AGENDA

Meeting Type:	B
Date	02-18-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in February '91

THE WEEK OF FEBRUARY 1 - FEBRUARY 2

1	Friday, 8 30 a m	**TAXICAB REVIEW BOARD** - Law Enforcement Center, 825 E Fourth Street, Room 302
2	Saturday, 8 00 a m	**PLANNING COMMISSION RETREAT WITH MAYORS AND REPRESENTATIVES FROM SMALL TOWNS IN MECKLENBURG COUNTY** - CMGC, Conference Center

THE WEEK OF FEBRUARY 3 - FEBRUARY 9

4	Monday, 12 Noon	**CITY COUNCIL REGIONAL ISSUES COMMITTEE** - CMGC, Rooms 270-271
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
5	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
6	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Meeting Chamber Conference Room
7	Thursday, 2 00 p m	**ADVISORY ENERGY COMMISSION** - CMGC, Room 119

THE WEEK OF FEBRUARY 10 - FEBRUARY 16

11	Monday, 3 00 p m	**CITY COUNCIL EXECUTIVE SESSION** - 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 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 S Caldwell Street
12	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
13	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
15	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room
	Friday, 12 Noon	**DIVISION OF INSURANCE & RISK MANAGEMENT** - CMGC, 10th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF FEBRUARY 17 - FEBRUARY 23

18	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
19	Tuesday, 12 Noon	**HOUSING AUTHORITY/Work Session** - 1301 South Boulevard
	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 3 30 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	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
20	Wednesday, 7 30 a m	**CITY/COUNTY/CHAMBER BREAKFAST** - Charlotte Chamber, 129 West Trade St
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Meeting Chamber Conference Room
21	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

THE WEEK OF FEBRUARY 24 - FEBRUARY 28

25	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Center
	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)
26	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 North Tryon Street, Building Standards Training Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
27	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271
	Wednesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 South College Street, VIP-B Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
28	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndee Patterson*

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

Council Agenda

Monday, February 18, 1991

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

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

Invocation by the Reverend Derrick Anderson, East Stonewall AME Zion Church.

ITEM NO.

PUBLIC HEARINGS

1. (91-6) Hearing 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.

   Attachment No. 1

2. (91-7) Hearing on Petition No. 91-7 by Kermit G. Phillips, II for a change in zoning from R-9MF to R-6MF for approximately 10.27 acres located on the south side of Forestbrook Drive east of Tacoma Street extending to the I-85 Service Road.

   Attachment No. 2

3. (91-8) Hearing on Petition No. 91-8 by Interchange Partners for a change in zoning from B-D(CD) to I-1(CD) for approximately 8.371 acres located within the southeast quadrant of I-77 and I-85 along Tipton Drive.

   Attachment No. 3

4. (91-9) Hearing 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 off the northeast of Independence Boulevard and Margaret Wallace Road (at the rear of Scott Clark's Toyota)

Attachment No. 4

5. (91-10) Hearing on Petition No. 91-10 by Coltsgate Ltd. Partnership for a change in zoning from R-15 to O-6(CD) for approximately 6.61 acres located along both sides of Coltsgate Road east of Sharon Road.

Attachment No. 5

6. (91-11) Hearing on Petition No. 91-11 by Churchill Galleries for a Site Plan Amendment to an existing B-1(CD) zoning for a 37,800 square foot parcel located on the northwest corner of East Morehead Street and Berkeley Avenue.

Attachment No. 6

7. (91-12) Hearing on Petition No. 91-12 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-15, in accordance with the adopted Northwest District Plan, for a 22.4 acre site located approximately ¼ mile west of the intersection of Oakdale Road and Pleasant Grove Road.

Attachment No. 7

8. (91-13) Hearing on Petition No. 91-13 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 and R-12MF, in accordance with the adopted Northwest District Plan, the area generally between Moores Chapel Road and the Piedmont and Northern Railroad, ½ to 1¼ of a mile west of Little Rock Road.

Attachment No. 8

9. (91-14) Hearing on Petition No. 91-14 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to R-15, in accordance with the adopted Northwest District Plan, for a 42.25 acre site located on the southwest quadrant of the intersection of Toddville Road and Rozzelles Ferry Road.

Attachment No. 9

10. (91-15) Hearing on Petition No. 91-15 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and I-1 to R-9, in accordance with the adopted Northwest District Plan, for approximately 69.5 acres located east of Toddville Road and south of Old Mount Holly Road.

Attachment No. 10

DECISIONS

11. (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 22 Meeting.

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

Attachment No. 11

12. (91-2) Decision on Petition No. 91-2 (East District #1) for a change in zoning from R-9MF to R-9 for 32.15 acres located on the north side of Idlewild Road extending along Sally Lane to McAlpine Creek.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (91-3) Decision on Petition No. 91-3 (East District #2) for a change in zoning from R-6MF to R-9 for 7.1 acres located along both sides of Winterfield Drive, South of Central Avenue.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (91-4) Decision on Petition No. 91-4 (East District #3) for a change in zoning from R-9MF to R-9 for 16.87 acres located along both sides of Finchley Drive and Purser Drive east of Eastway Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (91-5) Decision on Petition No. 91-5 (East District #4) for a change in zoning from O-6 to R-6MF for approximately 6.1 acres located on the east side of Eastway Drive north of East Independence Boulevard (U. S. 74)

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 this property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. Recommend adoption of a resolution setting public hearings for March 18, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-16 through 91-18 for zoning changes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 5, 1991

Mayor and City Council:

RE: Petitions to be Heard in February, 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 February 18, 1991 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III /KT

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. 91-6

Petitioner. United Carolina Bank

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

Request· O-15(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved with this request is zoned O-15(CD). The property to the north across Old Sardis Road is zoned B-1(CD). Further to the north as well as to the east, west, and south the properties are zoned R-15MF and R-15MF(CD).

2. Existing Land Use. The property involved with this petition is currently developed as a branch bank for United Carolina Bank (U.C.B.). The property across Old Sardis Road is developed with a convenience store and the remainder is being developed as a shopping center. The property across Providence Road is developed with apartments as is the property diagonally across the intersection. To the south across Sardis Road the property is developed as the Essex Condominiums.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the existing residential land uses in the area of the subject property. 2005 Plan strategies include extending water lines in the area.

   2. Transportation Improvement Program (T.I.P.). The T.I.P. calls for the intersection of Providence Road, Fairview Road, and Sardis Road to be improved during fiscal year 91, 92. The T.I.P. also recommends the widening of Fairview Road from Providence Road to Carmel Road.

4. Site Plan. The site plan which accompanies this application proposes to add a fourth driveway to an existing branch bank. The currently approved plan allows the bank to have access to Providence Road, Sardis Road and Old Sardis Road. This new driveway would be along Old Sardis Road and would line up with a new driveway to the Strawberry Hill Shopping Center. The plan also proposes to replace the existing sign along Providence Road with a new sign as per the current sign regulations. The plan maintains the existing vegetation around the site except in the area of the new driveway. The remainder of the site remains the same with no additional square footage or parking spaces.

5. School Information. This petition has no impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-8	R-15MF to B-1	Denied	06/17/68
2. 70-42	R-15MF to O-15 & B-1SCD	Denied	04/20/70
3. 70-43	R-15MF to B-1SCD	Denied	04/20/70
4. 73-50	R-15MF to O-15	Denied	01/28/74
5. 73-76(c)	R-15MF to O-15	Denied	02/04/73
6. 75-14	R-15MF to R-9MF	Denied	06/39/75
7. 76-14	R-15MF to B-1(CD)	Approved	03/29/76
8. 76-53	R-15MF to O-15(CD)	Approved	12/03/81
9. 79-23	R-15 to R-15MF(CD)	Approved	12/03/81
10. 88-34	R-15MF to B-1(CD)	Approved	10/24/88
11. 89-18	R-15 & R-12MF(CD) to R-12MF & R-12MF(CD) Site Plan Amendment	Approved	04/17/89

7. Neighborhood. This petition falls within the Randolph/Sardis neighborhood.

REVIEWS

1. Plan Consistency. This petition seeks a site plan amendment to an existing branch bank to add an additional driveway along Old Sardis Road. The 2005 Plan does not anticipate more commercial at this intersection and only recognizes the residential land uses in the area. However, since this site plan amendment is not increasing the square footage of the existing bank it can be considered consistent with adopted plans and policies.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff spoke with the petitioner prior to the filing of this petition and discussed the possibility of adding this driveway administratively if the bank would eliminate one of its existing driveways.

   2. Departmental Comments. The Building Standards Department requested that several notes be added to the plan concerning screening and signs as well as clarifying the treatment of the existing vegetation. The Engineering Department requested that a tree survey be submitted with the driveway permit. The Department of Transportation felt that four driveways were excessive for this site. They also added that this new driveway may lead to cut-through traffic for Old Sardis Road to Sardis Road. The Transportation Department also asked the

petitioner to dedicate additional right-of-way along Providence, Sardis, and Old Sardis Road. They also noted that the new driveway onto Old Sardis Road will impact the city's park and ride lot and that this may result in the loss of park and ride spaces. Planning staff asked that the note pertaining to the existing vegetation be clarified so that it was clear that the existing vegetation would remain. The petitioner did add notes regarding the existing vegetation proposed screening, signage, and committed to providing the Engineering Department with a tree survey in the area of the new driveway. However, no commitments were made to provide additional right-of-way along any of the existing streets.

ISSUES

1. Land Use. This petition raises no land use issues. It proposes to add a fourth driveway to an existing branch bank. The 2005 Plan recognizes existing residential land uses in the area but does not recommend additional nonresidential land use in this area. This petition proposes no new office space. Therefore, from a land use standpoint this petition is appropriate for approval.

2. Site Plan. The site plan associated with this petition proposes to add a fourth drive to the existing branch bank. This driveway would be the bank's second access to Old Sardis Road. This new driveway will adversely effect the city's planned park and ride lot along Old Sardis Road. The City Transportation Department had requested ten feet of additional right-of-way along Old Sardis Road be dedicated to help accommodate the park and ride lot but the plan has not made this allowance. CDOT believes that this fourth driveway is excessive and unnecessary and only adds to the congestion of the area as well as create cut through traffic. Therefore, from a site plan point of view this petition is not appropriate for approval.

CONCLUSION

This petition is not considered appropriate for approval. The proposed driveway adds congestion to Old Sardis Road and is proposed as a convenience to the bank rather than the public.

*Subject to further refinement following public hearing.

Petition No 91-6

SITE DEVELOPMENT DATA:

EXISTING ZONING: O-15(CD)

PROPOSED ZONING: O-15(CD)

SITE AREA: 2.65 +/- AC.

PARKING SPACES PROVIDED: 28 MIN.

NOTES.

1. THIS PLAN PROVIDED AS SITE PLAN AMENDMENT TO ORIGINAL CD SITE PLAN APPROVED 11/14/77.

2. A SECOND DRIVEWAY ONTO OLD SARDIS ROAD SHALL BE ALLOWED AT THE APPROXIMATE LOCATION SHOWN.

3. EXISTING IDENTIFICATION SIGN SHALL BE REPLACED WITH NEW IDENTIFICATION SIGN ALONG PROVIDENCE ROAD SOUTH OF THE EXISTING DRIVE IN THE AREA SHOWN ON PLAN. THIS AND ANY OTHER SIGNAGE SHALL BE IN COMPLIANCE WITH THE CITY OF CHARLOTTE SIGN ORDINANCE.

4. ALL EXISTING TREES AND VEGETATION ON SITE WILL REMAIN, EXCEPT AS NEEDED FOR CONSTRUCTION OF NEW DRIVE ONTO OLD SARDIS ROAD, ANY RELATED UTILITIES, AND AS NECESSARY TO PROVIDE SAFE SIGHT DISTANCES. ALL REQUIREMENTS OF THE CITY TREE ORDINANCE WILL BE MET.

5. SCREENING ALONG SARDIS ROAD SHALL BE PROVIDED BY EXISTING VEGETATION, SUPPLEMENTED AS NECESSARY BY NEW PLANTING, TO COMPLY WITH SECTION 1601 OF THE CITY ZONING ORDINANCE.

6. AT THE TIME OF THE PERMIT APPLICATION FOR THE NEW DRIVEWAY ONTO OLD SARDIS ROAD, A TREE SURVEY WILL BE MADE OF THE AREA AFFECTED BY CONSTRUCTION OF THE DRIVE. ALL REQUIREMENTS OF THE CHARLOTTE TREE ORDINANCE SHALL BE MET PRIOR TO APPROVAL OF THE DRIVEWAY PERMIT.

7. BOUNDARY INFORMATION FROM ORIGINALLY APPROVED "CD" SITE PLAN DATED 10/6/77. EXISTING BUILDINGS AND PARKING TAKEN FROM AERIAL PHOTOGRAPH BY CITY OF CHARLOTTE.

1st

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Meeting
Tuesday, Jan. 8
9 00 a m

Petition No 91-6
Date Filed December 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Martha A Suther & husband John H. Suther and Dorothy A. Potter & husband Wesley J. Potter, as beneficiary under the Estate of R.L. Alexander

Owner s Address: Sutter 945 Mountain View Ave Tacoma, Wash 98465 Potter: 329 Kenilworth Road Asheville, NC 28805

Date Property Acquired: February 17, 1976

Tax Parcel Number: 187-016-01

Location of Property (address or description)

4309 Providence Road, Charlotte, NC 28211

Description of Property

Size (Sq Ft -Acres): 2.65 ac Street Frontage (ft): 293feet

Current Land Use: Banking facilities

Zoning Request

Existing Zoning: O15CD Requested Zoning: O15CD site plan amendment

Purpose of Zoning Change: To permit a new drive onto Old Sardis Road & allow additional signage

T. LaFontine Odom
Name of Agent

1100 South Tryon Street, Charlotte, NC 28203
Agent s Address

372-4800
Telephone Number

United Carolina Bank
Name of Petitioner(s)

212 S. Tryon Street
Address of Petitioner(s)

377-6506
Telephone Number

United Carolina Bank, Vice-President
Signature

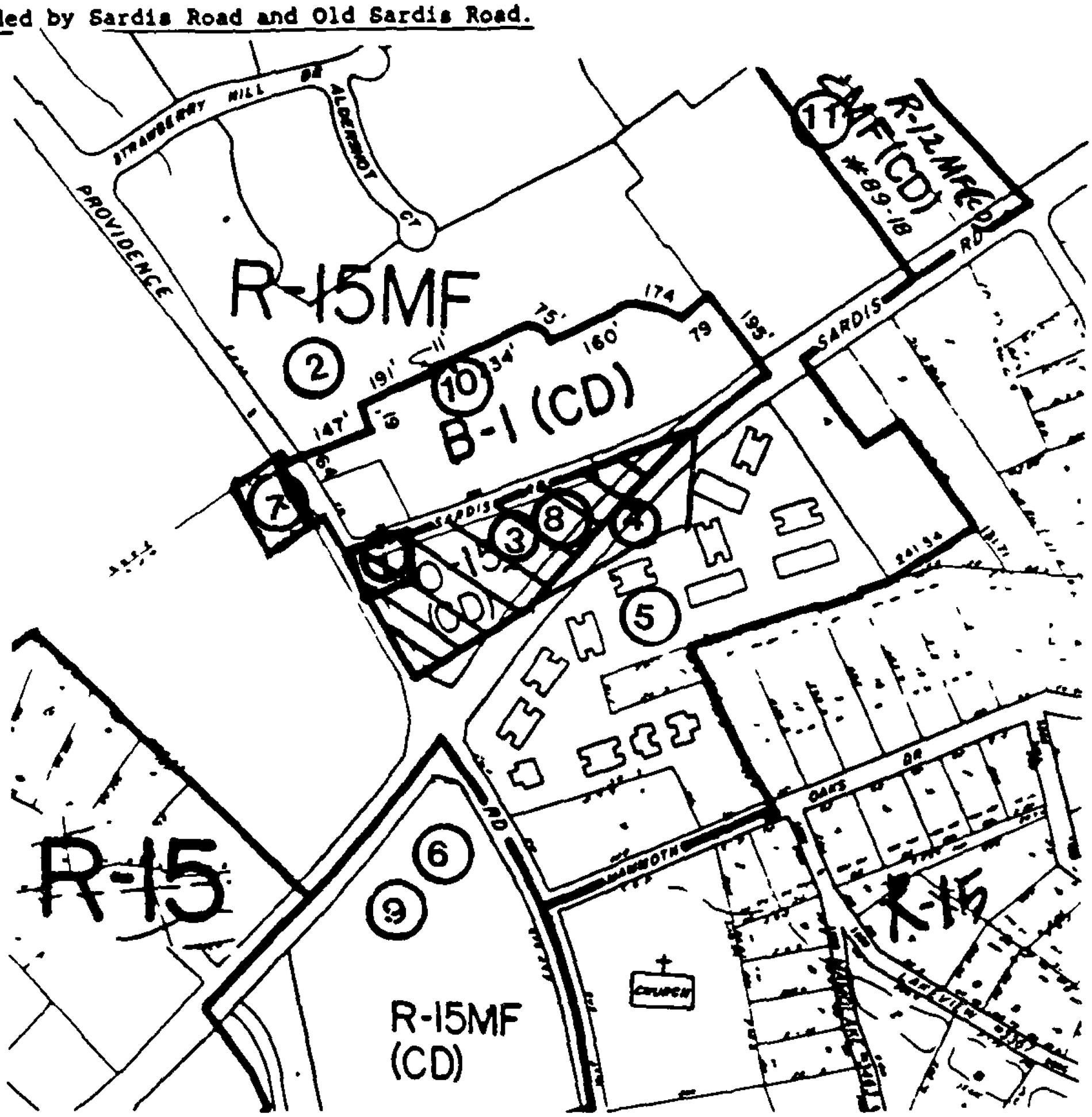
Signature of Property Owner Agent
if Other Than Petitioner

PETITIONER United Carolina Bank

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

ZONING CLASSIFICATION, EXISTING: O-15(CD) REQUESTED: 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.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-7

Petitioner: Kermit G. Phillips, II

Location: Approximately 10.27 acres located on the south side of Forestbrook Drive east of Tacoma Street extending to the I-85 Service Road.

