AGENDA

Meeting Type:	Z
Date.	11-19-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

November 19, 1990

FILE COPY

CHARLOTTE

Meetings in November '90

THE WEEK OF NOVEMBER 1 - NOVEMBER 3

No meetings are scheduled for this week

THE WEEK OF NOVEMBER 4 - NOVEMBER 10

5	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Meeting Chamber
7	Wednesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE/Proposed Southwest District Plan** Charlotte/Douglas International Airport, Conference Room A
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** CMGC, Conference Center
8	Thursday, 8 00 a m	**CHARLOTTE CHAMBER INTRACITY VISIT**- CMGC, Meeting Chamber

THE WEEK OF NOVEMBER 11 - NOVEMBER 17

12	Monday	**VETERANS' DAY** All City Offices Closed
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** 1221 S Caldwell Street
13	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**COUNCIL/MANAGER DINNER** CMGC, Meeting Chamber Conference Room
	Tuesday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Channel 32)
	Tuesday, 7 00 p m	**CITY COUNCIL MEETING** CMGC, Meeting Chamber (Televised Channel 32)
14	Wednesday, 8 00 a m	**CLEAN CITY COMMITTEE** CMGC, Room 270
	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 9 30 a m	**CIVIL SERVICE HEARING** - CMGC, Rooms 270-271
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
15	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** CMGC, Room 270
16	Friday, 11 30 a m	**CHARLOTTE MECKLENBURG ART COMMISSION/WTVI Ribbon Cutting, "Transmission of Light" Dedication** - WTVI, 42 Coliseum Drive
16 17	Friday/Saturday	**CITY COUNCIL RETREAT** - Park Hotel, 2200 Rexford Road

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF NOVEMBER 18 - NOVEMBER 24

19	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/Zoning Hearing** - CMGC, Meeting Chamber
20	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Sunridge Apartments, 4005 Sunridge Lane
	Tuesday, 3 30 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center
22	Thursday	**THANKSGIVING HOLIDAY** - All City Offices Closed

THE WEEK OF NOVEMBER 25 - NOVEMBER 30

26	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 2 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 4·30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
27	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 South College Street, VIP-B Conference Room
	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, Building Standards Training Room, 700 North Tryon Street
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
28	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
29	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 10th Floor Conference Room
30	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** CMGC, 8th Floor Conference Room

These organizations will <u>not</u> meet in November
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 Matthews*
Ann Hammond *Ella Butler Scarborough*
Pat McCrory *Richard Vinroot*
Tom Mangum *Lynn M Wheeler*

Council Agenda

Monday, November 19, 1990

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
1. East District Plan
   - Albemarle Road Rezonings
2. Northwest District Plan
   - Toddville Road Rezonings
3. Northeast District Plan, Rezonings

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

Invocation by Reverend Steve Grandy, Arlington Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (90-71) Hearing on Petition No. 90-71 by Arrowood Limited Partnership for a change in zoning from BP to B-1SCD for 28.98 acres located on the southerly side of Arrowood Road on both sides of England Street Extension.

   Attachment No. 1

2. (90-81) Hearing on Petition No. 90-81 by Mark Pope for a change in zoning from R-15 to I-1CD for approximately 20.2 acres located on the northerly side of Westinghouse Boulevard, west of York Road at the end of Southbourne Road.

   Attachment No. 2

3. (90-82) Hearing on Petition No. 90-82 by Kale Knitting Mills, Inc. for a change in zoning from R-15 to R-9MF(CD) for approximately 1.159 acres located on the west side of Rama Road north of Charing Place.

   Attachment No. 3

4. (90-83) Hearing on Petition No. 90-83 by Crowder Construction Company and Allison Fence Company for a change in zoning from B-2 and I-2 to I-2(CD) for approximately 5.3 acres located on the northeasterly corner of the intersection of Seigle Avenue and East 10th Street.

Attachment No. 4

5. (90-84) Hearing on Petition No. 90-84 by CK Federal Savings Bank for a Site Plan Amendment to an existing O-15(CD) zoning, for approximately 1.13 acres located on the south side of Central Avenue west of Winterfield Place.

Attachment No. 5

6. (90-85) Hearing on Petition No. 90-85 by Nisbet Oil Company for a change in zoning from B-2 to I-2(CD) for a 4.5 acre site located on the north side of Sunset Road between Reames Road and I-77.

Attachment No. 6

7. (90-86) Hearing on Petition No. 90-86 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to O-15 for a total of 5.471 acres on the north side of I-85 immediately west of Statesville Road. The parcels straddle the unnamed frontage road.

Attachment No. 7

8. (90-87) Hearing on Petition No. 90-87 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for 34.248 acres located on the west side of Eastway Drive approximately 1/3 mile south of North Tryon Street.

Attachment No. 8

9. (90-88) Hearing on Petition No. 90-88 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-12MF for approximately 10.8 acres located on the east side of Sugar Creek Road approximately 600 feet south of Graham Street.

Attachment No. 9

10. (90-89) Hearing on Petition No. 90-89 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to R-9MF for approximately 32.3 acres located on the south side of the Southern Railroad approximately 1/4 mile east of Eastway Drive and 1/4 mile south of Old Concord Road.

Attachment No. 10

11. (90-90) Hearing on Petition No. 90-90 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 to R-12MF and from B-1 to O-6 and R-12MF for approximately 15.675 acres located on the north side of The Plaza approximately 1/4 mile east of Milton Road.

Attachment No. 11

BUSINESS AGENDA

12. Recommend approval of the corrective rezonings along Albemarle Road to be included in the proposed East District Plan as recommended by the Planning and Public Works Committee.

Attachment NO. 12

13. Recommend approval of the corrective rezonings in the Melynda Road and Toddville Road area to be included in the adopted Northwest District Plan as recommended by the Planning and Public Works Committee.

Attachment No. 13

14. Recommend approval of the I-85/Sugar Creek Area Study as a guide to future land use decisions in the area south of the I-85/Sugar Creek Road interchange.

Attachment No. 14

DECISIONS

15. (90-57) Decision on Petition No. 90-57 by Easlan Capital of Charlotte for a change in zoning from R-9MF to R-6MF(CD) for a 4.99 acre site located on the northeast corner of Park Road and Salem Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (90-76) Decision on Petition No. 90-76 by Mecklenburg County Building Standards, for a Text Amendment to the Zoning Ordinance, Section No. 1202.5, authorizing the issuance of citations for zoning violations.

Attachment No. 16

17. (90-77) Decision on Petition No. 90-77 by First Charter National Bank for a Site Plan Amendment to an existing B-1SCD Zoning for a 21 acre site located on the north side of Hickory Grove Road and the west side of East W. T. Harris Boulevard.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (90-78) Decision on Petition No. 90-78 by Faison Nesbitt Arrowood Venture for a change in zoning from R-9(CD), O-15(CD), and B-D(CD) to B-1SCD and consideration of an R-9(CD) and B-D Site Plan Amendment for a 66 acre site located on the east side of I-77 extending from Nations Ford Road to a point north of Arrowood Road.

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

Attachment No. 18

19. (90-79) Decision on Petition No. 90-79 by Trenton Properties, Inc. for a change in zoning from I-2 to UR-3(CD) for a 10.08 acre site located on the east side of 36th Street north of Davidson Street (Johnson and Mecklenburg Mills).

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (90-80) Decision on Petition No. 90-80 by Hoskins Mill Associates Ltd. Partnership for a change in zoning from R-9MF(CD) to R-6MF(CD) for an 11 acre site located on the southerly side of South Hoskins Road at Gossett Avenue (Hoskins Mill).

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. Recommend adoption of Resolution setting public hearings for December 17, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street on Petition Nos. 90-92 through 90-94 for zoning changes.

SCHEDULE OF MEETINGS
November 14, 1990 - November 25, 1990

Friday/Saturday November 16 & 17, 1990 -	Council Retreat, Park Hotel, 2200 Rexford Road
Tuesday, November 20, 1990	City Council/County Commission/School Board Luncheon CMGC, Room 267

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 7, 1990

Mayor and City Council:

RE: Petitions to be Heard in November, 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, November 19, 1990 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-71

Petitioner: Arrowood Limited Partnership

Location: Approximately 28.98 acres located on the southerly side of Arrowood Road on both sides of England Street Extension.

Request: Change from BP to B-1SCD

BACKGROUND

1. This petition was originally scheduled for public hearing several months ago and has been deferred at the petitioners request. A copy of the original staff analysis is attached for reference.

   The petitioners have made a number of changes in the site plan from that originally submitted for public hearing. Those changes include reducing the total amount of land area involved in the request from 28.9 acres to 25.7 acres. This reduction all occurs in the larger portion of the site which is proposed to include a retail shopping center. In addition the petitioners have reduced the total amount of floor area to be developed on this site from originally requested 225,000 square feet down to 131,000 square feet. This change resulted in a slight increase in the amount of floor area on the smaller portion of the site and a substantial decrease in the amount of floor area on the large shopping center portion of the site. The petitioners have also added a number of specific notes dealing with transportation issues. Those notes include the dedication of additional right-of-way along Arrowood Road, the construction of special turning restrictions for the driveway access to Arrowood Road, and other notes dealing with site distance triangles and driveway permits. An illustrative plan which accompanies petition continues to show a retail shopping center with its orientation to Arrowood Road and England Street and a number of outparcels with their orientation to Arrowood Road. The remainder of the property involved in the earlier zoning request is still proposed to remain in the business park classification. However, the reduction of the business park zoning on the easterly side of England Street leaves a small tract of land (approximately 6 - 8 acres in size) with the business park zoning category.

2. Departmental Comments. The City Department of Transportation has reevaluated this request in light of the revised site plan. However, CDOT maintains its opposition to the proposed rezoning of this property because it would result in an intensification of land use and a trip generation in excess of what had originally been agreed to for this property when it was rezoned in 1988. The evaluation of the trip generation and characteristics of this

portion of the larger site reveals that the total project area would generate up
to 29,727 trips and be far in excess of the 18,241 trips projected for the development as originally zoned in 1988 and modified in 1989. In addition, CDOT notes that the petitioner has indicated a number of outparcels along the Arrowood Road frontage as being development that could presently take place on the site. However, CDOT correctly notes that the business park standards in the ordinance would not contemplate this sort of "strip commercial" development and therefore, trip generation and characteristics assumed by the petitioners consultant are inaccurate.

CONCLUSION

As was stated in the original staff analysis this petition is not appropriate for approval. The development of this site and of other properties in the immediate vicinity were carefully worked out only two years ago. Conversion of this property to a retail use will incapacitate the thoroughfare system in the area. In addition the reconfiguration of the zoning districts on this property create a small piece of land with a business park category separative from the major portion of the remaining business park zoning. If this rezoning were to be approved it is not unreasonable to expect that the owners of this small business park land would also ask for zoning to retail or some other category. In order to maintain the integrity of the original zoning for this entire area this petition should not be approved.

*Subject to further refinement following public hearing.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-71

Petitioner: Arrowood Limited Partnership.

Location: Approximately 28.98 acres located on the southerly side of Arrowood Road on both sides of England Street Extension.

Request: Change from BP to B-1SCD.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned for use as a Business Park as is a substantial additional area to the south and west along England Street. Further to the south can be found property zoned for distributive business and industrial uses. To the north of the site across Arrowood Road is a tract of land zoned B-1SCD and other areas zoned for office and multi-family use. To the east of the site along South Boulevard are a variety of non-residential zoning classifications, including business, office and distributive business uses.

2. Existing Land Use. The property involved in this request is presently undeveloped. Properties to the south of the site along England Street are also undeveloped but have been graded in anticipation of development. Properties further to the south are used for a variety of of distributive business and industrial uses. Immediately to the west of the subject site is a existing multi-family housing project and to the north is an existing retail center. To the east of the site along South Boulevard are numerous retail and service typed uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates The 2005 Plan indicates existing and developing employment type land uses in the area of the subject property. 2005 strategies includes the extension of Hebron Street, the realignment of Arrowood Road, the widening of South Boulevard, and the extension of the greenway system along Kings Branch.

   2. Transportation Improvement Program. The TIP calls for the extension of Hebron Street for South Boulevard to Arrowood Road. The portion of that road from South Boulevard to Nations Ford has been completed and the remaining portion to Arrowood Road is under construction.

   3. South Mecklenburg District Plan. This property falls within the area covered by the South Mecklenburg District Plan which is scheduled to be initiated in the fall of 1990.

4 Site Plan. The site plan which accompanies this request proposes the rezoning of this property to accommodate a mixture of retail uses. Eventhough not specifically stated on the technical data sheet, the illustrative plan shows a series of larger commercial structures and a number of outparcels located along Arrowood Road. The plan shows minimum building setbacks along both Arrowood Road and England Street and indicates a fifty foot buffer along the westerly margin of the property that adjoins existing multi-family housing. The plan contains several cross sections which indicate the type of screening and plant materials to be installed and the plan indicates that the total amount of floor area to be constructed on the site would be limited to 225,400 square feet.

5. School Information. Not applicable.

6. Zoning History (See Attached Map). The property involved with this request was rezoned to the business park category in 1988 as part of a two petition package involving land on both sides of Arrowood Road. Those petitions (88-27 and 88-28) were both approved after a considerable amount of discussion and after two earlier petitions (88-13 and 88-14) were withdrawn by the petitioners due to substantial adverse traffic impact.

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from an employment district to a retail and service district. Public plans and policies for the area indicate employment type land uses in the vicinity of the subject property. While this petition proposes to rezone only approximately 24 acres of land, it substantially changes the character of the land uses on the south side of Arrowood Road. While the staff acknowledges that the point is debatable, the staff concludes that this petition is not consistent with publicly adopted plans and policies for the area and with previous rezonings designed to implement those policies. (See discussion of land use issues below.)

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has been meeting on and off with the petitioner for several months. In addition the petitioner has had numerous meeting with the City's Department of Transportation. From the outset, the staff reminded the petitioner about the two previously approved rezonings and the extent to which the approvals were tied to one another and to the capacity of the thoroughfare system. The staff strongly discouraged the filing of this request. Subsequent to the

filing of the request the staff has communicated a number of site plans questions and comments to the petitioner and the City's Department of Transportation has evaluated their traffic impact study.

2. Departmental Comments. There are a number of minor departmental comments regarding the site plan including the need to assure consistency with the Tree Ordinance, Sign Ordinance, and to investigate the extent to which commitments agreed to in the previous rezoning had been complied with. All those minor matters have been addressed by the petitioner on a revised plan.

The principal issue involved in the analysis of this petition is in the area of transportation impacts. In late 1987 two petitions were filed for this property and properties on the north side of Arrowood Road which proposed a total of 439,000 square feet of retail space in addition to other employment type uses. The City's analysis concluded at that point in time that the thoroughfare system even under the best of circumstances, was completely incapable of handling the traffic impacts of such a proposal. Due in part to those traffic concerns the two petitions were withdrawn and two substitute petitions were filed. At that point in time a decision was made to establish retail development on the north side of Arrowood Road and employment type development on the south side of Arrowood Road. The respective floor areas for the different types of development on both sides of Arrowood Road were calculated to preserve the capacity of the thoroughfare system and the development rights were assigned accordingly. At the present time the northerly side of Arrowood Road accommodates up to a 195,000 square feet of retail space and the southerly side of Arrowood Road contains none. If this petition is approved, the 225,000 square feet of retail space added to the south side of Arrowood Road would bring the total back up to 420,000 square feet or almost that which was found totally unacceptable in 1988. The remainder of the tract south of the petitioned property would still be available for employment uses which will also generate additional trips. The City's Department of Transportation indicates that to approve this rezoning would have a significant impact on the surrounding thoroughfare system and is opposed to the approval of this petition. The Department of Transportation also indicated the need for additional right-of-way along Arrowood Road which has not been shown on the plan and indicated that certain driveways should be limited right-in and right-out movements only which also has not been shown on the plan.

ISSUES

1. Land Use. This petition poses a significant land use issue. Plans for the area indicates that the property should be used of employment type uses and the present zoning category accomplishes that objective. Substantial discussion occurred in late 1987 and early 1988 regarding this property and the property to the north side of Arrowood Road. Originally plans were discussed to establish retail uses on both sides of Arrowood Road, but those plans were dropped due to the untenable traffic results. After considerable discussion a compromise solution was reached that assigned development rights for retail use to the north side of Arrowood Road and development rights for employment type uses to the south side of Arrowood Road. This afforded a wide variety of development opportunities while protecting the capacity of the thoroughfare system in the area. Preserving the employment type zoning on the south side of Arrowood Road is consistent with publicly adopted plans and policies for the area and is consistent with the discussion and agreements reached only two years ago about the development of this property. From a land use standpoint this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this request contains both major and minor concerns. There are still technical details in terms of driveways, proposed uses, additional right-of-way, which need to be clarified. In addition there is a significant outstanding issue regarding the impact of this proposed 225,000 square feet of retail floor area on the thoroughfare system. The Department of Transportation has expressed grave concerns about this request and recommends that it not be approved. They note that the distribution of development rights which included this property was approved after lengthy discussion in 1988. Those discussions focused on the need to protect the capacity of the thoroughfare system and to limit the total amount retail floor along this portion of Arrowood Road. There is simply no mechanism to add thoroughfare capacity at this point due to the constrictions imposed by the Southern Railroad track along South Boulevard and the fact that Arrowood Road is a minor thoroughfare which dead ends into South Boulevard. Adding retail floor at this point can have only one result in terms of the thoroughfare system. Even if the minor site plan issues could be corrected, the principal issue remains the impact of retail development on the thoroughfare system.

CONCLUSION

This petition is not appropriate for approval. The development of this site and of other properties in the immediate vicinity were carefully worked out only two years ago. Conversion of this property to retail use will incapacitate the thoroughfare system in the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-71
Date Filed July 16, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Arrowood Limited Partnership

Owner s Address c/o Torrey Development Corporation

Building 400, Suite 216, 1395 Marietta Parkway, Marietta, GA 30067

Date Property Acquired January 30, 1986

Tax Parcel Number 205-171-02

Location Of Property (address or description) southwest corner of Arrowood Road and South Boulevard, southwest corner of Arrowood Road and England Street

Description Of Property

Size (Sq Ft Acres) 23.792 acres/5.196 acres

Street Frontage (ft) 4089.74 LF (865.6 LF - South Blvd.)

Current Land Use undeveloped

Zoning Request

Existing Zoning B-P

Requested Zoning B-1 SCD

Purpose of Zoning Change permit development of neighborhood shopping center and retail outparcels

Name Of Agent

ColeJenest

Agent s Address

417 E. Blvd., Ste. 206, Charlotte, NC 28203

Telephone Number

(704) 376-1555

* Mr. Boyd C. Steed is the owner's representative.

Name of Petitioner(s)
Arrowood Limited Partnership
c/o Torrey Development Corporation

Address of Petitioner(s)
Bldg. 400, Ste. 216
1395 Marietta Pkwy., Marietta, GA 30067

Telephone Number

(404) 425-9255

* Signature

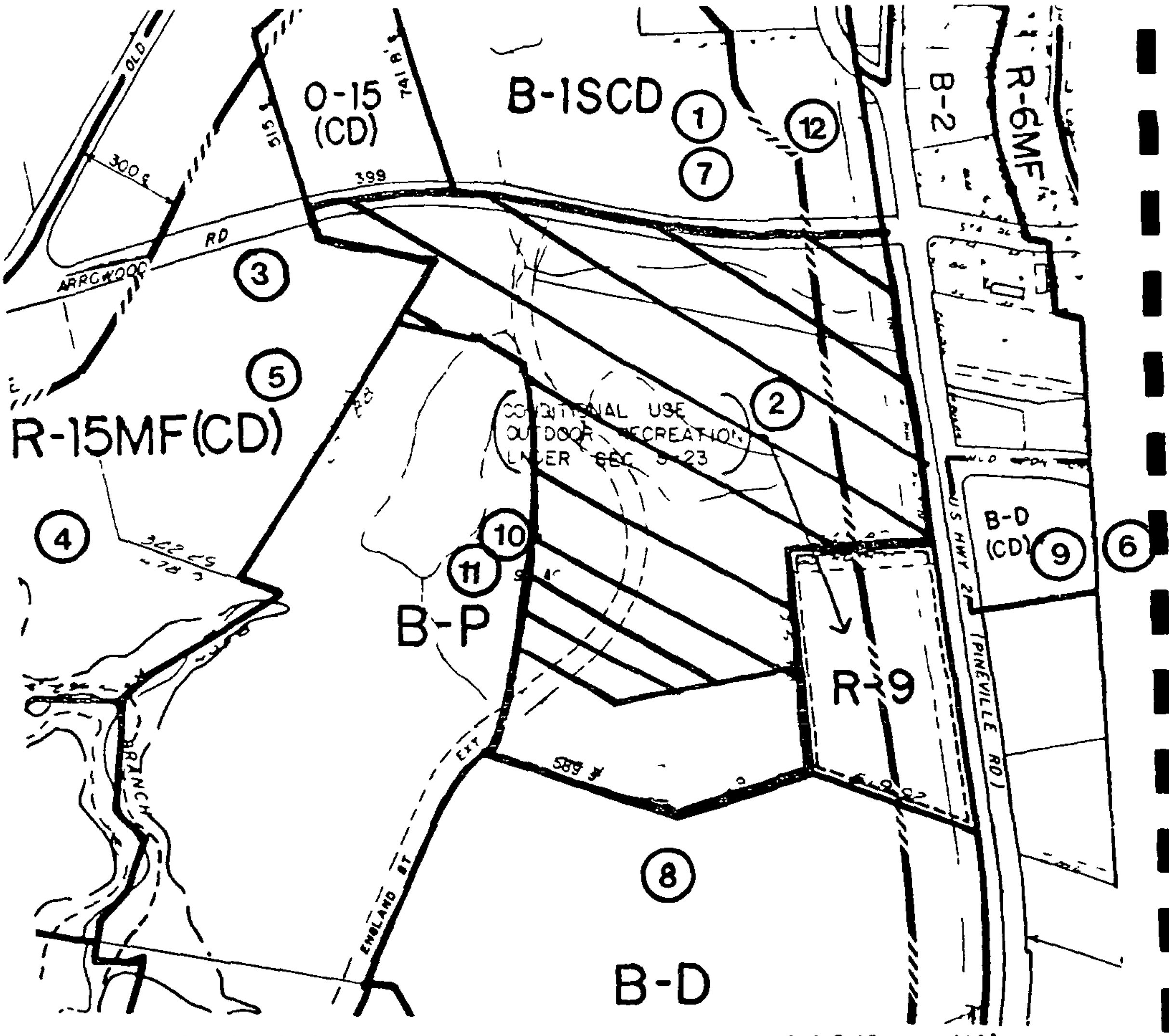
Signature of Property Owner if Other Than Petitioner

PETITIONER Arrowood Limited Partnership

PETITION NO 90-71 HEARING DATE September 17, 1990

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

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



ZONING MAP NO. 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-81

Petitioner: Mark Pope

Location: Approximately 20.2 acres located on the northerly side of Westinghouse Boulevard, west of York Road at the end of Southbourne Road.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-15 as is a substantial area immediately to the north of the subject site. Properties generally to the west, south and east of the subject site are zoned for I-1 uses. Properties to the north and east of the site include land zoned for R-9MF multi-family uses.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties directly to the north of the subject site for a substantial distance are used for single family detached housing. Properties immediately to the west and south of the subject site are used for a variety of industrial and heavy commercial purposes. Properties immediately to the east of the site toward Sandy Porter Road are largely undeveloped.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates industrial type land uses in the area of the subject property. The plan recognizes that business and industrial type uses will intensify in the Westinghouse Boulevard area. 2005 strategies include improving Westinghouse Boulevard and N.C. 49 as well as construction of the southwestern portion of the outerbelt.

   2. Southwest District Plan (unadopted). The draft Southwest District Plan appears to indicate residential uses in the area of the subject property. That pattern of use was fashioned after the existing zoning and provides for employment type land uses on three sides of the subject property.

   3. Transportation Improvement Program. The TIP calls for the widening of N.C. 49 to four lanes from Tyvola Road Extension to the South Carolina state line. It also calls for the widening of Westinghouse Boulevard from N.C. 49 to Nations Ford Road and the extension of Westinghouse Boulevard to the outerbelt. Neither of these projects are presently programmed or funded.

4. Site Plan. The site plan which accompanies this requests proposes the rezoning of this 20 acre tract of land to accommodate up to

250,000 square feet of floor area. The plan specifically indicates that the uses which could be placed on this property are office distribution, light manufacturing, bulk warehouse, flex space, retail, and assembly. The plan indicates that the property will be furnished with public street access to Westinghouse Boulevard and that the property may be subdivided into a number of individual tracts. The plan indicates an existing lake on the pond will be drained and that the petitioner proposes to establish a 100 foot buffer along the northerly and northeasterly sides of the site adjacent to residentially zoned and used properties. The plan indicates that Southbourne Road, an existing residential street, will not be extended into the property but that an existing private easement will be maintained to provide access to a single residential parcel which adjoins this site and presently has access over the petitioner's property to Westinghouse Boulevard. The plan includes a detailed cross section of a berm which will be constructed along the northerly and northeasterly portions of the site and indicates that the berm will be a minimum of 10 feet in height. The toe of the berm will be separated from the residential property line so as not to damage any existing vegetation on the residential lots and will be planted with large maturing evergreen trees and large maturing canopy and ornamental trees. The plan limits maximum building height to 40 feet and indicates compliance with other ordinances including the tree ordinance, stormwater detention ordinance, and sign regulations.

5. Schools. Not Applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
74-1(c)	R-15 to I-1	Approved	11/15/74
89-63	Establish zoning on recently annexed property.	Approved	08/28/89

7. Neighborhood. This petition falls within the area defined as the Steele Creek/Taragate Neighborhood.

REVIEWS

1. Plan Consistency. The property involved in this request is presently zoned residential and the draft Southwest District Plan reflects its present residential zoning. However, the Southwest District Plan indicates that employment type land uses would be located on three sides of the petitioner's site. The 2005 Plan recognizes that employment type uses will intensify in the Westinghouse Boulevard area and the depth of the industrial zoning from Westinghouse Boulevard in this general area is at its narrowest at the petitioners site. Properties immediately to the

west of the subject site which are zoned I-1 recognize their relationship with residentially zoned properties through the preservation of a buffer area which is zoned residential on the northerly side of the site. This petition also proposes to recognize that residential area by establishing a substantial buffer area along their property as well. Inasmuch as the 2005 plan recognizes the intensification of employment uses in this area and inasmuch as the draft Southwest District Plan simply recognizes the existing residential zoning on this site, staff believes that the conversion of this property to an industrial classification with substantial protection for residential properties to the north is not inconsistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has had several meetings with the petitioner prior to the filing of this request. The staff encouraged the petitioner to take special care to protect the residential development to the north of this site by providing for a substantial buffer and by assuring that no vehicular access would be provided to this site from residential areas to the north. Subsequent to the filing of the application the staff communicated a number of minor technical comments to the petitioner for their consideration.

   2. Departmental Comments. The staff had a number of detail comments regarding the site plan including numerous clarifications of conditional notes. The City's Engineering and Transportation departments indicated that compliance with other ordinances and standards would be required and the Fire Department requested a conditional note regarding the distance from fire hydrants to portions of buildings on the site. The planning staff asked for clarification about the existing lake which the petitioner has provided and also indicated that stormwater detention should not be placed in the buffer area. The only note which has not been addressed by the petitioner was a request from the planning staff to take extra measures to preserve substantial oak trees in the southwesterly corner of the site.

ISSUES

1. Land Use. This petition arises an issue of plan interpretation. The 2005 Plan indicates that the intensification of employment type uses as expected along Westinghouse Boulevard. To support that intensification it proposes a number of transportation improvements as well as extension of public services into the area. The draft Southwest District Plan presently shows the petitioners property with a residential future which basically

recognizes the existing zoning on the site. That plan also shows employment type uses on three sides of the petitioner's property which raises an issue as to desirability of this site a residential tract. Inasmuch as the petitioner has proposed a substantial buffer along the northerly and easterly sides of the site adjoining residentially zoned areas (a buffer which is equivalent to the buffers proposed in the new zoning ordinance) and inasmuch as there will be no access from this property to residential areas to the north the staff concludes that to change the zoning on this property to a nonresidential use should not be viewed as inconsistent with plans for the area. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. There are no significant site plan issues regarding this application. The petitioner proposes access to this site solely from the Westinghouse Boulevard thoroughfare and establishes a 100 foot bermed buffer on the north and east portions of the site adjacent to residential development. All of the detailed comments from the various departments and agencies have been addressed by the petitioner on the site plan with the exception of a request that they commit to a higher level of effort on preserving existing significant oak trees on the southwesterly corner of the site. In view of the fact that that portion of the site is actually the low point on the property, it might be possible to incorporate tree preservation with the stormwater management necessary on the site. At an average intensity of only 12,500 square feet per acre this site will be developed at a substantially lower intensity than other properties in the immediate area. From a site plan standpoint this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-81
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Floyd & Lillie Mae Cochran

Owner s Address 9414 York Road, Charlotte, NC 28217

Date Property Acquired

Tax Parcel Number 201-124-14

Location Of Property (address or description) Corner of York Road and Westinghouse Boulevard

Description Of Property

Size (Sq Ft Acres) 20 2 ± Acres

Street Frontage (ft) None

Current Land Use inactive farm

Zoning Request

Existing Zoning R-15

Requested Zoning I-1 (CD)

Purpose of Zoning Change To permit conditional I-1 uses as shown on the conditional site plan submitted

Robert L. Mingle
Name Of Agent

6618 Fairview Road
Agent s Address

Charlotte, NC 28210
Telephone Number

(704) 364-114

Mark Pope, III
Name of Petitioner(s)

2155 Monroe Drive, NE
Address of Petitioner(s)

Atlanta, GA 30324
Telephone Number

(404) 874-3327

Mark C. Pope, III
By his Attorney In Fact
Alvan A. Herring

Mark C. Pope, III
By
Signature W. Floyd Cochran

Lillie Mae Cochran
Signature of Property Owner if Other Than Petitioner

PETITIONER. Mark Pope, III

PETITION NO. 90-81 HEARING DATE: November 19, 1990

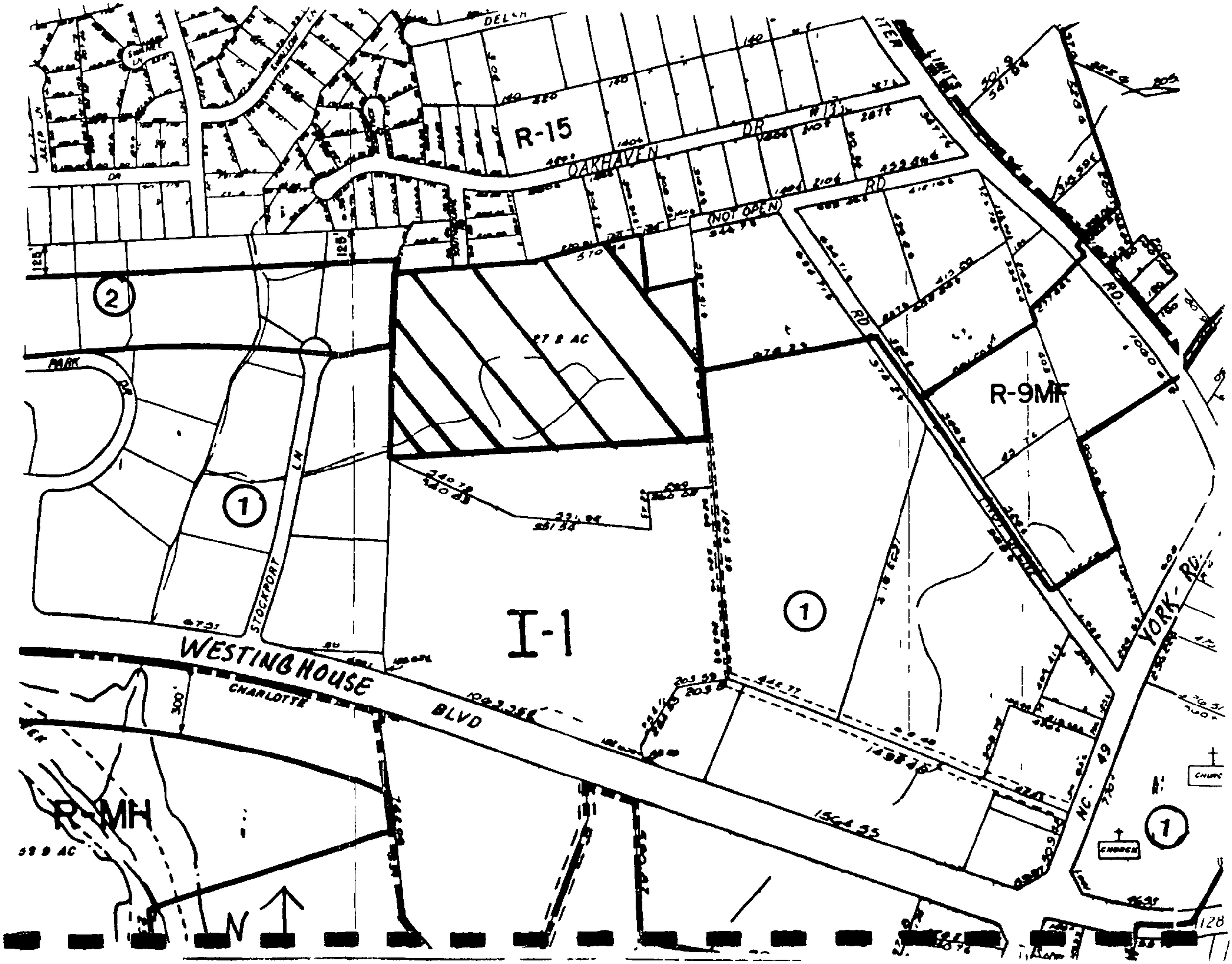
ZONING CLASSIFICATION, EXISTING: R-15 REQUESTED I-1(CD)

LOCATION Approximately 20.2 acres located north of Westinghouse Boulevard west of York Road at the end of Southbourne Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 150 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-15
OAKHAVEN
DR
RD
(NOT OPEN)
R-9MF
YORK RD.
I-1
WESTINGHOUSE
CHARLOTTE
BLVD
STOCKPORT
LN
PARK
DR
R-MH
NC 49
CHURCH
N

POPE REZONE
PETITION #90-81 MARK POPE
GENERAL NOTES
OCTOBER 29, 1990

1 EXISTING DRIVEWAY EASEMENT ALONG EASTERN PROPERTY LINE WHICH SERVES PARCEL #201-124-15 SHALL REMAIN EXCEPT UNDER THE FOLLOWING CONDITIONS·
(a) THE OWNER OF PARCEL #201-124-15 SECURES ALTERNATE ACCESS TO HIS PROPERTY AND AGREES TO RELINQUISH ANY RIGHT, TITLE, OR INTEREST IN OR TO THE EXISTING 30' DRIVEWAY EASEMENT; OR
(b) PARCEL #201-124-15 IS INCORPORATED INTO THE SUBJECT PROPERTY.

2 THE PETITIONER AGREES TO CONSTRUCT A PUBLIC STREET TO ACCESS THIS PROPERTY WITH OUTLET ONTO WESTINGHOUSE BOULEVARD, AS INDICATED ON PLAN. THE DESIGN AND CONSTRUCTION OF THIS PUBLIC STREET SHALL CONFORM TO CHARLOTTE ENGINEERING DEPARTMENT STANDARDS AND SHALL BE DEDICATED FOR PUBLIC MAINTENANCE.

3 SIGNAGE FOR THIS DEVELOPMENT SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 2100 OF THE CHARLOTTE ZONING ORDINANCE.

4. STORMWATER DETENTION SHALL BE PROVIDED TO MANAGE INCREASED SURFACE RUNOFF FROM THIS DEVELOPMENT DETENTION MAY BE PROVIDED THROUGH CONSTRUCTION OF A SINGLE FACILITY AT THE LOWPOINT OF THE SITE OR THROUGH ESTABLISHMENT OF INDIVIDUAL BASINS ON A PARCEL BY PARCEL BASIS. IF A SINGLE JOINT FACILITY IS CONSTRUCTED, A PROPERTY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER DETENTION BASIN. DETENTION FACILITIES SHALL NOT BE LOCATED WITHIN PROPOSED 100' BUFFER.

5 THIS PROPERTY MAY BE SUBDIVIDED INTO TWO OR MORE PARCELS IN ACCORDANCE WITH CHARLOTTE SUBDIVISION REGULATIONS. PARKING FOR THE INDIVIDUAL PARCELS SHALL BE PROVIDED IN ACCORDANCE WITH ZONING ORDINANCE REQUIREMENTS FOR THE SPECIFIC USE PROPOSED.

6. CURB AND GUTTER AND LEFT TURN LANE ALONG WESTINGHOUSE BLVD. AT STREET CONNECTION WILL BE REQUIRED WHEN PROPOSED 60' PUBLIC STREET IS CONSTRUCTED.

7 FIRE HYDRANTS REQUIRED SO THAT THE FIRE TRUCK DOES NOT HAVE TO TRAVEL MORE THAN 500 FT. TO THE MOST REMOTE AND ACCESSIBLE POINT OF ALL BUILDINGS.

8. IMPROVEMENTS FOR THE PROPOSED PUBLIC STREET SHALL EITHER BE COMPLETED OR BONDED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY FUTURE LOT HAVING FRONTAGE ON THE PROPOSED 60' R/W PUBLIC STREET.

9. THE DEVELOPMENT OF THIS SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

DEVELOPMENT DATA:

SITE AREA	20.20 AC.
EXISTING ZONING	R-15
PROPOSED ZONING	I-1(CD)
MAX. BUILDING AREA	250,000 S.F.
MAX. BUILDING HEIGHT	40 FT.

PROPOSED USE: OFFICE DISTRIBUTION, LIGHT MANUFACTURING, BULK WAREHOUSE, FLEX SPACE, RETAIL, ASSEMBLY.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-82

Petitioner: Kale Knitting Mills, Inc.

Location: Approximately 1.159 acres located on the west side of Rama Road north of Charing Place.

Request: Change from R-15 to R-9MF(CD).

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-15 as are the properties immediately surrounding this tract. To the north of the subject site, west of Rama Road, is located an area of R-9 zoning, while east of Rama Road, the predominate zoning is R-12.

2. Existing Land Use. The property involved in this request is presently undeveloped. Except for a few vacant parcels, the entire surrounding area consists mainly of single family residential neighborhoods. Nonresidential uses in the area consist of an existing nonconforming grocery store and a junior high school.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 Strategies include expansion of water lines along Rama Road, expansion of the greenway system along McMullen Creek, and a potential light rail station.

   2. Transportation Improvement Program. The T.I.P. called for the widening of Rama Road which has been completed.

   3. South District Plan. The South District Plan is currently under study and not available at this time.

   4. District Plan General Policies. The subject property meets the following multi-family locational criteria; primary access from a major thoroughfare = 6 points, C.M.U.D. Service = 3 points, Transit opportunities = 4 points for a total of 13 points. The recommended minimum points for approval of a multi-family project is 14 points. However, additional consideration is given to site design, performance criteria, and other specific elements.

4. Site Plan. The site plan which accompanies this application proposes the development of a multi-family project consisting of a maximum of 18 units on 1.159 acres. This represents a density of 15.5 dwelling units per acre. Unit sizes are proposed to be 850 to 899 square feet with the maximum building height to be three

stories. Buffers are provided along the sides adjacent to the single family districts. Existing vegetation will provide a 35' buffer within the 45' rear yard and a 20' buffer within the 20' sideyard along the southern boundary. The existing vegetation will also provide the screening in the sideyard adjacent to the existing grocery store.

Along Rama Road the owner proposes to dedicate twenty feet of additional right-of-way prior to the issuance of building permits. The parking area is proposed to be screened by a double row of three foot photinias placed six feet on center in alternating rows. Compliance with the City Tree Ordinance is proposed as a minimum standard in all instances.

5. School Information.

	Capacity	Enrollment
Rama Road Elementary	616	566
Marie G. Davis Elementary	506	416
McClintock Jr. High	940	1004
East Mecklenburg High School	1620	1725

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-17	R-12 to R-12MF	Denied	02/26/68
2. 68-18	R-12 to R-12MF	Denied	02/26/68
3. 68-86	R-15 to B-2	Denied	11/25/68

7. Neighborhood. This property falls within the Sherwood Forest neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a tract of land from the existing single family district to a multi-family district to allow the development of 18 attached dwelling units. The 2005 Plan indicates existing residential land uses in the area of the subject property. Also, application of the locational criteria developed in the District Plan General Policies indicates this site to be suitable as a possible multi-family site given adequate attention to site design and performance criteria. Therefore, this petition appears consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner's agent prior to the filing of this application. Subsequently,

the staff communicated several site plan comments to the petitioner.

2. Departmental Comments. Departmental comments focused on the need for adequate screening, buffering and tree ordinance compliance. The tree ordinance review indicated that more information was needed as to the assurance that storm water detention and utilities would not interfere with the existing trees. It was also suggested that alternative driveway locations should be considered to avoid conflict with large existing trees.

   Staff's remaining concern is that the proposed parking area screening and the general site design and streetscape treatment along Rama Road has not been adequately addressed on the revised site plan.

ISSUES

1. Land Use. This petition raises no significant land use issues. Plans for the area indicate residential land uses in the area of the subject petition. Guidelines in the District Plan General Policies indicate this site could be considered appropriate for multi-family development with careful attention to site design and performance criteria. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan which accompanies this application raises a few issues. According to the General Policies, site design is essential when evaluating a proposed multi-family project. As submitted, the site plan for this petition has not adequately addressed this issue. The proposed three foot high photinias in alternating rows at 6' on center will do little to afford any screening of the parking area especially with the topography indicated on the site plan. Streetscape improvements and tree ordinance compliance are minimal. The storm water detention location has not been addressed. Better building orientation and articulation would prevent a straight "barracks" type of appearance and promote a better streetscape along Rama Road. Given the sensitivity that an infill project should contain in relation to the surrounding area, careful consideration of site design and performance criteria should be addressed. If the outstanding site plan issues are adequately resolved, then this petition could be considered appropriate for approval.

CONCLUSION

Pending the resolution of the outstanding site plan concerns, this petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-82
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Kale Knitting Mills, Inc.

Owner's Address: 3120 Scarlet Circle
Charlotte, NC 28210

Date Property Acquired: August 12, 1976

Tax Parcel Number: 163-071-32

Location Of Property (address or description)

West side of Rama Road north of Charing Place and south of Seaboard Railroad

Description Of Property

Size (Sq Ft-Acres): 1.159 acres

Street Frontage (ft.): 164.75' on Rama Road

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-9MF(CD)

Purpose of Zoning Change: To permit the development of a small multi-family project on a parcel of land not suitable for single-family development.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Kale Knitting Mills, Inc.
Name of Petitioner(s)

3120 Scarlet Circle
Address of Petitioner(s)

Charlotte, NC 28210

Telephone Number
588-2695

Richard B. Kale Pres
Signature

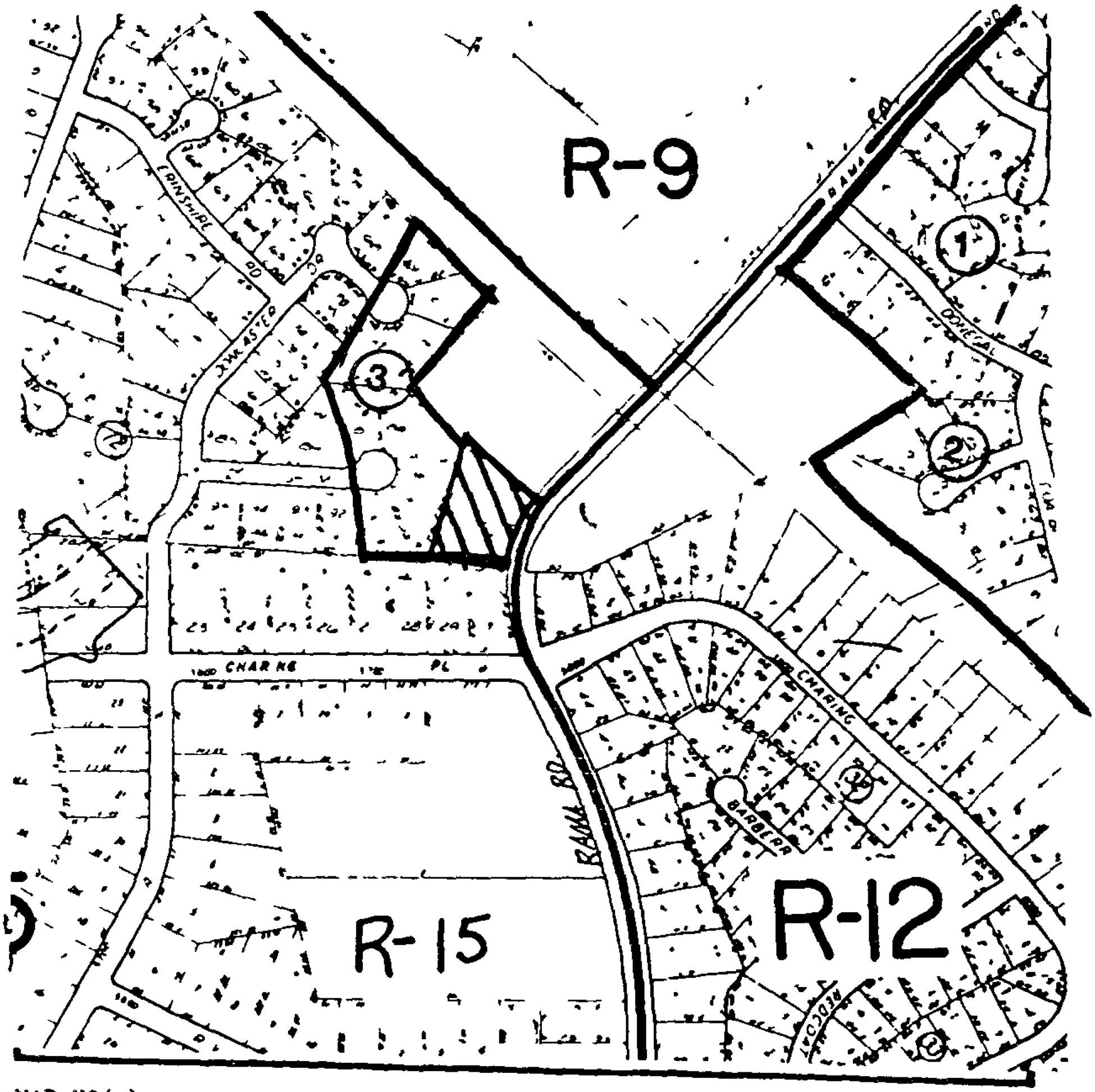
Signature of Property Owner if Other Than Petitioner

PETITIONER Kale Knitting Mills, Inc.

PETITION NO 90-82 HEARING DATE November 19, 1990

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-9MF(CD)

LOCATION Approximately 1.15 acres located on the west side of Rama Road north of Charing Place.



ZONING MAP NO(s).: 123

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition 90-8C

SITE DATA

EXISTING ZONING	R-15
PROPOSED ZONING	R-9MF(CD)
SITE SIZE.	1.159 ACRES
PROPOSED MAXIMUM NO. OF UNITS	18
UNIT SIZES.	850 TO 899 SQ. FT.
REQUIRED PARKING.	32 SPACES
PARKING PROVIDED.	33 SPACES
MAXIMUM BUILDING HEIGHT	3 STORIES OR 40'

NOTES

1) WHILE THIS PLAN DEPICTS A FIRM CONCEPT OF DESIGN, MINOR CHANGES TO THE BUILDING FOOTPRINT MAY OCCUR WITHIN THE DEFINED BUILDING ENVELOPE.

2) THIS PROPERTY IS HEAVILY WOODED AT PRESENT. EXISTING VEGETATION SHALL BE RETAINED AS SHOWN TO EFFECTIVELY RETAIN A BUFFER. THE AREA TO BE PRESERVED SHALL BE STAKED PRIOR TO GRADING.

3) SCREEN PLANTINGS SHALL BE PLACED AROUND THE PARKING LOT AS SHOWN. THIS PLANTING SHALL CONSIST OF 3' PHOTINIA PLACED IN ALTERNATING ROWS WITH PLANTS PLACED 6' ON CENTER OR SIMILAR. THE PARKING LOTS SHALL BE BROKEN UP WITH LANDSCAPED ISLANDS AS SHOWN. AS A MINIMUM IN ALL INSTANCE, THE CHARLOTTE TREE ORDINANCE SHALL BE ADHERED TO.

4) SIGNAGE AND STORM WATER CONTROL SHALL BE INSTALLED IN ACCORDANCE WITH APPLICABLE REGULATIONS. STORM WATER CONTROL AND UTILITIES SHALL NOT BE PLACED IN BUFFER AREAS OR DISPLACE EXISTING TREES.

5) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENT AND/OR RIGHTS-OF-WAY OF RECORD.

6) NO GRADING SHALL OCCUR IN AREAS DESIGNATED FOR TREE PROTECTION. BUFFER AREAS SHALL BE PLANTED WITH ADDITIONAL VEGETATION WHERE NECESSARY TO MEET ZONING ORDINANCE SCREENING REQUIREMENTS.

FOR PUBLIC HEARING

REVISED OCTOBER 18, 1990

GRAPHIC SCALE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-83

Petitioner: Crowder Construction Company and Allison Fence Company

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of B-2 and I-2. Properties located to the north along Seigle Avenue are zoned I-2 and properties located to the south, including the Piedmont Open Middle School site, are zoned B-2. Other nearby properties are zoned for residential purposes. Across Seigle Avenue is an area zoned R-6MF and, to the south along Jackson Avenue, properties are zoned R-6 and R-6MF.

2. Existing Land Use. The property involved with this request is the site of Allison Fence Company, Crowder Construction Company, and several office and retail facilities. Adjoining the property immediately to the east is Piedmont Open Middle School. Across Seigle Avenue is the Piedmont Courts housing complex. The City's equipment services complex is located to the north of the subject property. Properties located along East 10th Street are developed with a variety of retail, office, institutional, and residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The 2005 Plan includes the area of the subject property in a Development Enterprise Area extending roughly from Morehead Street to Hawthorne Lane and including the area around the three major hospitals. The intent of this Development Enterprise Area is to encourage a high intensity district of offices, shops, and housing.

   2. Belmont Special Project Plan. The Belmont Special Project Plan which was adopted in 1987 recommends the retaining of the existing B-2 zoning on the subject property but establishes a policy to consider conditional light industrial zoning for the subject site and the properties in the nearby area that are currently zoned B-2. The plan recommends the establishment of good edge relationships between residential and nonresidential uses. The use of fences, walls, and/or landscaping is recommended to achieve the appropriate edge relationships.

3. Central District Plan (draft). The draft Central District Plan carries forward the Belmont Special Project Plan recommendation for retaining the B-2 zoning, but to consider rezonings to the light industrial district, on a conditional basis, for the area of the subject property.

4. Transportation Improvement Program. The Transportation Improvement Program presently contains no scheduled projects for the vicinity of this proposal.

4. Site Plan. The site plan which accompanies this application allows expansion of the existing buildings and outdoor storage on the subject property. The plan indicates the permitted uses on the property would be the existing construction company, fence company, picture frame manufacturer, and lamp manufacturer as well as most of the uses which are allowed in the I-2 district. The plan disallows 17 of the I-2 uses including junk yards, petroleum storage, abattoirs, drive-in theatres, railroad freight yards, and several manufacturing uses. The plan indicates existing buildings located on the subject property total approximately 43,000 square feet and proposes future expansion of 86,000 square feet for a total of 129,000 square feet for the subject property. The plan provides a 20 foot buffer along Seigle Avenue and a portion of East 10th Street.

5. School Information. The School Board indicates this proposal has no negative impact on the school system and the proposed landscaping may be beneficial to the image of the neighborhood and the school.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-44	O-6 to B-2	Denied	05/12/69
2. 70-72	R-6MF to B-2	Approved	06/01/70
3. 80-20	B-2 to R-6MF	Approved	07/28/80
4. 83-60	B-3 to U-MUD	Approved	11/21/83
5. 85-3	O-6 to R-6MF	Approved	03/04/85
6. 87-26	B-2 to R-6MF	Approved	06/22/87
7. 87-25	R-6MF, B-2 to R-6	Approved	06/22/87
8. 89-51	O-6(CD) to R-6MF	Approved	07/17/89
9. 90-42	R-6MF, O-6, B-2 to O-6(CD)	Approved	06/18/90
10. 89-38	R-6MF to O-6	Denied	10/15/90

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

REVIEWS

1. Plan Consistency. This petition raises a plan consistency issue. The Belmont Special Project Plan, adopted in 1987, recommends keeping the existing B-2 zoning in the area of the subject property but also establishes a policy to consider I-1(CD) zoning for those B-2 properties. The plan recommends the establishment of good edge relationships between residential and nonresidential uses through the use of fences, walls, and/or landscaping. The draft Central District Plan reiterates the policy of considering a B-2 to I-1(CD) proposal based on good edge relationships between the residential and nonresidential uses. The petition at hand seeks a rezoning to I-2(CD) to allow future expansion and additional outdoor storage. The plan also proposes a wide array of potential I-2 uses that would be allowed to be located on the subject property. Inasmuch as the petition at hand seeks rezoning to the I-2 category while adopted policy recommends only the I-1 district be considered, the request is not entirely consistent with plans for the area. Due to the potential impact of the more intense general industrial uses proposed by this petition, versus the light industrial uses proposed by the Belmont Special Project Plan and the draft Central District Plan, the adequacy of the proposed landscaping and buffer treatments will be critical.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this proposal with the agent for the petitioner and emphasized the need for a strong edge treatment. Subsequent to the filing of this application, staff relayed a number of site plan related comments and concerns to the agent for the petitioner. Some of the comments and concerns have been addressed by the revised site plan.

   2. Departmental Comments. Comments from the Department of Transportation indicate this site could generate approximately 6,120 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 700 trips per day. CDOT indicates this will not have a significant impact on the surrounding thoroughfare system. CDOT further indicates that additional right-of-way is needed at the intersection of Seigle Avenue and East 10th Street measuring 45 feet from the centerline on Seigle Avenue and 55 feet from the centerline on 10th Street for a distance of 300 feet back from the intersection. The revised site plan does not meet this standard. CDOT further indicated that a maximum of three driveways will be allowed per street frontage. The revised site plan remains unclear as to the proposed number of driveways along East 10th Street. Comments from the tree

ordinance staff and Planning staff regarding the site plan's proposed landscaping and planting treatments included the need for preservation of existing trees on the northeasterly corner of the site, an additional planting strip along both Seigle Avenue and East 10th Streets with street trees and sidewalk, and screening in between the subject property and Piedmont Open Middle School. Additionally, the Zoning Administrator commented that the site plan should give a list of proposed uses rather than a list of disallowed uses. The revised site plan has not addressed the comments regarding landscaping and buffer treatments or the comment from the Zoning Administrator regarding the disallowed uses.

ISSUES

1. Land Use. This petition raises a land use issue with regard to the Belmont Special Project Plan and the pending Central District Plan. Those plans recommend retaining the current B-2 zoning in the area of the subject property but considering I-1(CD) rezonings for those properties as long as the site plans establish good edge relationships between residential and nonresidential land uses. This proposal seeks rezoning to I-2(CD) to allow future expansion as well as large areas that would allow more outdoor storage. Inasmuch as this request is not entirely consistent with the adopted plan for the area and proposes more intense land uses than envisioned by the Belmont Plan, the adequacy of the site plan's proposed landscaping and buffer treatments is an important consideration.

2. Site Plan. The site plan which accompanies this application also raises concerns. The plan proposes 129,000 square feet of total building area and also allows large amounts of the site to be used for outdoor storage. The plan allows any use permitted in the I-2 district with the exception of 17 uses referenced by section number. The plan proposes a 20 foot buffer along Seigle and East 10th Street which would contain trees and shrubs. As submitted, the plan meets minimum zoning ordinance requirements and the tree ordinance standards regarding the proposed landscaping and buffer treatments. However, the zoning ordinance also states that conditional districts are intended to be considered only for specific development proposals. This plan simply cites several uses which would not be allowed. Additionally, this is a site which warrants a landscaping and buffer treatment in excess of the proposed treatment provided by this site plan. The plan provides no screening between the subject property and the adjacent school and provides only the minimum required 20 foot strip along Seigle Avenue. A more substantial landscape buffer along Seigle Avenue would provide a better relationship between the intense uses located on the subject site and the residential area located

across Seigle Avenue. As submitted, the site plan is not considered appropriate for approval.

CONCLUSION

This petition could be considered appropriate for approval with site plan modifications including additional landscaping treatments and more limitations on the proposed uses.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-83
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner see attached

Owner s Address see attached

Date Property Acquired see attached

Tax Parcel Number 081-114-06, 07, 09, 10-14 and 54

Location Of Property (address or description) intersection of E. 10th St and Seigle Ave

Description Of Property

Size (Sq Ft Acres) 5.3 acres

Street Frontage (ft) 485' E. 10th St
550' Seigle Ave

Current Land Use office and industrial

Zoning Request

Existing Zoning B-2 , ~~I-2~~

Requested Zoning I-2(CD)

Purpose of Zoning Change to allow the existing Crowder Construction Co and Allison Fence Co to expand by removing old buidings and replace with new expansion areas, including outdoor storage

Name Of Agent
Robert G. Young

Agent s Address
301 S. McDowell St # 1012
Charlotte, N.C. 28204

Telephone Number
334-9157

Name of Petitioner(s)
Crowder Construction Co/Allison Fence Co

Address of Petitioner(s)
PO Box 30007 Charlotte, N.C. 28230
~~PO Box 35628 Charlotte, N.C. 28235~~

Telephone Number
372-3541
~~376-7535~~

Eugene P Allison V.P. Crowder Construction Company
Signature

Signature of Property Owner if Other Than Petitioner

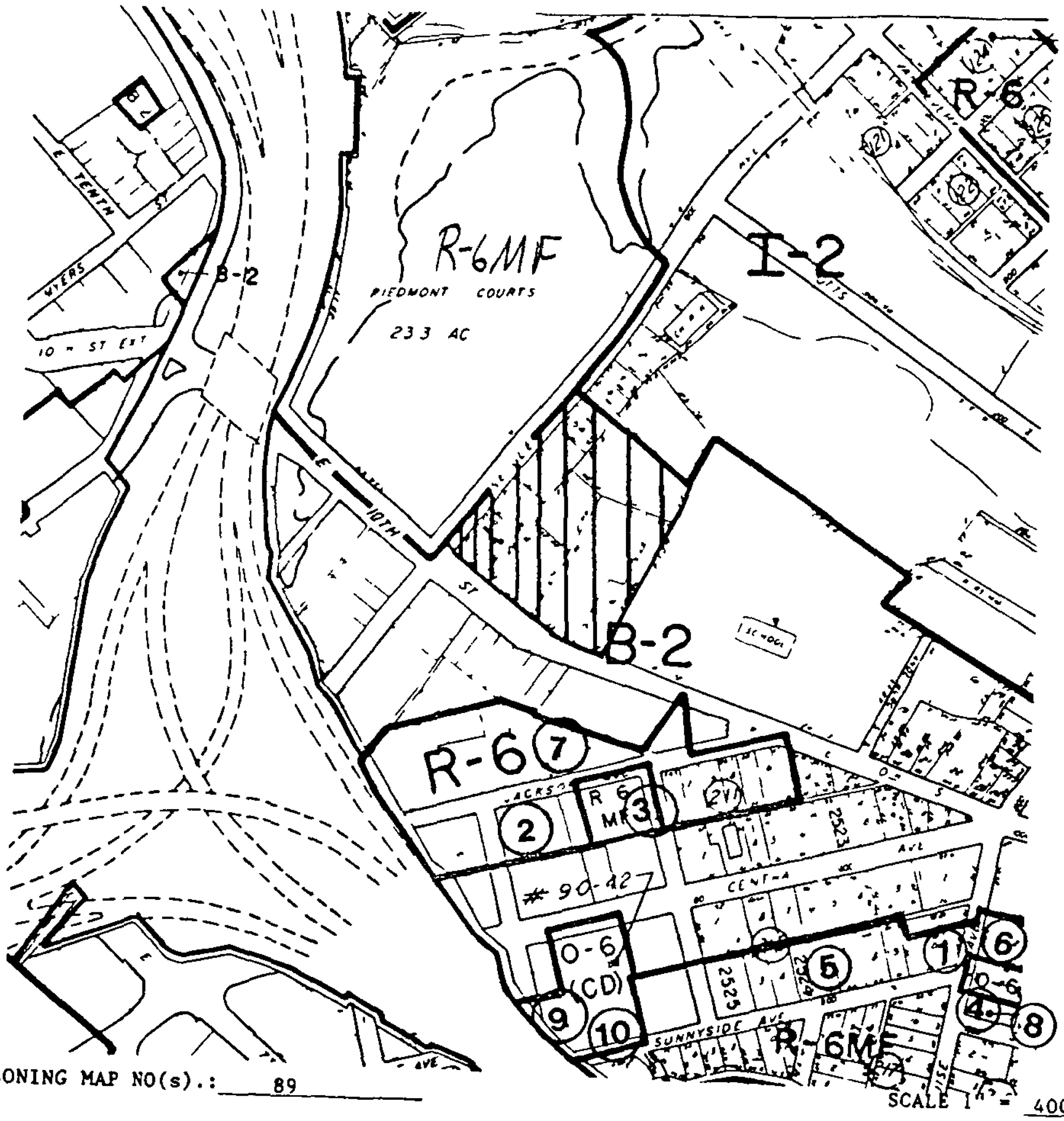
Charles A Allison Jr
Graham H Allison
Allison Family Partnership - C.W. Allison, Jr. Trs

PETITIONER: Crowder Const. Co./Allison Fence Co.

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

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

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



ZONING MAP NO(s).: 89

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition 7-

CROWDER CONSTRUCTION/ALLISON FENCE CO.
CONDITIONAL NOTES
#28766

1. THIS PLAN DEPICTS A CONCEPT OF EXISTING CONDITIONS AND FUTURE EXPANSION PLANS. NEVERTHELESS, SOME MODIFICATIONS TO THE LOCATION OF ACCESS POINTS, INTERNAL CIRCULATION AND AREAS EXPANSION WILL BE PERMITTED, BASED UPON FINAL SITE CONSTRAINTS AND ENGINEERING CONSIDERATIONS.

2. PARKING SHALL BE IN ACCORDANCE WITH SECTION 2000. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

3. SCREENING SHALL BE IN ACCORDANCE WITH SECTION 1601. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

4. THE NEW STREET TREES AND SHRUBS WILL BE INSTALLED BY THE PETITIONER FOR BEAUTIFICATION PURPOSES. AS DEPICTED ON THE PLAN, THIS NEW LANDSCAPING WILL MEET THE MINIMUM REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE AND REQUIREMENTS FOR SCREENING.

5. FIVE ADDITIONAL FEET OF RIGHT-OF-WAY WILL BE DEDICATED ADJACENT TO E. TENTH STREET AND TEN ADDITIONAL FEET OF RIGHT-OF-WAY WILL BE DEDICATED ADJACENT TO SEIGLE AVENUE. HOWEVER, AN AREA ALONG SEIGLE AVENUE, WHERE SHOWN ON THE SITE PLAN, WILL BE EXCLUDED FROM THIS DEDICATION DUE TO THE EXISTENCE OF OFF-STREET PARKING IN THIS AREA NECESSARY TO SERVE ACCESS TO AN EXISTING BUILDING. THE DEDICATION OF THIS ADDITIONAL RIGHT-OF-WAY WILL BE CONVEYED TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.

6. THE ILLUSTRATION WHICH DEPICTS THE FENCE AND LANDSCAPING TREATMENT AROUND THE PERIMETER OF THE SITE IS A FIRM CONCEPT. IT REPRESENTS AN INTEGRAL FEATURE OF THE REZONING IN ORDER TO BEAUTIFY THE SITE. IT IS A CONDITION OF THE OVERALL SITE PLAN AND WILL BE CONSTRUCTED PRIOR TO ANY BUILDING EXPANSION OCCURRING ON THE SITE.

7. THE FUTURE EXPANSION SQUARE FOOTAGE (86,000 SF) IS INTENDED TO PROVIDE EXPANSION OPPORTUNITIES FOR EXISTING BUILDINGS, IF NECESSARY, AS WELL AS THE FUTURE DEVELOPMENT IN THE EXPANSION AREA OR NEW BUILDINGS ON THE BALANCE OF THE SITE.

8. OUTDOOR STORAGE SHALL BE PERMITTED IN CONJUNCTION WITH ANY EXISTING OR FUTURE USE ON THE SITE.

9. OF THE 6 EXISTING DRIVES LABELED ON THE PLAN AND ASSOCIATED WITH THE FUTURE BUILDING/STORAGE/EXPANSION AREA, SAID DRIVEWAYS SHALL BE CLOSED AND MAY BE REPLACED WITH 3 DRIVEWAYS.

10. SIGNAGE SHALL BE IN ACCORDANCE WITH SECTION 1601. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

11. IF REQUIRED TO MEET MINIMUM FIRE FIGHTING STANDARDS, A FIRE HYDRANT SHALL BE INSTALLED SO THE FIRE FIGHTING EQUIPMENT IS NO MORE THAN 500 FEET FROM THE MOST REMOTE BUILDING.

12. ANY EXISTING DRIVEWAYS WHICH ARE CLOSED SHALL BE RE-CURBED.

13. IF REQUIRED, A STORM WATER MANAGEMENT DETENTION SYSTEM SHALL BE CONSTRUCTED TO MEET MINIMUM STANDARDS.

DEVELOPMENT DATA:

EXISTING ZONING: B-2

PROPOSED ZONING: 1-2(CD)

EXISTING/PERMITTED USES: CONSTRUCTION COMPANY
FENCE COMPANY
PICTURE FRAME MANUFACTURER
LAMP MANUFACTURER

OTHER PERMITTED USES SHALL BE ANY USE PERMITTED IN THE I-2 DISTRICT EXCEPT THE FOLLOWING SHALL NOT BE PERMITTED.:

3072.8	.101
.68	.105
.79	.107
.80	.110
.81	.112
.87	.116
.88	3073.21
.93	.24
.99	

± 43,000 S.F. EXISTING BUILDING
86,000 S.F. FUTURE EXPANSION (FOR ENTIRE SITE)
129,000 S.F. MAXIMUM TOTAL DEVELOPMENT

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-84

Petitioner: CA Federal Savings Bank

Location: Approximately 1.13 acres located on the south side of Central Avenue west of Winterfield Place.

Request: Change from O-15(CD) to O-15(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The subject property is currently zoned O-15(CD). The property directly adjacent to the west is zoned R-6MF as is the property to the south. The property to the east is zoned O-6. Across Central Avenue the property is zoned R-9MF. In general, the property in the area is a mix of zoning districts ranging from B-1 and O-6 along Central Avenue to multi-family and single family in surrounding neighborhoods.

2. Existing Land Use. The property associated with this petition is currently developed with a two story 9,000 square foot office building. The property to the east along Central Avenue is vacant. The properties to the south are developed with multi-family housing. The adjacent property to the west is developed with a single family home along Central Avenue and is vacant further to the south. Across Central Avenue the property is developed as the Glenn Hollow Apartments. In general, the properties along this portion of Central Avenue are developed with commercial, office, and multi-family uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. Eastland Mall is recognized as a major mixed use center in the area.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for an intersection improvement project for the intersection of Central Avenue, Kilborne Drive, and Norland Road citing it as a highly congested and accident prone intersection. This intersection is some distance east of the project.

   3. East District Plan. The East District Plan recognizes the existing office zoning of the subject property. The plan also recognizes Eastland Mall as a regional mixed use and commercial center.

4. Site Plan. The site plan which accompanies this petition proposes to add 3,000 square feet of office to the existing 9,000 square foot

building. This new addition will be to the rear of the existing building. Additional parking will also be added to the rear of the site. The site is served by one driveway from Central Avenue along the eastern property line. The plan also calls for screening adjacent to the single family home to the west as well as along the rear and easterly property lines.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	68-19	R-6 to O-6	Approved	02/26/68
2.	72-18	R-6MF to B-1	Approved	03/27/72
3.	75-5	R-9 to O-6	Approved	04/14/75
4.	76-3	O-6 to B-1	Denied	05/10/76
5.	76-5	O-6 to B-1	Denied	05/10/76
6.	80-51	O-6 to B-1	Denied	12/15/80
7.	80-27	R-9MF to O-6	Approved	08/11/80
8.	82-46	R-6MF to B-1(CD)	Denied	09/20/82
9.	82-52	B-2 to B-D(CD)	Denied	09/28/82
10.	85-63	R-6MF to O-15(CD)	Approved	11/18/85
11.	88-52	O-15(CD) Site Plan Amendment	Denied	08/15/88

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

REVIEWS

1. Plan Consistency. Both the East District Plan and the 2005 Plan recognize this area as developing with employment type uses. The East District Plan goes further in specifically recognizing the office zoning for the property. The addition of 3,000 square feet of office is in keeping with approved plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Representatives of the petitioner discussed the application with the staff prior to the filing.

   2. Departmental Comments. There were several departmental comments ranging from the need for a fire hydrant to be located within 500 feet of all the buildings and parking to the need for the plan to be more specific as to the type of plant materials to be used, the location of the storm water detention facility and the 40 foot setback along Central Avenue. The petitioner was also informed that the plan did

not meet the City's tree ordinance requirements. The petitioner has addressed all of these concerns.

ISSUES

1. Land Use. There are no land use issues associated with this petition. Both the 2005 Plan and the East District Plan recognize employment type uses on the property. Therefore, this petition is considered appropriate for approval.

2. Site Plan. There are no significant site plan use issues associated with this petition. The proposal of an additional 3,000 square feet of office space to an existing office building does not adversely impact adjoining property or worsen traffic congestion in the area. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-84
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Friendly Financial Center, Inc. (CK Federal Savings Bank)

Owner's Address: P. O. Box 327
Concord, NC 28026

Date Property Acquired: January 26, 1990

Tax Parcel Number: 131-042-38

Location Of Property (address or description)

South side of Central Avenue, west of Winterfiel Place

Description Of Property

Size (Sq Ft · Acres): 1.135 acres

Street Frontage (ft.): 143.76' on Central Ave.

Current Land Use: Two-story Office Building

Zoning Request

Existing Zoning: O-15(CD)

Requested Zoning: O-15(CD) Site Plan Amendment

Purpose of Zoning Change: To permit addition of 3,000 square feet to existing 9,054 square foot office building.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

CK Federal Savings Bank
Name of Petitioner(s)

P. O. Box 327
Address of Petitioner(s)

Concord, NC 28026

Telephone Number
333-5542

Jerry M Mylester
Signature Vice Pres

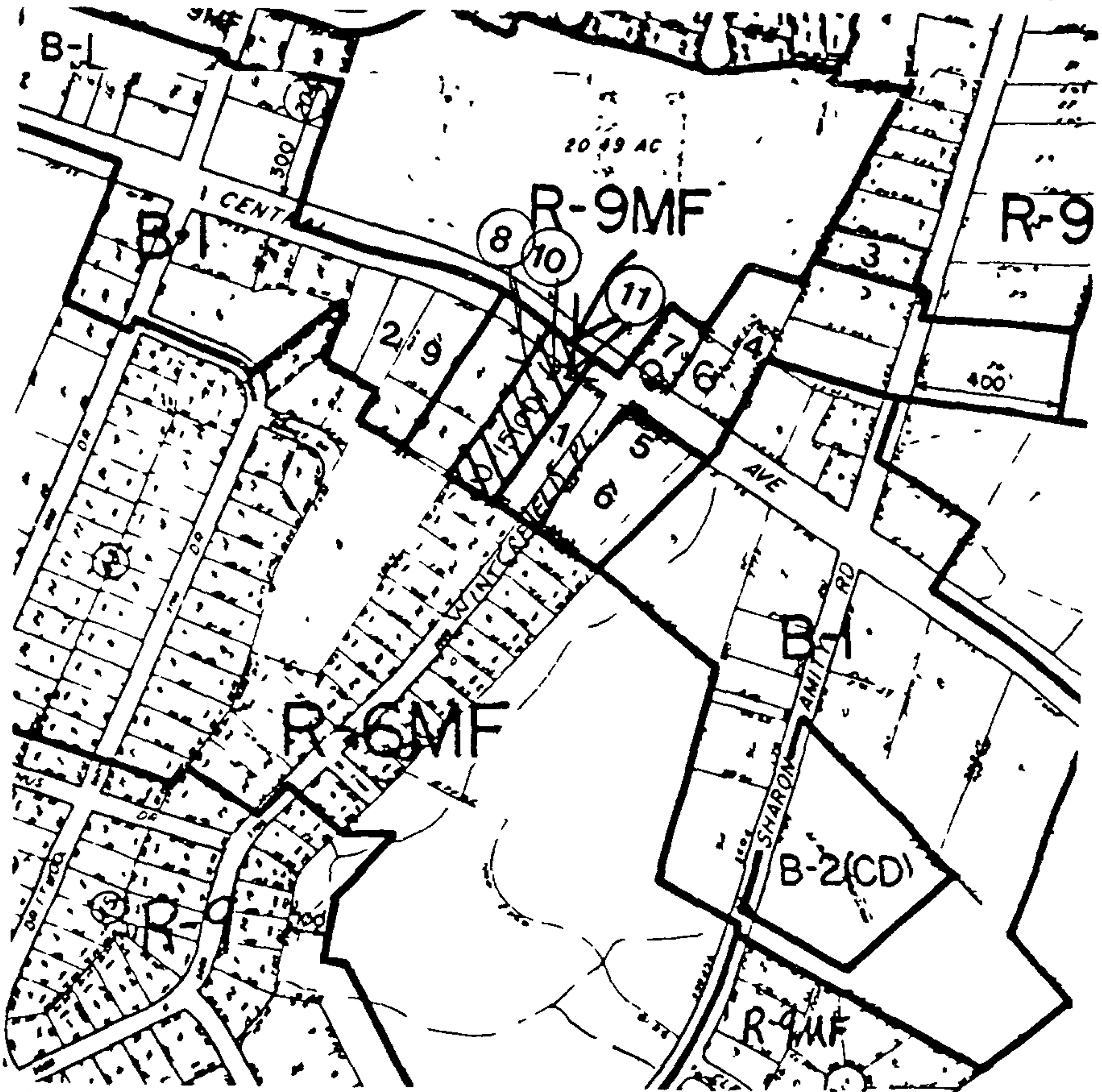
Signature of Property Owner If Other Than Petitioner

PETITIONER: CK Federal Savings Bank

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

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

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



ZONING MAP NO(s).: 100,113

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition 90-84

Atkinson • Dyer • Watson Architects, p.a.

5101 Monroe Road Charlotte N C 28205 704/568-5382

Project		
WINTER FIELD COMMONS REZONING SITE		
Date	Project No	Drawing No
10 29 90	222	1 of

GENERAL NOTES

1 THIS SITE IS NOW APPROVED FOR ONE OFFICE BUILDING OF 9 054 SQ FT THIS BUILDING IS CONSTRUCTED ON THE PROPERTY AS SHOWN THE SOLE PURPOSE OF THIS AMENDMENT IS TO ADD 3,000 SQ FT TO THE ALLOWABLE BUILDING BY ADDING A NEW AREA TO THE REAR OF THE STRUCTURE IN THE LOCATION SHOWN THIS ADDITION MAY BE ATTACHED OR DETACHED FROM THE EXISTING BUILDING BASED ON FINAL DESIGN

2 ADDITIONAL DETAILING OF LANDSCAPE TREATMENT IS INDICATED TO PROVIDE A BETTER RELATIONSHIP TO ADJOINING PROPERTIES

3 STORM WATER DETENTION SHALL BE PROVIDED AS REQUIRED BY CITY CODE THIS WILL OCCUR IN EITHER THE AREA SHOWN IN PARKING LOTS OR A COMBINATION AS WILL BE APPROVED BY CITY ENGINEERING DEPARTMENT

4 SIGNAGE REQUIREMENTS TREE ORDINANCE AND OTHER REGULATIONS SHALL BE ADHERRED TO

5 *MAXIMUM HEIGHT OF BUILDING 2 STORIES OR 40*

6 FIRE HYDRANT SHALL BE LOCATED WITHIN 500' OF REAR OF BUILDING

7 STORM WATER SHALL BE CONTROLLED WITHIN THE PARKING AREA

8 THE ARCHITECTURAL THEME AND MATERIALS UTILIZED IN INITIAL PHASE WILL BE CONTINUED IN THE ADDITION

SITE NOTES

EXISTING ZONING O-15(CD)

PROPOSED ZONING SITE PLAN AMENDMENT

PROPOSED USE GENERAL OFFICE

BUILDING SIZE EXISTING 9,054 SQ FT

ADDITIONAL 3,000 SQ FT

TOTAL 12 045 SQ FT

LAND AREA 1 135 ACRES

PARKING REQUIRED 40 SPACES

PARKING PROVIDED 39 SPACES PLUS 2 HANDICAP
TOTAL 41 SPACES

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-85

Petitioner: Nisbet Oil Company

Location: A 4.5 acre site located on the north side of Sunset Road between Reames Road and I-77.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned B-2 as are properties on the south side of Sunset Road both east and west of I-77. Properties immediately to the west of the site across Reames Road are zoned I-1(CD) and properties to the east of the site across I-77 are zoned I-2(CD) and I-2.

2. Existing Land Use. The property involved with this request is presently the site of a "truck refueling facility" which is located on the southerly portion of the site and is graded but undeveloped on the northerly portion of the site. Properties immediately to the west across Reames Road are developing as a business park. Properties to the east of the site across I-77 are used for a number of truck terminals, restaurants, and a truck stop. Properties on the south side of Sunset Road both east and west of I-77 are used for a variety of commercial purposes including restaurants, hotels, gasoline service stations, and other small retail uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment type land uses in the area of the subject property. A community commercial center is indicated near the intersection of Sunset Road and Beatties Road. The 2005 strategies include improvements to Reames Road and the extension of water and sewer lines into the area.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of I-77 from its intersection with the northern portion of the outer belt to the South Carolina State Line. This would result in I-77 from the northern portion of the outer belt to Interstate 85 being widen to a six lane facility. This project is neither programmed nor funded at the present time.

   3. Northwest District Plan. The adopted Northwest District Plan recognizes the existing B-2 zoning on the subject site and further supports the existing employment uses in the surrounding area.

4. Site Plan. The site plan which accompanies this application shows the property to be developed for a truck refueling facility (truck stop). The plan indicates that there are only 750 square feet of existing buildings on the site but proposes a potential floor area for the property of 46,000 square feet. The plan also indicates that the property could be used for any of the uses allowed in the I-2 district except a number which are listed on the plan. The plan indicates three existing driveways to Reames Road serving as the only access to the property and proposes the establishment of an earth berm along the Sunset Road frontage as well as tree planting along both Reames Road and the I-77 right-of-way. The plan indicates that the property presently is paved for truck parking on the southerly side of the site and that the truck parking area is unpaved on the northerly portion of the site.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-81	R-9 to I-2	Approved	04/08/67
2. 71-7	R-9 to B-2	Approved	01/18/71
3. 71-9(c)	R-12MF to B-2	Approved	03/01/71
4. 76-4(c)	I-1 to Cond. Truck Terminal	Approved	03/01/76
5. 77-2(c)	R-12MF, B-2 to B-D	Approved	02/07/77
6. 77-42(c)	R-12MF to B-2	Denied	01/03/78
7. 78-32(c)	R-9 to R-9MF & B-2	Denied	11/17/80
8. 81-4(c)	I-1 Cond. Truck Terminal to I-2(CD)	Approved	04/06/81
9. 82-13(c)	I-1, I-1 Cond. Truck Terminal & I-2(CD) to I-2 (Approved I-1(CD))	Approved	07/19/82
10. 84-5(c)	R-9 & B-2 to B-2(CD)	Denied	04/02/84
11. 85-12(c)	B-2, B-D, R-12MF & R-12 to I-1(CD)	Approved	04/15/85
12. 87-24(c)	R-9 to B-2(CD)	Denied	10/19/87

7. Neighborhood. This property does not fall within any previously defined neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a tract of land from B-2 to I-2(CD) for a variety of heavy industrial uses. While the 2005 Plan indicates employment type uses in the vicinity of the subject property, the Northwest District Plan shows the B-2 zoning remaining on this land. If the purpose of this rezoning is simply to allow the existing truck refueling

facility to remain, it could be argued that a very restrictive I-2(CD) petition might be appropriate. However, inasmuch as the petition includes a wide variety of industrial uses in addition to the truck refueling facility, it must be concluded that this petition is not consisted with most recently adopted plan for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner in this case had several discussions with members of the Community Planning staff about this proposal. It was the conclusion of that staff that so long as the petitioner was seeking a rezoning to keep the present use that it would be appropriate to consider the request. Emphasis in those conversations was placed on adding landscaping and screening to the site and street trees along Reames Road and I-77. Subsequent to the filing of the application, the staff communicated a number of site plan concerns to the petitioner's agent.

   2. Departmental Comments. There were very few departmental comments on this request. The majority of the comments dealt with normal development requirements such as compliance with the tree ordinance, the need for the plan to indicate the installation of curb, gutter, and sidewalk on Reames Road, the need for grading permits, and the need to resubmit for driveway permits at the time that the improvements are made to Reames Road. The Planning staff also indicated that the purpose for a conditional plan is to list the uses which might be allowed on the site rather than to list all those uses which should not be allowed. If the petitioner proceeds with the site plan which includes uses beyond those which are present on the property, then those uses should be listed.

ISSUES

1. Land Use. This petition raises a land use issue in the context of its consistency with the plans for the area. The plans indicate that the zoning on this property should be preserved in the future. The plan recognizes the existing land use on the site and does not indicate that the property should be changed to a heavy industrial category. However, the petitioner has been cited for a violation of the zoning ordinance which has been appealed to and upheld by the Board of Adjustment. Therefore, for the petitioners to maintain the present use on the site, they must seek this rezoning to the I-2 category. However, if the intent of the rezoning is only to keep the existing use, then the conditional plan can be drawn on a much tighter fashion. If the plan is redrawn to state that the only use of the property will be the continuation of the "truck stop" type activities, then it may

be considered appropriate for approval. However, so long as the plan contains an allowance for a wide variety of other heavy industrial uses and the site plan shows no specificity as to where those uses would be located, etc., this petition can not be considered appropriate for approval.

2. Site Plan. The site plan which accompanies the application still raises several small issues. The petitioner needs to address a mathematical calculation with regard to total amount of development on the site. In addition, although the plan shows an additional 40,000 square feet of floor area which might be constructed on a portion of the site, there are no details as to what that development would be or how it would be constructed. This lack on information makes it impossible to adequately assess the impacts of those developments and, therefore, raises a question about the appropriateness of this request. If the petitioner modified the site plan to limit the uses on this property to those which exist today with provisions for a 6,000 square foot building to be placed on the site, then the petition would be a much more restricted request and could be adequately evaluated. In addition, the staff believes that the landscaping along Sunset Road and along Reames Road is essential to the adequate integration of this site into the surrounding environment. An enhancement of the earth berm along Sunset Road and heavy planting of evergreen trees will help to screen the property from the public right-of-way and diminish its impact. If these site plan changes can be accomplish by the petitioner, then the request may be considered appropriate for approval. However, in its present form, the site plan contains a number of unresolved issues and is not appropriate for approval.

CONCLUSION

In its present form, this petition is not appropriate for approval. If the petitioner restricts the request only to the existing use on the site and improves the quality of the site plan especially in terms of screening, then the petition may be considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 10-85
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Nisbet Oil Co.

Owner s Address P. O. Box 35367, Charlotte, North Carolina 28235

Date Property Acquired January 31, 1990

Tax Parcel Number 037-129-12

Location Of Property (address or description) Northwest corner of the interchange with I-77 South and Sunset Road and bordered by Reames Road to the west.

Description Of Property

Size (Sq Ft Acres) 4.513 Acres (196,586.28 S.F.)

Street Frontage (ft) 1084.3 along Reames
260.44 along Sunset
732.92 along I-77

Current Land Use Re-fueling Facility/Convenience Store

Zoning Request

Existing Zoning B-2

Requested Zoning I-2 (CD)

Purpose of Zoning Change To comply with requirements for this existing business to be able to operate in compliance with City Zoning Ordinance for parking of trucks. This business has been in operation since 1978.

GNA Design Associates, Inc.
Name Of Agent

428 E. 4th Street, Suite 408, Charlotte, NC 28202
Agent s Address

704-373-1907
Telephone Number

Nisbet Oil Co.
Name of Petitioner(s)

P. O. Box 35367, Charlotte, NC 28235
Address of Petitioner(s)

704-332-7755
Telephone Number

James J. White
Signature

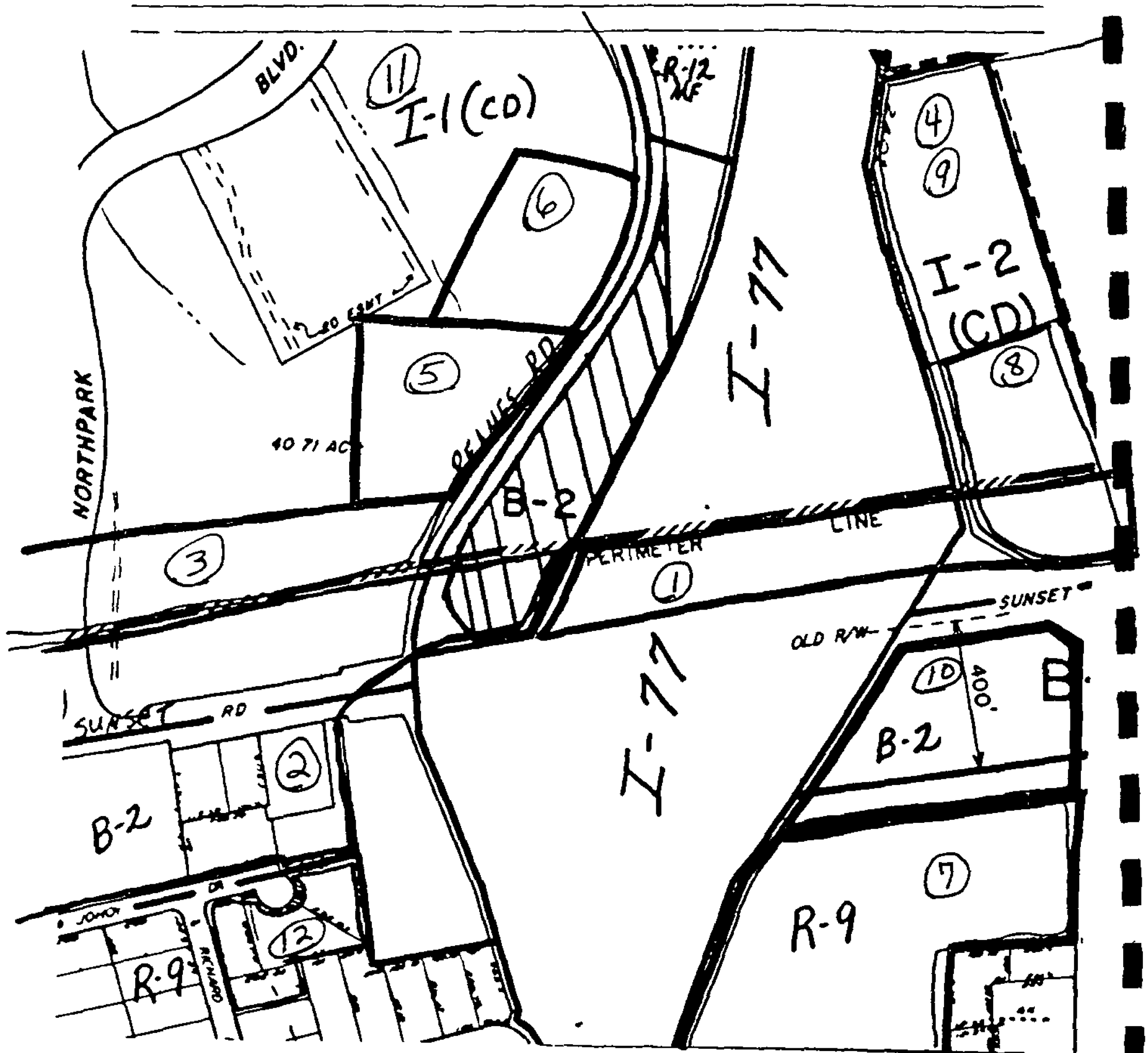
Signature of Property Owner if Other Than Petitioner

PETITIONER: Nisbet Oil Co.

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

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

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



ZONING MAP NO(s).: 51

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Petition 10-85

SITE DATA

EXISTING ZONING : B-2

PROPOSED ZONING : I-2(CD)

4.513 ACRES TOTAL

EXISTING USE: RE-FUELING FACILITY

PROPOSED USE: RE-FUELING FACILITY
(AND ANY USE PERMITTED IN THE I-2 DISTRICT EXCEPT AS NOTED)

750 S.F. EXISTING BUILDINGS

46,000 MAXIMUM S.F. PROPOSED EXPANSION

46,750 TOTAL SQUARE FOOTAGE

NISBET OIL C.D. REZONING: SUNSET ROAD & I-77
CONDITIONAL NOTES:

1. THIS PLAN REPRESENTS THE CONFIGURATION OF EXISTING BUILDINGS, PARKING, INTERNAL CIRCULATION, ACCESS POINTS AND GAS PUMPS/CANOPY. PROPOSED NEW BUILDING EXPANSION WILL BE LIMITED TO THE FUTURE BUILDING AREAS AS DEPICTED ON THE PLAN. ALSO SOME MODIFICATIONS TO THE LOCATION OF EXISTING ACCESS POINTS AND PARKING LOTS WILL BE PERMITTED, BASED UPON FINAL DEVELOPMENT AND DESIGN PLANS. ANY NEW DEVELOPMENT WILL PRESERVE THE LANDSCAPE IMPROVEMENTS THAT WILL BE IMPLEMENTED PER THIS PLAN.

2. PARKING SHALL BE IN ACCORDANCE WITH SECTION 2000. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

3. SCREENING SHALL BE IN ACCORDANCE WITH SECTION 1601. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

4. THE NEW STREET TREES AND SHRUBS WILL BE INSTALLED BY THE PETITIONER FOR BEAUTIFICATION PURPOSES. THE INSTALLATION OF NEW TREES WILL MEET THE MINIMUM REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE AND REQUIREMENTS FOR SCREENING AT SUCH TIME THAT A BUILDING PERMIT IS SOUGHT.

5. THE FUTURE EXPANSION OF 46,000 SQUARE FEET IS INTENDED TO PROVIDE EXPANSION OPPORTUNITIES FOR EXISTING BUILDINGS, IF NECESSARY, AS WELL AS FOR FUTURE DEVELOPMENT IN THE EXPANSION AREAS. IN ADDITION THE REFUELING FACILITY, OTHER USES SHALL BE ANY USE PERMITTED IN THE I-2 DISTRICT, EXCEPT THE FOLLOWING SHALL NOT BE PERMITTED:

SECTION 3072.

1. CEMETERIES, PUBLIC AND PRIVATE.
30. ENTERTAINMENT ESTABLISHMENTS SUCH AS LOUNGES, NIGHTCLUBS, BARS, TAVERNS, CABARETS, EMPLOYING TOPLESS WAITRESSES, DANCERS, BARMAIDS OR MODELS; 68. ABATTOIRS.
80. CHEMICAL MANUFACTURE, REFINING OR PROCESSING INCLUDING THE MANUFACTURE, REFINING OR PROCESSING OF AMMONIA, ASPHALT, BLEACH, BLUING, CALCIMINE, CHORINE, CORROSIVE ACID OR ALKALI, DYES, FATS, FERTILIZER, GUTTAPERCHA, GYPSUM, LAMPBLACK, OILS, OXYGEN, PAINTS, PLASTER OF PARIS, POTASH, RUBBER, SHELLAC, TURPENTINE, VINEGAR, YEAST.(EXCEPT IN I-1).
87. FOOD PROCESSING, EXCLUDING POULTRY AND ANIMAL SLAUGHTERING AND DRESSING.(EXCEPT IN I-3)
88. FOOD PROCESSING, INCLUDING POULTRY AND ANIMAL SLAUGHTERING AND DRESSING.(ONLY IN I-2)
93. HATCHERIES.(EXCEPT IN I-1)
99. LEATHER GOODS MANUFACTURE, INCLUDING THE TANNING OR CURING OF HIDES.(EXCEPT IN I-1)

101. MANUFACTURE OF:
AIR CONDITIONING EQUIPMENT.
AIRCRAFT AND MISSILES.
ALCOHOL AND ALCOHOLIC BEVERAGES.
BELTING AND BRAKE LINING.
BRICK, TILE AND TERRA COTTA.
CEMENT, CONCRETE AND CONCRETE PRODUCTS.
COTTON AND VEGETABLE OIL PROCESSING AND REFINING.
FERTILIZER, INCLUDING RETAIL AND WHOLESALE SALES.
FLOUR, SEED AND FEED.
FUEL BRIQUETTES.
GLUE, GELATIN, OR SIZE, EXCEPT FROM FISH OR ANIMAL MATTER.
GLASS, CERAMIC AND TILE.
GRAPHITE AND GRAPHITE PRODUCTS.
MONUMENTS AND TOMBSTONES, INCLUDING SALES.
PICKLES.
POTTERY, PORCELAIN OR VITREOUS CHINA.
PUTTY AND CAULKING COMPOUND.
TANKS AND BARRELS.
RODENTICIDES, INSECTICIDES AND PESTICIDES.
SOAP, DETERGENT AND WASHING COMPOUND.
TEXTILE AND TEXTILE PRODUCTS, INCLUDING ASBESTOS PRODUCTS, CANVAS AND BURLAP, CLOTHING, COTTON PRODUCTS, HOSIERY AND KNITTING MILLS AND ROPE AND TWINE.
TRAILERS.
VINEGAR.

107. PLASTICS MATERIALS AND SYNTHETIC RESINS, SYNTHETIC RUBBERS, CELLULOSIC AND MAN-MADE ORGANIC FIBERS, MANUFACTURING.(EXCEPT IN I-1)

110. PROCESSING OF LIQUID PETROLEUM INTO GAS.

112. RAILROAD FREIGHT YARDS, REPAIR SHOPS AND MARSHALLING YARDS.(EXCEPT IN I-1)

114. SCRAP METAL, PAPER AND RAGS STORAGE, BALING AND PROCESSING, ENCLOSED BY NON-CLIMBABLE FENCE, WALL OR LANDSCAPED BUFFER STRIP, AS DESCRIBED IN SECTION 1601..

116. THEATERS, OUTDOOR TYPE.(ONLY IN I-2)

117. TIN AND SHEET METAL SHOPS.

118. TOBACCO PROCESSING AND STORAGE.

129. SANITARY LANDFILL AND GARBAGE DISPOSAL.

SECTION 3073.

21. PETROLEUM STORAGE FOR WHOLESALE OR RETAIL DISTRIBUTION, OF MORE THAN 200,000 GALLONS AGGREGATE STORAGE CAPACITY, SUBJECT TO THE LATEST EDITION OF THE "FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE, NEPA 30" OF THE NATIONAL FIRE PROTECTION ASSOCIATION AND TO CONDITIONS SPECIFIED ELSEWHERE IN THIS ORDINANCE, AS A MINOR SPECIAL USE UNDER SECTION 3318.

24. JUNKYARDS AND AUTO WRECKING.
26. DEMOLITION LANDFILL, ON-SITE, IN ACCORDANCE WITH THE STANDARDS OF SECTION 3140, AND OFF-SITE IN ACCORDANCE WITH THE STANDARDS OF SECTION 3141.
27. DEMOLITION LANDFILL AS A PRINCIPAL USE WITH A MINOR SPECIAL USE PERMIT IN ACCORDANCE WITH SECTION 3335.

6. INCLUDED IN THE 46,000 SQUARE FOOT MAXIMUM FOR FUTURE EXPANSION, IS THE EXPANSION OF THE EXISTING CONVENIENCE STORE TO A MAXIMUM OF 6,000 SQUARE FEET. EXPANSION OF THE CANOPY OVER THE EXISTING GAS PUMPS WILL ALSO BE ALLOWED.

7. ALL LANDSCAPING (TREES, SHRUBS AND GROUND COVERS) WILL BE INSTALLED WITHIN ONE YEAR OF THE DATE OF THE REZONING APPROVAL.

8. DEVELOPER/OWNER WILL DEDICATE R.O.W. MEASURING 175 FEET FROM THE CENTERLINE OF INTERSTATE 77 PRIOR TO THE ISSUANCE OF BUILDING PERMITS.

9. NEW DRIVEWAYS WILL BE SUBJECT TO REVIEW AND APPROVAL BY CITY OF CHARLOTTE D.O.T. AND N.C.D.O.T..

10. SIGNAGE SHALL BE IN ACCORDANCE WITH SECTION 2100. OF THE CITY OF CHARLOTTE ZONING ORDINANCE.

75N66.TLH

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-86
(Northeast District #1)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: A total of 5.471 acres on the north side of I-85 immediately west of Statesville Road. The parcels straddle the unnamed frontage road.

Request: Change from I-2 Heavy Industrial to O-15 Office in accordance with the Northeast District Plan adopted by the City Council on June 19, 1990.

BACKGROUND & JUSTIFICATION

Zoning History: I-2 since originally zoned

Existing Land Use: Vacant

Surrounding Land Use: I-85, vacant land, and a single family home

Proposed Land Use/Zoning: The Northeast District Plan identified the opportunity to establish a high quality business/office/light industrial park in the northeast quadrant of the I-85/I-77 interchange area. Because of its prime location adjacent to two interstates, the land south of Hutchinson-McDonald Road and west of Statesville Avenue is ideal for a gateway-type development.

The proposed O-15 zoning is the least intense zoning district supportive of this gateway development concept. The district plan would be supportive of a future rezoning petition to a more intense district if the rezoning/site plan was sensitive to the overall development plan for this quadrant. Several privately-initiated rezonings made in pursuit of this gateway development south of Cindy Lane have been approved.

Nonconformities Resulting From This Rezoning: None

Consequences Of Not Rezoning This Property: This site is the only I-2 zoning at this interchange, and its development with heavy industrial uses would be out of character both with existing uses and proposed development. This incompatibility could prevent development of the entire quadrant to its full potential. This is not an overstatement considering that I-2 zoning permits such uses as abattoirs (slaughterhouses) manufacturing, refining or processing of chemicals, asphalt, oils, paints, etc. Foundries, tanning or curing of hides are other uses permitted without any prescribed conditions.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-86
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner Allen C Johnson

Owner's Address Route 14 Box 27, Statesville, NC 28677

Date Property Acquired

Tax Parcel Number 041-041-02, 041-041-23, 041-042-25, 041-042-26

Location Of Property (address or description) On the north side of Interstate 85 west of Statesville Road, straddling the unnamed frontage road.

Description Of Property

Size Sq Ft Acres) 5.471 acres Street Frontage (ft)

Current Land Use vacant

Zoning Request

Existing Zoning I-2 Requested Zoning O-15

Purpose of Zoning Change To carry out the recommendations of the adopted Northeast District Plan.

Name Of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Comm
Name of Petitioner(s)

600 E Fourth St., Charlotte, NC
Address of Petitioner(s)

(704) 336-2205
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

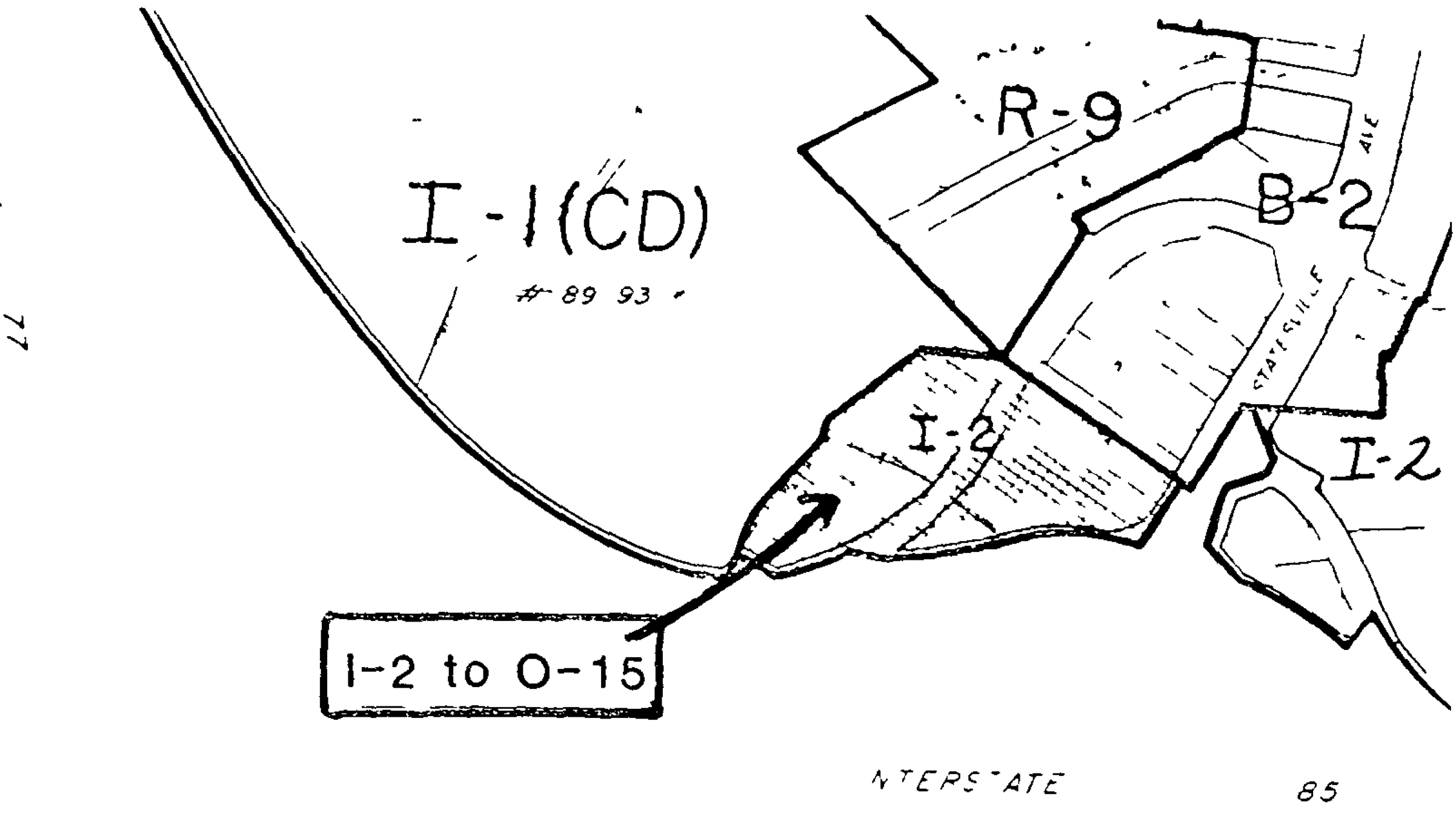
NORTHEAST #1

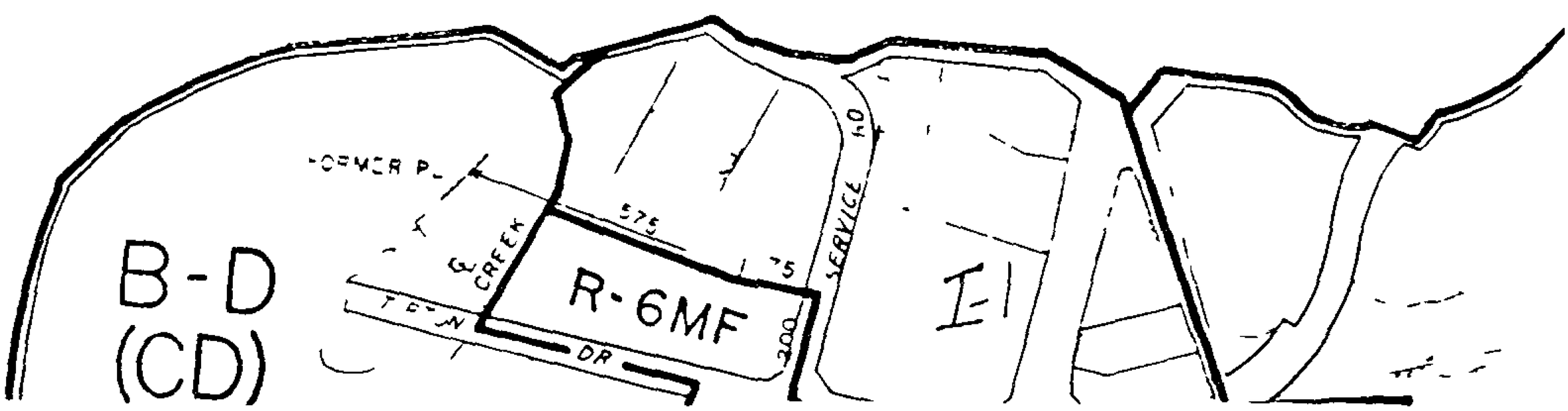
PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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





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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-87
(Northeast District #2)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the west side of Eastway Drive approximately 1/3 of a mile south of North Tryon Street

Request: Change from R-6MF to R-6 in accordance with the Northeast District Plan adopted June 19, 1990

BACKGROUND & JUSTIFICATION:

Zoning History: R-6MF since originally zoned

Existing Land Uses: Almost exclusively single family residences; one multi-family structure

Surrounding Land Uses: A mixture of commercial, multi-family residential, single family residential, and a mobile home park

Proposed Land Use: This is a fully developed single family area known as the Bingham Park Subdivision. This proposed rezoning is merely corrective in nature reflecting the actual use of the land. This rezoning will prevent further erosion of the neighborhood.

Nonconformities Resulting From This Rezoning: One triplex in the subdivision would become legally nonconforming.

Consequences Of Not Rezoning This Site: Not rezoning this property will allow lots which are currently vacant, or which become vacant, to redevelop with multi-family uses. Since conditions could not be attached to such a conversion of uses, there is a potential to negatively impact single family homes in an existing stable neighborhood. Any potential for deterioration of the neighborhood should be opposed.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-87
Date Filed September 17, 1990
Received By MCW
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description) on the west side of Eastway Drive approximately one-third of a mile south of North Tryon St.

Description Of Property

Size (Sq Ft Acres) 34.248 acres Street Frontage (ft)

Current Land Use predominantly single family homes; one multi-family structure

Zoning Request

Existing Zoning R-6MF Requested Zoning R-6

Purpose of Zoning Change to carry out the recommendations of the Northeast District Plan

Name Of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s)
600 E. Fourth St., Charlotte, NC

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

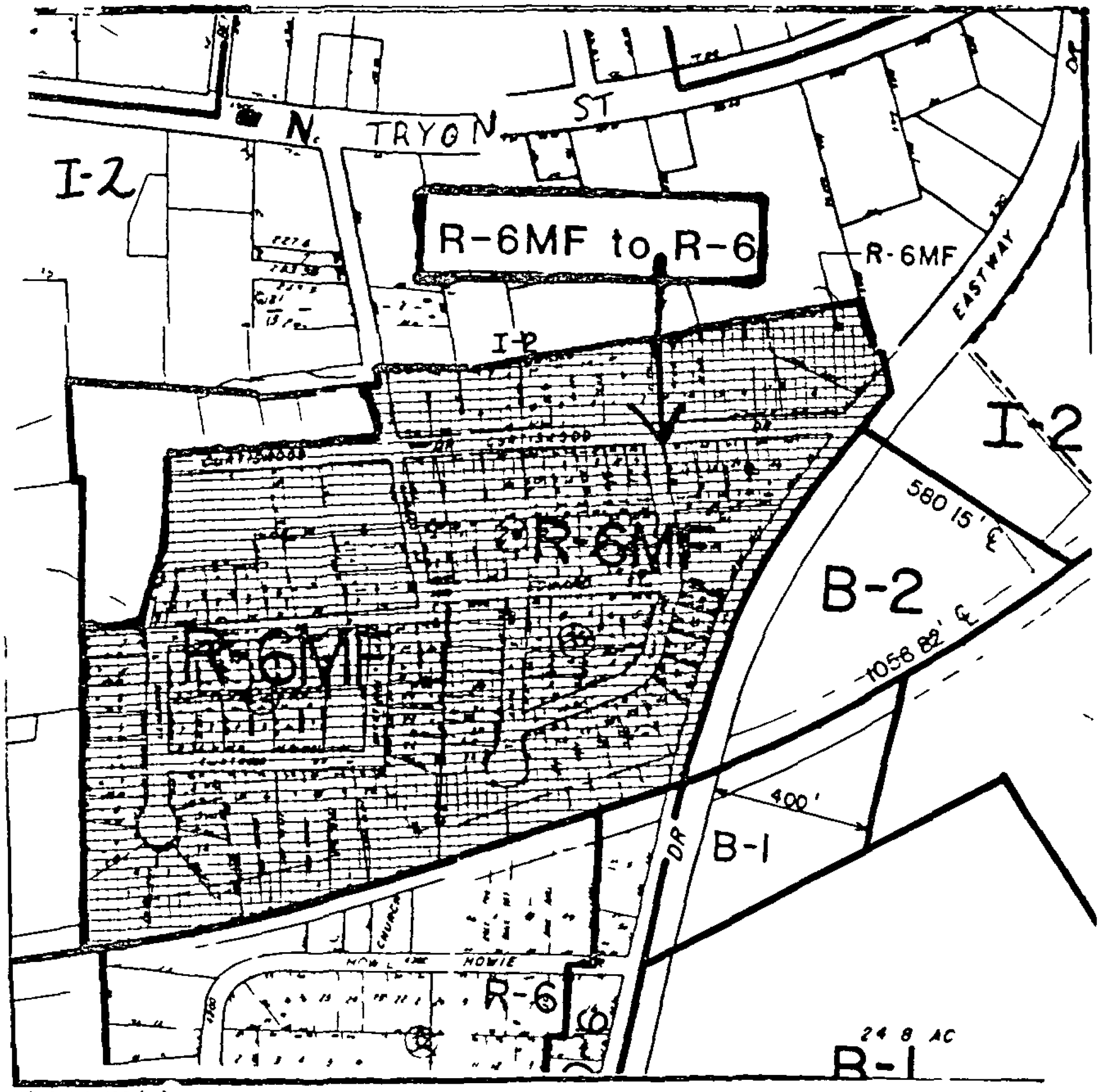
NORTHEAST #2

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-88
(Northeast District #3)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the east side of Sugar Creek Road approximately 600 feet south of Graham Street

Request: Change from B-1, Neighborhood Business to R-12MF in accordance with the Northeast District Plan adopted June 19, 1990

BACKGROUND & JUSTIFICATION:

Zoning History: This parcel was included in a 1986 package of Charlotte-Mecklenburg Planning Commission initiated rezonings intended to implement the Derita Small Area Plan. The original request was from B-2 to R-15MF. However, the owners obtained a building permit and appeared to begin construction on a commercial building. As a result, the staff acquiesced to a B-1 proposal. The Planning Committee split with a four to four vote and the case went to the Council with a "no recommendation". It was subsequently rezoned to B-1, Neighborhood Business.

Existing Land Uses: Vacant except for two billboards

Surrounding Land Uses: A church and numerous single family residences with a commercial greenhouse and floral supply business across Sugar Creek Road

Proposed Land Use: A nearby, developed B-2 zoned area is not healthy; it's grocery anchor has moved out. The commercial building proposed earlier for the site of this rezoning petition was never built. New commercial development has been toward the Derita "town center" as envisioned by both the Derita Small Area Plan and the Northeast District Plan. This rezoning site is well suited for multi-family residential because of its location near two major thoroughfares and because of nearby employment and service opportunities. Much of the nearby multi-family zoned property is already developed with other uses and is not available for multi-family use.

Nonconformities Resulting From This Rezoning: The two existing billboards are legally nonconforming until their amortization period expires. This rezoning will not impact that status or timetable.

Consequences Of Not Rezoning This Site: Since other commercial uses nearby are not doing well and vacant square footage is already available, this site does not appear to be competitive for an integrated commercial center. Consequently, strip development is likely on the property which would not be compatible with the residential uses along Sugar Creek between this site and I-85. Also, any additional commercial development along Sugar Creek Road would dilute attempts to concentrate commercial uses in the Derita "town center".

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-88
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired

Tax Parcel Number 047-025-25

Location Of Property (address or description) on the east side of Sugar Creek Road approximately 600 feet south of Graham Street.

Description Of Property

Size (Sq Ft Acres) 10.773 acres Street Frontage (ft)

Current Land Use vacant except for billboards

Zoning Request

Existing Zoning B-1 Requested Zoning R-12MF

Purpose of Zoning Change to carry out the recommendations of the Northeast District Plan

Name Of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s)
600 E. Fourth St., Charlotte, NC

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

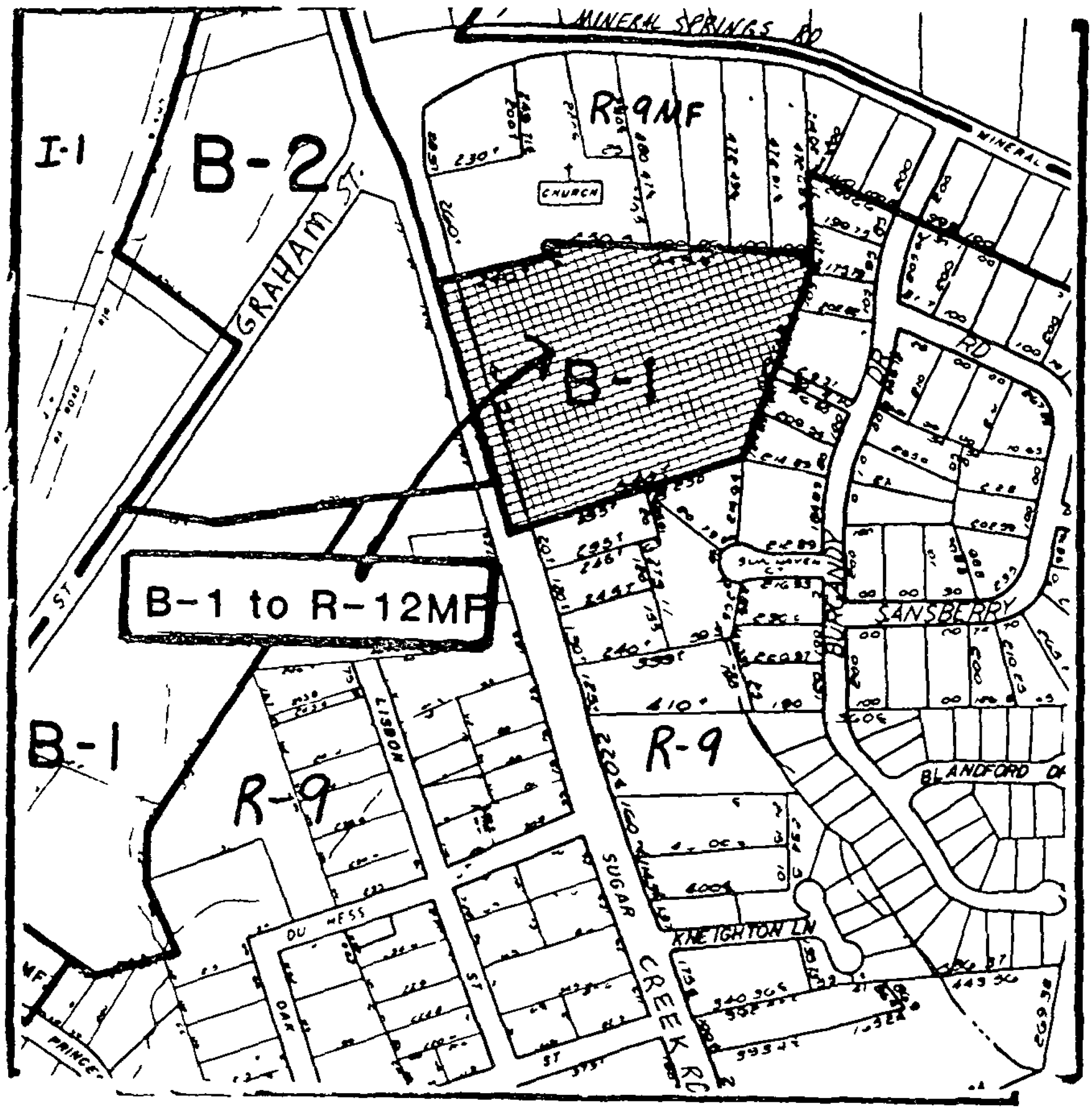
NORTHEAST #3

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-89
(Northeast District #4)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the south side of the Southern Railroad approximately 1/4 mile east of Eastway Drive and 1/4 mile south of Old Concord Road

Request: Change from I-1 to R-9MF, in accordance with the Northeast District Plan adopted June 19, 1990

BACKGROUND & JUSTIFICATION:

Zoning History: I-1 since originally zoned

Existing Land Uses: Vacant

Surrounding Land Uses: A developing industrial park, single family residences, vacant land, and across the railroad tracks a mixture of commercial, vacant, and light industrial uses

Proposed Land Use: There is an abundance of industrial property in this area. The new single family development adjacent to this site could potentially be adversely impacted by additional industrial development. This rezoning site is part of an 82.3 acre parcel, the remainder of which is zoned R-9MF. This parcel has direct access to Eastway Drive between the Plaza and North Tryon Street. It is also adjacent to a large shopping center which is currently underutilized. Additional medium density development adjacent to the center could create a greater market demand for business in the shopping center and help restore stability to the area.

Nonconformities Resulting From This Rezoning: None

Consequences Of Not Rezoning This Site: Additional industrial development adversely impact the adjacent single family neighborhood. The neighborhood is already struggling with an image problem associated with the shopping center at Eastway and Plaza Road.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-89
Date Filed September 17, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired

Tax Parcel Number 097-131-11

Location Of Property (address or description) on the south side of the Southern Railroad tracks approximately ½ mile east of Eastway Drive and ½ mile south of Old Concord Road.

Description Of Property

Size (Sq Ft Acres) approximately 32.3 acres Street Frontage (ft)

Current Land Use vacant

Zoning Request

Existing Zoning I-1 Requested Zoning R-9MF

Purpose of Zoning Change to carry out the recommendations of the Northeast District Plan

Name Of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s)
600 E. Fourth St., Charlotte, NC

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

NORTHEAST #4

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

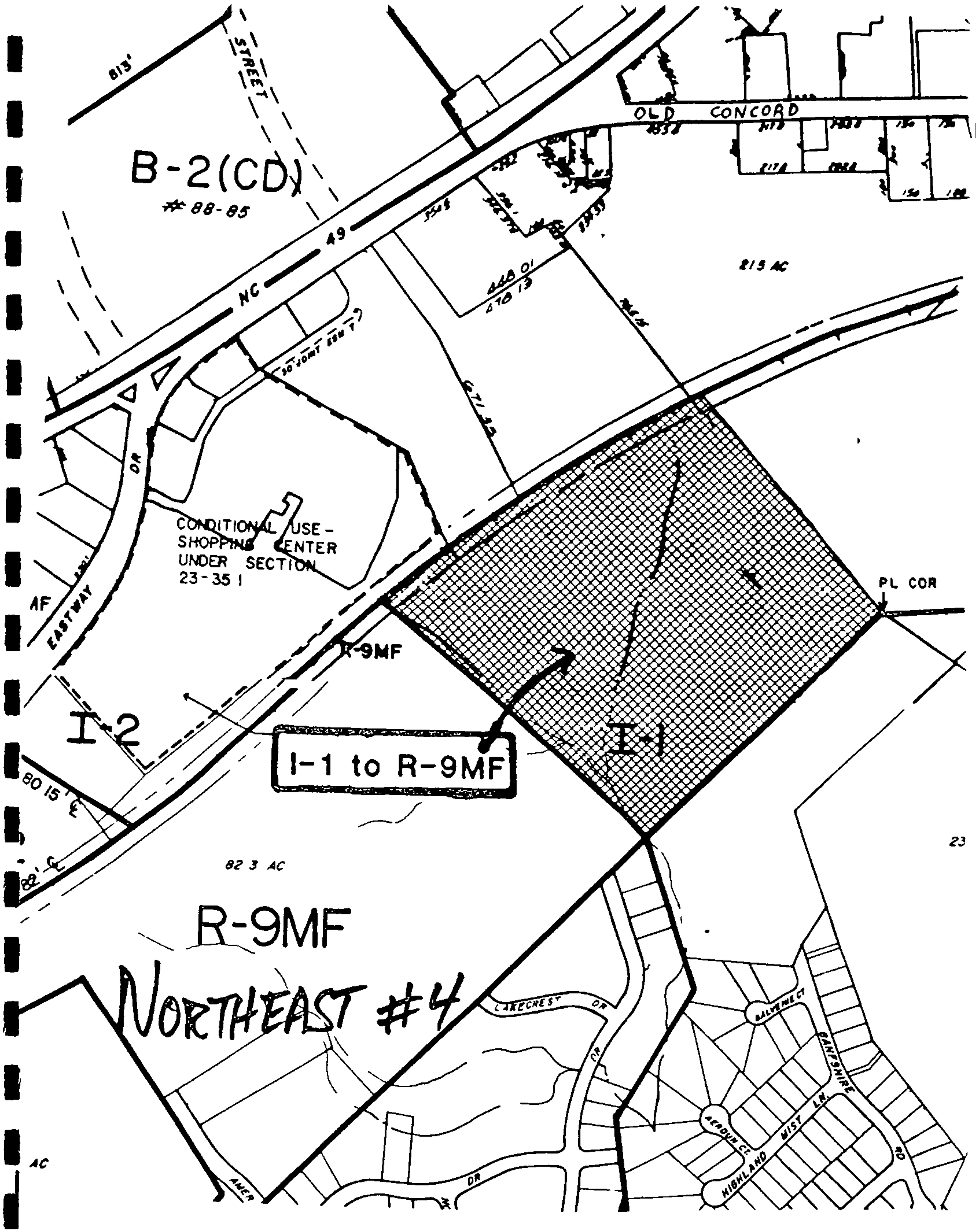
ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: R-9MF

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


B-2(CD)
88-85
NC 49
OLD CONCORD
STREET
813'
815 AC
CONDITIONAL USE - SHOPPING CENTER UNDER SECTION 23-351
EASTWAY
DR
AF
R-9MF
I-2
I-1 to R-9MF
I-1
PL COR
80 15
82'
82 3 AC
R-9MF
NORTHEAST #4
LAKECREST DR
DR
AMER
DR
BALMENECT
BANFSHIRE
ARDUN CT
MIST LN
HIGHLAND
RD
AC
23

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-90
(Northeast District #5)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the north side of The Plaza approximately 1/4 mile east of Milton Road

Request: Change from O-6 to R-12MF and from B-1 to O-6 and R-12MF in accordance with the Northeast District Plan adopted June 19, 1990

BACKGROUND & JUSTIFICATION:

Zoning History: As originally zoned

Existing Land Uses: The current O-6 property has been developed with multi-family units. The portion of the B-1 site proposed for R-12MF has apartments under construction. That part of the B-1 site proposed for O-6 is vacant.

Surrounding Land Uses: Single family homes, a shopping center and a mixture of vacant and commercial properties

Proposed Land Use: The O-6 to R-12MF rezoning is being undertaken merely to reflect the existing use, as is the B-1 to R-12MF. The B-1 to O-6 rezoning allows for some office uses at this major street intersection. However, a future conditional rezoning to business based upon a site plan providing for buffers and screening might be compatible with the adjacent residential uses.

Nonconformities Resulting From This Rezoning: None

Consequences Of Not Rezoning This Site: Without the safeguards provided by a site plan, this property could develop as a series of "strip" commercial uses. The public would have no input as to design or allowable uses as long as proposals meet basic zoning ordinance standards. With vacant commercial space already nearby, development not sensitive to design quality would adversely affect not only the existing businesses, but the surrounding residences as well.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-90
Date Filed September 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description) on the north side of The Plaza

approximately ¼ mile east of Milton Road

Description Of Property

Size (Sq Ft Acres) B-1 to O-6= 2.919 ac Total rezonings= 15.675 acres
B-1 to R-12MF= 4.856 O-6 to R-12MF=7. Street Frontage (ft)

Current Land Use B-1 to R-12MF has apartments under construction

B-1 to O-6 area is vacant. O-6 to R-12MF area has multi-family structures in place.

Zoning Request

Existing Zoning B-1/O-6 Requested Zoning R-12MF & O-6/R-12MF

Purpose of Zoning Change to carry out the recommendations of the Northeast District Plan

Name Of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s)
600 E. Fourth St., Charlotte, NC

Telephone Number
(704) 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

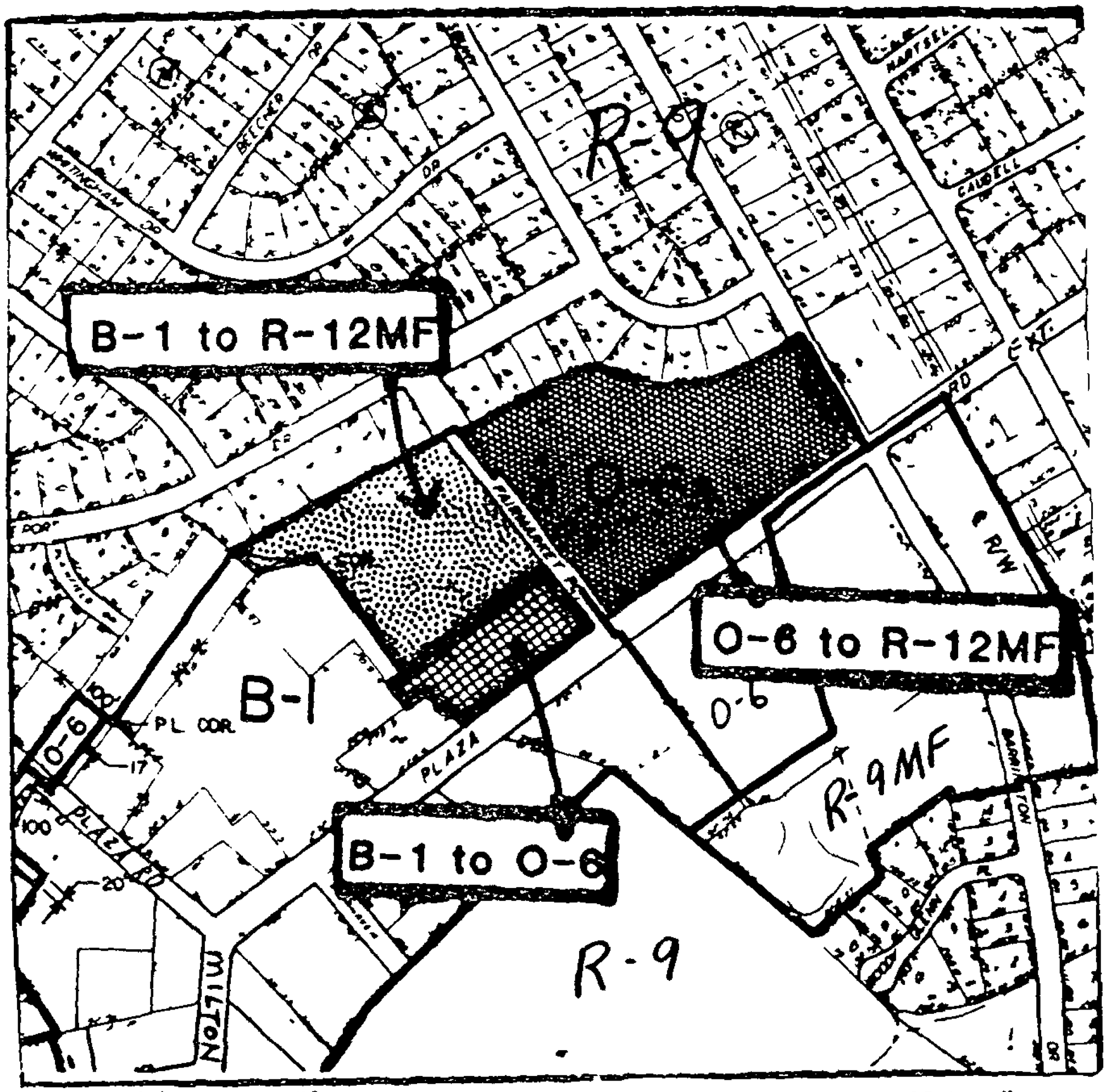
NORTHEAST #5

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested

To approve the corrective rezonings along Albemarle Road to be included in the proposed East District Plan as recommended by the Planning and Public Works Committee.

Responsible Department

Planning Commission

This request should be organized according to the following categories:
Background, Explanation of Request, Source of Funding, Clearance, Bibliography

Background:
The East District Plan was adopted by City Council in September, 1990. As part of that approval, the corrective rezonings along Albemarle Road were referred to the Planning and Public Works Committee for discussion as a zoning issue area. The Planning and Public Works Committee decided to recommend that the zoning issue area not be used and that corrective rezonings be included as part of plan adoption. Subsequently, the Planning and Public Works Committee also recommended that the corrective rezonings as recommended by staff and the Planning Committee for the Albemarle Road Corridor in the East District Plan, be approved as part of the plan. At the October 15, 1990 Council meeting, Council agreed not to use the zoning issue area concept but deferred the policy decision regarding the proposed corrective rezonings.

Explanation of Request:
The corrective rezonings along Albemarle Road were first surfaced in the Albemarle Road East Small Area Plan. The rezonings were deferred to the East District Plan for further evaluation. The East District Plan reaffirmed the recommendations noting the need to limit further non-residential uses in the area in light of a recently approved shopping center at Harrisburg Road and Albemarle Road. The plan also noted that industrial zoning was not appropriate in that location.

Source of Funding:
N/A

Clearances:
Planning Committee, Planning and Public Works Committee

Bibliography:
N/A

To Office Use Only

Date Submitted October 24, 1990

Date Completed November 19, 1990

Comments if Conditional Decision Deferred Action Deferred The land use future of these parcels remain uncertain.

Contact Staff Questions from the City Manager's Office Dave Howard, Joe Lesch

Initiated by

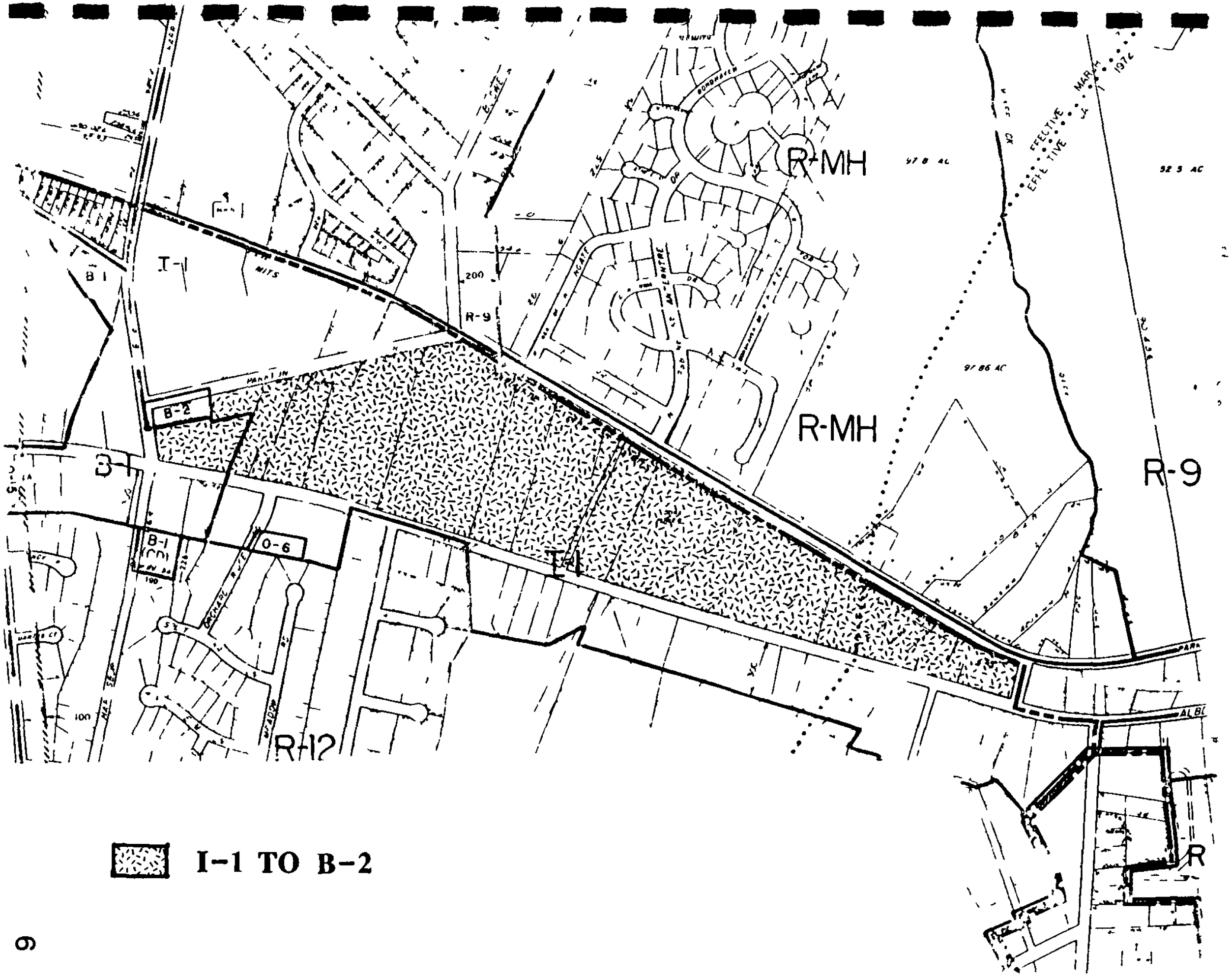
Department Head

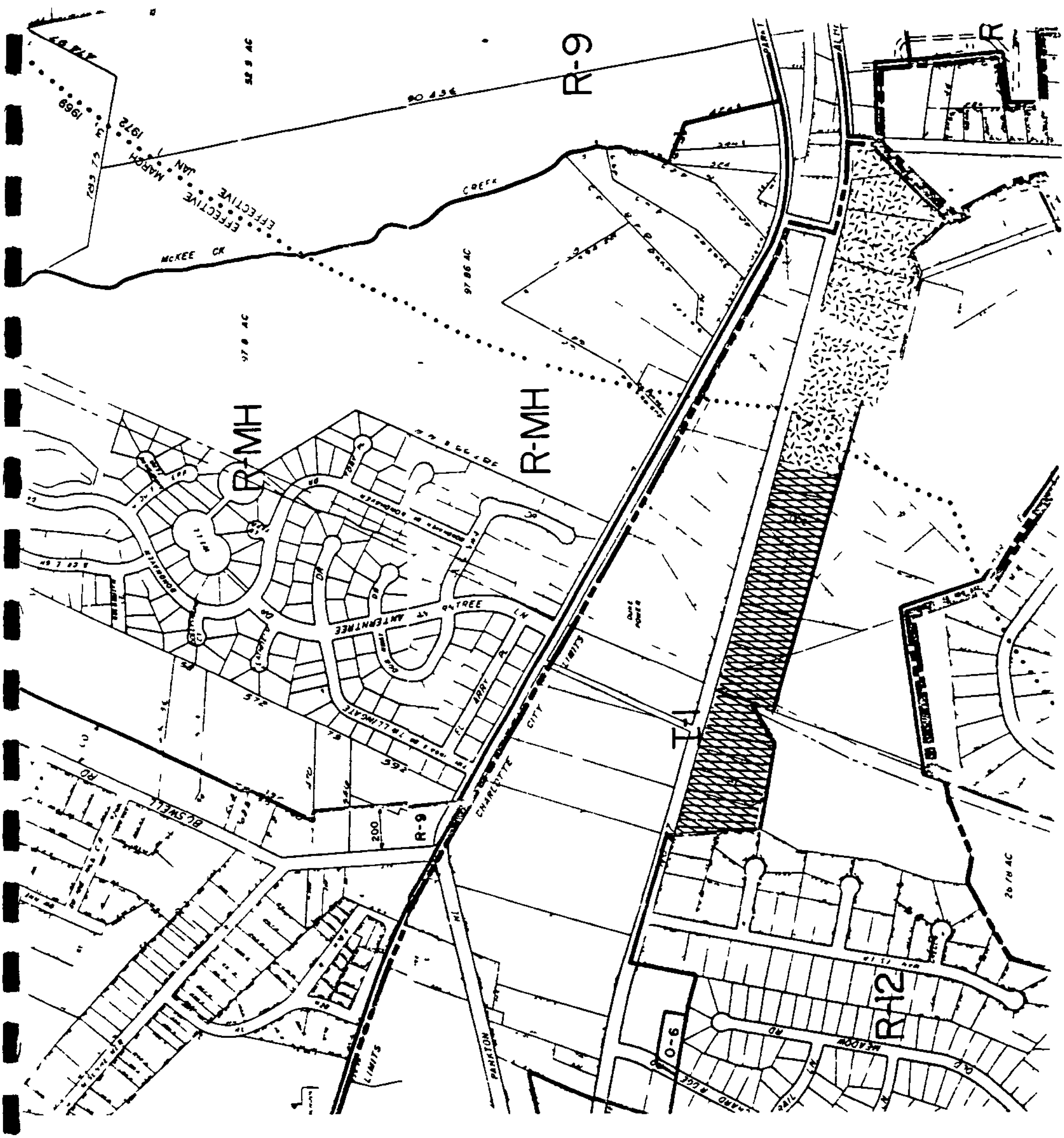
Approved by

Assistant City Manager

Attachment

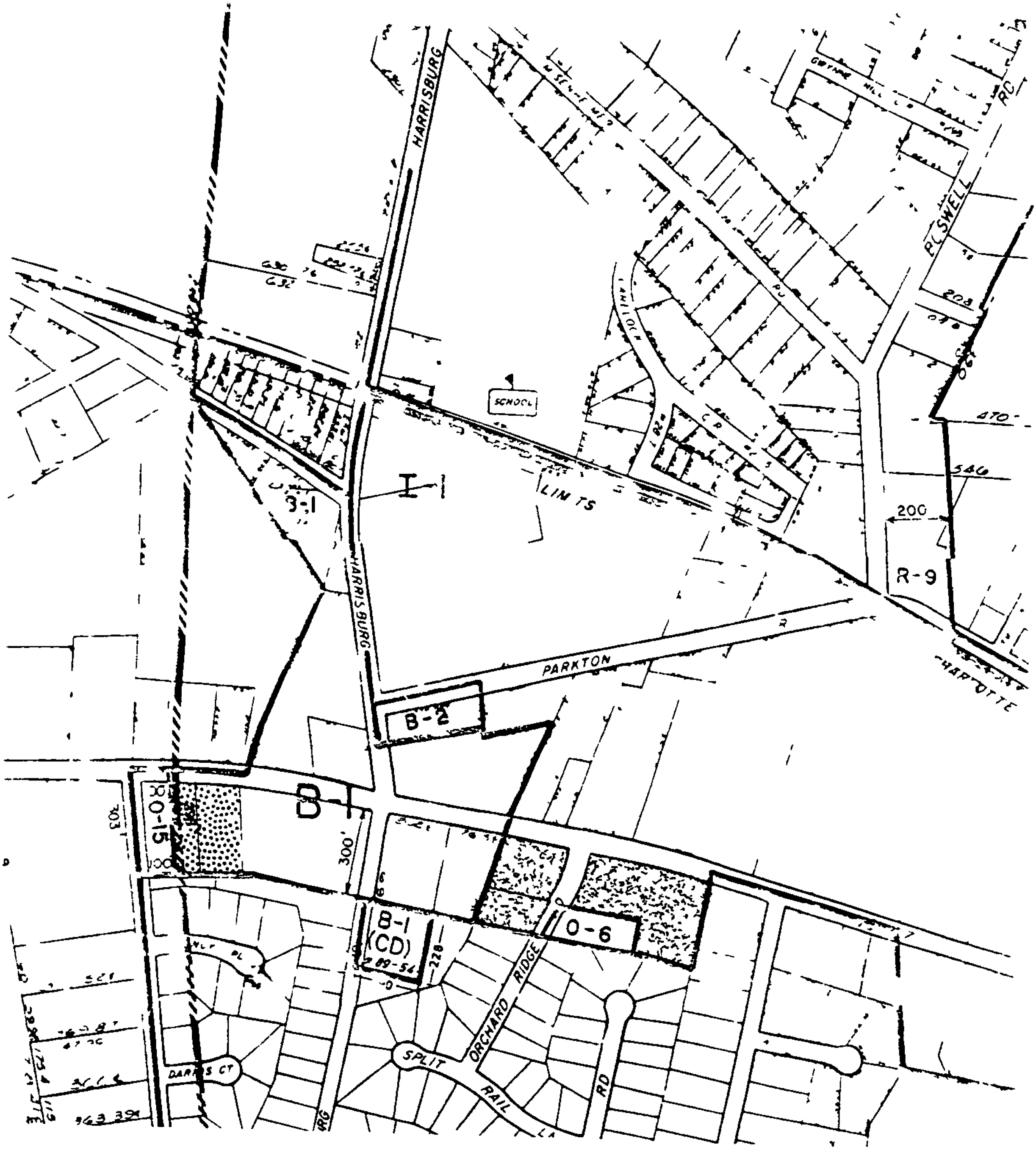
Corrective Rezoning Section of East District Plan


R-MH
R-MH
R-9
R-9
I-1
I-1
B-1
B-2
B-1
O-6
R-12
200
100
EFFECTIVE MARCH 1972
EFFECTIVE
I-1 TO B-2



I-1 TO O-6

I-1 TO B-2



I-1 TO O-6

B-1 TO 0-15

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested

To approve the corrective rezonings in the Melynda Road and Toddville Road area to be included in the adopted N.W. District Plan as recommended by the Planning and Public Works Committee.

Responsible Department

Planning Commission

This request should be organized according to the following categories
Background Explanation of Request Source of Funding Clearances Bibliography

Background:
The Northwest District Plan was adopted by City Council in September, 1990. As part of that approval, the corrective rezonings in the Melynda Road and Toddville Road area were referred to the Planning and Public Works Committee for discussion as a zoning issue area. The Planning and Public Works Committee decided to recommend that the zoning issue area not be used and that corrective rezonings be included as part of plan adoption. Subsequently, the Planning and Public Works Committee also recommended that the corrective rezonings as recommended by staff and the Planning Committee for the Melynda and Toddville Road area in the Northwest Plan, be approved as part of the plan.

At the October 15, 1990 Council meeting, Council agreed not to use the zoning issue area concept but deferred the policy decision regarding the proposed corrective rezonings.

Explanation of Request:
The recommended rezonings in the Melynda and Toddville Road area are intended to project existing single family homes from further industrial development and higher density residential uses. Edge relationships in the area are poor due to the existing zoning pattern and redevelopment of residential properties to industrial uses.

Source of Funding:
N/A

Clearances:
Planning Committee, Planning and Public Works Committee

Bibliography:
N/A

For Office Use Only

Date submitted **October 24, 1990**

Contract Date Requested **November 19, 1990**

Consequence if Vendor Date Delayed or Not Defined **The land use future of these and adjacent parcels remain uncertain.**

Contact Person for Question from the City Manager's Office **Dave Howard, Joe Lesch**

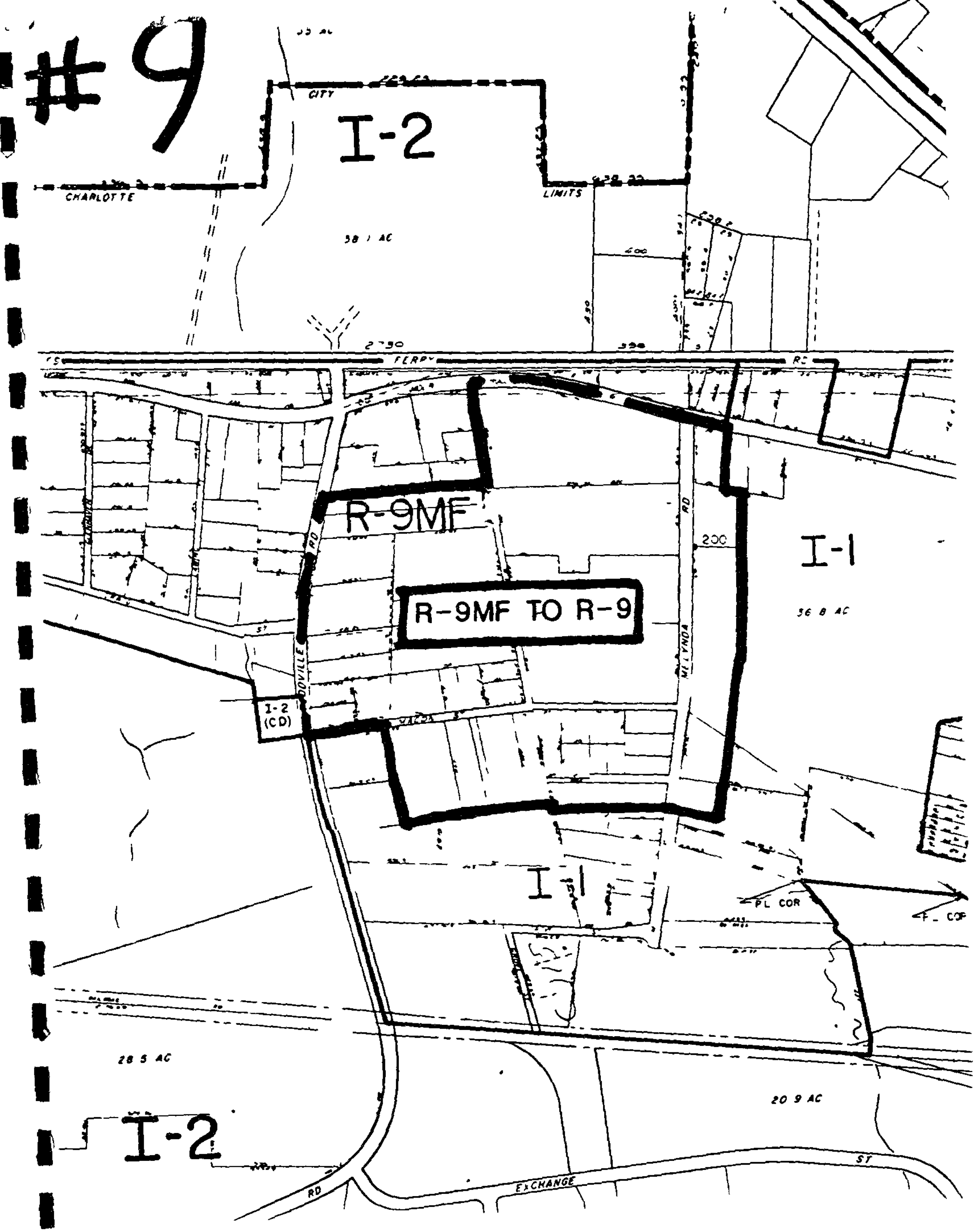
Subject Line

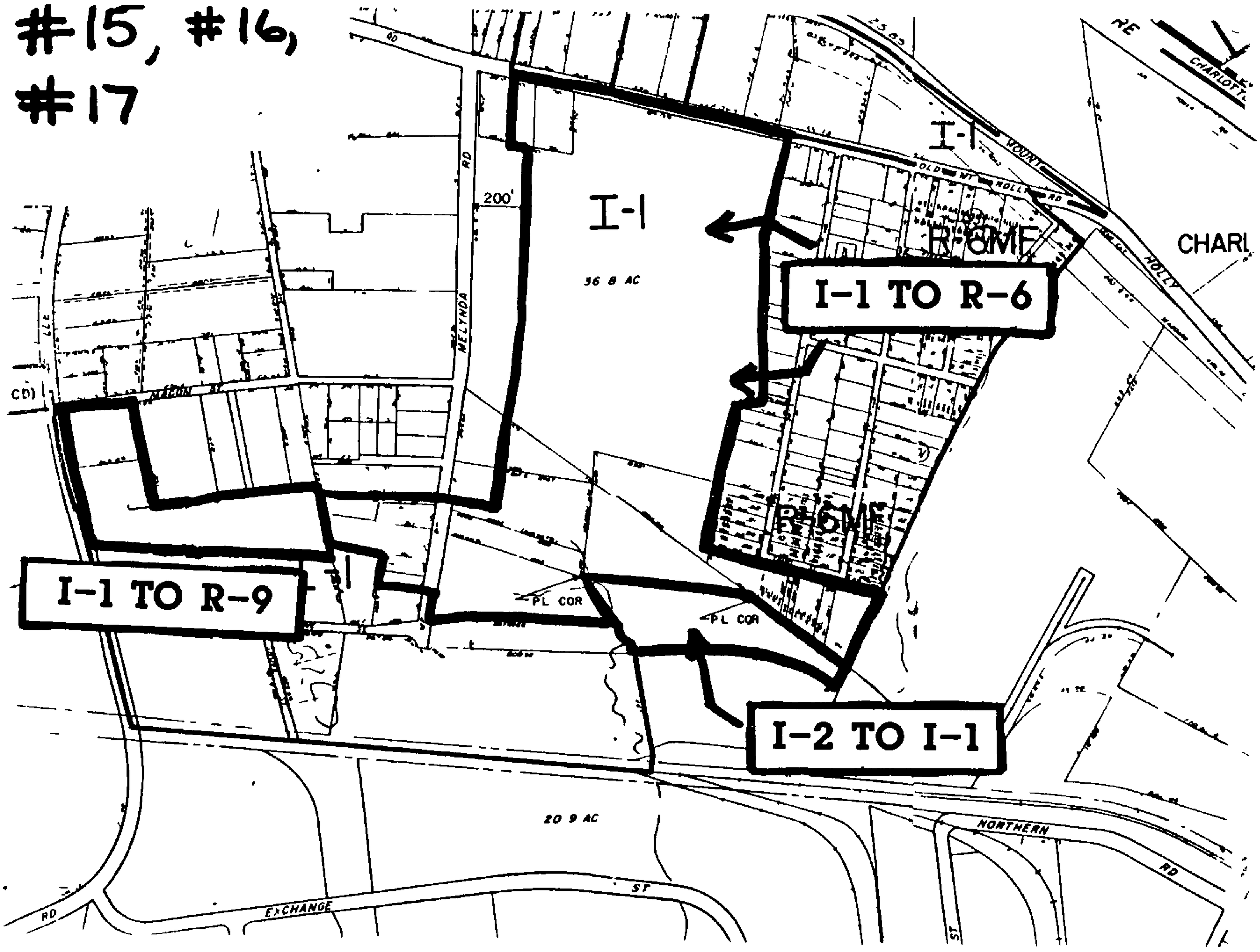
Approved by Department Head

Assistant City Manager

For Attachment

The Corrective Rezoning Section of the Northwest District Plan.


#9
I-2
CITY
CHARLOTTE
LIMITS
38 1 AC
FERRY
RD
R-9MF
R-9MF TO R-9
I-1
36 8 AC
200
DOVILLE
RD
MELVINDA
RD
I-2
(CD)
I-1
PL COR
28 5 AC
20 9 AC
I-2
RD
EXCHANGE
ST


#15, #16,
#17
I-1 TO R-6
I-1 TO R-9
I-2 TO I-1
I-1
I-1
R-6MF
R-6MF
36 8 AC
20 9 AC
200'
MELYNDA RD
MAGON ST
OLD MT HOLLY RD
MOUNT HOLLY RD
CHARLOTTE
CHARL
PL COR
PL COR
NORTHERN RD
EXCHANGE ST
RD

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested: Approval of the I-85/Sugar Creek Area Study as a guide to future land use decisions in the area south of the I-85/Sugar Creek Road interchange.

Responsible Department: Planning Commission

This request should be organized according to the following categories: Background, Explanation of Request, Source of Funding, Clearances, Bibliography

Background:
Early this summer, several members of Charlotte City Council expressed concern over the area around the southern side of the I-85/Sugar Creek Road interchange. The major issues which emerged were the effects of existing business zoning on adjacent residential areas, and the potential effects of more non-residential zoning on the entire area.

Planning staff has met twice with area residents and property owners once to hear comments and concerns about the area, and once to present a proposed land use plan prepared by staff.

On October 2, 1990, the Planning Committee toured the study area and approved the I-85/Sugar Creek Study as prepared by staff.

Explanation of Request:
The I-85/Sugar Creek Study, once approved by City Council, would provide a detailed blueprint which present and future City Council members could use to make land use decisions in this area. Recommendations made by this study would be folded into the Central district Plan, which is still in draft form.

Source of Funding:
N/A

Clearances:
Planning Committee

Bibliography:
N/A

For Office Use Only

Date Submitted **October 24, 1990**

Scheduled Date **November 19, 1990**

Consideration if Tabled Date Deferred Reason Deferred **N/A**

Contact Person if Questions from the City Manager's Office **Dave Howard, Joe Lesch**

Authorized by

Department Head

Approved by

Department Head City Manager

List Attachment

I-85/Sugar Creek Road Study Recommendations

I-85/SUGAR CREEK AREA STUDY

APPROVED BY PLANNING COMMITTEE
OCTOBER 2, 1990

Sugar Creek Study

As the development of the I-85/Sugar Creek Road interchange as a major highway destination has continued, the Charlotte City Council has had to wrestle with the issue of where to draw the line on business uses. The major issues which have emerged south of the I-85/Sugar Creek interchange are the impacts of existing business zoning and how much business zoning should be permitted along Sugar Creek Road.

Previous land use recommendations have been made by the Northeast District Plan for that area east of Sugar Creek Road. The Central District Plan encompasses that area west of Sugar Creek Road; but it is still in draft form and may be several months away from being approved by City Council. After hearing concerns from area residents, Council asked staff to go ahead and study, in close detail, the most appropriate land use future for the south side of the I-85/Sugar Creek Road interchange. Recommendations made by this study would then be folded into the Central District Plan.

On June 26, 1990, the Planning staff conducted a public meeting to hear what area residents and property owners believed were the issues. Three major issues arose from the meeting:

- The land use future of Wilson Lane and Merlane Drive
- The future of Sugar Creek Park
- Development of vacant tracts along the east side of Sugar Creek Road.

After identifying the issues, the Planning staff then began to study the existing conditions, and the possible alternatives for the future. The following are the final recommendations as made by staff and approved by the Planning Committee.

Wilson Lane/Merlane Drive

These two streets run parallel, west off of Sugar Creek Road. Both are zoned R-9 and contain approximately 17 homes.

The I-85/Sugar Creek Study recommends these streets remain single family residential. In order to better reinforce the existing single family area, a new street is recommended to be constructed to connect Merlane Drive and Wilson Lane. Connecting these two streets will provide Wilson Lane residents with a residential entrance which would be farther from the I-85 interchange and the congestion around it. Such a connection would also provide more of a neighborhood mass and may act to encourage new residential development on vacant properties along Merlane Drive.

After this connection is made, Wilson Lane should be severed at the rear property line of the property currently zoned O-6 (approximately 530 feet from Sugar Creek Road). That portion of Wilson Lane to the rear of the retail along Sugar Creek Road is recommended for multi-family land use.

Sugar Creek Park

Sugar Creek Park is currently a 34 acre park located on Sugar Creek Road just south of Merlane Drive. It is among the most over scheduled parks in the Charlotte Parks System.

The Parks Master Plan classifies Sugar Creek Park as a district park. A district park should contain between 100-200 acres to fulfill its role in the parks system. In order to reach that 100 acre minimum, an additional 66 acres needs to be acquired. Vacant properties to the rear of the park and along Sugar Creek Road could bring the park up to approximately 80 acres. Although short of the recommended size, any further expansion beyond these properties would require the purchase and removal of residential areas.

One of the properties proposed for expansion is owned by Southeastern Trucking Company. This property is part of a larger parcel which spans Derita Creek. Across the creek, off of Graham Street, is Southeastern trucking terminal.

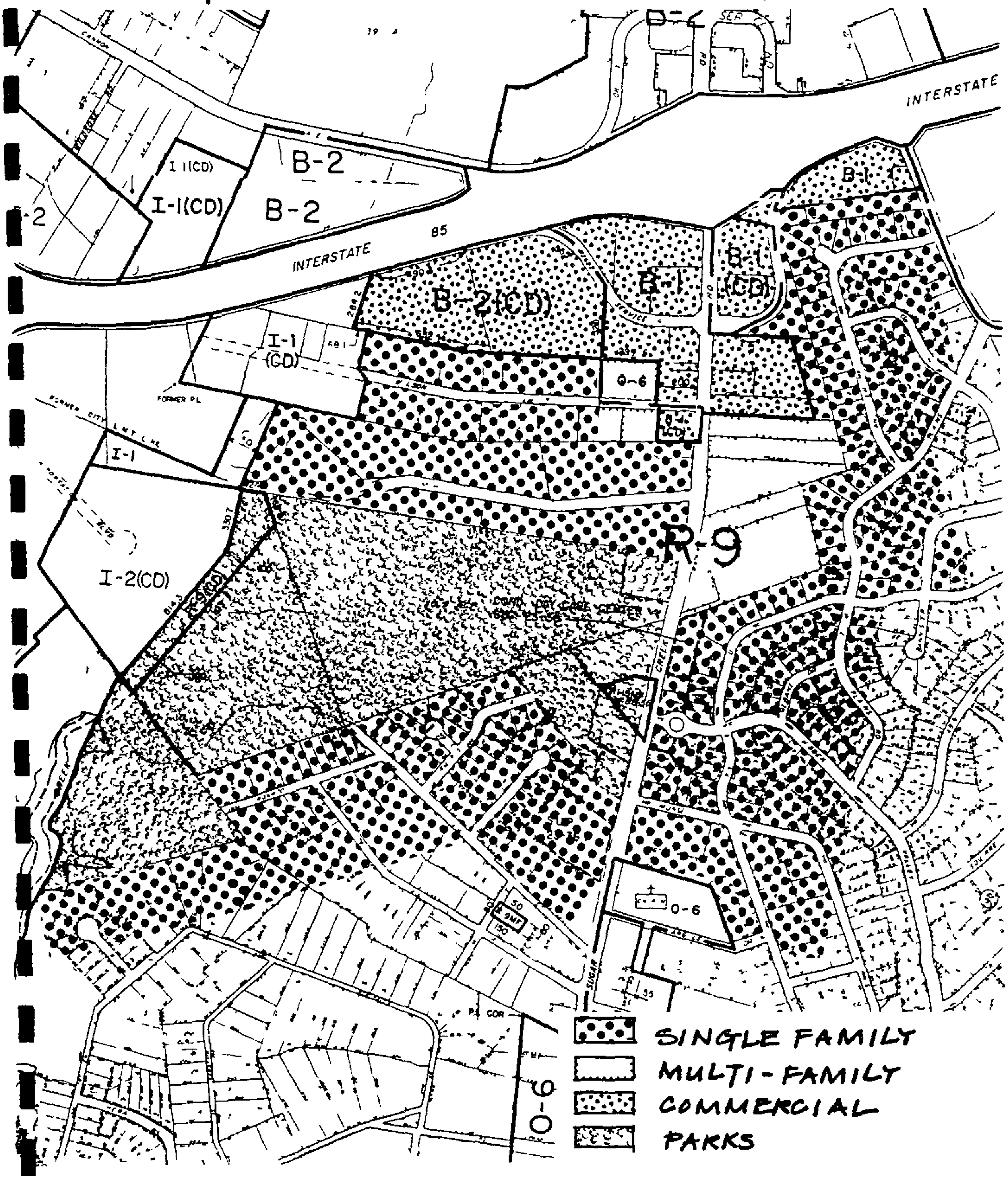
Southeastern has expressed interest in expanding across Derita Creek onto a portion of its remaining property. However, Derita Creek has been a natural boundary between industrial uses off of Graham Street, and residential areas around Sugar Creek Road. Allowing industrial encroachment across Derita Creek could have a negative impact on these residential areas and set a precedent for industrial uses east of Derita Creek.

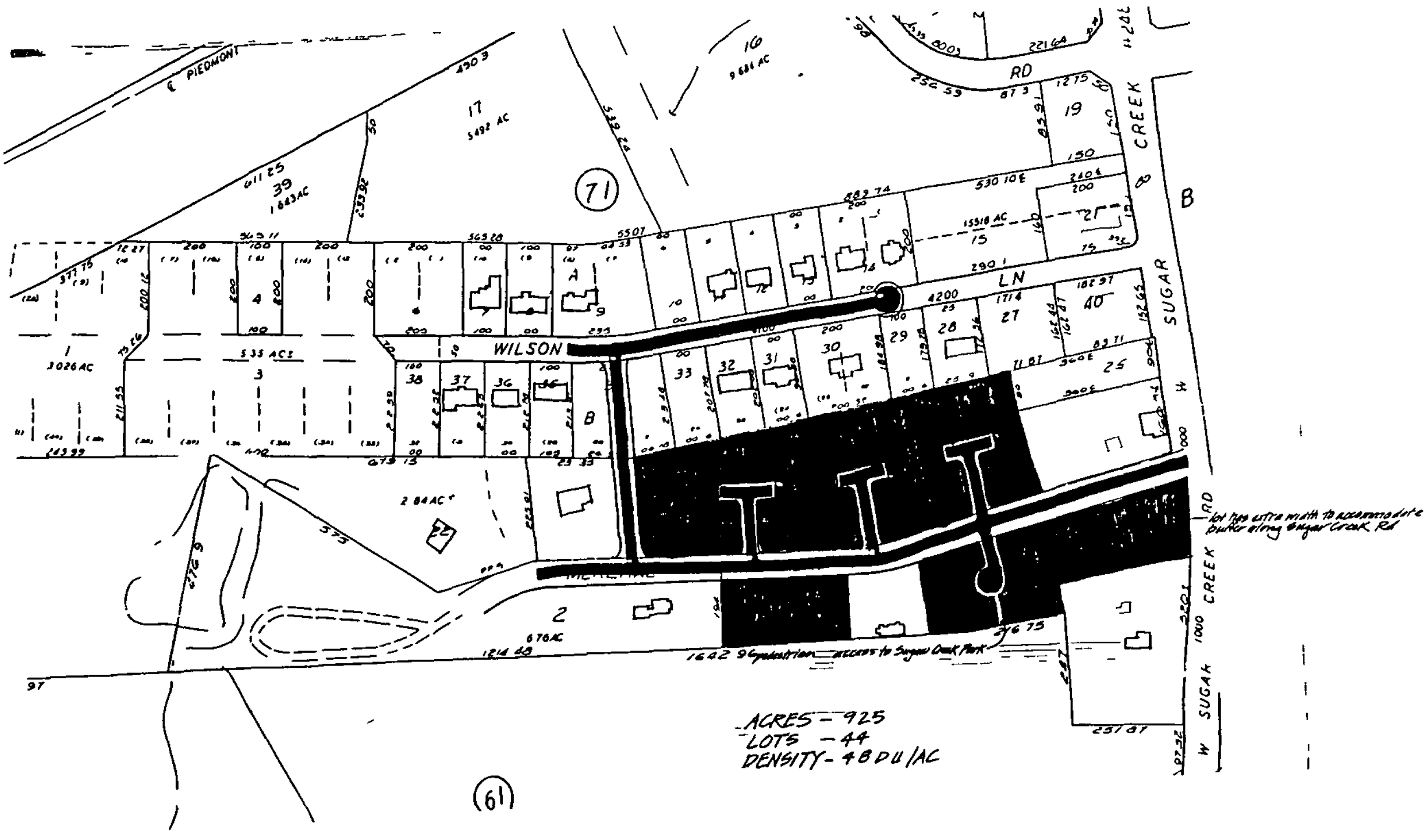
Sugar Creek Road - East Side

Along the eastern side of Sugar Creek Road lie several vacant or large single family properties. These properties total to approximately 10 acres and are currently zoned R-9.

The Northeast District Plan recommends a multi-family land use future for these tracts. The I-85/Sugar Creek Road Study reaffirms that recommendation. Multi-family development should only occur through the conditional rezoning process with particular attention to edge relationships in the site plan.

I-85/SUGAR CREEK RD. STUDY RECOMMENDATIONS





PROPOSED WILSON LANE CONNECTOR

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 2, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on October 22, 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 Tuesday, November 13, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, November 19, 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. October 22, 1990

PETITION NO. 90-57

PETITIONER(S). Easlan Capital of Charlotte

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

LOCATION: A 4.99 acre site located on the northeast corner of Park Road and Salem Drive.

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

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

Nays: Majeed.

REASONS

This petition had been referred to the Zoning Committee after the petitioner changed the site plan prior to the City Council's action on the case. That change added a driveway from the petitioner's site to Kenilworth Avenue and provided for improvements to facilitate left turns into that driveway. These changes have been evaluated by the City's Department of Transportation which indicates that these changes are appropriate for the site. The Zoning Committee again discussed some of the issues which had originally been discussed for this case but concluded that it is appropriate for approval.

STAFF OPINION

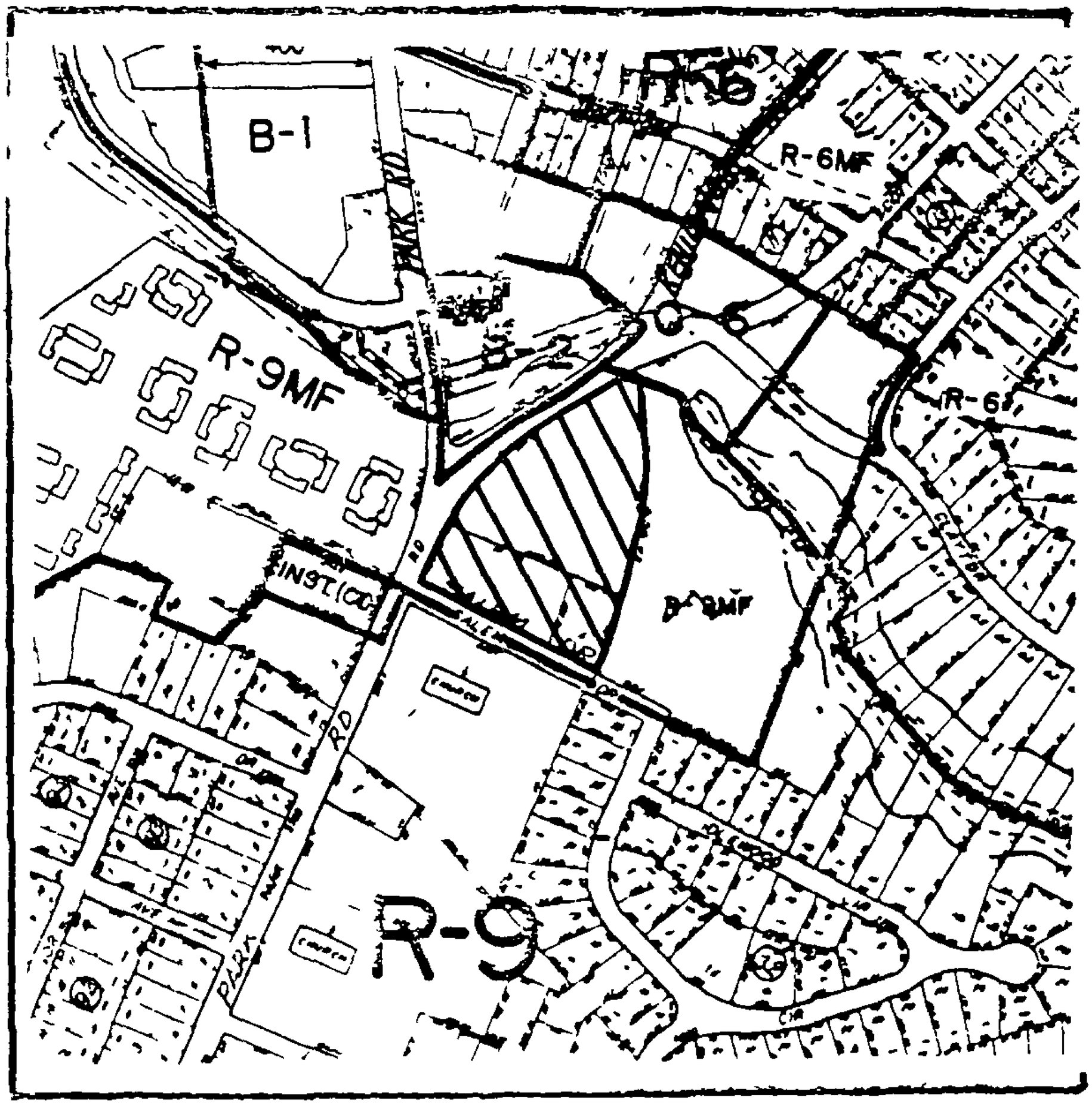
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Easlan Capital of Charlotte

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

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

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



ZONING MAP NO. 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 22, 1990

PETITION NO.. 90-76

PETITIONER(S): Mecklenburg Building Standards Department

REQUEST· Consideration of a text amendment to Section 1202.5 of the zoning ordinance dealing with citations.

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

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

Nays: None.

REASONS

The City and County attorneys and the Building Standards Department have identified the need for additional enforcement tools to be at the disposal of the Zoning Administrator's staff. This text amendment will allow the Zoning Administrator's staff to issue citations for zoning violations and for fines to accumulate for each citation for the violation. It is believed that this will enhance the Zoning Administrator's enforcement powers and will allow better compliance with the ordinance without requiring complicated and lengthy criminal procedures to correct violations. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

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

Section 1. Appendix A-Zoning, § 1202, "Enforcement Methods", of the City Code shall be amended by adding a new § 1202.5, "Citations", to read as follows:

"§ 1202.5 Citations.

.1 Issuance of citation and violator. The Zoning Administrator and Zoning Inspectors on the staff of the Zoning Administrator are empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of this Zoning Ordinance, Appendix A-Zoning. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises both have a duty to maintain the premises in compliance with the City's Zoning Ordinance. A citation shall not be issued to a non-occupant owner or agent for those premises unless there has been written notice delivered to the owner or agent, mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner or agent.

.2 Amount of the citation. The initial citation for a violation shall be $25.00. The violation shall be deemed to be a continuing violation and each day shall be deemed a separate violation. The issuance of a second citation for a violation that has not been corrected shall also be in the amount of $25.00 upon the day of issuance, $50.00 for the third citation, $75.00 for the fourth citation, $100.00 for the fifth citation, and $100.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or if the violator cannot be readily found, then the citation may be mailed.

.3 Delinquency charge. The citation shall direct the violator to make payment at the Mecklenburg County

Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not pay the citation by mail within fifteen (15) days of the issuance, a delinquency charge of ten dollars ($10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

.4 Records. All citation forms shall be serially numbered in triplicate. Records of all citations shall be maintained so that all such forms shall be capable of being accounted for."

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

DATE: October 22, 1990

PETITION NO.: 90-77

PETITIONER(S): First Charter National Bank

REQUEST: Consideration of a B-1SCD site plan amendment.

LOCATION: A 21 acre site located on the north side of Hickory Grove Road and the west side of Harris Boulevard.

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

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

Nays: None.

REASONS

This petition proposes the modification of the plan for an existing shopping center to add an outparcel for a financial institution. This results in an overall reduction of total floor area on the site and does not add any additional access to Hickory Grove Road. In addition, the revised plan indicates the preservation as well as planting of additional trees along Hickory Grove Road and reconfigures the remaining unbuilt portion of a shopping center to accommodate the reduced floor area. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

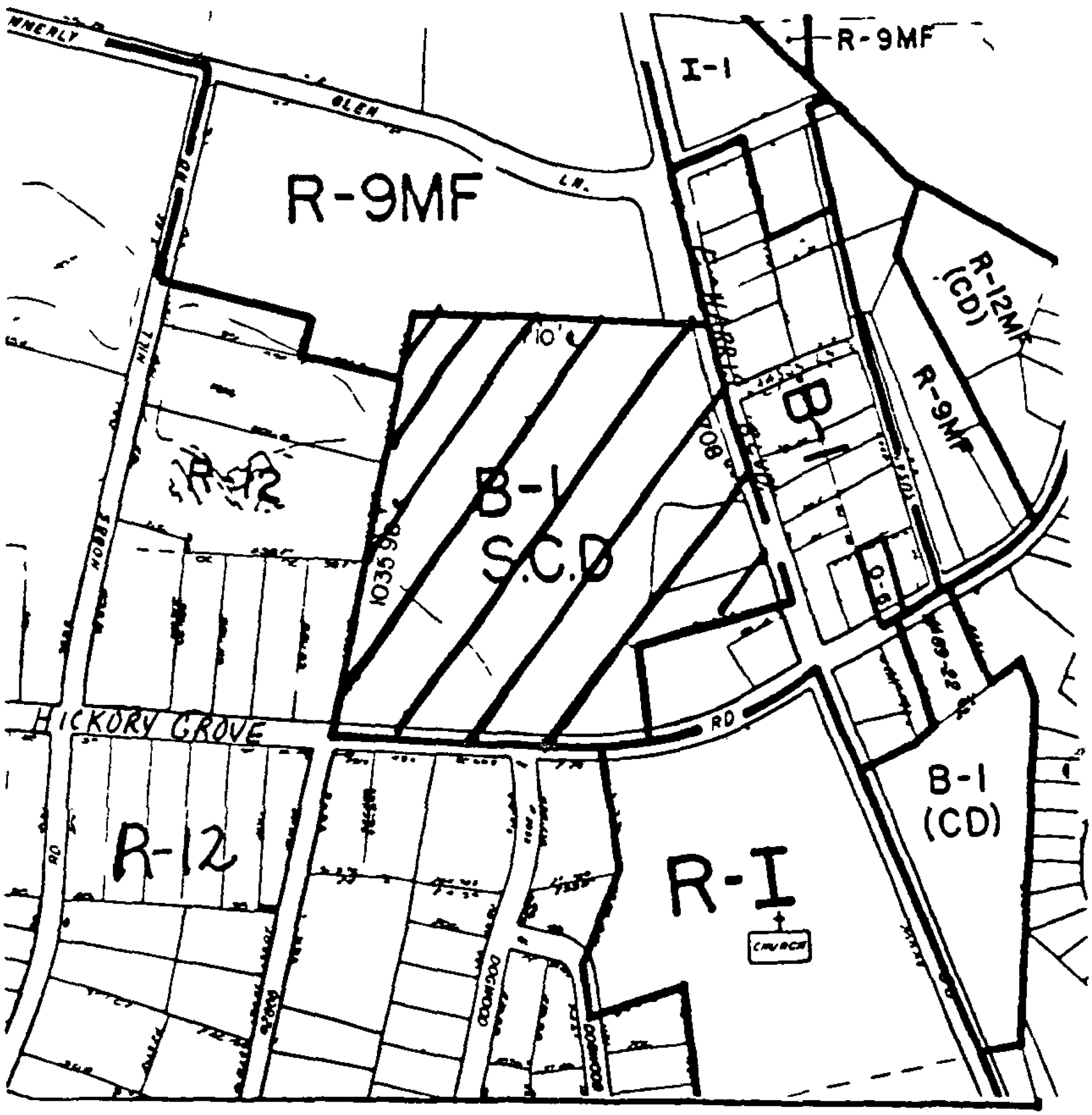
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: First Charter National Bank

PETITION NO.. 90-77 HEARING DATE: October 15, 1990

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

LOCATION. Approximately 21 acres located on the northerly side of Hickory Grove Road and the west side of Harris Boulevard (Hickory Grove Marketplace).



ZONING MAP NO(s).: 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 22, 1990

PETITION NO.: 90-78

PETITIONER(S): Faison Nesbitt Arrowood Venture

REQUEST: Change from R-9(CD), O-15(CD), and B-D(CD) to B-1SCD and consideration of an R-9(CD) and B-D site plan amendment.

LOCATION: A 66 acre site located on the east side of I-77 extending from Nations Ford Road to a point north of Arrowood Road.

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

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

Nays: None.

REASONS

This petition proposes the modification of an existing multi-use site to substitute retail development for a larger amount of office and hotel development. The plan calls for the preservation of the single family component approved as a part of this mixed use plan and commits to the construction of a public street connecting Arrowood Road with Nations Ford Road. In consultation with the City's Department of Transportation, the petitioner has also agreed to a wide variety of additional transportation improvements ranging from improvements along portions of Nations Ford Road to improvements at the interchange between Nations Ford Road and Interstate 77. Pursuant to these changes, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Faison Nesbitt Arrowood Venture

PETITION NO.: 90-78 HEARING DATE October 15, 1990

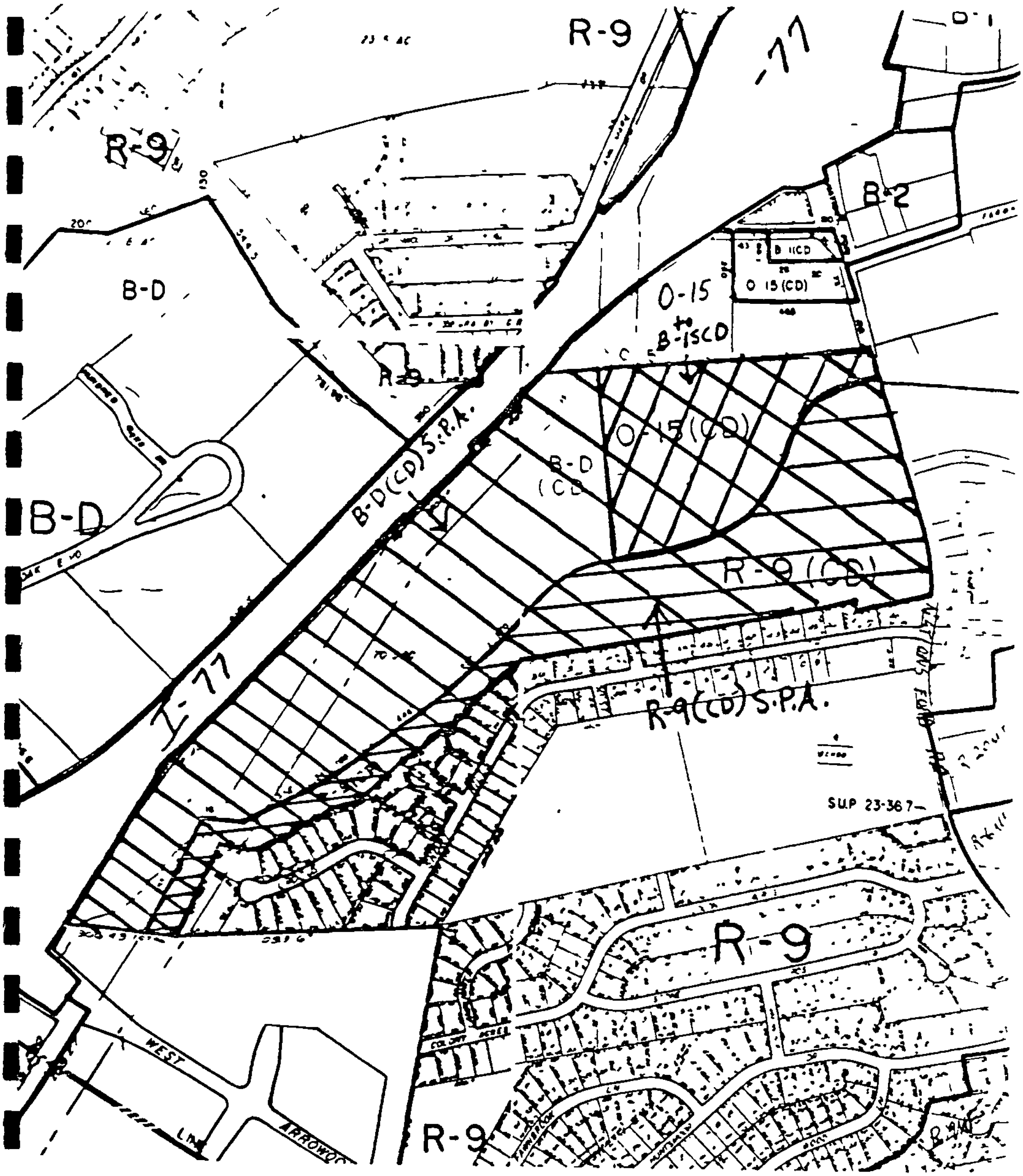
ZONING CLASSIFICATION, EXISTING R-9(CD), O-15(CD), B-D(CD) REQUESTED. R-9(CD) Site Plan Amendment, B-1SCD, & B-D(CD) Site Plan Amendment

LOCATION. Approximately .66 acres located on the east side of I-77 extending from Nations Ford Road to a point north of Arrowood Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 122, 134, 148, 149 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
R-9
B-D
B-D
B-D
B-D(CD) S.P.A.
B-D
(CD)
O-15 (CD)
R-9 (CD)
R-9(CD) S.P.A.
O-15
B-1(CD)
B-2
B-1(CD)
O-15 (CD)
SUP 23-367
R-9
R-9
WEST
ARROWOOD
LN

DATE	October 22, 1990
PETITION NO..	90-79
PETITIONER(S)·	Trenton Properties, Inc.
REQUEST:	Change from I-2 to UR-3(CD)
LOCATION:	A 10.08 acre site located on the east side of 36th Street north of Davidson Street (Johnson and Mecklenburg Mills).
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, James, Majeed, McClure, Mead, and O'Brien.
Nays:	None.

REASONS

This petition proposes the conversion of the existing Johnson and Mecklenburg Mills to accommodate 177 units of housing, associated parking, and a day care center to accommodate up to 100 children. The site takes advantage of the existing mill facilities and arranges the units within the existing mill buildings. The petitioner had addressed all the technical issues raised by the staff on the site plan and has already secured variances for the existing building locations relative to yard requirements which would be imposed by this rezoning. Members of the Zoning Committee scrutinized this case carefully and were especially interested in the relationships which would exist between the rear of the property and the very active railroad tracks nearby. On the whole, this petition is viewed as a positive element in the North Charlotte community and is an appropriate adaptive reuse of the historic mill properties. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

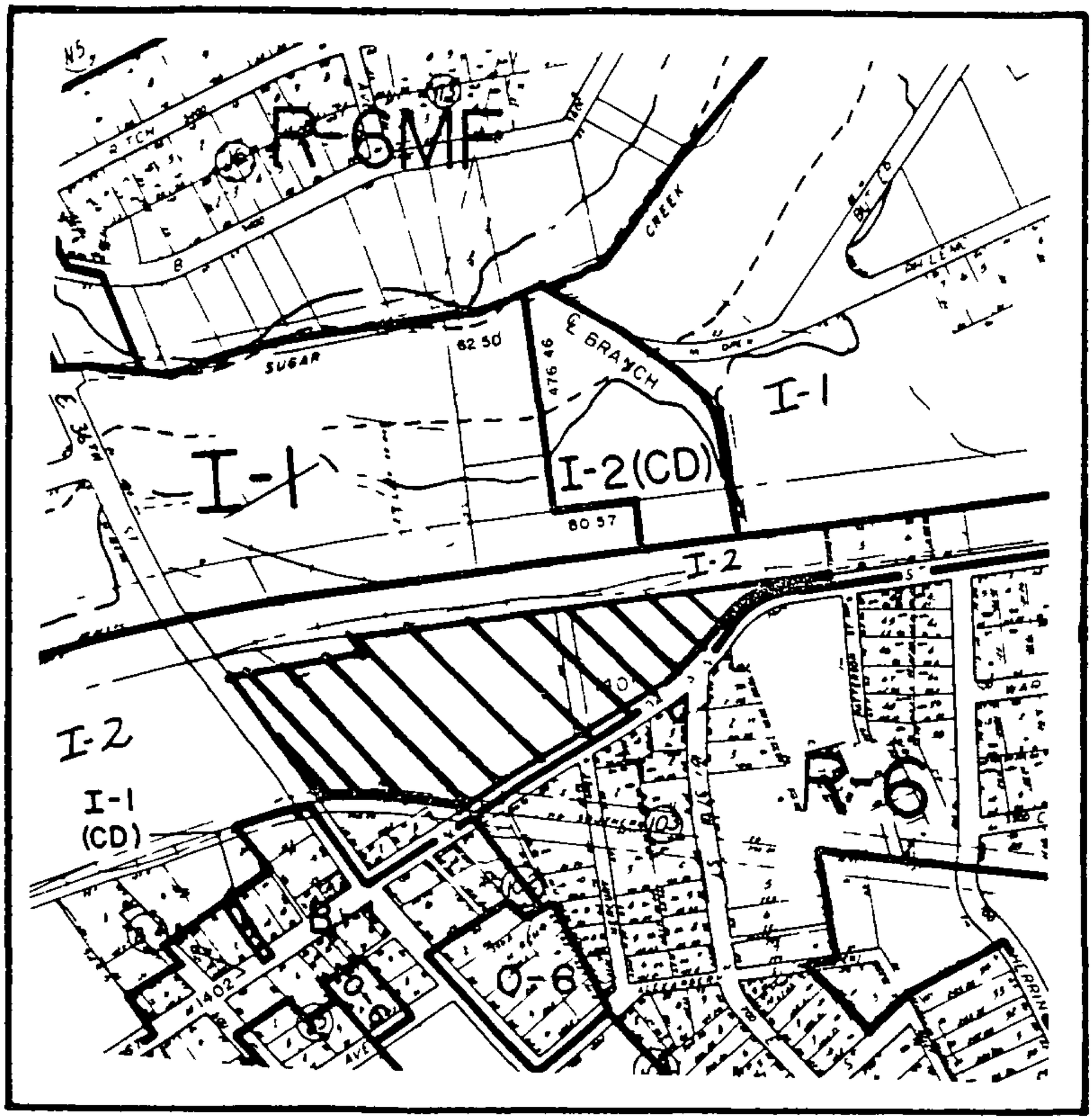
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Trenton Properties, Inc

PETITION NO 90-79 HEARING DATE October 15, 1990

ZONING CLASSIFICATION, EXISTING I-2 REQUESTED UR-3(CD)

LOCATION Approximately 10 08 acres located on the easterly side of 36th Street north of Davidson Street (Johnson and Mecklenburg Mills).



ZONING MAP NO(s).: 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	October 22, 1990
PETITION NO.:	90-80
PETITIONER(S).	Hoskins Mills Associates Limited Partnership
REQUEST.	Change from R-9MF(CD) to R-6MF(CD)
LOCATION:	An 11 acre site located on the southerly side of South Hoskins Road at Gossett Avenue (Hoskins Mill).
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, James, Majeed, McClure, Mead, and O'Brien.
Nays:	None.

REASONS

This petition essentially requests the amendment of the existing site plan for Hoskins Mills to accommodate a day care center. However, in adding the day care center to the property, the amount of land devoted to the day care center alters the calculations for the number of multi-family units that would be permitted under the existing zoning. Therefore, in order to accommodate the day care center and to allow the remainder of the site to remain in conformance with the Zoning Ordinance, the petitioner proposes to rezone the site to a more intense multi-family classification but does not propose to increase the number of units on the property. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Hoskins Mill Associates Limited Partnership

PETITION NO.: 90-80 HEARING DATE: October 15, 1990

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

LOCATION: Approximately 11 acres located on the southerly side of S. Hoskins Road at Gossett Avenue (Hoskins Mill).

ZONING MAP NO(s).: 80 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE