AGENDA

Meeting Type	Z
Date:	06-18-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

June 18, 1990

FILE COPY

CHARLOTTE

Meetings in June '90

THE WEEK OF JUNE 1 - JUNE 3

1	Friday, 12 Noon	**CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE** - CMGC, Rooms 270-271

THE WEEK OF JUNE 3 - JUNE 8

4	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
	Monday, 2 00 p m	**PLANNING COMMISSION/Zoning Committee SUP Decisions** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL/Workshop** - CMGC, Room 267
5	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
6	Wednesday, 5 00 p m	**CITY COUNCIL AND COUNTY COMMISSION DINNER** - CMGC, Meeting Chamber Conference Room
	Wednesday, 6 00 p m	**CITY COUNCIL AND COUNTY COMMISSION/Northeast District Plan Public Hearing** - CMGC, Meeting Chamber
7	Thursday, 11 00 a m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Reedy Creek Ad Hoc Art Committee** - Reedy Creek Park
8	Friday, 12 Noon	**DIVISION OF INSURANCE & RISK MANAGEMENT** - CMGC, 10th Floor Conference Room

THE WEEK OF JUNE 10 - JUNE 16

11	Monday, 3 00 p m	**NO-SMOKING PUBLICITY COMMITTEE** - CMGC, 15th Floor Large Conference Room
	Monday, 6 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	**CITIZENS HEARING (Televised on Channel 32)** - CMGC, Meeting Chamber
	Monday, 7 00 p m	**CITY COUNCIL MEETING (Televised on Channel 32)** - CMGC, Meeting Chamber
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - Commission Office, 1221 S Caldwell Street
12	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
13	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
14	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
15	Friday, 7 30 a m	**PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JUNE 17 - JUNE 23

18	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
19	Tuesday, 12 Noon	**CITY COUNCIL, COUNTY COMMISSION & SCHOOL BOARD LUNCHEON** - CMGC, Room 267
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Belvedere Homes Community Center, 132 Judson Street
	Tuesday, 3 30 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Room 267
20	Wednesday, 4 00 p m	**CITY COUNCIL/COUNTY COMMISSION/PLANNING COMMISSION WORKSHOP/Zoning Ordinance** - CMGC, Room 267
	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, Room 119
23	Saturday, 9 00 a m	**CHARLOTTE TREE ADVISORY COMMISSION/Planning Retreat** - 4910 Carmel Park Drive

THE WEEK OF JUNE 24 - JUNE 30

25	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, Room 119
26	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT MEETING** - 700 North Tryon Street, Hal Marshall Building, Building Standards Training
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
27	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Room 267
	Wednesday, 4 00 p m	**CITY COUNCIL/COUNTY COMMISSION/PLANNING COMMISSION WORKSHOP/Zoning Ordinance** - CMGC, Room 267
	Wednesday, 4 00 p m	**SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE** - 545 Spratt Street, STS Conference Room
28	Thursday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY**- Charlotte Convention Center, Room VIP-B, 101 S College 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

NOTE: These organizations will <u>not</u> meet in June

Community Facilities Committee
Housing Appeals Board

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Cynthia Patterson*

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

Council Agenda

Monday, June 18, 1989

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

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

Invocation by The Reverend Sheldon R. Shipman, Walls Memorial AME Zion Church

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Palmer Fire School, (specifically, exterior of Education Building; interior and exterior of six-story tower; and the parcel of land upon which it is located, with the exception of strip of land for future right-of-way adjacent to East Seventh Street), located at 2601 East Seventh Street, Charlotte, North Carolina, as historic property.

   This hearing was deferred from the May 21, 1990 meeting.

   The Historic Landmarks Commission judges that the property known as the Palmer Fire School does possess special significance in terms of Charlotte-Mecklenburg and bases its judgement on the following consideration:

   (1) The Palmer Fire School, a WPA project which opened on May 13, 1940, served as a training center and social center for the Charlotte Fire Department until 1976.

   (2) The school, named for Charlotte Fire Chief Hendrix Palmer, was at the time of its opening one of the finest facilities of its type in the United States.

   (3) The school, especially the rubble stone education building, possesses architectural significance.

   Since the property is owned by the City of Charlotte, there are no deferrable taxes.

A potential area of conflict revealed in the Department Review process was resolved by eliminating a portion of the property necessary for future right-of-way from the parcel being considered for designation.

Consider adoption of an ordinance designating the Palmer Fire School, including the exterior of the education building, the interior and exterior of the six-story tower, and the land upon with it is located, with the exception of a strip of land for future right-of-way adjacent to East Seventh Street, as historic property.

Attachment No. 1

2. Hearing to consider designation of the W. D. Beaty House, (specifically, the interior and the exterior of the building and the entire tract of land upon which it sits), located at 2400 Park Lane, Charlotte, North Carolina, as historic property.

The Historic Landmarks Commission judges that the property known as the W. D. Beaty House does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgment on the following consideration:

(1) The W. D. Beaty House was owned by the second son of James M. Beaty, early 19th century Mecklenburg County landowner.

(2) The ca.1880 W. D. Beaty House is architecturally significant as representing a late 19th century interpretation of the National Folk (post-railroad) house form.

(3) The two-story I-house has elaborate Folk Victorian details such as cornice returns, brackets, and flat, jigsaw cut trim.

(4) The interior details such as the curved stair are examples of a high level of local craftsmanship.

(5) The property is of similar construction to 1880's houses in Gaston County by Lawson Henderson Stowe, builder.

The amount of Ad Valorem taxes potentially deferrable on the subject property is $368.48.

The Department Review process revealed no conflict between the proposed designation and other City projects.

Consider adoption of an ordinance designating the W. D. Beaty House, including the interior and exterior of the building and the entire tract of land upon which it sits, as historic landmark.

Attachment No. 2

3. Hearing to consider designation of the Mt. Zion Lutheran Church (specifically, the exterior of the building and the entire tract of land upon which it sits), located at 1605 Luther Street, Charlotte, North Carolina, as historic landmark.

The Historic Landmarks Commisison judges that the property know as the Mt. Zion Lutheran Church does possess special significance in terms of Charlotte-Mecklenburg and bases its judgment on the following considerations:

(1) The Mt. Zion Lutheran Church, erected about 1896, has continuously served as a religious center for the Cherry community, a black residential district developed in the 1890's and early 1900's by John Springs Myers and Mary Rawlinson Myers.

(2) The church was organized by William Philo Phifer (? - 1911), a leader in establishing black Lutheran Churches in Charlotte and its environs.

(3) The church is the oldest structure still standing which has been used as a house of worship in the Cherry community.

(4) The Mt. Zion Lutherna Church is a compelling local example of a simple Gothic Revival style church structure.

The Mecklenburg County Tax Administration has advised that the property is presently exempted from the payment of Ad Valorem taxes.

The Department Review process revealed no conflict between the proposed designation and other City projects.

Consider adoption of an ordinance designating the Mt. Zion Lutheran Church and the entire tract of land upon which it sits, as historic property.

Attachment No. 3

4. (90-36) Hearing 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 add a new and separate requirement for computing off street parking for shopping centers.

The petitioner requested a 30 days deferral at the May 21, 1990 meeting.

Attachment No. 4

5. (90-46) Hearing on Petition No. 90-46 by Fred E. Bryant, and Bailey Patrick for a Text Amendment to Section Nos. 1308, 3201, 3202 and 3204 of the Charlotte City Code to add the Business Park (BP) district to the list of parallel conditional districts to allow the consideration of controls in special circumstances.

Attachment No. 5

6. (90-47) Hearing on Petition No. 90-47 by Mecklenburg County Building Standards Department for a Text Amendment to Section No. 1407 of the Charlotte City Code, to add a section establishing that a fee be charged for any petition to the City's Zoning Board of Adjustment.

Attachment No. 6

7. (90-48) Hearing on Petition No. 90-48 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to Section No. 1403 of the Charlotte City Code, that explicitly states that the Board of Adjustment does not have jurisdiction with respect to approved conditional districts.

Attachment No. 7

8. (90-11) Hearing on Petition No. 90-11 by J. L. Neal for a change in zoning from R-9, B-D, I-1 and I-2 to I-2(CD) for a 23.98 acre tract located on the easterly side of Starita Road, north of I-85.

The petitioner requested an indefinite deferral on this petition at the February, 1990 meeting.

Attachment No. 8

9. (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.

The petitioner has requested deferral since March 19, 1990. The property owners no longer concur in the rezoning since the petitioners have failed to comply with the terms of the contract, and request the petition be withdrawn.

Attachment No. 9

10. (90-43) Hearing 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 site 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 3/4 rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers not excused from voting, in order to rezone the property.

The petitioner wishes to withdraw its petitions. However, protest petitions have been filed and are sufficient to invoke the 20% rule. Silver Mount Baptist Church, one of the protestants, is willing to withdraw its protest, but there are still valid protest petitions in existence.

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. If those protestants withdraw their signatures by the June 18 meeting, the petitioner will be able to withdraw its rezoning request.

This petition was deferred for 30 days at the May 21, 1990 Meeting.

Attachment No. 10

11. (90-44) Hearing 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 southwest corner at the intersection of Hebron Street and Nations Ford Road.

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

This petition was deferred for 30 days at the May 21st meeting.

Attachment No.11

12. (90-49) Hearing 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 southwest corner of the intersection of Norris Avenue and Lucena Street.

Attachment No. 12

13. (90-50) Hearing 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.

Attachment No. 13

14. (90-53) Hearing 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 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

Attachment No. 14

15. (90-54) Hearing 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 west of North Tryon Street with frontage along Sylvania and Plymouth Avenues and are adjacent to the Lockwood Neighborhood.

Attachment No. 15

16. (90-55) Hearing 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 along 24th Street and North Church Street from West 25th Street to just north of West 28th Street.

Attachment No. 16

DECISIONS

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

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

Decision was deferred for 30 days at the May 21, 1990 meeting.

In accordance with adopted policies, the Zoning Committee deferred any action on this request due to the fact that the petitioner has submitted a revised site plan. The revisions proposed by the petitioner are of such an extent that a new public hearing is warranted.

Attachment No. 17

18. (90-27) Decision on Petition No. 90-27 by S. C. Hondros & Associate for a change in zoning from O-15 to I-1(CD) for 2.79 acres located on the southerly side of North Hoskins Raod east of Stewart Creek Boulevard.

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

Decision was deferred for 30 days at the May 21, 1990 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

19. (90-31) Decision on Petition No. 90-31 by Kimco Development Corporation for a change in zoning from I-2 to B-1SCD for approximately 12.8 acres located on the southeasterly corner of Woodlawn Road and South Boulevard.

Decision was deferred for 30 days at the May 21, 1990 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (90-32) Decision on Petition No. 90-32 by Charles Brewington for a change in zoning from B-1 to B-2(CD) for a .459 acre site located on the east side of Beatties Ford Road south of Holly Street.

Decision was deferred for 30 days at the May 21, 1990 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (90-33) Decision on Petition No. 90-33 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 to B-1 for approximately 3.24 acres located along the southwesterly side of Rozzells Ferry Road between Oregon Street and Norwood Drive.

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

This petition was deferred for 30 days at the May 21, 1990 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 21

22. (90-37) Decision on Petition No. 90-37 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to Section No. 1102 of the City's Zoning Ordinance regarding restaurants with drive-in service.

The Zoning Committee recommends that this text amendment be approved.

Attachment No. 22

23. (90-38) Decision on Petition No. 90-38 by Samuel M. Youngblood, III for a change in zoning from R-12 to R-12MF(CD) for a 1 acre site located on the east side of McGill Street just east of North Tryon Street.

The Zoning Committee recommends that this petition be approved.

Attachment No. 23

24. (90-39) Decision on Petition No. 90-39 by Frank E. Mangum for a change in zoning from R-15 to R-15MF(CD) for a 6.3 acre site located on the north side of Lawyers Road west of McAlpine Creek.

A protest petition has been filed and found sufficient to invoke the 3/4 rule, requiring affirmatives 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 amended, be approved.

Attachment No. 24

25. (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 on the end of Northcliff Drive.

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

The Zoning Committee deferred action on this request for 30 days and asked the petitioner to provide additional information.

Attachment No. 25

26. (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 .36 acre site located on the westerly side of North Sharon Amity Road north of Abbeydale Place.

A motion to approve this petition resulted in a 3 to 2 vote. According to the Planning Commission's Rules of Procedure, this request is automatically tabled for one month.

Attachment No. 26

27. (90-42) Decision on Petition No. 90-42 by Charlotte Metro Credit Union and Charlotte Fire Department Credit Union for a change in zoning from R-6MF, O-6 and B-2 to O-6(CD) for 2.596 acres located on the south side of Central Avenue extending to Sunnyside Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 27

28. (90-45) Decision on Petition No. 90-45 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for 29.4 acres located generally between North Graham Street and North Tryon Street including properties along Keswick, Sylvania and Plymouth Avenues.

The Zoning Committee recommends that this petition be approved.

Attachment No. 28

29. Recommend adoption of Resolution setting public hearings for July 16, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 90-56 through 90-64 for zoning changes.

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "PALMER FIRE SCHOOL" TO INCLUDE THE FOLLOWING THE EXTERIOR OF THE EDUCATION BUILDING, THE INTERIOR AND EXTERIOR OF THE SIX-STORY TOWER, AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 127-091-01, WITH THE EXCEPTION OF A STRIP OF LAND FOR A FUTURE RIGHT-OF-WAY ADJACENT TO EAST SEVENTH STREET THAT EXTENDS NO MORE THAN FIFTY FEET FROM THE PRESENT CENTERLINE OF EAST SEVENTH STREET THE PROPERTY, OWNED BY THE CITY OF CHARLOTTE, IS LOCATED AT 2601 EAST SEVENTH STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1990, on the question of designating a property known as the "Palmer Fire School" as a historic landmark, and

WHEREAS, the "Palmer Fire School," a WPA project which opened on May 13, 1940, served as a training center and social center for the Charlotte Fire Department until 1976, and

WHEREAS, the "Palmer Fire School" was named for Charlotte Fire Chief Hendrix Palmer, and

WHEREAS, the "Palmer Fire School" was at the time of its opening one of the finest facilities of its type in the United States, and

WHEREAS, the "Palmer Fire School," especially the rubble stone education building, possesses architectural significance, and

WHEREAS, the current owner, the City of Charlotte, has faithfully maintained the "Palmer Fire School" and has thereby made

a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Palmer Fire School" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Palmer Fire School" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Palmer Fire School" is owned by the City of Charlotte,

NOW, THEREFORE, BE IT ORDAINED by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

1 That the property known as the "Palmer Fire School" (including the exterior of the education building, the interior and exterior of the six-story tower, and the parcel of land upon which it is located, listed under Tax Parcel Number 127-091-01, with the exception of a strip of land for a future right-of-way adjacent to East Seventh Street that extends no more than fifty feet from the present centerline of East Seventh Street) is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 2601 East Seventh Street in Charlotte, Mecklenburg County, North Carolina

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

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

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

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

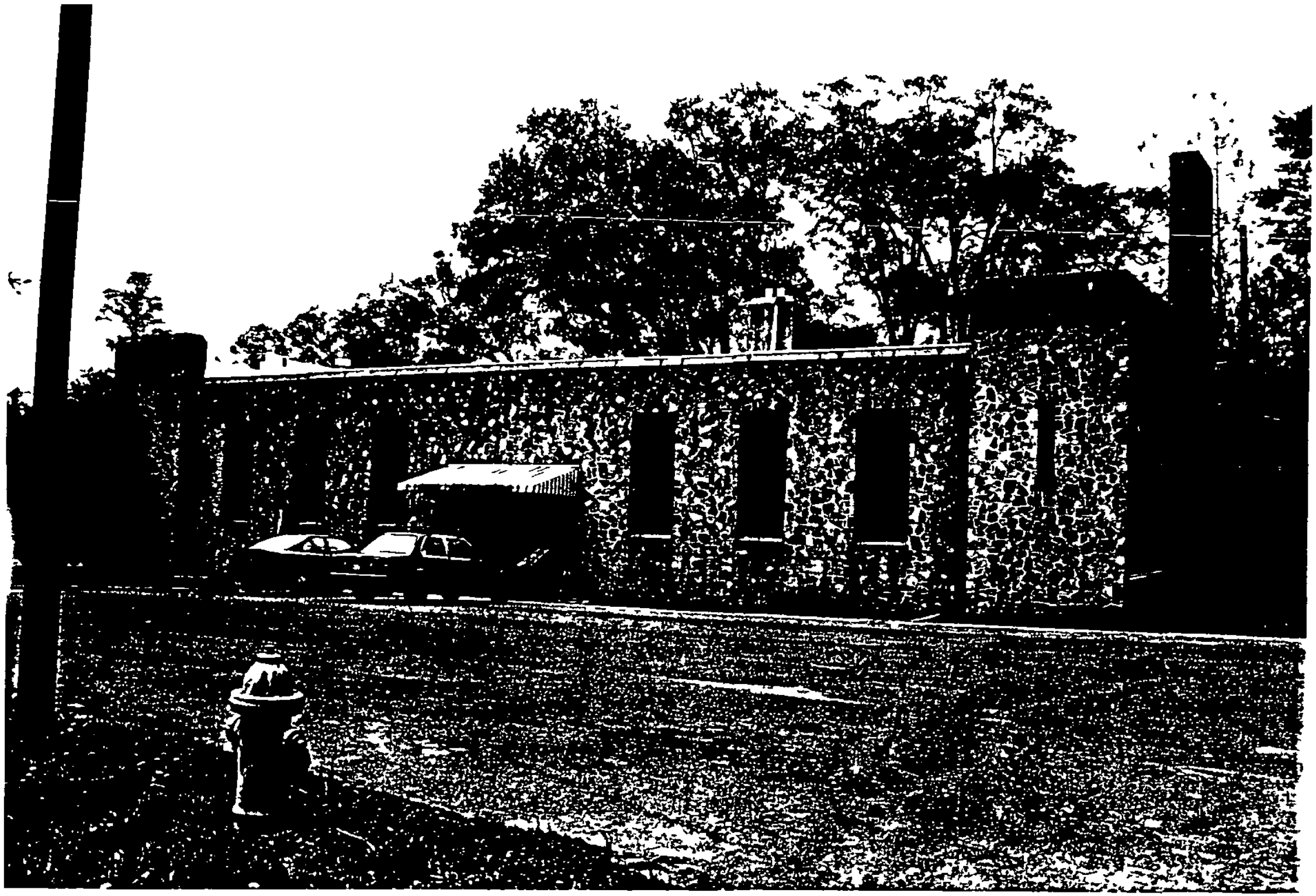
required by applicable law

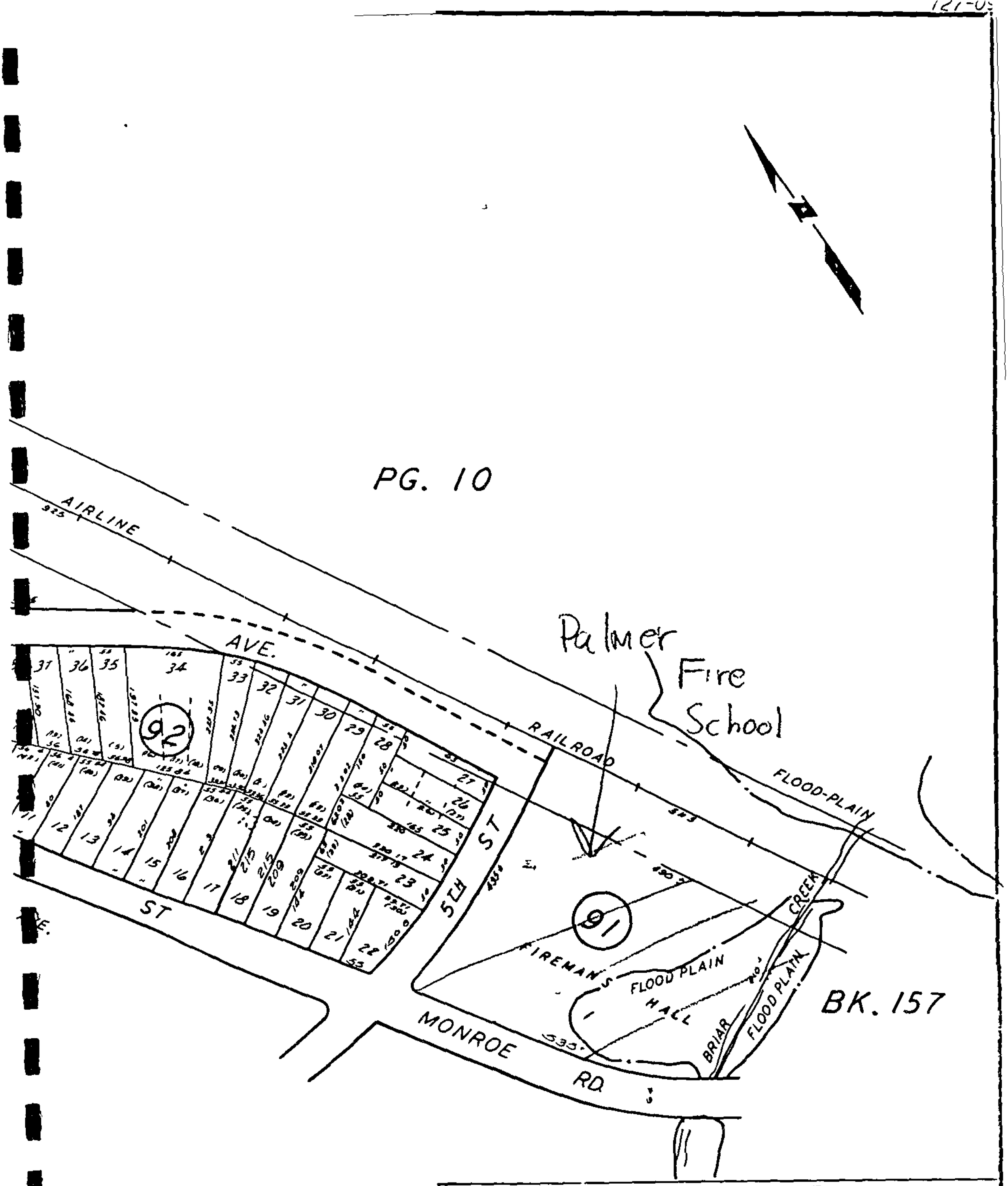
6 That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted

Adopted the _____ day of _____ 1990 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

Approved as to form
_____
City Attorney





TAX LINE MAP BOOK 127 PAGE 09	
MECKLENBURG COUNTY NORTH CAROLINA	
REVISED	SCALE 1" = 200'

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "W D BEATY HOUSE" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND THE EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 055-294-06 THE PROPERTY, OWNED BY THE MRS MARY B KELLY, IS LOCATED AT 2400 PARK LANE, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1990, on the question of designating a property known as the "W D Beaty House" as a historic landmark, and

WHEREAS, the "W D Beaty House" was owned by the second son of James M Beaty, early 19th century Mecklenburg County landowner, and

WHEREAS, the "W D Beaty House" was constructed before or about 1880, and

WHEREAS, the "W D Beaty House" is architecturally significant as representing a late 19th century interpretation of the National Folk (post-railroad) house form, and

WHEREAS, the "W D Beaty House," is a two-story I-house with elaborate Folk Victorian details such as cornice returns, brackets, and flat, jigsaw cut trim, and

ORDINANCE -- W D Beaty House

WHEREAS, the "W D Beaty House" has interior details, such as the curved stair, which are examples of a high level of local craftsmanship, and

WHEREAS, the "W D Beaty House" is of similar construction to 1880's houses in Gaston County by Lawson Henderson Stowe, builder, and

WHEREAS, the current owner, the Mrs Mary B Kelly, has faithfully maintained the "W D Beaty House" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "W D Beaty House" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior because consent for interior design review has been given by the owner, and

WHEREAS, the property known as the "W D Beaty House" is owned by the Mrs Mary B Kelly,

NOW, THEREFORE, BE IT ORDAINED by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

1 That the property known as the "W D Beaty House" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number

055-294-06 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 2400 Park Lane in Charlotte, Mecklenburg County, North Carolina

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

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

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

ORDINANCE -- W D Beaty House

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

6 That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted

Adopted the _____ day of _____ 1990 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

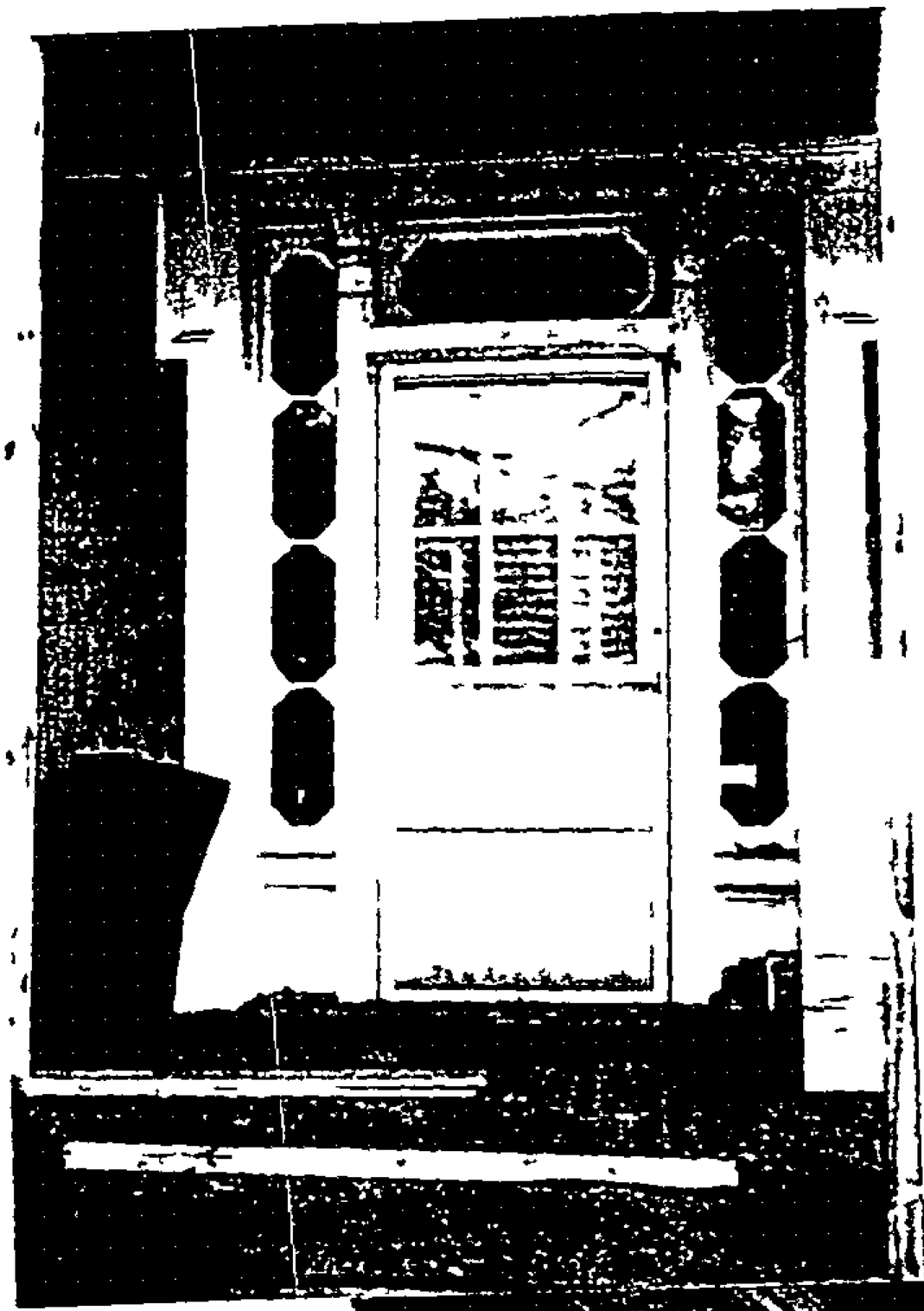
Approved as to form

_____
City Attorney

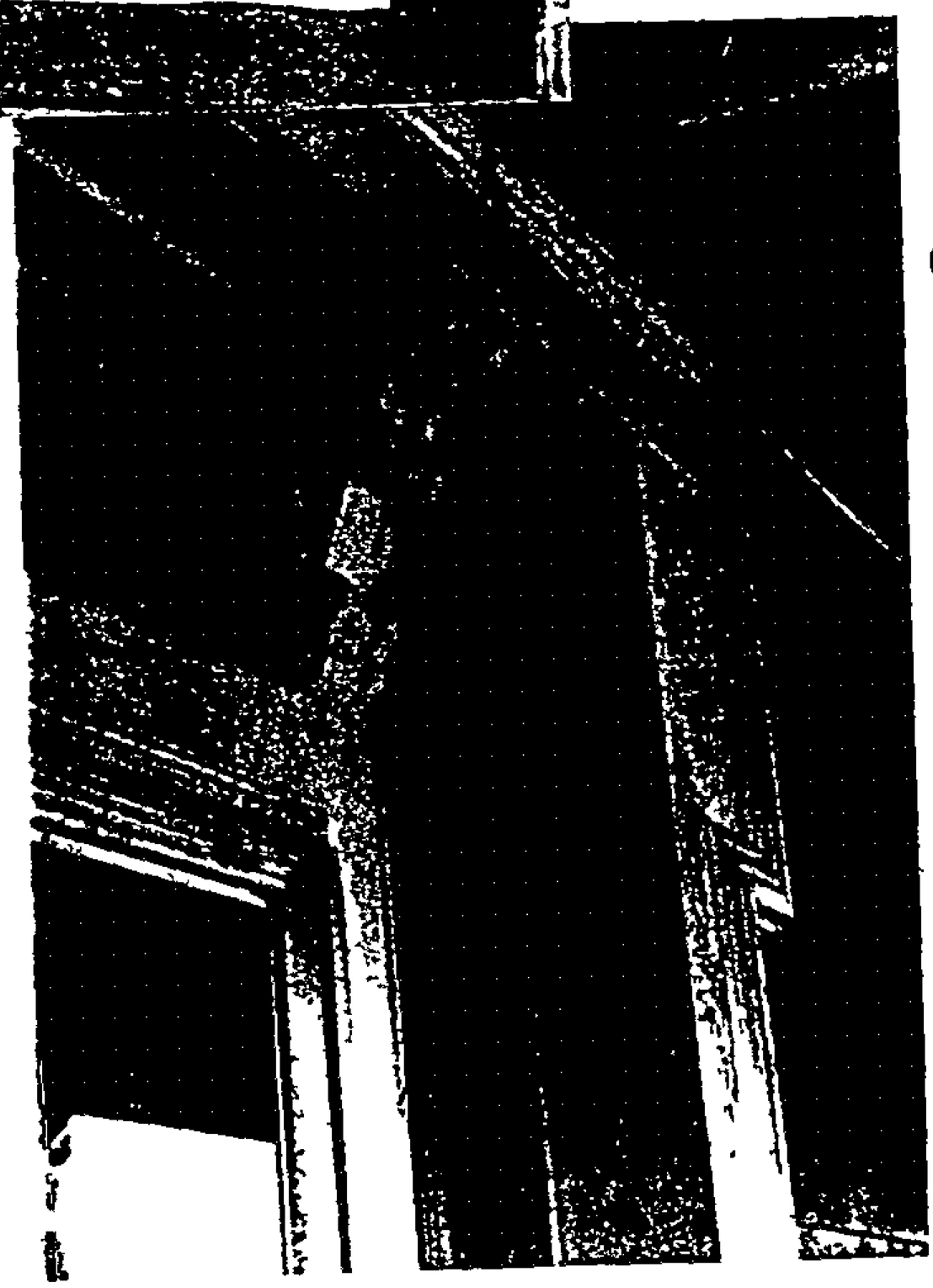
W. D. Beaty House
Before restoration began
Park Lane (northeast) facade

After start of restoration

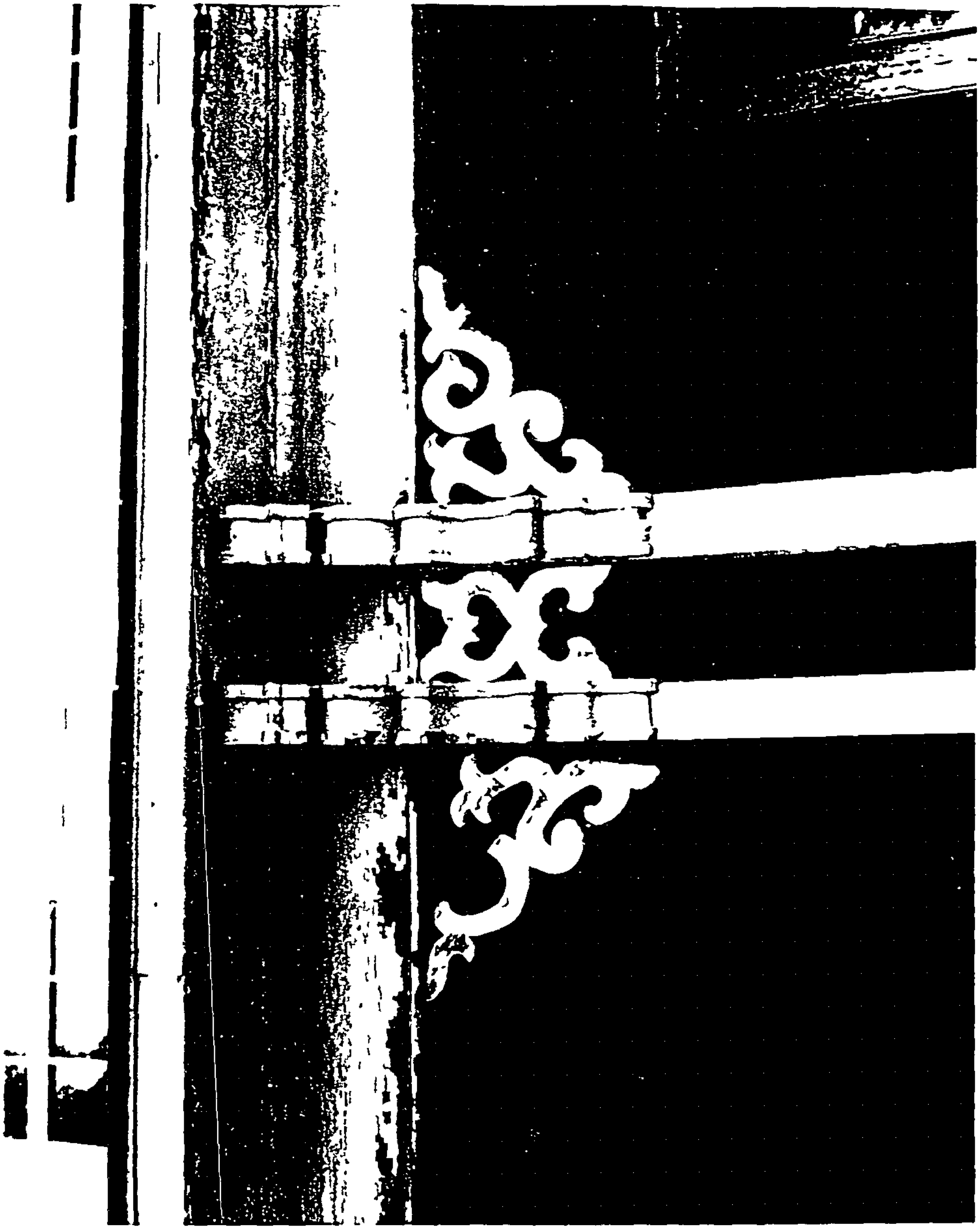
Northwest corner



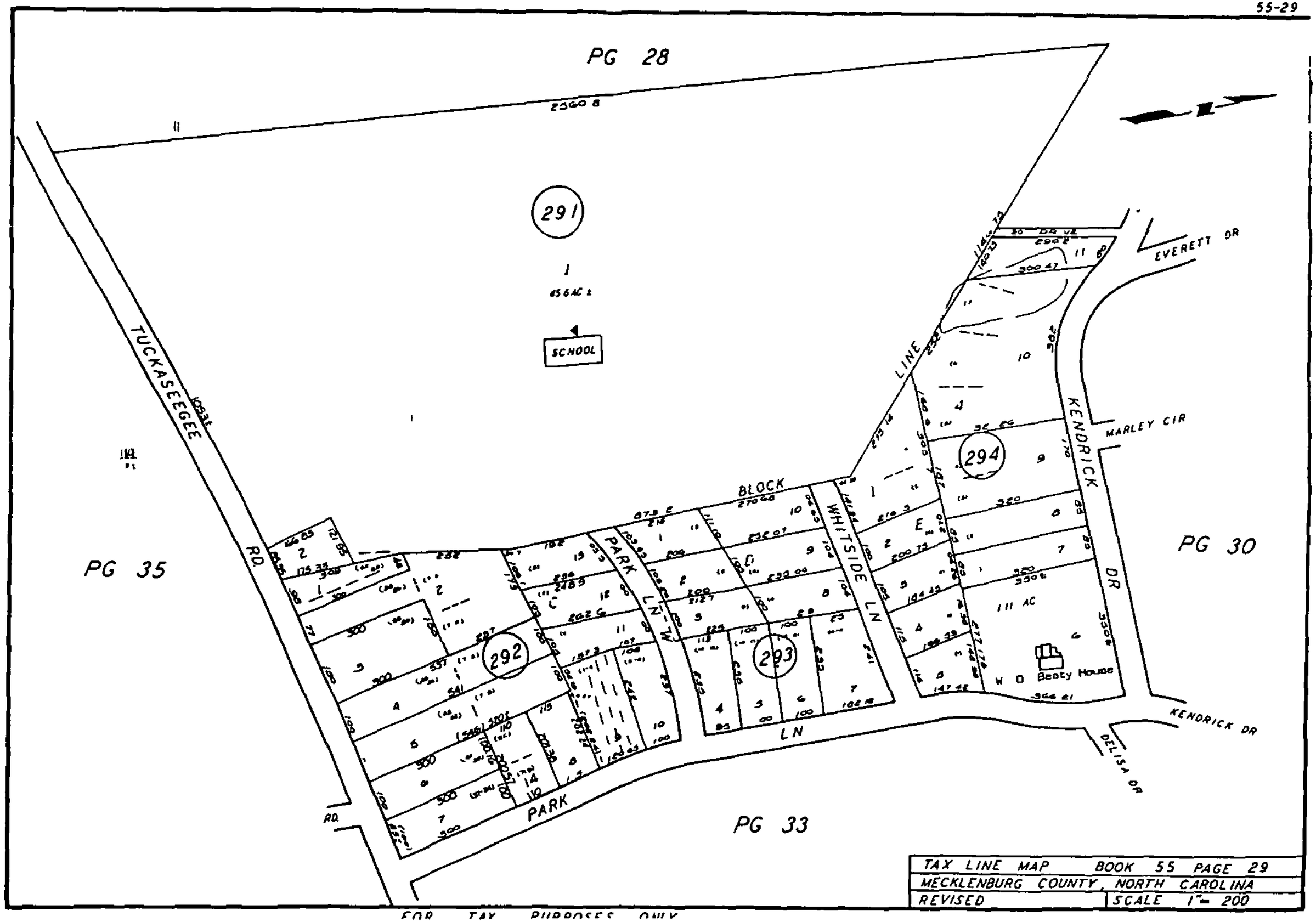
W. D. Beaty House
Elaborate door surround



Curved bracket
above door



W. D. Beaty House
Detail of elaborate porch trim



TAX LINE MAP BOOK 55 PAGE 29	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 200

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "MT ZION LUTHERAN CHURCH" TO INCLUDE THE FOLLOWING BOTH THE EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 125-115-24 THE PROPERTY, OWNED BY THE MT ZION CHURCH OF GOD HOLINESS, IS LOCATED AT 1605 LUTHER STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1990, on the question of designating a property known as the "Mt Zion Lutheran Church" as a historic landmark, and

WHEREAS, the "Mt Zion Lutheran Church," erected about 1896, has continuously served as a religious center for the Cherry Community, a black residential district developed in the 1890's and early 1900's by John Springs Myers and Mary Rawlinson Myers, and

WHEREAS, the "Mt Zion Lutheran Church" was organized by William Philo Phifer, a leader in establishing black Lutheran churches in the Charlotte area, and

WHEREAS, the "Mt Zion Lutheran Church" is the oldest structure still standing which has been used continuously as a house of worship in the Cherry Community, and

WHEREAS, the "Mt Zion Lutheran Church" is a compelling local example of a simple Gothic Revival style church structure, and

ORDINANCE -- Mt. Zion Lutheran Church

WHEREAS, the current owner, the Mt Zion Church of God Holiness, has faithfully maintained the "Mt Zion Lutheran Church" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Mt Zion Lutheran Church" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Mt Zion Lutheran Church" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Mt Zion Lutheran Church" is owned by the Mt Zion Church of God Holiness,

NOW, THEREFORE, BE IT ORDAINED by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

1 That the property known as the "Mt Zion Lutheran Church" (including the exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 125-115-24 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 1605 Luther Street in Charlotte, Mecklenburg County, North Carolina

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

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

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

5 That the owners and occupants of the landmark known as the "Mt Zion Lutheran Church" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax

ORDINANCE -- Mt Zion Lutheran Church

Supervisor, as required by applicable law

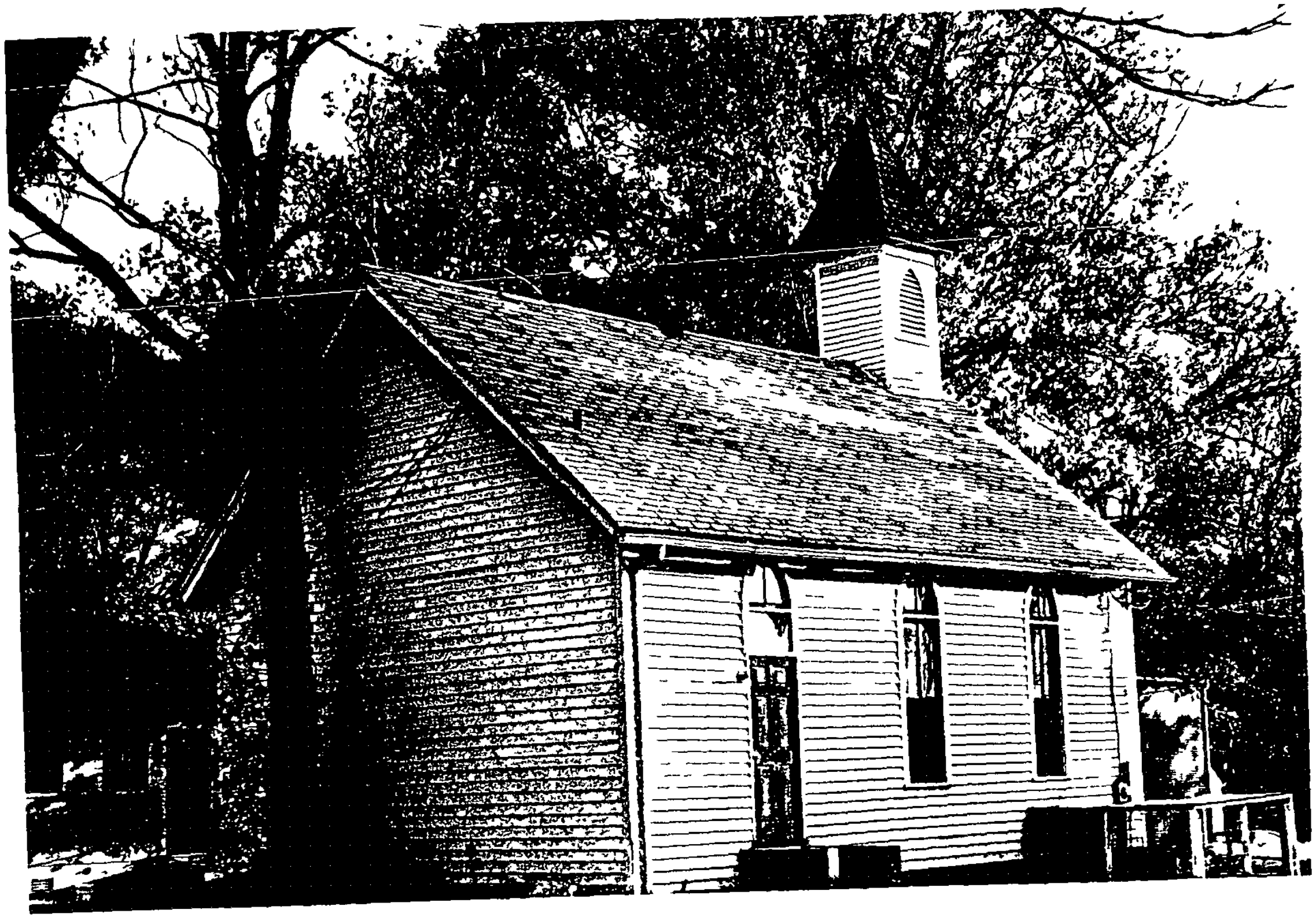
6 That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted

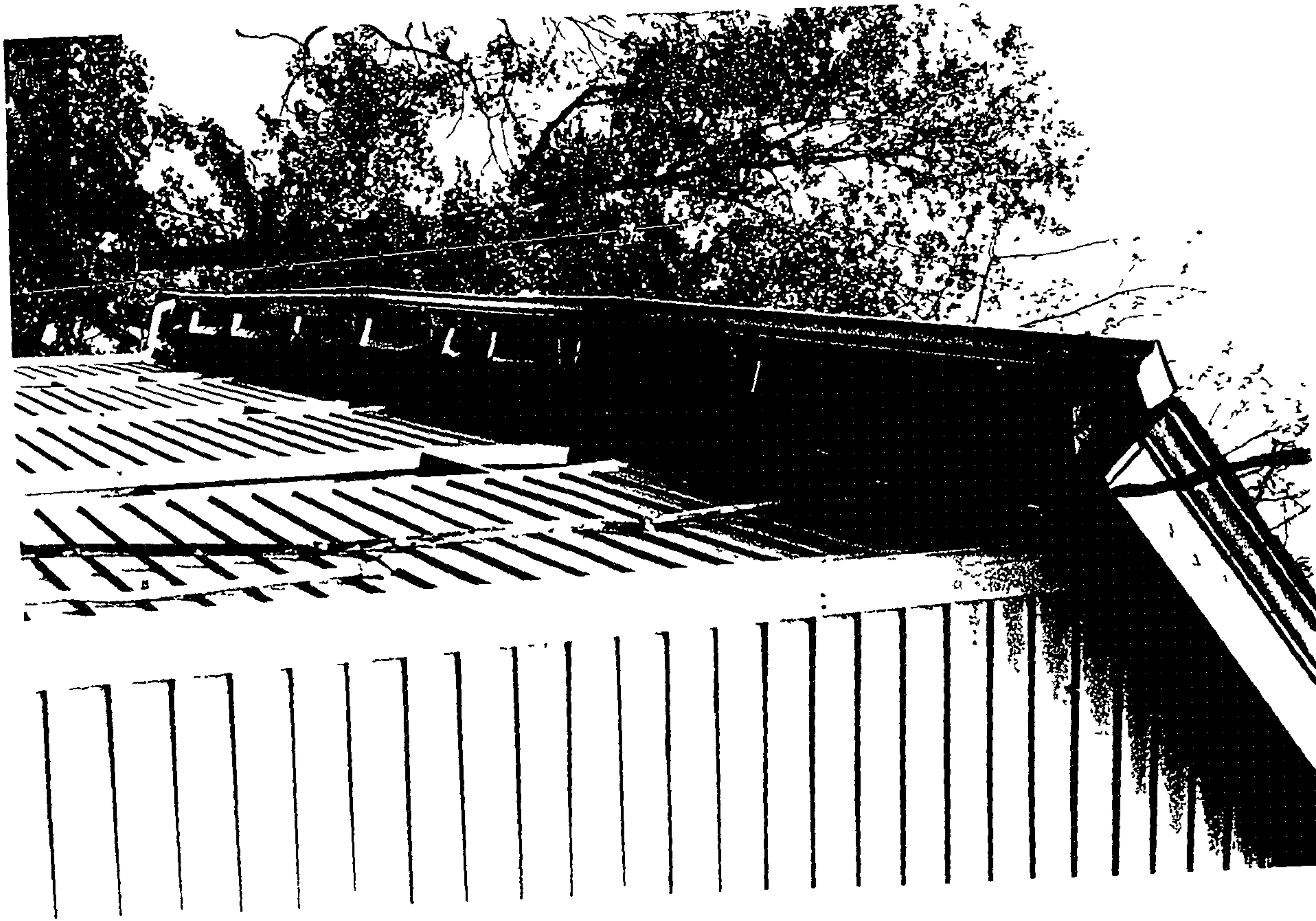
Adopted the _____ day of _____ 1990 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

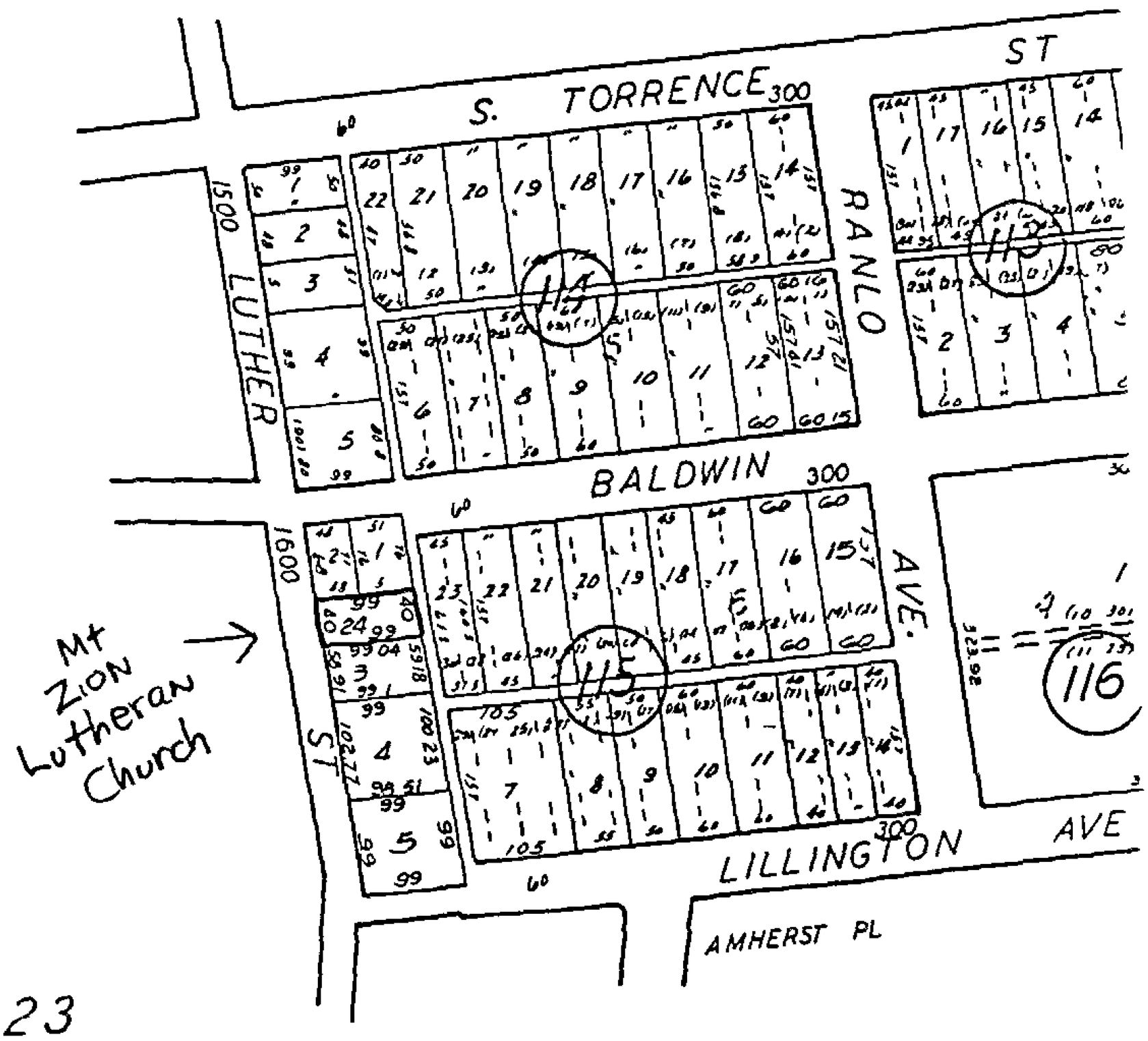
Approved as to form

City Attorney





PG. 22


S. TORRENCE 300
ST
RANLO
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1500
BALDWIN 300
AVE.
1600
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Mt Zion Lutheran Church
LILLINGTON 300
AVE
AMHERST PL
114
115
116

PG. 23

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 7, 1990

Mayor and City Council:

RE: Petitions to be Heard in June, 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, June 18, 1990 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-36

Petitioner: Crosland-Erwin Associates, Faison Associates, and Childress-Klein Properties

Request: This amendment proposes to add a new and separate standard for computing off-street parking requirements for shopping centers.

BACKGROUND

The current zoning ordinance does not have a provision for computing required parking for a shopping center as a total unit. Required parking spaces are determined on an individual use basis just as if each use were located on individual lots. This method does not take into consideration the fact that customers often visit several stores while at a shopping center and thus parking spaces are shared by the various businesses.

Currently, parking requirements are not only based upon use, but also floor area devoted to sales area and the number of employees. With most new shopping centers individual store uses can not be determined at the time of a zoning change petition or even building permit application, and obviously the number of employees is only an estimate at best. This method of determining required parking is difficult and cumbersome to administer. The result is that new centers must create a theoretical mix of uses along with some estimate for the number of employees in order to obtain plan approval. This may result in providing more spaces than necessary or run the risk of not being able to change the mix of uses as the market changes. In some instances older centers are unable to change their mix of uses since they may not be able to increase the number of parking spaces.

PROPOSED AMENDMENT

This text amendment proposes to define a shopping center as a group of at least three commercial or retail establishments having unified design of parking areas available to all customers of the center, vehicular access locations and loading areas, and containing at least 25,000 square feet of building area. The proposed parking requirement for such a center would be a uniform one space per 250 square feet of gross floor area with no separate consideration for the number of employees.

COMMENTS

The City Department of Transportation (CDOT) has concern for shopping center outparcels. They state that typical outparcel developments such as banks and restaurants do not generate shared trips/parking with other shopping center uses. These typical outparcel uses require more parking spaces than the average retail use or shop. CDOT feels that

while the parking requirements for that portion of the shopping center which has connected uses can be changed, the parking requirements for outparcels should be based upon specific uses.

The Planning staff and Building Standards Department also have concern that movie theaters and restaurants, eventhough they may be connected to other uses in a shopping center, should have parking requirements specifically for them.

The Planning staff also has two other areas which they feel need to be addressed.

1. It is felt that defining a shopping center on as little as 25,000 square feet is too low. Fifty thousand square feet which is the size of a neighborhood convenience center would be more appropriate.

2. It is recognized that except for a few holiday periods, most shopping center parking lots are under utilized, thus creating a sea of aesthetically unpleasing asphalt. Certainly this space could be put to better use in providing additional landscaped areas. Charlotte's Tree Ordinance currently requires that whenever the impervious cover exceeds 10,000 square feet, 10% of this total must be provided for internal landscaping and tree planting. The County does not have this provision. The petitioner's application states, "that with the need to create as much open space as possible, unneeded parking is not warranted." This being the case, the Planning staff agrees that any unneeded parking space area could be better utilized as open space. One such location where increased open space could drastically help the streetscape appearance would be in the required setback area. Since parking and its maneuvering are now permitted in the required setback area in business and industrial districts, consideration should be given to prohibiting such activity in this area for those establishments that come under this amendment's proposed definition of a shopping center.

CONCLUSION

This amendment as proposed in its present form is not acceptable for approval. It is felt however, that a revised amendment that addresses these issues would be appropriate.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 90-36
Date Filed March 19, 1990
Received by [illegible]
OFFICE USE ONLY

Section No. Section 2002 Schedule of Off-Street Parking Requirements (adding a new item 2002.36)
(Title)

Purpose of Change

This amendment proposes to add a new and separate requirement for computing off-street parking for shopping centers.

The Zoning Administration is currently requiring parking for shopping centers to be computed on the basis of each individual use in the center; for example, a retail store at one (1) space per 200 square feet and a restaurant at one (1) space per each three (3) seats. This is calculating parking as if a center was the same as individual uses on individual lots. The amount of sharing of parking (when a customer visits several stores, but only parks in one space) is completely overlooked.

The result is that new centers must create a theoretical mix of uses in order to obtain plan approval, and probably show more spaces than necessary or run the risk of not being able to change the mix of uses as the market changes. Older centers are finding themselves unable to change this mix since they may not be able to increase parking spaces.

With the need to create as much open space as possible, unneeded parking is not warranted.

[illegible]ed E. Bryant, Planner
[illegible]ame of Agent
1850 E. Third St., Charlotte, NC 28204
[illegible]nt's Address
3[illegible]3-1680
[illegible]elephone Number

Crosland Erwin Associates and
Faison Associates and
Childress Klein Properties
Name of Petitioner(s)
125 Scaleybark Road, Charlotte, NC 28209
Address of Petitioner(s)
523-0272
Telephone Number
Signature

Revised 04/16/90

ORDINANCE NO _____

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

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

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

1 Amend Section 2002 by adding the following new paragraph 2002.36

2002.36	Shopping centers (defined as a group of at least three (3) commercial or retail establishments having unified design of parking areas available to all customers of the center, vehicular access locations and loading areas and containing at least twenty-five (25,000) square feet of building area).	X	1 space per 250 square feet of gross floor area

Section 2 That this ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-46

Petitioner: Fred E. Bryant, Bailey Patrick

Request: To add the Business Park (BP) district to the list of parallel conditional districts to allow the consideration of controls in special circumstances.

BACKGROUND

The Business Park (BP) district was created as a special purpose district containing performance standards. The ordinance specifically states that the BP district may not be considered under the "CD" regulations. One of the principal purposes of this district was to develope an option for developers to consider which did not require a significant amount of detailed information at the time of application but rather contained sufficient performance standards to assure compatibility with adjoining properties. In actual practice, situations have arisen where the use of conditions on limitations may have been desirable. This proposed amendment adds the BP district to the list of parallel conditional districts to allow the consideration of controls in special circumstances.

PROPOSED AMENDMENT

This amendment makes the necessary changes to the various sections of the ordinance to enable the district to be considered under the parallel conditional district standards. The Planning staff's review of the amendment as originally submitted resulted in the following observations and recommendations:

1. In addition to inserting the BP district in Section 1308, Hierarchy of Zoning Districts, the last sentence in that section needs to be amended to remove the reference to the BP district and to read as follows:

   "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. By this amendment the entire conditional district process is also being changed by removing this reference:

   "This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time."

   The amendment proposes:

> "This is a voluntary procedure. It is generally not intended for securing early zoning for a proposal, except when the proposal is consistent with an approved district or area plan, or the proposal can demonstrate that public infrastructure needed to serve the development will be made available in a reasonable time period."

Although this was not the intent of the original parallel conditional process concept, it has gradually evolved to where many petitions are not for specific development proposals, but instead are generalized concepts. Serious consideration should be given to the effects of this proposed change for all "CD" cases.

3. The Planning staff met with the petitioner before filing and suggested that while the text was being considered for amendment, clarifying language be added concerning the project edge. The present wording regarding the project edge uses the word "protection" to insure proper integration of a business park into the community. The staff has had difficulty with developers regarding this wording and as a result feel that the wording should be changed to clearly indicate that the project edge is to be an <u>undisturbed</u> buffer except for the necessary crossing of utilities or to <u>add</u> berming and landscaping where required.

   This proposed amendment has not addressed this issue.

4. The Planning staff has also discussed the desirability of establishing a limit on the intensity of development in the BP district. This could be in the form of a floor/area ratio or other methods. This would address at least part of the perceived need for "conditions", especially with regard to traffic generation.

   This proposed amendment has also not made any provisions for this issue.

<u>CONCLUSION</u>

This amendment as proposed in its present form is not acceptable for approval. It would alter the fundamental purpose for which the BP district was developed. In addition, it proposes language changes (see paragraph 2 above) which would not only affect the BP district but <u>all</u> proposed "CD" requests by altering a fundamental assumption and purpose of the "CD" process. In addition, there are other concerns which need to be addressed which are not present in this proposal.

*Subject to further refinement following public hearing.

Staff Review Tues. 5/8 @ 9 00 a.m.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 90-46
Date Filed April 16, 1990
Received By MCW

OFFICE USE ONLY

Section No 1308 (Hierarchy of Districts), 3201 & 3202 (Conditional Districts), 3204 (Special
(Title) Purpose Districts)

Purpose of Change

The Business Park District was created as a non-conditional district containing performance standards. However, in actual practice, situations continually arise where the use of conditions would be preferred.

It is proposed to add the BP District to the list of parallel conditional districts to allow the consideration of controls in special circumstances.

Name of Agent

Agent's Address

Telephone Number

Fred E. Bryant, Planner
Name of Petitioner(s)
1850 E. Third St., Charlotte, NC 28204
Address of Petitioner(s)
(704) 333-1680
Telephone Number
Fred E. Bryant
Signature
Co-Petitioner
Perry, Patrick, Farmer & Michaux
900 Baxter St., Charlotte, NC 28204
(704) 372-1120

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".

2. Amend Section 3201.3 by deleting the last two sentences and replacing them with the following. "This is a voluntary procedure. It is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available in a reasonable time period. Uses which may be proposed and considered for a "parallel conditional use" district shall be restricted to those uses permitted in the underlying general zoning district."

3. 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."

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

5. 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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-47

Petitioner: Mecklenburg County Building Standards Department.

Request: To add a section establishing that a fee be charged for any petition to the City's Zoning Board of Adjustment.

BACKGROUND

The Mecklenburg County Zoning Ordinance has a § 1407, "Fees", that provides that petitions for appeals to the Mecklenburg County Zoning Board of Adjustment must be filed with the Department of Building Standards and must be accompanied by the necessary application fee as established by the Board of County Commissioners. The present fee for filing an appeal to the Mecklenburg County Zoning Board of Adjustment is $100.00 as established by the Board of County Commissioners.

The Charlotte Building Standards Department provides the zoning enforcement for the City of Charlotte and the staff support to the City's Zoning Board of Adjustment. Unlike the County, the City does not have any filing fee for an appeal to the City's Zoning Board of Adjustment.

The Building Standards Department would like to have a text amendment adopted for the City's Zoning Ordinance that would establish a fee for filing an appeal to the City's Zoning Board of Adjustment. All construction permits for the Building Standards Department are set by the Board of County Commissioners per an inter-local agreement. This text amendment would be consistent with that agreement by having the fee established by the Board of County Commissioners.

CONCLUSION

This text amendment will establish a fee for filing petitions to the City Board of Adjustment which will be consistent with the County and per the inter-local government agreement. This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 90-47
Date Filed April 16, 1
Received By MCM
OFFICE USE ONLY

Section No. 1407 presently designated as "Not Used"

(Title) Fees

Purpose of Change: The Mecklenburg County Zoning Ordinance has a § 1407, "Fees", that provides that petitions for appeals to the Mecklenburg County Zoning Board of Adjustment must be filed with the Department of Building Standards and must be accompanied by the necessary application fee as established by the Board of County Commissioners. The present fee for filing an appeal to the Mecklenburg County Zoning Board of Adjustment is $100.00 as established by the Board of County Commissioners.

The Charlotte Building Standards Department provides the zoning enforcement for the City of Charlotte and the staff support to the City's Zoning Board of Adjustment. Unlike the County, the City does not have any filing fee for an appeal to the City's Zoning Board of Adjustment.

The Building Standards Department would like to have a text amendment adopted for the City's Zoning Ordinance that would establish a fee for filing an appeal to the City's Zoning Board of Adjustment. Attached is the Department's recommended text amendment, which is consistent with the County's Zoning Ordinance, Section 1407 (Appeal Fees). Fees for services, which are provided by the Building Standards Department per inter local agreement, are charged in the same manner as proposed.

Ed Woods, Director Building Standards Dept.
Name of Agent

700 N. Tryon Street, Charlotte, NC 28202
Agent's Address

336-2831
Telephone Number

Mecklenburg Co., Building Standards Dept
Name of Petitioner(s)

700 N. Tryon Street, Charlotte, NC
Address of Petitioner(s)

336-2831
Telephone Number

Signature Ed L. Woods, Director

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-48

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Consideration of a text amendment that explicitly states that the Board of Adjustment does not have jurisdiction with respect to approved conditional districts.

BACKGROUND

The City Attorney's Office requested that the Planning staff develop and file this petition after several requests for appeals involving conditional districts that have been heard by the City's Board of Adjustment. The requests have been appeals to interpretations of conditions approved under the conditional district process. This proposed amendment is also to be considered for the County's zoning ordinance.

CONCLUSION

This amendment clarifies that the Board of Adjustment shall not have jurisdiction with respect to conditional districts once they have been approved. The zoning ordinance presently has a process for changes or amendments to conditional districts. This amendment states that the Board of Adjustment shall only have jurisdiction with respect to conditional districts if an appeal pertains to a variance from specified regulations of the zoning ordinance and is filed with the Board prior to the approval of a conditional district.