Request: Change from R-9MF to R-6MF.

BACKGROUND

1. Existing Zoning. The petitioned property is presently zoned R-9MF as is a small strip located to the north of Forestbrook Drive. Further to the north properties are zoned R-6MF and R-12MF. Properties located to the south adjoining I-85 are zoned a combination of I-1 and B-2.

2. Existing Land Use. The subject property is presently vacant. A wide range of land uses are found nearby. To the north of the site is the Forestbrook Apartments. To the south of the petitioned site is the Carolina Center Business Park. The intersection of Mulberry Church Road and I-85 is developed with commercial uses including restaurants, motels, and a gas station. A number of nearby tracts remain vacant.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. No specific strategies are identified for the area.

   2. Northwest District Plan. The pending Northwest District Plan indicates the area of the subject property is appropriate for multi-family residential development.

   3. District Plan General Policies (adopted 5/90). The District Plan General Policies recognize the increasing demand for quality infill housing as an alternative to developing farther out in the County. Infill refers to the construction of high density single family or multi-family housing on land typically two or more acres in size principally surrounded by existing structures.

   4. Transportation Improvement Program. The TIP includes the I-85 widening project currently under construction.

4. Site Plan. There is no site plan which accompanies this petition due to the conventional, rather than conditional, nature of the petition.

5. School Information. The School Board staff indicates the petition would potentially strengthen the nearby residential neighborhood and stabilize student assignments having a positive impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-38	R-9, R-9MF to O-6, R-6MF	Approved	5/31/65
2. 66-71	I-1 to Cond. Truck and Terminal Use	Approved	8/22/66
3. 68-92	R-9 to I-1	Approved	12/23/68
4. 71-75	R-9MF to B-2	Denied	10/27/71
5. 71-63	R-9 to R-6MF	Approved	1/7/72
6. 72-22(c)	R-9MF to B-2	Approved	5/1/72
7. 73-3	R-6MF, O-6 to R-15MF	Denied	9/9/74
8. 80-28	R-9MF, O-6 & I-1 Cond. Truck Term. to B-2, R-9MF, and I-1	Approved	8/11/80
9. 85-41	R-9MF to B-1(CD)	Approved	9/16/85

7. Neighborhood. The subject property falls within the area defined as the Toddville Road neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties from one multi-family residential category to another multi-family residential category. Publicly adopted and pending plans for the area envision continued multi-family residential development. Therefore, this petition is consistent with publicly adopted and pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agent for the petitioner prior to the filing of the petition.

   2. Departmental Comments. Due to the conventional nature of the petition, departmental comments are very few. CDOT indicates the subject site could generate approximately 1,232 - 1,584 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,547 - 1,989 trips per day.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The site is within an area recognized by public

plans as appropriate for continued multi-family residential development. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. There is no site plan which accompanies this petition due to the conventional, rather than conditional, nature of the petition.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-7
Date Filed December 17, 1990
Received By TKM

OFFICE USE ONLY

Ownership Information

Property Owner General Greene Investment Co., Inc

Owner's Address 1400 Battleground Ave, Suite 201, Greensboro, NC 27408

Date Property Acquired January 1988

Tax Parcel Number 061-211-10, 061-212-03

Location of Property (address or description) South side of Frostbrook Dr, east of Tacoma Street

Description of Property

Size (Sq Ft Acres) 10.27 AC Street Frontage (ft) ±2350'

Current Land Use Vacant

Zoning Request

Existing Zoning R-9 MF Requested Zoning R-6MF

Purpose of Zoning Change to facilitate development of the property and to conform to adjacent multifamily zoning.

Sandra Turnbull, Turnbull Design Group, PA
Name of Agent

717 E. Terrence St, Suite 300, Charlotte 28204
Agent's Address

(704) 375-8154
Telephone Number

Kermit G Phillips, II
Name of Petitioner(s)

same as above
Address of Petitioner(s)

(919) 274-2481
Telephone Number

X
Signature

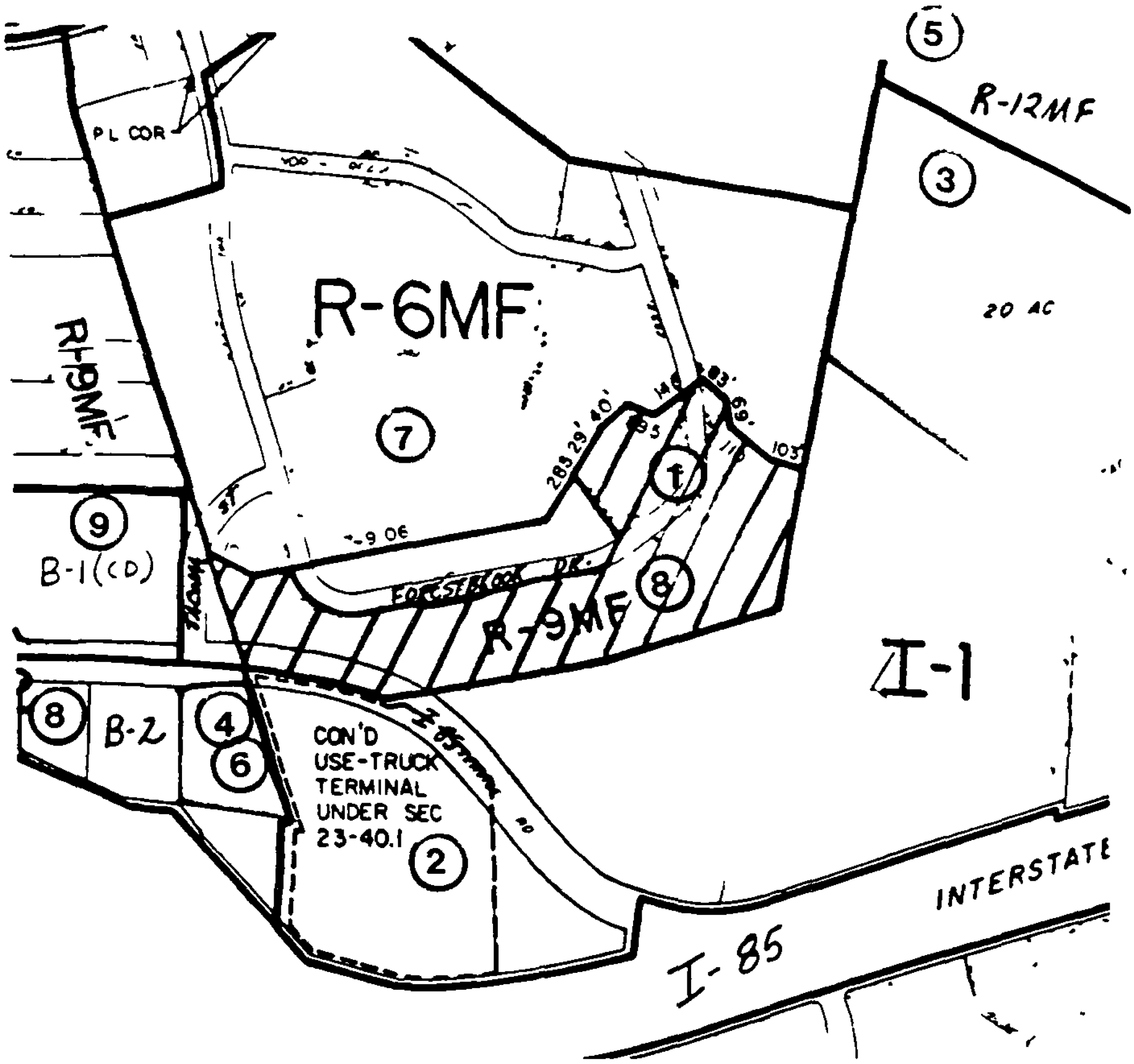
Signature of Property Owner
if Other Than Petitioner

PETITIONER: Kermit G. Phillips, II

PETITION NO.. 91-7 HEARING DATE: February 18, 1991

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

LOCATION Approximately 10.27 acres located on the south side of Forestbrook Drive, east of Tacoma Street extending to I-85 Service Road.



ZONING MAP NO(s).: 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

*PRE-HEARING STAFF ANALYSIS**

Rezoning Petition No. 91-8

Petitioner: Interchange Partners

Location: Approximately 8.371 acres located within the southeast quadrant of I-77 and I-85 along Tipton Drive.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned B-D(CD) as part of a 1988 rezoning. This site is bordered by the I-77/I-85 interchange to the north and west. Adjoining properties to the east and south consist of the remaining B-D(CD) site and a large area of I-1 properties along Statesville Road and Old Statesville Road. Exceptions to the nonresidential zoning include a small remaining tract of R-6MF on the northerly side of Tipton Drive and a large R-6MF area south of the subject tract along Carmine Road which includes the J. T. Williams Jr. High School site.

2. Existing Land Use. The property involved in this request is presently the site of an existing building. The adjacent properties to the east and south are currently vacant. Along Old Statesville Road and Statesville Road are several nonresidential and commercial land uses including a car lot, a lounge, garages, and a trucking facility. To the south along Carmine Road and Julia Avenue is J. T. Williams Jr. High School and a mixture of multi-family and single family land uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property. The plan also indicates nonresidential land uses along Statesville Road. 2005 strategies include improvements to I-77, I-85, and Statesville Road.

   2. Central District Plan (draft). The Central District Plan draft recommends the development of a special project plan for the area of the subject property to determine the appropriate future land uses and zoning pattern.

   3. Transportation Improvement Program. The Transportation Improvement Program proposes the widening of I-77 from I-85 to the South Carolina State Line to six lanes for construction in FY92-95. The Transportation Improvement Program also includes the widening of I-85 from U.S. 29 to Gaston County. This project is currently under construction and is expected to be completed in FY94.

4. Site Plan. The site plan which accompanies this application proposes a permitted list of light industrial uses to be allowed within an existing 150,108 square foot building. No additions to the existing building are proposed. Forty foot (40') setbacks are observed around the building and contain a 20 foot landscaped buffer where the site abuts residentially zoned property or is adjacent to public right-of-way. Access to the site is provided via Tipton Drive. No service or loading areas will be constructed along any portion of the area fronting along the I-77/I-85 rights-of-way. Service areas along Tipton Drive will be screened.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-99	R-6MF to I-1	Approved	11/22/65
2. 80-10	R-6MF to I-1	Approved	04/28/80
3. 88-60	R-6MF to B-D(CD)	Approved	11/21/88
4. 90-93	R-6MF to I-1(CD)	Denied	01/22/91

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

REVIEWS

1. Plan Consistency. This property lies within an area in which the 2005 Plan indicates existing residential land uses. The Central District Plan (draft) recommends a special project plan for the area to determine the appropriate future land use and zoning patterns. The property involved in this petition is part of a larger tract that was rezoned in 1988 to a nonresidential B-D(CD). The immediate area surrounding the subject tract contains the remaining B-D(CD) and I-1 districts with a small remaining tract of R-6MF on the north side of Tipton Drive. Residential areas to the south of the subject tract contain a junior high school and are accessed from Julia Avenue and Carmine Street. Although the 2005 Plan indicates this area for residential purposes and this petition is not consistent with that plan for the subject tract has already been rezoned from residential to nonresidential B-D(CD) in 1988.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner's agent prior to the filing of the application. Subsequently, staff communicated several minor comments to the petitioner regarding the site plan.

2. Departmental Comments. Comments from the Department of Transportation indicate that the site could generate approximately 469 trips per day as currently zoned. Under the proposed zoning, the site would generate approximately 434 trips per day. This will not have a significant impact on the surrounding street system. The Zoning Administrator commented that screening was required adjacent to residential zoning and asked for clarification on landscaped areas. Comments from Planning staff required survey data be placed on site plan. The petitioner's revised site plans addressed all of the departmental comments.

ISSUES

1. Land Use. The petition proposes the rezoning of a tract of land from B-D(CD) to I-1(CD) to allow an expanded list of proposed uses in an existing building. No additions or changes to the building are proposed. Although the 2005 Plan indicates residential land uses for the area of this proposed rezoning, the Central District Plan (draft) recognizing the changing pattern of land use in this area and recommends a detailed special project plan to determine the most appropriate future land use and zoning patterns. It is also relevant that the tract involved in this request is part of a larger tract that was rezoned in 1988 from residential to B-D(CD). Also noteworthy is the large amount of nonresidential property adjacent to this tract and extending along Statesville Road and Old Statesville Road. While residential zoning extends into the area south of the subject property and presently contains a junior high school and existing multi-family and single family neighborhoods, these areas are accessed from Julia Avenue and Carmine Street. The nonresidential uses are accessed from Statesville Road and Tipton Drive. Although this petition is not strictly consistent with the existing approved plans for the area, staff believes that the circumstance and conditions which exist in the area of the subject property warrant consideration of a request. From a land use perspective, the petition could be considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition raises no significant issues. The building shown on the site plan is existing and no additional square footage or any other changes are proposed. The site plan is essentially the same as for the previous (B-D(CD) rezoning, only the list of permitted uses has been revised to include some uses permitted in the light industrial district. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition No 91-8

NOTES

12-14-90
REVISED 1-28-91
PUBLIC HEARING DOCUMENT

1 REFERENCE SURVEY BY W K DICKSON & CO , INC DATED 3-28-90, FOR BOUNDARY INFORMATION, ALL EXISTING EASEMENTS, RESERVATIONS AND RIGHTS-OF-WAY

2 ALL YARDS REQUIRED AND OTHER CRITERIA FOR THE PARALLEL I-1 DISTRICT SHALL MEET OR EXCEED THE MINIMUM STANDARDS OF SECTION 3070 OF THE CITY OF CHARLOTTE ZONING ORDINANCE AND AS INDICATED

3 THE FOLLOWING USES ARE INCLUDED

PERMITTED USES

- COLLEGES AND UNIVERSITIES
- AUTOMOBILE AND TRUCK RENTAL
- BAKERIES RETAIL, INCLUDING MANUFACTURING OF GOODS FOR SALE ON THE PREMISES ONLY
- BLUEPRINTING AND PHOTOSTATING
- BOATS, RETAIL SALES WITHIN ENCLOSED BUILDING
- BUILDINGS FOR DRAMATIC, MUSICAL, OR OTHER CULTURAL ACTIVITIES
- BUILDINGS FOR THE DISPLAY OF SAMPLE MERCHANDISE
- CLINICS, MEDICAL, DENTAL, AND DOCTOR'S OFFICES
- COMMERCIAL SCHOOLS AND SCHOOLS PROVIDING ADULT TRAINING IN ANY OF THE ARTS, SCIENCES, TRADES AND PROFESSIONS
- ENGRAVING, INCLUDING TEXTILE ENGRAVING
- EXTERMINATORS
- FABRIC SAMPLES ASSEMBLY
- FEED, RETAIL SALES
- FENCES AND FENCE MATERIAL, RETAIL SALES WITHIN ENCLOSED BUILDINGS
- FERTILIZER, PACKAGED RETAIL SALES
- FLORIST, WHOLESALE
- FROZEN LOCKERS
- GOVERNMENT OFFICE BUILDINGS AND PUBLIC UTILITY OFFICE BUILDINGS SUCH AS TELEPHONE EXCHANGE AND SIMILAR USES
- JEWELER, WHOLESALE
- LABORATORY, DENTAL, MEDICAL AND OPTICAL
- LOCKSMITHS AND GUNSMITHS
- MAIL ORDER HOUSES
- NURSERIES AND GREENHOUSES, COMMERCIAL
- OFFICE BUILDINGS
- POST OFFICES
- PRINTING AND PHOTOPROCESSING
- REPAIR AND SERVICING OF ANY ARTICLE, THE SALE OF WHICH IS PERMITTED IN THAT DISTRICT, EXCEPT AS OTHERWISE INDICATED IN THIS LIST
- SIGN PAINTING, EXCLUSIVE OF MANUFACTURE

