AGENDA

Meeting Type:	Z
Date:	02-19-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

February 19, 1990

FILE COPY

CHARLOTTE

Meetings in February '90

THE WEEK OF FEBRUARY 1 - FEBRUARY 3

1	Thursday, 7 30 a m	**CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM** - 428 East Fourth Street, Suite 205
	Thursday, 5 00 p m	**CITY COUNCIL TRANSPORTATION COMMITTEE** - CMGC, Room 270

THE WEEK OF FEBRUARY 4 - FEBRUARY 10

5	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Room 267
6	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Room 267
7	Wednesday, 5 30 p m	**CITY COUNCIL/COUNTY COMMISSION DINNER** - CMGC, Meeting Chamber Conference Room
	Wednesday, 6 30 p m	**CITY COUNCIL/COUNTY COMMISSION/Public Hearing on General Development Policies** - CMGC, Meeting Chamber
8	Thursday, 4 00p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Reedy Creek Ad Hoc Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF FEBRUARY 11 - FEBRUARY 17

12	Monday, 6 00 p m	**COUNCIL/MANAGER DINNER** CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 South Caldwell Street
13	Tuesday, 10 a m	**POLITICAL CONSOLIDATION COMMITTEE** - CMGC, 15th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Room 267
14	Wednesday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Room 270
	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, Room 119
15	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270
16	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF FEBRUARY 18 - FEBRUARY 24

19	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/Zoning Hearings** - CMGC, Meeting Chamber
20	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Room 267
	Tuesday, 10 30 a m	**POLITICAL CONSOLIDATION COMMITTEE** - CMGC, 15th Floor Conference Room
	Tuesday, 1 30 p m	**FUNCTIONAL CONSOLIDATION COMMITTEE** - CMGC, Rooms 270 & 271
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
21	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Room 267
22	Thursday, 4 00 p m	**CHARLOTTE-MECKELNBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKELNBURG ART COMMISSION/Board Meeting** - CMGC, 8th Floor Conference Room

THE WEEK OF FEBRUARY 25 - FEBRUARY 28

26	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 2 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Board** - CMGC, 8th Floor Conference Room
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Session** - CMGC, 8th Floor Conference Room
27	Tuesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - First Union Center, 301 S College Street, Suite 3495
	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - 700 North Tryon Street, Hall Marshall Building, Agricultural Extension Conference Room
	Tuesday, 3:30 p m	**FUNCTIONAL CONSOLIDATION COMMITTEE** - CMGC, Rooms 270 & 271
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
28	Wednesday, 4 00 p m	**SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE** - CMGC, Room 271

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

Community Facilities Committee
Housing Appeals Board

#21

Consider approval of a request from the Myers Park Trinity Little League to develop additional parking spaces at Randolph Park.

Randolph Road Park

During the early eighties, the City and the County adopted a proposal initiated by representatives of the Myers Park Trinity Little League, that resulted in the development of Randolph Road Park. Mecklenburg County agreed to lease the City additional land for developing this park for one dollar per year. The City agreed to develop the site with the assistance from private resources that were secured by representatives of the Myers Park Trinity Little League Association.

The original plan envisioned the park to run from Billingsley Road to Billingsley School, thus incorporating the school park into a single complex.

Additional Fields

The loss of lease to use land across the street from the school park resulted in the Little League organization seeking additional fields in the area. Additional fields have been provided by the Charlotte-Mecklenburg School System and Parks and Recreation.

Parking

Permission is now being sought to expand the existing parking lot to better handle the demands for parking during practices and League games. The approval of the request would mean the elimination of the natural buffer between Randolph Road and the park. The contracted work would have to comply with all City-County permits regarding erosion control measures as well as the City's tree ordinance. If request is approved, the Little League organization has agreed to fund the entire parking lot expansion.

A map will be available Monday.

Funding

Private funds from Myers Park Trinity Little League.

Clearances

Planning, City Parks and Recreation, and Engineering Departments

CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndee 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, February 19, 1990

5:00 p.m. - Council-Manager Dinner
Meeting Chamber conference Room

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

Invocation by The Reverend Tommy McDearis, St. John's Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (90-9) Hearing on Petition No. 90-9 by Jerry W. Neal for a change in zoning from R-12 to B-1(CD) for a .44 acre site located on the east side of Belhaven Boulevard south of McClure Circle and north of Rozwood Drive.

   Attachment No. 1

2. (90-10) Hearing on Petition No. 90-10 by Mecklenburg County for a change in zoning from R-6MF to O-15 for an .880 acre site located on the north side of Billingsley Road east of Randolph Road.

   The Petitioner has asked that the petition be allowed to be withdrawn. The petition will be refiled at a later date with an appropriate site plan.

   Attachment No. 2

3. (90-11) Hearing on Petition No. 90-11 by J. L. Neal for a change in zoning from R-9, B-D, I-1 and I-2 to I-2(CD) for a 23.98 tract located off the easterly side of Starita Road north of I-85.

   The Petitioner has requested an indefinite deferral on this petition.

   Attachment No. 3

4. (90-12) Hearing on Petition No. 90-12 by Crosland Land Company for a Site Plan Amendment to an existing R-20MF zoning for a 40.52 acre site located south off Highway 51 on Bevington Place bounded by McAlpine Creek to the west.

Attachment No. 4

5. (90-13) Hearing on Petition No. 90-13 by Touchstone Associates Limited Partnership for a Site Plan Amendment to an existing B-1(CD) zoning for a 12.74 acre site located south of N. C. 51 on the north side of Bevington Place bounded by Baybrook Lane and Caswell Lane.

Attachment No. 5

6. (90-14) Hearing on Petition No. 90-14 by the City of Charlotte to establish zoning jurisdiction of the City of Charlotte in newly annexed areas for approximately 1,300 acres, including a portion of Hornets Nest Park R-12, Statesville Road Park R-12, Reedy Creek Park R-12, Old Berryhill School R-MH and R-9, and vacant tracts located south of the Airport and south of Byrum Drive R-15.

Attachment No. 6

7. (90-15) Hearing on Petition No. 90-15 by the City of Charlotte to establish zoning jurisdiction of the City of Charlotte in newly annexed area for approximately 157.75 acres located along Kings Branch, south of Hebron Street, west of South Boulevard, east of Old Nations Ford Road, and north of the Pineville Town limits (the Lance site) to I-2 and I-2(CD).

Attachment No. 7

POLICY AGENDA

8. (89-86) Decision on Petition No. 89-86 by Zaremba CenterPoint Company for a change in zoning from O-6 and R-6MF to B-1SCD for a 13.8 acre site located on the northeasterly corner of Eastway Drive and Biscayne Drive.

Councilmember Clodfelter was excused from the public hearing.

This petition was deferred at the November, December and January meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No 8

9. (89-88) Decision on Petition No. 89-88 by Douglas Burns/AEC, PA for a change in zoning from UMUD to UMUD-O for a 1.12 acre site located on the northwesterly corner of North Tryon Street and West Eleventh Street.

The Zoning Committee recommends that this petition be approved.

Attachment No. 9

10. (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 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be denied.

Attachment No. 10

11. (89-92) Decision on Petition No. 89-92 by Wood Keith Design for a change in zoning from R-15 to R-15MF(CD) for a 3.4 acre site located on the easterly side of Sharon Road south of Chandworth Road.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 11

12. (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 32.37 acres located on the east side of Ashley Road at its intersection with Alleghany Street.

The Zoning Committee deferred action on this petition at the request of the petitioner.

Attachment No. 12

13. (90-1) Decision on Petition No. 90-1 by Stephen L. Vermillion for a Site Plan Amendment to an existing B-1SCD site plan for a 13.6 acre site located on the south side of Sardis Road North at its intersection with Independence Boulevard (Crown Point).

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (90-2) Decision on Petition No. 90-2 by NCNB TR U/A The FNB of Boston for a change in zoning from B-1 to B-1SCD for a 21.7 acre site located on the northwesterly corner of the intersection of Sharon Amity Road and Randolph Road (Cotswold Mall).

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (90-3) Decision on Petition No. 90-3 by Carmel Retail, Inc. for a change in zoning from R-15 to B-1(CD) for a .62 acre site located along the easterly side of Carmel Road across from Carmel Forest Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (90-4) Decision on Petition No. 90-4 by Carriage Club of Charlotte for a change in zoning from R-15 with a Special Use Permit (for a retirement center) to O-15(CD) for a 1.53 acres site located on the west side of Old Providence Road south of Providence Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (90-5) Decision on Petition No. 90-5 by Thomas M. And Dorothy K. McMillan for a change in zoning from R-15MF to I-1 for a.701 acre site located on the northerly side of Alleghany Street west of Heywood Avenue.

The Zoning Committee recommends that this petition be denied.

The petitioner has requested an indefinite deferral on this petition.

Attachment No. 17

18. (90-6) Decision on Petition No. 90-6 by the Charlotte-Mecklenburg Planning Commission for a text amendment to Section 1019 of the Zoning Ordinance to allow for density credit for land dedicated for public service facilities.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

19. (90-7) Decision on Petition No. 90-7 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-9MF for approximately 3.4 acres located along the east side of Beatties Ford Road between B Avenue and C Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (90-8) Hearing on Petition No. 90-8 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-9 for approximately 2.4 acres on the east side of Beatties Ford Road between A Avenue and B Avenue.

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

The motion to approve the zoning request failed four to one. Commissioner Davis was not present when vote was taken.

Attachment No. 20

21. Consider a request from The Myers Park Athletic Association to construct a parking lot on vacant land in Randolph Park on Randolph Road.

Information will be distributed with the Manager's Memo on Friday, February 16, 1990.

22. Recommend adoption of Resolution setting public hearings for March 19, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street on Petition Nos. 90-16 through 90-25 for zoning changes.

SCHEDULE OF MEETINGS
February 19, 1990 - February 23, 1990

Tuesday, February 20, 1990	Political Consolidation Committee CMGC. 15th Floor Conference Room 10:30 A.M.
Tuesday, February 20, 1990	Council/County Commission/School Board Luncheon CMGC, Room 267 12:00 Noon
Tuesday, February 20, 1990	Functional Consolidation Committee CMGC, Room 270 & 271 1:30 P.M.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 9, 1990

Mayor and City Council:

RE: Petitions to be Heard in February, 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, February 19, 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. 90-9

Petitioner: Jerry W. Neal

Location: Approximately .44 acres located on the east side of Belhaven Boulevard south of McClure Circle and north of Rozwood Drive.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is zoned R-12. Most nearby properties on the easterly side of Belhaven Boulevard are also zoned R-12 though the adjacent tract to the north at the intersection of Belhaven Boulevard and McClure Circle is zoned B-1. Further to the south of the petitioned site at the intersection of Belhaven Boulevard, Rozwood Drive and McClure Circle is a site zoned B-1SCD. Across Belhaven Boulevard, the predominant zoning district is R-15. A small site located on Kentberry Road is zoned R-15MF(CD).

2. Existing Land Use. The subject property is presently developed with a single family residence. Immediately adjoining the petitioned site is the Coulwood Corners Shopping Center. South of the site at the intersection of Belhaven Boulevard and McClure Circle south of Rozwood Drive is Coulwood Shopping Center. Across Belhaven Boulevard along Kentberry Drive is a church, the Coulwood Oaks Apartments and Coulwood Middle School. Coulwood Park is located off Coulwood Park Road. Otherwise, the area is somewhat sparsely developed with single family residences.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates a community commercial center generally in the vicinity of Belhaven Boulevard and McClure Circle in the area of the subject property. The plan also indicates the nearby area is one of existing and developing residential land uses. No specific strategies are identified for the nearby area.

   2. Northwest District Plan. The pending Northwest District Plan recognizes the existing shopping center adjacent to the subject property and the existing shopping center south of the subject property as an existing neighborhood convenience center. The plan envisions residential uses will continue to develop in the nearby area.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the relocation of N.C. 16 from near Caldwell Williams Road to the Town of Lucia, northwest of

Mecklenburg County which is now near completion. The TIP also includes the Northern and Western Outer Belt. The E.I.S. is currently being prepared to determine the best route to be used. The design, purchasing of right-of-way, and construction are to be conducted after FY1996.

4. Site Plan. The site plan which accompanies this application proposes development of a small commercial/office facility adjacent to Coulwood Corners Shopping Center. The plan proposes 1,200 square feet of retail space and 2,400 square feet of office space for a total of 3,600 square feet. Access to the site is to be provided through an existing driveway connection to Belhaven Boulevard. The plan also provides cross easements for internal vehicular access to the adjoining Coulwood Corners Shopping Center. The plan indicates dedication of right-of-way to meet the street classification system and compliance with the Tree Ordinance. The plan also indicates planting strips along the perimeter of the site adjacent to residential zoning ranging from five feet in width to 22 feet in width with Willow Oaks spaced 25 feet apart and two staggered rows of photinia spaced five feet apart.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

1.	64-77	R-12 to B-1SCD	Approved	12/28/64
2.	83-5(c)	R-12 to R-15MF(CD)	Approved	08/01/83
3.	89-4	B-1SCD Site Plan Amendment	Approved	04/17/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to provide for a small expansion of an existing shopping center. The 2005 Plan recognizes the general vicinity of Belhaven Boulevard and McClure Circle in the area of the subject property as a community commercial center. The pending Northwest District Plan recognizes Coulwood Corners as an existing retail facility providing services for the nearby community. Therefore, the proposed minor expansion of the existing center is viewed as consistent with public plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of the application and discussed the proposal.

At that time, staff indicated a small expansion of the existing center could be appropriate with the submittal of an acceptable site plan. Subsequent to the submittal of the application, staff relayed several site plan comments to the petitioner.

2. Departmental Comments. Comments from reviewing agencies included the need for right-of-way dedication along Belhaven Boulevard consistent with the street classification system and the need for a much more adequate system of buffering along the project edges adjoining residential zoning. The Department of Transportation indicates the site could generate approximately 10-13 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 856 trips per day. CDOT indicates further that although this is a significantly higher figure, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. This request seeks rezoning from a single family residential district to a conditional neighborhood commercial district to allow a minor expansion of an existing retail facility. Publicly adopted and pending plans recognize the existing adjacent shopping center as a community commercial center providing retail services for the area. The expansion is considered consistent with publicly adopted plans and, therefore, appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes an expansion of the existing adjacent shopping center. The plan proposes an expansion of 3,600 square feet of which 1,200 square feet is retail and 2,400 square feet is limited to office space. Access is to be provided by one existing driveway connection to Belhaven Boulevard and through shared access with the adjacent shopping center. The outstanding site plan issue revolves around the need for adequate buffering along the edges adjacent to residential zoning. The plan proposes a landscape strip along the edges adjoining residential zoning which ranges from five feet to 22 feet in width. While this meets the minimum zoning ordinance standard, it is not adequate to provide a proper separation of land uses in this case. A buffer of at least 25 feet in width with heavy plantings would be necessary to properly screen and buffer the proposed shopping center from adjoining residentially zoned properties. Assuming this issue is resolved prior to the ultimate decision, the petition is considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition could be considered appropriate for approval if the buffering system along the project edges adjoining residential is improved sufficiently.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review 1/10 at 9:00 a.m

Petition No. 90-9
Date Filed December 18
Received By [illegible]
OFFICE USE ONLY

Owner(s) Information

Property Owner Jerry W. Neal and wife Joan L. Neal

Owner's Address 25 Queensgate Lane, Charlotte, NC 28214

Date Property Acquired 4/30/84

Deed Reference Deed Book No. 6830, Page 168 Tax Parcel Number 035-17-07

Location Of Property

Address or Description Intersection of McClure Circle and Belhaven Boulevard (US Highway - Old 16 North)

Description Of Property

Size (Sq. Ft.-Acres) 27,667 sq. ft. (.4352 acres) Street Frontage (Ft.) 100 feet

Current Land Use Vacant

Zoning Request

Existing Zoning R-12 Requested Zoning B-1 Conditional

A brief of zoning change [illegible]

To develop additional business space as described:

1. Area 1 - 2400 s.f. office space for N.C. [illegible]
2. Area 2 - 1200 s.f. retail area

Name of Agent [illegible]

Address of Agent [illegible]

Telephone Number [illegible]

Name of Petitioner
25 Queensgate Lane

Address of Petitioner
394-6912

Telephone Number
Jerry W. Neal
Joan L. Neal
Signature

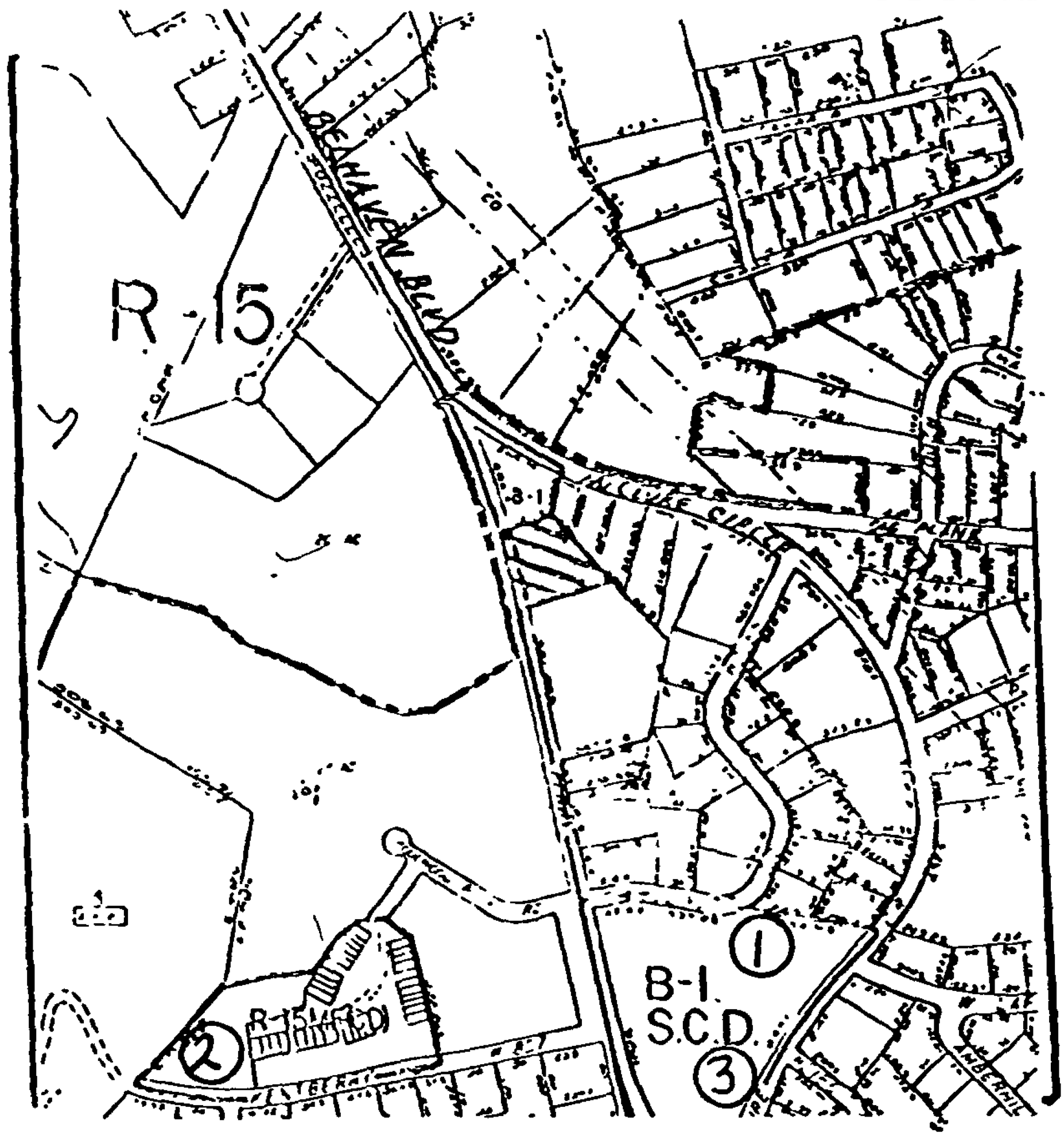
Signature of Property Owner if Other Than Petitioner

PETITIONER Jerry W. Kea

PETITION NO. 90-9 HEARING DATE February 19, 1990

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

LOCATION Approximately .4- acres located on the east side of Rozzelles Ferry Road between McClure Circle.



ZONING MAP NO. 62 SCALE 1" = 400'

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-10

Petitioner: Mecklenburg County

Location: Approximately .880 acres located on the north side of Billingsley Road east of Randolph Road.

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

NOTE: The petitioner has asked that the petition be allowed to be withdrawn. The petition will be refiled at a later date with an appropriate site plan.

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-6MF. The large tract adjacent to this site on the north and east is zoned O-15. Tracks adjacent to this site on the west are zoned O-15(CD) as are the tracts immediately to the south and southwest across Billingsley Road. To the southeast are properties zoned R-6 and R-6MF as are areas further to the east and north of the subject property.

2. Existing Land Use. The property involved in this request is currently vacant. The adjacent property on the north and east is the Mecklenburg County Human Resources complex. Property to the west is presently under construction. The properties to the south and southwest across Billingsley Road are used for a variety of office uses including medical offices and a church. The properties to the southeast, and further east and north adjacent to the Human Resources complex are used for single family detached and multi-family housing.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates employment land uses in the area of the subject property. The plan also indicates a possible light rail corridor nearby. No 2005 strategies.

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

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

   4. Grier Heights Special Project Plan (adopted May, 1988). The Grier Heights Special Project Plan indicates institutional and office uses for the subject property.

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

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.	72-58	R-6MF to 0-15(CD)	Approved	12/04/72
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 & R-12 to 0-15(CD)	Approved	02/27/78
6.	84-23	0-15(CD) Site Plan Amendment	Approved	05/21/84
7.	84-49	R-6MF to 0-15(CD)	Approved	08/20/84
8.	86-80	R-6MF to 0-15(CD)	Approved	08/18/86
9.	86-119	R-6MF to 0-15(CD) to 0-15(CD) Site Plan Amendment & 0-15(CD)	Approved	02/23/87
10.	87-87	R-6MF to 0-15(CD)	Approved	01/18/88
11.	89-79	R-6MF to 0-15(CD)	Approved	11/20/89

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

REVIEWS

1. Plan Consistency. This petition's proposal of office use is consistent with the 2005 Plan, Central District Plan & unadopted), and the Grier Heights Special Project Plan. However, the non-conditional nature of the application presents one issue. All of the nearby properties that have obtained rezoning approvals have done so through the conditional district approach and have committed to a number of performance standards. The application states that the parcel is to be used for continued development of the Human Resources complex but no details via a conditional site plan have been received. Therefore, in terms of the conventional nature of the application, the petition does not provide the same level of information and detail as previous rezoning approvals for nearby properties which were based on site plan approval.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. 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 few comments from reviewing agencies. CMUD indicates both water and sewer are available to this site. Charlotte DOT indicates the site would generate approximately 119-153 trips per day as currently zoned. Under the proposed O-15 zoning, the site would generate approximate 373 trips per day. This is not expected to have a significant impact on the surrounding thoroughfare system. Charlotte Fire Department states that a public or private fire hydrant should 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. Also, the available water supply appears supportive of the proposed development.

ISSUES

1. Land Use. There are no land use issues involved with this application. It proposes the rezoning of a multi-family residential district to an office district in an area in which public plans and policies call for employment type land uses to be established. This petition is consistent with publicly adopted plans and policies for the area and, therefore, is appropriate for approval from a land use standpoint.

2. Site Plan. There is no site plan which accompanies this application. This petition should be modified to be considered through the conditional district process. Only through the conditional site plan can the application ensure such items as high quality, integrated design features, streetscape treatment and landscaping. Therefore, this petition is not considered appropriate for approval in its present form.

CONCLUSION

This petition raises no land use issues. However, it is not considered appropriate for approval as a conventional petition.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-10
Date Filed December
Received By DKM

OFFICE USE ONLY

Ownership Information

Property Owner County of Mecklenburg

Owner s Address 720 East Fourth Street

Date Property Acquired 11-14-74

Tax Parcel Number 157-041-12

Location Of Property (address or description) 429 Billingsley Road 124

Description Of Property

Size (Sq Ft Acres) 0.880 Street Frontage (ft) 100

Current Land Use Vacant

Zoning Request

Existing Zoning R-6MF Requested Zoning O-15

Purpose of Zoning Change To bring property into conformity with adjacent county property so that Mecklenburg County can continue the development of the Human Resources Complex, utilizing this parcel of land.

Name Of Agent
Mecklenburg County Engineering Department

Agent s Address
700 North Tryon Street
Charlotte, NC 28202

Telephone Number
336-3718

Name of Petitioner(s)
Mecklenburg County

Address of Petitioner(s)
City/County Government Center
600 East Fourth St., Charlotte, NC 282C

Telephone Number
336-2472

Gerald G. Fox, County Manager
Signature

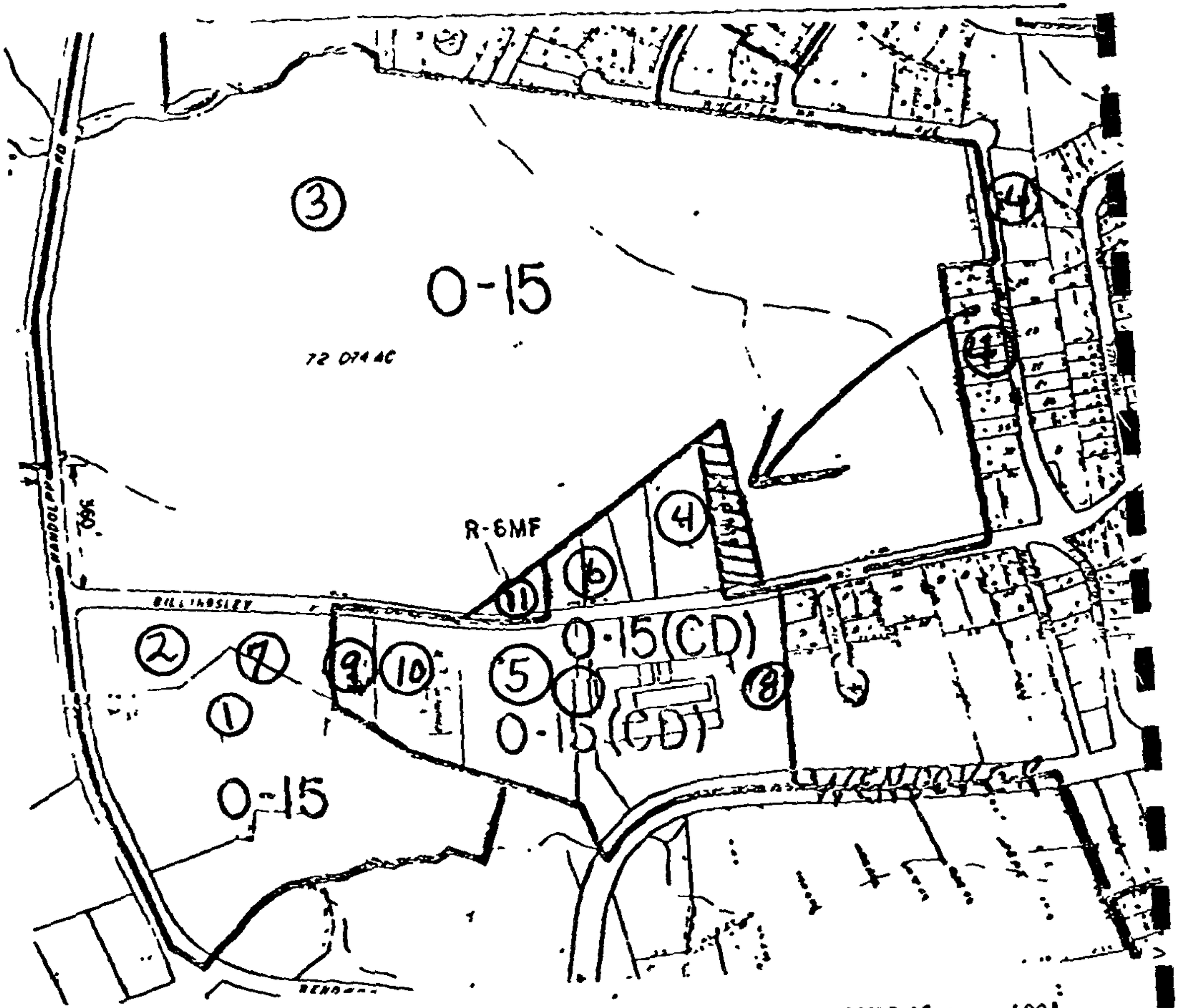
Signature of Property Owner if Other Than Petitioner

PETITIONER Mecklenburg County

PETITION NO. 90-10 HEARING DATE February 19, 1990

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

LOCATION Approximately .880 acres located on the north side of Billingsley Road east of Randolph Road.



ZONING MAP NO. 112 & 124

SCALE 1" = 400'

WEAVER, BENNETT & BLAND, P.A.

ATTORNEYS AT LAW
189 N TRADE STREET
POST OFFICE BOX 2570
MATTHEWS, NORTH CAROLINA 28106

F LEE WEAVER
CHARLES W BENNETT
MICHAEL DAVID BLAND*

BILL G WHITTAKER

LICENSED IN NC & SC

TELEPHONE
(704) 847-0188
(704) 847 7343

FAX
(704) 845 1503

January 25, 1990

RECEIVED

JAN 29 1990

OFFICE OF CITY CLERK

City of Charlotte
Office of the City Clerk
600 E. 4th St.
Charlotte, NC 28204

Re: Rezoning Petition No. 90-11 (Starita Road, North of I-85); Request for Indefinite Deferral

Dear Madam Clerk:

Please accept this letter as an application to the Charlotte City Council for an indefinite deferral of the above-referenced rezoning petition. Recently I and the surveying and engineering staff for the project met with Ms. Laura Simmons of the Charlotte-Mecklenburg Planning Commission regarding comments of the commission and other related agencies to the above-referenced rezoning petition. The comments included a request by the Charlotte Department of Transportation for a traffic impact study and design of a 150-foot left turn lane, a request by the Parks and Recreation Department for dedication of greenway facilities, comments from the planning staff as to additions to be made to the site plans, and a request for additional buffers between the proposed rezone property and adjacent residential areas. Unfortunately, the time frame needed to complete an in-depth traffic impact study, to meet with the necessary engineers of the Department of Transportation for the design of the roadway, design of a reasonable portion of the property for dedication of the greenways, and resolution of the buffer area requested by staff are anticipated to be lengthy procedures for which a definite timeframe for completion cannot be projected.

Obviously, it is my client s desire to modify the rezoning petition and every reasonable respect to meet the comments and requests of the Planning Commission and the various departments or agencies involved and, also, to provide to each department or agency a reasonable period of time to review the revised site plan to determine any add tional comments or their acceptance of the revised plan.

Please insure the City Council that this request is not for purposes of delay, but rather to allow all parties an opportunity to develop a plan that is in the best interest of both the petitioner and the municipality, and that every reasonable effort will be given to conclude these matters as quickly as possible.

Thank you in advance for your cooperation in submitting this request to the Charlotte City Council.

Sincerely,

WEAVER, BENNETT & BLAND, P.A.

Charles W. Bennett

CWB/lc

cc: Ms. Laura Simmons
Charlotte-Mecklenburg Planning Commission
600 E. 4th St.
Charlotte, NC 28202-2853

Mr. R. D. Gillis
Chief Traffic Engineer
Charlotte Department of Transportation
600 E. 4th St.
Charlotte, NC 28202-2853

Ms. Nancy Brunnemer
Charlotte-Mecklenburg Parks & Recreation Department
600 E. 4th St.
Charlotte, NC 28202-2853

Samuel P. Malone, Jr.
P. O. Box 1139
Matthews, NC 28106

Mr. and Mrs. J. Stephen Neal
Rt. 2, Box 590-A
Davidson, NC 28036

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-11

Petitioner: J. L. Neal

Location: Approximately 23.98 acres located off the easterly side of Starita Road north of I-85.

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

NOTE: Subsequent to the preparation of this report, staff received a request from the petitioner for a 30 day deferral of the public hearing. The staff analysis will be amended to reflect site plan revisions that may be submitted at a later date. Any amended staff analysis will be included in the March package.

BACKGROUND

1. Existing Zoning. The property involved in this request is currently zoned R-9, B-D, I-1, and I-2. The property to the west is zoned I-2 as is the property directly to the south and across Starita Road and I-85. The adjacent property to the east is presently zoned I-1. The properties to the north are zoned R-9.

2. Existing Land Use. The property involved in this request is mainly vacant except for a junk yard/tow lot presently occupying the I-2 area. The properties to the west contain industrial uses associated with the trucking industry. The properties to the south contain industrial and office uses interspersed with vacant tracts. There are two trucking companies south of I-85. The property to the east is currently developed with industrial and office uses. The property to the north is currently developed as single family residential except for approximately 21± acres of vacant land. There is also a 150' wide strip of vacant R-9 single family land contiguous to the northern boundary of this petition as well as a 50' wide strip of vacant R-9 single family district along part of the eastern boundary.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing employment land uses in the area of the subject property. 2005 strategies include expanding the greenway along Irwin Creek.

   2. Derita Small Area Plan (adopted 1985). The Derita Small Area Plan encourages employment in Derita by actively recruiting businesses to consider Derita as a location for their operations and developing employment opportunities within the Derita community. Specific recommendations include maintaining existing single family (R-9 & R-12) and develope guidelines to

encourage screening between existing residential and nonresidential development.

3. 2005 Transportation Plan. The 2005 Transportation Plan proposes connecting Nevins Road and Cindy Lane.

4. Transportation Improvement Program. The Nevins Road/Cindy Lane connector will create a minor circumferential system across the northern section of the city. The I-85 widening to eight lanes from Gaston County to the U.S. 29 connection is under construction.

4. Site Plan. The site plan which accompanies this application proposes a maximum building area for the entire site of 1,100,000 square feet with a maximum free-standing office building area of 100,000 square feet. The proposed uses are to be limited to offices, warehouses, fabricating, retail, wholesale distribution, and some manufacturing. Junk yards, salvage yards, petroleum, or chemical manufacturing are specifically not to be allowed on this property. The development proposes individual lots to be subdivided and accessed from an internal street as per the Charlotte Subdivision Ordinance. The petitioner agrees to dedicate right-of-way along Starita Road, 30' from centerline prior to the issuance of building permits. The plan does not show any greenway dedication, buffers, and screening adjacent to the R-9 single family district.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition	Request	Action	Date
1. 66-82	R-9 & R-9MF to I-1	Approved	11/28/66
2. 75-10	R-9 & I-1 to I-1 & I-2	Approved	08/25/75
3. 76-18	R-9 to Conditional	Approved	04/26/76
4. 82-54	I-1 to I-2	Approved	09/28/82

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

REVIEWS

1. Plan Consistency. This petition's proposal of heavy industrial and office use is consistent with the 2005 Plan. However, it is inconsistent with the 2005 Strategies for expanding greenway along Irwin Creek. As filed, the petitioner does not address the specific recommendation of the Derita Small Area Plan for screening between existing residential and nonresidential development.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Subsequently the staff met with the petitioner to convey a number of questions and/or comments regarding the site plan. The petitioner has requested deferral of the public hearing and has not yet submitted a revised site plan.

   2. Departmental Comments. Comments from reviewing agencies include the need for a traffic impact study to be submitted in order that the traffic affect on the thoroughfare system can be analyzed. This site would generate approximately 4,541-4,628 trips per day as currently zoned. Under the propose zoning, it is expected to generate approximately 10,041 trips per day. A left turn lane on Starita Road is also required. Fire hydrants need to be installed so that the trucks do not have to travel more than 500 feet to the most accessible point of all buildings. Fire walls or sprinklers may be required. The plan also needs to provide greenway dedication, 100' buffers and screening adjacent to the R-9 single family district, setbacks and yards, and total site acreage figure. Comments from the County indicate the need to consider land for the greenway system.

ISSUES

1. Land Use. This petition raises no land use issues. It requests a change from R-9, B-D, I-1, and I-2 to I-2(CD). he purpose of this request is to consolidate numerous nonresidential zoned parcels into a unified development under a conditional district site plan. The proposed land use is consistent with public plans and policies that recognize the existing employment land use of this area. Therefore, from a land use standpoint this petition is appropriate for approval.

2. Site Plan. The site plan that accompanies this petition raises numerous issues. These issues include greenway dedication, buffering and traffic impacts. Buffers that are shown on the submitted plan are actually not part of this site. No commitments addressing these issues have been received from the petitioner on this site plan. Due to these site plan issues, this petition is not appropriate for approval at this time.

CONCLUSION

This petition is not appropriate for approval as submitted due to site plan deficiencies. The petitioner has requested a 30 day deferral.

*Subject to further refinement following public hearing.

COPY

Petition No. 90-11
Date Filed [illegible]
Received By [illegible]
OFFICE USE ONLY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Ownership Information

Property Owner: J. STEVEN and wife, JUDITH K. NEAL

Owner's Address: Route 2, Box 590-A, Davidson, NC 28036

Date Property Acquired: September 20, 1982

Deed Reference: 6116 Page 636 & Book 6116 Page 639

Tax Parcel Number: 045-031-01, 045-031-02, OUT OF ABPT

Location Of Property (address or description)

STARITA ROAD

Description Of Property

Size (Sq Ft Acres): 23.98 Acres MOL

Street Frontage (ft): See Exhibit

Current Land Use: See Exhibit "A"

Zoning Request

Existing Zoning: B-D, I-1, R-9, I-2

Requested Zoning: I-2CD

Purpose of Zoning Change: See Exhibit "B"

Name of Agent: Charles E. Bennett
WEAVER, BENNETT & BLAND, P.A.

