AGENDA

Meeting Type:	Z
Date:	07-16-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

July 16, 1990

FILE COPY

CHARLOTTE

Meetings in July '90

THE WEEK OF JULY 1 - JULY 7

2	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
3	Tuesday, 3 30 p m	**TREE TREE ADVISORY COMMITTEE** - Open Kitchen, Parking Lot
4	Wednesday	**INDEPENDENCE DAY** - All City Offices Closed
5	Thursday, 4 30 p m	**CERTIFIED LOCAL GOVERNMENT COMMISSION/Public Meeting** - CMGC, 8th Floor Conference Room

THE WEEK OF JULY 8 - JULY 14

9	Monday, 4 00 p m	**NO SMOKING PUBLICITY COMMITTEE** - CMGC, 15th Floor Large Conference Room
	Monday, 5 15 p m	**CITY COUNCIL WORKSHOP** - CMGC, Room 267
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 South Caldwell Street
10	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
11	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 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
12	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF JULY 15 - JULY 21

16	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL MEETING/Zoning Hearings** - CMGC, Meeting Chamber
17	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 6 00 p m	**CHARLOTTE PARKS ADVISORY COMMITTEE** - CMGC, Room 267
18	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Room 267
19	Thursday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 S College Street
	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270
20	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

MEETINGS IN JULY '90 (Continued)

THE WEEK OF JULY 22 - JULY 28

23	Monday, 1 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Reedy Creek Ad Hoc Art Advisory Committee** - CMGC, 8th Floor Conference Room
	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING (Televised on Channel 32)** - CMGC, Meeting Chamber
	Monday, 2 30 p m	**CITY COUNCIL MEETING (Televised on Channel 32)** - CMGC, Meeting Chamber
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** CMGC, 8th Floor Conference Room
24	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Room 267
	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** - CMUD, 5100 Brookshire Boulevard
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
25	Wednesday, 4 00 p m	**CITY COUNCIL/COUNTY COMMISSION/PLANNING COMMITTEE WORKSHOP** - CMGC, Room 267
26	Thursday, 2 00 p m	**ADVISORY BOARD FOR CITIZENS WITH DISABILITIES** - Hal Marshall Center, 700 N Tryon Street
	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room
	Thursday, 6 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Special Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF JULY 29 - JULY 31

31	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, Building Standards Training Room, 700 North Tryon Street

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

Housing Appeals Board

CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cynthia Patterson*

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

Council Agenda

Monday, July 16, 1990

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Review of Area Plans relative to Zoning Hearings on Agenda

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

Invocation by the Reverend W. Ray Pennell, Thrift Baptist Church

ITEM NO.

PUBLIC HEARINGS

1. (90-16) Hearing on Petition No. 90-16 by Spiro Pappas and Bill Dedemadis for a change in zoning from R-9 to I-1 for a 60.4 acre site located on the northeast corner of Beatties Ford Road.

   City Council deferred the public hearing until July 16, 1990.

   Attachment No. 1

2. (90-56) Hearing on Petition No. 90-56 by Wendover Shopping Center Association for a Site Plan Amendment to an existing B-1(CD) zoning for approximately 7.9 acres located on the west side of Wendover Road south of Latrobe Drive.

   Attachment No. 2

3. (90-57) Hearing on Petition No. 90-57 by Easlan Capital of Charlotte for a change in zoning from R-9MF to R-6MF(CD) for a 4.99 acre site located on the northeast corner of Park Road and Salem Drive.

   Attachment No. 3

4. (90-58) Hearing on Petition No. 90-58 by Salley T. Honeycutt for a change in zoning from R-12 to B-1(CD) for approximately one acre located on the west side of Park Road just north of Sharon Road.

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

Attachment No. 4

5. (90-59) Hearing on Petition No. 90-59 by Trammell Crow Company for a change in zoning from R-9 to I-1(CD) for approximately 16.2 acres located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road.

Attachment No. 5

6. (90-60) Hearing on Petition No. 90-60 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 for approximately 1.388 acres bounded by South Boulevard, Cleveland Avenue, and the Atherton Office Park to the north.

Attachment No. 6

7. (90-61) Hearing on Petition No. 90-61 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for approximately 22.19 acres along Benard Avenue and Ritch Avenue.

Attachment No. 7

8. (90-62) Hearing on Petition No. 90-62 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-2 and I-1 to R-15MF for approximately 56.6 acres located along North Tryon Street, Craighead Road, Frew Road and Hilo Drive.

Attachment No. 8

9. (90-63) Hearing on Petition No. 90-63 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for approximately 29 acres located in the Grier Heights neighborhood, generally east of Bunche Street.

Attachment No. 9

10. (90-64) Hearing on Petition No. 90-64 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF and B-1 to R-6 for 44.724 acres located in the Grier Heights neighborhood, generally between Marney Avenue and Orange Street.

Attachment No. 10

BUSINESS AGENDA

11. Recommend [redacted] authorization of $15,260,000 of Two-Thirds Obligation Bonds and designating July 23, 1990 as the date for a public hearing on the bonds.

Bonds North Carolina General Statutes authorize the issuance of bonds under a "two-thirds" rule. This rule provides for the issuance of debt equal to two-thirds of the amount of General Obligation net debt reduction (principal) in the previous fiscal year without a voter referendum. Because the City has not issued any new General Obligation debt during FY90, $15,260,000 is now available to be issued under the "two-thirds."

On June 11, 1990, Council approved the FY91-95 Capital Improvement Program that contained $19,500,000 of projects to be financed by a combination of "two-thirds" bonds and lease/purchase.

On June 25, 1990, Council authorized staff to proceed with the necessary actions to secure approval of these bonds.

Council is requested to approve [redacted] which would:

1. Introduce the Bond Orders that authorize the proposed two-thirds General Obligation Bonds.

2. Designate July 23, 1990 as the date for a pubic hearing on the bonds.

3. Direct the Director of Finance or the Deputy Director of Finance to file the sworn statement of Debt with the City Clerk.

Clearance Finance Department and bond counsel.

DECISIONS

12. (90-36) Decision on Petition No. 90-36 by Crosland-Erwin Associates, Faison Associates, and Childress-Klein Properties for a Text Amendment to Section No. 2002 of the Charlotte City Code to clarify the means by which parking requirements would be computed for shopping centers and to define shopping centers.

This petition was deferred at the May 21, 1990 meeting.

The Planning Committee deferred action on this request until July 10, in order for the petitioners to provide additional information.

Attachment No. 12

13. (90-46) Decision on Petition No. 90-46 by Fred E. Bryant and Bailey Patrick for a Text Amendment to the Business Park District to allow the Business Park District to be considered as a parallel conditional district.

The Planning Committee recommends that this petition, as modified, be approved.

Attachment No. 13

14. (90-11) Decision 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 acre tract located on the easterly side of Starita Road, north of I-85.

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (90-40) Decision on Petition No. 90-40 by Rameses Temple for a change in zoning from R-9 to R-9MF(CD) for a 4.13 acre site located at the end of Northcliff Drive.

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

The Zoning Committee recommends that this petition, as modified, be approved.

Attachment No. 15

16. (90-41) Decision on Petition No. 90-41 by Carol Patterson for a change in zoning from R-9 to R-9MF(CD) for a .368 acre site located on the westerly side of North Sharon Amity Road north of Abbeydale Place.

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (90-43) Decision on Petition No. 90-43 by Carmel Financial Group, Inc. for a change in zoning from R-9MF and O-15(CD) to I-1(CD) for a 44.9 acre tract on the southwest side of Hebron Street Extension west of Nations Ford Road.

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

Prior to the hearing, the petitioner wished to withdraw its petition; however, the City Attorney has advised that the petitioner cannot be allowed to withdraw its petition for rezoning because of the valid protest petitions on record.

The Zoning Committee recommends that this petition be denied.

Attachment No. 17

18. (90-44) Decision on Petition No. 90-44 by Carmel Investment Group/Hebron for a change in zoning from R-9MF to I-1 for 3.38 acres located on the southeast corner of Hebron Street and Nations Ford Road.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 18

19. (90-47) Decision on Petition No. 90-47 by Mecklenburg County Building Standards Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add a section establishing that a fee be charged for any petition to the City's Zoning Board of Adjustment.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (90-48) Decision on Petition No. 90-48 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to The Zoning Ordinance to clarify the duties of the Board of Adjustments.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (90-49) Decision on Petition No. 90-49 by James Alexander for a change in zoning from R-6 to I-1 for a .489 acre site located on the southwesterly corner of Norris Avenue and Lucena Street.

The Zoning committee recommends that this petition be denied.

Attachment No. 21

22. (90-50) Decision on Petition No. 90-50 by The Salvation Army for a change in zoning from R-9MF to O-6(CD) for 2.6 acres bounded by Statesville Avenue, Oliver Street and Spratt Street.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. (90-53) Decision on Petition No. 90-53 by Bishop and Company/Carocon Corporation for a change in zoning from R-15MF(CD) to R-12MF(CD) for 3.99 acres located on the west side of Carmel Road south of Carmel Forest Drive.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 23

24. (90-54) Decision on Petition No. 90-54 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-6MF for 1.66 acres located on Sylvania Avenue and Plymouth Avenue between Hobbs Street and Dunlow Street.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 24

25. (90-55) Decision on Petition No. 90-55 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 and I-1 to R-6MF for 5.6 acres located on the northerly side of North Church Street extending from 25th Street to 30th Street and properties located along West 24th Street east and west of North Pine Street.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-16

Petitioner: Spiro Pappas and Bill Dedemadis

Location: Approximately 60.4 acres located on the northeast corner of Beatties Ford Road.

Request: Change from R-9 to I-1

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-9. Most of the surrounding area is also zoned R-9 with a few scattered tracts of O-6, O-9, and B-1 located south of Slater Road.

2. Existing Land Use. The subject property presently contains some single family detached dwellings. To the north of the subject property are scattered single family detached dwellings, a church, and existing nonconforming mobile homes and a commercial use. To the west across Beatties Ford Road is a quarry. To the east, this tract is bordered by I-85 with existing single family beyond the interstate. To the south acre additional single family tracts as well as an existing office and institutional use (YMCA).

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates that residential development should fill in the remaining open land that is interspersed in already developed areas of the northwest and indicates the subject areas as developing residential.

   2. Northwest District Plan. The pending Northwest District Plan recommends single family residential uses for this area. Beatties Ford Road is also recommended for streetscape considerations as a major thoroughfare and gateway highway.

4. Site Plan. No site plan submitted with this petition.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 75-5(c)	R-9 to Cond. Use (Fraternal Organization)	Approved	05/05/75
2. 75-31(c)	R-9 to B-2	Denied	12/01/75
3. 88-15(c)	Cond. Fraternal Organization to R-9	Approved	04/18/88
4. 89-63	Establish zoning in annexed area	Approved	08/28/89

7. Neighborhood. Not applicable.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of existing R-9 to I-1. The 2005 Plan and the Northwest District Plan call for this area to remain residentially zoned. Therefore, the proposed zoning is inconsistent with public plans for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of the application and staff strongly discourage submittal of the application.

   2. Departmental Comments. Due to the conventional nature of this petition, there were few comments from reviewing agencies. The Department of Transportation indicates that the site as presently zoned would generate approximately 2,920-3,796 trips per day. Under the proposed zoning, the site would generate approximately 3,492 trips per day and, therefore, would not have a significant impact on the thoroughfare system.

ISSUES

1. Land Use. This petition seeks rezoning from a single family residential district to an industrial district. Publicly adopted and pending plans recommends that single family residential uses remain for this area. Also, as this petition is for a conventional rezoning with no site plan, there is opportunity to address streetscape concerns along Beatties Ford Road that is also included in the publicly adopted and pending plans. Therefore, this petition is not considered appropriate for approval.

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

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Meeting
Tuesday Feb. 6 @ 9:00

Petition No 90-16
Date Filed January 16, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address

Date Property Acquired

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description) BEATTIES FORD ROAD AT SLATER ROAD

Description Of Property

Size (Sq Ft.-Acres) ~~60.484 Acres~~ Street Frontage (ft.) ~~2055~~

Current Land Use ~~RESIDENTIAL~~

Zoning Request

Existing Zoning R-9 Requested Zoning I-1

Purpose of Zoning Change LIGHT INDUSTRIAL DEVELOPMENT

Name Of Agent

Agent's Address

Telephone Number

SPIROS PAPPAS & BILL DEDEMADIS
Name of Petitioner(s)

8 WOODLAWN GREEN, CHARLOTTE, N.C.
Address of Petitioner(s)

704-525-1874
Telephone Number

Signature

SEE ATTACHED LIST
Signature of Property Owner if Other Than Petitioner

PETITIONER Spiros Pappas & Bill Dedemadis

PETITION NO. 90-16 HEARING DATE March 19, 1990

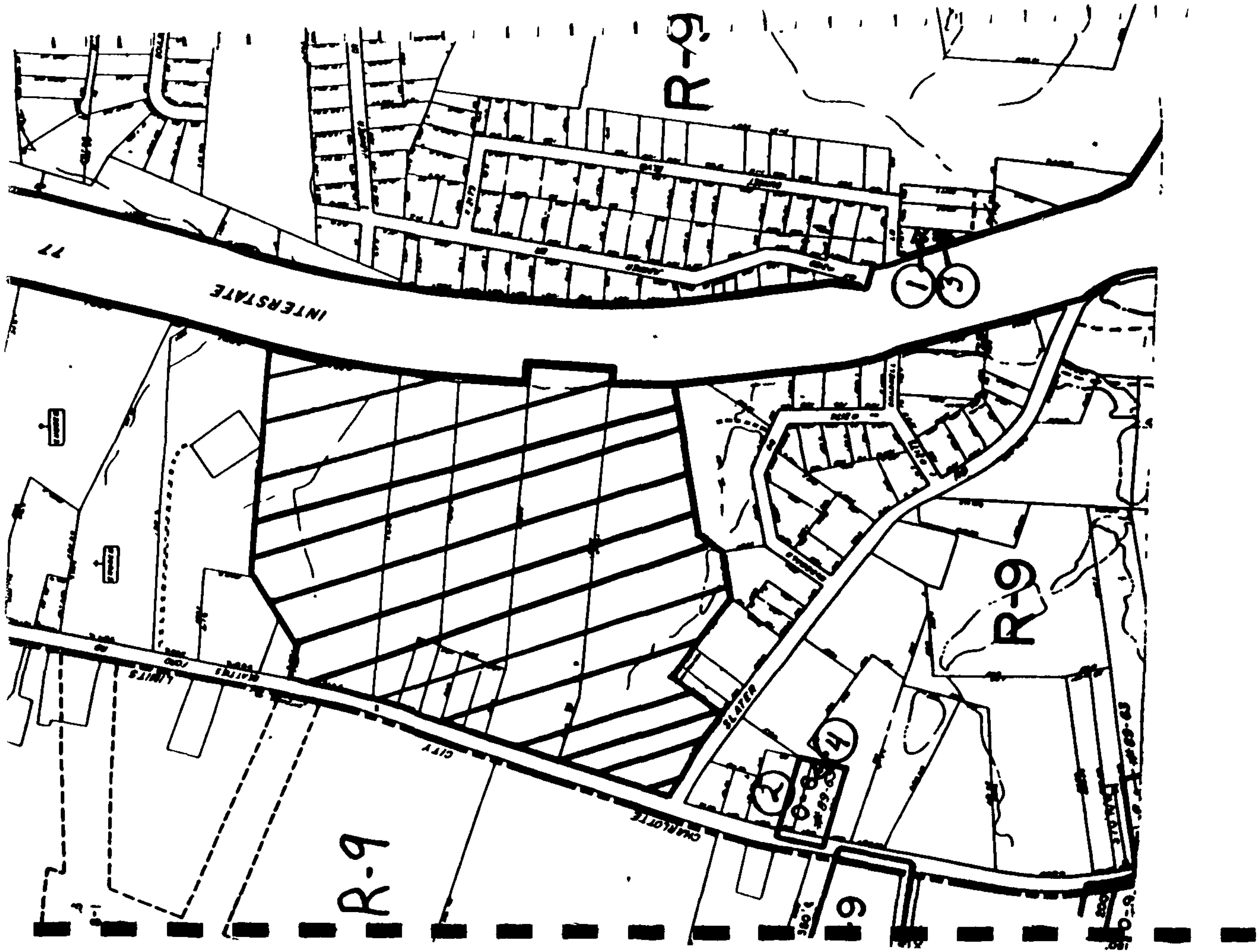
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED I-1

LOCATION Approximately 60.4 acres located on the northeast corner of Beatties Ford Road and Slater Road extending to I-77.

SEE ATTACHED MAP

ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
77
INTERSTATE
R-9
SLATER
CHARLOTTE
R-9
9

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 25, 1990

Mr. Spiros Pappas
8 Woodlawn Green
Suite 116
Charlotte, N. C. 28217

Re: Rezoning Petiition No. 90-16

Dear Mr. Pappas:

This letter is to inform you of the status of Rezoning Petition No. 90-16. City Council has deferred the public hearing on Petition No. 90-16 until July 16, 1990. In the event that the petitioner does not attend the hearing, City Council will treat that as a request for a withdrawal of the petition.

Please contact me if you have any questions.

Sincerely,

Laura Simmons

Laura Simmons,
Senior Land Development Planner

LS:jlb

CC: Mike Boyd
Pat Sharkey

RECEIVED
JUN 26 1990
OFFICE OF CITY CLERK

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 25, 1990

Mr. Bill Dedemadis
8 Woodlawn Green
Suite 116
Charlotte, N. C. 28217

Re: Rezoning Petiition No. 90-16

Dear Mr. Dedemadis:

This letter is to inform you of the status of Rezoning Petition No. 90-16. City Council has deferred the public hearing on Petition No. 90-16 until July 16, 1990. In the event that the petitioner does not attend the hearing, City Council will treat that as a request for a withdrawal of the petition.

Please contact me if you have any questions.

Sincerely,

Laura Simmons

Laura Simmons,
Senior Land Development Planner

LS:jlb

CC: Mike Boyd
Pat Sharkey

RECEIVED
JUN 28 1990
OFFICE OF CITY CLERK

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

RECEIVED
JUN
OFFICE OF CITY CLERK

June 5, 1990

To: Charlotte City Council

Re. Zoning Petition # 90-16

I, Don Stancil, as representative of the owners of the property in rezoning petition # 90-16, would like to resubmit the withdrawal request and further explain the reasons for this request.

The primary sales contract, dated May 5, 1989, allowed an eight (8) month period in which to complete the rezoning process. There was also the possibility of an extension, not to exceed six (6) months. Granting of this extension was expressly conditioned upon a non-refundable payment of $10,000 to be made by January 5, 1990. The extension was signed on January 16, 1990, and a check was delivered. However, this check was returned twice for non-sufficient funds and has yet to be reclaimed or made good.

The contract terms required that the rezoning application be filed no later than December 13, 1989. At that time the survey had been completed, but the site plan supposedly was not ready so Mr. Pappas and Mr. Dedemadis were allowed to file for I-1 with the understanding that the site plan would be completed and submitted as soon as the architectural firm could finish, which would change the application to I-1 CD.

In March, 1990, the petitioners requested a deferral until May 21st to have time to complete the site plan. I spoke with the owner of the architectural firm scheduled to prepare the plan and he indicated that he was prepared to begin immediately upon payment of the required retainer fee, which was to be paid by Mr. Pappas and Mr. Dedemadis. To this day, the retainer fee has not been paid; therefore, there is no site plan and without a site plan, the property owners have no desire to attempt a rezoning.

Mr. Pappas and Mr. Dedemadis have been notified by certified mail (copy enclosed) that they are in default of the contract and that the contracts were therefore null and void. There has been no response from them.

Melanie McCullough of the Planning and Zoning Dept. has furnished me with a copy of a letter (copy enclosed) that her department received requesting a deferral until September, 1990. Apparently, Mr. Pappas would attempt to encumber the property for two (2) months past the maximum time allowable if they had paid the extension payment, which they did not.

In addition, another letter (copy enclosed) has been mailed, by certified mail stating that the petitioners had no authority to request such an extension and that the property owners no longer concur in the rezoning request since the petitioners have failed to comply with the terms of the contract.

In an effort to avoid confusing the issue with further paperwork, I have not included copies of the lengthy contracts, amendments, etc;,however, if any council member would like copies of these documents, I would be more than happy to supply them by FAX or overnight mail.

If I can answer any questions, or supply documents, please don't hesitate to call.

Again, I respectfully submit the property owner's request that petition # 90-16 be withdrawn (copy enclosed.)

Thank you for your consideration,

Don R Stancil

Don R. Stancil
(703) 989-6925
8729 Bent Mountain Rd.
Roanoke, VA 24018

LAW OFFICES
OSTERHOUDT FERGUSON, NATT, AHERON & AGEE
A PROFESSIONAL CORPORATION
1919 ELECTRIC ROAD S W
P O BOX 20068
ROANOKE VIRGINIA
24018

CHARLES H OSTERHOUDT
MICHAEL S FERGUSON
EDWARD A NATT
MICHAEL J AHERON
G STEVEN AGEE
MARK D KIDD

TELEPHONE
703 774 9

FAX NO
703 774 0968

June 5, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Spiros G. Pappas
Pegasus Investments, Inc.
8 Woodlawn Green
Suite 116
Charlotte, North Carolina 28217

Re: Real Estate Contracts - Mecklenburg County, North Carolina

Dear Mr. Pappas:

On May 2, 1990 I wrote you concerning the above real estate contracts and advised you that you were in default under the terms thereof. Since that time, I have received a copy of a letter dated May 4, 1990 in which you requested the Rezoning Department of the City of Charlotte to continue Petition No. 90-16 until September, 1990. This action was not authorized by the property owners and is certainly in violation of the contractual documents. You had no authority to request the same under any circumstances.

Even if you had fully complied with the extension requirements by payment of all of the sums due thereunder (which you have not) the extension would only have run through July of 1990. Therefore, the attempted request of an extension through September of 1990 to the Charlotte City Council is totally inappropriate.

I am also advising my clients to notify Charlotte City Council that you no longer have any rights in the property and that they no longer concur in the rezoning request. The reason for this is your failure to comply with the terms of the contracts.

Finally, I am advising my clients to request the release of the earnest money deposit since you are in default under the contracts.

Very truly yours,

OSTERHOUDT, FERGUSON, NATT,
AHERON & AGEE, P.C.

Ed Natt

Edward A. Natt

EAN/dle
c: Mr. Don Stancil
8729 Bent Mountain Road
Roanoke, Virginia 24018

Pegasus Investments, Inc.
8 Woodlawn Green • Suite 116 • Charlotte NC 28217 • Phone 704-525-1874 • FAX 704-525 1877

May 4, 1990

Rezoning Department
City of Charlotte
Courthouse
Charlotte, North Carolina

Re Rezoning Petition No 90 16

Gentlemen

Please postpone the rezoning hearing for Petition No. 90-16 which is to be held this month to September, 1990 because we need to revise the plan and need the additional time

Thank you for your consideration in this matter .

Very truly yours,

Spiros Pappas

Spiros G Pappas

SGP c

RECEIVED
MAY 16 1990
CHARLOTTE-MECKLENBURG
BUILDING STANDARDS DEPT.

LAW OFFICES
OSTERHOUDT FERGUSON, NATT, AHERON & AGEE
A PROFESSIONAL CORPORATION
1919 ELECTRIC ROAD S W
P O BOX 20068
ROANOKE VIRGINIA
24018

CHARLES H OSTERHOUDT
MICHAEL S FERGUSON
EDWARD A NATT
MICHAEL J AHERON
G STEVEN AGEE
MARK D KIDD

TELEPHONE
703 774 97
FAX NO
703 774 096

May 2, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Spiros G. Pappas
8 Woodlawn Green
Charlotte, NC

RE: Real Estate Contracts--Mecklenburg County, North Carolina

Dear Mr. Pappas:

This is to advise that our firm represents several property owners who own real estate in Mecklenburg County, North Carolina, and who have entered into contracts with you and Bill Dedemadis by which you and Mr. Dedemadis have contracted to purchase the properties. I am enclosing copies of a contract dated May 5, 1989, between the two of you and Mr. Clarence Stewart Puckett, et. al., a contract dated May 6, 1989, between the two of you and James L. and Johnnie M. Summerlin, and contracts dated September 19, 1989, between the two of you and Clarence S. and Sara A. Puckett, and between the two of you and Terry Hood Windell and Jerry Rogers Windell.

This is to advise that you have defaulted under the contracts and that because of your default under the provisions of the contract dated May 5, 1989, between Clarence Stewart Puckett, et. al., and Spiros G. Pappas and Bill Dedemadis, said contract is now considered to be null and void and of no effect. The two areas in which the default on your part has occurred are your failure to pay the $10,000.00 extension fee to Hardy Real Estate within the time prescribed, and your failure to diligently pursue the rezoning effort for the property. Since these two matters are set forth in the contract and since you have failed to comply with either or both of them, you are hereby considered to be in default and the contract is hereby considered to be void and of no effect.

You are also considered to be in default of the contract with James L. and Johnnie M. Summerlin, because you failed to pay

the $2,000.00 extension fee, and you failed to diligently pursue the zoning effort.

Finally, you are in default under both of the contracts dated September 19, 1989, since they are contingent upon your pursuing and completing the acquisition of the first two properties.

Pursuant to the provisions of the agreements, the earnest money is hereby deemed to be in default and is being retained pursuant to the provisions of the contract. I will be glad to discuss the matter with you or your representative should you so desire.

Very truly yours,

OSTERHOUDT, FERGUSON, NATT,
AHERON & AGEE, P.C.

Edward A. Natt

Edward A. Natt

EAN/sai

Enclosure

cc Mr. Donald R. Stancil, Agent
8729 Bent Mountain Road
Roanoke, VA 24018

May 10, 1990

To: Charlotte City Council

Re: Zoning Petition # 90-16

We the undersigned as owners of the property, respectfully request that rezoning petition #90-16 be withdrawn. We would submit the following reasons:

1 Work on a site plan has not begun even though a completed plan was promised by the petitioners months ago. In March the petitioners requested a deferral until May 21st in order to have the site plan completed but still no plan has even been started.
2. No neighborhood meetings have been held as promised.
3. The petitioners as the prospective buyers of our property have submitted **NSF** checks as payment for an extention of the time period in which to have the rezoning process completed.

The petitioner-buyers apparently have no intention of performing on the sales contract and would allow the case to go to the public hearing with no preparation, since they have nothing further to lose. We, as the owners of the property feel that the petitioner-buyers can not be trusted to honor their commitments therefore we ask that the petition be withdrawn rather than procede without preparation and jeopardize the integrity of our property.

Thank you for your consideration:

Sara Puckett	41-111-01,05	Clarence S. Puckett
Ella Blythe	41-111-02,03	Joseph Marshall Blythe
Lydia R. Pope	41-111-05	James Craven Pope
Johnnie H. Stancil	41-111-06	Herman G. Stancil
Terry Hood Windell	41-111-16	Jerry Rogers Windell
Roy Lee McArn (Executor)	41-171-07	

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 9, 1990

Mayor and City Council:

RE: Petitions to be Heard in July, 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, July 16, 1990 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields III (MCM)

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. 90-56

Petitioner: Wendover Shopping Center Association

Location: Approximately 7.9 acres located on the west side of Wendover Road south of Latrobe Drive.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is currently zoned B-1(CD) as are two small parcels to the north and south. Further to the north along Wendover Road the property is zoned I-1. To the south along Wendover the property is zoned R-6MF. The property to the east across Wendover is also zoned R-6MF.

2. Existing Land Use. The property involved with this request is currently developed with a 75,000 square foot shopping center. To the north along Wendover Road the property is developed with an ABC store, a McDonalds, and the Arnold Palmer Corporate Center. To the south along Wendover the property is developed with a Taco Bell and a small retail store. To the east the property is developed with the Wendover Place Apartments and to the west of the site the property is developed with duplexes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A community commercial center is also indicated in the area of the subject property. 2005 Plan strategies include potential light rail service to the area.

   2. Transportation Improvement Program. The TIP has several road improvements for the area. Minor intersection improvements are called for at Monroe and Wendover and the widening of Monroe Road between Conference Drive and Village Lake Drive is under construction.

   3. Grier Heights Special Project Plan. The Grier Heights Special Project Plan recognizes the neighborhood business type uses associated with the subject property.

4. Site Plan. The site plan which accompanies this application proposes the addition of 2,600 square feet of retail space to an existing 74,950 square foot shopping center. This small expansion is necessary to accommodate a Food Lion grocery store. Access to the site is from two driveways along Wendover Road. Trees are shown along Wendover as well as in the interior of the site. The

plan proposes to retain the existing screening between the rear of the center and the adjoining duplexes.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-52	R-6MF to B-1	Approved	05/23/66
2. 67-69	R-9 to R-9MF	Approved	11/27/67
3. 72-26	R-6MF to B-1	Denied	07/10/72
4. 75-33	I-2 to R-6MF	Approved	11/17/75
5. 78-22	I-2 and R-6MF to B-1(CD)	Approved	07/10/78
6. 78-29	I-2 to I-1	Approved	07/10/78
7. 78-31	R-6MF to B-1(CD)	Approved	07/10/78
8. 84-88	B-1(CD) to B-1(CD) Site Plan Amendment	Approved	01/21/85
9. 86-43	B-1(CD) to B-1(CD) Site Plan Amendment	Approved	05/19/86
10. 87-63	R-6MF to B-1(CD)	Denied	08/17/87
11. 87-83	B-1 and B-1(CD) to B-1(CD) and B-1(CD) Site Plan Amendment	Approved	11/18/87

7. Neighborhood. This site lies within the area defined as the Grier Heights neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a small expansion to a existing shopping center. The 2005 Plan indicates a commercial center for the area and the Grier Heights Special Project Plan recognizes this use at this location. Therefore, the petition is consistent with public policy for the area.

2. Technical Consistency.

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

   2. Departmental Comments. The Transportation Department and the Engineering Department both requested that additional right-of-way be dedicated along Wendover Road. The Engineering Department also noted that the site must be brought into compliance with the Tree Ordinance. The Planning staff suggested that the developer provide a low evergreen hedge along Wendover and that the specific names of tenants be removed from the site plan. The Fire Department will require

that the present fire hydrant located on the site be replaced with a hydrant that meets Fire Department specifications. All these comments were satisfactorily addressed by the petitioner.

ISSUES

1. Land Use. There are no land use issues raised by this application. Both the 2005 Plan and the Grier Heights Special Project Plan recognize this land use. Therefore, from a land use standpoint this petition is appropriate for approval.

2. Site Plan. There are no significant site plan issues in this case. The request is limited to a 2,600 square foot addition to an existing shopping center. The revised site plan submitted with this application has addressed all departmental comments. From a site plan standpoint this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

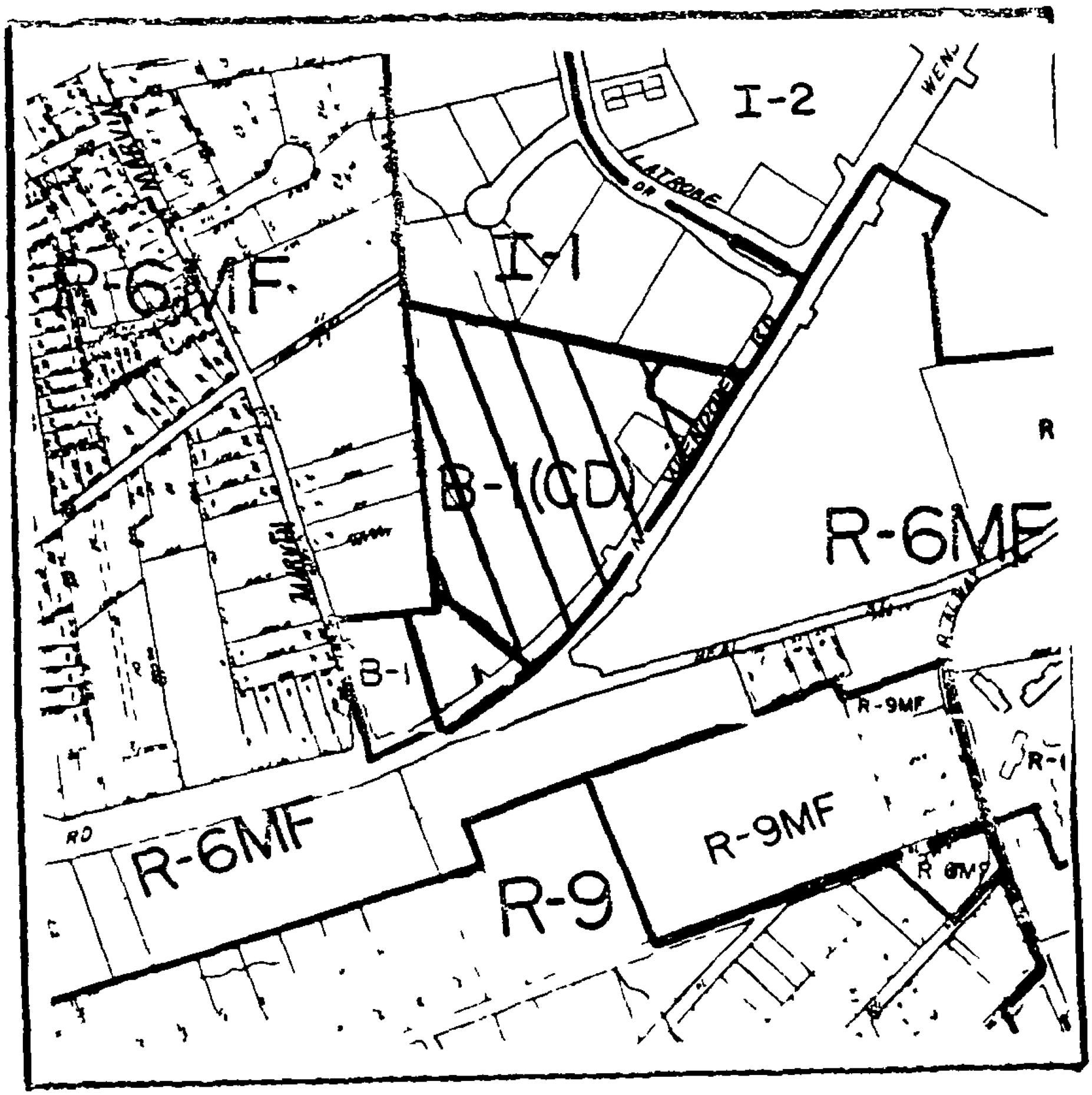
Revised Map

PETITIONER Wendover Shopping Center Association

PETITION NO. 90-56 HEARING DATE July 16, 1990

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

LOCATION Approximately 7.9 acres located on the west side of Wendover Road south of LaTrobe Drive.



ZONING MAP NO. 1.2 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-57

Petitioner: Easlan Capital of Charlotte

Location: Approximately 4.99 acres located on the northeast corner of Park Road and Salem Drive.

Request: Change from R-9MF to R-6MF(CD)

BACKGROUND

1. Existing Zoning. The petitioned property is presently zoned R-9MF as are adjacent properties to the east and across Park Road. Properties located to the north along Park Road, Kenilworth Avenue, and Scott Avenue are zoned a combination of B-2, B-1, and O-6. Across Park Road and south of Salem Drive, a small site is zoned INST(CD). Otherwise, the area is zoned R-9 or R-6.

2. Existing Land Use. The subject property is presently occupied by 2 or 3 single family residences. A wide range of land uses are found nearby. Across Salem Drive and further to the south along Park Road are two churches. The adjacent site to the east and across Park Road are the Salem Village Apartments and Versailles Apartments, respectively. Properties to the north along Park Road are developed with commercial and office uses including a car wash, dry cleaners, and the Red Cross.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. No specific strategies are identified for the area.

   2. Park Road/Marsh Road Small Area Plan. The Park Road/Marsh Road Small Area Plan, adopted in 1983, calls for residential land uses at a density of 8+ dwellings per acre in the area of the subject property.

   3. Central District Plan (unadopted). The Central District Plan draft supports the recommendation made by the Park Road/Marsh Road Small Area Plan.

   4. District Plan General Policies (adopted 5/90). The District Plan General Policies recognize the increasing demand for quality infill housing has become and will continue to be an alternative to developing farther out in the county. Infill refers to the construction of high density single family or multi-family housing on land, typically two or more acres in size, principally surrounded by existing structures.

Typically, appropriate infill sites are on the edges of neighborhoods or along major arterials. This situation exists in several locations where increasing traffic volumes or road widenings on major arterials changed the character of the street, where older large homes have been converted to apartments or other uses, and where zoning and land use conflicts exist. In areas that aren't designated for neighborhood preservation and where higher density infill development is appropriate, design compatibility with adjacent properties and streetscape is important. With developing infill housing, several design elements should be considered:

- setbacks and side and rear yard relationships
- building scale, height, bulk, and orientation in relation to the established streetscape and adjoining properties
- parking area and entrance drive locations, especially onto residential streets
- open space
- landscaping and screening
- architectural details
- dumpsters and service area
- lighting

Infill development should be encouraged at appropriate locations when design quality and compatibility are assured.

4. Site Plan. The site plan which accompanies this application proposes development of a 106 unit multi-family community. Access to the site is to be provided by one driveway to Salem Drive. The plan indicates a 25 foot setback along Salem Drive, 40 foot setbacks along Park Road and Kenilworth Avenue, and a 15 foot rear yard along the easterly project edge.

5. School Information. School information has been requested but has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-96	B-1 and R-9MF to B-2	Approved	08/03/70
2. 72-47	R-9 to R-6MF	Denied	11/13/72
3. 88-58	R-9 to INST(CD)	Approved	09/19/88

7. Neighborhood. The subject property falls within the area defined as the Park Road neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from one multi-family residential category to another multi-family residential category. Publicly adopted and pending plans for the area envision multi-family residential development of 8+ dwelling units per acre. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the petitioner prior to the filing of the petition. Subsequent to the filing of the petition, staff relayed a number of site plan related concerns and comments to the petitioner.

   2. Departmental Comments. CDOT indicates the subject site could generate approximately 588-756 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 742-954 trips per day. CDOT further indicates that if congestion results on Park Road at Salem Drive from additional left-turning traffic, left turns may be restricted during peak hours. Additionally, consideration should be given to the existing parking conditions on Salem Drive. The church opposite the proposed rezoning site has access to their parking lot from Salem Drive and also uses the curb lane for parking on Sunday mornings and for other scheduled events. Salem Drive is a local residential street which will be improved to a width of 28 feet with the proposed development. This width is not sufficient to provide for parking and a significant amount of two-way traffic. It may be necessary to restrict parking if congestion results from the increase in traffic. Other departmental comments included the need for more clarity and detail on the site plan regarding tree preservation. That comment has not yet been addressed adequately.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The site is within an area recognized by publicly adopted and pending plans as appropriate for residential development of 8+ dwelling units per acre. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan submitted with the application raised several concerns that were transmitted to the petitioner. Subsequently, a revised site plan was submitted that addressed some of those concerns. However, the issues related to traffic and tree preservation were not adequately addressed. Also, the

petitioner should discuss with CDOT officials the feasibility and desirability of providing an access point on Kenilworth Avenue to decrease the potential traffic impact on Salem Drive. Until these issues are satisfactorily addressed, this petition is not considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is not considered appropriate for approval until remaining site plan issues are satisfactorily addressed.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-57
Date Filed May 14, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Wm. A Jarrell and E. Flynn Harris Mrs T.V.Altizer

Owner s Address 1514 Scott Avenue 1127 Salem Drive

Charlotte, N.C. 28203 Charlotte, N.C. 28209

Date Property Acquired

Tax Parcel Number 151-033-02, 151-033-03, 151-033-04

Location Of Property (address or description) corner of Park Road and Salem Drive

Description Of Property

Size (Sq Ft Acres) 4.99 Street Frontage (ft) 708' Park Rd/Kenilworth 450' Salem Drive

Current Land Use single family residential

Zoning Request

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

Purpose of Zoning Change To permit the development of a multi-family residential project

Robert G. Young, Inc
Name Of Agent

301 S. McDowell St #1012
Agent s Address

Charlotte, N.C. 28204
Telephone Number

334-9157

Easlan Capital of Charlotte
Name of Petitioner(s)

129 W. Trade St
Address of Petitioner(s)

Charlotte, N.C. 28202
Telephone Number

376-9236

Signature

E Flynn Harris
Signature of Property Owner if Other Than Petitioner

William A Jarrell Jr

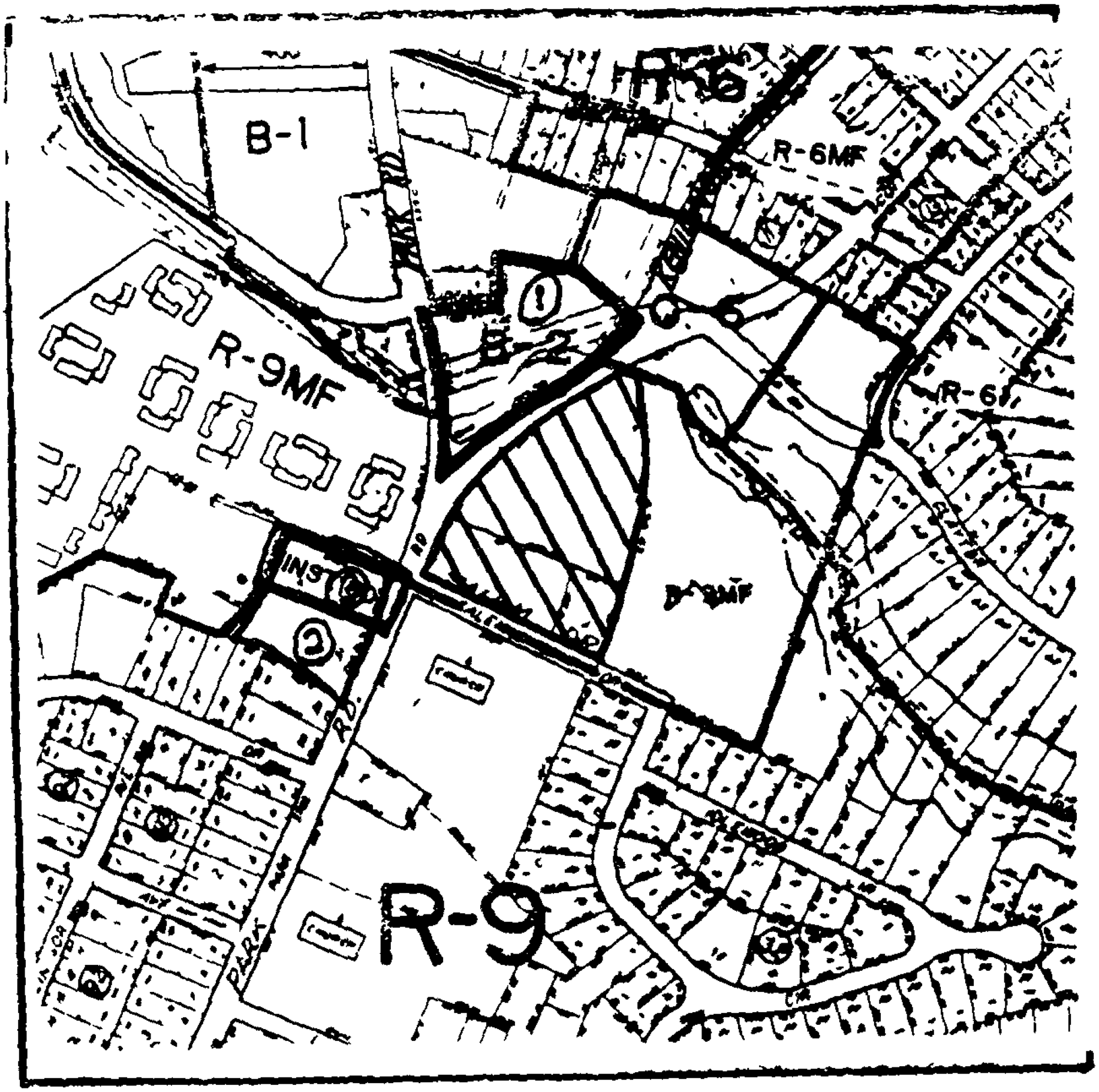
Robbie M. Altizer

PETITIONER Easlan Capital of Charlotte

PETITION NO. 90-57 HEARING DATE July 16, 1990

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED R-6MF(CD)

LOCATION Approximately 4.99 acres located on the northeast corner of Park Road and Salem Drive



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-58

Petitioner: Sally T. Honeycutt

Location: Approximately one acre located on the west side of Park Road just north of Sharon Road.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-12 as are the properties adjacent to the site to the east, west, and north. Quail Hollow Estates, located generally to the southwest of the subject property, is zoned R-PUD. Properties located across Sharon Road are zoned R-15.

2. Existing Land Use. The petitioned property is occupied by a nonconforming mobile home. Previously, the site was also occupied by a convenience store. That use was acquired by the City and removed as part of the Park Road widening project. Nearby properties are developed for residential purposes. The Gates of Quail Hollow Condominiums are located to the south. Otherwise, the area is developed with single family residential homes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include the widening of Park Road.

   2. Small Area Plan. There is no small area plan which covers this portion of the community and the South Mecklenburg District Plan which will include this area will begin later this year.

   3. Transportation Improvement Program. The Transportation Improvement Program schedules the widening of Park Road for FY91-93.

4. Site Plan. The site plan which accompanies this application proposes rezoning from R-12 to B-1(CD) to permit a two-story building containing 3,500 square feet of retail space on the first floor and 1,300 square feet of office space on the second floor. The site plan proposes two driveways onto Park Road with parking on either side of the building. The plan indicates a 50 foot landscaped buffer along the rear (west) project edge and 20 foot landscaped buffers along the other edges. The proposed building is to be residential in character and utilize features such as a pitched roof, masonry construction, dormers, and roof overhangs.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-13(c)	R-12 to R-PUD	Approved	05/12/69
2. 75-12	R-12 to B-1	Denied	05/19/75
3. 81-39	R-PUD Site Plan Amendment	Approved	07/13/81

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a small site from a residential category to a commercial district to permit development of a commercial and office facility. Publicly adopted plans for the area call for continued residential development. Commercial land uses are not envisioned by plans for the area. Therefore, the subject petition is viewed as inconsistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff had limited discussion regarding this case prior to the filing of the application. Subsequent to the filing of the application, staff communicated a number of site plan related concerns to the agent for the petitioner.

   2. Departmental Comments. There were several comments from reviewing agencies regarding the site plan including the need for more detailed information on the proposed uses, location of dumpsters and storm water detention, and proposed landscaping treatments. The City's Department of Transportation indicates the site could generate approximately 40-52 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 894 trips per day. Both CDOT and the Engineering department requested that additional right-of-way be dedicated along Park Road. As of the preparation of this report, no revised site plan has been submitted by the petitioner.

ISSUES

1. Land Use. This petition raises a significant land use issue. It requests rezoning from a residential district to a commercial district in an area in which publicly adopted plans call for a residential future. Although the petitioned site was used for commercial purposes in the past, it would be inappropriate to rezone the subject property only for that reason. The commercial

use that previously occupied the subject property was nonconforming and has now been acquired by the City as part of the Park Road widening project. The site is now available and suitable for residential development as envisioned by publicly adopted plans for the area. Additionally, there are several existing or proposed commercial centers located nearby providing the necessary retail services for the neighborhood. Additional retail facilities on Park Road are not needed. Therefore, from a land use standpoint, the petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this request also raises some issues. Although the plan meets minimum requirements, there were a number of departmental comments that need to be addressed on a revised site plan. Those comments include the need for clarification of the proposed use, clarification of proposed landscaping and buffer treatments, and right-of-way dedication. From a site plan standpoint, the petition is not appropriate for approval. However, it should be noted that the overriding issue involved with this petition is related to the land use, not the site plan.

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-58
Date Filed 5/14/90
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Sally T. Honeycutt, widow

Owner s Address: c/o James Allison, Esq., P. O. Box 36469, Charlotte, N. C. 28236

Date Property Acquired: 1975 - Deed Reference 3793-726, copy attached.

Tax Parcel Number: The major portion of 173-261-04, note the northerly side of this property proposed for single-family residential continuing zoning.

Location Of Property (address or description)

7932-40 (a/k/a 8000) Park Road, Charlotte, NC

Description Of Property

Size (Sq Ft -Acres): _____ Street Frontage (ft): _____

Current Land Use: The Little (convenience) Store and rental housing.

Zoning Request

Existing Zoning: R-12 (non-conforming) "gransfathered store use"

Requested Zoning: B1 (CD)

Purpose of Zoning Change: to permit continuation of commercial usage at site which has existed continuously since 1912, and the addition of a professional practice office use.

Name Of Agent: James W. Allison and Samuel S. Williams

Agent s Address: Allison as given above. Samuel S. Williams, P. O. Box 32635, Charlotte NC 28232

Telephone Number: 376-0011 Williams
332-1181 Allison

Sally T. Honeycutt
Name of Petitioner(s)

P. O. Box 46, Glendale Springs, NC
Address of Petitioner(s)

c/o James Allison, Esq. 332- 1181
Telephone Number

Sally T. Honeycutt
Signature

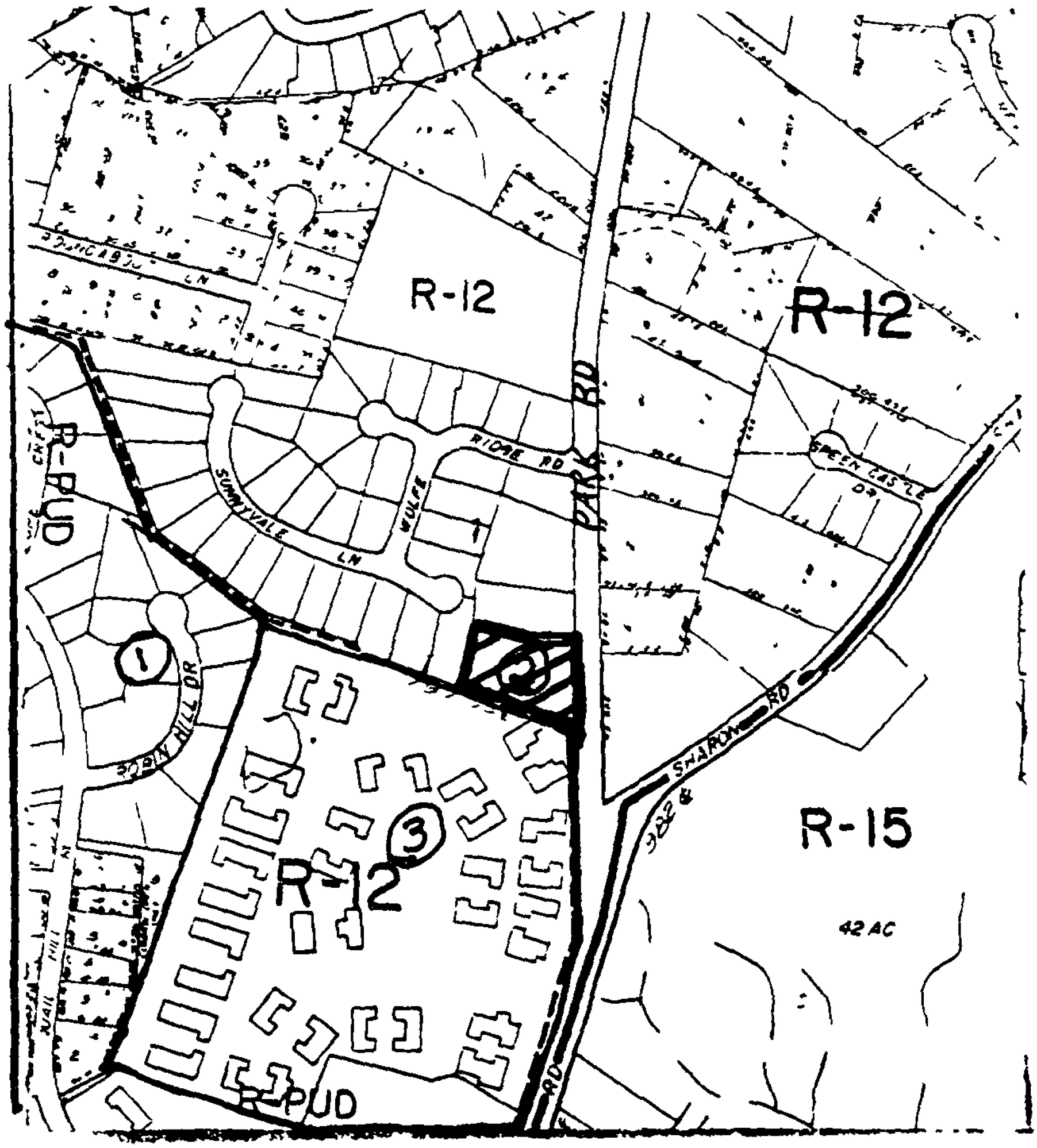
Signature of Property Owner if Other Than Petitioner

PETITIONER Sally T. Honeycutt

PETITION NO. 90-58 HEARING DATE July 16, 1990

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

LOCATION Approximately 1.0 acres located on the west side of Park Road just north of Sharon Road



ZONING MAP NO. 147 & ~~154~~ 158 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-59

Petitioner: Trammell Crow Company

Location: Approximately 16.2 acres located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as is much of the surrounding property. Exceptions to this include two large tracts of land located on the north and south sides of Hutchinson-McDonald Road that were both rezoned to I-1(CD) in 1989. Also, another 20 acre tract to the south of Hutchinson-McDonald Road was recently zoned to I-1(CD) in 1990.

2. Existing Land Use. Property involved in this request is presently undeveloped. An existing church site is also located along Hutchinson-McDonald Road opposite the subject property. Construction of the office/business/industrial parks planned for the recently approved conditional districts are currently under development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment type land uses in the area of the subject property. The 2005 strategies include improvements to I-77.

   2. The Derita Small Area Plan. The Derita Small Area Plan recognizes employment type uses will be located generally in the area of the I-85/I-77 intersection and along Statesville Road.

   3. The Northeast District Plan (unadopted). The Northeast District Plan calls for this property to be used for employment purposes and recognizes changing conditions south of Cindy Lane.

   4. General Policies (May, 1990). The General Policies indicate employment opportunities are essential for balance growth throughout the County. Employment will be a catalyst for residential growth in developing areas. The success of the northeast should be duplicated in other areas. A variety of employment opportunities should be encouraged to provide for people having varying skill levels and education. Strategies include the employment area should have good accessibility in

major thoroughfares. Public transit should be available or have a future potential in the area, and the location and intensity of employment should not adversely impact environmental quality or traffic in residential neighborhoods. Public water and sewer should be provided in the area. Establishing satisfactory entrance relationships between nonresidential and residential developments should be emphasized. An employment area should be located within any community district to residential areas where the potential labor force exist.

4. Site Plan. The site plan which accompanies this application proposes the development of this property to allow office/warehouse and light industrial uses. The total amount of floor area which could be developed on the site is 150,000 square feet. Access to the site would be furnished via Hutchinson-McDonald Road with no access proposed to Cindy Lane. The plan calls for a 75 foot minimum buffer along Cindy Lane 50 feet of which is to remain undisturbed. Also proposed is a minimum 20 foot undisturbed buffer along Hutchinson-McDonald Road. A minimum 25 foot buffer is proposed along I-77 and the plan indicates that new trees will be planted. Almost 50% of the site is to remain undisturbed with existing vegetation and an existing lake both to remain.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 71-37	R-9 to I-2	Denied	09/13/71
2. 74-36(c)	R-9 to B-2	Denied	01/06/75
3. 84-43(c)	B-2, I-1, & R-9 to B-2(CD), B-D(CD), & I-2(CD)	Approved	11/19/84
4. 89-76	R-9 & B-2 to I-1(CD)	Approved	10/18/89
5. 89-77	R-9 to R-9MF(CD)	Approved	10/18/89
6. 89-93	R-9 to I-1(CD)	Approved	01/16/90
7. 90-22	R-9 to I-1(CD)	Approved	04/16/90

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

REVIEWS

1. Plan Consistency. This project proposes the development of an office/warehouse, light industrial use to be developed in accordance with land use plans for the area. The 2005 Plan and the pending Northeast District Plan allow for the development property in this area for employment type uses. Although the

Derita Small Area (1985) calls for this area to be used exclusively for multi-family housing, the draft Northeast District Plan locates the multi-family use to the north side of Cindy Lane and recognizes the changing conditions south of Cindy Lane. Therefore, this petition is viewed as consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Subsequently, the staff communicated technical comments to the petitioner.

   2. Departmental Comments. Few departmental comments were received on this petition from reviewing departments. Both the Charlotte Department of Transportation and the Engineering Department asked for clarification on the right-of-ways for Cindy Lane designated as a minor arterial and I-77 as a freeway. The Planning Commission staff and the Zoning Administration staff asked for clarification on notes pertaining to buffer areas and the commitment to save and install trees that were shown on the plan. The revised site plan has addressed all of these concerns.

ISSUES

1. Land Use. There are no significant land use issues which accompany this application. The properties within the area is recognized by the 2005 Plan and the pending Northeast District Plan as appropriate for employment type land uses. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There are no significant site plan issues which remain to be addressed. The site plan indicates a maximum allowable square footage of a 150,000 square feet and approximately one-half of the site is to remain undeveloped with the existing vegetation and an existing lake to remain. All of the comments transmitted to the petitioner have been addresssed on the revised plan. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

PETITIONER Trammell Crow Company

PETITION NO. 90-59 HEARING DATE July 16, 1990

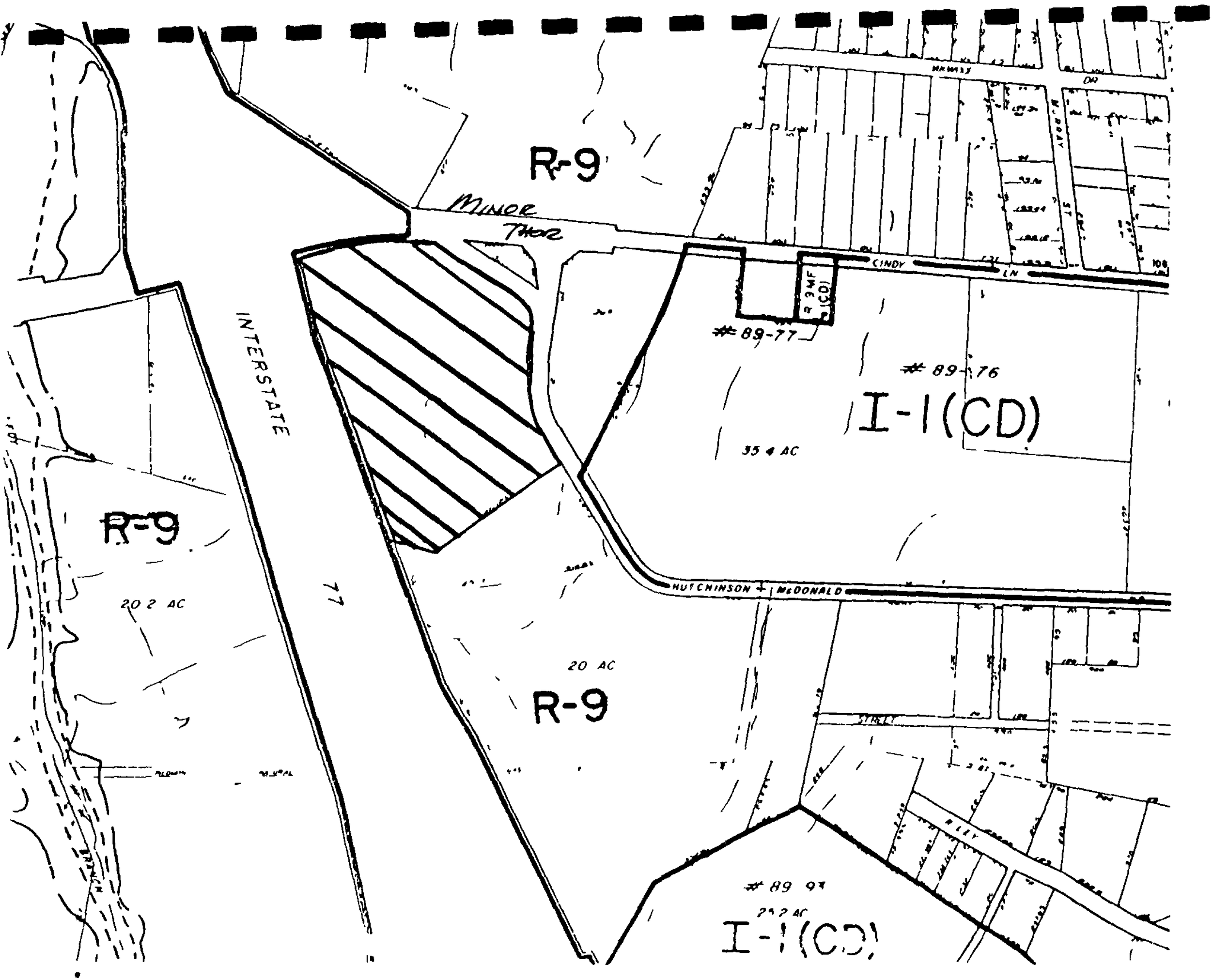
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED I-1(CD)

LOCATION Approximately 16 2 acres located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road

SEE ATTACHED MAP

ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
MINOR
THOR
CINDY
LN
R 3MF (CD)
#89-77
#89-76
I-1(CD)
35.4 AC
INTERSTATE
R-9
20.2 AC
HUTCHINSON + McDONALD
20 AC
R-9
#89-94
I-1(CD)

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-60

BACKGROUND

In February 1987, the Charlotte City Council formally approved the South Boulevard Special Project Plan. This plan is aimed at revising the Dilworth Commercial District along South Boulevard and preserving the neighborhood edges of both the Dilworth and Wilmore Neighborhoods.

Since the passage of this plan in 1987, the subject study area has undergone many changes. When the rezoning process began in 1988, Planning Commission staff found that many of the recommended zoning changes were no longer appropriate.

Through an extensive process, both the Planning Commission and staff have updated the necessary corrective rezonings. These updated recommendations were approved in Rezoning Petition Nos. 89-98 through 89-106.

The owners of the subject property in this petition originally requested they not be rezoned in favor of creating an I-1(CD) petition. That petition would have resolved several key issues which had originally prompted staff to propose the rezoning of the property. The property owners were given until April 1, 1990 to submit this plan and improve their property.

Since no petition has been received, the Planning Commission has instructed staff to proceed with the rezoning.

PETITION NO. 90-60

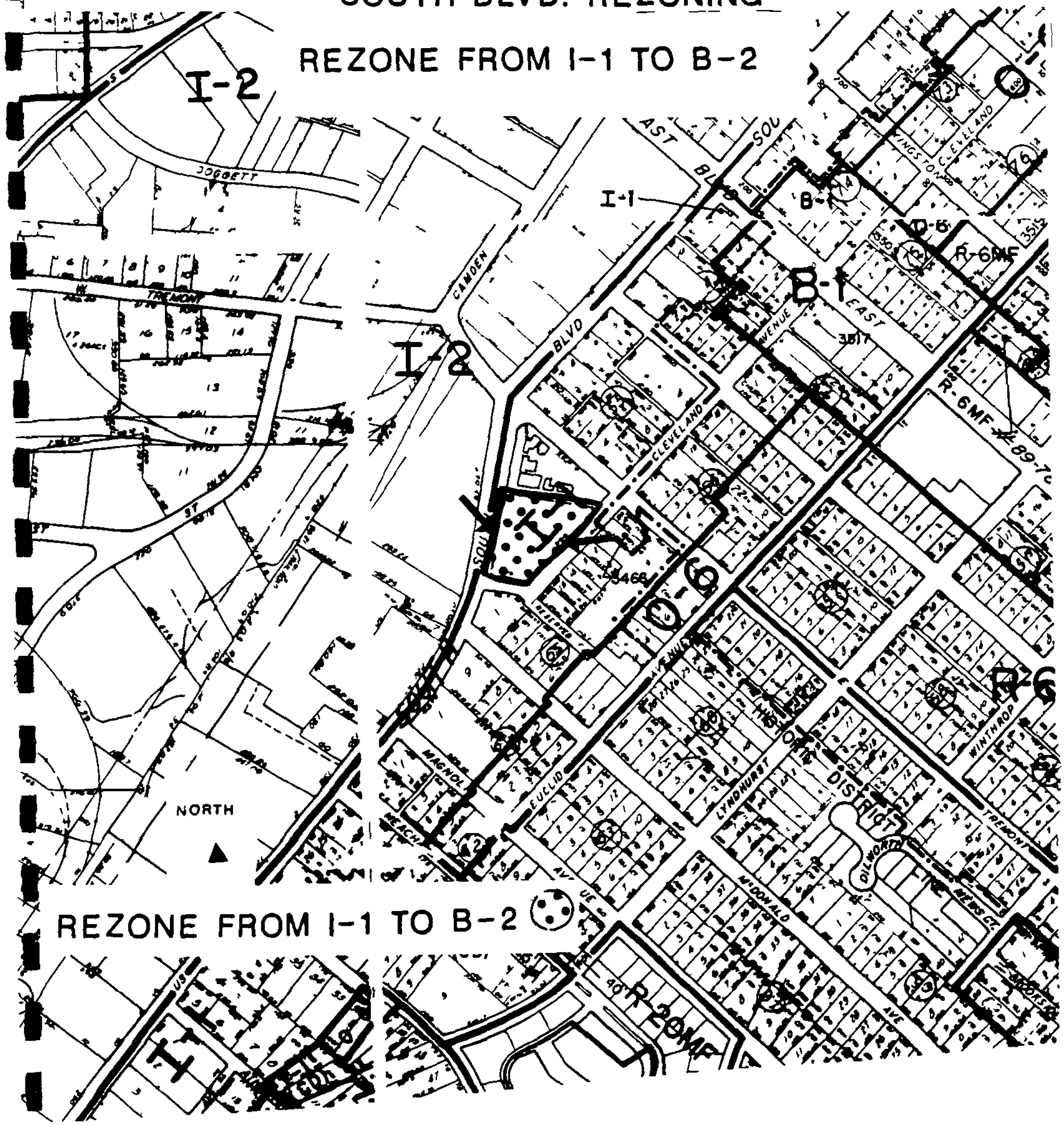
This petition includes approximately 1.388 acres bounded by South Boulevard, Cleveland Avenue, and the Atherton Office Park to the north.

This property is currently zoned I-1. The existing land use is a small building with several shops.

The South Boulevard Special Project Plan recommends rezoning this property to B-2. This rezoning may cause some tenants in the building to become nonconforming.

*Subject to further refinement following public hearing.

SOUTH BLVD. REZONING



PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-60 HEARING DATE July 16, 1990

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED B-2

LOCATION Approximately 1.38 acres located on the east side of South Boulevard south of E. Tremont Avenue.

SEE ATTACHED MAP

ZONING MAP NO. 102,103,110,111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-61

BACKGROUND

In May 1987, the Charlotte City Council formally approved the North Tryon Corridor Study, a plan aimed at revitalizing and enhancing this major gateway into the city.

The recommendations made by the North Tryon Corridor Study included implementing a streetscape plan, revitalizating North Tryon's employment areas, and protecting existing residential areas throughout the corridor.

PETITION NO. 90-61

This petition includes approximately 22.19 acres along Benard Avenue and Ritch Avenue. These streets are located one block east of North Tryon Street near 36th Street.

Currently, these properties are zoned R-6MF. The land use within this petition is mostly single family homes and several vacant lots.

The North Tryon Corridor Study recommends rezoning the subject properties from R-6MF to R-6. The new zoning would better protect the neighborhood and keep multi-family uses from encroaching into it.

This petition would not create any nonconforming uses.

*Subject to further refinement following public hearing.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-61 HEARING DATE July 16, 1990

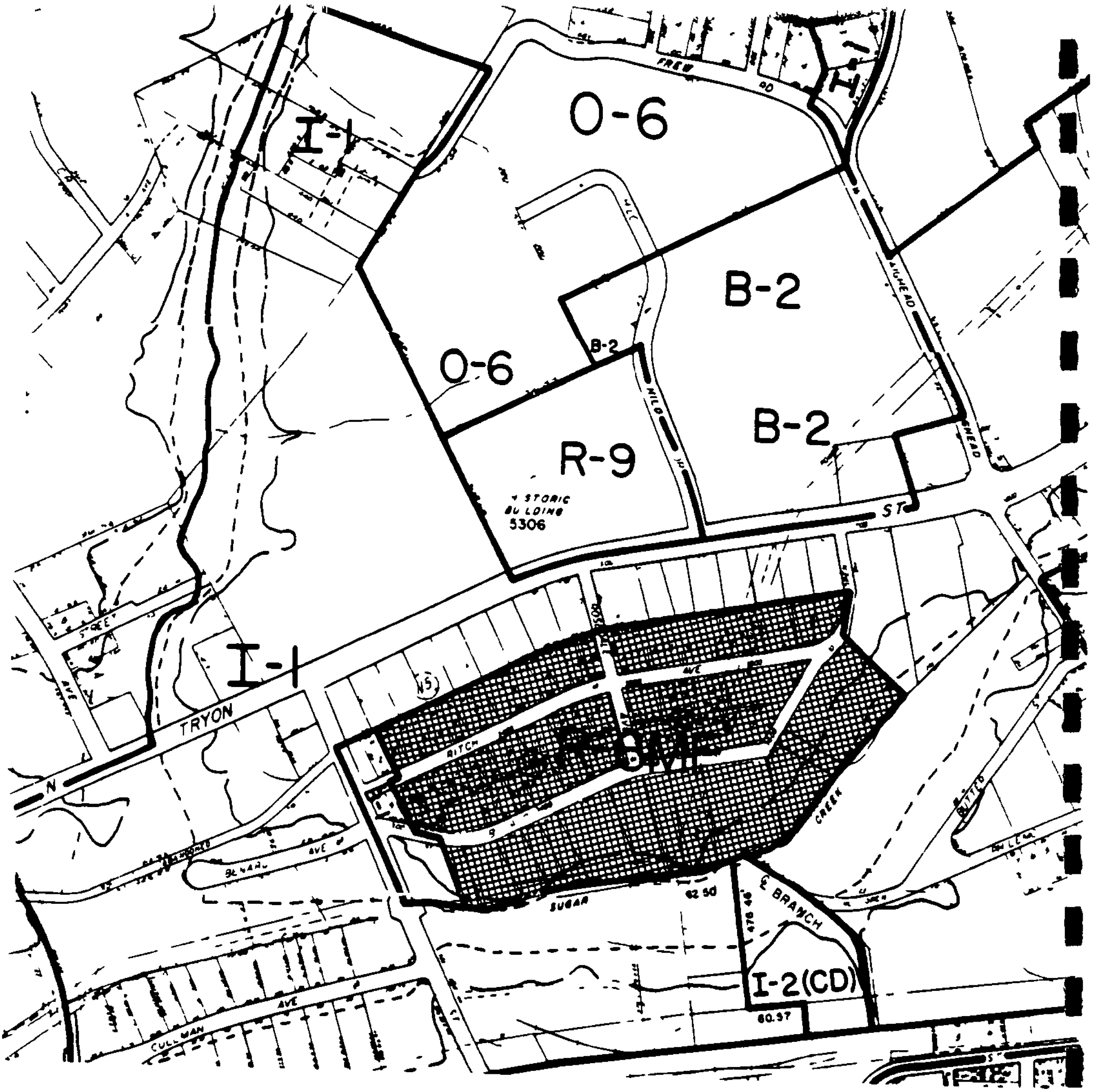
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

LOCATION Approximately 22.19 acres located along Ritch Avenue and Benard Avenue south of North Tryon Street.

SEE ATTACHED MAP

ZONING MAP NO. 78 & 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



North Tryon Corridor Study Rezonings

R-6MF TO R-6

PETITION #4

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-62

BACKGROUND

In May 1987, the Charlotte City Council formally approved the North Tryon Corridor Study; a plan aimed at revitalizing and enhancing this major gateway into the city.

The recommendations made by the North Tryon Corridor Study included implementing a streetscape plan, revitalizating North Tryon's employment areas, and protecting existing residential areas throughout the corridor.

PETITION NO. 90-62

This petition provides for the rezoning of approximately 56.6 acres along North Tryon Street, Craighead Road, Frew Road and Hilo Drive.

The properties proposed for rezoning in this petition are zoned O-6, B-2, and I-1. The existing land uses are single family homes, multi-family apartments, and vacant properties.

The North Tryon Corridor Study recommends rezoning these properties to R-15MF. The new zoning would better protect the existing single family and multi-family residences from encroachment of B-2 and I-1 uses.

This petition does not create any nonconforming uses.

*Subject to further refinement following public hearing.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-62 HEARING DATE July 16, 1990

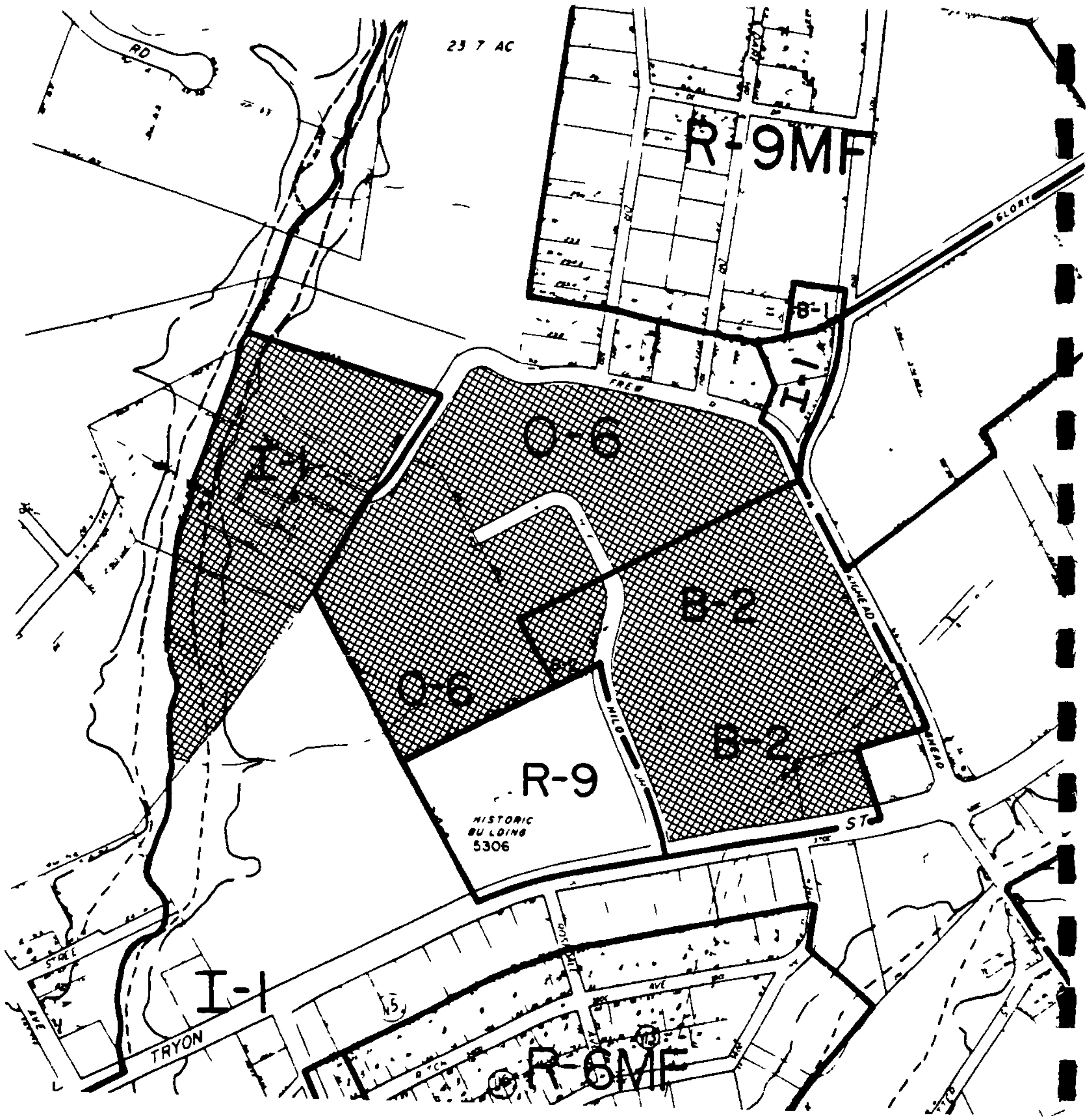
ZONING CLASSIFICATION, EXISTING O-6, B-2 & I-1 REQUESTED R-15MF

LOCATION Approximately 56.6 acres located north of North Tryon Street west of Craighead Street, south of Frew Road, and east of Derita Creek

SEE ATTACHED MAP

ZONING MAP NO. 78 & 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



North Tryon Corridor Study Rezonings

N TRYON
#5

O-6, B-2, AND I-1 TO R-15mf

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-63

BACKGROUND

In May 1988, the Charlotte City Council approved the Grier Heights Special Project Plan which was intended to update and revise the existing redevelopment plan for the area.

One of the major objectives of the plan was to reduce potential residential densities in the neighborhood. A density of 7-9 dwelling units per acre was recommended for large parts of the neighborhood. This petition seek R-6 zoning which most closely achieves the target density. However, should a new Zoning Ordinance contain a more flexible district in the desired density range, a further rezoning to that district should be pursued.

PETITION NO. 90-63

This petition includes properties generally on the east side of Grier Heights, which are zoned R-6MF. The predominant land use is single-family homes, although numerous duplexes are also included. The duplexes would become legally nonconforming.

The R-6MF allows a density of 21.78 d.u.a. and the R-6 a density of 7.26 d.u.a.

*Subject to further refinement following public hearing.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-63 HEARING DATE July 16, 1990

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

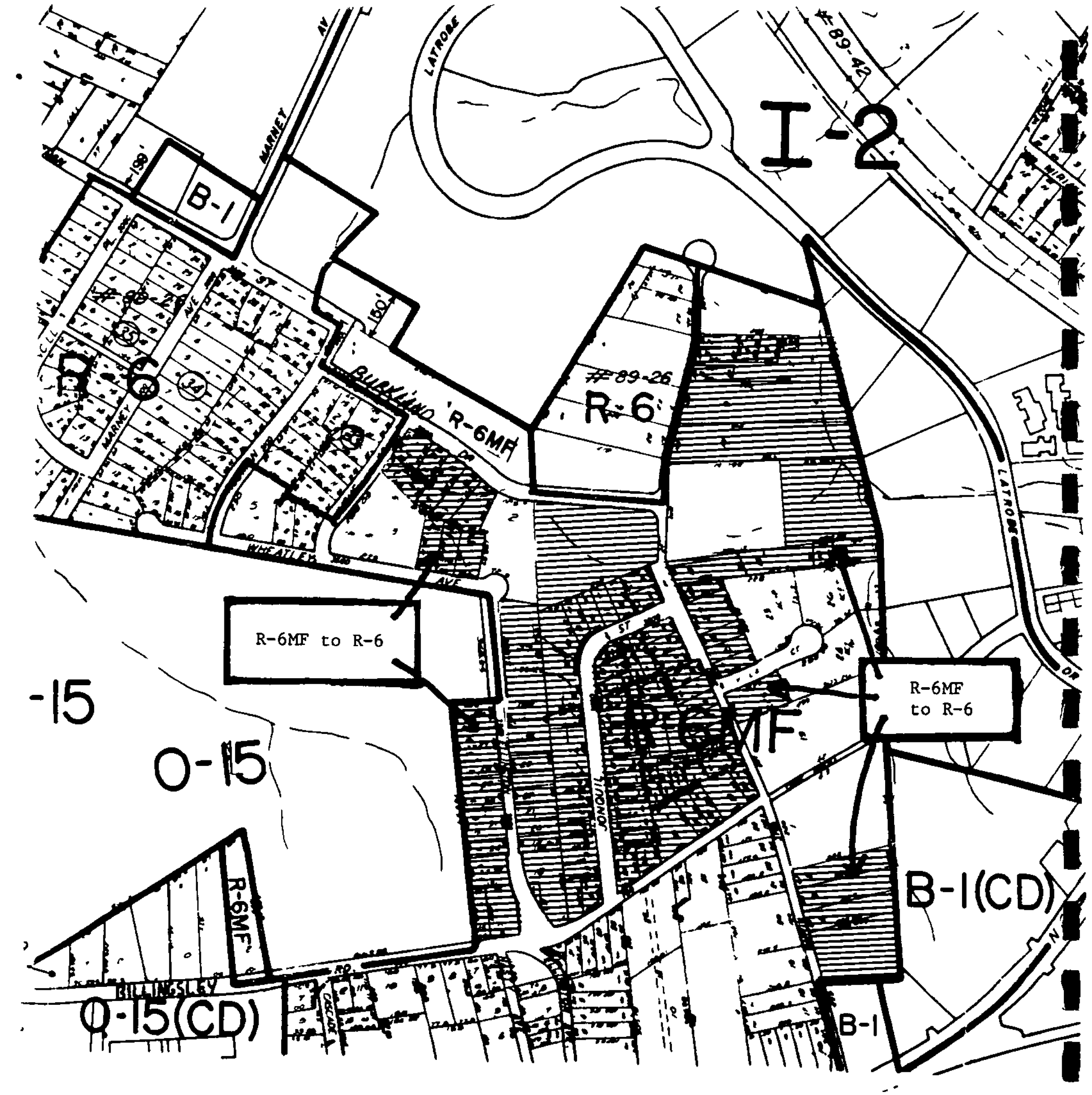
LOCATION Approximately 29 acres generally located along Ellington and Jonquil Streets, Marvin Road, Burkland Drive, and Wheatley Avenue (Griertown).

SEE ATTACHED MAP

ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

EM



MATCH TO SHEET NO 12

EM

Sca

400' 0' 400'

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-64

BACKGROUND

In May 1988, the Charlotte City Council approved the Grier Heights Special Project Plan which was intended to update and revise the existing redevelopment plan for the area.

One of the major objectives of the plan was to reduce potential residential densities in the neighborhood. A density of 7-9 dwelling units per acre was recommended for large parts of the neighborhood. This petition seek R-6 zoning which most closely achieves the target density. However, should a new Zoning Ordinance contain a more flexible district in the desired density range, a further rezoning to that district should be pursued.

PETITION NO. 90-64

This petition contains 44.724 acres of predominantly single family homes although some duplexes also exist. The current zoning is R-6MF and B-1. The B-1 is a vacant parcel adjacent to a convenience shopping center in the middle of the neighborhood. Originally available for expansion of the center, the plan recommends against such expansion.

*Subject to further refinement following public hearing.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-64 HEARING DATE July 16, 1990

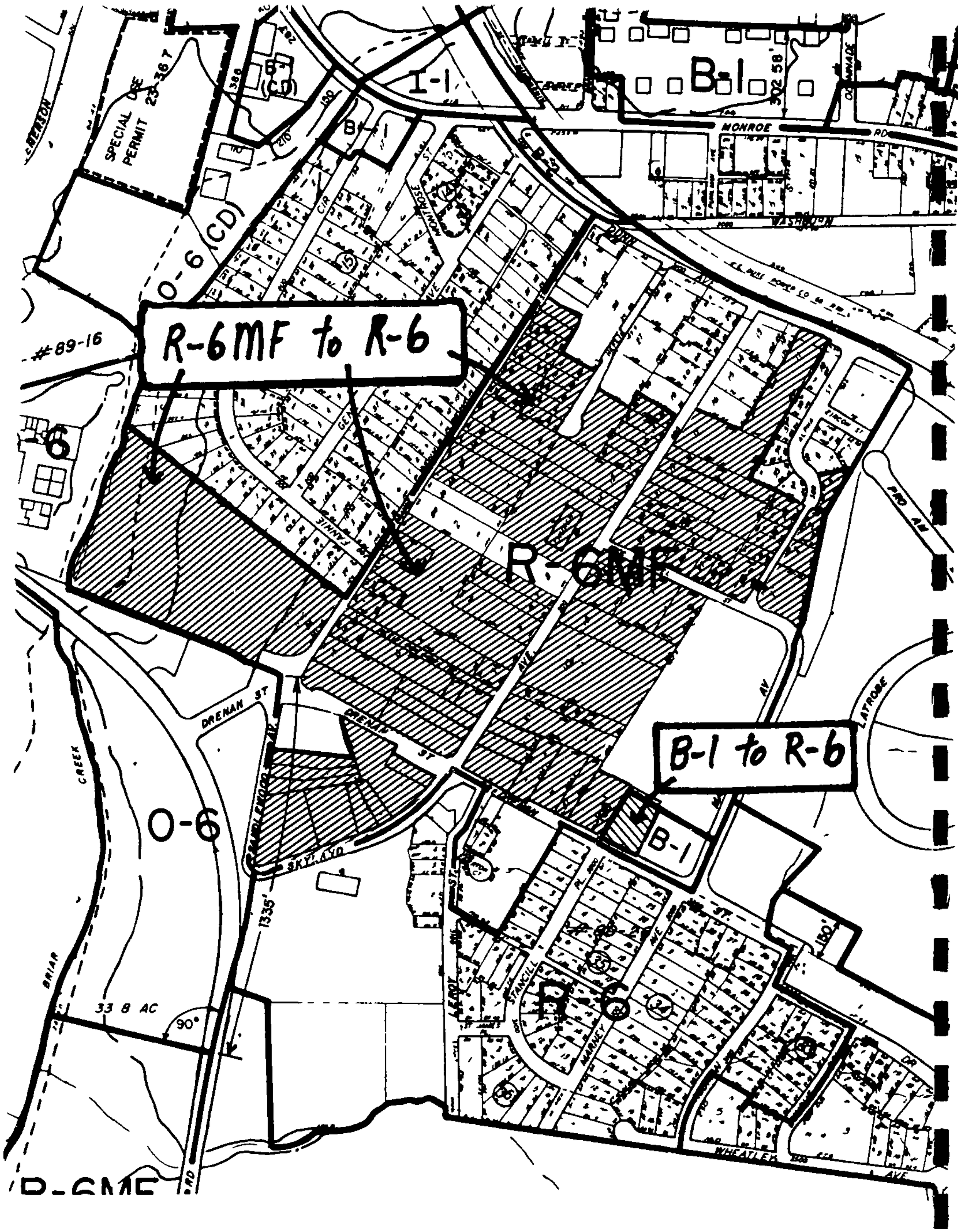
ZONING CLASSIFICATION, EXISTING B-1 & R-6MF REQUESTED R-6

LOCATION Approximately 44.724 acres generally located between Marney Avenue and Orange Street.

SEE ATTACHED MAP

ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-6MF to R-6
B-1 to R-6
R-6MF
R-6
O-6
O-6
B-1
I-1
B-1
SPECIAL USE PERMIT 23-367
MONROE RD
WASHOUN
DRENAN ST
SKYLAND
STANCILL
MARNEY
WHEATLEY
LATROBE
PRO AV
BRIAR
CREEK
33 8 AC
90°
1335'
302.58'
180'
#89-16

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 2, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached is a recommendation of the Planning Committee of the Charlotte-Mecklenburg Planning Commission on a text amendment which was previously heard at public hearing and referred to the Planning Committee for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Committee held on June 19, 1990.

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

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

Respectfully submitted,

Frank E. Emory, Chairman
Charlotte-Mecklenburg Planning Committee

FEE:mlj

Attachment

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

DATE: June 19, 1990

PETITION NO.: 90-36

PETITIONER(S): Crosland Erwin Associates, Faison Associates, and Childress Klein Properties.

REQUEST: Consideration of a text amendment to clarify the means by which parking requirements would be computed for shopping centers and to defined shopping center.

ACTION: The Planning Committee deferred action on this request until July 10 in order for the petitioners to provide additional information.

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

Nays: None.

REASONS

This petition requests a modification and the method used to compute parking for shopping centers. The staff had expressed concern about the size of shopping center to which these standards would apply and members of the City Council and members of the Planning Committee asked the petitioner to provide additional information regarding a comparison between the present standards and the standards under this proposed text amendment. The petitioner indicated that such information would be provided and, therefore, any further consideration of this text amendment would defer until July 10.

DATE: June 19, 1990

PETITION NO.: 90-46

PETITIONER(S): Fred E. Bryant and Bailey Patrick

REQUEST: Consideration of a text amendment to the Business Park District to allow the Business Park District to be considered as a parallel conditional district.

ACTION: The Planning Committee recommends that this petition, as modified, be approved.

VOTE: Yeas: Winget, Thomasson, Fenning, McClure, and Baucom.

Nays: Emory and Spencer.

REASONS

The Planning Committee discussed this request for some time. Staff had expressed concern about the original intent of the Business Park district and also about the broadening of the purpose for the parallel conditional district process. Members of the committee noted that a principal purpose of the petitioners seemed to be to provide greater flexibility for the Elected Officials in establishing the Business Park district in portions of the community where an industrial district would be inappropriate. They noted that there was no opposition to this proposal and that the result would be more standards imposed upon a developer rather than fewer standards. However, the Planning Committee was concerned about the broadening of the language for conditional district consideration. The petitioners indicated that this same language would be part of the new zoning ordinance but the Committee members were not persuaded that dealing with that broad change at this point and time was appropriate. Therefore, their recommendation is specifically to adopt the language which adds the Business Park district to the hierarchy of uses and indicates that it can be used as a parallel conditional district. The Planning Committee specifically does not recommend broadening of the language for all conditional district considerations.

STAFF OPINION

The staff believes that the majority of the issues raised by this petition could be addressed by means other than including this district in the parallel conditional process. Staff agrees with the Planning Committee that the language of the parallel conditional use section should not be broadened.

Fred E. Bryant

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 Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 1308 Hierarchy of Zoning Districts by adding "B-P" between "B-D" and "U-I" and amend the last sentence of that section to read "The UDC-V District is not classified in the hierarchy of districts due to its mixed use potential and special review and approval procedures."

2. Amend Section 3202.1 by amending the last sentence of the first paragraph and add a new last sentence so that it reads as follows· "The applicant should include at least the items listed below for all applications except B-P(CD). For B-P(CD) the application should include at least the items listed in Section 3402.3.1-8."

3. Amend Section 3202.2 by adding at the end of .4 and .5 the following: "(Not required for B-P(CD) applications.)"

4. Amend Section 3402.3 by removing in its entirety the last sentence in the last paragraph.

Section 2. That this resolution 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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 2, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 25, 1990.

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

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

Respectfully submitted,

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

TM:mlj

Attachments

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

DATE: June 25, 1990

PETITION NO.: 90-11

PETITIONER(S): J. L. Neal

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

LOCATION: A 23.98 acre site on the easterly side of Starita Road north of I-85.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition requests the rezoning of a tract of land to consolidate a number of unconditional categories into a single conditional development plan. The petitioner proposes to develop an industrial park for a narrow list of I-2 uses. In addition, the petitioner proposes to dedicate several acres to the greenway system and to provide a 40 foot buffer along the northerly side of site. This buffer lies along a tract of land 150 feet wide which remains zoned residential and is not part of this application. That strip of land was created a number of years ago to provide a permanent deed restricted barrier between residential areas to the north and industrial development along I-85. All of the technical issues involved with this request have been satisfied and, therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

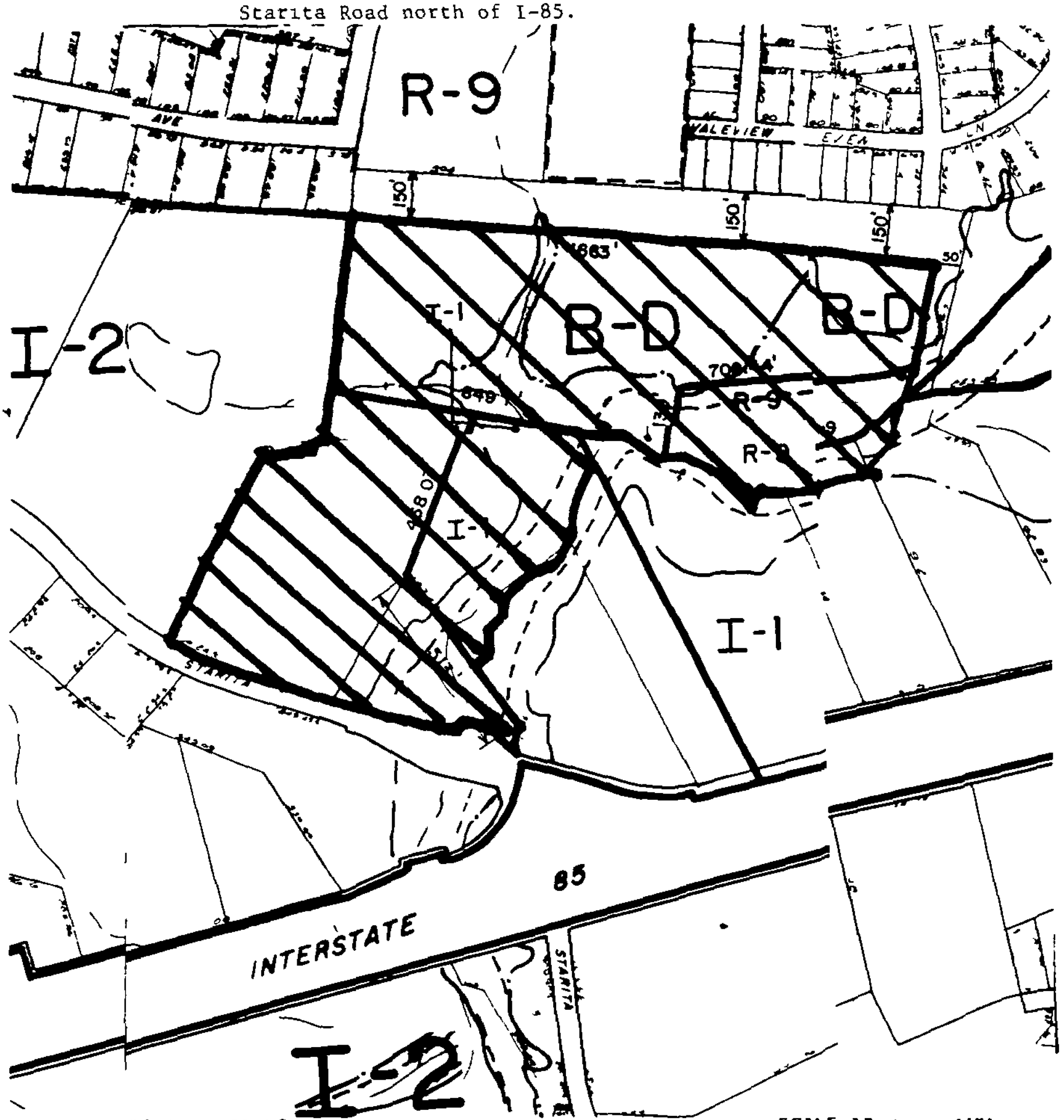
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER J. L. Neal

PETITION NO. 90-11 HEARING DATE June 18, 1990

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

LOCATION Approximately 34 acres located off the easterly side of Starita Road north of I-85.



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

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-40

PETITIONER(S): Rameses Temple

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

LOCATION: A 4.13 acre site located at the end of Northcliff Drive.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition proposes the rezoning of a tract of land in the interior of a neighborhood to provide for a fraternal organization. The property involved with this request was at one point used for a community recreation center. However, over the years the site has fallen into disrepair. The petitioner proposes to establish a fraternal organization with a 22,000 square foot two-story building and a number of outdoor uses including paved parking and outdoor recreational areas. Concern was raised at the public hearing and at the Zoning Committee's first consideration of this petition regarding the types of activities which would occur on the site. The petitioners provided information and agreed to limit activities on the site to those of the organization only and also to further specify that no alcoholic beverages would be sold on the property. While still expressing some concern about the size of the building, the Zoning Committee generally felt that the land use was appropriate in this location.

STAFF OPINION

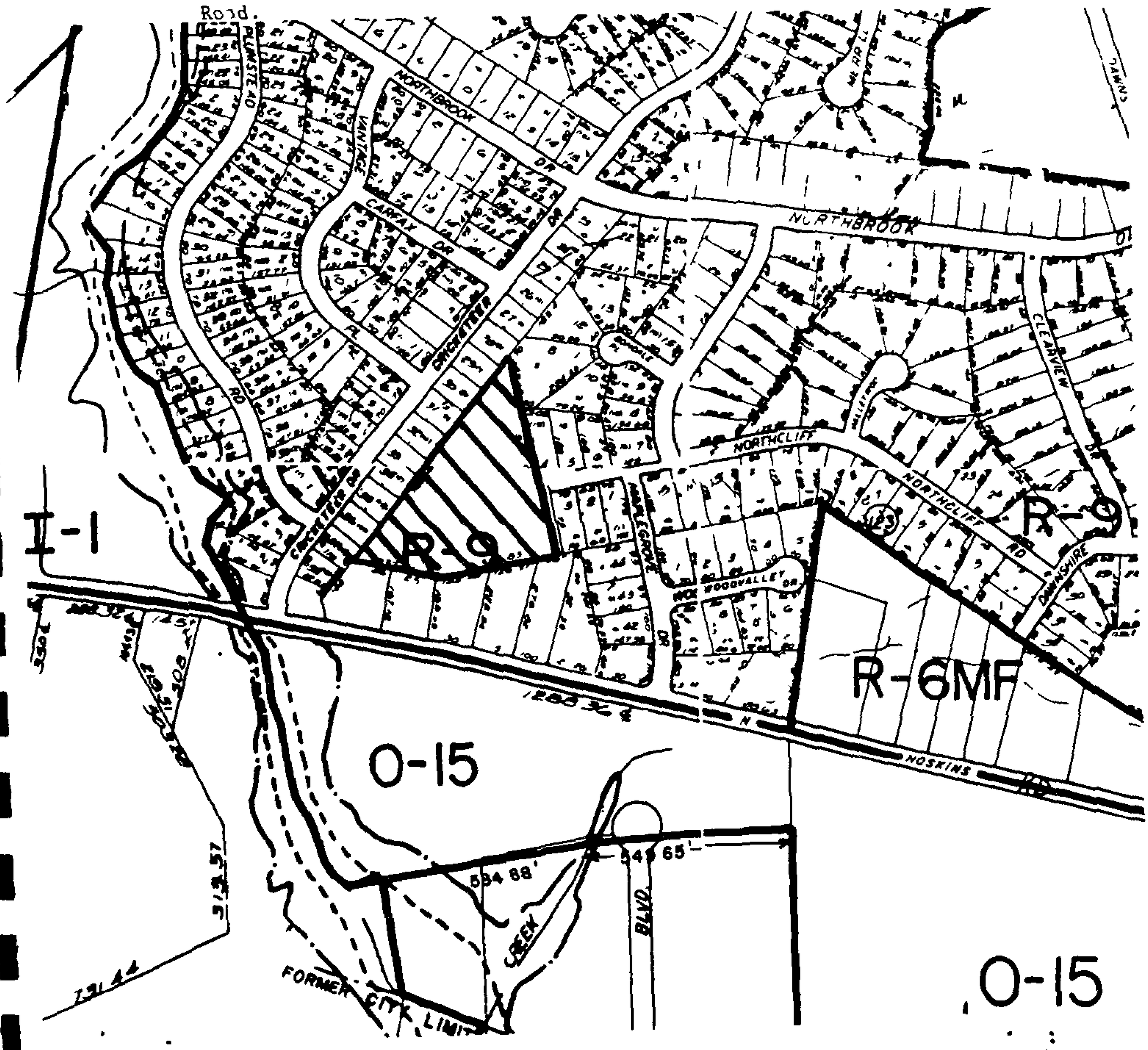
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Rameses Temple

PETITION NO. 90-40 **HEARING DATE** May 21, 1990

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

LOCATION Approximately 4.13 acres located at the end of Northcliff Drive extending to the rear of lots along Cricketeer Drive, north of Hoskins Road.



ZONING MAP NO. 68, 69, 79, & 80

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-41

PETITIONER(S): Carol L. Patterson

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

LOCATION: A .368 acre site located on the westerly side of North Sharon Amity Road north of Abbeydale Place.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition had been deferred at the previous Zoning Committee meeting due to a failure of any specific action to receive four affirmative votes. Upon further consideration, the Zoning Committee concluded that this petition is appropriate for approval. Staff had expressed concern about the intensity of the site but members of the Zoning Committee felt that the incremental increase and site development which would result from this case would be insignificant. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff still expresses concern that an enlarged day care center at this location could have inappropriate negative impacts on adjoining residentially zoned properties.

PETITIONER Carol L. Patterson

PETITION NO. 90-41 **HEARING DATE** May 21, 1990

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

LOCATION Approximately 368 acres located on the westerly side of North Sharon Amity Road north of Abbeydale Place.

ZONING MAP NO. 100 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-43

PETITIONER(S): Carmel Financial Group, Inc.

REQUEST: Change from R-9MF and O-15(CD) to I-1(CD).

LOCATION: A 44.9 acre tract on the southwest side of Hebron Street Extension west of Nations Ford Road.

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

VOTE: Yeas: Baucom, Lassiter, Latham, McClure, and Points.

Nays: Davis and Majeed.

REASONS

This petition proposes the rezoning of multi-family and office zoned land to accommodate an industrial district. The petitioner proposed to develop this site in accordance with the Business Park requirements and to limit the uses to those in the Business Park district. However, at the public hearing the petitioner asked that the matter be withdrawn and indicated a desire not to proceed with the rezoning. In view of the fact that the petitioner asked for the matter to be withdrawn and in view of the fact that the staff's recommendation for this proposal was that it be denied, the Zoning Committee believes that it is appropriate to recommend denial of this request. A minority of the Zoning Committee felt that additional action should be instituted to change the zoning of the tract back to multi-family. However, the specific motion was to recommend that the present petition be denied.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Carmel Financial Group, Inc.

PETITION NO. 90-43 **HEARING DATE** May 21, 1990

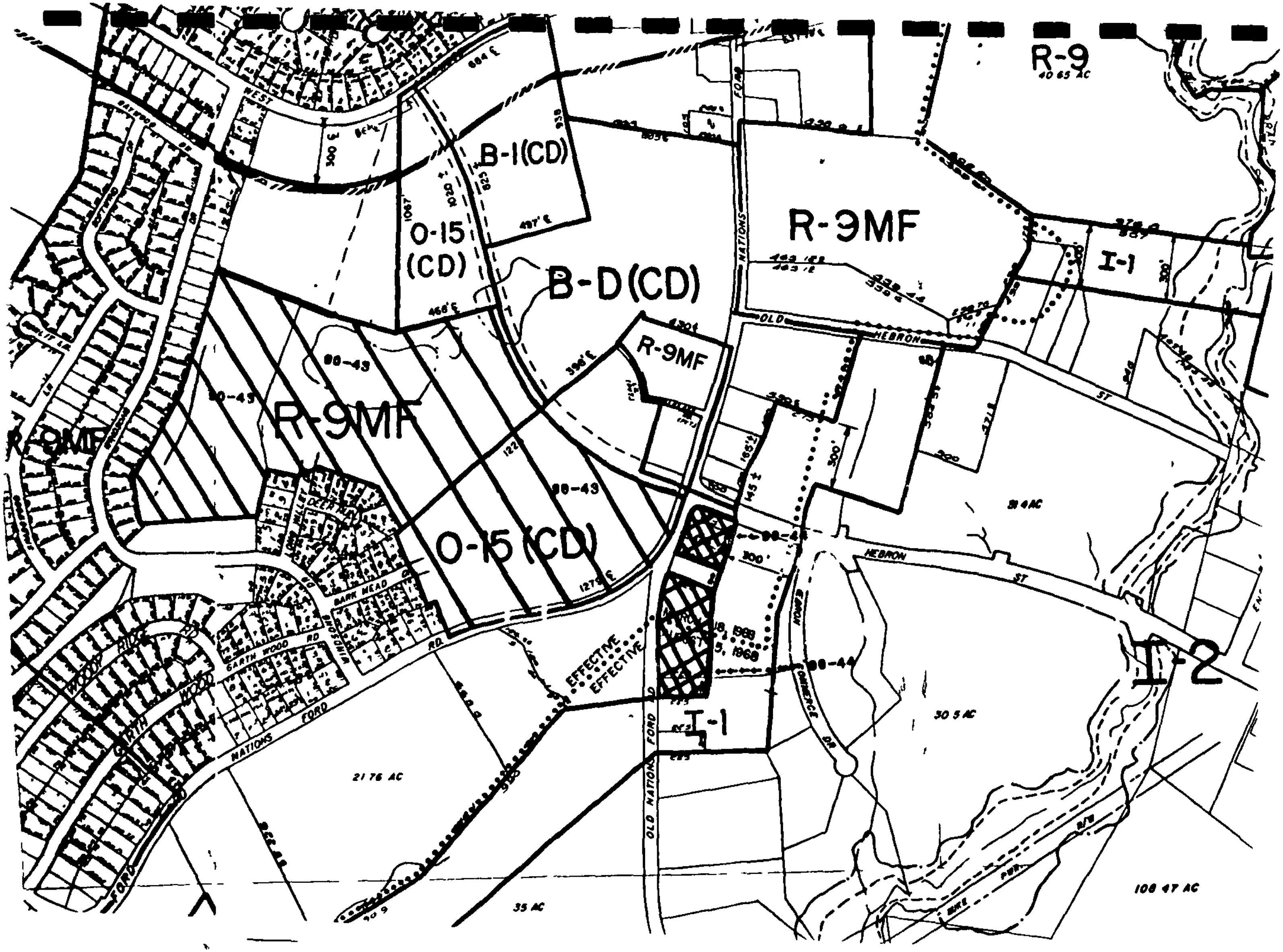
ZONING CLASSIFICATION, EXISTING R-9MF & O-15(CD) **REQUESTED** ~~BP~~ I-1(CD)

LOCATION Approximately 44.99 acres located on the southwest side of Hebron Street Extension and Nations Ford Road.

SEE ATTACHED MAP

ZONING MAP NO. 148 & 149 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE


R-9
40.65 AC
B-1(CD)
O-15
(CD)
B-D(CD)
R-9MF
I-1
R-9MF
R-9MF
O-15 (CD)
I-2
I-1
EFFECTIVE
EFFECTIVE
NATIONS FORD RD
OLD NATIONS FORD RD
OLD HEBRON ST
HEBRON ST
COMMERCE DR
BARK MEAD
EARTH WOOD RD
WOOD RIDGE
21.76 AC
35 AC
30.5 AC
108.47 AC
31.4 AC

DATE: June 25, 1990

PETITION NO.: 90-44

PETITIONER(S): Carmel Investment Group/Hebron

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

LOCATION: A 3.38 acre site located on the southeast corner of Hebron Street and Nations Ford Road.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

The Zoning Committee discussed this case for some time. They noted that while residential uses called for in the draft Southwest District Plan may not be the best use of the property the proposed straight-up industrial category also was inappropriate. They expressed belief that at some point in time this property and others in the area might be appropriately developed as a unit and that at that time a unified plan could be considered. However, at this point, the Zoning Committee believes that the rezoning of this property to I-1 should not be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Carmel Investment Group/Hebron

PETITION NO. 90-44 **HEARING DATE** May 21, 1990

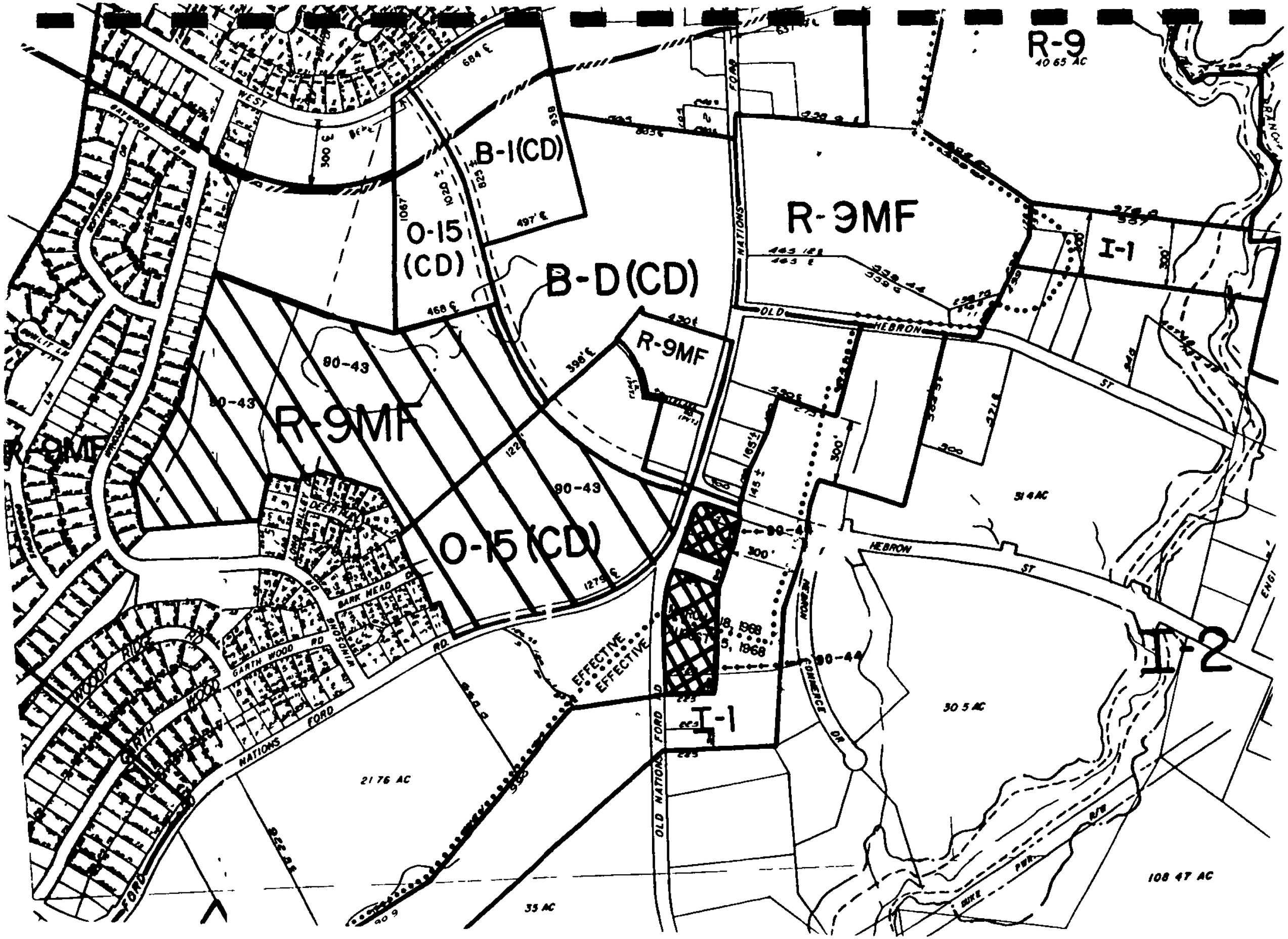
ZONING CLASSIFICATION, EXISTING R-9MF **REQUESTED** I-1

LOCATION Approximately 3.38 acres located on the southeast corner of Hebron Street and Nations Ford Road.

SEE ATTACHED MAP

ZONING MAP NO. 148 & 149 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE


R-9
40 65 AC
B-1(CD)
O-15
(CD)
B-D(CD)
R-9MF
R-9MF
R-9MF
I-1
O-15 (CD)
I-2
I-1
90-43
90-43
90-43
90-44
90-44
EFFECTIVE
EFFECTIVE
WEST
NATIONS
FORD
OLD
HEBRON
ST
HEBRON
ST
OLD NATIONS FORD
COMMERCE DR
BARK MEAD
GARTH WOOD RD
WOODRIDGE
NATIONS FORD
31 4 AC
30 5 AC
21 76 AC
35 AC
108 47 AC

DATE: June 25, 1990

PETITION NO.: 90-47

PETITIONER(S): Mecklenburg County Building Standards Department

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to add a section establishing that a fee be charged for any petition to the City's Zoning Board of Adjustment.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, McClure, and Points.

Nays: None.

REASONS

This petition would establish a fee for filing an appeal to the City's Zoning Board of Adjustment which will be consistent with the County per an inter-local agreement. The County Ordinance contains language similar to the proposed amendment and the present fee for filing an appeal to the County Zoning Board of Adjustment is $100.00 as established by the Board of County Commissioners. The Zoning Committee recommends approval of the text amendment.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO. _____ ORDINANCE AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING THE ZONING ORDINANCE, APPENDIX A-ZONING, OF THE CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that:

Section 1. Appendix A-Zoning, § 1407, of the City Code, shall be amended by adding a new § 1407 to read as follows:

> "§ 1407. Fees. Petitions for appeals to be considered by the Board of Adjustment must be filed with the Department of Building Standards and Code Enforcement and must be accompanied by the necessary application fee which shall be uniform with the application fee as established by the Board of County Commissioners."

Sec. 2. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

DATE: June 25, 1990

PETITION NO.: 90-48

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to clarify the duties of the Board of Adjustment.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This text amendment is proposed to limit the jurisdiction of the Board of Adjustment with regard to the interpretation of conditions of previously approved parallel conditional plans. In the past, circumstances have arisen where the Board of Adjustment has been called upon to interpret the meaning of conditional notes. The Board of Adjustment and respective City and County Attorneys have indicated a preference for interpretations to conditional plans to be handled through the process define the ordinance for administrative changes. Therefore, this text amendment eliminates the Board of Adjustment jurisdiction over previously approved conditional cases. If circumstances arise where a petitioner needs a variance prior to the filing of an application for a conditional request, then the Board of Adjustment would properly and appropriately deal with that matter. However, once the case is approved, the Board of Adjustment would have no jurisdiction. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

DRAFT 3/29/90, REVISED 4/9/90

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 that:

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

1. Amend Section 1403. Duties of the Board of Adjustment, by adding a new section 1403.4. Conditional districts., to read as follows:

   1403.4. Conditional districts. The board of adjustment shall not have jurisdiction with respect to Section 3200. "Conditional Districts". The process identified in Section 3200., "Conditional Districts", is the only process available for any changes or amendments to approved conditional districts. The board of adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the board prior to the approval of a conditional district. At no time shall the board of adjustment have authority to consider a variance relating to signs in a conditional district.

Section 2. 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: June 25, 1990

PETITION NO.: 90-49

PETITIONER(S): James Alexander

REQUEST: Change from R-6 to I-1.

LOCATION: A .489 acre site located on the southwesterly corner of Norris Avenue and Lucena Street.

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

VOTE: Yeas: Baucom, Lassiter, Latham, McClure, and Points.

Nays: Davis and Majeed.

REASONS

This petition proposes the rezoning of a small tract of land at the entrance to a neighborhood from a residential to an industrial classification. The petitioner indicated no specific plans for the property but simply proposed to rezone the property so that it would be available if an industrial opportunity arose. Concern was expressed by neighbors in the area as well as by the staff to the appropriateness of this use. While some members of the Zoning Committee believe that it was appropriate to consider this rezoning and that it would not adversely impact the neighborhood, the majority of the Zoning Committee felt that this petition was not appropriate at this location and that it would adversely impact the neighborhood.

STAFF OPINION

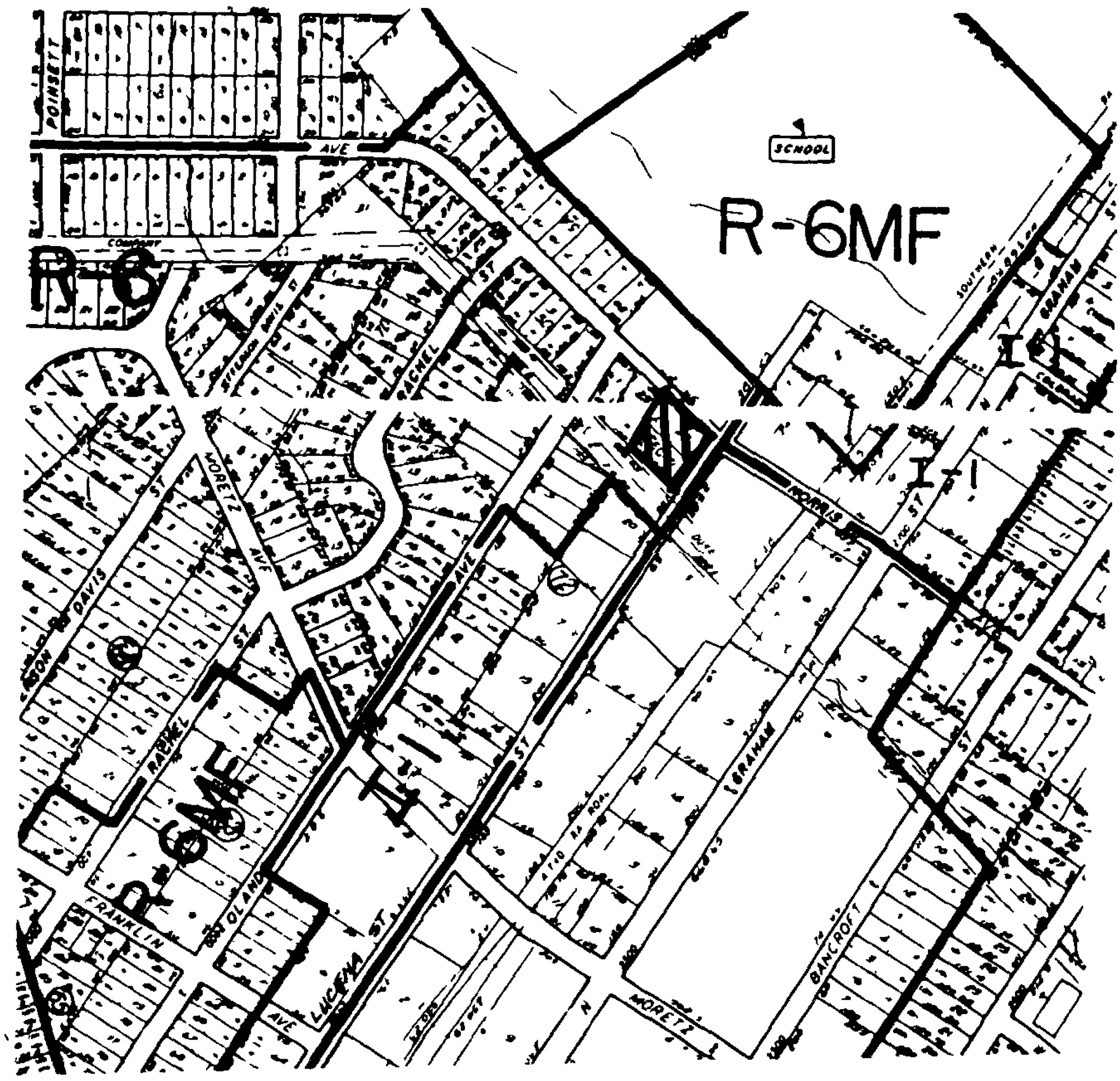
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER James Alexander

PETITION NO. 90-49 HEARING DATE June 18, 1990

ZONING CLASSIFICATION, EXISTING R-6 REQUESTED I-1

LOCATION Approximately .489 acres located on the southwesterly corner of the intersection of Norris Avenue and Lucena Street.



ZONING MAP NO. 79 & 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-50

PETITIONER(S): The Salvation Army

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

LOCATION: A 2.6 acre site bounded by Statesville Avenue, Oliver Street, and Spratt Street.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition proposes the rezoning of property to provide for a multi-use facility which will include a day care center, office and service areas, and a women's shelter. Members of the Zoning Committee, in discussing the request, raised concerns about on-street parking and traffic circulation in the area. The Committee specifically asked the City's Department of Transportation to respond to these issues outside of the rezoning process. There was some discussion about the fact that the Greenville community appeared to be opposed to this proposal but it was concluded that that opposition was based on incomplete information. The Zoning Committee believes that this use is appropriate at this location and recommends that it be approved.

STAFF OPINION

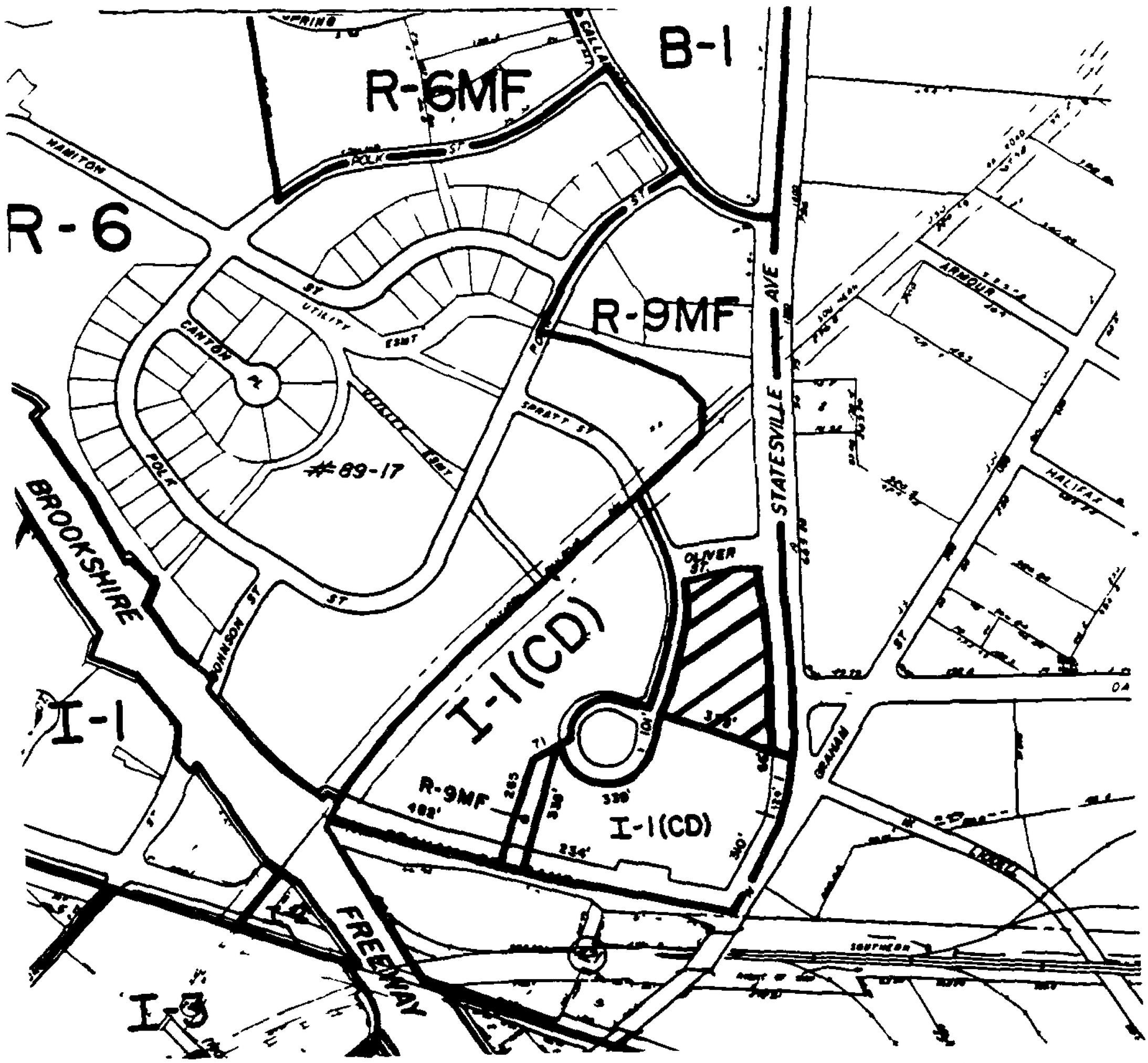
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER The Salvation Army

PETITION NO. 90-50 HEARING DATE June 18, 1990

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED O-6(CD)

LOCATION Approximately 2.6 acres bounded by Statesville Avenue, Oliver Street, and Spratt Street.



ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-53

PETITIONER(S): Bishop & Company/Carocon Corporation

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

LOCATION: A 3.99 acre site located on the westerly side of Carmel Road south of Carmel Forest Drive.

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

VOTE: Yeas: Baucom, Lassiter, Latham, McClure, and Points.

Nays: Davis and Majeed.

REASONS

The Zoning Committee discussed this petition for an extended period of time. Committee members noted the need for the City to continue to pursue its goals for providing affordable housing throughout the community. However, during the course of the discussion, a number of issues arose regarding the site plan. Many of the Zoning Committee members felt that the density for this site was simply too high. The present zoning which controls this property permits 24 units of multi-family housing. The petitioner's proposal as filed was for 48 units which was reduced to 44 units on the revised site plan. At the public hearing, the petitioner agreed to reduce the number of units further to 40 units and provided additional information regarding extend and location of screening. Members of the Committee who visited the site, commented on the existence of vegetation in certain locations on the site and the lack of vegetation in others. They expressed particular concern about the relationship which would be created between three-story buildings and certain adjoining properties. They noted that while the petitioner proposes to install additional screening they felt that the relationship between the uses on this site and the uses on adjoining properties simply could not be adequately mitigated. Some members of the Committee expressed doubt about the appropriateness of this site for any multi-family, let alone the number of units proposed in this request. On the whole, the Zoning Committee believes that this petition is not appropriate for approval and that it represents a use of the site which is too intense for the location.

STAFF OPINION

The staff acknowledges the concern of the Zoning Committee and the concerns expressed by nearby property owners. The staff also notes that a considerable amount of information was provided on this request from both sides of the issue. In the final analysis, the staff believes that the petitioner's proposed reduction of densities to 40 units, grading of the site to reduce the overall height of buildings,

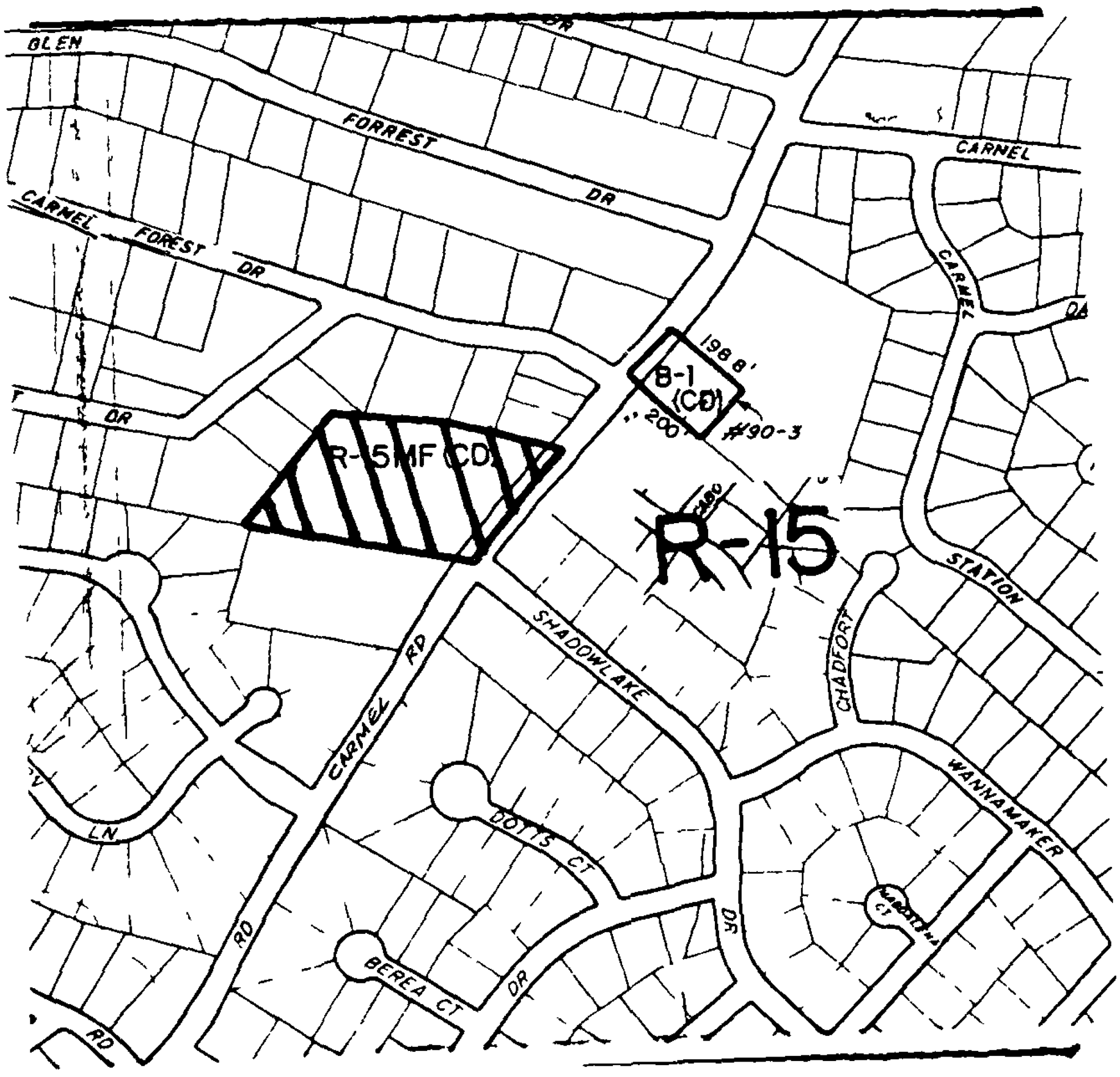
additional information provided regarding screening and buffering on the site, and the relocation of the storm water management facilities away from adjoining properties all enhance the relationship that this site would have with its neighbors. The staff notes that multi-family developments of equal or higher densities are located throughout the community in proximity to existing single family areas and believes that it is appropriate to consider approval of this request in its modified form.

PETITIONER Bishop & Company/Carocon Corporation

PETITION NO. 90-53 HEARING DATE June 18, 1990

ZONING CLASSIFICATION, EXISTING R-15MF(CD) REQUESTED R-12MF(CD)

LOCATION Approx. 3.99 acres located on the westerly side of Carmel Road south of Carmel Forest Drive.



ZONING MAP NO. 167

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 25, 1990

PETITION NO.: 90-54

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: 1.66 acres located on Sylvania Avenue and Plymouth Avenue between Hobbs Street and Dunloe Street.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition is another in a series of petitions to implement the North Tryon Street Corridor Plan. In this case, the rezoning is proposed to eliminate inappropriate office zoning along the edge of a neighborhood. All of the properties involved with this request are either used for residential purposes or are vacant. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-54 **HEARING DATE** June 18, 1990

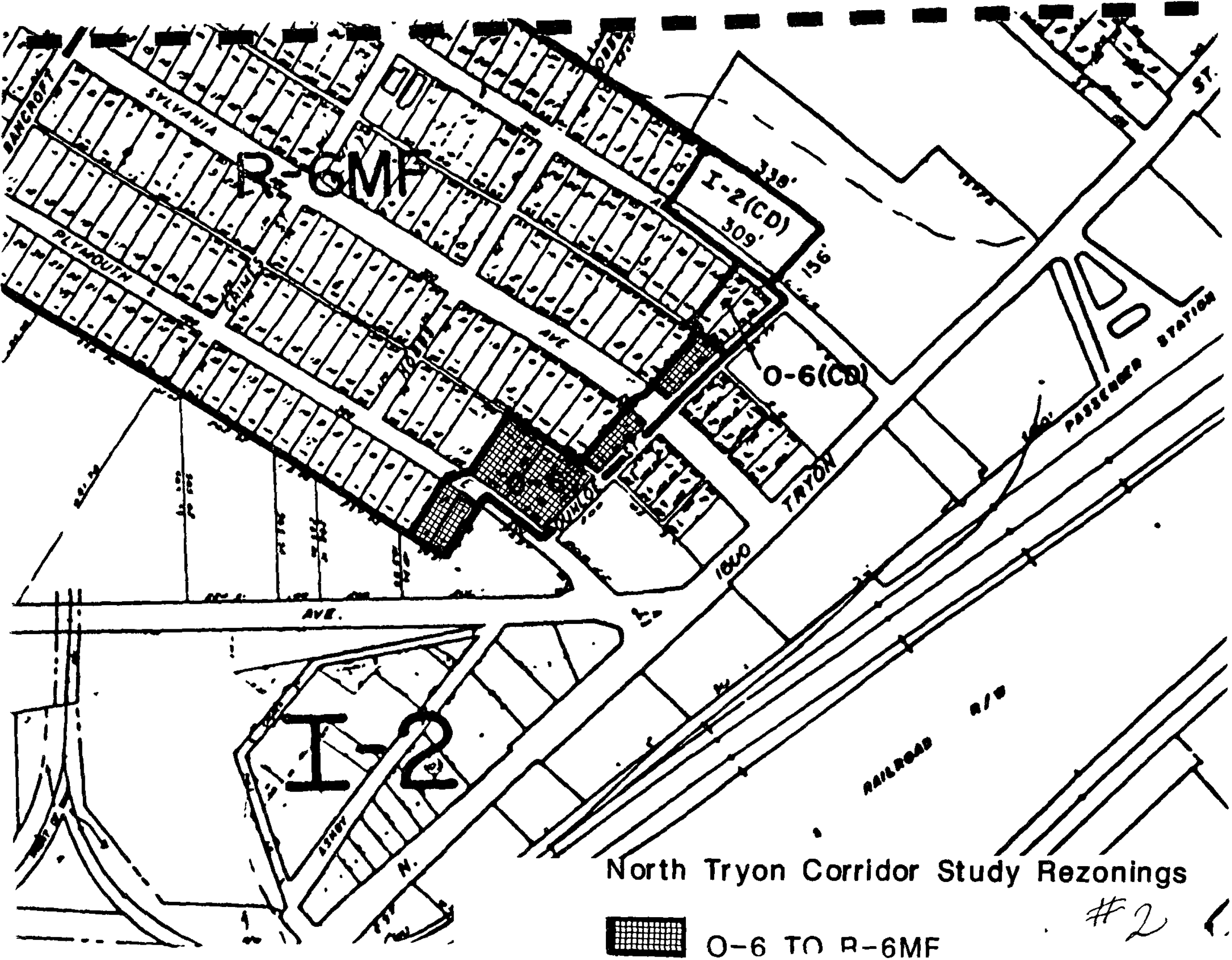
ZONING CLASSIFICATION, EXISTING O-6 **REQUESTED** R-6MF

LOCATION Approximately 1.66 acres located on Sylvania Avenue and Plymouth Avenue between Hobbs Street and Dunloe Street.

SEE ATTACHED MAP

ZONING MAP NO. 88 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE



North Tryon Corridor Study Rezonings

#2

O-6 TO R-6MF

DATE: June 25, 1990

PETITION NO.: 90-55

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-6 and I-1 to R-6MF.

LOCATION: 5.6 acres located along the northerly side of North Church Street extending from 25th Street to 30th Street and properties located along West 24th Street east and west of North Pine Street.

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

VOTE: Yeas: Baucom, Davis, Lassiter, Latham, Majeed, McClure, and Points.

Nays: None.

REASONS

This petition is proposed to implement the recommendations of the North Tryon Street Corridor Plan. In this case, the recommendations involve properties which are all used for residential or institutional purposes or are vacant. The plan proposes removing the inappropriate office and industrial zoning in favor of multi-family zoning which is the predominant use of the sites involved. Therefore, The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-55 **HEARING DATE** June 18, 1990

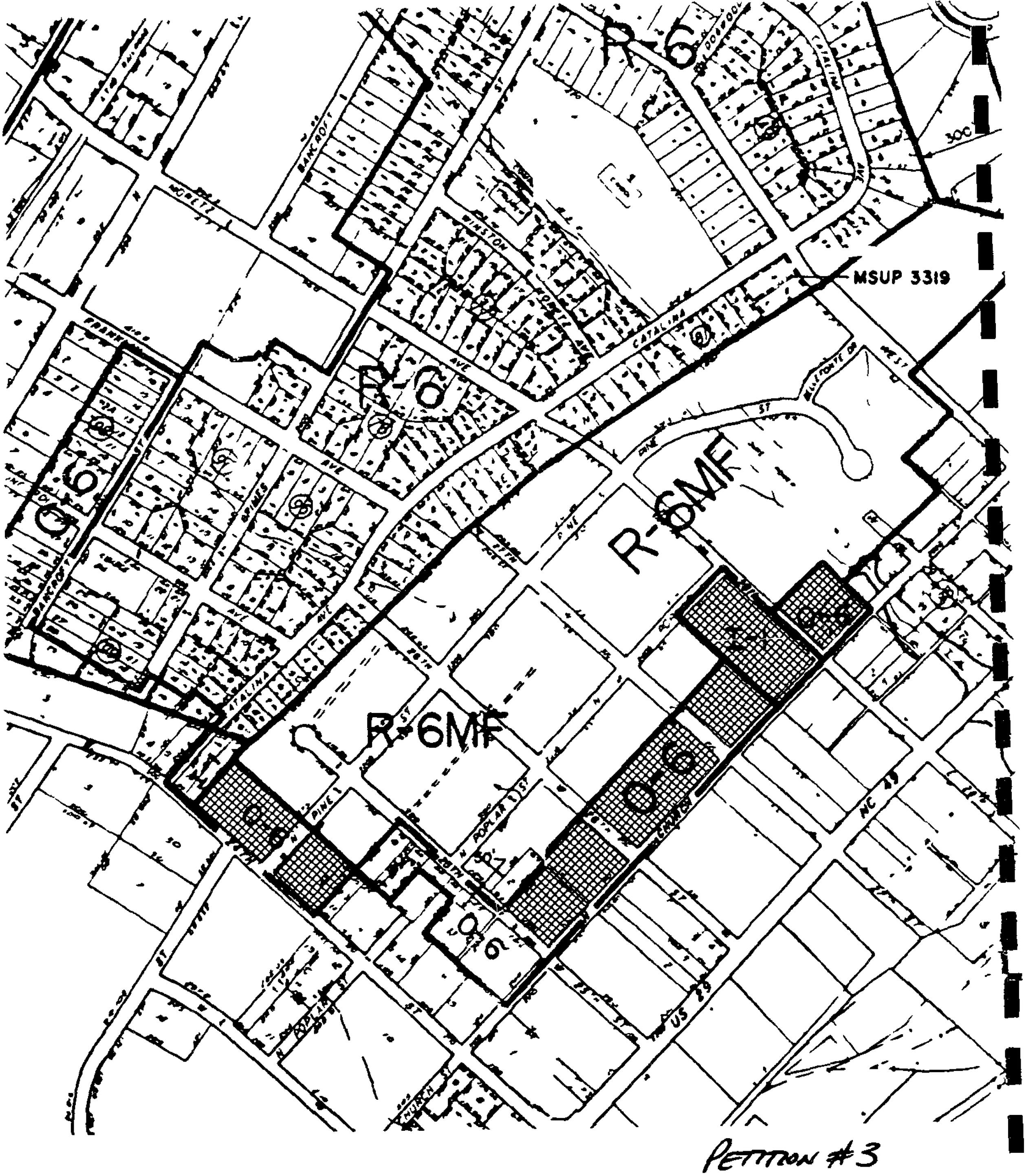
ZONING CLASSIFICATION, EXISTING O-6 & I-1 **REQUESTED** R-6MF

LOCATION Approximately 5.6 acres located along the northerly side of North Church Street extending from 25th Street to 30th Street, and properties located along West 24th Street east and west of N. Pine Street.

SEE ATTACHED MAP

ZONING MAP NO. _____ SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



North Tryon Corridor Study Rezonings

O-6 AND I-1 TO R-6MF