- STUDIOS FOR ARTISTS, DESIGNERS, PHOTOGRAPHERS, MUSICIANS, SCULPTORS, GYMNASTS, POTTERS, WOOD AND LEATHER CRAFTSMEN, GLASS BLOWERS, WEAVERS, SILVERSMITHS, AND DESIGNERS OF ORNAMENTAL OR PRECIOUS JEWELRY
- TIRE RECAPPING AND RETREADING
- WHOLESALE SALES WITH RELATED STORAGE AND WAREHOUSING, ENTIRELY WITHIN ENCLOSED BUILDINGS, EXCLUDING TRUCK TERMINALS
- ASSEMBLY OF PREVIOUSLY PREPARED PARTS INTO A FINISHED PRODUCT, EXCEPT AS OTHERWISE RESTRICTED ON THIS LIST
- BOOKBINDING
- BOTTLING AND CANNING WORKS FOR SOFT DRINKS
- BUILDING MATERIALS STORAGE AND WHOLESALE AND RETAIL SALES, INCLUDING LUMBER, BRICK, TILE, STONE, CONCRETE, CEMENT AND SIMILAR MATERIALS, WITHIN ENCLOSED BUILDINGS, TANKS, AND SIMILAR STRUCTURES
- CONTRACTOR'S OFFICES, EXCLUDING ACCESSORY STORAGE
- CREATING SERVICES
- DAIRY PRODUCTS PROCESSING, BOTTLING AND DISTRIBUTION ON A WHOLESALE BASIS
- ENAMELING, JAPANNING, LAQUERING, OR THE PLATING OR GALVANIZING OF METALS
- FOOD PROCESSING, <u>EXCLUDING</u> POULTRY AND ANIMAL SLAUGHTERING AND DRESSING
- ICE MANUFACTURE, STORAGE AND SALES
- GARMENT MANUFACTURING, LIMITED TO CUTTING AND ASSEMBLY FROM PREVIOUSLY MANUFACTURED TEXTILE MATERIAL
- LABORATORIES FOR RESEARCH AND TESTING OF PRODUCTS, THE MANUFACTURE, PROCESSING OR FABRICATING OF WHICH ARE PERMITTED IN THAT DISTRICT
- LEATHER GOODS MANUFACTURE, EXCLUDING THE TANNING OR CURING OF HIDES
- MANUFACTURE OF
  BATTERIES AND CARBON PRODUCTS
  BOATS
  CANDY AND CONFECTIONERIES
  CASKETS
  CHALKBOARD
  CIGARS AND CIGARETTES
  COFFEE, TEA AND SPICE
  COSMETICS AND PERFUMES
  ELECTRICAL, CHEMICAL OR MECHANICAL EQUIPMENT
  EMERY CLOTH AND SANDPAPER
  EXCELSIOR AND FIBER
  FELT
  FURNITURE
  INK

INSULATION MATERIALS, MANUFACTURE AND SALES
JEWELRY AND BUTTONS
OIL CLOTH AND LINOLEUM
PAPER PRODUCTS, CARDBOARD AND BUILDING BOARD
PHARMACEUTICAL PRODUCTS
REED AND RATTAN PRODUCTS
SWEEPING COMPOUND
WINDOWS AND DOORS

- PLASTIC PRODUCTS, FABRICATION OR ASSEMBLY FROM PREVIOUSLY PREPARED PLASTICS MATERIALS
- REPAIR OF ANY GOODS, EQUIPMENT AND VEHICLES, THE MANUFACTURE, ASSEMBLY OR SALES OF WHICH ARE PERMITTED IN THAT DISTRICT
- SIGN PAINTING AND MANUFACTURE
- TIN AND SHEET METAL SHOPS
- TOBACCO PROCESSING AND STORAGE
- WAREHOUSING
- WHOLESALE SALES AND STORAGE
- WOODWORKING SHOPS AND CABINET MAKING SHOPS
- RADIO AND TELEVISION STATIONS AND/OR OFFICES

<u>USES UNDER PRESCRIBED CONDITIONS.</u>

- POLICE AND FIRE STATIONS, SUBJECT TO REGULATIONS IN SECTION 1626

<u>ACCESSORY USES.</u>

- VENDING MACHINES FOR CIGARETTES, SOFT DRINKS, CANDY AND SIMILAR ITEMS LOCATED WITHIN AN ENCLOSED BUILDING, FOR THE CONVENIENCE OF THE OCCUPANTS OF THE BUILDING

4 A FORTY (40) FOOT SETBACK SHALL BE MAINTAINED WHERE THE PROPERTY ABUTS THE I-77/I-85 RIGHTS-OF-WAY AND AS INDICATED

5 THE BUILDING SHALL HAVE PRIMARY VISUAL ACCESS TO I-77/I-85 NO SERVICE OR LOADING AREAS SHALL BE CONSTRUCTED ALONG ANY PORTION OF THE BUILDING WHICH FRONTS ON THE I-77/I-85 RIGHTS-OF-WAY

6 ALL SERVICE AND LOADING AREAS SHALL BE SCREENED AND CONFORM TO SECTION 1601 OF THE CITY OF CHARLOTTE ZONING ORDINANCE

7 ALL PARKING SHALL CONFORM TO SECTION 2000 OF THE CITY OF CHARLOTTE ZONING ORDINANCE

8 A FORTY (40) FOOT SETBACK AND 20' BUFFER SHALL BE MAINTAINED WHERE THE PROPERTY ABUTS THE R-6MF AND AS INDICATED ALL EXISTING NATURAL VEGETATION SHALL BE PRESERVED

9 ALL SIGNAGE SHALL CONFORM TO SECTION 2109 1 OF THE CITY OF CHARLOTTE ZONING ORDINANCE

10 NO PART OF THE REGULATORY FLOOD PLAIN IS WITHIN THE PROPERTY STORM DRAINAGE SHALL CONFORM TO SECTION 1603 OF THE CITY OF CHARLOTTE ZONING ORDINANCE

11 STORAGE OF HAZARDOUS WASTE SHALL NOT BE PERMITTED ON THE PROPERTY

12 EXISTING VEGETATION TO REMAIN AND/OR PROPOSED PLANTING SHALL CONFORM TO THE CITY OF CHARLOTTE TREE ORDINANCE

13 ATTACHED AND MADE AVAILABLE IS AN ILLUSTRATIVE MASTER PLAN WHICH DELINEATES BUILDING, PARKING, PLANTING, SIGNAGE AND OTHER PROJECT ELEMENTS

NOTES

1 THIS PLAN IS ILLUSTRATIVE IN NATURE AND DEPICTS A GENERAL LAYOUT BASED ON CRITERIA ESTABLISHED BY THE CONDITIONAL MASTER PLAN

79

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-8
Date Filed December 17, 1990
Received By TKM
OFFICE USE ONLY

Ownership Information

Property Owner: Interchange Partners

Owner s Address: 3550 NCNB Plaza, Charlotte, NC 28280

Date Property Acquired: 1-23-89

Tax Parcel Number: 077-031-18

Location Of Property (address or description): southeast quadrant of the I-77 and I-85 interchange - access via Statesville Ave. and Tipton Dr.

Description Of Property

Size (Sq Ft Acres): 8.371 acres

Street Frontage (ft): 524.18' - Tipton Dr; 123.03' - I-77; 892.55' - I-85

Current Land Use: distributive business park

Zoning Request

Existing Zoning: B-D (CD)

Requested Zoning: I-1 (CD)

Purpose of Zoning Change: to include additional permitted uses in existing facility.

ColeJenest	Interchange Partners
Name Of Agent	Name of Petitioner(s)
417 East Blvd., Suite 206, Charlotte, NC 28203	3550 NCNB Plaza ~~Charlotte, NC 28280~~
Agent s Address	Address of Petitioner(s)
(704) 376-1555	(704) 331-0917
Telephone Number	Telephone Number

Signature

Ellis L. Stromburg III

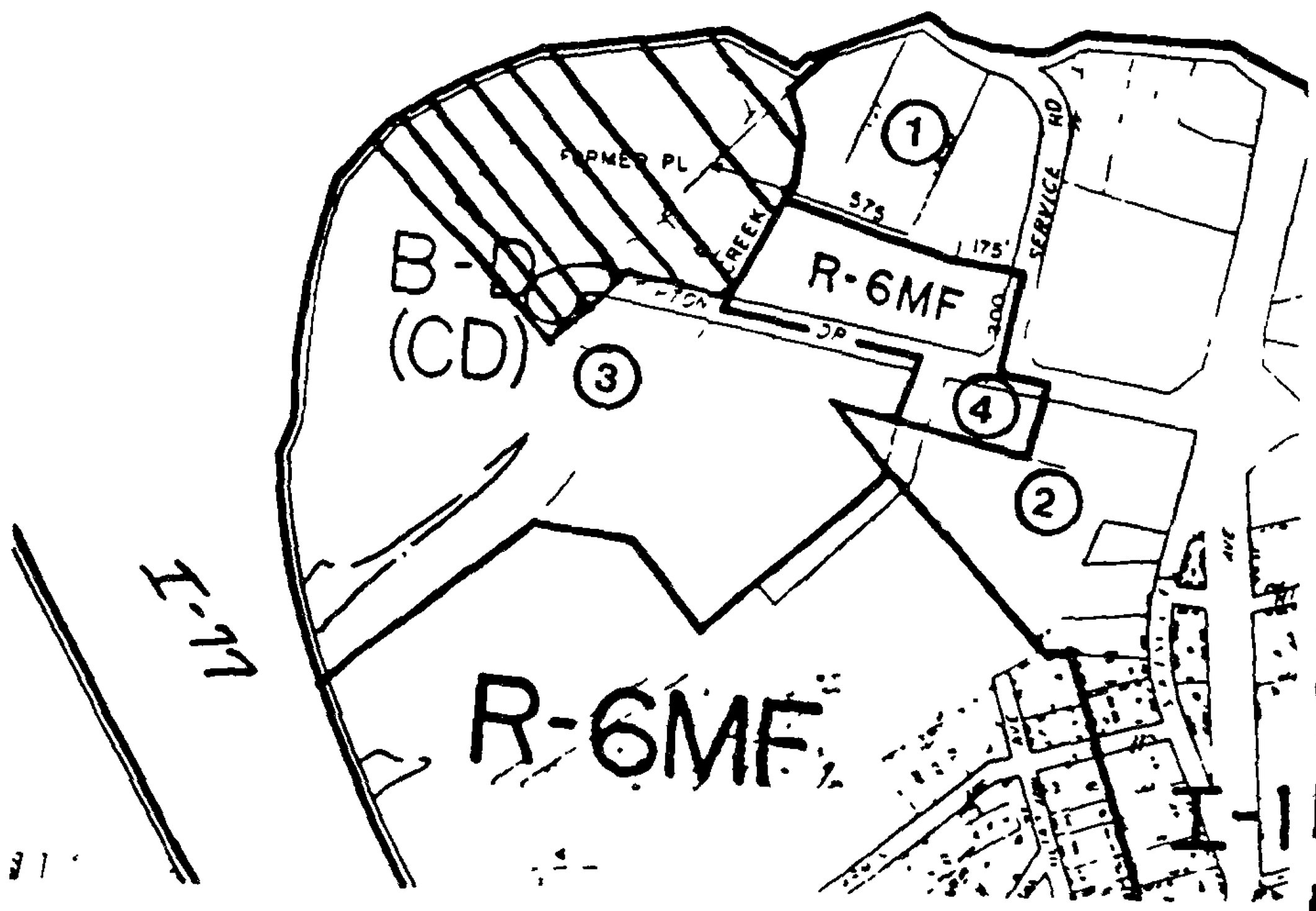
Signature of Property Owner ~~if Other Than Petitioner~~

PETITIONER: Interchange Partners

PETITION NO.: 91-8 HEARING DATE: February 18, 1991

ZONING CLASSIFICATION, EXISTING: B-D(CD) REQUESTED: I-1(CD)

LOCATION Approximately 8.371 acres located within the southeast quadrant of I-77 and I-85 along Tipton Drive.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-9

Petitioner. Donald Wilburn and Scott Clark

Location: Approximately 4.74 acres located off the northeast of Independence Boulevard and Margaret Wallace Road (at the rear of Scott Clark's Toyota).

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-9 with business zoning to the north, west, and south. To the east of the subject property across Campbell Creek land is zoned predominantly R-9, with the exception of an Institutional tract. The land immediately adjacent to the subject property on the west and south is zoned B-2 and is owned by the petitioners.

2. Existing Land Use. Commercial land uses predominate properties fronting on Independence Boulevard. In the immediate area of the subject property there is a Toyota dealership as well as LaPointe Mitsubishi to the north of the Toyota property. On the corner of Margaret Wallace Road and Independence Boulevard there is a mini warehouse facility with an auto body shop adjacent to it along Margaret Wallace Road. It is this auto shop which will become the proposed nursery office. Across Campbell Creek on Margaret Wallace Road is St. Thomas Church with single family residential across the street. This single family residential pattern continues along Margaret Wallace Road going east from St. Thomas Church.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan shows existing residential land uses in the area of the subject property. A community commercial center is indicated at the intersection of Margaret Wallace Road and Independence Boulevard. The 2005 strategies include expanding the greenway system along Campbell Creek and McAlpine Creek, extending water lines along Idlewild Road and Independence Boulevard, and improving Harris Boulevard (formerly Delta Road) and connecting it with Independence Boulevard.

   2. East District Plan. This plan recommends residential land uses of over 1-4 d.u.a.; a community mixed-use center (1,000,000 square feet of retail/office) in the area of the intersection of Margaret Wallace Road and Independence Boulevard; an interchange opportunity at Harris Boulevard and Independence Boulevard; and Harris Boulevard extension to connect with Independence Boulevard. This connection has been completed.

3. U.S. 74 East Special Project Plan. (adopted by City and County, August 1987) This plan recognizes the continuation of commercial zoning along Independence Boulevard but proposes the development of a parallel collector road. New commercial development along Independence Boulevard would orient to and access from this collector. The plan also proposes the maintenance of single family land use in areas where single family neighborhoods exist in order to protect and strengthen them. This residential use is proposed as medium density development.

4. Transportation Improvement Program. The Transportation Improvement Program calls for a feasibility study and/or right-of-way protection only for the U.S. 74 Expressway from Idlewild Road to the Outer Belt. It also calls for the widening of Idlewild Road to four lanes from Electra Lane to Idlewild Road North.

4. Site Plan. The site plan which accompanies this request calls for the expansion of an existing automobile dealership which fronts on Independence Boulevard and the establishment of a plant nursery at the rear of property which fronts on Margaret Wallace Road. The petition is presented as 2 tracts of land which have a common property line.

The auto dealership expansion portion of the petition the site plan calls for a 3,500 SF building which will be used as a new and used vehicle processing building with the majority of the remainder of the site shown as parking with no indication of surface treatment. There is no delineation of parking areas/circulation other than a planting island in roughly the center which will be planted with 6 Red Oaks (Typ.). There is an open space area delineated as well as an area for stormwater management. An arrow on the plan indicates that access to the proposed site will be through an existing driveway on the petitioner's adjacent property fronting on Independence Boulevard. There is no indication of whether or not there is any existing vegetation on the site. A note on the plan however, states that the project will meet all applicable ordinances with regard to off-street parking, signage, screening, stormwater management and the tree ordinance. The plan also indicates that the entire site will be fenced but not show what kind of fencing is proposed.

The second tract of land involved in this petition is for a plant nursery. There is little information of how the site will be developed other than areas of storage are indicated for trays of plants and in-ground plants and trees. There is a gravel access road shown which abuts the southern property line with an arrow and note indicating that access to the proposed nursery will be from Margaret Wallace Road on an existing driveway through one of the

petitioner's property. A note states the location of a possible temporary greenhouse but there is no building footprint shown. This tract is also shown as fenced along the property line with no indication of what type of fencing is proposed. It should be noted that there is no access shown between the two tracts. In terms of setbacks the auto dealership expansion tract calls for a 20' front yard setback on the western boundary, a 10' side yard setback on the northern and southern boundaries, and a 20' rear yard setback on the eastern boundary which is adjacent to the residential zoning. The proposed nursery site shows a 10' side yard setback on the western boundary, a 20' rear yard setback on the northern boundary, a 10' side yard setback on the eastern boundary, and a 20' front yard setback on the southern boundary.

5. School Information. No impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-26	R-9 to B-2	Approved	09/23/74
2. 79-20	R-9 to R-6MF(CD)	Approved	07/02/79
3. 82-9	B-2 to B-D(CD)	Approved	02/22/82
4. 87-19	B-2 & R-9 to B-1SCD	Approved	05/18/87
5. 89-60	R-9 to O-15(CD) & B-2(CD)	Approved R-9MF(CD) & B-2(CD)	01/16/90

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to accommodate the expansion of an existing Toyota dealership and to provide plant storage for a nursery. The site plan for the auto dealership expansion calls for a 3500 SF building footprint with the remainder of the tract serving as asphalt paved parking. The site plan for the nursery proposes no building footprint but indicates areas for plant storage with a gravel access road. A note states that the nursery office and parking will be provided on the adjacent property owned by the petitioner. The East District Plan and the U.S. 74 Special Project Plan for this area originally proposed the maintenance of single family zoning to protect and strengthen the existing single family neighborhoods. It also proposes that no further driveway cuts be allowed along Independence Boulevard and further that any development along Independence Boulevard be orient to and access off of a collector street which will be built through the rezoning process. While the plans indicate a continued residential land

use, rezonings which have recently been approved have impacted this goal. While this petition does not comply with the publicly adopted plans, the uses are compatible with those land uses which presently exist or are proposed for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents for the petitioner met with staff prior to the filing of this application. Several minor site plan issues were raised. The revised site plan addresses many of these issues.

   2. Departmental Comments. This petition raised minor comments from the reviewing departments and agencies. Charlotte Department of Transportation requested that the plans show the location of access points on Margaret Wallace Road and Independence Boulevard. The plan simply addresses this question in note form without showing the specifics of this access.

      The City Engineering Department made general comments regarding required grading permits, stormwater management and compliance with the floodway regulations. They also requested that the parking area for the nursery site be delineated so that it could be determined if they are in compliance with the City of Charlotte Tree Ordinance. They also requested that compliance with this ordinance be specifically noted on the plan.

      The Building Standards Department requested that floodway lines be shown if applicable. Also they questioned whether it is a wholesale or retail greenhouse. In conjunction with the proposed temporary greenhouse, they requested clarification of what was meant by "temporary" and why this square footage was not addressed under the maximum building square footage in the development data. Under the development notes #1 which refers to the conceptual nature of building sizes and arrangement, they asked that either the building footprint or the note be removed. They also asked that screening as per Section 1601 be shown along the residential/creek edge.

      The City Fire Department stated that a fire hydrant was required within 500' of the "processing building". The comments regarding the proposed project's relationship to the Greenway system expressed concern over the problem of run-off and water pollution. The eastern edge of the subject property abuts the Campbell Creek Greenway system. While the auto dealership tract indicates a 20' buffer, the plan nursery site shows only a 10' buffer. The petitioner was requested to widened the buffer in order to filter out pollutants before

they entered Campbell Creek and the two ponds which are wildlife habitats.

The Planning staff requested that the site plan indicate surface treatment on the auto dealership site; dimensions be shown on the proposed open space; setbacks and yards be checked with zoning administration; and screening be shown per the ordinance standards. For the most part the revised site plan has addressed these site plan issues. Floodway lines are shown; surface treatment on the parking lot on the auto dealership site is designated as paved; dimensions on open space are shown; and the temporary greenhouse was removed. Notes were added clarifying that it will be both retail and wholesale; that it will comply with the tree ordinance; that parking and office will be provided for the nursery on the adjacent property; and access will be through existing driveways.

While the petitioner addressed some issues in the revisions the following are still unclear. Screening has been shown on the outside of the fence on the residential edge and it is noted that it will comply with the ordinance. However, the detail as shown does not comply with the ordinance. Also it is unclear how the overall nursery site will work given the information presented in this petition. Presently the adjacent property is being utilized as an auto center/body shop rather than a nursery office as indicated on the site plan. Also the development notes #1 still needs clarification. The site plan as shown approves only one building envelop, however, the note reads that there are more than one.

ISSUES

1. Land Use. This petition does not raise any significant land use issues. As originally conceived it was planned that this area would remain residential. However, given existing land uses and those that have recently been approved for development this proposed use becomes appropriate for approval. It should be noted however that it is an unusual petition in the relationship of the two proposed land uses.

2. Site Plan. The site plan as proposed is basic. There is not enough information to adequately evaluate various relationships on the proposed nursery site. For example, parking and access is covered in a note. It also is unclear whether this site will be adequately screened from the residential areas to the south and east. While the revised site plan does address staff comments, in some cases it is not enough information to adequately evaluate.

CONCLUSION

While the petition could be considered appropriate for approval, staff believes that more explanation regarding the site plan and its development is warranted.

*Subject to further refinement following public hearing.

of the property conveyed to Toyota City, Inc. by deed recorded in Book 5440 at page 827, Mecklenburg Registry, and thence from said beginning point, with the Toyota City, Inc. line, running in a generally northerly direction with the arc of a circular curve to the right having a radius of 10,344.08 feet, an arc distance of 193.22 feet to a new iron pin; thence, with a new line N. 70-51-09 E. 500 feet to a new iron pin on the Mecklenburg County property line (See Deed in Book 4877 at Page 792); thence, with the said Mecklenburg County property line S. 19-41-02 W. 241.86 feet to a point in a "silt pond"; thence, S. 46-33-47 W. 127.65 feet to a new iron pin on the line of the Donald W. Wilburn property (See Deed in Book 4637 at Page 366); thence, with the Wilburn lines 2 courses and distances as follows: (1) N. 49-07-12 W. 33.57 feet to an existing iron pin, and (2) S. 76-51-32 W. 192.28 feet to the point and place of beginning, and being 1.928 acres.

YARD SETBACK

Petition No
91-9

DEVELOPMENT NOTES

1. THIS PLAN REPRESENTS A CONCEPT OF DEVELOPMENT WITH REGARD TO THE ARRANGEMENT OF BUILDING SHAPES, BUILDINGS LOCATION, PARKING AND CIRCULATION AREAS, LOT LAYOUT, ECT. VARIATIONS ARE PERMITTED TO THE FINAL DESIGN DEPENDING UPON SITE CONSTRAINTS, TENANT NEEDS, ECT..

2. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE CITY OF CHARLOTTE ORDINANCES AND REGULATIONS WITH REGARD TO OFF-STREET PARKING, SIGNAGE, SCREENING AND STORMWATER MANAGEMENT.

3. THE PROPOSED DEVELOPMENT SHALL BE COMPRISED OF A PLANT NURSERY AND THE EXTENSION OF AN EXISTING AUTOMOBILE DEALERSHIP.

4. THE SITE SHALL BE ACCESSED THROUGH THE EXTENSION OF EXISTING LOTS OWNED BY THE PETITIONERS WHICH HAVE FRONTAGE ON INDEPENDENCE BOULEVARD AND MARGARET WALLACE ROAD.

5. EXIST'G CURB CUTS ON MARGARET WALLACE & INDEPENDENCE BLVD. WILL BE UTILIZED FOR INGRESS EGRESS. NO NEW CURB CUTS REQUIRED.

6. TREE ORDINANCE WILL BE STRICTLY ADHERED TO.

7. IF REQUIRED, A FIRE HYDRANT SHALL BE INSTALLED WITHIN 500 LF OF AUTO DEALERSHIP EXPANSION.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-9
Date Filed December 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Donald W. Wilburn / Toyota City, Inc.
Owner s Address: 2603 Rolling Hills Dr. Monroe, N.C. 28110 / 6801 E Independence Blvd Charlotte, N.C. 28212

Date Property Acquired:

Tax Parcel Number: 165-151-02 165-151-37

Location Of Property (address or description)

the site is located at the rear of two properties which front on Independence Blvd and Margaret Wallace Rd, respectively

Description Of Property

Size (Sq Ft Acres): 4.74 acres
Street Frontage (ft): none
Current Land Use: vacant

Zoning Request

Existing Zoning: R-9
Requested Zoning: B-2 (CD)
Purpose of Zoning Change: to permit the expansion of an existing auto dealership, which fronts on Independence Blvd and to establish a plant nursery to the rear of property which fronts on Margaret Wallace Rd

Name Of Agent: Robert G. Young
301 S. McDowell St Ste 1012

Agent s Address: Charlotte, N C 28204

Telephone Number: 334-9157

Name of Petitioner(s): Donald Wilburn and Scott Clark

Address of Petitioner(s): 2033 Margaret Wallace Rd
~~6301 E. Independence Blvd~~

Telephone Number: 535-3231 535-1972

x Don Wilburn
Signature

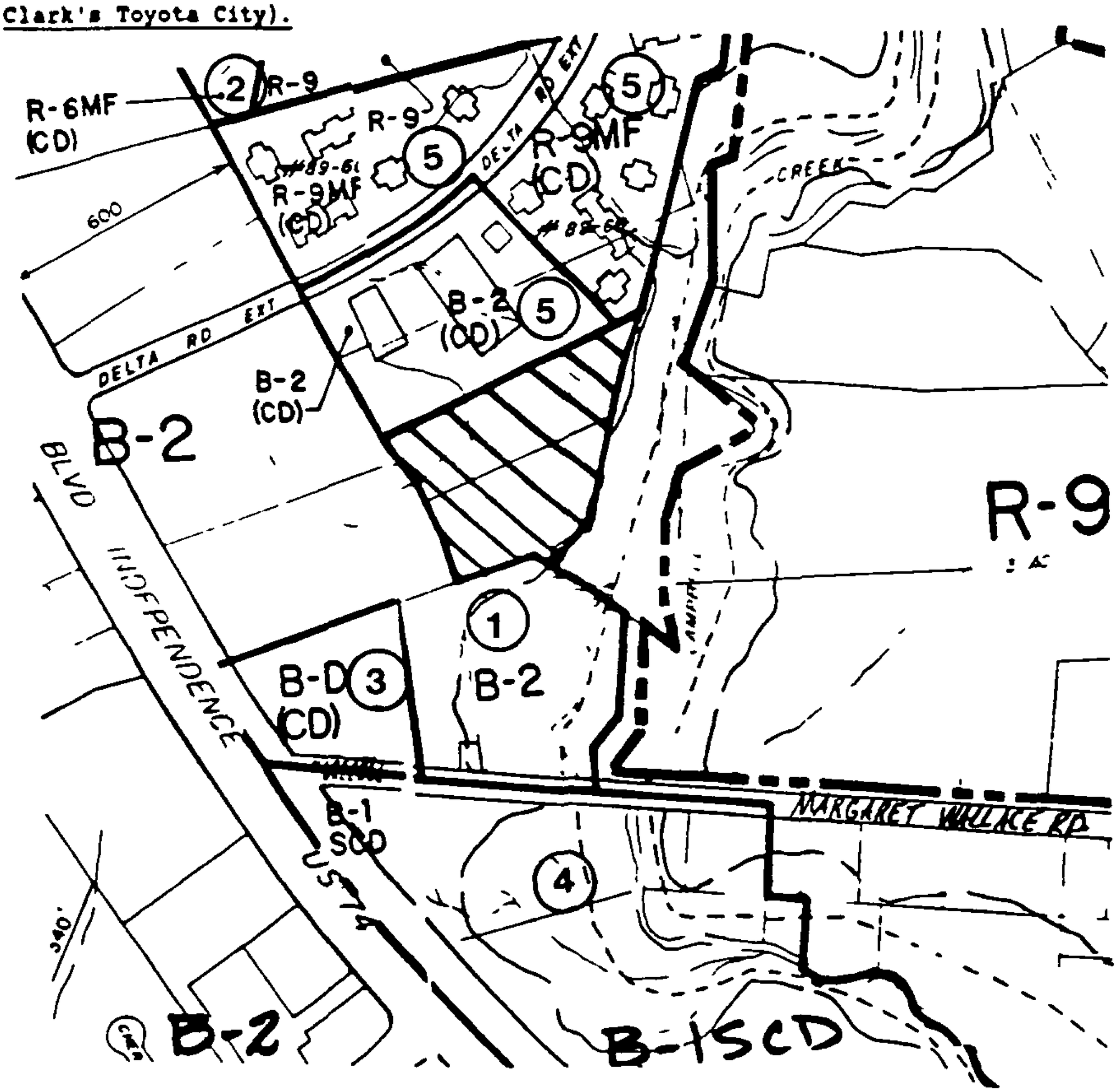
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-10

Petitioner Coltsgate Ltd. Partnership

Location: Approximately 6.61 acres located along both sides of Coltsgate Road east of Sharon Road.

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

BACKGROUND

1. Existing Zoning. The properties involved in this request are presently zoned R-15 as are two remaining tracts along the north side of Coltsgate Road that are not part of this petition. The properties immediately surrounding the subject tract are zoned for office uses with a combination of O-6, O-6(CD) and O-15(CD) districts. Along the south side of Fairview Road there exists some R-15 and R-15MF residential districts as well as B-1 and O-6 nonresidential districts. To the west of the subject property is the large B-1SCD district containing South Park Mall.

2. Existing Land Use. The properties involved in this petition are presently vacant or contain existing single family dwellings. A single family dwelling is located on the parcel adjacent to the subject tract while the other remaining R-15 tract is currently vacant. The single family residential property south of Fairview Road is also vacant. Otherwise, the entire surrounding area around the Sharon Road/Fairview Road intersection has been developed with office and retail uses including South Park Mall. Further south and east of the intersection area the existing land use becomes more residential with existing single family and multi-family neighborhoods.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses surrounded by existing residential land uses in the area of the subject property. Employment opportunities are generally indicated in the four quadrants area of the Sharon Road/Fairview Road intersection. A major mixed use center (South Park) and a community commercial center are located in the area. 2005 Strategies include the extension of Colony Road.

   2. Transportation Improvement Program. The TIP calls for the widening of Fairview Road between Park Road and Colony Road to six lanes. Sharon Road is also indicated to be widened to six lanes between Sharon View Road and Sharon Lane. Colony Road is proposed to be extended as a 2 lane median-divided road between Sharon View Road and Carmel Road and also Carmel Road to Rea Road.

3. South Park Analysis (May 1988). The subject property is located in sub-area E of this plan. This plan recommends that office or multi-family development may be extended along the north side of Fairview Road to Colony Road Extension and along the east side of Sharon Road. Retail development should be confined to the immediate area of the intersection.

   This plan acknowledges that the remaining vacant land and few single family homes along Coltsgate Road are under pressures for more intensive uses.

   This analysis recommends that the area bounded by Sharon, Fairview, and Morrison Boulevard be considered for office, multi-family (high density/over 20 du/ac). The existing tree coverage in the area provides for a residential atmosphere and will allow for the integration of mid to high rise residential with adjacent office uses. Multi-family development can also compliment the intense nonresidential character associated with the mall as well as providing more housing opportunities for the employment base that exist in the area. Similarly, additional office uses will be compatible with the predominantly nonresidential uses already existing in the area. CDOT is conducting a Transit Corridor Study that includes a corridor between South Park and the Uptown Area. The scope of the study includes evaluating all modes of transit opportunities from increased bus service to a fixed guideway system. As the concentration of employment and residential developments escalate in the SouthPark area the need for a transit facility becomes more evident. (This study is incomplete).

4. Site Plan. The site plan which accompanies this petition proposes a planned office park similar to that developed on the adjoining property to the south. A total maximum building square footage of 110,000 square feet is proposed among five building areas, none of which exceed 35,000 square feet. The existing Coltsgate Road is to be improved to the commercial street standard, however, it will not be connected to an existing commercial section until the Sharon Road median is installed. Additional right-of-way for Fairview Road will be dedicated prior to building permit issuance. Two points of access connection are proposed into the Colony on Fairview Office Park, one of which is proposed to connect through to Fairview Road subject to CDOT approval.

   Screening is proposed along the sideyard adjacent to a single family residence which is not part of this petition. The proposed screening is to be accomplished by a combination of an existing 6'-7' evergreen hedge and a new 5'9" brick wall along with a 20' landscape sideyard. Perimeter trees along Coltsgate Road are proposed at 3½" caliper large maturing trees planted a minimum of

40' on center. A survey of existing trees will be made to identify tree save areas. Also a commitment is made to direct sign lighting inward to the site as long as residentially zoned property exists along Coltsgate Road.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-45	O-15 to B-1SCD	Approved	05/31/65
2. 70-13	R-15 to O-6	Approved	12/14/70
3. 71-8	R-15 to O-6	Approved	03/01/71
4. 76-16	B-1SCD Site Plan Amendment	Denial	03/29/76
5. 81-62	R-15 to O-6(CD)	Approved	12/03/81
6. 81-66	R-15 to B-1 App (O-6(CD)	Approved	12/03/81
7. 83-37	O-6(CD) Site Plan Amendment	Approved	07/18/83
8. 86-46	B-1SCD & O-6 to B-1SCD Site Plan Amendment & B-1SCD	Approved	07/21/86
9. 88-11	R-15 to O-6(CD)	Approved	07/18/88
10. 88-32	R-15 to R-15(CD), R-PUD (Innovative), O-15(CD) & B-1SCD	Approved	07/18/88
11. 89-68	B-1SCD Site Plan Amendment	Approved	10/18/89

7. Neighborhood. The properties involved in this request fall within the Foxcroft neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes the development of a planned office park similar to the adjacent office park to the south. The 2005 Plan and the South Park Analysis (May 1988) recognize the employment land uses generally located in the four quadrants of the Sharon Road and Fairview Road intersection. Furthermore, the South Park Analysis recognized the potential for more intensive uses for the properties along Coltsgate Road and recommend that the area involved in this request be considered for office or high-density multi-family. Therefore, this petition can be considered consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

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

staff communicated several minor site plan comments back to the petitioner.

2. Departmental Comments. Comments were expressed by CDOT addressing the improvements required to the existing Coltsgate Road and the requirement that the planned Sharon Road median be constructed before Coltsgate Road can be connected to an existing commercial section providing a connection between Sharon Road and Cameron Valley Parkway. The Sharon Road median project is proposed to begin in February 1991. CDOT also asked for clarification on planned access to the adjacent office park and to Fairview Road. Other departmental comments focused on additional clarification of maximum building areas, maximum building height, tree and sign ordinance compliance, and screening provisions along the adjacent residential tract. The petitioner has addressed all of the comments in the revised site plan.

ISSUES

1. Land Use. This petition raises no significant land use issues. Plans for this area recognize the employment land uses already existing in the immediate surrounding area of this petition and also recognize the pressures placed on the subject property for more intense land use than single family residential. The South Park Analysis (May 1988) recommended that the subject area be used for office or high density multi-family developments. Therefore, this petition is consistent with publicly approved plans for the area and is appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes a planned office park consisting of five building areas containing a maximum total square footage of 110,000 square feet for the entire site. Improvements are proposed to bring the current residentially constructed section of Coltsgate Road up to the commercial street standard, however, no connection between Sharon Road and Cameron Valley Parkway will be allowed until the Sharon Road median, proposed for construction in February 1991, is built. All other departmental comments have been addressed on the revised site plan. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

General Notes

Petition No. 91-10

1 MAX BUILDING HEIGHT IS 3 STORIES

2 BOUNDARY INFORMATION DATED DEC 1990 BY BOBBY RAYE, NCPLS #L1108
TOPOGRAPHIC INFORMATION FROM CITY OF CHARLOTTE TOPO MAP # 127

3 SIGNS SHALL BE PERMITTED IN LOCATIONS AND SIZES PERMITTED BY SIGN ORDINANCE AS LONG AS PROPERTY ACROSS COLTSGATE ROAD IS RESIDENTIALLY ZONED, SIGNAGE LIGHTING WILL BE DIRECTED INWARD TO THE SITE

4 SCREENING SHALL MEET OR EXCEED ORDINANCE REQUIREMENTS

5 ACCESSORY STRUCTURES NORMALLY ASSOCIATED WITH OFFICE DEVELOPMENT WILL BE PERMITTED OUTSIDE OF BUILDING LIMITS IN ACCORDANCE WITH APPLICABLE ORDINANCE STANDARDS

6 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

7 REQUIREMENTS OF THE TREE ORDINANCE WILL BE MET OR EXCEEDED

8 SITE CONSTRUCTION WILL MEET ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE

9 STORMWATER DETENTION REQUIREMENTS WILL BE MET IT IS ANTICIPATED THAT IT WILL OCCUR AS SURFACE STORAGE IN PARKING LOTS AND/OR UNDERGROUND STORAGE & WILL NOT REQUIRE OFFSITE PONDS

10 COLTSGATE ROAD TO BE IMPROVED TO A COMMERCIAL STREET PER CHARLOTTE/MECKLENBURG LAND DEVELOPMENT STANDARD 10 03
SIDEWALKS WILL BE INSTALLED AS SHOWN ON THE PLAN BELOW

COLTSGATE ROAD SITE
PETITION NO. 91-10
1-16-91

135

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-10
Date Filed December 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner (SEE ATTACHED LIST)

Owner's Address (SEE ATTACHED LIST)

Date Property Acquired (SEE ATTACHED LIST)

Tax Parcel Number (SEE ATTACHED LIST)

Location Of Property (address or description)

Property on both north and south sides of Coltsgate Road generally located between Sharon Road and Cameron Valley Parkway.

Description Of Property

Size (Sq Ft-Acres) 6.61 acres

Street Frontage (ft.) 1,167.12 on Coltsgate

Current Land Use Vacant except for six houses

Zoning Request

Existing Zoning R-15

Requested Zoning O-6(CD)

Purpose of Zoning Change To permit a planned office park similar to that (Colony on Fairview) developed on adjoining property to the south.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Coltsgate Ltd. Partnership
Name of Petitioner(s)

1300 E. Fourth Street
Address of Petitioner(s)

Charlotte, NC 28204

Telephone Number
375-9376

V Hayden McMahon Jr
Signature

(SEE ATTACHED SIGNATURES)

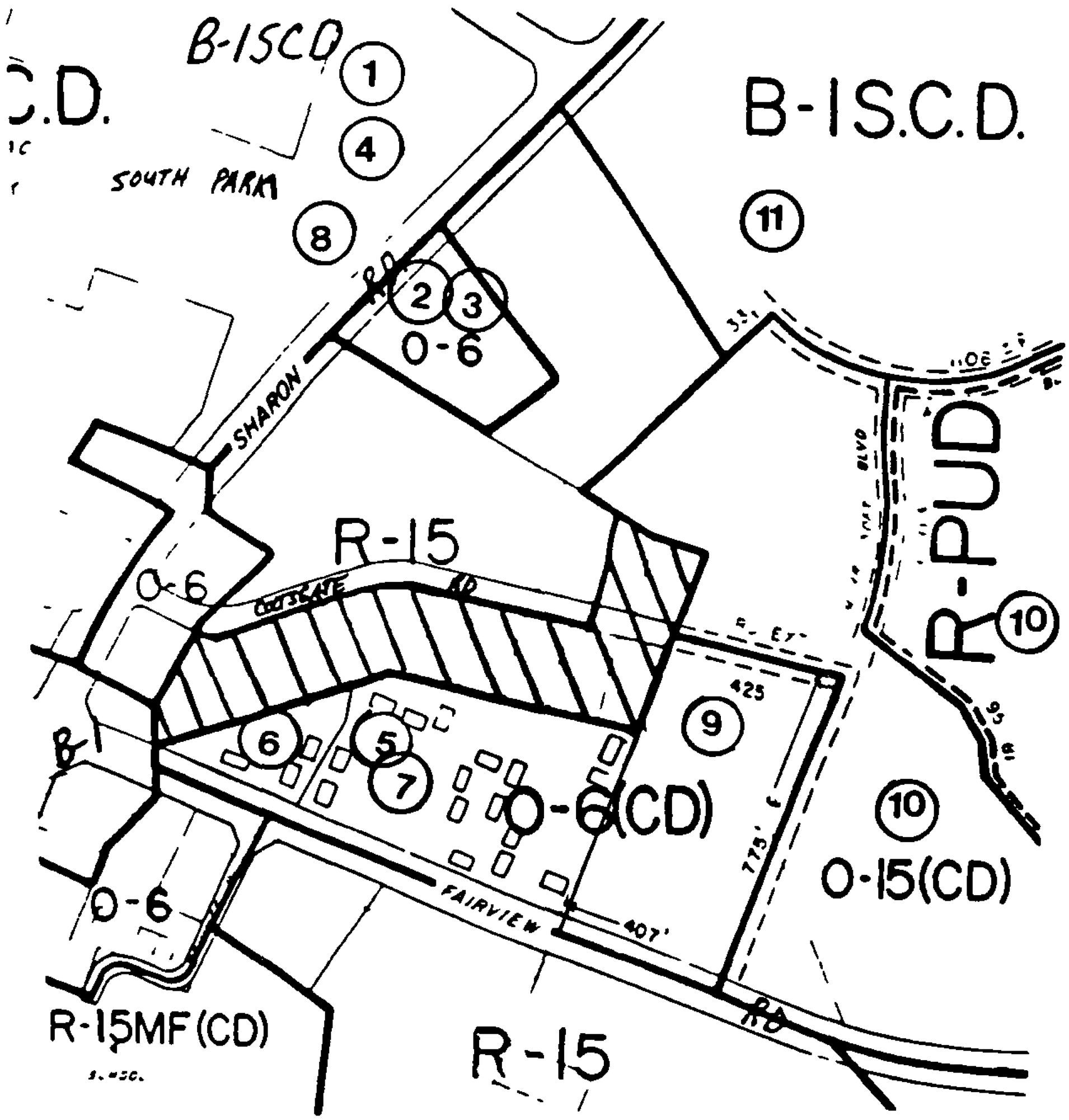
Signature of Property Owner if Other Than Petitioner

PETITIONER: Coltgate Ltd. Partnership

PETITION NO.: 91-10 HEARING DATE: February 18, 1991

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

LOCATION Approximately 6 61 acres located along both sides of Coltsgate Road east of Sharon Road.



ZONING MAP NO(s).: 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-11

Petitioner: Churchill Gallaries

Location: A 37,800 square foot parcel located on the northwest corner of East Morehead Street and Berkely Avenue.

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

BACKGROUND

1. Existing Zoning. The property involved with this petition is presently zoned B-1(CD). The surrounding properties to the north and south along Morehead Street as well as to the east across Morehead Street are all zoned O-6. To the west the properties are zoned R-9.

2. Existing Land Use. The property involved with this petition is currently developed as an inn with 14 rooms and a single family home. The property to the north and south is developed with office uses as is the property to the east directly across Morehead Street. Further to the north across Morehead Street are the Latta Square Condominiums and the Lamplighter Restaurant. To the west, properties are developed with single family homes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The plan also indicates community commercial centers at the intersection of Morehead Street and McDowell Street as well as the intersection of East Boulevard and Scott Avenue. 2005 Plan strategies include the development of a midtown Development Enterprise Area as well as the completion of I-277.

   2. Central District Plan (draft). The draft Central District Plan does not recommend any zoning changes for the subject property. This plan recommends that the area be furthered studied by the development of a midtown area plan.

4. Site Plan. The site plan which accompanies this petition proposes to allow the first floor of an existing bed and breakfast inn to be used for an antique gallery. The antique gallery will occupy approximately 1,200 square feet of the inn. The inn will also be used for receptions and private parties where no more than 150 people are expected. Two other buildings exist on the site. One will be used as an accessory building for the inn and the other can only be used as a single family home. The exterior of the inn will be slightly modified to add an awning and a six square foot sign. No other exterior changes are planned. The inn is accessed from Berkely Avenue via two driveways. Seventeen parking spaces are

provided on the site and additional parking is also provided on adjacent parcels. The existing vegetation on the site will be maintained and supplemented with a fence and hedge where additional parking is being added.

5. School Information. This petition has no impact on the school system.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	63-67	R-6MF to O-6	Approved	12/02/63
2.	65-53	R-6MF to O-6	Approved	05/31/65
3.	73-42	O-6 to B-1	Denied	10/29/73
4.	78-49	O-6 to B-1(CD)	Approved	05/07/77
5.	SUP82-3	SUP for a group home in an R-9 district	Approved	03/21/83
6.	83-20	R-9 to R-6MF(CD)	Approved	05/16/83
7.	84-18	O-6 to B-1(CD)	Approved	04/18/84

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

REVIEWS

1. Plan Consistency. This petition falls within an area defined by the 2005 Plan as an area of existing employment land uses. The Central Area Plan recognizes the existing zoning on the property. The central area plan also recommends that the area be further studied as part of a midtown plan. This petition is proposing to incorporate an antique gallery into an operating bed and breakfast inn without adding square footage or changing the charter or appearance of the site. Since this proposed change is internal it is considered consistent with adopted plans and policies.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition. Subsequent to the filing of the petition, the staff communicated several minor comments to the petitioner regarding the revised site plan.

   2. Departmental Comments. The Fire Department as well as the Environmental Protection Department had no comments regarding this subject property. The Building Standards Department as well as the Engineering Department had minor comments that have been addressed by the petitioner. The Department of Transportation noted that the existing one-way driveways on Berkeley Avenue as well as the existing on site parking did

not meet current city standards. Transportation also asked that the petitioner dedicate additional right-of-way along Morehead Street. Planning staff asked that the use of building 'C' be clarified and that the size of receptions and private parties be limited to 150 as per the previously approved plan. The petitioner addressed all these comments except for the request of additional right-of-way and the request that the existing one-way driveways on Berkely be reconstructed.

ISSUES

1. Land Use. This petition raises no land use issues. It proposes to add an antique gallery to an existing bed and breakfast inn. This addition will be accomplished without additions or alteration to the existing buildings. The plans for the area recognize the existing zoning as well as the employment type land uses in the area. This petition proposes nothing that would contradict these policies. Therefore, from a land use standpoint this petition is considered appropriate for approval.

2. Site Plan. The site plan that accompanies this petition proposes to add an antique gallery to an existing bed and breakfast inn while at the same time reducing the number of guest rooms allowed from fourteen to seven. This proposed change will not alter the residential appearance of the site which helps create an effective transition between the Dilworth neighborhood and the office uses on Morehead Street. It is important that this property maintain this residential character and not be made to look like a commercial use. The Transportation Department has commented that the existing driveways do not meet current city standards and should be rebuilt (i.e. widened). The residential character of the site would be lessened by this change which would effect the appearance of the inn as well as the existing vegetation. It is also important to note that this proposed change does not require a driveway permit which normally trigger the rebuilding of driveways. Therefore, from a site plan standpoint this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition No
91-11

Project: Morehead Inn
Churchill Galleries
Petition #91-11

The following conditions shall only control the use of the property as a hotel/motel/inn and antique gallery, under the B-1 (CD) zoning classification; otherwise the use of the property shall be permitted under the existing O-6 zoning classification.

1. Use of Building A. - Building A, as shown on the site plan, may be used as a motel, hotel, and antique gallery, and only as presently constructed, without any addition to its gross square foot area; provided that an awning over the Berkley Avenue entrance and a sign may be added to Building A. The second floor and portions of the first floor shall be conducted in the style of a bed and breakfast country inn which shall offer temporary overnight lodging and a breakfast meal to its patrons. There shall be a maximum of seven (7) guest rooms permitted within Building A on the second floor. The remaining first floor use not utilized by the bed and breakfast country inn (approx. 1,200 sq.ft.) shall be limited to an antique gallery. Building A and the grounds of the property may also be used for receptions, meetings, and other social gatherings, provided that the number of guests in attendance shall not exceed one hundred and fifty (150) persons.

No amplified music shall be allowed outside of Building A or on the grounds of the property.

2. Use of Building B. Building B, as shown on the site plan, may not be used as a residential dwelling nor as a restaurant or food preparation facility. Building B may be used for storage, associated with the use of Building A, or for uses incidental to the use and enjoyment of Building A and the grounds by the patrons and guests of Building A.

3. Use of Building C. Building C, as shown on the site plan, may be used only as a single family residential dwelling, including any permitted uses associated therewith. No signs, other than a mailbox and/or an identification of the owner or occupant and street address, shall be allowed on the grounds associated with Building C.

4. Screening. The screening provided by the trees, plants and shrubbery shall remain as it presently exists and shall be so maintained within the designated areas shown on the site plan. Additional planting shall be provided and maintained within the area encircled by the driveway to the Berkeley Avenue entrance. No trees are to be removed without the approval of the Engineering Department or other City of Charlotte agencies (as required).

5. Food Preparation. On-site food preparation in connection with the use of Building A shall consist only of the preparation of breakfast and occasional additional meals upon request in advance for the registered guests of Building A, and not for the public at large, provided that food preparation and service in connection with meetings, receptions and social gatherings may be supplied by caterers.

6. Signs. One sign identifying the use of Building A may be located near the corner of East Morehead Street and Berkeley Avenue. Such sign shall be constructed principally of wood, shall be no larger than five (5) feet by seven (7) feet in area and may be illuminated by ground spotlights on both sides.

One sign identifying the use of Building A may be attached on the North side of Building A at the Berkeley Avenue entrance. Such sign shall be constructed principally of wood, shall be no larger than six (6) square feet in area and may be illuminated by a spotlight.

Both signs referred to herein shall be removed by the owner within ten (10) days of the last day Building A is used as a bed and breakfast country inn.

7. Parking. The existing parking configuration is to remain with the exception of adding two spaces on the northside of Building A increasing the number from two (2) to four (4). Off-street parking for the property, as required by the City of Charlotte Zoning Ordinance, shall be located only with the areas designated as parking areas on the site plan. Provided that such on-site parking is and remains available, off-site parking spaces in nearby off-street parking lots may be designated for use by the overnight guests and employees of Building A. The four (4) spaces on the northside of Building A are to be screened from Morehead Street with a 5'-0" high wooden fence.

Off-street parking shall be provided for those persons attending any reception, meeting, function or social gathering in Building A. The term "off-street parking" shall be defined as parking spaces for which written contracts for the use of said spaces have been signed and are in possession of the owner of Building A, and which parking spaces are located on any of the property identified by the following 1984 tax parcel identification numbers: 123-102-9; 123-102-10; 123-103-31; 123-103-32; 123-103-29; 125-201-12 (daytime parking only); 125-201-13 (daytime parking only); 125-201-14; 125-201-15; 125-201-16; 125-201-(59 to 83); 125-203-3; and 125-203-4.

The maximum number of persons in attendance at any such reception, meeting, function or social gathering in Building A shall be limited to the lesser of one hundred fifty (150) persons or two (2) persons per off-street parking space available.

The sponsors of any such reception, meeting, function or social gathering shall be provided with maps showing the location of such off-street parking and shall be required to inform their guests of the location of such off-street parking by, for example, including small maps of the off-street parking areas with their invitations. For any reception, meeting, function or social gathering for which more than twenty (20) guests are scheduled, a parking attendant shall be provided, who shall be located outside Building A, at or near the Berkeley Avenue entrance, to direct guests to the provided off-street parking, and there shall be an A-frame directional sign in the street parking land near the Berkeley Avenue entrance indicating the location of off-street parking. For any reception, meeting, function or social gathering of seventy-five (75) to one hundred fifty (150) guests, two (2) additional parking attendants shall be provided, who may be off-duty uniformed patrolmen and who will be stationed on Berkeley Avenue and Belgrave Place to direct guests to the off-street parking areas.

It is acknowledged that any on-street parking by any employee, guest or invitee of, or anyone associated with the use of Building A is inconsistent with and detrimental to the residential character of affected streets and unsafe to the residents on such affected streets. The term "affected streets" is defined to specifically include Belgrave Place, Arosa Avenue and the portion of Berkeley Avenue located to the southwest of East Morehead Street. No on-street parking on the affected streets shall be allowed by anyone associated with or present within Building A or Building B, and any such parking is a material violation of this agreement and this zoning ordinance amendment.

8. Driveways. The existing driveways are to remain and will continue to provide for one way traffic flow as shown.

Nature of Business: Churchill Galleries has been in business for eight years, selling antiques and decorative accessories. Antiques range from $1,000 to $30,000; accessories range from $50 upward, thus their goods are marketed to the top 10% of the buying public. Consequently, during this time period, Churchill Galleries has evolved from a general antique store to a fine collector's gallery, no longer requiring a high traffic retail location. Up until recently they maintained a showroom in High Point, N.C. From this location they have been able to develop some of the most prestigious designers in the nation. Their image can best be discerned by some of their ads that have appeared in national magazines such as House & Garden and Southern Accents (examples enclosed).

Type of Merchandise: It is their intent, and every effort is made, to purchase and resell furniture and decorative objects "of the period," referring to Webster's definition of antiques, "of a by gone style or period." As a guide to period furniture an outline by Miller's International Antiques Guide is attached. This guide is the basis for most reputable antiques dealers throughout the world. The furniture and/or accessories that Churchill Galleries buys and resells falls within the following dates and periods: 1689-1714 (William & Mary, William III, Queen Anne): 1715-1727 (George I, Regence): 1727-1760 (George II, Louis XV, Chippendale): 1812-1848 (Regency, Biedemeier, Late Federal, William IV, Louis Phillipe): 1837-1901 (Victorian): 1901-1910 (Edwardian): and 1900-1920 (Art Nouveau). Approximately 95% of their furniture falls within these dated periods. However sometimes a very fine case piece which not of the period may be purchased for resale. For example, a 19th century Queen Ann Low Boy would fall into this category. When such an item is purchased it must be of the quality and refinement of the period it represents; (i.e. craftsmanship, construction, and finish).

Condition of Merchandise: Every item that is brought into their store for resale must be in pristine condition. If restoration is needed, the item is sent to one of several restorers and craftsmen; it is repaired, restored and polished putting it into mint condition before it is placed on our showroom floor. All restoration is done off-premises.

Membership: Churchill Galleries is a member of the North Carolina Association of Dealers in Antiques. This membership includes some of the state's most respected antique dealers and independent appraisers. Churcnill Galleries maintains a working relationship with two appraisers in Charlotte who are certified appraisers and members of the International Society of Appraisers.

Nonpermitted User: Flea markets, second hand or used furniture sales, furniture refinishing, furniture repair, furniture storage.

'11'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-11

Date Filed December 12, 199

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner American Commercial Savings Bank, Inc.

Owner s Address 1000 East Boulevard Charlotte N.C. 28203

Date Property Acquired October 1990

Tax Parcel Number 123-102-08

Location of Property (address or description) 1122 East Morehead Street and 1211 Berkeley A e

the northwesterly corner of the intersection of East Morehead Street and Berkeley Avenue

Description of Property

Size (Sq Ft Acres) Approxiamately 37,800 SQ. FT Street Frontage (ft) 155.15 ft. East Morehead St. 230.62 ft. Berkeley Avenue

Current Land Use Bed and Breakfast

Zoning Request

Existing Zoning B1-CD Requested Zoning site plan ammendment

Purpose of Zoning Change To accommodate antique gallery

Douglas Burns

Name of Agent

717 S. Torrence Street Suite 100 Charlotte NC

Agent's Address

332-4652

Telephone Number

Churchhill Galleries

Name of Petitioner(s)

4400 Sharon Rd.

Address of Petitioner(s)

364-3838

Telephone Number

Signature

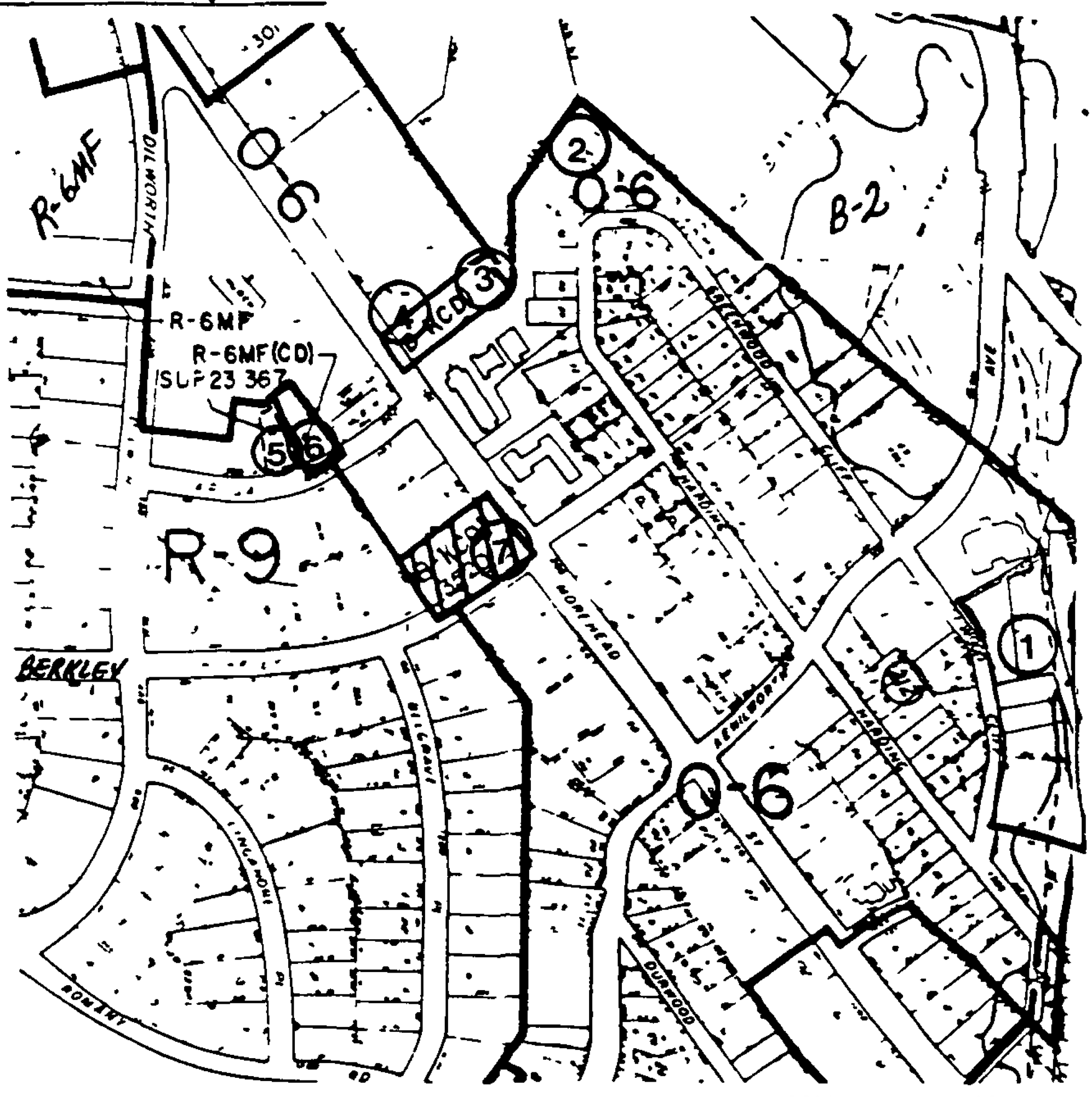
Signature of Property Owner if Other Than Petitioner

PETITIONER: Churchhill Galleries

PETITION NO.: 91-11 HEARING DATE: February 18, 1991

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

LOCATION A 37,800 square foot parcel located on the northwest corner of East Morehead Street and Berkeley Avenue.



ZONING MAP NO(s).: 102 & 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-12

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately ¼ mile west of the intersection of Oakdale Road and Pleasant Grove Road.

Request: Change from R-9MF to R-15 in accordance with the adopted Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: This site has been R-9MF since zoning was originally adopted.

Existing Land Uses: This site contains approximately 27 single family homes, 2 duplexes, and 2 vacant lots.

Surrounding Land Uses: To the west, there is vacant land except for one single family home. Across Pleasant Grove Road are numerous residences with a few vacant lots. To the north and east, a mixture of single family homes, multi-family dwellings and a church may be found.

Proposed Land Use: The Northwest District Plan recommends this site for single family residential development.

Nonconformities Resulting From This Petition: Two duplexes will become legally nonconforming if this rezoning is approved.

Consequences of Not Rezoning This Site: Without this rezoning, apartments could be constructed within this single family neighborhood without any review except a building permit.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-12
Date Filed December 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

Location Of Property (address or description) Approximately 1/4 mile west of the intersection of Oakdale Road and Pleasent Grove Road

Description Of Property

Size (Sq Ft Acres) 22.4 acres Street Frontage (ft)

Current Land Use Single-family homes and one or two vacant lots

Zoning Request

Existing Zoning R-9MF Requested Zoning R-15

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

NORTHWEST DISTRICT #7

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

Address of Petitioner(s)

Telephone Number

Signature

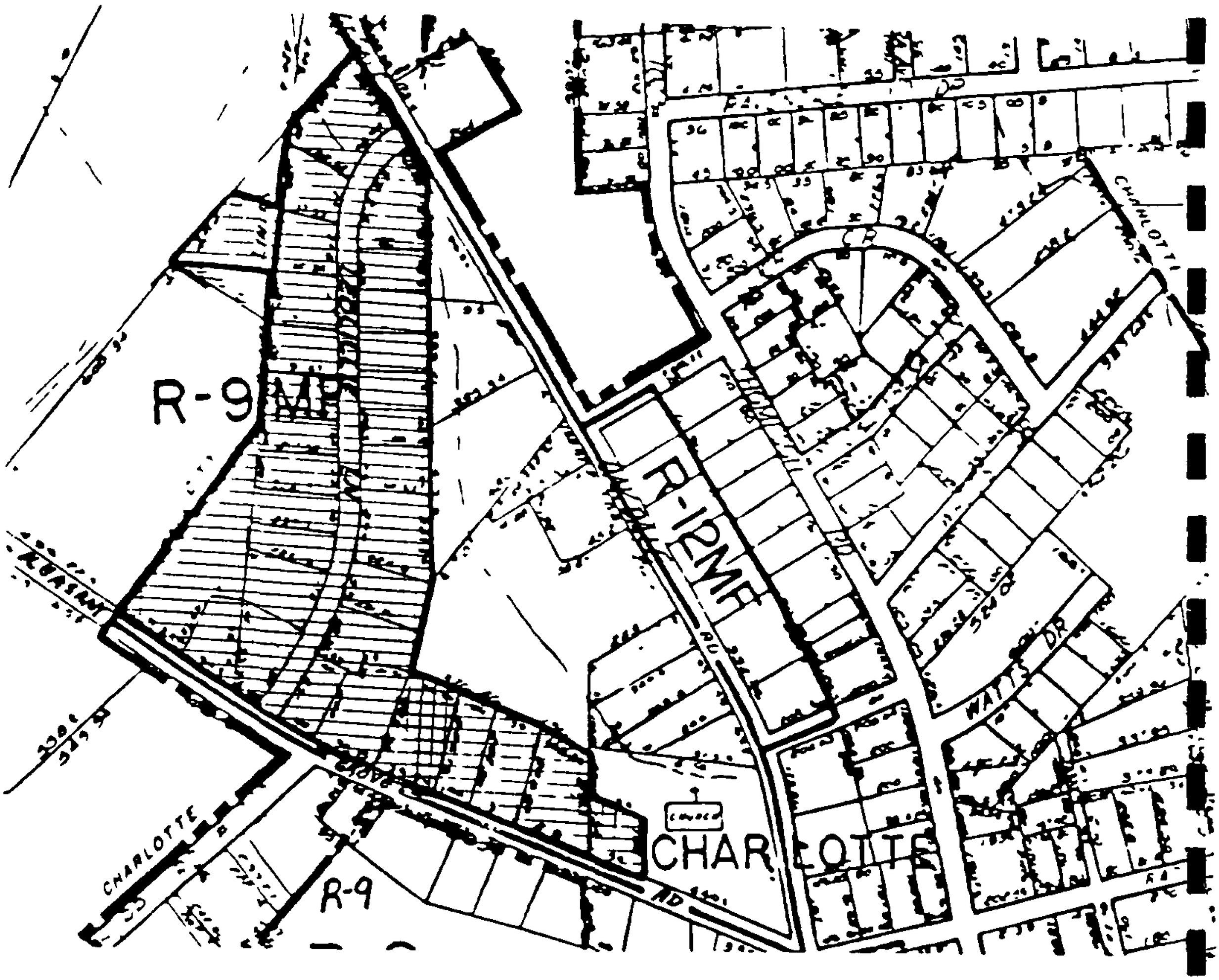
Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO · 91-12 HEARING DATE February 18, 1991

ZONING CLASSIFICATION, EXISTING· R-9MF REQUESTED: R-15

LOCATION Approximately 22 4 acres on the northerly side of Pleasant Grove Road extending along both sides of Leolillie Lane to Oakdale Road



ZONING MAP NO(s).: 61 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-13

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Generally between Moores Chapel Road and the Piedmont & Northern Railroad, ½ to 1½ of a mile west of Little Rock Road.

Request: Change from R-6MF to R-12MF and from R-6MF to R-6, in accordance with the adopted Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: These sites have had the current zoning since zoning was first established in the City and County.

Existing Land Uses: The R-6MF to R-6 sites are primarily vacant but have a few single-family homes in place. The R-6MF to R-12MF areas are also primarily vacant but do contain some single family residences and two churches.

Surrounding Land Uses: A large single family neighborhood is located between the two rezoning areas and to the south. To the west, the land is vacant except for one single family home. To the east is a mixture of industrial uses and vacant land. Vacant land and petroleum storage tanks are to the north.

Proposed Land Use: The Northwest District Plan recommends single family residential for the R-6MF to R-6 zoning area at a density of up to 6 dwelling units per acre. The properties are on the edge of an established single family neighborhood, and access to the R-6MF areas is through the single family development.

The Plan recommends that the R-6MF properties fronting Moores Chapel Road develop with multi-family housing, but at a density more compatible with the abutting neighborhoods. Single family development was considered for these properties, but because of the size and orientation of the lots, it was viewed as highly infeasible that single family houses would ever be built along Moores Chapel Road, consequently, a lower density multi-family future was recommended.

Nonconformities Resulting From This Rezoning: No potential nonconformities have been identified.

Consequences of Not Rezoning This Site: If the R-6MF to R-6 rezoning is not approved, apartments could be built at a relatively high density where access would be solely through local single family residential streets. Failure to approve the R-6MF to R-12MF rezoning could result in a large number of relatively high density apartment units being built in close proximity to existing single family areas. The single

family neighborhoods are moderate income areas experiencing some problems with instability. High density housing along Moores Chapel Road will likely exacerbate the problems.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-13
Date Filed December 17, 1990
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner s Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

Location Of Property (address or description) Generally between the Piedmont & Northern Railroad and Moores Chapel Road from 1/2 to 1 1/4 miles west of Little Rock Road

Description Of Property

Size (Sq Ft Acres) R6MF to R-12MF - 38 acres
R6MF to R-6 - 59.67 acres
97.67 acres

Street Frontage (ft)

Current Land Use Vacant land, single family homes and two churches

Zoning Request

Existing Zoning R-6MF

Requested Zoning R-6 & R-12MF

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

NORTHWEST IDSTRICT #8

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER Charlotte-Mecklenburg Planning Commission

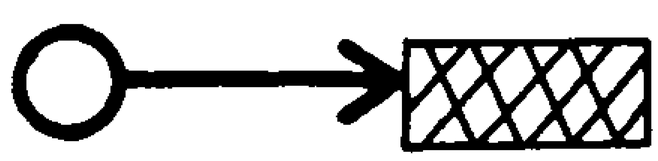
PETITION NO.: 91-13 HEARING DATE: February 18, 1991

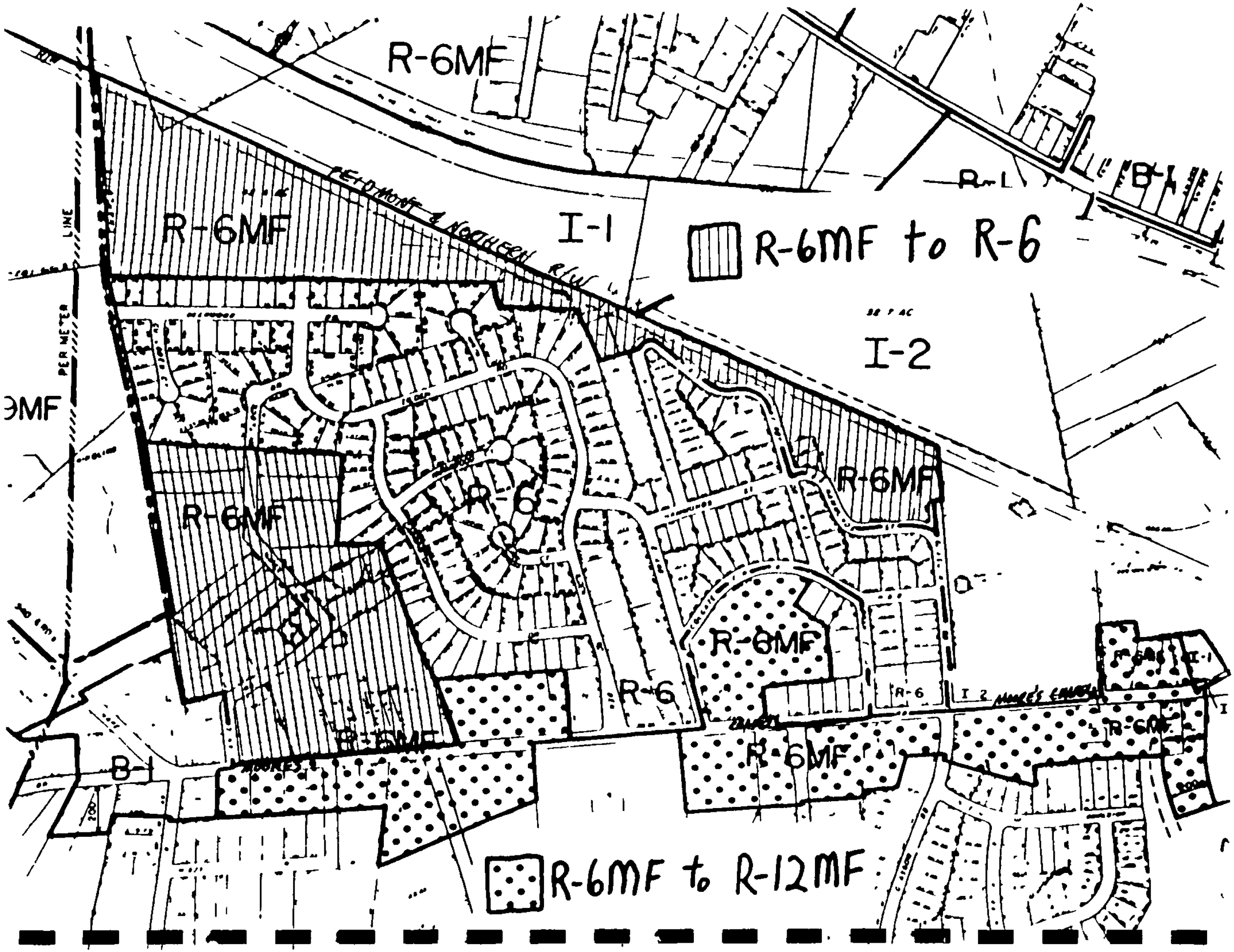
ZONING CLASSIFICATION, EXISTING: R-6MF REQUESTED: R-6 & R-12MF

LOCATION: Approximately 97.67 acres located along both sides of Moores Chapel Road generally extending to the southerly side of Piedmont and Northern Railroad right-of-way.

SEE ATTACHED MAP

ZONING MAP NO(s).: 66 & 82 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE 


R-6MF
R-6MF
I-1
R-6MF to R-6
I-2
R-6MF
R-6
R-6MF
R-6MF
R-6
R-6
R-6MF
R-6MF
B-1
R-6MF to R-12MF

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-14

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: The southwest quadrant of the intersection of Toddville Road and Rozzelles Ferry Road.

Request. Change from R-9MF to R-15, in accordance with the adopted Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: This property has been R-9MF since zoning was originally adopted.

Existing Land Use: This area is almost exclusively single family residential, with a few vacant lots and one duplex.

Surrounding Land Uses: Adjacent uses consist of the Duke Power equipment yard to the south, single family homes and vacant lots to the east, vacant property to the north, and vacant land and one home to the west.

Proposed Land Use: The Northwest District Plan designates this area for single family residential, up to 3 dwelling units per acre.

Nonconformities Resulting From This Rezoning: No nonconformities would be created by this rezoning. The duplex is on a corner lot and would be a permitted use in the R-15 district if it meets the dimensional standards for the district.

Consequences of Not Rezoning This Site: Failure to rezone this property could allow multi-family units to be placed within an existing single family neighborhood with no review except for a building permit. This would result in destabilization of the neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-14
Date Filed December 17, 1990
Received By MCN
OFFICE USE ONLY

Ownership Information

Property Owner See Attached Lists

Owner s Address See Attached Lists

Date Property Acquired

Tax Parcel Number See Attached Lists

Location Of Property (address or description) The southwest quadrant of the intersection of Toddville Road and Rozelles Ferry Road

Description Of Property

Size (Sq Ft Acres) 42.25 acres Street Frontage (ft)

Current Land Use Single-family homes and vacant lots; one duplex.

Zoning Request

Existing Zoning R-9MF Requested Zoning R-15

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

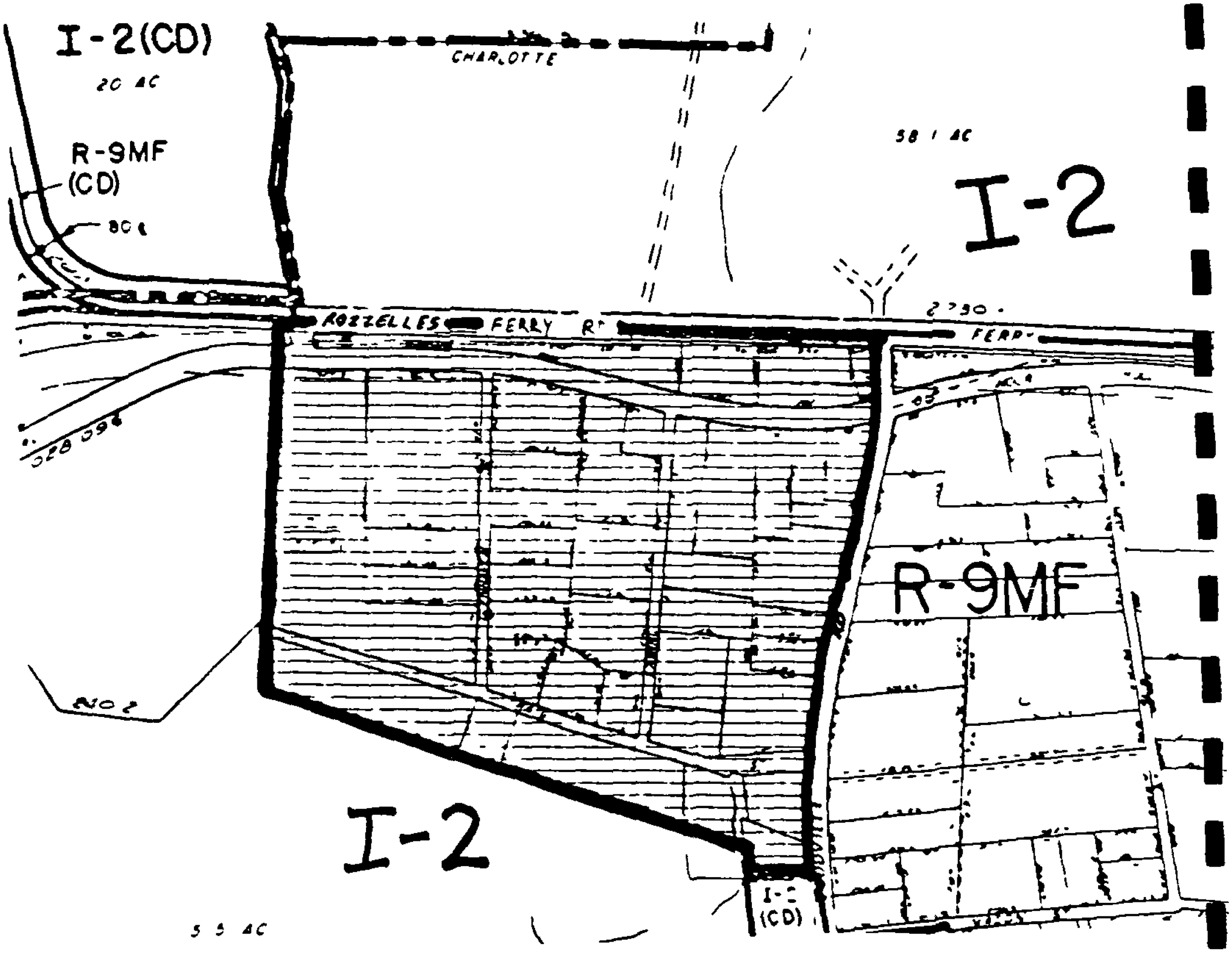
NORTHWEST DISTRICT #9

PETITIONER. Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-14 HEARING DATE February 18, 1991

ZONING CLASSIFICATION, EXISTING R-9MF REQUESTED. R-15

LOCATION Approximately 42.25 acres located on the southwest corner of Rozzelles Ferry Road and Toddville Road



ZONING MAP NO(s).: 67 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-15

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Generally east of Toddville Road and south of Old Mount Holly Road.

Request: Change from R-9MF and I-1 to R-9, in accordance with the adopted Northwest District Plan.

BACKGROUND & JUSTIFICATION

Zoning History: This area has been R-9MF and I-1 since zoning was originally adopted in the City and County.

Existing Land Uses: This area consists of a mixture of vacant land and generally low density single family homes, with one church within the rezoning area. A contractor's yard and an auto detailing shop are also included.

Surrounding Land Uses: Adjacent uses consist of vacant land to the east, a mixture of vacant, single family, light industrial uses to the south, single family homes to the west, and the railroad to the north.

Proposed Land Uses: The Northwest District Plan strongly recommends that the existing single family area east of Toddville Road and south of Mt. Holly Road remain single family in the future. To reinforce the existing neighborhood and provide additional housing opportunities in the immediate area, a large vacant tract of land east of Melynda Road (included in a separate rezoning filed for April hearings) is also recommended for a single family future. Industrial uses surround the Toddville/Melynda Road area, and the viability of residential in the future diminishes if a concerted effort is not made to preserve a residential mass in the area.

NOTE: In addition to rezoning the R-9MF and I-1 properties included in this rezoning and the rezoning east of Melynda Road scheduled for April, Planning staff also recommends that to preserve the residential integrity of the Toddville/Melynda Road area, the heavy truck traffic that currently travels along Melynda Road, the sole access to and from the chemical plant at the south end of Melynda, should cease. It is highly destructive to the existing neighborhood and to the potential new residential development east of Melynda to have chemical tankers passing through these areas on a regular basis on this collector street. To solve this problem, staff recommends that a new street be built which leads directly to Toddville Road and serves only industrial uses. Melynda Road would be made a deadend to prevent any industrial traffic. Preliminary cost estimates for the new road are in the $1.2 million range.

Nonconformities Resulting From These Rezonings: The contractors yard and an auto detailing business would become legally nonconforming if the I-1 to R-9 rezoning is approved. No nonconformities would be created by the R-9MF to R-9 rezoning.

Consequences of Not Rezoning These Sites: If the R-9MF to R-9 rezoning is not approved, a large number of multi-family units could be built in an inappropriate location and among existing single family homes. If the I-1 to R-9 rezoning is not approved, then industrial uses, without the benefits of a site plan or other conditional review, could continue to expand adjacent to residential properties. The residential area already has been extremely impacted by industrial development. Additional industrial uses will only weaken an area that is struggling to remain a stable residential neighborhood.

Budget Office Comment: The Budget and Evaluation Department has recommended deferring these zoning cases until the proposed CIP has been reviewed. Then these two related decisions (rezonings and budget) can be considered together.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-15
Date Filed December 17, 1990
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner See Attached List

Owner's Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

Location Of Property (address or description) East of Toddville Road and South of Old Mount Holly Road.

Description Of Property

Size (Sq Ft Acres) I-1 to R-9 - 8.5 acres
R-9MF to R-9 - 61.0 acres

Street Frontage (ft)

Current Land Use Single family homes, vacant land, a church, a contractors yard, and auto detailing business

Zoning Request

Existing Zoning I-1 & R-9MF

Requested Zoning R-9

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

Name Of Agent

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

Agent's Address

Address of Petitioner(s)

Telephone Number

Telephone Number

NORTHWEST DISTRICT #10

Signature

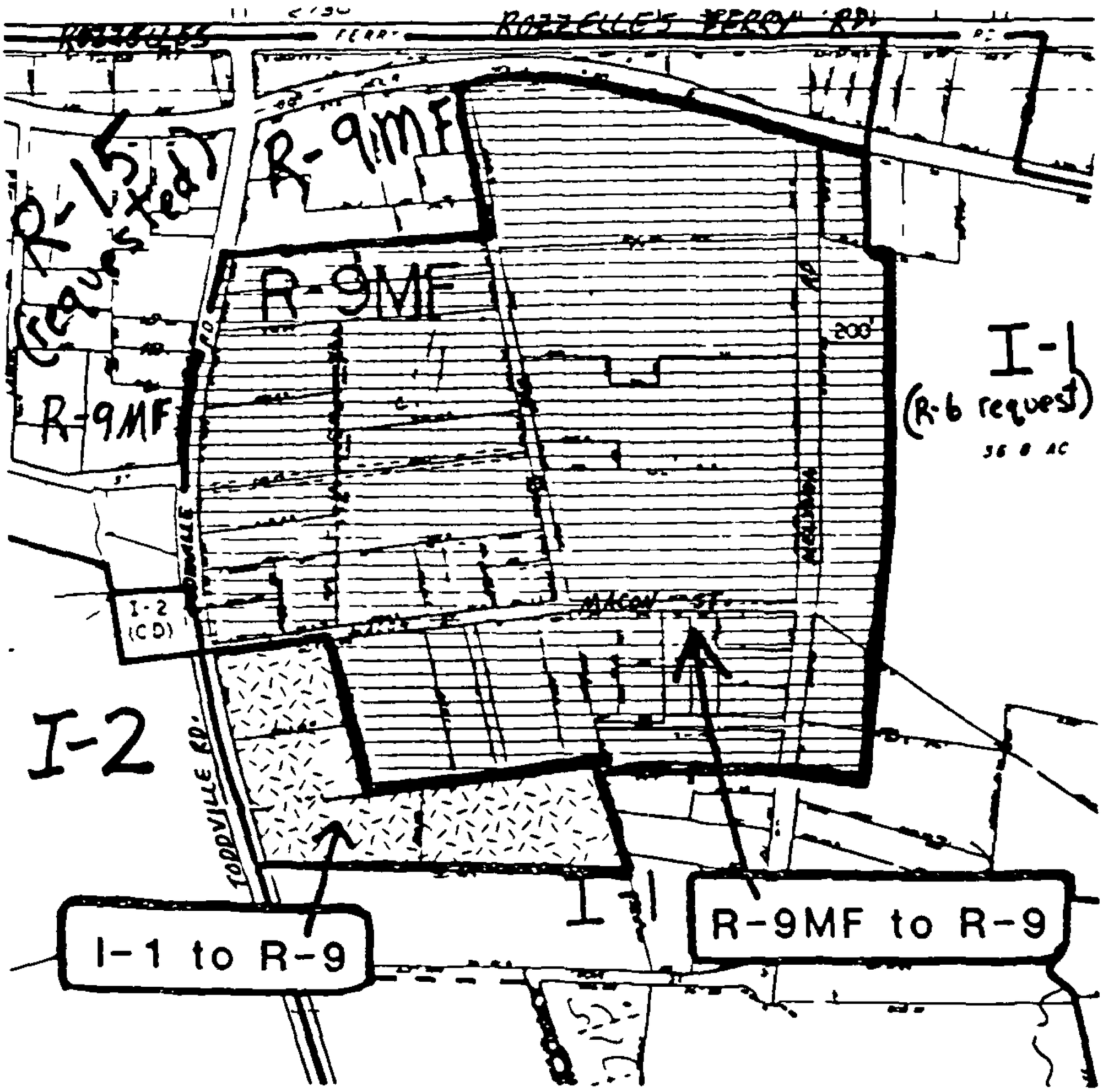
Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-15 HEARING DATE: February 18, 1991

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

LOCATION Approximately 69 5 acres located on the east side of Toddville Road, south of Old Mount Holly Road extending to Melynda Road.



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 31, 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 January 28, 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, February 11, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, February 18, 1991.

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

Respectfully submitted,

Tim Mead

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

TM:mlj

Attachments

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

DATE: January 28, 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 deferred action on this petition for 30 days.

REASONS

This petition proposes a site plan amendment for the neighborhood shopping center component of the Candlewyck Planned Unit Development. The site plan discussed at the public hearing on this request proposed a 36,200 square foot center composed of a grocery store and several small retail shops. Subsequent to the public hearing, the petitioner submitted a revised site plan scaling down the proposal to a 32,500 square foot stand-alone grocery store. The conditional site plan policy requires the petition to be deferred in order to notify interested parties of the revised plan.

DATE: January 28, 1991

PETITION NO.: 91-2

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Change form R-9MF to R-9 (East District Plan).

LOCATION: Approximately 32.15 acres located on the north side of Idlewild Road extending along Sally Lane to McAlpine Creek.

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

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

Nays: None.

REASONS

This petition requests rezoning from multi-family residential to single family residential to recognize the existing single family development pattern. The Zoning Committee viewed the petition as appropriate for the area and, therefore, recommends approval of the petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-2 **HEARING DATE:** January 22, 1991

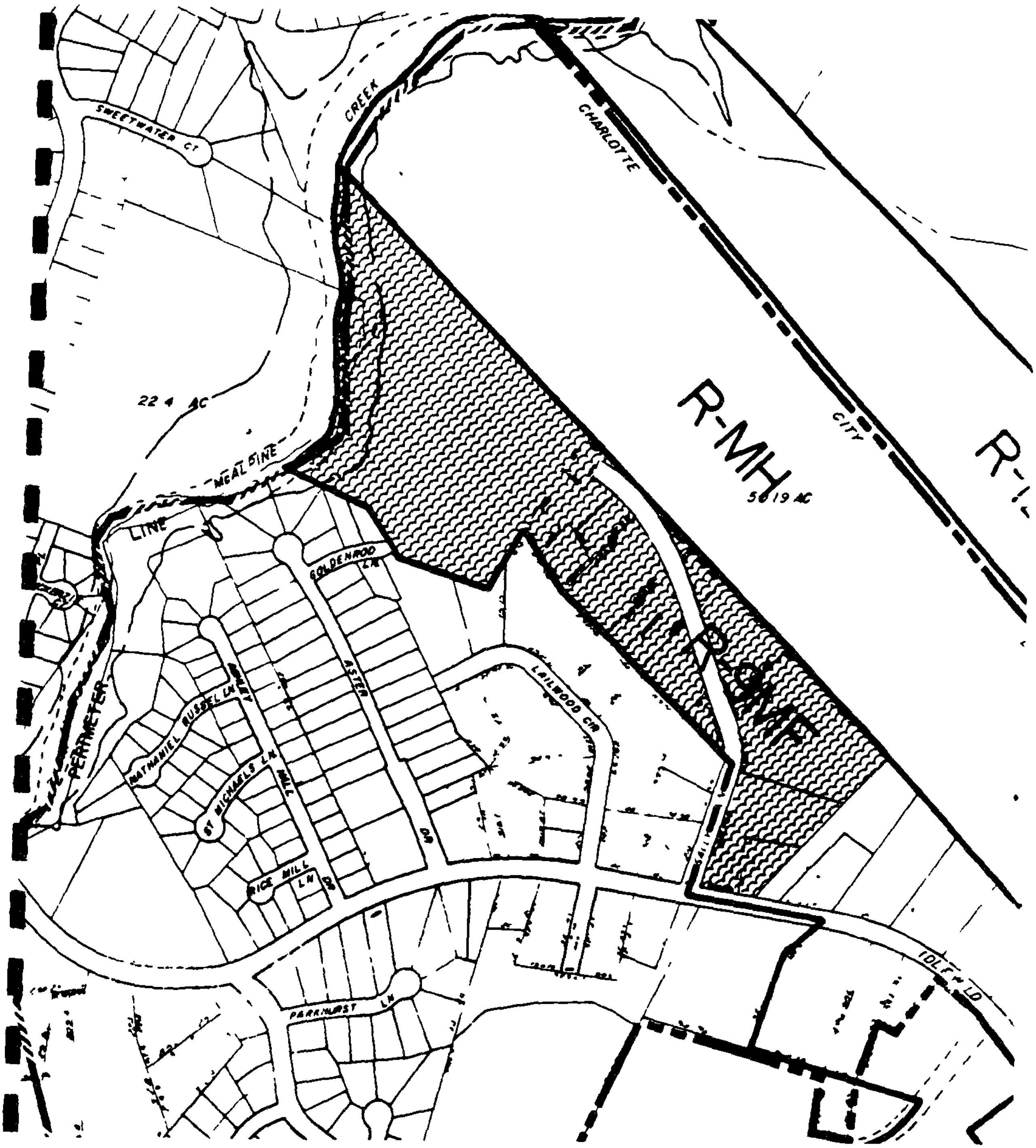
ZONING CLASSIFICATION, EXISTING: R-9MF **REQUESTED:** R-9

LOCATION: Approximately 32.15 acres located on the north side of Idlewild Road extending along Sally Lane to McAlpine Creek.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE



REZONE R-9MF TO R-9

EAST DISTRICT PLAN PETITION # 1

DATE: January 28, 1991

PETITION NO.: 91-3

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Change from R-6MF to R-9 (East District Plan).

LOCATION: Approximately 7.1 acres located along both sides of Winterfield Drive south of Central Avenue.

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

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

Nays: None.

REASONS

This petition seeks rezoning from multi-family residential to single family residential to recognize the existing single family development pattern. The Zoning Committee viewed the petition as appropriate for the area and, therefore, recommends approval of the petition.

STAFF OPINION

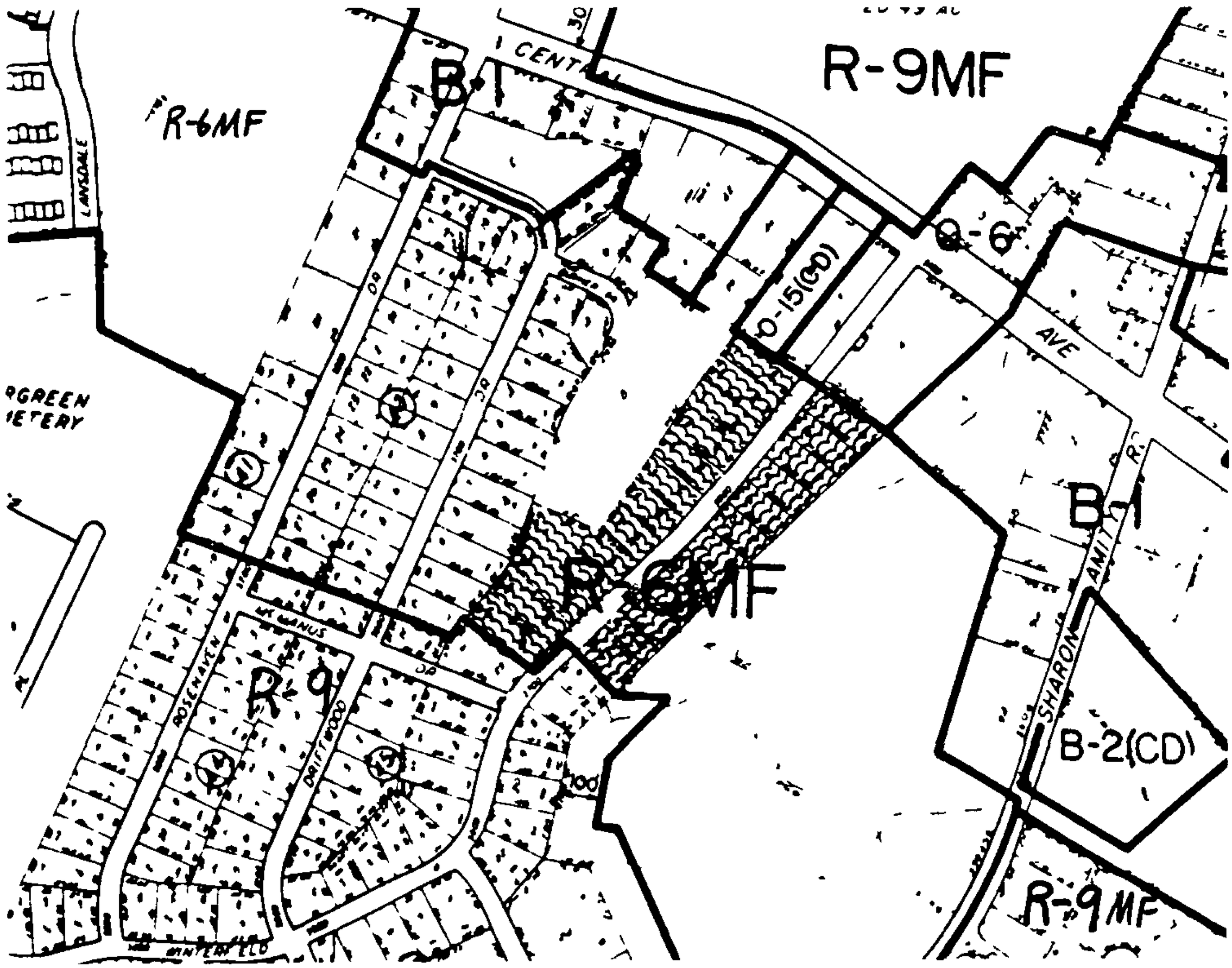
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-3 **HEARING DATE:** January 22, 1991

ZONING CLASSIFICATION, EXISTING: R-6MF **REQUESTED:** R-9

LOCATION: Approximately 7.1 acres located along both sides of Winterfield Drive south of Central Avenue.



ZONING MAP NO(s).: 113 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 28, 1991

PETITION NO.: 91-4

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Change from R-9MF to R-9 (East District Plan).

LOCATION: Approximately 16.87 acres located along both sides of Finchley Drive and Purser Drive east of Eastway Drive.

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

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

Nays: None.

REASONS

This petition seeks rezoning from R-9MF to R-9 to recognize the existing single family development pattern. The Zoning Committee discussed the issue which arose at the public hearing regarding the parcels located south of the intersection of Miramar Drive and Purser Drive which fall under the same ownership as an adjoining parcel not included in the rezoning petition. Staff noted that although the two parcels would remain developable under the proposed zoning classification, it could be appropriate to exclude those parcels from the rezoning petition due to the ownership pattern. The Zoning Committee discussed the potential future development of the two parcels under multi-family zoning versus single family zoning as well as potential access to the properties should they be developed for multi-family purposes. Ultimately, Zoning Committee viewed the petition as appropriate for approval as submitted pointing out that the two lots are oriented to streets predominantly devoted to single family development. Therefore, Zoning Committee recommends the petition for approval as submitted.

STAFF OPINION

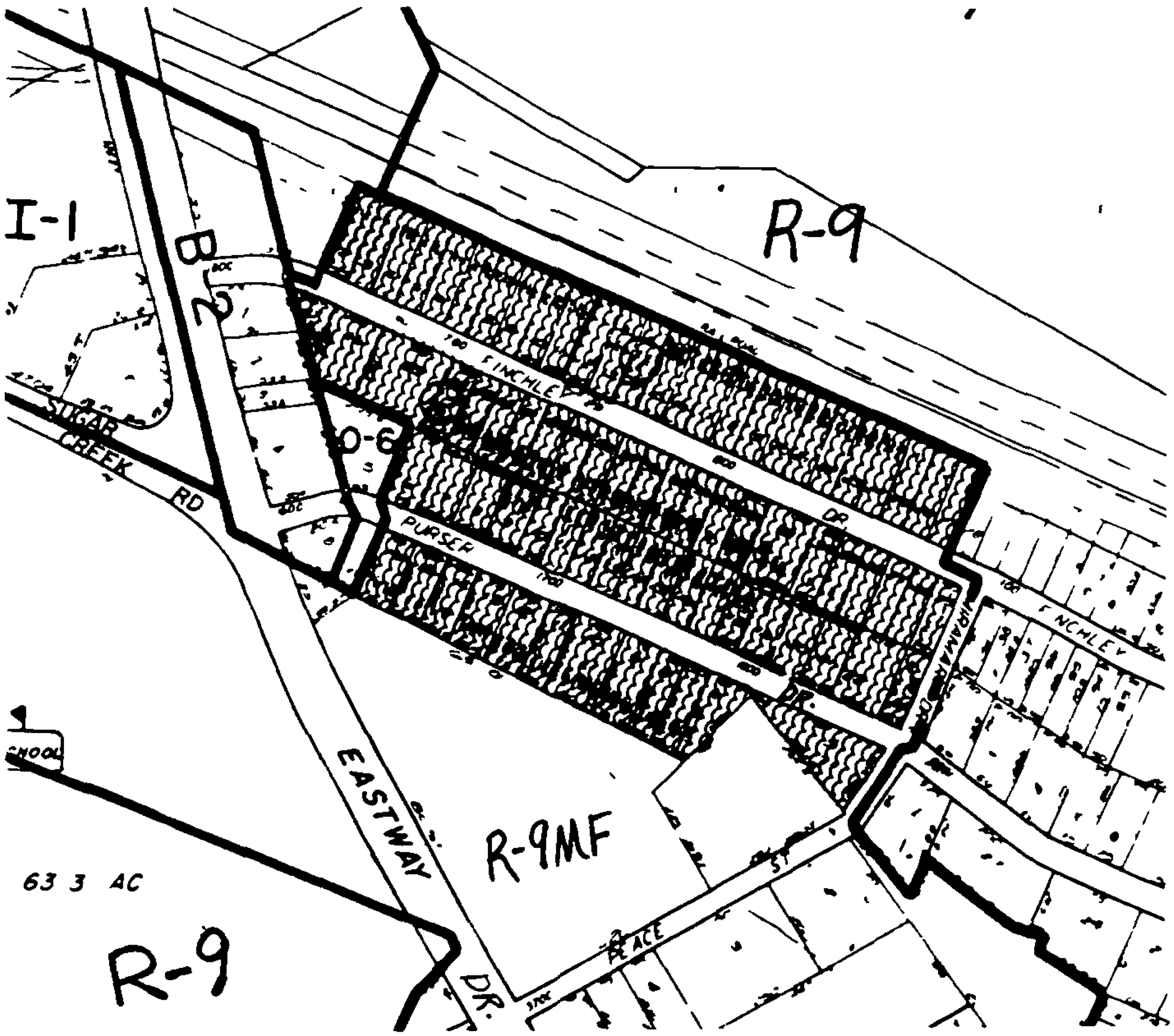
The staff agrees the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-4 **HEARING DATE:** January 22, 1991

ZONING CLASSIFICATION, EXISTING: R-9MF **REQUESTED:** R-9

LOCATION: Approximately 16.87 acres located along both sides of Finchley and Purser Drives east of Eastway Drive.



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

PROPERTY PROPOSED FOR CHANGE

DATE: January 28, 1991

PETITION NO.: 91-5

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Change from O-6 to R-6MF (East District Plan).

LOCATION: Approximately 6.1 acres located on the east side of Eastway Drive north of East Independence Boulevard (U.S. 74).

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

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

Nays: McClure and Motley.

REASONS

This petition proposes rezoning from O-6 to R-6MF in accordance with the East District Plan. There was concern expressed by some Zoning Committee members about the feasibility of residential development along a major interchange. Other members, however, felt that the request was appropriate and that all interchanges should not be developed for nonresidential purposes. There were also much discussion about the future of mass transit, high occupancy vehicle lanes on Independence Boulevard and the need for higher densities along thoroughfares in order to make mass transit a success. Ultimately, the Zoning Committee viewed the request as appropriate and recommends approval of the petition.

STAFF OPINION

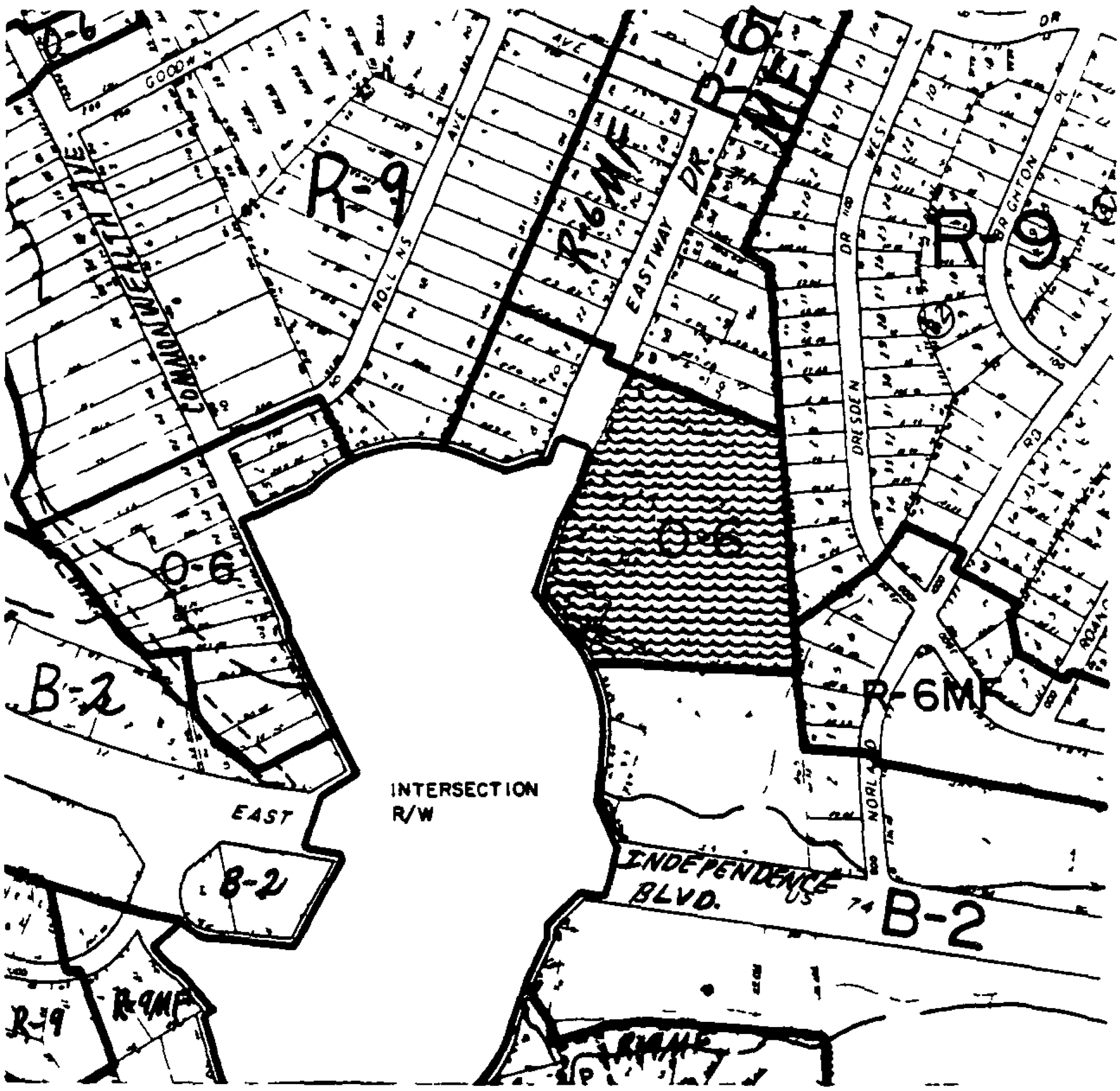
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-5 **HEARING DATE:** January 22, 1991

ZONING CLASSIFICATION, EXISTING: O-6 **REQUESTED:** R-6MF

LOCATION: Approximately 6.108 acres located on the east side of Eastway Drive north of East Independence Boulevard (U.S. 74).



ZONING MAP NO(s).: 112 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE