AGENDA

Meeting Type:	B
Date	09-17-1990
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda

September 17, 1990

FILE COPY

Mayor's Schedule
September 17, 1990

6 00 p.m - Zoning Meeting

1 Invocation by the Reverend Reid Keiger of New Hope Baptist Church

2. Announcements

Tuesday, September 18, 12 00 noon, joint City/County/School Board luncheon, Room 267.

5 15 p.m., Planning and Public Works Committee, Rooms 270-271.

6 30-8 30 p.m , Airport, dedication ceremonies

3. The following requests to speak to agenda items have been received

(a) Agenda Item No. 3 - Hearing on Petition NO. 90-20.

1) Rick Parler, 124 Meadowbrook Rd., 373-2903 - AGAINST

(b) Agenda Item No. 6 - Hearing on Petition No. 90-67.

1) Fred Bryant, 1850 E. Third St., 333-1680 - FOR.

(c) Agenda Item No. 7 - Hearing on Petition No. 90-68 - FOR.

1) Fred Bryant, 1850 E Third St., 333-1680 - FOR.

(d) Agenda Item No. 8 - Hearing on Petition No. 90-69.

1) Fred Bryant, 1850 E. Third St., 333-1680 - FOR

2) Mahlon Adams, 3346 Willow Oak Rd., 523-0664 - FOR.

(e) Agenda Item No. 12 - Hearing on Petition No 90-73. A protest petition has been filed but is not sufficient to invoke the 20% rule.

1) Charlotte Shinhoster, 6105 Old Coach Rd., 537-1664 - AGAINST.

Meetings in September '90

THE WEEK OF SEPTEMBER 2 - SEPTEMBER 8

3	Monday	**LABOR DAY** - All City Offices Closed
4	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
	Tuesday, 2 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
6	Thursday, 5 30 p m	**ADVISORY COMMITTEE ON CMUD POLICES** - CMUD Administration Building, 5100 Brookshire Blvd

THE WEEK OF SEPTEMBER 9 - SEPTEMBER 15

10	Monday, 12 15 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, Meeting Chamber Conference Room
	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 South Caldwell Street
11	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE/Tour of Aquatic Center with Mecklenburg County Parks & Recreation Commission** - Aquatic Center, Corner of McDowell and Second Street
12	Wednesday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Room 118
	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
	Wednesday, 7 00 p m	**PLANNING COMMISSION/Public Information Workshop** - CMGC, Meeting Chamber
13	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF SEPTEMBER 16 - SEPTEMBER 22

17	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	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
18	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard, Administrative Offices
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
19	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center
20	Thursday, 7 30 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270
21	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

THE WEEK OF SEPTEMBER 23 - SEPTEMBER 29

24	Monday, 1 00 p m	**COUNCIL/MANAGER LUNCHEON** - CMGC, Meeting Chamber Conference Room
	Monday, 2 00 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 2 30 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised Channel 32)
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Room
25	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 North Tryon St , Building Standards Training Room
26	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271
	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 South College Street, VIP-B Room
	Wednesday, 5 00 p m	**COUNCIL/MANAGER DINNER** CMGC, Meeting Chamber Conference Room
	Wednesday, 6 00 p m	**CITY COUNCIL/Public Hearing on Revised Zoning Ordinance** - CMGC, Meeting Chamber
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118
27	Thursday, 4 00 p m	**CHARLOTTE-MECKELNBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

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

Community Facilities Committee
Specialized Transportation Advisory Committee

CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Cynthia Patterson

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

Council Agenda

Monday, September 17, 1990

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

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

Invocation by The Reverend Reid Keiger of New Hope Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Gateway and Century Buildings (specifically, the entire exterior of the building and the entire tract of land associated therewith), located at 402-412 West Trade Street, Charlotte, North Carolina as historic landmark.

The Historic Landmarks Commission judges that the property known as the Gateway and Century Buildings does possess special significance in terms of Charlotte-Mecklenburg and bases its judgment on the following consideration:

1) The Gateway and Century Buildings were built and owned by John Hastings Cutter, a prominent commercial real estate developer of the early 20th century.

2) The Gateway and Century Buildings were designed by Charles Christian Hook, a Charlotte-based architect of statewide prominence.

3) The Gateway building, with its handsomely detailed limestone facade, provided retail space to central Charlotte in an era of rapid expansion.

4) The Century Building, with its colorful green terra cotta facade, enlivened West Trade Street and served as an early port of entry.

5) Both buildings, in their remodeled state, contribute to the revitalization of West Trade Street.

Based on the current assessment and tax rate, the amount of taxes deferrable on the above mentioned property would be $2,466.28.

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

Consider adoption of an ordinance designating the Gateway and Century Buildings, including the entire exterior of the building and the entire tract of land upon which they sit as historic landmarks.

Attachment No. 1

2. Hearing to consider designation of the McNinch House, (specifically, the entire interior and exterior of the buildings and the entire tract of land upon which it sits), located at 2727 Sharon Lane, Charlotte, North Carolina, as historic landmark.

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

1) The McNinch House was constructed in 1925 for Frank Ramsay McNinch, one of North Carolina's most prominent political figures.

2) While Mayor of Charlotte, Mr. McNinch guided the city into the Commission form of government and curbed the bloody streetcar strike of 1918.

3) While serving two United States Presidents in Washington, D. C., Mr. McNinch filled various high ranking positions including that of President Roosevelt's representative to the World Power Conference at the Hague.

4. The McNinch House later served as a home for the family of C. P. Street of the prominent construction firm, McDevitt and Street.

5. The McNinch House is an excellent example of the Colonial Revival style of architecture that flourished following the restoration of Mount Vernon.

6. The McNinch House is an example of the early 20th century country estates that lured Forth Ward residents from the downtown area.

7. The irregular chimney, with two windows in it, is a unique feature.

8) The McNinch House serves as a focus on Sharon Lane and a reminder of a gracious earlier era.

Based on the current assessment and tax rate, the amount of taxes deferrable on the above mention property would be $2,346.73.

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

Consider adoption of an ordinance designating the NcNinch House, including the interior and exterior of the buildings and the entire tract of land as historic landmark.

Attachment No. 2

3. (90-20) Hearing 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 Billingsley Road.

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 votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

Attachment No. 3

4. (90-65) Hearing 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.

Attachment No. 4

5. (90-66) Hearing 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 acre located on the northerly side of Wilson Lane west of Sugar Creek Road.

Attachment No. 5

6. (90-67) Hearing 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.

Attachment No. 6

7. (90-68) Hearing on Petition No. 90-68 by Zimmer Brothers, a Partnership, for a Site Plan Amendment to an existing B-1(CD) zoning for 5.48 acres located on the south side of Tuckaseegee Road east of Browns Avenue.

Attachment No. 7

8. (90-69) Hearing 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.

Attachment No. 8

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

Attachment No. 9

10. (90-71) Hearing on Petition No. 90-71 by Arrowood Limited Partnership for a change in zoning from BP to B-1SCD for 28.98 acres located on the southerly side of Arrowood Road on both sides of England Street Extension.

Attachment No. 10

11. (90-72) Hearing on Petition No. 90-72 by Mecklenburg County for a change in zoning from R-6MF and O-15 to O-15(CD) for 1.5 acres located on the north side of Billingsley Road east of Randolph Road.

Attachment No. 11

12. (90-73) Hearing 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.

Attachment No. 12

13. (90-74) Hearing 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 30.6 acres located on the southeast corner of the intersection of North Tryon Street and Sugar Creek Road.

Attachment No. 13

DECISIONS

14. (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.

This decision was deferred at the July 16, 1990 meeting.

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

Attachment No. 14

15. (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 Petition has requested this petition be deferred to the October Meeting.

The Zoning Committee recommends that this petition be denied.

Attachment No. 15

16. (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.

The Zoning Committee deferred action on this request for 60 days to allow the property owner time to perfect a conditional site plan

Attachment No. 16

17. (90-56) Decision on Petition No. 90-56 by Wendover Shopping Center Association for a Site Plan Amendment to an existing B-1(CD) zoning for approximately 7.9 acres located on the west side of Wendover Road south of Latrobe Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

18. (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.

The Zoning Committee recommends this petition be approved as modified.

Attachment No. 18

19. (90-58) Decision on Petition No. 90-58 by Sally T. Honeycutt for a change in zoning from R-12 to B-1(CD) for approximately one acre located on the west side of Park Road just north of Sharon Road.

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

The Zoning Committee recommends this petition be denied.

Attachment No. 19

20. (90-59) Decision on Petition No. 90-59 by Trammell Crow Company for a change in zoning from R-9 to I-1(CD) for a 16.2 acre site located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (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 Councilmembers, not excused from voting in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 21

22. (90-61) Decision on Petition No. 90-61 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for approximately 22.19 acres located along Ritch Avenue and Benard Avenue south of North Tryon Street.

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

The Zoning Committee recommends this petition be approved.

Attachment No. 22

23. (90-62) Decision on Petition No. 90-62 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-2 and I-1 to R-15MF for approximately 56.6 acres located along North Tryon Street, Craighead Road, Frew Road and Hilo Drive.

A protest petition has been file and is sufficient, as to the B-2 Zoning only of parcel on North Tryon between Craighead Raod and Hilo Drive, to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that the properties in this petition which are zoned I-1 and O-6 be rezoned to R-6MF and the properties zoned B-2 be rezone to B-1.

Attachment No. 23

24. (90-63) Decision on Petition No. 90-63 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for approximately 29 acres located along Ellington and Jonquil Streets, Marvin Road, Burkland Drive and Wheatley Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 24

25. (90-64) Decision on Petition No. 90-64 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and R-6MF to R-6 for approximately 44.7 acres generally located between Marney Avenue and Orange Street.

A protest petition has been filed, but is insufficient to invoke the 20% rule.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

26. Recommend adoption of Resolution setting public hearings for October 15, 1990, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 90-76 through 90-80 for zoning changes.

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "GATEWAY AND CENTURY BUILDINGS" TO INCLUDE THE FOLLOWING BOTH THE EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 078-054-05 THE PROPERTY, OWNED BY THE WEST TRADE STREET ASSOCIATES, IS LOCATED AT 402-412 WEST TRADE STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the "Gateway and Century Buildings" were built and owned by John Hastings Cutter, a prominent commercial real estate developer of the early 20th century, and

WHEREAS, the "Gateway and Century Buildings" were designed by Charles Christian Hook, a Charlotte-based architect of statewide prominence, and

WHEREAS, the "Gateway Building," with its handsomely detailed limestone facade, provided retail space to central Charlotte in an era of rapid expansion, and

WHEREAS, the " Century Building," with its colorful green terra cotta facade, enlivened West Trade Street and served as an early port of entry, and

ORDINANCE -- Gateway and Century Buildings

WHEREAS, the "Gateway and Century Buildings," in their remodeled state, contribute to the revitalization of West Trade Street, and

WHEREAS, the current owners, West Trade Street Associates, have faithfully maintained the "Gateway and Century Buildings" and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

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

WHEREAS, the property known as the "Gateway and Century Buildings" is owned by West Trade Street Associates,

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

1 That the property known as the "Gateway and Century Buildings" (including the exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 078-054-05 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 402-412 West Trade Street in Charlotte, Mecklenburg County, North Carolina

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

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

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

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

ORDINANCE -- Gateway and Century Buildings

Supervisor, as required by applicable law

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

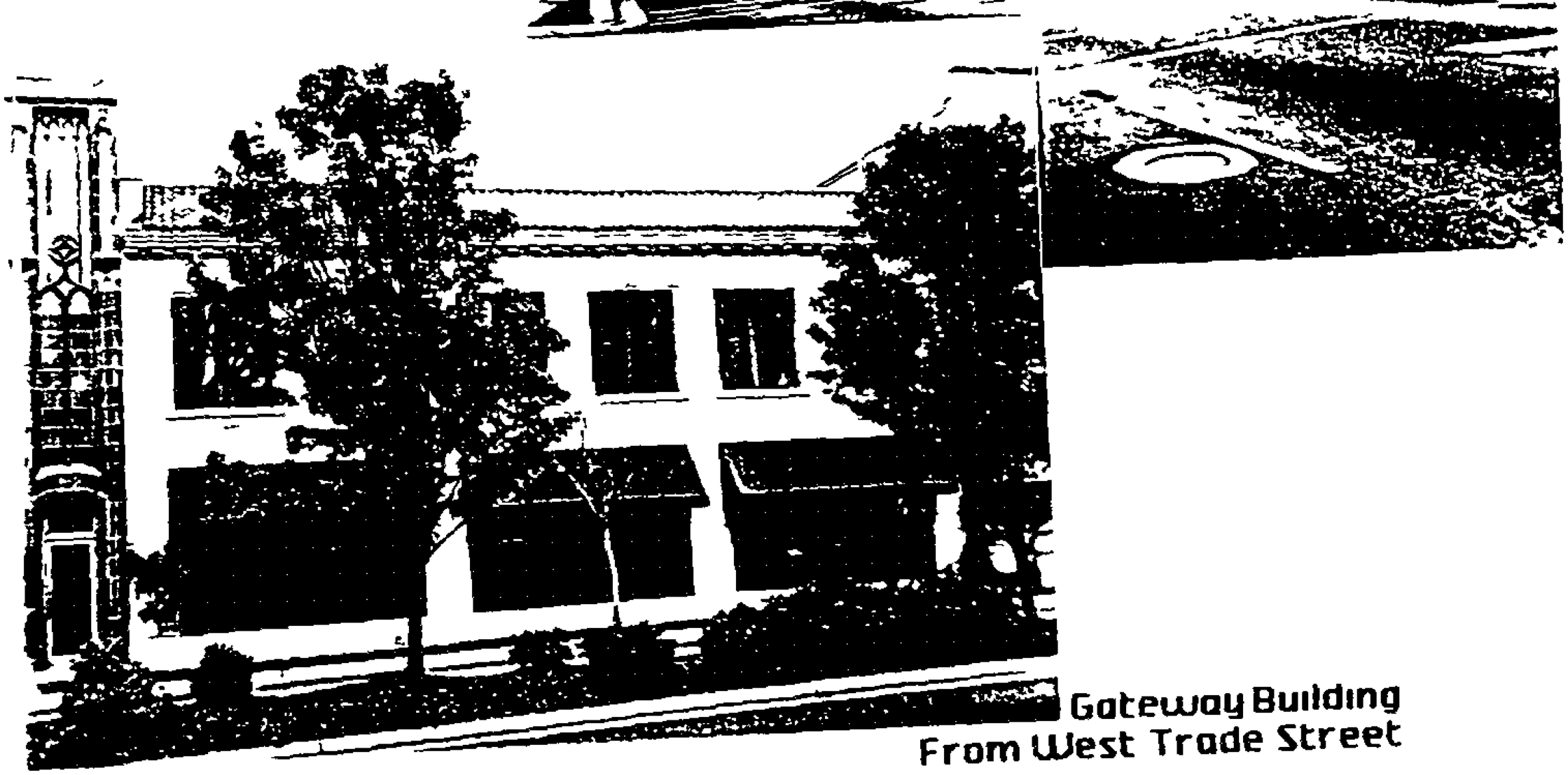
Adopted the _____ day of _____ 1990 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

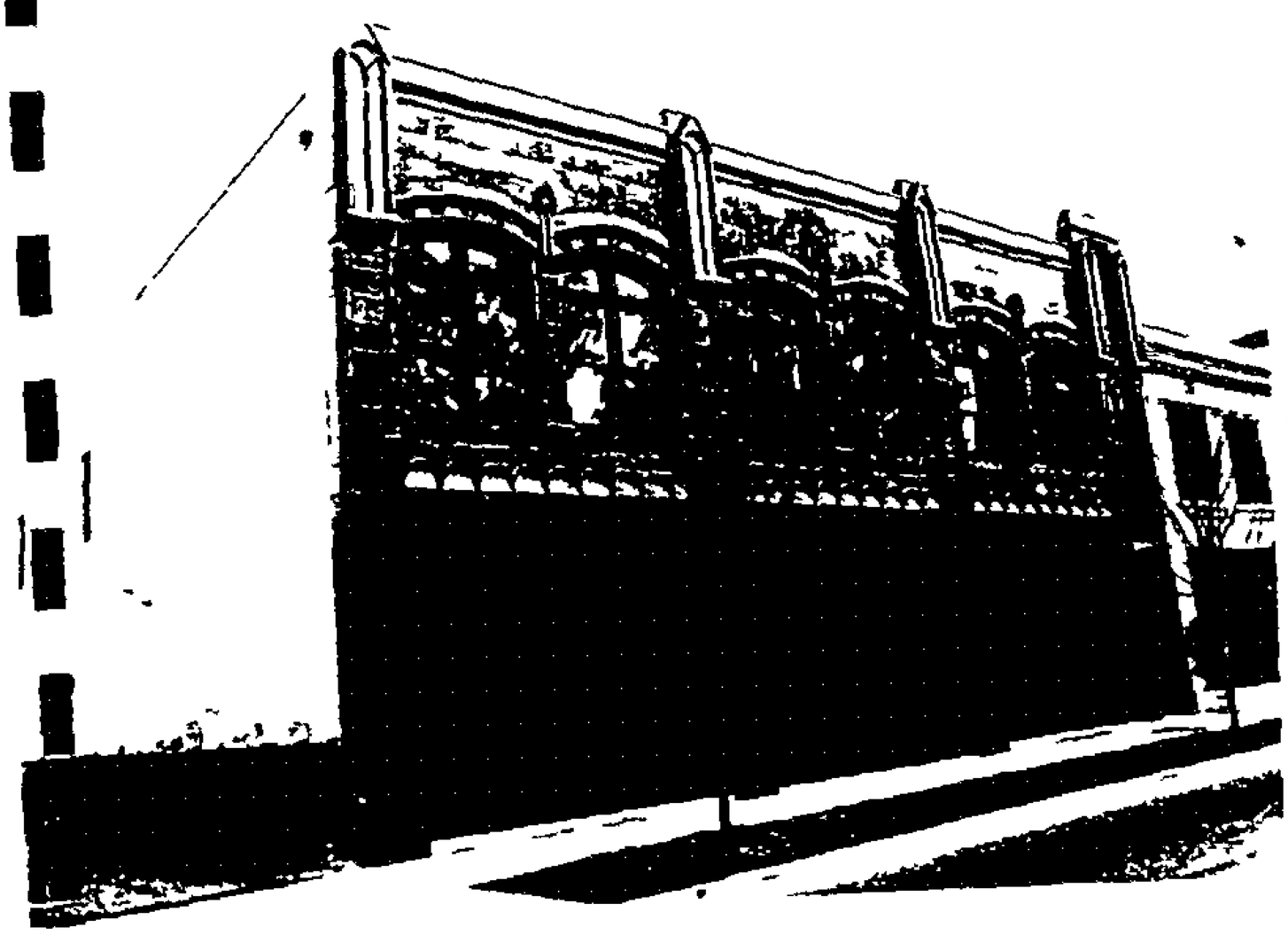
Approved as to form

City Attorney

Gateway and Century Buildings
Context showing Trade Street



Gateway Building
From West Trade Street

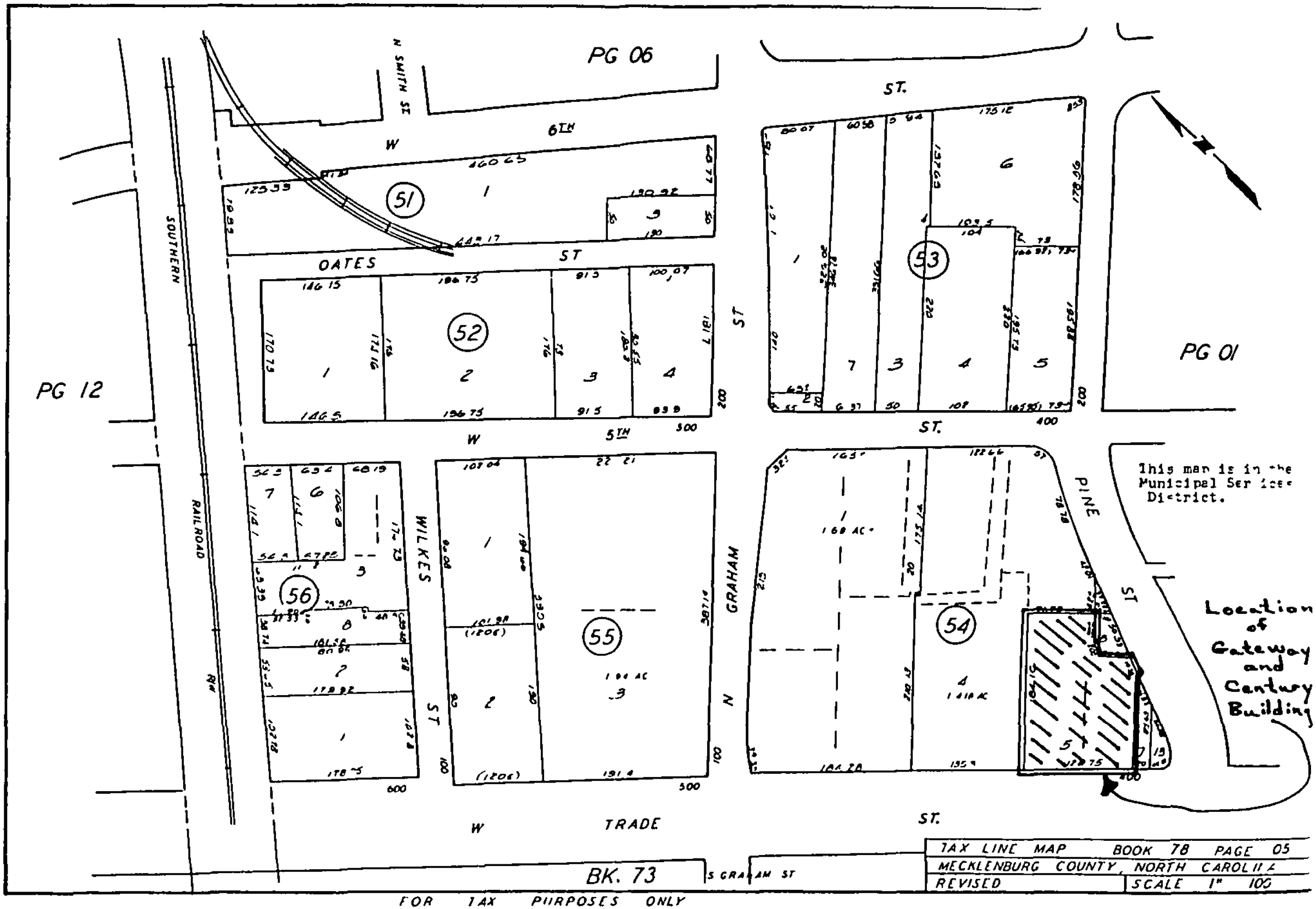


Century Building
From West Trade Street

Gateway and Century Buildings
Rear facade and parking lot

Gateway Building
Detail of patera

Century Building
Detail of entry to lobby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This map is in the Municipal Service District.
Location of Gateway and Century Building
TAX LINE MAP BOOK 78 PAGE 05
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED
SCALE 1" 100
FOR TAX PURPOSES ONLY

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "MCNINCH HOUSE" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE HOUSE, THE INTERIOR AND EXTERIOR OF THE GARAGE/SERVANT'S QUARTERS, AND THE PARCEL OF LAND UPON WHICH THEY ARE LOCATED, LISTED UNDER TAX PARCEL NUMBER 183-012-04 THE PROPERTY, OWNED BY WILLIAM J , JR , AND MARY ELLEN WORTMAN, IS LOCATED AT 2727 SHARON LANE, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the "McNinch House" was constructed in 1925 for Frank Ramsay McNinch, one of North Carolina's most prominent political figures, and

WHEREAS, Frank Ramsay McNinch, original owner of the "McNinch House," guided the city into the Commission form of government and curbed the bloody streetcar strike of 1918 while mayor of Charlotte, and

WHEREAS, Frank Ramsay McNinch, while serving two United States presidents in Washington, D C , filled various high ranking positions including that of President Roosevelt's representative to the World Power Conference at the Hague, and

WHEREAS, the "McNinch House" served as home for the C P Street family of the prominent construction firm, McDevitt and Street, and

WHEREAS, the "McNinch House" is an excellent example of the Colonial Revival style of architecture that flourished following the restoration of Mount Vernon, and

ORDINANCE -- McNinch House

WHEREAS, the "McNinch House" is an example of the early 20th century country estates that lured Fourth Ward residents from the downtown area, and

WHEREAS, the irregular chimney, with two windows in it, is a unique feature of the "McNinch House," and

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

WHEREAS, the current owners, William J , Jr , and Mary Ellen Wortman, have faithfully maintained the "McNinch House" and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

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

WHEREAS, the property known as the "McNinch House" is owned by William J , Jr , and Mary Ellen Wortman,

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

1 That the property known as the "McNinch House" (including the interior and exterior of the house, the interior and exterior of the

garage/servant's quarters, and the parcel of land upon which they are located, listed under Tax Parcel Number 183-012-04 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 2727 Sharon Lane in Charlotte, Mecklenburg County, North Carolina

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

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

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

ORDINANCE -- McNinch House

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

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

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

_____
Clerk to the City Council

Approved as to form

_____
City Attorney

McNinch House

2727 Sharon Lane

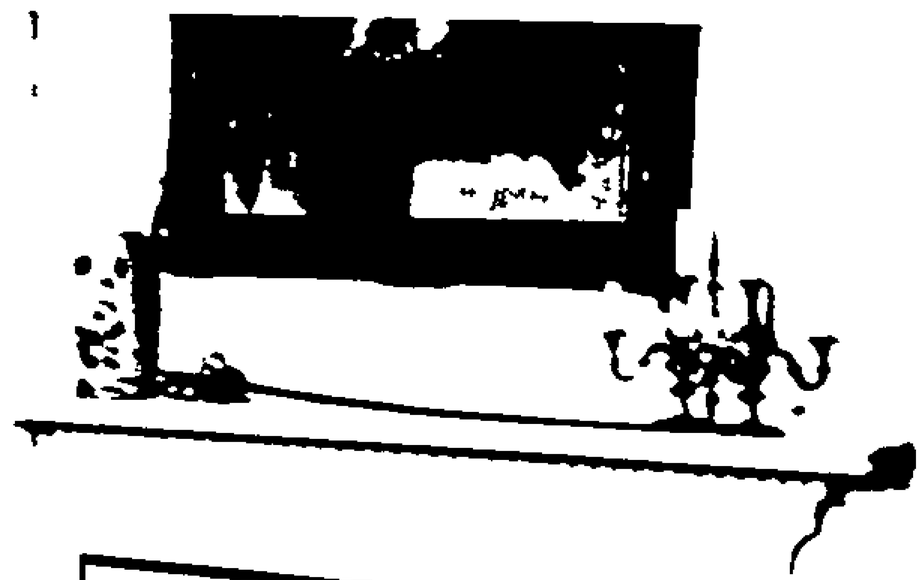
Detail of chimney
withwindows

Detail of main entry

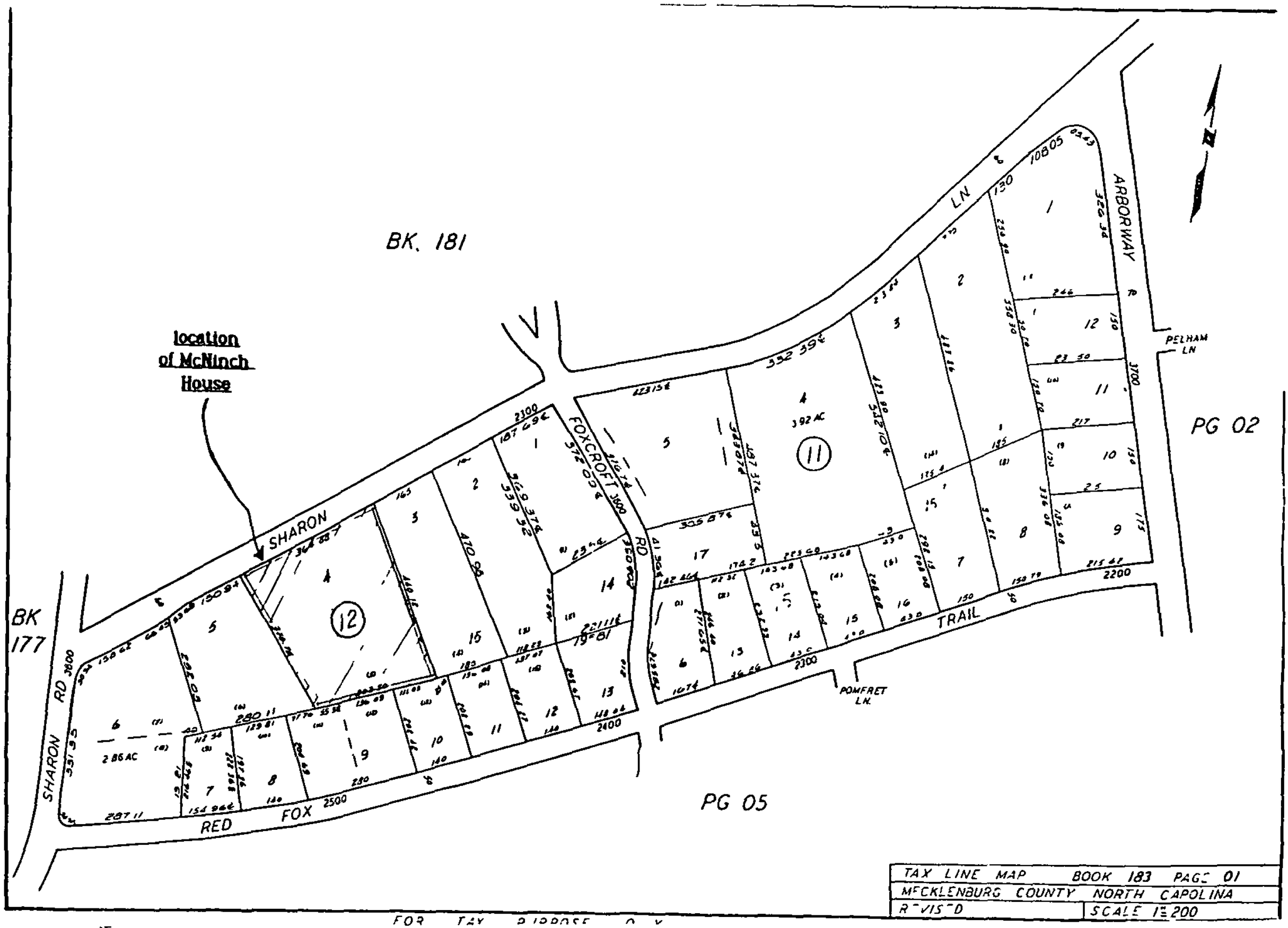
McNinch House

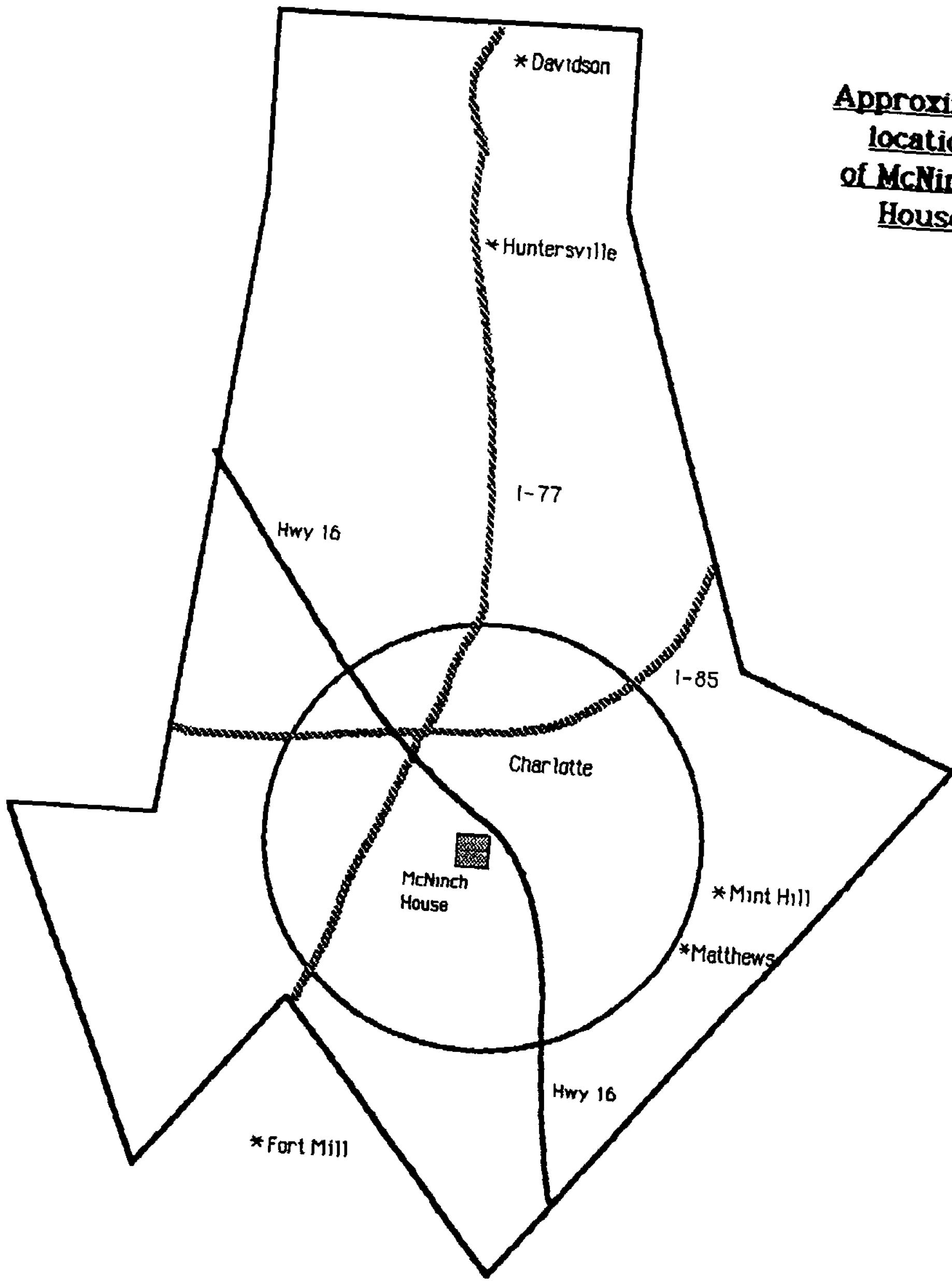
Detail of six-panel door

Detail of stair
with curved newel



Detail of fire surround


BK. 181
location of McNinch House
SHARON
FOXCROFT RD
ARBORWAY
PELHAM LN
TRAIL
POMFRET LN
RED FOX
SHARON RD
BK 177
PG 02
PG 05
TAX LINE MAP BOOK 183 PAGE 01
MECKLENBURG COUNTY NORTH CAROLINA
REVISED
SCALE 1" = 200'


Approximate location of McNinch House
*Davidson
*Huntersville
I-77
Hwy 16
I-85
Charlotte
McNinch House
*Mint Hill
*Matthews
Hwy 16
*Fort Mill

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 10, 1990

Mayor and City Council:

RE: Petitions to be Heard in September, 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, September 17, 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. 90-20

Petitioner: E. C. Griffith and Laurel Eye Associates.

Location. A 46.5 acre site located on the westerly side of Randolph Road at Billingsley Road.

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

BACKGROUND

This petition was originally heard in March of this year and discussed on two different occasions by the Zoning Committee. At the first discussion, the Zoning Committee deferred action on the request for procedural reasons when a motion to deny the petition failed to achieve the required four votes. When the case was considered again two months later, the petitioners had submitted a substantially revised site plan necessitating a new public hearing. The staff analysis which was originally prepared for this case is attached for reference.

REVISED SITE PLAN

The site plan now proposed by the petitioner seeks approval of a office and multi-family project. The original application proposed 360,000 square feet of office development while the revised proposes 180,000 square feet of office development and 350 units of multi-family housing. The revised site plan includes many of the features of the original plan with regard to buffers, setbacks, and access. The petitioners propose a main connection to Randolph Road at the Billingsley Road intersection and indicate by conditional notes on the plan their intent to dedicate additional right-of-way along Randolph Road, make certain transportation improvements to Randolph Road and to Billingsley Road, and to provide for internal connections between the various parcels of this petition and adjoining tracts owned by one of the petitioners. The plan shows a very large area within the floodway and a large area within the floodway fringe. The majority of the floodway fringe is proposed to be developed while the floodway itself is preserved as open space under private ownership. On the southerly side of the site most closely associated with existing residential structures, the plan proposes varying building and buffer configurations ranging from 125 feet in one area to 40 feet in another. The petitioner also proposes to construct a wall along a portion of the plan boundary that is most closely related to existing residential properties. The petitioner has submitted a revised traffic impact study which has been reviewed by the City's Department of Transportation.

REVIEWS

1. Plan Consistency. This petition proposes the conversion of single family zoned property for office and multi-family housing. As

noted in the original staff analysis, plans for the area indicate that this property should be used for residential purposes. Any use of the property for office development, whether it be medical office or general office, is not consistent with plans for the area. Randolph Road has long been considered the dividing line between office development along both sides of Billingsley Road and residential development in this area. The establishment of office land uses on the west side of Randolph Road would be inconsistent with publicly adopted plans and policies for the area. However, the portion of the plan which proposes multi-family residential development is viewed as being consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff did not have any discussions with the petitioner prior to their submission of a revised site plan necessitating a new public hearing. Upon review of the revised plan, the staff communicated a number of questions and comments to the petitioner.

   2. Departmental Comments. There are a number of significant as well as a number of minor comments on the revised plan. The minor comments included the need to clearly label floodway district boundary and encroachment lines, the need to dedicate additional right-of-way along Randolph Road, the need to redesign the driveway entrance from Parcel B to Randolph Road, and several clarification questions regarding the conditional notes. The majority of these matters have been addressed by the petitioner even though there are still some questions about some of the dimensions and buffers on a portion of the plan.

      Two principle issues remain outstanding with regard to the revised plan. Both in the original review and in comments on the revised plan, the County Parks and Recreation Department specifically requested the dedication of the floodway encroachment area to the County's greenway system. Even on the revised plan, the petitioner continues to maintain the floodway encroachment in private ownership and proposes no dedication of any sort to the greenway system. The second major issue is that of traffic. The petitioner has submitted a revised traffic impact study to the City's Department of Transportation. The Department of Transportation has communicated to the petitioner a number of concerns about the traffic impact study which needs to be addressed. Principle among those concerns are unexplained shifts in the assignment of trips in this petition from the traffic study which was done originally. The result of the shift of trip assignments is to indicate that the petitioner does not need to make any additional improvements to Randolph Road other than those normally required. All of the commitments on the plan at this

point are no more than would normally be required for the establishment of a street connection at Billingsley Road. Therefore, the petitioner's traffic study appears to say that the impact of this development will not require any additional changes to Randolph Road. In addition, the Department of Transportation asked the petitioner to revise a number of the assumptions and calculations to reflect more accurately the same sort of analysis which was done when this petition was considered in March. As of the preparation of this report, the petitioner has not responded to those concerns.

ISSUES

1. Land Use. The fundamental land use issues outlined in the original analysis on this request still remain. Any proposal to establish office development on the west side of Randolph Road is inconsistent with plans for the area. While it is true that the petitioner has cut the original office proposal in half and added residential development to the site, that "concession" should not be viewed as a basis for a shift in the land use policy. To the north of this site along Randolph Road is existing vacant office zoned land. In addition, to the east of the site along Billingsley Road is additional area which is zoned for office and yet undeveloped. Randolph Road continues to be viewed as the logical demarkation between the office development along Billingsley Road and the remainder of the community. Establishing office development on the west side of Randolph Road will have a significant impact on existing single family zoned properties and will clearly have a significant impact on the thoroughfare system especially during the peak hour flows. The staff continues to encourage the petitioner to pursue a residential future for this property and does support the multi-family portion of this petition. However, so long as the petition contains an office component, it is inappropriate for approval.

2. Site Plan. The principle issues associated with the site plan are also similar to those raised in the original staff analysis. Even though a substantial portion of this property is located within the floodway, the petitioner declines to make any commitment toward provision of any of this property to the County's greenway system. In addition, substantial questions are outstanding regarding the true traffic impact of this proposal on Randolph Road and the Randolph Road/Billingsley Road intersection. The City's Department of Transportation has raised several questions about the petitioner's revised traffic analysis including the apparent reversal of some of the assumptions originally used when this request was heard in March. The resolution of those questions will only provide an accurate picture of the true impact and not necessarily mitigate the impact. Traffic control measures necessary to accommodate this development as proposed could result

in the limitation of access to properties on the east side of Randolph Road which already exist. The trip generation characteristics of office development and multi-family development are such that the elimination of the office on this site in favor of multi-family would likely result in a much more favorable traffic relationship to the existing thoroughfare system. While the numbers of trips generated on the site may be the same, the impact that those trips would have on the thoroughfare would be different.

In addition, the site plan still contains a number of minor notes and/or questions which require clarification. It is important to adequately define the exact type and extent of buffers that are proposed and to ensure that there is a continuous and equal treatment of the buffer along all portions of the site. As submitted, the revised plan shows buffers in some areas ranging up to 125 feet but the dimensions are, in at least one case, measured from a point off of the petitioner's property. Even if these minor site plan issues can be adequately addressed, the resolution of traffic impact and the appropriateness of dedication of land to the greenway system are still signification site plan issues. However, the principle concern in this case now, as it was in March, is that of land use.

CONCLUSION

This petition is not appropriate for approval. It is inconsistent with publicly adopted plans and policies for the area and it has the potential to generate a substantial negative impact to the City's thoroughfare system.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-20
Date Filed January 16, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner E. C. Griffith Co., Nivens Randolph Road Property

Owner s Address 1914 Brunswick Ave., Charlotte, NC 28207, 5535 Park Road Charlotte, NC 2820 9

Date Property Acquired 12/30/88

Tax Parcel Number 155-141-10 155-141-09

Location Of Property (address or description) the westerly side of Randolph Rd. at the Billingsley Rd. intersection

Description Of Property

Size (Sq Ft Acres) 46.5 acres Street Frontage (ft) 1355' ± Randolph Rd.

Current Land Use vacant

Zoning Request

Existing Zoning R-12 Requested Zoning O-15(CD), R-9MF(CD) R6

Purpose of Zoning Change To permit the construction of a medical/professional office park

Robert G. Young/Robert G. Young, Inc.
Name Of Agent

301 S. McDowell St. Suite 1012 Charlotte NC 28204
Agent s Address

334-9157
Telephone Number

E. C. Griffith, II
Name of Petitioner(s)

1914 Brunswick Ave. Char. NC 28207
309 S. Laurel Ave. Char. NC 28207
Address of Petitioner(s)

332-7173 372-4380
Telephone Number

Petitioners: E.C. Griffith Co. and
Laurel Eye Associates

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER E. C. Griffith Company and Laurel Eye Associates

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

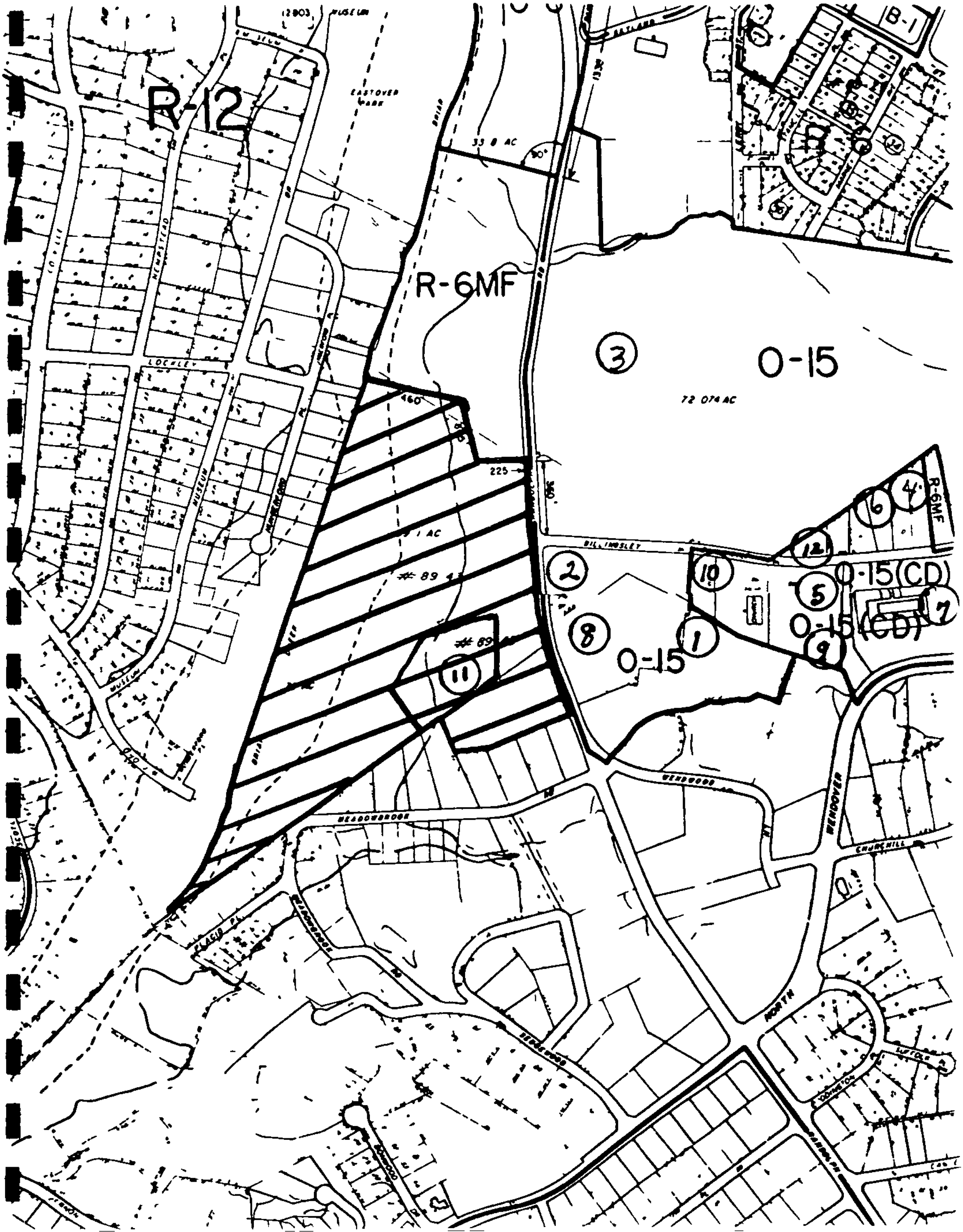
ZONING CLASSIFICATION, EXISTING R-12 REQUESTED O-15(CD)

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
R-6MF
B-1
O-15
72 074 AC
O-15(CD)
O-15(CD)
O-15
R-6MF
35 8 AC
460
225
1 AC
89
NEWSTEAD
LOCKLE
MUSEUM
BILLINGSLEY
WENDWOOD
WENDOVER
CHURCH HILL
NORTH
HEADCORNER
EASTOVER
BRIAR
PLACID PL
WATKINS
JOHNSTON
CARRIER PL
ROSEWOOD
FRANCIS

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-20

Petitioner: E. C. Griffith Company and Laurel Eye Associates

Location: Approximately 46.5 acres on the westerly side of Randolph Road at its intersection with Billingsley Road.

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

BACKGROUND

1. Existing Zoning. The property involved with this petition is presently zoned R-12 as is the vast majority of property to the west and south of the subject site. Directly adjacent to the site to the north is a tract of land zoned R-6MF and further to the north another vacant parcel is zoned O-6. Across Randolph Road from the subject site is a substantial area zoned O-15 and O-15(CD). In the Grier Heights community to the east can be found zoning for single family and multi-family uses.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties generally to the west and south are developed for single family detached housing but includes some vacant parcels as well. Properties to the north are largely undeveloped and include private athletic facilities. Properties directly across Randolph Road includes a large public park and a significant concentration of medical and government offices. Additional land in the area of Billingsley Road is zoned for medical offices that are not yet constructed. A significant feature of the subject site is a substantial amount of floodway and floodway fringe area on the property. The floodway cannot be used for any sort of development and the floodway fringe must be filled or other structural methods employed to be used for development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. The 2005 strategies include expansion of the greenway system along Briar Creek.

   2. Transportation Improvements Program. The Transportation Improvements Program identifies the intersection of Randolph Road and Wendover Road as a high congestion high accident location. Intersection improvements are planned for this area.

   3. Central District Plan (unadopted). A portion of the subject site falls within the area covered by the Central District Plan. The draft plan recommends residential land uses for the subject property. Another portion of this site will be

included in the South Mecklenburg Plan which will commence this spring.

4. Site Plan. The site plan which accompanies this application proposes the development of this property for "medical office and professional office space". The plan indicates that the larger parcel (Parcel A) can accommodate up to 300,000 square feet of floor area and the smaller parcel (Parcel B) up to 60,000 square feet of floor area. The plan proposes a single major access point at the intersection of Randolph Road and Billingsley Road and a secondary access point to Parcel B to Randolph Road. The plan indicates that that driveway would accommodate full turning movements except during the peak hours. The plan also indicates a potential access to an adjoining tract to the north owned by one of the petitioners which is proposed to be developed for multi-family housing. Though including a substantial amount of land within the regulatory floodway, the plan does not propose any dedication to the greenway system. In addition, the plan indicates the reservation of 10 feet of additional right-of-way along the entire frontage of the petition and the dedication of that right-of-way only on Parcel B, which is the smaller of the two tracts. The plan indicates a 40 foot building and parking setback along Randolph Road and along the internal streets and establishes a 40 foot undisturbed buffer along the portions of the site which adjoin existing single family detached housing on Meadowbrook Road. The petitioners have agreed to construct a left turn lane at Billingsley Road and to provide for the appropriate signal modifications as requested by CDOT. The plan contains two cross-sections which represent screening relationships with adjoining residential properties. However, the distances on the cross-sections do not comply with the scale on the plan and it is unclear as to the exact building setback proposed on Parcel B. The illustrative site plan proposes a single office building on Parcel B and up to nine individual office buildings on Parcel A.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-7	R-12 to 0-15	Approved	03/20/72
2. 72-38	R-9 to 0-6	Approved	08-07/72
3. 74-6	R-6MF to 0-15	Approved	05/06/74
4. 78-2	R-6MF, B-1, B-2, 0-15, I-2 to R-6, R-9MF, 0-15, & R-12MF	Approved	02/27/78
5. 83-28	R-6MF and R-12 to 0-15(CD)	Approved	09/19/83
6. 84-49	R-6MF to 0-15(CD)	Approved	08/20/84
7. 86-80	R-9MF to 0-15(CD)	Approved	08/18/86
8. 86-119	R-6MF and 0-15(CD) to 0-15(CD)	Approved	02/23/87

	& 0-15(CD) Site Plan Amendment		
9. 87-87	R-6MF to 0-15(CD)	Approved	01/18/88
10. 89-26	R-6MF and I-2 to R-9	Approved	04/17/89
11. 89-43	Cond. Recreational to R-12	Approved	06/19/89
12. 89-79	R-6MF to 0-15(CD)	Approved	11/20/89

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

REVIEWS

1. Plan Consistency. This petition proposes the conversion of residentially zoned property to accommodate up to 360,000 square feet of medical and professional offices. Plans for the area call for this property to be used for residential purposes and propose that a substantial portion of the Briar Creek floodway be added to the County's greenway system. Plans do recognize the area along both sides of Billingsley Road east of the site as a concentration of office/employment uses. Inasmuch as this is a nonresidential petition in an area designated for residential use and does not acknowledge the need for land to be added to the greenway system, it is clearly inconsistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the property owner many months ago and favorably discussed a residential proposal for the site. More recently, however, the petitioner has proposed a nonresidential future for the property and the staff has discouraged that concept. Subsequent to the filing of the application, the staff has communicated a number of concerns to the petitioner regarding the site plan. The petitioner has prepared a traffic impact analysis which was furnished to the City's Department of Transportation which purports to represent the impact this project will have on the thoroughfare system.

   2. Departmental Comments. The petitioner has responded to a number of departmental comments regarding this petition but others have been left un-addressed.

      The petitioner has amended the plan to deal with more specificity regarding buffers, screening, and some of the details regarding rights-of-way and centerlines along public streets.

      There are, however, a number of areas which the petitioner has not addressed. Eventhough including a substantial amount of regulatory floodplain, the petitioner proposes no

contribution toward the County greenway system. This property is ideally situated for just such a purpose and is directly across from the Mint Museum Park on the other side of Briar Creek. The plan does not indicate the required tree protection zoned along the frontage of Randolph Road which must be observed in compliance with the tree ordinance. Only the smaller of the two property owners has agreed to dedicate the minimum 10 feet of additional right-of-way along Randolph Road. It is somewhat unusual that for a request of this magnitude, the petitioner is not proposing any significant dedication of either right-of-way or floodplain on the revised plan. In addition, the single access point to Parcel B continues to be indicated on the plan as a full turning movement facility even after the Department of Transportation has specifically indicated that that driveway can only be right-in and right-out.

The Department of Transportation has evaluated this proposal in terms of its impact on a local thoroughfare system. In an initial correspondence to the Planning staff on February 12, CDOT indicated that the project could generate approximately 8,283 to 12,301 additional trips per day and notes that that would have a significant impact on the surrounding thoroughfare system. In a revised memorandum dated February 26, the Department of Transportation has lowered the trip generation characteristics of the site to approximately 5,177 trips based on the petitioner's traffic analysis. That traffic analysis, according to the memo, was based on the assumption that 300,000 square of the total 360,000 square feet would be general office rather than medical office. On average, medical office generates substantially more traffic per unit of floor area than general office. In addition, it appears that the petitioner used trip generation factor in the traffic study derived from large office buildings. The ITE study cited by the petitioner's traffic consultant notes that smaller office buildings will generate substantially more traffic than larger office buildings per unit of floor area. If one recalls that the petitioner's 300,000 square feet (Parcel A) is divided roughly between nine buildings, then each building would have approximately 33,000 square feet of floor area. According to the same ITE manual used by the petitioner's traffic engineer, this would translate to trip generation characteristics of roughly doubled that use in the study for large general office uses. If one further assumes that the entire site could be developed for medical office use, then the trip generation figure would increase by roughly 50% again. This would result in a trip generation characteristic of approximately 12,301 trips per day as originally estimated by CDOT rather than the 5,176 trips per day as indicated by the petitioner's traffic analysis. Even

with the much lower number of 5,177 trips per day, CDOT estimates a 14 3% increase in p.m peak hour traffic and a 5.9% increase in a m peak hour traffic. This contradicts the petitioner's traffic impact assertion that the a.m. traffic impact of this site would be greater than the p.m. traffic impact. In conclusion, CDOT indicates that this zoning should not be approved due to the impact of the proposal on the local thoroughfare system, even considering proposed improvements.

For comparison purposes, taking the petitioner's low number, the site could theoretically accommodate between 500 and 700 dwelling units of multi-family housing at gross densities of between 10 and 15 dwelling units per acre or a smaller number of single family housing units at densities of two to eight units per acre. It is worth noting also that while the petitioner used the lower general office trip generation characteristics in doing the traffic analysis, the site plan proposes no limitation with regard to how much of the office space could be used for medical purposes. It could be none, or all

ISSUES

1. Land Use. This petition raises a significant land use issue. It proposes the conversion of residentially zoned land to accommodate up to 360,000 square feet of medical and professional offices. It includes a substantial amount of floodplain area along Briar Creek and yet proposes no contribution of any portion of this land toward the County's greenway system. Previously adopted plans for this area have indicated a residential future for this property. Draft plans which are under development also propose that this property be used for residential purposes. Public plans have long recognized the Billingsley Road area east of Randolph Road as a location for medical and government offices. Indeed, over the years, the City Council has approved a substantial number of rezonings for office purposes in this immediate area. Not all of that zoning has yet been absorbed by the market as vacant tracts still remained zoned office nearby. In addition, this petition has the potential to have a substantial impact on the local thoroughfare system. Even the best possible numbers developed by the petitioner's consultant indicate a substantial impact on a system where most of the major intersections are already at the failure point, especially during the peak hours. If the public is willing to absorb the additional traffic impact, plans for the area can still be implemented by using the property for residential purposes. Sites of this sort afford excellent infill opportunities and would allow for concentrations of housing with access to transit service as well as employment centers nearby. In addition, although only adjoining a small number of existing

single family homes, this project would have a significant impact on those homes in terms of relationships along the property boundary. From the land use standpoint, this petition is not appropriate for approval.

2. Site Plan. This petition raises a number of site plan issues. Access and building setbacks on Parcel B, right-of-way dedication along Randolph Road, dedication to the greenway system, and no limitation on the usage of the site with regard to medical offices are all unresolved issues. If one accepts the petitioner's representations that the traffic impact would be limited, then one would expect the petitioner to agree to a condition on the plan disallowing medical offices. However, if the plan remains in its present form, then the transportation impacts could be as much as 2-1/2 times greater than represented by the petitioner's traffic analysis. In either case, the impact of this site development on adjoining properties and on the thoroughfare system is substantial. Even if these site plan issues could be adequately addressed, the change in the proposed land use is the paramount concern.

CONCLUSION

This petition is not appropriate for approval. It is inconsistent with plans for the area and will have a significant impact on the local thoroughfare system.

*Subject to further refinement following public hearing.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-65

Petitioner: Mecklenburg County Building Standards Department

Request: Text amendment to delete from the zoning ordinance application fees for sign permits.

BACKGROUND

Section 1206.2. of the City's zoning ordinance contains a fee schedule for sign permits. This schedule is out-of-date since it has been replaced by the interlocal agreement regarding fees.

This amendment technically removes the sign permit application fees which are no longer appropriate.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

Staff Review Tues. Aug. 7 @ 9:00 a.m.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 90-65

Date Filed July 16, 1990

Received By MCG

OFFICE USE ONLY

Section No 1206.2 APPLICATION FEES FOR SIGN PERMITS

(Title)

Purpose of Change

Not used by Building Standards Department. Fee's charged are addressed under the Mecklenburg County Construction permits and fee ordinance as provided for under Inter Local Agreement.

Name of Agent

Agent's Address

Telephone Number

E. L. Woods, Director
Robert L. Brandon, Zoning Administrator

Name of Petitioner(s)
Building Standards Department

Address of Petitioner(s)
(704) 336-3567

Telephone Number

E L Woods

Signature

90-65

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-66

Petitioner: S D. Atma and N. D. Atma.

Location: Approximately 1 acre on the northerly side of Wilson Lane west of Sugar Creek Road.

Request: Change from B-1 and 0-6 to B-1(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned 0-6 and B-1. The B-1 portion is a narrow finger of land which extends from the main portion of the site out to Sugar Creek Road. Properties along both side of Sugar Creek Road from Wilson Lane north to toward I-85 are zoned for a variety of commercial uses. The corner lot on the south side of Wilson Lane and Sugar Creek Road is also zoned B-1(CD) for a fast food restaurant. The remainder of the property in the surrounding area is zoned R-9 single family.

2. Existing Land Use The property involved with this request is presently vacant. To the west along both sides of Wilson Lane can be found a number of existing single family homes. To the north of the site along the I-85 Service Road a mixture of highway business uses including hotels, gas stations, and office buildings. To the east along Sugar Creek Road can be found two existing fast food restaurants on both corners of Wilson Lane. Otherwise, properties in the surrounding area are developed for single family detached housing. Some distance to the south of the site, can be found the City's Sugaw Creek Park.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property. 2005 strategies for the area include the extension of water lines, the improvements to Interstate 85, and consideration of future light rail corridor in the area.

   2. North Tryon/I-85 Residential Corridor Study. The North Tryon Study recommended that the subject property remain as currently zoned (0-6 and B-1).

   3. The Central District Plan (draft). The Central District Plan presently under discussion supports the concept of the existing property remaining zoned 0-6. It also reinforces the notion of properties in the Wilson Lane area being used for residential purposes.

4. Site Plan. The site plan which accompanies this request proposes the development of a 50 room hotel on the subject site with driveway connections to Sugar Creek Road and to Wilson Lane. The plan indicates that the hotel could also have a 1,000 square foot meeting room and provides additional parking accordingly. A number of conditional notes on the plan indicate that the petitioner will comply with other appropriate ordinances including the tree ordinance and the petitioner agrees to dedicate an additional 10 feet of right-of-way along Sugar Creek Road frontage. The plan indicates that a "6 foot high solid fence" would be installed along the westerly edge of property adjacent to an existing single family home. The plan further indicates that a "low fence or wall" along with natural plantings will be installed along Wilson Avenue.

5. School Information. The School Board indicates that this petition will have no impact on the school system.

6. Zoning History (See Attached Map). This same piece of property was petitioned for rezoning to accommodate a 50 room hotel in 1988. At that point in time, the staff and the Zoning Committee recommended denial of the request. The City Council voted 10 to 0 to deny the previous request.

Petition No.	Request	Action	Date
1. 71-65	R-9 to B-1	Approved	09/13/71
2. 73-6(c)	B-9 to B-1	Approved	03/05/73
3. 73-72(c)	R-9 to B-1	Approved	01/07/73
4. 79-14	R-9 to B-2 & I-1	Approved	09/24/79
5. 83-3	R-9, I-1(CD), & B-2(CD) to B-2(CD), I-1(CD), & Site Plan Amendment	Approved	04/18/83
6. 88-43	0-6 to B-1(CD)	Denied	07/18/88
7. 88-89	R-9 to B-1(CD)	Approved	12/19/88
8. 89-69	R-9 to B-1(CD)	Denied	10/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of an office tract to accommodate a hotel. Plans for the area have long indicated that properties along Wilson Lane should maintain a residential future and that this particular piece of property should remain zoned office. An office zone provides for transitional uses away from Sugar Creek Road to diminish the impact of highway commercial facilities on the residential areas to the west. Therefore, this petition is not consistent with adopted or pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff had brief discussions with the petitioner's agent prior to the filing of the application and discouraged the request. Subsequently, the staff communicated a number of comments to the petitioner for consideration.

   2. Departmental Comments. The majority of the departmental comments on this request were standard comments dealing with compliance with other ordinances. City Department of Transportation noted in particular the need for the petitioner to secure the appropriate driveway permit from both the City and the State. The Planning staff expressed concern about the impact that the petition would have on adjoining properties and suggested that the driveway be deleted from the Wilson Lane frontage. The staff also asked for additional information about the composition of the screening materials and a cross-section to indicate how that screening would be accomplish. Staff also requested information on the location of the storm water detention facilities and indicated that they should not be within the buffer areas of the site. None of that information is provided on the revised site plan.

ISSUES

1. Land Use. This petition raises the same land use issue that it raised when filed two years ago. It represents the encroachment of a nonresidential highway type commercial use into a residentially zoned area. Plans for the area have long called for properties along Wilson Lane to remain in residential use and have supported the preservation of the office zoning on this site as a transitional district. The fundamental relationships between this property and the properties in the surrounding area have not changed in the last two years. While it is true that the City Council rezoned a corner lot at the intersection of Wilson Lane and Sugar Creek Road to accommodate a fast food restaurant, the City Council also rejected a similar request and that approval cannot be used as an argument that the conditions in the area have changed. The relationship of this lot to the other properties along Wilson Lane and to plans from the area still support the notion that this petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies the application raises several significant issues. In many respects, it represents more of an impact on the surrounding property and along Wilson Lane than the previous petition which was turned down. The former petition had no driveway connection to Wilson Lane and the present petition does. The former petition had an articulated brick wall along the westerly and southerly edges of the site to

minimize impacts on adjoining property while the present petition simply proposes a "solid wall" with no additional information. The former petition oriented the building on the site in such a fashion as to provide the least impact to adjoining single family properties and the present petition orients buildings on the site in such a fashion as to have a greater impact. The plan indicates via the illustration that the site would be composed of multiple buildings and yet a note on the plan indicates that the site would be composed of a single building. Information requested by the staff in terms of screening and buffering has not been provided by the petitioner and the staff believes that the access to Wilson Lane should not be allowed under any circumstances. This is simply a case of a proposal to establish a use on a piece of property for which the property is not well suited. From a site plan standpoint, this petition is not appropriate for appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It raises exactly the same land use issues and presents an inferior site plan to a case which was denied by the City Council by 10 to 0 vote in 1988.

NOTE: The Planning staff is presently in the process of conducting a land use study for the Wilson Road/Sugar Creek Road area. This study will investigate the existing plans for the area and make recommendations as to modifications which may be appropriate in the area. It is anticipated that staff's recommendations for that plan would be discussed by the Planning Committee in October with a recommendation to the City Council in November.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Tues. 8/7 @ 9:00 a.m.

Petition No. 90-66
Date Filed July 16, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Shailesh D. and Naresh D Atma

Owner's Address: Rt 6 Box 52 Albemarle, N C 28001

Date Property Acquired: 3-1-89

Tax Parcel Number: 087-071-15

Location Of Property (address or description): northerly side of Wilson Ln about 240' from the intersection of Sugar Creek Rd

Description Of Property

Size (Sq Ft Acres): 1.55

Street Frontage (ft): 190' Wilson Ln 40' Sugar Creek Rd

Current Land Use: vacant

Zoning Request

Existing Zoning: B-1 and O-6

Requested Zoning: B-1(CD)

Purpose of Zoning Change: to permit the development of a motel

Name Of Agent: Robert G. Young

Name of Petitioner(s): S.D. Atma and N.D. Atma

Agent's Address: 301 S. McDowell St #1012

Address of Petitioner(s): Rt 6 Box 52

Telephone Number: Charlotte, N.C. 28204

Telephone Number: Albemarle, N.C. 28001

334-9157

(704) 982-9184

Signature

Naresh D. Atma

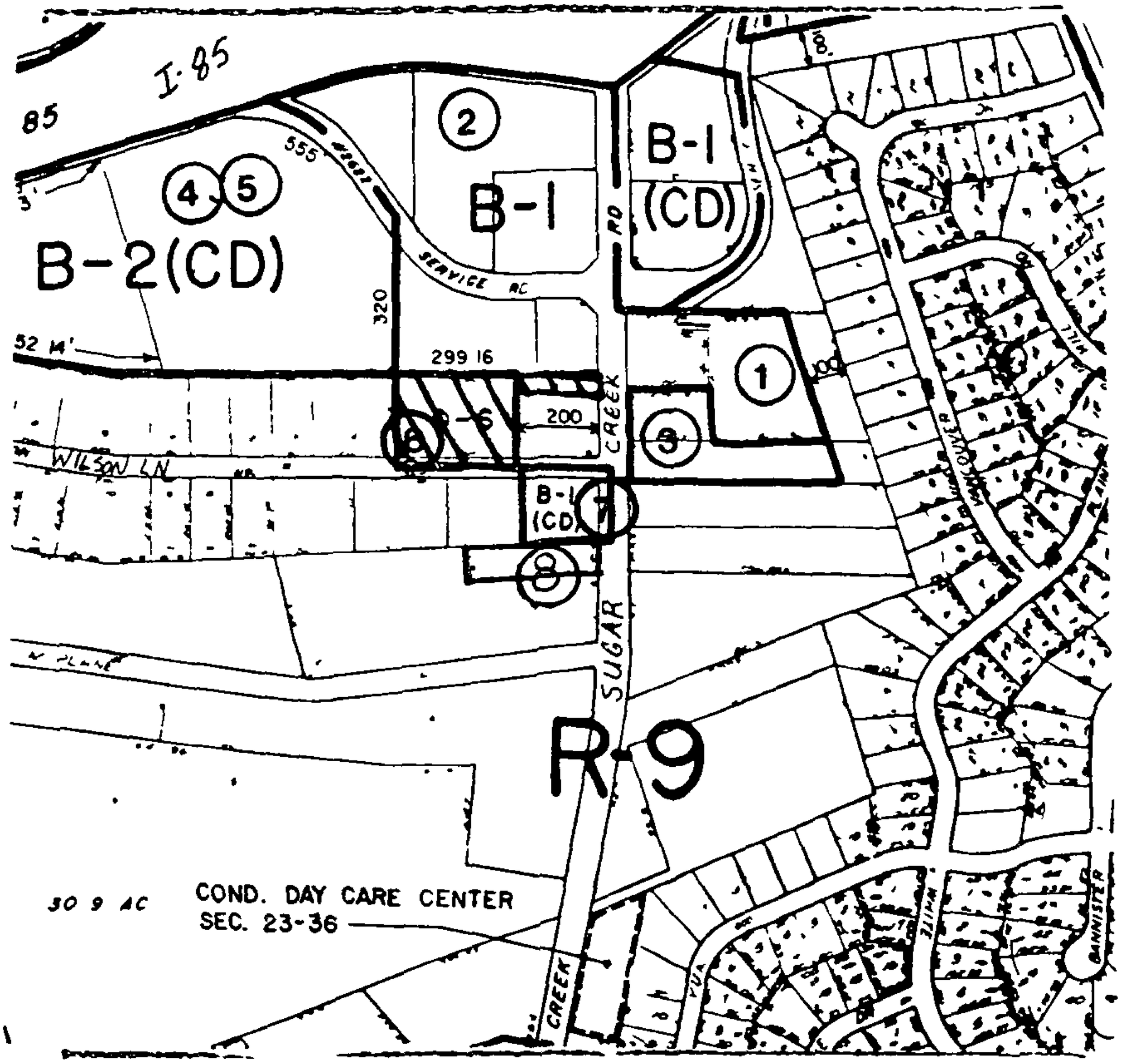
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-67

Petitioner Dr. Joe H Woody

Location: Approximately 1.4 acres located on the westerly side of Randolph Road, north of Rutledge Avenue.

Request: Change from R-15 to R-9.

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-15 as is the majority of the entire surrounding area. Exceptions to the R-15 zoning in the immediate area include an R-12 conditional use along Randolph Road, northeast of the subject property and an area of R-12MF which has frontage on Sharon Amity and Randolph Roads.

2. Existing Land Use. The property involved in this request is the site of an existing single family dwelling and three accessory outbuildings. The surrounding area consists mainly of single family residential developments along with an existing church, a nursing home site, and a fraternal organization.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses for the subject property. The plan also recognizes the existing employment land uses and community commercial center at the intersection of Sharon Amity Road and Randolph Road. There are no 2005 strategies indicated for the subject site.

   2. Transportation Improvement Program. The Transportation Improvement Program indicates minor intersection improvements at the intersection of Randolph Road and Sharon Amity Road in FY91.

4. Site Plan. As this is a conventional rezoning application, a site plan was not submitted.

5. School Information. Information received from the School Board states that this petition will not have a negative impact on the school community.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-26	R-12MF to O-15 Cond. Parking	Denied	03/24/69
2. 74-20	R-15 to R-20MF	Denied	06/17/74

Petition No.	Request	Action	Date
3 75-53	R-15 to R-12	Approved	06/18/76
4 86-82	R-15 to O-15	Denied	08/18/86

7. Neighborhood. This property is within the area defined as Providence Park/Randolph Park neighborhood.

REVIEWS

1. Plan Consistency. Publicly adopted plans for this area indicate this property to be used for residential purposes. The petition states that the purpose of this application is to facilitate a more appropriate use of the land for single family residential purposes. This purpose is certainly consistent with the adopted plans and policies for this area. However, application of the multi-family location criteria indicates this site could be appropriate for a higher density residential use as an alternative to conventional single family.

2. Technical Consistency.

   1 Pre-Hearing Staff Input. Staff met with the petitioner's agent prior to the filing of the application.

   2. Departmental Comments. Due to the conventional nature of this application, departmental comments were very limited. The Charlotte Department of Transportation indicates the site could generate approximately 70-91 trips per day under the proposed zoning. This will not have a significant impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. Application of the multi-family locational criteria appears to indicate that this area is suitable for a higher density residential use than conventional single family development. However, this petition is consistent with the adopted plans and policies for the subject area and, therefore, is considered appropriate for approval.

2. Site Plan. There is no site plan which accompanies this application due to its conventional nature.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-67
Date Filed July 16, 1990
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Charlotte Ophthalmology

Owner s Address: 4335 Colwick Road
Charlotte, NC 28211

Date Property Acquired: March 28, 1975

Tax Parcel Number: 185-021-33

Location Of Property (address or description) 4814 Randolph Road

Description Of Property

Size (Sq Ft Acres): 1.4 acres

Street Frontage (ft): 200' on Randolph Rd.

Current Land Use: One single-family house

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-9

Purpose of Zoning Change: To permit a more appropriate use of the land for single-family residential purposes.

Mr. Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Dr. Joe H. Woody
Name of Petitioner(s)

4335 Colwick Road
Address of Petitioner(s)

Charlotte, NC 28211

Telephone Number
364-7408

Signature

Signature of Property Owner if Other Than Petitioner

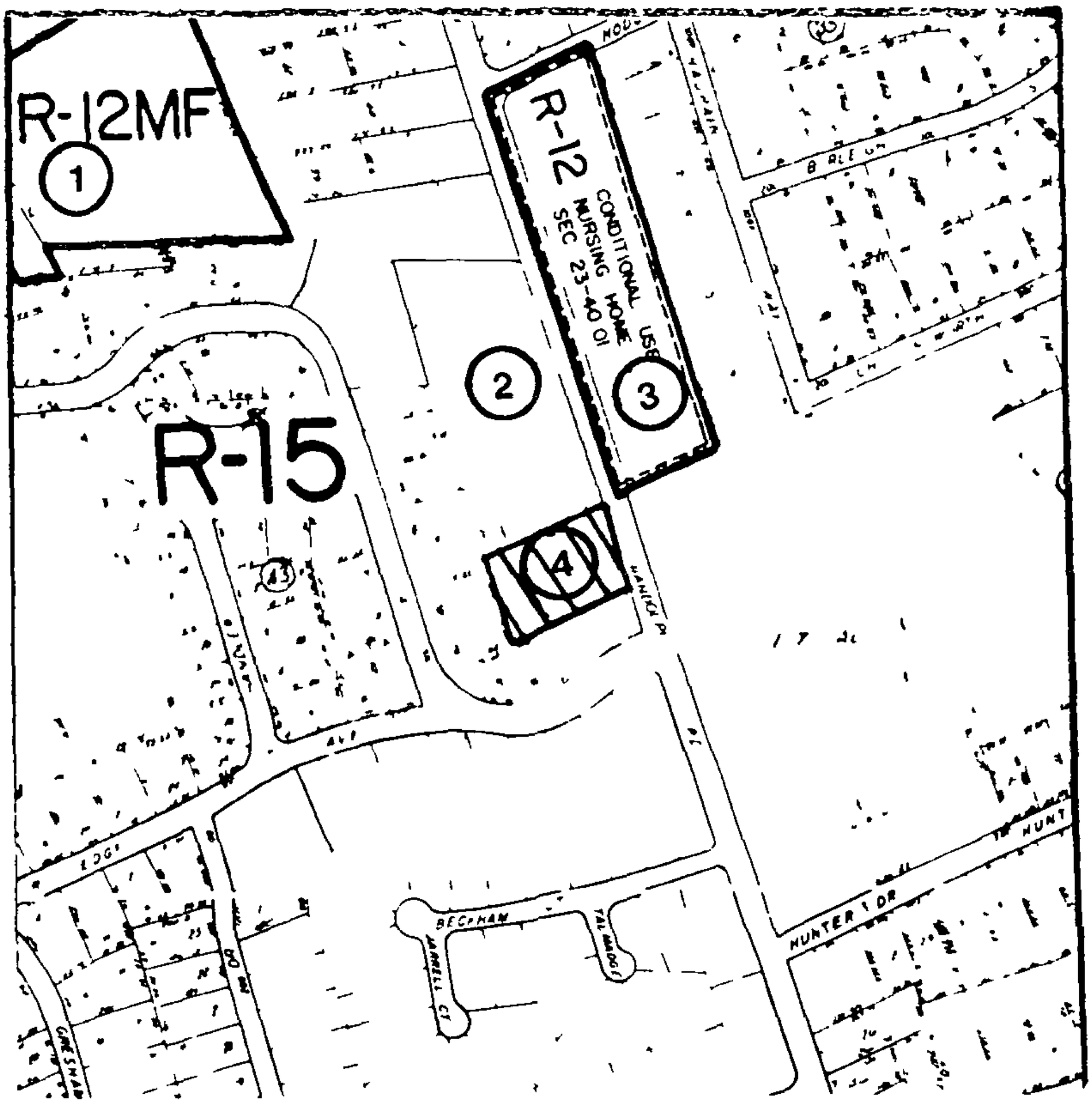
PETITIONER Dr Joe H Woody

PETITION NO 90-67 HEARING DATE September 17, 1990

ZONING CLASSIFICATION, EXISTING R-9 REQUESTED R-9

LOCATION Approximately 1 4 acres located on the westerly side o

Randolph Road north of Rutledge Avenue



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-68

Petitioner: Zimmer Brothers, A Partnership.

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

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

BACKGROUND

1. Existing Zoning. The property involved in this rezoning is currently zoned B-1(CD). All of the property to the north across Tuckaseegee Road is zoned R-9. To the east along Tuckaseegee there is a strip approximately 200 feet deep zoned O-15. West of the site this 200 foot strip changes to R-12MF for about 350 feet at which time the R-12MF zoning increases in width. The property directly to the south is zoned I-1. Generally, this I-1 zoning extends from this site to I-85.

2. Existing Land Use. The property being considered for this site plan amendment is currently developed with a Food Lion grocery store and a series of small shops, all facing Tuckaseegee Road. Across Tuckaseegee Road to the north the property is developed with single family homes or is vacant. East of the site the property is developed with a day care center. To the west, the property along Tuckaseegee Road is developed with a church. The property to the south is vacant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment land uses in the area of the subject property. 2005 Plan strategies include improving Freedom Drive and widening I-85.

   2. Northwest District Plan. The Northwest District Plan recommends office, business park, and light industrial land uses in the area of the subject property and expansion of water and sewer lines in the area. The subject property lies between the 65 and 70 1989 Ldn.

4. Site Plan. The site plan which accompanies this application proposes the addition of a 2,000 square foot outparcel to the existing 37,500 square foot shopping center. The plan also calls for the reduction of the 40 foot landscape setback to 20 feet along Tuckaseegee for the outparcel's frontage. The number of driveways to Tuckaseegee will remain the same as will the level of landscaping and screening. The plan also restricts the outparcel building to an office, a financial institution, a dry cleaners, or restaurant (no fast food).

5. School Information Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-39	R-9 and I-1 to R-9MP	Denied	09/11/72
2. 76-6	R-9 to B-1 and O-15 (Approved O-15)	Approved	06/21/76
3. 79-13	R-9 and I-1 to O-15	Approved	04/30/79
4. 71-87	O-6 to B-2	Approved	11/08/71
5. 80-57	R-9 to O-15(CD)	Approved	01/12/81
6. SUP 81-3	R-9 to Special Use Permit for Fraternal Organization	Approved	12/03/81
7. 82-20	R-9 to B-1	Denied	11/21/83
8. 82-42	R-9 to B-1(CD)	Approved	07/19/87
9. 83-55	R-9 to R-12MP(CD)	Approved	11/21/83
10. 89-40	Cond. Truck Terminal to I-1	Approved	06/19/89
11. 90-19	I-1 and O-15(CD) to B-1(CD)	Approved	04/17/90

REVIEWS

1. Plan Consistency. Both the 2005 Plan and the draft Northwest District Plan recommend the development of an employment land uses such as office, business parks, and light industrial uses. However, the addition of an outparcel to the existing shopping center changes the character of the center and is viewed as not consistent with adopted plans and policies as applied to this specific area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this rezoning petition and expressed concern about the proposal.

   2. Departmental Comments. Departmental comments included the need, if not already installed, for a fire hydrant within 500 feet of the most remotely accessible point of the building. A left turn lane that was requested with the prior petition has not been installed and the site as designed and as exists today does not comply with the minimum requirements of the Charlotte Tree Ordinance. The proposed screening along the church property line does not appear to be a good solution and the staff suggested that trees should be incorporated into the photinia hedge. The existing and proposed parking lot is poorly landscaped and additional trees should be added. The staff noted that the existing 40 foot setback should be left and not reduced to 20 feet. The petitioner addressed the comments concerning fire hydrants and the left

turn lane However, the revised plan did not amend compliance with the tree ordinance except by conditional note, did not add additional trees within the parking lot or maintain a continuous 40 foot landscape buffer along Tuckaseegee Road.

ISSUES

1. Land Use. The 2005 Plan and the Northwest District Plan look to this area to develop with employment land uses such as offices and business parks. This is substantiated by the existence of office zoning along Tuckaseegee to the east, all the way to the I-85 service road where the general business district zoning begins. This proposal to add a commercial outparcel along this portion of Tuckaseegee Road is viewed as contrary to the integration of a small retail center of confusing origin into the immediate area. This type use is better suited south of I-85 along Freedom Drive where it would blend well into the existing land use pattern. Therefore, in terms of land use, this petition is not considered appropriate for approval.

2. Site Plan. The site plan that accompanies this petition represents the minimum requirements in many aspects. In addition, the petitioner's unwillingness to addressed the staff's concern for additional landscaping, within the parking lot, or to maintain the 40 foot landscape setback area along Tuckaseegee Road make this site plan less compatible with surrounding land uses. The addition of the outparcel building along Tuckaseegee Road rather than a neighborhood shopping center results in the image of the center as a highway commercial* use. Therefore, from a site plan point of view, this petition is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. This site can continue to function without adding an outparcel.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-68
Date Filed July 17, 1990
Received By TMB
OFFICE USE ONLY

Ownership Information

Property Owner: Zimmer Brothers, A Partnership

Owner s Address: 111 Princess Street
Wilmington, NC 28401

Date Property Acquired: February 16, 1990

Tax Parcel Number: 061-161-02

Location Of Property (address or description)

South side of Tuckaseegee Road east of Browns Avenue

Description Of Property

Size (Sq Ft Acres): 5.48 Acres

Street Frontage (ft): 377'

Current Land Use: Shopping Center

Zoning Request

Existing Zoning: B-1(CD)

Requested Zoning: B-1(CD) Site Plan ~~Amendment~~

Purpose of Zoning Change: To add an additional 2,000 square feet of building area.

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204
Telephone Number

333-1680

Zimmer Brothers, A Partnership
Name of Petitioner(s)

111 Princess Street
Address of Petitioner(s)

Wilmington, NC 28401
Telephone Number

(919) 763-4669

General Partner
Signature

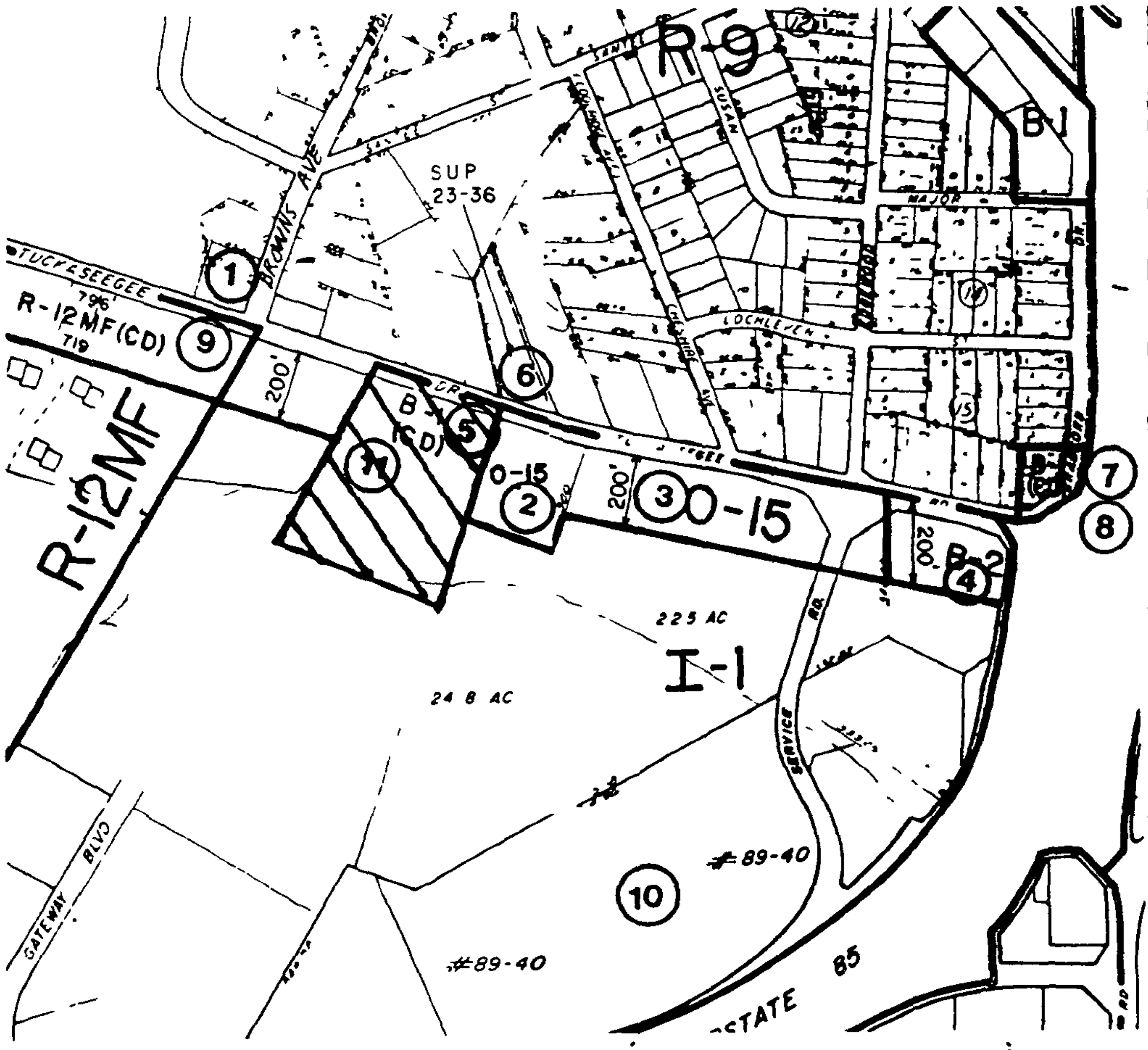
Signature of Property Owner if Other

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-69

Petitioner Frank J. Geddings.

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

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

BACKGROUND

1 Existing Zoning. The subject property is zoned B-1 as is the site of the adjoining gas station and Park Road Shopping Center. Other properties in the area are zoned predominantly for residential uses. Nearby properties along Reece Road are zoned R-6 and R-6MF. Properties located to the north are zoned R-9. Nearby properties located across Park Road are zoned R-9, R-9MF, R-6MF, and O-6.

2. Existing Land Use. The subject property is the site of the existing Coachman Cleaners. The adjoining tract to the south is developed with a gas station and the Park Road Shopping Center. Properties located across Park Road contain office uses and Park Road Baptist Church. Otherwise the area is devoted primarily to single family and multi-family residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes Park Road Shopping Center as an existing community commercial center. The 2005 strategies for the area include expansion of the County greenway system along Sugar Creek to the east of the subject property.

   2. Central District Plan (unadopted). The draft Central District Plan recognizes the existing commercial zoning and use of the subject property. The plan also recognizes Park Road Shopping Center as an existing community commercial center.

4. Site Plan. The site plan which accompanies this application proposes an 800 square foot addition to the existing 5,200 square foot Coachman Cleaners. The plan indicates two of the three existing driveway connections to Reece Road and the existing driveway connection to Park Road are to remain. The plan indicates compliance with the City of Charlotte Tree Ordinance through provision of a new 8 foot planting strip along Reece Road and Park Road. The plan also indicates a 5 foot landscaped strip along the easterly project edge.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-63	R-9 to O-6	Denied	10/23/67
2. 68-33	R-9 to R-6MF (App. R-9MF)	Approved	06/03/68
3. 68-34	R-9 to O-6 (App. R-9MF)	Approved	06/03/68
4. 68-47	R-9 to R-9MF	Approved	09/16/68
5. 69-31	R-9 to R-9MF	Denied	04/08/69
6. 69-51	R-6MF & R-9 to O-6	Approved	06/02/69
7. 83-43	R-6MF to O-6	Denied	07/18/83
8. 85-45	R-9MF & R-6MF to R-9 & R-6	Approved	08/19/85

7. Neighborhood. This site falls within the area known as the Park Road neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a minor addition to an existing dry cleaning facility. Publicly adopted and pending plans for the area recognize the site as being part of an existing community commercial center. Therefore, this petition is considered consistent with publicly adopted and pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of this application. Subsequent to the filing of the application, staff relayed to the petitioner several site plan related comments.

   2. Departmental Comments. Comments from the Department of Transportation indicate the site could generate approximately 1,087 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,193 trips per day. CDOT indicates this will not have a significant impact on the surrounding thoroughfare system. Comments from the School Board indicate this petition has no negative impact on the school community. A minor comment that has not been addressed by the revised site plan is the need for the minimum distance from the proposed addition to the southerly property line. Otherwise, departmental comments have been addressed by the revised site plan.

ISSUES

1. Land Use. This petition raises no land use issue. It proposes rezoning from one commercial district to another commercial

district to accommodate a minor expansion of an existing dry cleaning facility. This change is consistent with publicly adopted and pending plans for the area which recognize Park Road Shopping Center as an existing community commercial center. Therefore, from a land use standpoint, the petition is considered appropriate for approval.

2. Site Plan. There are no significant site plan issues which accompany this application. The site plan proposes an 800 square foot addition to the existing 5,200 square foot Coachman Cleaners for a total square footage of 6,000 square feet. The plan indicates that the property owner will initiate a rezoning request to return the site to the B-1 district should the property cease to be used as a dry cleaning establishment. Inasmuch as the site and the adjacent gas station are generally a part of the existing Park Road Shopping Center, the small addition to the dry cleaners would have only a minor impact on development in the area. The only remaining site plan issue is minor in nature. The site plan needs to specify a minimum distance from the proposed addition to the southerly property line. This can be easily addressed by the petitioner prior to a final decision. Therefore, from a site plan standpoint, the petition is considered appropriate for approval contingent on the minor site plan issue being adequately addressed.

CONCLUSION

This petition is considered appropriate for approval contingent on the resolution of a minor site plan issue.

*Subject to further refinement following public hearing.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-69
Date Filed July 16, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Frank Jerome & Emma Dell Geddings

Owner s Address: 198 River View Terrace
Lake Wylie, SC 29710

Date Property Acquired: May 5, 1982

Tax Parcel Number: 175-181-04

Location Of Property (address or description)

Southeast corner of Park Road and Reece Road

Description Of Property

Size (Sq Ft Acres): .354 acres

Street Frontage (ft): 54' on Park Road

Current Land Use: Dry Cleaning Establishment

Zoning Request

Existing Zoning: B-1

Requested Zoning: B-2(CD)

Purpose of Zoning Change: To permit a [illegible] square foot building expansion which would allow for placement of cleaning equipment in accordance with EPA Spacing Requirements

Mr. Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204

Telephone Number
333-1680

Mr Frank J. Geddings
Name of Petitioner(s)
Coachman Cleaners
4001 Park Road
Address of Petitioner(s)

Charlotte, NC 28209

Telephone Number
523-3434

Frank J. Geddings
Signature

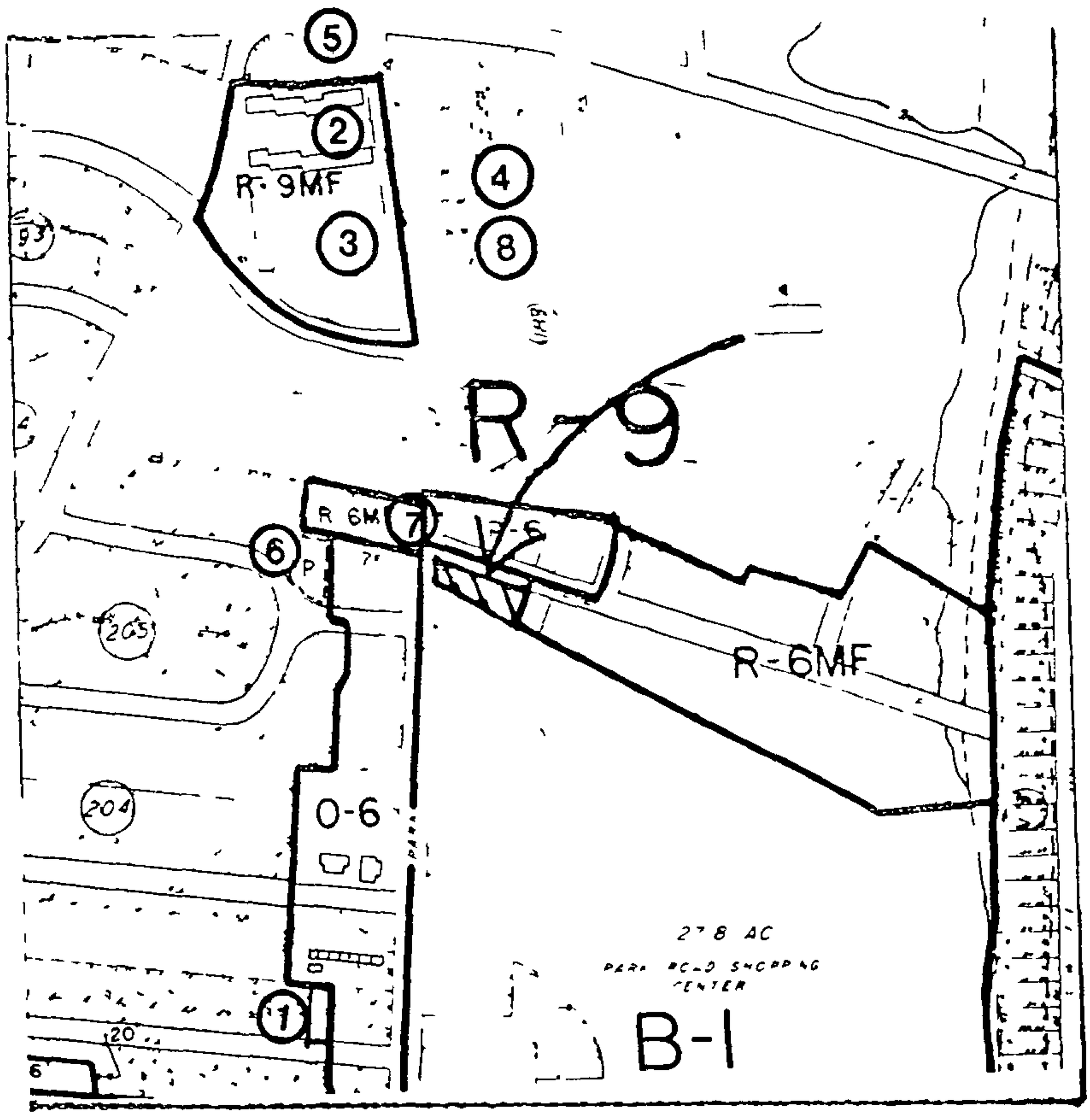
Signature of Property Owner if Other

PETITIONER Frank J Geddings

PETITION NO 90-69 HEARING DATE September 17, 1990

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

LOCATION [illegible] located on the southeast corner of Park Road and Reece Road



ZONING MAP NO. 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 90-70

Petitioner Laurel Free Will Baptist Church

Location Approximately 1.28 acres located on the westerly side of Elgywood Lane south of Arrowhead Drive.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 as are nearby properties lying on the west side of Elgywood Lane. Across Elgywood Lane on both sides of Arrowhead Drive properties are predominantly zoned R-9MF. Further to the east along North Tryon Street properties are predominantly zoned B-2.

2. Existing Land Use. The property involved with this request is developed with a church. Several other churches and a day care center are located nearby. Across Elgywood Lane are several apartment communities. Otherwise, the area is developed with single family residential homes.

3. Public Plans and Policies.

   1 2005 Plan. The 2005 Plan indicates the area of the subject property is one of existing residential land uses. The 2005 strategies for the area include streetscape improvements to North Tryon Street and water line extensions.

   2. Northeast District Plan. The Northeast District Plan indicates the area of the subject property as one of residential land uses.

4. Site Plan. The site plan which accompanies this petition proposes reuse of the existing church facility on the subject property as a day care center for a maximum of 152 children. The site plan indicates two existing driveway connections to Elgywood Lane. The plan provides for 30 foot front, side, and rear yards. The petitioner has been granted a variance from the required 40 foot rear yard. The required fenced-in outdoor play area will be located in the rear portion of the site and parking is to be provided in the front portion of the site. Basically, the site is to remain unchanged with the exception of the addition of the fenced-in outdoor play area and interior structural changes.

5. School Information.

Schools		Capacity	1990-91 Enrollment
Elementary:	Hidden Valley	902	803
Junior High:	Northeast	1,100	1,231
Senior High:	Myers Park	1,380	1,405

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	69-56	R-9 to R-9MF	Denied	06/02/69
2.	72-16(c)	R-9MF to B-2	Approved	04/04/72
3.	79-12	I-2 to B-D, I-1, R-MH, & R-12	Denied	04/30/79
4.	85-6MSUP	MSUP Day Care Termination	Approved	09/19/85
5.	86-18	R-9MF to R-9	Approved	03/17/86
6.	86-19	R-9MF to R-9	Approved	03/17/86
7.	86-25	R-9MF to R-9 & R-15MF	Approved	04/21/86

7. Neighborhood. This property is located within the area defined as the Hidden Valley neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes reuse of an existing church facility for a commercial day care center. Publicly adopted plans indicate that properties in this area should be used for residential purposes. Inasmuch as day care centers are considered to be appropriate uses near residential areas, this petition is considered consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of this application to discuss the proposal. Staff provided technical assistance and noted the need for the rear yard variance.

   2. Departmental Comments. Comments from the Department of Transportation indicate the site could generate approximately 60 through 78 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 212 trips per day. CDOT indicates this increase will not have a significant impact on the surrounding thoroughfare system. Comments from the School Board indicate the petition has no negative impact on the school community. Comments from other

reviewing agencies included the need to remove parking from the setback and to indicate required screening Those comments have been addressed by the revised site plan

ISSUES

1. Land Use. This petition raises no land use issues. It is consistent with publicly adopted plans and policies for the area calling for continued residential development. Therefore, from a land use standpoint, the petition is considered appropriate for approval.

2. Site Plan. There are no site plan issues which accompany this application. The site plan proposes reuse of the existing church facility for a day care center. The plan indicates a maximum of 152 children and provides for the required outdoor fenced-in play space as well as associated parking. A variance has been obtained for the 10 foot encroachment into the rear yard and otherwise the site plan meets minimum zoning ordinance requirements. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 90-70
Date Filed July 16, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Laurel Free Will Baptist Church

Owner's Address: 6201 Elgywood Lane, Charlotte, N. C. 28213

Date Property Acquired: 1972

Tax Parcel Number: 089-222-31

Location Of Property (address or description)

6201 Elgywood Lane
Charlotte, N. C. 28213

Description Of Property

Size (Sq. Ft. Acres): 1.28 acres

Street Frontage (ft.): 310.19 ft.

Current Land Use: Church

Zoning Request

Existing Zoning: R9

Requested Zoning: R-9MFCD

Purpose of Zoning Change: Commercial Day Care

Name Of Agent: Mutual Real Estate

Agent's Address: 225 N. Caldwell St.
Charlotte, N. C. 28202

Telephone Number: 704/377-5478

Name of Petitioner(s): Laurel Free Will Baptist Church

Address of Petitioner(s): 6201 Elgywood Lane
Charlotte, N. C. 28213

Telephone Number: 598-0343
377-5478

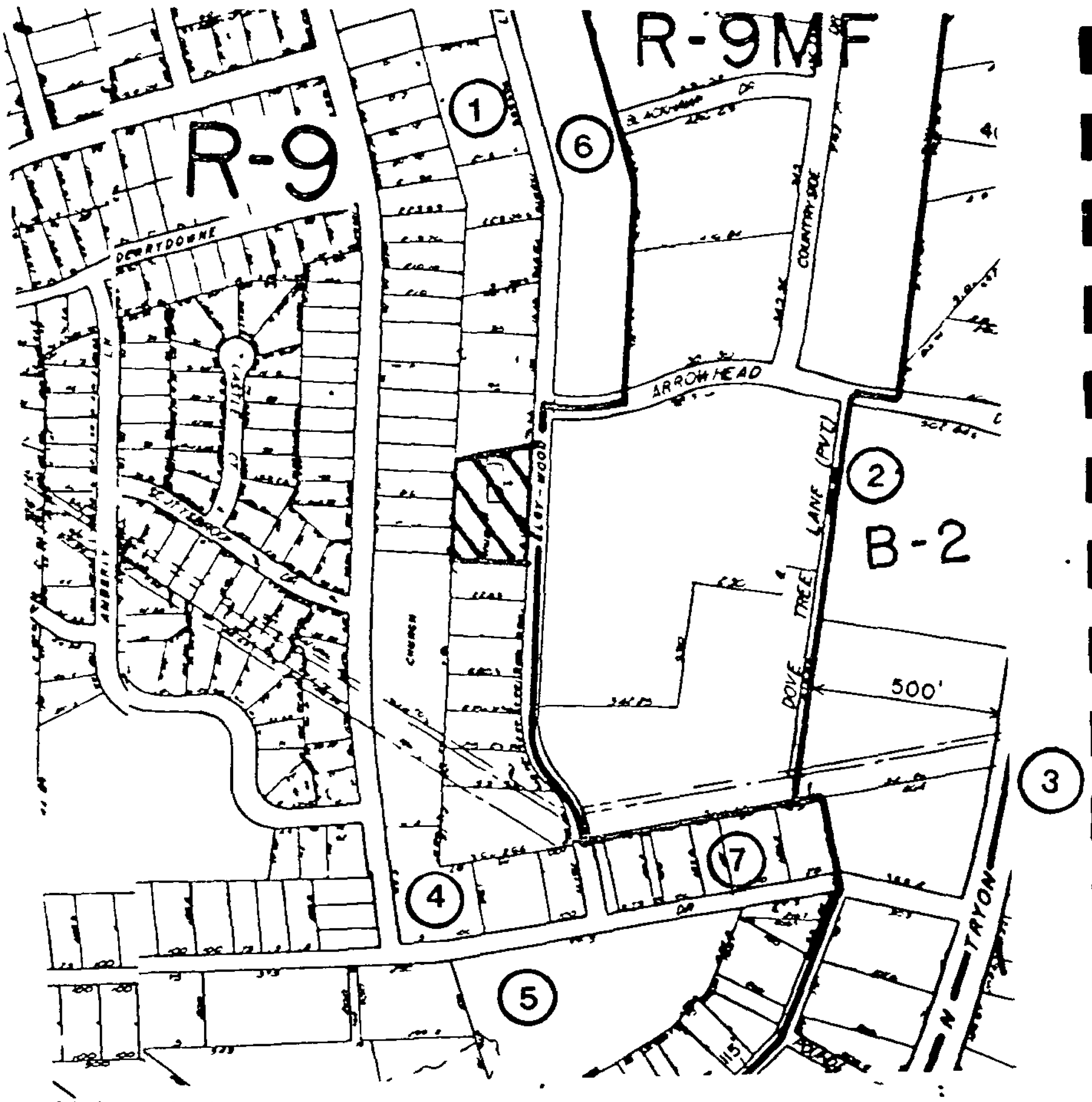
Signature: William Upchurch Trustee
Signature of Property Owner or Other

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 28 acres located on the west side of Eastwood Lane south of Arrowhead Drive



ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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) 425-9255

*
Signature

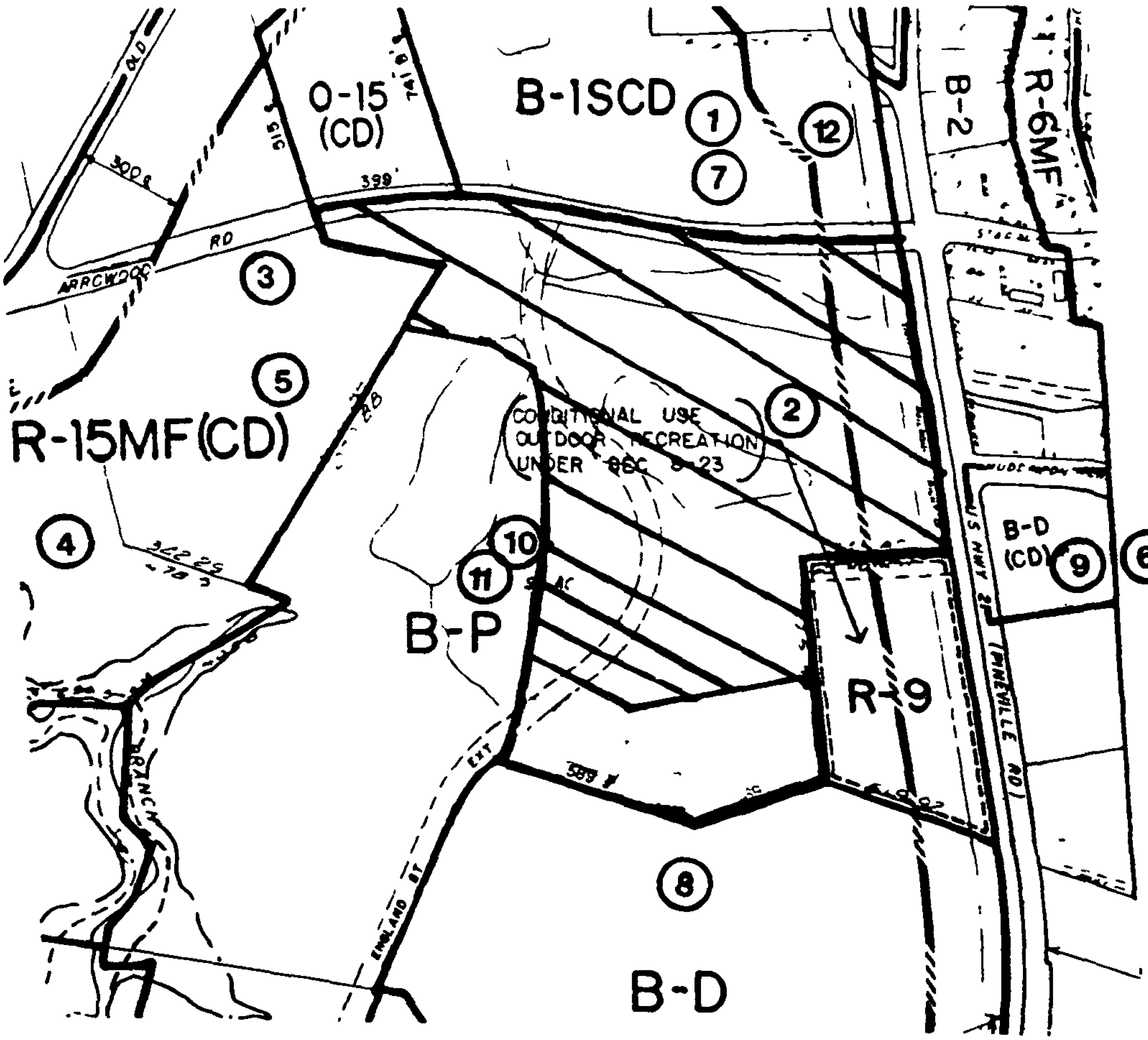
Signature of Property Owner if Other Than Petitioner

PETITIONER Arrowood Limited Partnership

PETITION NO. 90-71 HEARING DATE September 17, 1990

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

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



ZONING MAP NO. 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-72

Petitioner: Mecklenburg County.

Location: 1.5 acres on the north side of Billingsley Road east of Randolph Road.

Request: Change from R-6MF and O-15 to O-15(CD).

BACKGROUND

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

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

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates employment land uses in the area of the subject property. The plan also indicates a possible light rail corridor nearby.

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

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

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

4. Site Plan. The site plan which accompanies this petition proposes to build a Detoxification Center of approximately 45,000 square feet. The initial 25,000 square feet will begin construction in

early 1991 and will be finished in early 1992. The remaining 20,000 square feet will be built at a later date. The plan proposes no new driveways. The site will gain its access from the existing driveways to the County Human Resources Complex. The building is also designed and oriented so as to become part of the County Human Resources Complex. The petitioner has also added a note that some of the existing trees will be protected during construction and preserved to enhance the site.

5. School Information. Not application.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	72-7	R-12 to 0-15	Approved	03/20/72
2.	72-58	R-6MF to 0-15(CD)	Approved	12/04/72
3.	74-6	R-6MF to 0-15	Approved	05/06/74
4.	78-2	R-6MF, B-1, B-2, 0-15, I-2 to R-6, R-9MF, 0-15 & R-12MF	Approved	02/27/78
5.	83-28	R-6MF & R-12 to 0-15(CD)	Approved	09/19/83
6.	84-23	0-15(CD) Site Plan Amendment	Approved	05/21/84
7.	84-49	R-6MF to 0-15(CD)	Approved	08/20/84
8.	86-80	R-6MF to 0-15(CD)	Approved	08/18/86
9.	86-119	R-6MF to 0-15(CD) to 0-15(CD) Site Plan Amendment & 0-15(CD)	Approved	02/23/87
10.	87-87	R-6MF to 0-15(CD)	Approved	01/18/88
11.	89-79	R-6MF to 0-15(CD)	Approved	11/20/89

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

REVIEWS

1. Plan Consistency. This petition's proposal for a institutional use is consistent with the 2005 Plan, Central District Plan (unadopted), and the Grier Heights Special Project Plan. The construction of this Detoxification facility is a logical addition to the existing institutional use. Therefore, this petition is consistent with publicly adopted and pending plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this petition to discuss the proposed plan and appropriate conditions.

   2. Departmental Comments. The following comments were received from the various reviewing agencies. fire hydrants must be located within 500 feet of the most remote and accessible point of the building, the parking lot along Billingsley Road must be screened, curb-gutter and sidewalk will be required along Billingsley Road, clarification is needed of how existing trees will be saved, the tree survey provided does not appear to be accurate, additional trees along Billingsley Road must be planted to comply with tree ordinance, provide better information on phasing and square footage. All these comments have been addressed by petitioner.

ISSUES

1. Land Use. There are no land use issues involved with this application. It proposes rezoning and R-6MF property and a small portion of existing O-15 property to O-15(CD) in an area in which public plans and policies call for employment type land uses and institutional uses to be established. This petition is consistent with publicly adopted plans and policies for the area and, therefore, is appropriate for approval form a land use standpoint.

2. Site Plan. There are no site plan issues which accompany this request. The proposed plan for this site is proposing a 45,000 square foot Detoxification facility that will become a part of the County's Human Resources Complex. The plan also commits to saving trees on the site. The building orients toward the existing Health Center and efforts will be made to save the existing trees on the site. Therefore, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-72
Date Filed July 16, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner County of Mecklenburg

Owner s Address 720 East Fourth Street

Date Property Acquired 11-14-74

Tax Parcel Number 157-041-12

Location Of Property (address or description) 429 Billingsley Road

Description Of Property

Size (Sq Ft Acres) 1.5 Acres Street Frontage (ft) 162'

Current Land Use Vacant

Zoning Request

Existing Zoning R-6MF and O-15 Requested Zoning O-15 CD

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

Name Of Agent

Gunn-Hardaway Architects, PA

Agent s Address
229 N. Church St., Ste. 200
Charlotte, NC 28202

Telephone Number
377-8800

Name of Petitioner(s)

Mecklenburg County

Address of Petitioner(s)
City/County Government Center
600 East Fourth St., Charlotte, NC 28202

Telephone Number
336-2472

Signature Gerald G. Fox, County Manager

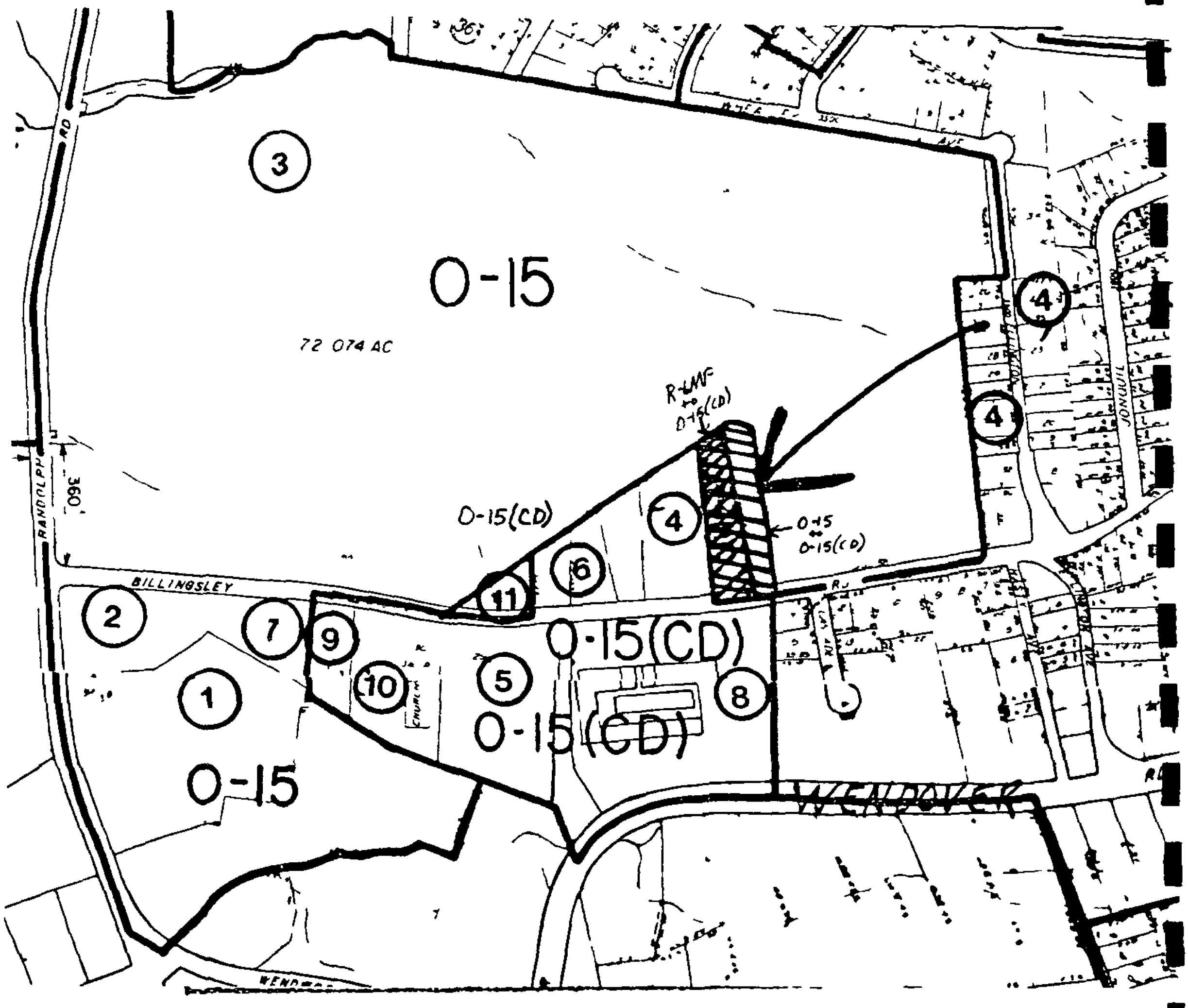
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-73

Petitioner. General Commerce Center.

Location Approximately 43.8 acres located on the westerly side of Orr Road south of Old Concord Road.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned I-1 except for a small triangle of R-9 single family residential located adjacent to existing R-9 developments. The existing R-9 single family developments extend into the entire surrounding area south of the subject site. The areas to the north, east, and west of the petitioned site are presently zoned for a mixture of I-1 and I-2 industrial areas.

2. Existing Land Use. The property involved in this request is presently under development with an approved industrial subdivision plan. Approximately six of the building sites have already been sold. The residential area to the south is completely developed with single family detached neighborhoods and an adjacent school and park site. The industrial areas to the north, east, and west contain a mixture of developed and vacant parcels.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. 2005 strategies include a proposed light rail corridor in the area of the subject property.

   2. Northeast District Plan (adopted July, 1990). The Northeast District Plan indicates industrial land uses for the subject property, a proposed light rail corridor, and a regional mixed use center. The North Tryon Street/Sugar Creek Road/Eastway Drive area loosely functions as a regional center. The aggregate of retail and limited office space of the area equals that of a regional center (2,000,000 square feet retail/office).

4. Site Plan. The site plan which accompanies this application proposes the rezoning of an existing approved I-1 industrial subdivision to a conditional I-1 and I-2 development to allow for exterior storage along the areas generally bordering the Southern Railroad right-of-way and to allow for additional protection for the adjacent residential developments. The petitioner has proposed an undisturbed buffer supplemented by an opaque wood fence along portions of the southern boundary adjacent to the existing

residential areas. An undisturbed buffer in the railroad right-of-way is also proposed along one section of the proposed I-2(CD) area. Setback/buffer areas are proposed along portions of General Commerce Drive and General Industrial Road to ensure a well defined and attractive streetscape. No parking will be permitted in these setback/buffer areas.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	66-84	R-9 to I-1	Approved	10/24/66
2.	68-29	R-9 to R-9MF	Denied	05/27/68
3.	79-10	I-2 to B-2, I-1 Cond. S.C.	Denied	04/30/79
4.	79-11	I-2 to R-MH & B-2	Denied	04/30/79
5.	79-12	I-2 to B-D, I-1, R-MH & R-12	Denied	04/30/79
6.	79-9	I-1, I-2 to R-9	Denied	05/14/79
7.	84-62	I-1, I-2 to R-MH	Approved	10/15/84
8.	87-96	R-9 to B-2	Approved	11/19/88
9.	89-19	R-9 to B-2(CD)	Approved	05/15/89

7. Neighborhood. This property falls within the area defined as the Northeast community.

REVIEWS

1. Plan Consistency. Both the 2005 Plan and the Northeast District Plan (adopted July, 1990) recognize the existing employment and industrial land uses in the vicinity of the subject property. Therefore, this petition is viewed as consistent with the publicly adopted plans and policies for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents for the petitioner discussed this proposal with the staff prior to the filing of the application. Subsequently, the staff communicated comments to the petitioner regarding details of the site plan.

   2. Departmental Comments. Departmental comments were mainly focused upon the need for adequate protection of the adjacent residential areas. Staff recommended that a minimum 50 foot undisturbed buffer be placed along the entire southern boundary of the project. More detail was requested on the location of the undisturbed buffers, proposed fencing, and the proposed uses in the I-1(CD) and I-2(CD) areas. City Engineering also requested a comprehensive stormwater

detention plan because of the potential stormwater impact on the adjacent residential area.

The revised site plan has addressed a majority of the interdepartmental review comments. Due to the fact that the roadway and storm drainage infrastructure are already in place, the petitioner felt a comprehensive stormwater detention plan for the entire site was infeasible. A note on the plan states that all individual sites will meet the applicable regulations for storm drainage design. The petitioner has also proposed an undisturbed buffer varying in width from 20 feet to 40 feet supplemented by an opaque wood fence, in response to staff's comments, due to the impact of the existing roads and lot lines. All of the other review comments have been addressed on the revised plan.

ISSUES

1. Land Use. This petition is the site of an approved industrial subdivision already under development. The publicly adopted plans and policies for this area indicate industrial land uses for this site. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The revised site plan which accompanies this application has addressed the majority of concerns noted by the various reviewing agencies. The remaining site plan issues are directly related to the design of the existing roadways, storm drainage, and lot layout of this project. In fact, the issues of storm drainage design, roadway layout, and protection for the adjacent residential areas were raised during the preliminary subdivision approval process. However, under the existing ordinances, the plan was found to be in technical compliance and therefore approved. Regardless of these existing constraints, staff believes that the proposed undisturbed buffer should be upgraded with continuous fencing along the inside of the buffer. The fencing should also be continued along the joint property line between the petitioner and the existing school/park site. Storm drainage and detention for the remaining individual sites should be designed and coordinated to minimize further impacts on the existing residential developments. If these site plan issues can be adequately addressed by the petitioner then, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

Assuming that the remaining site plan concerns will be addressed, then this petition could be considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-73
Date Filed July 16, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner General Commerce Center

Owner s Address 320 S. Tryon Street, Suite 202, Charlotte, NC 28202

Date Property Acquired 1988

Tax Parcel Number 097-061-6 / 097-061-7

Location Of Property (address or description) Southwest of the intersection of Orr Road and the 200' Southern Railroad right-of-way

Description Of Property

Size (Sq Ft Acres) 43.8 +

Street Frontage (ft) 300' Orr Road (plus internal roads)

Current Land Use undeveloped

Zoning Request

Existing Zoning I-1 & R-9

Requested Zoning I-1(CD) and I-2(CD) (10.92 AC, 32.9 AC)

Purpose of Zoning Change I-1(CD): to provide additional protection for adjacent residential development I-2(CD): to allow exterior storage along portion of the development generally bordering Southern Railroad right-of-way

Robert E. Henderson / Michael Cole
Name Of Agent

General Commerce Center
Name of Petitioner(s)

2500 NCNB Plaza, Charlotte, NC 28280
Agent s Address

320 S. Tryon Street, Suite 202, Charlotte NC 28
Address of Petitioner(s)

(704) 377-5600
Telephone Number

(704) 377-6523
Telephone Number

Robert E Henderson
Signature

Charles E Ellis / General Partner
Signature of Property Owner ~~or Other Person Petitioner~~

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)

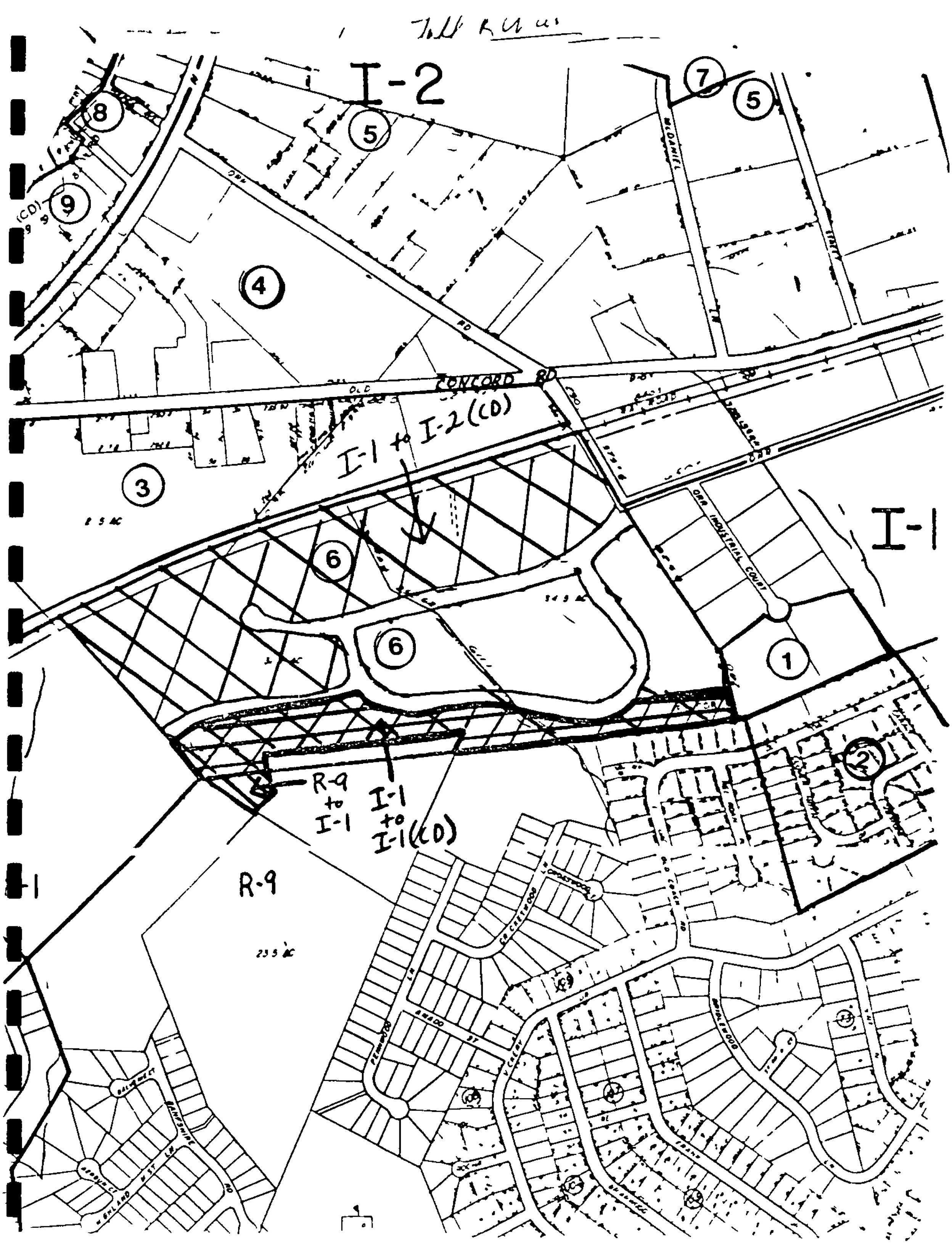
LOCATION approximately 43.8 acres located on the westerly side of Orr Road south of Old Concord Road

SEE ATTACHED MAP

R-9

ZONING MAP NO. 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


I-2
I-1
R-9
I-1 to I-2(CD)
R-9 to I-1
I-1 to I-1(CD)
CONCORD RD
OLD
MCDANIEL
TRACY
ORR INDUSTRIAL COURT
LONGWOOD
CRESTWOOD
ARDO ST
PLEASANTWOOD
VALLEY
BRIARWOOD
FRANK
BALMORE CT
BARNSWIRE RD
ARDMORE CT
WEYLAND WEST
(CD)

9145

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 90-74

Petitioner C K Land Development Incorporated.

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

Request Change from I-2 and B-2 to B-1SCD.

BACKGROUND

1 Existing Zoning. The property involved with this request is presently zoned I-2 as is all of the property to the east side of North Tryon Street on both sides of Sugar Creek Road in this area. Immediately at the intersection of North Tryon Street and Sugar Creek Road can be found properties zoned B-2 and R-9MF. Properties to the west of North Tryon Street north of Sugar Creek Road are zoned B-2. There is a small corner of the subject site which is also zoned B-2 on the east side of North Tryon Street.

2. Existing Land Use The property involved in this request is presently the site of Tryon Mall which contains a number of retail and service uses. Properties to the north and south of the subject site along both sides of North Tryon Street are used for a variety of retail and service uses. Properties to the east along both sides of Sugar Creek Road are used for retail services as well as a substantial concentration of heavy commercial and industrial uses. Immediately at the intersection of North Tryon Street and Sugar Creek Road can be found a church and existing cemeteries.

3. Public Plans and Policies.

1 2005 Plan. The 2005 Plan indicates employment type uses in the area of the subject property and recognized as Tryon Mall as a community commercial center. The 2005 strategies include streetscape improvements along North Tryon Street and consideration of a light rail corridor in the area

2. North Tryon Street Corridor Study. The North Tryon Street Corridor Study which was adopted in May, 1987 recommends commercial uses in the area of the subject property and calls for streetscape improvements along North Tryon Street.

3. Northeast District Plan. The Northeast District Plan which was adopted in July, 1990 indicates commercial land uses in the area of the subject property.

4. Site Plan. The site plan which accompanies this application proposes the reconstruction of a substantial portion of the existing Tryon Mall to expand the site to accommodate up to 350,000

square feet of total floor area. This floor area would be comprised of one large building and several outparcels. Individual outparcels would be limited to a maximum floor area of 10,000 square feet each. The plan indicates that the petitioner would provide 1,499 parking spaces which is in excess of the minimum ordinance requirement of 1,400 spaces. The plan indicates right-of-way dedication along Sugar Creek Road and recognizes the transitional setback along North Tryon Street. The plan indicates commitments for tree plantings in accordance with the City's Tree Ordinance along Sugar Creek Road and North Tryon Street as well as throughout the interior of the site. The tree plantings along North Tryon Street will be coordinated with the North Tryon Street Corridor Study's recommendations for streetscape improvements.

5. School Information. Not applicable.

6. Zoning History (See Attached Map). No history.

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

REVIEWS

1. Plan Consistency. This petition proposes the redevelopment of an existing retail site for continued retail use. All recently adopted plans and policies for this area indicate that the property is appropriately used for commercial and retail activities. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this case with the petitioner prior to the filing of the application and subsequently communicated a number of questions and clarifications to the petitioner to be included on the site plan.

   2. Departmental Comments. A number of detailed comments were submitted by several departments and agencies reviewing this request. Specifically, attention was focused on the redevelopment of this site as it relates to compliance with the tree ordinance and a number of notes have been added to the plan to that effect. There are a number of detail comments regarding fire hydrants, sidewalk construction, and clarification of several of the conditional notes. The only note which was not adequately clarified deals with nonconforming signs on the site. The most extensive list of comments came from the City's Department of Transportation which requested the petitioner to prepare a modified traffic

impact study CDOT recognizes that the proposed zoning change will probably result in the same theoretical trip generation as the site presently has. However, they indicate that it will be appropriate to analyze the impact of a fully leased retail center in order to determine if additional transportation improvements are warranted. In the absence of such a study, CDOT lists five specific requirements which should be addressed by the petitioner prior to the approval of this request. They relate to left turn lanes, existing driveway connections, and connections to existing outparcels In addition, CDOT requests the petitioner to dedicate 25 feet of additional right-of-way on North Tryon Street. North Tryon Street is a commercial arterial street which would require 150 feet of right-of-way. The present right-of-way on North Tryon Street is 100 feet. The petitioner has recognized the 25 feet of additional right-of-way as a transitional setback but has not proposed dedication of that right-of-way. The petitioner indicates that the dedication of that right-of-way would cause existing buildings along the North Tryon Street portion of the site to become nonconforming by virtue of the setback.

ISSUES

1 Land Use. This petition raises no land use issues. It involves the redevelopment of an existing retail site into a slightly larger retail site Plans for the area have long called for properties in this vicinity to be used for retail and service activities. Indeed, this portion of North Tryon Street and Sugar Creek Road has long been used for retail, heavy commercial, and even heavy industrial activities. Therefore, this petition is consistent with publicly adopted plans and policies for the area and, from a land use standpoint, is appropriate for approval.

2 Site Plan There are no significant site plan issues remaining to be discussed except the matter of transportation impacts. The majority of the conditional notes on the plan have been properly corrected and the petitioner has agreed to dedicate right-of-way along Sugar Creek Road. In remaining site plan issues can be addressed by the petitioner prior to a final decision on this case. However, the petitioner does need to come to some understanding with the City's Department of Transportation about the need for a traffic impact study and the possibility for transportation related improvements. Pursuant to the resolution of the transportation issue and the correction of minor site plan deficiencies, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval. The City's Department of Transportation and the petitioner must resolve the unanswered transportation questions.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 90-74
Date Filed July 16, 1990
Received By MKM

OFFICE USE ONLY

Ownership Information

Property Owner Saybein Partners

Owner s Address 919 Third Avenue, New York, NY 10022

Attn Mr Mark H Sayers, President

Date Property Acquired 1989

Tax Parcel Number 91-051-14

Location Of Property (address or description) 4500 North Tryon Street (Tryon Mall)

Description Of Property

Size (Sq Ft Acres) 30 66 Acres, 1335351.54 Sq. Ft.

Street Frontage (ft) 703.47' North Tryon S
847 57' Sugar Creek

Current Land Use Shopping Center

Zoning Request

Existing Zoning I-2

Requested Zoning B1-SCD

Purpose of Zoning Change Redevelopment of Tryon Mall

David S. Miller, Childress Klein Properties

Name Of Agent
c/o Childress Klein Properties, Inc.
2800 One First Union Center, Charlotte, NC 28202

Agent s Address

704-342-9000

Telephone Number

CK-Land Development, Inc.

Name of Petitioner(s)
c/o Childress Klein Properties
2800 One First Union Center

Address of Petitioner(s) Charlotte, NC 2820.

704-342-9000

Telephone Number

David S. Miller

Signature

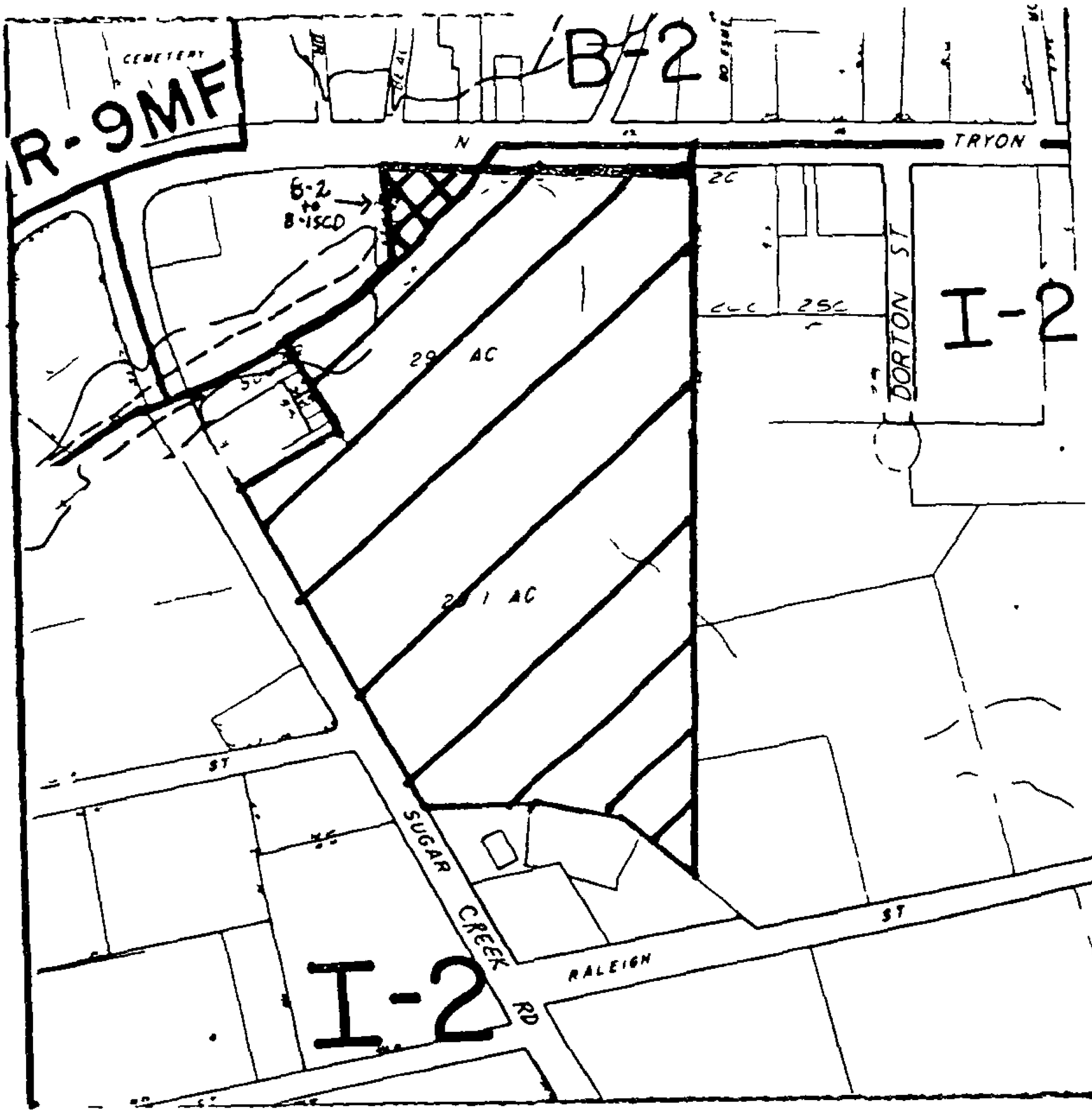
Signature of Property Owner if Other Than Petitioner

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 9, 1990

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Planning 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 July 17, 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 Monday, September 10, 1990. This will then permit these matters to be placed on your agenda for consideration on Friday, September 17, 1990.

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

Respectfully submitted,

Frank E. Emory, Chairman
Charlotte-Mecklenburg Planning Commission

FEE:mlj

Attachments

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

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:	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

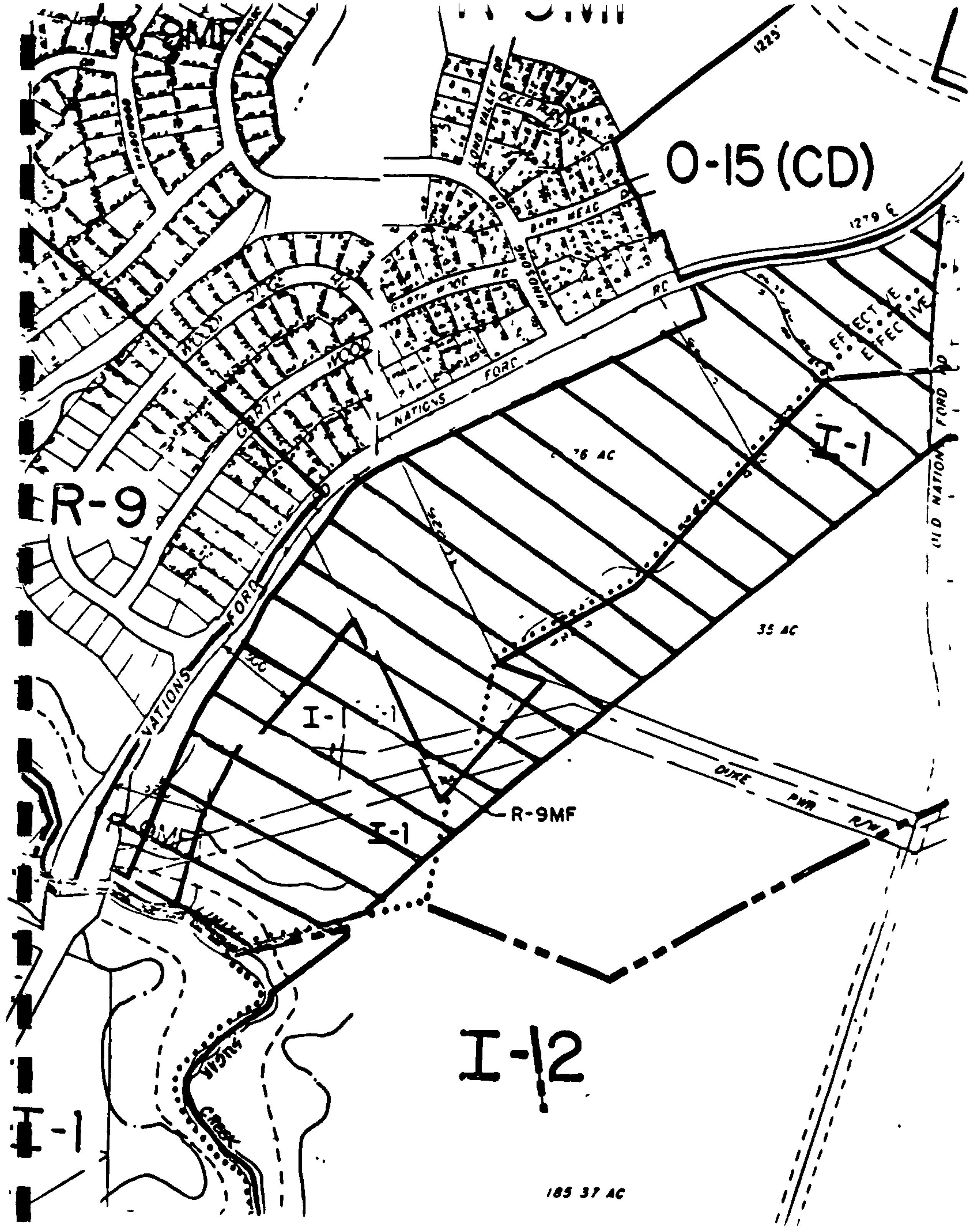
ZONING CLASSIFICATION, EXISTING R-9MF to I-1 REQUESTED I-1(CD) & I-2(CD)

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


0-15 (CD)
R-9
R-9MF
I-1
I-12
OLD NATIONS FORD RD
NATIONS FORD RD
NORTH FORK RD
OLD VALLEY DR
DEER HEAD DR
DUKE PWR R/W
1279 ±
1225'
35 AC
185 37 AC

HORACK TALLEY PHARR & LOWNDES
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

JAMES M TALLEY JR
PAUL B GUTHERY JR
HENRY N PHARR II
WILLIAM S LOWNDES
NEIL C WILLIAMS
GEORGE ROBERT TURNER III
ROBERT C STEPHENS
CLAYTON S CURRY JR
TATE K STERRETT
SUSAN CHRISTMAN
STEPHEN L SMITH
ROBERT B BENNETT JR
TIMOTHY W GILBERT
JOSEPH D McCULLOUGH
RUSSELL J SCHWARTZ
ROBERT B McNEILL
H DAVID POWELL
J HAYDEN HARRELL
CHERYL D STEELE
JAMES H PULLIAM

BENJ S HORACK
RAY W BRADLEY JR
OF COUNSEL

2600 ONE FIRST UNION CENTER
301 SOUTH COLLEGE STREET
CHARLOTTE NORTH CAROLINA
28202 6038

TELEPHONE
704 377 2500

TELECOPIER
704 372 2619

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 9, 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 July 23,'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 Monday, September 10, 1990. This will then permit these matters to be placed on your agenda for consideration on Friday, September 17, 1990.

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

Respectfully submitted,

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

TM:mlj

Attachments

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

DATE: July 23, 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 deferred action on this request for 60 days to allow the property owner time to perfect a conditional site plan.

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

Nays: Mead.

REASONS

This petition dates back a number of years and was originally filed to implement the Beatties Ford Road Small Area Plan. On previous occasions when the case has come up for a recommendation, the property owner has asked for deferrals in order that they might pursue a conditional plan. Almost four years have passed since this case was heard at the public hearing and the property owner has submitted a proposed conditional site plan for the property. However, the site plan contains certain deficiencies and the property owner asked for additional time to perfect the plan. The purpose of the petitioner's plan would be to allow for the property to remain zoned B-1 under a conditional site plan.

DATE: July 23, 1990

PETITION NO.: 90-56

PETITIONER(S): Wendover Shopping Center Association

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

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

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

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

Nays: None.

REASONS

This petition requests an amendment to an existing conditional site plan to allow for a minor expansion to the facility. The expansion would involve adding 2,600 square feet of floor area to the existing building. Inasmuch as there are no site plan or land use issues involved in this application, the Zoning Committee recommends that it be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

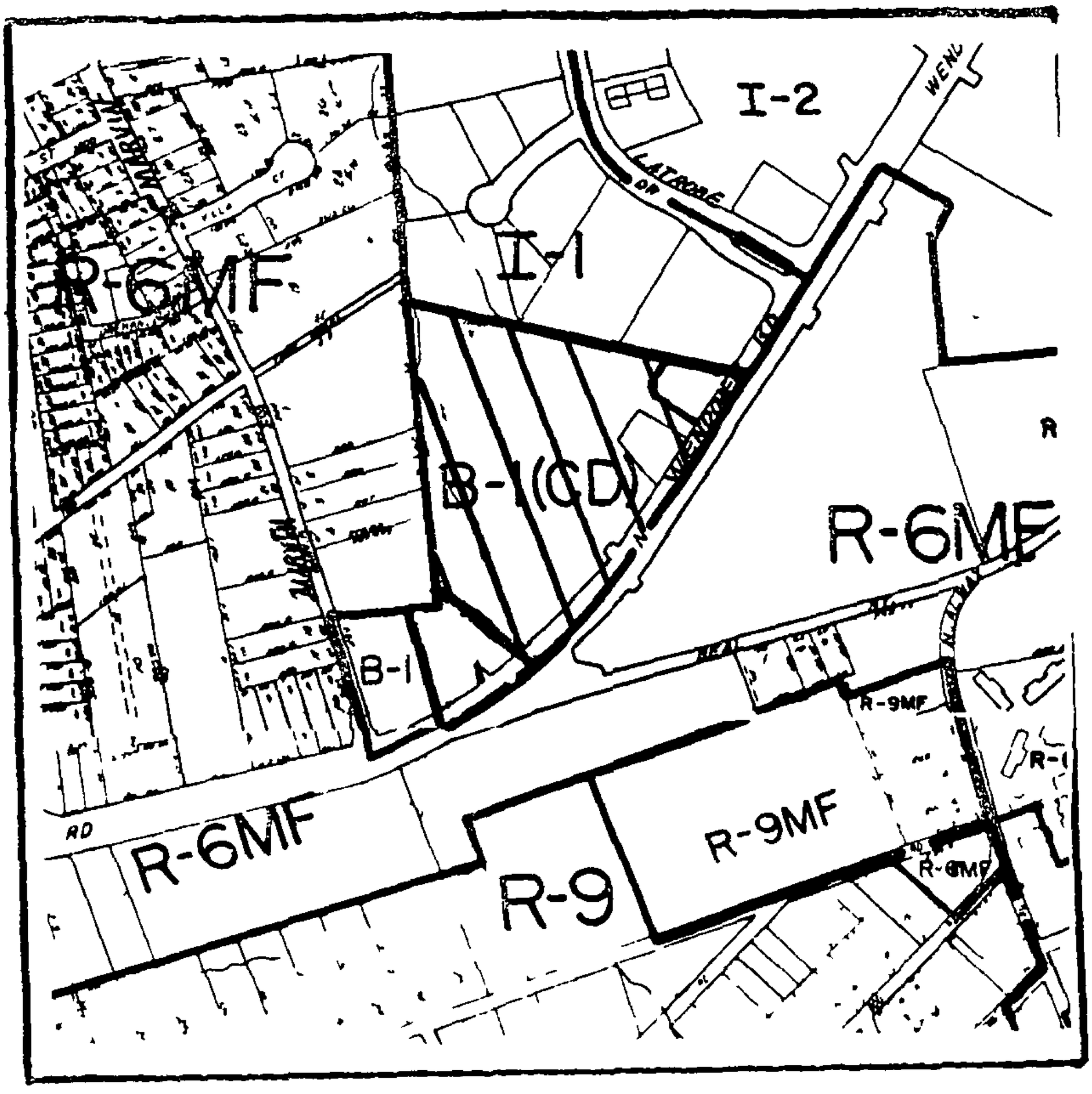
Revised Map

PETITIONER Wendover Shopping Center Association

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

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

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



ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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

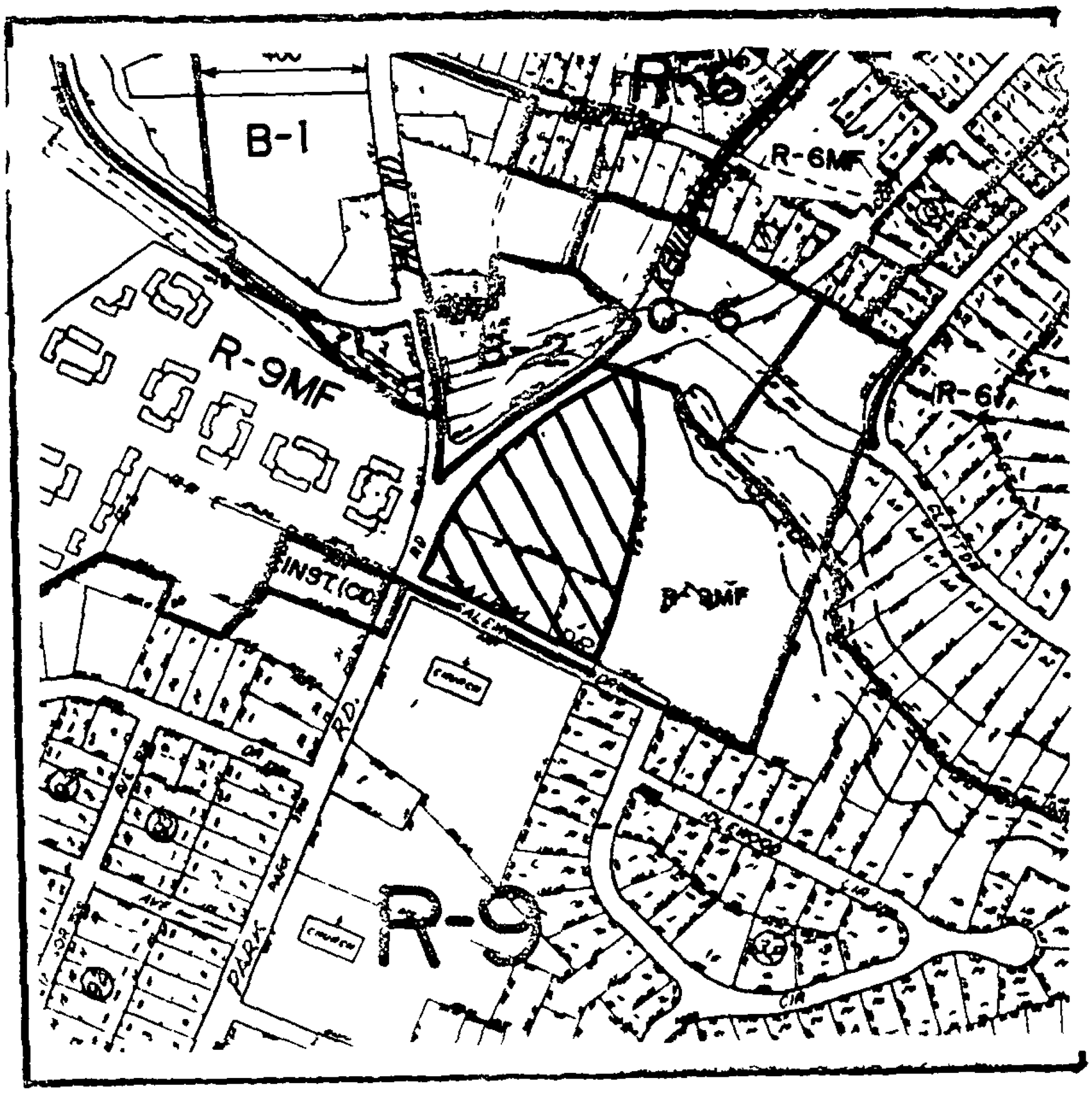
The staff agrees with the recommendation of the Zoning Committee. The staff would note that the illustrations of the building elevations which were used at the public hearing and were discussed by the petitioner's agent are not part of the rezoning and, therefore, are not binding on the development of 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.: 90-58

PETITIONER(S): Sally T. Honeycutt

REQUEST: Change form R-12 to B-1(CD)

LOCATION: A one acre site located on the west side of Park Road just north of Sharon Road.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tract of residentially zoned land to accommodate a convenience center. The site was formerly the location of a nonconforming commercial facility which was removed as a result of Park Road improvements. The proposal requests approval of 4,800 square feet of total floor area to be located on the site, split 3,500 square feet of retail and 1,300 square feet for office. The Zoning Committee expressed specific concern that the use was inappropriate at that location and would have impacts not only on the adjoining single family areas but on the newly improved Park Road. They believe that this request is inappropriate and, therefore, should not be approved.

STAFF OPINION

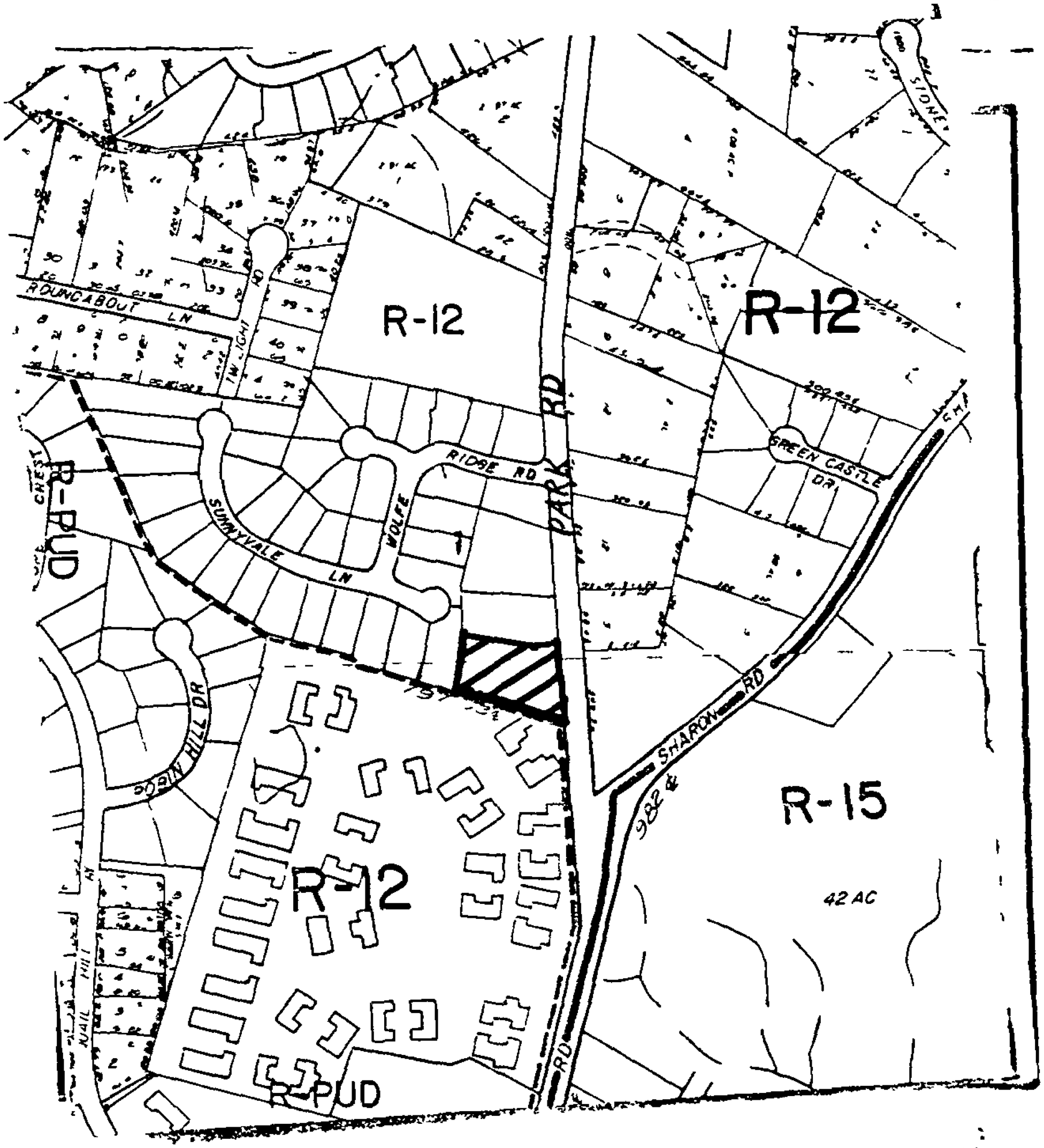
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Sally T. Honeycutt

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 23, 1990

PETITION NO.: 90-59

PETITIONER(S): Trammell Crow Company

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

LOCATION: A 16.2 acre site located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road.

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

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

Nays: None.

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

REASONS

This petition proposes the rezoning of a tract of land to provide for a single user industrial facility. Land in this general area is proposed to be developed for just such uses by the 2005 Plan and the Northeast District Plan. A substantial portion of this site will remain as permanent open space including the preservation of an existing lake. The Zoning Committee did discuss the issue of truck traffic which might use Cindy Lane to reach Statesville Road. The Committee concluded that there were no prohibitions on any of the other developments in the area using Cindy Lane for such access and, therefore, would be inappropriate to try to establish special requirements for this particular site. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Trammell Crow Company

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

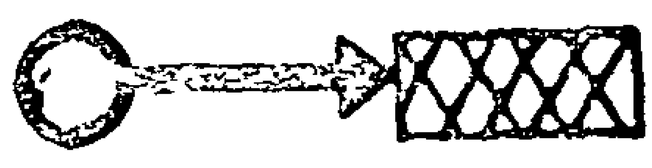
ZONING CLASSIFICATION, EXISTING R-9 REQUESTED I-1(CD)

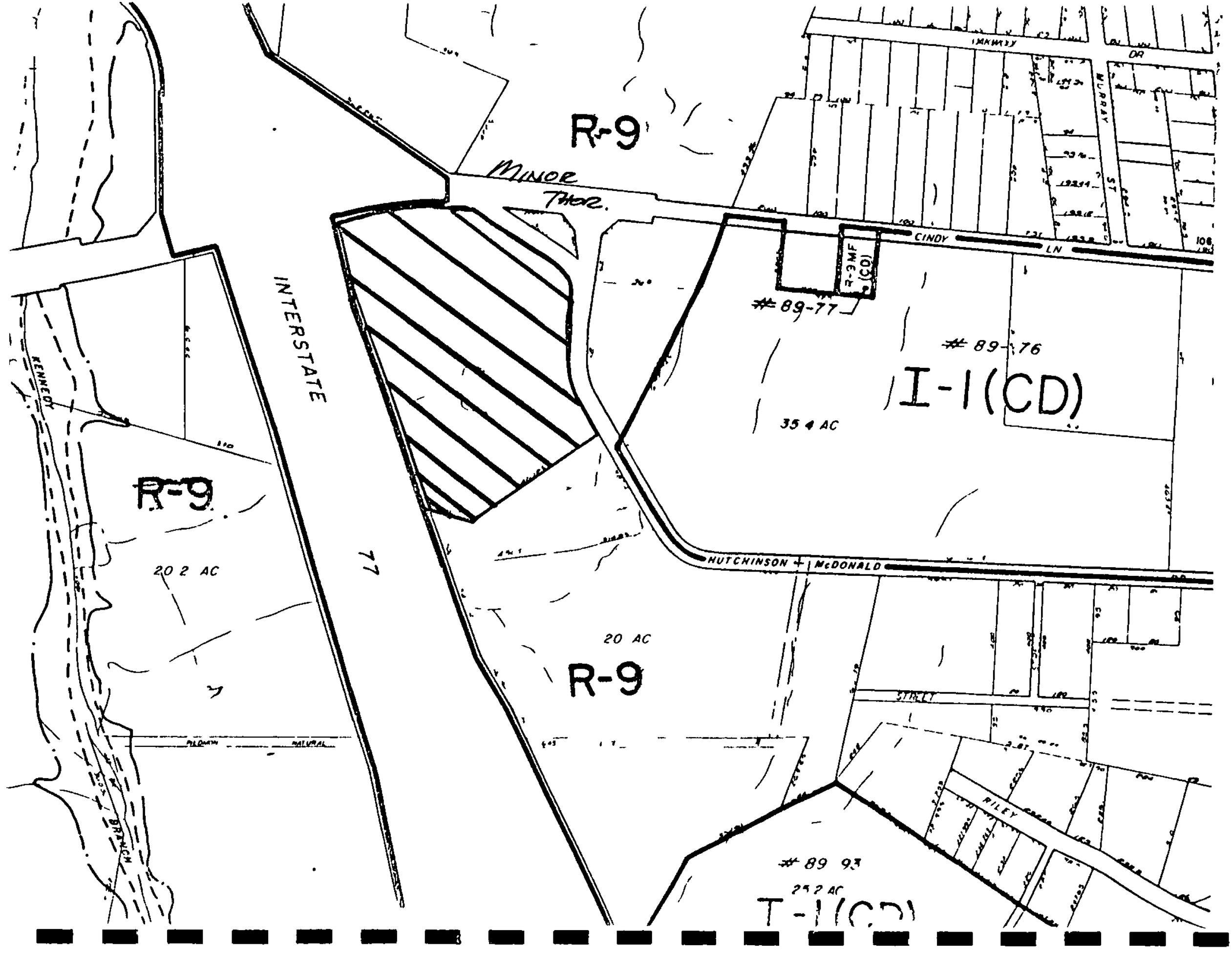
LOCATION Approximately 16.2 acres located on the south side of Cindy Lane extending from I-77 to Hutchinson-McDonald Road.

SEE ATTACHED MAP

ZONING MAP NO. 69 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




R-9
MINOR
THOR.
INTERSTATE
77
KENNEDY
R-9
20 2 AC
BRANCH
CINDY
LN
MURRAY
ST
DR
89-77
89-76
I-1(CD)
35 4 AC
HUTCHINSON + McDONALD
20 AC
R-9
STREET
RILEY
89 93
T-1(CD)

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.

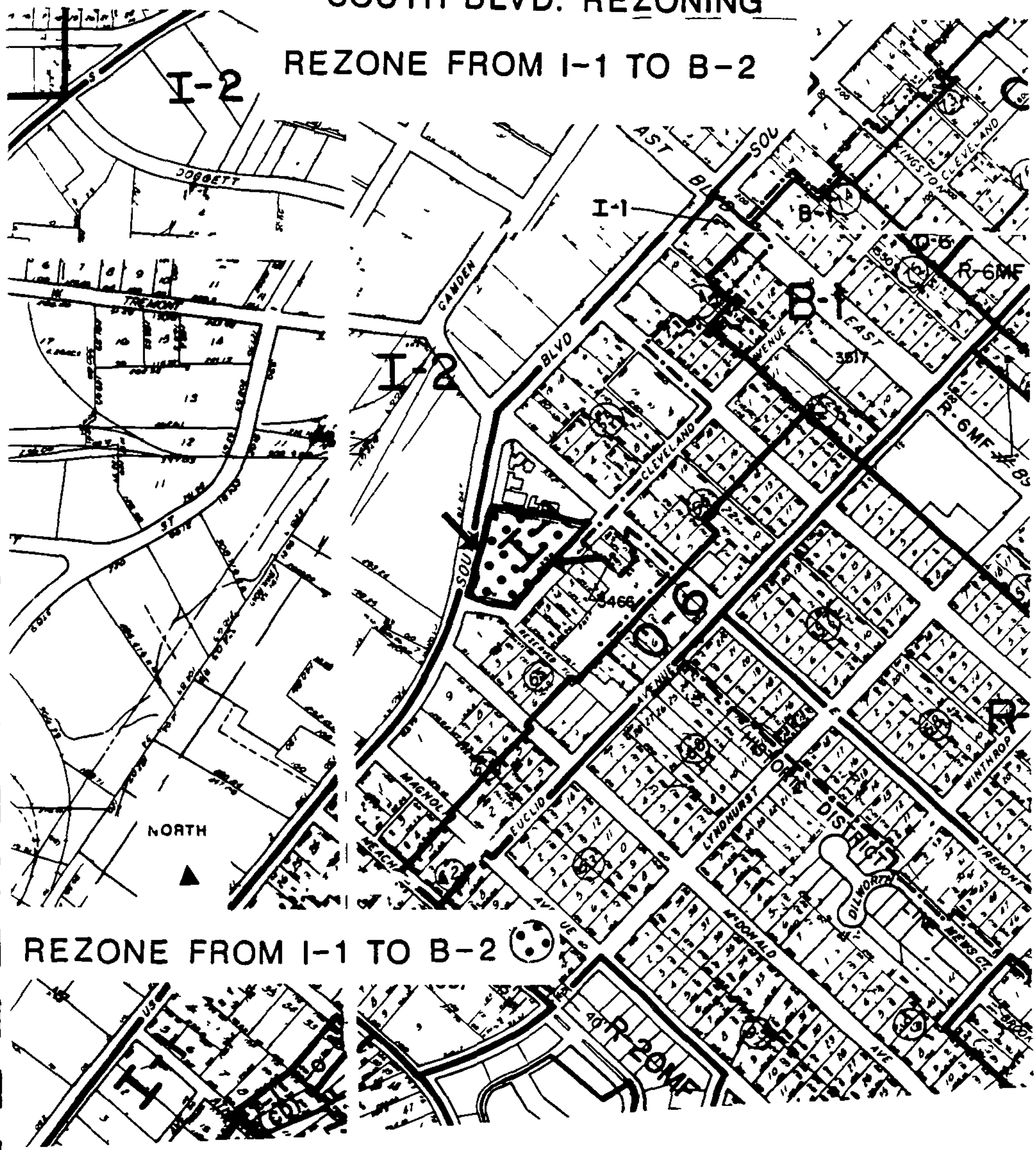
SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

SOUTH BLVD. REZONING

REZONE FROM I-1 TO B-2



DATE: July 23, 1990

PETITION NO.: 90-61

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: A 22.19 acre site located along Ritch Avenue and Benard Avenue south of North Tryon Street.

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 North Tryon Corridor Study. That study specifically calls for the preservation of the existing single family neighborhood along Ritch Avenue and Benard Avenue and recommends accomplishing that preservation by eliminating multi-family zoning in favor of single family zoning. The Zoning Committee believes that this is an appropriate action to take in this area and that, indeed, the stability of the existing single family neighborhood warrants preservation. Although there was opposition at the public hearing, the Zoning Committee still believes that the appropriate action for this property is to changed the zoning from R-6MF back to single family R-6.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

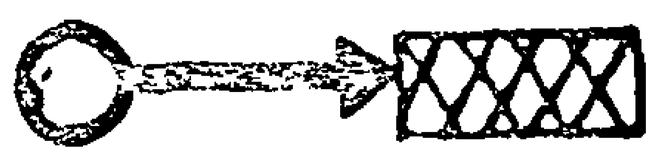
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

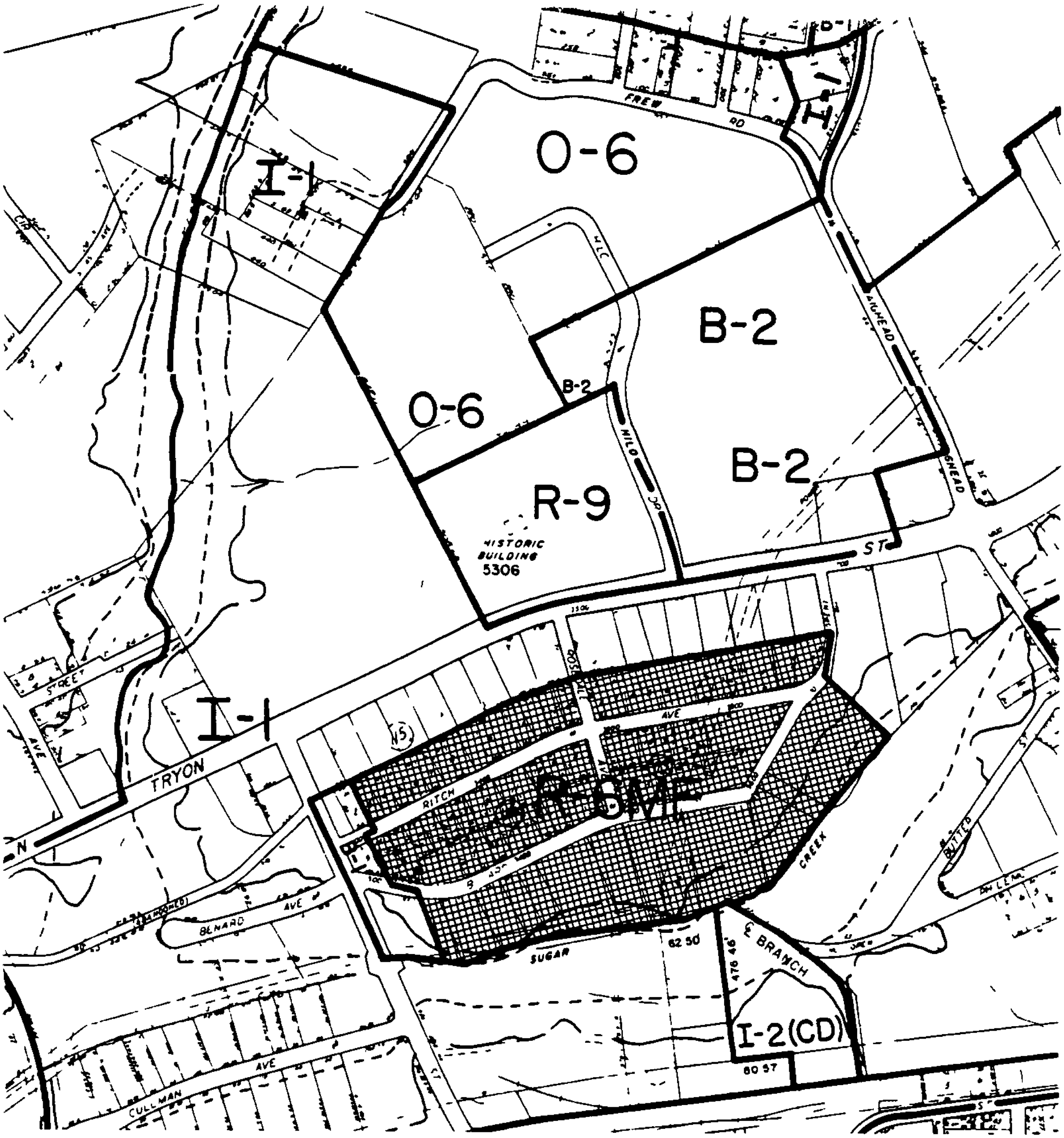
LOCATION Approximately 22.19 acres located along Ritch Avenue and Benard Avenue south of North Tryon Street.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE





North Tryon Corridor Study Rezonings

R-6MF TO R-6

PETITION #4

DATE: July 23, 1990

PETITION NO.: 90-62

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from O-6, B-2, and I-1 to R-15MF

LOCATION: A 56.6 acre site located on the north side of North Tryon Street, bounded generally by North Tryon Street, Craighead Street, Frew Road, and Derita Creek.

ACTION: The Zoning Committee recommends that the properties in this petition which are zoned I-1 and O-6 be rezoned to R-6MF and by separate vote that the properties zoned B-2 be rezoned to B-1.

I-1 and O-6 be rezoned to R-6MF:

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

Nays: None.

B-2 be rezoned to B-1:

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

Nays: None.

REASONS

The Zoning Committee discussed this request for some time. Most of the discussions revolved around the commercially zoned land with its orientation toward Tryon and Criaghead Streets. Members of the Zoning Committee understood the concept that the plan proposed to create additional opportunities for multi-family housing in the area. However, some concern was expressed about the relationships which might be created between these multi-family areas and existing commercially and industrially zoned land nearby. They concluded that a compromise would be to rezone the property to B-1 which would provide for neighborhood commercial services while not providing for highway oriented commercial activities. The Zoning Committee does believe that the remainder of the property that is zoned I-1 and O-6 should be rezoned multi-family to preserve the existing multi-family and single family development in those areas.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. However, the staff continues to believe that the appropriate zoning for the vast majority of the B-2 zoned land is R-15MF as recommended by the plan. The staff acknowledges that the small tract at the corner of Craighead and North Tryon Streets could appropriately remain zoned for B-1 uses such as that proposed by one of the objecting parties.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

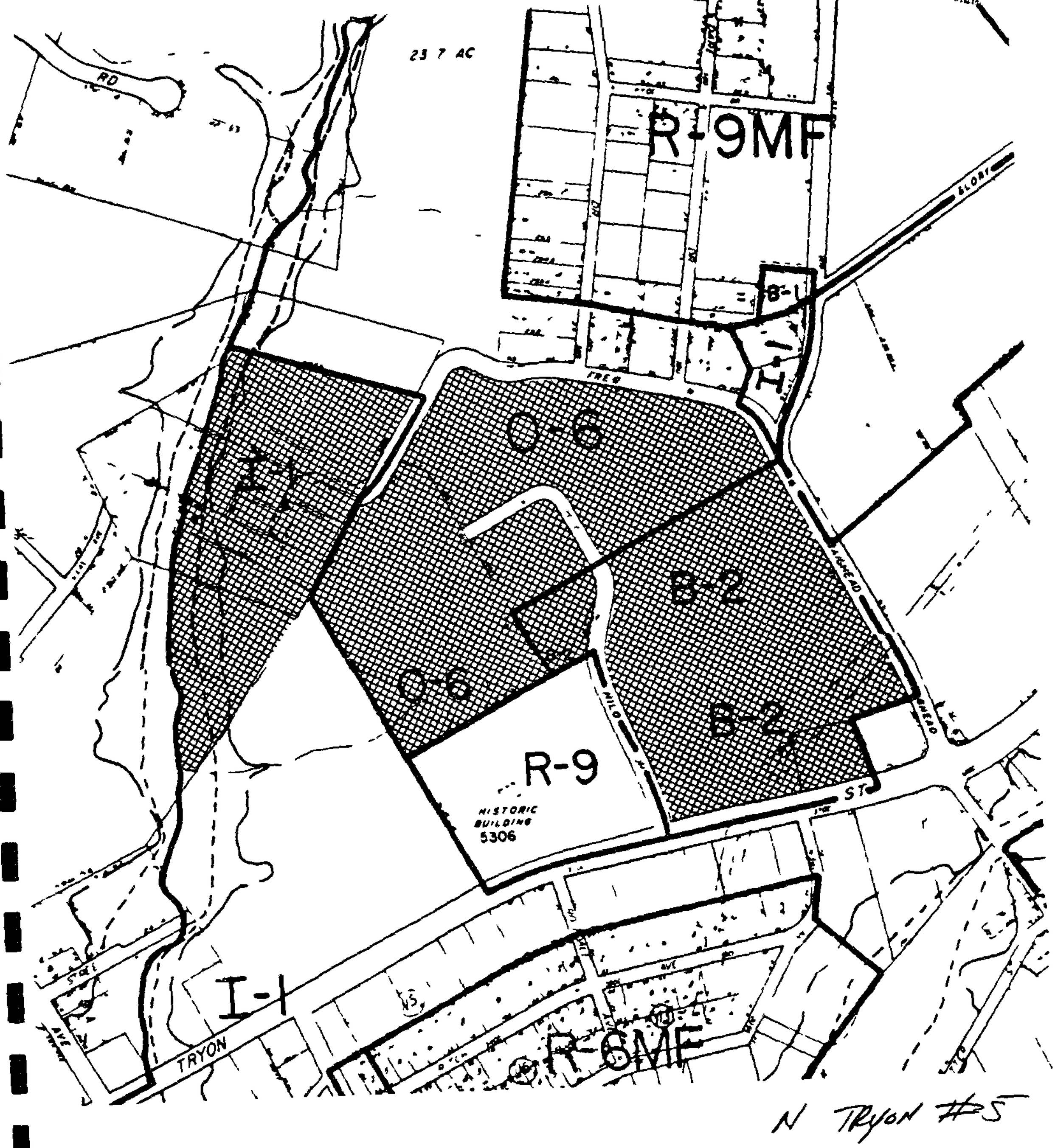
ZONING CLASSIFICATION, EXISTING O-6, B-2 & I-1 REQUESTED R-15MF

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE



North Tryon Corridor Study Rezonings

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

DATE: July 23, 1990

PETITION NO.: 90-63

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: Approximately 29 acres located along Elligton and Jonquil Streets, Marvin Road, Barkland Drive, and Wheatley 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 is brought forward by the Planning Commission to implement the recommendation of the Grier Heights Plan. The plan actually calls for properties involved with this petition to be rezoned to a district which would allow for a mixture of single family and duplex uses at densities of up to eight units per acre. However, at the present time, no such district is available and the petition was initiated to deal with the preservation of the residential fabric of the community while awaiting such a district's development and adoption. A number of nonconforming duplexes will result from this action. However, the Zoning Committee expects that this will represent an interim measure while a new district to implement the full recommendations of the plan is developed.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

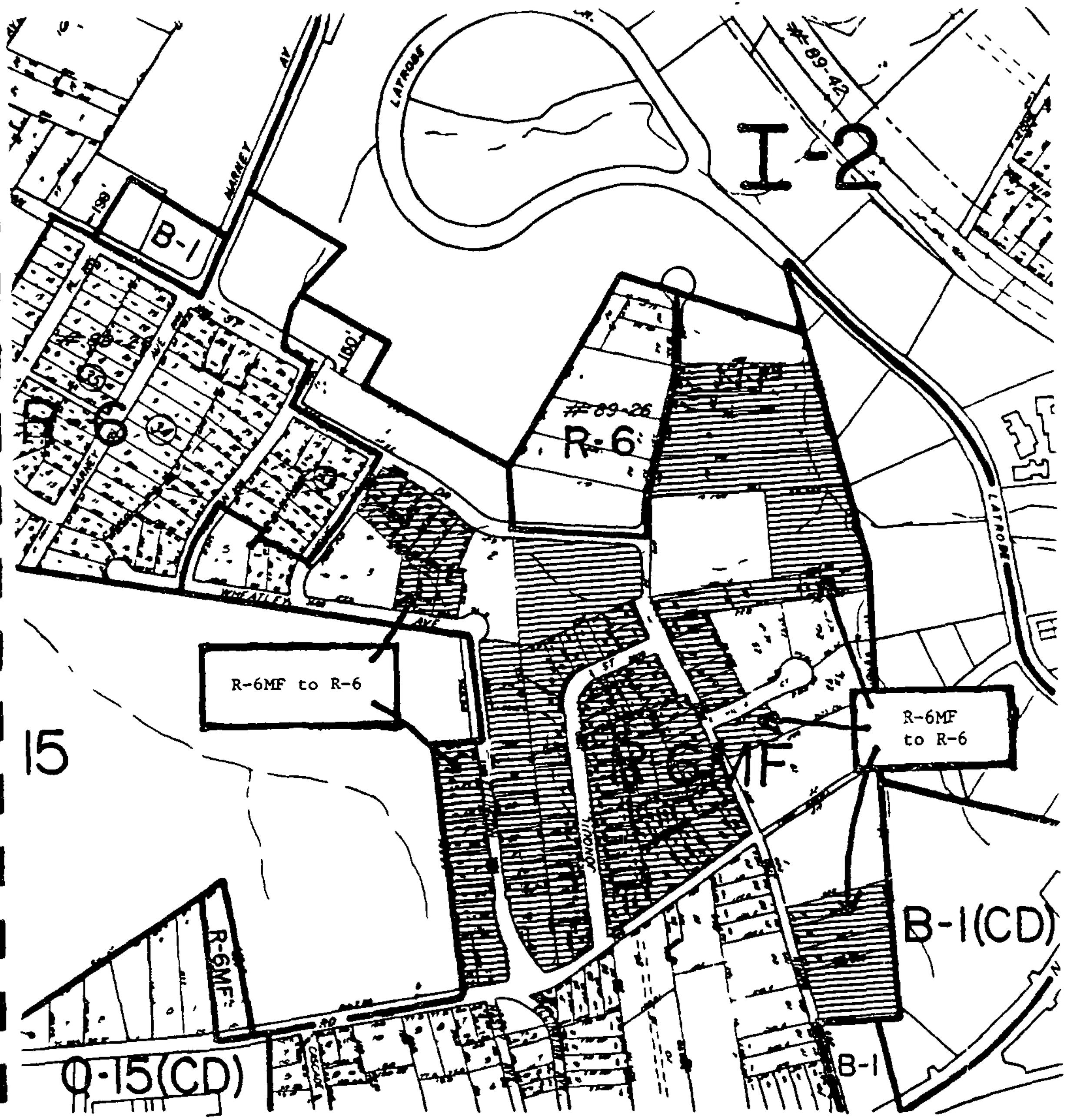
ZONING CLASSIFICATION, EXISTING R-6MF REQUESTED R-6

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

SEE ATTACHED MAP

ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



MATCH TO SHEET NO 12

Sc

400' 0' 400

DATE: July 23, 1990

PETITION NO.: 90-64

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

LOCATION: Approximately 44.7 acres generally located between Marney Avenue and Orange Street.

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

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

Nays: None.

REASONS

This petition is brought forward by the Planning Commission to implement the recommendations of the Grier Heights Plan. The commercial property involved with this request is directly adjacent to the existing neighborhood convenience center and is presently vacant. It is believed that the existing convenience center will provide for the neighborhood community shopping needs and that additional commercially zoned property in the area is not necessary. The remainder of the area is composed of existing single family houses, duplex houses, or vacant land. The plan recommends that properties in this area be rezoned to a new district which would accommodate single family and duplex housing and up to eight units per acre. Until such a district is developed and adopted, this petition safeguards the single family area and stabilizes the remaining vacant properties by changing the zoning to single family from the present multi-family classification. When a new district becomes available which meets the recommendations of the plan, the Planning Commission will initiate a rezoning to establish the new district on these properties.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

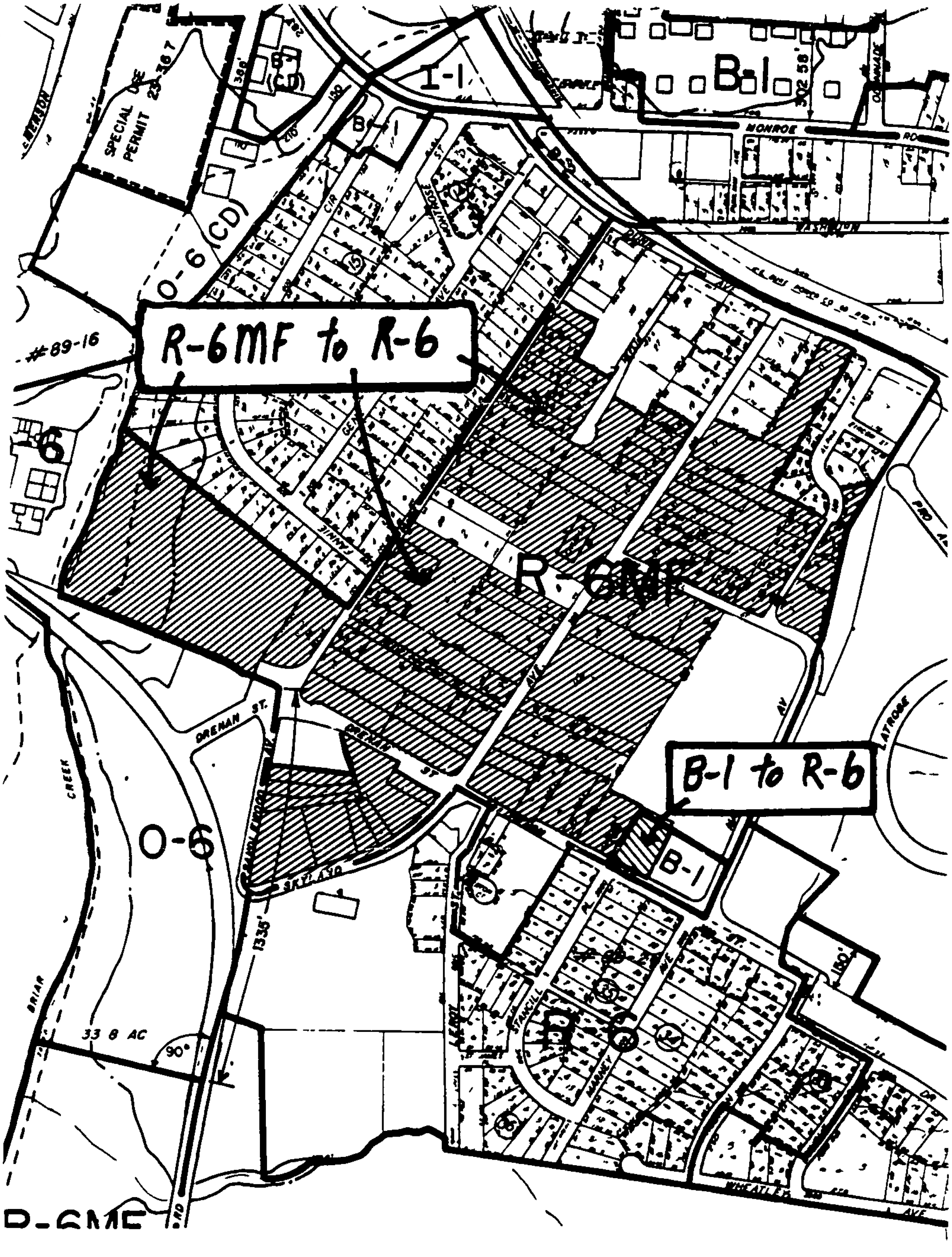
ZONING CLASSIFICATION, EXISTING B-1 & R-6MF REQUESTED R-6

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

SEE ATTACHED MAP

ZONING MAP NO. 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-6MF to R-6
B-1 to R-6
R-6MF
I-1
B-1
O-6
SPECIAL USE PERMIT 23-367
#89-16
MONROE
WASHINGTON
DRENAN ST.
SKY AVE
STANCILL
MARNEY
WHEATLEY
LATROBE
CREEK
BRIAR
33 8 AC
90°
1335'
180'
302.58'