Agent's Address: P.O. Box 2570
Matthews, NC 28106

Telephone Number: 704/847-0188

J. S. Neal
Name of Petitioner(s)

Judith K. Neal
Address of Petitioner(s)

Telephone Number

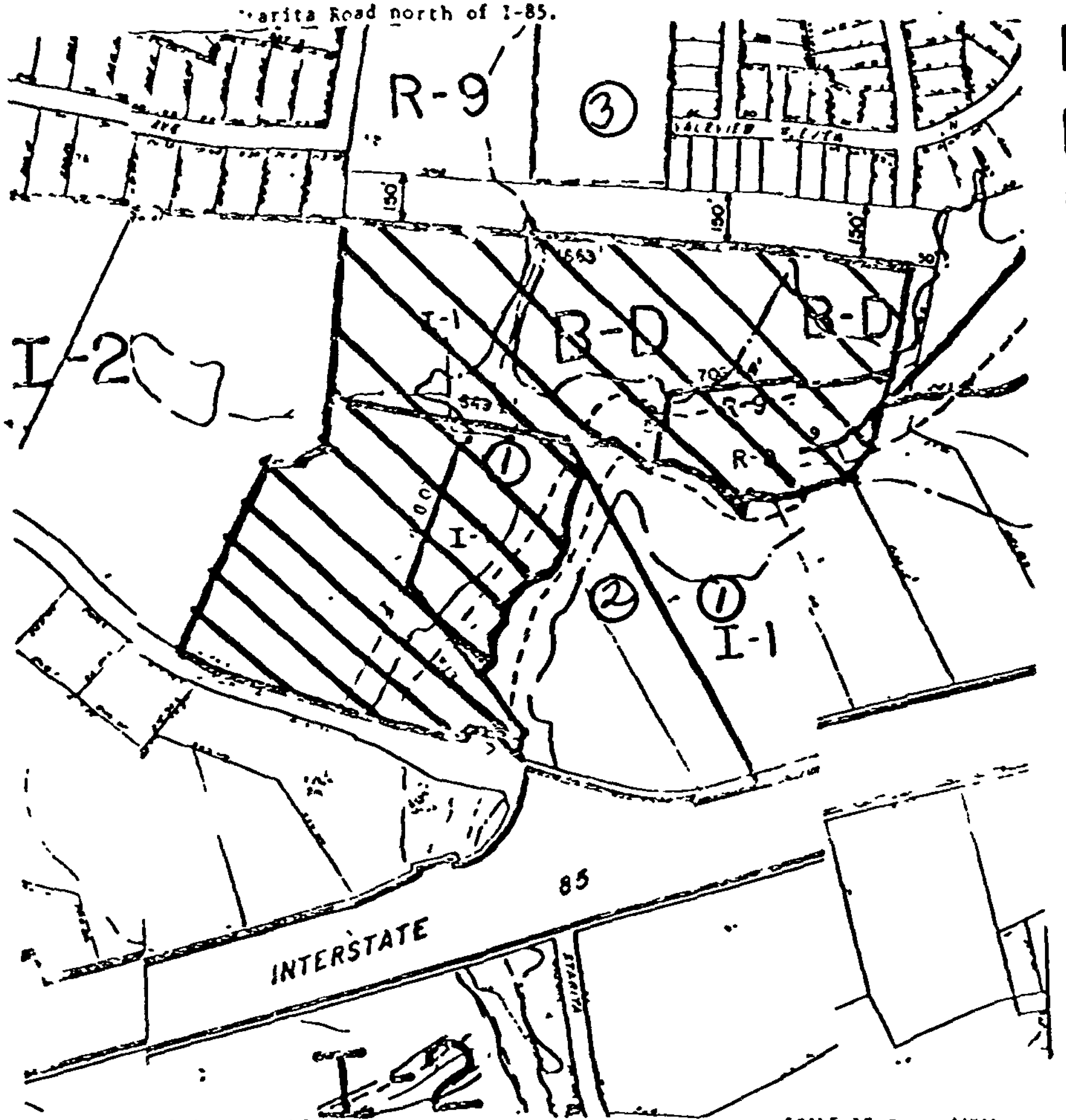
Signature

PETITIONER J. L. Veal

PETITION NO. 90-11 HEARING DATE February 19, 1990

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

LOCATION Approximately 23.98 acres located off the easterly side of Marita Road north of I-85.



ZONING MAP NO. 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR A PLAT

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-12

Petitioner: Crosland Land Company.

Location: 40.52 acres located south off Hwy. 51 on Bevington Place bounded by McAlpine Creek to the west.

Request: Consideration of an R-20MF Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved in this request is zoned R-20MF and is part of a 380.00 acre tract. The area to the south is zoned R-9(CD) and is part of the Touchstone Subdivision. To the north and east the property is zoned R-20MF. The only exception is the property to the west and across McAlpine Creek which is zoned R-12.

2. Existing Land Use. The subject property is currently vacant. The property to the south has been developed with single family homes as part of the Touchstone Subdivision. The property to the north is developed with apartments know as McAlpine Place. The property to the east is developed with the first phase of Westbury Woods an apartment project. The property to the west is currently vacant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing residential land uses in the area of the subject property. 2005 strategies include expanding the greenway along McAlpine Creek, extending water service in the area, construction of the Outer Belt, widening of N.C. 51 and the extension of Rea Road and the relocation of U.S. 521.

   2. Transportation Improvement Program. The TIP calls for widening N.C. 51 from Pineville to Matthews. This widening is currently under construction and is scheduled to continue through fiscal year 1991. The TIP also includes funding of the southern Outer Belt as a new four to six lane freeway facility in the southern portion of the county. This roadway is currently under construction and will be through fiscal year 1996.

   3. South Mecklenburg Interim District Plan (1987). The plan encourages, along the 51 corridor, the development of communities containing 4-5 du's per acre and up to 6 d.u. per acre for sites that provide more than the minimum amount of open space. For projects larger than 36 acres the plan calls for half the area to be developed with single family homes. The plan also outlines a number of criteria that are to be considered when evaluating proposals for multi-family development.

4. N.C. 51 Corridor Plan. (adopted 10/83). This plan calls for mixed residential development along the 51 corridor and requires a 100' buffer along Hwy. 51. The plan recommends a residential mix containing different types of housing as well as different densities compatible with the transportation objectives. The plan also calls for N.C. 51 to be widened to four lanes with medians.

4. Site Plan. This site plan amendment is proposing to a note on the previously approved plan. This note requires that certain areas with the site provide a pool and two tennis courts as part of their development. The petitioner is requesting that this note be change to no longer require the pool and two tennis courts for two areas that will be developed with single family detached units instead of multi-family units. In the future the petitioner will submit specific plans to the Zoning Committee for approval of the innovative plan.

5. School Information. School information has been requested but had not been received at the time this report was prepared.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-19(c)	R-12, R-15 to R-PUD	Approved	09/08/70
2. 76-11(c)	R-PUD to R-12, R-12MF and O-15	Approved	08/02/77
3. 82-15(c)	R-15 to R-20MF, R-1SCD and B-1(CD)	Approved	01/03/84
4. 86-54(c)	R-20MF to R-9(CD) & R-20MF Site Plan Amendment	Approved	10/20/86

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

REVIEWS

1. Plan Consistency. The 2005 Plan recognizes residential land uses in the area and calls for different densities and housing types. This petition is confined to an amendment to the existing plan for a mixed residential community. Therefore, the petition is consistent with public plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner and his agent prior to filing and discussed an administrative change in the plan. The staff concluded that the change could not be approved as an administrative change.

2. Departmental Comments. Due to the nature of the site plan amendment there were no comments from the various departments.

ISSUES

1. Land Use. There are no land use issues accompanying this petition. The petition is simply asking to amend a note on the previously approved plan due to a change in the proposed use of the land from 300 multi-family units to 125 single family units. The adopted plans and policies all call for mixed use developments of varying densities and housing types. This proposal is in accordance with these policies.

2. Site Plan. The one issue of this petition is a site plan issue. The existing plan requires that any area zoned R-20MF include a pool and two tennis courts. Since the note had been part of the plan since the beginning the elimination of this requirement could result in a change to the overall character of the site. However, the change in the housing type and density from 300 multi-family units to 125 single family units lessens the need for these recreational amenities. The petition is considered appropriate for approval.

CONCLUSION

The proposed amendment is minor and is recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 90-12
Date Filed December 8, 1
Received By McNa
OFFICE USE ONLY

Ownership Information

Property Owner: The Crosland Group, Inc.

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

Date Property Acquired: May 1984

Deed Reference: 4951-804 and 4843-285 Tax Parcel Number: 223-251-14 & 13

Location Of Property (address or description) Fevrington Place south of Eaybrook lane

Description Of Property

Size (Sq Ft Acres): 40.52 acres Street Frontage (ft.): 1097 feet

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-20 MF Requested Zoning: Site plan amendment R-20 MF (Innov)

Purpose of Zoning Change: Site plan amendment to remove recreation facilities note from the plan since all multi-family attached sections are developed and to approve a site plan for innovative development of two R-20 MF sites.

Name Of Agent: Karla Tanner

Agent's Address: 125 Scaleybark Rd., Charlotte, NC 28209

Telephone Number: 704-529-5233

Name of Petitioner(s): Crosland Land Company

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

Telephone Number: 704-529-5233

Signature

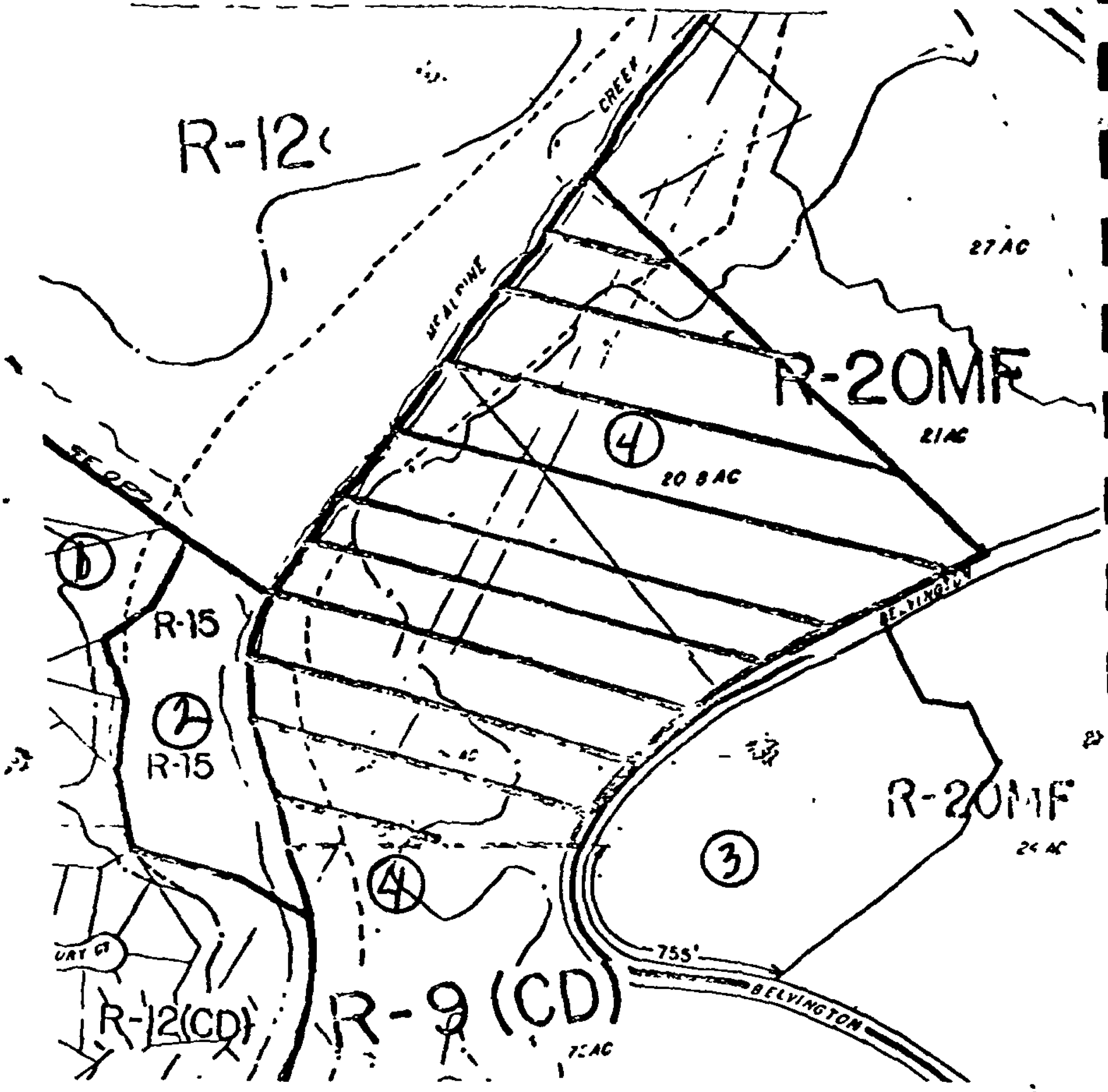
PETITIONER Crosland Land Company

PETITION NO. 90-12 HEARING DATE February 19, 1990

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED Site Plan Amendment

LOCATION Approximately 40.52 acres off N.C. 51 on Belvington Place

extending to McAlpine Creek (Touchstone Subdivision).



ZONING MAP NO. 167 & 176

SCALE 1" = 400'

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-13

Petitioner: Touchstone Assoc. Ltd. Partnership

Location: Approximately 12.74 acres located south of N.C. 51 on the north side of Bevington Place bounded by Baybrook Lane and Caswell Lane.

Request: B-1(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property which is the subject of this site plan amendment is currently zoned B-1(CD). The conditional plan restricts the property to 65,000 square feet of retail space plus a community building of up to 3,000 square feet. The buildings are arranged in an "L" shape fashion with the backs of the buildings facing south toward Bevington Place and Carswell Lane. The front of the buildings face Baybrook Lane. The property surrounding the site is zoned residential with a mixture of multi-family and single family zoning including R-20MF, R-9(CD), and R-15(CD). The property to the north between the subject property and Highway 51 is zoned residential and developed with the McAlpine Elementary School.

2. Existing Land Use. The subject property is currently vacant. To the north is the McAlpine Elementary School. To the east and south are parts of the Touchstone subdivision. To the west are the Westbury Wood Apartments and the McAlpine Place Apartments.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the expansion of residential land uses in the area. Some of the 2005 Plan strategies include expanding the greenway along McAlpine Creek, construction of the outer belt, Highway 51 widening, and the extension of Rea Road.

   2. Transportation Improvement Program. The current Transportation Improvement Program calls for the current widening of N.C. 51 to continue through FY91. The Transportation Improvement Program also looks for the construction of the southern outer belt to begin and continue through FY96.

   3. South Mecklenburg Interim District Plan. The South Mecklenburg Interim District Plan also mentions the Highway 51 widening, the construction of the southern outer belt, as well as the improvement of Elm Lane West from Highway 51 to Providence Road West. Along the Highway 51 corridor, the plan looks for new residential development between four to five dwelling units to the acre. The plan also allows new development at six dwelling

units to the acre for projects that provide more than the minimum amount of open space. The plan also outlines a number of criteria that new development proposals should be evaluated against. The plan also calls for a neighborhood convenience center to be located off of Highway 51 in the Touchstone subdivision. This type of center is to be between 40,000 and 50,000 square feet. The center should serve residents in a one mile area. The design of the center should be one that integrates with the surrounding residential uses.

4. N.C. 51 Corridor Plan (adopted October, 1983). The Highway 51 corridor calls for a mix of housing types along Highway 51 with densities of up to six dwelling units to the acre. It also looks for a 100 foot buffer to be maintained along Highway 51. Transportation improvements outlined by this plan are the widening of Highway 51 to four lanes with a median, construction of the Pineville-Matthews Bypass, and the improvement of key intersections along Highway 51.

4. Site Plan. The site plan which accompanies this request consists of a neighborhood convenience shopping center of approximately 65,000 square feet. The existing site plan calls for the center to blend into the surrounding residential neighborhood. This was going to be accomplished by the design of the center. The plan called for the shops to have pitched roofs and a small plaza area in front of the shops. The petitioner is now asking that this be changed by proposing a mansard roof atop a flat roof and reduction of the area of the plaza in front of the shops. The petitioner had asked that this be done administratively. The staff felt that these changes adversely affected the center's integration into surrounding neighborhood and was beyond staff's authority to approve administratively.

5. School Information. School information has been requested but had not been received at the time this report was prepared.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 82-15(c)	R-15 to R-20MF, R-15(CD) & B-1(CD)	Approved	01/03/82
2. 85-36(c)	R-20MF, R-15(CD), & B-1(CD) Site Plan Amendment	Approved	08/12/85
3. 86-54(c)	R-20MF to R-9(CD) & R-20M Site Plan Amendment	Approved	10/20/86
4. 84-42(c)	R-20MF to R-15(CD)	Approved	11/05/84
5. 86-55(c)	R-20MF to R-15 & R-20MF Site Plan Amendment	Approved	10/20/86

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

REVIEWS

1. Plan Consistency. This petition proposes a B-1(CD) site plan amendment. The amendment involves changes to the architectural treatment of the buildings as well as modification to building layout and treatment of buffers. The South Mecklenburg Interim District Plan recognizes this use at this location. The plan qualifies this location by requiring the buildings within the center to be integrated with the neighborhood. Since this site plan amendment is a request to change the architectural treatment of the center, the "integration" into the neighborhood may be diminished.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed the petition with the petitioner's agent prior to the filing. The petitioner had requested an administrative approval of the changes. The staff felt that the change exceeded the staff's authority and recommended a formal plan amendment. Subsequently, the staff conveyed several site plan related comments to the petitioner's agent.

   2. Departmental Comments. The Charlotte Mecklenburg Utility Department confirmed that water and sewer are available. The Fire Department had consensus with access which have been resolved. The City Engineering Department asked that the Hugo damaged trees within the buffers be removed by hand and that the berm used to screen the rear of the center be moved closer to Bevington Place. The Zoning Administrator's Office asked that a note be added clarifying the parking requirement for the community parcel. The Planning staff asked that several notes be clarified and that information from the original plan be transferred. All these comments were addressed by the petitioner.

   Several comments made by the Planning staff were not addressed. Specifically, the staff had requested that six parking spaces be eliminated and replaced with plaza area as per the original plan and that the original note regarding the treatment of the rear of the center be used (i.e. materials similar to the materials used at the front). The petitioner choose to use painted concrete blocks to match the color scheme at the front only.

ISSUES

1. Land Use. There are no major land use issues involved with this request. The petitioner through this site plan amendment is primarily seeking to change the conditions on the approved plan dealing with the architectural treatment of the center. These changes directly affect the center's degree of integration into the surrounding neighborhood. The South Mecklenburg Interim District Plan requires that the center be integrated into the surrounding neighborhood. The present plan meets this objective. The propose plan may not fit as well and, therefore, may not be appropriate for approval.

2. Site Plan. The issues surrounding this site plan amendment are primarily design issues. The petitioner is changing the note on the plan to eliminate the requirement for pitched roofs and substituting a mansard roof with slate singles. The roof which originally wrapped around the rear of the center now only turns the corner of the anchor tenant. As a result of topography, survey errors, and added parking, the pedestrian plaza in front of the center has been reduced. A storm water detention pond has been added at the rear of the site in a natural low spot, while unfortunately, occurs in one of the buffers. To remedy this problem, a berm with heavy planting is being constructed. This berm will serve a duel purpose in that it will hide the detention pond and also screen the rear of the center. Also, a small portion of the 40 foot landscape setback along Baybrook Lane at the service drive has been eliminated to provide maneuvering space for delivery vehicles. Additional landscape screening is being installed in this area. In view of the fact that the center "turns its back" to the neighborhood, extra care in the design of the buildings is important. Of all these changes, it is the elimination of the pitched roofs and other architectural details that is most bothersome. These changes were made even as additional square footage was added. The staff believes that the original architectural commitments should be preserved.