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 90-48
Date Filed April 16, 199
Received By MCM

OFFICE USE ONLY

Section No. 1403. Duties of the Board of Adjustment
(Title)

Purpose of Change:

At the request of the City Attorney's Office, this petition proposes to add a new section, 1403.4., "Conditional Districts", clarifying that the Board of Adjustment shall not have jurisdiction with respect to approved conditional districts under Section 3200., Conditional Districts.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street, Charlotte, NC
Address of Petitioner(s)

336-2205
Telephone Number

Signature

DRAFT

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-11

Petitioner: J. L. Neal

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

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

NOTE: This petition was originally scheduled for public hearing on February 19, 1990. Prior to this hearing date, the petitioner requested a deferral in order to address outstanding site plan issues. A revised site plan has now been submitted and rescheduled for public hearing. The previous staff analysis is attached for your review.

SITE PLAN

The revised site plan that accompanies this petition includes the principal features described in the original staff analysis. In addition it indicates 6.08 acres is to be dedicated to Mecklenburg County Parks and Recreation Department at the time the final subdivision plat for Irwin Creek Drive is recorded. Forty foot landscaped buffers will be provided adjacent to the existing residential districts and a left turn lane and other road improvements will be constructed on Starita Road. These revisions have been approved by the reviewing agencies. The unusual strip of R-9 land to the north of this site is not part of this petition but functions as a substantial separation of this site from residential areas to the north. Therefore, the outstanding site plan issues have been resolved and this petition is appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is appropriate for approval.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-11

Petitioner: J. L. Neal

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

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

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

BACKGROUND

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

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

3. Public Plans and Policies.

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

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

encourage screening between existing residential and nonresidential development.

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

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

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

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

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

REVIEWS

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

2. Technical Consistency.

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

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

ISSUES

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

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

CONCLUSION

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

*Subject to further refinement following public hearing.

COPY

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 90-11
Date Filed November 8, 1
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: STEVEN and wife, JUDITH K. NEAL

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

Date Property Acquired: September 20, 1989

Deed Reference: 6116 Page 636 & Book 6116 Page 639 Tax Parcel Number: 045-031-01, 045-031-02

OUT OF ABOVE P.I.

Location Of Property (address or description)

STARITA ROAD

Description Of Property

Total Sq. Ft. Acres: 32 Acres MOL Street Frontage (ft.): See Exhibit "A"

Current Land Use: See Exhibit "A"

Zoning Request

Existing Zoning: F-D, I-1, R-9, I-2 Requested Zoning: I-2CD

Purpose of zoning change: See Exhibit "B"

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

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

Telephone Number: 704/847-0188

Name of Petitioner(s): [signature]
[signature]

Address of Petitioner(s)

Telephone Number

Signature

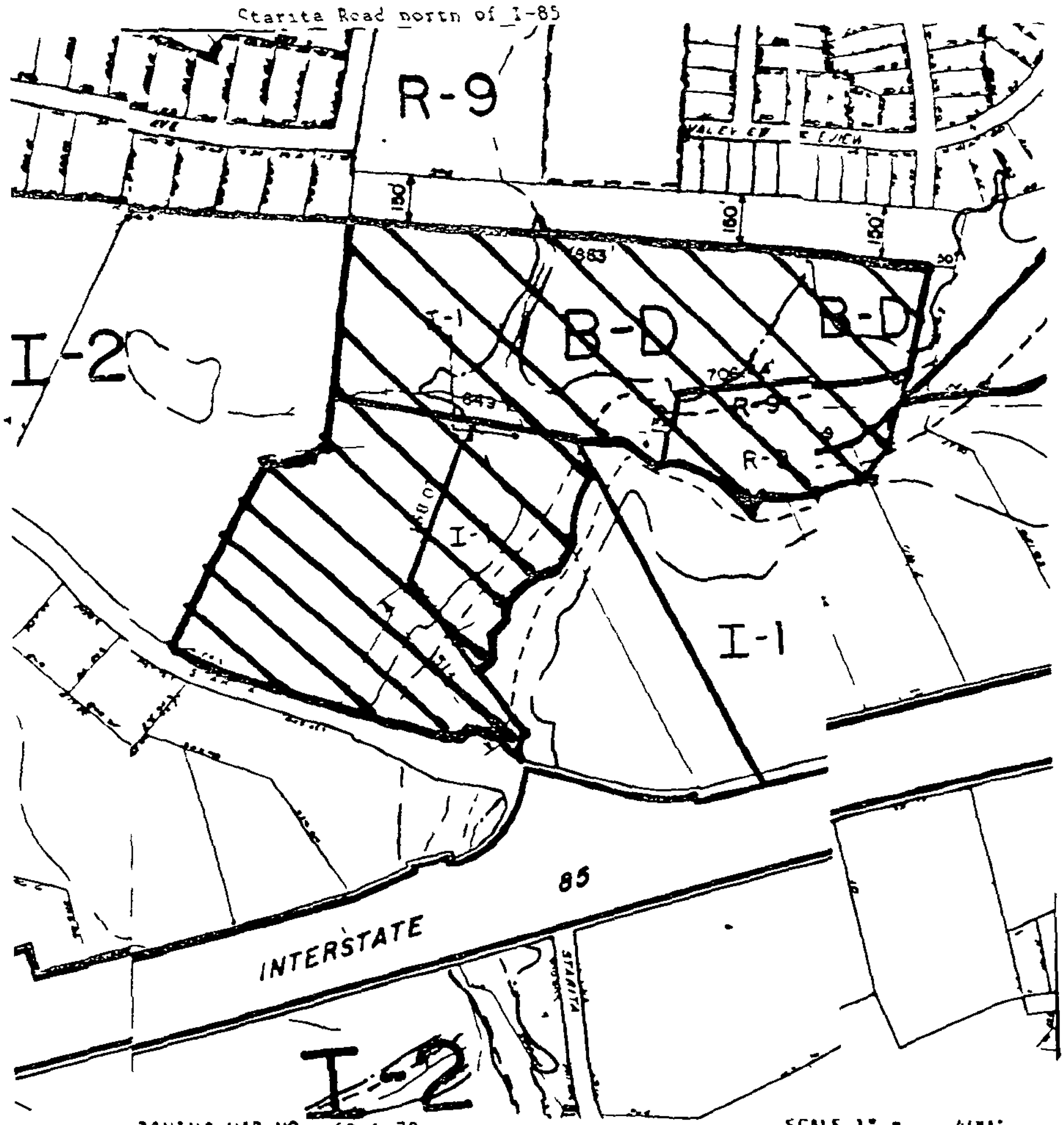
Signature of Property Owner if Other Than Petitioner

PETITIONER J. L. Neal

PETITION NO 90-11 HEARING DATE February 19, 1990

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

LOCATION approximately 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

RECEIVED
JUN 5 1990
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

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

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

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
M CHAEL S FERG JSON
EDWARD A NATT
M CHAEL J AHERON
G STEVEN AGEE
MARK D K DO

TELEPHONE
703 774 97

FAX NO
703 774 096

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

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) 60.404 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

SPIROS PAPPAS & BILL DEDEMADIS
Name of Petitioner(s)

Agent's Address

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

Telephone Number

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

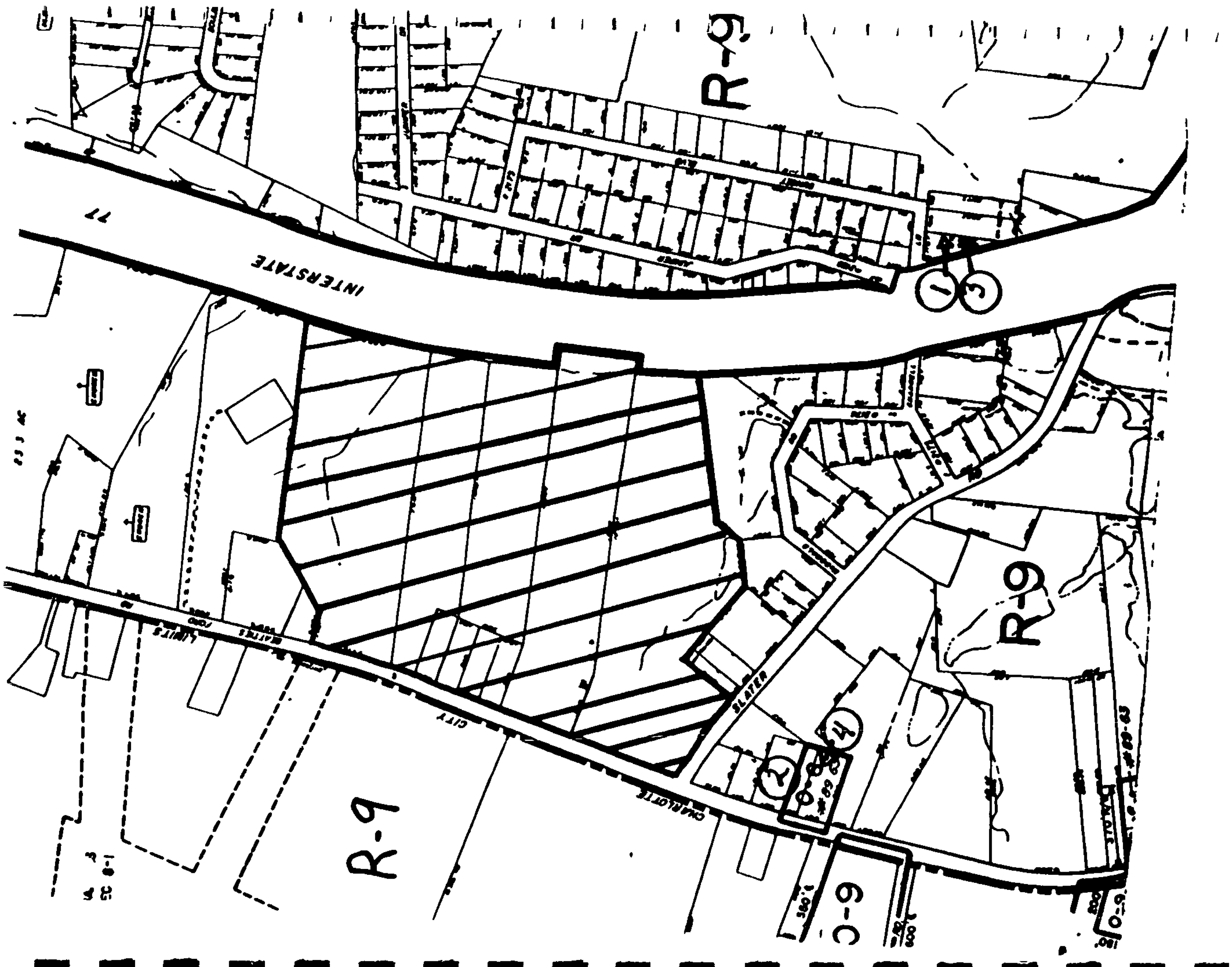
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED I-1

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
INTERSTATE
77
R-9
SLATER
CHARLOTTE
CITY
R-9
C-9
C-0

CARMEL FINANCIAL GROUP, INC.

Real Estate Investment & Development

June 8, 1990

OFFICE OF CITY CLERK

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

Re Petition No 90-43

Dear Mr Fields,

May this letter serve as notice that Carmel Financial Group wishes to withdraw it's request for a change in zoning classification as described in Petition No 90-43

Being sensitive to the wishes and desires of the surrounding community, at their request we hereby ask that this Petition be withdrawn

Thank you for your assistance and cooperation in this matter

Sincerely,

Reginald S Wallace

RSW/jc

cc City Council & Mayor Myrick
Pat Sharkey

P O Box 470407, Charlotte, North Carolina 28247 (704) 541-3876 Fax (704) 541-1163

Silver Mount Baptist Church — Dr William Lee, Jr — P O Box 26142 — Charlotte, N C 28213
Phone Church — (704) 889-7301 • Home — (704) 596-3821

June 6, 1990

1-77

City Council
Charlotte Mecklenburg Planning Commission

OFFICE OF CITY CLERK

RE: Zoning Petition 90-43

Dear Ladies and Gentlemen:

We filed a protest petition in the above-referenced rezoning matter. We are informed that the Petitioner desires to withdraw the Petition.

We are willing to withdraw our protest petition and not oppose the Petitioner's withdrawal contingent upon the Petitioner filing the Request for Withdrawal.

Sincerely,

SILVER MOUNT BAPTIST CHURCH

By: Rev. William Lee, Jr.
Reverend William Lee, Jr.

By: R L Holloway
R. L. Holloway, Chairman
of Official Church Trustees

cc: Mr. Walter Fields
Planning Commission

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-43

Petitioner: Carmel Financial Group, Inc.

Location: 44.9 acres on the southwest side of Hebron Street Extension west of Nations Ford Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF and O-15(CD). The R-9MF land has been zoned in that fashion for a number of years and the O-15(CD) land was rezoned to that category in 1988 as part of a larger zoning request. Properties immediately to the west and south of the subject site are zoned R-9MF and properties to the north and east of the site are zoned for a combination of nonresidential uses including O-15(CD), B-1(CD), B-D(CD), I-1, and I-2. All of the land immediately to the north of the proposed Hebron Street Extension as well as the O-15 portion of this site was zoned as part of a single petition in 1988 which with the remaining multi-family zoned area purported to support a mixed use development project.

2. Existing Land Use. The property involved with this request is presently vacant. Properties to the west and south are presently used for detached single family housing and there is a church immediately adjoining the site to the north. Properties immediately to the north across the proposed Hebron Street Extension are also vacant. A City fire station, a Federal Express facility, single family and multi-family housing exist along Nations Ford Road near the Hebron Street intersection. Further to the south of the subject site can be found the Vulcan Quarry, which is also the subject of a pending zoning request.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicate developing employment and residential land uses in the area of the subject property. A portion of the subject site is shown as an area for future employment land uses. The 2005 strategies for the area include extending waterlines, extending the greenway system, and transportation improvements including the extension of Hebron Street between Nations Ford Road and Arrowood Road.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for a variety of improvements in this general area including improvements to I-77, Tyvola Road, Hebron Street Extension, and Arrowood Road. The Transportation Improvement Program also calls for the western alignment of the

outer belt to pass near this property. The environmental impact statement for the outer belt is underway and design and right-of-way acquisition could begin as early as FY96.

3. Southwest District Plan (draft). The Southwest District Plan calls for multi-family land uses in the area of the subject property.

4. Site Plan. Even though requesting an I-1(CD) classification, the site plan which accompanies this application proposes the development of the site under the standards of the Business Park district with minor exceptions. The plan indicates right-of-way dedication along both Nations Ford Road and Hebron Street Extension as well as commitments for left turn lanes constructed along Nations Ford Road at access points to the site. The plan indicates the Business Park requirement for the 100 foot project edge along the boundaries of the site except it does call for a 50 foot rather than 100 foot buffer along the Hebron Street and Nations Ford Road frontages. The plan commits not only to the development standards for the Business Park district but also to the review procedure contained within that district as well. Due to the nature of the Business Park category, no specific uses are indicated and no specific floor areas are included as part of this petition.

5. School Information. Information from the School Board indicated that this petition has no negative impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-7(c)	R-9MF and R-9 to R-9MF, I-1, & I-2	Approved	10/16/68
2. 70-9(c)	B-1 & R-9MF to R-9MF & B-1	Approved	05/04/70
3. 71-18(c)	R-9MF to I-1	Approved	06/21/71
4. 88-35	R-9MF & R-9 to O-15(CD), B-D(CD), & B-1(CD)	Approved	07/18/88
5. 88-36	R-9MF to B-D(CD)	Approved	07/18/88
6. 89-90	R-9MF & I-1 to I-1(CD) & I-2(CD)	Pending	

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of vacant multi-family and office zoned land to accommodate a business park type development. Plans for this area have long called for this

property to be used for residential purposes. Therefore, any further rezoning of residential land to nonresidential categories must be considered as inconsistent with plans and policies for this portion of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff had only very brief discussions with the petitioner prior to the filing of this application. As originally filed, the request was for a Business Park category but the staff concluded that the property did not meet the minimum requirements for a Business Park district. At that point the petitioner amended the application to the I-1(CD) category.

   2. Departmental Comments. The petitioner has addressed all of the departmental comments regarding the development of this site. These comments included requirements for additional right-of-way along both Hebron Street and Nations Ford Road, turn lanes along Nations Ford Road at the entrances to the site, and notations regarding the location of fire hydrants as the property develops.

ISSUES

1. Land Use. This petition poses a significant land use issue. The conversion of the multi-family portion of this site to a nonresidential category is clearly inconsistent with present and proposed plans for this area. Indeed, the Southwest District Plan which is presently under development proposes that the entire tract be used to provide additional housing opportunities and be zoned for multi-family use. The staff advised the petitioner that this petition would not be consistent with plans and policies for the area and raised significant questions about the petitioner's commitments under the prior rezoning of a portion of this site. At the time that that rezoning was approved, a considerable amount of discussion revolved around the fact that the petitioner was maintaining a large portion of their site for multi-family use. In this way, the petitioner offered that that rezoning constituted a mixed use development which included residential as well as nonresidential uses. Eventhough opposed by the staff at the time, that rezoning petition was ultimately approved.

   This petition substantially erodes the concept of a mixed use development by substituting nonresidential uses for the existing residential portion of the site as well as intensifying the nonresidential uses already approved on the portion of the site presently zoned office. In view of the fact that this petition breeches the recommendations of existing and proposed plans for the area and in view of the fact that there is a substantial

amount of vacant nonresidential zoned property very near to this site, the staff recommends that this petition as it relates to the multi-family portion of this site be denied and that the office portion of the site be rezoned through this action back to the R-9MF category.

2. Site Plan. There are no particular site plan issues which accompany this request. It proposes the rezoning of the site to an industrial category but commits to developing the property under the Business Park development standards. However, one must recall that once the zoning of the site is changed to an industrial category subsequent consideration to eliminate or weaken the conditions on the plan are not treated as a rezoning of the property but rather an amendment to the existing plan. Therefore, this site plan establishes industrial zoning directly adjacent to existing single family neighborhoods. Eventhough the petitioner has responded to all of the technical issues raised in this request, the land use consideration is the paramount concern.

CONCLUSION

This petition is not appropriate for approval. In addition, this opportunity should be used to restore the multi-family zoning to that portion of the site that has previously been rezoned to O-15(CD).

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-43
Date Filed March 19, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Carmel Financial Group, Inc. and Wallace Capital Corp.

Owner s Address: 6401 Carmel Road # 106
Charlotte, NC 28226

Date Property Acquired: September 13, 1988 and January 24, 1990

Tax Parcel Number: 203-041-04(Partial) 203-185-99(Partial)

Location Of Property (address or description)

South side of Hebron Street at Nations Ford Road

Description Of Property

Size (Sq Ft -Acres): 44.99 acres

Street Frontage (ft): 1237' on Nations Ford

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9MF & O-15(CD)

Requested Zoning: ~~BP~~ I-1(CD)

Purpose of Zoning Change: To permit the development of a business park compatible with area objectives and reflective of market needs

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204

Telephone Number
333-1680

Carmel Financial Group, Inc.
Name of Petitioner(s)

7702 Pineville-Matthews Road
Address of Petitioner(s)

Charlotte, NC 28226

Telephone Number
541-3876

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER Carmel Financial Group, Inc.

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

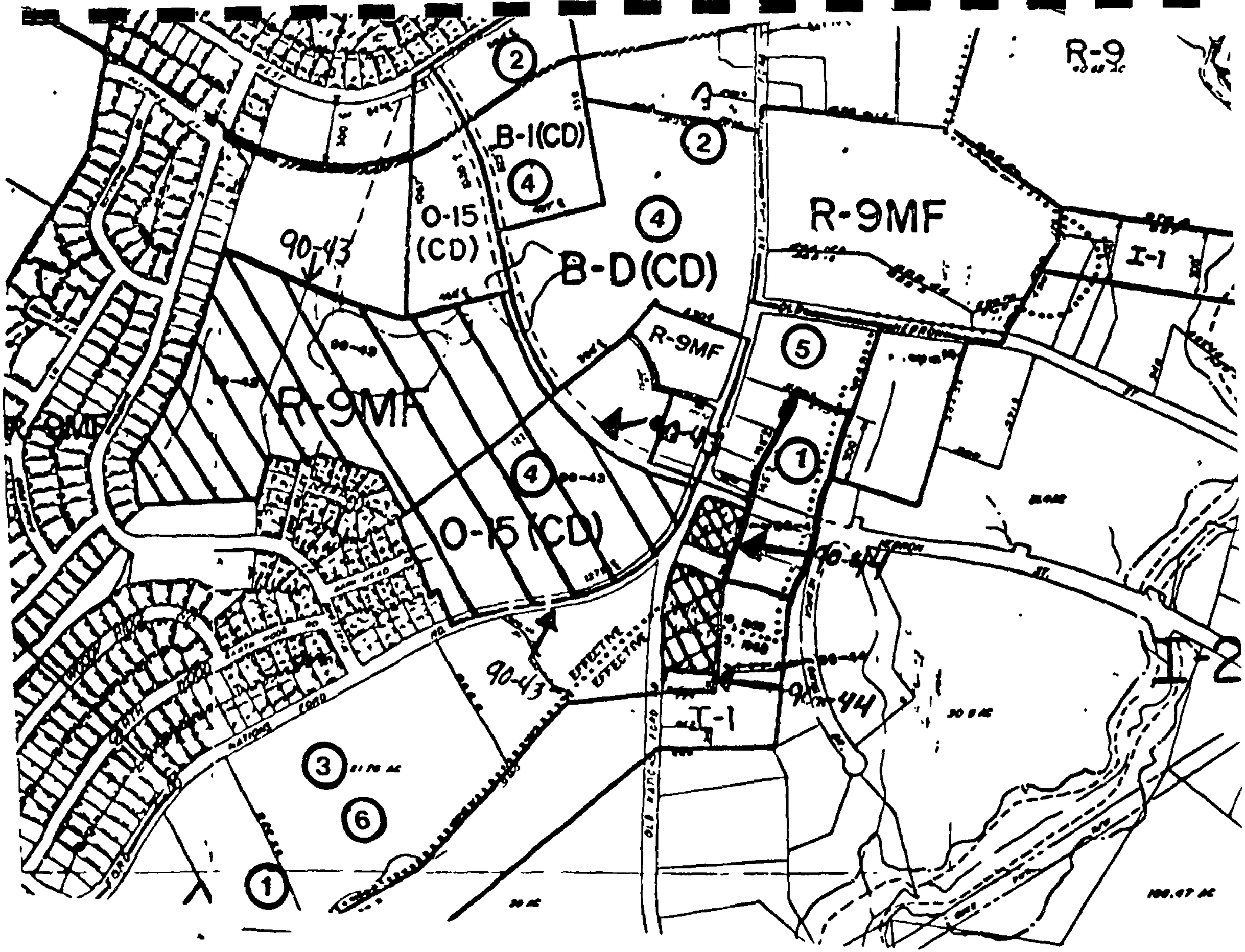
ZONING CLASSIFICATION, EXISTING R-9MF & O-15(CD) REQUESTED ~~BE~~ [illegible]

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
B-1(CD)
O-15
(CD)
B-D(CD)
R-9MF
I-1
90-43
R-9MF
R-9MF
O-15 (CD)
90-43
90-44
I-1
I-2
90-43
UTILITY
UTILITY
OLD NANCE ROAD
RAILROAD
ROAD
30 AC
100.47 AC

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-44

Petitioner: Carmel Investment Group/Hebron

Location: 3.38 acres located on the southwest corner at the intersection of Hebron Street and Nations Ford Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9MF as are other properties to the west and south of the subject site. Directly to the east of the subject site, the property is zoned I-1 and to the north and northwest of the site can be found a combination of nonresidential categories including B-1(CD), B-D(CD) and O-15(CD).

2. Existing Land Use. The property involved with this request is largely undeveloped but does include one or two single family structures. Properties immediately to the south of the subject site are used for a single family house and a number of nonresidential uses along Old Nations Ford Road. Properties directly to the east of the subject site are largely undeveloped but are part of a developing employment area. Properties directly across Old Nations Ford Road and Nations Ford Road from the subject site are presently undeveloped. To the north of the site at the intersection of Hebron Street and Nations Ford Road is a Federal Express facility and a City fire station as well as several residential uses including multi-family housing and a mobile home park.

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 extending the greenway system along Kings Branch and the extension of Hebron Street between Nations Ford Road and Arrowood Road.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for a number of transportation improvements in the area including improvements to I-77, Arrowood Road, Hebron Street, and the location of the western portion of the outer belt nearby.

   3. Southwest District Plan (draft). The draft Southwest District Plan designates the property for multi-family residential use. The existing I-1 zoning to the east of the subject site already serves as a transitional zone from the heavier I-2 zoning further to the east.

4. Site Plan. Inasmuch as this is a conventional rezoning request, no site plan is submitted as part of the application.

5. School Information. The School Board indicates this petition will not negatively impact the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-7(c)	R-9MF and R-9 to R-9MF, I-1, & I-2	Approved	10/16/68
2. 70-9(c)	B-1 & R-9MF to R-9MF & B-1	Approved	05/04/70
3. 71-18(c)	R-9MF to I-1	Approved	06/21/71
4. 88-35	R-9MF & R-9 to O-15(CD), B-D(CD), & B-1(CD)	Approved	07/18/88
5. 88-36	R-9MF to B-D(CD)	Approved	07/18/88
6. 89-90	R-9MF & I-1 to I-1(CD) & I-2(CD)	Pending	

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property in an area which is in a transitional location between heavy industrial zoning to the east and single family and multi-family zoning to the west. The draft Southwest District Plan specifically calls for the properties with frontage along both sides of Nations Ford Road to be used for multi-family purposes. This is viewed as being preferable to industrial zoning fronting along Nations Ford Road opposite properties used for less intensive purposes. Therefore, this petition is not viewed as consistent with adopted and proposed plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff had only brief discussions with the petitioner about this application.

   2. Departmental Comments. The City's Department of Transportation and Engineering indicated a desire for additional right-of-way along both Hebron Street and Nations Ford Road. Since this is not a conditional request, the petitioner is not obliged to comply with this request.

ISSUES

1. Land Use. This petition proposes a significant land use issue. It requests the rezoning of properties from a residential to an industrial classification in an area where proposed plans call for a residential future. The draft Southwest District Plan specifically calls for the frontage along both sides of Nations Ford Road to be used for residential purposes. The industrial zoning to the east of the subject site already serves as a transitional area between these multi-family properties and heavy industrial zoning further to the east. Changing these properties to an industrial classification brings heavy employment and manufacturing uses all the way to Nations Ford Road frontage. That, coupled with the fact that this petition does not provide any assurances as to the quality of that development, raises significant concerns as to the appropriateness of this request. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. There is no site plan which accompany this application.

CONCLUSION

This petition is not appropriate for approval. It is not consistent with proposed plans for the area and has the potential to establish uses along Nations Ford Road which will detract from the residential environment.

*Subject to further refinement following public hearing.

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-44
Date Filed March 19, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Carmel Investment Group/Hebron & Ruth G Murchison, Mrs. R. M. By Ent.

Owner s Address: 6401 Carmel Road # 106 — 9437 Nations Ford Road

Charlotte, NC 28226 — Charlotte, NC 28210

Date Property Acquired: August 23, 1985 — February 10, 1964

Tax Parcel Number: 205-151-19 (Partial) — 205-151-05

Location Of Property (address or description)

South side of Hebron Street at Nations Ford Road

Description Of Property

Size (Sq Ft -Acres): 3.38 acres

Street Frontage (ft): 691.93' on Nations For and Old Nations Ford F

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9MF

Requested Zoning: I-1

Purpose of Zoning Change: To permit the development of a property compatible with predominant adjoining zoning

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204
Telephone Number

333-1680

Carmel Investment Group/Hebron
Name of Petitioner(s)

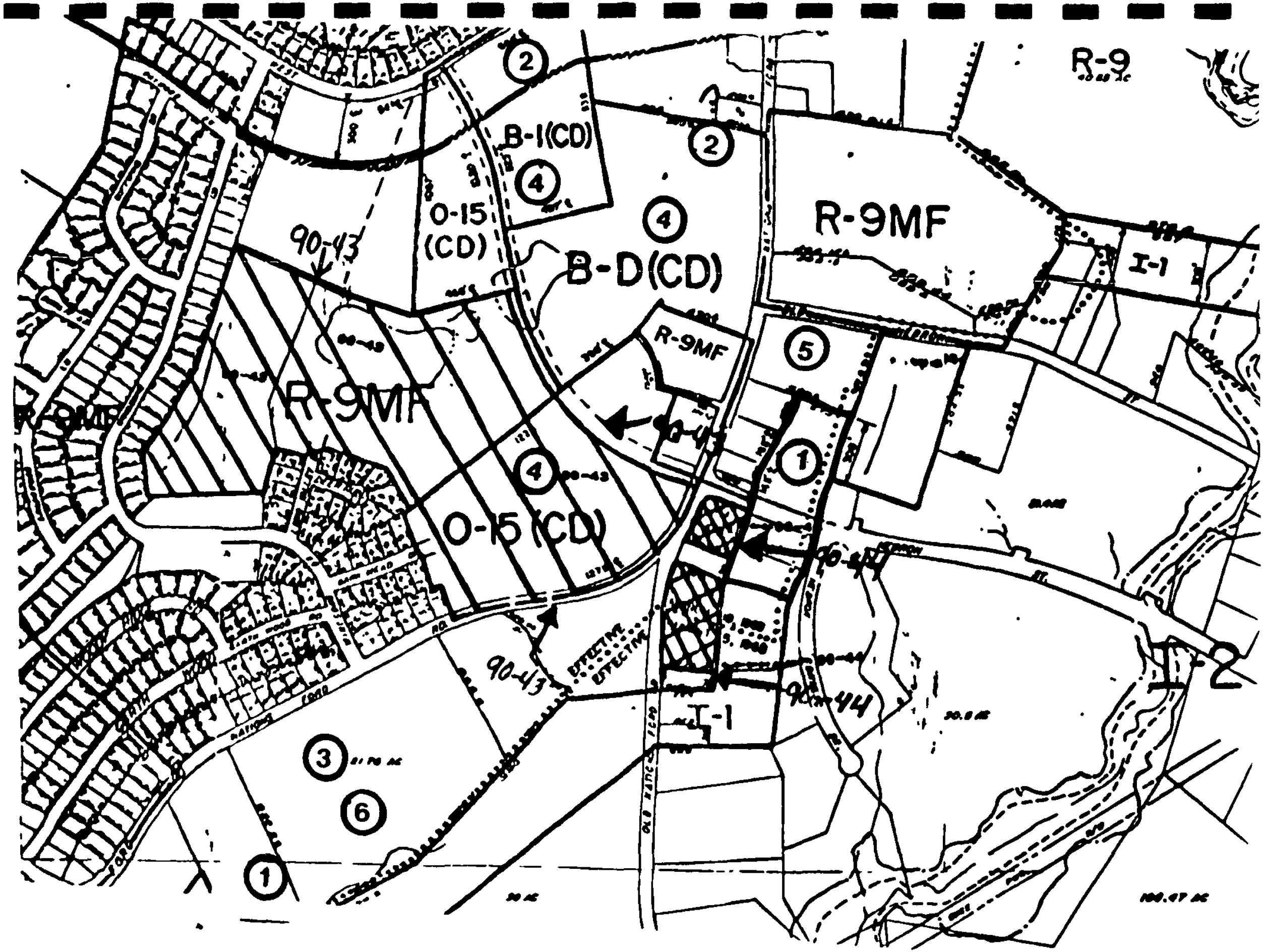
7707 Pineville-Matthews Road
Address of Petitioner(s)

Charlotte, NC 28226
Telephone Number

541-3876

Signature

Signature of Property Owner if Other Than Petitioner


R-9
B-1(CD)
O-15
(CD)
90-43
B-D(CD)
R-9MF
R-9MF
I-1
R-9MF
O-15 (CD)
90-43
90-44
I-1
90-43
EFFECTIVE
EFFECTIVE
OLD RANCH ROAD
WOODY HILL ROAD
Hallsing ROAD
1
2
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4
5
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PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-49

Petitioner: James Alexander

Location: A .489 acre site on the southwest corner of the intersection of Norris Avenue and Lucena Street.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-6 as is a substantial area generally to the west of this subject site. Also in the area to the west of this site are properties zoned for R-6MF and land directly to the north of the site is also zoned R-6MF. Land to the east and south of the subject site with an orientation to North Graham Street and the railroad track is zoned I-1.

2. Existing Land Use. The property involved with this request is presently occupied by single family structure and a portion of the site is vacant. Properties generally to the west and south of the site are used for a wide variety of residential purposes including a predominant single family detached land use pattern. There are scattered duplex and multi-family uses to the west as well. To the north of the site directly across Norris Avenue is the Druid Hills Elementary School. To the west and south of the site can be found several vacant tracts and a wide variety of heavy commercial and industrial uses with their orientations to North Graham Street, the Southern Railroad track, and Lucena Street.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property.

   2. Central District Plan (unadopted). The Central District Plan recommends residential including multi-family residential land uses in the area of the subject property. The multi-family uses are specifically recommended as a transition between nonresidential uses to the east and single family uses to the west of the subject site.

4. Site Plan. There is no site plan which accompanies this application inasmuch as it is a conventional rezoning request.

5. School Information. The School Board has plans to improve the Druid Hills Elementary School facilities and expresses concern that industrial zoning at the entrance to the school site would be at cross purposes with those improvements and not appropriate for that portion of the community.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-40	R-6MF to R-6	A.I.P.	11/26/73

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a small tract of land to a nonspecific industrial use. The site is located along the fragile edge of an existing single family community and directly across the street from an elementary school. Public plans and policies for the area identify residential land uses for this site and specifically call for the potential for multi-family land uses. Rezoning this property to an industrial classification would bring nonresidential industrial uses to the very brink of the neighborhood entrance. Therefore, this petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this proposal with the petitioner prior to filing of the application. The staff indicated concern about the appropriateness of this request.

   2. Departmental Comments. There were very few departmental comments regarding this application inasmuch as there was no site plan to review. The City's Department of Transportation indicated that the intersection of Graham Street and Norris Avenue is identified as a high accident location in the 1989 Traffic Operations Plan. Inasmuch as left turns are currently prohibited for vehicles traveling north on Graham Street, traffic to this site would have to circulate through other streets in the area. The Planning staff also expressed concern about the appropriateness of this request. The staff indicates that nonresidential use of this property could encourage more of the same types of uses to be proposed across Norris Avenue. Industrial use of this site would have a direct impact on the Druid Hills Elementary School as well as create an inappropriate gateway to the Druid Hills community.

ISSUES

1. Land Use. This petition proposes a significant land use issue. It requests the rezoning of a piece of property from a residential to a industrial classification but does not indicate the type or intensity of use proposed for the site. Although the application indicates that the site is vacant, a portion of the site contains an existing single family structure and the site is located at the entrance to a single family residential community and across from an elementary school. Land use plans for the area indicate that this property should be more appropriately used for residential purposes. Therefore, from a land use standpoint, this petition is not appropriate for approval.

2. Site Plan. There is no site plan which accompanies this application.

CONCLUSION

This petition is not appropriate for approval. It represents a significant departure from existing and proposed plans for the area and is an inappropriate land use at the entrance to a single family community.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-49
Date Filed April 17, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner JAMES ALEXANDER, SR.

Owner s Address 3144 Dawnshire Avenue
Charlotte, North Carolina 28216

Date Property Acquired October 1989

Tax Parcel Number 079-07221 079072-22

Location Of Property (address or description) 2625 Lucenia and 2631 Lucenia St

Description Of Property

Size (Sq Ft Acres) 21,375 Street Frontage (ft.) 142} ft.

Current Land Use Vacant

Zoning Request

Existing Zoning R6 Requested Zoning I-1

Purpose of Zoning Change To make this property compatible with other properties on the street

Name Of Agent

Agent s Address

Telephone Number

James Alexander
Name of Petitioner(s)

3144 Dawnshire Avenue
Address of Petitioner(s)

(704) 392-6278
Telephone Number

James Alexander, Sr.
Signature

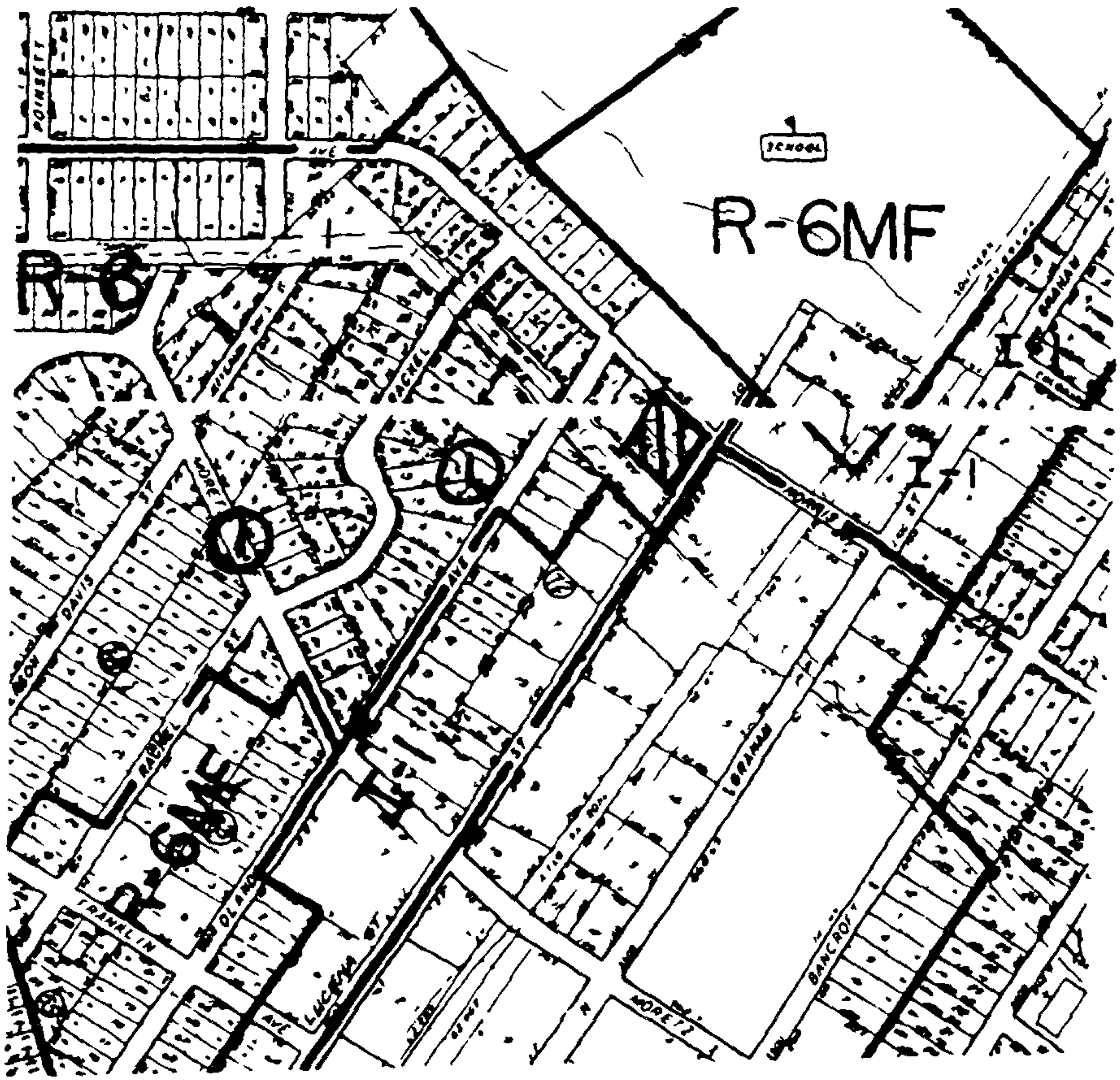
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-50

Petitioner: The Salvation Army

Location: 2.6 acres bounded by Statesville Avenue, Oliver Street and Spratt Street.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-9MF as is the property across Oliver Street and north along Statesville Avenue. The property across Statesville Avenue to the east is zoned I-2. The property to the south and west is zoned I-1(CD).

2. Existing Land Use. The property involved in this rezoning request is presently vacant. The property across Oliver Street to the north is also vacant. The property to the east across Statesville Avenue is the site of the Sealtest plant. Also across Statesville Avenue is a small dry cleaners. The property to the south and west is developed with the City's Community Service Buildings.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment use along Statesville Avenue and existing residential land uses elsewhere in the area of the subject property. One of the 2005 Plan strategies calls for a Development Enterprise Area in the midtown area, which would include this site.

   2. Central District Plan (unadopted). The Central District Plan recognizes and encourages institutional uses in this area. The petitioner has spoken with the Community Planning staff and they have recommended that he file a conditional plan for this proposed use. The Central District Plan also recommends streetscape improvements along Statesville Avenue.

   3. Greenville Special Project Plan (adopted by City Council 10/87). The Greenville Special Project Plan proposes light industrial land uses for the subject property. The plan states that these rezonings should be approved on a conditional basis.

4. Site Plan. The site plan which accompanies this application proposes a 38,000 square foot building which will be used as a day care center for up to 75 children, a group home for up to 180 residents, and administrative offices. Access to the site will be from Oliver Street and Spratt Street no access is proposed from Statesville Avenue. The plan proposes street trees along

Statesville, Oliver and Spratt Streets as well as the preservation of some large existing trees.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-49	B-2, R-6MF to R-9MF	Approved	11/04/74
2. 75-7	R-6MF, B-1, and I-2 to I-1 and I-2	Approved	04/14/75
3. 78-1	R-6MF, B-1, B-1, I-2 to R-6, R-9MF and B-1	Approved	02/27/78
4. 85-79	R-9MF to I-1(CD)	Approved	11/18/85
5. 89-17	B-1, R-6MF and R-9MF to R-6	Approved	03/20/89

7. Neighborhood. This property falls within the area defined as the Double Oaks/Greenville Neighborhood.

REVIEWS

1. Plan Consistency. The 2005 Plan calls for this area to remain as an employment corridor with surrounding residential uses. The Central Area Plan encourages the development of this site with an institutional use as proposed. The Greenville Small Area Plan calls for light industrial uses on the subject property. Since this proposed use is less intense than light industrial uses and the yet unadopted Central Area Plan encourages this proposed use, this petition is viewed as consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff met on several occasions with agents for the petitioner prior to the filing of the application.

   2. Departmental Comments. The Fire Department will most likely require the installation of firewalls and sprinklers due to a marginal water supply. The Transportation staff requested that no access to Statesville Avenue be provided. They also requested a parking summary and location of adjoining driveways. The City Engineering Department noted that compliance with the subdivision ordinance and tree ordinance is required as well as a grading permit and a storm water plan. The Building Standards Department required screening along Oliver Street. The Planning Commission and Building Standards also asked for additional development statistics so that the

site could be properly reviewed. All these comments have been addressed by the petitioner.

ISSUES

1. Land Use. There are no land use issues which accompany this application. This request seeks to change property zoned R-9MF to office classification for a day care center and a group home. Public plans and policies call for the area to be used for light industrial uses. This petition is proposing a use that is consistent with these plans. Therefore, from a land use standpoint, this petition should be considered appropriate for approval.

2. Site Plan. There are no site plan issues associated with this petition. The petitioner has complied with all department comments and requests. The petitioner is making an effort to save some existing trees as well as planting new trees to enhance the Statesville Avenue frontage. From a site plan standpoint this petition is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review 5/8 @ 9:02 a.m.

Petition No 90-50
Date Filed April 16, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte

Owner s Address 600 East Fourth Street

Date Property Acquired

Tax Parcel Number 1078-454-04

Location Of Property (address or description) LOT 2, BLOCK 18

Greenville Urban Renewal Area. Contained by Statesville Ave., Oliver St. and Spratt St.

Description Of Property

Size (Sq Ft Acres) 2.601 Acres Street Frontage (ft) 1090 (3 Streets)

Current Land Use Undeveloped

Zoning Request

Existing Zoning R-9MF ~~CD~~ Requested Zoning O-6 CD

Purpose of Zoning Change To allow the proposed institutional facility approved by City Council to be built. Present zoning would allow the ~~present~~ proposed use with a minor special-use permit However, in accordance with the Greenville Special Project Plan and the mandatory referral for sale of the land, rezoning is requested.

Robin W. Davis, AIA
Name Of Agent

901 W. Trade Street; Suite 1020
Agent s Address

Charlotte, NC 28202
Telephone Number

(704) 374-5379

The Salvation Army
Name of Petitioner(s)

P.O. Box 31443
Address of Petitioner(s)

Charlotte, NC 28231
Telephone Number

(704) 334-4731

Signature

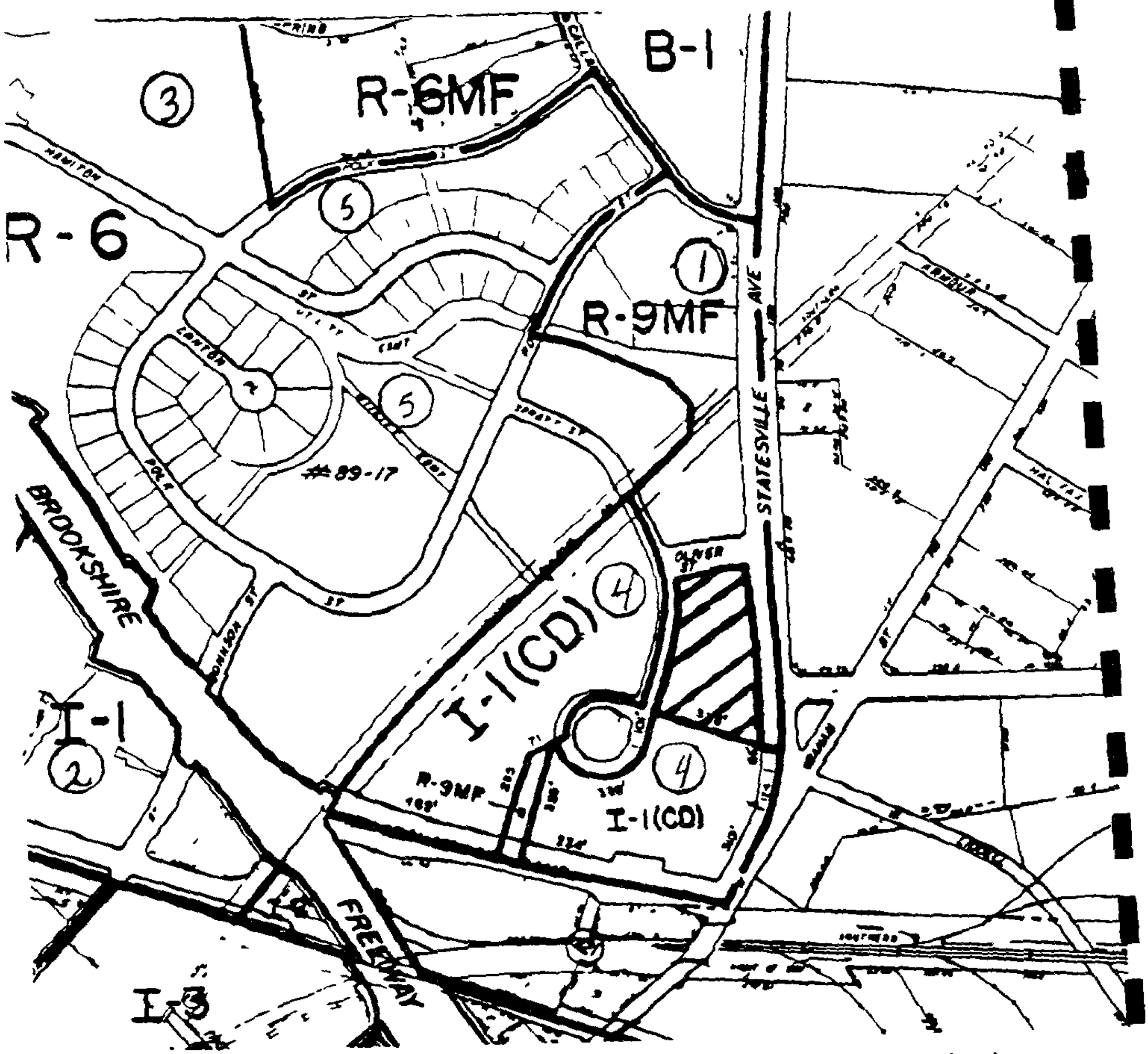
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-53

Petitioner: Bishop and Company/Carocon Corporation

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15MF(CD) which was approved in 1983. The vast majority of the property in the surrounding area is zoned R-15. Immediately to the north and east of the subject site can be found a small parcel zoned for B-1(CD). A proposed site plan amendment for this property was denied in 1988.

2. Existing Land Use. The property involved with this request is presently undeveloped. In the immediate area, the predominant land use is that of single family detached housing. Across Carmel Road from the subject site can be found a church and to the north of the church site an existing small convenient store.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A major mixed use center is indicated at the intersection of N.C. 51 and Carmel Road. The 2005 strategies include improving N.C. 51 and extending the greenway system along McMullen Creek.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of Carmel Road to four lanes in the vicinity of the subject site with construction to begin in FY92/93.

   3. 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.

   4. District Plan General Policies. The newly adopted District Plan General Policies contain a number of references to issues which relate to this proposal. Notably the general policies devote discussions to both the issues of neighborhood preservation, sensitivity of design, as well as providing housing opportunities for a wide range of housing types and utilizing infill sites for higher density housing, especially along thoroughfares.

4. Site Plan. The site plan which accompanies this application proposes the development of this 3.99 acre site to accommodate up to 44 units of multi-family housing. The plan indicates a single access point to Carmel Road opposite an existing church driveway and proposes to dedicate 20 feet of additional right-of-way along the Carmel Road frontage. The plan shows a number of areas indicated for preservation of existing vegetation as well as areas where landscaped berms and new vegetation would be added. A note on the plan makes reference to landscaping but the plan contains few details about the types of landscaping to be incorporated into the site. The plan indicates that the multi-family units would be housed in four separate structures. The structure with its orientation most directly to Carmel Road would be two stories in height and the remaining three structures on the site would be three stories in height. The location of these structures relative to surrounding existing single family structures ranges from a distance of 160 to a distance of 220 feet. The plan does not provide information about specific cross-sections of the screening areas or mechanisms used to preserve existing trees during the construction process. Accompanying the site plan are buildings elevations which are made part of the conditional request. They include elevations of both the two story and three story buildings and they indicate the architecture and construction materials to be incorporated.

5. School Information. Comments from the School Board indicate that this proposed multi-family project will not negatively impact the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 83-72	R-15 to R-15MF(CD)	Approved	11/21/83
2. 88-81	R-15MF(CD) to R-12(CD) & R-15MF(CD) S.P.A.	Denied	12/19/88
3. 90-3	R-15 to B-1(CD)	Approved	02/19/90

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of an existing multi-family tract to a slightly more intense classification. Public plans and policies for the area indicate that the future of this property is that of a residential character. The multi-family zoning presently on the site has been in place for a number of years but has not yet been utilized to date. This petition proposes the utilization of this property for

an infill development at the density of just less than 12 units per acre. Both the 2005 Plan and the recently adopted General Plan Policies indicate that infill developments are an appropriate use of land in residential areas so long as that development is accompanied by careful consideration of the relationships to adjoining properties. These relationships can only be determined through an evaluation of the site plan. Therefore, this petition is viewed as consistent with the publicly adopted plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff had several contacts with the petitioner prior to the filing of the application. Subsequently, the staff has communicated a number of concerns about the site plan to the petitioner for their consideration. The revised site plan includes treatment of many of those concerns.

2. Departmental Comments. City's Department of Transportation and Fire Department indicated few concerns about this proposal. The Department of Transportation indicated that the number of trips generated by this site would not have a significant impact on the thoroughfare system. They note the pending Carmel Road improvements and request the petitioner to dedicate 20 feet of additional right-of-way. The City's Engineering Department indicates that there is a history of storm water problems in the area and notes that the petitioner will be required to comply with the City's Storm Water Management Ordinance. The Engineering Department staff also noted the need for additional information from the petitioner regarding the specific trees on the site to be preserved and the methods used to ensure that trees saved areas will be not be damaged during site work. Both of these issues will be addressed by the detailed grading plan which will be prepared prior to any construction.

The Planning staff expressed concern to the petitioner on several matters of site design. Specifically, the staff indicated that the orientation of buildings, the type and amount of screening, the separation from adjoining properties, and the number of units on the site as they relate to the size of buildings were all important considerations. Staff emphasized the need to carefully address the relationship between the development of this site to adjoining properties.

The majority of the technical details raised by the reviewing agencies have been addressed by the petitioner on the revised plan. However, the staff believes that additional information as required relative to the project edges as well as to the orientation and elevation of buildings on the site. It should be noted that the petitioner has provided additional information regarding some of these concerns to the staff but the information did not arrive prior to the deadline for revised site plans.

ISSUES

1. Land Use. This petition does not raised a significant land use issue. The property involved with this request is presently zoned for multi-family housing of up to 24 units. This petitioner proposes to add 20 additional units to the site for an overall site density of just less than 12 units per acre. Public plans and policies indicate that infill sites can be used for more intense development as along as the relationship of that development to adjoining properties is adequately addressed. Inasmuch as this property has been zoned from multi-family use for a number of years and inasmuch as policies indicate the appropriateness of sites of this sort for higher density housing, the staff believes that this petition is consistent with public policies for infill development and, that from a land use stand point, this petition is appropriate for approval.

2. Site Plan. The revised site plan which accompanies this application still leaves some concerns as to the relationships established by this development proposal. In view of the fact that several of the buildings on the site are three stores tall, it is appropriate that the plan takes special care to ensure that the relationship of these buildings to the nearest adjoining single family residences are well managed. The orientation of those buildings on the site, the extent and location of screening and buffering along the project edge, and the distance between these buildings and the nearest single family uses are all matters which relate to their compatibility. The present plan also leaves some concern as to the type and amount of landscaping to be used to provide screening as well as to establish a quality of residential and environment within the site. The petitioner has provided some additional information regarding building floor elevations but that information did not arrive within the prescribed time to be included in this analysis. Until the matters of building orientation, building height as it relates to adjoining properties, and landscaping and screening along the project edge are more adequately addressed then, from a site plan standpoint, this petition is not appropriate for approval.

CONCLUSION

Although consistent with land use policies, improvements to the site plan are warranted prior to the approval of this request.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-53
Date Filed April 6
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Harry Grimmer & Co., Inc.

Owner's Address P.O. Box 898
Matthews, NC 28106

Date Property Acquired 2/22/84

Deed Reference Book 4792, Page 183 Tax Parcel Number 209-291-01

Location Of Property (address or description) 5820 Carmel Road

Description Of Property

Size (Sq. Ft.-Acres) 3.99 Ac. Street Frontage (ft.) 335±

Current Land Use Unimproved

Zoning Request

Existing Zoning R-15 MF (CD) Requested Zoning R-12 MF (CD)

Purpose of zoning change To allow the construction and operation of 48 units of multi-famil housing. The site is consistent with land use objectives of the 2005 Plan. It meets the criteria for multi-family development as established in the district plan general policies document being on a major thoroughfare, near shopping, employment, and transit services.

Name of Agent Edwin Bishop, Jr.

Agent's Address

522-1192

Telephone Number

Bishop & Company/Carocon Corpora

Name of Petitioner(s)

141 Scaleybark Road, Charlotte,

Address of Petitioner(s)

(704) 522-1192

Telephone Number

Signature

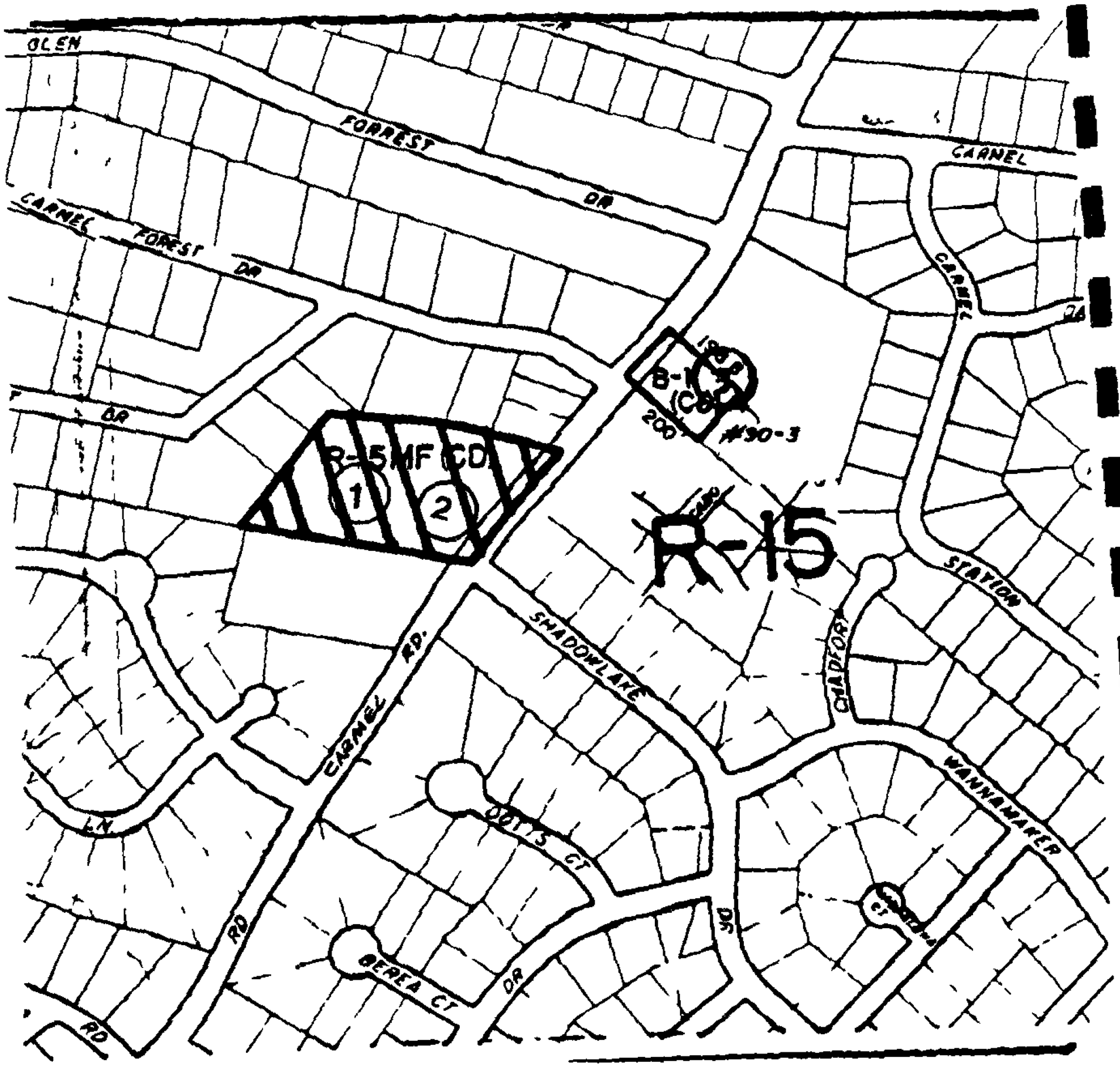
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-54

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, revitalizing North Tryon's employment areas, and protecting existing residential areas throughout the corridor.

Petition No. 90-54

This petition proposes rezoning approximately 1.66 acres in six parcels just west of North Tryon Street. These properties front along Sylvania and Plymouth Avenues and are adjacent to the Lockwood Neighborhood.

The North Tryon Corridor Study proposes rezoning these properties from O-6 to R-6MF. Existing land uses on these properties include two houses and four vacant parcels. There would not be any nonconforming uses created by this petition.

This rezoning is proposed in order to prevent more nonresidential uses from eroding the edge of the Lockwood Neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-54
Date Filed April 16, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Tax Parcel Number See Attached List

Location Of Property (address or description) These properties are located on Sylvania and Plymouth Avenue between Hobbs Street and Dunloe Street

Description Of Property

Size (Sq Ft Acres) 1.66 acres Street Frontage (ft)

Current Land Use Two single family homes, one duplex, two vacant lots, and one office

Zoning Request

Existing Zoning O-6 Requested Zoning R-6MF

Purpose of Zoning Change To implement the proposed rezonings included in the North Tryon Corridor Study approved by City Council on May of 1987.

Name Of Agent

Charlotte-Mecklenburg Planning Commiss
Name of Petitioner(s)

Agent s Address

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

Telephone Number

336-2205
Telephone Number

N. Tryon Rezonings: Petition #2

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

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

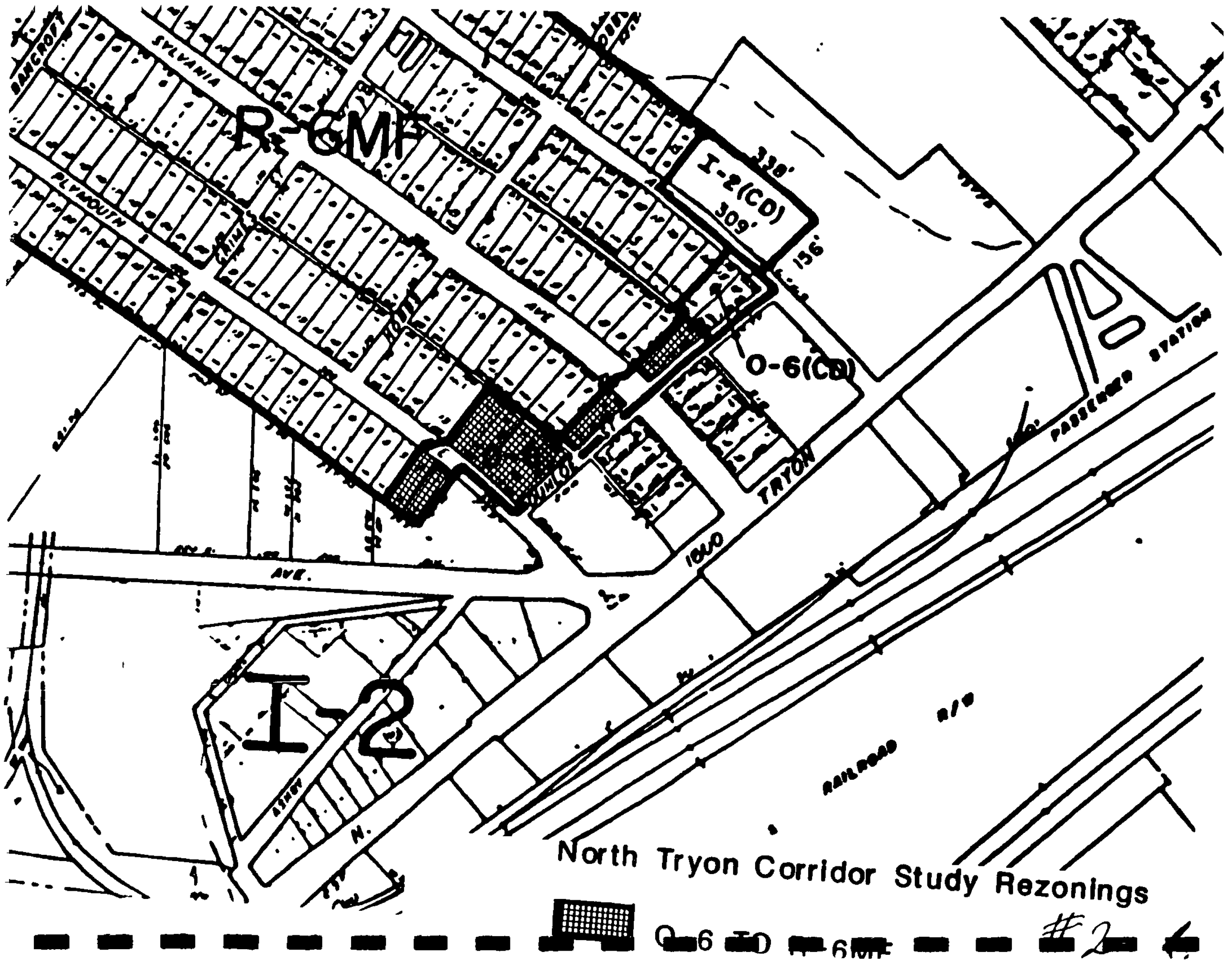
ZONING CLASSIFICATION, EXISTING O-6 REQUESTED R-6MF

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


BANCROFT
SYLVANIA
R-6MF
PLYMOUTH
AVE
I-2(CD)
336'
309'
156'
O-6(CD)
TRYON
PASSENGER STATION
AVE.
I-2
N.
RAILROAD
R/W
North Tryon Corridor Study Rezonings
O-6 CD
6MF
#2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-55

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, revitalizing North Tryon's employment areas, and protecting existing residential areas throughout the corridor.

Petition No. 90-55

This petition includes approximately 5.6 acres along 24th Street and along North Church Street from W. 25th to just north of W. 28th Street.

These properties are currently zoned O-6 and I-1. Existing land uses on these properties are residential, with one institutional use and one business. These are also two vacant properties.

The North Tryon Corridor Study recommends rezoning these properties to R-6MF. This zoning would better reflect the existing land uses and remove zoning which would allow more intensive uses to encroach upon existing single family homes and the Tryon Hills Apartments.

If approved, the proposed rezonings would create one nonconforming use.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-55
Date Filed April 16, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired N/A

Tax Parcel Number See Attached List

Location Of Property (address or description) These properties run along N. Church Street from 25th to W. 30th and on W. 24th at N. Pine Street

Description Of Property

Size (Sq Ft.-Acres) 5.6 acres Street Frontage (ft.)

Current Land Use Single and multi-family residential, a church, and several businesses

Zoning Request

Existing Zoning O-6, I-1 Requested Zoning R-6MF

Purpose of Zoning Change To implement the rezonings proposed by the North Tryon Corridor Study adopted by City Council in May of 1987

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commis
Name of Petitioner(s)

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

336-2205
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

North Tryon Rezonings: Petition #3

PETITIONER Charlotte-Mecklenburg Planning Commission

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

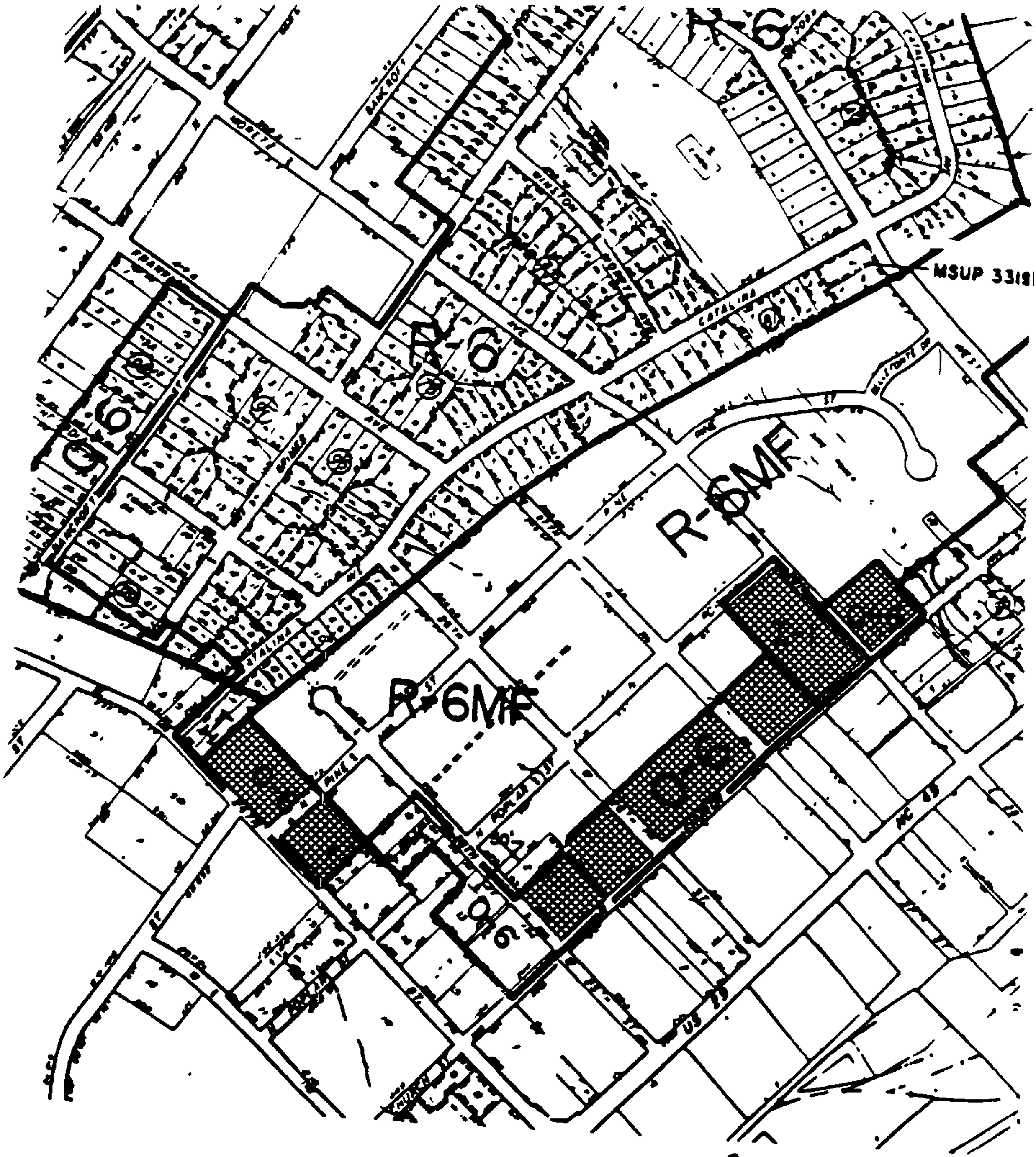
ZONING CLASSIFICATION, EXISTING O-6 & I-1 REQUESTED R-6MF

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 1, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on May 29, 1990.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Wednesday, June 13, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, June 18, 1990.

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

Respectfully submitted,

Tim Mead

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

TM:mlj

Attachments

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

DATE:	May 29, 1990
PETITION NO.:	90-20
PETITIONER(S):	E. C. Griffith and Laurel Eye Associates
REQUEST:	Change from R-12 to O-15(CD).
LOCATION:	A 46.5 acre site located on the westerly side of Randolph Road at Billingsley Road.
ACTION:	In accordance with adopted policies, the Zoning Committee deferred any action on this request due to the fact that the petitioner has submitted a revised site plan. The revisions proposed by the petitioner are of such an extent that a new public hearing is warranted.

DATE: May 29, 1990

PETITION NO.: 90-27

PETITIONER(S): S. C. Hondros and Associates, Inc.

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

LOCATION: A 2.79 acre site located on the southerly side of North Hoskins Road east of Stewart Creek Boulevard.

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

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

Nays: Davis.

REASONS

This petition was deferred at the last Zoning Committee Work Session in order for the petitioner to make minor modifications to the site plan addressing screening, buffering, and the uses of the site. All of these changes have now been made by the petitioner and the Zoning Committee believes that these changes are sufficient to ensure a minimal amount of impact on residentially zoned properties on the north side of Hoskins Road. A minority of the Zoning Committee felt that the petition should not be considered appropriate for approval because it did allow industrial zoning along the Hoskins Road frontage. However, the majority felt that the petition was appropriate for approval.

STAFF OPINION

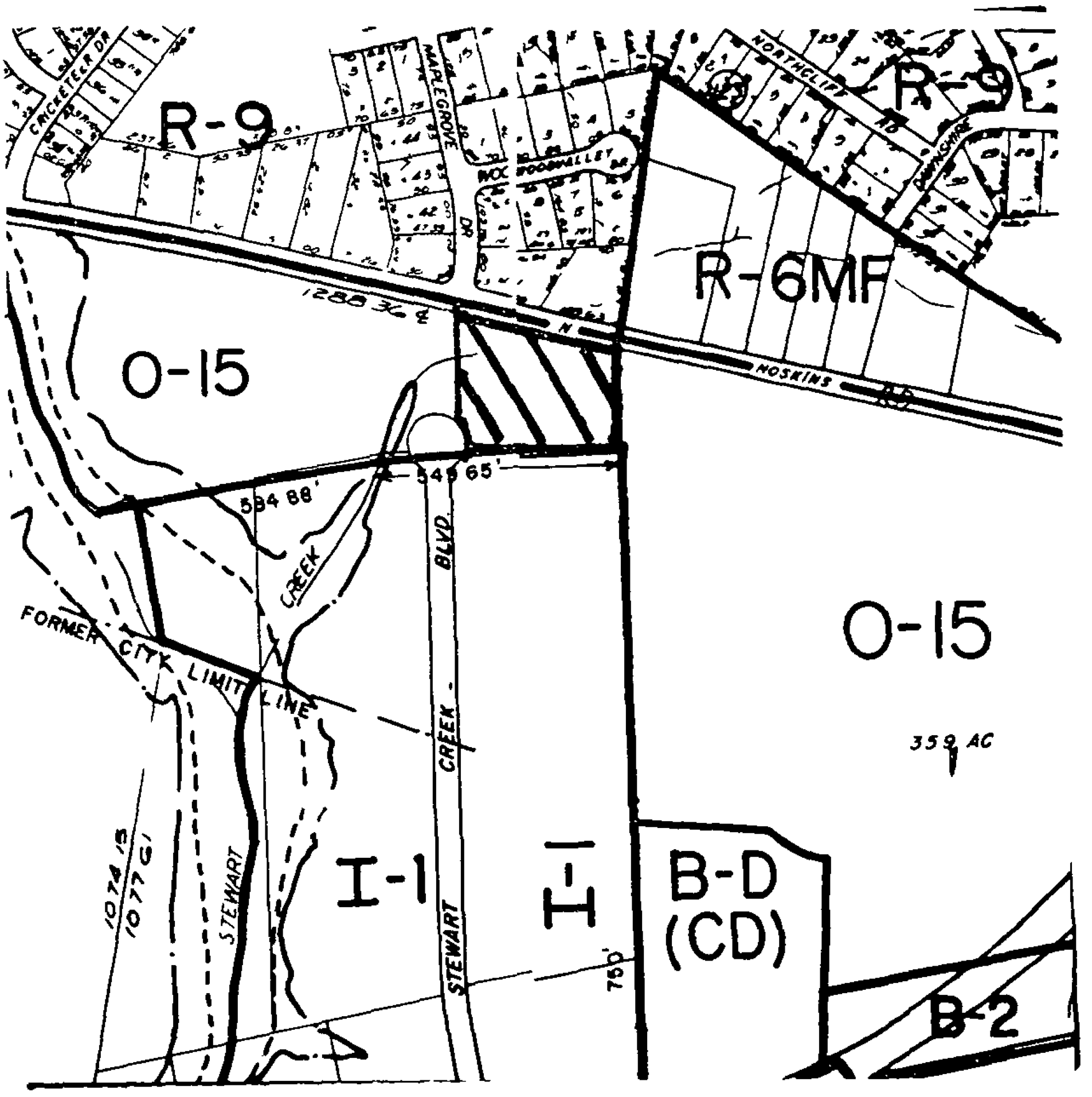
The staff disagrees with the recommendation of the Zoning Committee. There are many acres in the same business park which could be available for the petitioner's use without changing more office zoned land to an industrial category. In addition, the staff is concerned that this approval would signal a willingness on the part of the public to consider additional industrial zonings along this portion of Hoskins Road.

PETITIONER S. C. Hondros & Associates, Inc.

PETITION NO. 90-27 HEARING DATE May 21, 1990

ZONING CLASSIFICATION, EXISTING 0-15 REQUESTED I-1(CD)

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: April 23, 1990

PETITION NO.: 90-31

PETITIONER(S): Kimco Development Corp.

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

LOCATION: A 12.8 acre site located on the southeasterly corner of Woodlawn Road and South Boulevard.

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

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

Nays: Majeed.

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

REASONS

This petition request the rezoning of an industrial tract of land to accommodate the expansion of the existing retail center already developed on the site. The petitioner proposes to add approximately 27,400 square feet of floor area to the existing site which represents an approximately 27% increase in the amount of total development rights on the property. The site plan meets all of the minimum requirements for tree planting, right-of-way protection, and parking. The petitioner proposes to reserve approximately 38,300 square feet of land area for rights-of-way along Woodlawn Road and South Boulevard but does not propose to dedicate those rights-of-way. In its discussions, the Zoning Committee debated the question of right-of-way dedication. At the public hearing, several members at Council had indicated a strong desire for the petitioner to consider right-of-way dedication inasmuch as they were asking for a substantial increase in development rights for the property. While the Zoning Committee does recommend approval of this request as a substantial improvement to the existing center, the Committee did not feel it was appropriate to also recommend that the petitioner dedicate the rights-of-way that are presently reserved on the plan.

STAFF OPINION

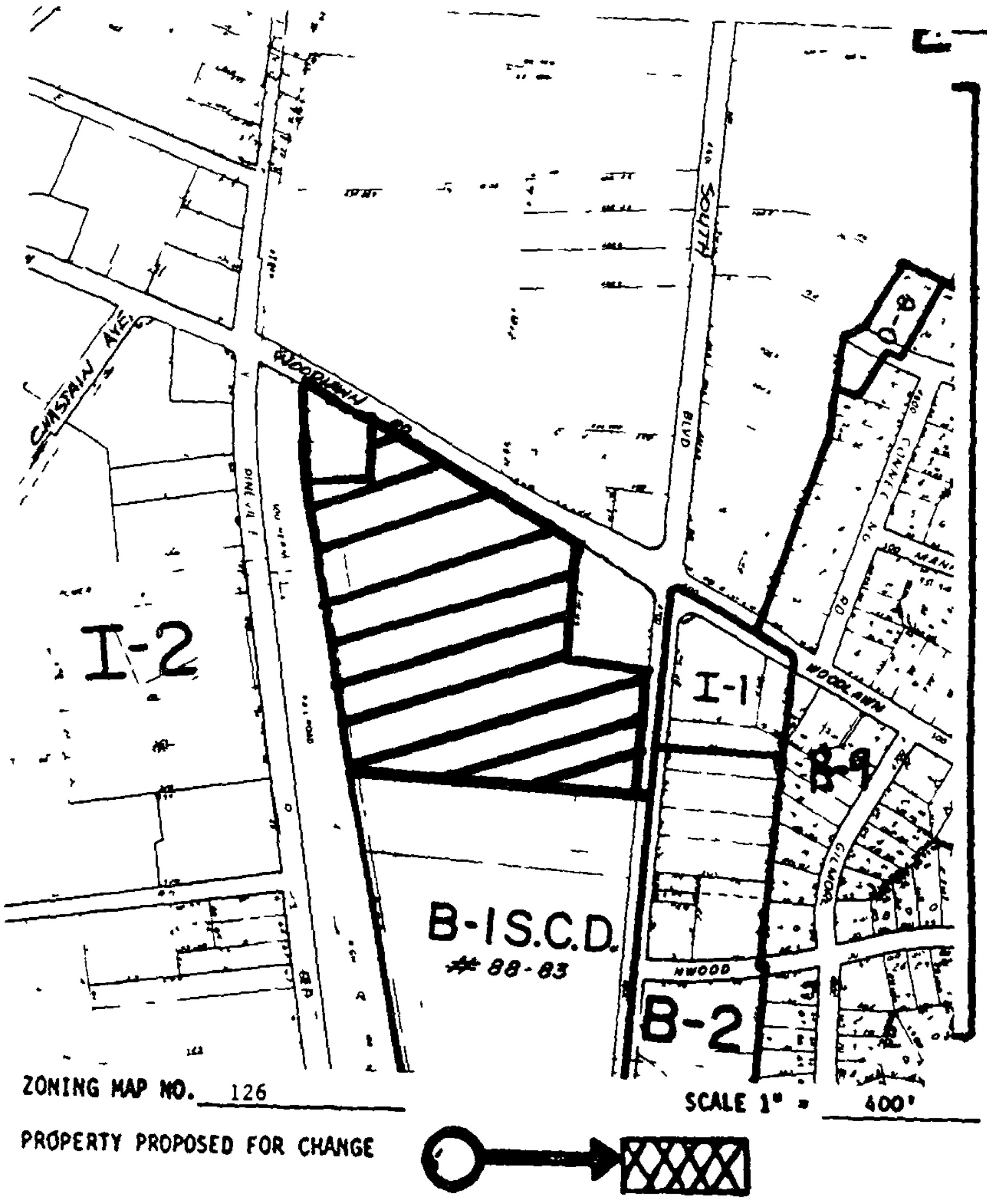
The staff agrees with the recommendation of the Zoning Committee but does note that the petitioner is requesting a 27.8% increase in development rights for the property while the total amount of right-of-way which would be involved with the potential dedigation without affecting the site configuration in any way amounts to only 6.8% of the site.

PETITIONER Kimco Development Corp.

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

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

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



ZONING MAP NO. 126

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

21

22

23

24

DATE: May 29, 1990

PETITION NO.: 90-32

PETITIONER(S): Charles Brewington

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

LOCATION: A .45 acre site located on the east side of Beatties Ford Road south of Holly Street.

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

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

Nays: Latham and Mead.

REASONS

Action on this petition was deferred at the previous Zoning Committee meeting in order for the petitioner to provide additional detail about the specific uses of the site. The petitioner has now established an exclusive list of uses for this property and has indicated additional screening along a portion of the site where the screening is presently deficient. A minority of the Zoning Committee believe that it was inappropriate to consider this rezoning inasmuch as the Beatties Ford Road Small Area Plan specifically recommended against highway type commercial type uses along Beatties Ford Road. However, the majority of the Zoning Committee believes that this petition is appropriate for approval.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. The staff believes the directions of the Beatties Ford Road Small Area Plan should be followed in this area and that this property is economically viable without being rezoned to a highway commercial classification.

PETITIONER Charles Brewington

PETITION NO. 90-32 HEARING DATE May 21, 1990

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

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

ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	April 23, 1990
PETITION NO.:	90-33
PETITIONER(S).	Charlotte-Mecklenburg Planning Commission
REQUEST.	Change from B-2 to B-1.
LOCATION	3.24 acres located along the southwesterly side of Rozzelles Ferry Road between Oregon Street and Norwood Avenue.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Burns, Lassiter, Latham, Majeed, Mead, and Points.
Nays	None.
	(Commissioner Davis was not present when vote was taken.)

REASONS

This petition was initiated by the Planning Commission in order to carry out the intents and purposes of the Thomasboro/Hoskins Small Area Plan. Properties in the area of this tract were rezoned to the neighborhood commercial classification and the Zoning Committee believes that it is also appropriate to treat these properties in the same fashion. 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. 90-33 HEARING DATE April 16, 1990

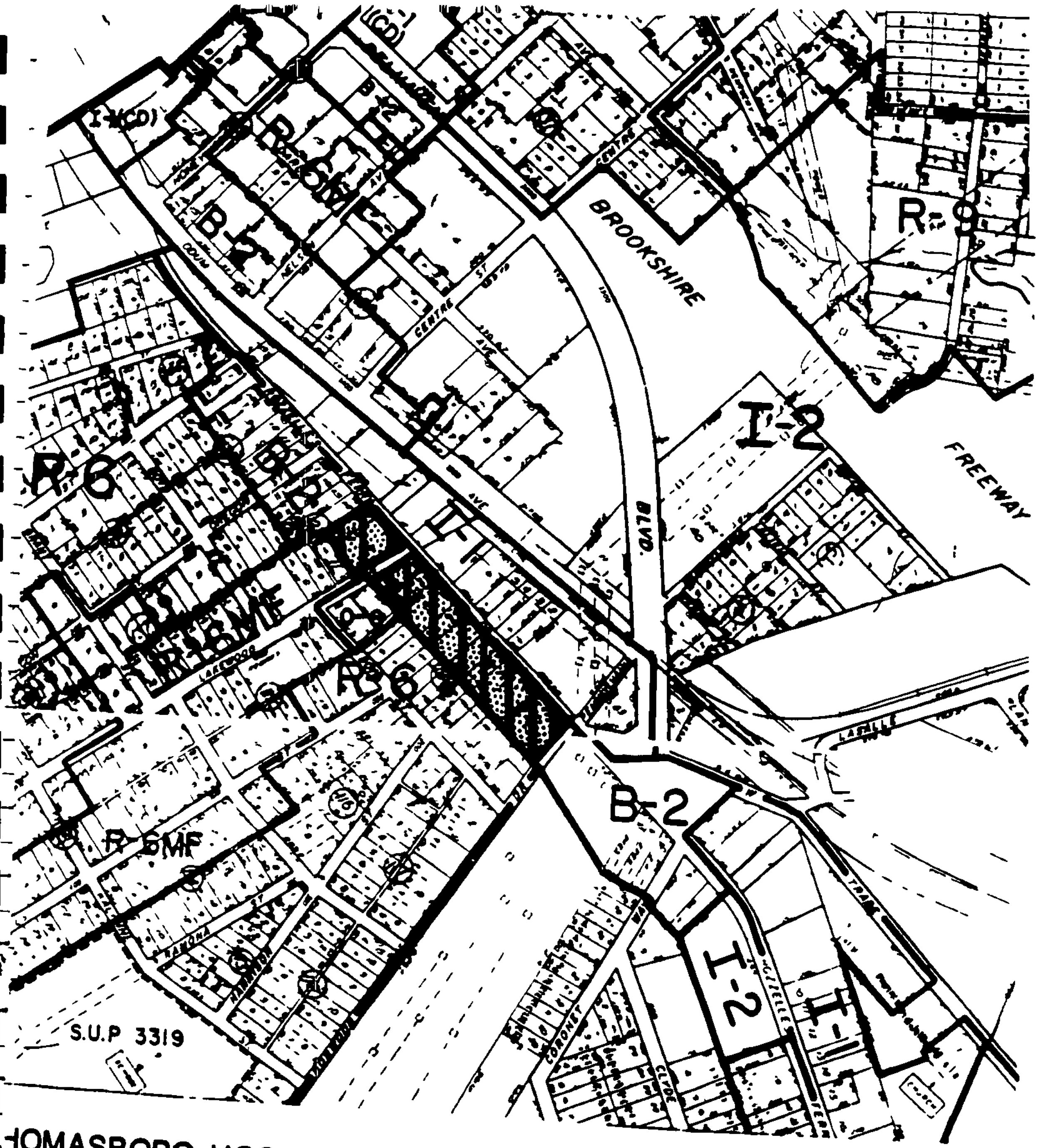
ZONING CLASSIFICATION, EXISTING B-2 REQUESTED B-1

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE



HOMASBORO HOSKINS SPP

etition #1

Rezone from B-2 to B-1

DATE: May 29, 1990

PETITION NO.: 90-37

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to Section 1102 of the City's Zoning Ordinance regarding restaurants with drive-in service.

ACTION: The Zoning Committee recommends that this text amendment be approved.

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

Nays: None.

REASONS

This petition was brought by the Planning Commission in specific response to a request from City Council. The Council had asked the Planning Commission to develop a text amendment which would ensure that drive-in window only type restaurants or restaurants whose principle means of serving the public with a drive-in window with only a small number of seats would not be allowed in neighborhood commercial districts. This amendment accomplishes that by adding additional language to the present definition of "drive-in restaurant" to include a restaurant with fewer than 50 seats that does serve the public principally through a drive-in window. The Zoning Committee believes that this amendment will address the City Council's concerns.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO. DRAFT 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 1102. Definitions, Restaurant with drive-in service, by adding the following phrase to the end of the existing sentence:

   "or a restaurant with drive-in service having indoor seating accommodations for fewer than 50 patrons."

   The amended definition will then reads as follows:

   "Restaurant with drive-in service. An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverages in automobiles on the premises of such establishment, or a restaurant with drive-in service having indoor seating accommodations for fewer than 50 patrons."

Section 2. These amendments shall become effective upon its 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: May 29, 1990

PETITION NO.: 90-38

PETITIONER(S): Samuel M. Youngblood, III

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

LOCATION: Approximately 1 acre located on the east side of McGill Street just east of North Tryon Street.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tract of land to provide for a day care center. Plans for the area support the notion of a day care center in this location which is just behind commercial uses which front along the east side of North Tryon Street. There is a large single family neighborhood nearby as well as a large mobile home park. The petitioner has addressed all of the site plan issues raised by the staff and, therefore, the Zoning Committee feels that this petition is appropriate for approval.

STAFF OPINION

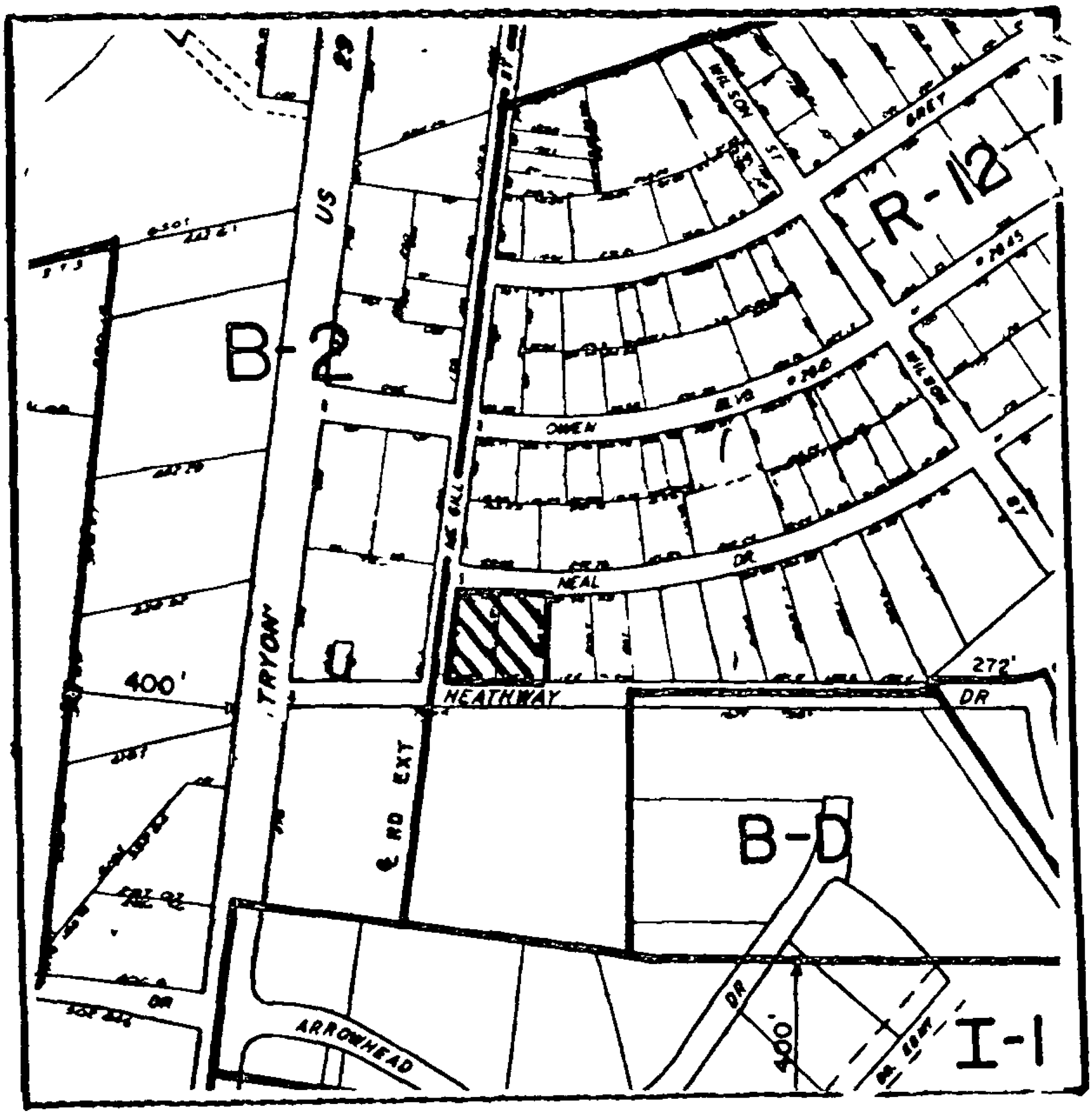
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Samuel M. Youngblood, III

PETITION NO. 90-38 HEARING DATE May 21, 1990

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

LOCATION Approximately 1.0 acres located on the east side of McGill Street bounded by Neal Drive and Heathway Drive.



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 29, 1990

PETITION NO.: 90-39

PETITIONER(S): Frank E. Mangum

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

LOCATION: A 6.3 acre site located on the north side of Lawyers Road west of McAlpine Creek.

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

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

Nays: None.

REASONS

The Zoning Committee discussed this petition for some time. Specifically, the Committee was concerned that the petitioner address the neighborhood concerns about screening along a portion of the site. The petitioner's agent indicated that a note would be added to the plan to address this concern. The Zoning Committee noted that the site is difficult to develop and that it is long and thin and has a substantial amount of floodplain along one portion of the site. Some concern was expressed about development in the floodplain area and it was noted that some of the buildings would be built on fill in the floodway fringe. However, it was also noted that the petitioner was dedicating a portion of the floodway area to the County's greenway system. On the whole the Zoning Committee believes that this petition is appropriate for approval.

STAFF OPINION

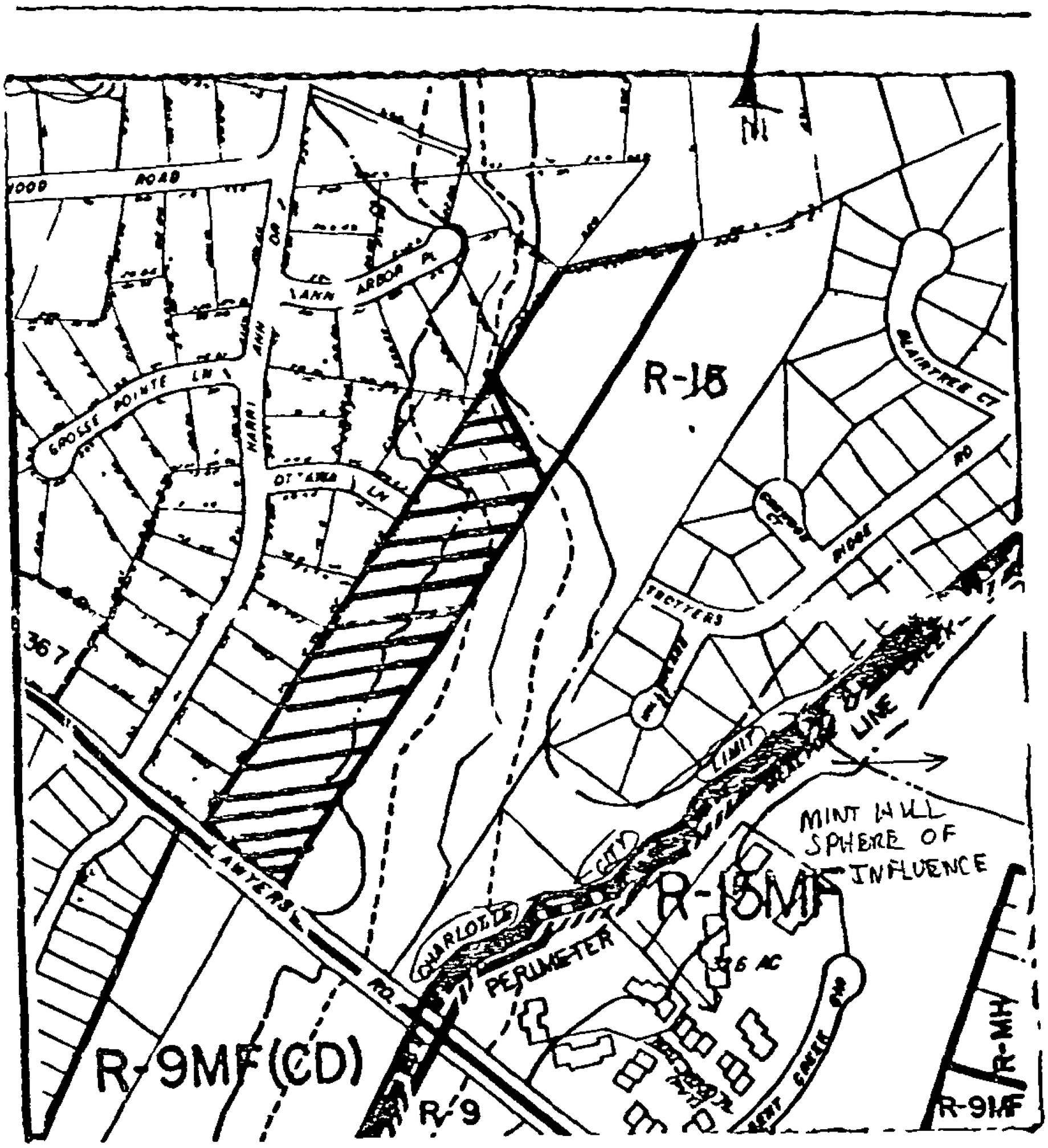
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Frank E. Mangum

PETITION NO. 90-39 HEARING DATE May 21, 1990

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

LOCATION Approximately 6 3 acres located on the north side of Lawyers Road west of McAlpine Creek.



ZONING MAP NO. 114 & 122 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 29, 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 on the end of Northcliff Drive.

ACTION: The Zoning Committee deferred action on this request for 30 days and asked the petitioner to provide additional information.

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

Nays: Davis and Majeed.

REASONS

The Zoning Commission discussed this petition at length. Of principle concern were the size of the buildings on the property, the types of activities which might occur on the site, hours of operation, and the like. The Zoning Committee asked the petitioner to provide additional information about the activities and hours of operation and deferred action to allow the petitioner time to respond.

DATE: May 29, 1990

PETITION NO.: 90-41

PETITIONER(S): Carol L. Patterson

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

LOCATION: A .36 acre site located on the westerly side of North Sharon Amity Road north of Abbeydale Place.

ACTION: A motion to approve this petition resulted in a 3 to 2 vote. According to the Planning Commission's Rules of Procedure, this request is automatically tabled for one month.

VOTE: Yeas: Lassiter, Latham, and Points.

Nays: Davis and Mead.

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

DATE. May 29, 1990

PETITION NO.: 90-42

PETITIONER(S): Charlotte Metro Credit Union and Charlotte Fire Department Credit Union.

REQUEST: Change from R-6MF, O-6, and B-2 to O-6(CD).

LOCATION: A 2.596 acre site located on the south side of Central Avenue extending to Sunnyside Avenue.

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

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

Nays: None.

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

REASONS

The Zoning Committee discussed this petition at length. Particularly noteworthy in the minds of the Zoning Commissioners were the improved site plan which this petition represents over the existing conditions. Specifically, this site plan eliminates all access to Sunnyside Drive and, thereby, eliminates a principle concern of nearby neighbors that the site would generate traffic on a neighborhood street. The Zoning Committee believes that this plan shows sensitivity to the neighborhood and is an appropriate use of the property. As noted at the public hearing, the petitioner also proposes to dedicate right-of-way along Central Avenue as well as to preserve significant trees along Central Avenue and along Sunnyside Avenue. The site plan indicates additional landscaping will be added along Sunnyside Avenue and the petitioner's site will be configured so that all vehicular access is from Central Avenue. The Zoning Committee believes that this petition is appropriate for approval.

STAFF OPINION

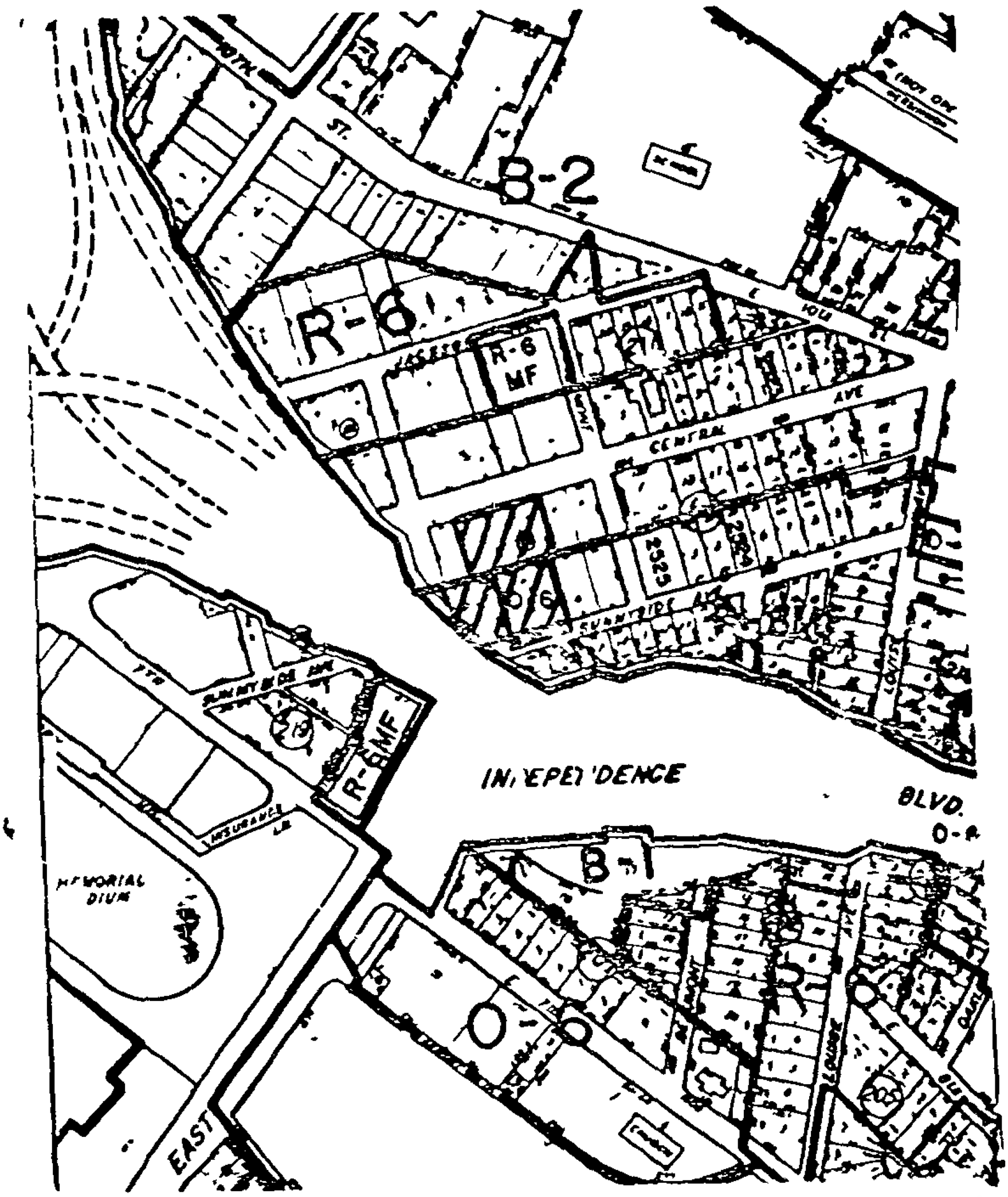
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte Metro Credit Union & Charlotte Fire Dept. Credit Union

PETITION NO. 90-42 HEARING DATE May 21, 1990

ZONING CLASSIFICATION, EXISTING R-6MF, O-6, & B-2 REQUESTED O-6(CD)

LOCATION Approximately 2.596 acres located on the south side of Central Avenue east of Brookshire Freeway and extending to Sunnyside Avenue.



ZONING MAP NO. 102

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 29, 1990

PETITION NO.: 90-45

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: 29.4 acres located generally between North Graham Street and North Tryon Street including properties along Keswick Avenue, Sylvania Avenue, and Plymouth Avenue.

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

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

Nays: None.

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

REASONS

This petition is one of a series of petitions to implement the North Tryon Street Plan. The vast majority of properties in this neighborhood are presently used for single family detached housing but are zoned for multi-family use. There are a number of duplexes and even a few scattered multi-family structures within the area as well as two day care centers which will be made not conforming by this action. However, the vast majority of properties are used for single family purpose and the plan recommends removing the multi-family zoning in order to preserve the single family neighborhood. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendations of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 90-45 HEARING DATE May 21, 1990

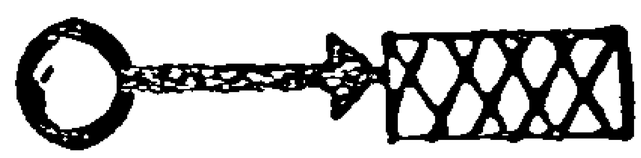
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

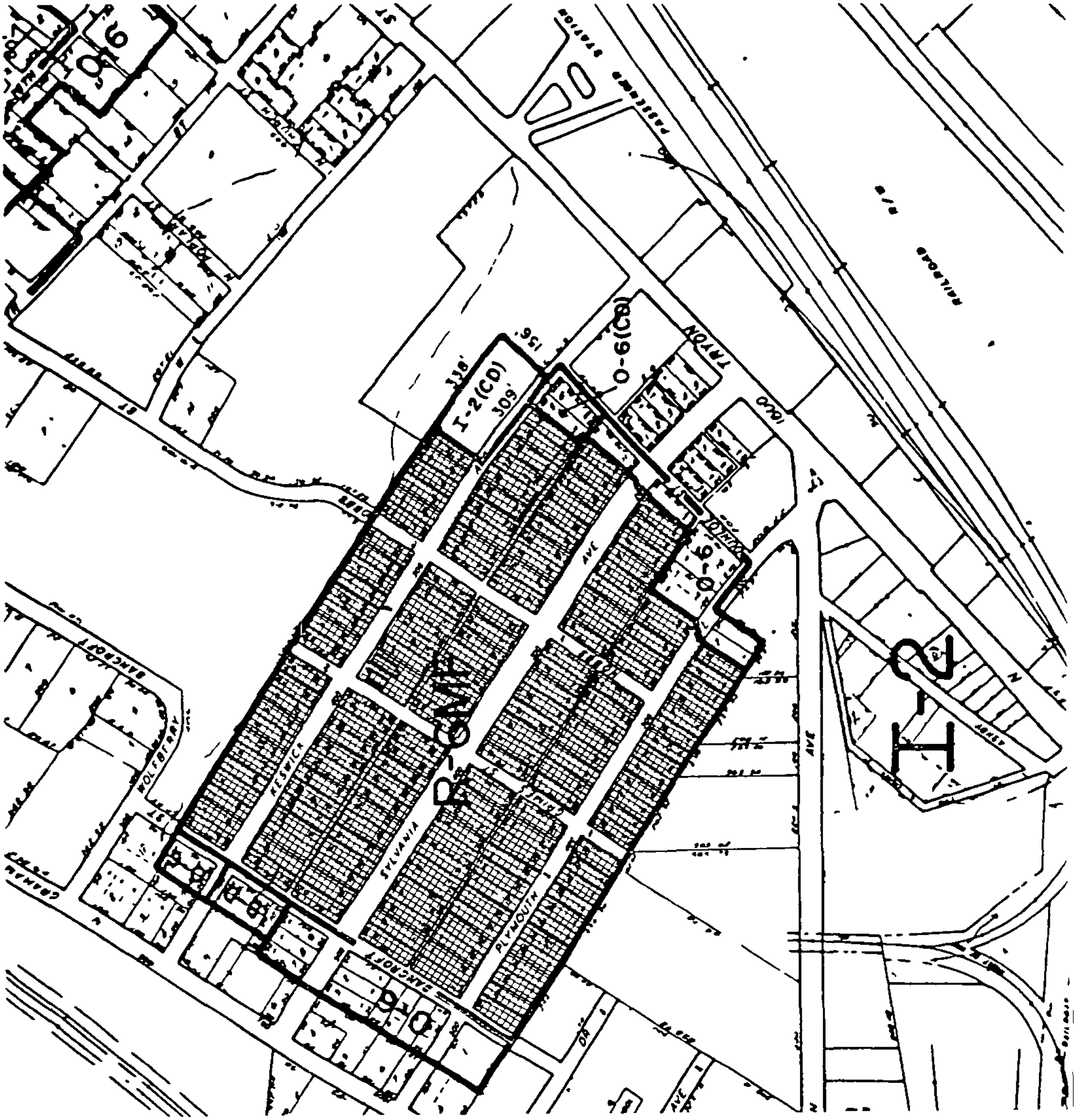
LOCATION Approximately 29.4 acres located along Keswick, Sylvania and Plymouth Avenues between North Tryon and Graham Streets.

SEE ATTACHED MAP

ZONING MAP NO. 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE





North Tryon Corridor Study Rezonings

R-6MF TO R-6

PETITION #-