOCATION: A 3.9 acre site located on the southeast corner at the intersection of Tuckaseegee Road and Little Rock Road.

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

VOTE: Yeas: Davis, Majeed, Mead, and Points.

Nays: None.

(Commissioner Burns abstained from discussion and vote, declaring a conflict of interest.)

REASONS

This petition proposes the development of just over 30,000 square feet of retail convenience uses on the east side of Little Rock Road at Tuckaseegee Road. Plans for this area have called for this property to complete the community commercial facilities in this area. The petitioner discussed at the public hearing and further offered at the Zoning Committee Work Session to add an additional note regarding tree preservation within the 30 foot buffer on the easterly side of the site. This was the only matter remaining to be resolved with this petition and pursuant to the petitioner's agreement to add the additional language the Zoning Committee recommends that this petition be approved.

STAFF OPINION

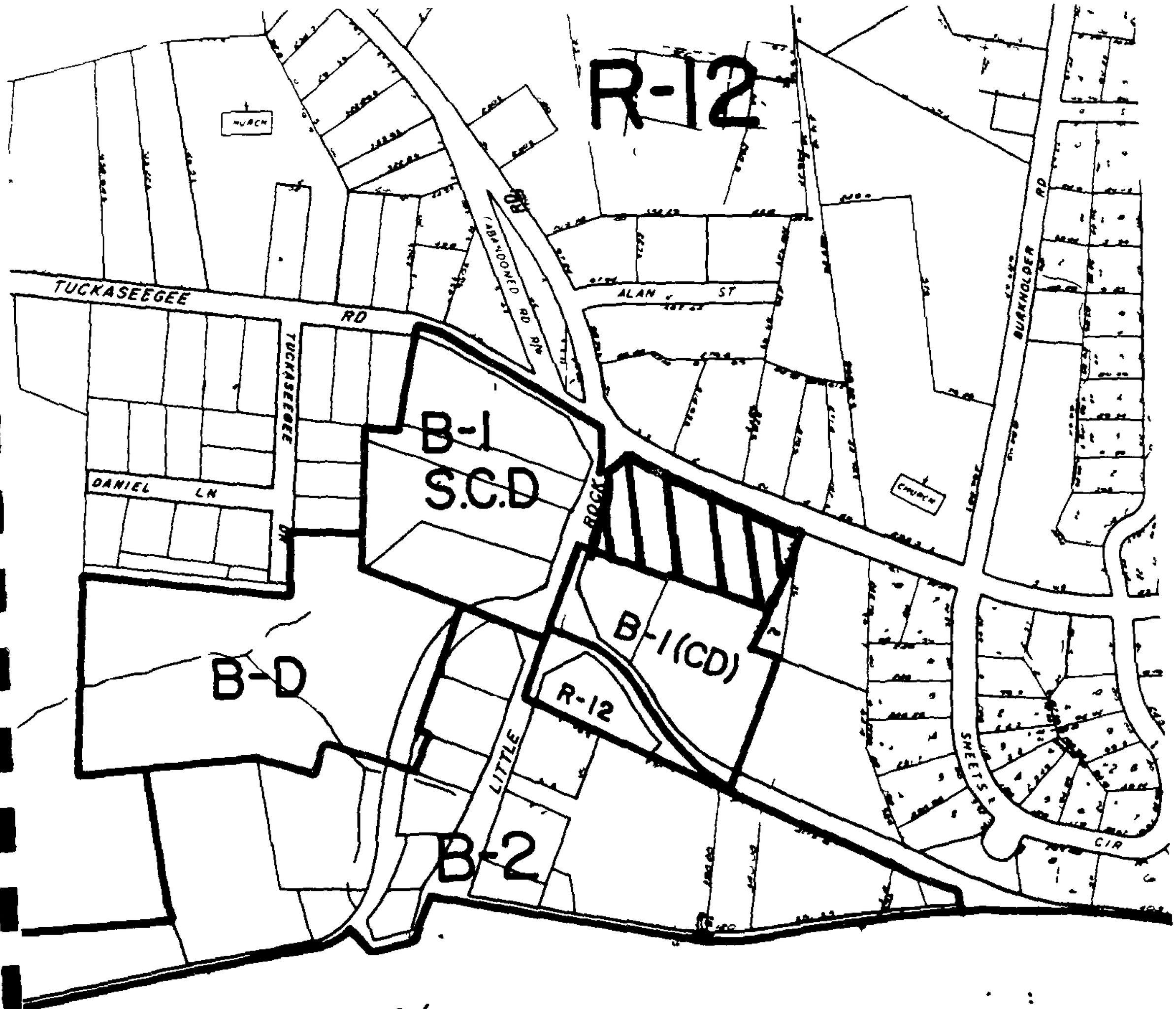
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Silver Convenience Centers of Charlotte, Inc.

PETITION NO. 90-18 **HEARING DATE** March 19, 1990

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

LOCATION Approximately 3.9 acres located on the southeast corner of Tuckaseegee Road and Little Rock Road.



ZONING MAP NO. 86 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 26, 1990

PETITION NO.: 90-19

PETITIONER(S): T. Cooper James

REQUEST: Change from O-15(CD) and I-1 to B-1(CD).

LOCATION: A 5.4 acre site located on the southerly side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.

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

VOTE: Yeas: Burns, Davis, Majeed, Mead, and Points.

Nays: None.

REASONS

This petition was initiated to unify the zoning on a small retail site which has recently been developed. The rear portion of the site is zoned straight-up I-1 which permits retail development but the front portion of the site is covered by a previously approved conditional office district which allow only parking. That district also called for the potential for the extension of a public street through the site and that condition remains on the land even though the site has been developed. The petitioner desires to have the matter clarified and the previously approved conditions removed and, therefore, have incorporated the entire site into a single unified plan. The Zoning Committee recommends that the petition be approved.

STAFF OPINION

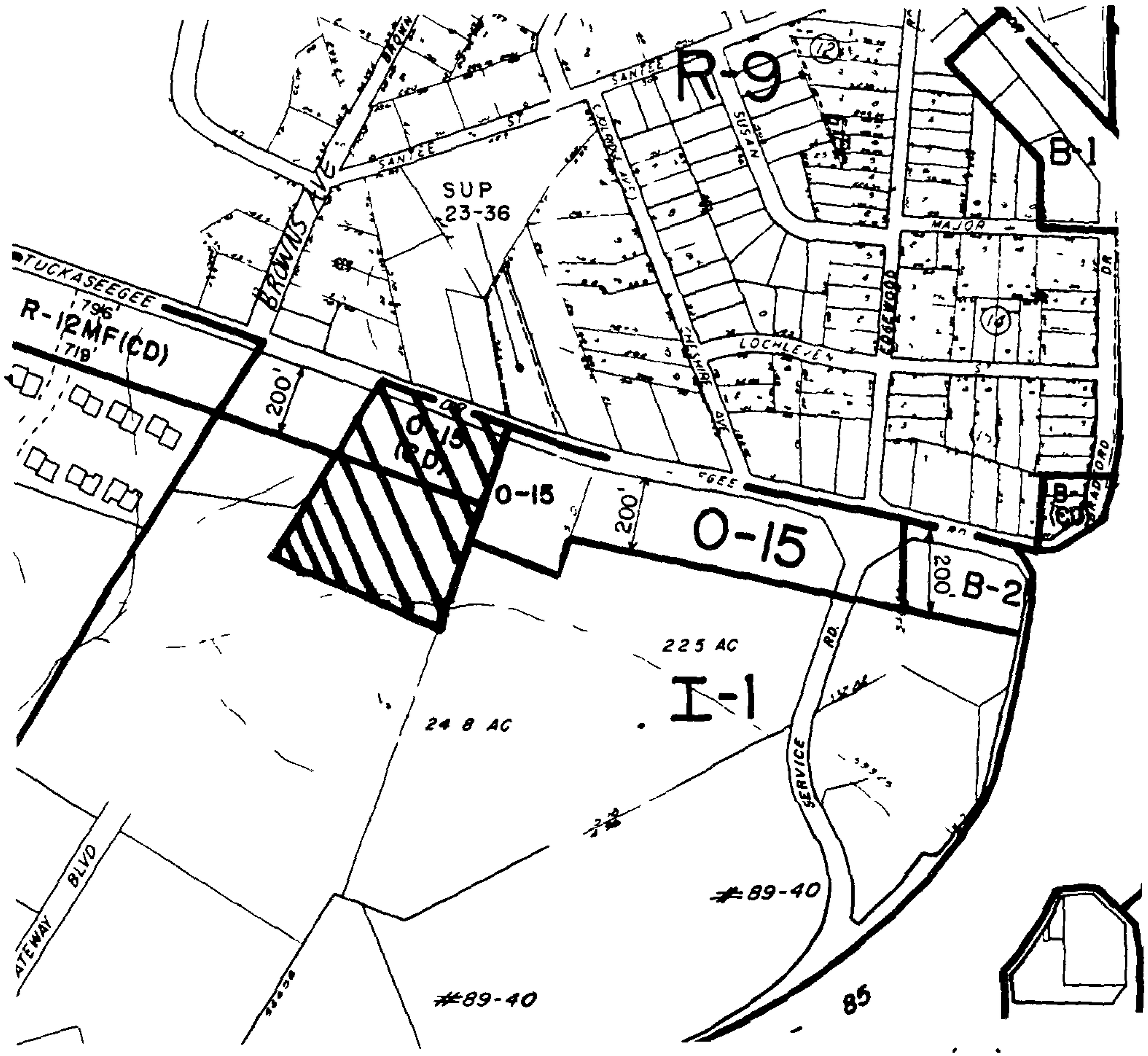
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER T. Cooper James

PETITION NO. 90-19 **HEARING DATE** March 19, 1990

ZONING CLASSIFICATION, EXISTING O-15(CD)&I-1 **REQUESTED** B-1(CD)

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



ZONING MAP NO. 86,87

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 26, 1990

PETITION NO.: 90-20

PETITIONER(S): E. C. Griffith and Laurel Eye Associates.

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

LOCATION: A 46.5 acre site located on the westerly side of Randolph Road at the Billingsley Road intersection.

ACTION: A motion to deny resulted in a three to one vote with one abstention. According the the Planning Commission rules of procedure, this matter is automatically deferred for 30 days and will appear on the April work session agenda.

VOTE: Yeas: Davis, Majeed, and Mead.

Nays: Points.

(Commissioner Burns abstained from discussion and vote, declaring a conflict of interest.)

REASONS

The Zoning Committee discussed this petition for some time. Concerns were raised about storm water runoff, traffic impact, and impact on adjoining properties. The petitioner had requested a deferral so that they might address the storm water matter raised at the public hearing. However, a motion to defer did not receive the necessary four votes and, therefore, the matter was discussed as scheduled. Members of the Zoning Committee expressed specific concern about the matter of flooding and storm water management. The staff discussed the various views on storm water management regarding detention or allowing free flow into the nearby floodplain. In addition, the Zoning Committee also discussed traffic concerns that the staff had pointed out in the pre-hearing analysis. At the conclusion of the discussion a motion was made and seconded to deny the request but the motion did not pass due to failure to receive four affirmative votes. Therefore, the matter automatically rolls over to the April work session for further consideration.

DATE: March 26, 1990

PETITION NO.: 90-22

PETITIONER(S): Crescent Resources

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

LOCATION: A 4.3 acre site located on the southeasterly side of Hutchinson-McDonald Road south of Cindy Lane and extending to I-77.

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

VOTE: Yeas: Burns, Davis, Majeed, Mead, and Points.

Nays: None.

REASONS

This petition requests the rezoning of properties to provide for distribution/business park type development. This same petitioner brought forth a similar request recently on the north side of Hutchinson-McDonald Road and carries forward the same type of plan and plan commitments in this request. In addition, the petitioner has proposed to dedicate right-of-way and construct a public street from Hutchinson-McDonald Road which will eventually connect to the I-85/I-77 Service Road. This public street connection will substantially enhance accessibility in the area and further support the long term conversion of properties in this area to a major employment center. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

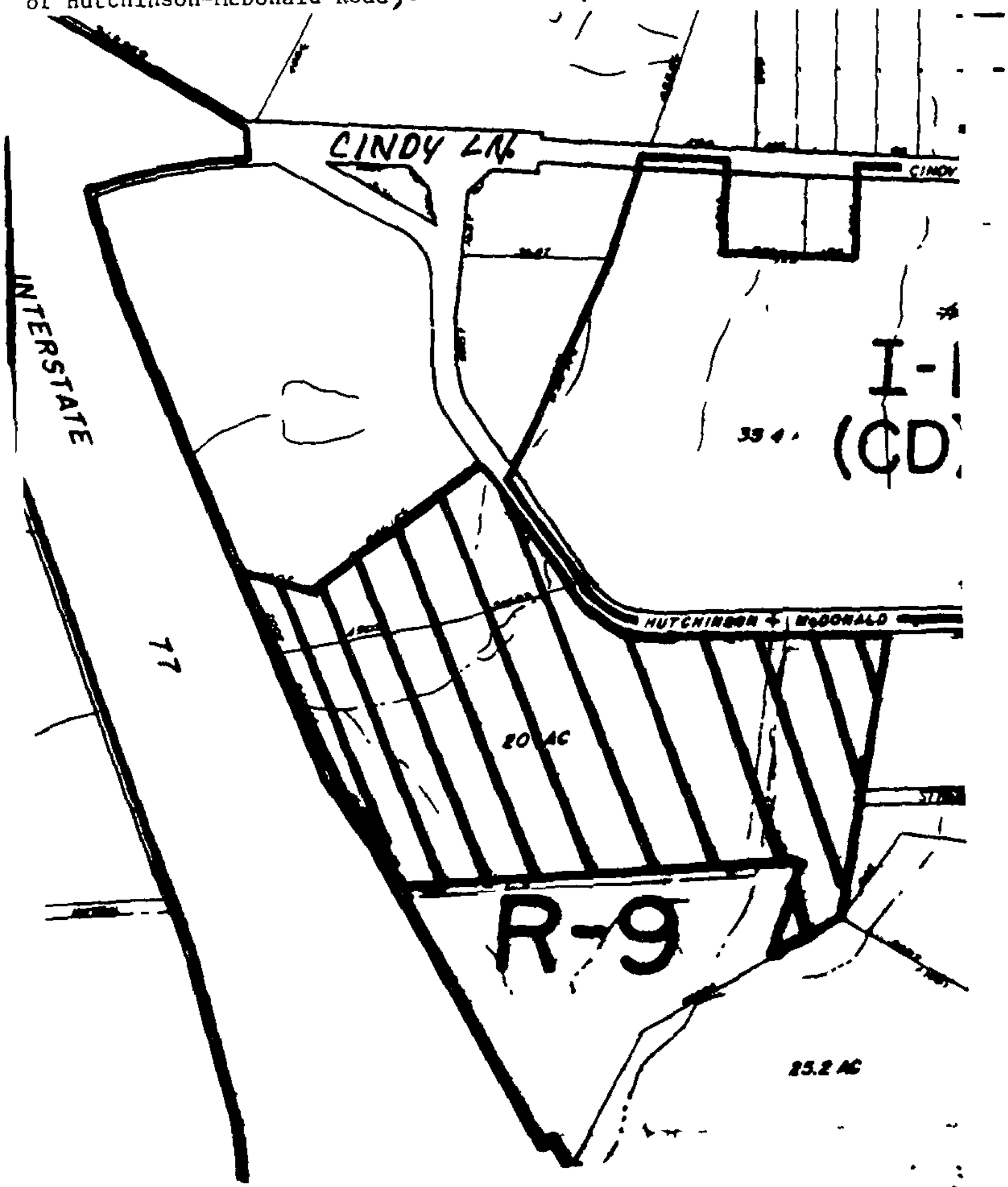
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Crescent Resources, Inc.

PETITION NO. 90-22 HEARING DATE March 19, 1990

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

LOCATION Approximately 4.38 acres located on the southwesterly side of Hutchinson-McDonald Road, south of Cindy Lane extending to I-77.



ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 26, 1990

PETITION NO.: 90-23

PETITIONER(S): Marathon Petroleum Company.

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

LOCATION: A 1.2 acre site located on the northeasterly corner of the intersection of Little Rock Road and Tuckaseegee Road.

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

VOTE: Yeas: Davis, Majeed, Mead, and Points.

Nays: None.

(Commissioners Burns abstained from discussion and vote, declaring a conflict of interest.)

REASONS

This petition proposes the removal of an existing single family structure to provide for the location of a gasoline convenience center. All of the properties on the north side of Tuckaseegee Road on both sides of Little Rock Road are used for residential purposes and plans for the area call for commercial zoning to remain on the south side of Tuckaseegee Road. The Zoning Committee believes that the conversion of this property to a commercial use is inappropriate at this location in that the development as proposed on the accompanying plan will have an adverse impact on the remaining single family zoned properties surrounding the site. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

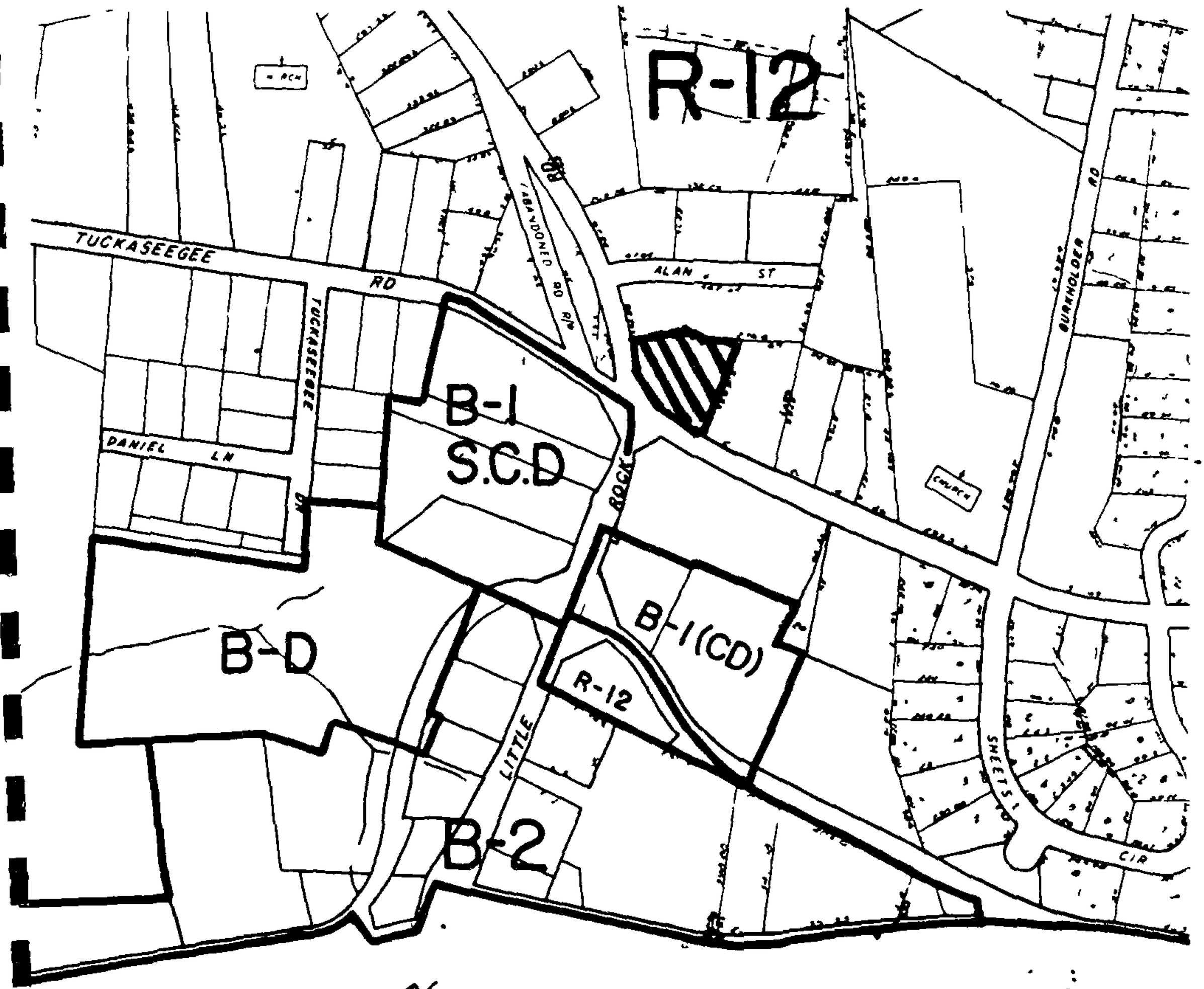
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Marathon Petroleum Company

PETITION NO. 90-23 **HEARING DATE** March 19, 1990

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

LOCATION Approximately 1.2 acres located on the northeasterly corner of Little Rock Road and Tuckaseegee Road.



ZONING MAP NO. 86 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 26, 1990

PETITION NO.: 90-24

PETITIONER(S): City View Development Corporation

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

LOCATION: A 112 acre site located on both sides of Ledwell Street between Freedom Drive and Ashley Road.

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

VOTE: Yeas: Burns, Davis, Majeed, Mead, and Points.

Nays: None.

REASONS

This petition is a replacement petition for one heard earlier this year. The properties involved with this request are largely zoned I-1 and I-2 at present but do include a small area of land zoned for multi-family housing. This multi-family zoning is configured primarily in a 200 foot wide strip along the southerly edge of the property. The petitioner proposes to unify the entire site and all of the existing zoning categories under a new conditional plan by substantially limiting the development rights available on the property. Further, the petitioner proposes a 100 foot undistributed buffer along all portions of the site which adjoin residentially zoned land and provides an additional 40 foot building setback on portions of the site where the property extends into the residential community. The petitioner will dedicate right-of-way for and construct Ledwell Street through the site completing a link in the City's thoroughfare plan and has agreed to a number of transportation improvements including additional rights-of-way, turn lanes, and other measures to mitigate the traffic impacts from this project. Although not entirely in conformance with plans for the area which call for a mixed use project including a residential component, the Zoning Committee believes that this plan represents an improvement over the existing zoning pattern. It substantially limits development rights on the existing I-1 and I-2 portions of the property and provides a substantial buffer and building setback where the property adjoins residentially zoned land. The key factor in the recommendation to approve this petition is the limitation on the intensity of the development that can occur on this site.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. While noting the discrepancy with publicly adopted plans for the area, the reduction and development intensity on this property is noteworthy.

PETITIONER City View Development Corporation

PETITION NO. 90-24 **HEARING DATE** March 19, 1990

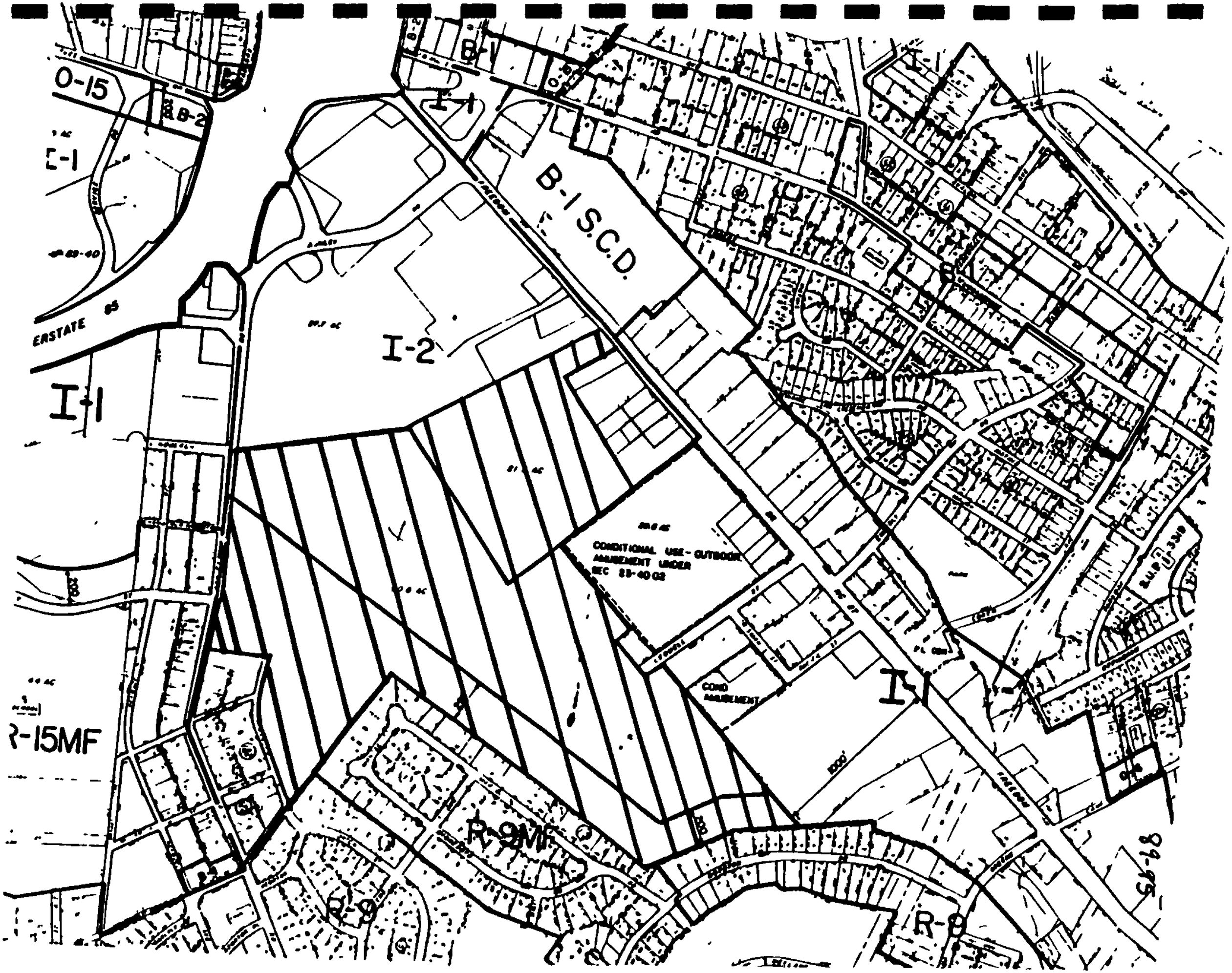
ZONING CLASSIFICATION, EXISTING R-9MF, I-1, & I-2 **REQUESTED** I-1(CD), BD(CD), & B-1SCD

LOCATION Approximately 112 acres located off Ashley Road across from Alleghany Street extending to Freedom Drive and to the rear of properties along Royston Drive.

SEE ATTACHED MAP

ZONING MAP NO. 87 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


O-15
B-2
B-1
I-1
B-1 S.C.D.
I-2
I-1
ERSTATE 85
CONDITIONAL USE - OUTDOOR AMUSEMENT UNDER SEC 33-40.02
COND AMUSEMENT
I
R-15MF
R-9MF
R-9
R-8
84-95

DATE: March 26, 1990

PETITION NO.: 89-95

PETITIONER(S): City View Development Corporation.

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

LOCATION: Approximately 32.3 acres located on the east side of Ashley Road at Alleghany Street.

ACTION: Inasmuch as this petition has been replaced by Petition No. 90-24, the Zoning Committee recommends that the petitioner be allowed to withdraw Petition No. 89-95.

VOTE: Yeas: Burns, Davis, Majeed, Mead, and Points.

Nays: None.

REASONS

As originally filed, Petition No. 89-95 only dealt with a small portion of the site which is now included in Petition No. 90-24. If the City Council approves Petition No. 90-24 than the property involved in this petition is included. If the Council denies Petition No. 90-24 the property included in this petition is also denied. Therefore, a withdrawal is an appropriate means to close out the file on Petition No. 89-95 without prejudicing the decision on Petition No. 90-24.

STAFF OPINION

The staff agrees with the recommendation on the Zoning Committee.