CONCLUSION

This petition proposes to make changes that will lessen the center's compatibly with the surrounding neighborhood and, therefore, should not be approved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-13
Date Filed December 18, 1989
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Touchstone Associates Limited Partnership

Owner's Address 125 Scaleybark Road
Charlotte, North Carolina 28209

Date Property Acquired December 1, 1989

Tax Parcel Number 223-25-02

Location Of Property (address or description) Southern intersection of Baybrook Lane and Bevington Place in Mecklenburg County, North Carolina

Description Of Property

Size (Sq Ft Acres) 12.74 ·

Street Frontage (ft) Bevington Place 49
Baybrook Lane 91
Carswell Lane 88

Current Land Use Undeveloped

Zoning Request

Existing Zoning B1-SCD

Requested Zoning B1-SCD

Purpose of Zoning Change Site plan amendment to original petition 87-49C

Crosland-Erwin-Associates
Name Of Agent

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

(704) 523-0272
Telephone Number

Touchstone Associated Limited Partnership
Name of Petitioner(s)

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

(704) 523-0272
Telephone Number

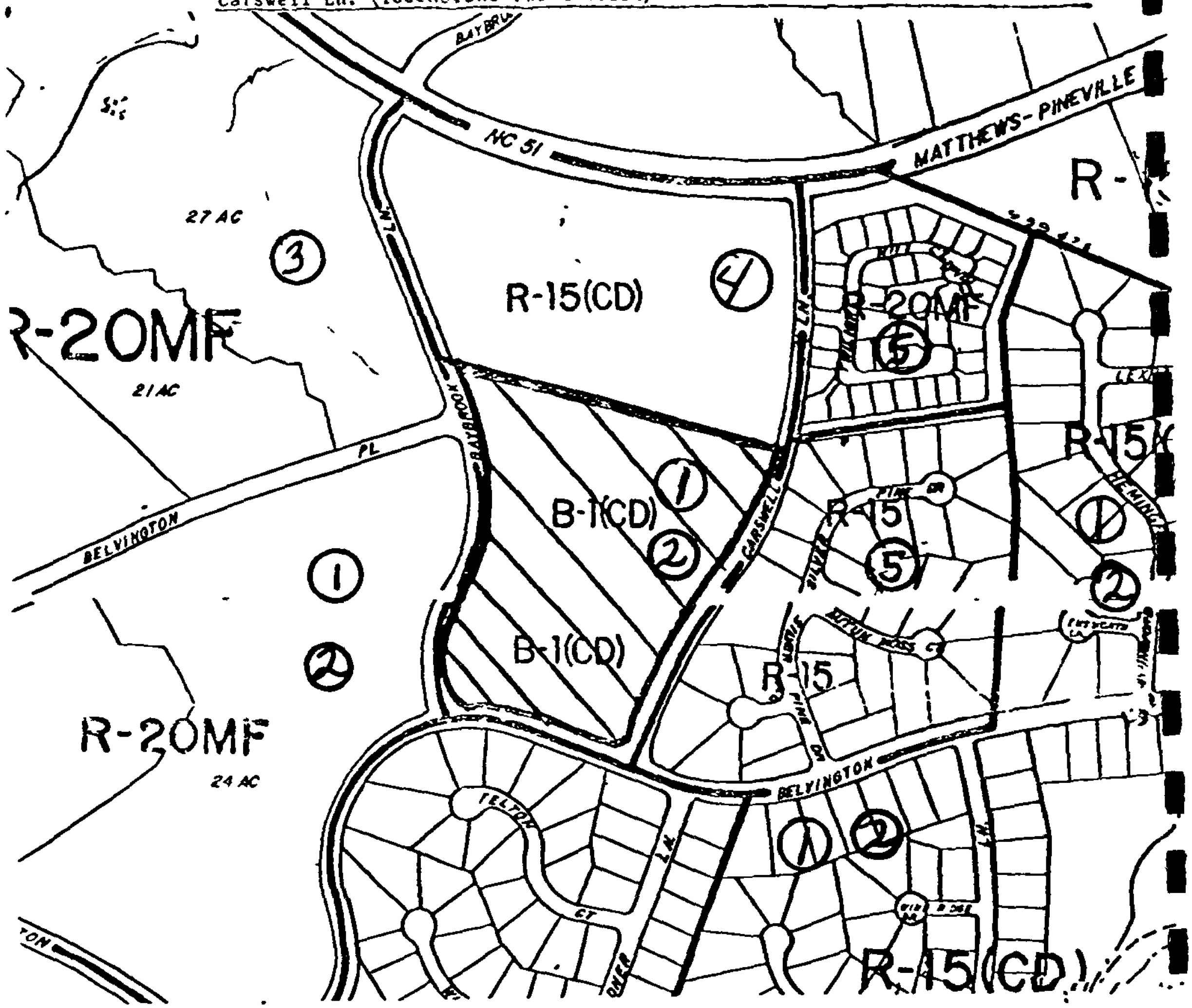
Wade H. Robinson
Signature Wade H. Robinson

PETITIONER Touchstone Associated Limited Partnership

PETITION NO. 90-13 HEARING DATE February 19, 1990

ZONING CLASSIFICATION, EXISTING B-1(CD) REQUESTED Site Plan Amendment

LOCATION Approx. 12.74 acres located south of N.C. 51 (Pineville-Matthews Rd.) on the north side of Bevington Pl. bounded by Baybrook Ln. and Carswell Ln. (Touchstone Subdivision)



ZONING MAP NO. 167 & 176 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-14

Petitioner: City of Charlotte

Location: Approximately 1,300 acres including a portion of Hornets Nest Park, Statesville Road Park, Reedy Creek Park, Old Berryhill School, and vacant tracts located south of the Airport and south of Byrum Drive.

Request: Establish zoning jurisdiction of the City of Charlotte in newly annexed areas.

BACKGROUND

As of January 2, 1990, the City of Charlotte annexed approximately 1,300 acres in five different areas of Mecklenburg County. The five annexation areas are (1) Hornet's Nest Park located off Beatties Ford Road near Lakeview Road (2)Statesville Road Park located on Statesville Road south of Old Statesville Road (3) Reedy Creek Park located off Grier Road (4) the Old Berryhill School site on Old Dowd Road and (5) several vacant tracts located south of Byrum Drive and south of the Airport. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish that jurisdiction.

The existing zoning categories in these areas include R-12 and B-2 in Hornet's Nest Park, R-MH and R-9 at the Old Berryhill school site, R-12 in Reedy Creek Park, and R-15 south of the Airport. Most of the existing zoning on the site which is now Statesville Road Park was established through a conditional rezoning in 1985 and includes R-9(CD), R-12(CD), R-12MF(CD), R-15MF(CD), and B-1SCD. The park also contains R-12 and R-12MF zoning. The City's policy in these matters has been to establish zoning jurisdiction using the same zoning classifications that exist under Mecklenburg County's zoning jurisdiction or to use the closest City category available. However, this petition requests establishment of different zoning districts on portions of some of the park sites to bring the zoning of the entire parks into a single family residential category. All of the subject properties are owned by the City of Charlotte and the proposed zoning classifications will not result in any nonconforming uses.

Within Hornets Nest Park, the existing zoning districts are R-12 and B-2 with the B-2 being located along the Beatties Ford Road frontage. The request in this case seeks to establish R-12 zoning for the entire site including the portion currently zoned B-2.

The Statesville Road Park property is currently zoned a combination of R-12, R-12MF, R-9(CD), R-12(CD), R-12MF(CD), R-15MF(CD), and B-1SCD. This petition proposes to establish the R-12 district on the entire park.

Within the other annexation areas, this petition proposes establishment of the same zoning classifications as currently exist on the properties. The existing zoning in Reedy Creek Park is R-12 and the petition proposes establishment of the same district. The Old Berryhill School property is zoned a combination of R-MH and R-9 and it is proposed that the same districts be established by the City. The remaining properties are vacant tracts located south of the Airport and are zoned R-15. The same zoning category is proposed by this petition for those sites also.

CONCLUSION

City zoning should be established on the properties within the five annexation areas. For the most part, the same zoning category which exists under the County's jurisdiction is appropriate. Exceptions are the B-2 portion of Hornet's Nest Park and Statesville Road Park which are proposed for R-12 zoning.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-14
Date Filed 12/13/89
Received By MCT
OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte

Owner's Address 600 East 4th Street
Charlotte, NC 28202

Date Property Acquired

Tax Parcel Number 037-101-01, 045-361-01, 045-421-01, 105-071-01, 105-091-25, 105-101-01, 105-111-01, 105,122-14, 113-092-03, 141-041-01, 141-041-02, 141-045-03, 141-043-01 thru (
141-055-61-62, 141-055-64 thru 07

Location Of Property (address or description)

SEE ATTACHED MAPS AND LEGAL DESCRIPTIONS

Description Of Property

Size (Sq Ft Acres) 1,300 acres Street Frontage (ft)

Current Land Use Hornet Nest Park, Statesville Road Park, Reedy Creek Park, & Vacant Land

Zoning Request

Existing Zoning Hornest Nest Park R-12 & B-2; Statesville Road Park R-9(CD), R-12(CD), R-12MF R-12MF(CD), R-15(CD), B-1SCD, R-12 Reedy Creek Park R-12 South of Airport R-15

Requested Zoning Same as existing zon' except for CD's which be R-12 Statesville a (Hornest Nest) to R-1

Purpose of Zoning Change To establish city zoning

Name Of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)
600 East 4th Street
Charlotte, NC 28202

Address of Petitioner(s)

Telephone Number

Signature

PETITIONER City of Charlotte

PETITION NO. 90-14 HEARING DATE February 19, 1990

ZONING CLASSIFICATION, EXISTING SEE ATTACHED REQUESTED SEE ATTACHED

LOCATION 1,300 acres including a portion of Hornets Nest Park, Statesville Rd Park, Reedy Creek Park, Old Berryhill School, and property south of airport off of Byrum Drive.

Petition No. 90-14

Existing Zoning: R-15, R-12, R-12(CD), R-9(CD), R-15MF(CD), R-12MF, R-12MF(CD) R-MH, B-1SCD, and B-2.

Change to: Note 1 (Statesville Road Park). Property zoned R-15(CD), R-12, R-12(CD), R-9(CD), R-15MF(CD), R-12MF, and R-12MF(CD) to R-12.

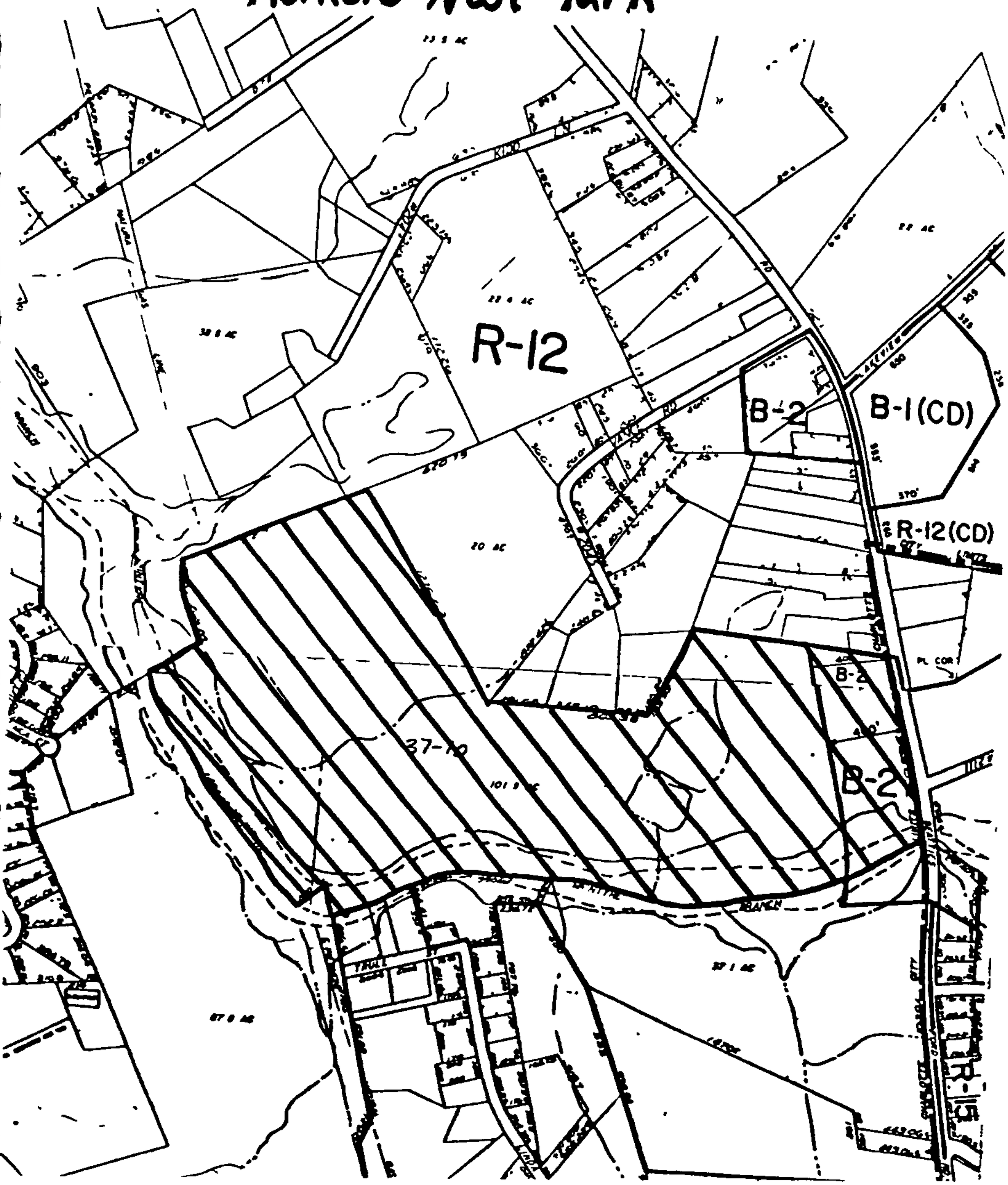
Note 2 (Hornets Nest Park): B-2 to R-12.

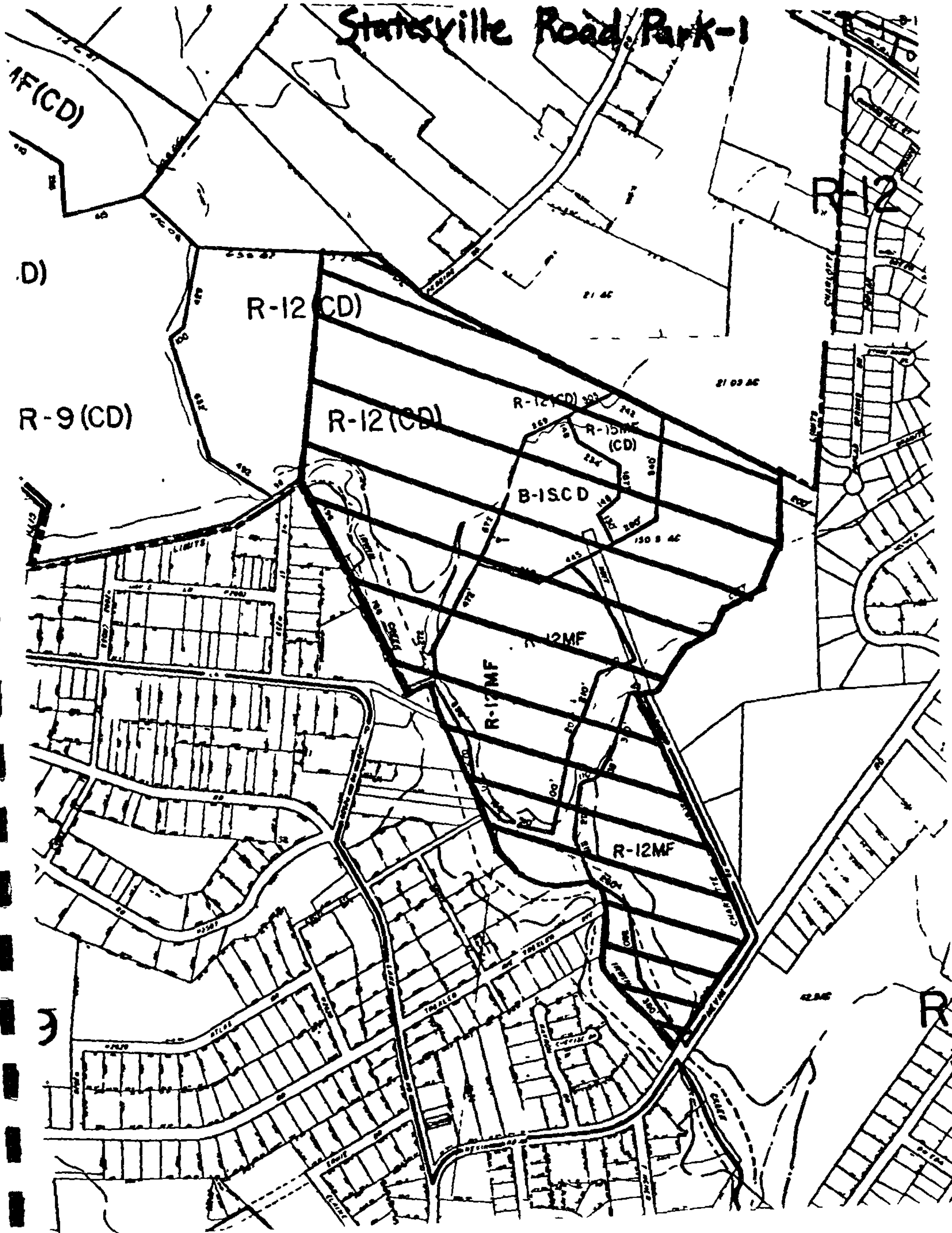
SEE ATTACHED MAP

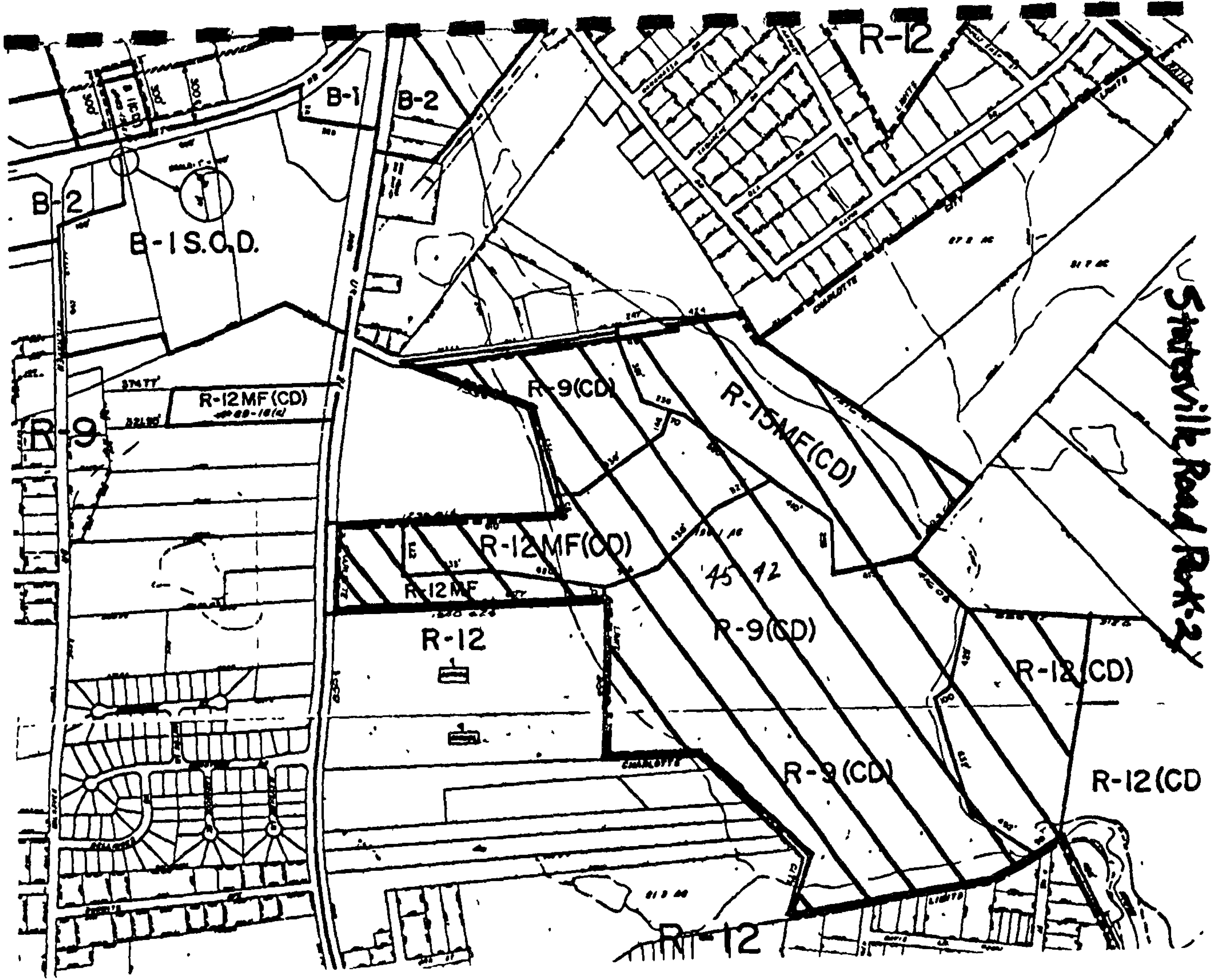
ZONING MAP NO. Several SCALE 1" = 400'

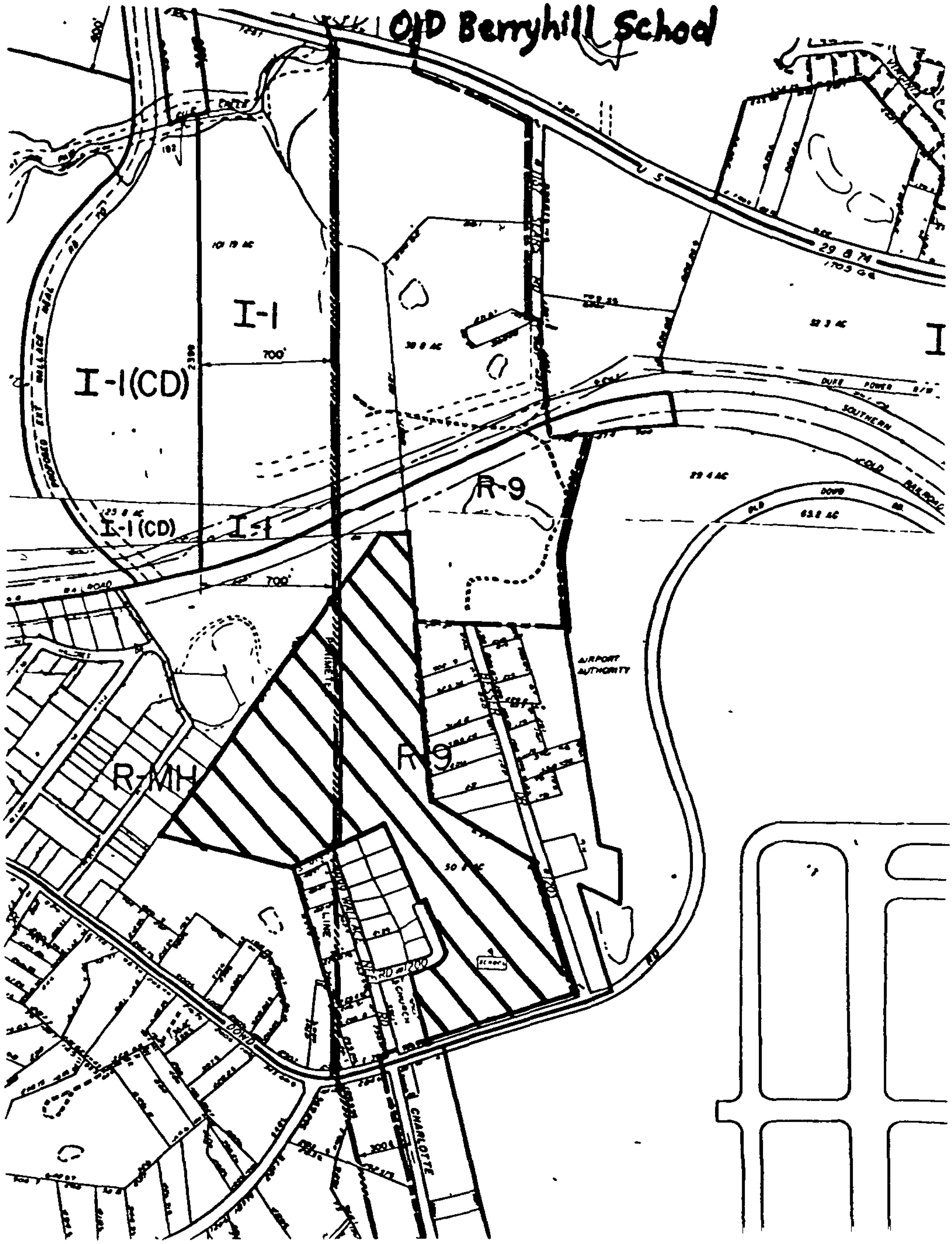
PROPERTY PROPOSED FOR CHANGE

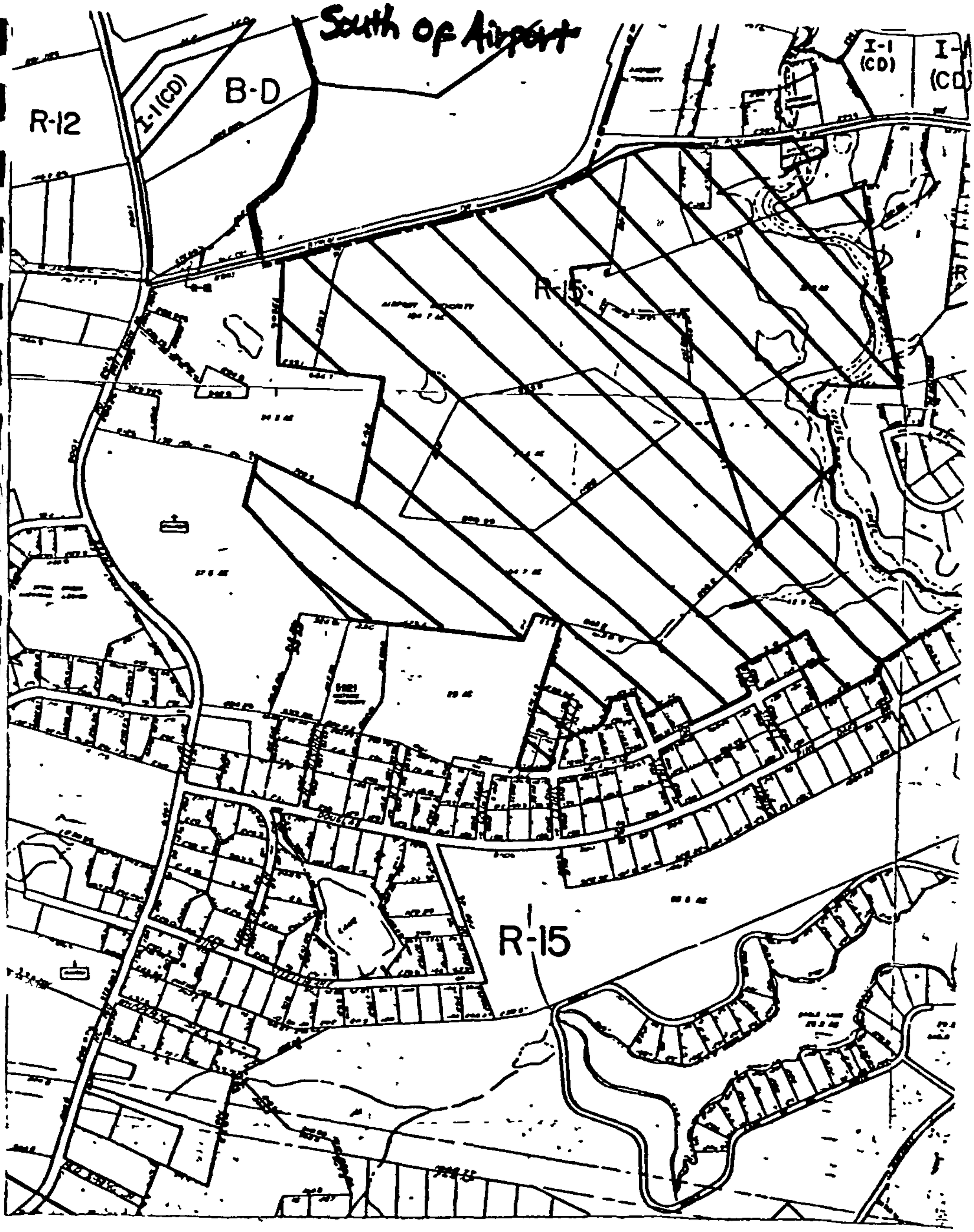
Hornet's Nest Park

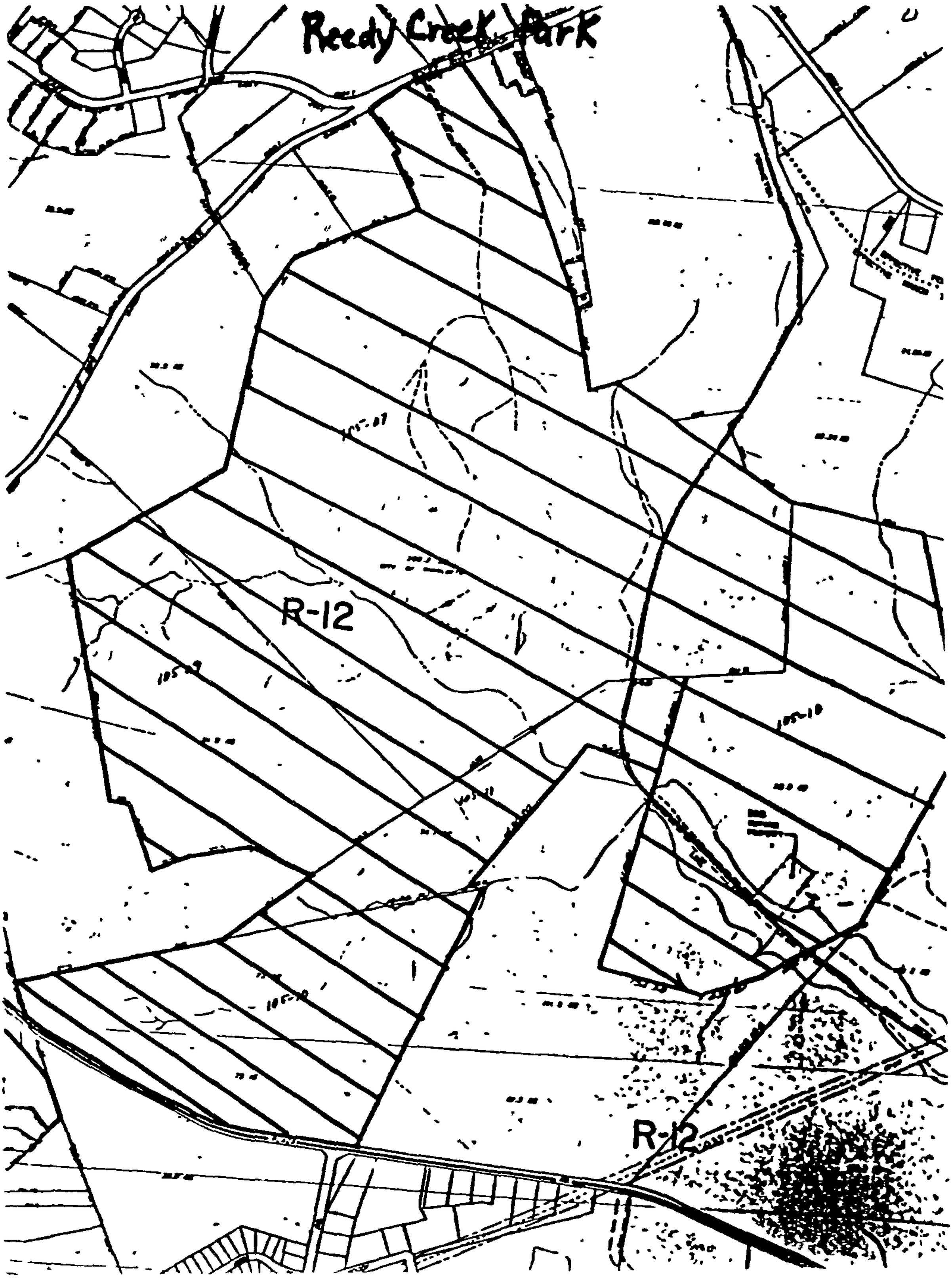



Statesville Road Park-1
R-12
R-12 (CD)
R-9 (CD)
R-12 (CD)
R-12 (CD)
R-15MF (CD)
B-1SCD
R-12MF
R-12MF
R-12MF
21.03 AC
150.3 AC


R-12
B-1
B-2
B-2
B-1 S.C.D.
R-12MF(CD)
R-9
R-9(CD)
R-15MF(CD)
R-12MF(CD)
R-12MF
R-12
R-9(CD)
R-12(CD)
R-9(CD)
R-12(CD
R-12
Statesville Road


OLD Berryhill School
I-1
I-1(CD)
I-1(CD)
I-1
R-9
R-9
R-MH
AIRPORT AUTHORITY
SOUTHERN
COLD RAILROAD
DUKE POWER
CHARLOTTE
700'
700'


South of Airport
R-12
I-1(CD)
B-D
I-1
(CD)
I-
(CD)
R-15
R-15


Reedy Creek Park
R-12
R-12

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-15

Petitioner: City of Charlotte

Location: Approximately 157.75 acres located along Kings Branch, south of Hebron Street, west of South Boulevard, east of Old Nations Ford Road, and north of the Pineville Town Limits (the Lance site).

Request: Establish zoning jurisdiction of the City of Charlotte in newly annexed area.

BACKGROUND

As of January 2, 1990, the City of Charlotte annexed 157.75 acres located off South Boulevard along Kings Branch. For the most part, the subject property is part of the Lance property. However, the City of Charlotte is the owner of a very small portion of the property located along King's Branch adjacent to R-15MF zoning. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish that jurisdiction. The existing zoning of the property is predominantly I-2. However, a 50 foot strip on the southerly edge of the Lance site is zoned I-2(CD). That zoning was established in 1986 as a result of the Sterling Special Project Plan and provides a buffer between the Lance site and the residential area to the south. This petition proposes to establish the same zoning classifications under the City's jurisdiction as exist under the County's jurisdiction.

CONCLUSION

City zoning should be established on the property within the annexation area utilizing the same zoning categories as presently exist under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No _____

Date Filed _____

Received By _____

OFFICE USE ONLY

Ownership Information

Property Owner: Lance, Inc And City of Charlotte

Owner s Address: 8600 South Blvd Charlotte NC &
600 E. 4th Street

Date Property Acquired _____

Tax Parcel Number: 205-121-7 And 205-072-36

Location Of Property (address or description): See Attached Map and Legal Descriptions

Description Of Property

Size (Sq Ft -Acres): 157.75 Acre

Street Frontage (ft) _____

Current Land Use: VACANT

Zoning Request

Existing Zoning: I-2

Requested Zoning: I-2

Purpose of Zoning Change: To establish city zonings

Name Of Agent _____

Agent s Address _____

Telephone Number _____

Name of Petitioner(s): City of Charlotte

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

Telephone Number _____

Signature _____

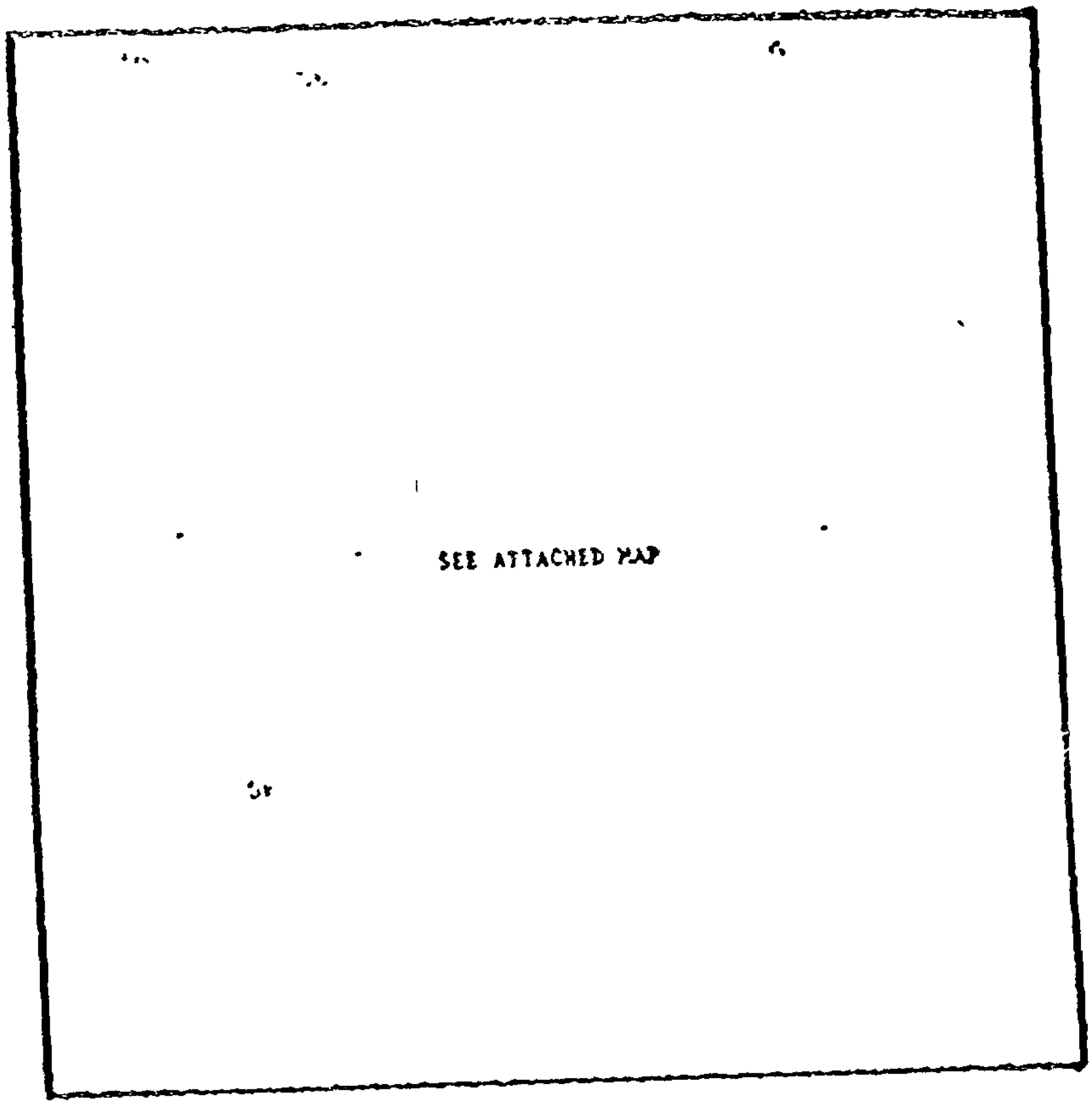
Signature of Property Owner if Other Than Petitioner _____

PETITIONER City of Charlotte

PETITION NO. 90-15 HEARING DATE February 19, 1990

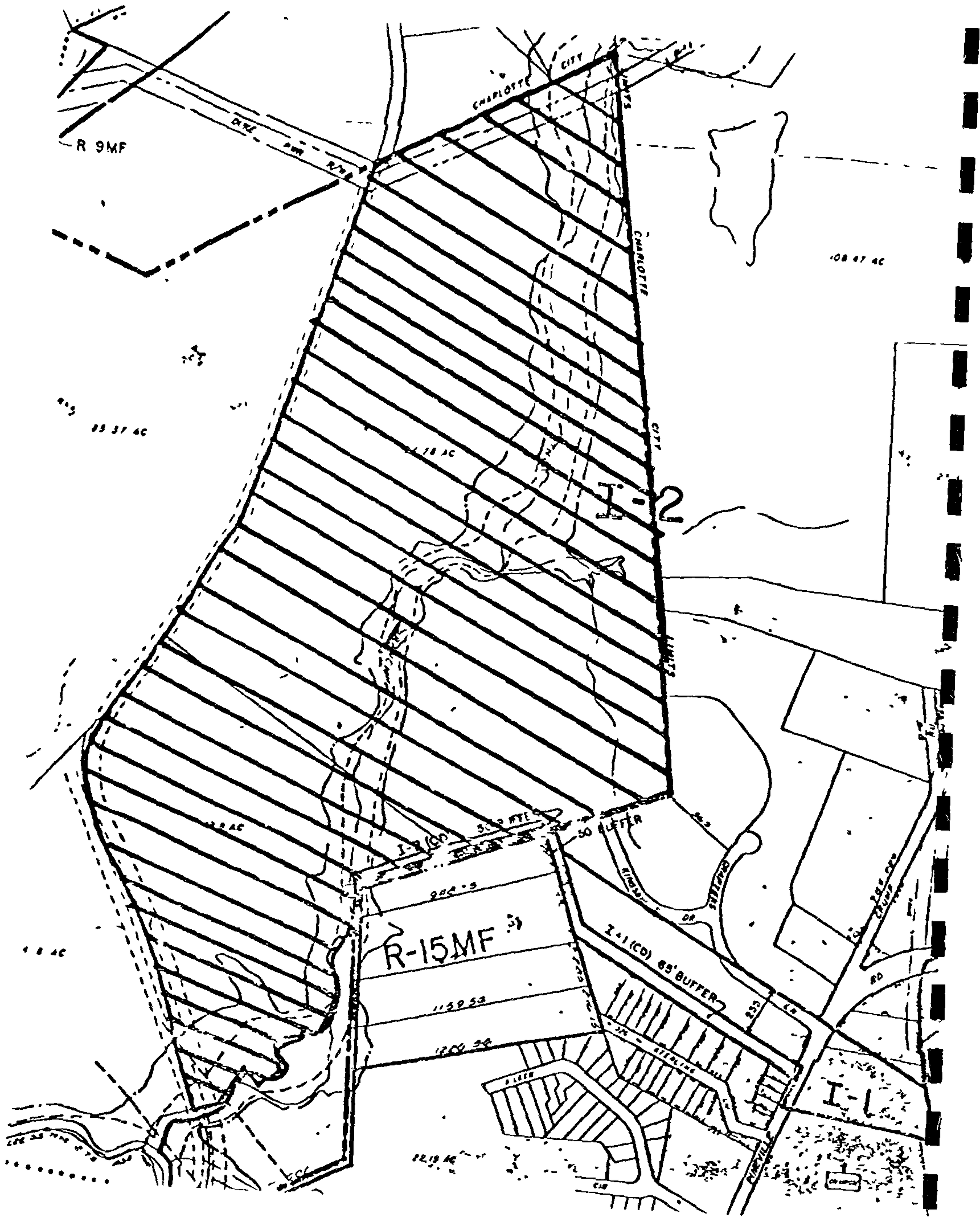
ZONING CLASSIFICATION, EXISTING Establish I-2 & B-2(CD) zoning on property propo for Annex. REQUESTED

LOCATION Approximately 157.75 acres located off the South Boulevard (Hwy. 521) along both sides of Kings Branch (Lance).



ZONING MAP NO. 148, 149, 156, 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R 9MF
CHARLOTTE CITY LIMITS
CHARLOTTE
I-2
R-15MF
I-1 (CD) 85' BUFFER
I-1

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 9, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina 28280

Dear Mayor and Council Members:

Please find attached a copy of the recommendation for Petition No. 89-86, Zaremba CenterPoint Company. The enclosed zoning map has been corrected to reflect a zoning change that was approved by City Council on January 16, 1990. In addition, the word "interests" has been corrected to "entrance" in the 10th line of the recommendation.

Sincerely,

Walter G. Fields, III
Land Development Manger

WGF/MM:mlj

Attachments

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

DATE: January 22, 1990

PETITION NO.: 89-86

PETITIONER(S): Zaremba CenterPoint Company

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

LOCATION: A 13.8 acre site on the northeasterly corner of Eastway Drive and Biscayne Drive.

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

VOTE: Yeas: Burns, Davis, Lassiter, Latham, Majeed, and Mead.

Nays: None.

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

REASONS

This petition proposes the development of a shopping center in an area where plans call for an office future. The City Council recently approved a major shopping center directly across Eastway Drive from the subject site. This petitioner had requested numerous deferrals in order to continue to modify their plan to try to address the many issues which emerged during the process. Members of the Zoning Committee noted that this did not appear to be a good location for office development. They noted also that the petitioner had addressed all of the main concerns raised by the site plan including improvements to the edge treatment and a relocation of their major entrance to conform to the location of the major shopping center across Eastway Drive. They also noted that they felt this property could be used to soften the impact of commercial relocations from Independence Boulevard.

STAFF OPINION

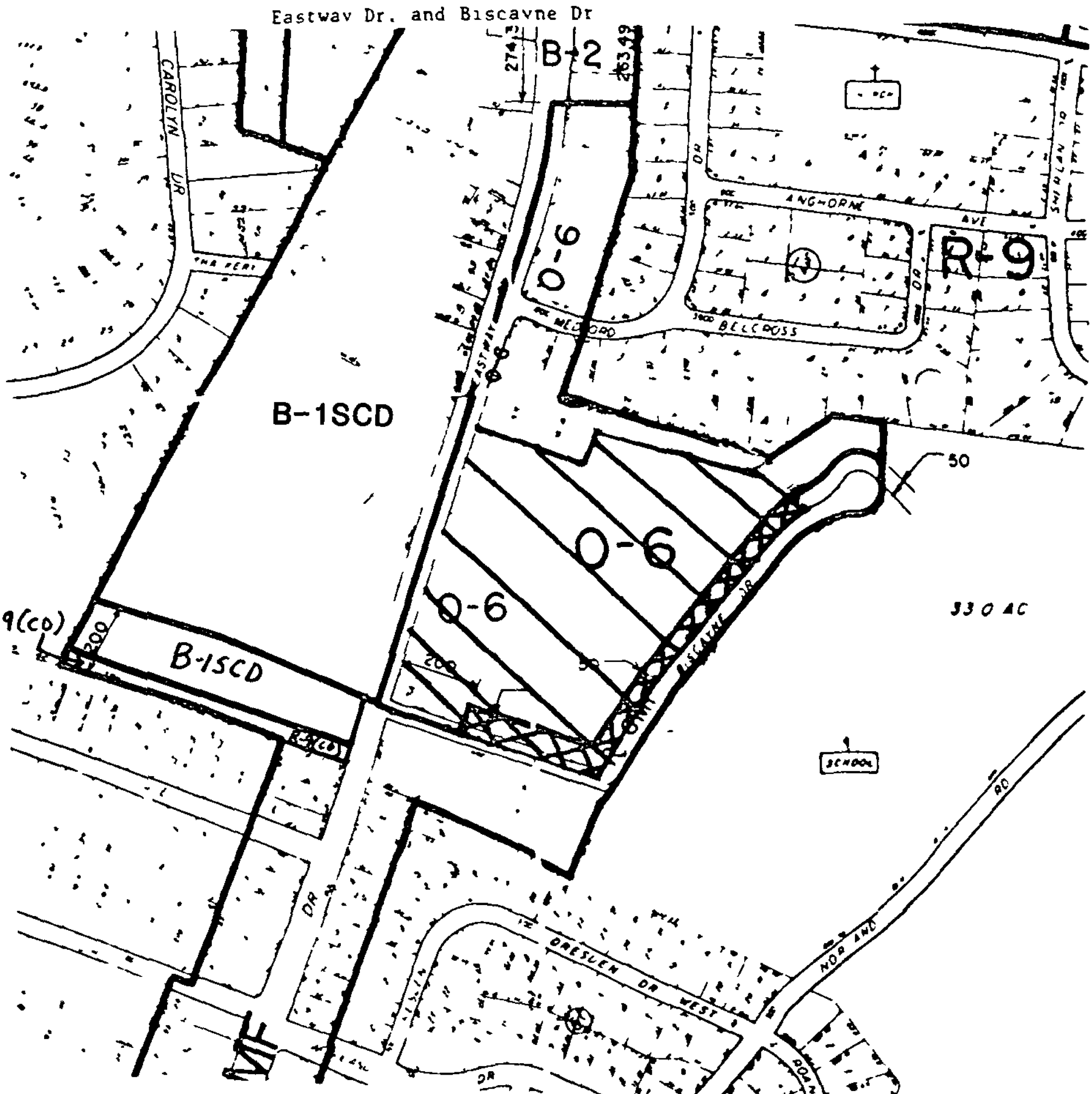
The staff disagrees with the recommendation of the Zoning Committee. This petition is clearly inconsistent with plans for the area and the development of this site will set the stage for additional commercial development along Eastway Drive in this area and south to U.S. 74. The retail needs in the area are more than adequately served by the existing retail center directly across the street.

PETITIONER Zaremba CenterPoint Co.

PETITION NO 89-86 HEARING DATE October 18, 1989

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

LOCATION Approximately 13 8 acres located on the northeasterly corner of Eastway Dr. and Biscayne Dr



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

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 1990

PETITION NO.: 89-88

PETITIONER(S): Douglas Burns/AEC, PA Architects

REQUEST: Change from UMUD to UMUD-O

LOCATION: A 3.8 acre site located on the northwesterly corner of North Tryon Street and West Eleventh Street.

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

VOTE: Yeas: Lassiter, Latham, Majeed, Mead, and Points.

Nays: None.

(Commissioner Burns abstained from discussion and vote, declaring a conflict of interest. Commissioner Davis was not present when vote was taken.)

REASONS

This petition requests the modification of portions of the UMUD standards to facilitate the rehabilitation and utilization of a former church on North Tryon Street. The petitioner specifically requests that they be allowed to have access to a parking lot from North Tryon Street, that sidewalks be less than 12 feet wide due to existing site development characteristics, and that screening of surface parking be provided at less than the 8 foot ordinance standard. All of these requests are consistent with preserving the site in its present form to the greatest extent possible. The only significant issue is the matter of transportation access to North Tryon Street and the Zoning Committee believes that this access is essential to the successful redevelopment of this site. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

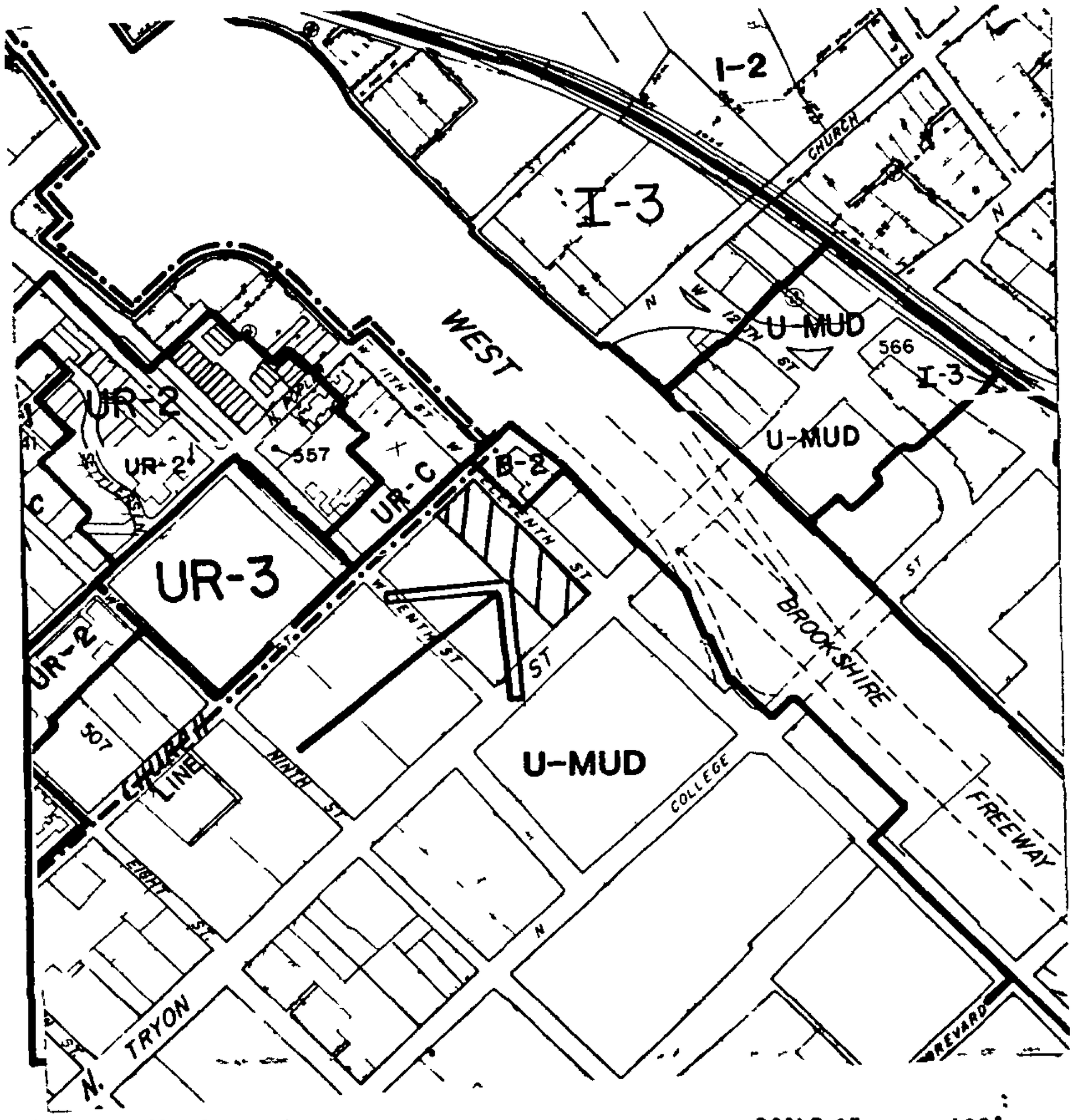
The staff agrees with the recommendation of the Zoning Committee. While the staff expressed concern about the driveway connection to North Tryon Street, the staff also recognizes the accessibility of this site is dependent upon such a connection. The staff cautions that this connection should not be viewed as a signal that other driveways along Tryon Street are appropriate for consideration.

PETITIONER Douglas Burns/AEC, PA Architects

PETITION NO. 89-88 HEARING DATE December 18, 1989

ZONING CLASSIFICATION, EXISTING U-MUD REQUESTED U-MUD-O

LOCATION Approximately 1.12 acres located on the northwesterly corner of N. Tryon Street and W. 11th Street.



ZONING MAP NO. 88 & 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 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: The Zoning Committee recommends that this petition be denied.

VOTE: Yeas: Burns, Lassiter, Latham, Majeed, Mead, and Points.

Nays: None.

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

REASONS

The Zoning Committee discussed this petition for some time. The petitioner had requested a deferral for one month to provide some additional technical information regarding the impacts of blasting on neighboring properties. The Zoning Committee had received the report but concluded that it was essentially no help in assisting their decision. The Committee was especially concerned about the impact of the growth of the quarry on its neighbors and was not persuaded that the petitioner's site plan which included a 100 foot strip of land zoned multi-family as well as a substantial earth berm would mitigate those impacts. Inasmuch as the petition is also inconsistent with present plans for the area, the Zoning Committee recommends that it be denied.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Vulcan Materials Company

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

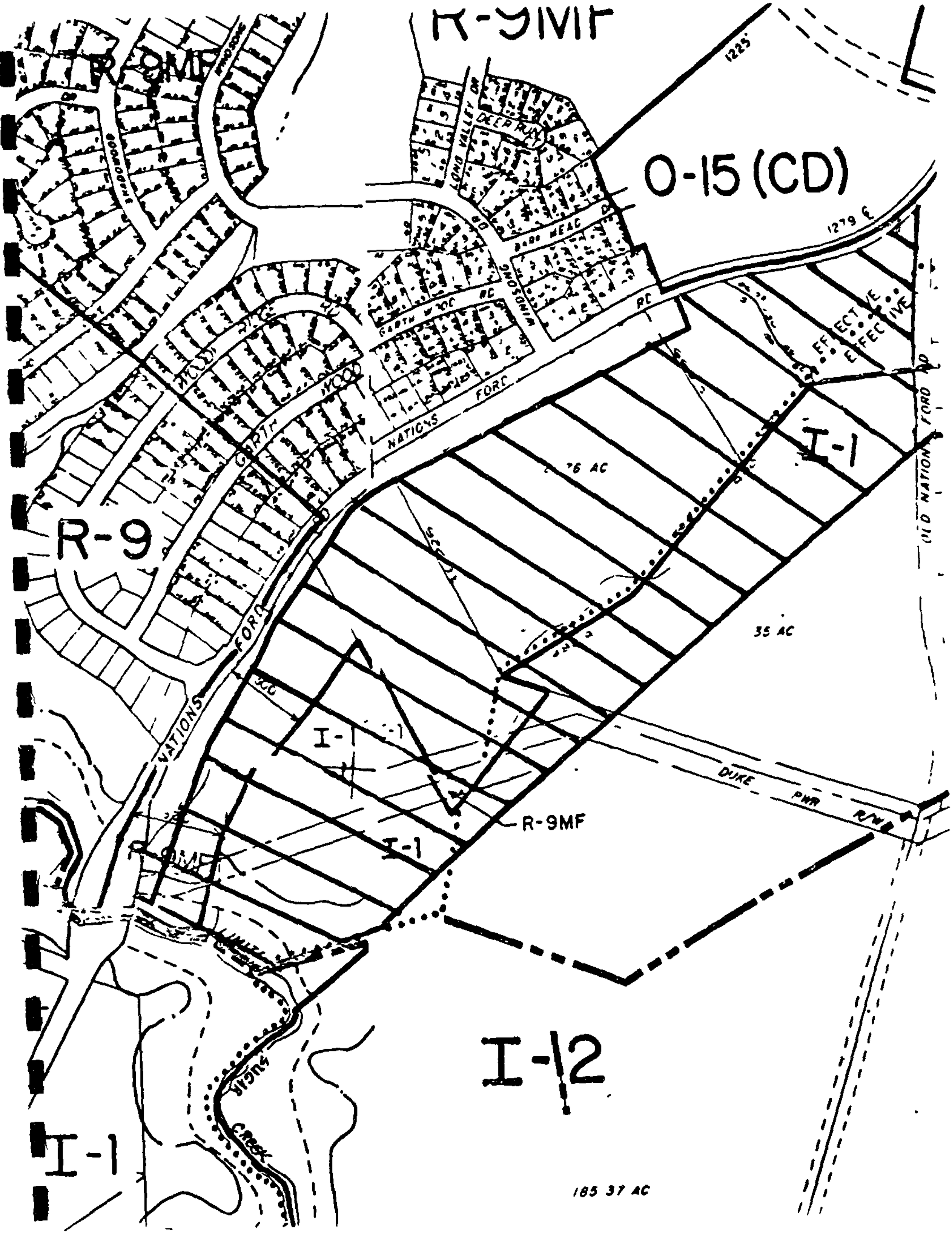
ZONING CLASSIFICATION, EXISTING R-9MF to I-1 REQUESTED I-1(CD) & I-2(CD)

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


R-9MF
R-9MF
O-15 (CD)
LONG VALLEY DR
DEEP RUN
BOB MEAD DR
EARTH WOOD RD
FORD
NATIONS
1223
1279 E
EFFECTIVE
EFFECTIVE
I-1
76 AC
R-9
FORD
NATIONS
35 AC
I-1
I-1
R-9MF
DUKE PWR R/W
I-1
I-12
SUGAR CREEK
I-1
185 37 AC

DATE: January 22, 1990

PETITION NO.: 89-92

PETITIONER(S): Wood Keith Design

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

LOCATION: A 3.4 acre site located on the easterly side of Sharon Road north of Chandworth Road.

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 rezoning of a small tract of land to provide for an attached housing project. The only significant concern which emerged at the public hearing was that of storm water runoff. Neighbors had expressed concern for some time that storm water problems existed in the area and were likewise concerned that this petition would exacerbate those problems. However, a report from the City Engineering Department indicated that this site developed as proposed would provide more storm water control than if it were to be developed with its present zoning. The petitioner has added a note to the plan attesting to their commitment to deal with the storm water problem and work with the City's Engineering Department to reduce the impacts to the absolute minimum possible.

STAFF OPINION

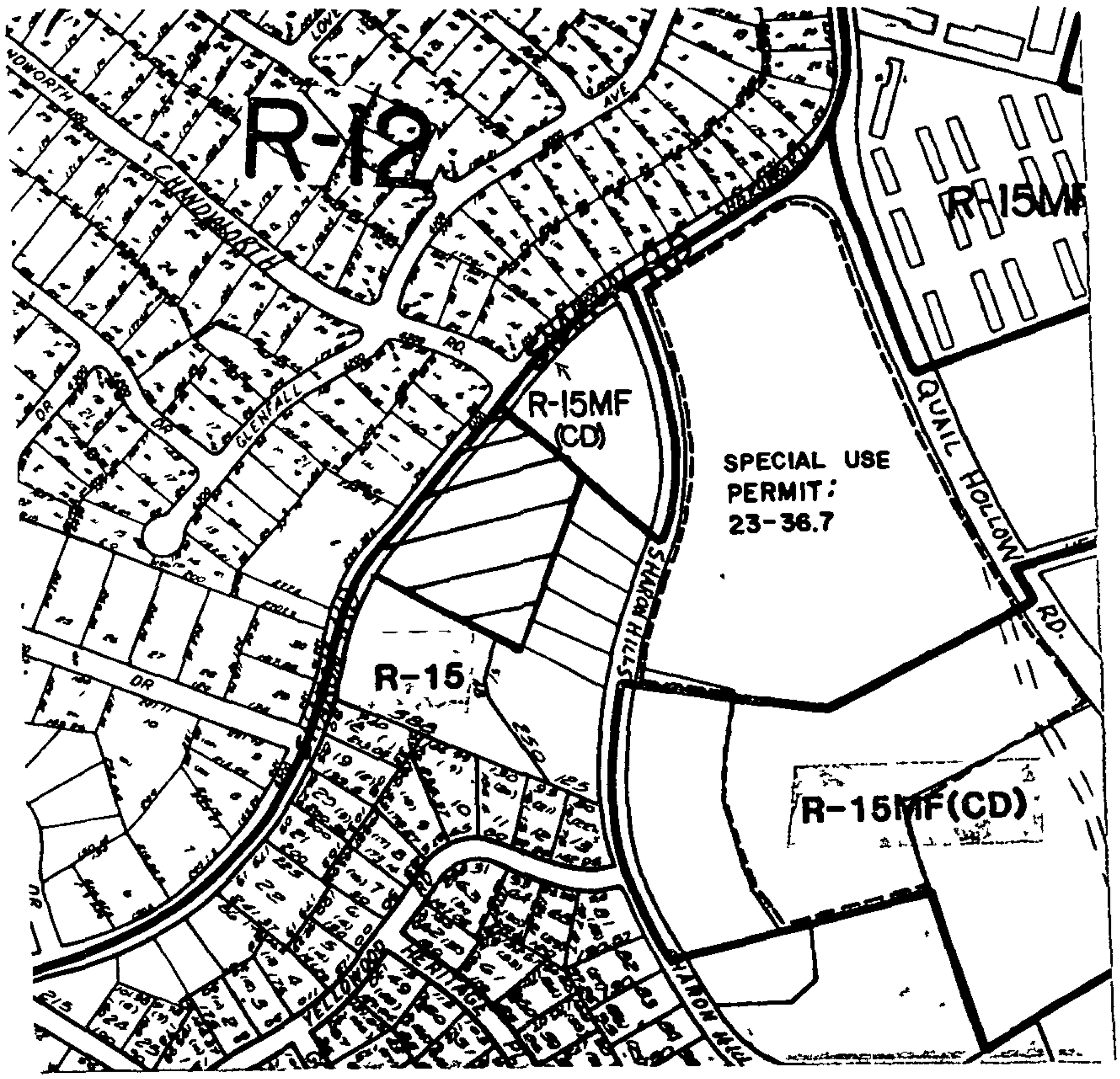
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Wood Keith Design

PETITION NO. 89-92 HEARING DATE December 18, 1989

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

LOCATION Approximately 3.4 acres located on the easterly side of Sharon Road south of Chandworth Road.



ZONING MAP NO. 147 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 1990

PETITION NO.: 89-95

PETITIONER(S): City View Development Corporation

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

LOCATION: A 32.37 acre site located on the east side of Ashley Road at its intersection with Alleghany Street.

ACTION: The Zoning Committee deferred action on this petition at the request of the petitioner.

VOTE: Yeas: Burns, Lassiter, Latham, Majeed, Mead, and Points.

Nays: None.

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

REASONS

The petitioner has requested that this matter be indefinitely deferred. The petitioner has filed a second petition covering this same property as well as additional properties in the area to be developed as part of a unified plan.

DATE: January 22, 1990

PETITION NO.: 90-1

PETITIONER(S): Stephen L. Vermillion

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

LOCATION: Approximately 13.6 acres located on the south side of Sardis Road North at its intersection with Independence Boulevard (Crown Point).

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 request the addition of just over 25,000 square feet of floor area to the existing Crown Point Center. This would increase the total amount of floor area on the site from approximately 299,000 to 325,000. Plans for the area call for the site to be used for retail purposes and the addition of this floor area is those plans as well as the original Crown Point concept. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

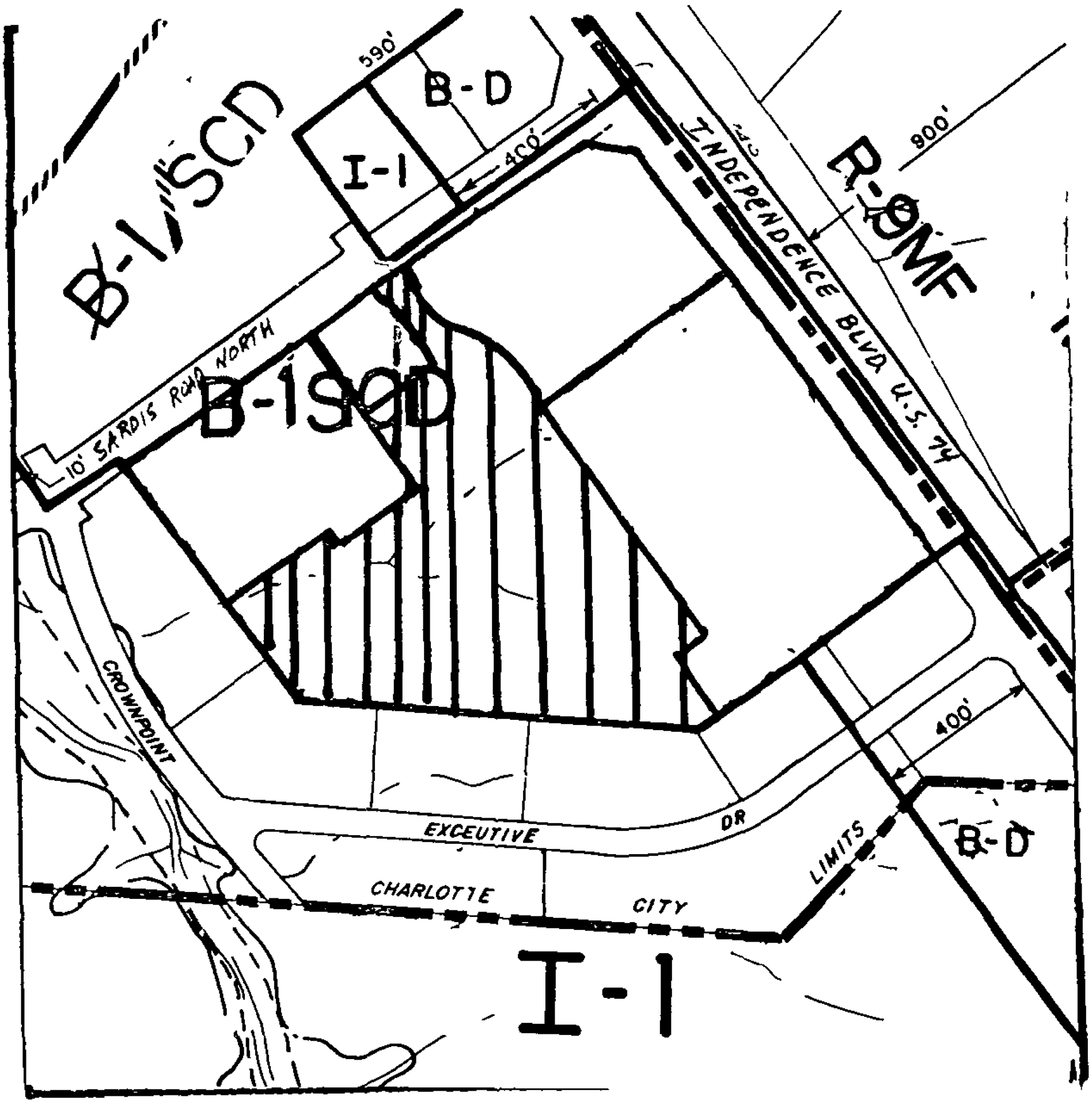
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Stephen L. Vermillion

PETITION NO. 90-1 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING B-1SCD REQUESTED B-1SCD S P A.

LOCATION Approximately 13.609 acres located on the Southerly side of Sardis Road N. at Independence Boulevard.



ZONING MAP NO. 138 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 1990

PETITION NO.: 90-2

PETITIONER(S): NCNB TR U/A The FNB of Boston

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

LOCATION: A 21.7 acres site located on the northwesterly corner of the intersection of Sharon Amity Road and Randolph Road (Cotswold Mall).

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 requests a small addition of floor area to the existing Cotswold Mall. Under the ordinance, the addition to this facility requires the rezoning of the property to the B-1SCD category. The petition requests the addition of just over 7,000 square feet of floor area to the existing 280,000 square feet already present. The only unresolved issues with this petition dealt with requests from DOT for substantial right-of-way dedications along both Randolph Road and Sharon Amity Road. Those right-of-way dedications were not established through this rezoning due to the fact that it would create a nonconforming situation on the site. However, the petitioner did agree to work with the Department of Transportation to close existing driveway on Sharon Amity Road to better control traffic in the area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

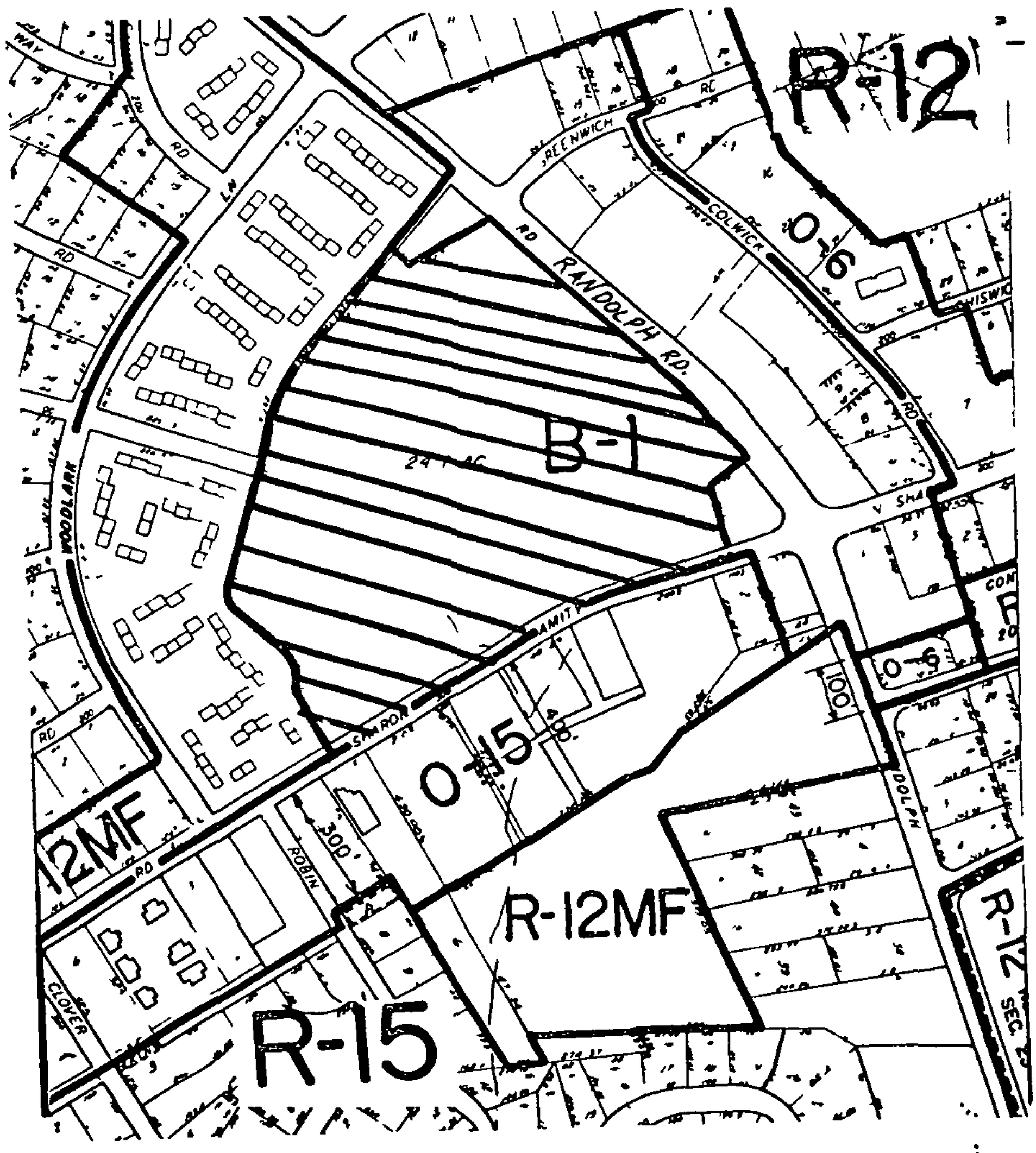
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER NCNB TR U/A The FNB of Boston TR

PETITION NO. 90-2 HEARING DATE January 16, 1990

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

LOCATION Approximately 21.7 acres located on the northwest corner of Sharon Amity Road and Randolph Road (Cotswold Mall).



ZONING MAP NO. 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 1990

PETITION NO.: 90-3

PETITIONER(S): Carmel Retail Inc.

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

LOCATION: A .62 acre site located on the easterly side of Carmel Road across from Carmel Forest 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 requests the rezoning of a existing nonconforming commercial site to provide for the continuation of the use at the same location. Improvements to Carmel Road will require the utilization of the front portion of the existing facility for future road rights-of-way and the petitioner seeks the ability to be able to continue operating their business in the same location where it has existed for a number of years. The petitioner does propose a small increase in floor area from the existing 2,830 square feet up to 3,300 square feet and also proposes to install a canopy over the gasoline pumps as well. The canopy was the only significant issue discussed by the Zoning Committee. An agent for the petitioner was asked if the petitioner would be willing to modify the design of the canopy to take on more of a residential character. While the petitioner's agent indicated a willingness to evaluate the request, no commitment was made with regard to actions to be taken. The Zoning Committee feels the use is appropriate for this location where it has been established but does express some concern about the appearance of a canopy over gasoline pumps not being "residential in nature".

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. The staff had advised the petitioner to consider a design for the canopy which would be more in keeping the residential character of the area.

PETITIONER Carmel Retail, Inc.

PETITION NO. 90-3 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED B-1(CD)

LOCATION Approximately.62 acres located on the easterly side of Carmel Road between Carmel Forest Drive and Glen Forest Drive.

ZONING MAP NO. 167 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	January 22, 1990
PETITION NO.:	90-4
PETITIONER(S):	Carriage Club of Charlotte
REQUEST:	Change from R-15 with a Special Use Permit to O-15(CD)
LOCATION:	Approximately 1.53 acres located on the west side of Old Providence Road south of Providence Road.
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 rezoning of a small tract of land which is part of the Carriage Development to provide for a medical office. The building to be used is an existing single family structure present on the site. That building was originally part of the sales office for the Carriage Club Development and the plans allowed for it to remain and to be used for two living units. The petitioner now proposes to convert the existing structure to a medical office to serve both the residents of the Carriage Club project as well as residents of the nearby community. The Zoning Committee believes that this petition is appropriate for approval in that it does not set the stage for additional requests for nonresidential zoning along the Old Providence Road frontage.

STAFF OPINION

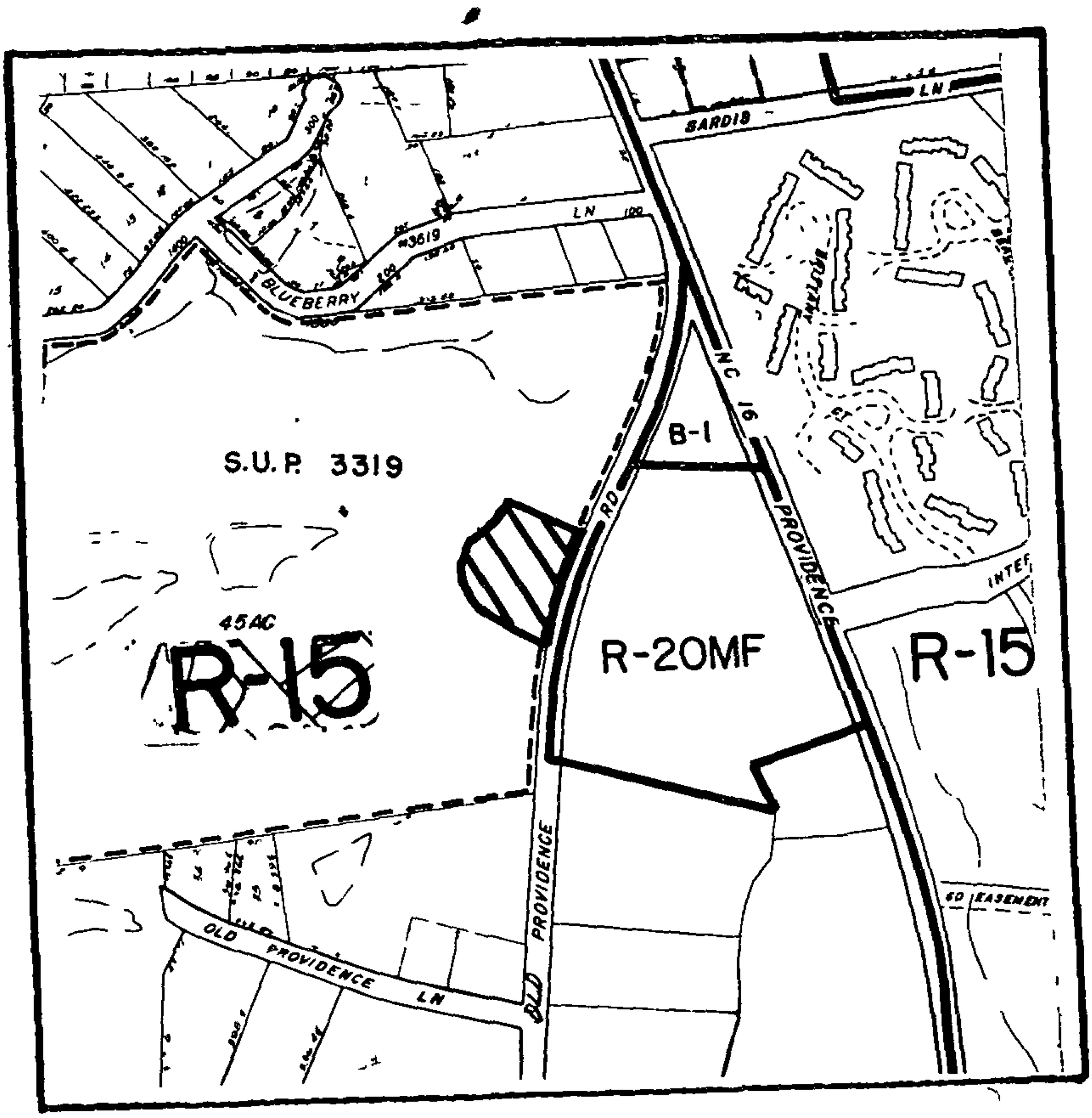
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Carriage Club of Charlotte

PETITION NO. 90-4 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING R-15 w/SUP for a Retirement Center REQUESTED O-15(CD)

LOCATION Approximately 1.53 acres located on the west side of Old Providence Road south of Providence Road.



ZONING MAP NO. 146

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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February 6, 1990

Mr. Walter Fields
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202-2853

Re: Petition No. 90-5
Dr. Thomas M. McMillan and
Dorothy K. McMillan

Dear Mr. Fields:

On behalf of my clients, Dr. and Mrs. Thomas M. McMillan, I hereby request an indefinite deferral on Rezoning Petition No. 90-5 filed with your office on November 14, 1989.

As discussed with you, it is our intention to prepare and file a new application on or before February 12, 1990. This application will be a conditional plan and will include additional property to the south of the property which was the subject of the original application and abutting Alleghany Street. Mr. Nick O'Shaughnessy is presently preparing the plan and will have it filed in your office by Thursday of this week.

I appreciate the time and advice you have given us on this matter.

Very truly yours,

Charlie Knox

Charles E. Knox

CEK/bf

DATE: January 22, 1990

PETITION NO.: 90-5

PETITIONER(S): Thomas M. & Dorothy K. McMillan

REQUEST: Change from R-15MF to I-1

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

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

VOTE: Yeas: Burns, Lassiter, Latham, Majeed, Mead, and Points.

Nays: None.

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

REASONS

This petition requested the rezoning of a small strip of land to provide for the expansion of an existing industrial park. While the staff discussed the option of a conditional plan, the petitioner chose to file for a straight-up rezoning. At the public hearing, the petitioner represented that the remaining property would serve as a buffer for future development but inasmuch as it was not part of the petition those representations are not binding. The Zoning Committee was especially concern with the fact that this petition is not consistent with plans for the area. Those plans indicate a residential future for the property while acknowledging existing industrial zoning between the subject property and the Interstate 85 Service Road. The Zoning Committee noted that their denial of this request was based on the inconsistency of the petition with plans for the area and not because the petitioner did not file a conditional request.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

NOTE: It is the staff's understanding that the petitioner is planning to file a second petition which includes the property covered by this request as well as the remaining land between this property and Alleghany Street. Further, it is staff's understanding that the petitioner will request a deferral of action on this request in order that the more comprehensive petition be considered at a later date.

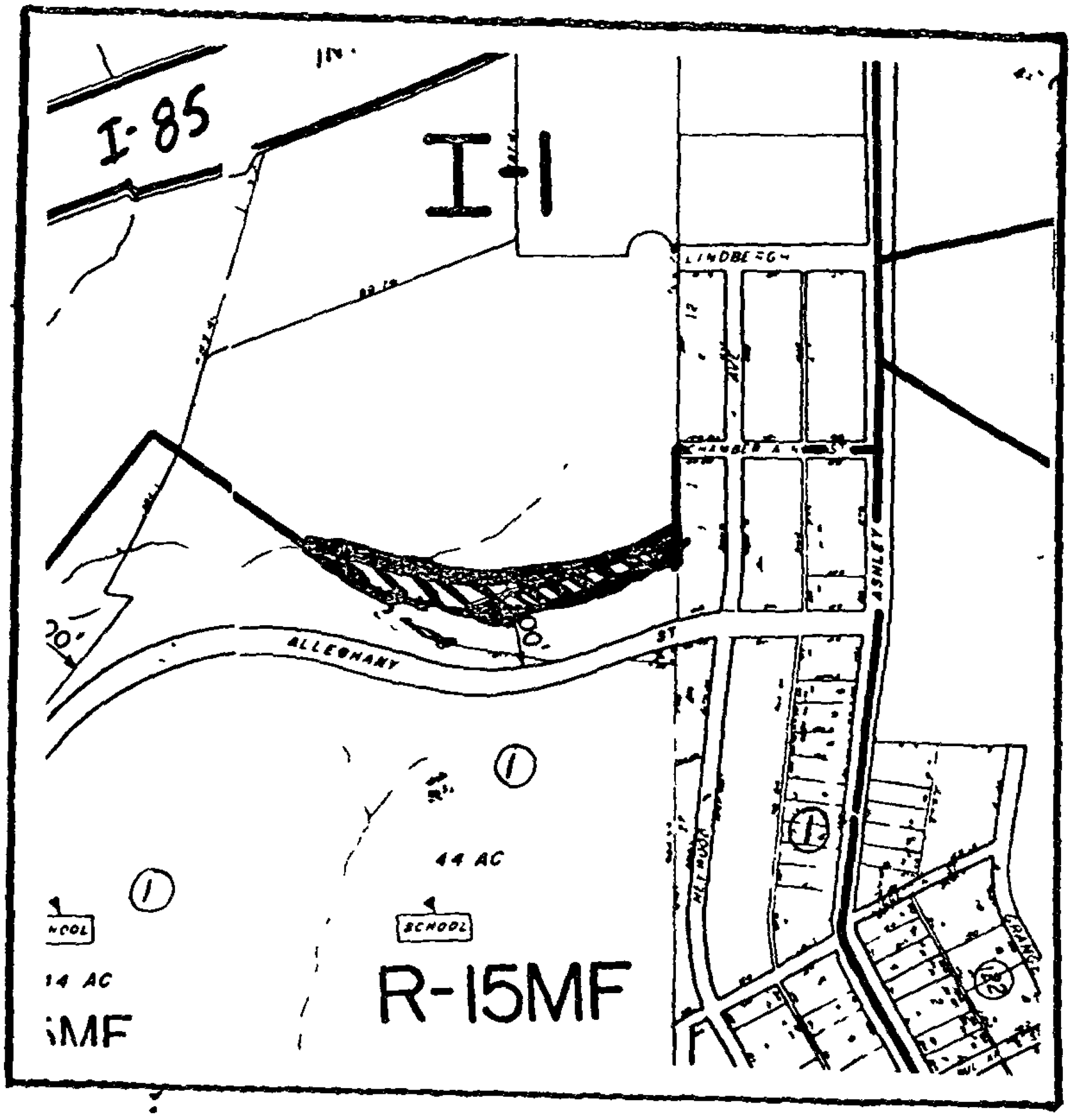
Corrected Copy

PETITIONER Thomas M. & Dorothy K. McMillan

PETITION NO. 90-5 HEARING DATE January 18, 1990

ZONING CLASSIFICATION, EXISTING R-15MF REQUESTED I-1

LOCATION Approximately .701 acres located off of the northerly side of Alleghany Street west of Haywood Avenue.



ZONING MAP NO. 86 & 87

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	January 22, 1990
PETITION NO.:	90-6
PETITIONER(S):	Charlotte-Mecklenburg Planning Commission
REQUEST:	Consideration of a text amendment to Section 1019 of the zoning ordinance to allow for density credit for land dedicated for public service facilities.
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 to provide for the same sort of on-site density transfer for land dedications as the ordinance presently allows for street right-of-way dedications. This is an extension of the policy which encourages the dedication of land for public use by providing for the petitioner to transfer the development rights off that property to the remaining portions of the site. The ordinance contains limitations on the amount of development which could be transferred in this way so as not to be the equivalent of a rezoning of the remaining property. Inasmuch as this is an extension of an existing policy, the Zoning Committee believes that it is appropriate for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

1. Amend Section 1019. by changing the existing title of the section which reads as follows:

   Effect of Certain Street Dedication on Computation of Density,

to read·

   Effect of Certain Street and other Public Land Dedication on Computation of Density.

2. Amend Section 1019. by adding the following paragraph at the end of the existing section

   Land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, or other public use sites, may also be used to compute the number of lots or dwelling units as described in the preceding paragraphs of this section. However, none of the provisions of this Section (1019.) apply to projects developed under the provisions of Section 1628, Cluster Development and Section 3212, R-PUD Planned Unit Development District.

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: January 22, 1990

PETITION NO.: 90-7

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-6 to R-9MF

LOCATION: Approximately 3.4 acres located along the east side of Beatties Ford Road between B Avenue and C Avenue.

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

VOTE: Yeas: Lassiter, Latham, Mead, and Points.

Nays: Burns and Majeed.

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

REASONS

This petition was filed to implement the recommendations of the ABC Special Project Plan. That plan calls for the protection of single family properties to the east of Beatties Ford Road by eliminating office zoning along the Beatties Ford frontage which is not used for office purposes. The properties involved with this request are either single family, vacant, or used for multi-family purposes. One piece of property would be rendered nonconforming through this petition because it became a office use after the plan was completed but prior to the time that the rezonings were instituted. A minority of the Zoning Committee expressed concern that the use of properties along Beatties Ford Road should be nonresidential in character and questioned the need for additional residential zoning in the area. However, a majority of the Zoning Committee felt that this petition was appropriate for approval.

STAFF OPINION

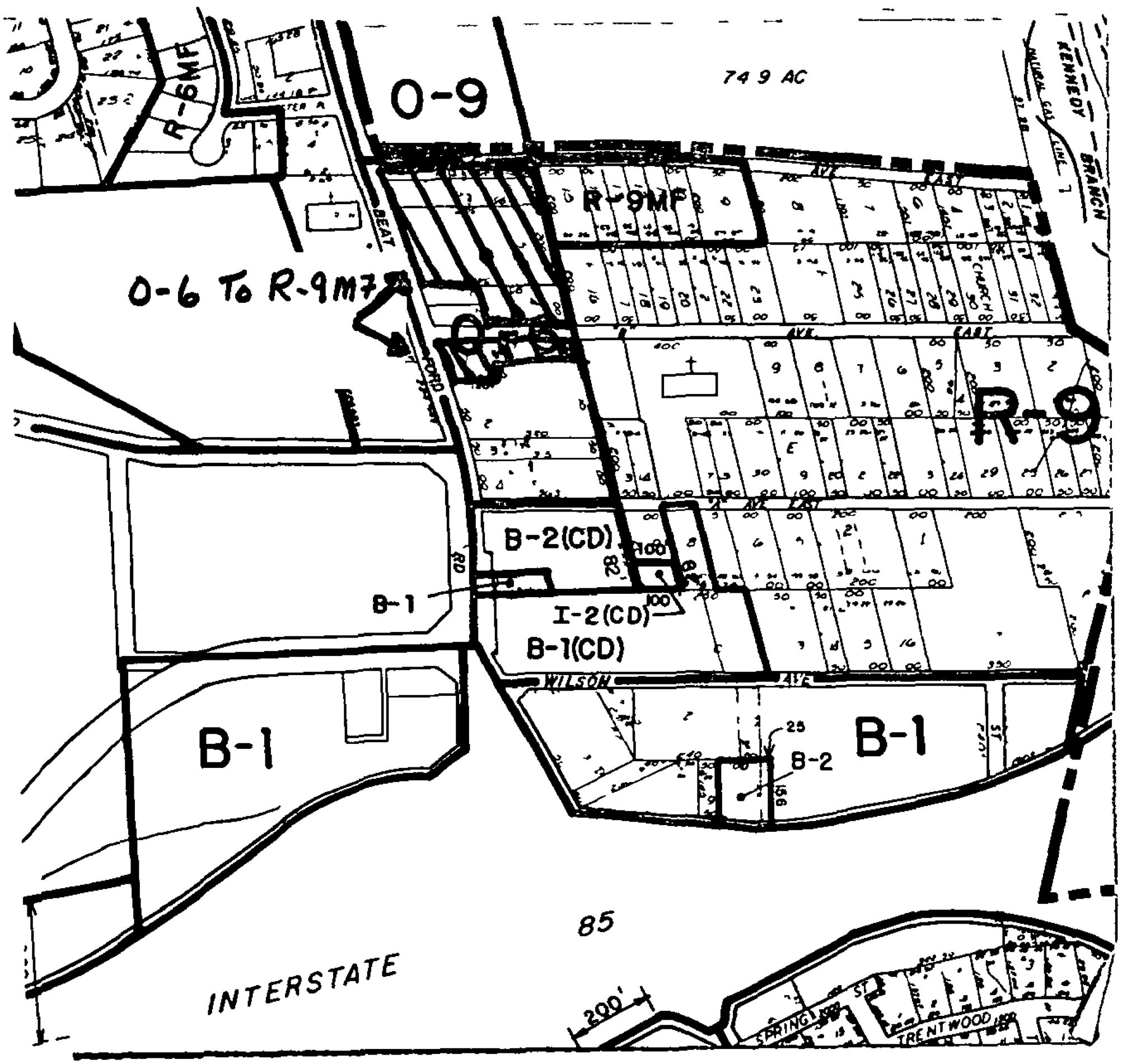
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-7 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING 0-6 REQUESTED R-9MF

LOCATION Approximately 3.4 acres located on the east side of Beatties Ford Road south of "C" Avenue to just south of "B" Avenue.



ZONING MAP NO. 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 22, 1990

PETITION NO.: 90-8

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-6 to R-9

LOCATION: 2.4 acres on the east side of Beatties Ford Road between A Avenue and B Avenue.

ACTION: A motion to approved the request failed by the vote indicated.

VOTE: Yeas: Mead.

Nays: Burns, Lassiter, Latham, and Points.

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

REASONS

This petition was also instituted to implement the recommendations of the ABC Special Project Plan. In this case, the plan proposes the rezoning of several properties from an office category to a single family category. The staff discussed at the hearing and with the Zoning Committee a modification of the proposal based on the realignment of A Avenue. However, a majority of the Zoning Committee felt that the single family zoning was inappropriate at this location. Beatties Ford Road properties are zoned for and used for a variety of nonresidential purposes and the Committee felt that the office zoning was in keeping with that pattern.

STAFF OPINION

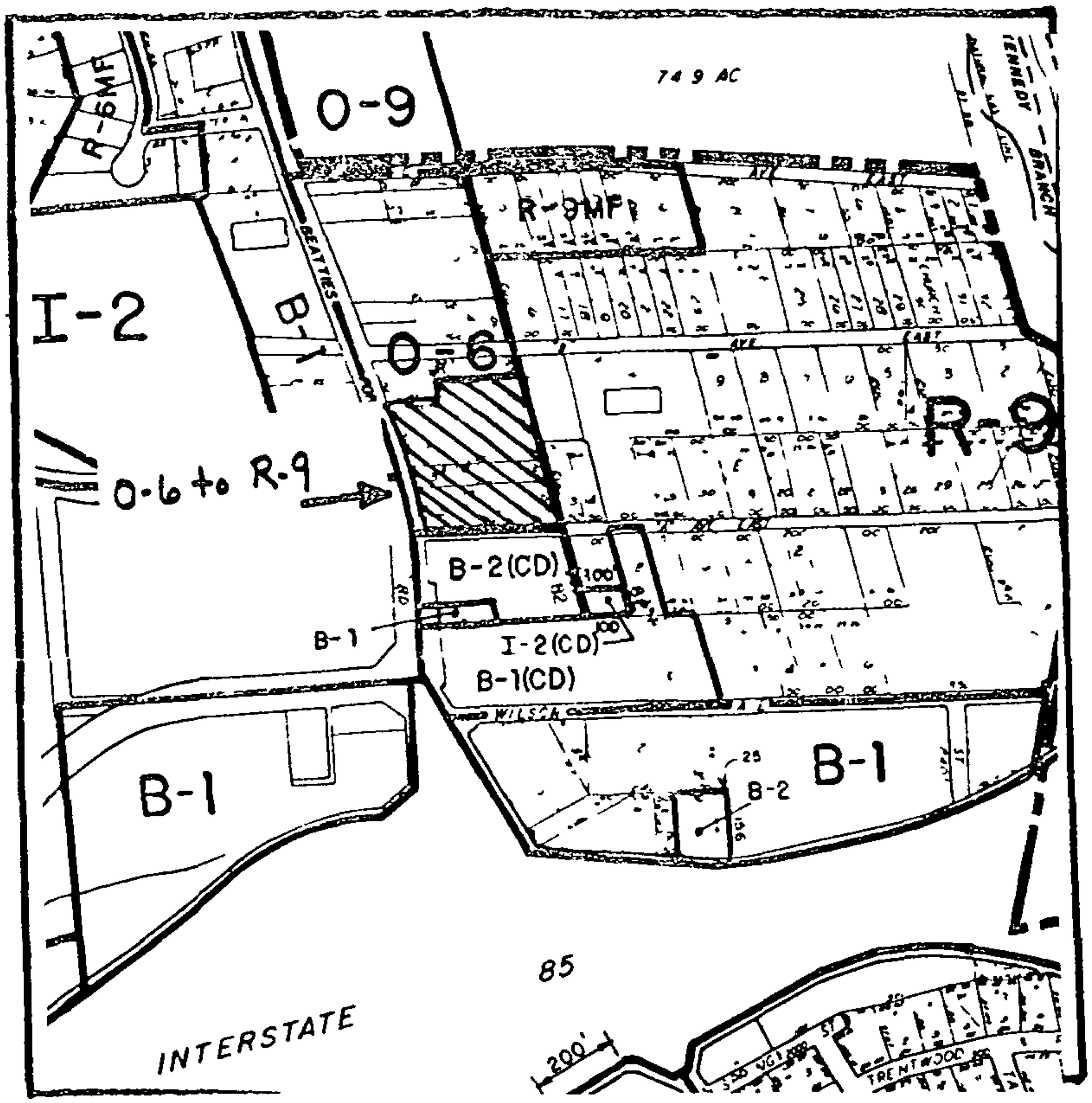
The staff disagrees with the recommendation of the Zoning Committee. The staff believes the plan's recommendation should be implemented.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-8 HEARING DATE January 16, 1990

ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-9

LOCATION Approximately 2.4 acres located on the east side of Beatties Ford Road between "A" Avenue and "B" Avenue.



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE