# AGENDA

| | |
|---|---|
| Meeting Type: | B |
| Date. | 12-17-1990 |
| SUBJECT | |

City of Charlotte, City Clerk's Office

CHARLOTTE

# Meetings in December '90

## THE WEEK OF DECEMBER 1 - DECEMBER 8

| | | |
|---|---|---|
| 1-5 | Saturday-Wednesday | **NATIONAL LEAGUE OF CITIES ANNUAL CONVENTION** - Houston |
| 3 | Monday, 11 30 a m | **PLANNING COMMISSION/Planning Committee** CMGC, 8th Floor Conference Room |
| | Monday, 12 Noon | **PLANNING COMMISSION/Work Session** CMGC, 8th Floor Conference Room |
| 4 | Tuesday, 2 00 p m | **TAXICAB REVIEW BOARD** - CMGC, Conference Center |
| 5 | Wednesday, 4 30 p m | **CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Conference Room |
| | Wednesday, 6 00 p m | **YOUTH INVOLVEMENT COUNCIL** CMGC, Conference Center |
| | Wednesday, 6 30 p m | **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Room 118 |

## THE WEEK OF OF DECEMBER 9 - DECEMBER 15

| | | |
|---|---|---|
| 10 | Monday 3 30 p m | **PLANNING COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room |
| | Monday, 5 00 p m | **COUNCIL/MANAGER DINNER** CMGC, Conference Center |
| | Monday, 6 30 p m | **CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32) |
| | Monday, 7 00 p m | **CITY COUNCIL MEETING** CMGC, Meeting Chamber (Televised on Cable Channel 32) |
| | Monday, 7 30 p m | **HISTORIC LANDMARKS COMMISSION** - 1221 S Caldwell Street |
| 11 | Tuesday, 7 30 a m | **POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center |
| | Tuesday, 8 00 a m | **CLEAN CITY COMMITTEE** CMGC, Room 270 |
| | Tuesday, 4 00 p m | **AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A |
| 12 | Wednesday, 7 45 a m | **PRIVATE INDUSTRY COUNCIL** CMGC, Meeting Chamber |
| | Wednesday , 8 30 a m | **CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room |
| | Wednesday, 2 30 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room |
| | Wednesday, 4 00 p m | **HISTORIC DISTRICT COMMISSION** CMGC, 8th Floor Conference Room |

(CONTINUED ON BACK)

*Public Service And Information Department*

*600 East Fourth Street*

*Charlotte NC 28202 2861*

*704/336-2395*

## THE WEEK OF DECEMBER 16 - DECEMBER 22

| | | |
|---|---|---|
| 17 | Monday, 10 30 a m | **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY**- Charlotte Coliseum, Conference Room, 100 Paul Buck Blvd |
| | Monday, 5 00 p m | **COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room |
| | Monday, 6 00 p m | **CITY COUNCIL/Zoning Hearing** - CMGC, Meeting Chamber |
| 18 | Tuesday, 4 30 p m | **PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Room |
| | Tuesday, 6 00 p m | **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Rooms 270 & 271 |
| 19 | Wednesday, 6 00 p m | **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center |
| 21 | Friday, 11 00 a m | **HOUSING AUTHORITY** - 1301 South Boulevard |

**THE WEEK OF DECEMBER 23 - DECEMBER 30**

| | | |
|---|---|---|
| 24 | Monday | **CHRISTMAS EVE** - All City Offices Closed |
| 25 | Tuesday | **CHRISTMAS DAY** - All City Offices Closed |

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

Charlotte Tree Advisory Commission
Community Facilities Committee
Housing Appeals Board
Specialized Transportation Advisory Committee

CHARLOTTE

*Mayor Sue Myrick* *Mayor Pro Tem Cyndee Patterson*

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

# *Council Agenda* **Monday, December 17, 1990**

5:00 p.m. - Council-Manager Dinner
Meeting Chamber conference Room
Review Northeast District Plan
zoning cases

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

Invocation

ITEM NO.

## PUBLIC HEARINGS

1. (90-92) Hearing on Petition No. 90-92 by Crosland-Erwin Associates for a Site Plan Amendment to an existing R-15 PUD zoning, for a 3.5 acre site located on the northwest corner of Lawton Bluff Road and Candlewyck Lane.

   A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

   Attachment No. 1

2. (90-93) Hearing on Petition No. 90-93 by Brent White for a change in zoning from R-6MF to I-1(CD) for an .84 acre site located on the south side of Tiptop Drive west of Statesville Avenue.

   Attachment No. 2

3. (90-94) Hearing on Petition No. 90-94 by B. V. Belk for a Site Plan Amendment to an existing B-1SCD zoning, for approximately 32 acres located on the south side of Sunset Road between Statesville Road (U.S. 21) and Milhaven Lane.

   Petitioner is requesting permission to withdraw this site plan amendment.

   Attachment No. 3

## DECISIONS

4. (89-90) Decision on Petition No. 89-90 by Vulcan Materials Company for a change in zoning from R-9MF and I-1 to I-1(CD) and I-2(CD) for a 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

A protest petition has been filed and found sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

A motion to deny this petition resulted in a three to two vote, therefore, the petition is forwarded to Council with no recommendation.

Attachment No. 4

5. (90-60) Decision on Petition No. 90-60 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 for approximately 1.38 acres located on the east side of South Boulevard south of East Tremont Avenue.

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be deferred.

Attachment No. 5

6. (90-66) Decision on Petition No 90-66 by S. D. Atma and N. D. Atma for a change in zoning from B-1 and O-6 to B-1(CD) for approximately 1.55 acres located on the northerly side of Wilson Lane, west of Sugar Creek Road.

The Zoning Committee recommends that this petition be denied.

This decision was deferred at the October 15 meeting.

Attachment No. 6

7. (90-71) Decision on Petition No. 90-71 by Arrowood Limited Partnership for a change in zoning from BP to B-1SCD for 25.7 acres located on the south side of Arrowood Road west of South Boulevard. (U.S. 521).

The Zoning Committee recommends that this petition be approved.

Attachment No. 7

8. (90-81) Decision on Petition No. 90-81 by Mark Pope, III for a change in zoning from R-15 to I-1(CD) for approximately 20.2 acres located north of Westinghouse Boulevard and west of York Road at the end of Southbourne Road.

The Zoning Committee recommends that this petition be deferred.

Attachment No. 8

9. (90-82) Decision on Petition No. 90-82 by Kale Knitting Mills, Inc. for a change in zoning from R-15 to R-9MF(CD) for approximately 1.15 acres located on the west side of Rama Road north of Charing Place.

A protest petition has been filed and found sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be deferred.

Attachment No. 9

10. (90-83) Decision on Petition No. 90-83 by Crowder Construction Company and Allison Fence Company for a change in zoning from B-2 and I-2 to I-2(CD) for approximately 5.3 acres located on the northeasterly corner of the intersection of Seigle Avenue and 10th Street.

The Zoning Committee recommends that this petition be denied.

Attachment No. 10

11. (90-84) Decision on Petition No. 90-84 by CK Federal Savings Bank for a Site Plan Amendment to an existing O-15(CD) zoning, for a 1.13 acre site located on south side of Central Avenue west of Winterfield Place.

The Zoning Committee recommends that this petition be approved.

Attachment No. 11

12. (90-85) Decision on Petition No. 90-85 by Nisbet Oil Company for a change in zoning from B-2 to I-2(CD) for a 4.5 acre site located on the northeast corner of Reames Road and Sunset Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (90-86) Decision on Petition No. 90-86 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to O-15 (Northeast District Plan) for 5.47 acres located within the northeast quadrant of I-77 and I-85 west of Statesville Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (90-87) Decision on Petition No. 90-87 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 (Northeast District Plan) for approximately 34.2 acres located on the westerly side of Eastway Drive, south of North Tryon Street.

A protest petition has been filed and found insufficient to invoke the 20% rule.

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (90-88) Decision on Petition No. 90-88 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-12MF (Northeast District Plan) for approximately 10.773 acres located on the east side of Sugar Creek Road south of Mineral Springs Road.

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (90-89) Decision on Petition No. 90-89 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to R-9MF (Northeast District Plan) for approximately 32.3 acres located on the southerly side of the Southern Railroad right-of-way south of Old Concord Road east of Eastway Drive.

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

A motion to deny the petition resulted in a three to three vote, therefore the petition is automatically forwarded to the Council with no recommendation.

Attachment No. 16

17. (90-90) Decision on Petition No. 90-90 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and O-6 to R-12MF and O-6 (Northeast District Plan) for approximately 15.67 acres located on the northerly side of The Plaza west of Barrington Drive and along both sides of Fairmarket Place.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. Recommend adoption of resolution setting public hearings for January 22, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-2 through 91-5 for zoning changes.

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 6, 1990

Mayor and City Council:

RE: Petitions to be Heard in December, 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, December 17, 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 /RG

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. 90-92

Petitioner: Crosland-Erwin Associates

Location: A 3.5 acre site on the northwest corner of Lawton Bluff Road and Candlewyck Lane.

Request: Consideration of an R-15 PUD Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned for a planned unit development with R-15 density standards. The zoning has been in place since the early 1970s. The vast majority of the property in the surrounding area is zoned R-15. To the east of the site is a tract of land which has recently been rezoned to the R-9 Planned Unit Development category and some distance to the south at the intersection of Highway 51 and Highway 16 is a mixture of commercial, office, and multi-family zoning.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties surrounding this site have all been developed as components of the Candlewyck neighborhood including single family detached housing, patio housing, and a church. Most of the property in the area outside of the Candlewyck neighborhood is either developed for single family detached housing or is undeveloped. To the south of the site at the intersection of Highway 51 and Highway 16 is a substantial concentration of retail development which could eventually total 600,000 square feet of floor area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A major mixed use center is indicated at the intersection of Highway 16 and Highway 51 and a district park is also shown nearby. The 2005 strategies include improvements to Highway 51, improvements to Highway 16, and the extension of Rea Road south of Highway 51 to intersect with the outer belt.

   2. Transportation Improvement Program. The Transportation Improvement Program proposes improvements to Highway 51 which have been under construction and are nearly completed. It also calls for the widening of Providence Road to four lanes from Highway 51 north to International Drive.

   3. Small Area Plan. There is no small area plan or district plan which includes this property. Both the Highway 51 Special Project Plan and the South Mecklenburg Interim District Plan

stop short of the Candlewyck community in terms of recommended land uses.

4. Site Plan. The Candlewyck planned unit development from its inception included the provision for a small neighborhood shopping center. The present site plan for that shopping center would allow for the development of up to 37,188 square feet of floor area which would include retail and office uses. The plan would accommodate retail uses on the ground floor and office uses in a second story. The plan indicates one major tenant (a grocery store) and several smaller pedestrian scale retail and office buildings. Both the Lawton Bluff Road frontage of the site as well as the Candlewyck Lane frontage is adjoined by parking and the plan allows two access points from Candlewyck Lane and one access point from Lawton Bluff Road.

   The site plan amendment proposed in this petition modifies the use of this site by eliminating the office use and decreasing the floor area slightly to a total of 36,200 square feet. The plan maintains two access points on Candlewyck Lane and a single access point on Lawton Bluff Road and the parking lot is still configured along the street frontages of the site. The thrust of the site plan amendment is to eliminate the potential for two story office uses on top of a smaller retail uses in favor of a larger single use (grocery store) and several small retail shops. The site plan amendment could be characterized as a more "traditional" suburban shopping configuration than the original plan. The proposed amendment provides for 25 foot landscaped buffers along the westerly and northerly sides of the site adjoining existing residential development. This is an increase over the 10 foot buffers shown on the present plan. The revised plan also calls for landscaping treatments along both of the adjoining streets as well as internal planning areas within the parking lot. The plan indicates that storm water detention would take place within the parking areas in both the front and rear of the site.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 71-7(c) | R-15 to R-PUD | Approved | 10/06/72 |
| 2. 75-6(c) | R-PUD Site Plan Amendment | Approved | 07/07/75 |
| 3. 86-95 | Establish zoning on annexed property | Approved | 08/18/86 |
| 4. 90-4(c) | R-15 to R-9 PUD | Approved | 11/19/90 |

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

REVIEWS

1. Plan Consistency. This petition proposes the amendment to an existing neighborhood commercial shopping facility which had been approved as part of a larger planned unit development. The zoning ordinance allows for planned unit developments to contain internal service and convenience facilities for the benefit of the resident of the community. Neither the Highway 51 Plan, the Interim Southwest District Plan, nor the 2005 Plan specifically recognize a commercial location at this site. However, inasmuch as the inclusion of commercial in a planned unit development is anticipated by the ordinance, it must be concluded that this request is not inconsistent with publicly adopted plans and policies for the area.

   It should be pointed out that when the Candlewyck development was originally approved, there were no other commercial developments in the nearby area. Since that time, the large Arboretum complex has been approved which will contain up to 600,000 square feet of retail floor area and the Board of County Commissioners recently approved a small 70,000 square foot neighborhood center as part of a planned unit development on property just to the east of the subject site. If this request were an original proposal to establish a commercial center at this location, then its consistency with public plans would be called into question due to the commercial facilities available nearby.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has met on several occasions with the petitioner prior to the filing of this application to discuss the request. Subsequent to the filing, the staff communicated a number of detailed comments to the petitioner regarding the site plan.

   2. Departmental Comments. There were a number of detailed comments from both the Building Standards and Planning staffs regarding some of the conditional notes and illustrations on the plan. Many of those comments have been addressed by the petitioner including the need to clarify the type of buffer treatments to be installed, the need to remove the storm water detention areas from the buffer areas, and more information about the type of lighting to be placed on the site. The plan indicates the required sidewalk to be constructed along both Candlewyck Lane and Lawton Bluff Road and indicates that the parfait portion of the roof will be extended on the westerly side of the building in order to provide additional noise buffering from adjacent residential uses.

There are still minor details which need to be clarified on the plan but those matters can easily be addressed by the petitioner prior to a final decision. For example, one of the notes indicates that the plan is schematic in nature. The staff believes that at this point in time and with a site no larger than is included in this request it is not unreasonable to expect a specific detail of how the site will be developed. In addition, the staff asked for additional information about the rear elevation of the building to correspond to the front building elevations which were made a part of this request. That information has not yet been provided. The staff encouraged the petitioner to try to increase the size of the landscape buffer along the edges of the site from 25 to 50 feet. The staff believes that this extra depth will provide for the needed separation between the commercial center and existing residential uses. In some locations, existing housing may be as close as 75 feet away from the rear side of the grocery store portion of this site and the staff believes that substantial landscaping and buffering are warranted to protect the existing residences. Inasmuch as this proposal involves the development of a commercial site which is almost completely surrounded by existing residences, the quality of the site plan and the degree of screening, buffering, and landscaping is paramount.

ISSUES

1. Land Use. This plan raises no land use issues. It involves the amendment of an existing site plan for a commercial center which has long been approved as part of the Candlewyck neighborhood. Inasmuch as the convenience centers are provided for in the zoning ordinance, plans for the area do not specifically indicate the center at this location. However, it is recognized that these are appropriate uses within planned residential developments and, therefore, this request is viewed as appropriate for approval from a land use standpoint.

2. Site Plan. There are still a number of outstanding site plan issues involved with this request. The staff recognizes that this is a very small piece of property that has gone undeveloped for a number of years. The staff also acknowledges that the petitioner proposes to reduce the potential height of uses on this site from two stories to one story and proposes a slight reduction in floor area. However, the 36,000 square feet of floor area proposed for this site could be viewed as the maximum which could be located on a parcel this size (10,000 square feet of floor area for each acre of land). The integration of this site into the existing residential community is critical in order for it not to adversely impact adjoining residential properties. While the petitioner proposes to increase the buffers over that which are required in the present plan, the staff believes that a further increase is

warranted. If the actual dimension of the buffer cannot be increased, then the staff believes that significantly more landscaping and/or buffering needs to be incorporated to completely screen this use from the view of adjoining residential properties, some of which are little more than 75 feet from the back of the proposed grocery store. The existing plan for this site calls for the creation of a small "village like" atmosphere including residential scale, retail, and office uses along with a larger grocery store. The proposed amendment utilizes modern construction techniques and conventional shopping center design to try to accommodate a much larger grocery store on the same size piece of property. If the petitioner can address the needs for additional screening and buffering along the northerly and westerly sides of the site and can enhance the streetscape along Candlewyck Lane and Lawton Bluff Road, then this petition could be considered appropriate for approval. However, it should be noted that any development at this site will have an impact on the existing residential uses nearby and, therefore, the quality of development is essential to minimize those impacts.

