AGENDA

Meeting Type:	B
Date	04-15-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in April '91

THE WEEK OF APRIL 1 - APRIL 6

1	Monday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION MEETING/Discussion of Cultural Action Plan** - CMGC, Meeting Chamber Conference Room
	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
3	Wednesday, 9 00 a m	**TAXICAB REVIEW BOARD** - Law Enforcement Center, 825 E Fourth Street, Room 300
	Wednesday, 9 00 a m	**CIVIL SERVICE HEARING** - CMGC, Room 118
	Wednesday, 5 00 p m	**CITY COUNCIL ZONING ORDINANCE WORKSHOP** CMGC, Conference Center
4	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, 6th Floor Conference Room
	Thursday, 6 30 p m	**CHARLOTTE CITY COUNCIL/REGIONAL ISSUES COMMITTEE** - Cabarrus Country Club, Weddington Road, Concord

THE WEEK OF APRIL 7 - APRIL 13

8	Monday, 3 30 p m	**CITY COUNCIL FINANCE COMMITTEE** - CMGC, Room 271
	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 South Caldwell Street
9	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A, Main Terminal
10	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 12 Noon	**CHARLOTTE-MECKLENBURG ART COMMISSION/Criminal Courts Plaza Dedication Ceremonies** - Criminal Courts Plaza, 700 East Fourth Street
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
11	Thursday, 2 00 p m	**ADVISORY ENERGY COMMISSION** 700 N Tryon Street, Hal Marshall Center, Agriculture Extension Auditorium, Room 1

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF APRIL 14 - APRIL 20

15	Monday, 4 00 p m	**CITY COUNCIL/CONVENTION CENTER BLUE RIBBON OVERSIGHT COMMITTEE** - CMGC, Rooms 270 - 271
	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/PLANNING COMMISSION/Zoning Hearings** - CMGC, Meeting Chamber
16	Tuesday, 12 Noon	**JOINT CITY COUNCIL/COUNTY COMMISSION MEETING** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Housing Authority Administrative Offices, 1301 South Blvd
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** CMGC, Conference Center
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center
17	Wednesday, 7 30 a m	**CITY/COUNTY/CHAMBER BREAKFAST** - CMGC, 11th Floor Conference Room
18	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Conference Center
19	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room

THE WEEK OF APRIL 21 - APRIL 27

22	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
23	Tuesday, 3 00 p m	**COMMUNITY FACILITIES COMMITTEE** - CMUD, 5100 Brookshire Boulevard
	Tuesday, 4 30 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
24	Wednesday, 7 30 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
25	Thursday, 7 30 a m	**FIREMEN'S RETIREMENT BOARD** - Charlotte Firefighters' Retirement System Administrative Offices, 428 East Fourth Street, Suite 205
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

THE WEEK OF APRIL 28 - APRIL 30

29	Monday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Coliseum, 100 Paul Buck Blvd
30	Tuesday, 1 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - 700 N Tryon Street, Hal Marshall Center, Building Standards Training/Conference Room

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Cyndee Patterson*

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

Council Agenda Monday, April 15, 1991

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
District Plan Explanation

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

Invocation by Rev. Glenn Gunter, Cornerstone Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Charlotte Water Works/Vest Station (specifically, the entire interior and exterior of the building, the one-million gallon water tank, and portions of Tax Parcel Numbers 078-451-01 and 078-382-01) located on Beatties Ford Road at Patton Avenue, Charlotte, North Carolina, as historic landmark.

   The Historic Landmarks Commission judges that the property known as the Charlotte Water Works/Vest Station does possess special significance in terms of Charlotte-Mecklenburg and bases its judgement on the following considerations:

   (1) The Charlotte Water Works was designed in 1922 by William M. Piatt, a well-known Durham Engineer.

   (2) The Station was completed in 1924 and at that time, was the largest and best equipped treatment plant in the state.

   (3) An addition was added to the Station in 1937 and was designed by B. Atwood Skinner and T. S. Simpson, Jr. (architects) and George S. Rawlins (engineer), which doubled the capacity of the plant and made it a "state of the art" water treatment plant.

   (4) The building was named Vest Station in honor of W. E. Vest, General Superintendent of the Charlotte Water Department for more than 30 years.

(5) In 1949, Charlotte became the first city in the Southeast United States to use fluoridation fed into the water at Vest Station.

(6) The Moderne style of the building is an excellent example of the civil and commercial architecture of 1920-1940.

(7) Charlotte Water Works/Vest Station provides a stable element in the changing Beatties Ford Road corridor.

This property is exempt from Ad Valorem taxes, therefore there are no deferrable taxes.

The Department Review process revealed that the Department of Transportation needed additional right-of-way along Beatties Ford Road and Oaklawn Avenue; right-of-way to meet these requirements was dedicated in the ordinance. There was no other conflict between the proposed designation and other City projects.

Consider adoption of an ordinance designating the Charlotte Water Works/Vest Station, including the exterior and interior and the parcel of land upon which it sits, as historic property.

Attachment No. 1

2. Hearing to consider designation of the Nebel Knitting Mill (former) (specifically, the entire interior and exterior of the building and the entire tract of land upon which it sits) located at 101 West Worthington Avenue, Charlotte, North Carolina as historic landmark.

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

(1) The Nebel Knitting Mill (former) is the most intact hosiery mill yet identified in Charlotte.

(2) The Mill is architecturally significant as an intact and finely, yet subtle ornamented example of industrial architect constructed in the late 1920's.

(3) The building was designed by Richard C. Biberstein, noted Charlotte mill engineer and architect.

(4) The Mill is significant as a tangible reminder of the importance of the full fashioned silk hosiery industry to the diversification and, in some cases, the survival of the textile industry in North Carolina during the post-World War I slump in the industry and the effects of the Great Depression on textile production.

(5) The building is important for its association with the Nebel Knitting Company and its founder, William Nebel, a pioneer in bringing the hosiery industry to the South, to North Carolina, and to Charlotte and Mecklenburg County in particular.

The amount of Ad Valorem taxes potentially deferrable on the subject property is $352,427.

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

Consider adoption of an ordinance designating the Nebel Knitting Mill (former), including the exterior and interior, and the parcel of land upon which its sits, as historic property.

Attachment No. 2

3. (91-20) Hearing on Petition No. 91-20 by Balloons Over Charlotte, for a Text Amendment to Section No. 3100, creating a new Section 3142 Open Space Recreational Uses to permit a variety of such uses on a commercial basis in any zoning district subject to special standards.

Attachment No. 3

4. (91-21) Hearing on Petition No. 91-21 by Alltel Mobile Communications, Inc. for a Text Amendment to Sections 1605 and 3123 to permit the establishment of a new section in the Zoning Ordinance to deal specifically with the installation of cellular telephone transmission facilities.

Attachment No. 4

5. (91-22) Hearing on Petition No. 91-22 by The Leon B. Jordan Estate for a change in zoning from R-9 to B-1(CD) for approximately 4.55 acres located on the southwest corner of Harris Boulevard and Idlewild Road.

Attachment No. 5

6. (91-23) Hearing on Petition No. 91-23 by Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-6MF and R9-MF to R-9 (Northwest District Plan) for a site located along Trinity Road approximately 700 feet south of Lakeview Road.

Attachment No. 6

7. (91-24) Hearing on Petition No. 91-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6; from I-1 to R-6 and from I-2 to I-1 (Northwest District Plan) for an area south of Old Mount Holly Road, east of Melynda Road.

Attachment No. 7

8. (91-25) Hearing on Petition No. 91-25 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 (East District Plan) for a site along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

Attachment No. 8

9. (91-26) Hearing on Petition No. 91-26 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 and O-6 (East District Plan) for a site along the south side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

Attachment No. 9

10. (91-27) Hearing on Petition No. 91-27 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1 and I-1 to O-15 and O-6 (East District Plan) for a site along the south side of Albemarle Road, between Dwight Ware Boulevard and Manchester Lane.

Attachment No. 10.

DECISIONS

11. (91-6) Decision on Petition No. 91-6 by United Carolina Bank for a site Plan Amendment to an existing O-15(CD) zoning for a 2.65 acre site located on the east side of Providence Road bounded by Sardis Road and Old Sardis Road.

The Zoning Committee recommends that this petition be approved contingent upon the submittal of a revised site plan which indicates the closing of the existing Old Sardis Road driveway and specifies CDOT approval of the design of the new driveway.

Attachment No. 11

12. (91-9) Decision on Petition No. 91-9 by Donald Wilburn and Scott Clark for a change in zoning from R-9 to B-2(CD) for approximately 4.74 acres located on the northeast corner of the intersection of Independence Boulevard and Margaret Wallace Road along Campbell Creek.

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

Attachment No. 12

13. (91-16) Decision on Petition No. 91-16 by Crosland-Erwin Associates for a Text Amendment to the current sign regulations to allow off-premises directional signs and off-premises identification signs.

The Zoning Committee recommends the following actions with regards to this petition:

Part A. Denial of the portion of the proposed text amendment to reinstate Section 2110.3 (directional development signs).

Part B. Approval of the portion of the proposed text amendment to reinstate Section 2110.4 (off-premises identification signs) as modified.

Attachment No. 13

14. (91-17) Decision on Petition No. 91-17 by Derita Masonic Lodge #715 for a change in zoning from R-12 to R-15MF for a 3.2 acre site located between Maple Street and Hewitt Drive.

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 petition to allow the petitioner time to submit a conditional site plan.

Attachment No. 14

15. (91-18) Decision on Petition No. 91-18 by Charlotte Capital Partners for a site plan amendment to an existing B-1SCD zoning to add 14,649 square feet to an existing building on approximately 24.3 acres located on the southwest corner of the intersection of Carmel Road Extension and Matthews-Pineville Road (N.C.51).

The Zoning Committee deferred action on this petition for 30 days.

Attachment No. 15

16. Recommend adoption of a resolution setting public hearing for May 20, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-29 through 91-32 for zoning changes.

Addendum to be added to April 15 Zoning Agenda under Decisions

(90-92) Decision on Petition No. 90-92 by Crosland-Erwin Associates for a Site Plan Amendment to an existing R-15 PUD zoning for a 3.5 acre site located on the northwest corner of the intersection of Candlewyck Lane and Lawton Bluff Road.

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

This petition was deferred at the January, February and March Meetings.

The Zoning Committee recommends that this petition be approved.

Attachment

DATE: February 25, 1991

PETITION NO.: 90-92

PETITIONER(S): Crosland-Erwin Associates

REQUEST: Consideration of an R-15PUD site plan amendment.

LOCATION: A 3.5 acre site located on the northwest corner of Lawton Bluff Road and Candlewyck Lane.

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

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

Nays: Spencer and Thomasson.

REASONS

This petition proposes a site plan amendment for the neighborhood shopping center component of the Candlewyck Planned Unit Development. This petition had previously been deferred by Zoning Committee in order to consider a revised site plan which scales down the proposal to a 32,500 square foot stand alone grocery store. Concern was expressed by some members of Zoning Committee about changes which have occurred in this portion of the community since the Candlewyck PUD was originally approved including the many nearby, newly built or newly approved shopping centers. It was also noted that the City's Department of Transportation has estimated that approximately 90% of the trip generation will be from outside the neighborhood. However, the majority of Zoning Committee viewed the request as appropriate for approval and noted that neighborhood centers provide some benefit to the surrounding community.

STAFF OPINION

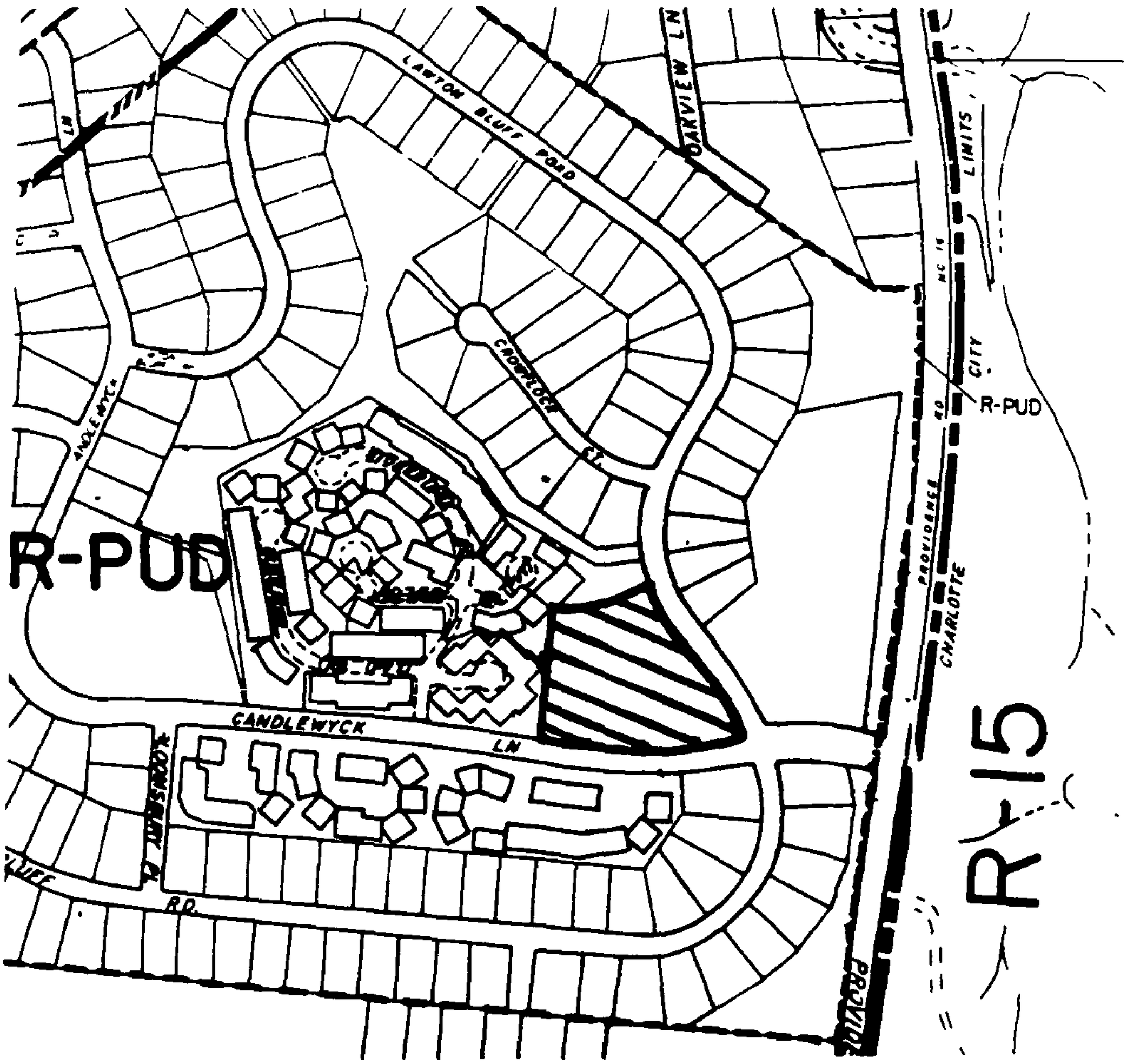
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Crosland-Erwin Associates

PETITION NO.. 90-92 HEARING DATE: December 17, 1990

ZONING CLASSIFICATION, EXISTING R-PUD REQUESTED: R-PUD Site Plan Amendment

LOCATION Approximately 3.5 acres located on the northwest corner of the intersection of Lawton Bluff Road and Candlewyck Lane.



ZONING MAP NO(s).: 159 & 160 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "CHARLOTTE WATER WORKS/VEST STATION" TO INCLUDE THE FOLLOWING BOTH INTERIOR AND EXTERIOR OF THE BUILDING, THE ONE MILLION GALLON STORAGE TANK, AND PORTIONS OF TAX PARCEL NUMBERS 078-415-01 AND 078-382-01 UPON WHICH CHARLOTTE WATER WORKS/VEST STATION AND TANK ARE LOCATED THE PROPERTY, OWNED BY THE CITY OF CHARLOTTE, IS LOCATED AT THE CORNER OF BEATTIES FORD ROAD AND PATTON AVENUE, CHARLOTTE, MECKLENBURG COUNTY, N C

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 _____ , 1991, on the question of designating a property known as the "Charlotte Water Works/Vest Station" as a historic landmark, and

WHEREAS, the "Charlotte Water Works" was designed in 1922 by Wm M Piatt, a well-known Durham engineer, and

WHEREAS, the "Charlotte Water Works" was the largest and best equipped treatment plant in North Carolina when completed in 1924, and

WHEREAS, the "Charlotte Water Works" addition designed in 1937 by B Atwood Skinner and T S Simpson, Jr (architects) and George S Rawlins (engineer) doubled the capacity of the plant and made it a "state of the art" water treatment plant, and

WHEREAS, the "Charlotte Water Works" was named Vest Station in honor of W E Vest, General Superintendent of the Charlotte Water Department for more than 30 years, and

WHEREAS, in 1949 Charlotte became the first city in the Southeast United States to use fluoridation fed into the water at the "Charlotte Water Works/Vest Station", and

WHEREAS, the Moderne style of the "Charlotte Water Works/Vest Station" is an excellent example of the civic and commercial architecture of 1920-1940, and

WHEREAS, the "Charlotte Water Works/Vest Station" provides a stable element in the changing Beatties Ford Road corridor, and

ORDINANCE -- Charlotte Water Works/Vest Station

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 owner, the City of Charlotte, has faithfully maintained the "Charlotte Water Works/Vest Station" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

WHEREAS, the property known as the "Charlotte Water Works/Vest Station" is owned by the City of Charlotte,

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

1 That the property known as the "Charlotte Water Works/Vest Station" (including the interior and exterior of the building and the portion of the tax parcel of land upon which it is located listed under Tax Parcel 078-415-01 with the following two roadway right-of-way exceptions: 1) the exception of a strip of land for a future right-of-way adjacent to Beatties Ford Road measuring 65 feet from the centerline for a distance of 500 feet beginning at the future Oaklawn Avenue right-of-way and then transitioning back over a distance of 300 feet at a rate of 20 1 to the minimum required right-of-way measured 50 feet the centerline of Beatties Ford Road, and 2) with the exception of a strip of land for a future right-of-way adjacent to Oaklawn Avenue measuring 40 feet from the centerline for a distance of 300 feet beginning at the future Beatties Ford Road

right-of-way and then transitioning back over a distance of 175 feet at a rate of 35 1 to the minimum required right-of-way measured 35 feet from the centerline of Oaklawn Avenue, the one million gallon storage tank and the portion of the tax parcel of land upon which it is located, listed under Tax Parcel 078-382-01, are 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 the corner of Beatties Ford Road and Patton Avenue in Charlotte, Mecklenburg County, North Carolina

For purposes of description only, the location of said building is noted as being situated on a tract of property more specifically described as follows

> Being a portion of the property of the City of Charlotte as shown as Tax Parcel 078-415-01, being more particularly described as follows
> BEGINNING at a P K nail on the eastern margin of Beatties Ford Road, said P K nail also being on the northern margin of Patton Avenue, thence with the eastern margin of Beatties Ford Road, N 05-28-13 E, 512 47 feet to a concrete right-of-way monument, thence, N 84-31-47 W, 10 00 feet to a drill point in the sidewalk, thence N 05-18-53 E, 407 11 feet to a drill point in the sidewalk, said point also being on the southerly margin of Oaklawn Avenue, thence with the southerly margin of Oaklawn Avenue, S 67-17-12 E, 387 71 feet to an iron on the westerly margin of Washington Avenue, thence with the westerly margin of Washington Avenue, S 05-31-33 W, 441 57 feet to an iron pin, thence S 65-57-14 E, 93 47 feet to an iron pin on the southerly margin of Washington Avenue, thence along a new line of the City of Charlotte property, S 05-39-00 W, 400 96 feet to a P K nail on the northern margin of Patton Avenue, thence with the northern margin of Patton Avenue the following two (2) courses and distances (1) N 66-47-52 W, 216 20 feet, and (2) N 84-05-57 W, 240 17 feet to the point and place of BEGINNING, containing an area of 351,112 square feet or 8 06 acres

For purposes of description only, the location of said one million gallon storage tank is noted as being situated on a tract of property more specifically described as follows

> Being a portion of the property of the City of Charlotte shown as Tax Parcel 078-382-01, being described more particularly as follows
> BEGINNING at a concrete monument at the intersection of (1) the easterly margin of Beatties Ford Road, (2) the southerly margin of Patton Avenue, and (3) the northerly margin of Brookshire Freeway West, thence with the southerly margin of Patton Avenue the following two (2) courses and distances (1) S87-23-17 E, 171 47 feet to a spike, and (2) S 76-02-17 E, 69 07 feet to a P K nail, thence along a new line within the City of Charlotte property, S 05-26-58 W, 252 91 feet to an iron pin on the northerly margin of Brookshire Freeway West, thence with the northerly margin of Brookshire Freeway West the following two (2) courses and distances (1) N 37-14-26 W, 233 56 feet to a concrete monument, and (2) N 38-56-07 W, 116 10 feet to the point and place of BEGINNING, containing an area of 31,059 square feet or 0 71 acre

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 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

5 That the owners and occupants of the landmark known as the "Charlotte Water Works/Vest Station" 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

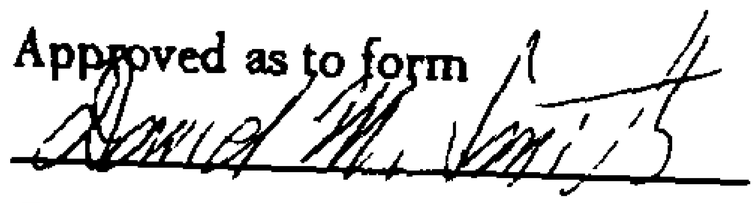
6 That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted

Adopted the _____ day of _____ 1991 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

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "NEBEL KNITTING MILL (FORMER)" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 121-022-03 THE PROPERTY, OWNED BY OLD SPAGHETTI WAREHOUSE, INC , IS LOCATED AT 101 WEST WORTHINGTON AVENUE AT CAMDEN ROAD, 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 _____ , 1991, on the question of designating a property known as the "Nebel Knitting Mill (former)" as a historic landmark, and

WHEREAS, the "Nebel Knitting Mill (former)" is the most intact hosiery mill yet identified in Charlotte, and

WHEREAS, the "Nebel Knitting Mill (former)" is architecturally significant as an intact and finely, yet subtly ornamented example of industrial architecture constructed in the late 1920's, and

WHEREAS, the "Nebel Knitting Mill (former)" building was designed by Richard C Biberstein, noted Charlotte mill engineer and architect, and

WHEREAS, the "Nebel Knitting Mill (former)" is significant as a tangible reminder of the importance of the full fashioned silk hosiery industry to the diversification and, in some cases, the survival of the textile industry in North Carolina during the post-World War I slump in the industry and the effects of the Great Depression on textile production, and

WHEREAS, the "Nebel Knitting Mill (former)" building is important for its association with the Nebel Knitting Company and its founder, William Nebel, a pioneer in bringing the hosiery industry to the South, to North Carolina, and to Charlotte and Mecklenburg County in particular, 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 owner, Old Spaghetti Warehouse, Inc , has faithfully maintained the "Nebel Knitting Mill (former)" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Nebel Knitting Mill (former)" 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 "Nebel Knitting Mill (former)" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Nebel Knitting Mill (former)" is owned by Old Spaghetti Warehouse, Inc ,

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 "Nebel Knitting Mill (former)" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 121-022-03 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 101 West Worthington Avenue at Camden Road in Charlotte, Mecklenburg County, N C

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 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

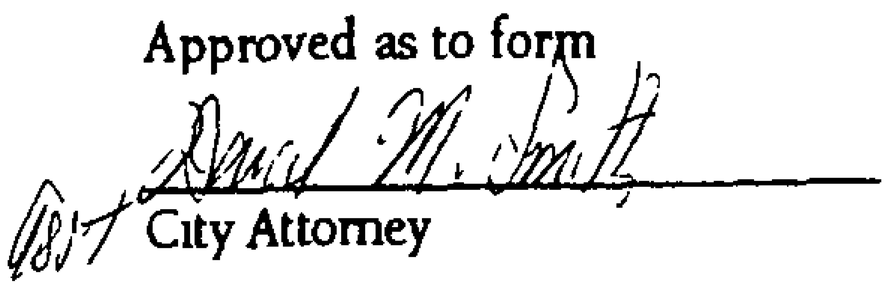
5 That the owners and occupants of the landmark known as the"Nebel Knitting Mill (former)" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register 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 _____ 1991 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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 1, 1991

Members, Mecklenburg County Board of Commissioners:

RE: Petitions to be Heard in April, 1991

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 April 8, 1991 at 1:30 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. 91-20

Petitioner: Balloons Over Charlotte

Request: A text amendment to add a new section to permit temporary open space recreational uses in all districts.

BACKGROUND

Presently, the City and County zoning ordinances do not recognize any distinction between privately owned open space recreational uses that are temporary in nature as opposed to those that are operational throughout the entire year. This amendment proposes to allow such open space recreational uses as hot air balloon rides, bungee and parachute jumping, polo matches, ultra light aircraft flying, activities involving various athletic and ball fields, and similar outdoor recreation on a temporary or seasonal basis in all zoning districts. The Planning staff recommended that various standards be incorporated to the proposal as originally submitted. Among these were that the term temporary be specifically defined. The petitioner agreed and has since defined temporary as a time period of 180 days or less. The proposal has other limiting standards such as a minimum sized tract of land and minimum distances from any adjoining property line. Additional language has also been included stating that such uses shall not involve motorized vehicles.

CONCLUSION

It is recognized that some provisions are appropriate to allow various open space recreational uses on a temporary basis. The alternatives to this approach to the issue are to rezone the property to the appropriate commercial classification or to conclude that these types of uses are not appropriate in the future. The ordinance language cannot be written to be specific enough to list every possible use, therefore, it must to be recognized that the Zoning Administrator is going to have to rule on some individual cases with this caveat in mind, this amendment is considered appropriate for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-20

Date Filed February 11, 1991

Received By MCM

OFFICE USE ONLY

Section No 3100 SPECIAL REQUIREMENTS FOR CERTAIN USES

(Title)

Purpose of Change To amend Section 3100 by adding a new Section 3142 Open Space Recreational Uses to permit a variety of such uses on a commercial basis in any zoning district subject to special standards.

Name of Agent Robert G Young

Agent's Address 301 S McDowell St Ste 1012 Charlotte, N C 28204

Telephone Number 334-9157

Name of Petitioner(s) Balloons Over Charlotte

Address of Petitioner(s) 3709 Sweetgrass Ln Charlotte, N.C. 28226

Telephone Number 541-7058

Signature Gene Lowe

REVISED 3/20/91 91-20

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

1. Amend Section 3100 by adding a new Section 3142 as follows:

3142. Open Space Recreational Uses

3142.1 Open space recreational uses, such as but not limited to hot air balloon rides, bungee jumping, parachute jumping (not including airplane take-off or landing), polo matches, activities involving various athletic and ball fields and similar outdoor recreation, shall be permitted in all zoning districts subject to the following requirements. Such uses shall not involve motorized vehicles.

3142.2. The recreational use shall be temporary in nature. For purposes of this section temporary shall mean seasonal, certain hours of the day and/or week. It is intended that the use shall only operate at the site a minority of the time. In this regard the use shall not be allowed to operate more than 180 days per year. The operator of the use shall be required to maintain an account of the days and hours of operation and shall make such records available upon request.

3142.3. The use shall not involve or require the construction of a permanent building unless the building is permitted in the underlying zoning district.

3142.4. A minimum of five acres shall be required for the use and, further, no portion of the use shall be allowed to be closer than fifty feet to any adjoining line.

3142.5. Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall be permitted on a temporary basis and only during the operation of the use.

3142.6. Any signage which identifies the use shall be in accordance with the standards of the underlying zoning district. Furthermore, an area to support a minimum of eight off-street parking spaces shall be provided.

REVISED 3/20/91

2. Amend Sections 3003, 3013, 3023, 3033, 3043, 3063, and 3073 Uses Under Prescribed Conditions by adding the following reference at the end of each individual section list:
"Open Space Recreational Uses. See Section 3142."

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-21

Petitioner: Alltel Mobile Communications, Inc.

Request: A text amendment to deal specifically with the installation of cellular telephone transmission facilities.

BACKGROUND

Present Ordinance Requirements

Presently, cellular telephone transmission towers may be located in any district. They are classified together with radio and television towers and similar structures. If such a structure is located on a lot in or adjoining a residential district and over 40 feet in height it must be located at least 200 feet from all adjacent property lines or by a distance of one-half the height, whichever is larger.

The Alltel Mobile Communications Company appealed February 26, 1991, to the Zoning Board of Adjustment to reverse the Zoning Administrator's interpretation that cellular telephone towers are subject to the same regulations as radio and television towers. The Board of Adjustment upheld the Zoning Administrator's ruling.

Proposed Amendment

This text amendment proposes to treat cellular telephone towers and transmission facilities differently from other radio towers and similar structures. It proposes to allow cellular telephone facilities in or adjacent to all residential districts with less distance off such property lines than presently required. The petitioner has submitted a revised text after discussions with the Planning staff which increases the distances off residential property lines but which are still less than the present ordinance.

The proposed amendment would permit these facilities to a height of 60 feet in or adjoining all residential districts if separated from each adjoining residential property line by a ratio of one foot for each one foot of structure height. This would permit a 60 foot tower to be 60 feet off all residential property lines. The present ordinance would require it to be 200 feet from the property line. The normal rear yard for a residential structure in an R-15 district is 50 feet and the side yards are 10 feet each.

Furthermore, this proposed amendment would permit these towers to be constructed in excess of 60 feet to a maximum of 100 feet in all residential districts using the same separation standard, however, the facility would have to be located on a lot along a thoroughfare.

Therefore, a 100 foot tower could be located 100 feet off an adjoining residential property line. The maximum height for such a tower in a residential district would be 100 feet.

The amendment also proposes to allow cellular telephone transmission facilities to be permitted as an ancillary or secondary use on a leased site where another use is already established as the principal use such as a school, church, multi-family residential complex, office building commercial, or other similar use. In these situations, the cellular facility would not be required to comply with the normal district standards dealing with lot area, height, and yard requirements as well as frontage on a public street so long as the principal use complied with such requirements for the underlying zoning district. However, the cellular facility would still have to conform to the height and related distance requirements to adjoining property lines as prescribed above.

CONCLUSION

This amendment raises some fundamental land use issues related to residential neighborhoods. It would treat cellular telephone towers differently from radio and television towers and similar structures. This proposal would permit these towers to be erected on smaller lots and with less distance from property lines than similar radio and television towers. However, visually these towers would have the same impact on adjoining properties.

The concept of cellular phones is to divide an urban area into small, low-powered cells, each with a tower and transmitter. Each of these small cells can be anywhere from one mile to about eight to ten miles or so in diameter. Presently, there are two competing cellular phone companies in the Charlotte-Mecklenburg area with each having their own transmitting towers. With this kind of coverage and each firm having its own towers, the number of these facilities could be sizeable and result over time in intrusion into numerous neighborhoods.

In addition to the towers, "equipment shelters and related facilities" would be permitted. These equipment shelters are typically one-story, windowless structures ranging in size from 12 x 16 to 12 x 26 feet with a vehicular service driveway. The proposed amendment requires these facilities to have a nonclimbable fence to make it inaccessible to the public. It would also require these facilities to be screened from public view and from any adjoining residential, institutional, or office district. It would appear to be difficult, however, to adequately screen these facilities when located on relatively small lots.

The following are recommendations regarding this petition:

1. This amendment as proposed is not recommended for approval.

2. It is recommended that the ordinance not be amended to distinguish cellular telephone towers from any other kind of tower such as radio and television.

3. It is recommended that if these facilities are permitted as a principal use in or adjoining a residential district and are over 40 feet in height, then the present standard remain as a minimum 200 feet from all adjoining residentially zoned property lines.

4. It is recommended that towers be permitted in any district as an ancillary or secondary use on a leased site where another institutional or nonresidential use is already established as the principal use. However, if such structures are in or adjacent to a residentially zoned district and are over 40 feet in height, the towers should be required to be a minimum 100 foot separation off any such property line. If over 100 feet tall, a minimum separation standard should be required of one foot for every one foot over 100 feet in height from all adjoining residentially zoned property with no 200 foot maximum separation cutoff. If the proposed transmission facility is located in a nonresidential district and adjoins a nonresidential district, the facility may be constructed to any height subject to underlying district requirements for separation from adjoining properties. If these changes are made, they should apply equally to radio and television towers as well as cellular telephone facilities.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 91-21

Date Filed February 11, 1991

Received By MCM

OFFICE USE ONLY

Section No.: 1605 Structures Permitted Above the Height Limit

3123 Electric and Gas Substations, Sewer Treatment Plants and Other Similar Utility Structures

(Title)

Purpose of Change: To permit the establishment of a new section in the Zoning Ordinance to deal specifically with the installation of cellular telephone transmission facilities.

Robert G. Young

Name of Agent

301 S. McDowell St Ste 1012
Charlotte, N.C. 28204

Agent's Address

334-9157

Telephone Number

ALLTEL Mobile Communications, Inc.

Name of Petitioner(s)

10825 Financial Parkway, Suite 401

Address of Petitioner(s)

Little Rock, Arkansas 72211

Telephone Number

501/661-8500

Signature

Mark J. Alderfer
Land & Buildings Engineer

REVISED 3/22/91
91-21

1. Amend Section 1605. Structures Permitted Above the Height Limit., adding a new Section 1605.5. to read as follows:

1605.5. Cellular telephone transmission facilities including, but not limited to towers, masts, antenna and related antenna support structures are permitted above the height limit in any district. Cellular telephone transmission facilities may be constructed to a height of 40 feet in any zoning district. Lots and buildings thereon must conform to the minimum area, height and yard requirements for the district in which they are located unless otherwise indicated by Section 1605.5.2. The maximum separation for cellular telephone transmission facilities from any adjoining property line in any zoning district shall be 200 feet. The facility plant and/or any related support building shall be allowed in accordance with the provisions of Section 3123.2.

1605.5.1. For residential districts, the structure may be constructed to a maximum height of 60 feet if separated from each adjoining property line by a ratio of 1 foot for each 1 foot of structure height. Furthermore, cellular telephone transmission facilities may be constructed to a height in excess of 60 feet if separated from each adjoining property line by a ratio of 1 foot for each 1 foot of structure height and the lot upon which the structure is erected is located on a Class 4 (thoroughfare) street. In cases where the lot is a corner lot involving two different street classifications, then for purposes of this section the lot shall be considered to front on the street of the highest classification. The maximum tower height in residential districts is 100 feet measured from the ground.

1605.5.2. Cellular telephone transmission facilities may also be permitted as an ancillary or secondary use on a leased site where another use is already established as the principal use of the property, such as a school, church, multi-family residential complex, shopping center, office building, commercial or other similar use. In this case the cellular facility shall not be required separately to comply with the normal district standards dealing with lot area, height and yard requirements as well as frontage on a public street so long as the principal use complies with such requirements for the underlying district. For lots in residential districts or in non-residential districts adjoining lots in residential districts, the cellular facility must still conform to the height and related setback requirements to adjoining residential property lines as prescribed under Sections 1605.5 and 1605.5.1. However, if the proposed transmission facility is located in a non-residential district and adjoins a non-residential district, the facility may be constructed to any height subject to underlying district requirements for separation from adjoining properties.

1605.5.3. Cellular telephone transmission facilities are permitted above the height limit on lots in research, institutional, office, business, and industrial districts which do not adjoin lots in any residential district. Lots must conform to the minimum area, and yard requirements for the district in which they are located unless otherwise indicated by Section 1605.5.2. On lots in research,

REVISED 3/22/91

institutional, office, business, and industrial districts whic adjoin lots in any residential district, the cellular facility mu conform to the height and related setback requirements from adjoinir residential property lines as prescribed under Sections 1605.5 a 1605.5.1.

1605.5.4 Cellular telephone transmission facilities are permitte atop any building or structure in any district so long as suc facilities do not exceed 20 feet in height measured from the ba of such facilities.

2. Amend Section 3123. by adding Cellular Telephone Transmission Faciliti so as to read as follows:

3123. Electric and Gas Substations, Sewer Treatment Plants, Cellul Telephone Transmission Facilities, and Other Similar Utility Structure

3. Amend Section 3123.2. by adding the following new sentence at the end the first paragraph as follows:

Cellular telephone transmission facilities including, but not limited t transmission structures, equipment shelters and related facilities m be established in accordance with the provisions of Section 1605.5. a by the standards listed below.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-22

Petitioner: The Leon B. Jordan Estate

Location: Approximately 4.55 acres located on the southwest corner of Harris Boulevard and Idlewild Road.

Request: Change from R-9 to B-1(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-9 with R-9 zoning being the predominant zoning category surrounding the property. The sole nonresidential zoning categories in the general area are at the intersection of Idlewild Road and W. T. Harris Boulevard. On the northwest corner of the intersection there is a small B-1 tract and on the southeast corner there is a larger B-1(CD) tract. Due south of the subject property along W. T. Harris Boulevard there is an R-9MF(CD) tract.

2. Existing Land Use. The subject property is vacant except for a single family residence fronting on Idlewild Road. Directly north of the subject property on Idlewild Road is a convenience store and a church. To the east on W. T. Harris Boulevard is a neighborhood convenience shopping center. The remainder of the land in the general area along both W. T. Harris Boulevard and Idlewild Road is single family residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes and supports the existing residential land use in the area of the subject property. 2005 strategies include: extending Delta Road to connect E. Harris Boulevard; improving Delta and Idlewild Roads; extending waterlines and adding a booster pump station along Idlewild Road; expanding the greenway system; and building a thoroughfare belt road which connects Harris Boulevard, Newell-Hickory Grove Road, Delta Road, and Independence Boulevard (the completed East Harris Boulevard).

   2. East District Plan (adopted 1990). The plan recommends residential land uses with over one to four dwelling units per acre for the subject property and surrounding area. A neighborhood convenience center with up to 50,000 square feet of retail is indicated on the southeast corner of W. T. Harris Boulevard and Idlewild Road. Transportation improvements recommended in the plan include widening Idlewild Road to four lanes and improving and extending W. T. Harris Boulevard to Independence Boulevard (completed).

3. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of Idlewild Road to a four lane arterial street from Electra Lane to Idlewild Road North. In addition it recommends the eastern circumferential be constructed on new or existing roads from Mallard Creek Church Road to Independence Boulevard. This four lane facility is needed to provide better access between the UNCC area and south and east Charlotte.

4. Site Plan. The site plan which accompanies this petition proposes the development of a small strip commercial/retail center facing onto W. T. Harris Boulevard with an outparcel at the corner of Harris Boulevard and Idlewild Road. The development data for the site states that there will be a maximum building area of 20,000 square feet. However, this conflicts with the total of the square footage given for the individual building envelopes shown on the plan. The building envelope for the retail/commercial center calls for a maximum size of 19,000 square feet in a single building footprint. The outparcel building envelope shows 3,000 square feet of maximum building area divided between two building footprints. (Note: The petitioner was requested to revise the site plan to make the total allowable square footage consistent between the site development data chart and the square footage shown on the building footprints.) The site plan shows two access points on W. T. Harris Boulevard with no direct access onto Idlewild Road from the site. Access to the outparcel will be from the commercial center site. The site plan provides for a minimum 20 foot rear yard; 20 foot setback; and 10 foot side yards Tree save areas are indicated on the plan but a conditional note allows the petitioner to remove them entirely if grading or other construction require it. In general the site plan provides nothing beyond the minimum requirements of the zoning ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	69-81	R-9 to B-1	Denied	09/15/69
2.	70-95	R-9 to B-1SCD	Approved	08/03/70
3.	73-9(c)	R-9 to B-1	Denied	03/05/73
4.	75-26	B-1SCD to B-1 & R-9	Approved	10/06/75
5.	80-2	R-9 to R-12MF	Denied	04/28/80
6.	SUP83-5	R-9 to R-9 with a SUP for a Day Care Center	Approved	12/19/83
7.	85-62	R-9 to R-9MF(CD)	Approved	11/18/85
8.	MSUP85-18	R-9 to R-9 with a MSUP for a Day Care	Approved	04/01/86
9.	88-53	R-9 to B-1(CD)	Approved	09/19/88
10.	89-21	R-9 to B-1(CD)	Approved	04/17/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a 4.55 acre tract of land for a 20,000 square foot retail/commercial center. Presently, this property is zoned for R-9 single family. The East District Plan recommends the continuance of residential land uses with over one to four dwelling units per acre for the subject property in conformance with the surrounding residential neighborhoods. Additionally, application of the multi-family location matrix provided in the District Plan General Policies indicates the subject property could readily meet the locational and service criteria for residential multi-family development. Also, a neighborhood convenience center indicated in the East District Plan for the Harris Boulevard and Idlewild Road intersection is already provided by the existing center located on the southeast corner of the intersection. Therefore, this petition is not consistent with the publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner's agent met with staff prior to the filing of this application. Staff discouraged the application and pointed out the inconsistency of the proposal with adopted plans. Subsequently, the staff communicated a number of detail comments back to the petitioner.

   2. Departmental Comments. Comments from Charlotte Department of Transportation indicated that trip generation would increase to 2,610 trips per day under the proposed rezoning from the 242 to 264 trips per day as currently zoned. Additional comments regarding right-of-way dedication along Harris Boulevard and Idlewild Road and installation of a left turn lane on Harris Boulevard have been addressed on the petitioner's revised site plan.

   The Engineering Department and the Planning staff had a number of comments related to site design, buffers and screening, compliance with the tree ordinance, and the relationship of the proposed development to the surrounding residential area. The Planning staff requested the buffers on the side and rear yards be increased from the minimum required yards of 20 feet to at least 40 feet. The petitioner has proposed retaining the minimum yards supplemented by a 6 foot high brick wall along portions of the rear yard. The staff also suggested adding a note that building design would incorporate residential architectural elements. This has been addressed on the revised plan for the main building only. The discrepancy with the allowable

square footage remains. The revised site plan contains an added note that commits to building only 20,000 square feet maximum although the individual building areas continue to total 22,000 square feet. This should avoid problems during the building permit process. The Engineering Department had concerns about tree preservation and compliance with the tree ordinance and the proposed storm drainage detention. Some of these comments still need to be addressed.

ISSUES

1. Land Use. This petition raises a major land use issue. Both the 2005 Comprehensive Land Use Plan and the East District Plan recommend residential land uses for the subject property. The appropriateness of residential land use for this area is not only evident by the surrounding viable neighborhoods, but also the application of the multi-family locational matrix contained in the District Plan General Policies indicates this site could readily meet the criteria for residential multi-family development. The availability of a neighborhood convenience center for the area is already provided by a 50,000 square foot center located on the southeast corner of the Harris Boulevard/Idlewild Road intersection, opposite the subject site. Therefore, from a land use standpoint, this petition is not considered appropriate for approval.

2. Site Plan. There are no major site plan issues raised with this petition. The revised site plan has addressed most of the departmental comments, however, there are some minor technical comments that need further clarification. When the minor comments are addressed this site plan could be considered appropriate for approval. However, the outstanding issue with this petition is that of land use.

CONCLUSION

This petition is not considered appropriate for approval due to the major land use issue raised by the proposal.

*Subject to further refinement following public hearing.

Rezoning Plan • Petition No 91-22

Harris Blvd. @ Idlewild Road Rezone

Charlotte, North Carolina
for The Leon B Jordan Estate

Development Data

Site Area	4 55 ± Ac
Existing Zoning	R-9
Proposed Zoning	B-1(CD)
Proposed Uses	Retail Commercial Center
Max Bldg Area	20,000 Sq Ft*

* ALTHOUGH THE MAX. BUILDING SIZES ADD UP TO A TOTAL OF 22,000 SF IN NO EVENT SHALL TOTAL CONSTRUCTED SQUARE FOOTAGE EXCEED 20,000

Parking	Meet Or Exceed Min Required By Charlotte Zoning Ord

General Notes

1 BOUNDARY INFORMATION DATED OCT 14 1987 BY TIMOTHY RUDOLPH NCRLS #L2666 TOPOGRAPHIC INFORMATION FROM CITY OF CHARLOTTE TOPO MAP # 119

2 SIGNS SHALL BE PERMITTED IN LOCATIONS AND SIZES PERMITTED BY SIGN ORDINANCE

3 SCREENING FOR ENTIRE REAR AND SIDE YARDS WILL MEET OR EXCEED SECTION 1601 OF ZONING ORDINANCE

4. THIS SITE PLAN IS INTENDED TO SHOW ONLY GENERAL DEVELOPMENT CHARACTER MINOR ADJUSTMENTS IN BUILDING AND PARKING LOT SIZE AND ARRANGEMENT WILL BE PERMITTED TO ACCOMODATE FINAL ARCHITECTURAL DESIGNS AND TO ADJUST TO SITE FEATURES BUILDING FOOTPRINTS SHALL BE CONTAINED WITHIN "BUILDING AREA" BOUNDARY

5 REQUIREMENTS OF THE TREE ORDINANCE WILL BE MET OR EXCEEDED

6 STORMWATER DETENTION REQUIREMENTS WILL BE MET IT IS ANTICIPATED THAT IT WILL OCCUR AS SURFACE STORAGE IN AREA NOTED ON PLAN

7 LEFT TURN LANE SHALL BE INSTALLED IN ACCORDANCE WITH CDOT STANDARDS PRIOR TO ISSUANCE OF OCCUPANCY PERMITS

8 TREE SAVE AREAS SHOW EXISTING TREES AS IDENTIFIED FROM AERIAL TOPOGRAPHY MAP # 119 ACTUAL TREE SAVE AREAS WILL BE DETERMINED FROM TREE SURVEY INFORMATION OBTAINED PRIOR TO PREPARATION OF CONSTRUCTION DRAWINGS AND TREE SAVE AREAS MAY CHANGE AS GRADING PLANS ARE PREPARED IF ACTUAL TREE LOCATIONS AND/OR SITE GRADING DELETES TREE SAVE AREAS, TREES AND SHRUBS WILL BE PLANTED IN THESE AREAS TO MEET OR EXCEED TREE AND SCREENING ORDINANCES

9 SELECTIVE CLEARING OF DAMAGED TREES MAY BE DONE IN "TREE SAVE" AREAS, HOWEVER, EXTREME CARE SHALL BE TAKEN TO AVOID DAMAGE TO THE ROOTS OR TRUNKS OF EXISTING TREES TO REMAIN AND TO AVOID ANY SOIL COMPACTION IN THESE AREAS

10 FOR MAIN BUILDING, THE FINAL BUILDING DESIGN WILL INCORPORATE ARCHITECTURAL ELEMENTS OF RESEDENTIAL CHARACTER SUCH AS BRICK CONSTRUCTION, MANSARD ROOFS, DORMERS, ETC

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Meeting

Tuesday, March 5 @ 9.00 a.m

Petition No 91-22

Date Filed February 11, 1991

Received By MCK

OFFICE USE ONLY

Ownership Information

Property Owner: The Leon B. Jordan Estate and Boyce James & Marzelle J. Rowell

Owner's Address: c/o Marzelle J. Rowell, 7934 Idlewild Road, Charlotte, NC 28212 | 7934 Idlewild Road, Charlotte, NC 28212

Date Property Acquired: 7/20/45, 3/5/27 | 9/8/52

Tax Parcel Number: 165-033-01, 02 | 165-033-03

Location Of Property (address or description)

Southwest corner of Harris Boulevard and Idlewild Road

Description Of Property

Size (Sq Ft -Acres): 4.55 acres

Street Frontage (ft.): 204.09' - Idlewild Rc; 980.04' - Harris Blvc

Current Land Use: Vacant except for one single-family building

Zoning Request

Existing Zoning: R-9

Requested Zoning: B-1(CD)

Purpose of Zoning Change: To permit the construction of a small convenience center within the allocated district plan designation for this intersection area.

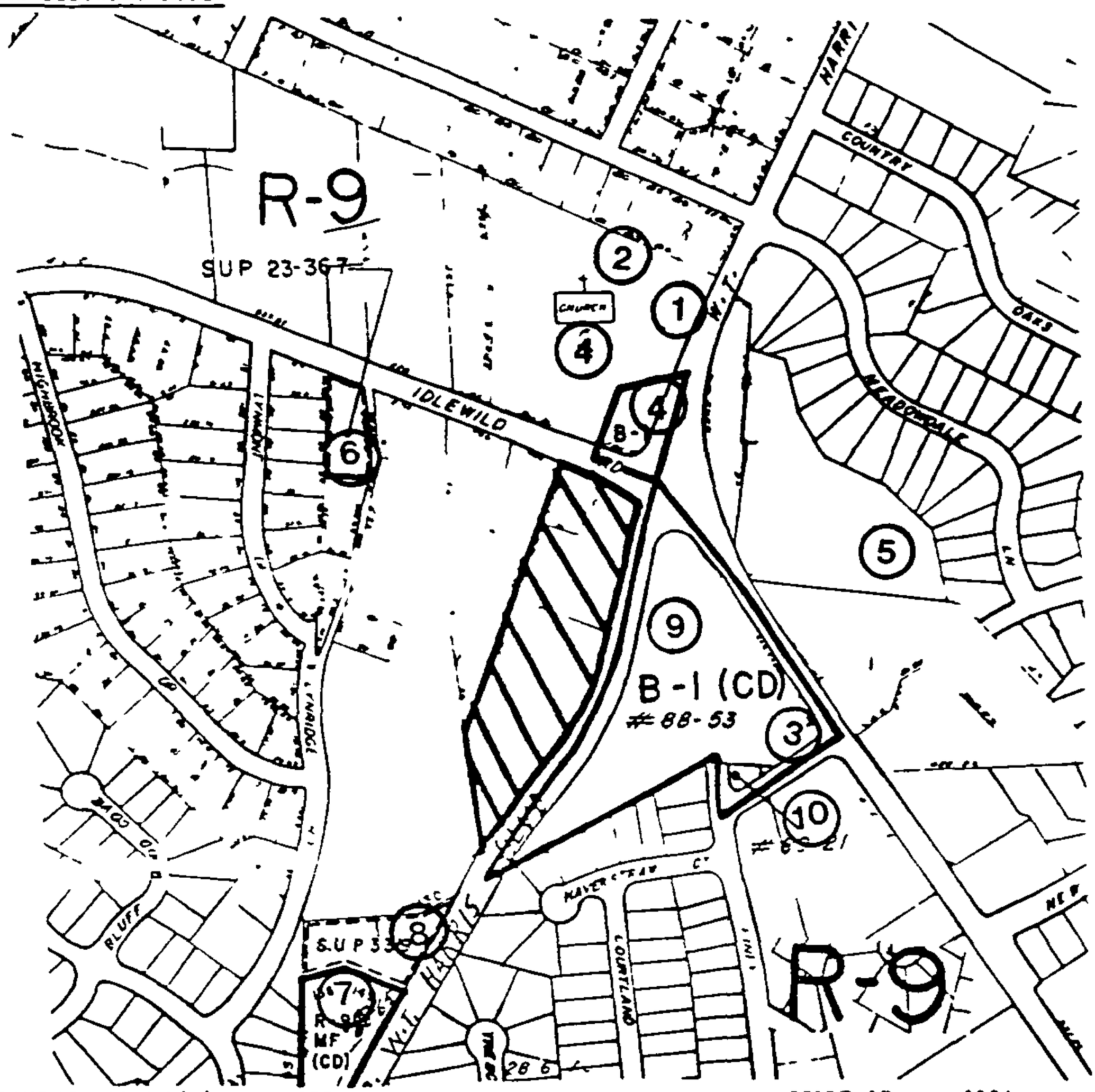
Fred [illegible], Planner	The Leon B. Jordan Estate
Name Of Agent	Name of Petitioner(s)
1850 E. Third St., Suite 216	c/o Marzelle J. Rowell 7934 Idlewild Road
Agent's Address	Address of Petitioner(s)
Charlotte, NC 28204	Charlotte, NC 28212
Telephone Number	Telephone Number
(704) 333-1680	(704) 376-6527
	(SEE ATTACHED LIST)
	Signature

PETITIONER: The Leon B. Jordan Estate

PETITION NO.: 91-22 HEARING DATE: April 15, 1991

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

LOCATION. Approximately 4.55 acres located on the southwest corner of Harris Boulevard and Idlewild Road.



ZONING MAP NO(s).: 122 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-23
(Northwest District #6)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Along Trinity Road approximately 700 feet south of Lakeview Road.

Request: Change from R-6MF to R-6 and from R-9MF to R-9 in accordance with the Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: These properties have had their current zoning since zoning was originally adopted.

Existing Land Uses: These properties are primarily occupied by single family homes, but a church and water utility (including elevated storage tank) are also within the area proposed to be rezoned.

Surrounding Land Uses and Zoning: The R-6MF area is surrounded by single family homes in R-6 and R-9 zoning districts, except for an apartment complex to the west. The R-9MF area has single family residential development to the east and south, an apartment complex to the north, and vacant R-9 land to the west.

Proposed Land Use: The Northwest District Plan recognizes the existing single family development as the appropriate use for the long term. This neighborhood's stability should be protected.

Nonconformities Resulting From This Petition: No nonconforming uses will be created by this rezoning.

Consequences of Not Rezoning These Properties. This area is fully developed. If two or more homes were destroyed or removed, apartments or other multi-family structures could be built in their place, even in the interior of this built-out single family area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-23
Date Filed February 11, 1991
Received By WCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

Location Of Property (address or description) Along Trinity Road approximately 700 feet south of Lakeview Road

Description Of Property

Size (Sq Ft Acres) R-6MF to R-6 -4.92 acres
R-9MF to R-9 -11.17 acres
16.09

Street Frontage (ft)

Current Land Use Primarily single-family homes with one church and one water utility (including elevated storage tank)

Zoning Request

Existing Zoning ~~R-6MF & D-9MF~~ R

Requested Zoning ~~R-6 & R-9~~

Purpose of Zoning Change To carry out the recommendations of the Northwest District Plan, approved in November, 1990.

Name Of Agent

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

Agent s Address

Address of Petitioner(s)

Telephone Number

Telephone Number

Signature

NORTHWEST DISTRICT #6

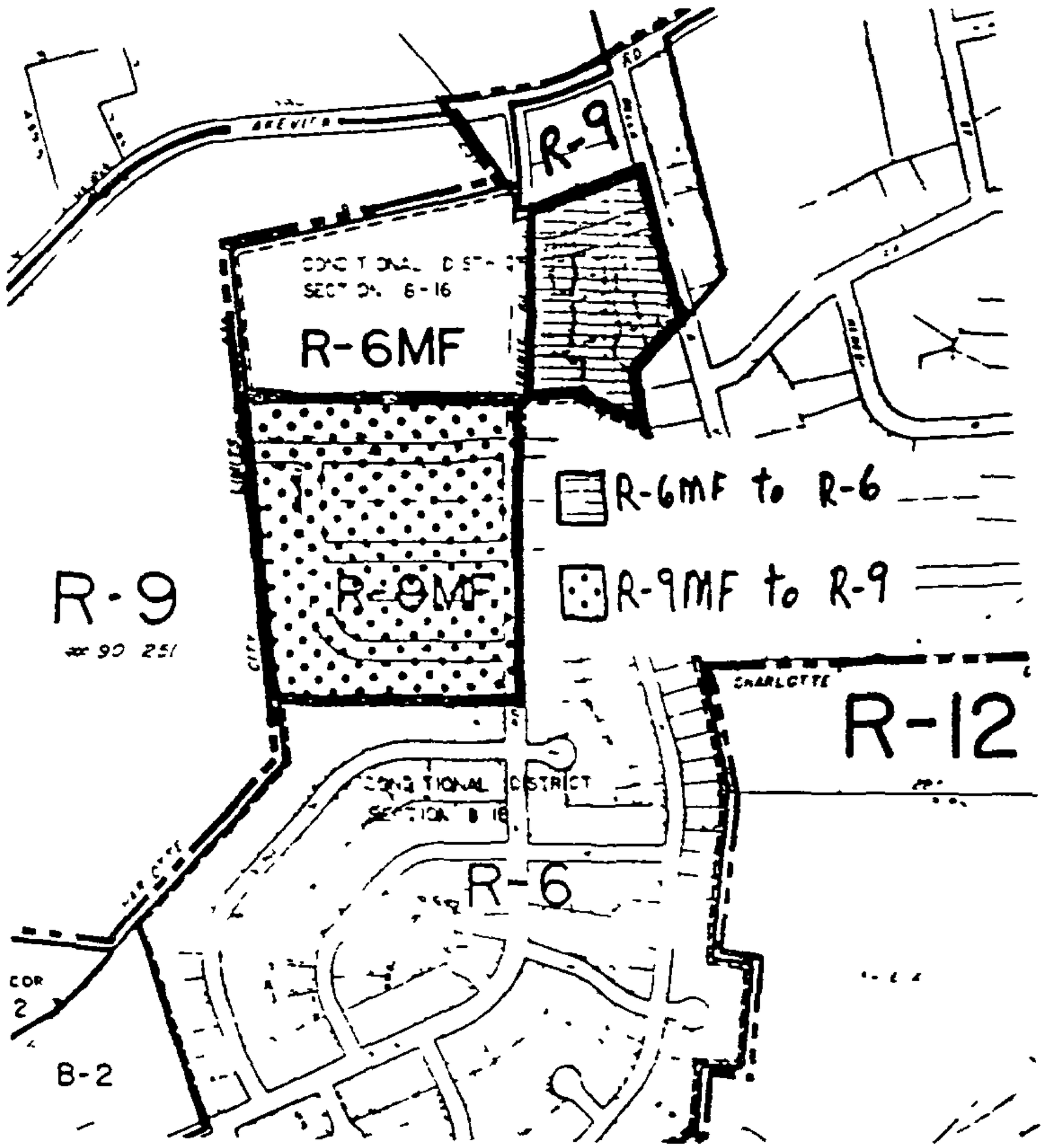
Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-23 HEARING DATE: April 15, 1991

ZONING CLASSIFICATION, EXISTING. R-6MF & R-9MF REQUESTED: R-6 & R-9

LOCATION Approximately 16.09 acres located along both sides of Trinity Road south of Lakeview Road.



ZONING MAP NO(s).: 51 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-24
(Northwest District #11)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: South of Old Mount Holly Road, east of Melynda Road.

Request: Change from R-6MF to R-6, I-1 to R-6, and I-2 to I-1, in accordance with the adopted Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: These properties have had their current zoning since zoning was originally adopted.

Existing Land Uses: The R-6MF area (Todd Park) consists of a mixture of vacant land and single family homes with one church. The I-1 area is predominantly vacant but contains a church, a cabinet shop, a mobile home park, a race car garage, and numerous single family homes. The I-2 site is vacant.

Surrounding Land Uses and Zoning: To the south and east are industrially-zoned areas which are primarily vacant but containing one major chemical storage facility. To the north is a developed light industrial area and to the west is a largely vacant residential area containing a few single family homes.

Proposed Land Use: This is a key rezoning in the implementation of the Northwest District Plan. These rezonings are associated with those in petition 91-15, which was previously deferred in order to be considered at the same as this petition. Together, the two petitions attempt to retain a large enough residential area to be a viable neighborhood even though surrounded by industrial uses.

The Northwest District Plan emphasizes both the need to conserve existing residential neighborhoods and the need to limit industrial expansion in the northwest district. These two petitions seek to implement both objectives A new road is proposed to be constructed if these rezonings are approved That road would allow the separation of residential and industrial traffic in this area.

Nonconformities Resulting From This Petition· The mobile home park is an existing nonconforming use and would remain one. The race car garage, cabinet shop, and vacant warehouse would become legally nonconforming uses.

Consequences of Not Rezoning These Properties: If the R-6MF rezoning is left in place, it would allow multi-family development in a single family neighborhood in which homes have recently been built by the Community Development Department.

If the I-1 to R-6 rezoning is not approved it will allow industrial development to split the existing residential areas, leaving them totally surrounded by industrial uses. The long term viability of the residential areas would then become questionable and owners would likely hesitate to invest in the upkeep and maintenance of their residential properties. The end result would probably be further deterioration and eventual loss of the existing affordable housing stock and its replacement by even more industrial uses for the northwest district.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
MECKLENBURG COUNTY

Petition No. 91-24
Date Filed February 11, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner's Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

Location Of Property (address or description) South of Old Mount Holly Road just West of Mount Holly Road to Melynda Road.

Description Of Property

Size (Sq Ft.-Acres) R-6MF to R-6 -32.4 ac; I-1 to R-6 -56.4 ac; I-2 to I-1 - 4.8 ac Street Frontage (ft.)

Current Land Use Single family homes, vacant land, churches, an unused warehouse, a mobile home park, a cabinet shop and a racing garage.

Zoning Request

Existing Zoning R-6MF, I-1, I-2 Requested Zoning R-6, R-6, I-1

Purpose of Zoning Change To carry out the recommendations of the Northwest District Plan, approved November, 1990

Name Of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Northwest District #11

PETITIONER: Charlotte-Mecklenburg Planning Commission

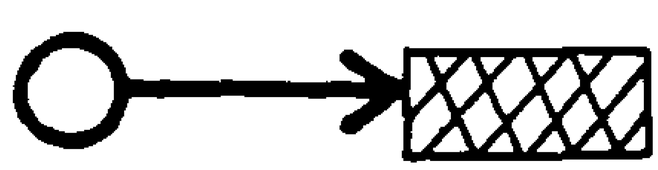
PETITION NO.: 91-24 HEARING DATE: April 15, 1991

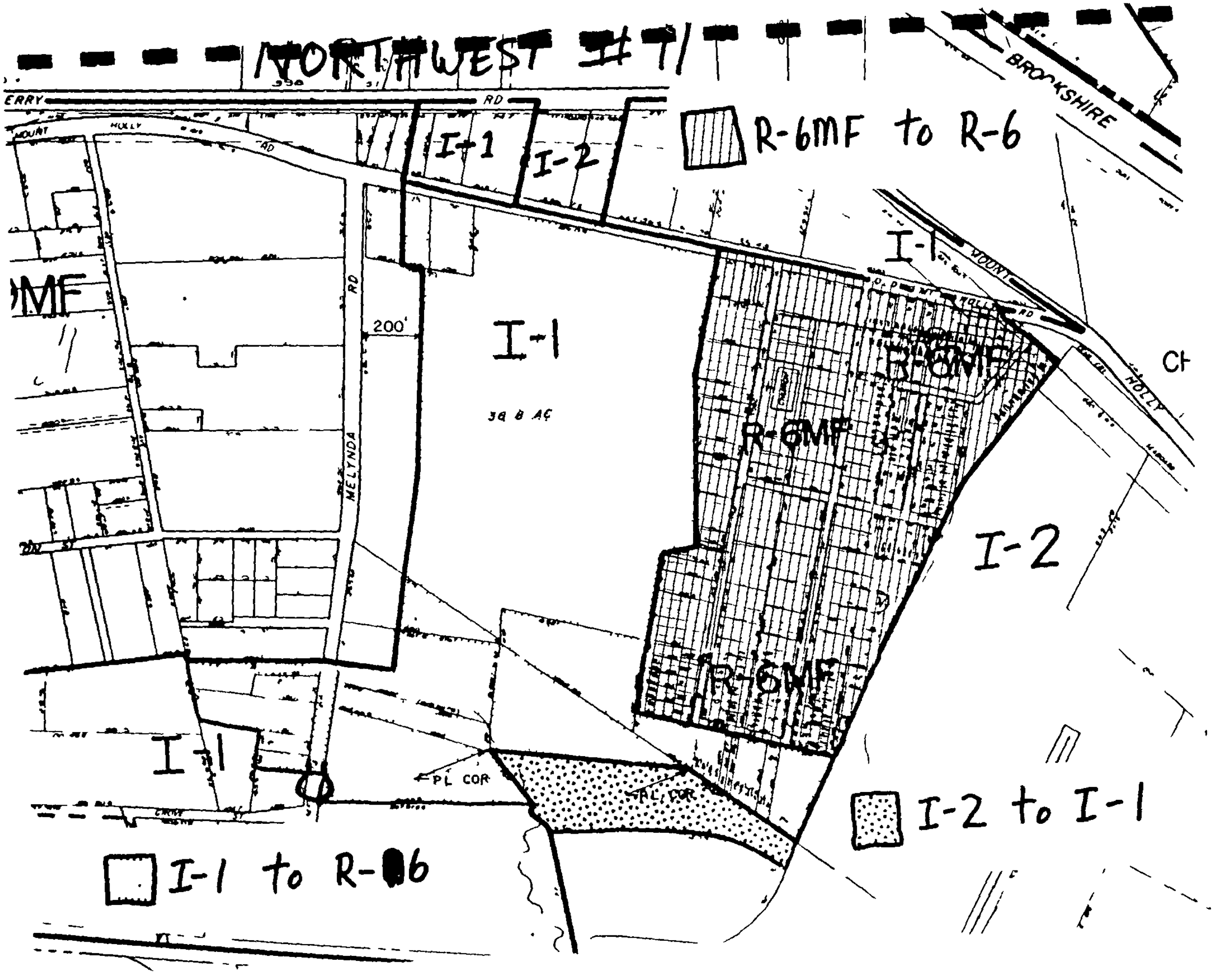
ZONING CLASSIFICATION, EXISTING: R-6MF,I-1,I-2 REQUESTED: R-6 & I-1

LOCATION: Approximately 93.6 acres located on the south side of Old Mt. Holly Road west of Melynda Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 67, 68, 80, 81 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE 


NORTHWEST #71
R-6MF to R-6
I-2 to I-1
I-1 to R-6
I-1
I-2
R-6MF
R-6MF
R-6MF
R-6MF
I-1
I-1
I-1
200'
39.8 AC
PL COR
PL COR
BROOKSHIRE
HOLLY
MOUNT
MELYNDA
RD
AD
ERRY
RD

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-25

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

Request: Change from I-1 to B-2 in accordance with the East District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: The eastern most parcel of this 55.5 acre site was rezoned from B-1 to I-1 in 1971. All other zoning has not changed since zoning was originally adopted.

Existing Land Uses: Mini warehouses, retail, light industrial, single family homes, vacant, electric substation.

Surrounding Land Use & Zoning: South of the petition area are a variety of uses including retail, light industrial, office, and single family homes. North of the petition area is the Southern Railroad Line. Mobile homes, single family homes, and vacant land exist across the railroad.

Zoning to the south is I-1, R-12, and B-1. Zoning to the north includes I-1, R-9, and R-MH.

Proposed Land Use: The East District Plan recommends retail uses on these properties. Industrial uses are not recommended along Albemarle Road which serves as a gateway for East Mecklenburg County.

Nonconformities Resulting From This Petition: An existing nonconforming mobile home park will continue to be nonconforming. A grading service company and mini warehouse company will become legally nonconforming uses.

Consequences of Not Rezoning This Site: If these properties are not rezoned, additional industrial uses could develop along this section of Albemarle Road which would be in conflict with the recommended land use for the area. Industrial uses are considered inappropriate by staff in this area as Albemarle Road serves as the gateway for East Mecklenburg County. One of the objectives of the East District Plan is to encourage quality residential and neighborhood services east of Harris Boulevard.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-25

Date Filed February 11, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See Attached

Owner's Address

Date Property Acquired

Tax Parcel Number

Location of Property (address or description) Along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

Description of Property

Size (Sq Ft -Acres) 55.5 Street Frontage (ft) 4080±

Current Land Use Vacant, Retail, Light Industrial, Warehousing, Single Family

Zoning Request

Existing Zoning I-1 Requested Zoning B-2

Purpose of Zoning Change To implement corrective rezoning recommendations of the adopted East District Plan.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte Mecklenburg Planning Commission

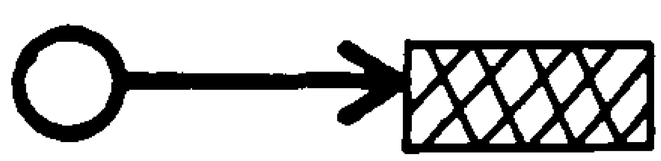
PETITION NO.: 91-25 HEARING DATE: April 15, 1991

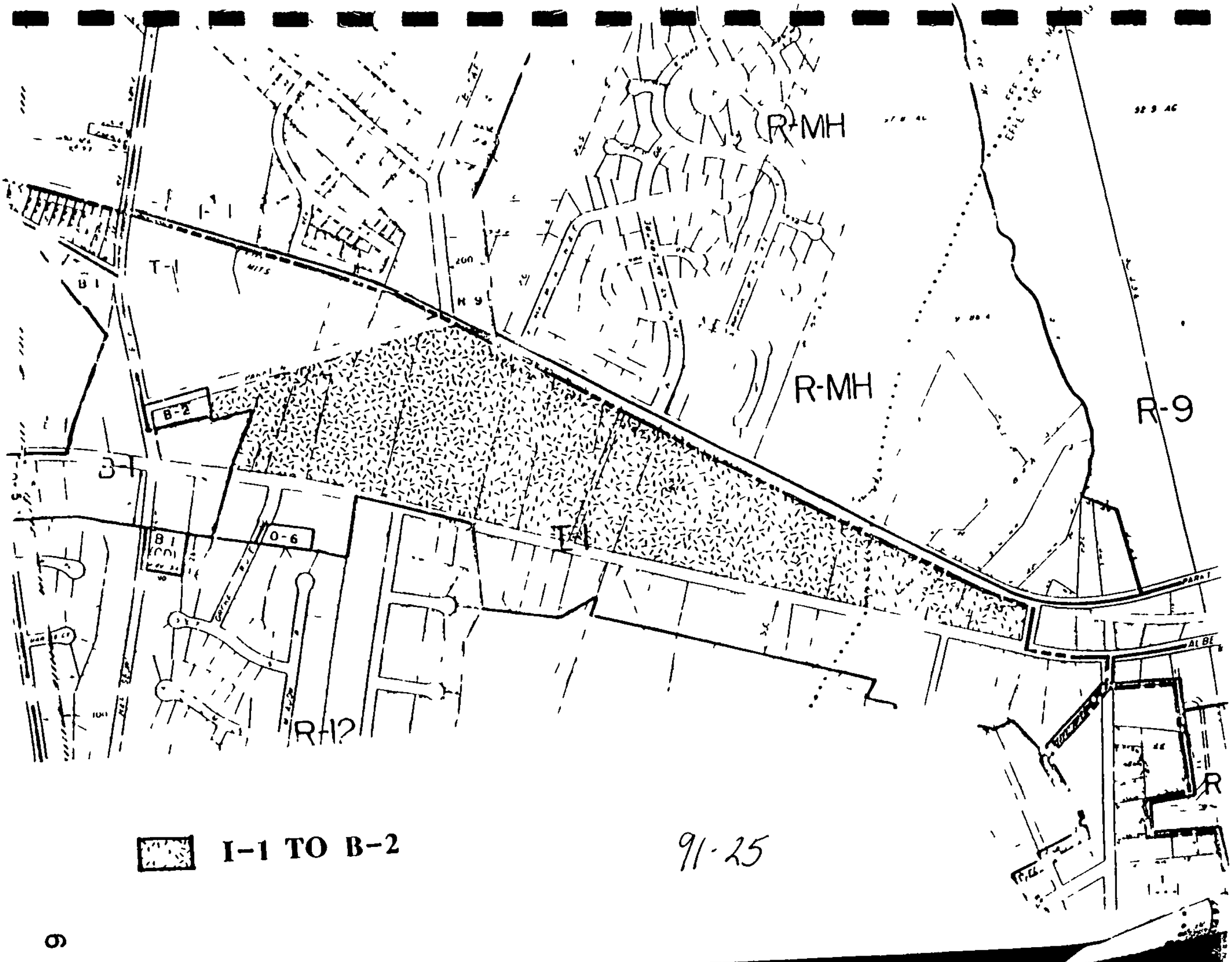
ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: B-2

LOCATION: Approximately 55.5 acres located along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 98 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE 


R-MH
R-MH
R-9
T-1
B-1
B-2
O-6
R-12
R
I-1 TO B-2
91-25

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-26

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Along south side of Albemarle Road, between Harrisburg Road and Wilgrove-Mint Hill Road.

Request: Change from I-1 to B-2 and O-6, in accordance with the adopted East District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: Zoning in the petition area has not changed since zoning began in Mecklenburg County.

Existing Land Uses: The site is a mixture of vacant, retail, light industrial, and junk yard uses.

Surrounding Land Use & Zoning: The area north of the petition site is currently zoned I-1 but is proposed for a corrective rezoning to B-2. Land uses to the north include mini warehouses, retail, light industrial, vacant and single family residential uses. East of the area is zoned B-1 which includes small retail uses. South of the area is zoned single family but is primarily vacant. West of the area is zoned single family and is a developed single family subdivision.

Proposed Land Use: The East District Plan recommends retail and office uses for this area. Industrial uses are not recommended along Albemarle Road which serves as a gateway for East Mecklenburg County.

Nonconformities Resulting From This Petition: There will be no nonconforming uses created in the area being rezoned to B-2. Four nonconforming uses (Used Car Sales, Heating and Air Conditioning Service, Plant Sales, Mineral Water Sales) will be created in the area being rezoned to O-6 and one use (Junk Yard) that is presently nonconforming will remain nonconforming.

Consequences of Not Rezoning These Properties If this rezoning is not approved, additional business and industrial uses could develop, which is contrary to the recommended land use for this area. Uses permitted in the I-1 district are not appropriate along a gateway such as Albemarle Road.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-26
Date Filed February 21, 1991
Received By MCW

OFFICE USE ONLY

Ownership Information

Property Owner See Attached

Owner's Address

Date Property Acquired

Tax Parcel Number

Location of Property (address or description) Along the south side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

Description of Property

Size (Sq Ft -Acres) 23.8 Acres Street Frontage (ft) 3290 Ft.

Current Land Use Vacant, Retail, Light Industrial, Junk Yard

Zoning Request

Existing Zoning I-1 Requested Zoning B-2 and O-6

Purpose of Zoning Change To implement corrective rezonings in adopted East District Plan.

Name of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

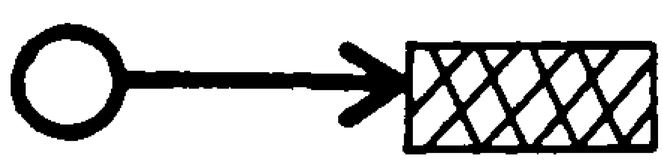
PETITION NO.: 91-26 HEARING DATE: April 15, 1991

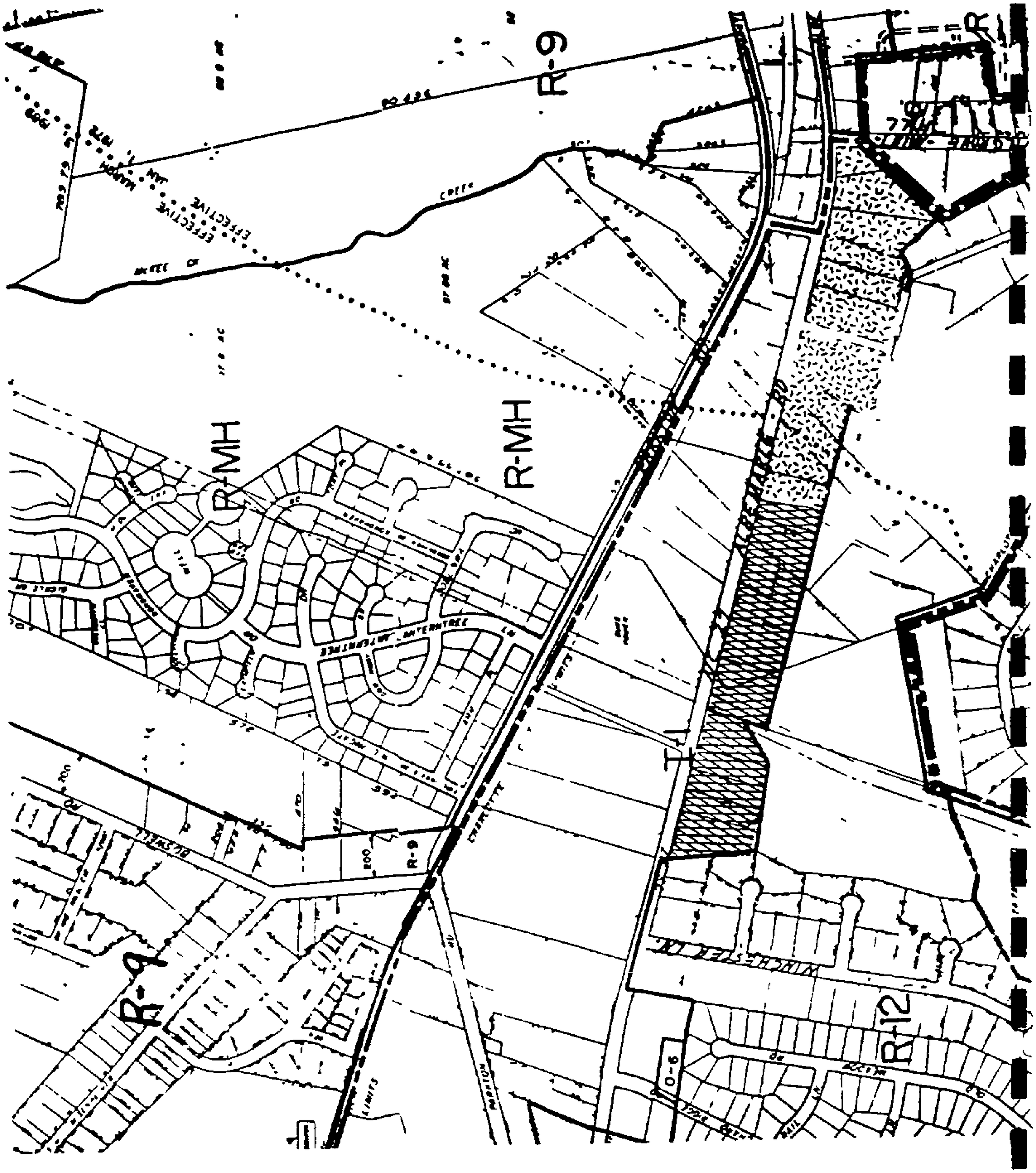
ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: O-6 & B- 2

LOCATION: Approximately 23.8 acres located along the south side of Albemarle Road between Winchester Lane and Wilgrove-Mint Hill Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 98 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE 



I-1 TO O-6

I-1 TO B-2

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-27

Petitioner: Charlotte-Mecklenburg Planning Commission.

Location: Along the south side of Albemarle Road, between Dwight Ware Boulevard and Manchester Lane.

Request: Rezone from B-1 and I-1 to O-15 and O-6 in accordance with the adopted East District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: A portion of the property located at the corner of Albemarle Road and Dwight Ware Boulevard was rezoned from R-12 to B-1 in 1974. The remainder of the site has retained its original zoning.

Existing Land Use: Two offices and three vacant parcels currently occupy the site.

Surrounding Land Uses & Zoning: Single family neighborhoods (zoned R-15) exist to the south and east of the subject properties. Retail uses on B-1 zoning are on all four quadrants of the Albemarle Road/Harrisburg Road intersection. Slightly to the west, across Albemarle Road are several houses which were recently rezoned to B-1SCD for a future shopping center. Also across Albemarle Road, running from just east of Harrisburg Road is a large area consisting of mixed uses (vacant, office, retail, industrial, single family) currently zoned I-1. This area has been proposed to be rezoned to B-2 by the East District Plan (See Petition 91-25). One property currently zoned O-6 located along Orchard Ridge Road is used as a day care. Finally, one property located at the corner of Albemarle Road and Dwight Ware Boulevard is currently zoned O-15 and is vacant. A portion of this property is currently zoned B-1 and is included as part of this petition.

Proposed Land Use: The East District Plan recommends these properties develop as, or continue to be used for, office uses.

This recommendation is based on the significant amount of business zoning in the area. The East District Plan recommends a community mixed use center at the intersection of Albemarle Road and Harrisburg Road. The amount of existing business zoning combined with business zoning proposed in the East District Plan, (Petition Nos. 89-84, 91-25 and 91-26), allow far beyond the recommended 250,000 square feet of retail space.

What is lacking in the area is the office component of the community center. A portion of Petition No. 91-26 proposes rezoning properties from I-1 to O-6 along the south side of Albemarle Road, east of this petition.

This petition recognizes the need for a greater office component in the area. Rezoning these properties from business and industrial zoning to an office zoning would help to accomplish this goal.

The subject properties in this petition are also located at the entrance of two neighborhoods to the south of Albemarle Road. Development of these properties needs to be compatible with these residential areas since these properties function as the gateway into the neighborhoods.

Non-conformities Resulting From This Petition. No uses will be made non-conforming by this rezoning petition.

Consequences of Not Rezoning These Parcels: These properties, located at the entrances of neighborhoods, should develop in a manner which is compatible to these neighborhoods. Retail or industrial uses may create poor relationships and damage these neighborhoods.

In addition, the future zoning pattern, as proposed by the East District Plan, will allow abundant retail development elsewhere along Albemarle Road in this area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-27
Date Filed February 14, 1991
Received By MKN
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner's Address See Attached List

Date Property Acquired N/A

Tax Parcel Number See Attached List

Location Of Property (address or description) These properties are located along Albemarle Road between Dwight Ware Boulevard and Manchester Lane.

Description Of Property

Size (Sq Ft -Acres) 4.6 acres± Street Frontage (ft) 763+

Current Land Use Two offices, three vacant parcels.

Zoning Request

Existing Zoning B-1, I-1 Requested Zoning O-15, O-6

Purpose of Zoning Change To implement the recommendations made by the East District Plan, approved by City Council on February 13, 1990.

Name Of Agent

Agent s Address

Telephone Number

Charlotte-Mecklenburg Planning Commiss
Name of Petitioner(s)

600 East Fourth Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte Mecklenburg Planning Commission

PETITION NO.: 91-27 HEARING DATE: April 15, 1991

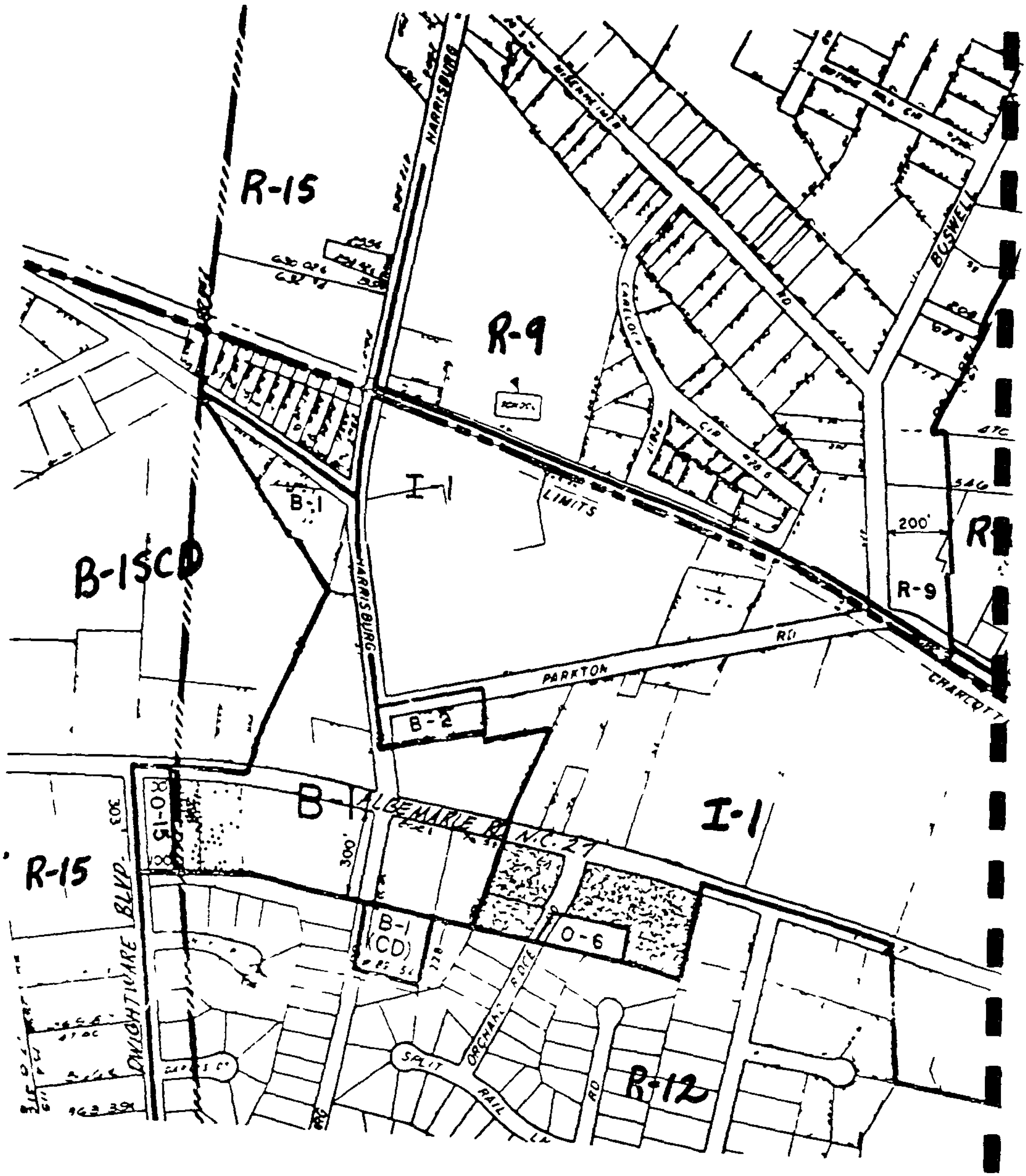
ZONING CLASSIFICATION, EXISTING: B-1 & I-1 REQUESTED: O-15 & O-6

LOCATION: Several parcels totaling approximately 4.6 acres located on the south side of Albemarle Road east of Dwightware Boulevard.

SEE ATTACHED MAP

ZONING MAP NO(s).: 98 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



I-1 TO O-6

B-1 TO 0-15

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 27, 1991

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 March 25, 1991.

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, April 8, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, April 15, 1991.

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: March 25, 1991

PETITION NO.: 91-6

PETITIONER(S): United Carolina Bank

REQUEST: Consideration of an O-15(CD) site plan amendment.

LOCATION: Approximately 2.65 acres located on the east side of Providence Road bounded by Sardis Road and Old Sardis Road.

ACTION: The Zoning Committee recommends that this petition be approved contingent upon the submittal of a revised site plan which indicates the closing of the existing Old Sardis Road driveway and specifies CDOT approval of the design of the new driveway.

VOTE: Yeas: Baucom, McClure, Mead, Motley, Spencer, and Thomasson.

Nays: O'Brien.

REASONS

The site plan amendment requested by this petition seeks to add a fourth driveway to the existing branch bank. The currently approved plan allows one driveway each to Providence Road, Sardis Road, and Old Sardis Road. The site plan amendment proposes to add a new driveway to Old Sardis Road to line up with a driveway to the Strawberry Hills Shopping Center. The Zoning Committee noted CDOT's concerns about the impact the fourth driveway will have on the City's planned park and ride lot along Old Sardis Road and discussed the various options for mitigating that impact. Ultimately, the Zoning Committee recommended the site plan amendment be approved contingent upon the submittal of a revised site plan by the petitioner that indicates the existing Old Sardis Road driveway is to be closed and the new driveway design is to be reviewed and approved by CDOT prior to the issuance of a driveway permit. The petitioner was not present at the Zoning Committee meeting and, therefore, was not available to respond to the proposed modification. It should be noted that the petitioner would have to agree to this proposal and submit revised site plans which include this modification prior to any final action by City Council.

STAFF OPINION

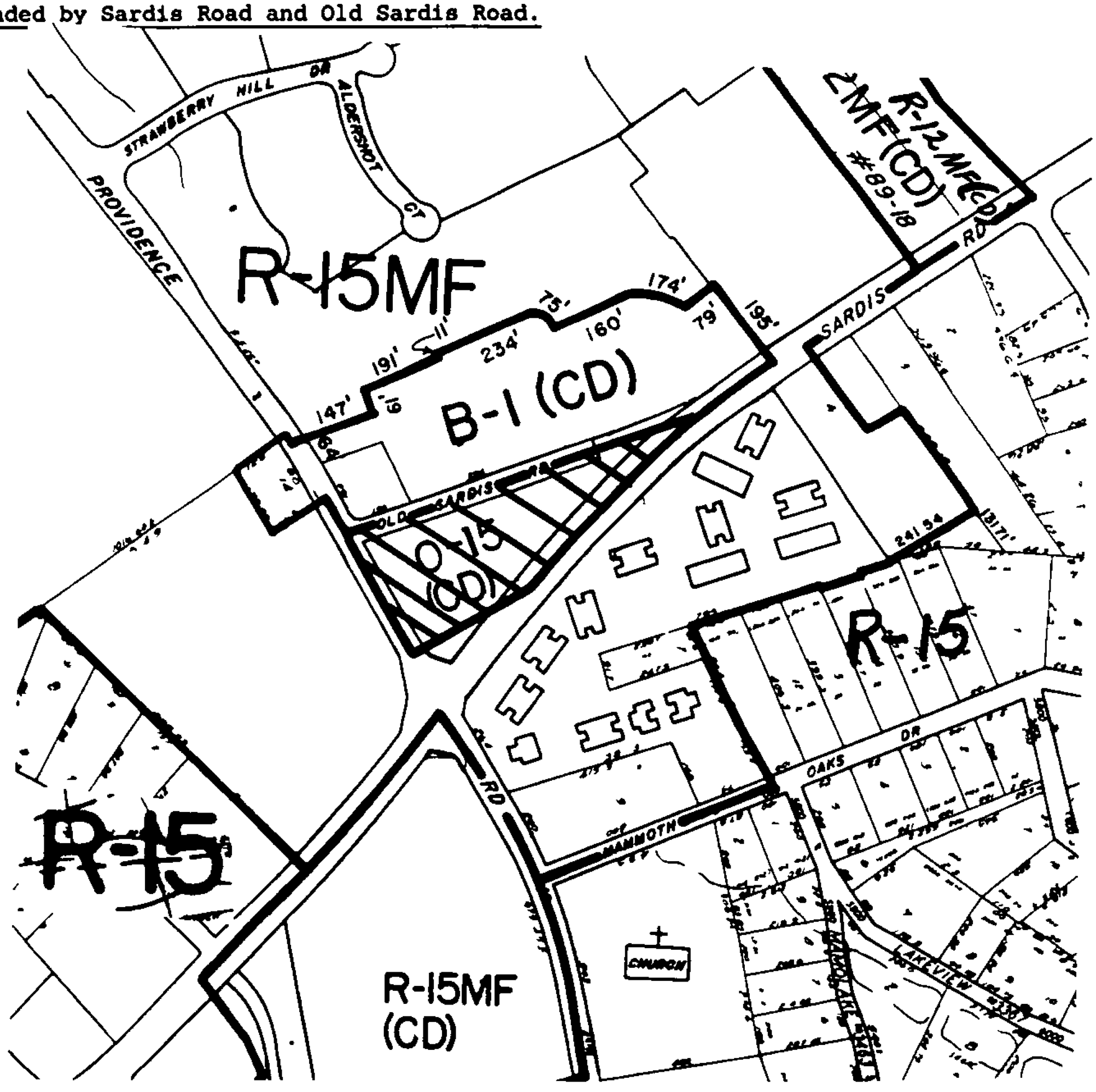
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: United Carolina Bank

PETITION NO.: 91-6 HEARING DATE: February 18, 1991

ZONING CLASSIFICATION, EXISTING: 0-15(CD) REQUESTED: 0-15(CD) Site Plan Amendment

LOCATION: Approximately 2.65 acres located on the east side of Providence Road, bounded by Sardis Road and Old Sardis Road.



ZONING MAP NO(s).: 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 25, 1991

PETITION NO.: 91-9

PETITIONER(S): Donald Wilburn and Scott Clark

REQUEST: Change from R-9 to B-2(CD).

LOCATION: A 4.74 acre site located on the northeast corner of the intersection of Independence Boulevard and Margaret Wallace Road along Campbell Creek.

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

VOTE: Yeas: Baucom, McClure, Mead, Motley, O'Brien, Spencer, and Thomasson.

Nays: None.

REASONS

This petition proposes rezoning to allow the expansion of an existing automobile dealership which fronts on Independence Boulevard and the establishment of a plant nursery at the rear of the property which fronts on Margaret Wallace Road. The petition had previously been deferred in order to allow time for the petitioner to modify the plan to better address the project edge along Campbell Creek. The revised site plan addressed that concern by indicating that stormwater detention will be provided on the site and increasing the buffer along the Campbell Creek edge. Therefore, the Zoning Committee recommends the petition be approved, as modified.

STAFF OPINION

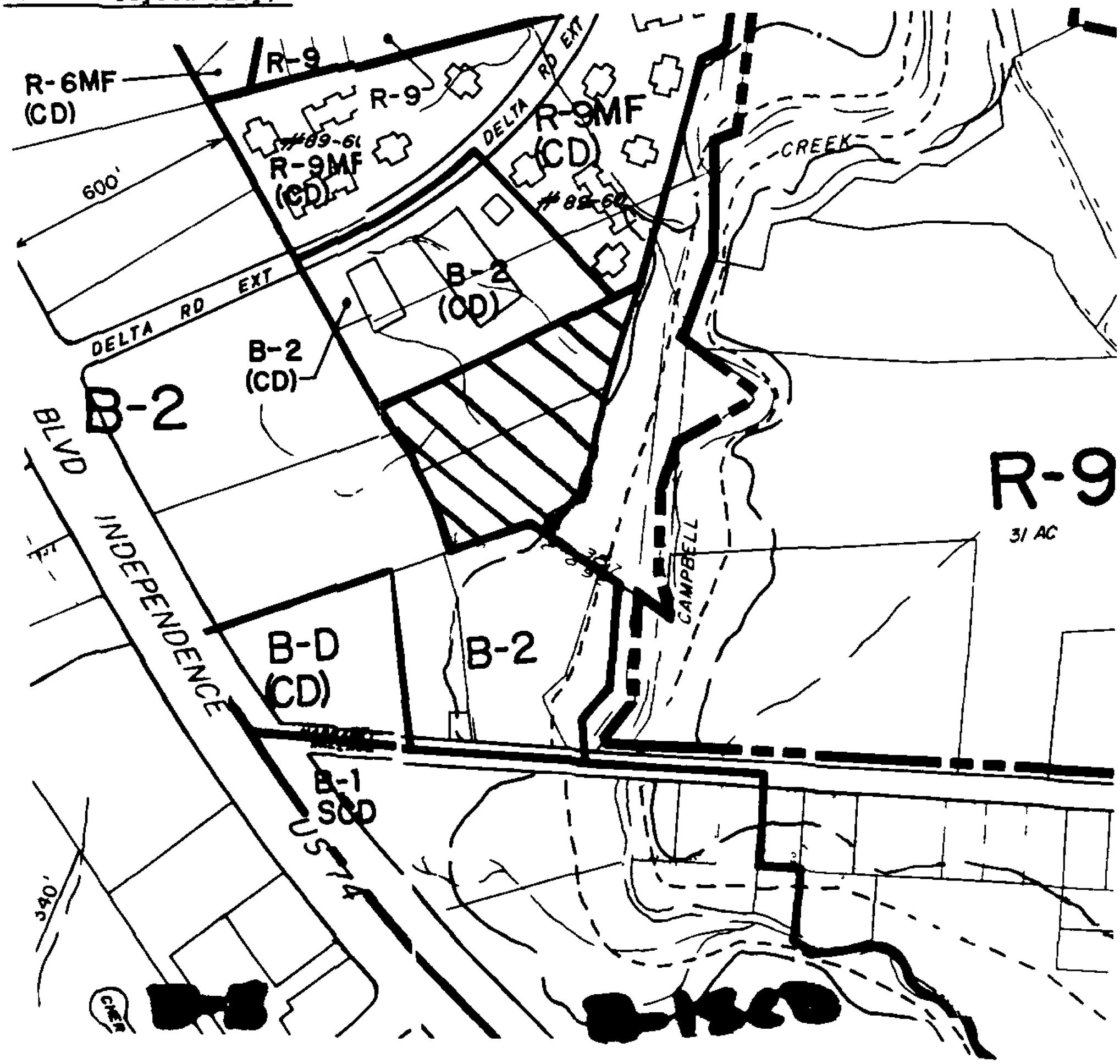
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Donald Wilburn and Scott Clark

PETITION NO.: 91-9 HEARING DATE: February 18, 1991

ZONING CLASSIFICATION, EXISTING: R-9 REQUESTED: B-2(CD)

LOCATION: Approximately 4.74 acres located off the northeast corner of the intersection of Independence Boulevard and Margaret Wallace Road (to the rear of Scott Clark's Toyota City).



ZONING MAP NO(s).: 137 & 138 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 25, 1991

PETITION NO.: 91-16

PETITIONER(S): Crosland Erwin Associates

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to reinstate the provisions for off-premises directional development signs and off-premises identification signs.

ACTION: The Zoning Committee recommends the following actions with regard to this petition.

Part A. Denial of the portion of the proposed text amendment to reinstate Section 2110.3 (directional development signs).

Part B. Approval of the portion of the proposed text amendment to reinstate Section 2110.4 (off-premises identification signs) as modified.

Part A

VOTE: Yeas: Baucom, McClure, Mead, Motley, O'Brien, Spencer, and Thomasson.

Nays: None.

Part B

VOTE: Yeas: Baucom, McClure, Motley, and Thomasson.

Nays: Mead, O'Brien, and Spencer.

REASONS

This text amendment proposes to reinstate two sections of the sign regulations which expired in February, 1991 under a sunset provision. The text amendment proposes to use the same language except that no sunset provision is included and the off-premises identification signs could be lighted in all districts except single family residential. The Zoning Committee discussed the proposal at length and noted that the original purpose of the directional development sign provision was to eliminate illegal real estate signage and that does not appear to have been accomplished. Several members of Zoning Committee expressed concerns about internally located shopping centers in general and felt that those shopping centers that have chosen to be located within a planned development should not be allowed to advertise on nearby thoroughfares. The Zoning Committee divided the request into two parts and voted on the two provisions separately. Part A, which proposes reinstatement of the off-premises directional development signs provision is recommended for denial.

Part B, which proposes reinstatement of the off-premises identification signs provision was recommended for approval as modified by the petitioner to require off-premises identification signs to be internally, rather than externally, lit.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee expressed in Part A of the motion. With regard to Part B, the staff continues to believe that off-premises sign provisions are unnecessary and contribute to visual clutter along the thoroughfare system.

Petition No. 91-16
Petitioner: Crosland-Erwin Associates

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 the Ordinance by adding a new Section 2110 3 as follows

"2110.3 *Off-Premises Directional Development Signs*

For the purposes of directing traffic from Class II or III streets (major or minor thoroughfares) to developments located on Class IV or V streets (collectors or local streets) and not having direct access or visibility from the Class II or III streets, and to ensure that visual clutter is minimized, off-premises directional signs may be permitted subject to the following:

a. Application Requirements: The applicant for a directional sign permit shall submit complete and accurate information to the Zoning Administrator, including:

1. A form statement prepared by the Building Standards Department and signed by the owner of the parcel of property upon which the sign shall be located, consenting to and authorizing the location of the sign on the premises and the right of authorized City Officials or a designee to enter the property to remove a sign which is in violation of this ordinance.

2. A sketch showing the location of the proposed sign and manifesting that the sign's erection would be in compliance with the locational requirements contained herein.

3. Two blueprints or inked drawings to scale of the plans and specifications of the sign to be erected. Such plans shall include but not be limited to details of the design, dimensions, and material, of the proposed sign.

4. A letter from either the City's Department of Transportation or the North Carolina Department of Transportation, whichever agency has jurisdiction over the road on which the sign is to be located, verifying that the sign will not be in violation of any local or State regulations at its proposed location.

5. Acknowledgement by the applicant that he/she shall be responsible for the cost of removal of a sign for any reasons stated in (h) herein, and that if the City removes the sign the permit holder has five days to retrieve the sign, after which time the City may dispose of such sign.

6. If the sign is proposed in an historic district, approval of such a sign by the Historic District Commission shall be required prior to obtaining a sign permit.

b. Inspection and conditional approval· If the Zoning Administrator or his designee is satisfied that the applicant has submitted complete and accurate information as required by these provisions, then the Zoning Administrator shall notify the applicant that he/she has priority for that location and has 30 days to submit the following information for the issuance of the permit if not already submitted with (a) above:

1. A hold harmless/indemnification statement as described below in (i).

2. A cash bond or cash deposit as described in (i).

c. Use of directional sign: The person to whom the permit is issued is solely and exclusively responsible for the usage and maintenance of the directional sign and shall make the sign available for use by any eligible user. Matters of interpretation such as whether proposed copy is allowed by the provisions of this section, shall be a proper matter for the Zoning Administrator and/or Zoning Board of Adjustment.

The permit holder shall allow developments to be identified on the sign subject to the following:

1. The development is a unified commercial, residential, or institutional use under single ownership or management that has a minimum of 50 parking spaces and/or 50 units of residential dwellings.

2. The entrance that reasonably identifies the development is located no further than one and one half miles along streets from the intersection of the Class II or III Street with the Class IV or V Street.

3. The development does not have direct access or visibility from any Class II or III Streets.

4. The development does not have an identification sign located on a Class II or III Street nor does it have identification on another off-site directional sign. Only one sign per development shall be permitted.

d. Location and Orientation of Directional Sign: The sign shall be located in any zoning district only at the intersection of a Class II, III, or IV street with a Class V or VI street as defined in the adopted Comprehensive Street Classification System Manual. The sign face(s) shall be oriented toward the traffic flow on the Class IV or V Street, which is generally perpendicular to the Class II, III, or IV street. The sign must be located on the side of the Class II, III, IV street closest to the development(s) identified on the sign.

No portion of any sign shall be situated in such a way as to violate any public ordinances or regulation regarding sight distance or obstruction of vision at street intersections, nor shall any sign be located closer than 11 feet from the pavement edge of any public street, however the Charlotte Department of Transportation or N.C. Dept. of Transportation may require that the sign be located further than 11 feet from the edge of pavement.

e. Spacing Requirements: No sign shall be located closer than 500 linear feet to any other similar directional sign on the same side of the street. There shall be no more than two signs erected at any intersection. In addition, no directional sign shall be located closer than 20 linear feet to any on-premises sign(s).

f. Design of Directional Signs: A directional sign shall be constructed as a ground mounted sign designed to accommodate up to 4 panels of equal size for one to 4 separate and distinct development names. It shall be designed in accordance with the requirements stated below:

1. Maximum Size and Height:

Maximum structure width:	5-1/2 feet
Maximum sign face size:	20 sq. feet
Maximum panel size:	5 sq. feet
Maximum height:	6 feet if landscaping is planted at base of sign; otherwise 4-1/2 feet.

2. Construction of Sign

The signs shall be constructed of all-heart grade A wood or of aluminum having a minimum thickness of .090 with the overall depth of the sign frame no less than 3 inches. Copy on wood signs shall be either routed or sandblasted into the face panels. Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl having a minimum five year durability rating.

To implement the requirements for the aesthetic appearance and uniformity of directional signs, the Zoning Administrator shall have the authority to prepare diagrams illustrating the requirements stated above and, further, to adopt any necessary details within the scope of the requirements, herein, to achieve standardized, directional signs.

3. Permitted Copy

Only the name, type, and/or logo under which a development is known or designated and a directional arrow shall be permitted on a sign. The name of the owner or developer or information related to availability of units, space, goods, or services shall not be permitted as copy on a sign.

4. Lighting

Signs shall not be lighted in residential districts.

g. Maintenance: All signs shall be maintained in accordance with Section 2104.3 herein.

h. Posting of bond and removal of sign: If the Zoning Administrator determines that there is a violation of these provisions, he shall issue a notice for violation to the permit holder. If the violation is not corrected or there has been no reversal of the decision of the Zoning Administrator by the Zoning Board of Adjustment or by any Court, then the Zoning Administrator shall have the authority to engage an independent contractor to remove the sign and pay for the removal of such signs from the bond. The sign may be removed for any of the following reasons:

1. A failure to maintain a sign in accordance with (g).

2. The failure to erect the sign within the location shown on the survey.

3. The revocation of the permit for any violation of S2110s.3.

4. Any other violation of this section.

i. Bond and indemnification: The Director of the Building Standards Department shall have the authority to set an amount for a cash bond double the estimated reasonable cost for the removal, the transporting, and the possible storage of a directional sign. Bonds shall be refunded to a permit holder when the permit holder removes the sign.

The applicant shall sign a hold harmless/indemnification statement on behalf of the City to hold the City harmless from any claim or dispute between the permit holder and a person seeking to have use of the directional sign when the dispute or legal matter in no way pertains to the City's Zoning Ordinance provisions.

j. Trees: The permit holder shall not destroy or trim any trees in the public right-of-way nor install a sign in such a manner to impact significant roots on trees in the public domain."

2. Amend the Ordinance by adding a new Section 2110.4 as follows.

"2110.4. Off-Premisses Identification Signs.

For the purpose of providing flexibility when a shopping center is located on a Class V or VI street and not visible from a Class II, III, or IV street, an applicant may obtain a permit for an off-premises identification sign subject to the following:

a. An applicant for an off-premises identification sign must comply with the application requirements specified in Section 2110.3(a), and in addition, provide a statement that the subject property being identified would not be visible from the nearest Class II, III, or IV street.

b. An approved off-premises identification sign shall be erected instead of (and not in addition to) both an applicant's on-premises identification or business sign and any off-premises directional sign permissible under the provisions herein.

c. A proposed off-premises sign shall comply with all the requirements in Section 2110.3(b) through (j) with the following exception:

1. SIZE OF CENTER ELIGIBLE FOR USE OF SIGN

The minimum size of a shopping center eligible for the use of an off-premises identification sign shall be 25,000 square feet, and the center must contain five or more businesses.

2. DESIGN OF SIGN

Maximum Size and Height:

The maximum size and height of a sign shall be the same as would be permitted if the sign were located on the premises being identified.

Permitted copy:

Only the name and/or logo of the shopping center and/or names of individual establishments within the shopping center shall be permitted on the sign face(s). No advertising shall be permitted.

Construction of Sign:

Copy on aluminum signs shall be either routed into the sign or shall be made of vinyl or plastic having a minimum five-year durability rating."

Lighting.

Signs may be lighted except when located in a single-family residential district."

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: March 25, 1991

PETITION NO.: 91-17

PETITIONER(S): Derita Masonic Lodge #715

REQUEST: Change from R-12 to R-15MF.

LOCATION: A 3.2 acre site located between Maple Street and Hewitt Drive.

ACTION: The Zoning Committee deferred action on this petition to allow the petitioner time to submit a conditional site plan.

VOTE: Yeas: Baucom, McClure, Mead, Motley, O'Brien, Spencer, and Thomasson.

Nays: None.

REASONS

This petition proposes rezoning of properties from a single family residential category to a multi-family residential category. Concerns were expressed at the public hearing about the conventional nature of this petition and the petitioner indicated that a conditional site plan is forthcoming. Therefore, Zoning Committee deferred action on the petition to allow time for the submittal and review of a conditional site plan.

DATE: March 25, 1991

PETITION NO.: 91-18

PETITIONER(S): Charlotte Capital Partners

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

LOCATION: A 24.3 acre site located on the southwest corner of N.C. 51 and Carmel Road Extension (Carmel Commons Shopping Center).

ACTION: The Zoning Committee deferred action on this petition for 30 days.

VOTE: Yeas: Baucom, McClure, Mead, Motley, O'Brien, Spencer, and Thomasson.

Nays: None.

REASONS

This petition proposes the addition of 14,649 square feet of retail space to the existing Carmel Commons Shopping Center. In addition, at the public hearing on the request, the petitioner proposed an additional 5,000 square foot outparcel. The conditional site plan policy requires the petition to be deferred as a result of the site plan revision proposed at the public hearing.