AGENDA

Meeting Type:	Z
Date:	10-15-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

October 15, 1990

FILE COPY

CHARLOTTE

Meetings in October '90

THE WEEK OF OCTOBER 1 - OCTOBER 6

1	Monday, 11 30 a m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Monday, 12 Noon	**PLANNING COMMISSION/Workshop** - CMGC, 8th Floor Conference Room
	Monday, 2 00 p m	**PLANNING COMMISSION/Zoning Committee-Special Use Permit Board** - CMGC, 8th Floor Conference Room
	Monday, 4 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
2	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 5 00 p m	**CITY COUNCIL OPERATIONS COMMITTEE** - CMGC, Rooms 270-271
3	Wednesday, 3 00 p m	**CULTURAL STUDY COMMITTEE** - CMGC, Meeting Chamber Conference Room
	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Large Conference Room
4	Thursday, 2 00 p m	**ADVISORY BOARD FOR CITIZENS WITH DISABILITIES** - CMGC, Room 119
	Thursday, 5 00 p m	**CITY COUNCIL FINANCE COMMITTEE** - CMGC, Rooms 270-271
5	Friday, 9 30 a m	**TAXICAB REVIEW BOARD** - Law Enforcement Center, 825 E Fourth Street, Room 307

THE WEEK OF OCTOBER 7 - OCTOBER 13

7	Sunday, 9 30 a m	**CHARLOTTE-MECKLENBURG ART COMMISSION/for OmniMax Semifinalists Interview** - Discovery Place, 301 North Tryon Street
8	Monday, 6 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 S Caldwell Street
9	Tuesday, 6 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Rooms A & B
	Tuesday, 7 00 p m	**TOWN MEETING ON VIOLENT CRIME** - CMGC, Meeting Chamber (Televised Channel 32)
10	Wednesday, 7 3- a m	**YOUTH INVOLVEMENT COUNCIL/Criminal Justice Day** - CMGC, Conference Center
	Wednesday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Room 119
	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 9 00 a m	**CIVIL SERVICE HEARING** - CMGC, Rooms 270-271
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Board** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
11	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room
	Thursday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Thursday, 6 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF OCTOBER 14 - OCTOBER 20

15	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
16	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Boulevard Homes, 1620 Brooksvale
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 5 30 p m	**ADVISORY COMMITTEE ON CMUD POLICIES** - CMUD Administration Building, 5100 Brookshire Blvd
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** CMGC, Conference Center
	Tuesday, 7 00 p m	**POLITICAL CONSOLIDATION STUDY COMMISSION/Public Hearing** - CMGC, Meeting Chamber
17	Wednesday, 9 00 a m	**CULTURAL STUDY COMMITTEE/Retreat** - Winthrop College, Joynes Conference Center Oakland Ave, Rock Hill, S C
	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center
19	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** -CMGC, 8th Floor Conference Room
	Friday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Workshop** - Main Public Library, Dixon Board Room, 310 North Tryon Street
20	Saturday, 9 30 a m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Workshop Continuation** - Main Public Library, Dixon Board Room, 310 North Tryon Street

THE WEEK OF OCTOBER 21 - OCTOBER 27

21-23	Sunday - Tuesday	**NORTH CAROLINA LEAGUE OF MUNICIPALITIES** - Raleigh
22	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
23	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 7 00 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE/Public Hearing** - CMGC, Meeting Chamber (Televised Channel 32)
24	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Meeting Chamber Conference Center
	Wednesday, 9 00 a m	**CIVIL SERVICE HEARING** - CMGC, Room 118
	Wednesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 S College Street, VIP-B Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
25	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

THE WEEK OF OCTOBER 28 - OCTOBER 31

30	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, Building Standards Training Room, 700 North Tryon Street
	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** CMUD, 5100 Brookshire Blvd
31	Wednesday, 9 00 a m	**CIVIL SERVICE HEARING** - CMGC, Room 118

CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Cyndee 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, October 15, 1990

5:00 p.m. - Council-Manager Dinner
Meeting Chamber conference Room
Dinner Presentations
1. **Review of Northeast District Plan Zoning Recommendation**
2. **Sardis/Weddington Connector**
3. **Outer Loop**

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

Invocation by Reverend Victor R. Hall, Bible Presbyterian 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.

   This petition was deferred at the September 17, 1990 meeting.

   Attachment No. 1

2. (90-76) Hearing 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. 2

3. (90-77) Hearing 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 on the northerly side of Hickory Grove Road and the west side of East W. T. Harris Boulevard.

   Attachment No. 3

4. (90-78) Hearing on Petition No. 90-78 by Faison Nesbitt Arrowood Ventures for a Site Plan Amendment to an existing R-9(CD) and B-D(CD) zoning and a change in zoning from O-15(CD) to B-1SCD for approximately 66 acres located on the east side of I-77 extending from Nations Ford Road to a point north of Arrowood Road.

Attachment No. 4

5. (90-79) Hearing on Petition No. 90-79 by Trenton Properties, Inc. for a change in zoning from I-2 to UR-3(CD) for approximately 10 acres located along the easterly side of East 36th Street to the north of North Davidson Street. (Johnston and Mecklenburg Mills)

Attachment No. 5

6. (90-80) Hearing 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 11.19 acre site located on the southerly side of South Hoskins Road at Gossett Avenue. (Hoskins Mill)

Attachment No. 6

POLICY AGENDA

7. Consider alternate alignments for the West Charlotte and a portion of the Northern Outer Loop and direct the City's representative to the Metropolitan Planning Organization (MPO) concerning alignment selection.

History: At the October 8, 1990 City Council meeting, Council selected an alignment for a portion of the Outer Loop. Consistent with staff's recommendation, Council selected the middle alignment for the Northern Outer Loop between I-85N and I-77, and the southern alignment between I-77 and N. C. 16.

Council requested that discussion and decisions regarding the remaining section of the Outer Loop between N. C. 16 and I-77S be scheduled for the October 15 agenda.

Additional information was requested of staff regarding land use at the proposed Moores Chapel Interchange with the eastern alignment of the Outer Loop. Also Council requested specific information regarding impacts of the middle and eastern alignments south of the airport.

Council Action: The Council must direct it's MPO representative vote regarding the Outer Belt. The MPO is scheduled to consider the Outer Loop alignments at their October 17, 1990 meeting.

Note: A map of the Moores Chapel Interchange area and information related to the alignments south of the airport will be sent with the Mayor/Manager Memo on Friday.

Source of Funding: None

Attachment No. 7

8. Sardis/Weddington Road Alignment

History: At the October 1, 1990 Council workshop, Council requested this item be placed on the agenda for discussion.

At the September 10, 1990 meeting, Council voted to: (1) use the City's weighted vote; (2) have the City's representative to the MPO vote for either the E route as recommended by the technical staff, or the G route; or, (3) to change the vote to support Matthews if Matthews chose a Sardis/Weddington connector in addition to the F alignment before the September 19 MPO meeting.

The Mayor has exercised her right to veto the October 8 Council vote on this project. In accordance with the City Charter, an action vetoed by the Mayor shall automatically be on the agenda of the next regular or special meeting of the Council, but shall not become effective unless readopted with at least seven Council members voting in the affirmative.

The previous agenda item is attached.

Attachment No. 8

BUSINESS AGENDA

9. Amend the General Development Policies of the District Plans to include a statement on school planning and the integration of the community.

Attachment No. 9

DECISIONS

10. (89-90) Decision on Petition No. 89-90 by Vulcan Materials Company for a change in zoning from R-9MF and I-1 to I-1(CD) and I-2(CD) for a 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.

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

The petitioner requested in September that this decision be deferred to October 15.

The Zoning Committee recommends that this petition be denied.

Attachment No. 10

11. (90-36) Decision on Petition No. 90-36 by Crosland-Erwin Associates, Faison Associates, and Childress-Klein Properties for a Text Amendment to clarify the means by which parking requirements would be computed for shopping centers and to define center.

Failed to get a majority vote on September 17.

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

Attachment No. 11

12. (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 the intersection of Park Road and Salem Drive.

Decision deferred from September 17.

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

Attachment No. 12

13. (90-60) Decision on Petition No. 90-60 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 for approximately 1.38 acres located on the east side of South Boulevard south of East Tremont Avenue.

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

Decision deferred from September 17.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (86-104) Decision on Petition No. 86-104 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 to R-6 for a .40 acre site located on the southeasterly corner of the intersection of Beatties Ford Road and Saint Paul Street.

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

Decision deferred from September 17.

The Zoning Committee recommends that, pursuant to a property owner submitted conditional plan, the property be rezoned to B-1(CD).

Attachment No. 14

15. (89-38) Decision on Petition No. 89-38 by the Charlotte Metro Credit Union for a change in zoning from R-6MF to O-6 for approximately 8,250 square feet located on the north side of Sunnyside Avenue just east of Brookshire Freeway.

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

Councilmember Clodfelter is excused from this decision.

The Zoning Committee recommends that this petition be allowed to be withdrawn.

Attachment No. 15

16. (90-20) Decision on Petition No. 90-20 by E. C. Griffith Company and Laurel Eye Associates for a change in zoning from R-12 to O-15(CD) and R-9MF(CD) for approximately 46.5 acres located on the westerly side of Randolph Road at the Billingsley Road intersection.

When this petition was originally heard in March of this year, a protest petition was filed and found sufficient to invoke the 20% rule, requiring affirmative of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

A motion by the Zoning Committee to approve this petition failed by a vote of 5 to 2.

Attachment No. 16

17. (90-65) Decision on Petition No. 90-65 by Building Standards Department for a text amendment to Section 1206.2 of the Charlotte City Code to delete from the zoning ordinance application fees for sign permits.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (90-66) Decision on Petition No. 90-66 by S. D. Atma and N. D. Atma for a change in zoning from B-1 and O-6 to B-1(CD) for approximately 1.55 acres located on the northerly side of Wilson Lane West of Sugar Creek Road.

The Zoning Committee recommends that this petition be denied.

Attachment No. 18

19. (90-67) Decision on Petition No. 90-67 by Dr. Joe H. Woody for a change in zoning from R-15 to R-9 for 1.4 acres located on the westerly side of Randolph Road north of Rutledge Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (90-68) Decision on Petition No. 90-68 by Zimmer Brothers, a Partnership, for a Site Plan Amendment to an existing B-1(CD) zoning for 5.4 acres located on the south side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.

The Zoning Committee recommends that this petition be denied.

Attachment No. 20

21. (90-69) Decision on Petition No. 90-69 by Frank J. Geddings for a change in zoning from B-1 to B-2(CD) for .354 acres located on the southeast corner of Park Road and Reece Road.

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

Attachment No. 21

22. (90-70) Decision on Petition No. 90-70 by Laurel Free Will Baptist Church for a change in zoning from R-9 to R-9MF(CD) for a 1.28 acre site located on the west side of Elgywood Lane south of Arrowhead Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. (90-72) Decision on Petition No. 90-72 by Mecklenburg County for a change in zoning from R-6MF and O-15 to O-15(CD) for a 1.49 acre site located on the north side of Billingsley Road east of Randolph Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 23

24. (90-73) Decision on Petition No. 90-73 by General Commerce Center for a change in zoning from I-1 and R-9 to I-1(CD) and I-2(CD) for 43.8 acres located on the westerly side of Orr Road south of Old Concord Road.

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

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

Attachment No. 24

25. (90-74) Decision on Petition No. 90-74 by C. K. Land Development, Inc. for a change in zoning from I-2 and B-2 to B-1SCD for a 30.6 acre site located on the southeast corner of North Tryon Street at Sugar Creek Road.

Councilmember Clodfelter was excused from the hearing on this petition.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

26. Recommend adoption of Resolution setting public hearings for November 19, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 90-81 through 90-90 for zoning changes.

SCHEDULE OF MEETINGS
October 16, 1990 - November 5, 1990

NOTE: **The City/County/School Board Meeting will not be held again until November 20, 1990 as a result of the vote in September to hold these meetings every other month.**

Sunday, October 21, 1990 - Tuesday, October 23, 1990	North Carolina League of Municipalities - Raleigh
Monday, November 5, 1990	City Council Workshop CMGC, Room 267 - 5:15 p.m.

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 construction 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) 426-9255

* Signature

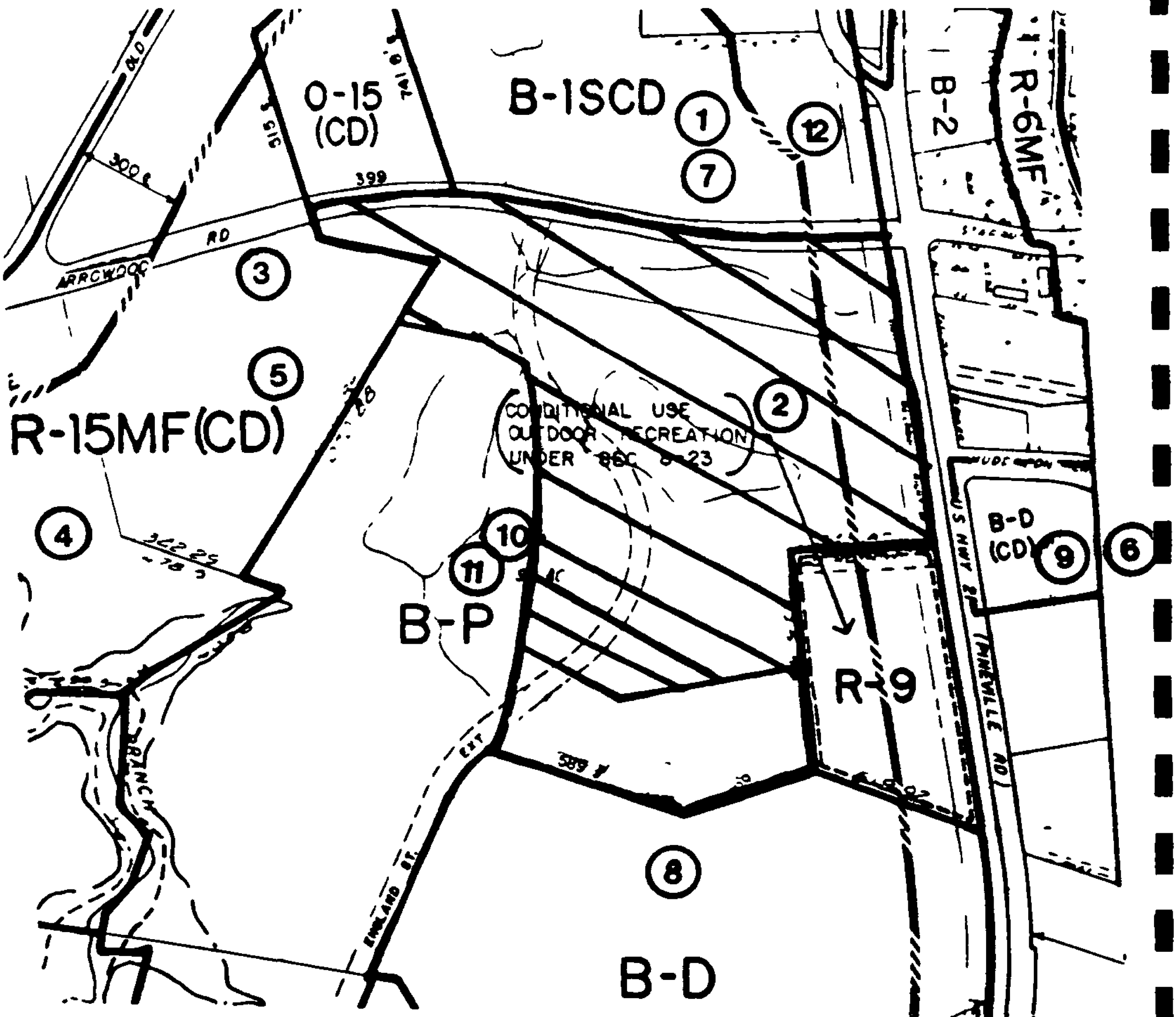
Signature of Property Owner if Other Than Petitioner

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 4, 1990

Mayor and City Council:

RE: Petitions to be Heard in October, 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, October 15, 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. 90-76

Petitioner: Mecklenburg County Building Standards Department

Request: Text amendment to authorize the issuance of citations for zoning violations.

BACKGROUND

The primary remedies for enforcement under the Zoning Ordinance are the issuance of a criminal summons or the obtaining of an injunction. The "Sign Ordinance" portion of the Zoning Ordinance does allow for the issuance of a citation. A citation is issued like a parking ticket. If it is not paid voluntarily, then it can be collected in either small claims court or district court, depending on the cumulative amount of the citations, as a debt owed to the government.

A citation will not be issued under the Zoning Ordinance unless written notice is delivered (by mail or other reasonable efforts) to communicate the existence of the violation to the owner or agent for the owner. The amount of the citation will be $25.00 for the first citation. If the violation remains uncorrected, then the citation amount will escalate up to $100.00 for the fifth and subsequent citations.

CONCLUSION

It is deemed important that citations be available as a method of seeking compliance with the Zoning Ordinance in addition to the other two available remedies, criminal summons and injunctions. This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 90-76

Date Filed August 13, 1990

Received By MCM

OFFICE USE ONLY

Section No.' 1202.5. "CITATIONS" (New)

(Title)

Purpose of Change:

CITATIONS

The primary remedies for enforcement under the Zoning Ordinance are the issuance of a criminal summons or the obtaining of an injunction. The "Sign Ordinance" portion of the Zoning Ordinance does allow for the issuance of a citation. A citation is issued like a parking ticket. If it is not paid voluntarily, then it shall be collected in either small claims court or district court, depending on the cumulative amount of the citations, as a debt owned to the City.

A citation will not be issued under the Zoning Ordinance unless written notice is delivered, is mailed, or other reasonable efforts to communicate the existence of the violation to the owner or agent have occurred. The amount of the citation shall be $25.00 and if the violation remains uncorrected, then the citation amount shall escalate.

It is deemed important that citations be available as a method of getting compliance with the Zoning Ordinance in additional to the only other two available remedies, criminal summons and injunctions.

Robert Brandon, Zoning Administrator
Name of Agent

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

336-2831
Telephone Number

Mecklenburg Co. Building Standards
Name of Petitioner(s)

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

336-2831
Telephone Number

Signature Edward L. Woods, Director

ORDINANCE NO._____ ORDINANCE AMENDING APPENDIX A-ZONING

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

BE IT ORDAINED by the City Council of the City of Charlotte, 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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-77

Petitioner: First Charter National Bank

Location: 21 acres on the northerly side of Hickory Grove Road and the west side of East W.T. Harris Boulevard.

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

BACKGROUND

1. Existing Zoning. The subject property is currently zoned B-1SCD. The adjacent property to the north is zoned R-9MF. The property to the east across East W.T. Harris is zoned B-1 as is the property at the southeast and northwest corners of East W.T. Harris and Hickory Grove Road. The property to the west as well as a portion of the property to the south is zoned R-12. The remaining property to the south is zoned Residential Institutional (R-I).

2. Existing Land Use. The property associated with this petition is currently developed as a shopping center. The property to the north is developed with apartments. The property to the east across East W.T. Harris is developed with a series of small shops. Many of these small shops will be demolished to make way for the widening of East W.T. Harris. The property to the west is developed with single family homes as is a portion of the property to the south. The remainder of the property to the south is the site of Hickory Grove Baptist Church.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property and a community commercial center at the intersection of Harris Boulevard and Hickory Grove Road. The 2005 Plan strategies include improving Harris Boulevard and Hickory Grove Road. The plan also calls for a light rail station in this area in the future.

   2. Transportation Improvement Plan. Calls for the widening of East W.T. Harris from Plaza Road to Albemarle Road to four and six lanes.

   3. East District Plan. The East District Plan calls for residential land uses at densities ranging from one to four dwelling units per acre in the area of the subject property. The plan recognizes the existence of the Hickory Grove Baptist Church as a major institutional land use in the area. The plan also recognizes commercial uses on both the northeast and northwest corners of East W.T. Harris and Hickory Grove Road. The plan also calls for a neighborhood mixed use center to be located in this area. The East District Plan defines a

neighborhood mixed use center as providing up to 250,000 sq. ft. of office and retail uses.

4. Site Plan. The site plan which accompanies this petition proposes to add an outparcel to accommodate a 3,500 sq. ft. branch bank to an existing shopping center. This new outparcel will be oriented toward Hickory Grove Road and will be served by internal driveways only. The center itself is served by two driveways from East W.T. Harris and two driveways on Hickory Grove Road. The main body of the center is oriented toward East W.T. Harris. Of the center's proposed 120,000 sq. ft., approximately 80% is currently built the remaining square footage will be built along Hickory Grove Road.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-41(c)	R-9MF to B-1SCD	Approved	01/07/73
2. 76-17(c)	R-12 to B-1(CD)	Approved	11/15/76
3. 77-19(c)	R-12 & B-1(CD) to B-1(CD) & B-1(CD) Site Plan Amendment	Approved	06/06/77
4. 82-22(c)	R-12 to R-12MF(CD)	Approved	09/07/82
5. 84-19(c)	R-12 & B-1(CD) to B-1(CD) & B-1(CD) Site Plan Amendment	Approved	09/04/84
6. 85-2(c)	R-12MF(CD) Site Plan Amendment	Approved	02/18/85
7. 85-31(c)	B-1SCD Site Plan Amendment	Approved	07/08/85
8. 86-39	R-12 to R-I	Approved	5/19/86
9. 89-22	R-12 to B-1(CD)	Approved	04/17/89

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

REVIEWS

1. Plan Consistency. Both the 2005 Plan and the East District Plan call for the development of a commercial center in the area of this proposed zoning. This petition proposes to add a small outparcel to an existing shopping center. This addition is in keeping with approved plans for the area.

2. Technical Consistency.

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

2. Departmental Comments. There were several departmental comments ranging from the need for additional right-of-way along Hickory Grove Road to compliance with the City's Tree Ordinance, as well as requests for new trees to be planted along Hickory Grove Road to replace any of the existing oaks that may be lost to road or shopping center improvements. The petitioner has addressed all of these comments on the revised site plan.

ISSUES

1. Land Use. There are no land use issues associated with this petition. All relevant plans and policies for the area call for the development of a commercial center in this area. Therefore, this petition is considered appropriate for approval.

2. Site Plan. There are no significant site plan issues associated with this petition. The proposal to add a 3,500 sq. ft. branch bank to the center does not adversely impact proposed roads or adjoining properties. In fact this site plan amendment will reduce the total square footage for the center by 20,000 square feet. 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

Staff Review Thursday August 30 9:00 a.m.

Petition No. 86-77
Date Filed August 15, 1986
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Charlotte Realty Limited Partnership

Owner's Address: 5815 Westpark Drive
Charlotte, N.C. 28217

Date Property Acquired: 9/13/85

Tax Parcel Number: 099-311-16

Location Of Property (address or description): northerly side of Hickory Grove Rd and westerl side of Harris Blvd (Hickory Grove Marketplace)

Description Of Property

Size (Sq. Ft. Acres): 21 acres

Street Frontage (ft.): 700' Harris Blvd
770' Hickory Grove Rc

Current Land Use: shopping center

Zoning Request

Existing Zoning: B-1 SCD

Requested Zoning: Site Plan Admendment

Purpose of Zoning Change: to permit the development of a bank on a new out parcel facing Hickory Grove Rd. and to redesign the remaining shopping center, portions of which have yet to be developed.

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): First Charter National Bank

Address of Petitioner(s): PO Box 228
Concord, N.C. 28026-0228

Telephone Number: (704) 786-3300

[illegible] Exec V.P.
Signature

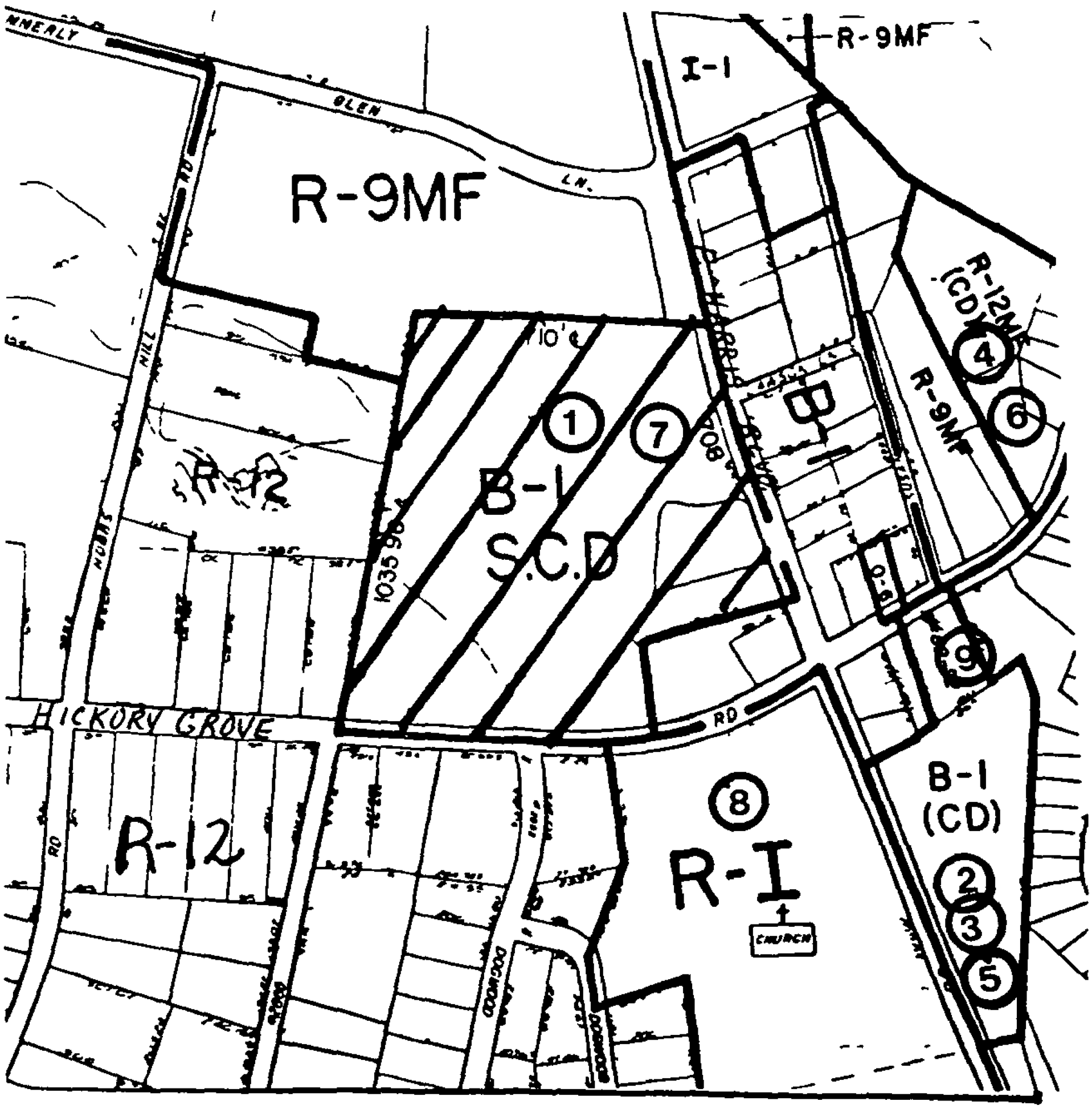
Signature of Property Owner if Other Than Petitioner

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

Building Data and Performance Standards

1. THIS PETITION REQUESTS MODIFICATION OF EXISTING BH-1 SCO PLAN
2. TOTAL SITE IS ABOUT 21 ACRES
3. MAXIMUM BUILDING AREA, INCLUDING OUTPARCELS, SHALL NOT EXCEED 115 070 SF + 6400 SF (OUTPARCELS 2 AND 3)
4. THESE DRAWINGS ARE SCHEMATIC ACTUAL BUILDING LOCATION AND CONFIGURATION MAY VARY PARTIAL ELEVATION SHOWN BELOW IS ILLUSTRATIVE ONLY DRIVEWAY LOCATIONS MAY VARY FROM THOSE SHOWN.
5. ALL SIGNS TO CONFORM WITH CITY SIGN ORDINANCE
6. TREES SHALL BE BE PLANTED OR RETAINED AS SHOWN CONCEPTUALLY ACTUAL LOCATION MAY VARY PLANTINGS SHALL CONFORM TO OR EXCEED REQUIREMENTS OF CITY TREE ORDINANCE SIMILAR SPECIES MAY BE SUBSTITUTED FOR THOSE TYPES NAMED.
7. PARKING SHALL CONFORM TO OR EXCEED REQUIREMENTS OF CITY ORDINANCE.
8. THE PETITIONER AND SOUTHPOINT OWNER AGREE TO DEDICATE ADDITIONAL RIGHT OF WAY ALONG HICKORY GROVE ROAD AND HARRIS BLVD FOR HICKORY GROVE RD THIS ADDITIONAL RIGHT OF WAY SHALL BE 5' AND SHALL BE 7' 6" FOR HARRIS BLVD AT PARCEL 2. THE DEDICATION SHALL OCCUR PRIOR TO THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS.
9. BASE INFORMATION TAKEN FROM A SURVEY PREPARED FOR THE OWNER BY JACK CHRISTIAN - CHARLOTTE, NC LOCATION OF NORTHERN ZONING LINE PROVIDED BY MOS YOUNG AT A MEETING AT HIS OFFICE ON 29 APRIL 1985
10. ELEVATION WILL INCLUDE FEATURES TO PROVIDE PEDESTRIAN SCALE & INTEREST (IE AWNINGS, ROOF LEVEL CHANGES, COLOR, LANDSCAPING, ETC)
11. BUILDINGS DEVELOPED IN THE OUTPARCELS SHALL BE DESIGNED TO BE COMPATABLE WITH THE ARCHITECTURE OF THE SHOPPING CENTER
12. THE SHOPPING CENTER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE
13. THE SHOPPING CENTER SHALL COMPLY WITH CITY OF CHARLOTTE FIRE DEPARTMENT REGULATIONS REGARDING FIRE HYDRANT LOCATIONS
14. PARCEL 1 IS NOT INCLUDED IN THIS SITE PLAN AMENDMENT. NO AMENDMENTS MADE AS PART OF THIS PLAN SHALL INCLUDE PARCEL 1.
15. A SIGN/ DIRECTIONAL ARROWS SHALL BE INSTALLED AT THE TCBY DRIVE-IN WINDOW TO DIRECT TRAFFIC IN THE PROPER DIRECTION
16. IN THE EVENT THAT ANY OF THE EXISTING MATURE TREES ADJOINING THE HICKORY GROVE RD. RIGHT-OF-WAY DIES THE PROPERTY OWNERS AGREE TO REPLACE THE TREE(S) WITH A LIKE (OR SIMILAR) TREE(S) MEASURING A MINIMUM OF 3½" IN CALIPER AT THE TIME OF PLANTING.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-78

Petitioner: Faison Nesbitt Arrowood Ventures

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

Request: Change from R-9(CD), B-D(CD), and O-15(CD) to R-9(CD) Site Plan Amendment, B-D(CD) Site Plan Amendment, and B-1SCD.

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned a combination of R-9(CD), B-D(CD), and O-15(CD). This zoning was established in 1985 for a mixed use project. I-77 borders the site along the north/northwest except for an area at the I-77/Nations Ford Road intersection containing a combination of districts including B-1(CD), O-15(CD), and B-2. Along the south/southeastern edge of the petitioned site the predominate zoning district is single family residential, R-9. An exception to this is a tract of B-D(CD) at the Arrowood Road/I-77 intersection. East of the petitioned property, across Nations Ford Road there are a variety of residential districts including R-9, R-20MF, and R-6MF districts.

2. Existing Land Use. The property involved in this request is presently undeveloped. The adjacent business and office districts located at the I-77/Nations Ford Road intersection are developed with office and commercial uses including motels, restaurants, and office buildings. Land uses to the south and east of the petitioned site are developed with single family and multi-family residential communities and include an elementary school site and fire station. The adjacent conditional distributive business site along the southwest corner of the petitioned site is presently undeveloped except for an existing hotel which is accessed from Arrowood Road. Along Arrowood Road on both sides of I-77 are other business and office land uses. Land uses north of I-77 include existing residential communities and scattered vacant sites which are accessed from Nations Ford Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The plan also recognizes than nonresidential development will continue in the Arrowood industrial area. 2005 strategies include the improvement of I-77 and Arrowood Road and the construction of the southwest section of the outer belt. Construction of the

Pineville By-pass should improve access to the Arrowood employment area.

2. Transportation Improvement Plan. The Transportation Improvement Plan calls for several road projects in the area. Presently, the Environmental Impact Study is being conducted to determine the best routes for the western outer belt. The design, purchasing of right-of-way, and construction of the western segment of the outer belt are scheduled to commence after FY96. The widening of I-77 to eight lanes between I-85 and the southern outer belt including the reconstruction of the I-77/Arrowood Road interchange are also indicated in the Transportation Improvement Plan.

3. Southwest District Plan (unadopted). The draft Southwest District Plan indicates office/business park uses for the area of the subject property. Single family residential land uses at at density of 4 d.u./a.c. is indicated for those areas presently zoned R-9(CD). The Southwest District Plan also proposes the expansion of waterlines in the area indicates a neighborhood commercial center at the intersection of Nations Ford Road and Arrowood and also recognizes the existing commercial zoning at I-77 and Nations Ford Road.

4. Site Plan. The site plan which accompanies this petition proposes site plan amendments to the existing R-9(CD) and B-D(CD) areas and rezoning of the remainder of the site to B-1SCD to allow for a retail center.

The site plan amendment for the existing R-9(CD) area changes the basic layout slightly and increases the number of proposed single family lots from 33 to 37. A minimum 40 foot buffer and planting area is proposed along Nations Ford Road. A minimum 50 foot buffer is proposed between the right-of-way of the proposed 60 foot public street accessing the B-D(CD) and B-1SCD areas and adjacent existing single family residential neighborhood. Minimum lot sizes are to be 10,000 square feet with a minimum 1,200 square foot residence restriction. A minimum 30 foot common area buffer will be maintained between the proposed single family residences and the proposed 60 foot public street. All new roads in the R-9(CD) area will be public streets with a connection to the proposed public street. An additional 5 feet of right-of-way is to be dedicated along Nations Ford Road prior to the issuance of any building permits.

The site plan amendment for the existing B-D(CD) area also slightly changes the overall layout from the previously approved plan but the maximum allowable square footage for the buildings remains at 155,000 square feet. These buildings will remain restricted to predominately one story, but no more than two story structures.

Permitted uses will be research, sales, service and other distributive uses, enclosed storage, and office. Parking areas will include landscaped islands and the 40 feet setback along I-77 will include a combination of large maturing trees 40'o.c., small maturing trees 30'o.c., and berms and evergreen shrubs to provide screening of the parking lots from I-77.

The proposed B-1SCD tract of 26.83 acres proposes a maximum development of 190,000 square feet of which 165,000 square feet is designated as primary retail. There are three outparcels which front along Nations Ford Road. Permitted uses are proposed to be limited to retail, restaurant, bank, and office with no fast food or convenience stores allowed. A 30 foot buffer/planting area is proposed along Nations Ford Road retaining the existing large oak trees. A 30 foot buffer is also proposed along the 60 foot public street frontage. Screening consisting of small maturing trees 30'o.c. is proposed along I-77. No parking is to be allowed in the setbacks.

5. School Information. Information from the School Board stated that although this petition is near an existing elementary school, it would not have a negative impact on the school.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	73-34(c)	R-9 to B-2, B-D, & R-15	Approved	06/08/73
2.	81-10	R-9 to O-15	Approved	03/23/81
3.	SUP 83-3	SUP-Day Care	Approved	12/14/83
4.	83-2	R-9 to B-D(CD)	Approved	07/18/83
5.	85-23	R-9 to B-D(CD), O-15(CD) & R-9(CD)	Approved	05/20/85
6.	87-24	B-1(CD) to B-1(CD) Site Plan Amendment	Denied	04/22/87
7.	88-22	R-9 to B-D(CD) & I-1(CD)	Denied	04/18/88
8.	85-32	O-15 to O-15(CD) & B-D(CD)	Approved	08/17/85

7. Neighborhood. This project is located within the area defined as the Colony Acres neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the development of a mixed use project consisting of R-9(CD) single family residential, B-D(CD) distributive business and a B-1SCD retail center. The draft Southwest District Plan indicates office/business park type uses for property in the immediate area and calls for residential uses elsewhere in the area.

It also recognizes commercial uses near the I-77/Nations Ford interchange. It should be noted that this property lies along I-77 and is also bounded by a proposed new street which will connect Arrowood Road with Nations Ford Road. This petition raises some concern that the amount of retail proposed is out of scale with that shown in the draft district plan. While it cannot be said that the retail component this petition is in compliance with the draft district plan, it could be argued that it is consistent with the 2005 plan.

2. Technical Consistency.

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

   2. Departmental Comments. Departmental comments from CDOT estimated that trip generation would change from 7,590-7,692 trips per day under the current zoning to 16,848-16,959 trips per day under the proposed zoning. A traffic impact study was requested by CDOT and submitted by the petitioner. After review of the submitted Traffic Impact Study, CDOT continues to have some concern regarding cut-through traffic, capacity, roadway improvements and left turn lanes. CDOT had requested a revised Traffic Impact Study addressing the remaining concerns.

   The petitioner has addressed all the other comments submitted by the reviewing departments. Greater detail has been provided on proposed buffers, screening, tree preservation, and compliance with the Charlotte Tree Ordinance. Notes have been added to the plan clarifying storm water detention areas, fire hydrant location, compliance with the Charlotte Subdivision Ordinance, and parking locations.

ISSUES

1. Land Use. This petition proposes the development of a mixed use project consisting of R-9(CD) single family residential, B-D(CD) distributive business, and a B-1SCD retail center. The draft Southwest District Plan indicates office/business park type uses in the area of this petition. Commercial uses are recognized near the I-77/Nations Ford Road intersection, but some concern remains that the amount of retail proposed in this petition is out of scale with commercial development sites indicated in the district plan. Most of the zoning for this property has been in place since 1985. The principal change is that of proposed retail in place of office uses as presently approved. The present plan allows 200,000 square feet of office space and a 350 room, 9 story

hotel on this portion of the site. This proposal would allow 190,000 square feet of retail uses instead. In addition this petition proposes to connect Nations Ford Road with Arrowood Road while the present conditional plan only mentions the "possibility" of such a connection. While this change will increase the potential traffic from this site, that traffic will have access to a second thoroughfare.

In view of the configuration of this site and its relationship to other properties in the area and the improved access over that provided by the present conditional plan, this petition is a reasonable modification of the present plan. A key element in that assessment is the fact that the R-9(CD) area is to remain adjacent to the existing neighborhood. Every effort should be made by the petitioner to "make something happen" on that portion of the site. Otherwise it could be left undeveloped long enough so that someone would attempt to change it to a non-residential use citing this case as precedent. Clearly, that would not be appropriate. On the whole, this petition may be considered as appropriate for approval.

2. Site Plan. The site plan and Traffic Impact Study submitted with this application fails to address all of the concerns expressed by CDOT. A revised Traffic Impact Study has been requested but to date has not been submitted. Resolution of this issues and a more clear commitment by the petitioner as to the timing of the road improvements is needed prior to final action on this request. Assuming that those issues are adequately addressed, this petition may be considered as appropriated for approval.

CONCLUSION

Pursuant to a satisfactory resolution of transportation issues this petition may be considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-78
Date Filed August 13, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Faison Nesbitt Arrowood Venture

Owner's Address: c/o Nesbitt Partners, 924 Westwood Blvd., #905
Los Angeles, CA 90024

Date Property Acquired: August 21, 1986

Tax Parcel Number: 167-192-49

Location Of Property (address or description)

East side of I-77 from Nations Ford Road to a point north of Arrowood Road

Description Of Property

Size (Sq Ft.-Acres): 66 acres ±

Street Frontage (ft.): 1,065.99'-Nations Ford

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-9(CD), O-15(CD), B-D(CD)

Requested Zoning: R-9(CD), B-1SCD, B-D(CD)

Purpose of Zoning Change: To permit the development of a mixed residential, commercial and employment center designed to relate to its location, neighboring uses and market potential.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204
Telephone Number.

333-1680

Mr. Ron Leeper
LRT & Associates
501 Archdale Drive, Suite 231
Charlotte, NC 28217
525-7926

Faison Nesbitt Arrowood Venture
Name of Petitioner(s)

122 East Stonewall Street
Address of Petitioner(s)

Charlotte, NC 28202
Telephone Number

374-1711

Coy E. Shields, Vice President
Faison & Associates, Inc.
Agent For: Faison-Nesbitt Arrowood Venture
a North Carolina general partnership

Signature of Property Owner if Other

PETITIONER: Paison Nesbitt Arrowood Venture

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

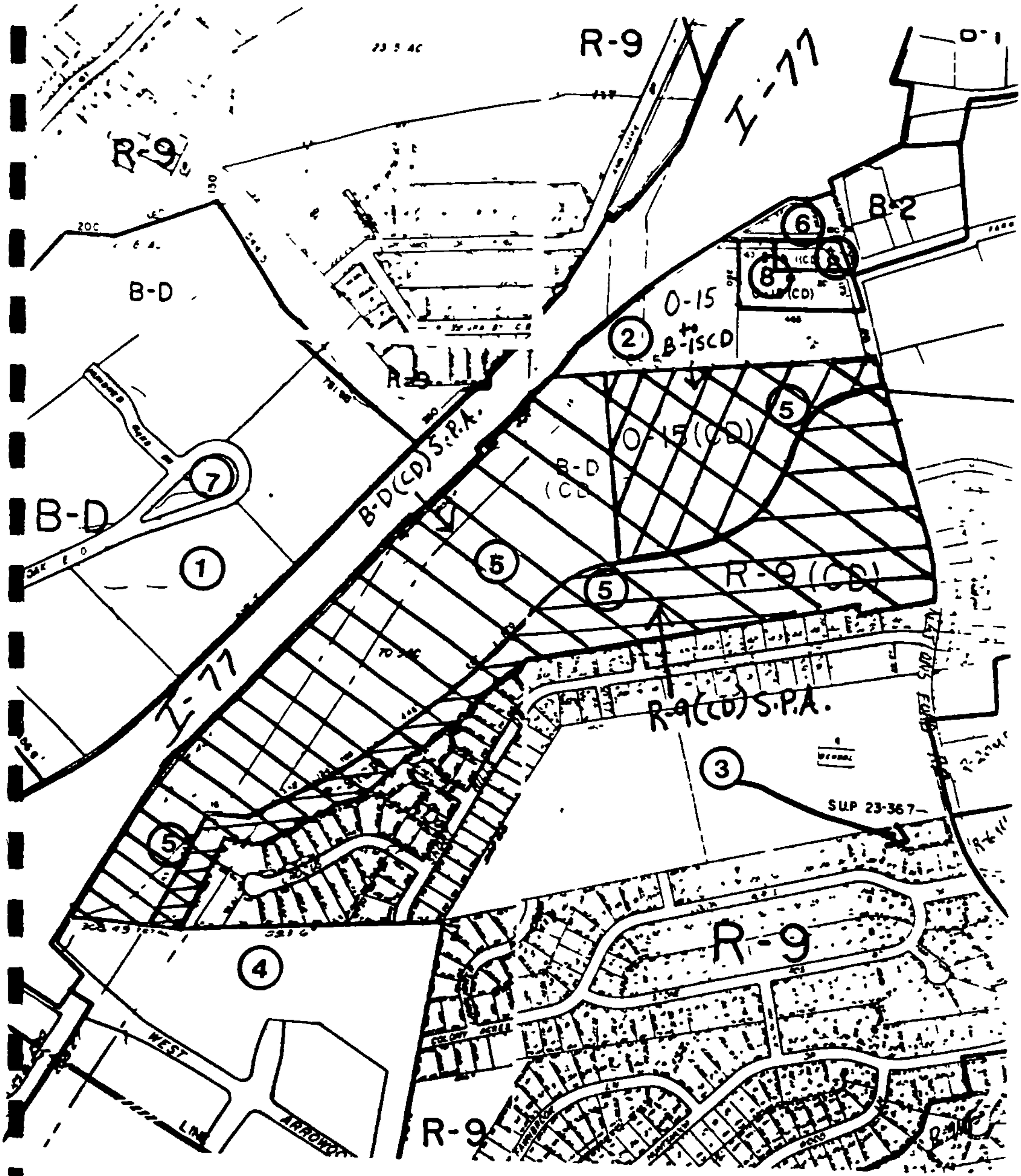
ZONING CLASSIFICATION, EXISTING. R-9(CD), O-15(CD), B-D(CD) REQUESTED. R-9(CD) Site Plan Amendment, B-1SCD, & B-D(CD) Site Plan Amendment

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

SEE ATTACHED MAP

ZONING MAP NO(s).: ~~132~~ 133, 134, 148, 149 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-9
R-9
B-D
B-D
B-D
R-9
B-2
O-15
B-1(CD)
O-15(CD)
B-D (CD)
B-D(CD) S.P.A.
R-9(CD)
R-9(CD) S.P.A.
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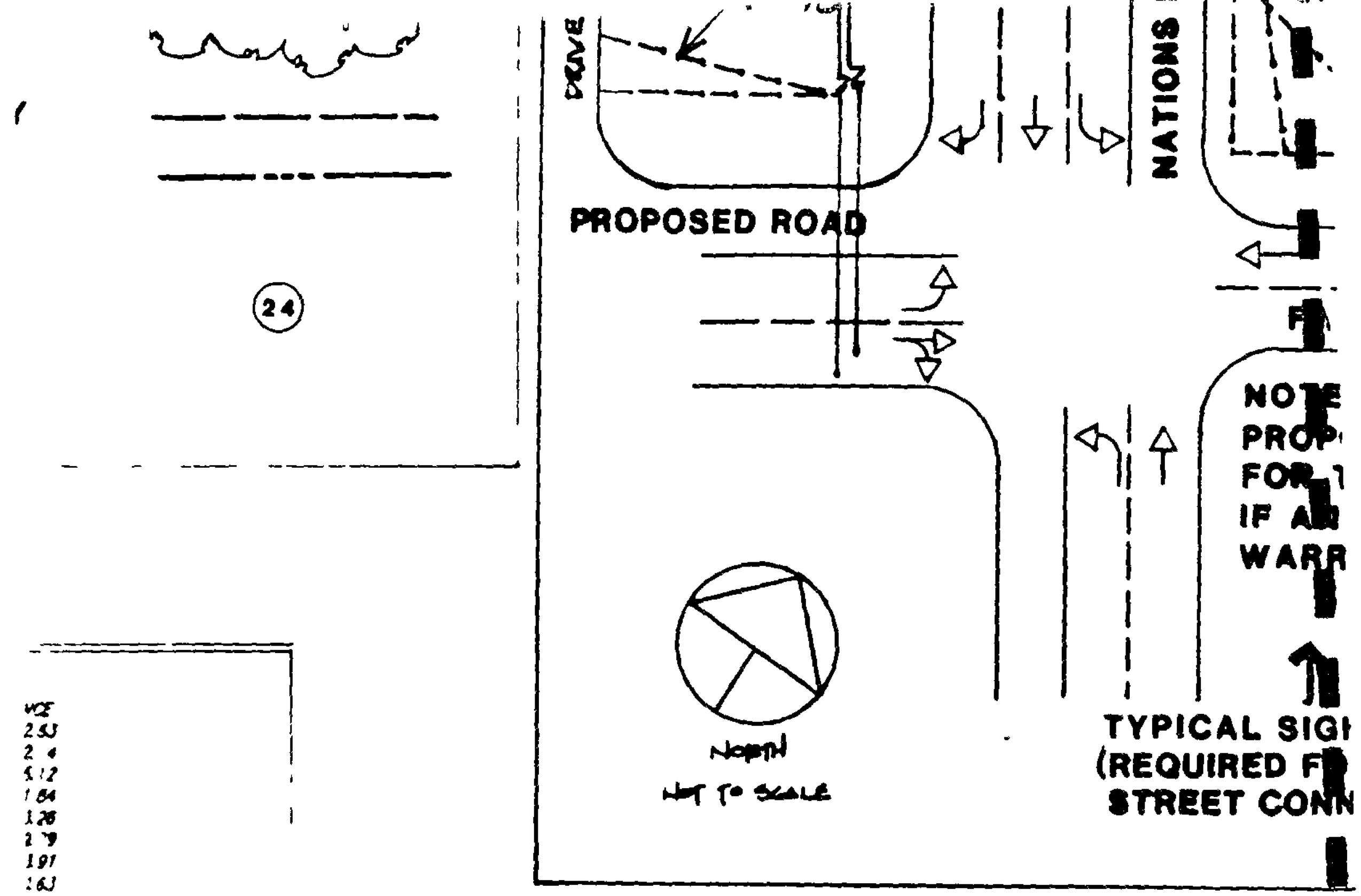


SITE DATA

Existing Zoning R-9(CD), O-15(CD), B-D
Proposed Zoning R-9(CD), B-1SCD, B-D(CD)
Total Site Size 66.481 acres
Proposed Development
Tract A R-9(CD) - 21.449 acres
Use - Single-family lots and open space
Maximum Development - 37 lots

Tract B (B-1SCD) - 26.827 acres
Use - Retail, Restaurant Bank Office
(No fast food or convenience store)
Maximum Development - 190,000 sq. ft.
(150,000 sq. ft. Primary Retail)
Tract C B-D(CD) - 18.205 acres
Use - Research Sales, Service and Other
Distributive Uses Enclosed Storage, Office
Maximum Development - 155,000 sq. ft.

DEVELOPMENT NOTES No. 90-78

1 While this plan depicts a firm concept of development, final details of building shape, size and location, access points and parking and circulation arrangement many vary due to site conditions or development design decisions In no event shall buildings be placed outside the boundaries indicated on the plan.

2 All buffer areas shown shall retain existing vegetation where suitable for screening or design purposes Additional plantings shall be installed to enhance the screening effect. Parking areas shall be broken up with landscaped islands and will utilize existing trees where feasible Provisions of the Charlotte Tree Ordinance shall be observed as a minimum Tree protection zone shall equal the zoning setback, or 40' from the property line, whichever is less. Trees to remain shall have barricades installed, prior to any site work The root protection zone (as a minimum) shall be either the drop line of the tree, or a distance from the trunk of the tree equal to 1/2 the tree's height, whichever is greater. The requirements for "internal tree planting" shall be adhered to, in addition to the "Perimeter Planting Requirements" i e large maturing trees for ever 40' of frontage, or small maturing trees for every 30' of frontage The development frontage is I-77, Nations Ford Road and the proposed public street

3 Storm water detention will be provided as needed and will utilize a variety of techniques to meet the requirements of all applicable ordinances as a minimum No detention will be allowed in buffers adjacent to single family residential lots

4 A traffic impact study will recommend treatment of Nations Ford Road and the interior public street As a minimum, 5' of additional right-of-way will be dedicated along Nations Ford Road (a total of 35' from centerline) prior to issuance of any building permits A left turn land northbound and two exit lanes onto Nations Ford will be constructed The Petitioner will donate money for a traffic singal at Nations Ford and the public street subject to the approval of CDOT

5 Parking shall be provided as a minimum to meet Ordinance requirements and shall not be allowed in setbacks, except in the B-D district Parking may be placed in the allowed 20' area

6 Signage may be installed subject to applicable regulations

7 Fire hydrants shall be installed so that the distance to the most remote and accessible point in all buildings shall not exceed 500'. Applicable building codes shall be adhered to regarding firewalls and sprinklers

8 A maximum of three (3) driveways will be permitted for each parcel along proposed public street

9 All development shall comply with the Charlotte Subdivision Ordinance requirements regarding, but not limited to curb and gutter, 5' sidewalks, grading, permit , driveway permits, storm water detention, tree ordinances, site distance requirements of (2) 35' 35' and 10' x 70' sight triangles at public street connections, and (2) 10' 70' sight triangles for driveways All storm drainage facilities shall conform to the Charlotte Storm Drainag Design Manual and shall comply with the requirements listed in the "Requirements for Storm Drain Pipe Installation" latest editio

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-79

Petitioner: Trenton Properties, Inc.

Location: Approximately 10 acres located along the easterly side of E. 36th Street to the north of N. Davidson Street (Johnston and Mecklenburg Mills).

Request: Change from I-2 to UR-3(CD)

BACKGROUND

1. Existing Zoning. The subject property is zoned I-2. Properties located generally along the Southern Railway are zoned a combination of industrial districts. Properties located to the north toward North Tryon Street and to the south are predominantly zoned R-6 and R-6MF. Properties located to the south of the subject property at the intersection of E. 36th Street and N. Davidson Street are zoned B-1 and O-6.

2. Existing Land Use. The property involved with this request is the site of Johnston and Mecklenburg Mills. Nearby properties located along the railroad tracks are devoted to uses including an oil company and a fiber company. Moving away from the railroad tracks, properties become predominately used for residential purposes. The intersection of E. 36th Street and N. Davidson Street is composed of a variety of uses including industrial, commercial, and residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area and recognizes the East 36th Street/North Davidson Street intersection as a community commercial center. 2005 strategies for the area include a light rail corridor and station and preparation of a streetscape plan for Davidson Street.

   2. Central District Plan (unadopted). The draft Central District Plan identifies this area as one having an opportunity for redevelopment.

   3. Historic North Charlotte Plan. The Historic North Charlotte Plan recommends that Johnston Mill be converted into a regional draw outlet center and that Mecklenburg Mill be developed into an artist studio and student housing. The plan does recognize, however, that other reuse possibilities exist and can be considered equally feasible.

4. Site Plan. The site plan which accompanies this petition proposes reuse of the existing Johnston and Mecklenburg Mills for a total of

177 residential units, a day-care center for a maximum of 100 children, and a manager's office. The plan provides for access to the site through one driveway connection to N. Davidson Street and one driveway connection to E. 36th Street. The plan provides for right-of-way dedication as requested by CDOT where possible and where existing buildings interfere with dedication, right-of-way is being reserved and will be dedicated in the event the buildings are removed. The Plan also shows compliance with the City of Charlotte Tree Ordinance and notes a variance is being requested for nonconforming setbacks and yards.

5. School Information.

Schools		Capacity	Enrollment
Elementary:	Highland (K-3)	330	303
Elementary:	Tryon Hills (4-6)	418	355
Junior High:	Ranson	600	761
Senior High:	Garinger	1,560	1,473

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-12	R-6MF to I-2	Denied	03/27/72
2. 72-43	R-6MF to R-6	Approved	09/18/72
3. 76-21	B-1 to I-1	Approved	05/10/76
4. 85-25	I-1 to I-2(CD)	Approved	05/20/85
5. 90-61	R-6MF to R-6	Approved	09/17/90

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

REVIEWS

1. Plan Consistency. This petition seeks rezoning from an industrial district to a conditional urban residential district to allow renovation of the Johnston and Mecklenburg Mills for multi-family housing. Inasmuch as the petition seeks rezoning from an industrial category to a residential category, it cannot be said that this petition is consistent with the 2005 Plan land use map. However, the petition is in conformance with housing goals identified by the 2005 Plan as well as public housing plans adopted by the City of Charlotte, the draft Central District Plan, and the Historic North Charlotte Plan. But when viewed as a whole this petition is considered consistent with publicly adopted plans.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of the petition. Staff identified the need for a variance for nonconforming setbacks and yards and provided technical assistance in the filing of the application. Subsequent to the filing of the application, staff relayed several site plan related comments to the petitioners agent. Those comments have been addressed by the revised site plan.

   2. Departmental Comments. Comments from the Charlotte Department of Transportation revolved around the need for additional right-of-way along both 36th Street and Davidson Street and the installation of a left turn lane on Davidson Street. Other departmental comments included showing compliance with the City of Charlotte Tree Ordinance. Those comments have been addressed by the revised site plan.

ISSUES

1. Land Use. This request seeks a change from the general industrial district to a conditional urban residential district to allow renovation of the Johnston and Mecklenburg Mills for housing purposes. While that change is not strictly in conformance with the land use component of the 2005 Plan, the petition is consistent with a number of other public plans and policies and is viewed as positive for the area. Therefore, the petition is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes renovation of Johnston and Mecklenburg Mills for a total of 177 apartments and a day care center for 100 children. The plan proposes one driveway connection to N. Davidson Street and one driveway connection to E. 36th Street. All of the original staff comments regarding the site plan have been addressed and the petition is 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 90-79
Date Filed August 13, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Robert and Eva Stark

Owner s Address: 3800 Pomfret
Charlotte, N.C. 28211

Date Property Acquired: 1980

Tax Parcel Number: 091-101-04

Location Of Property (address or description)

401 East 36th Street, Charlotte, N.C. 28205

Description Of Property

Size (Sq Ft Acres): 10.08 Acres Street Frontage (ft): 1275

Current Land Use: Manufacturing

Zoning Request

Existing Zoning: I-2 Requested Zoning: UR-3 (CD)

Purpose of Zoning Change: To renovate structure to multi-family housing.

James A. Mezzanotte
Name Of Agent

6100 Fairview Road - Sutie 1100
Agent's Address

Charlotte, N.C. 28210
Telephone Number

(704) 554-7111

Trenton Properties, Inc.
Name of Petitioner(s)

6100 Fairview Rd., Suite 1100
Address of Petitioner(s) Charlotte, NC 28210

(704) 554-7111
Telephone Number

Signature

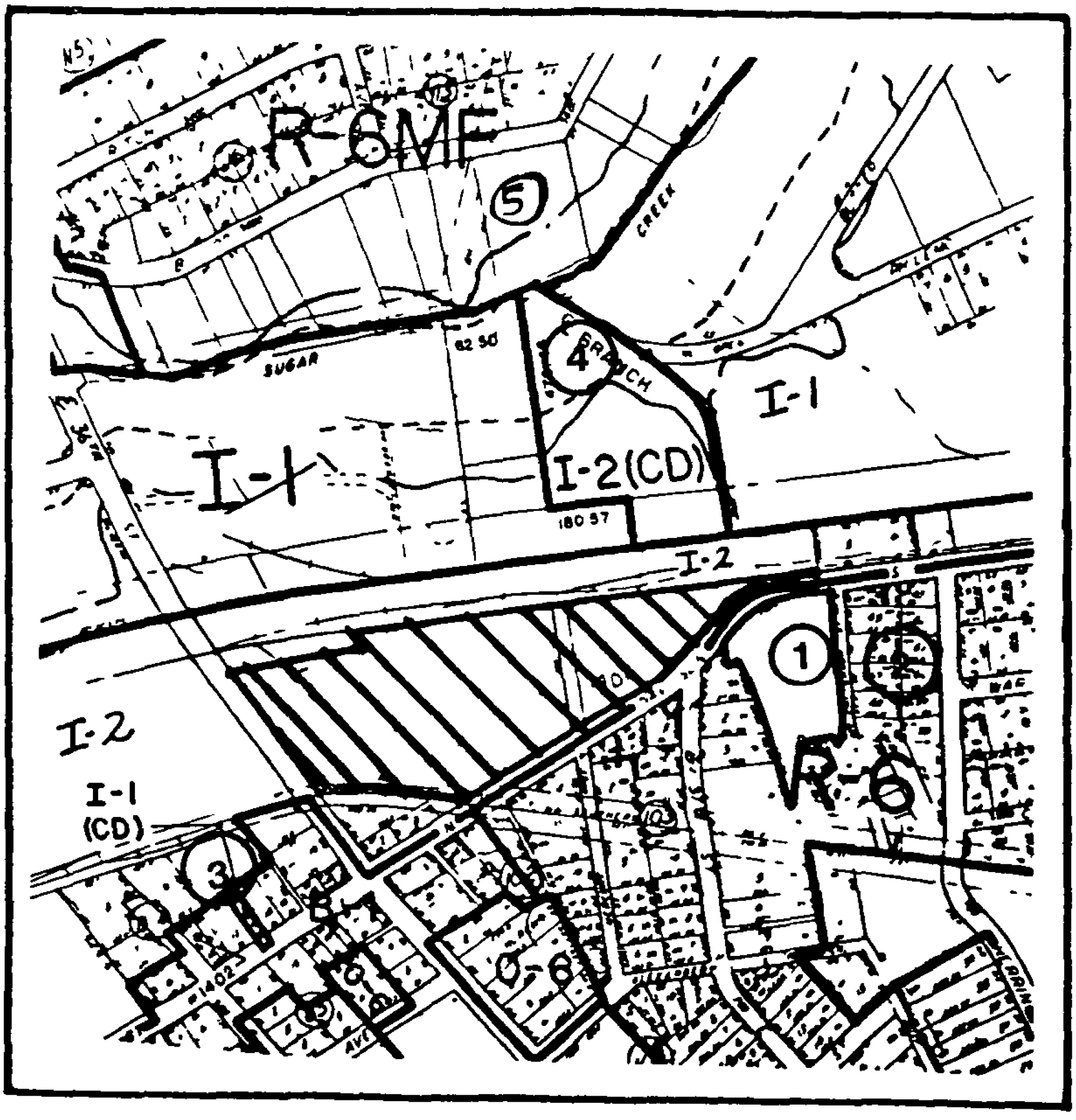
Signature of Property Owner if Other Than Petitioner

PETITIONER: Trenton Properties, Inc.

PETITION NO 90-79 HEARING DATE. October 15, 1990

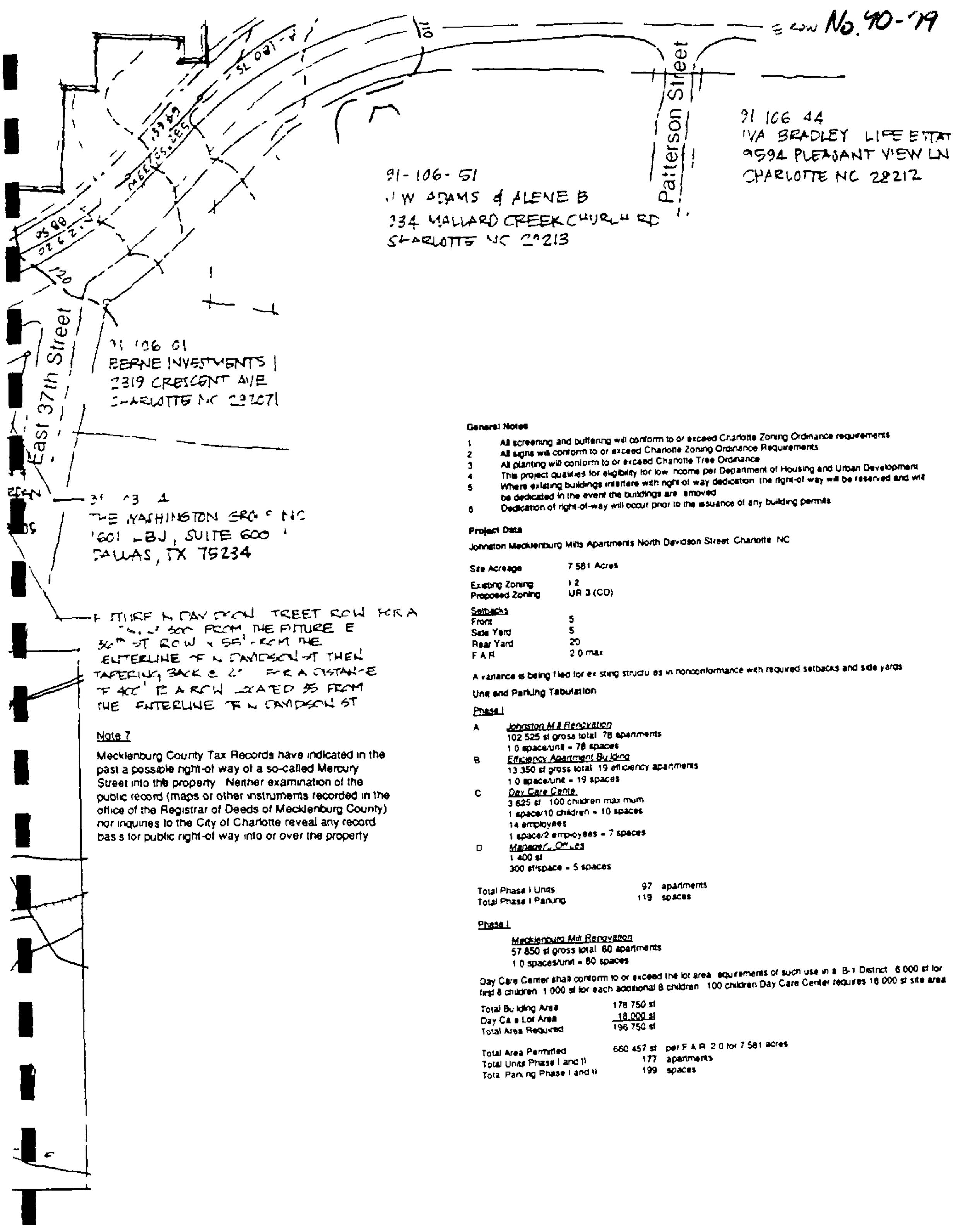
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: UR-3(CD)

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



Note 7

Mecklenburg County Tax Records have indicated in the past a possible right-of way of a so-called Mercury Street into the property Neither examination of the public record (maps or other instruments recorded in the office of the Registrar of Deeds of Mecklenburg County) nor inquiries to the City of Charlotte reveal any record bas s for public right-of way into or over the property

General Notes

1. All screening and buffering will conform to or exceed Charlotte Zoning Ordinance requirements
2. All signs will conform to or exceed Charlotte Zoning Ordinance Requirements
3. All planting will conform to or exceed Charlotte Tree Ordinance
4. This project qualifies for eligibility for low income per Department of Housing and Urban Development
5. Where existing buildings interfere with right-of way dedication the right-of way will be reserved and will be dedicated in the event the buildings are emoved
6. Dedication of right-of-way will occur prior to the issuance of any building permits

Project Data

Johnston Mecklenburg Mills Apartments North Davidson Street Charlotte NC

Site Acreage	7 581 Acres
Existing Zoning	I 2
Proposed Zoning	UR 3 (CD)
Setbacks	
Front	5
Side Yard	5
Rear Yard	20
F A R	2 0 max

A variance is being filed for existing structures in nonconformance with required setbacks and side yards

Unit and Parking Tabulation

Phase I

A *Johnston Mill Renovation*
102 525 sf gross total 78 apartments
1 0 space/unit = 78 spaces

B *Efficiency Apartment Building*
13 350 sf gross total 19 efficiency apartments
1 0 space/unit = 19 spaces

C *Day Care Center*
3 625 sf 100 children maximum
1 space/10 children = 10 spaces
14 employees
1 space/2 employees = 7 spaces

D *Manager's Offices*
1 400 sf
300 sf/space = 5 spaces

Total Phase I Units	97	apartments
Total Phase I Parking	119	spaces

Phase I

Mecklenburg Mill Renovation
57 850 sf gross total 80 apartments
1 0 spaces/unit = 80 spaces

Day Care Center shall conform to or exceed the lot area requirements of such use in a B-1 District 6 000 sf for first 8 children 1 000 sf for each additional 8 children 100 children Day Care Center requires 18 000 sf site area

Total Building Area	178 750 sf
Day Care Lot Area	18 000 sf
Total Area Required	196 750 sf

Total Area Permitted	660 457 sf	per F A R 2 0 for 7 581 acres
Total Units Phase I and II	177	apartments
Total Parking Phase I and II	199	spaces

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-80

Petitioner: Hoskins Mill Associates Ltd. Partnership

Location: An 11.19 acre site located on the southerly side of S. Hoskins Road at Gossett Avenue (Hoskins Mill).

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

BACKGROUND

1. Existing Zoning. The zoning of the subject property is presently R-9MF(CD) and was a result of a 1988 rezoning from R-6 and I-2 to R-9MF(CD). The zoning pattern in the surrounding area is predominantly residential in nature. To the east of the subject property is a concentration of commercial zoning located at the intersection of South Hoskins Road and Rozzelles Ferry Road. West of the subject site is also a concentration of commercial zoning at the intersection of Hoskins Avenue and South Hoskins Road.

2. Existing Land Use. The subject property is the site of the old Hoskins Mill which has been renovated for housing purposes. The predominant land use of the surrounding area is single family residential. There is a concentration of commercial activity at the intersection of South Hoskins Road and Rozzelles Ferry Road and at the intersection of Hoskins Avenue and South Hoskins Road. There are also a number of institutional uses nearby including churches and a school.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. Strategies for the area include the widening of I-85, installation of a water main along Belhaven Boulevard, and streetscape improvements along Belhaven Boulevard. The 2005 Plan also includes a potential light rail station in the area and recommends preparation of neighborhood reinvestment strategies for the Hoskins/Thomasboro neighborhood.

   2. Thomasboro/Hoskins Plan. The Thomasboro/Hoskins Special Project Plan, adopted in October, 1988, recommends that the old Hoskins Mill be renovated for elderly housing and shops.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the Brookshire Boulevard widening from I-85 to Hoskins Road to 6 lanes. The plan also includes the widening of Hoskins Road from Brookshire Boulevard to Rozzelles Ferry Road to 4 lanes. I-85 is currently being widened to 8 lanes from Gaston County to U.S. 29.

4. Site Plan. The site plan which accompanies this application proposes the reuse of an existing building for a day-care center. The day-care center would accommodate a maximum of 80 children. The plan provides for the required fenced in outdoor play space as well as parking associated with the future day-care center. Otherwise the site remains basically unchanged. Access to the day-care center would be provided through an existing driveway connection to Gossett Avenue.

5. School Information.

Schools		Capacity	Enrollment
Elementary:	Thomasboro	528	428
Junior High:	Northwest	920	480
Senior High:	Harding	980	970

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-14	B-1 to B-2	Approved	03/17/69
2. 81-54	R-6 to R-6MF	Denied	03/23/81
3. 88-8	R-6 & I-2 to R-9MF(CD)	Approved	02/15/88
4. 89-107	I-1 & I-2 to R-6	Approved	03/08/90
5. 89-109	B-2 & I-2 to B-1	Approved	03/08/90

7. Neighborhood. This site falls within the area area defined as the Hoskins/Thomasboro Neighborhood.

REVIEWS

1. Plan Consistency. The 2005 Plan indicates that this site falls within an area which has a residential future and the Thomasboro/Hoskins Plan indicates that this specific site should be reused for residential purposes. That reuse has now occurred and this petition seeks permission to allow a day-care center also to be located on the subject property. Therefore, this petition is clearly consistent with both the 2005 Plan and the small area plan which covers this portion of the community.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of the request. Staff pointed out the need for a variance for nonconforming setbacks and yards and provided technical assistance on the preparation of the application. Subsequent to the filing of the application, staff forwarded several site plan related comments to the petitioner. The revised site plan has dealt with those comments.

2. Departmental Comments. Comments from the Charlotte Department of Transportation indicate this site could generate approximately 475-675 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 686-874 trips per day this will not have a significant impact on the surrounding thoroughfare system. Other departmental comments revolved around the need for several technical clarifications. The revised site plan has addressed all of the departmental comments.

ISSUES

1. Land Use. This petition proposes the reuse of one of the buildings associated with the old Hoskins Mill for a day-care center. Both the 2005 Plan and the Thomasboro/Hoskins Small Area Plan indicate that this is an appropriate use for the area. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes reuse of an existing building located on the old Hoskins Mill site for a day-care center for a maximum of 80 children. The plan indicates access to the day-care center would be provided through an existing driveway connection to Gossett Avenue and shows the required parking and fenced in outdoor play area. Otherwise, the site remains unchanged. This petition is appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-80
Date Filed August 13, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner Hoskins Mill Associates Limited Partnership

Owner s Address 6100 Fairview Road, Suite 1100
Charlotte, N.C. 28210

Date Property Acquired November, 1987

Tax Parcel Number 063-061-23

Location Of Property (address or description)

201 South Hoskins Road, Charlotte, N.C. 28208

Description Of Property

Size (Sq Ft Acres) 11 Acres Street Frontage (ft) 1125

Current Land Use Residential

Zoning Request

Existing Zoning R-9MF (CD) Requested Zoning Site Plan Amendment

Purpose of Zoning Change To allow day care center for existing building.

James A. Mezzanotte
Name Of Agent

6100 Fairview Road, Suite 1100
Agent's Address

Charlotte, N.C. 28210
Telephone Number

(704) 554-7111

Hoskins Mill Associates Limited Partnership
Name of Petitioner(s)

6100 Fairview Road, Suite 1100
Charlotte, N.C. 28210
Address of Petitioner(s)

(704) 554-7111
Telephone Number

Signature

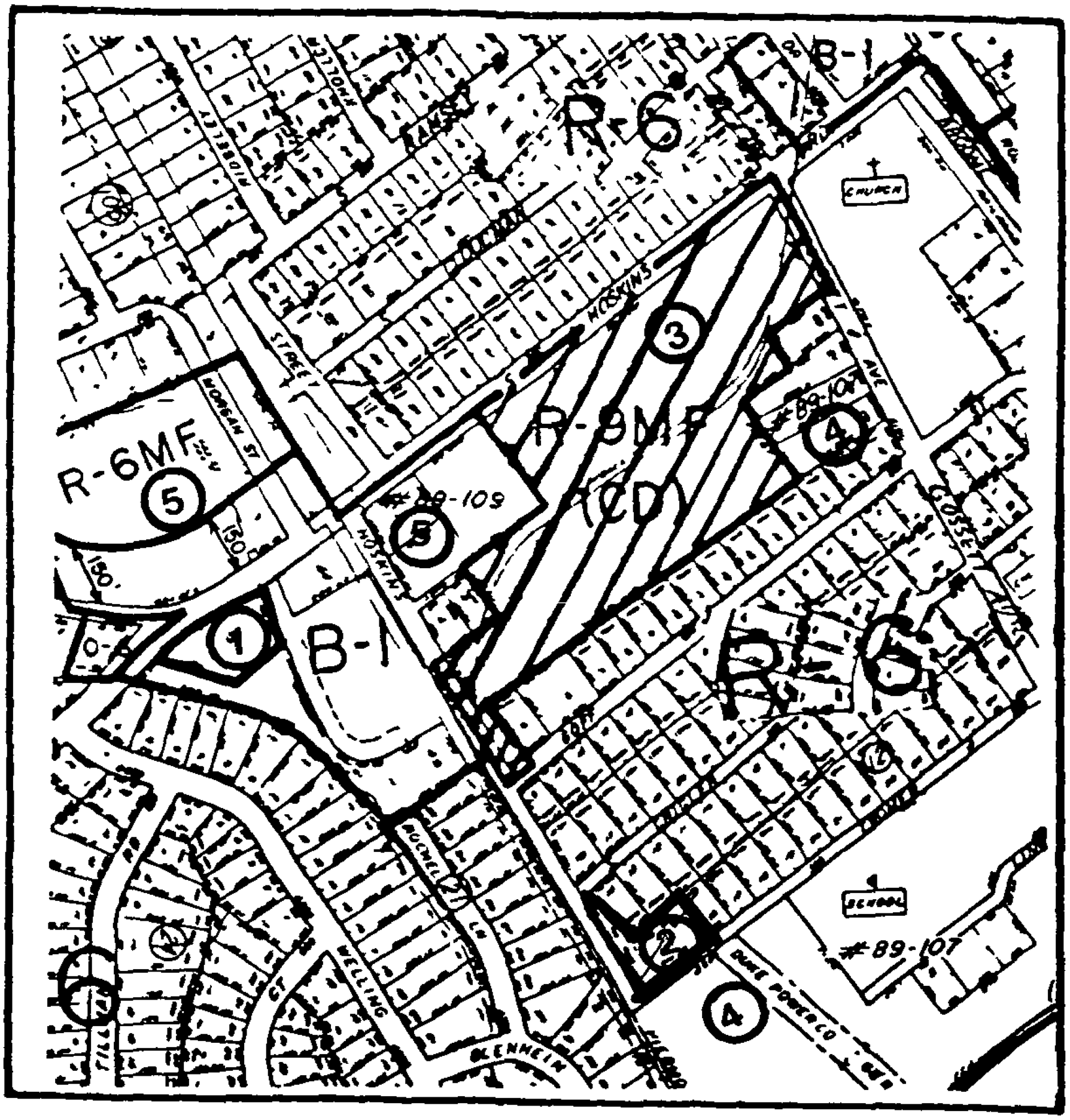
Signature of Property Owner If Than Petitioner

PETITIONER Hoskins Mill Associates Limited Partnership

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

ZONING CLASSIFICATION, EXISTING R-9MF(CD) REQUESTED R-9MF(CD) Site Plan Amendment

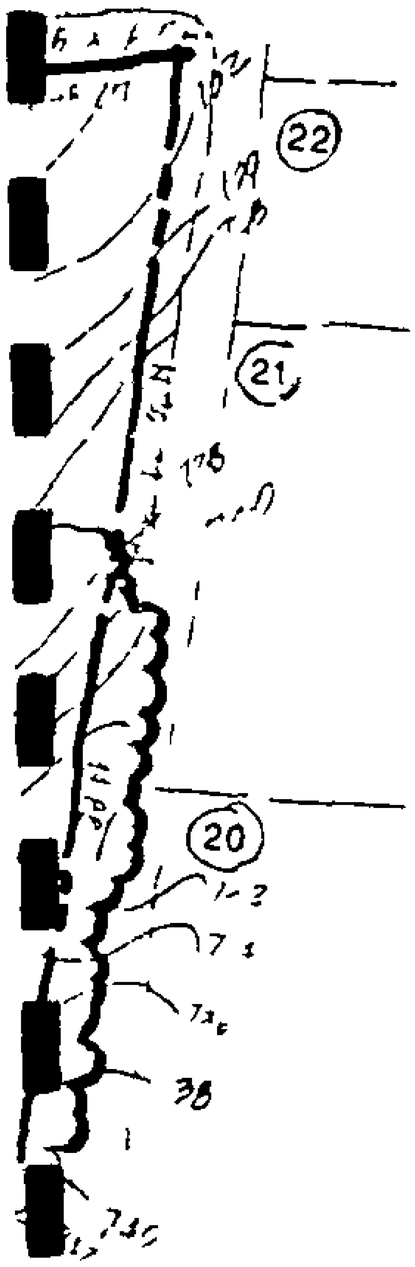
LOCATION Approximately 11 acres located on the southerly side of S Hoskins Road at Gossett Avenue (Hoskins Mill).



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

PROPERTY PROPOSED FOR CHANGE

NO. 90-80



SITE ACREAGE 098

EXISTING ZONING I-2

PROPOSED ZONING R-6MF (CD)

HISTORIC MILL RENOVATION

	1 BR	2 BR	3 BR	TOTAL
FIRST FLOOR	5	30	2	37
SECOND FLOOR	4	22	3	29
THIRD FLOOR	4	22	3	29
TOTAL UNITS				95

BUILDING TOTAL 102,000 SF

PARKING REQUIRED 75 SP/UNIT 71 SPACES

COMMUNITY HALL

a LAUNDRY STORAGE COMMUNITY ROOM 5862sf

b MANAGEMENT OFFICES 585sf

TOTAL 6447sf

PARKING REQUIRED a 1 SP 150sf 39

b 1SP/300sf 2

TOTAL 41 SPACES

MODULAR ELDERLY UNITS

TOTAL UNITS (576 SF EACH - 1STORY BLDG) 94

PARKING REQUIRED 25 SP UNIT 24 SPACES

DAY CARE CENTER 3224 sf

80 CHILDREN 1SP/10 CHILDREN 8 SPACES

12 EMPLOYEES 1SP/2 EMPLOYEES=6 SPACES

TOTAL 14 SPACES

TOTAL SITE PARKING REQUIRED 150 SPACES PROVIDED 165 SPACES

SETBACKS

Front - 30
Sideyard - 20
Rearyard - 35
Setback Along Hoskins Rd - 40

1" 50'-0"

8 AUGUST 1990

NOTES

1 All screening shall conform to or exceed the City zoning screening requirements
2 Five feet of additional R/W will be dedicated along S Hoskins Road
3 All signage is subject to regulations in effect at time of permitting
4 Parking number is subject to low income /elderly housing requirements of zoning ordinance
5 Low income/ status is a precondition for development of this site
6 A variance is being filed for existing structure and proposed play area in non conformance with required setbacks

SITE PLAN AMENDMENT TO

Hoskins Mill Master Plan

Hoskins Road Charlotte, N.C.

DALTON

MEMORANDUM

October 9, 1990

TO Mayor and City Council

FROM Henry W Underhill, Jr
City Attorney

SUBJECT Right-of-Way Acquisition -- Sardis/Weddington Connector Project

Because of the confusion about the applicability of the roadway corridor official map act to the Sardis/Weddington Connector Project, Council member Roy Matthews requested this memo providing an explanation of the official map act and any other state law or procedure that might allow advance right-of-way acquisition for this project In response to this request, the following is submitted

A roadway corridor official map may be adopted by a city within its planning jurisdiction or by NCDOT any where in the state A roadway corridor may be placed on an official map only if· (a) at least a portion of it has been included on the current TIP, or (b) at least a portion of it has been included on a comprehensive street plan adopted by a city and NCDOT, or the adopting city has included the road project in a Capital Improvement Plan of ten years duration or less In order to put a roadway corridor on an official map, notice of and a public hearing on the proposed placement must be held by the appropriate agency Once a roadway corridor has been added to an official map, it must be recorded in the office of the Register of Deeds Following the recordation, no building permit may be issued for any building or structure within the corridor and no land within the corridor may be subdivided for a period of three years In order for the reservation restriction to remain valid, however, preliminary engineering work or work on an environmental impact statement must begin within one year after the recordation of the official map If it has not, the corridor is abandoned and the restrictions on the land are lifted In addition, at the end of the three year period, all development restrictions are no longer in effect

Once the official map is filed with the Register of Deeds, NCDOT or the city which initiated the map is authorized to make advanced acquisition of specific parcels of property when such acquisition is determined by the respective governing board to be in the best public interest to protect the roadway corridor from development or when the roadway corridor official map creates an undue hardship on the affected property owner

In order to mitigate the impact on the owner of property included on an official map, state law provides that any undeveloped, unsubdivided land located within an official map roadway corridor is to be taxed at 20% of the general tax rate levied on real property In addition, the Zoning Board of Adjustment is authorized to grant special variances for corridor properties if the owner can earn no reasonable return from the land (even with the tax benefits), and the development limitations create practical difficulties or unnecessary hardships

As an alternative to adding a proposed corridor to the roadway corridor official map, the proposed corridor could be added to the TIP and placed on the list for right-of-way protection only. As a consequence of such action, NCDOT would then be authorized to acquire properties within the corridor in hardship situations

HWUjr/ef

POLICY

7. Consider alternative alignments for the Sardis Road/Weddington Road Connector and direct the City's representative to the Metropolitan Planning Organization (MPO) concerning alignment selection for addition to the Thoroughfare Plan.

At the September 17, 1990 zoning meeting, Council voted to put this item back on the agenda.

At the September 10, 1990 meeting, Council voted to: (1) use the City's weighted vote; (2) have the City's representative to the MPO vote for either the E route as recommended by the technical staff, or the G' route; or, (3) to change the vote to support Matthews if Matthews chose a Sardis/Weddington connector in addition to the F alignment before the September 19 MPO meeting.

Council Action

Council is requested to consider the various alignments for the Sardis Road/Weddington Road Connector and to provide direction for the City's representative to the MPO when a vote is taken on September 19 on adding this roadway to the Thoroughfare Plan. Addition of the roadway to the Thoroughfare Plan is necessary to protect the thoroughfare's right-of-way.

Description of the Connector Road

The Sardis Road/Weddington Road Connector:

- is a proposed major thoroughfare intended to provide another continuous radial route from uptown to southeast Mecklenburg County as well as Union County;
- will provide an additional arterial, increasing roadway capacity in this portion of the County; and
- would be constructed within a 100-foot right-of-way.

Most of the proposed thoroughfare is located within Matthews corporate limits. As shown by Attachment 1, the only segment within Charlotte

ITEM NO.

or its sphere of influence is the portion from Weddington Road to the Matthews town limit (shown in red).

Chronology — A chronology of events related to this thoroughfare follows:

1985 — County Engineering and the Town of Matthews discuss the need for a Sardis Road/Weddington Road Connector in conjunction with proposed subdivision development. Because roadway right-of-way dedication is tied to a multi-family rezoning request, Matthews does not request addition of the road to the Thoroughfare Plan.

Fall 1987 — N.C. 51/Weddington Road Connector is recommended in the South Mecklenburg Interim District Plan. County Engineering begins an analysis of alternative alignments.

November 4, 1987 — Public meeting to review alternative alignments developed by County Engineering is attended by approximately 300 citizens. At the meeting, Matthews Mayor Shawn Lemmond suggests a new connector, known as Alignment F, from NC 51 to South Trade Street.

July 20, 1988 — The Technical Coordinating Committee (TCC) recommends Alternate E to the Metropolitan Planning Organization (MPO) for addition to the Thoroughfare Plan. The TCC is composed of staff members from the Charlotte Department of Transportation (CDOT), Charlotte-Mecklenburg Planning Commission (CMPC), City Engineering, County Engineering, and the N.C. Department of Transportation. The TCC recognizes Alignment F as a beneficial minor thoroughfare but does not believe that it meets the long-term transportation needs of the area because of Alignment F's failure to connect to Sardis Road.

The MPO considers the TCC's recommendation but adds Alignment F to the Thoroughfare Plan at Matthews' request. The MPO reserves the right to reconsider other alignments in the future as conditions warrant.

Spring 1990 — CMPC staff develop new population and employment projections for this portion of the county, which are considerably higher than the estimates used in development of the 2005 Transportation Plan. CDOT

ITEM NO.

staff resimulate projected travel in this corridor. New traffic projections show a need for a direct connection between Sardis and Weddington Roads plus the construction of Alignment F. County Engineering staff begin updating their 1987 alternatives analysis to determine the impacts of adding a Sardis Road/Weddington Road Connector to the Thoroughfare Plan.

June 27, 1990

The TCC again recommends Alternate E to the MPO for addition to the Thoroughfare Plan.
The MPO considers the TCC's recommendation but defers action at Matthews' request. MPO members direct the Matthews delegate to return to the August 15 MPO meeting with a recommendation from the town on Alternates D, E, or G (the alignments which provide a direct connection between Sardis and Weddington Roads). A new alternate is introduced at the MPO meeting by Harry Grimmer, developer of the Sardis Mill subdivision. MPO members request the TCC to compare the impacts of Mr. Grimmer's alignment, named Alternate H, to Alternate E (the recommended alignment).

July 18, 1990

The TCC reviews the impacts of Alternate H, H' (a modification of the alignment suggested by Mr. Grimmer), and G' (a revision of an earlier alignment developed by County Engineering). The TCC continues to favor Alternate E, but would support Alternate H' if the reverse frontage resulting from this alignment is preferable to the affected residents.

August 15, 1990

The MPO postpones action on alignment selection as requested by Matthews. A public meeting is held to discuss the need and possible alignments for the Sardis Road/Weddington Road Connector. The meeting is attended by approximately 500 persons with 40 persons making public comments or asking questions.

The majority of attendees oppose all possible alternates feeling that Alignment F alone is sufficient to handle future traffic volumes. No comments were made concerning any preference for Alternate H'. There is considerable discussion on the connector's impacts on established neighborhoods and why planning for the thoroughfare had not occurred prior to development. County Engineering staff will prepare a summary of the

comments made at the public meeting (including written comments that can be submitted until August 25) for review by MPO members.

Impacts

Attachment 2 lists the impacts of each alignment based on recent work by County Engineering.

Alternate E Recommended

The TCC, as well as CDOT and CMPC, recommend Alternate E because:

- It provides a major north-south radial in the corridor bounded by Monroe and Providence Roads. A new thoroughfare is needed in this corridor based on roadway spacing standards. This thoroughfare link clearly has regional significance.

- It is needed for future traffic capacity. Using the new population projections from CMPC (an increase from an estimated 9,000 residents in 1989 to a future population of 25,000 persons), CDOT projects volumes on Alternate E of 20,000 vehicles per day (a four-lane volume). If Alignment F only is constructed, future traffic volumes on this minor thoroughfare would be over 30,000 vehicles daily. This volume would require a six-lane roadway. Traffic bottlenecks would result at the two "T" intersections where Alignment F connects to NC 51 and South Trade Street. When both Alternates E and F are constructed, the volume on Alignment F decreases to 17,000 vehicles per day. Both roadways are needed to accommodate projected travel demand.

- Alternate E (which uses existing Courtney Lane) takes fewer homes (those residences in the right-of-way or houses having an affected setback) than alignments D and H.

  H' has slightly lower residential impacts, resulting in TCC's possible acceptance of this alignment based on neighborhood opinion of reverse frontage. At this time the neighborhood residents have not expressed an opinion on H'.

  As shown by Attachment 2, Alternate G' impacts the fewest homes. This alignment was not chosen by the TCC because 1) it requires

ITEM NO.

severe topography changes (extensive grading), 2) crosses wetlands (negative impacts on greenways), and 3) crosses additional major tributaries (increasing the number of required culverts or bridges). Construction costs for Alternate G' would be higher than for alignments E or H'.

Attachment No. 8

PROPOSED CHANGE # 1

determination of specific responsibilities will be established through the zoning revision process.

- o Employment areas should be located within easy commuting distance to residential areas where the potential labor force exists.

The Community's long term economic health will be tied to its ability to maintain diversity in heavy and light industrial, business park and office development patterns.

RESIDENTIAL FUTURE

Changes on the Horizon

As new residential development and consequently new neighborhoods take shape in the future, it will be vital to the stability and livability of the community to broaden the range of housing options within each planning district. Providing opportunities for a range of densities and housing types and designs will accommodate the great variety of preferences and income levels of consumers in the local housing market.

The 2005 Plan projects that between 1985 and 2005 the population of Mecklenburg County will increase by 128,387 people, and the number of new households, a key indicator of housing demand, will increase by 52,317 households. A January, 1989 economic analysis (Economic Assessment and Projects for Uptown Charlotte "by Alfred Stewart, and James Clay and Associates") indicates that economic growth has been occurring at a faster rate than projected in the 2005 Plan (2.5% vs. 2.1%).

With faster economic growth than earlier projected, the housing demand will likely increase over the 2005 projections as well. The driving forces of change associated with an expanding population and employment base will directly affect the residential development pattern in the future. These forces are:

- o **Economics/Land Values**: As the demand for housing increases and land purchases become more competitive in the future, the outcome will be higher land and housing costs. Consequently, density will play an increasingly important role in providing housing for residents. It will be much more costly in the future to build homes on large lots. Higher density development will become more attractive for an increasingly larger number of residents. This however, does not imply that larger lot development will not remain a desirable option for a sector of the population.

- o **Social Trends**: Recent and predicted societal changes will affect the future housing market and development pattern. Demographers point to several assumptions about society in general:

  - The "over-60" population is increasing and will be at its peak in the early 21st century.

- An increasing proportion of the "under-35" age group is choosing not to marry and/or not to have children.

- The average household size continues to decline. The traditional family is no longer the single predominant lifestyle. For example, the number of single parents with children is rising.

Considering these changing societal trends, the community must respond to the various housing needs of such a diverse population. The typical single family home with yard space to maintain will continue as a leading housing choice; however, higher density developments, both single family and multi-family, will become more popular and will provide greater opportunities for affordable housing.

o Public Interest Values: Large lot single family development is attractive in and of itself and is certainly appropriate to provide as an option for consumers in the housing market. However, an overall low density development pattern creates problems. A range of densities and housing types within a defined area is important to pursue as an objective for more efficient and cost effective public services. The advantages of a balanced residential mix related to the public interest are that it:

  - Creates an opportunity for neighborhoods to have a mix of income levels and in turn, greater availability of workers for close-by employment.

  - Fosters a more efficient transportation network and supports public transit options.

  - Provides a broader patronage for shopping centers and community services.

  - Creates an economy of scale for paying for utilities and other public services.

  - Offers visual variety for the community.

ADDITION

It will also be important in planning the neighborhoods of the future to continually focus on breaking down social and economic barriers that are obstacles to the natural racial integration of neighborhoods. Promoting higher density housing that provides greater affordable housing opportunities will help foster integration. The integration of neighborhoods is most important to school planning as discussed in the school section of this document.

Considering the forces of change, the district plans provide the framework for diverse residential growth in the future. The objectives of the plans are first to preserve established single family neighborhood character and densities, and second, to guide new housing

of appropriate densities and design to appropriate locations throughout each planning district.

NEIGHBORHOOD PROTECTION

Charlotte's image is very much tied to its neighborhoods. Whether in the inner city or on its periphery, attractive, stable neighborhoods prevail. As growth occurs in all the districts in the county, planning efforts must remain sensitive to balancing the need to intensify as the community becomes more urban with the need to protect existing neighborhood character.

Each district plan identifies stable neighborhoods that should not experience zoning intensification in the future. In some instances, rezonings are recommended in the plans to ensure that the zoning is consistent with the land use. Boundaries that delineate neighborhood protection areas are shown on the land use maps for the districts. The use of neighborhood protection boundaries does not imply, however, that all neighborhoods will be delineated on the maps. Generally, the boundaries apply only to single family neighborhoods that have little vacant land for infill development and where the long term viability of the area as developed is good considering urban pressures.

Establishing historic or conservation districts should continue to be pursued as a mechanism for reinforcing the design considerations in certain neighborhoods. The use of a design review overlay district (as opposed to a standard district) should also be pursued as a tool for protecting neighborhood character.

INFILL DEVELOPMENT

Because of an increasing demand for quality housing closer into the central city, infill housing has become and will continue to be an attractive alternative to developing farther out in the county. For the purposes of this discussion, infill refers to the construction of high density single family or multi-family housing on land, typically two or more acres in size, which is principally surrounded by existing structures. Infill development can benefit the community by providing new urban housing opportunities. It may lessen the public burden of providing new infrastructure and services because the roads, utilities, sidewalks, transit routes, police and fire services, etc. are already in place and may be under capacity. Redevelopment can significantly change the character of a neighborhood sometimes for the better, but it often destroys the perceived assets of the neighborhood by gradually eroding the existing housing stock. Consequently, infill sites should be carefully selected.

Each district plan identifies general areas where infill development might be appropriate. Most locations exist in the Central District, but there are some opportunities in developed portions of other districts as well. Typically appropriate infill sites are on the edges of neighborhoods or along interior major arterials where transitional

PROPOSED CHANGE # 2

- establishing tools for financing or implementing the bikeways plan through the CIP and the development process.

SCHOOLS

Planning in advance for new schools is important, particularly for fast growing areas such as the south and northeast. Appropriate land for schools will become harder to find, the cost of land will inevitably climb in the future, and the increasing suburbanization of the community and consequential effects upon pupil distribution and demographics will make student transportation difficult. It will also become increasingly more important for the County to make the optimum use of existing open and closed facilities.

The district planning process has created the opportunity for dialogue to begin on the relationship between long range land use and school planning. The staffs of the Board of Education and Planning Commission have combined efforts to assess the need for future schools based upon built out land development plans. Very preliminary locations of future schools have been identified on the district plan land use maps. The locations represent general vicinities where schools may be needed in the future and will be refined as the master plan for schools develops.

The Board of Education has adopted a vision statement for pupil assignment that commits the Board to a racially integrated system and identifies six guiding considerations for the assignment of pupils to future schools. Growth and suburbanization of areas farther from the center of Charlotte may make racial integration of schools more difficult to achieve than in the past, unless natural integration accompanies growth.

Careful selection of school sites with regard to population distribution and demographics can continue to provide racially integrated schools, but integration will continue to require transportation of students away from the closest available schools unless a more integrated pattern of housing is established across the county.

A step in this direction was taken by City Council when it adopted a new housing assistance plan (HAP) in 1990. One of the HAP's major objectives is to scatter low income housing throughout the City. This new housing plan mandates that information on racial balance in schools be used when considering lower income housing sites. The HAP and its effects on integration are also discussed in the low and moderate income section of this document.

School Types

Table 6. reflects a breakdown of school types and the desired acreage needed to develop schools according to State standards.

Table: 6. School Needs

School Type	Approximate Acreage Required by the State
elementary	17 acres
junior high	32 acres
high school	62 acres

The acreage and design requirements of the State have created some problems for Mecklenburg County school development. Requiring a minimum size of 17 acres for elementary schools negates the concept of an urban school in the inner city. Smaller sites with a multi-level school should be considered as an option in urban areas to lower land acreage needs. (Generally only one story schools are built by the school system.)

On the other hand, the minimum size for high schools is not large enough to accommodate a school and all the associated play fields and parking areas. When large schools are built, such as the new Providence High School in South Mecklenburg, very little if any expansion space is left over, and the site is essentially over built. Changes are needed to the State standards for high school development.

Locating Schools

Locational criteria that should be considered when locating schools are listed below.

- High Schools should have good access onto at least one major thoroughfare and another major or minor thoroughfare. Junior highs and elementary schools should have good access onto a minor or major thoroughfare.

- Every attempt should be made to combine elementary and some junior high schools with park development.

- The topography on the site, particularly for high schools, should be relatively flat for parking and associated play fields.

- Public sewer and water should be available to the site.

- The site should not be located in an area of the community where potential hazards are more likely to occur, thus jeopardizing the students' health and safety. For example, a school should not be built adjacent to an industrial area where hazardous materials are stored in large volumes. Noise levels associated with the airport and certain industrial uses should also be a consideration.

- Sites location should facilitate school attendance areas so that benefits and burdens related to student transportation will be equitably shared by all racial groups within the community.

Policies:

Public policies related to the physical land development of schools in Mecklenburg County are as follows.

- Any land identified for schools should be obtained as part of the development process considering dedication, reservation, or condemnation of land, writing down the cost of land, or purchase.

- The most efficient use of land for quality school developments should be pursued, specifically considering the sizes, designs, and acreage needs of schools and the pupil and demographic distribution of the community.

- The optimum use of closed and open schools should be pursued considering ideas such as the creation of midpoint schools and/or adaptive reuse of obsolete schools.

The Board of Education has adopted additional policies relating to population mix and educational needs.

Implementation Strategies:

- Adopt a physical facilities plan for new schools that addresses desired locations relative to the factors of pupil and demographic distribution, attendance impacts with pupil transportation, and physical site features. The plan should include cost estimates and definition of priorities. Priorities will be implemented through the 10 year Capital Needs Program and 5 year Capital Improvements Program.

- Obtain land for future schools as early as possible to offset increasing land costs and to acquire the most desirable sites for locating schools.

- The County should work with the State to address the concerns of school size and design considering the following:

  - smaller sites for urban schools.

  - larger sites for high schools if one story schools continue to be built.

  - the use of multi-leveled schools to reduce acreage need.

  - building a central stadium(s) for sporting events that can be used by several schools rather than by only one to minimize acreage requirements for each school.

#3

LOW AND MODERATE INCOME HOUSING

OBJECTIVES:

- TO PRESERVE THE EXISTING HOUSING STOCK IN ESTABLISHED NEIGHBORHOODS.
- TO INCREASE PUBLIC PARTICIPATION AND PLANNING FOR HOUSING FOR LOW AND MODERATE INCOME FAMILIES.
- TO ENCOURAGE PUBLIC/PRIVATE JOINT VENTURE OPPORTUNITIES FOR PROVIDING HOUSING.
- TO PROVIDE OPPORTUNITIES FOR MANUFACTURED HOUSING TO BE BUILT IN DEVELOPING AREAS OF THE COUNTY.
- TO PROVIDE OPPORTUNITIES TO CONTROL THE PER UNIT COST OF LAND THROUGH HIGHER DENSITY DEVELOPMENT.
- TO ENCOURAGE A MIX OF RACIAL, ETHNIC, AND ECONOMIC GROUPS THROUGHOUT THE COMMUNITY.

CHANGE

ADOPTED PLAN VERSION:
TO ENCOURAGE A MIX OF SOCIAL AND ECONOMIC GROUPS WITHIN THE COMMUNITY

Sharply rising housing prices are causing an increasing number of families in Mecklenburg County to live in substandard conditions and/or to pay an inordinate amount of their income for rent and mortgages. A 1985 study of housing costs in Charlotte reported that in 1980, owners and renters making less than $10,000 a year paid as much as 45 to 49 percent of their incomes for housing. The acceptable standard for housing expenses is between 25 and 30 percent of monthly income. The report further projects that by 1990, 17,800 households in Charlotte will be unable to find affordable housing.

The housing affordability problem is most significant for low income families. However, considering that over the past four years, housing prices in the county have increased by 34 percent, and that the average sales price of a home in the county is four times the average salary, the affordability problem is affecting higher income residents as well.

In the past, most low and moderate income housing programs were developed and funded by the federal government. Recent cutbacks in federal funds have caused both City and County governments to become more involved in creating and funding housing programs. In 1987, the City adopted a Housing Policy Plan that outlines strategies to reduce the number of households living in substandard, overcrowded or unaffordable housing conditions. The plan is geared toward addressing the housing needs of families with incomes below 50 percent of the City's median income.

The Charlotte Mecklenburg Housing Partnership was formed as a result of the policy plan. The CMHP is a nonprofit housing corporation organized

to work independently and with existing agencies to promote low income housing in Mecklenburg County. The recently constructed homeless shelter is another example of the City's efforts to deal with this problem.

The County's efforts have been channeled through its Community Development Department. Several neighborhoods in the County have been targeted for housing improvement programs.

Although local officials are making a concerted effort to address this problem, it is of such a magnitude that it cannot be solved by local government alone. The Housing Policy Plan calls for a community wide effort to address this problem.

One of the most significant steps the community at large can take is to overcome stigmas associated with affordable housing. The most dynamic communities are those having good demographic mixes. The diversity renders vitality. A good demographic mix invariably results from having diversity in housing types and costs.

The following policies and strategies are recommended to reinforce policy directions and strategies that have been established in the housing policy plan and to introduce other strategies to help in Mecklenburg County and the City of Charlotte increase the supply of affordable housing.

POLICIES AND IMPLEMENTATION STRATEGIES:

EXISTING HOUSING STOCK:

Policy:

Community Development, Housing Partnership, and other groups involved in housing should continue to make the preservation of the existing housing stock a priority.

Implementation Strategies:

- Support the implementation of housing preservation goals as established in the Housing Policy Plan.

- Continue work now underway to develop a more systematic and effective housing code enforcement program and provide necessary funding to implement the program.

- Implement existing programs that address boarded up structures such as Boarded Up Structures Acquisition/Rehab/Resale, Rehabilitation of Boarded Up Residential Properties via Nonprofit Agencies and proposed programs, i.e. Local Urban Homesteading.

- Continue to provide low interest property rehabilitation loans and grants to qualified low and moderate income homeowners and investor owners. (Streamline existing procedures to shorten the length of time it takes to process a loan application.)

- Require tenants living in subsidized units and homeowners receiving rehab loans to participate in housing counseling programs that would provide instructions on budgeting and home maintenance skills.

- Implement a proposed Relocation of Homes Program that would salvage relocatable structures that must be moved to accommodate road, airport, and similar right of way needs.

Policy:

City departments involved in housing and neighborhood improvement programs should coordinate their efforts to address the needs of residents of low and moderate income neighborhoods in a holisitic manner.

Implementation Strategies

- Coordinate with other nonprofit groups involved in shelter programs to make job training, placement and permanent housing available to qualified individuals and families that are homeless. (Single room occupancy units should be investigated as a housing option.)

- Continue implementation of programs such as Transitional Housing that seek to provide needed social and economic support to help residents of public housing transition out into the private housing market.

Policy:

Neighborhood groups should be organized and encouraged to take an active role in housing and neighborhood improvement efforts.

Implementation Strategies:

- The Mecklenburg County Agriculture Extension Service should continue its efforts to promote and organize neighborhood groups.

- Existing neighborhood groups should initiate self help projects such as paint and minor repair programs, neighborhood clean-ups, and greening projects.

NEW HOUSING OPPORTUNITIES:

Policy:

The Community Development Department, Housing Authority, and Housing Partnership should continue to leverage public funds by attracting private sector involvement to renovate and develop low and moderate income housing.

Implementation Strategies:

- Encourage City Council and County Commission to adopt a policy to use city-owned surplus property as an incentive and or subsidy to offer developers for their participation.

- Encourage local banks to direct additional investments into the 21 census tracts with significant housing problems. Special programs should be developed and emphasis given to residents, investors and developers applying for assistance in targeted neighborhood(s).

- Continue to promote existing programs such as Tax Exempt Bond Financed Multi-family via FHA, and Innovative Housing Program to involve the private sector and nonprofit groups.

- Create public incentives to encourage developers to reserve property or units for affordable housing within large scale projects.

- Continue to encourage the use of federal tax credits by the private sector.

Policy:

- Programs that promote homeownership opportunities should be more widely used to help stabilize neighborhoods.

Implementation Strategies:

- Continue to implement existing programs, i.e. Single Family Second Mortgage Subsidy Program and proposed programs such as Local Urban Homesteading, Relocation of Homes and Infill Modular Housing that are designed to create affordable homeownership opportunities for low and moderate income families.

- Continue to work with and to provide increased funding to nonprofit groups such as Habitat for Humanity, Neighborhood Housing Services, and Housing Partnership to develop affordable homeownership opportunities.

- Support the adoption of the proposed zoning ordinance which would permit certain types of manufactured housing compatible with single family development in all single family residential zoning districts.

- Continue to allow development of mobile home parks and subdivisions throughout the city and county. More stringent yet inexpensive design controls should be followed to ensure that good quality developments are built.

Policy:

Higher density development should be encouraged to control land costs. (This was discussed in the land use section of the plan as well.)

Implementation Strategies:

- Support the adoption of the proposed zoning ordinance which would create higher density single family zoning districts.

- Where consistent with goals of preservation of existing housing and neighborhood character, continue to allow multi-family development in appropriate areas and at densities compatible with surrounding development.

Policies:

- Community Development, Housing Partnership, and Housing Authority should make every effort to develop housing densities that will be compatible with surrounding development.

- The City's Housing Authority should more aggressively use the power of eminent domain to acquire and assemble property to be used to develop low and moderate income housing.

- Every effort should be made to decentralize low income housing in order to prevent any particular part of the community from being saturated with one type of housing.

- **The Housing Authority, developers, and the Community Development Department through the City's Housing Assistance Plan (HAP) should continue to focus on placing subsidized housing in locations that will help racially mix all census tracts in the community.**

- Residents of low income housing should have greater input in design and location of housing units.

- Every attempt should be made to diminish stigmas associated with affordable housing, particularly multi-family housing.

Implementation Strategies:

- Maintain the half mile distance policy for locating 100% publicly assisted housing projects.

- Develop more public housing units in rural and developing areas that meet location criteria (for example, near bus lines, shopping, employment and medical facilities, and in particular within ½ mile of a proposed transit rail station or line.)

- Amend the Housing Assistance Plan (HAP) to extend the scattered site housing program into the county, and pursue new lower income housing sites in the county in addition to the city.

- Identify existing, small Black neighborhoods throughout the city and county that should be preserved and reinforced as Black neighborhoods, and identify planning and funding strategies for strengthening these areas.

- Involve County government in housing construction programs. Special legislation should be pursued to accomplish this.

- Adopt greater performance standards in the new zoning ordinance to ensure that housing developments of different scale ad type will be compatible.

DATE:	January 22, 1990
PETITION NO.:	89-90
PETITIONER(S):	Vulcan Materials Company
REQUEST:	Change from R-9MF and I-1 to I-1(CD) and I-2(CD)
LOCATION:	A 69.8 acre site located on the southeasterly side of Nations Ford Road extending from Old Nations Ford Road to Sugar Creek.
ACTION:	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas:	Burns, Lassiter, Latham, Majeed, Mead, and Points.
Nays:	None.
	(Commissioner Davis was not present when vote was taken.)

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Vulcan Materials Company

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

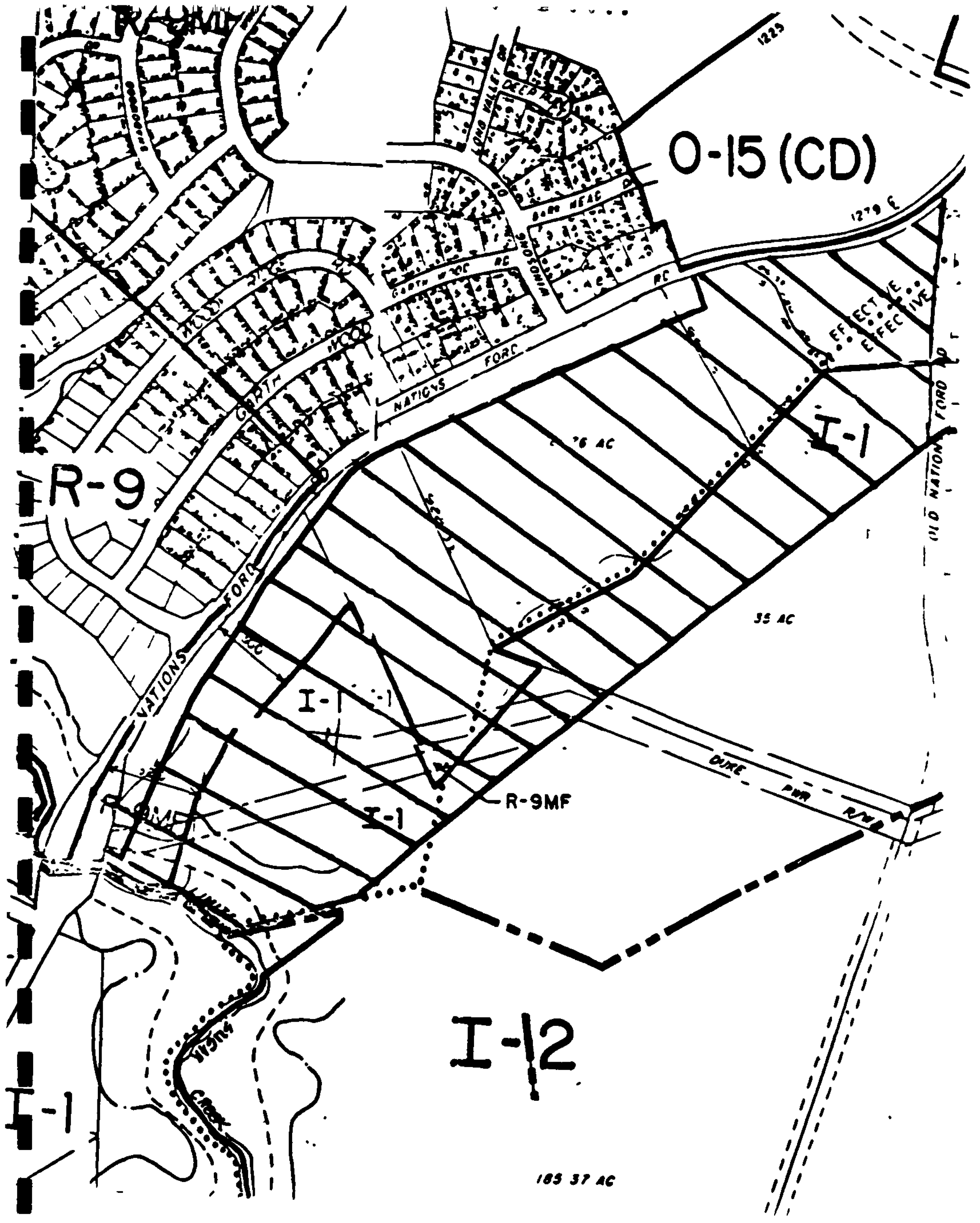
ZONING CLASSIFICATION, EXISTING R-9MF to I-1 REQUESTED I-1(CD) & I-2(CD)

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


O-15 (CD)
R-9
I-1
R-9MF
I-12
NATIONS FORD
OLD NATIONS FORD
DUKE PWR R/W
EFFECTIVE
35 AC
185 37 AC

HORACK TALLEY PHARR & LOWNDES
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September 5, 1990

Mayor and Members of City Council
600 East 4th Street
Charlotte, North Carolina 28202

Re: Vulcan Materials Company (Petition No. 89-90)

Dear Ladies and Gentlemen:

As you may recall, on February 19th you deferred action on the above-referenced petition. That deferral was granted primarily for two reasons. First, it was believed that the additional time would allow the Southwest District Study Group to meet again and to continue its efforts to formulate a Southwest District Plan. In addition, the time was to be used to study Vulcan's current operations by an engineering firm selected by the City

With regard to the Southwest District Plan, the Study Group is to reconvene this month and it is hopeful that we will be provided some additional direction by that group early in October. With regard to the engineering study, Westinghouse Environmental and Geotechnical Services was selected to perform a study of Vulcan s operations. Westinghouse was the selection of the Planning Staff and City Engineering. In order for Westinghouse to develop an accurate profile of Vulcan s operations, it must observe a number of blasts. Since the quarry s operation only requires that a blast be conducted approximately once every week, it has taken some time to compile all of the necessary data. It now appears likely that a report from Westinghouse will be ready within the next two to three weeks.

For these reasons, we respectfully request that the above-referenced petition not be considered at your September 17th meeting and the matter be deferred to your October meeting. Such a deferral will assure that all interested parties will have an opportunity to review and digest the report to be submitted by Westinghouse In addition, the additional time

may allow us to receive more direction from the Southwest District Study Group.

Sincerely,

HORACK, TALLEY, PHARR & LOWNDES

Russell J. Schwartz

cc: Walter Fields
Dave Howard

OCU1-1A.RJS

DATE: July 17, 1990

PETITION NO.: 90-36

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

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

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

VOTE: Yeas: Emory, Fenning, Lassiter, Latham, Spencer, Thomasson, and Winget.

Nays: None.

REASONS

This petition requests a modification to the method used to compute parking requirements for shopping centers. The petition would define a shopping center as being a unified development of three or more uses of 25,000 square feet or greater and it proposes that a single parking standard be applied to the entire site as it propose to individual parking standards for specific uses. While the Planning Committee endorsed the notion of a single computation method, it did not believe that it should apply to uses as small as 25,000 feet. They specifically recommended that the amendment be adopted but that the minimum size facility to which the computation method would apply would be set at 50,000 square feet rather than 25,000 square feet. The petitioner provided additional information regarding the request and took several examples of existing retail centers in the community. In every case, the proposed ordinance required slightly less parking than the present ordinance required but in every case the actual number of spaces provided was substantially in excess of what either the present or proposed ordinance would require. Therefore the Planning Committee believes that the change in the computation method would not materially affect the amount of parking provided for shopping centers.

STAFF OPINION

The staff agrees with the recommendation of the Planning Committee. However, the staff points out on behalf of the Department of Transportation that the examples chosen by the developer did not include restaurants or movie theatres which were a principle concern of the Transportation staff.

Revised 04/16/90

ORDINANCE NO. _____

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

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

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

1. Amend Section 2002. by adding the following new paragraph 2002.36

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

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: July 23, 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 the intersection of Park Road and Salem Drive.

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

VOTE: Yeas: Baucom, Davis, McClure, Mead, and Points.

Nays: Majeed.

REASONS

The Zoning Committee discussed this petition for some time. Central among the discussion points was the concern about traffic which would be generated by the site and its impact on the neighboring properties. The Zoning Committee discussed the desirability of a another driveway from the site to Park Road as well as the extent to which improvements would be required along Salem Drive to accommodate the development. Another issue which was discussed was the matter of the impact of one of the buildings on the site on the adjacent multi-family property. In response to that concern, the petitioner indicated that they would be willing to limit the height of that building to two stories rather than three. In addition, the petitioner indicated that the clubhouse and pool shown on the site plan are intended as part of the proposal and will add a note committing to their development. In view of these changes to the plan, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

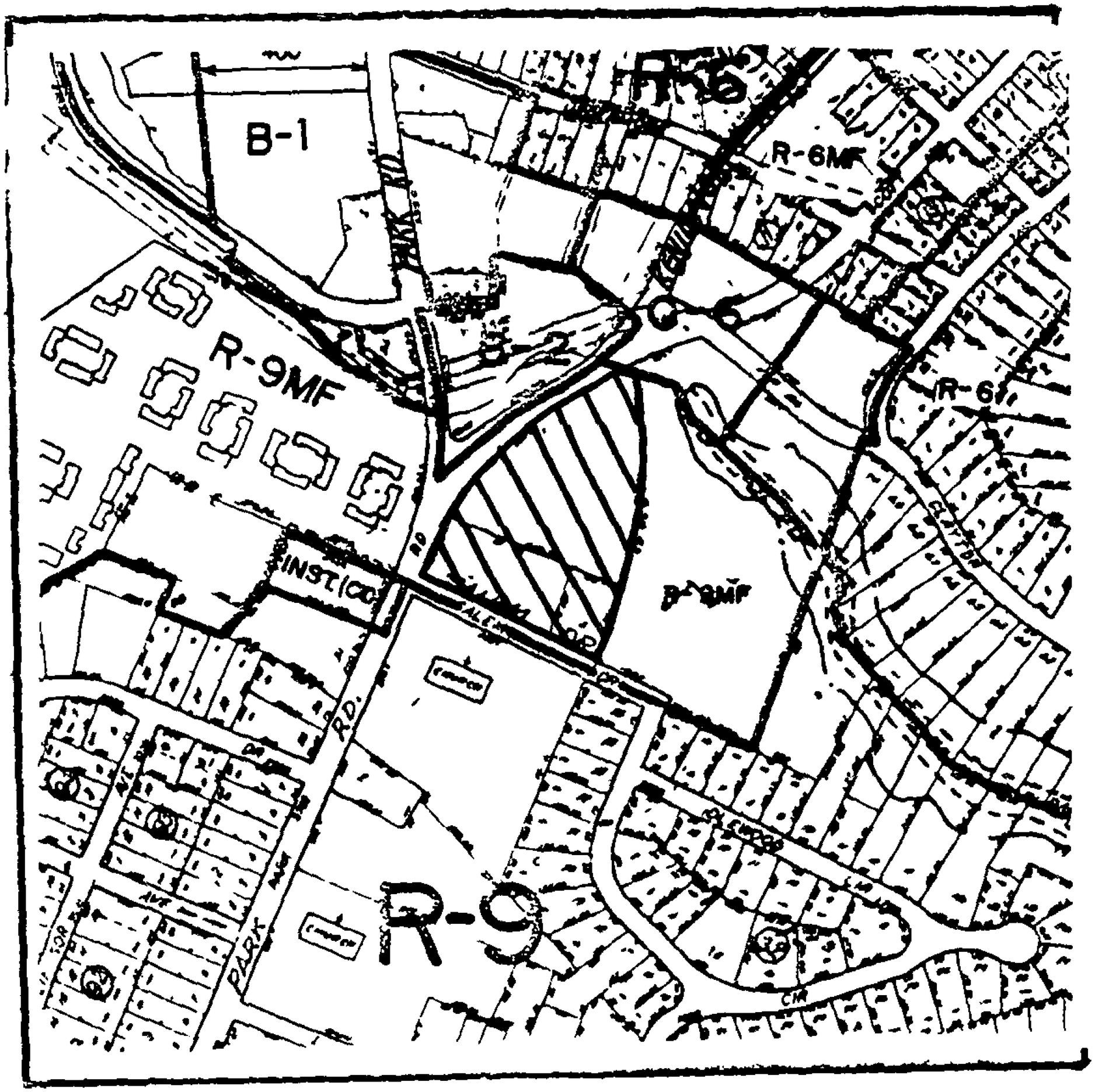
The staff agrees with the recommendation of the Zoning Committee. The staff would note that the illustrations of the building elevations which were used at the public hearing and were discussed by the petitioner's agent are not part of the rezoning and, therefore, are not binding on the development of the site.

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: July 23, 1990

PETITION NO.: 90-60

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-1 to B-2

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

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

VOTE: Yeas: Baucom, Davis, Majeed, McClure, Mead, and Points.

Nays: None.

REASONS

This petition was brought forward by the Planning Commission to implement the recommendations of the South Boulevard Plan. Staff and property owners had been in discussions for some time about a potential plan which would allow the property to remain zoned I-1 under a conditional site plan. Inasmuch as the property owners have not filed a conditional plan, this petition was brought forward to implement the plan's recommendation. The building is presently occupied by a number of individual uses, some of which may become nonconforming as a result of this action. However, the building itself could easily be reused for commercial purposes in conformance with the B-2 zoning requirements. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

ZONING CLASSIFICATION, EXISTING I-1 REQUESTED B-2

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

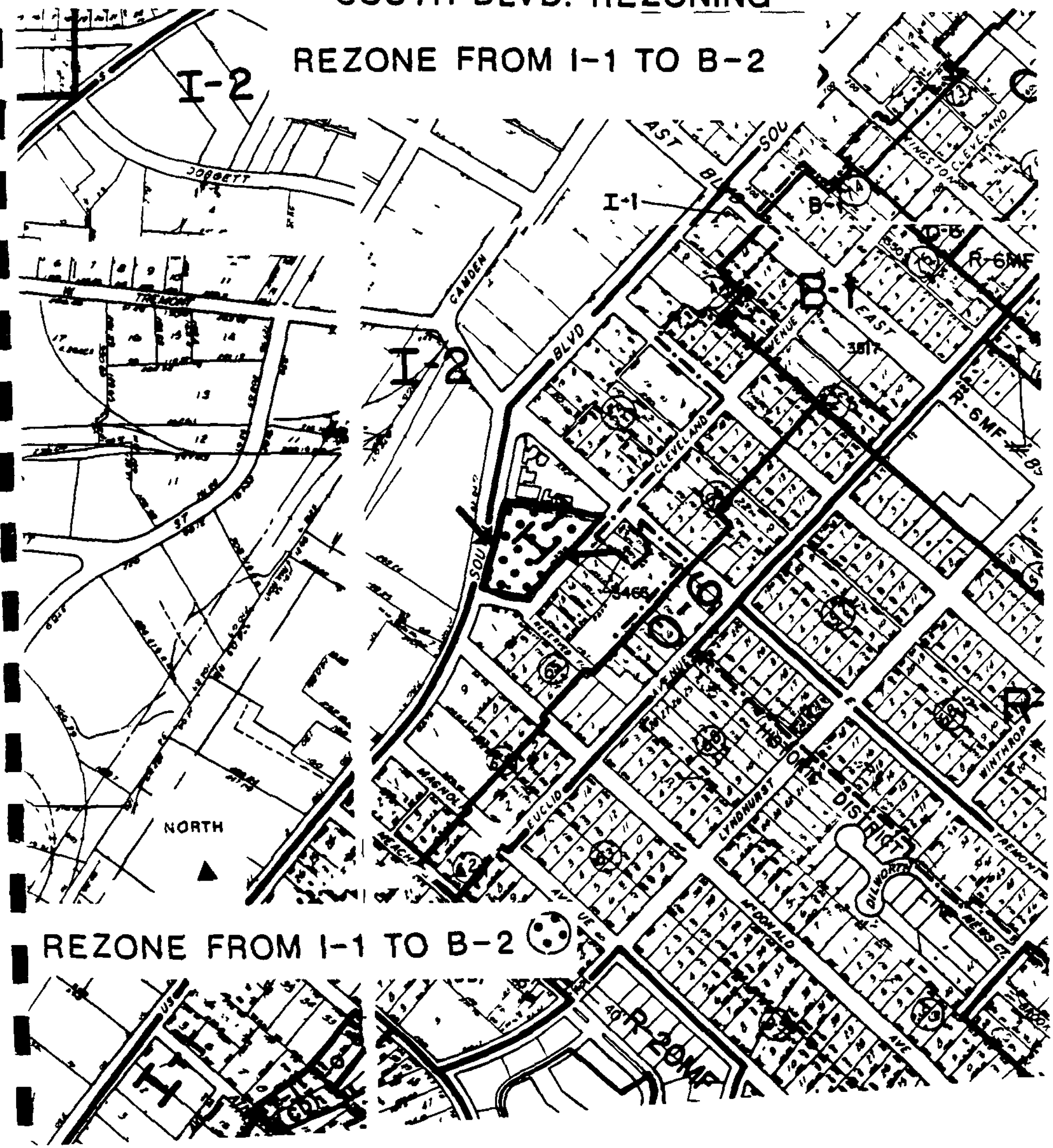
SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

SOUTH BLVD. REZONING

REZONE FROM I-1 TO B-2



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 28, 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 September 24, 1990.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Wednesday, October 10, 1990. This will then permit these matters to be placed on your agenda for consideration on Monday, October 15, 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: September 24, 1990

PETITION NO.: 86-104

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from B-1 to R-6

LOCATION: A .4 acre site located on the southeasterly corner of the intersection of Beatties Ford Road and St. Paul Street.

ACTION: The Zoning Committee recommends that, pursuant to a property owner submitted conditional plan, the property be rezoned to B-1(CD).

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

Nays: None.

REASONS

This petition has been on the books for a number of years. It was originally filed by the Planning Commission to implement the recommendations of the Beatties Ford Road Small Area Plan and is now the last remaining case outstanding in that plan area. It has been deferred on numerous occasions at the request of the property owner so that they might file a conditional plan rather than have the property rezoned to a residential classification. The property is presently used for business activity and would be nonconforming if the rezoning case were approved. The Zoning Committee believes it is appropriate to consider this property owner's proposal and to leave the property with a commercial zoning classification. The conditional plan prepared by the property owner commits to certain landscaping improvements over and above those which already exist on the site and proposes no changes in the size of the building or access to the property. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

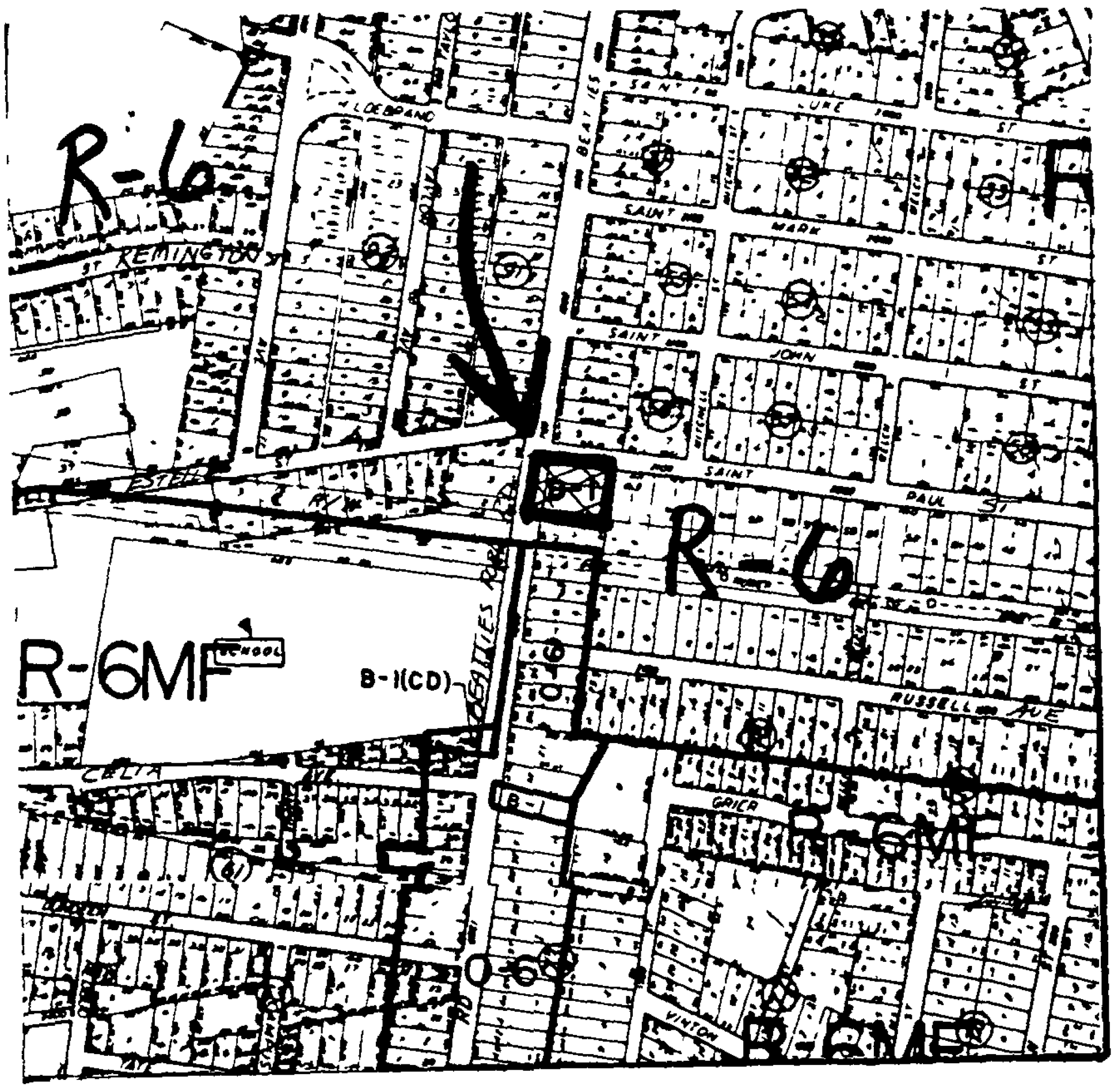
The staff notes that this petition was originally filed to implement the recommendations of the Beatties Ford Road Small Area Plan. At the time the plan was adopted it was known that this rezoning would create a nonconforming use on this parcel. Even so, the plan recommended changing the zoning on the property to stabilize the residential character of the uses in the surrounding area.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 86-104 HEARING DATE 11/17/86

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED R-6

LOCATION A .40 acre site on the southeastern corner of the intersection of Beatties Ford Road and Saint Paul Street



ZONING MAP NO. 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 24, 1990

PETITION NO.: 89-38

PETITIONER(S): Charlotte Metro Credit Union

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

LOCATION: An 8,250 square foot parcel located on the north side of Sunnyside Avenue east of Brookshire Freeway.

ACTION: The Zoning Committee recommends that this petition be allowed to be withdrawn.

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

Nays: None.

REASONS

The petition was originally heard at public hearing in June, 1989 and subsequently deferred indefinitely at the request of the petitioner. Petition No. 90-42 superseded this petition and included additional properties owned by the same petitioner. That petition was approved by the City Council on June 18, 1990. This action simply closes the file on case 89-38 by allowing the petitioner to withdraw the request.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

DATE: September 24, 1990

PETITION NO.: 90-20

PETITIONER(S): E. C. Griffith Company & Laurel Eye Associates

REQUEST: Change from R-12 to O-15(CD) and R-9MF(CD)

LOCATION: A 46.5 acre site located on the westerly side of Randolph Road at the Billingsley Road intersection.

ACTION: A motion to approve the petition as filed failed by the votes recorded below.

VOTE: Yeas: McClure and Points.

Nays: Baucom, James, Majeed, Mead, and O'Brien.

REASONS

The Zoning Committee discussed this petition for an extended period of time. In general, the discussion focused on three principle areas of concern; land use, traffic, and flooding.

The Zoning Committee discussed the land use implications of this proposal and queried staff regarding the staff's position on this petition. The staff pointed out the substantial amount of office development already in the general area and specifically along Billingsley Road to the east. Staff also noted the substantial and uniform residential development pattern on the west side of Randolph Road and indicated a strong belief that Randolph Road should serve as the boundary between office development to the east and a residential development to the west. The staff noted there were numerous tracts of O-6 land yet to be developed along Billingsley Road and that even along Randolph Road to the north of the site were vacant O-6 parcels. The staff noted that from a land use standpoint the property could be well suited to various types of residential development ranging from detached single family housing to medium density multi-family housing. Some members of the Zoning Committee felt that nonresidential development on the west side of Randolph Road was appropriate and at least one member even expressed concern about multi-family housing in the area. However, the majority of the Zoning Committee felt that the land use implications of this case were significant. Concern was expressed that establishment of office zoning on this site could trigger additional requests for nonresidential development along Randolph Road. From a land use standpoint, the majority of the Zoning Committee felt that this petition was not appropriate for approval.

In terms of transportation, considerable discussion also occurred. The consultant for the property owners as well as the City's Transportation staff provided varying insights on the transportation issue. Key among the discussion points was an apparent shift in some of the assumptions made by the petitioner's traffic consultant. Arguably, the shifts may

have indicated a less severe impact on the thoroughfare system than the same consultant's assumption on the earlier version of this case. The City's Transportation staff noted that the plan did not include any transportation improvements over and above those which would normally be required for development of this property, even as presently zoned (single family). Some members of the Zoning Committee expressed the view that the transportation impacts of multi-family development would be just as severe as for office development. However, the City's transportation staff and the Planning staff pointed out that while the total number of trips generated by multi-family development might be equivalent to office development, that the distribution of those trips and the impact on the thoroughfare during the peak hours would be substantially different. From a peak hour transportation standpoint, multi-family development would be preferable. The majority of the Zoning Committee felt that the petitioner's proposal would negatively impact Randolph Road and the Randolph/Billingsley intersection.

The third issue discussed by the Zoning Committee was that of flooding in the area. The staff noted that there is a substantial amount of flooding already present in nearby streams and that the development of this site under any scheme will likely have some impact on flooding in the area. The petitioner indicated that they would develop a comprehensive storm water management plan for the property. However, the majority of the Zoning Committee believes that the level of intensity proposed by the petitioner on this site and their use of a substantial portion of the floodway fringe would have a long term negative impact on the drainage systems in the area and has the potential to increase flooding downstream. Concern was also expressed about the environmental consequences of the development of this site in terms of water quality.

In summary, the majority of the Zoning Committee believes that this petition is not appropriate for approval. During the discussion, a motion was made and seconded to defer this request for 30 days and to allow the petitioner to provide additional information regarding transportation and storm water management issues. However, that motion failed by a vote of three to four. While a minority of the Zoning Committee voted to approve this request, the majority felt that it was not an appropriate land use at this location and that the transportation and storm water impacts were such that the request should not be approved.

STAFF OPINION

The staff agrees with the majority of the Zoning Committee. This request is not consistent with land use plans in the area and represents a substantial intrusion of nonresidential development into an otherwise residential pattern. It has the potential to establish a precedent leading to other nonresidential zoning requests along Randolph Road and it has a significant negative impact on the thoroughfare system in the area. In addition, although not discussed at length by the Zoning Committee, the staff believes it is appropriate for a petition of this size for the petitioner to consider the dedication of land to the County's greenway system. The petitioner in

this case has not even agreed to reserve, much less dedicate, even the minimum requirement sought by the County's Parks Department for greenways. With regard to transportation, the staff acknowledges that experts may disagree. However during the Zoning Committee discussion, the staff queried both the consultant for the petitioner as well as the City's Transportation staff about certain fundamental issues regarding trip generation, trip assignment, and capacity of the thoroughfare. There is no disagreement that this petition would have a substantial impact on a thoroughfare system which is projected to be at or beyond capacity in this area in the future.

An issue has also arisen regarding the action taken by the Zoning Committee. Agents for the petitioner questioned whether the Zoning Committee had taken a proper action on this request in view of the fact that the motion to approve the petition was denied and there was no subsequent motion to deny the petition. The rules of procedure which govern voting by the Zoning Committee require that when all seven members of the Zoning Committee are present and a motion receives less than four votes, the matter be forwarded to the City Council with the report of the Committee expressing viewpoints from the varying sides. No additional motion was offered at the time of the Zoning Committee meeting and no additional motion is required according to the Zoning Committee's rules of procedure.

PETITIONER E. C. Griffith Company and Laurel Eye Associates

PETITION NO. 90-20 **HEARING DATE** March 19, 1990

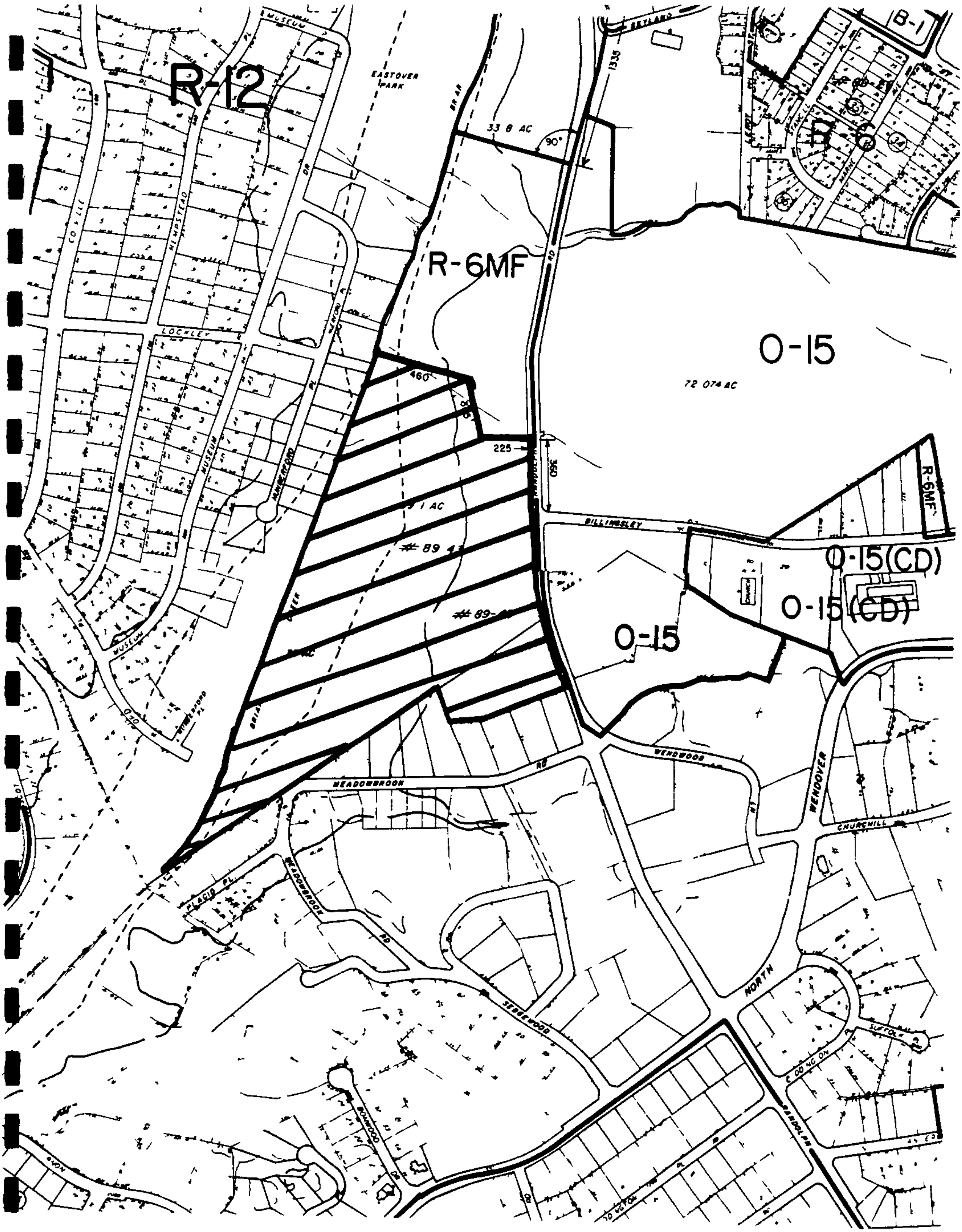
ZONING CLASSIFICATION, EXISTING R-12 **REQUESTED** O-15(CD) & R-9MF(CD)

LOCATION Approximately 46.5 acres located on the westerly side of Randolph Road at the Billingsley Road intersection.

SEE ATTACHED MAP

ZONING MAP NO. 112, 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-12
EASTOVER PARK
33 8 AC
90°
R-6MF
B-1
O-15
72 074 AC
460'
225
1 AC
#89
O-15(CD)
O-15(CD)
O-15
R-6MF
BILLINGSLEY
MEADOWBROOK RD
WENDWOOD
WENDOVER
CHURCHILL
PLACID PL
SEDGEWOOD
NORTH
EDDINGTON
SUFFOLK
BARHOLM
HEMPSTEAD
LOCKLEY
MUSEUM
HUNTERCREEK
BRIAR
MARNE
STANLEY
BETLAND
1339
360

DATE: September 24, 1990

PETITION NO.: 90-65

PETITIONER(S): Mecklenburg County Building Standards Department

REQUEST: Consideration of a text amendment to Section 1206.2 of the City's Zoning Ordinance regarding application fees for sign permits.

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

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

Nays: None.

REASONS

The Mecklenburg County Building Standards Department through an interlocal agreement with the City of Charlotte sets fees for a wide variety of building and other permits. Among those are fees for the issuance of sign permits. The City Ordinance has contained a section which lists fees for various sign permits for a number of years. That section is now outdated and conflicts with the sign permit fees established by the Mecklenburg County Building Standards Department. Therefore this action simply deletes all references to sign fees in the City's Ordinance.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

40-65

ORDINANCE NO ____ 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 § 1206 2 is deleted in its entirety and in lieu thereof it shall read

"§ 1206 2 Reserved

Section 2 This ordinance shall become effective upon adoption

Approved as to form

David M. Smith

City Attorney

DATE: September 24, 1990

PETITION NO.: 90-66

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

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

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

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

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

Nays: Majeed.

REASONS

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

STAFF OPINION

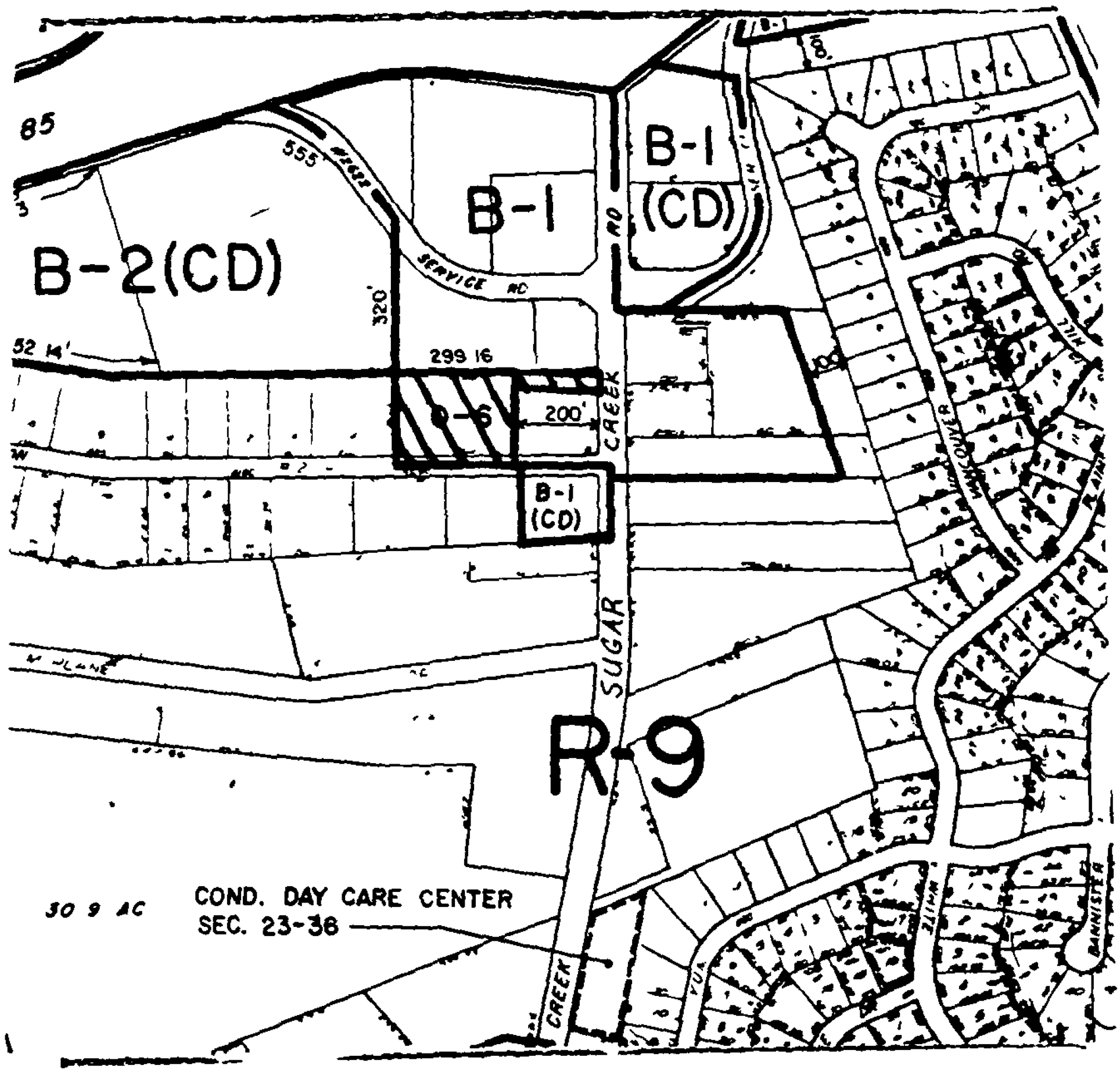
The staff agrees with the recommendation of the Zoning Committee.

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

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

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

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



ZONING MAP NO. 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 24, 1990

PETITION NO.: 90-67

PETITIONER(S): Dr. Joe H. Woody

REQUEST: Change from R-15 to R-9

LOCATION: A 1.4 acre site located on the westerly side of Randolph Road north of Rutledge Avenue.

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

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

Nays: None.

REASONS

This petition requests the rezoning of a small tract of land from one single family category to another. The net result of this rezoning would be to allow the property owner to achieve an additional single family lot over and above what could be developed on the site under the existing zoning. This request is an appropriate use along the edge of the single family neighborhood and, therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

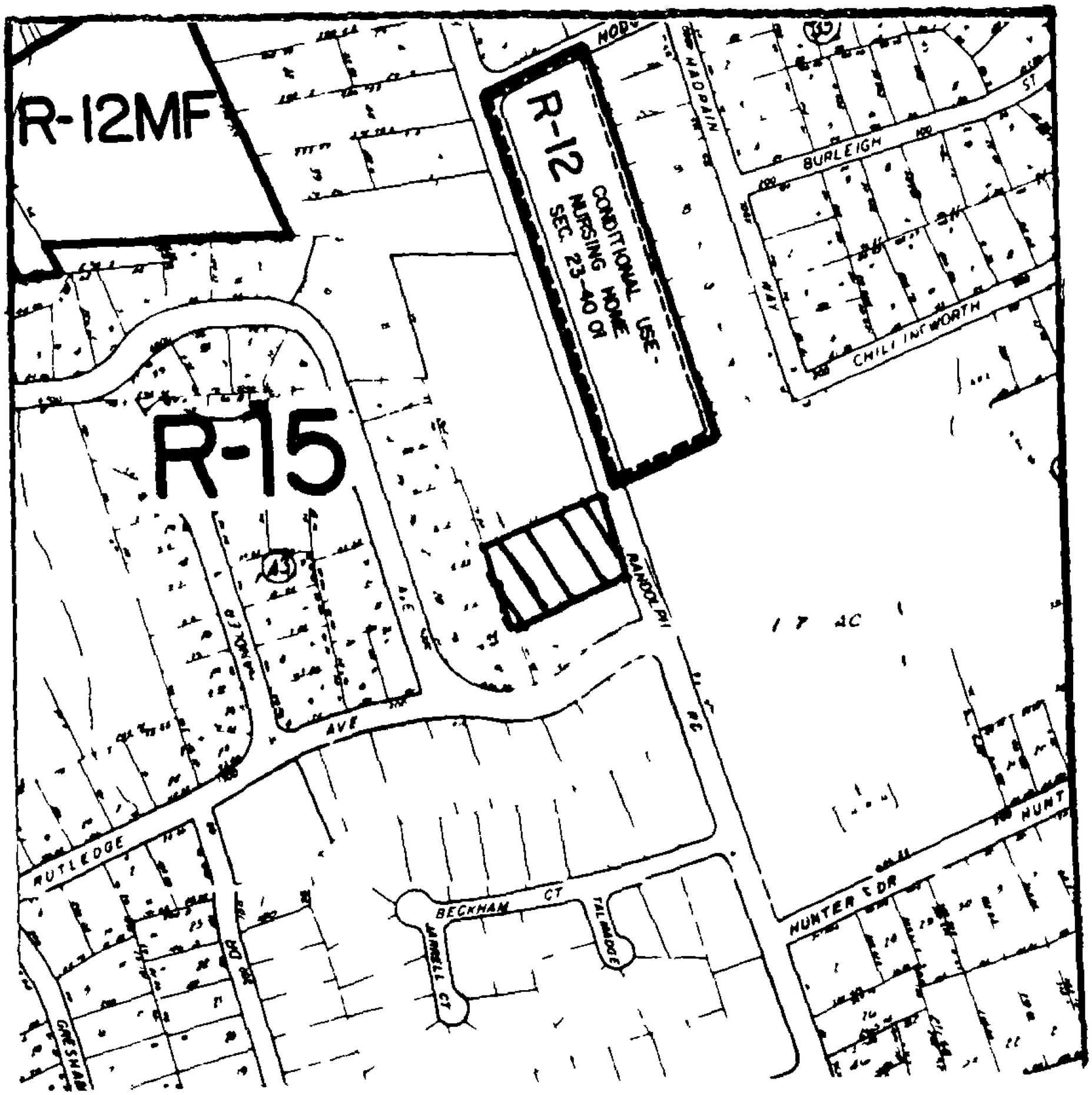
The staff agrees with the recommendation of the Zoning Committee. The staff also notes that a location such as this might also be appropriate for some higher density housing along this major thoroughfare.

PETITIONER Dr. Joe H. Woody

PETITION NO. 90-67 HEARING DATE September 17, 1990

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED R-9

LOCATION Approximately 1.4 acres located on the westerly side of Randolph Road north of Rutledge Avenue.



ZONING MAP NO. 124 & 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	September 24, 1990
PETITION NO.:	90-68
PETITIONER(S):	Zimmer Brothers
REQUEST:	Consideration of a B-1(CD) Site Plan Amendment
LOCATION:	A 5.4 acre site located on the south side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue.
ACTION:	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas:	Baucom, James, Majeed, McClure, Mead, O'Brien, and Points.
Nays:	None.

REASONS

Members of the Zoning Committee believed that the establishment of an outparcel on this small scale neighborhood commercial center was inappropriate. They expressed belief that the "feel" of the center is appropriate as is and that adding an outparcel results in an increase in intensity of the site over and above that which is appropriate in the area. The present center relates well to the properties on the north side of Tuckaseegee Road as well as to the properties which front Tuckaseegee Road on the south side. In view of the fact that this shopping center was recently developed and recently rezoned under a conditional plan, the Zoning Committee believes that it is not warranted to add an outparcel to this plan.

STAFF OPINION

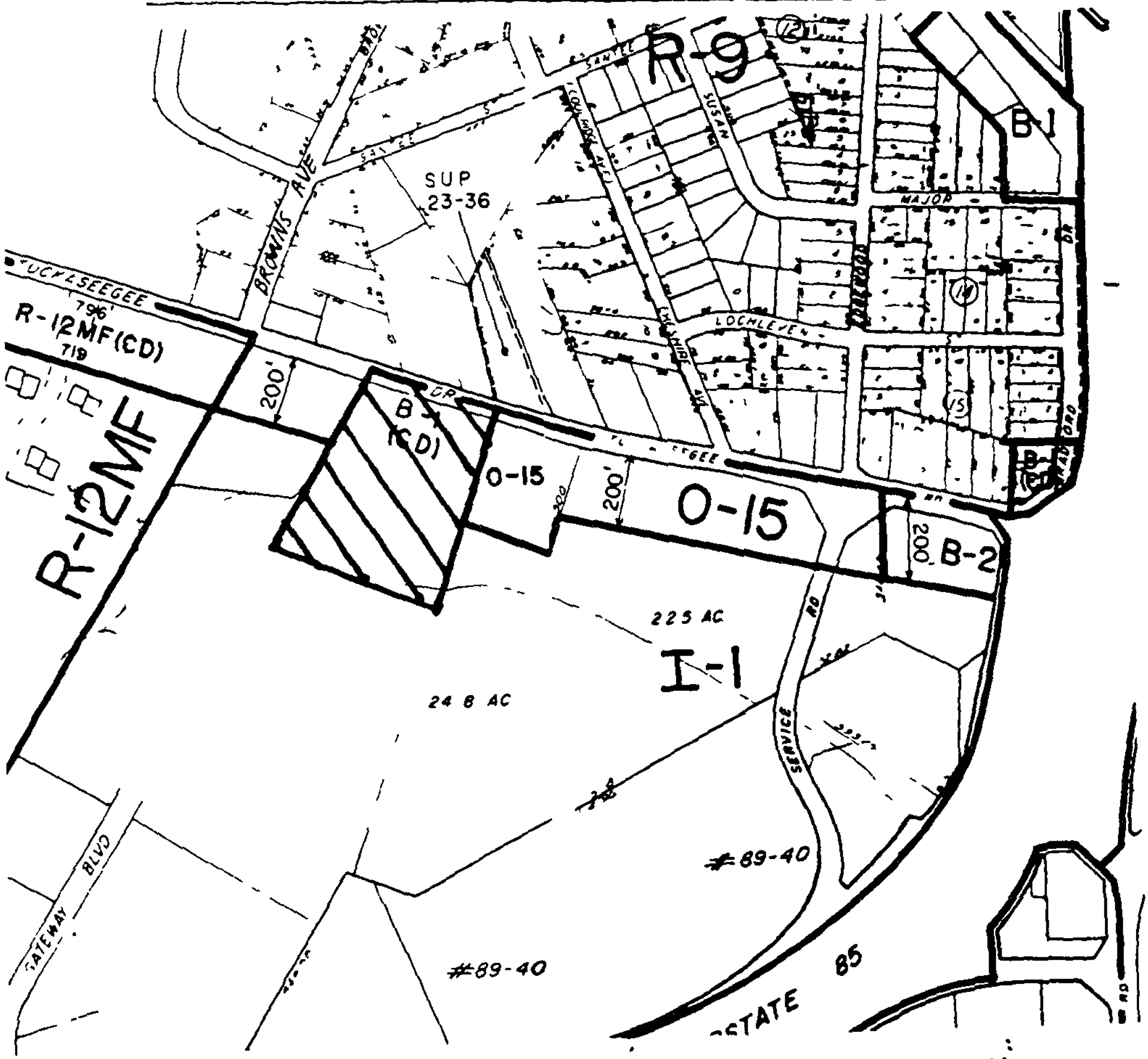
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Zimmer Brothers, A Partnership

PETITION NO. 90-68 HEARING DATE September 17, 1990

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

LOCATION Approximately 5.48 acres located on the south side of Tuckaseegee Road east of Browne Avenue.



ZONING MAP NO. 86 & 87

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 24, 1990

PETITION NO.: 90-69

PETITIONER(S): Frank J. Geddings

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

LOCATION: A .354 acre site located on the southeast corner of Park Road and Reece Road.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tract of land to allow for an expansion of an existing dry cleaning establishment. The Zoning Ordinance sets a limit on dry cleaning establishments of 5,000 square feet in the B-1 district. In this case, the petitioner is expanding the business to provide for additional machinery required for environmental reasons. At the same time, the petitioner proposes to enhance the site by closing at least one existing driveway and adding substantial trees and landscaping which are not present on the site at this point and time. In addition, as mentioned at the public hearing, the petitioner will install screening around trash handling and dumpster areas as well. Therefore, The Zoning Committee recommends that this petition be approved.

STAFF OPINION

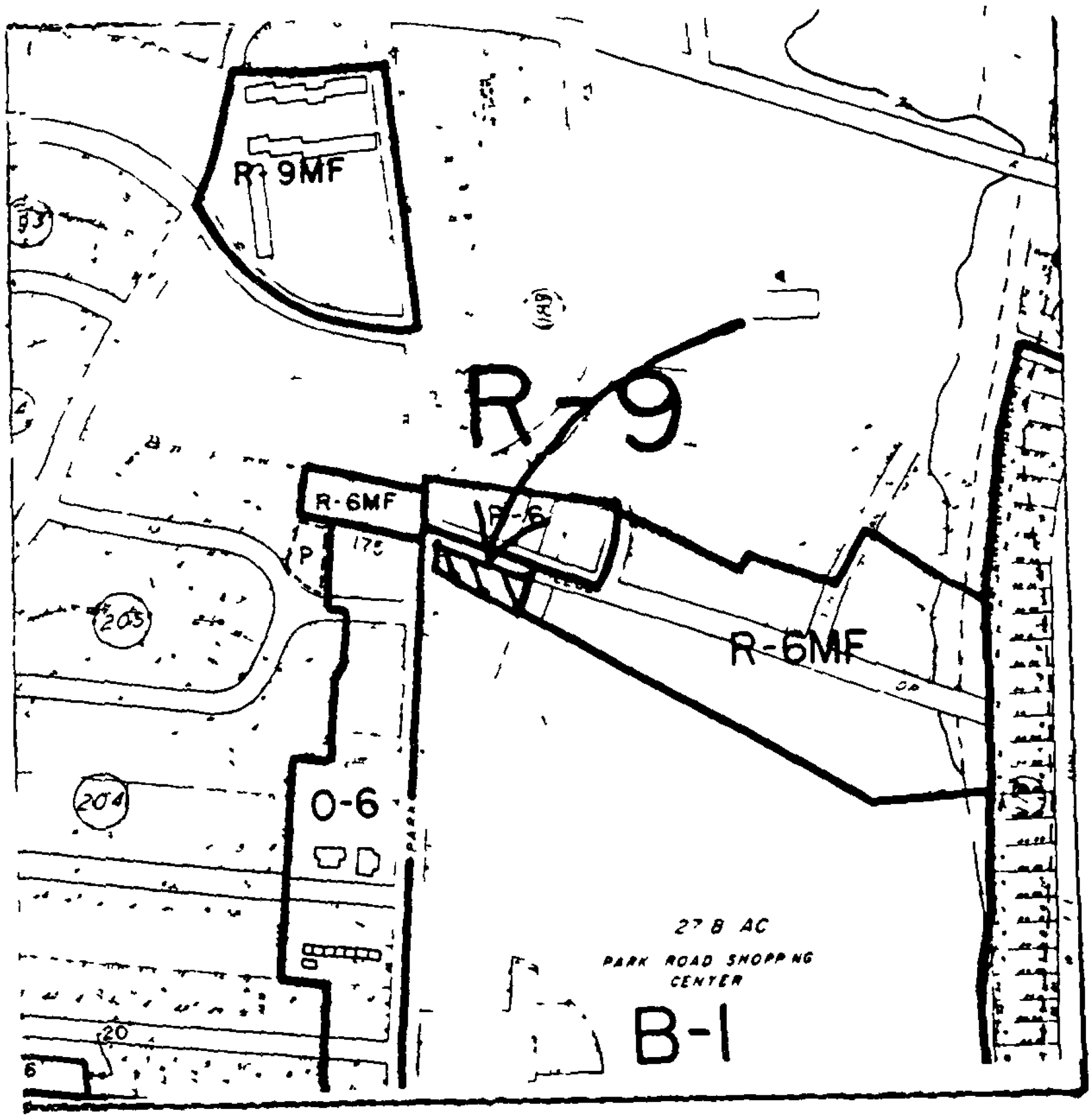
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Frank J. Geddings

PETITION NO. 90-69 HEARING DATE September 17, 1990

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

LOCATION Approximately .354 acres located on the southeast corner of Park Road and Reece Road.



ZONING MAP NO. 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	September 24, 1990
PETITION NO.:	90-70
PETITIONER(S):	Laurel Free Will Baptist Church
REQUEST:	Change from R-9 to R-9MF(CD)
LOCATION:	A 1.28 acre site located on the west side of Elgywood Lane south of Arrowhead Drive.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, James, Majeed, McClure, Mead, O'Brien, and Points.
Nays:	None.

REASONS

This petition requests the rezoning of a small church site so that the church building can be converted to a day care center. The site plan which accompanies this application shows that the existing facilities will largely be unaltered as a result of this change due to the fact that the existing buildings and parking will be used for the day care center. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

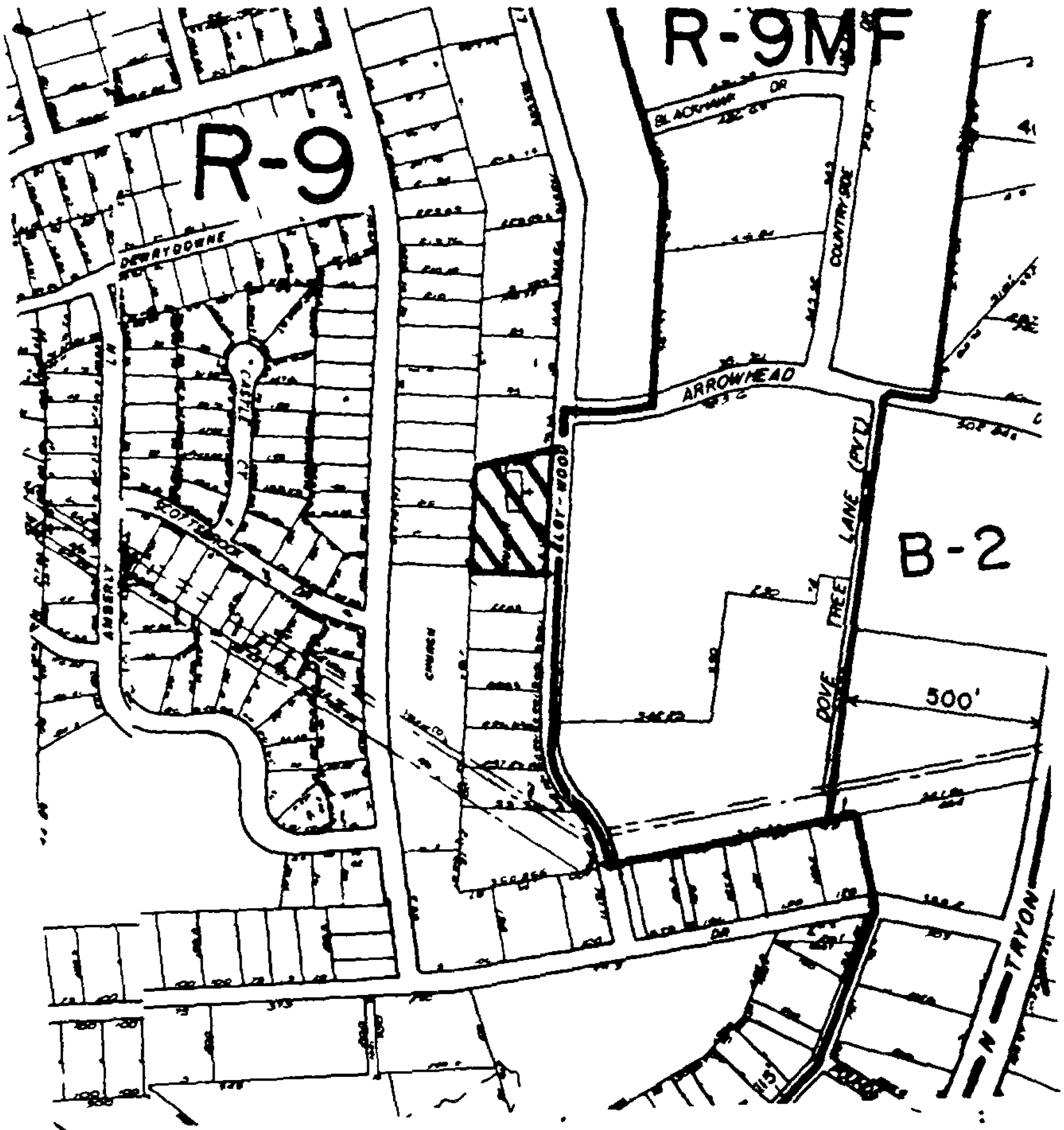
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Laurel Free Will Baptist Church

PETITION NO. 90-70 HEARING DATE September 17, 1990

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

LOCATION Approximately 1.28 acres located on the west side of Elgywood Lane south of Arrowhead Drive.



ZONING MAP NO. 77

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	September 24, 1990
PETITION NO.:	90-72
PETITIONER(S):	Mecklenburg County
REQUEST:	Change from R-6MF & O-15 to O-15(CD)
LOCATION:	A 1.49 acre site located on the north side of Billingsley Road east of Randolph Road.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, James, Majeed, McClure, Mead, O'Brien, and Points.
Nays:	None.

REASONS

This petition proposes to combine the last remaining residentially zoned lot in this area with a portion of County-owned property which is already zoned for office use into a single conditional plan for the County Detox Center. The land use is consistent with plans for the area and the site plan has taken care to preserve a large number of existing trees on the site. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

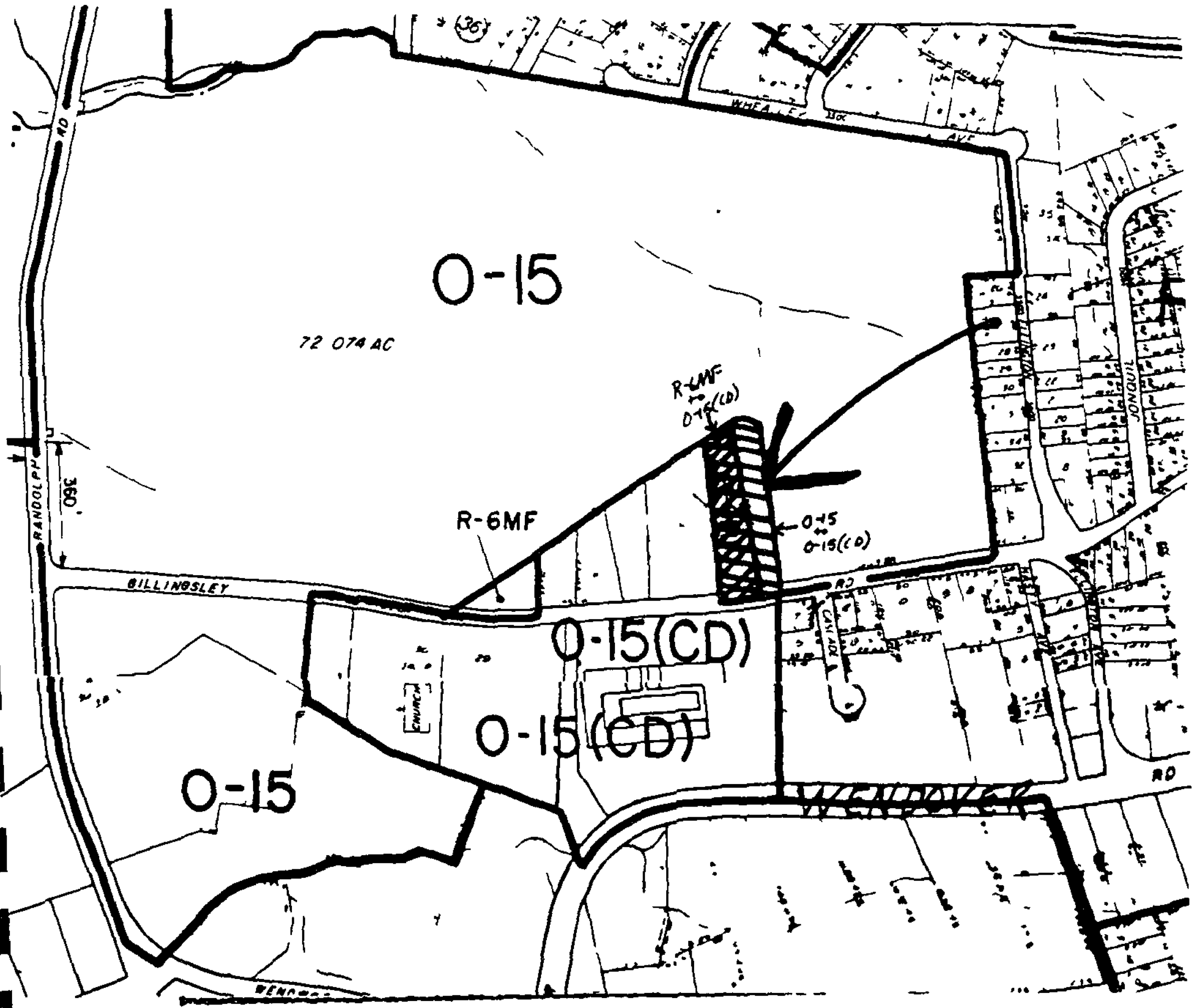
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Mecklenburg County

PETITION NO. 90-72 HEARING DATE September 17, 1990

ZONING CLASSIFICATION, EXISTING R-6MF & O-15 REQUESTED O-15(CD)

LOCATION Approximately 1 49 acres located on the north side of Billingsley Road east of Randolph Road



ZONING MAP NO. 112 & 124

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 24, 1990

PETITION NO.: 90-73

PETITIONER(S): General Commerce Center

REQUEST: Change from I-1 & R-9 to I-1(CD) & I-2(CD)

LOCATION: A 43.8 acre site located on the westerly side of Orr Road south of Old Concord Road.

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

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

Nays: None.

REASONS

This petition requests the rezoning of land which is already zoned for industrial use to provide for a very narrow list of I-2 uses as well as a restriction of I-1 uses on the site. A small triangle of the petitioner's property is presently zoned R-9 and would be brought into this site plan under the I-1(CD) category. Subsequent to comments raised at the public hearing, the petitioner has clarified notes on the plan relating to screening on the southerly side of the site including the increase on the height of a fence, the planting of additional landscape materials, and a further clarification of the uses which could be placed on the property. The net result of this petition will be to restrict the properties most closely associated with existing residential development far more than they are presently. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER General Commerce Center

PETITION NO. 90-73 HEARING DATE September 17, 1990

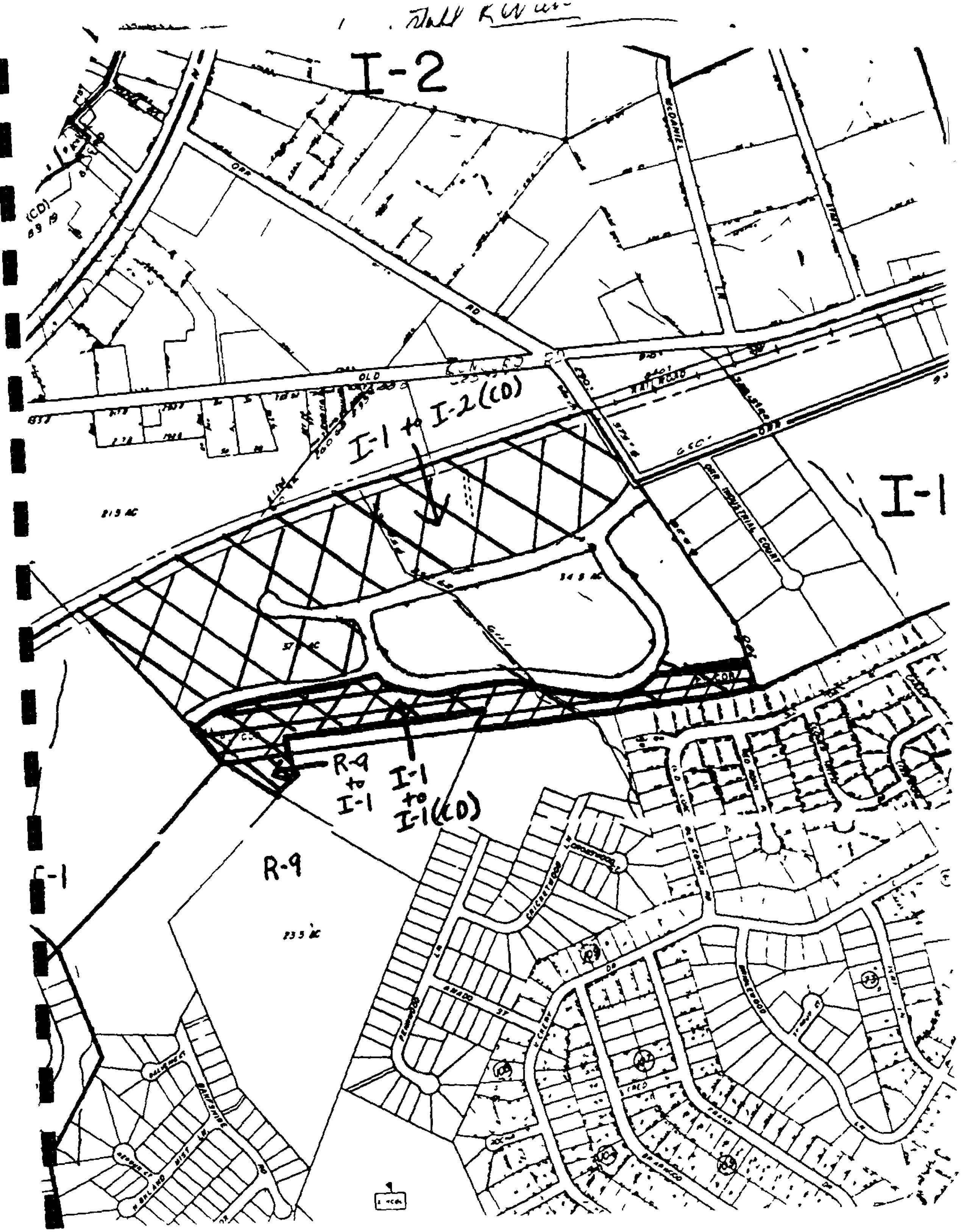
ZONING CLASSIFICATION, EXISTING I-1 & R-9 REQUESTED I-1(CD) & I-2(CD)

LOCATION Approximately 43 8 acres located on the westerly side of Orr Road south of Old Concord Road.

SEE ATTACHED MAP

ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


I-2
I-1 to I-2(CD)
I-1
R-9 to I-1
I-1 to I-1(CD)
R-9
I-1
OLD
RD
MCDANIEL
TR
FIRST
ROAD
OLD
FRONTIER COURT
CRESTWOOD
AMOS
ST
V CREEK
DR
BRIARWOOD
PEAKE
DR
BARN SHORE
HIGHLAND
HIGH
RD
(CD)

DATE: September 24, 1990

PETITION NO.: 90-74

PETITIONER(S): CK Land Development, Inc.

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

LOCATION: A 30.6 acre site located on the southeast corner of North Tryon Street at Sugar Creek Road.

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

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

Nays: None.

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

REASONS

This petition proposes the redevelopment of an existing shopping center site for new retail uses. The petitioner proposes to remove much of the existing structure on the site and to re-establish a new, more modern facility. During the redevelopment process, the petitioner will also dedicate land along Sugar Creek Road for a future road right-of-way and has arranged their building pattern in such a way to recognize the need for additional right-of-way along North Tryon Street in the future. The entire site will be brought into conformance with the City's Tree Ordinance which will substantially upgrade the appearance of the property over its present condition. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

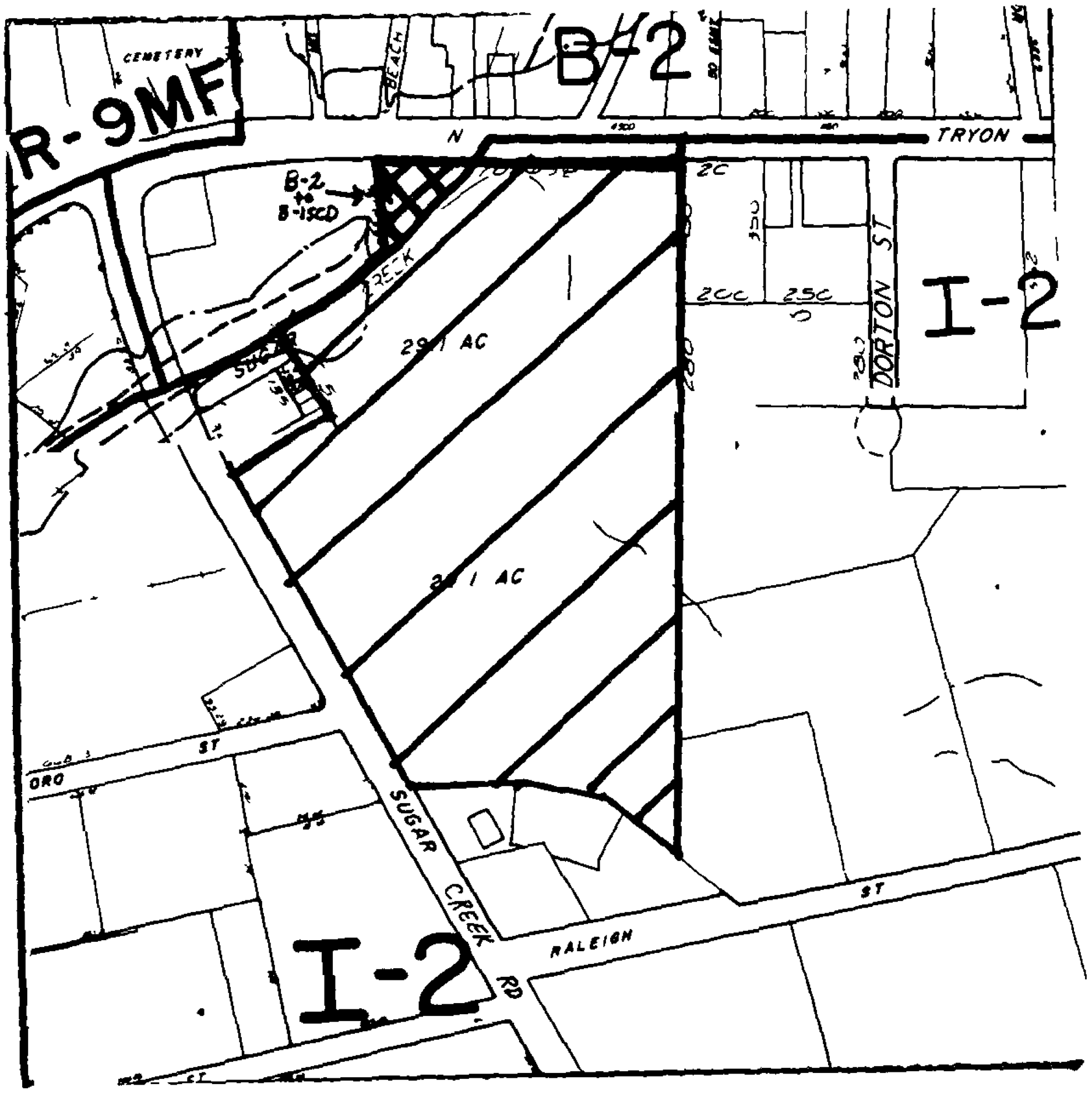
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER CK Land Development, Inc.

PETITION NO. 90-74 HEARING DATE September 17, 1990

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

LOCATION Approximately 30.6 acres located on the southeast corner of North Tryon Street and Sugar Creek Road.



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

PROPERTY PROPOSED FOR CHANGE