CONCLUSION

The development of an outstanding site plan is the key to the approval of this request.

*Subject to further refinement following public hearing.

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 90-92
Date Filed October 15, 1990
Received By MCM

OFFICE USE ONLY

## Ownership Information

Property Owner John Crosland, Jr

Owner s Address 125 Scaleybark Road

Charlotte, North Carolina 28209

Date Property Acquired

Tax Parcel Number 2 313-51

**Location Of Property** (address or description) Intersection of Lawton Bluff Road and Candlewyck Lane

## Description Of Property

Size (Sq Ft.-Acres) 152,460 sq. ft./ 3.5 acres

Street Frontage (ft ) 461 06 ft. Lawton Bluff
471.76 ft. Candlewyck

Current Land Use vacant

## Zoning Request

Existing Zoning R-15 (PUD)

Requested Zoning R-15 (PUD)

Purpose of Zoning Change Site Plan Amendment

Crosland-Erwin Associates
Name Of Agent

125 Scaleybark Rd Charlotte, NC 28209
Agent s Address

(704) 523-0272
Telephone Number

Crosland-Erwin Associates
Name of Petitioner(s)

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

(704) 523-0272
Telephone Number

Steve O'Kelly, Vice Pres.
Signature

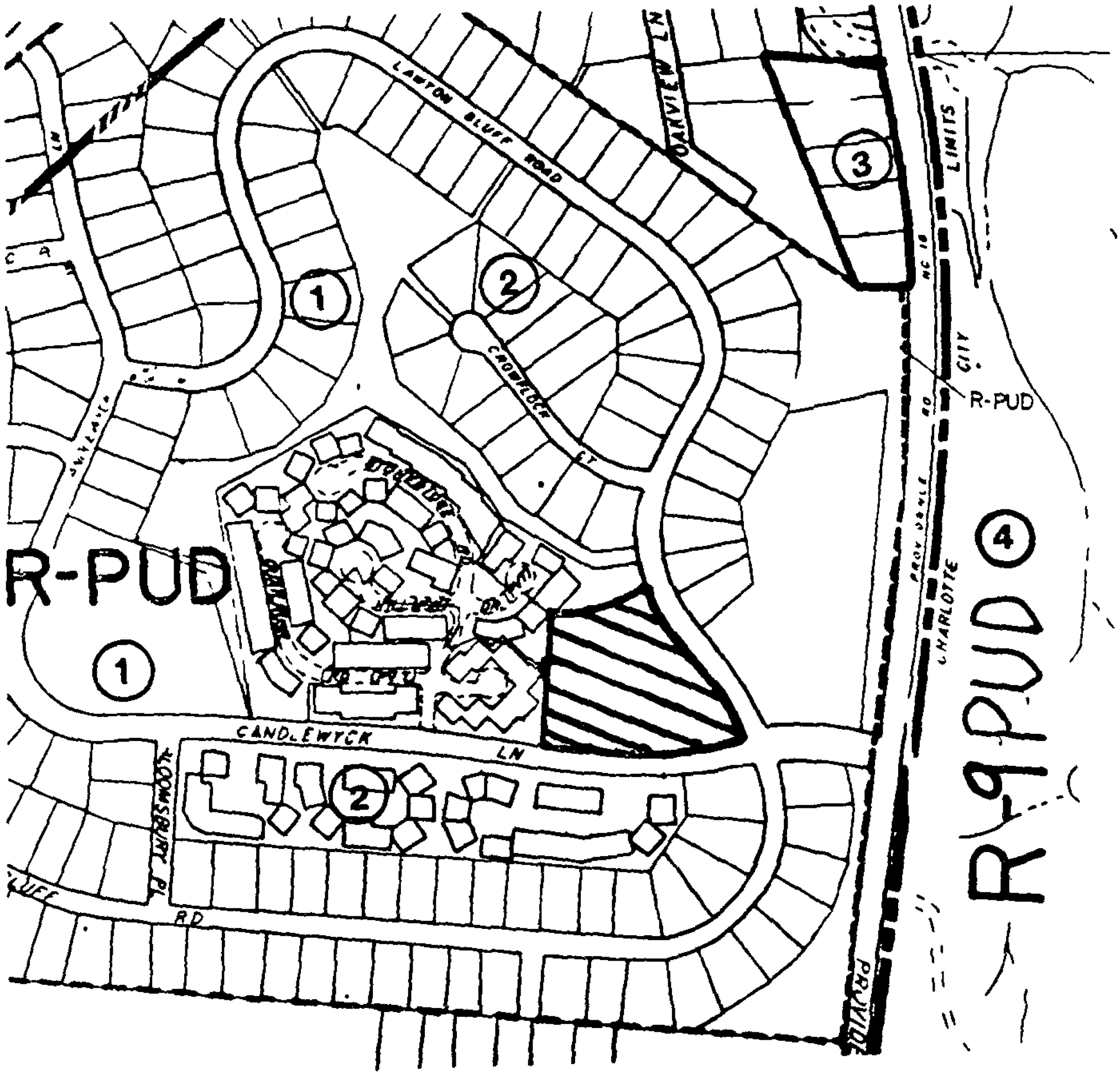
Signature of Property Owner if Other Than Petitioner

PETITIONER: Crosland-Erwin Associates

PETITION NO.: 90-92 HEARING DATE: December 17, 1990

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

LOCATION: Approximately 3.5 acres located on the northwest corner of the intersection of Lawton Bluff Road and Candlewyck Lane.




ZONING MAP NO(s).: 159 & 160

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CANDLEWYCK SHOPPING CENTER

Consolidated notes from revised plan for
public hearing dated Rev. 2 - 11/12/90.
Project No. 2103

**NAMES AND ADDRESSES OF ALL ADJOINING PROPERTY OWNERS ARE SET FORTH ON ATTACHED EXHIBIT "A" IN THE ORDER WHICH CORRESPONDS WITH THE PARCEL NUMBERS DEPICTED AROUND THE PERIMETER OF THIS REZONING PLAN.**


**PETITIONER:** CROSLAND-ERWIN-ASSOCIATES
125 SCALEYBARK ROAD
CHARLOTTE, NC 28209
PHONE: 704-523-0272

**ARCHITECTS:** LITTLE & ASSOCIATES ARCHITECTS, INC.
5815 WESTPARK DRIVE
CHARLOTTE, NC 28217
PHONE: 704-525-6350


DEVELOPMENT DATA

| | |
|---|---|
| EXISTING ZONING | R15-PUD |
| PROPOSED ZONING | R15-PUD SITE PLAN AMENDMENT |
| GROSS ACREAGE | 3.5 ACRES |
| SHOPPING CENTER BUILDING AREA | 32800 GROSS |
| MAXIMUM ALLOWABLE BUILDING AREA | 36200 GROSS |

PARKING REQUIRED

| | |
|---|---|
| DESIGNATED SALES AREA 25460 ÷ 200 = | 127 SPACES |
| EMPLOYEES 30 ÷ 2 = | 15 SPACES |
| TOTAL PARKING REQUIRED | 142 SPACES |
| TOTAL PARKING PROVIDED | 164 SPACES |

GENERAL PROVISIONS

All development standards established under the Charlotte/Mecklenburg Zoning Ordinance (the "Ordinance") for the R15-PUD Zoning District Classification shall be followed in connection with development taking place on the Property The building configurations, placements, and sizes shown on this Rezoning Plan are schematic in nature and may be altered or modified during design development and construction document phases within the maximum building envelope lines established on this Rezoning Plan Parking layouts may also be modified to accommodate final building locations.

## PERMITTED USES

1. The Property shall be devoted to "retail use."

- FOOD STORE
- PHARMACY
- LAUNDRY & DRY CLEANING
- BOOK SHOP
- PUBLIC LIBRARY
- SPECIALTY CLOTHING (MEN, WOMEN, CHILDREN)
- GARDEN CENTER
- GIFT BOUTIQUE
- BAKE SHOP
- CHEESE SHOP
- FLORIST
- HARDWARE
- BEAUTY SHOP
- BARBER SHOP
- BRANCH BANK
- ICE CREAM - TEA ROOM
- RESTAURANT -- (NO FAST FOOD) HOWEVER, SHALL NOT INCLUDE A PIZZA RESTAURANT FOR ON OR OFF PREMISES CONSUMPTION.
- PROFESSIONAL OFFICES
- VARIETY STORE

## SETBACKS

1. Building setbacks shall be a minimum of 40 feet off all public streets and a minimum of 50 feet off all other property lines.

2. Parking is permitted within the setbacks, but not within the buffer areas.

## BUFFERS

1. All development within the site will be subject to the buffer zones imposed by and depicted on this rezoning plan.

2. The buffer areas extending around the boundaries of the site are to remain as open space, except to the extent necessary to accommodate pedestrian pathways, walk, berms, fences (as permitted by the City/County Sign Ordinance), or utility construction. Grading may be performed and slopes and berms may be installed within these buffer areas.

## LANDSCAPING & SCREENING

1. Buffering and/or screening shall conform with the standards and treatments specified on this Rezoning Plan and, in all instances, shall meet or exceed the requirements of the City of Charlotte Tree Ordinance.

2. All landscaping will comply with the City of Charlotte Tree Ordinance.
3. Trees in the buffer area shall be large mature trees @ 25'-0" o.c.

## PARKING

1. The parking areas depicted on this Rezoning Plan may vary in size and location, but in all events, off-street parking will meet the minimum standards established under the City of Charlotte Zoning Ordinance.

2. Parking areas may be constructed inside and outside the building envelopes.

## LIGHTING

1. A uniform lighting system will be employed throughout the site

2. All direct lighting will be designed in a manner which minimizes glare towards adjacent streets and properties.

3. See Sheet RE-2 for parking lot light fixture.

## SIGNS

1 All signs erected on the project shall comply with the Charlotte/Mecklenburg County Sign Ordinance

## ACCESS POINTS (DRIVEWAYS)

1 The number of vehicular access points to Lawton Bluff Road shall be limited to one (1) and the number to Candlewyck Lane to two (2) as shown on this Rezoning Plan

## FIRE PROTECTION

1 Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of any building commences

2 Fire hydrants shall be installed so that a fire truck does not have to travel more than 500 feet to the most remote accessible point of all buildings

3. Fire hydrants shall be located within 500' of any parts of the building

## ARCHITECTURAL CONTROLS

1. The Petitioner intends to achieve compatibility of visual aesthetics and architectural design of building constructed within the site through the use of one or a combination of color, material, texture, architectural facades, rooflines, building mass, scale, and similar criteria.

2. Height of building shall be limited to one story in height and not to exceed 36'-0".

## STORM WATER MANAGEMENT

1 Storm water will be managed by the use of retention ponds and/or other means allowable under the Ordinance, all in accordance with plans approved by the City of Charlotte Engineering Department.

# ADJACENT [illegible] GEND

211-316-28
Rao Kwan Shaing
2137 Lawton Bluff Road
Mecklenburg County, NC 28226

211-316-26
Robert C. Griffin
7348 Winnington Circle
Mecklenburg County, NC 28226

211-316-23
Diane B. Landres
7329 Winnington Circle
Mecklenburg County, NC 28226

211-316-22
Virginia Steele Jenkins
7321 Winnington Circle
Mecklenburg County, NC 28226

211-316-21
Avilen O. Hensley
7315 Winnington Circle
Mecklenburg County, NC 28226

211-318-18
Robert Michael Evens
2136 Lawton Bluff Road
Mecklenburg County, NC 28226

211-312-49
Candlewyck Baptist Church
2216 Lawton Bluff Road
Mecklenburg County, NC 28226

211-312-47
Donald Lee Sanford
2232 Lawton Bluff Road
Mecklenburg County, NC 28226

211-312-46
Carrol M. Penney
2248 Lawton Bluff Road
Mecklenburg County, NC 28226

211-421-61
Noleia Stitt
2601 Hillmont Drive
Mecklenburg County, NC 28226

211-421-62
James P. Bingham, Jr.
2605 Hillmont Drive
Mecklenburg County, NC 28226

211-421-63
Donna Hamilton Ericson
2609 Hillmont Drive
Mecklenburg County, NC 28226

211-421-64
Preston M. Smith
2615 Hillmont Drive
Mecklenburg County, NC 28226

211-421-68
William D. Anderson
2686 Quailrush Road
Mecklenburg County, NC 28226

211-421-69
Robert A. Helms
2688 Quailrush Road
Mecklenburg County, NC 28226

211-421-70
Betty L. Bradley
2691 Quailrush Road
Mecklenburg County, NC 28226

211-421-71
Cathryn W. Largen
2685 Quailrush Road
Mecklenburg County, NC 28226

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-93

Petitioner: Brent White

Location: An approximately .84 acre site located on the south side of Tipton Drive west of Statesville Avenue.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-6MF as is a small site located on the northerly side of Tipton Drive and west of the service road. Properties located to the south including the J. T. Williams Junior High School site are also zoned R-6MF. Otherwise, the area is devoted to nonresidential zoning. The adjoining site to the west adjoining I-77 and I-85 is zoned B-D(CD) and properties located along Statesville Avenue and Old Statesville Road are zoned I-1.

2. Existing Land Use. The property involved with this request is presently vacant as are adjoining properties to the east and south. Along Old Statesville Road are several commercial uses including a car lot, a lounge, and a garage. To the south is J. T. Williams Junior High School. To the west at the end of Tipton Drive is a warehouse/distribution facility. Properties located to the south along Carmine Street and Julia Avenue are developed with residential land uses including single family and multi-family development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include improvements to I-77, I-85, and Statesville Avenue.

   2. Central District Plan (draft). The Central District Plan draft recommends the development of a special project plan for the area of the subject property to determine the appropriate future land use and zoning pattern.

   3. Transportation Improvement Program. The Transportation Improvement Program schedules the widening of I-77 from I-85 to the South Carolina State Line to six lanes for construction in FY92-95. The Transportation Improvement Program also includes the widening of I-85 from U.S. 29 to Gaston County. This project is currently under construction and is expected to be completed by FY94.

4. Site Plan. The site plan which accompanies this application indicates the subject property would be developed with office, distribution and warehouse uses with a maximum building area of 15,000 square feet. Access to the site is to be provided by a driveway connection to Old Statesville Road across from Hickory Lane. The plan appears to also provide a connection to Tipton Drive generally opposite the service road. The site plan represents a portion of a proposed building that would be developed on the subject property as well as on adjoining properties owned by the petitioner. The plan indicates a 20 foot buffer adjoining Tipton Drive and the driveway easement to J. T. Williams Junior High School.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 65-99 | R-6MF to I-1 | Approved | 11/22/65 |
| 2. 80-10 | R-6MF to I-1 | Approved | 04/28/80 |
| 3. 88-60 | R-6MF to B-D(CD) | Approved | 11/21/88 |

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

REVIEWS

1. Plan Consistency. This property lies within an area in which the 2005 Plan indicates existing residential land uses. However, the subject property and adjoining properties are largely undeveloped and the property located to the south is occupied by a junior high school. Additionally, an adjoining site located to the west was recently rezoning from R-6MF to B-D(CD) and development of that project has occurred. Inasmuch as the 2005 Plan indicates the area for residential purposes, this petition is not consistent with plans for the area. However, this petition is consistent, from a land use standpoint, with the previously approved rezoning on the adjoining property located to the west.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and the staff have discussed on several occasions the site plan connected with this application. Staff has recommended to the petitioner that the overall site be brought in under the conditional rezoning so that the site plan indicates a complete picture of the proposed development. Additionally, by bringing in the entire property, the petitioner will have an opportunity to provide for an appropriate buffer adjoining the school site

and to address the other departmental comments indicated below.

2. Departmental Comments. Comments from the Department of Transportation indicate the site could generate approximately 112 through 144 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 50 trips per day. This will not have a significant impact on the surrounding street system. CDOT recommends that all truck traffic to the proposed development use Tipton Drive rather than Old Statesville Road as proposed. Comments from the Charlotte-Mecklenburg School staff indicate the proposed development would not negatively impact the school if an adequate wooded and/or fenced buffer is maintained between the school and the proposed facility. School staff indicate that it is important to maintain an adequate barrier between parking for the new facility and the heavily used baseball fields on the adjoining school property. The City Engineering Department indicates that the westerly side of the subject property adjacent to the school yard contains many mature hardwoods and preservation of these trees is considered very desirable. Engineering also indicated the need for the plan to show compliance with the tree ordinance. Comments from Planning staff included the need for provision of a tree preservation strip adjacent to the school's driveway and to include the entire site in the request for rezoning to I-1(CD). The petitioner's revised site plan does not address these departmental comments.

ISSUES

1. Land Use. This petition proposes the rezoning of properties from a residential to a nonresidential category in an area in which the 2005 Plan indicates existing residential uses. In reviewing the 2005 Plan, it appears that this area is indicated for residential purposes principally because of several residences and the junior high school located in the area south of the site and because the property is currently zoned for residential development. However, an adjoining tract to the west has recently been rezoned from residential to B-D(CD) and that development has occurred. In addition, most of the properties adjoining the site are already used for nonresidential purposes. The site is in the vicinity of two interstate highways, a distribution facility, several established commercial developments, and on the south by an institutional use (J. T. Williams Junior High School). Staff believes that the circumstances and conditions which exist in the area of the subject property warrant consideration of a request for rezoning to a nonresidential district. Therefore, from a land use perspective, the petition could be considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition raises a number of issues. The primary issue is that the site plan represents only a part of a building and a portion of a proposed development. The petition should be amended to include all of the property included in this proposed development so that the comments that were transmitted from the various reviewing agencies can be incorporated into a complete site plan. Those comments include the tree preservation issue raised by the Engineering Department and the need for an adequate buffer along the school edge which was raised by the School Board staff. Only with a revised application and site plan which includes the entire proposed development could this petition be considered appropriate for approval.

CONCLUSION

This petition is not considered appropriate for approval as submitted.

*Subject to further refinement following public hearing.

7

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 90 93
Date Filed October 15, 1990
Received By [illegible]
OFFICE USE ONLY

## Ownership Information

Property Owner CAROLINAS AUTOMOBILE ASUPPLY HOUSE, INC.

Owner s Address PO Box 36409, Charlotte, NC 28236

Date Property Acquired April 25, 1988

Tax Parcel Number 077-053-14

## Location Of Property (address or description)

Tipton Drive West of Statesville Ave. intersection

## Description Of Property

Size (Sq Ft -Acres) .84 Acres Street Frontage (ft ) 246.77

Current Land Use Vacant

## Zoning Request

Existing Zoning R-6MF Requested Zoning I-1(CD)

Purpose of Zoning Change Develop Distribution Facilities

Name Of Agent
Larry Brett

Agent s Address
4427 Winrock Lane, Rock Hill, SC 29730

Telephone Number
803/366-5262

Name of Petitioner(s)
Brent White

Address of Petitioner(s)
PO Box 36409, Charlotte, NC 2823

Telephone Number
704/334-4646

C. Brent White VP
Signature

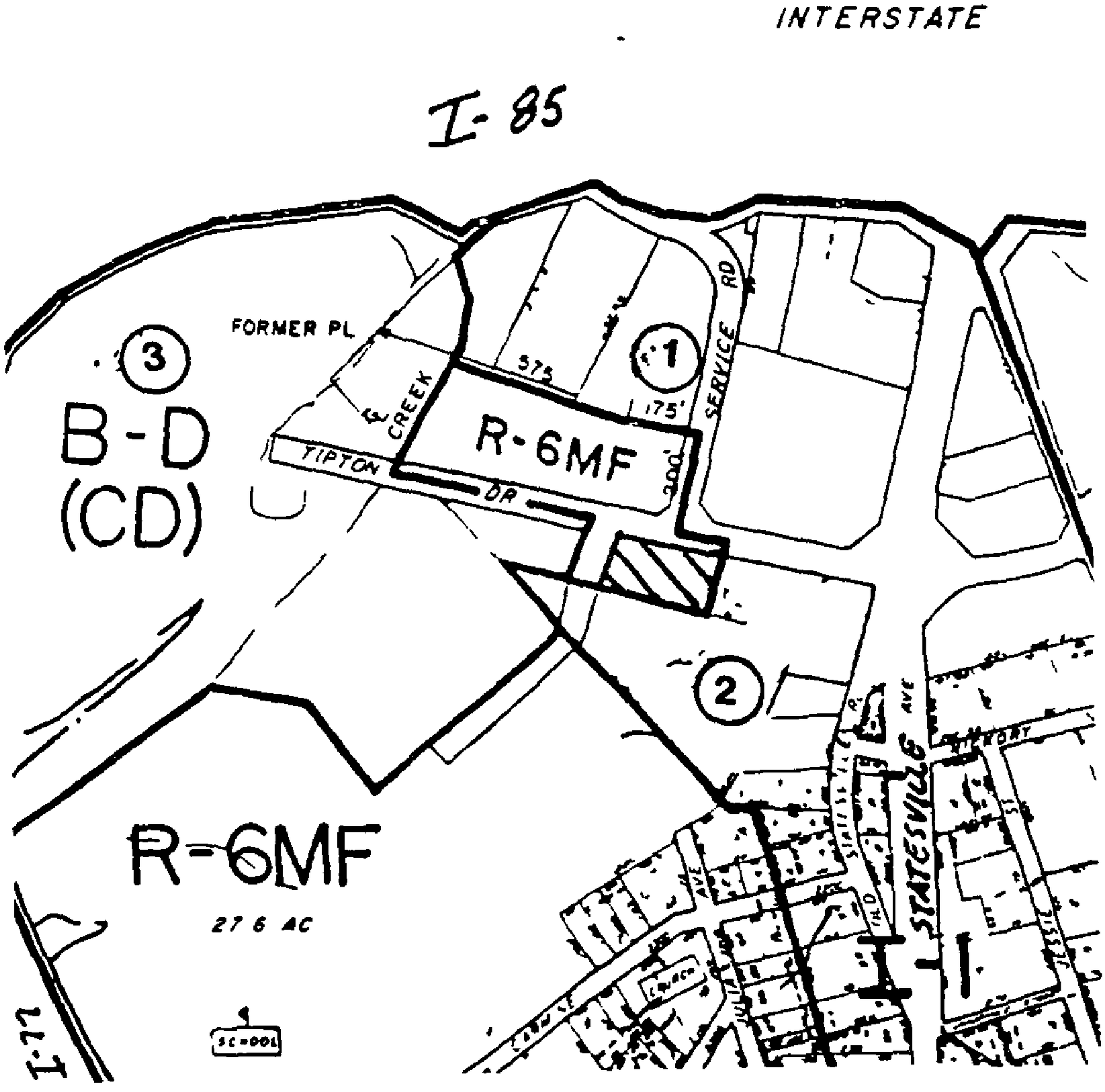
Signature of Property Owner if Other Than Petitioner

PETITIONER Brent White

PETITION NO 90-93 HEARING DATE December 17, 1990

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

LOCATION Approximately 84 acres located on the south side of Tipton Drive west of Statesville Avenue




ZONING MAP NO(s).: 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

REZONING PETITION 90-93 BRENT WHITE

DEVELOPMENT DATA:

| | |
|---|---|
| SITE AREA | 0.84 ACRE |
| MAXIMUM BUILDING AREA | 15,000SF LAND AREA |
| EXISTING ZONING | R-6MF |
| PROPOSED ZONING | I-1(CD) |
| MAXIMUM BUILDING HEIGHT | 40' to 50' |
| PROPOSED USE: | OFFICE-DISTRIBUTION-WAREHOUSE |

NOTES:

1. SIGNS SHALL COMPLY WITH SECTION 2109 OF THE CHARLOTTE ZONING ORDINANCE.

2. PARKING SHALL CONFORM WITH SECTION 2000 OF THE CHARLOTTE ZONING ORDINANCE.

3. THE 20' BUFFERS SHALL BE PROVIDED WHERE THIS DEVELOPMENT JOINS R-6MF. EXISTING TREES SHALL BE PROTECTED DURING THE GRADING AND CONSTRUCTION PROCESS THROUGH THE USE OF BARRICADES AND WILL BE STAKED AND BARRICATED PRIOR TO GRADING. WHERE NATURAL VEGETATION IS INSUFFICIENT, SUBLEMENTAL PLANTINGS OF TREES, SHRUBS, AND OR LANDSCAPING SHALL BE ADDED TO COMPLY WITH SECTION 1601 OF THE CHARLOTTE ZONING CODE.

4. OLD STATESVILLE ROAD WILL BE IMPROVED FOR SERVICE ACCESS TO CONFORM WITH CHARLOTTE ENGINEERING DEPARTMENT STANDARDS.

5. FIRE HYDRANTS TO BE PROVIDE SO FIRE TRUCKS AT MOST REMOTE PART OF BUILDINGS SHALL NOT BE IN EXCESS OF 500' TO HYDRANT.

6. THIS DEVELOPMENT SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE.

7. CURB AND GUTTER WILL BE PROVIDED AT SITE ACCESS AREAS AND WHERE NEEDED ALONG TIPTON DRIVE

8. STORM WATER DETENTION SHALL BE PROVIDED FOR INCREASED RUNOFF FROM THIS SITE.

9. IF A WATER PRESSURE OR SUPPLY PROBLEM IS IDENTIFIED BY FIRE OFFICALS, THE OWNER SHALL INSTALL APPROPIATE BUILDING TREATMENTS TO THE SATISFACTION OF FIRE OFFICALS.

LAW OFFICES

PERRY PATRICK, FARMER & MICHAUX
PROFESSIONAL ASSOCIATION
900 BAXTER STREET
POST OFFICE BOX 35566
CHARLOTTE, NORTH CAROLINA 28235

TELEPHONE
(704) 372 1120
TELECOPIER
(704)372 9635

ROBERT E PERRY JR
BAILEY PATRICK JR
B D FARMER III
ROY H MICHAUX JR
RICHARD W WILSON
JAMES G WALLACE
CAROLYN G HISLEY
BRYAN W PITTMAN
LAURA L YAEGER
RICHARD W MOORE
TIMOTHY E CUPP
W RICHARD JAMISON
J CHRISTOPHER OATES
ANN A WATKINS
LESLIE MILLER WEBB

RALEIGH OFFICE
3724 NATIONAL DRIVE
SUITE 200
POST OFFICE BOX 30158
RALEIGH NORTH CAROLINA 27622 0158
(919) 787 8812

# MEMORANDUM

**TO:** MEMBERS OF THE CHARLOTTE CITY COUNCIL

**FROM:** BAILEY PATRICK, JR.

**DATE:** DECEMBER 4, 1990

**RE:** REQUEST FOR PERMISSION TO WITHDRAW REZONING PETITION

REZONING PETITION NO. 90-94

EXISTING ZONING: B-1 (SCD)

REQUESTED ZONING: SITE PLAN AMENDMENT - SUNSET CROSSING SHOPPING CENTER

PETITIONER: B. V. BELK INVESTMENTS AND DEVELOPMENT

PROPERTY INVOLVED: 32 ACRE SITE LOCATED ON SOUTH SIDE OF SUNSET ROAD BETWEEN STATESVILLE ROAD (U.S. 21) AND MILHAVEN LANE

I represent the Petitioner, B. V. Belk Investments and Development, who seeks approval of a Site Plan Amendment by this Rezoning Petition. The Petition is scheduled for Public Hearing on Monday, December 17, 1990.

This Site Plan Amendment involves two outparcels fronting on Statesville Road and one outparcel fronting on Sunset Road which were approved under the original B-1 (SCD) Rezoning Plan. Petitioner seeks to convert the two outparcels fronting on Statesville Road into one outparcel and to convert the one outparcel fronting on Sunset Road into two outparcels. No additional square footage is being sought.

Initially, the Petitioner sought approval for a new access to Sunset Road for one of the two outparcels fronting on that road.

RECEIVED
DEC 7 1990
OFFICE OF CITY CLERK

Both the Charlotte Department of Transportation and the Planning Commission's Staff opposed the new access to Sunset Road, citing a policy which required all outparcels to be served internally and a policy which established a maximum of three accesses per road frontage for a shopping center site. Petitioner, after giving due consideration to the concerns expressed by Staff and CDOT, recently filed a timely amended site plan wherein he agreed to eliminate the additional access to Sunset Road.

In a telephone conversation last week, Laura Simmons, a member of the Planning Commission's Staff, advised me that with the elimination of the request for the additional access drive to Sunset Road, our Petition for a Site Plan Amendment was eligible for administrative approval because it only involved the reconfiguration of outparcels and thus no longer required a Public Hearing for approval.

Section 1303 of the City Zoning Ordinance provides that a Petitioner may withdraw a pending Rezoning Petition only with the approval of the City Council, that a request for permission to withdraw must be filed prior to the date established for the Public Hearing and that a decision on the request will be made by the City Council on the day of the Public Hearing.

For the reasons cited above, I respectfully request that the City Council allow the Petitioner to withdraw Rezoning Petition No. 90-94.

I am mailing to each adjoining property owner and to each other party to whom Staff has given notice of the Public Hearing copies of this Memorandum so that they might be advised of the pendency of our request for permission to withdraw the Petition.

Thank you for your consideration of this request.

Respectfully submitted this 4th day of December, 1990.

Bailey Patrick, Jr.

BPJr/gb

cc: **Ms. Pat Sharkey, City Clerk**
Members of the Zoning Committee
B. V. Belk Investments and Development
Mr. Walter G. Fields, III
Ms. Laura Simmons

cc: Adjacent Property Owners:

John L. Bradley
Mary and Roger Wally
Bruce A. Bailey
CSF Associates
Spartan Food Systems, Inc.
Spardee's Realty, Inc.
Vallabhbhai Patel
J. C. Brookshire
Susan C. Smith
DH&S Assoc.
Carolina Freight Carriers Corp.
Consolidated Freighways Corp.
Roadway Express, Inc.
Donald R. Wright
Randy C. White
Mary Scruggs
B. V. Belk & Conbraco Industries, Inc.
J. E. Stephenson
Duke Power Company
Gene B. Mullis
Allen A. Bailey/Hutchison Charitable Trust
David T. Dingler & Wife
Repat Leasing c/o Tracy Faust

Neighborhood Leaders:

Kim Bethea
Frances Kelly, Jr.
Bill Hamilton

Other Interested Parties:

Paul Eich

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-94

Petitioner: B. V. Belk

Location: Approximately 32 acres located on the south side of Sunset Road between Statesville Road (U.S. 21) and Milhaven Lane.

Request: Change from B-1SCD to B-1SCD Site Plan Amendment.

**NOTE: The petitioner has indicated that the petition will be requested for withdrawal.**

BACKGROUND

1. Existing Zoning. The property involved with this request is currently zoned B-1SCD. The property to the north across Sunset Road is zoned I-1. To the south the property is zoned R-9. The R-9 zoning also extends to the west across Milhaven Drive but changes to B-2 to the north toward Sunset Road. This pattern also extends to the west where both R-12 and B-2 zoning is found.

2. Existing Land Use. The property involved with this request presently contains the first phase of the shopping center previously approved for this site. It also contains two outparcels with fast-food restaurants. The rest of the site remains graded but undeveloped. Property generally to the south of the subject site is used for single family purposes while properties with frontage along Sunset Road are used for a variety of commercial and industrial purposes including fast-food restaurants, motels, gasoline service stations, and truck terminals.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential land uses in the vicinity of the subject property. A community commercial center and existing employment uses are also indicated in the area.

   2. Derita Small Area Plan. The Derita Small Area Plan which was adopted March, 1985 recommends single family zoning for a large portion of the subject site but recognizes that office zoning along Sunset Road would be an appropriate use. That plan also recommends the widening of Milhaven Lane and the installation of sidewalks along both sides of Statesville Road.

   3. Northeast District Plan (adopted July, 1990). The Northeast District Plan recognizes the existing zoning of this site and indicates that the location is appropriate for a neighborhood mixed use center. The neighborhood mixed use center is one which would accommodate up to 250,000 square feet of floor area

and which would provide for a mixture of retail and office uses at roughly equal proportions on the site.

4. Site Plan. The site plan associated with this petition proposes a shopping center of approximately 220,000 square feet including seven outparcels. Three of these outparcels have already been developed as well as 65,000 square feet of the main shopping center. This site plan amendment proposes to reconfigure the outparcels so that only one outparcel is oriented toward Statesville Road and the remainder toward Sunset Road. The number of driveways, uses, as well as the buffers and setbacks remain as per the previously approved plan.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 71-7 | R-9 to B-2 | Approved | 01/18/71 |
| 2. 76-4(c) | I-1 to Cond. Truck Terminal | Approved | 03/01/76 |
| 3. 79-35(c) | I-1 to I-2(CD) | Approved | 10/15/79 |
| 4. 81-4(c) | I-1 Cond. Truck Terminal to I-2(CD) | Approved | 04/06/81 |
| 5. 85-52(c) | R-9 & B-2 to B-1(CD) | App. B-1SCD | 12/16/85 |
| 6. 89-14(c) | B-1SCD Site Plan Amendment | Approved | 05/15/89 |
| 7. 89-16(c) | R-9 to R-12MF(CD) | Approved | 07/10/89 |
| 8. 89-19(c) | I-1 Cond. Truck Terminal to B-1(CD) | Approved | 07/10/89 |

7. Neighborhood. This site does not fall within a specifically defined neighborhood area.

REVIEWS

1. Plan Consistency. This petition seeks a site plan amendment to reconfigure the outparcels located along Sunset and Statesville Roads. The remainder of the previously approved shopping center plan does not change. Both the 2005 Plan and the Northeast District Plan recognize the existing zoning and recommend that a neighborhood mixed use center of approximately 250,000 square feet be located in the area. The existing plan makes no mention of office uses for the site. It proposes the entire 220,000 square feet to be developed with retail uses. The existing plan is not entirely consistent with publicly adopted plans for the area. The proposed site plan amendment does not materially affect the land use for the site.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff spoke with the petitioner prior to filing and discouraged the petitioner from filing a site plan amendment that would add driveways.

2. Departmental Comments. The departmental comments included the Fire Department requiring fire walls and sprinklers, the Zoning Department asking that setbacks be shown on all outparcels, and the Engineering Department requesting additional right-of-way along Statesville and Sunset Roads as well as compliance with the tree ordinance. Both Planning and C.D.O.T. asked that the petitioner remove the additional driveway from Sunset Road. The revised plan submitted by the petitioner has addressed all of these comments. As a result the only change to the plan is a reconfiguration of the outparcels.

ISSUES

1. Land Use. This petition raises no new land use issues. The existing plan does not correspond with adopted policies and plans for the area. However, the proposed site plan amendment does not worsen this condition. Therefore, from a land use point of view this site plan amendment is considered appropriate for approval.

2. Site Plan. The site plan that accompanies this petition proposes a shift of one outparcel from Statesville Road to Sunset Road without adding driveways or square footage. The remainder of the plan is unchanged. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

NOTE: Due to the minor nature of this petition staff has advised the petitioner that this change could be done administratively.

*Subject to further refinement following public hearing.

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 90 94
Date Filed October 15, 1990
Received By [illegible]
OFFICE USE ONLY

## Ownership Information

Property Owner: B.V Belk Investments and Development

Owner s Address: 428 East Fourth Street, Suite 204
Charlotte, North Carolina 28202

Date Property Acquired: September, 1986

Tax Parcel Number: 041-242-02, 03, 04, 06, 09 ,and a portion of 10

## Location Of Property (address or description)

Northwest corner of Sunset Road and Statesville Road

## Description Of Property

Size (Sq Ft Acres): 32 acres

Street Frontage (ft ): 1100 ft Statesville
1100 ft. Sunset Road

Current Land Use: Commercial- 65,000 square feet existing. At total buildout, square footage shall not exceed 220,000 square feet.

## Zoning Request

Existing Zoning: B-1(SCD)

Requested Zoning: B-1 SCD) Site Plan Amendment

Purpose of Zoning Change: To allow for the reconfiguration of outparcels.
Total number of outparcels remains unchanged.

Name Of Agent: Mr. Bailey Patrick
Perry, Patrick, Farmer, and Michaux

Agent s Address: 900 Baxter Street, Suite 300
P. O. Box 35566
Charlotte, N. C. 28235

Telephone Number: (704) 372-1120

Name of Petitioner(s): B.V. Belk Investments and Development

Address of Petitioner(s): 428 East Fourth Street, Suite 204
Charlotte, N. C. 28202

Telephone Number: (704) 375-3800

B.V. Belk Jr.
Signature: B.V. Belk, Jr.

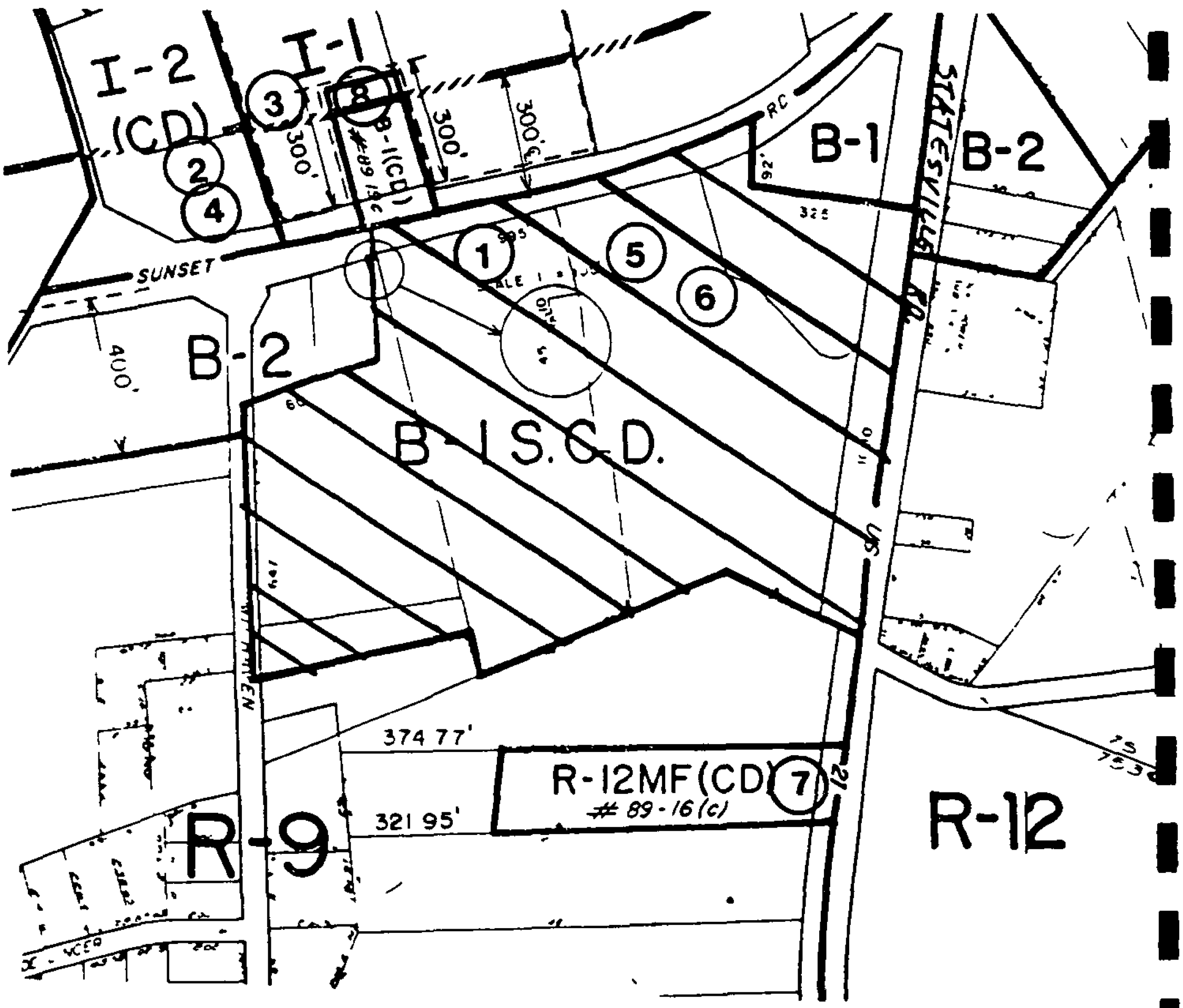
Signature of Property Owner if Other Than Petitioner

PETITIONER. B V Belk

PETITION NO 90-94 HEARING DATE December 17, 1990

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

LOCATION Approximately 32 acres located on the south side of Sunset Road between Statesville Road (U S. 21) and Milhaven Lane




ZONING MAP NO(s).: 60

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

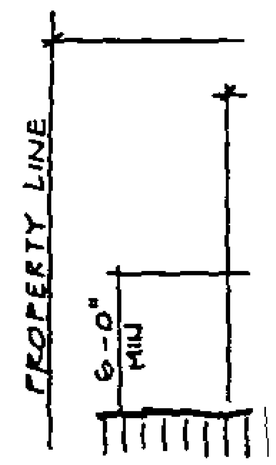
#90-94

# GENERAL NOTES

1 This plan represents a firm development concept with regard to building, parking, and circulation arrangement However, adjustments are permitted based upon final design criteria

2 This development shall conform to all applicable parking, signage, and screening requirements as set forth in the Mecklenburg County Zoning Ordinance

3 The buffer area along Millhaven Lane shall be a minimum of 100 feet




TYPICAL
NTS

4 The buffer area along Millhaven Lane shall remain as a natural area of existing mature trees so as to provide an effective screen to adjoining property. However, minor clearing of understory growth, weeds, vines, etc , shall be permitted and replaced with an attractively designed groundcover landscaping treatment to provide a well maintained, manicured appearance to further enhance the screening and streetscape appearance along Millhaven Lane

5 The final size, shape, and placement of buildings associated with the outparcels shall be determined as dictated by individual tenant needs. The exact location and number of curb cuts to the internal parking lot/ circulation system may also vary from that which is shown

6 All outparcels except Parcels A and B shall observe a 40 foot parking setback, said 40 foot area shall be used for landscaping purposes

7. The maximum building square footage for the entire project (main building plus all out parcels) shall not exceed 220,000 S F

8 Fire hydrants shall be provided in accordance with all applicable fire protection standards

9 Curb, gutter, and sidewalk shall be provided along Millhaven Lane frontage in conjunction with building permit issuance for Phase II expansion

10. In cooperation with N C D O T , petitioner agrees to provide a left turn lane from Statesville Road at existing main entrance. Construction of the left turn lane shall be completed prior to building permit issuance for future expansion of the main shopping center building.

11. The design of the buildings shall be of a scale as to avoid large unbroken horizontal masses of building facades, facilitated by one or a combination of the following treatments awnings, storefront design, windows, entrances, changes in building facade elevations, changes in color, and similar architectural features.

12 With respect to any free standing buildings, Petitioner intends to achieve compatibility of visual aesthetics and architectural design with other improvements on the property through the use of a combination of color, materials, texture, architectural facades, rooflines, building mass, scale and similar criteria, provided, however that the Petitioner reserves the right to use variant color, material, texture, architectual facades, rooflines, building mass and scale so long as compatibility in aesthetics and design is achieved

13. Petitioner shall discourage tractor trailer truck parking by means of barriers, signage, and any other feasible means.

14. With respect to all undeveloped property within the shopping center and out parcels, developer shall comply with the current Charlotte Tree Ordinance.

15. Additional R O W. dedication for Sunset Road, as indicated on plan, shall occur prior to building permit issuance for out parcel "C". R.O W dedication shall occur within 40' parking setback

16. Additional R.O W dedication for Statesville Road, as indicated on plan, shall occur prior to building permit issuance for out parcel "D". R.O W. dedication shall occur within 40' parking setback.

N 16 09-56 E 2
N 13-50-04 W 1
N 15-06 52 E .
N12-30 00 W c

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 30, 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 November 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, December 10, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, December 17, 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: November 26, 1990

PETITION NO.: 89-90

PETITIONER(S): Vulcan Materials Company

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

LOCATION: A 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old nations Ford Road to Sugar Creek.

ACTION: A motion to deny this petition resulted in a three to two vote. Therefore, the petition is forwarded to Council with no recommendation.

VOTE: Yeas: James, Majeed, and McClure.

Nays: Baucom and Mead.

(Commissioner O'Brien abstained from discussion and vote, declaring a conflict of interest.)

NOTE: The petition is forwarded to City Council with no recommendation and will be placed on the December 17, 1990 Council agenda for a decision. According to Section 3, Article VI of the Charlotte-Mecklenburg Planning Commission rules of procedure, in an instance in which all seven committee members are present or otherwise accounted for and a motion receives less than four votes, the petition is forwarded to Council with no recommendation and no roll over delay.

REASONS

The Zoning Committee discussed this petition for some time prior to voting on the matter. There was considerable discussion regarding the recently completed consultant's report on the effects of the quarry on the nearby residential community and the recently revised site plan which imposes automatic penalties for blasts in excess of the prescribed limits. Several Zoning Committee members viewed the request as inappropriate for the area and felt the expansion would have a negative impact on the surrounding residential community. Additionally, some members noted that Vulcan indicated during the discussion that the quarry could continue operating for approximately another 50 years even without the potential for expansion afforded by the requested rezoning. Other members noted the consultant's report which indicates that damage to houses in the nearby area is not attributable to the blasting from the quarry. In addition, it was noted that the petitioner's proposed limits on blasting effects were more restrictive than what can occur under the present use of the quarry site.

STAFF OPINION

The staff believes that the approval of this petition will not adversely affect nearby properties over the impacts of the present operation and will impose limits on blasting which do not presently exist. The staff also notes the change in the draft Southwest District Plan which would allow such an expansion if accompanied by measures to mitigate off site impacts.

PETITIONER Vulcan Materials Company

PETITION NO. 89-90 HEARING DATE December 18, 1989

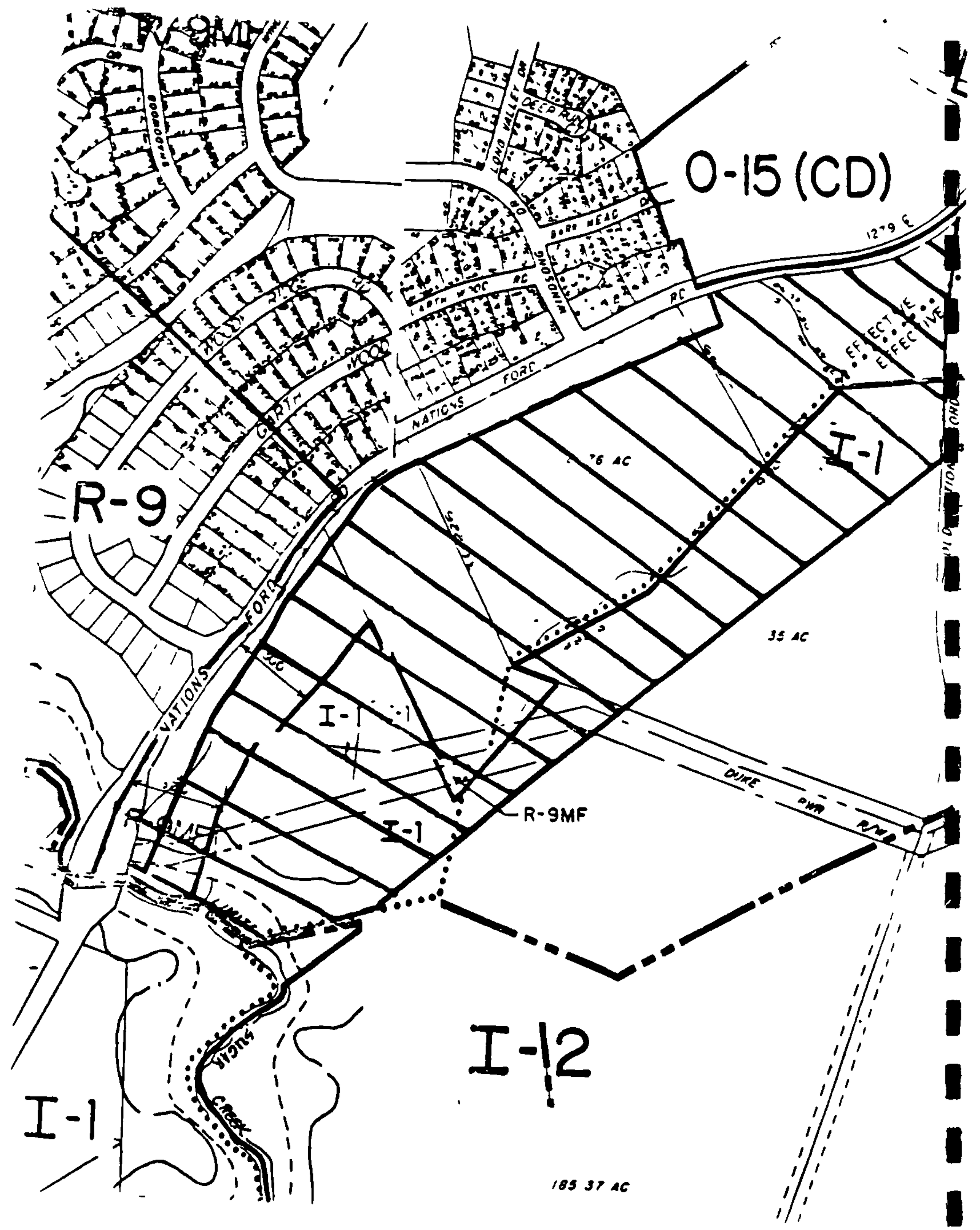
ZONING CLASSIFICATION, EXISTING R-9MF to I-1 REQUESTED I-1(CD) & I-2(CD)

LOCATION Approximately 69.8 acres located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek

SEE ATTACHED MAP

ZONING MAP NO. 148, 149, 156, 6157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


0-15 (CD)
R-9
I-1
I-12
R-9MF
LONG VALLEY DR
DEER RUN
BOB HEAD
GNOSONIA
NORTH WOOD RD
NATIONS FORD
BRIDGEWOOD
WOOD
NORTH
NATIONS FORD
NATIONS FORD
SCHOOL
76 AC
35 AC
185 37 AC
DUKE PWR R/W
SUGAR CREEK
EFFECTIVE
1279 ℄

DATE: November 26, 1990

PETITION NO.: 90-60

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

NOTE: The property owners involved in this petition recently submitted a site plan to enable consideration of an I-1(CD) district.

LOCATION: A 1.38 acre site located on the east side of South Boulevard south of E. Tremont Avenue.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, and Mead.

Nays: None.

(Commissioner O'Brien abstained from discussion and vote, declaring a conflict of interest.)

REASONS

The Zoning Committee discussed the outstanding site plan issues involved with the I-1(CD) request and ultimately deferred action on the petition to allow time for the property owner and Planning staff to further discuss site plan revisions.

DATE: September 24, 1990

PETITION NO.: 90-66

PETITIONER(S): S. D. Atma & N. D. Atma

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

LOCATION: A 1.55 acre site located on the northerly side of Wilson Lane west of Sugar Creek Road.

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

VOTE: Yeas: Baucom, James, McClure, Mead, O'Brien, and Points.

Nays: Majeed.

REASONS

This petition proposed the rezoning of a small tract of land to provide for a hotel at the edge of a residential neighborhood. Members of the Zoning Committee, recalling previous discussions of other zoning cases in the area including one on this property, noted that it was an inappropriate location for such a use. The residential development along Wilson Lane is well established and stable. Members of the Zoning Committee did not believe that this land use was appropriate at this location and expressed the belief that previous zoning changes approved in the area may have precipitated this request. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

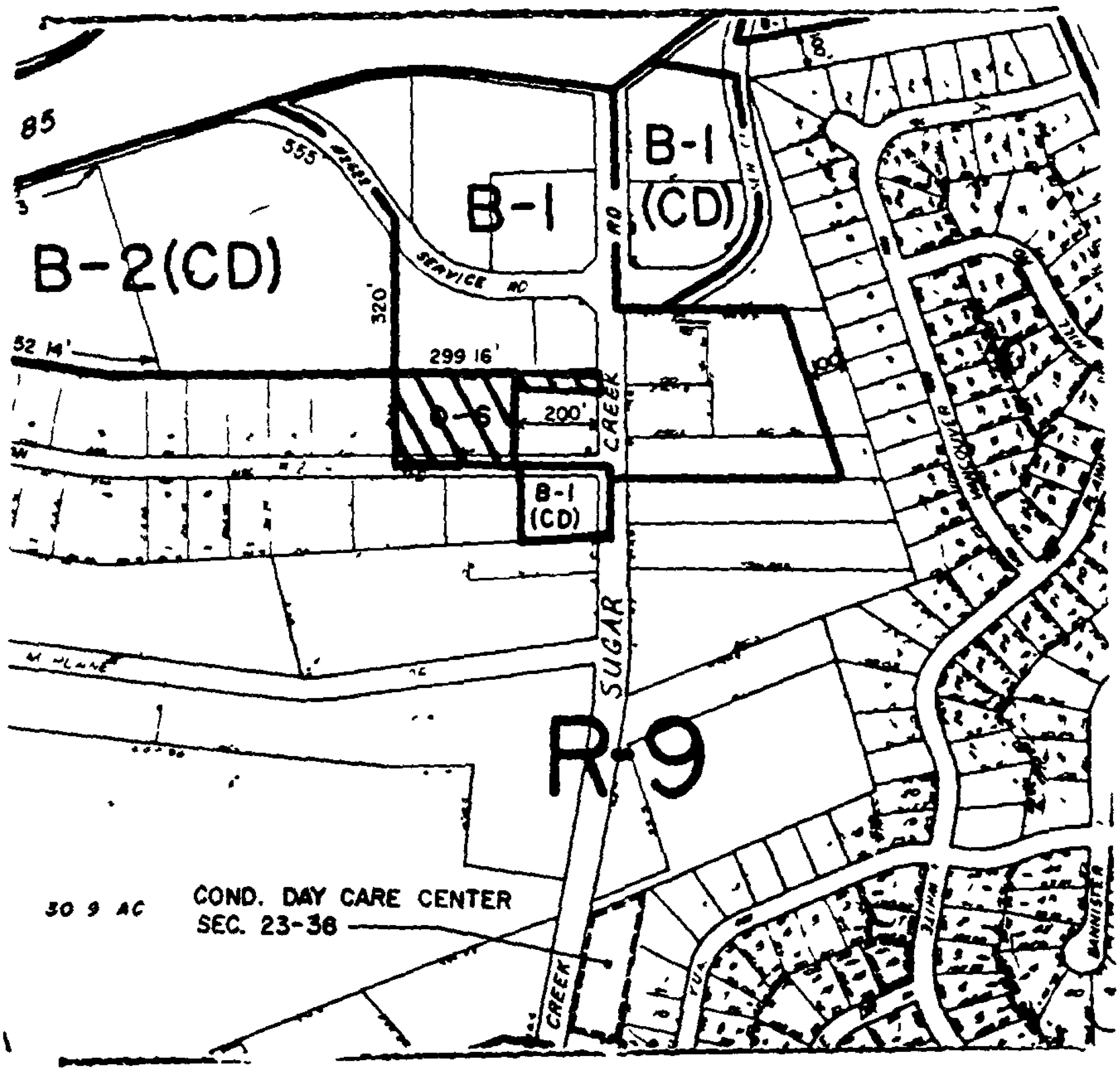
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER S. D. Atma & N. D. Atma

PETITION NO. 90-66 HEARING DATE September 17, 1990

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

LOCATION Approximately 1 55 acres located on the northerly side of of Wilson Lane west of Sugar Creek Road.




ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 24, 1990

PETITION NO.: 90-66

PETITIONER(S): S. D. Atma & N. D. Atma

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

LOCATION: A 1.55 acre site located on the northerly side of Wilson Lane west of Sugar Creek Road.

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

VOTE: Yeas: Baucom, James, McClure, Mead, O'Brien, and Points.

Nays: Majeed.

REASONS

This petition proposed the rezoning of a small tract of land to provide for a hotel at the edge of a residential neighborhood. Members of the Zoning Committee, recalling previous discussions of other zoning cases in the area including one on this property, noted that it was an inappropriate location for such a use. The residential development along Wilson Lane is well established and stable. Members of the Zoning Committee did not believe that this land use was appropriate at this location and expressed the belief that previous zoning changes approved in the area may have precipitated this request. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

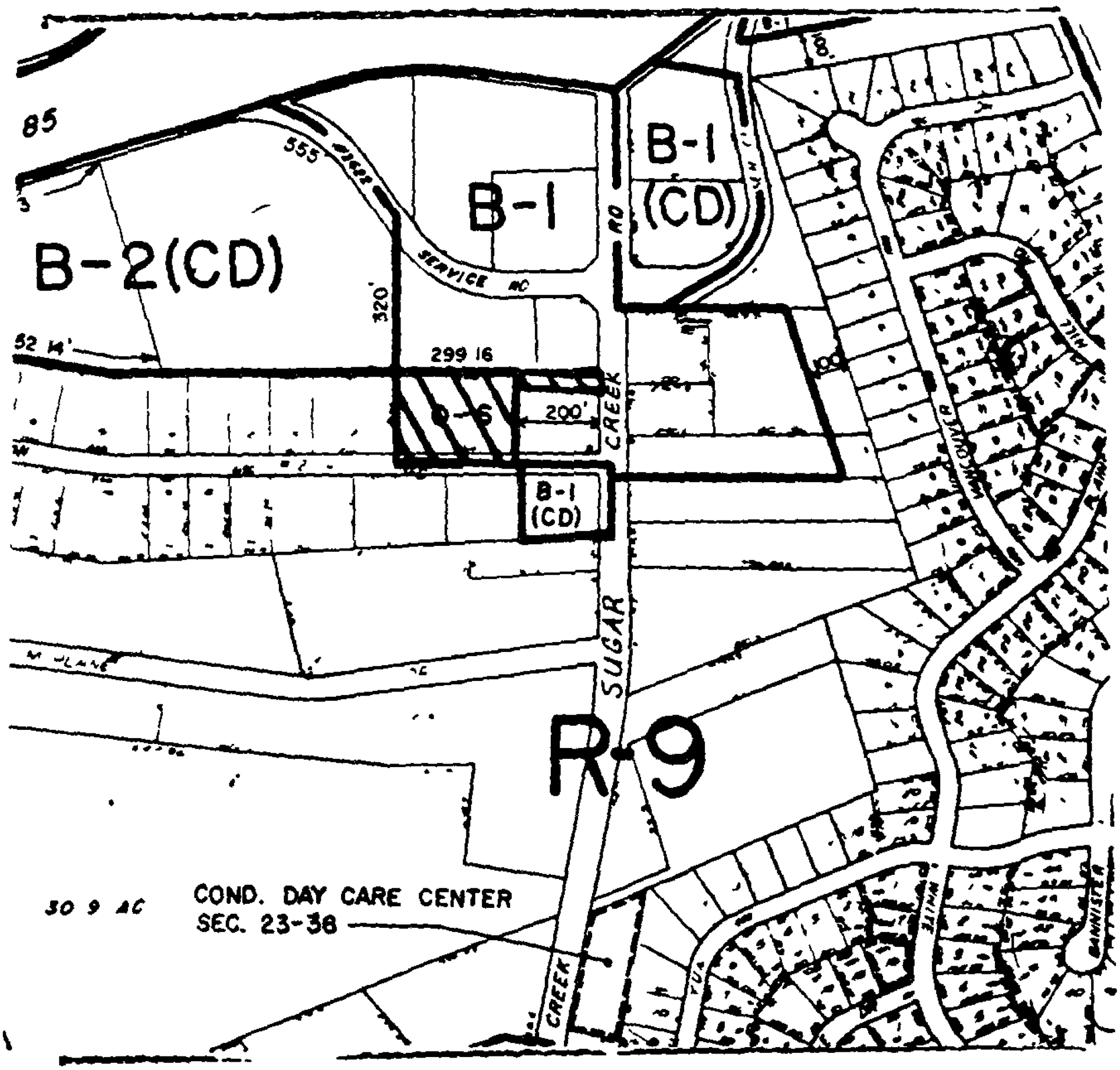
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER S. D. Atma & N. D. Atma

PETITION NO. 90-66 HEARING DATE September 17, 1990

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

LOCATION Approximately 1.55 acres located on the northerly side of of Wilson Lane west of Sugar Creek Road.




ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-71

PETITIONER(S): Arrowood Limited Partnership

REQUEST: Change from BP to B-1SCD.

LOCATION: A 25.7 acre site located on the south side of Arrowood Road west of South Boulevard (U.S. 521).

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

VOTE: Yeas: Baucom, James, Majeed, and McClure.

Nays: Mead and O'Brien.

REASONS

This petition proposes rezoning from the Business Park category to the shopping center district to allow a 131,000 square foot shopping center. The majority of the Zoning Committee viewed the establishment of another shopping center as appropriate for the area. The Zoning Committee noted that a food store would be a positive development in the area. However, the minority opinion viewed the request to create another shopping center as inconsistent with previously approved plans establishing a mixed use community in the area with a mixture of retail, employment centers and residential development.

STAFF OPINION

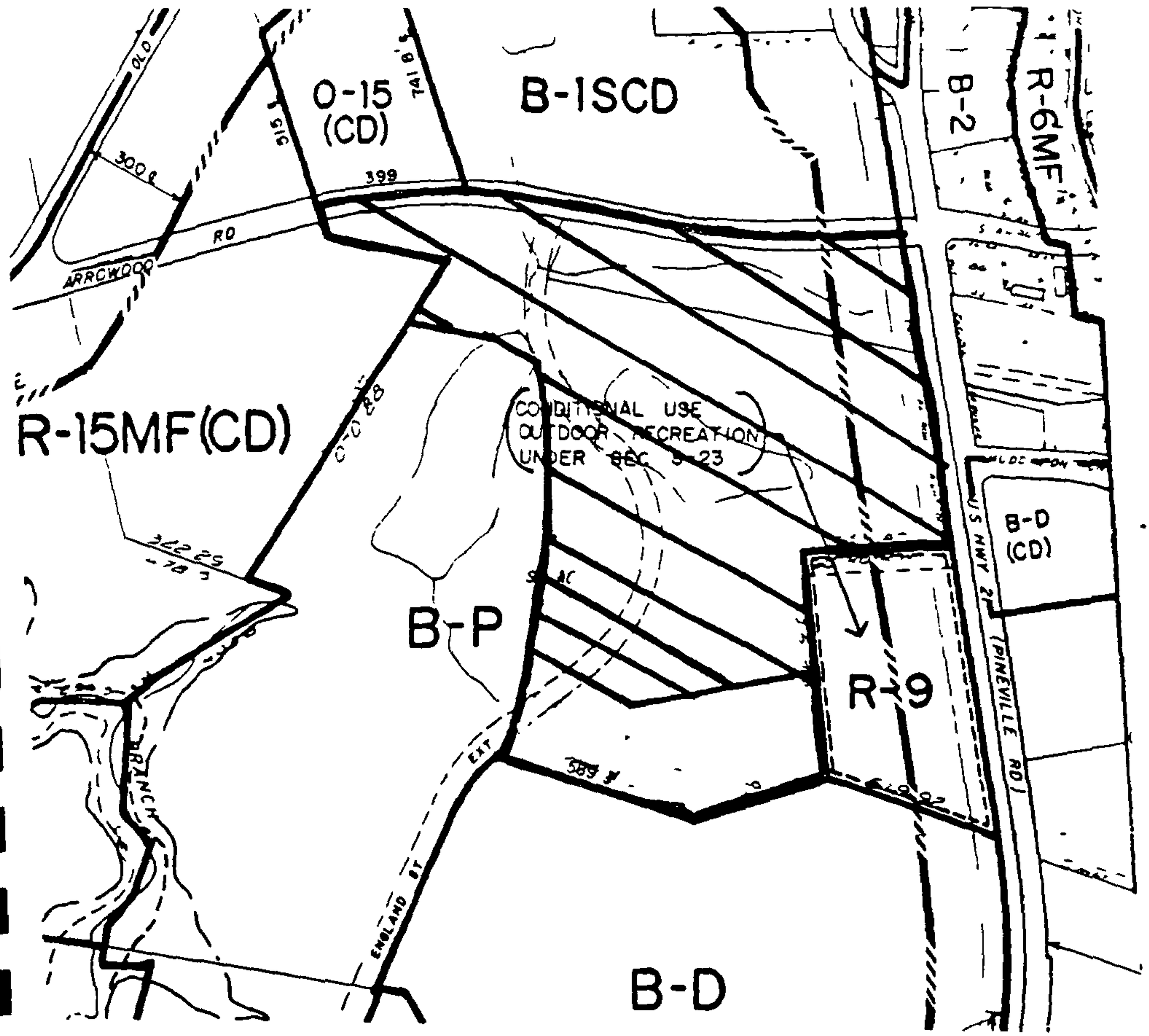
The staff disagrees with the recommendation of the Zoning Committee. Staff views the creation of another shopping center at this intersection as inconsistent with plans for the area and as unacceptable from a traffic standpoint. Further, there is ample land in the vicinity of the subject property which is presently zoned to allow a grocery store and the site plan which accompanies this petition contains no mandate for the establishment of a grocery store. One should note that the previous petitions "proposed" a grocery store on the north side of Arrowood Road. It should also be noted that the present zoning of this site (approved only two years ago) was carefully worked out over many months and a conscious decision made to locate limited retail uses north of Arrowood Road. Approval of this request could signal a willingness on the part of the City to disregard prior planning and negotiated decisions due to incremental private business decisions rather than public policy.

PETITIONER Arrowood Limited Partnership

PETITION NO. 90-71 HEARING DATE September 17, 1990

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

LOCATION Approximately 23 79 acres on the south side of Arrowood Road west of South Boulevard (U S 521).




ZONING MAP NO. 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-81

PETITIONER(S): Mark Pope, III

REQUEST: Change from R-15 to I-1(CD).

LOCATION: A 20.2 acre site located north of Westinghouse Boulevard and west of York Road at the end of Southbourne Road.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition proposes the rezoning of properties from a residential district to I-1(CD) to allow a 250,000 square foot center composed of light manufacturing, warehouse, and flex space type land uses. The plan indicates the establishment of a 100 foot buffer containing a landscaped berm. The Zoning Committee discussed the adequacy of the berm and buffer and ultimately viewed it as insufficient to provide an appropriate separation of the proposed development from existing residential development located to the north. The Zoning Committee deferred action on the petition for 30 days to allow time for the petitioner to consider measures to enhance the proposed screening treatment.

| | |
|---|---|
| DATE: | November 26, 1990 |
| PETITION NO.: | 90-82 |
| PETITIONER(S): | Kale Knitting Mills, Inc. |
| REQUEST: | Change from R-15 to R-9MF(CD). |
| LOCATION: | Approximately 1.15 acres located on the west side of Rama Road north of Charing Place. |
| ACTION: | The Zoning Committee recommends that this petition be deferred. |
| VOTE: Yeas: | Baucom, James, Majeed, McClure, Mead, and O'Brien. |
| Nays: | None. |

REASONS

The Zoning Committee deferred action on this petition at the request of the petitioner. The petitioner has indicated that a 30 day deferral would enable time for evaluation of variations in the overall site design.

DATE: November 26, 1990

PETITION NO.: 90-83

PETITIONER(S): Crowder Construction Company/Allison Fence Company

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

LOCATION: A 5.3 acre site located on the northeasterly corner of the intersection of Seigle Avenue and 10th Street.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition proposes rezoning from B-2 and I-2 to I-2(CD). The site plan which was discussed at the public hearing indicates the permitted uses on the property would be the existing uses as well as most of the uses which are allowed in the I-2 district. The petitioner submitted a revised site plan subsequent to the public hearing that restricted the permitted uses to the existing uses and outdoor storage, uses which are allowed in I-1 and four uses which are allowed in the I-2 district including storage yards. The Zoning Committee discussed the revised plan and expressed discomfort with the site plan and the proposed buffer along Seigle Avenue. Several Zoning Committee members viewed the subject property as a good opportunity for retail development and not an appropriate setting for further industrial development. It was indicated that another look at the various opportunities for development in this community is warranted. There was also considerable discussion of the potential for a "project catalyst/land banking" type opportunity in the area. Ultimately, Zoning Committee viewed the request as inappropriate for the area and recommends denial of the petition.

STAFF OPINION

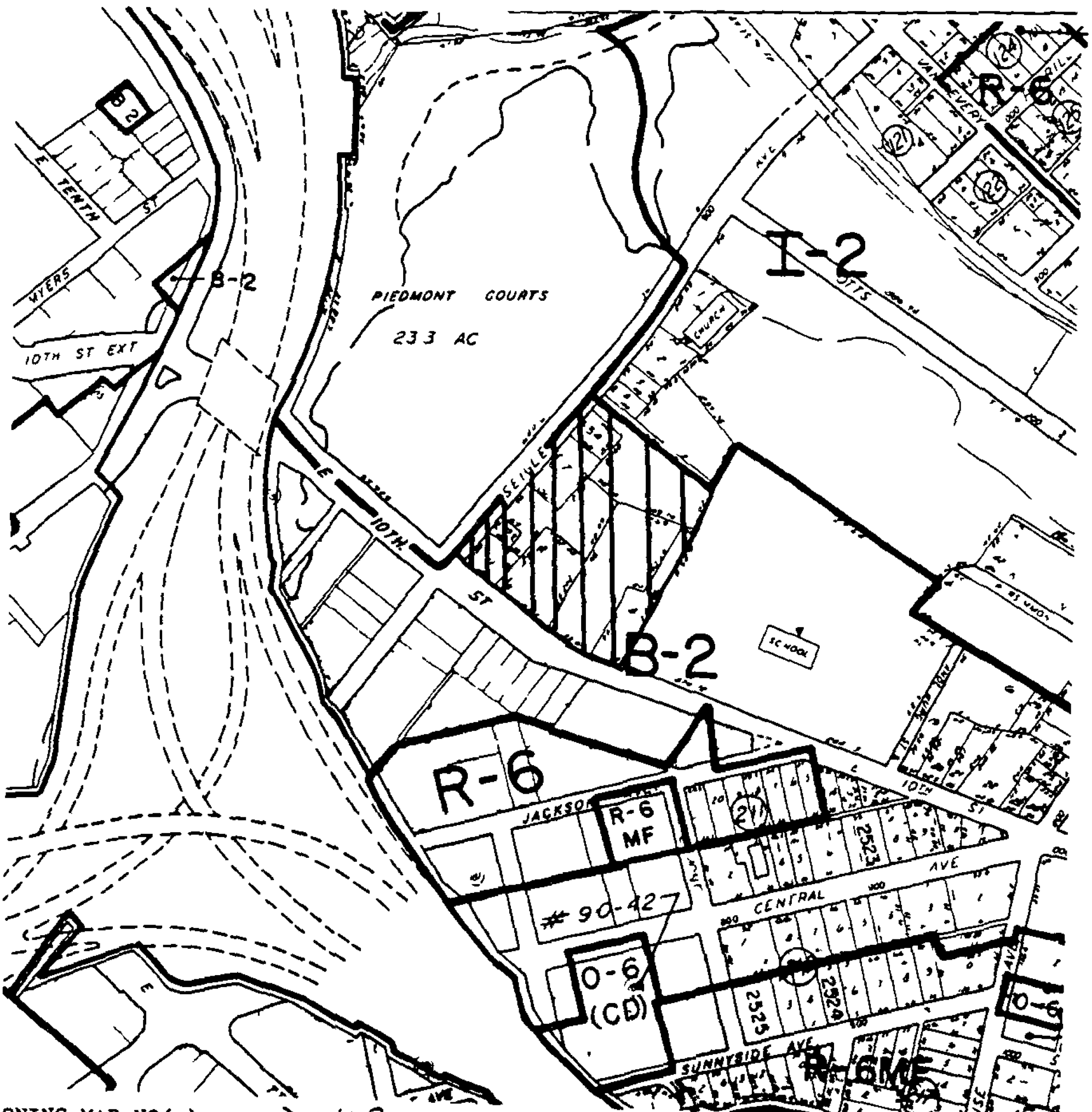
Staff has lingering concerns about the quality of the site plan which accompanies the petition but views the overall request for expansion as worthy of consideration. With improvements to the buffer treatments along Seigle Avenue, 10th Street, and along the property edge adjoining the school and more definition of the exact nature of the proposed redevelopment of the site, the petition could be considered appropriate for approval.

PETITIONER: Crowder Const. Co./Al. [illegible] Co.

PETITION NO.: 90-83 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING: B-2 ~~and I-2~~ REQUESTED: I-2(CD)

LOCATION: Approximately 5.3 acres located on the northeasterly corner of the intersection of Seigle Avenue and 10th Street.




ZONING MAP NO(s).: ~~85~~ 102

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-84

PETITIONER(S): CK Federal Savings Bank

REQUEST: Consideration of an O-15(CD) site plan amendment.

LOCATION: A 1.13 acre site located on the south side of Central Avenue west of Winterfiled Place.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition proposes a minor site plan amendment to allow a 3,000 square foot addition to the existing building located on the subject property. The Zoning Committee viewed the request as appropriate for the area and recommends approval of the petition.

STAFF OPINION

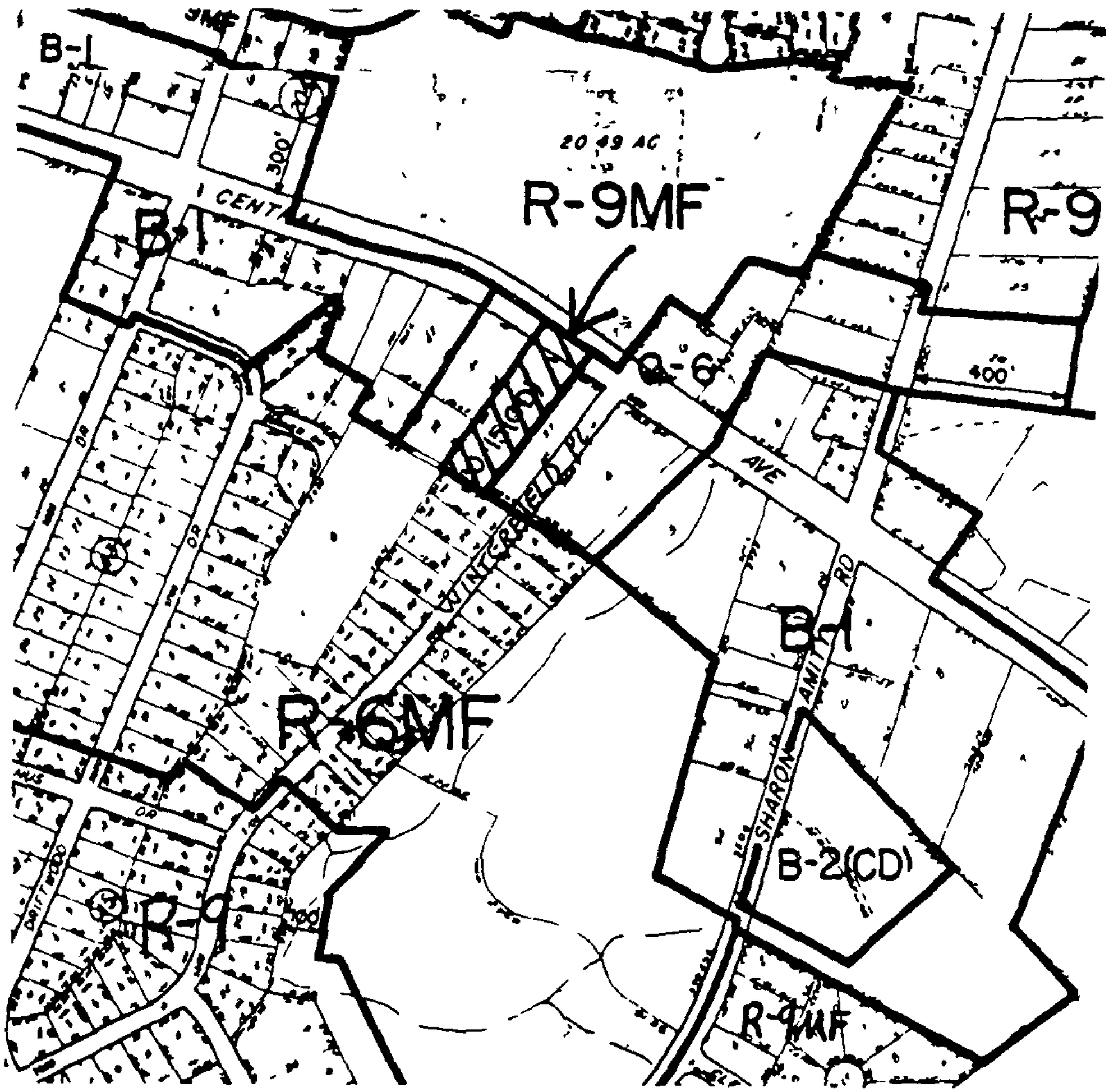
Staff agrees with the recommendation of the Zoning Committee.

PETITIONER: CK Federal Savings Bank

PETITION NO.: 90-84 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING 0-15(CD) REQUESTED. 0-15(CD)S.P A.

LOCATION Approximately 1 13 acres located on the south side of Central Avenue west of Winterfield Place




ZONING MAP NO(s).: 100,113 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-85

PETITIONER(S) Nisbet Oil Company

REQUEST: Change from B-2 to I-2(CD).

LOCATION: A 4.5 acre site located on the northeast corner of Reames Road and Sunset Road.

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

VOTE: Yeas: Baucom, James, McClure, Mead, and O'Brien.

Nays: Majeed.

REASONS

This petition proposes rezoning from the general business district to the general industrial district. The plan which was shown at the public hearing indicated the property could be used for the existing truck refueling facility as well as any use in the I-2 district. Subsequently, the petitioner submitted a revised site plan which allows the existing use plus automobile service stations, hotels, repair and servicing, restaurants, retail sales, and truck terminals. Additionally, the revised plan reduces the proposed expansion to a maximum of 6,750 square feet of building area. There were also discussions of the landscaping proposed for the Reames Road edge and the petitioner agreed to enhance that streetscaping treatment. A minority opinion was expressed that the development could negatively impact the nearby residential community. But based upon the improvements to the site plan, the Zoning Committee recommends approval of the petition.

STAFF OPINION

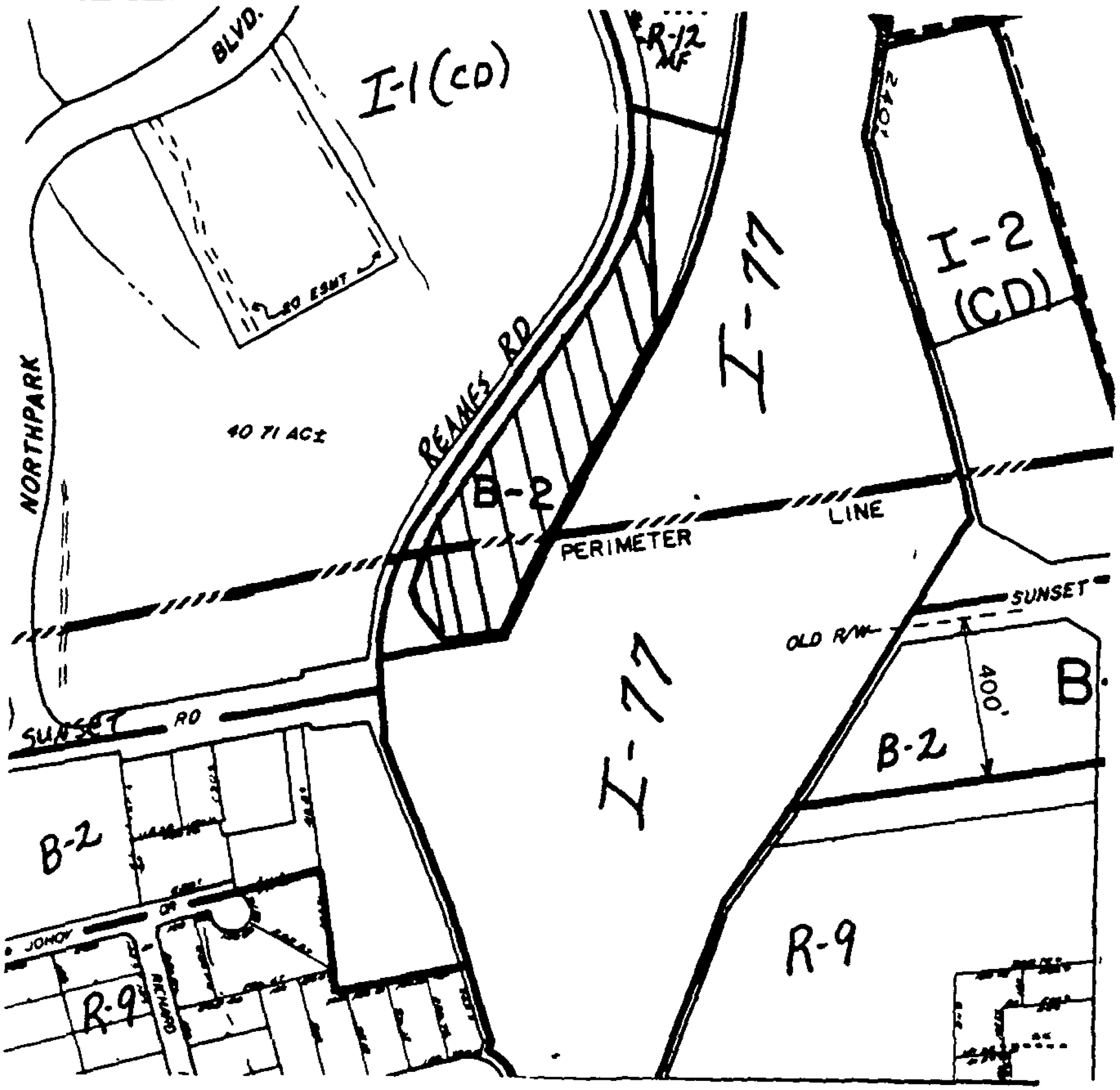
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Nisbet Oil Co.

PETITION NO.: 90-85 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING B-2 REQUESTED: I-2(CD)

LOCATION Approximately 4.5 acres located on the northeast corner of Reames Road and Sunset Road.




ZONING MAP NO(s).: 51 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-86

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-2 to O-15 (Northeast District Plan).

LOCATION: A 5.47 acre site located within the northeast quadrant of I-77 and I-85 west of Statesville Avenue.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition proposes a change from I-2 to O-15 in accordance with the Northeast District Plan. The plan identifies the opportunity to establish a high quality business, office or light industrial park in the area of the subject property. Because of its prime location adjacent to two interstates, the area is ideal for a gateway type development. The proposed O-15 zoning is the least intense zoning district supportive of the gateway development concept. The district plan also supports the concept of a future rezoning petition to a more intense district based upon a site plan that is sensitive to the overall development plan for the area. Several nearby privately initiated rezonings consistent with the concept of the gateway development have recently been approved. The Zoning Committee viewed the request as appropriate and recommends approval of the petition.

STAFF OPINION

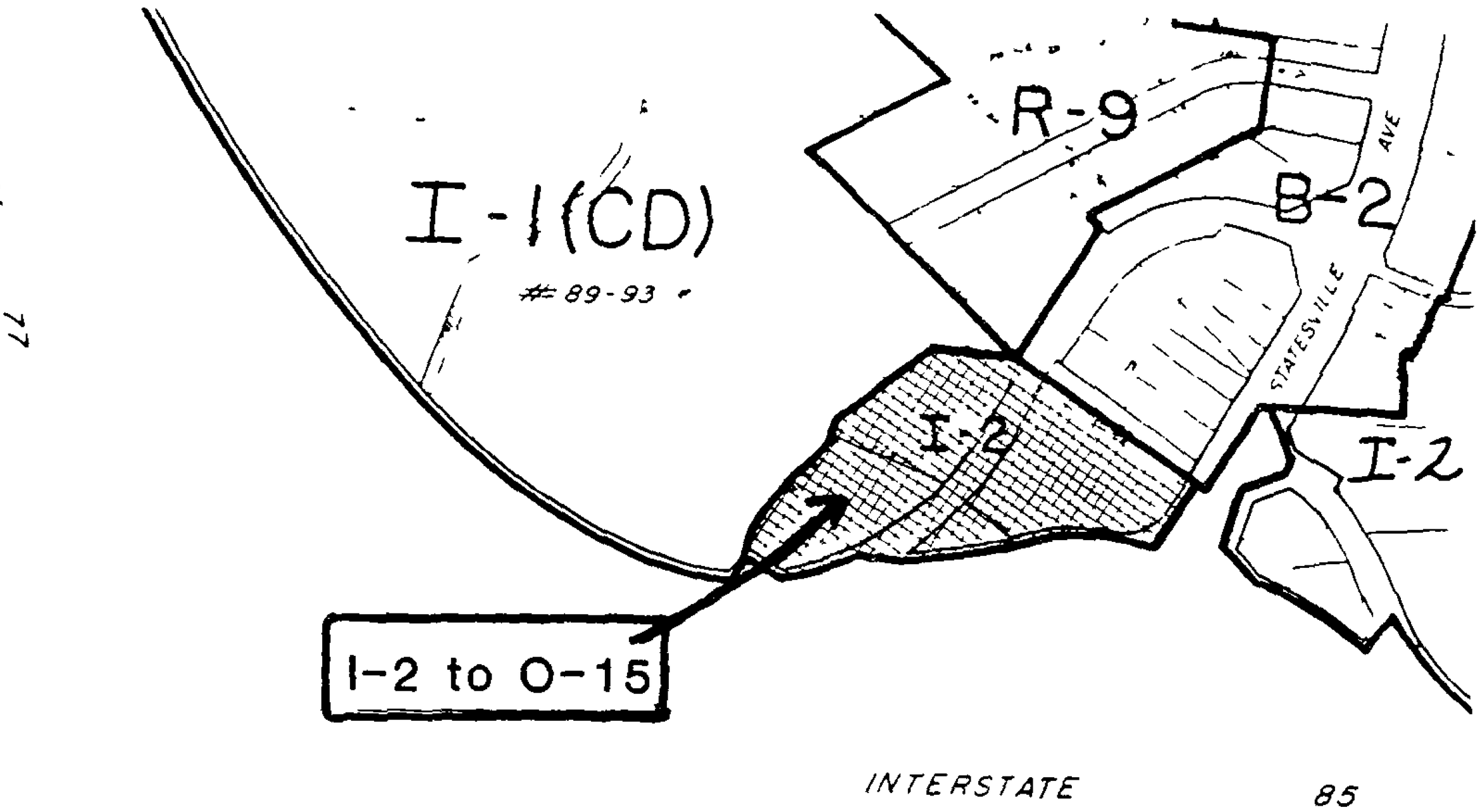
The staff agrees with the recommendation of the Zoning Committee.

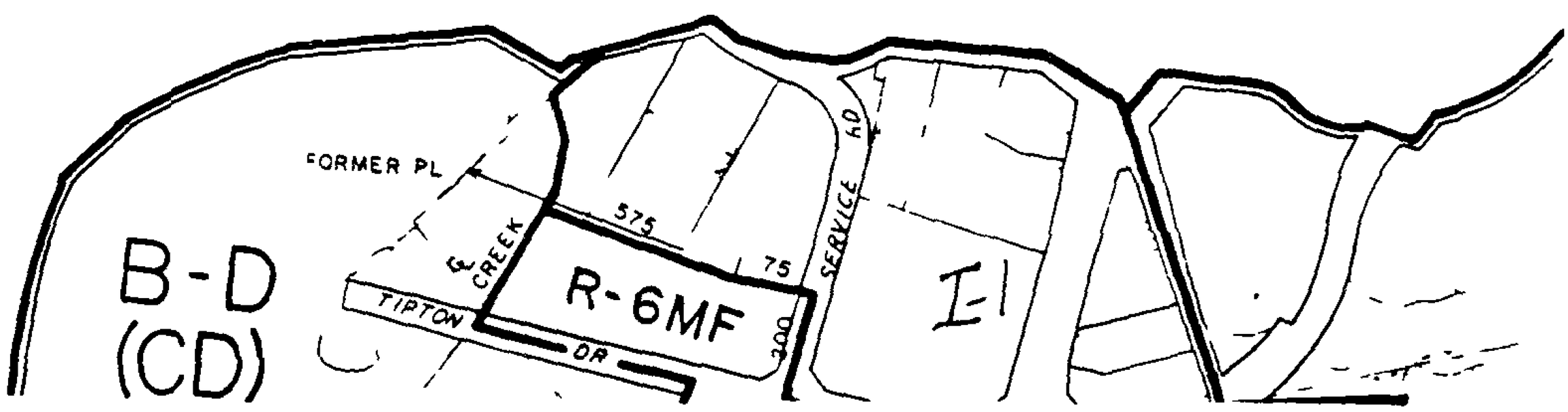
PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-86 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: O-15

LOCATION Approximately 5.47 acres located within the northeast quadrant of I-77 and I-85 west of Statesville Avenue.




ZONING MAP NO(s).: 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-87

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-6MF to R-6 (Northeast District Plan).

LOCATION: Approximately 34.2 acres located on the westerly side of Eastway Drive south of North Tryon Street.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition proposes rezoning from R-6MF to R-6 to recognize the existing single family development pattern. The Zoning Committee discussed the parcel located on Eastway Drive and north of Curtiswood Drive whose owners oppose the rezoning to single family. The Zoning Committee discussed the possibility of separating that parcel from the balance of the petition. A vote to take action on the parcel separately from the balance of the petition did not obtain the necessary votes for approval. Subsequently, a motion to approve the entire petition resulted in a unanimous vote to approve the petition.

STAFF OPINION

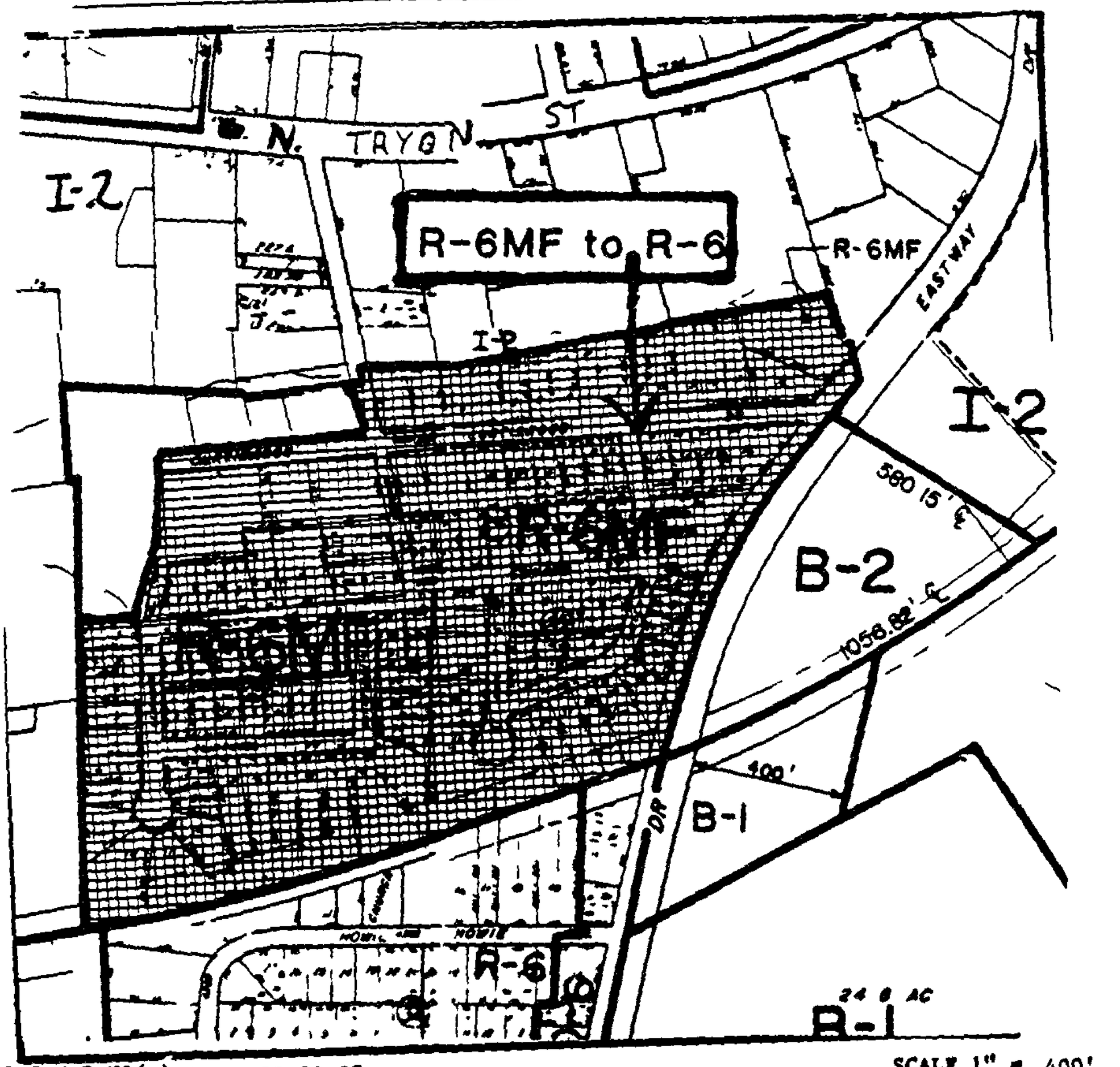
The staff agrees with the recommendation of the Zoning Committee.

Mecklenburg Planning Commission

PETITION NO.: 90-87 HEARING DATE: November 19, 1990

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

LOCATION: Approximately 34.248 acres located on the westerly side of Eastway Drive south of N. Tryon Street.




ZONING MAP NO(s).: 77,78,89,90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-88

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-1 to R-12MF (Northeast District Plan).

LOCATION: Approximately 10.773 acres located on the east side of Sugar Creek Road south of Mineral Springs Road.

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

VOTE: Yeas: Baucom, James, Majeed, McClure, Mead, and O'Brien.

Nays: None.

REASONS

This petition seeks rezoning from B-1 to R-12MF in accordance with the Northeast District Plan. The Derita Small Area Plan and the recently adopted Northeast District Plan envision future additional commercial development as being located toward the Derita Town Center. The plans recognize the subject property as well suited for multi-family residential development due to its location near two major thoroughfares and nearby employment and service opportunities. Additional commercial development along Sugar Creek Road would dilute attempts to concentrate commercial uses in the Derita Town Center. The Zoning Committee viewed the petition as appropriate for the area and, therefore, recommends approval of the petition.

STAFF OPINION

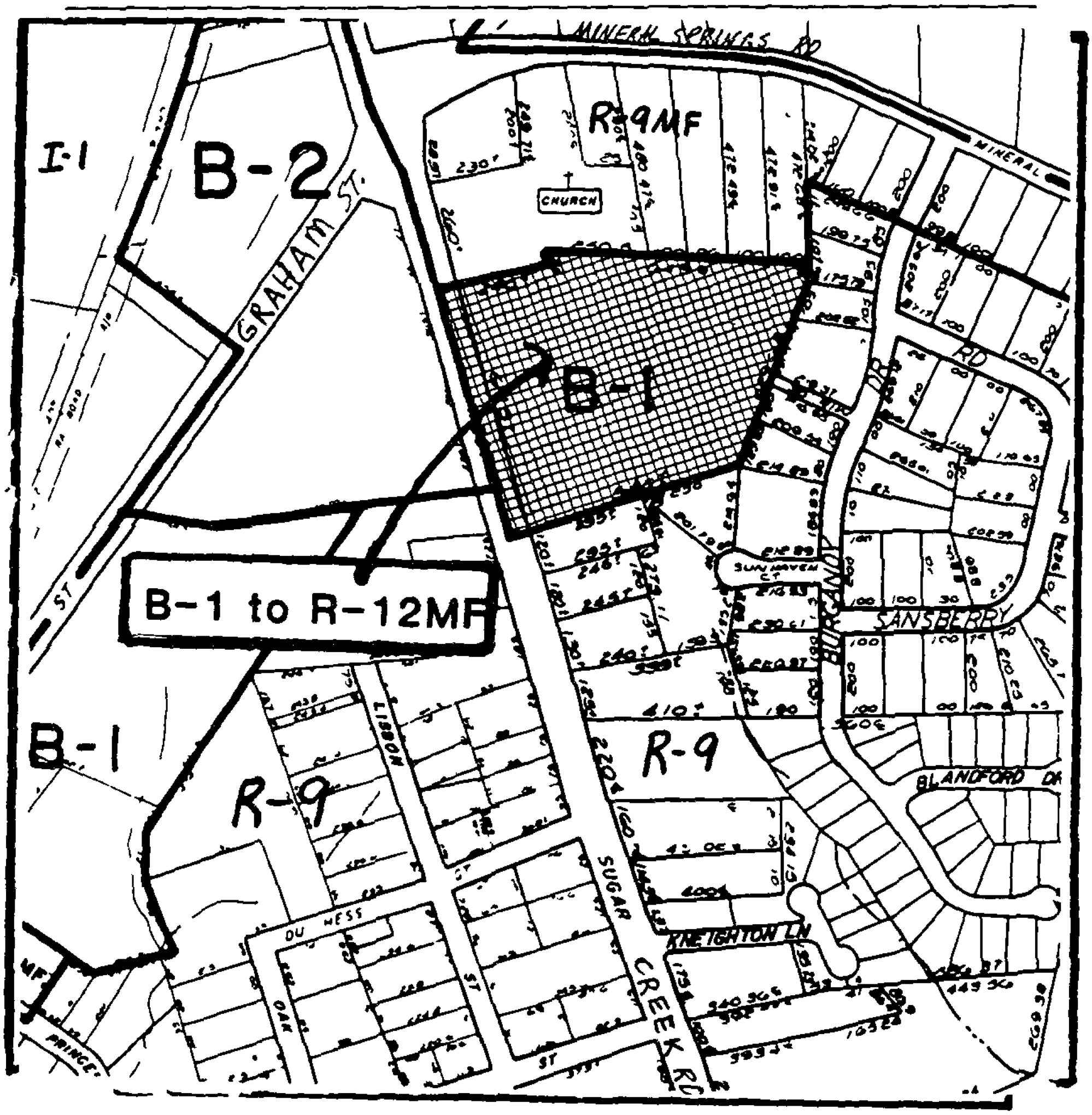
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO.: 90-88 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING: B-1 REQUESTED: R-12MF

LOCATION. Approximately 10.773 acres located on the east side of Sugar Creek Road south of Mineral Springs Road.




ZONING MAP NO(s).: 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 26, 1990

PETITION NO.: 90-89

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-1 to R-9MF (Northeast District Plan).

LOCATION: Approximately 32.3 acres located on the southerly side of the Southern Railroad right-of-way south of Old Concord Road east of Eastway Drive.

ACTION: A motion to deny the petition resulted in a three to three vote. Therefore, the petition is automatically forwarded to City Council with no recommendation and will be placed on the December 17, 1990 agenda for decision.

VOTE: Yeas: James, Majeed, and Mead.

Nays: Baucom, McClure, and O'Brien.

NOTE: The petition is forwarded to City Council with no recommendation and will be placed on the December 17, 1990 Council agenda for a decision. According to Section 3, Article VI of the Charlotte-Mecklenburg Planning Commission rules of procedure, in an instance in which all seven committee members are present or otherwise accounted for and a motion receives less than four votes, the petition is forwarded to Council with no recommendation and no roll over delay.

REASONS

This petition proposes rezoning from I-1 to R-9MF in accordance with the Northeast District Plan. The plan recognizes that there is an abundance of industrially zoned property in this area and that new residential development adjacent to the subject property could potentially be adversely impacted by additional industrial development. The Zoning Committee discussed the petition for some time. Some members viewed a conditional light industrial district as appropriate in this case while others viewed the request as filed as appropriate for the area. A motion to deny the petition resulted in a three to three vote and, therefore, the petition is forwarded to City Council with no recommendation.

STAFF OPINION

The adopted Northeast District Plan calls for the rezoning of this tract. However, the recent development of an adjacent industrial tract which provided previously available access to this site warrants a review of this particular recommendation of the plan.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 90-89 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: R-9MF

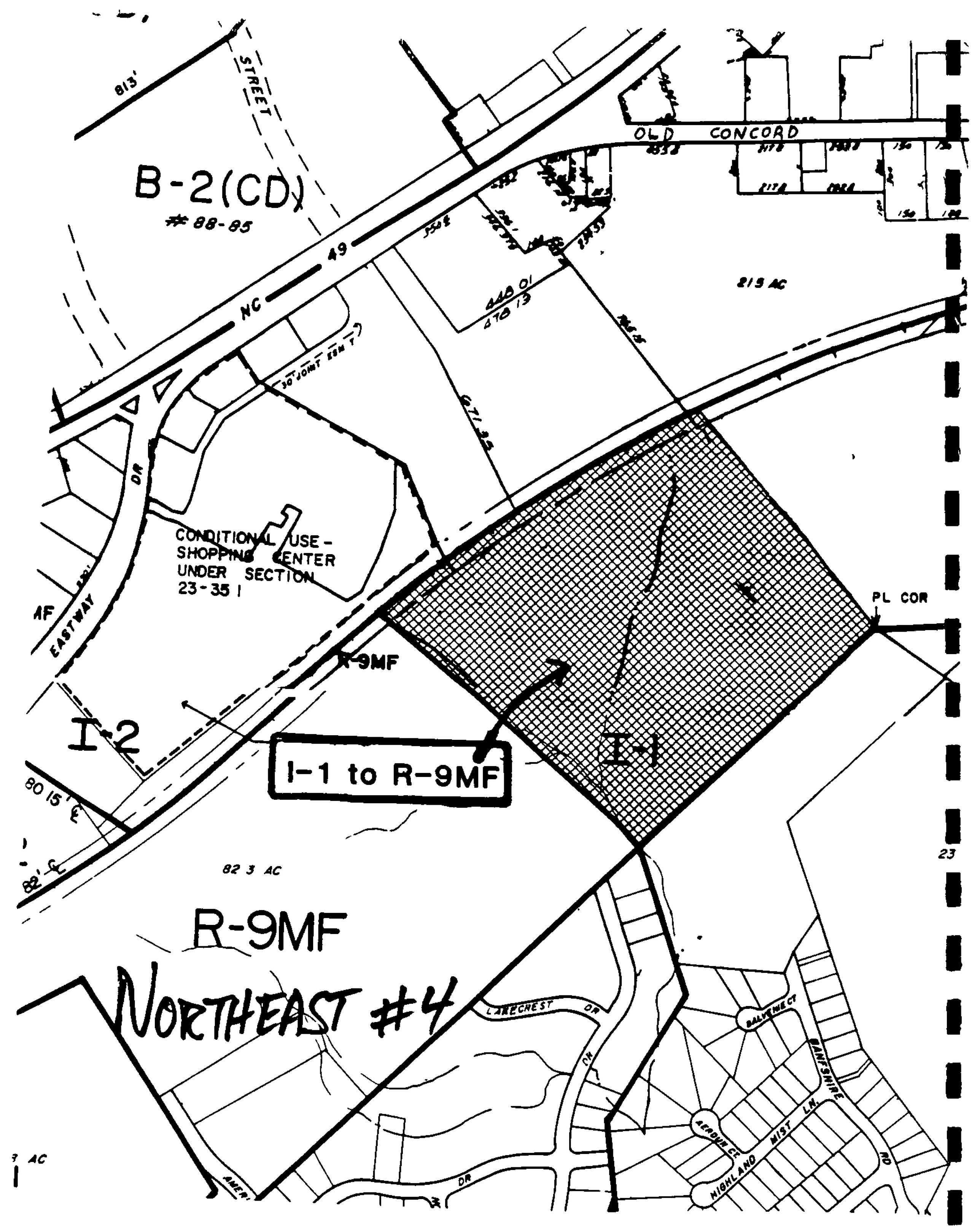
LOCATION: Approximately 32.3 acres located on the southerly side of the Southern Railroad Tracks, south of Old Concord Road and east of Eastway Drive.

SEE ATTACHED MAP

ZONING MAP NO(s).: 77,90

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


B-2(CD)
88-85
STREET
OLD CONCORD
NC 49
219 AC
CONDITIONAL USE - SHOPPING CENTER UNDER SECTION 23-35 I
EASTWAY DR
R-9MF
I-2
I-1 to R-9MF
I-1
PL COR
82 3 AC
R-9MF
NORTHEAST #4
LAKECREST DR
BALTINE CT
BANFSHIRE RD
ABERDEEN CT
MIST LN
HIGHLAND
AMERI
DR

DATE: November 26, 1990

PETITION NO.: 90-90

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-1 and O-6 to R-12MF and O-6 (Northeast District Plan).

LOCATION: Approximately 15.67 acres located on the northerly side of The Plaza west of Barrington Drive and along both sides of Fairmarket Place.

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

VOTE: Yeas: Baucom, James, Majeed, Mead, and O'Brien.

Nays: McClure.

REASONS

This petition requests rezoning from O-6 to R-12MF and from B-1 to O-6 and R-12MF. The O-6 to R-12MF rezoning and the B-1 to R-12MF rezoning are recommended by the district plan to better match the existing land use with the zoning of the property. The B-1 to O-6 rezoning allows for office development at the major street intersection of Fairmarket Place and The Plaza. The plan also recognizes that the portion of the property being requested for rezoning to O-6 would be appropriate for a future rezoning to business based upon a site plan providing for buffers and adequate screening from adjacent residential uses. The Zoning Committee discussed the issue that arose at the public hearing regarding the question of whether of not the existing property owner was aware of the pending district plan. Ultimately, Zoning Committee decided that the most important issue is the establishment of the proper zoning on the property rather than whether the previous property owners informed the current property owners of the plans for the area.

STAFF OPINION

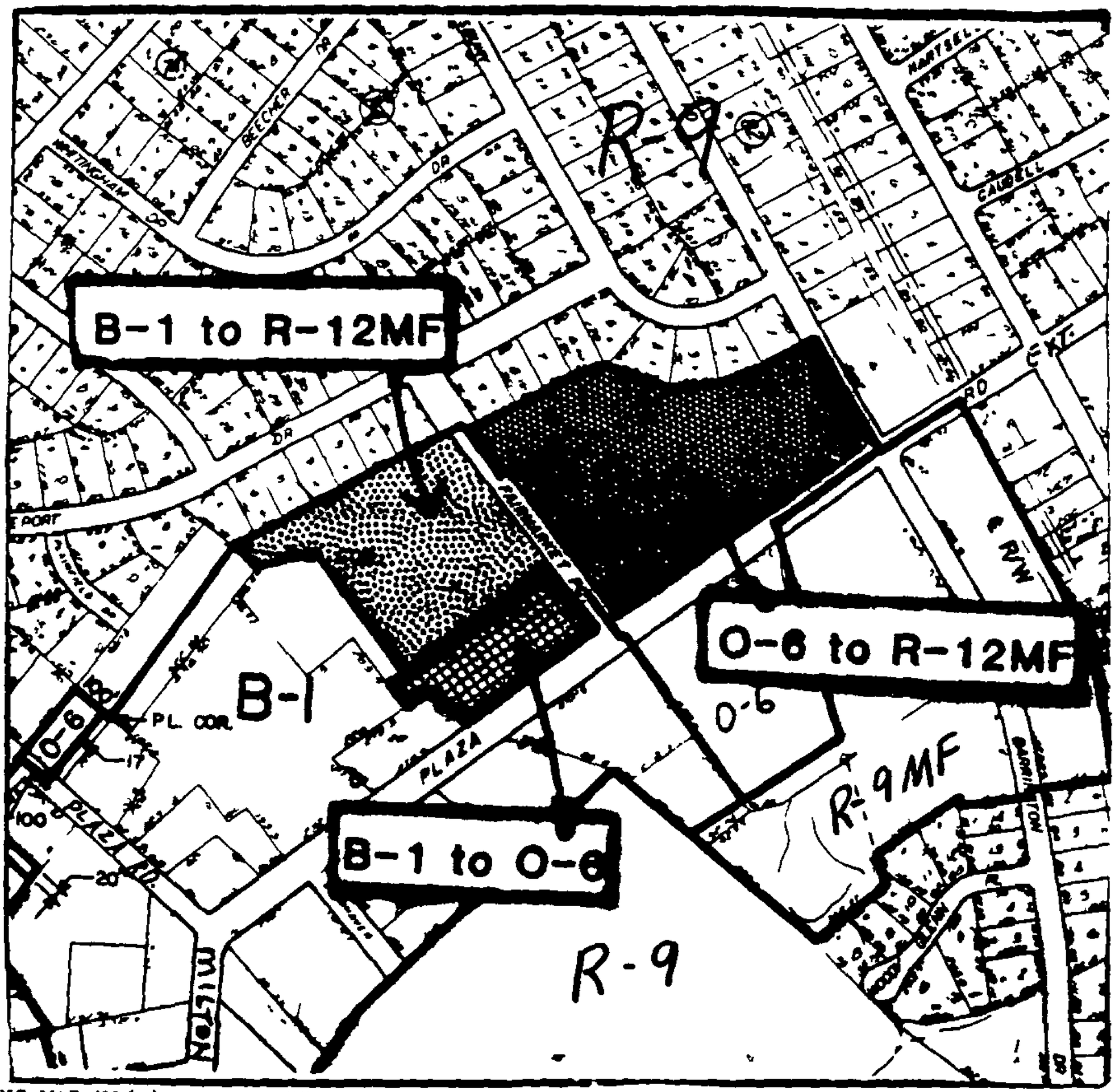
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 90-90 HEARING DATE: November 19, 1990

ZONING CLASSIFICATION, EXISTING: B-1 and O-6 REQUESTED: R-12MF and O-6

LOCATION: Approximately 15.675 acres located on the northerly side of The Plaza, the west side of Barrington Drive and along both sides of Fairmarket Place.




ZONING MAP NO(s).: 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE