<u>AGENDA</u>

Meeting Type:	Z	
Date	09-26-1990	
SUBJECT		

City of Charlotte, City Clerk's Office

Mayor's Schedule September 26, 1990

6:00 p.m. - Public Hearing - New Zoning Ordinance (n) 1. Walter Lineberger, 3001 Robin Road, 366-1387 Joan Kennedy, President of League of Women Voters of Charlotte-Mecklenburg, 1441 Carmel Road, 366-5777 (5)/3. Fred Bryant, 1850 E. Third Street, 333-1680 T. Price Zimmerman, Box 58, Davidson, NC 892-3050

Bailey Patrick, 900 Baxter Street, 372-1120

John Boal, 1125 E. Morehead Street, 375-2510 (b) 1. Michael Cole, 417 East Boulevard, 376-1555 8. Peter Hubicki, 2 First Union Center, Suite

9. Jim Cotes, 219 E. Kingston Avenue, 375-9373 Peter Hubicki, 2 First Union Center, Suite 2410, 342-0933 Thomas Frick, 310 S. Tryon Street, 342-1968 Tom Lawing, Sr., 1445 E. Seventh Street, 334-6481 $\sqrt{|q|}$ 12. Alfred Davis, 10200 Arthur Davis Road, Huntersville, NC 597-0513 13. Bill Trotter, P. O. Box 35269, 333-8804 (William A.) Will Trotter, 1329 E. Morehead Street, 333-1105 - Move To 10/11 Landon Wyatt, 2800 One First Union Center, 342-9000 John P. Brockway, 14517 East Rocky River Road, Davidson, NC, 355-5696 Joseph G. Nunn, 8901 Whispering Pines Lane, 527-2034 Addie S. Roseboro, 1625 Parson Street, 372-6129 - $\mathcal{D}_I\mathcal{D}$ Nor WANT TO SPEAK. Juanita Lockhart, 1524 Belvedere Avenue, 332-5286 \mathcal{D} ID NOT WANT 70 \mathcal{SPEAK} Anthony Morrison, President Hunter Creek Neighborhood Association, 4701 Harri-Ann Drive, (H) 563-1710, (W) 788-5271 (13)21. Neil Leach, 933 Berkley Avenue, 334-8948 与ROKRIDEE 7 Michael Schneiderman, 3122 Burkeridge Lane, 376-1164

GRACE M. TILLETT

23. Dr.—Charles-Tilley; 2130 Sharon Lane, 28211, 366-6895

24. Bill Thomas, 4819 Harri-Ann Drive, 531-0284

(6)25. Mary Olive Johnson, 1979 Ferncliff Road, 366-3159 or 376-2054

(17) 26. (Ray Jones, 212 S. Tryon Street, Suite 1200, 331-0470

Norman Dees, 2112 B-Avenue

38. Susan Lebold, 3332 Fielding Avenue, 300-3111

(929. MICHAEL MARLOWE, P.O BOX 95132, RALEIGH, NC 1-800-532-6311

City Council Public Alaing New Zoning Ordinance 1/26/90 NON President - Dufuy Mayor Camplell Collews Chodice Blackwar Hannond __ Lees Mc Crown Lockwood Mangund - Minten Walton Mitthews Frank Enroy Patterson 1 Durto Martin Cranton Scarbonagh ant Co Wander Souler Veni A 1/ Lelen He zing Connettee 6:10/11. Frank Emory, Chauman Planning Commission Martin Cranton Undy Patterson Jon Housely Walter Lineberger Bailey Patrick

Maring Consultee Sara Spencer Frank Emery Gleria Fenning

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
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
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
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
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MEMORANDUM

TO: City Council Members, County Commissioners, Planning Commissioners

FROM: Landon Wyatt, Childress Klein Properties

DATE: September 26, 1990

RE: July, 1990 Draft Zoning Ordinance

The following is a summary of the points covered in my comments

Nonconformance

Page 7-1 states that " the provisions of this chapter are designed to curtail substantial investment and nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of these regulations." This position places the integrity of regulations over the integrity of billions of dollars in investments made over the past 20 years according to the existing regulations. Much more leniency should be given to these developments.

II Concerns within the I-1 District - Section 9 1102 (46)

- A Offices are limited to 300,000 square feet. This would prohibit Belk Headquarters and Royal Insurance Headquarters.
- B This will not protect industrial land for industrial development as the logic seems to be. This requirement should be eliminated

III Concerns within the Business Park District - Page 11-19

- A Offices are not allowed as a use The BP classification calls for a "mixture of employment types" and offices are included in the current ordinance. These should be allowed
- Page 11-22 The Floor Area Ratio within the BP district is limited to 3.

 The Floor Area Ratio in the Industrial districts is 8 and within the Office districts ranges from 6 to 30. The 3 Floor Area Ratio requirement is

- extremely low and unfair It should be increased to at least 7
- C All phases of the Business Park development are required to stand independently. This does not allow flexibility from site to site for a requirement such as overall Greenspace and Floor Area Ratios.

IV Buffers - Section 12 4A

- A Buffers are needed in the new ordinance
- B Landscape requirements are not horticulturally possible
- Business Park and Industrial classifications are required to have Class B buffers next to greenways. All other classifications are only required to have a Class C buffer in this location. Given that land for greenways is mostly donated by the developer, the requirement of a more restrictive buffer next to land that is required to be donated seems extraordinarily unfair.

Thank you for your consideration

To City Council Members and County Commissioner

OUR RECUEST:

FLEASE RESTRICT THE <u>SALE</u> AND <u>STORAGE</u> OF USED CARS IN RESIDENTIAL AREAS

THE PROBLEM:

THE USE OF RESIDENTIAL PROPERTY FOR USED CAR SALES

My name is Grace M. Tillett. I live at 2170 Sharon Lane in Forcroft. For the past seven years we have had an ongoing problem caused by our nest door neighbor who continues to store and sell used cars on his residential property.

At no time has our neighbor had less than one car for sale, and on many occasions he has had three or more with "for sale" signs prominently displayed—all parked fronting on the sidewalk of Sharon Lane. He has stored as many as 14 cars on his premises with a continuing change in color, make, and year of vehicles, some without license tags and not operational.

The zoning board, including Mr. Shorter and Mr. Womble, have been most cooperative and have spent countless hours on this problem, as has Mr. Dave Smith in the City Attorney's office, the community improvement office, and the mayor's office. However, because of the loose and vague zoning laws and lack of penalties, the problem is no sooner corrected than it comes up again. Our neighbor has stated that been sold that the regulations allow the sale of 5 cars per year at a residential location.

We know of other neighborhoods with a similar problem.

We sincerely hope that you will incorporate specific restrictions and <u>penalties</u> in the new zoning regulations regarding the sale and storage of used cars in residential areas. This would greatly assist our neighborhood and the zoning office in the control of this problem.

We suggest the following:

- 1. LIMIT RESIDENTIAL SALE TO ONE PERSONAL LICENSED CAR PER YEAR
- 2. LIMIT NUMBER OF WEEKS A CAR CAN BE SHOWN FOR SALE
- J. ALL AUTOS ON PREMISES MUST BE IN WORKING CONDITION WITH VALID LICENSE AND LIABILITY INSURANCE
- 4. CARS DISPLAYED MUST BE 15 FEET BACK FROM PROPERTY LINE
- 5. APPLY INCREASING FINANCIAL PENALTIES FOR NON-COMPLIANCE WITH THESE REGULATIONS

Thank you.



PRESIDENT Joan Kennedy

VICE PRESIDENTS
Susan Lebold
Malyn Pratt
Fran Kaplan

TO

MAYOR, CITY COUNCIL, BOARD OF COUNTY COMMISSIONERS, & MEMBERS OF THE PLANNING COMMISSION AND STAFF

SECRETARY Wilma Pinter

FROM

THE LEAGUE OF WOMEN VOTERS OF CHARLOTTE-

MECKLENBURG

TREASURER Ann Rowell

DATE

SEPTEMBER 26, 1990

DiRECTORS
Karen Armstead
DianeGetz
Anna Hood
Lucille Howard

RE

PROPOSED CONSOLIDATED ZONING ORDINANCE

Lucille Howard
Clara Jones
Linda Levy
Ann Lockhart
Gladys Scott
Betty Seizinger
Marilyn White

The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens. We promote an open governmental system that is representative, accountable and responsive to all citizens. The League of Women Voters also believes that governmental bodies have a duty to protect the citizen's right to know by giving notice of proposed actions, holding open meetings and making public records accessible. Wide publicity, public hearings, public consultation with local governments and regional planning agencies, and broad citizen representation on policy-making boards at all levels are essential

Therefore, the League of Women Voters wishes to commend the City Council, Board of County Commissioners and Planning Commission for providing opportunities for citizen participation in the comprehensive process of rewriting our local City and County zoning ordinances. We encourage the continued use of public meetings and hearings which allow for all points of view toward the proposed new ordinances to be expressed, and hope that all concerns will be considered carefully by those who must make the final decision on the adoption of the new ordinance

The League of Women Voters respectfully requests the City Council, Board of County Commissioners and Planning Commission to carefully consider the following recommendations when evaluating the proposed ordinances

- Land should be managed as a finite resource and not as a commodity, since land ownership, whether public or private, carries responsibility for stewardship,
- 2 Land-use planning should reflect conservation and wise management of resources,
- Areas impacted by public or private investment where siting results in secondary environmental and socioeconomic impacts should be identified and regulated,
- Environmental, social and economic impacts of major public and private developments should be reviewed

The League of Women Voters supports long range planning by local city and county government, with implementation according to state guidelines and in cooperation with regional planning offices. In 1986, the League of Women Voters of Charlotte-Mecklenburg adopted a position supporting the stated goals, objectives and tools of the 2005 Plan. The League recognizes that the adoption of uniform zoning policies and ordinances is essential to the successful implementation of the Plan.

Coppynich

I am here tonight to ask Council to please consider an oversight in the new comprehensive zoning ordinance. This omission concerns the ability of a business day care center to be placed in a single family or multi-family zoned residential property without any change of use hearing or any type of zoning change hearing. I am not referring to a situation where an owner occupied residence uses their residence to supplement their income by taking in several children because to deny that situation would unfairly infringe upon the rights of the use of personal property ownership. However, I would ask Council to consider prohibiting, without a change of use hearing, the wholesale conversion of a single family residence or multi-family property for the sole use as a business day care center; i.e., a house is sold by the occuping owners then converted solely for a business day care center. No longer is a day care center a question of a retired teacher keeping several children in a home. Today, day care centers are business - big business, just as much a business as a bank, a restaurant, or a retail shop. A day care center will open at 6:00 am and close as late as 9:30 pm - even on week-ends. A day care center is a "for profit" corporation with employees, a commercial size kitchen with exhaust fans, a dumpster, delivery supply trucks, and creates an increased traffic flow for streets designed for residential neighborhood traffic volume.

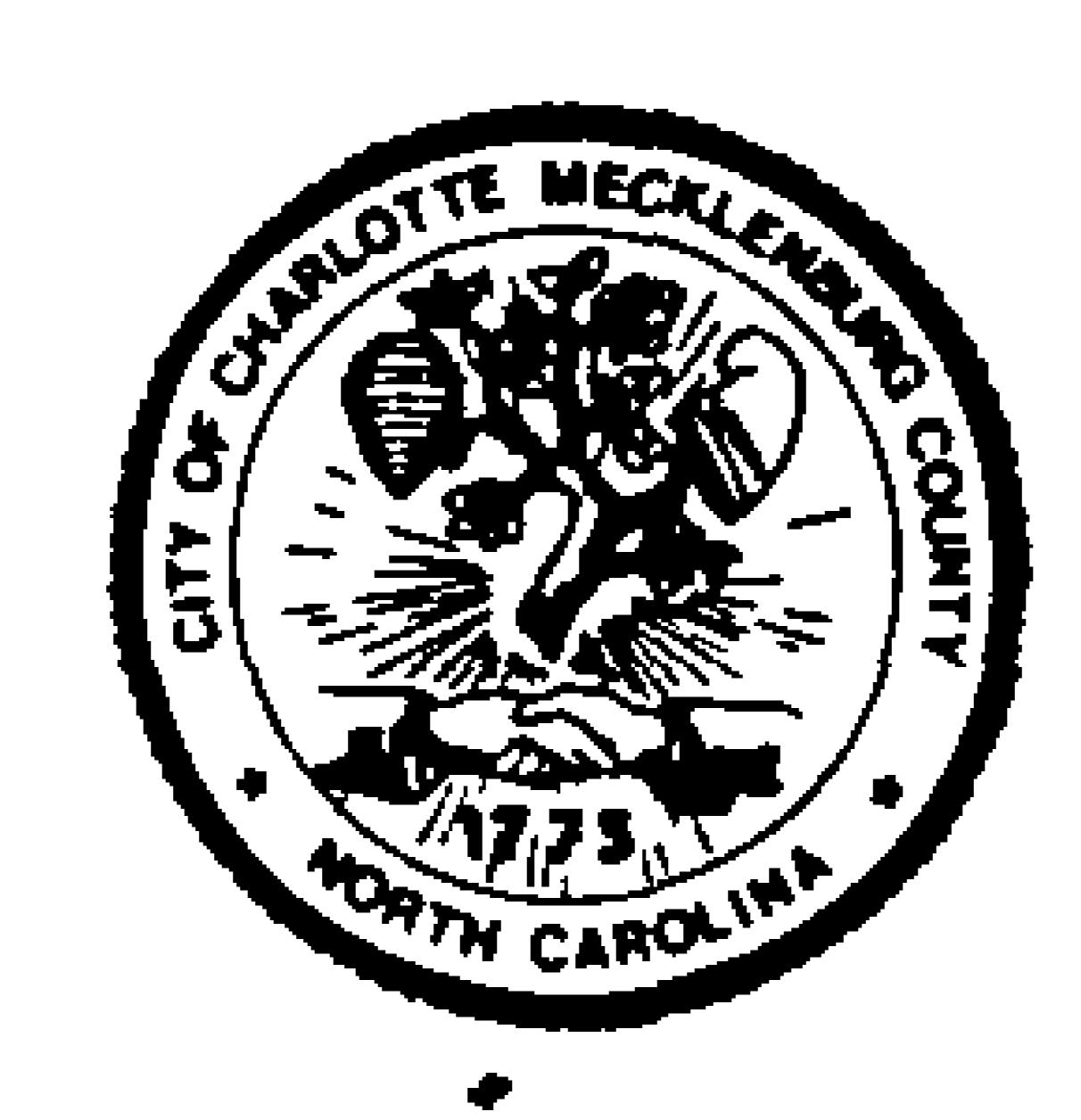
The proposed new zoning codes offer a sensible approach for group homes, but do not offer the same incremental zoning districts based on the number of children for day care centers as for group homes. Currently, the larger the house and yard, the larger the day care center a developer could build. This loop-hole in the current zoning codes allows developers to circumvent residential zoning laws for single and multi-family property and to legally convert non-business property into "de facto" business use.

Again, I would ask that Council please consider amending the proposed new zoning ordinance to require a change of use hearing before single family or multi-family zoned property can be used for business day care centers.

Thank you. Walter Linetengen

Walter Lineberger 3001 Robin Road

Charlotte, NC 28211



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

CITY OF CHARLOTTE AND MECKLENBURG COUNTY NEW ZONING ORDINANCES PUBLIC HEARING

SEPTEMBER 26, 1990
6:00 P. M.
MEETING CHAMBER
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER

AGENDA

- I. Invocation
- II. Remarks by Frank E. Emory, Jr., Chairman of the Charlotte-Mecklenburg Planning Commission
- III. Remarks by Martin R. Cramton, Jr., Director of Charlotte-Mecklenburg Planning Commission
- IV. Review "Rules of Procedure" for the hearing
- V. Call on Speakers -- (in the order which they have signed up)
- VI. Move to recess the public hearing until Thursday, October 11, 1990 at 6:00 P. M. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center

RULES OF CONDUCT FOR

NEW ZONING ORDINANCES PUBLIC HEARING

September 26, 1990 & October 11, 1990

The joint public hearing before the Mecklenburg County Board of Commissioners, Charlotte City Council and the Planning Committee of the Planning Commission on adopting new City and County Zoning Ordinances is expected to have a fairly large number of citizens sign up to speak at the public hearing. Citizens calling the City Clerk or Clerk to the Board of Commissioners are being requested to designate which day they would like to speak. Due to the large expected turnout, the normal rules of conduct utilized in zoning considerations appear not workable. Therefore, the following alternative rules are recommended to govern the hearing:

- 1. The Elected Officials will designate a member of the City Council or Board of County Commissioners to serve as the presiding officer.
- 2. After the official opening of the hearing on September 26, the Chairman of the Planning Commission will give a brief presentation followed by a 5-10 minute presentation from the Planning Director.
- 3. Speakers will then be called in the order in which they sign up to speak. Each speaker will be allowed to speak only once. It is recommended that each speaker be given no more than 3-5 minutes. The time limit may be adjusted as the presiding officer sees fit. Submission of written comments has been strongly encouraged in all publications about the public hearing.

Members of the Planning Staff will be available to answer questions from the Elected Officials and the Planning Committee on the new and current zoning ordinances. The Planning staff will not verbally answer any questions posed by a speaker unless directed to do so. However, the Planning staff will attempt to respond in writing to all questions.

- 4. After the last speaker for the September 26 session, the Elected Officials will move to recess the hearing to October 11, 1990 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center.
- 5. On October 11, 1990, the Elected Officials and the Planning Committee will officially reconvened the public hearing. The Chairman of the Planning Commission and Planning Director will make brief presentations, after which the scheduled speakers will come forward. Speaker time limits and the manner in which questions will be addressed will be the same as for the September 26 session.
- 6. After the last speaker for the October 11, 1990 session, the Elected Officials will officially close the hearing and each government body will separately refer its zoning ordinance to the Planning Committee of the Planning Commission for a recommendation.