AGENDA

Meeting Type:	B
Date:	07-15-1991
SUBJECT	

City of Charlotte, City Clerk's Office

July 1991

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

CHARLOTTE

Meetings in July '91

JULY 1 - JULY 6

2	Tuesday, 3 00 p m	**HOUSING APPEALS BOARD** CMGC, 5th Floor Conference Room
4	Thursday	**FOURTH OF JULY HOLIDAY** - All City Offices Closed

THE WEEK OF JULY 7 - JULY 13

8	Monday, 12 Noon	**PLANNING COMMISSION** - CMGC, 8th Floor Conference Room
	Monday, 7 00 p m	**HISTORIC LANDMARKS COMMISSION** - Commission Office, 1225 S Caldwell Street
9	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** Charlotte/Douglas International Airport, Main Terminal, Conference Room A
	Tuesday, 5 00 p m	**PLANNING COMMISSION/Planning Committee** CMGC, Meeting Chamber Conference Room
	Tuesday, 6 00 p m	**PUBLIC HEARING ON CENTRAL DISTRICT PLAN (PLANNING COMMISSION/Planning Committee)** - CMGC, Meeting Chamber
10	Wednesday, 8 00 a m	**CLEAN CITY COMMITTEE** CMGC, Room 270
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
11	Thursday, 10 00 a m	**PARADE PERMIT COMMITTEE** - CMGC, DOT, 6th Floor Conference Room
	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Thursday, 5 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, Meeting Chamber Conference Room
	Thursday, 6 00 p m	**PUBLIC HEARING ON CENTRAL DISTRICT PLAN (PLANNING COMMISSION/Planning Committee)** - CMGC, Meeting Chamber
12	Friday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Room 270

THE WEEK OF JULY 14 - JULY 20

15	Monday, 5 00 p m	**CITY COUNCIL DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL MEETING/Zoning Hearings** - CMGC, Meeting Chamber
16	Tuesday, 1 30 p m	**FIREMEN'S RETIREMENT BOARD** - Retirement System Office, Suite 205, 428 E 4th St
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - Administrative Office, 1301 South Boulevard
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**STORM WATER TASK FORCE** - CMGC, 2nd Floor, Conference Center
17	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** CMGC, 2nd Floor, Conference Center
18	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270
19	Friday, 7 30 a m	**PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF THE WEEK OF JULY 21 - JULY 27

22	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, 2nd Floor, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber
23	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** CMGC, 8th Floor Conference Room
24	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** CMGC, Rooms 270 271
25	Thursday, 4 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Thursday, 4 30 p m	**CHARLOTTE TRANSIT ADVISORY COMMITTEE** - STS Conference Room, 545 Spratt St
	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** CMGC, 8th Floor Conference Room

JULY 28 - JULY 31

29	Monday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101, S College St , VIP-B Conference Room
30	Tuesday, 1 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 N Tryon St , Building Standards Training Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**STORM WATER TASK FORCE** - CMGC, 2nd Floor, Conference Center
31	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Conference Room

NOTE: These organizations will <u>not</u> meet in July '91:

Advisory Energy Commission
Community Relations Committee
CMUD Advisory Committee (replaces Community Facilities Committee)
Insurance & Risk Mgmt Agency
Youth Involvement Council

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Cyndee Patterson*

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

Council Agenda

Monday, July 15, 1991

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

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

Invocation by the Reverend Brian Taule, Calvary Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (91-33) Hearing on Petition No. 91-33 by Candlewyck Homeowners Association for a change in zoning from R-PUD to R-6 for a 3.5 acre site located on the northwest corner of Lawton Bluff Road and Candlewyck Lane.

   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.

   Attachment No. 1

2. (91-44) Hearing on Petition No. 91-44 by Smith Funeral Homes, Harold Smith, for a text amendment to section No. 3042 of the City of Charlotte Zoning Ordinance, (Permitted Uses in Office Districts) to permit funeral homes, embalming and crematories as a matter of right in all office districts.

   Attachment No. 2

3. (91-45) Hearing on Petition No. 91-45 by Charlotte-Mecklenburg Planning Commission for a text amendment to provide for vested rights in certain circumstances.

   Attachment No. 3

ITEM NO.

4. (91-46) Hearing on Petition No. 91-46 by Eastland Ltd. for a change in zoning from R-9 to O-15(CD) for approximately 7.89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road.

Attachment No. 4

5. (91-47) Hearing on Petition No. 91-47 by Child Acre Day Care Center, Inc. for a change in zoning from R-9 Special Use Permit and R-9 Conditional use to R-9MF(CD) for approximately 7.9 acres located on the west side of Old Pineville Road north of Arrowood Road.

Attachment No. 5

6. (91-48) Hearing on Petition No. 91-48 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for approximately 3,382 acres located between Mallard Creek Road/ Prosperity Church Road, and Cheshire Road/Browne Road.

Attachment No. 6

7. (91-49) Hearing on Petition No. 91-49 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for approximately 4,388 acres located between Old Concord Road and I-85 from Rocky River Road to U. S. 29 and I-85.

Attachment No. 7

8. (91-50) Hearing on Petition No. 91-50 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for 100.3 acres located on Dixie Road, West Boulevard, Paul Brown Boulevard, and Nannie Price Road in the airport area, and 1.3 acres located on Ford Street in the Oakdale Community.

Attachment No. 8

9. (91-51) Hearing on Petition No. 91-51 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for approximately 762 acres located off Plott Road between Plaza Road Extension and Robinson Church Road.

Attachment No. 9

10. (91-52) Hearing on Petition No. 91-52 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for approximately 1,445 acres located south of the Airport between Billy Graham Parkway and Highway 160.

Attachment No. 10

11. (91-53) Hearing on Petition No. 91-53 by City of Charlotte to establish zoning jurisdiction of the City of Charlotte for approximately 1,349 acres located between Independence Boulevard and Margaret Wallace road extending from Sardis Road North of Idlewild Road.

Attachment No. 11

BUSINESS

12. Recommend adoption of a resolution providing for the sale of $40,745,000 in General Obligation Bonds on July 23, 1991.

Bond Sales: Through the City's normal bond sales and capital planning cycle, bond sales are scheduled based on cash flow needs identified by administrating departments. This process has provided the basis for an upcoming General Obligation bond sale.

General Obligation bonds totaling $40,745,000 are planned for sale on July 23, 1991. An attachment details the various authorizations and related projects.

Resolution: Adoption of a resolution will permit proceeding with the bond sale and accomplishing the following:

- City Council authorization for issuance (sale) of bonds; stating amount of, date and purchase of issue.
- Fixing the form and manner of execution of the bonds.
- Ratification of actions taken by the Local Government Commission.
- Ratification of the Official Statement relating to said bonds.

Clearance: Finance and Bond Counsel

Staff Resource: Del Borgsdorf

Attachment No. 12

13. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Arts & Science Council - In accordance with the recently adopted Cultural Action Plan, the Arts and Science Council has restructured its Board. City Council is to appoint one of its members to the Board.

DECISIONS

14. (91-15) Decision on Petition No. 91-15 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and I-1 to R-9, (Northwest District Plan), for approximately 69.5 acres located on the east side of Toddville Road, south of Old Mount Holly Road extending to Melynda 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 March 18, May 20 and June 17 Meetings.

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

Attachment No. 13

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

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

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

Attachment No. 14

16. (91-19) Decision on Petition No. 91-19 by City of Charlotte for a change in zoning from R-9 to R-6MF for a .463 acre site located on the northeast corner of Squirrel Hill Road and Mt. Kisco Drive.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 15

17. (91-24) Decision on Petition No. 91-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF, I-1 and I-2 to R-6 and I-1 (Northwest District Plan) for approximately 93.6 acres located on the south side of Old Mount Holly Road, west of Melynda 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 Councilmembers, not excused from voting, in order to rezone the property.

This petition was deferred at the May 20 and June 17 meetings.

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

Attachment No. 16

18. 91-29) Decision on Petition No. 91-29 by Arthur G. Bartlett for a change in zoning from R-12 to R-12MF(CD) for a 3.45 acre site located on the westerly side of Castleton Road.

This petition was deferred at the May 20 and June 17 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

19. (91-31) Decision on Petition No. 91-31 by Robert Rudolph for a change in zoning from R-12 to R-6 for a 15,000 square foot parcel located on the west side of Plum Street at Peach Street (south of Gibbon 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 for 30 days at the June 17 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

20. (91-34) Decision on Petition No. 91-34 by Crescent Resources, Inc. for a change in zoning from BP to O-15(CD) and B-1(CD) for a 33.57 acre site located on the east side of West Tyvola Road south of Yorkmont Road extending to Big Sugar Creek.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

21. (91-35) Decision on Petition No. 91-35 by Temple Israel, Inc., for a change in zoning from R-15 to R-I for approximately 10.52 acres located on the northeasterly side of Providence Road south of Jefferson Drive.

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

Attachment No. 20

22. (91-36) Decision on Petition No. 91-36 by Temple Beth El, Inc., for a change in zoning from R-15 to R-I for a 9 acre site located on the northeasterly side of Providence Road north of Pine Tree Drive.

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

Attachment No. 21

23. (91-37) Decision on Petition No. 91-37 by Lavern Rabb and George Rabb for a change in zoning from R-9MF to R-6MF(CD) for approximately 58,169 square feet located on the north side of Tom Hunter Road at Log Cabin Road.

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

Attachment No. 22

24. (91-38) Decision on Petition No. 91-38 by John Moore for a change in zoning from O-6, R-6MF and R-6MFH to O-6(CD) for approximately 3.8 acres located on the southwesterly corner of the intersection of Providence Road and Colonial Avenue extending along Colonial Avenue toward Queens 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, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 23

25. (91-39) Decision on Petition No. 91-39 by Dexter and Birdie Yager for a change in zoning from R-15 to R-6MF(CD) for a 5 acre site located on the northwest side of Park South Drive between Woodbine Lane and Fairview 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.

The Zoning Committee recommends that this petition be denied.

Attachment No. 24

26. (91-40) Decision on Petition No. 91-40 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 (Northwest District Plan) for a 3.12 acre site located on the north side of Moores Chapel Road approximately ½ mile west of Freedom Drive.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

27. (91-41) Decision on Petition No. 91-41 by the City of Charlotte to establish City zoning on approximately 15 acres located off the southeast side of Sardis Road northwest of Beards Creek.

The Zoning Committee recommends that this petition be approved.

Attachment No. 26

28. (91-42) Decision on Petition No. 91-42 by the City of Charlotte to establish City zoning on approximately 47.55 acres located on the north side of Westinghouse Boulevard Extension extending from Culp Road to the easterly side of the Outer Belt.

The Zoning Committee recommends that this petition be approved.

Attachment No. 27

29. Recommend adoption of a resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on September 16, 1991, at 6:00 p.m., concerning the designation of the Murkland Presbyterian Church and the land associated therewith, located at 7001 Old Providence Road, as historic landmark.

30. Recommend adoption of a resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission, on September 16, 1991, at 6:00 p.m., concerning the designation of the Sloan-Davidson House and the land associated therewith, located at 314 West Eighth Street, as historic landmark.

SCHEDULE OF MEETINGS
July 11, 1991 - July 19, 1991

Thursday, July 11, 1991	City Council Planning and Public Works Committee - 5:00 p.m., CMGC Rooms 270/271

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-33

Petitioner: Candlewyck Homeowners Association

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

Request: Change from R-PUD to R-6.

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned for a planned unit development with R-15 density standards. The zoning has been in place since the early 1970s. The vast majority of the property in the surrounding area is zoned R-15. To the east of the site is a tract of land which has recently been rezoned to the R-9 Planned Unit Development category and some distance to the south at the intersection of Highway 51 and Highway 16 is a mixture of commercial, office, and multi-family zoning.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties surrounding this site have all been developed as components of the Candlewyck neighborhood including single family detached housing, patio housing, and a church. Most of the property in the area outside of the Candlewyck neighborhood is either developed for single family detached housing or is undeveloped. To the south of the site at the intersection of Highway 51 and Highway 16 is a substantial concentration of retail development which could eventually total 600,000 square feet of floor area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A major mixed use center is indicated at the intersection of Highway 16 and Highway 51 and a district park is also shown nearby. The 2005 strategies include improvements to Highway 51, improvements to Highway 16, and the extension of Rea Road south of Highway 51 to intersect with the outer belt.

   2. Transportation Improvement Program. The Transportation Improvement Program proposes improvements to Highway 51 which have been under construction and are nearly completed. It also calls for the widening of Providence Road to four lanes from Highway 51 north to International Drive.

   3. Small Area Plan. There is no small area plan or district plan which includes this property. Both the Highway 51 Special Project Plan and the South Mecklenburg Interim District Plan

stop short of the Candlewyck community in terms of recommended land uses.

4. Site Plan. This application is not accompanied by a site plan as this is a conventional rezoning request.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	71-7(c)	R-15 to R-PUD	Approved	10/06/72
2.	75-6(c)	R-PUD Site Plan Amendment	Approved	07/07/75
3.	86-95	Establish zoning on annexed property	Approved	08/18/86
4.	90-4(c)	R-15 to R-9 PUD	Approved	11/19/90
5.	90-92R-PUD	Site Plan Amendment	Denied	04/15/91

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a tract of land from R-PUD to R-6, effectively preventing the development of a small retail shopping center and allow development of the property in conformance with the existing surrounding residential neighborhood. The retail site was originally approved as a component of the R-PUD development but was never constructed. The zoning ordinance allows for planned unit developments to contain internal service and convenience facilities for the benefit of the residents of the community. However, it should be pointed out that when the Candlewyck development was originally approved, there were no other commercial developments in the nearby area. Since that time, the large Arboretum complex has been approved which will contain up to 600,000 square feet of retail floor area and the Board of County Commissioners recently approved a small 70,000 square foot neighborhood center as part of a planned unit development on property just to the east of the subject site. If this request were an original proposal to establish a commercial center at this location, then its consistency with public plans would be called into question due to the commercial facilities available nearby. This site is in the interior of a residential area and is no longer viewed as a suitable commercial site. Rezoning of the property to a residential classification would be consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1 Pre-Hearing Staff Input. The staff has met on several occasions with the petitioner prior to the filing of this application to discuss the request. Subsequent to the filing, staff has continued to have conversations with the petitioner and the property owners.

   2. Departmental Comments. Inasmuch as this is a conventional rezoning request with no accompanying site plan, departmental comments were few. Charlotte Department of Transportation stated that this site could generate 4,679 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 280-305 trips per day. This would have a lesser impact on the surrounding thoroughfare system from the present zoning.

ISSUES

1. Land Use. This request raises no land use issues. The request by the Candlewyck Homeowners Association proposes the rezoning of a third party owned tract of land from R-PUD to R-6 to prevent the development of a retail shopping center currently approved for the site and allow for the development of the property in conformance with the existing surrounding residential neighborhood. When the original R-PUD zoning was approved there were no other commercial developments in the area. Conditions in the area have changed and a large amount of retail has already been built or approved nearby. This site is in the interior of a residential area and is no longer a suitable commercial site. Therefore, this request is viewed as appropriate for approval from a land use standpoint.

2. Site Plan. There is no site plan which accompanies this application as it is a conventional rezoning request.

CONCLUSION

This request is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-33

Date Filed April 8, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: John Crosland, Jr.

Owner's Address: P.O. Box 11232 Charlotte, N.C. 28220

Date Property Acquired: Dec. 18, 1985

Tax Parcel Number: 211-313-51

Location of Property (address or description): 2201 Lawton Bluff Road: Being all of Tract B as shown on plat of a portion of Candlewyck subdivision which is recorded in Map Book 17 at page 632 in the Mecklenburg Public Registry.

Description of Property

Size (Sq Ft -Acres): Approx. 3.5 acres Street Frontage (ft): 974.82

Current Land Use: undeveloped

Zoning Request

Existing Zoning: R-PUD Requested Zoning: R-6

Purpose of Zoning Change: To prevent development of a retail shopping center and allow development of the property in a manner which is more conducive to the neighborhood.

Robin Bahakel
Name of Agent

6941 Candlewyck Lane, Charlotte 28226
Agent's Address

365-8018
Telephone Number

Candlewyck Homeowners Assoc.
Name of Petitioner(s)

P.O. Box 13215, Charlotte 28270
Address of Petitioner(s)

Telephone Number

Robin Bahakel
Signature

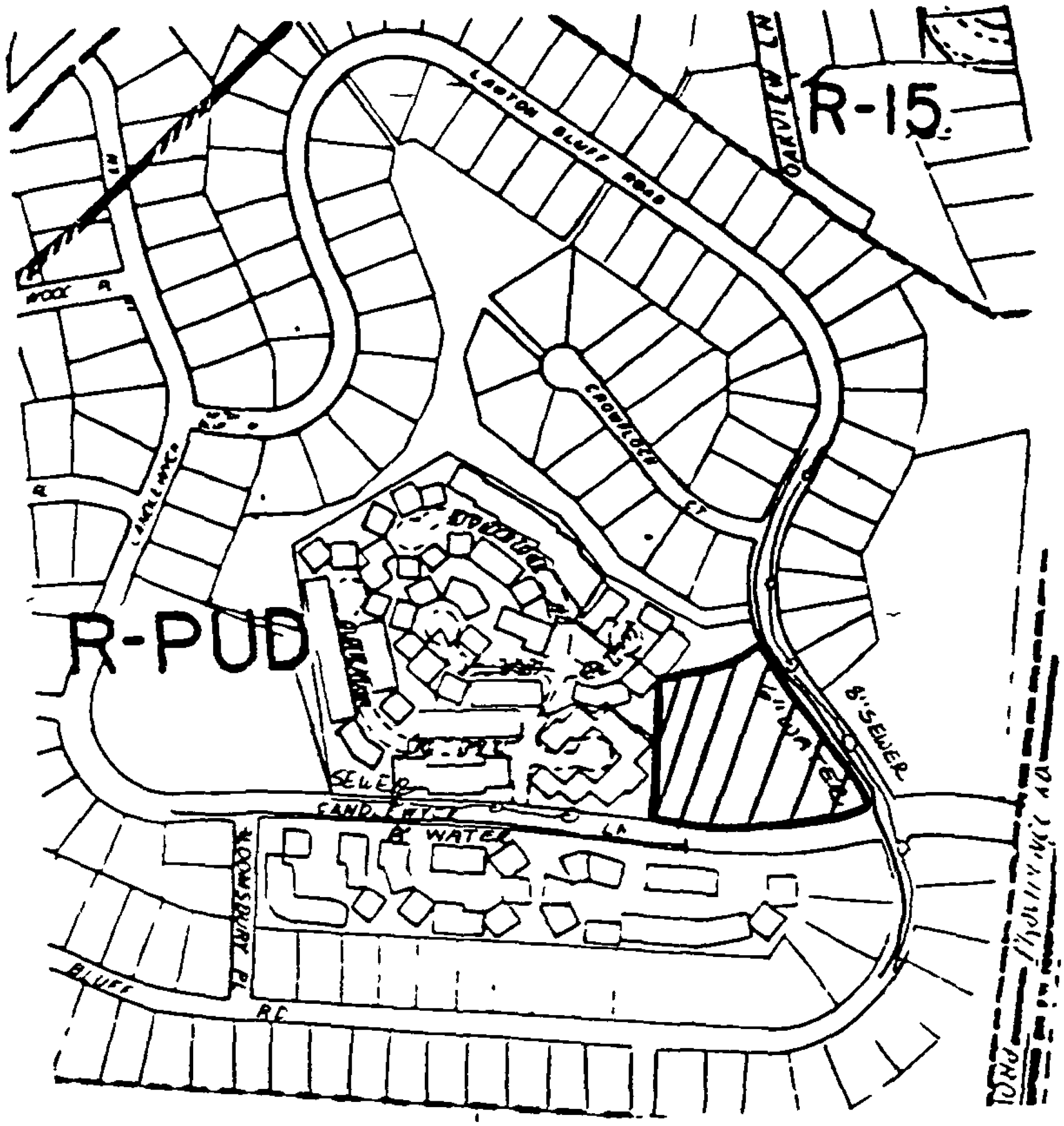
Signature of Property Owner
if Other Than Petitioner

PETITIONER Candlewyck Homeowners Association

PETITION NO. 91-33 HEARING DATE June 17, 1991

ZONING CLASSIFICATION, EXISTING R-9PUD REQUESTED R-6

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



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

PROPERTY PROPOSED FOR CHANGE

SUPPORT OF CANDLEWYCK HOMES ASSOCIATION

FOR

PETITION NUMBER 91-33

TO: Mayor Sue Myrick and Members of the Charlotte City Council

SUBJECT: Rezoning Petition No. 91-33
Candlewyck Homes Association as Petitioner

LOCATION: A 3.5 acre site located on Candlewyck Lane off Providence Road approximately 1/2 mile north of Highway 51

The Candlewyck Homes Association furnishes the following information in support of its request for rezoning of the property located inside the Candlewyck neighborhood at the intersection of Candlewyck Lane and Lawton Bluff Road.

HISTORY OF THE CANDLEWYCK PUD

The Candlewyck Planned Unit Development was originally approved in 1972 (Petition No. 72-71) as a mixed use development containing single family, multi-family and cluster homes as well as open recreation areas, child care center and commercial/office uses. The original plan was amended in 1975 (Petition No. 75-6(c)) at the request of the John Crosland Company. The amended plan eliminated the multi-family and cluster units, substituting a maximum of 174 patio homes and increasing the single family homes from 135 to a maximum of 191 lots. The open recreation area was reduced from 66 acres to 20 acres, and the land use along Providence Road was restricted to open space south of Candlewyck

Lane and church use north of Candlewyck Lane. The land for commercial/office use was reduced from 4.5 acres to 3.5 acres and the petition re-stated the area would be developed as a "Village Convenience Center" with the permitted uses shown in supplemental text to the original petition.

Beginning in November 1977, the process of final approval for the commercial area was begun, and administrative approval was given for the revised site plan in February 1980. This plan included 31,713 sq. ft. of retail and 5,475 sq. ft. of office, which represented an increase of 1,358 sq. ft. in the retail and a reduction of 50 sq. ft. in the office designation. The site plan utilized a cluster of buildings to continue the "Village Center" concept from the original petition and had the support of the neighborhood. No construction was ever begun at this site and ownership of the property changed several times during the 80's. During the same decade, the major commercial development for THE ARBORETUM, located 1/2 mile south of Candlewyck at Providence Road and Highway 51, was approved. As indicated by public records and published reports, the entire process of zoning for the current Arboretum commercial complex was lengthy and involved. The end result was approval for two phases of development, limited by construction of surrounding road systems, and a public policy which would concentrate commercial enterprise to Providence Road and Highway 51 and eliminate "strip centers" or other retail centers in the immediate area of these two major traffic corridors. In 1990 the owner of the property requested a site plan amendment to

the 1980 plan (Petition No. 90-92) which con t uted a 32,500 square foot stand alone grocery store after al e endments made during the process. The neighborhood opposed th t nded plan and tried to work with the owner/developer to seek a use for the property which would be more compatible with the neighborhood and provide for development of this small parcel as a final part of this planned unit development. In a continued effort to establish a reasonable land use, the neighborhood filed this petition to rezone the property to R-6 and make it very compatible with the surrounding homes and become an integral part of this residential neighborhood.

CHANGES IN CIRCUMSTANCES

The Candlewyck neighborhood certainly endorses the purpose of the Planned Unit Development District, which "provides for the development of planned residential communities that may incorporate a full range of residence types as well as <u>permitting certain limited commercial and office uses designed to serve the inhabitants of the district</u>".(Emphasis added) In fact, the Candlewyck Homes Association was actively involved in the process and approval of the amended plans which were given final administrative approval over ten (10) years ago for this neighborhood as a "village center". However, when consideration is given to the major changes in this area during the past ten

years, the residents of Candlewyck feel that retail development is no longer suitable for this site.

The changes brought about by development around Candlewyck since it was first approved eighteen (18) years ago have resulted in different circumstances and community needs which we feel need to be considered. First, the community no longer needs a commercial center. The Arboretum is so close to the neighborhood that an additional retail area is not conducive to the quality of life that the PUD was originally intended to create. Secondly, the grocery store which has been approved is a change from the original concept of some office and retail and it will have to draw from areas outside the neighborhood to sustain its business. According to generally accepted industry guidelines we would estimate that at least 90% of the business necessary to sustain a grocery store of the type approved would have to come from outside the neighborhood. Obviously a confined access neighborhood consisting of less than 325 homes is not capable of providing sufficient business to sustain a grocery store containing approximately 32,500 sq. ft., without drawing into the neighborhood a tremendous amount of additional customers and the ensuing traffic which they will create.

Based on these factors and the fact that in this neighborhood there are single family homes which face the parking area for the center, and others which are located within 75 feet of the rear of the approved building. Also, the development will be inside the neighborhood on what are now collector streets that

were not designed to carry the traffic which will be generated from outside the neighborhood and the grocery store will not have direct access from a major thoroughfare such as Providence Road.

PUBLIC POLICY CONSIDERATIONS

The planning staff in its recommendations regarding the Beverly Crest Development (directly across Providence Road from Candlewyck) set out a good statement of the public policy which has been developed for this area. It states:

> "While acknowledging that the PUD zoning regulations permit commercial development within such a project, the ordinance indicates that one of the matters which should be considered in such an approval is whether the planned unit development district is in conformance with plans for the area. The staff believes that this petition is not in conformance with those plans because the plans call for commercial development to be confined to the intersection of Highway 51 and Providence Road. All of the commercial needs of the surrounding community can be met by the facilities at that location which will eventually total 600,000 square feet of retail space." (Emphasis added)

When The Arboretum was being rezoned the City annexed all of the property which it encompasses so that it could direct development in this area. Ten years ago Candlewyck agreed to the development of a commercial center. Today, based on the development surrounding the neighborhood and the current public policy which has been set out above, the development of an additional retail area would do nothing to benefit the neighborhood. Because of this

development and the fact that the site is in the interior of a residential neighborhood it is no longer a suitable commercial site.

CURRENT ZONING CONSIDERATIONS

The neighborhood feels that the development as approved no longer meets the original concept for the Candlewyck Planned Unit Development, nor the relationship called for in the current zoning ordinances. Also, according to current zoning regulations, the Development Standards for Planned Developments include the following:

1. "Proposed uses should be those needed by, and gauged primarily for, the service and convenience of residents of the planned unit development."

2. "The <u>burden will be on the developer</u> to show that non-residential uses of a commercial nature are <u>intended to serve principally the residents of the proposed development</u>." (emphasis added)

Attachment #1 provides an aerial view of Candlewyck with the common areas, recreational facilities, single family homes, patio homes and proposed retail center highlighted. Attachment #2 shows the proximity relationship between the Arboretum and Candlewyck. We believe a review of these attachments, along with the information outlined previously, will indicate that neither public policy nor compliance with the current zoning regulations

can be achieved by allowing the current zoning with the approved use to stand.

CONCLUSION

Petitions presented from, and on behalf of, the neighborhood indicate that 85% of the residents are opposed to the approved retail development. The neighborhood is sensitive to the property owner's position and desire to create maximum property value through development. In meetings with the owner's agents, attempts have been made to seek other less intensive uses than a grocery store in the development of this remaining 3.5 acres which would be more compatible with the residential neighborhood characteristics desired by the community and still result in a reasonable investment return to the property owner, but the owner and his agents have refused to discuss any other type of development. Therefore, the neighborhood feels that it has no other choice than to file this petition to protect the integrity of the neighborhood.

Therefore, we would respectfully request that you take action to approve the neighborhood's petition to rezone the property in question. Along with other stated reasons, we believe it is noteworthy that the Pre-hearing Staff Analysis says potential neighborhood traffic could be decreased by over 4,370 trips per day if this petition is approved. On behalf of the Board of Directors and members of the Candlewyck Homes Association

we appreciate your consideration, and if you need any further information which would assist in this matter, please contact Frank Bishop at 366-9490 or 365-0064.

[redacted] Candlewyck

Property at issue

The Arboretum

Attachment #2

CANDLEWICK

AERIAL VIEW

AREA AT ISSUE

COMMON AREA

PATIO HOMES

SINGLE FAMILY HOMES

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-44

Petitioner. Smith Funeral Homes, Harold Smith

Request A text amendment to permit funeral homes, embalming and crematories as a matter of right in all office districts.

BACKGROUND

The existing City Zoning Ordinance permits funeral homes, embalming and crematories by right in the office 0-6 district, but not the 0-15 district. The existing County ordinance permits these uses in all office districts. The proposed ordinance under consideration would permit these uses also in all of the office districts.

This text amendment would bring the present City ordinance in conformance with the County and the proposed ordinance by permitting these uses by right also in any office district.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

Staff Review - Tues May 28 @ 10:30

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-44

Date Filed May 6, 1991

Received By [illegible]

OFFICE USE ONLY

tion No [illegible] (Per [illegible] of [illegible] of the City of Charlotte Zoning Ordinance
(Appendix [illegible], Code of the City of Charlotte) (Title)

pose of Change

To amend the City of Charlotte Zoning Ordinance to permit Funeral Homes as a matter of right in any Office District so as to bring the City of Charlotte Zoning Ordinance into conformity with the Mecklenburg County Zoning Ordinance

The City Ordinance presently allows such use in an O-6 district only. The County Zoning Ordinance makes no such distinction

The proposed amendment would delete the limitation "(O-6 only)" from [illegible] of Section [illegible] and permit Funeral Homes as a matter of right in any Office District

Frederick Warren
Name of Agent

1536 Pondella Drive, Charlotte, NC 28210
Agent's Address

(704) 333-7977
Telephone Number

[illegible]
Name of Petitioner(s)

P. O. Box [illegible], Hadesboro, NC 28170
Address of Petitioner(s)

(704) 69[illegible]
Telephone Number

Signature

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1. Amend paragraph 2-9 of Section 9.[illegible] of Appendix A "Zoning" of the Code of the City of Charlotte to delete the limitation "(no on-site sale)" so that paragraph 2-9 will now read as follows:

"2-9. Funeral homes, embalming and crematories."

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

Approved as to form:

_____
City Attorney

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

_____
Pat Shankey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-45

Petitioner. Charlotte-Mecklenburg Planning Commission

Request A text amendment to provide for vested rights in certain circumstances.

BACKGROUND

The N.C. General Assembly ratified the "Vested Right Bill" July 20, 1990. The act becomes effective October 1, 1991. This act requires local government to confer vested rights to property owners to undertake and complete the development and use of property for specific time periods based upon approved plans.

This proposed amendment stipulates provisions for the vesting of rights regardless of any amendments or changes to the zoning regulations or maps, pursuant to the State act under the following circumstances:

1. A building permit that remains valid shall normally expire in 6 months after the date of issuance if the work authorized has not been commenced, except that a permit shall not expire or be revoked because of the remaining time of a vested right established under any of the approvals listed in (2) below.

2. A vested right to undertake and complete the development and use of the property under the terms and conditions as approved shall be established with respect to any property upon the valid establishment on or after October 1, 1991, of any one of the following:

   (a) any parallel conditional use district
   (b) any conditional district
   (c) any special use permit
   (d) any special purpose district
   (e) any Uptown Mixed Use District (Optional) UMUD-O

   A right that has been vested under these approved plans shall remain vested for a period of 3 years.

CONCLUSION

Inasmuch as the subdivision and zoning ordinances already contain certain protection for previously approved plans, this text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-45

Date Filed May 6, 1991

Received By MEM

OFFICE USE ONLY

Section No To add a new section 1800. Vested Rights in Certain Circumstances

(Title)

Purpose of Change

The N.C. General Assembly ratified the "Vested Right Bill" July 20, 1990. The act becomes effective October 1, 1991. This act requires local government to confer vested rights to property owners to undertake and complete the development and use of property for specific time periods based upon approved plans.

This proposed amendment stipulates provisions for the vesting of rights pursuant to the State act

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 East Fourth Street, Charlotte, NC

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

DRAFT 5/1/91

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1 Amend Section 1008 Reserved, to read as follows.

1008 Vested Rights in Certain Circumstances

(1) Any amendments, modifications, supplements, repeal, or other changes to these regulations and restrictions or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which a building permit has been issued prior to the effective date of the ordinance making the change, so long as the permit remains valid and unexpired pursuant to G.S. § 160A-418 and the building permit has not been revoked pursuant to G.S. § 160A-422. A permit issued pursuant to § 160A-417 shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under Section 1008.(2) is outstanding If after commencement the work is discontinued for a period of twelve (12) months the permit therefore shall immediately expire No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(2) Pursuant to G S. Sec. 160A-385.1., Vested Rights, a vested right to undertake and complete the development and use of the property under the terms and conditions as approved shall be established with respect to any property upon the valid establishment on or after October 1, 1991, of any one of the following·

(a) any parallel conditional use district
(b) any conditional district
(c) any special use permit
(d) any special purpose district
(e) any Uptown Mixed Use District (Optional) UMUD-O

The approved plans and conditions for these districts constitute, for purposes of G.S. Section 160A-385.1, site specific development plans.

5/1/91

A right which has been vested as provided for in this section shall remain vested for a period of three years Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property A right which has been vested as provided in this Section 1008.(2, shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed

2. Amend Section 3200 Conditional Districts by adding the following wording to the end of Section 3202 4 Effect of approval

Any conditional district approved on or after October 1, 1991, shall have vested rights pursuant to G.S Sec 160A-385.1 for a period of three years from the date of approval to undertake and complete the development and use of the property as approved, except as such vested rights may be altered as allowed by G S Section 160A-385.1(e).

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

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-46

Petitioner Eastland Ltd

Location Approximately 7 89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road.

Request Change from R-9 to O-15(CD).

BACKGROUND

1. Existing Zoning The subject property is presently zoned R-9 with the property immediately adjacent to it on the north and south also zoned R-9. To the rear is a large B-1SCD tract. To the east of the subject property there is a large R-12MF(CD) tract, an R-15MF(CD) and O-15(CD) tract. To the south there is additional O-15(CD) and O-15 zoning along Albemarle Road.

2. Existing Land Use. The subject property is predominantly undeveloped except for a single family residence. The land immediately adjacent on the west is the Eastland Mall site. To the south of the subject property there are several single family residences fronting on Wilora Lake Road with a large tract of undeveloped land separating them from the commercial uses fronting on Albemarle Road. Across Wilora Lake Road there is a large undeveloped tract with East Pointe Apartments behind it. In addition Wilora Lake Lodge, a retirement community, is directly across Wilora Lake Road from the subject property. Directly to the north of the proposed site is single family residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the Eastland Mall area as a major mixed-use center. The plan also recognizes that development will intensify in this area. Existing employment land uses can be found along Albemarle Road and existing residential land uses in areas off of Albemarle Road. 2005 strategies do not affect the subject property or the areas immediately surrounding it.

   2. East District Plan. The East District Plan recognizes Eastland Mall as a regional shopping center in the area. The subject property is recommended for office uses in addition to all R-9 zoning south of Verndale Road extending to existing O-15 zoning.

4. Site Plan. The site plan which accompanies this request calls for the construction of a parking lot of 700 parking spaces to handle overflow parking for Eastland Mall. One access point to the Eastland Mall site is indicated at the southwest corner of the property. Internal planting is provided per the requirements of

the City of Charlotte Tree Ordinance. On the southern property line a 6'-8" brick wall is indicated with a 10' planting strip which will include a 5' concrete sidewalk and landscaping. Along the subject property frontage to the east on Wilora Lake Road, the site plan specifies an undulating, grass berm 3' to 5' in height with an additional 8' perimeter planting strip. The northern property line will include a 6'8" brick wall with 10' wide planting strip with a planting of Columnar Red Maples and Crepe Myrtles. The proposed site plan is very specific about size and varieties of proposed plant material. Along the western property line adjacent to Eastland Mall a 10' wide planting strip is proposed to run parallel to the existing 10' planting strip on the mall site. In addition to the site plan sections have been provided to illustrate proposed edge relationships between the parking lot, planting strip, and adjacent property.

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

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-33(c)	R-12 to R-9MF	Denied	07/03/72
2. 72-40(c)	B-2, O-9 to B-1, B-9MF, S.C.D.	Approved	07/24/72
3. 49-16	R-12 to R-12MF	Denied	10/17/83
4. 83-2SUP	SUP FOR A REST HOME	Approved	02/19/83
5. 84-19	R-12 to O-15(CD)	Approved	09/17/84
6. 84-20	R-12 to R-15MF(CD)	Approved	09/17/84
7. 85-38	B-15(CD) to B-15(CD) SPA	Approved	09/16/85
8. 89-81	R-12 with SUP for a nursing home to R-12MF(CD)	Approved	11/20/89

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

REVIEWS

1. Plan Consistency. This petition proposes an O-15(CD) zoning category for the purpose of constructing a parking lot for overflow parking for Eastland Mall. Both the 2005 Plan and the East District Plan recognize Eastland Mall as a major retail/employment center in the area of the proposed site as well as project intensification of these uses over the years. In addition the East District Plan proposes office zoning for this particular tract as well as for all the R-9 zoning south of Verndale Road. For these reasons this proposal is consistent with publicly adopted plans and policies for this area.

2. Technical Consistency.

   1 Pre-Hearing Staff Input The agent for the petitioner met with the staff prior to the filing of this petition. Subsequently, the staff presented several minor site plan issues to the petitioner which have been addressed in their revised site plan.

   2. Departmental Comments. This petition raised very few comments from the reviewing departments.

   City Engineering made general comments regarding permits and ordinance compliance with the majority of these comments directed at Tree Ordinance compliance. Charlotte Department of Transportation commented that this request would have no significant impact on the existing thoroughfare system. In addition they requested that an additional access point to the proposed parking lot be added opposite the main circulation aisle along Sears to the north and aligned with a main interior aisle. Also they requested that the parking aisles be revised to an east/west orientation to facilitate pedestrian movement.

   Building Standards comments were that 1) the brick wall along the northerly and southerly project boundary needed to extend to 25' back from Wilora Lake Road right-of-way per Section 3048.3.1; and 2) plantings along Wilora Lake Road needed to comply with Section 1601 of the ordinance. The Fire Department requested that the entrance lanes be a minimum of 30' inside with a turning radius of 42' minimum required. The revised site plan reflects these requirements.

   The Planning staff made general comments regarding lighting specifications to eliminate impact on surrounding residential property and the elimination of the berm in the area of existing trees. The revised site plan addresses these comments.

ISSUES

1. Land Use. This petition does not raise any land use issues. Both the 2005 Plan and the East District Plan call for intensification of this area as a major employment/retail center with projected office development. Therefore, this petition is appropriate for approval from a land use standpoint.

2. Site Plan. The site plan as presented raises no concerns. Substantial measures have been provided to screen the lot from the surrounding residential properties and all departmental comments

have been addressed on the revised site plan. Therefore, the site plan is appropriate for approval.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

REZONING SITE DEVELOPMENT NOTES/EASTLAND LIMITED

DEVELOPMENT NOTES

1. PARKING AREAS SHALL BE BROKEN UP WITH LANDSCAPED ISLANDS AND WILL UTILIZE EXISTING TREES WHERE FEASIBLE PROVISIONS OF THE CHARLOTTE TREE ORDINANCE SHALL BE OBSERVED AS A MINIMUM THE REQUIREMENTS FOR INTERNAL "TREE PLANTING" SHALL BE ADHERED TO, AND ALL REQUIREMENTS OF SECTION 1601 WILL BE MET AS A MINIMUM FOR SCREENING ALONG WILORA LAKE ROAD
2. STORM WATER DETENTION WILL BE PROVIDED AS NEEDED AND WILL UTILIZE A VARIETY OF TECHNIQUES TO MEET THE REQUIREMENTS OF ALL APPLICABLE ORDINANCES AS A MINIMUM. NO DETENTION WILL BE ALLOWED IN BUFFERS ADJACENT TO SINGLE FAMILY RESIDENTIAL LOTS, OR IN SETBACKS ALONG WILORA LAKE ROAD.
3. ALL EXISTING TREES TO BE RETAINED PROVIDED THEY DO NOT INTERFERE WITH THE LAYOUT.
4. LIGHTING PLAN SHALL BE PROVIDED THAT WILL BE SENSITIVE TO DIRECTING LIGHT AND GLARE AWAY FROM ADJACENT RESIDENTIAL PROPERTIES.
5. NO ACCESS WILL BE ALLOWED TO WILORA LAKE ROAD UNLESS ALL IMPROVEMENTS TO HOLLYFIELD DRIVE AND THE JENKINS DRIVE/ALBEMARLE ROAD INTERSECTION AS REQUIRED UNDER THE PREVIOUSLY APPROVED CONDITIONAL REZONING (RP 85-38) ARE COMPLETED.
6. TREES WILL BE REQUIRED IN ACCORDANCE WITH CHAPTER 21 OF THE CITY CODE.
7. THE "UNDULATING GRASS BERM" TO BE ELIMINATED IN AREAS WHERE IT MAY CONFLICT WITH EXISTING TREES.
8. ALL FUTURE UTILITIES TO BE ROUTED AROUND THE TREE PRESERVATION ZONE AND BUFFER ARE

INTERNAL PLANTING REQUIREMENTS (PER CITY OF CHARLOTTE TREE ORDINANCE)

245,000 S.F. OF IMPERVIOUS SURFACE =

24,500 S.F. OF PLANTING AREA REQUIRED
(76,000 S.F. OF PLANTING AREA PROVIDED)

25 INTERNAL TREES REQUIRED
(122 TREES PROVIDED)

1 TREE WITHIN 60' OF EVERY PARKING SPACE

EXISTING ZONING R-9

PROPOSED ZONING O-15CD

PARKING ±700 PARKING SPACES PROVIDED, PARKING SPACE DIMENSIONS. 8½' x 18' (TYP.)

SITE ACREAGE 7.894 ACRES

PURPOSE PROVIDE PARKING IN CONJUNCTION WITH EASTLAND MALL

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review 5/28 @ 10:30

Petition No 91-46
Date Filed May 6, 1991
Received By TMCM
OFFICE USE ONLY

Ownership Information

Property Owner: NW Realty, Inc and WAH, Inc

Owner's Address: 1900 Interstate Tower, 121 West Trade Street
Charlotte, NC 28202-5399

Date Property Acquired: 4-16-81, 2-8-79, 6-7-79

Tax Parcel Number: 103-041-18, 17, 16

Location Of Property (address or description)

West side of Wilora Lake Road, north of Hollyfield Drive

Description Of Property

Size (Sq Ft-Acres): 7.89 acres

Street Frontage (ft): 711.67' - Wilora La

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-6

Requested Zoning: O-15(CD)

Purpose of Zoning Change: To permit the construction of additional parking for Eastland Shopping Center in accordance with a highly landscaped and buffered site plan.

Fred E. Bryant, Planner
Name Of Agent
1850 E. Third Street, Suite 216
Charlotte, NC 28204

Agent's Address

333-1680

Telephone Number

Eastland Ltd
Name of Petitioner(s)
1900 Interstate Tower, 121 W. Trade
Charlotte, NC 28202-5399

Address of Petitioner(s)

331-2500

Telephone Number

V.P., Faison & Associates, Inc.
Agent for Eastland Ltd.

President, NW Realty, Inc. & WAH, Inc.

Signature

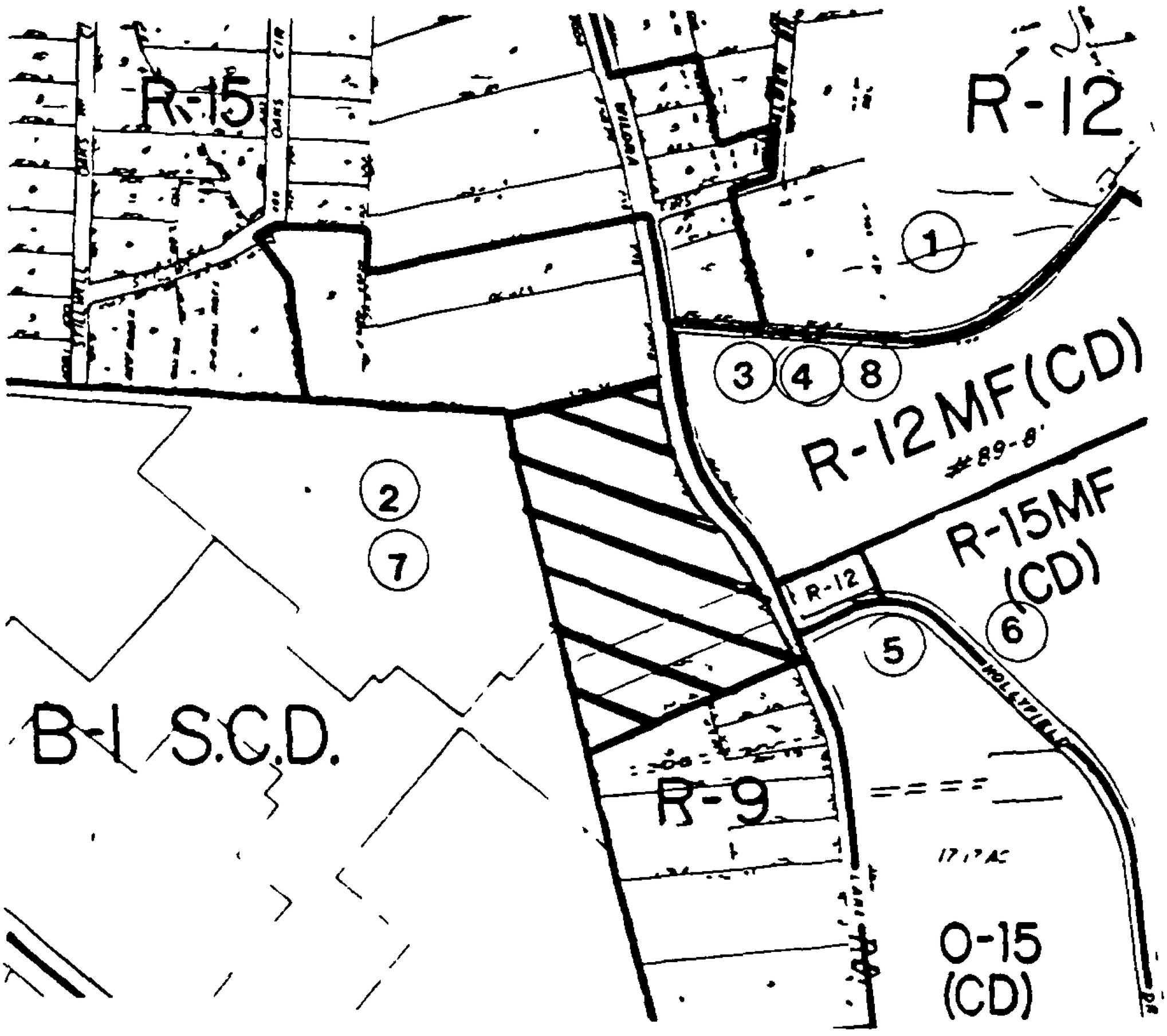
Signature of Property Owner if Other Than Petitioner

PETITIONER Eastland Ltd

PETITION NO 91-46 HEARING DATE July 15 1991

ZONING CLASSIFICATION EXISTING R-9 REQUESTED O-15(CD)

LOCATION Approximately 7 89 acres located on the west side of W.lora Lake Road north of Hollyfield Road



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

PROPERTY PROPOSED FOR CHANGE

FRED E. BRYANT, PLANNER

Suite 216, Providence Center
1858 East Third Street
Charlotte, North Carolina 28204
(704) 333-1680 • FAX (704) 376-5715

STATEMENT OF SUPPORT FOR REZONING PETITION 91-46

PETITIONER: EASTLAND LTD.

LOCATION: WEST SIDE OF WILORA LAKE ROAD, NORTH OF HOLLIFIELD ROAD AND ADJACENT TO THE EXISTING EASTLAND SHOPPING CENTER

REQUEST: CHANGE FROM R-9 TO O-15(CD)

The subject property consists of almost eight acres of land which was acquired by the Eastland Shopping Center interest for the purpose of eventually providing additional parking for the Center. This acquisition occurred over ten years ago, and the land held until such expansion of parking was needed. That need now exists due to the pressure to create additional parking in closer proximity to the mall buildings.

The request as submitted is for the rezoning of this property to an O-15(CD) classification only for the purpose of allowing it to be used for off-street parking and in conformance with the details of the plan submittal. A careful analysis of the plan will indicate that the only access to the property is from the shopping center ring road and will not open up any additional accesses to Wilora Lake Road, thereby negating any problems of traffic filtering into the adjoining area to the east and to Albemarle Road. While such access may eventually be proposed, it must await further improvements to the Jenkins Drive/Albemarle Road Intersection as described in a previous rezoning petition. In any event, that is not proposed as part of this plan and request for rezoning.

The plan has been prepared with a great deal of concern for the adjoining land areas with a substantial green space, including berms and plantings and will separate the parking from the retirement center which is located on the easterly side of Wilora Lake Road. Similarly, brick walls will be installed at both the north and south sides of the property to relate to adjoining ownership there. Considerable care has been taken to landscape the parking areas sufficiently so that it will be an asset to the mall and the surrounding area. A sidewalk connection has been maintained in order to assist the retirement center residents in walking to and from the mall as they currently do.

All departmental comments have been addressed including a request from CDOT that a second driveway be indicated to connect with existing shopping center parking and that the orientation of the parking be shifted for safety reasons to prevent pedestrians from crossing several lanes of automobiles. The Planning Staff is indicating that all requests for amendments have been addressed.

As is indicated in the Prehearing Analysis, the use of this property for this purpose and the requested zoning is in accordance with the land use pattern

indicated in the East Mecklenburg District Plan adopted on February 13, 1990. That plan indicates that not only the subject property, but adjoining property to the south to Albemarle would be appropriate for the type of zoning requested by this Petition.

Finally, we have either met with or discussed by telephone this proposal with the adjacent property owners and received their indication of support and concurrence with this request.

Based on all of the above factors, we request your favorable consideration of this Petition.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-47

Petitioner	Child Acre Day Care Center, Inc.
Location	Approximately 7.9 acres located on the west side of Old Pineville Road north of Arrowood Road.
Request:	Change from R-9 special use permit and R-9 conditional use to R-9MF(CD).

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-9 with a special use permit and R-9 conditional use. The properties to the north, south, and west are all zoned R-9. The property directly across Old Pineville Road and adjacent to the railroad is zoned I-2. In general, the surrounding properties are zoned residential except to the east toward South Boulevard where the zoning changes to industrial and business classifications.

2. Existing Land Use. The property involved in this petition is currently used as a day care facility. To the north, the property is developed with a church along Old Pineville Road and vacant as you go further to the west. To the south the adjoining property is developed with a single family home. Further to the south along Old Pineville Road, the property is developed with the Victory Christian Center. Across Old Pineville Road and the railroad tracks the property is developed with commercial uses. Finally, to the west across Greenhall Drive the properties are either vacant or developed with single family homes. In general, the area surrounding this petition is developed with a mixture of residential and institutional uses and then business uses further from the site toward South Boulevard and Arrowood Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The plan also indicates a community commercial center at the intersection of Archdale Road and South Boulevard. The 2005 Plan strategies include a potential light rail corridor and extending the greenway system along Kings Branch.

   2. Transportation Improvement Program. All of the Transportation Improvement Program projects for this area have been completed.

   3. Southwest District Plan (draft). The draft Southwest District Plan calls for residential land uses up to four dwelling units per acre in the area surrounding the property.

4. Site Plan. The site plan which accompanies this petition proposes to consolidate an existing day care center and an after school center These facilities are currently allowed to have up to 200 children in the day care facility and up to 80 children in the after school facility. This new site plan would allow the center to have up to 400 children and an adult care facility in the building previously used for after school care facility. The site will be accessed via two driveways from Old Pineville Road and an access for fire department personnel only from Greenhill Drive. The master plan proposes a series of buildings arranged in a "U" shape and oriented toward Old Pineville Road. The play area is located on the back half of the site and will be enclosed by a four foot fence.

5. School Information. This petition will not have any direct impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-29(c)	R-9 to R-9MF	Approved	11/20/72
2. 72-52(c)	R-9 to R-12MF	Approved	11/28/72
3. 76-55	R-9 to COND. CHILD CARE	Approved	07/26/76
4. 80-55	R-20MF to R-15MF(CD)	Approved	01/12/81
5. 83-44	R-10MF to R-9	Approved	09/19/83
6. 85-7MSUP	MSUP FOR DAY CARE	Approved	09/03/85
7. 89-24	R-15MF(CD), O-15(CD), B-1SCD, R-9 to R-15MF(CD) SPA, O-15(CD) SPA, B-1SCD SPA, B-1SCD	Approved	04/17/89

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

REVIEWS

1. Plan Consistency. This petition proposes to rezone from R-9 special use permit and R-9 conditional use permit to R-9MF(CD) to allow an existing day care facility to expand. The 2005 Plan calls for employment type land uses in the area of the subject property. The draft Southwest District Plan calls for residential land uses up to four dwelling units to the acre for this area. This use though not residential in nature is a use that provides a needed service to the surrounding single family neighborhood. Therefore, this petition is considered consistent with publicly adopted plan and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input This proposal has been discussed with the petitioner prior to its filing. Staff recommended the consolidation of the two previous approvals under a comprehensive master plan.

   2. Departmental Comments. Fire Department asked that a personnel gate be added to the fencing along Greenhill Drive for emergency access. They also alerted the petitioner to the requirement that fire hydrant would have to be within 500' feet of all new buildings. The Engineering Department noted that stormwater detention would be required as well as curb, gutter, sidewalk, and a grading permit. The Urban Forestry staff requested that several notes be added to the plan regarding tree preservation and tree planting requirements. They also asked that the tree symbols used on the plan be clarified so that existing and proposed vegetation be identifiable The Building Standards Department noted that all parking must be screened. The planning staff requested that a group of trees along Pineville Road be preserved and shown on the plan. Also mentioned to the petitioner was that all screening would have to occur as center was expanded. The Transportation Department asked that a "make-shift" drive along Old Pineville Road be removed (no driveway permit was issued and originally approved plans did not show this driveway). Transportation also required that a left turn lane be installed along Old Pineville Road. The petitioner has addressed some of these comments but requests for a left turn lane and additional tree preservation along Old Pineville Road were not adequately addressed.

ISSUES

1. Land Use. This petition raises no significant land use issues. The adopted plans and policies for the area recognize both employment and residential land uses for the subject area. This petition which proposes to expand an existing day care center that serves the adjoining single family residents will create a good transition between the residential and commercial uses in the area. In addition, the surrounding land uses include one church directly to the north and one further to the south and the existence of a railroad right-of-way directly across Old Pineville Road make this use compatible with the adjoining land uses. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan which accompanies this petition raises no significant site plan issues. It proposes to expand an existing day care center and an after school center from 280

children to 400 children. The site plan also calls for the addition of a number of buildings to the site all which would be associated with the day care center. However, several site plan issues have not been adequately addressed by the petitioner. The Transportation Department had requested that a left turn lane be installed along Old Pineville Road The petitioner simply added a note that a left turn lane would be installed "when development warrants". This note is much to vague. The left turn lane must be installed as part of any building permit or driveway permit and a note stating this should be added to the plan. The petitioner also failed to acknowledge the illegal driveway on Old Pineville Road and commit to remove it. In addition, the petitioner also failed to commit to preserve a stand of trees along Old Pineville Road. Once these issues have been addressed by the petitioner the plan can be considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval once the site plan issues have been adequately addressed.

*Subject to further refinement following public hearing.

91-47

EXISTING-DEVELOPMENT

DAYCARE-EXISTING DAYCARE FACILITIES INCLUDE (3) STRUCTURES WITH APPROXIMATELY 200 CHILDREN ATTENDING DAILY.
EXISTING PLAYGROUND EQUIPMENT AND OPEN SPACE ARE PROVIDED.
EXISTING PARKING IS PROVIDED WITH 37 SPACES

AFTER SCHOOL CARE-EXISTING STRUCTURE HOUSES THIS PROGRAM.
SEPARATE PARKING IS PROVIDED.
APPROXIMATELY 90 CHILDREN ATTEND PRESENTLY.

SITE DATA

PROPERTY SIZE: 7.9 ACRES (344,330 SF)
EXISTING ZONING. R-9 (WITH SPECIAL USE PERMIT & CONDITIONAL APPROVAL FOR CHILD CARE)

PROPOSED ZONING. R-9MF (CD)
PROPOSED USE: CHILD CARE CENTER (DAY CARE,AFTER SCHOOL CARE)
ADULT CARE FACILITY
MAXIMUM NUMBER OF CHILDREN PERMITTED: 1080
MAXIMUM NUMBER OF CHILDREN REQUESTED: 400

GENERAL NOTES

1. FENCING TO COMPLY WITH ORD. 1624
2. BOUNDARY AS INDICATED TAKEN FROM DEED REFERENCES 2504-415,2937-298.
3. STORM WATER DETENTION WILL BE PROVIDED PER CODE.
4. SIGNAGE WILL BE PROVIDED PER CODE.
4 WHEN DEVELOPMENT WARRANTS A LEFT TURN LANE TO BE INSTALLED ALONG OLD PINEVILLE RD.IT SHALL BE IN ACCORDANCE WITH CDOT STANDARDS.

ZONING ORDINANCES REFERRED TO:

1601,3015.1,3119,2002.33,3013,

GENERAL NOTES

1 EXACT CONFIGURATION OF BUILDING ELEMENTS ARE SUBJECT TO CHANGE DUE TO DESIGN CRITERIA

2 NO OTHER ACCESS BESIDES FIRE DEPT GATE WILL BE ALLOWED FROM GREENHILL DRIVE

3 FIRE HYDRANTS SHALL BE INSTALLED SO THAT THE FIRE TRUCK DOES NOT HAVE TO TRAVEL MORE THAN 500' TO THE MOST REMOTE AND ACCESSIBLE POINT OF ALL BUILDINGS

4 EXISTING TREES ALONG OLD PINEVILLE RD WILL BE SAVED IN ACCORDANCE WITH THE TREE ORDINANCE

FUTURE–DEVELOPMENT

CHILD ACRE PLANS TO CONTINUE THEIR UNIQUE CONCEPT IN CHILD DEVELOPMENT BY PROVIDING A TOTAL PROGRAM FOR CHILDREN (INFANTS TO PRESCHOOL) IN EDUCATION AND RECREATION.

FUTURE–PHASING

EXISTING HOUSE USED FOR AFTER SCHOOL CARE MAY REMAIN FOR ADULT CARE CENTER
EXISTING DAYCARE HOUSES WILL BE REMOVED IN PHASES

PHASE I

CONSTRUCT AFTER SCHOOL CENTER (AND RELATED PARKING)
11650 SF

PHASE II

DAY CARE CENTER	11650 SF
ADMINISTRATION	8738 SF
NATATORIUM	5825 SF
(RELATED PARKING)	

FUTURE–SITE DATA

(FROM TABLE 3015.1)

ZONE R-9MF(CD)	
MIN LOT AREA	9000 SF(FIRST 8 CHILDREN)
AREA REQ'D FOR EA. ADDITIONAL UNIT	2500 SF–ADDITIONAL LOT AREA PER 8 CHILDREN INCREMENTS
MIN LOT WIDTH	60 FEET
MIN SIDE YARD	8.6 FEET
MIN SETBACK	25 FEET(ALONG OLD PINEVILLE AND GRENHILL DR.)
NO REAR YARD REQUIREMENT SINCE THIS IS A THROUGH LOT	
MIN UNOBSTRUCTED OPEN SPACE	55%
MAX HEIGHT	40 FEET
LOT ACRAGE	344330 SF (7.9 ACRES)

100 SF OF OUTDOOR PLAY AREA RESERVED PER CHILD(TO BE FENCED NOT APART OF REQUIRED SETBACKS)

FUTURE-OCCUPANCY

DAYCARE-600 CHILDREN ANTICIPATED TO ATTEND IN 20 YEARS
AFTER SCHOOL CARE-300 CHILDREN ANTICIPATED TO ATTEND IN 20 YEARS

400 TOTAL CHILDREN
40 TOTAL ATTENDANTS

FUTURE-SCREENING REQUIREMENTS

ALL TREE REQUIREMENTS WILL BE PER THE TREE ORDINANCE CHAPTER 21.
ALL SCREENING REQUIREMENTS WILL BE PER ORDINANCE 1601.
BETWEEN PARKING AND RESIDENTIAL-5 TO 6 FOOT SHRUBS (NO FURTHER THAN 5 FEET AP
(1) TREE EVERY 25 FEET WITH IN SHRUB SCREENING
A TREE SURVEY AND PRESERVATION PLAN WILL BE PROVIDED BEFORE CONTRUCTION
PERMITS FOR TREE REMOVALS AND PRUNING IN TREE PROTECTION ZONE AND
RIGHT-OF-WAY WILL BE OBTAINED FROM THE URBAN FORESTRY STAFF.
PROPOSED PLANTING IS A CONCEPT ONLY AND WILL BE SUBJECT TO CHANGE ON ACTUAL
SITE CONDITIONS AND TREE ORDINANCE STAFF APPROVAL LANDSCAPE PLAN WILL
INCORPORATE EXISTING TREES.

FUTURE-PARKING

1 SPACE PER EACH 2 ADULT ATTENDANTS
1 SPACE PER EACH 10 CHILDREN(OR REMAINDER OVER IN MULTIPLES OF 10)

400 CHILDREN TOTAL = 40 SPACES
40 ATTENDANTS TOTAL= 20 SPACES

TOTAL PARKING PROVIDED 90 SPACES
TOTAL PARKING REQUIRED 60 SPACES

10% OF PARKING MUST BE LANDSCAPED
(1) TREE PER 10,000 SF OF PARKING AREA
60' SPACING OF TREES FROM CARS
200SF LANDSCAPE AROUND TREE
8' MIN DIST. FORM TREE TO PAVING

PARKING IS PROHIBITED IN SET BACKS

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-47
Date Filed May 6, 1991
Received By
OFFICE USE ONLY

Ownership Information

Property Owner: Child Acre Day Care Center, Inc — Albert S & Mary T. Roach

Owner's Address: 7000 Old Pineville Road — 8422 Prince Valiant Drive

Charlotte, NC 28210 — Waxhaw, NC 28173

Date Property Acquired: January 8, 1976, May 16, 1985, January 1, 1975

Tax Parcel Number: 169-231-11 169-231-02 169-231-03, 04

Location Of Property (address or description) 7000 & 7130 Old Pineville Road (West side of Old Pineville Road, North of Arrowood Road)

Description Of Property

Size (Sq Ft Acres): 7.9 acres — Street Frontage (ft.): 621.12' - Old Pinev.

Current Land Use: Child Development Center

Zoning Request

Existing Zoning: R-9 SCD & Conditional Use — Requested Zoning: R-9MF(CD)

Purpose of Zoning Change: To allow reconstruction and enlargement of an existing child development center providing both day care and after school care

Fred E. Bryant Planner
Name Of Agent
1820 E. Third Street, Suite 216

Agent's Address
Charlotte, NC 28204

Telephone Number
333-1680

Child Acre Day Care Center, In
Name of Petitioner(s)
7000 Old Pineville Road

Address of Petitioner(s)
Charlotte, NC 28210

Telephone Number
525-0695 Albert S Roach - Pre
- sec treas
Signature

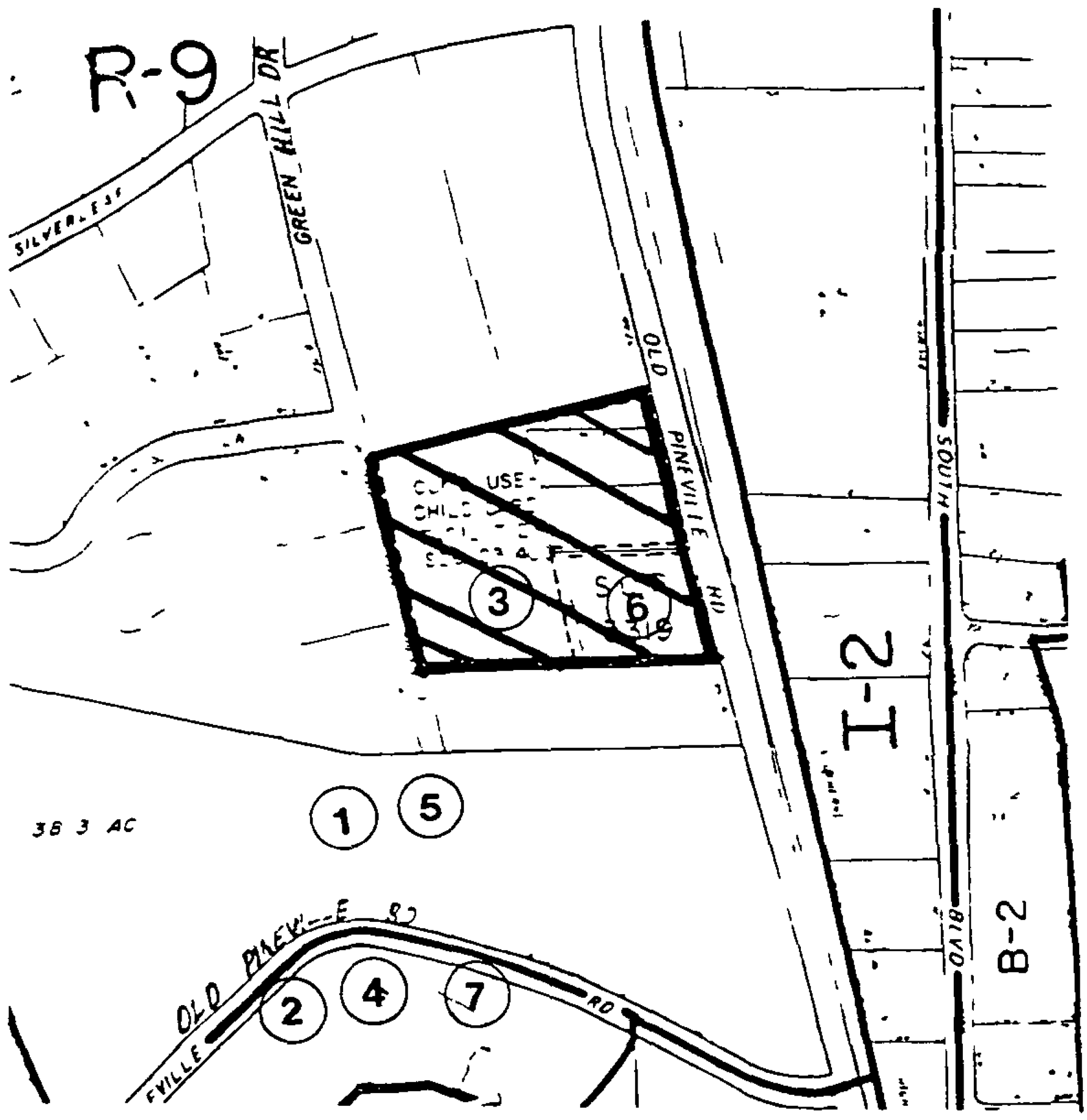
Signature of Property Owner if Other Than Petitioner

PETITIONER Child Acres Day Care Center Inc

PETITION NO 91-47 HEARING DATE July 15 1991

ZONING CLASSIFICATION EXISTING R-9 Special Use Permit & Conditional Use REQUESTED R-9MP(CD)

LOCATION Approximately 7 9 acres located on the west side of Old Pineville Road north of Old Pineville Road



ZONING MAP NO(s).: 134 & 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

FRED E. BRYANT, PLANNER

Suite 216, Providence Center
1858 East Third Street
Charlotte, North Carolina 28204
(704) 333-1680 • FAX (704) 376-5715

STATEMENT OF SUPPORT FOR REZONING PETITION 91-47

PETITIONER: CHILD ACRE DAY CARE CENTER, INC.

LOCATION: WEST SIDE OF OLD PINEVILLE ROAD, NORTH OF ARROWOOD ROAD

REQUEST: CHANGE FROM R-9 SPECIAL USE PERMIT AND R-9 CONDITIONAL USE TO R-9MF(CD)

For almost 20 years the Petitioner has been operating a very successful and unique child development center at this location. It is unique, first of all, because it is a very large and spacious site since most day care centers operate on sites of 1 or 2 acres. As you will note, this site is almost 8 acres in size and offers the opportunity for an unusual array of activities for the betterment of the attending children. Secondly, it is unique because it does offer a variety of activities designed to develop the childrens' values in education while creating a stimulating surrounding. Not only are the normal day care activities provided for, but, in addition, such areas as dance instruction, tumbling and gymnastics and putt putt golf are provided at this location.

The property, at the present time, is zoned for day care activities under now non-existent sections of the zoning regulations. Both a day care special use permit and a day care conditional use were previously authorized for this site. Current zoning requires that such activities be recognized under a multi-family classification. The plan has been prepared to allow a minimal expansion of the enrollment over the next numbers of years in order to allow the operators to carry out a building program which will add to the ability to serve children in this part of the city.

The property is located on Old Pineville Road with a church on one side and the rear of the industrial development along South Boulevard in front of it. With single-family uses to the rear, this activity offers an opportunity for a transitional use which is appropriate for its location and, not only will provide a needed service for the surrounding area, but does and will create a buffer to separate that single-family development from the intensified development located between Old Pineville Road and South Boulevard.

As has been pointed out in the Prehearing Staff Analysis, this use is considered to be in conformance with the proposed Southwest District Plan for this area, and the change will only allow the existing use to better utilize the location and provide an even expanded service to its clients. The Planning Staff has pointed out a few areas where the site plan needs further clarification, and we fully expect this to occur prior to the date of the public hearing. In reading those comments, it appears that primarily they are the result of a misunderstanding of what notes on the conditional plan were intended to mean, and there should be no difficulty in complying with the Staff Comments.

As a long time provider of child care facilities, the Petitioner earnestly seeks your approval.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-48

Petitioner	City of Charlotte
Location	Approximately 3,382 acres located between Mallard Creek Road/Prosperity Church Road, and Cheshire Road/Browne Road.
Request	Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject property is scheduled for annexation by the City of Charlotte on June 30. The City has 90 days to establish its zoning jurisdiction and this petition has been filed to establish City Zoning in the area The zoning categories which presently exist in the area under the County's jurisdiction include single family, multi-family, office, business, and industrial classifications including many conditional districts. The City's previous policy in these matters has been to establish its zoning jurisdiction utilizing the same zoning classifications which presently exist under the County's zoning jurisdiction for the areas annexed. It has also been the City's policy in instances in which City zoning districts do not include the same categories as the current County zoning to establish City zoning utilizing the closest category available under the City's zoning ordinance The vast majority of the property included in this petition is presently zoned in a manner in which the City can establish the same district as currently exists under the County's jurisdiction. However, one tract located on Mallard Creek Road is presently zoned O-9 and the City zoning ordinance has no such category. It has been the City's practice in the past to establish an O-6 district in this instance. This will insure that the property can still be developed for office purposes and will not result in the creation of any nonconforming uses.

CONCLUSION

Properties within this annexation area should have City zoning established using the same categories present under Mecklenburg County's zoning jurisdiction with the exception of the O-9 zoned site located on Mallard Creek Road. This tract should be rezoned to O-6 inasmuch as the City ordinance has no O-9 district.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-48
Date Filed May 6, 1991
Received By JMCM

OFFICE USE ONLY

Ownership Information

Property Owner Prosperity Church / Beatty Road Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective June 30, 1991

Tax Parcel Number 2,148 parcels

Location of Property (address or description) Northeast of present City Limits between ~~[illegible]~~ Mallard Creek Rd/Prosperity Church Rds and Cabarrus/Beatty Roads.

Description of Property

Size (Sq Ft Acres) 3,382 acres + 2,148 parcels and 5,595 persons Street Frontage (ft.)

Current Land Use Mostly Residential, some Commercial - Mallard Creek Business Park

Zoning Request

Existing Zoning All existing zoning districts transfer to City authority, except O-9 on 11 Mile Creek Rd, M.P. #59 Requested Zoning O-6 or O-15? Staff interpretation needed

Purpose of Zoning Change To establish City zoning authority on annexed property

Name of Agent

Agent's Address

Telephone Number

City of Charlotte
Name of Petitioner(s)

600 E. 4th Street
Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

PETITIONER City of Charlotte

PETITION NO 91-48 HEARING DATE July 15, 1991

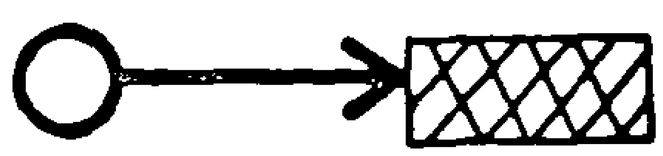
REQUEST Establish zoning on property recently annexed by the City

LOCATION Approximately 3 382 acres located between Mallard Creek Road/Prosperity Church Road, and Cheshire Road/Browne Road

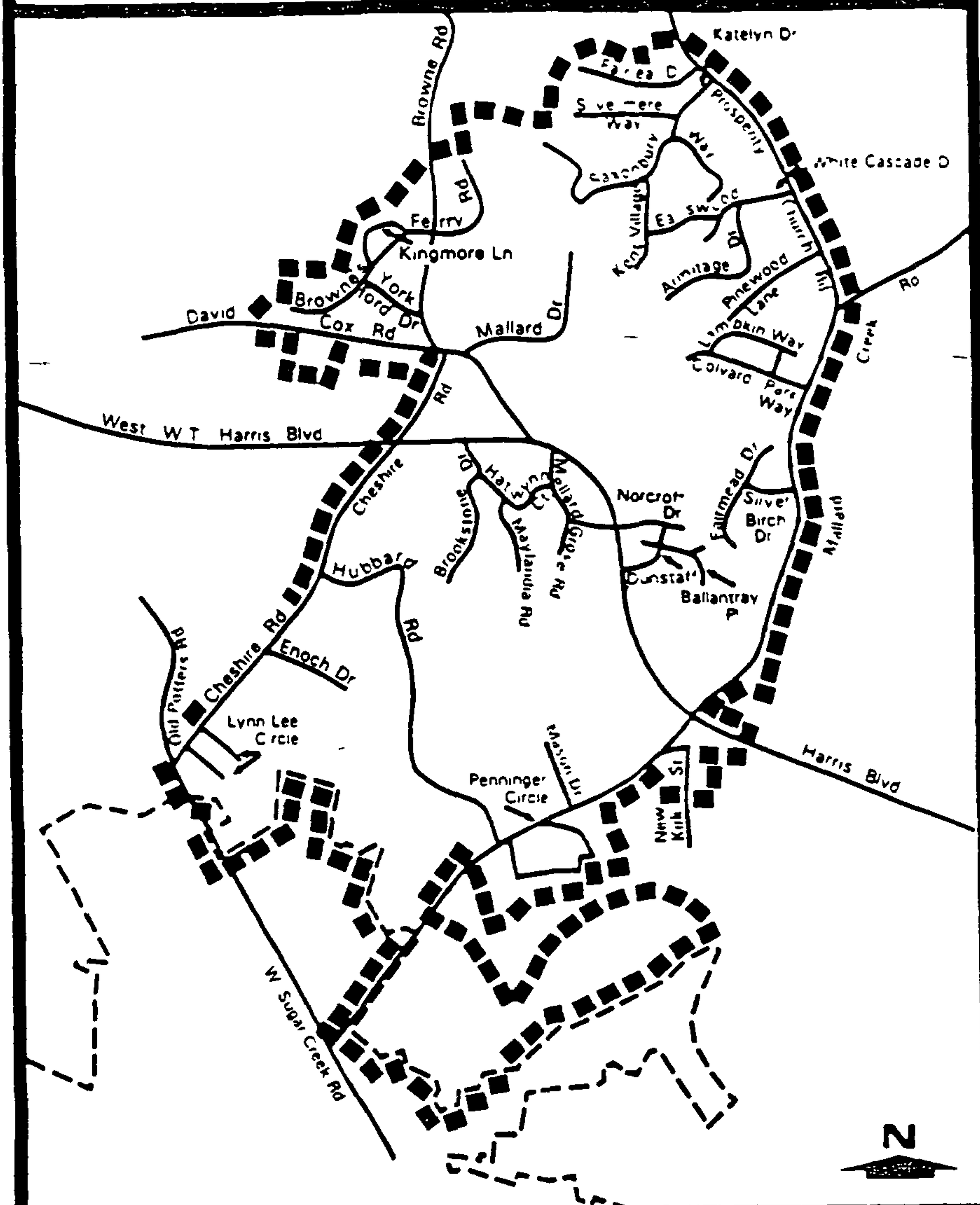
All existing zoning will remain the same, except for the O-9 zoning on the southeasterly side of Mallard Creek Road east of Derita Road The City does not have an O-9 zoning district, therefore, the property is recommended for O-6.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 

PROSPERITY CHURCH RD/BROWNE RD

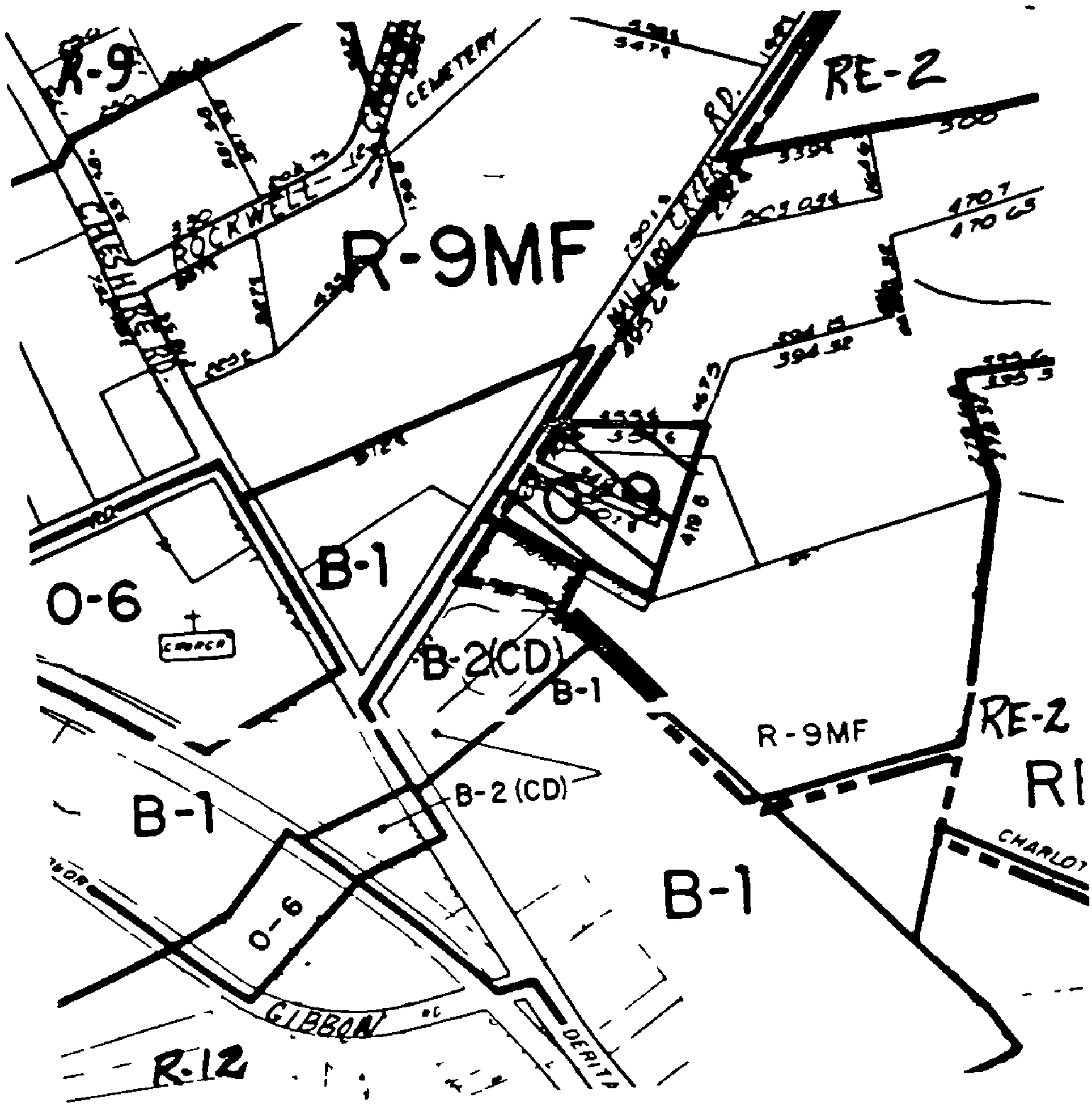


Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

91-48

Petition No. 91-48
Request 0-9 to 0-6
Map: 59 and 70



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-49

Petitioner: City of Charlotte

Location: Approximately 4,388 acres located between Old Concord Road and I-85 extending from Rocky River Road to U.S. 29 and I-85.

Request: Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject property is scheduled for annexation by the City of Charlotte on June 30. The City has 90 days to establish its zoning jurisdiction and this petition has been filed to establish City zoning in the area. The zoning categories which presently exist in the area under the County's jurisdiction include single family, multi-family, office, business, and industrial classifications including many conditional districts. The City's policy in these matters has historically been to establish its zoning jurisdiction using the same zoning districts which presently exist under the County's jurisdiction for the areas annexed. It has also been the City's policy in cases in which City zoning districts do not include the same categories as the current County zoning to establish City zoning utilizing the closest category available under the City's zoning ordinance. The vast majority of the subject property is presently zoned in a manner in which the City can establish the same district as currently exists under the County's jurisdiction. However, one site located on U.S. 29 is presently zoned O-9(CD) and two parcels on U.S. 29 are zoned O-9. The City has no O-9 category and, therefore, these parcels should be zoned O-6(CD) retaining the same site plan and O-6 respectively. This will insure that the property will not become nonconforming as a result of the establishment of City zoning. The property owner associated with the O-9(CD) site is in agreement with an O-6(CD) classification.

CONCLUSION

Properties within this annexation area should have City zoning established using the same categories present under Mecklenburg County's jurisdiction with the exception of the O-9 and O-9(CD) zoned properties located on U.S. 29. These parcels should be rezoned to O-6 and O-6(CD) inasmuch as the City ordinance has no O-9 district.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-49

Date Filed May 6, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Old Concord Rd / I-85 Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective June 30, 1991

Tax Parcel Number 2,227 parcels

Location of Property (address or description) Northeast of present City Limits Between Old Concord Road and I-85 up to US 29 to I-85 Connector

Description of Property

Size (Sq. Ft.-Acres) 4,388 AC., 2,227 parcels and 9,410 persons Street Frontage (ft.)

Current Land Use Red Residential, Institutional (UNCC, Hospital, etc), Industrial, Research, Retail and Office

Zoning Request

Existing Zoning All Outside Territory, Except (2) O-9 sites and one O-9(CD) site on U.S. 29 map # 58 Requested Zoning Staff determination needed

Purpose of Zoning Change To establish City zoning Authority on Annexed property.

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

600 E. 4th Street

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER City of Charlotte

PETITION NO 91-49 HEARING DATE July 15, 1991

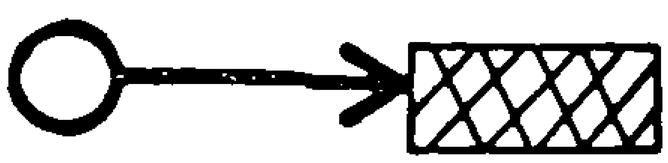
REQUEST Establish zoning on property recently annexed by the City

LOCATION Approximately 4,388 acres located between Old Concord Road and I-85 extending from Rocky River Road to U.S 29/I-85.

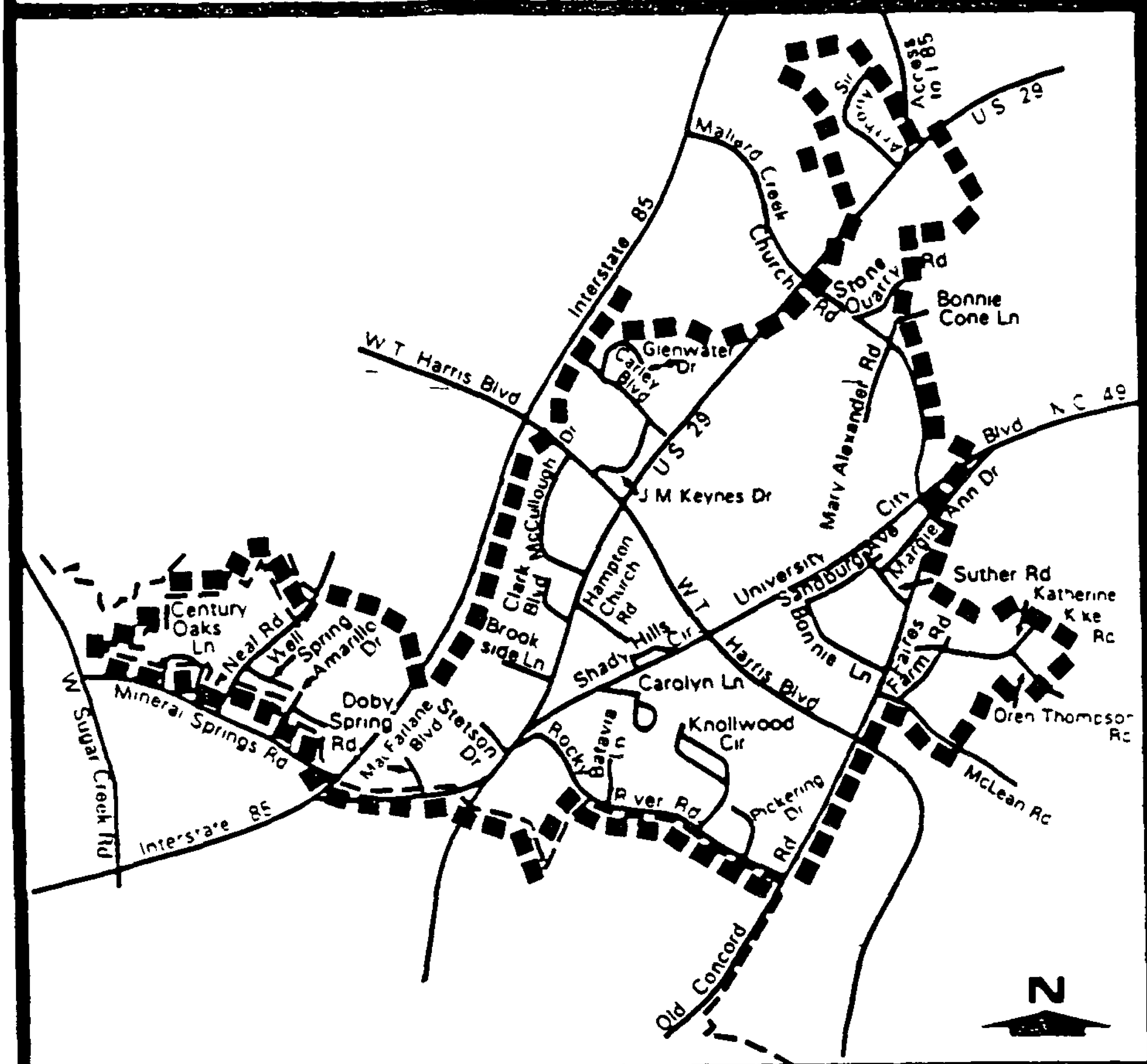
All existing zoning will remain the same, except for the O-9 and O-9(CD) zoning located on the westerly side of U.S. 29, south of W. T. Harris Boulevard The City does not have an O-9 district; therefore, the property is recommended for O-6 and O-6(CD).

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 

OLD CONCORD ROAD/I-85

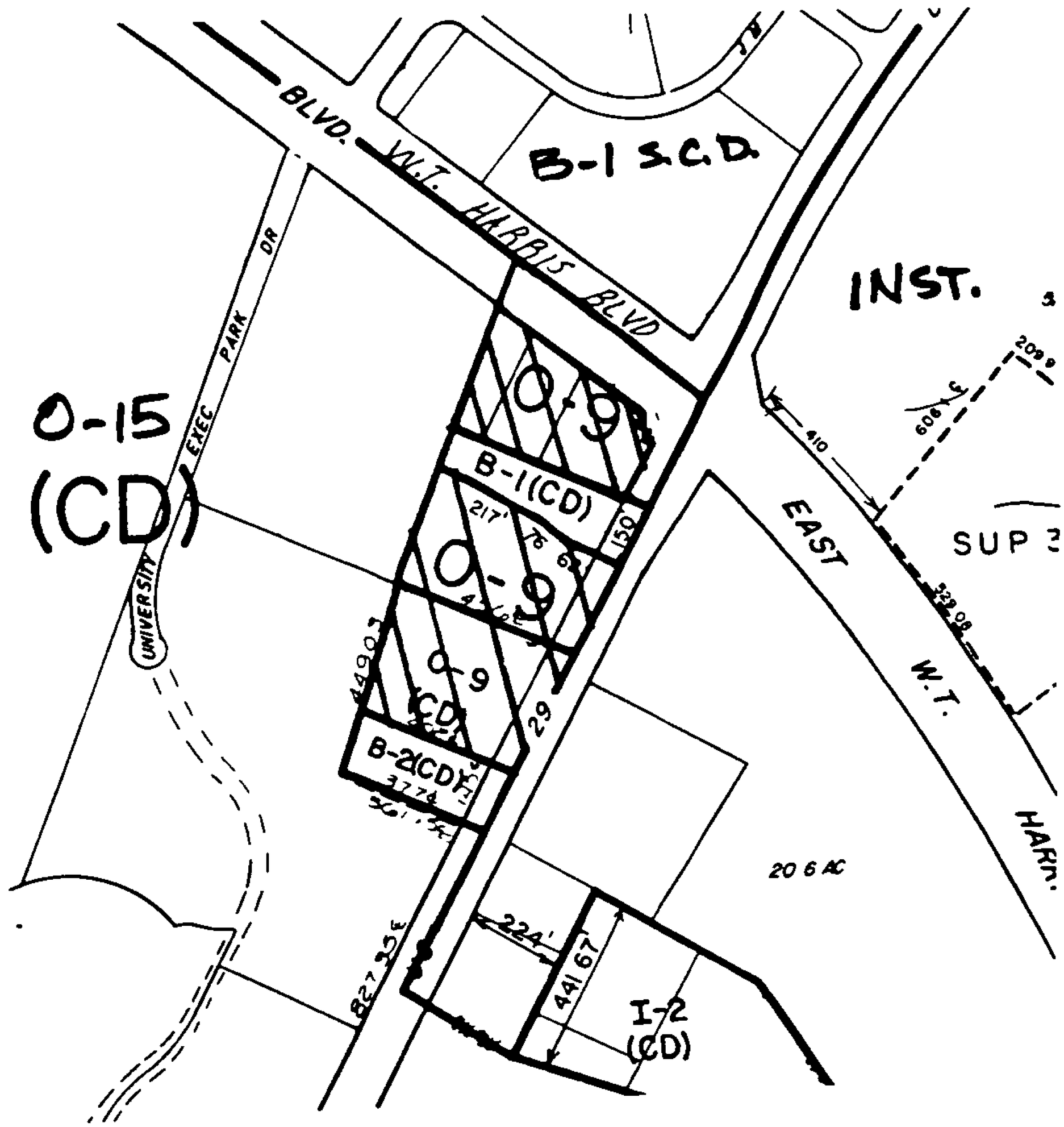


Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

91-49

Petition No. 91-49
Request: O-9 and O-9(CD)
to O-6 and O-6(CD)
Map 59



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 1991

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-50

Petitioner	City of Charlotte
Location	A total of 100 3 acres located on Dixie Road, West Boulevard, Paul Brown Boulevard, and Nannie Price Road in the airport area, and a 1.3 acre site located on Ford Street in the Oakdale community.
Request.	Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject property has been voluntarily annexed into the City of Charlotte and this petition has been filed in order to establish City zoning in the area. The properties located in the airport area are zoned a combination of I-1 and I-2 and the site located on Ford Street in Oakdale is zoned R-9. The City can establish zoning in the area using the existing categories.

CONCLUSION

The City should establish its zoning authority on the annexation areas using the same categories which currently exist under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-50

Date Filed May 6, 1991

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner City of Charlotte

Owner's Address 400 E. 4th Street

Date Property Acquired

Tax Parcel Number 115-191-02; 141-03-01(p); 141-023-09, 11, 12, 13; 141-023-18(p) 141-011-05, 06, + 29

Location of Property (address or description) 10.27 ac on Dixie Road; 12.274c on W Blvd 69.27 Ac on Paul Brown Blvd; and 8.08 Ac on Nannie Price Rd.

Description of Property

Size (Sq Ft Acres) Total 100.3 Acres Street Frontage (ft)

Current Land Use VACANT

Zoning Request I-1 (W Blvd) + R-12 (Paul Brown Blvd)

Existing Zoning I-2 (Nannie Price Rd + Dixie Rd) Requested Zoning Same As Existing

Purpose of Zoning Change To establish city zoning authority due to voluntary Annexation.

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) City of Charlotte

Address of Petitioner(s) 400 E. 4th St.

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER City of Charlotte

PETITION NO 91-50 HEARING DATE July 15, 1991

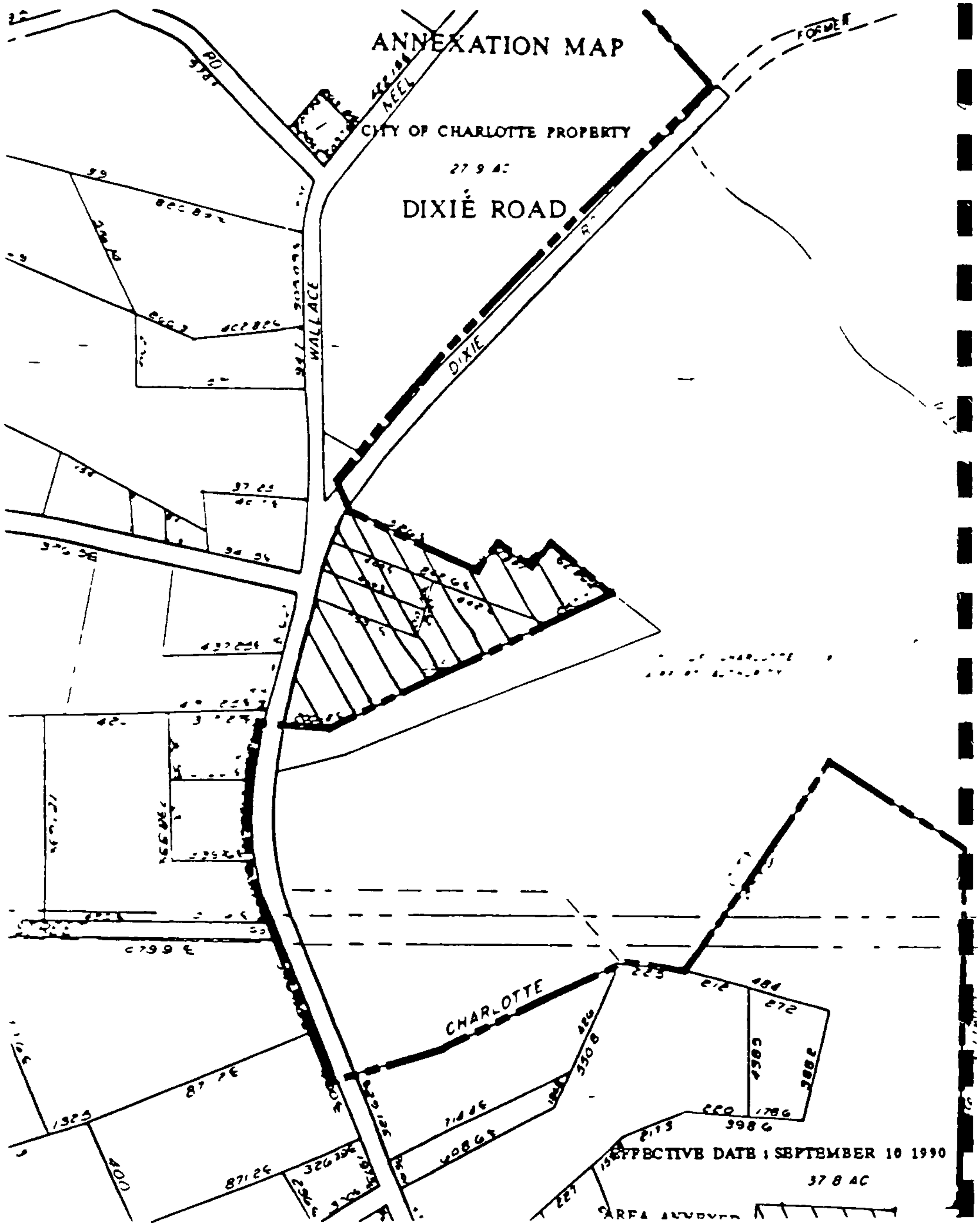
REQUEST Establish zoning on recently annexed property

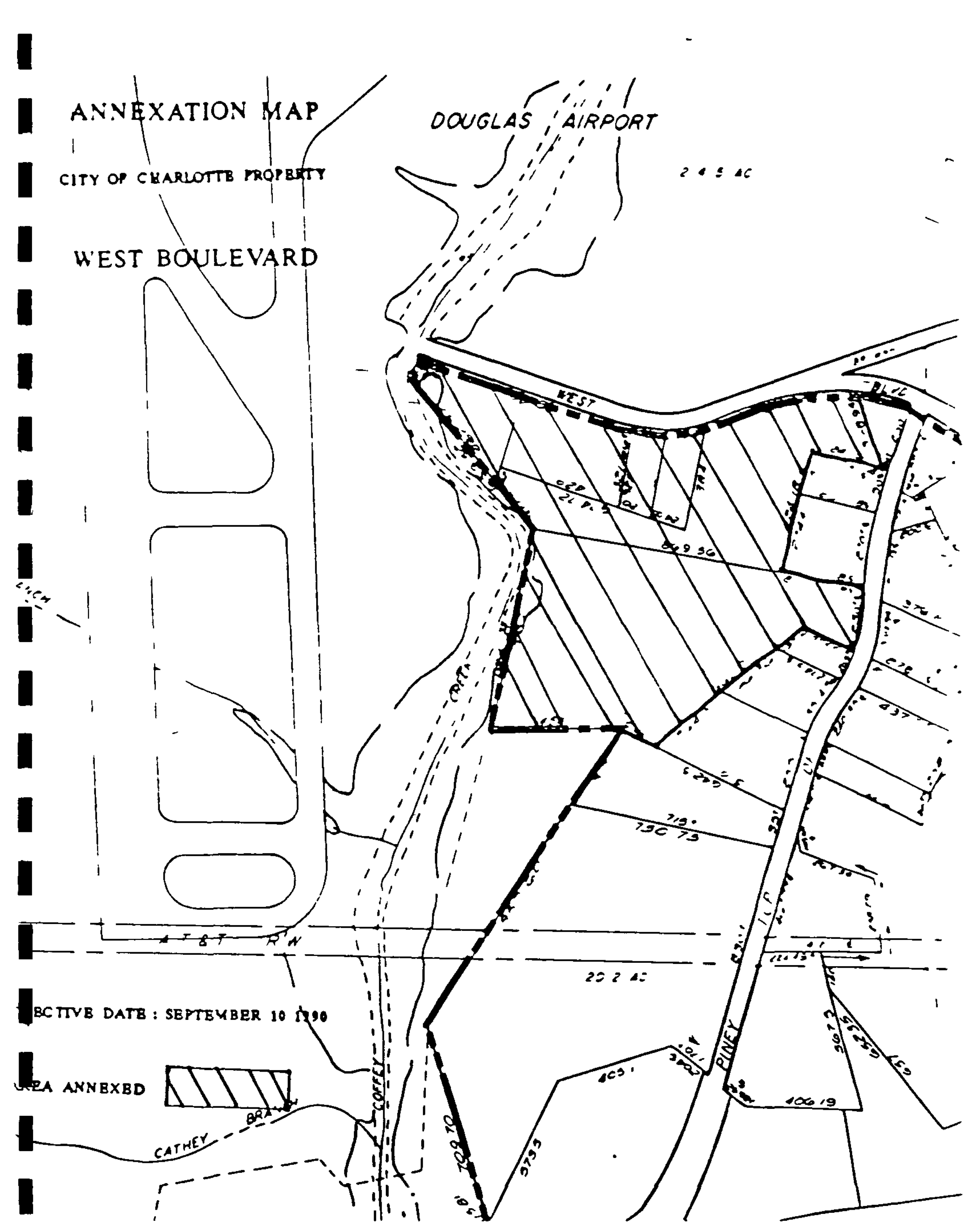
LOCATION Approximately 101 6 acres located on Dixie Road West Boulevard Paul Brown Boulevard Nannie Price Road (Airport Area), and Ford Street (Oakdale Community)

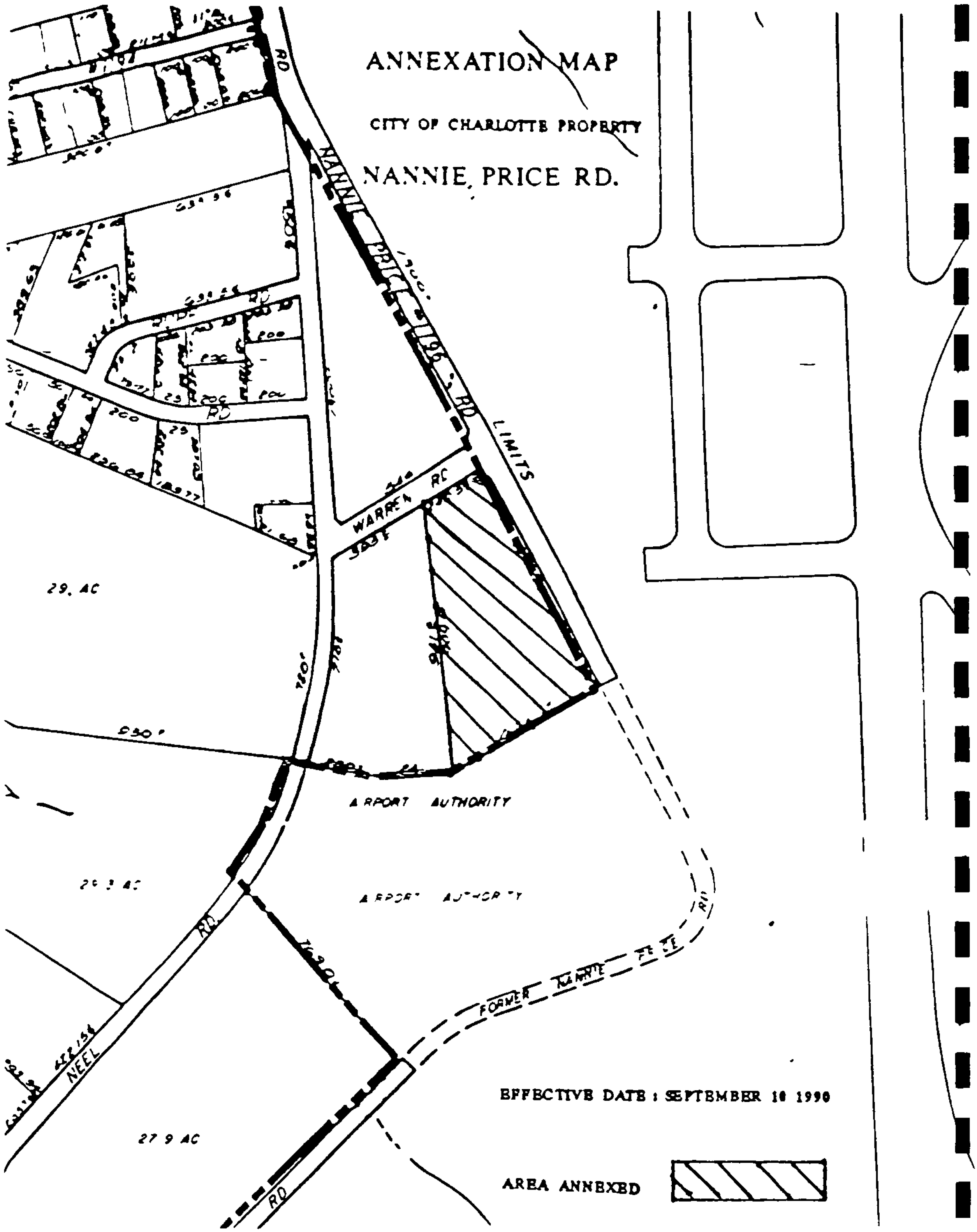
SEE ATTACHED MAP

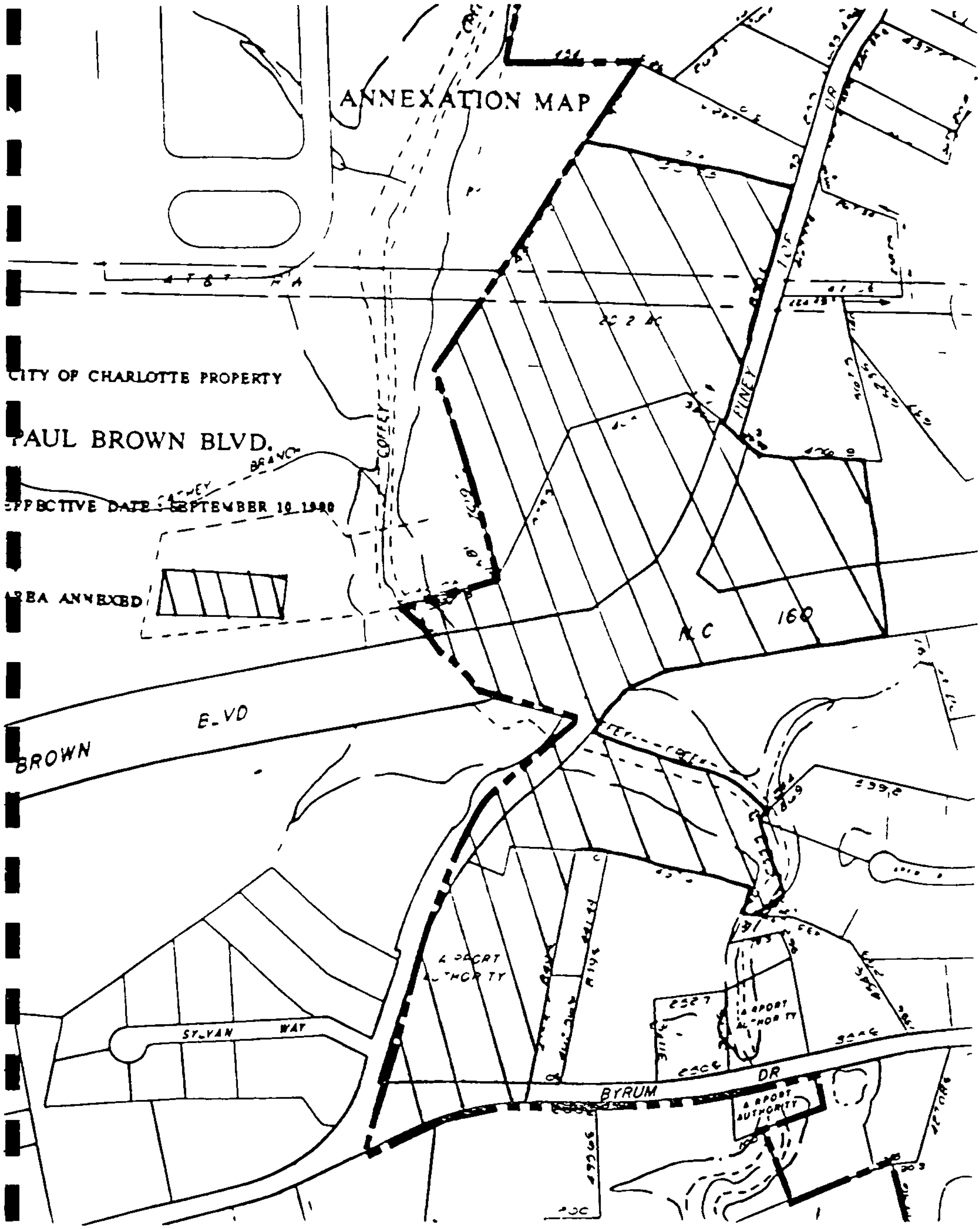
ZONING MAP NO(s).: Several SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

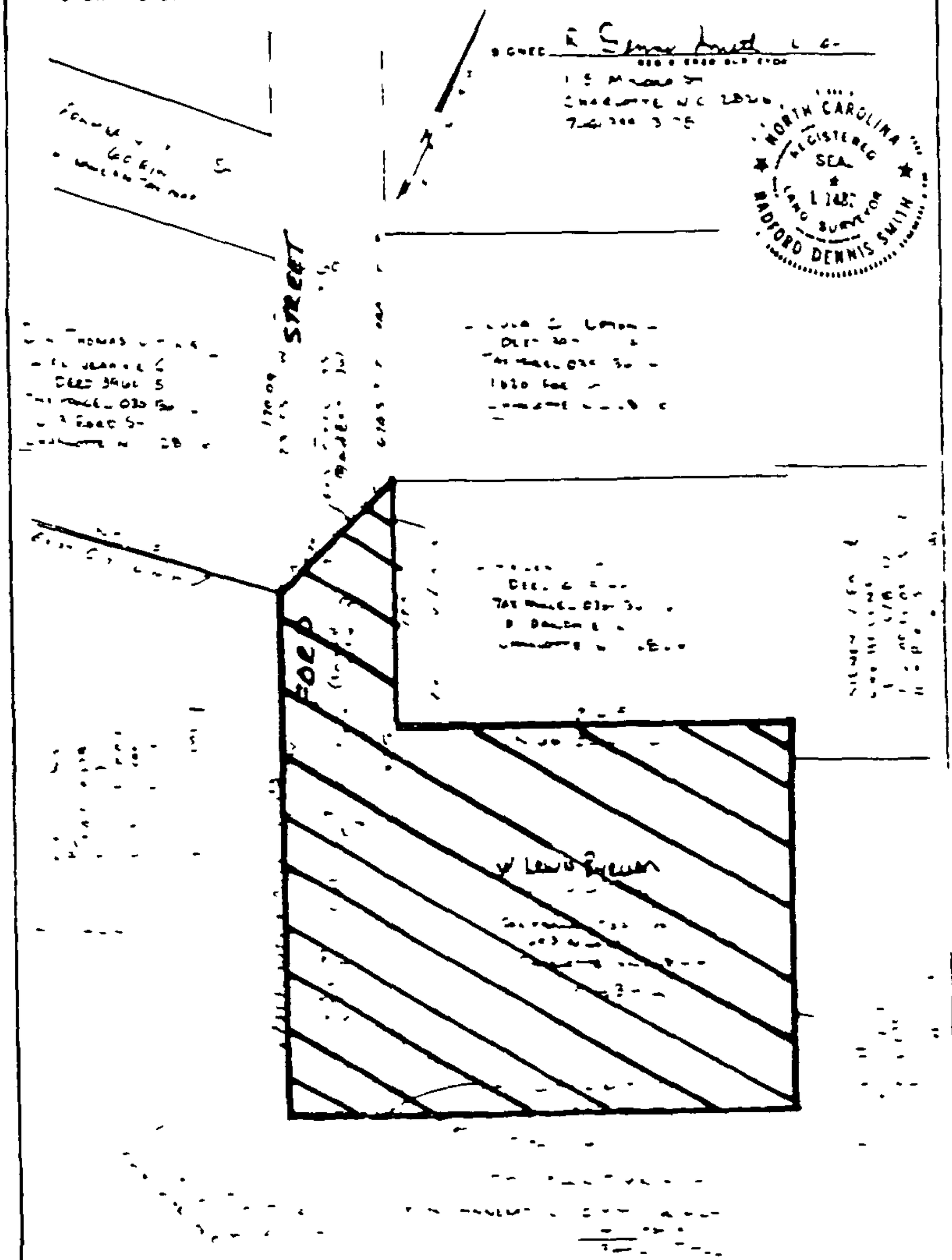

ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
DIXIE ROAD
WALLACE
DIXIE
CHARLOTTE
EFFECTIVE DATE : SEPTEMBER 10 1990


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
DOUGLAS AIRPORT
WEST BOULEVARD
WEST
PINEY
COFFEY
CATHEY
BRANCH
EFFECTIVE DATE : SEPTEMBER 10 1990
AREA ANNEXED


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
NANNIE PRICE RD.
NANNIE PRICE RD
LIMITS
WARREN RD
29. AC
AIRPORT AUTHORITY
AIRPORT AUTHORITY
FORMER CITY LIMITS
NEEL RD
27.9 AC
EFFECTIVE DATE : SEPTEMBER 10 1990
AREA ANNEXED


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
PAUL BROWN BLVD.
EFFECTIVE DATE: SEPTEMBER 10 1980
AREA ANNEXED
BROWN
BLVD
SYLVAN WAY
BYRUM DR
AIRPORT AUTHORITY
PINE
160

THIS IS TO CERTIFY THAT ON THE [illegible] DAY OF SEP 19[illegible] I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON



PROPOSED
ANNEXATION SURVEY
OF

1.349 AC Bypass Lot & Pud Row

SCALE [illegible]

THE PROPERTY OF W LEWIS BYRUM & ELDORA TAYLOR BYRUM

MAP RECORDED IN BOOK _____ AT PAGE _____ DEED RECORDED IN BOOK [illegible] PAGE _____

R-1

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-51

Petitioner	City of Charlotte
Location	Approximately 762 acres located off Plott Road between Plaza Road Extension and Robinson Church Road.
Request	Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

- The subject property is scheduled for annexation by the City of Charlotte on June 30. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish City zoning in the area. The zoning which currently exists on the properties is predominantly single family residential allowing the City to establish its zoning jurisdiction using the same categories as currently exist under the County's jurisdiction with the exception of two tracts located on James Road presently zoned RU(CD). The RU(CD) zoned tract located on the west side of James Road is developed with a boarding stable which is allowed under a single family residential category in the City subject to certain performance standards. The RU(CD) zoned tract located on the east side of James Road is developed with a commercial plant nursery and requires rezoning to B-1(CD) in order to remain a conforming use. The property owners associated with these sites are in agreement with rezoning to R-15 and B-1(CD).

CONCLUSION

Properties within this annexation area should be rezoned to the categories present under Mecklenburg County's zoning jurisdiction. Exceptions are the two parcels located on James Road for which R-15 should be established for the boarding stable and B-1(CD) with the originally approved site plan should be established for the plant nursery.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-51
Date Filed May 6, 1991
Received By MCYN
OFFICE USE ONLY

Ownership Information

Property Owner Plott Road Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective on June 30, 1991

Tax Parcel Number 588 parcels

Location of Property (address or description)

Off Plott Road between Plaza Road Extension and Robinson Church Road.

Description of Property

Size (Sq. Ft.-Acres) 762 AC, 588 parcels and 1,158 persons Street Frontage (ft.)

Current Land Use ~~Red~~ Residential, Shopping Center, and Nursery

Zoning Request

Existing Zoning All districts Transfer, Except R4(CD) on James Road map #91 Requested Zoning Staff determination needed

Purpose of Zoning Change To establish City zoning authority on annexed property.

Name of Agent

Agent's Address

Telephone Number

City of Charlotte
Name of Petitioner(s)

600 E. 4th Street
Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

PETITIONER: City of Charlotte

PETITION NO.: 91-51 HEARING DATE: July 15, 1991

REQUEST Establish zoning on property recently annexed by the City.

LOCATION Approximately 762 acres located off Plott Road between Plaza Road Extension and Robinson Church Road.

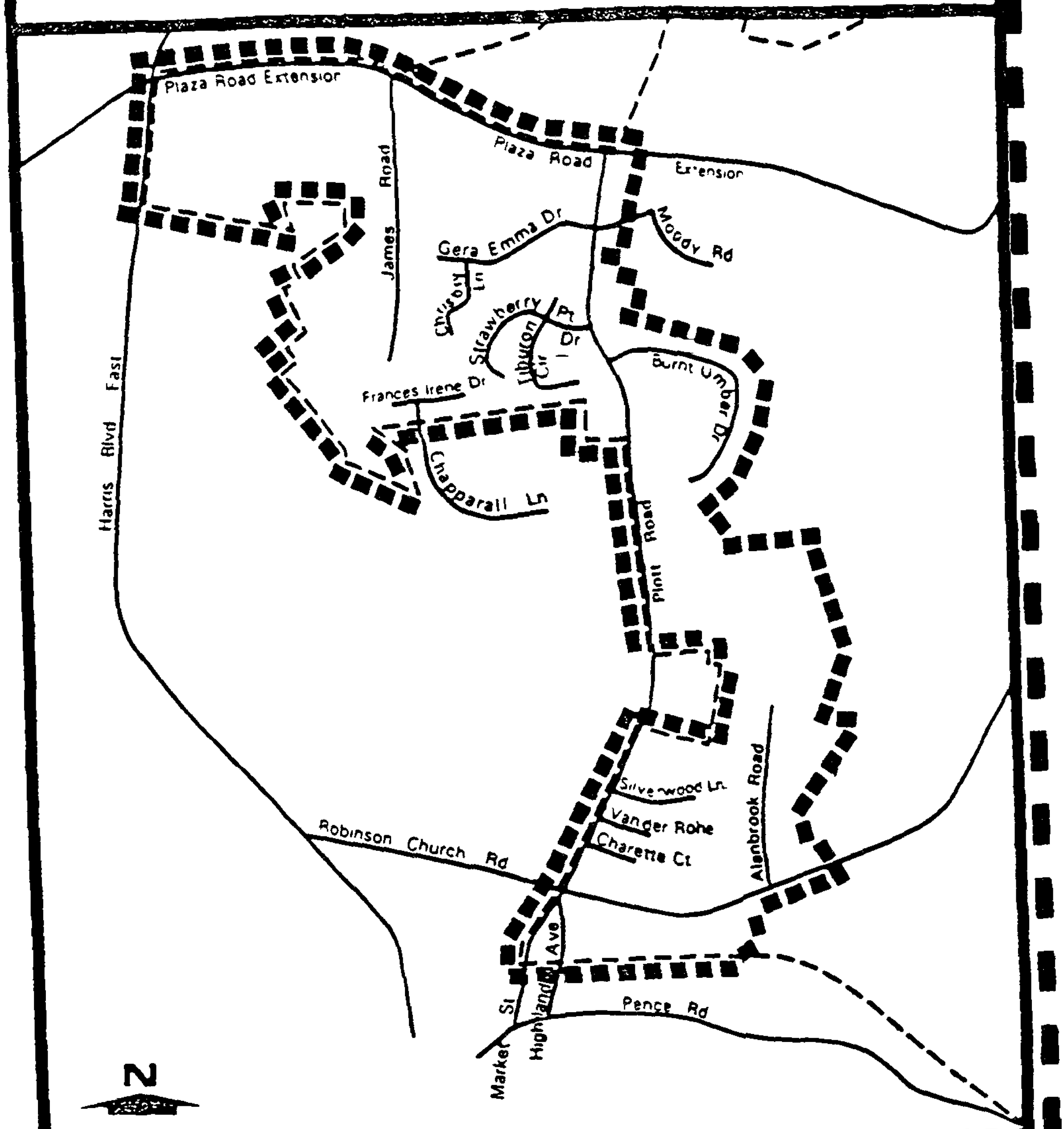
All existing zoning will remain the same, except for RU(CD) zoning located along both sides of James Road south of Plaza Road Extension. The City does not have RU zoning; therefore, the property is recommended for R-15 and B-1(CD).

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

PLOTT ROAD

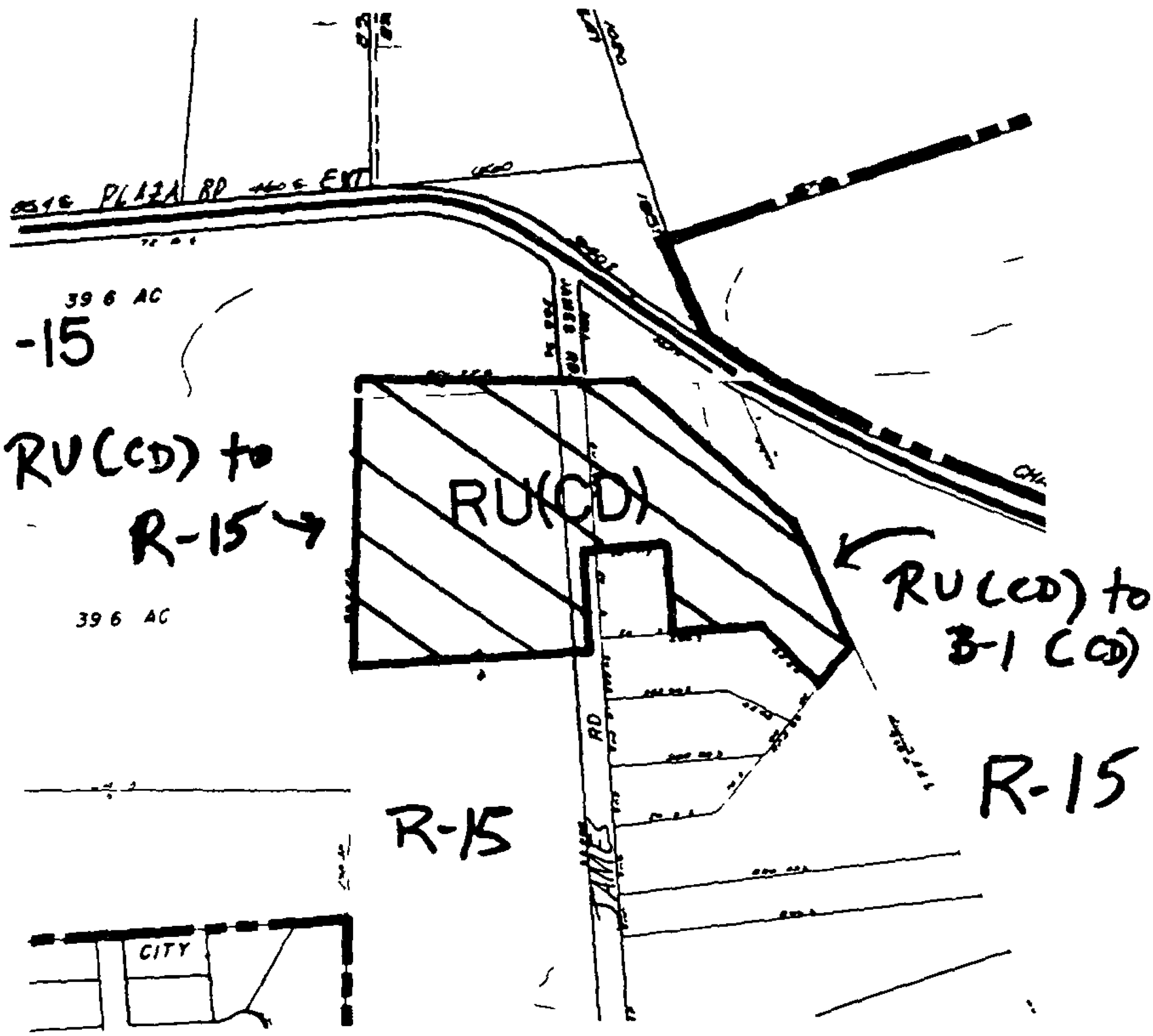


Annexation Area Boundary

Present City Limits

Proposed Annexation Area

Petition No. 91-51
Request: RU(CD) to R-15 & B-1(CD)
Map. 76 & 91



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-52

Petitioner	City of Charlotte
Location	Approximately 1,445 acres located south of the Airport between Billy Graham Parkway and Highway 160.
Request:	Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject property is scheduled for annexation by the City of Charlotte on June 30. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish City zoning in the area. The zoning which currently exists on the properties is predominantly single family residential allowing the City to establish its zoning jurisdiction using the same categories as currently exist under the County's jurisdiction with one exception. One tract located on Byrum Drive and presently zoned RU(CD) is currently developing as a boarding stable which is allowed under a single family residential category in the City subject to certain performance standards. Inasmuch as the City has no RU district and the boarding stable use is permitted in residential zoning, this tract should be rezoned to R-15.

CONCLUSION

Properties within this annexation area should be rezoned to the categories present under the Mecklenburg County zoning jurisdiction. The one exception is the RU(CD) zoned boarding stable located on Byrum Drive for which R-15 should be established.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-52

Date Filed May 6, 1991

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner Beam Road Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective on June 30, 1991

Tax Parcel Number 456 parcels

Location of Property (address or description) south of Airport between Billy Graham Parkway and Hwy 160.

Description of Property

Size (Sq Ft -Acres) 1,445 Acres + 635 persons Street Frontage (ft.)

Current Land Use ~~Res~~ Residential, Airport related uses, and several business parks, Coffee Creek Business Park and ~~Lake~~ Belk's Headquarters

Zoning Request

Existing Zoning All Districts Transfer Except RU(CD) on Timberlay Place map #109 Requested Zoning Staff Determination Needed

Purpose of Zoning Change To establish City Zoning Authority on Annexed property

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

600 E. 4th Street

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

PETITIONER City of Charlotte

PETITION NO 91-52 HEARING DATE July 15 1991

REQUEST Establish zoning on property recently annexed by the City

LOCATION Approximately 1 445 acres located south of the airport between Billy Graham Parkway and Highway 160

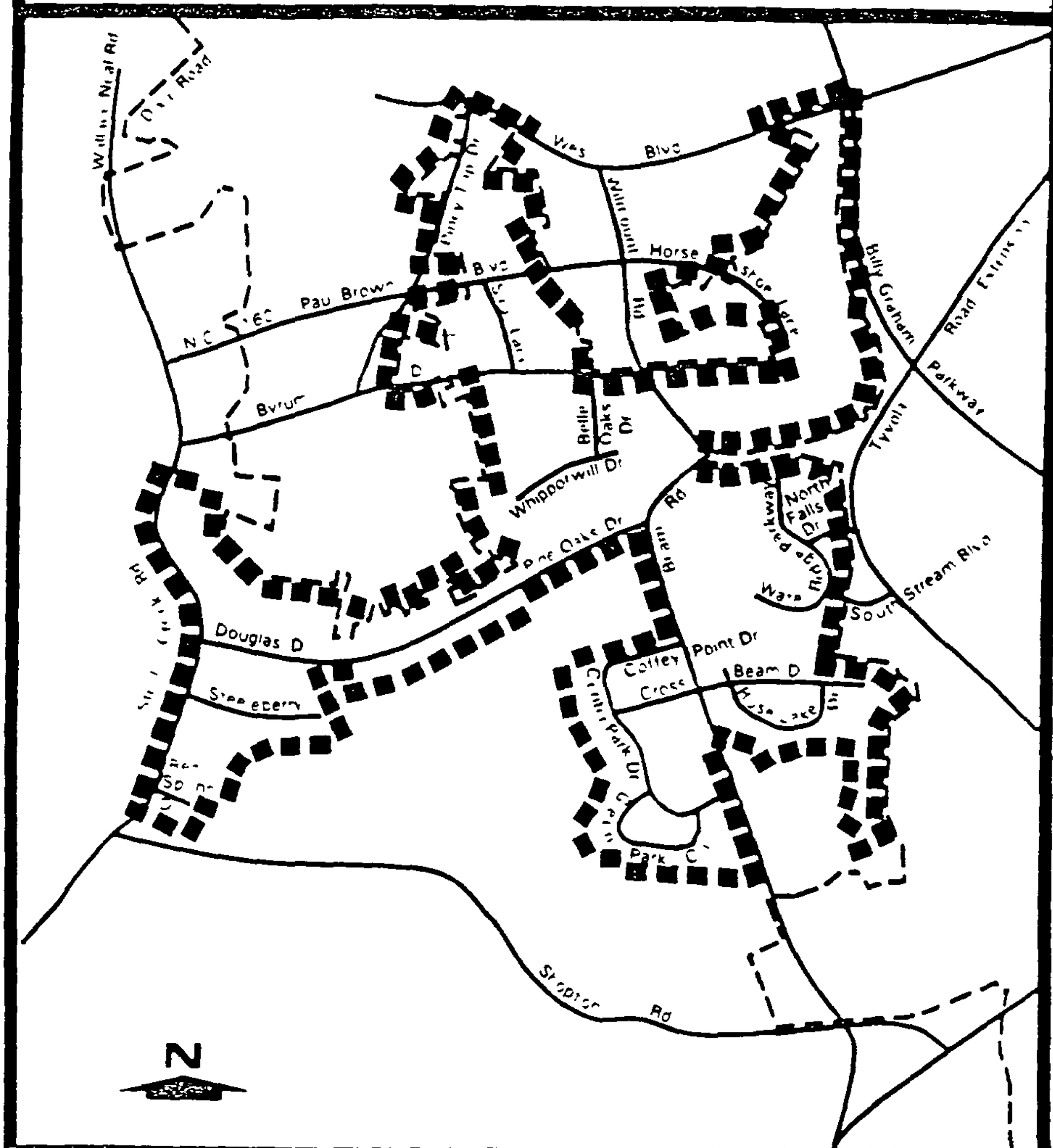
All existing zoning will remain the same, except for the RU(CD) zoning located at the end of Timberly Place, south of Byrum Drive The City does not have RU zoning, therefore, the property is recommended for R-15.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

BEAM ROAD

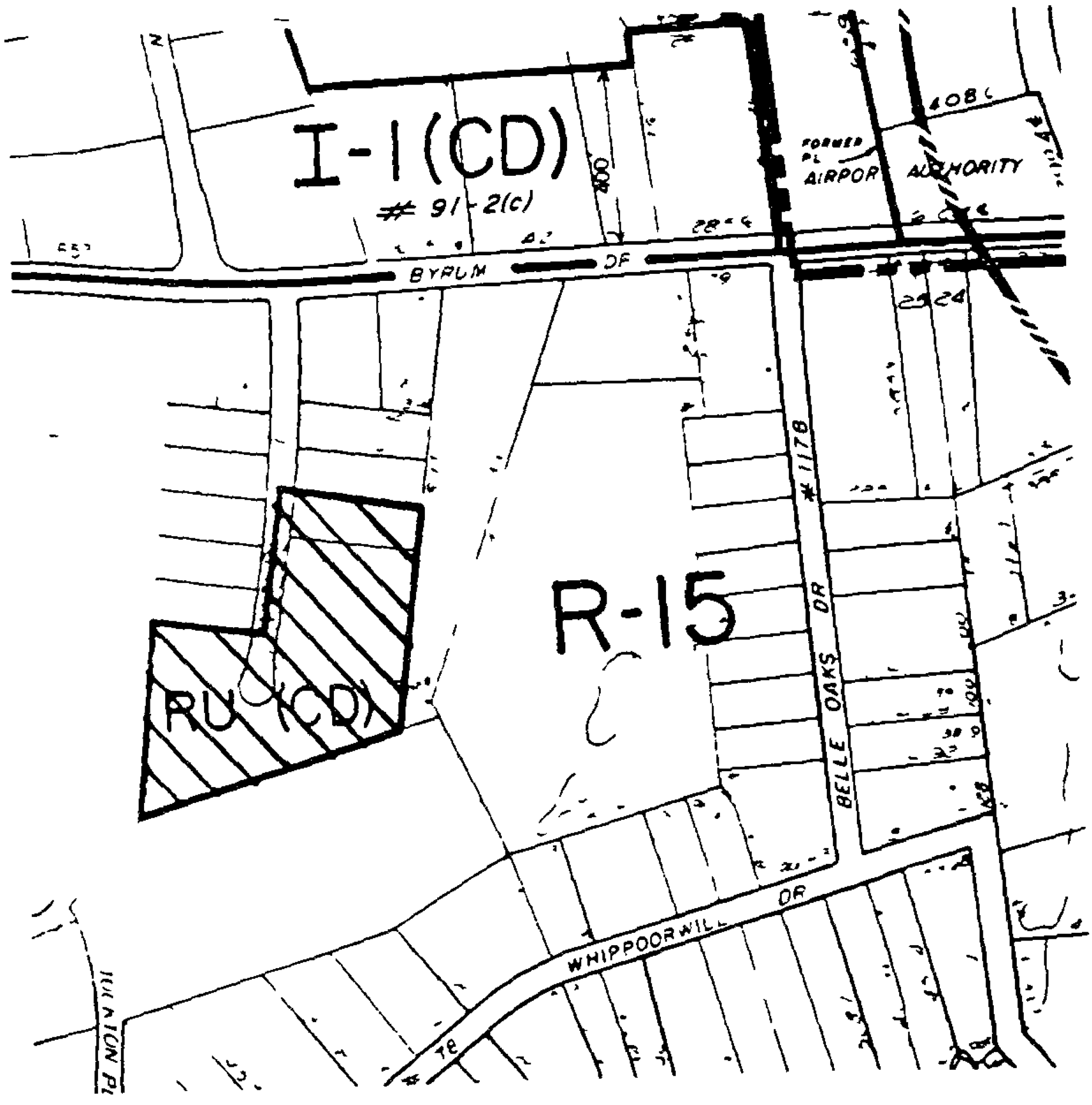


Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

0.62

Petition No. 91-52
Request RL(CD) to R-15
Map 109



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 24, 1991

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 15, 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
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. 91-53

Petitioner: City of Charlotte

Location: Approximately 1,349 acres located between Independence Boulevard and Margaret Wallace Road extending from Sardis Road North to Idlewild Road.

Request: Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject property is scheduled for annexation by the City of Charlotte on June 30. The City has 90 days to establish its zoning jurisdiction over these areas and this petition has been filed to establish City zoning in the area. The zoning which currently exists on the properties includes single family, multi-family, office, commercial, and industrial districts including many conditional districts. Previous City policy has been to establish its zoning jurisdiction using the same zoning categories which presently exist under the county's zoning jurisdiction for the areas annexed. All of the properties within the subject annexation area are zoned in a manner in which the City can establish its zoning jurisdiction using the same district as currently exists under the County.

CONCLUSION

City zoning should be established on this annexation area using the same categories which currently exist under Mecklenburg county's zoning jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-53

Date Filed May 6, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Margaret Wallace / Independence Blvd. Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective on June 30, 1991

Tax Parcel Number 726 parcels

Location of Property (address or description) Between Independence Blvd and Margaret Wallace Road.

Description of Property

Size (Sq Ft Acres) 1.349AC, 726 parcels, and 14658 persons Street Frontage (ft)

Current Land Use ~~Vac~~ Residential with some commercial along Independence Blvd.

Zoning Request

Existing Zoning All District Transfer Requested Zoning Similar

Purpose of Zoning Change To establish City Zoning Uniformity on annexed property.

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

600 E. 4th Street

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER City of Charlotte

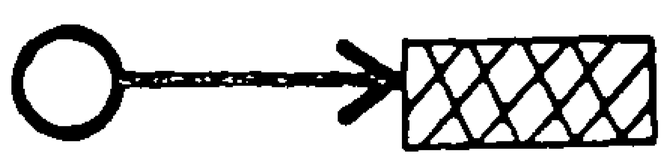
PETITION NO 91-53 HEARING DATE July 15 1991

REQUEST Establish zoning on property recently annexed by the City

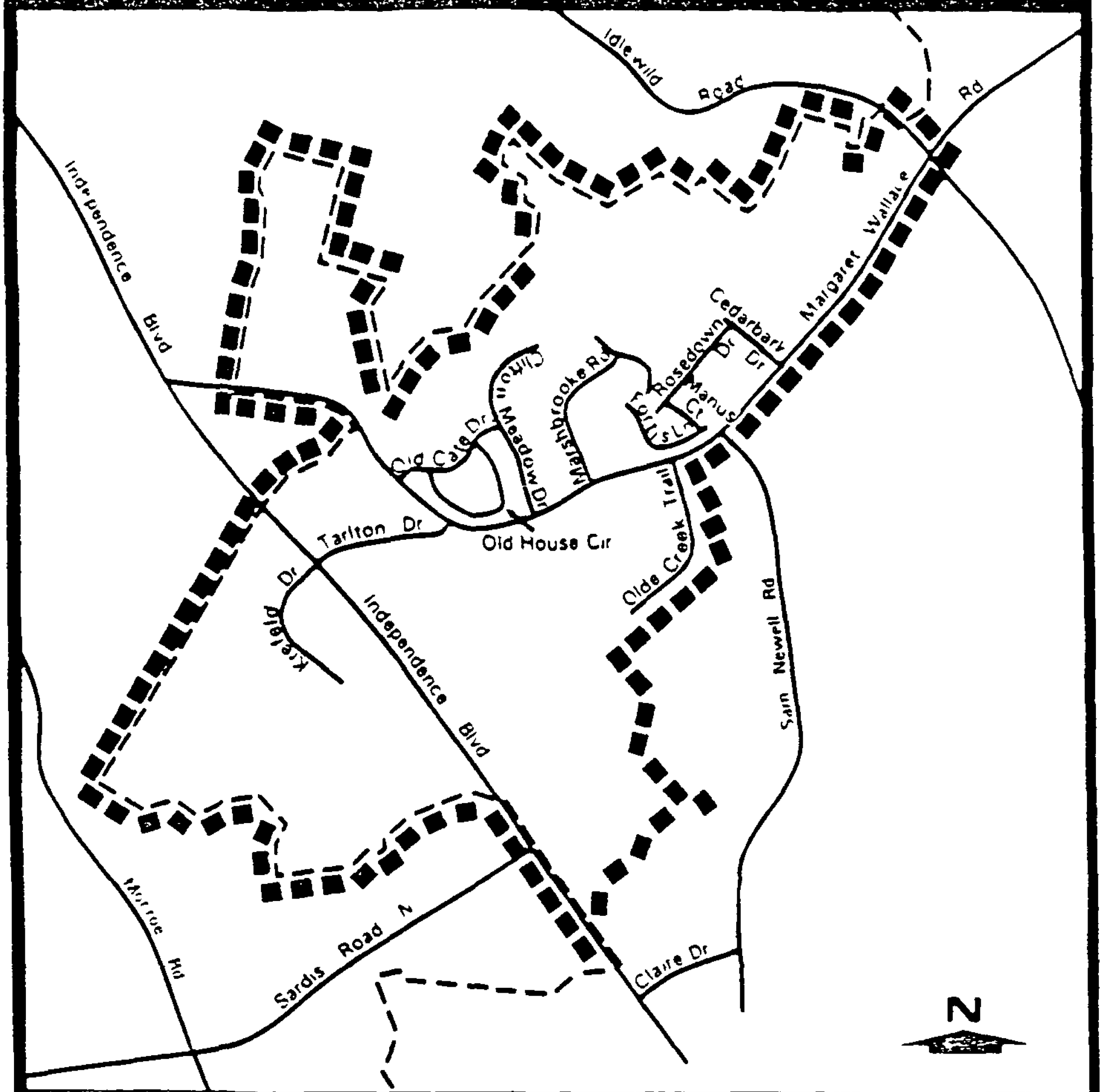
LOCATION Approximately 1 349 acres located between Independence Boulevard and Margaret Wallace Road extending from Sardis Road North to Idlewild Road

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 

MARGARET WALLACE RD./INDEP. BLVD.



Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

CITY OF CHARLOTTE
Proposed July 23, 1991 G.O. Bond Sale

Project Name	Amount
Sidewalk Construction	
Total 1987 Street Bonds	$ 325,000
Wilkerson-Billy Graham Interchange TSM Intersections Westinghouse Blvd. Extension Independence Blvd. HOV Park Rd./Johnston Rd. Widening Sardis Rd. Widening Newell-Hickory Grove Rd. Carmel Rd. Widening	
Total 1988 Street Bonds	$ 25,500,000
Park Land Acquisition	
Total 1987 Parks & Recreation Bonds	$ 410,000
Statesville Road Park New Park Development	
Total 1988 Parks & Recreation Bonds	$ 160,000
Special Storm Drainage Storm Water System Inventory	
Total 1988 Storm Drainage Bonds	$ 3,550,000
Discovery Place	
Total 1988 Cultural Facilities Bonds	$ 800,000
Back Creek Lift Station & Force Main Mallard Creek to Eastfield - West	
Total 1987 Sewer Bonds	$ 3,300,000

CITY OF CHARLOTTE
Proposed July 23, 1991 G.O. Bond Sale
(continued)

Project Name	Amount
Cheshire & Brown Road	
Brown Road	
Total 1987 Water	$ 1,075,000
Booster Pump Station - Idlewild Road	
Brown Road Water	
Water Along Providence Road	
Back Creek Church Road Water	
Lawyers Road Water	
Dearmon Road Water	
Idlewild/Margaret Wallace Rd. Water	
Davidson/Concord Rd. Water	
Providence Rd. Intersection Water	
Water For 1991 Annexation	
Total 1990 Water Bonds	$ 1,625,000
Dixon Branch Sewer	
Steele Creek Recv. Outfall	
Mallard Creek Waste Water Treatment Plant - II	
Sewer For 1991 Annexation	
Four Mile Creek Outfall	
McAlpine 60 MGD	
Catawba Regional Waste Water Study	
Total 1990 Sewer Bonds	$ 4,000,000
Total Projects	$ 40,745,000

(RE1D122)

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 27, 1991

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 24, 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, July 8, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, July 15, 1991.

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

Respectfully submitted,

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

TM:mlj

Attachments

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

DATE: June 24, 1991

PETITION NO.: 91-15

PETITIONER(S). Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-1 and R-9MF to R-9 (Northwest District Plan).

LOCATION: A 69.5 acre site located on the east side of Toddville Road south of Old Mt. Holly Road extending to Melynda Road.

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

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

Nays: None.

REASONS

This petition seeks rezoning from a combination of multi-family residential and light industrial to single family residential in accordance with the Northwest District Plan. The district plan recommends that the existing single family area east of Toddville Road and south of Mt. Holly Road remain single family residential in the future to preserve the existing neighborhood and to provide additional housing opportunities in the area. A large vacant tract of land east of Melynda Road included in Rezoning Petition No 91-24 is also recommended for a single family residential future. Planning staff and an agent for one of the property owners affected by the subject petition as well as Petition No. 91-24 are continuing discussions of potential conditional zoning districts for areas affected by the two rezoning petitions. Therefore, the Zoning Committee deferred action for an additional 30 days.

DATE: May 21, 1991

PETITION NO.: 91-17

PETITIONER(S): Derita Masonic Lodge #715

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

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

NOTE: Subsequent to the public hearing on this petition, the petitioner submitted a site plan to enable consideration of an R-15MF(CD) application.

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

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

Nays: Mead, O'Brien, and Spencer.

REASONS

This petition proposes the rezoning from single family residential to multi-family residential to allow the development of a Masonic Lodge. Subsequent to the public hearing on this request, the petitioner submitted a site plan to enable the consideration of this request on a conditional basis. The site plan which has been submitted as part of the application proposes a Masonic Lodge of no more than 20,000 square feet in size and two stories in height. Access to the site is to be provided by one driveway connection to Maple Street and two driveway connections to Hewitt Drive. The plan indicates a 30 foot buffer along Hewitt Drive and 40 foot buffers along the two sides adjoining R-12 zoning. Several members of Zoning Committee viewed the proposed land use as inappropriate for the interior of an established neighborhood. However, the majority of Zoning Committee felt the conversion of the request to a conditional district made this petition appropriate for approval. Therefore, Zoning Committee recommends that the petition be approved as modified to a conditional district.

STAFF OPINION

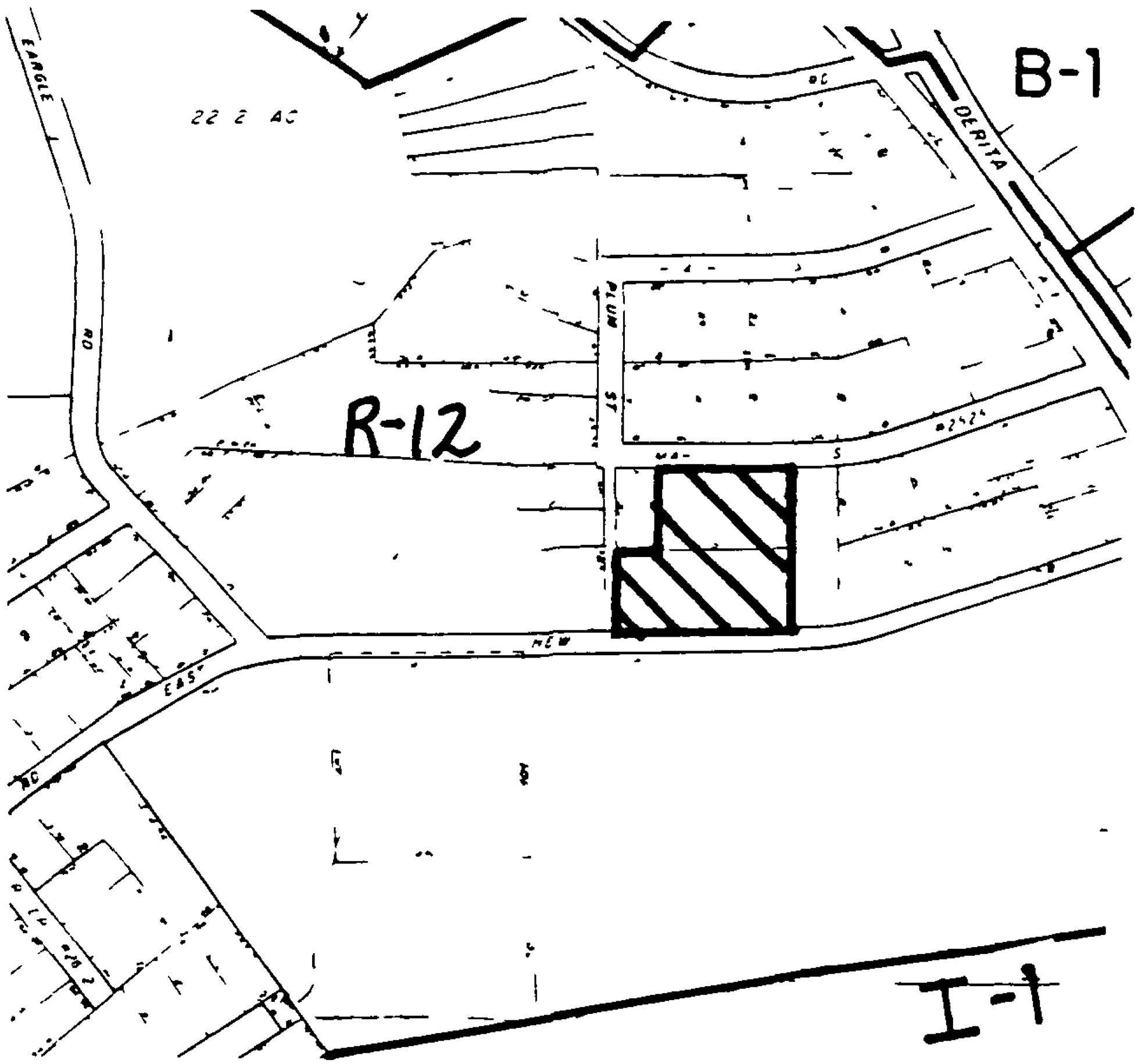
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Derita Masonic Lodge #715

PETITION NO 91-1[illegible] **HEARING DATE** March 18, 991

ZONING CLASSIFICATION, EXISTING R-1 **REQUESTED** R-15MF (CD)

LOCATION Approximately 3.2 acres located on the east side of Plum Street bounded by Maple Street and Hewitt Drive



ZONING MAP NO(s).: 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 21, 1991

PETITION NO.: 91-19

PETITIONER(S): City of Charlotte

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

LOCATION: A .463 acre site located on the northeast corner of Squirrel Hill Road and Mt. Risco Drive.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of a small tract of land from single family residential to multi-family residential in an area in which publicly adopted plans recognize the area as an established single family residential neighborhood. Subsequent to the public hearing on this petition, the petitioner verbally requested a deferral of Zoning Committee's recommendation in order to allow time for the preparation and submittal of a conditional site plan. The Zoning Committee discussed the request for a deferral for some time but ultimately decided that the conversion of the request to a conditional district would not adequately address the basic land use issue associated with this petition. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

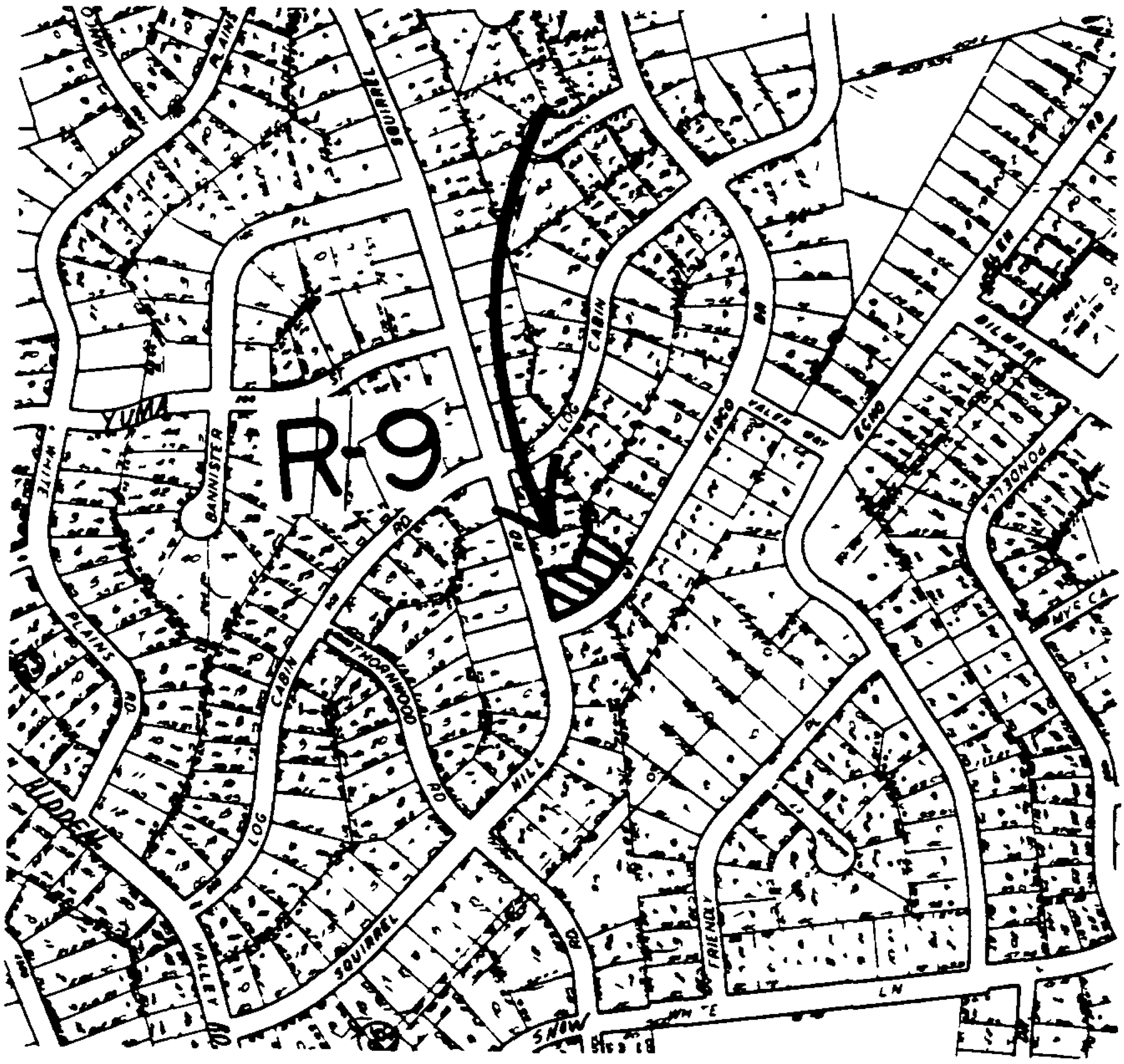
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Jesus Christ Holiness Church (City of Charlotte)

PETITION NO.: 91-19 **HEARING DATE:** May 20, 1991

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

LOCATION Approximately .463 acres located on the northeast corner of the intersection of Squirrel Hill Road and Mt. Kisco Drive.



ZONING MAP NO(s).: 78 **SCALE 1" =** 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 24, 1991

PETITION NO.: 91-24

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-6MF, I-1, and I-2 to R-6 and I-1.

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

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

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

Nays: None.

REASONS

This petition seeks rezoning from multi-family residential to single family residential for the Hyde Park neighborhood and from light industrial to single family residential for a large vacant tract of land adjacent to Hyde Park and from general industrial to light industrial for a tract located to the south of Hyde Park in accordance with the Northwest District Plan. Planning staff and the agent for a property owner affected by Petition Nos. 91-15 and 91-24 are continuing their discussions of the feasibility of conditional districts for properties included in both petitions. Therefore, the Zoning Committee deferred action on this petition for an additional 30 days.

DATE. June 24, 1991

PETITION NO : 91-29

PETITIONER(S) Arthur G. Bartlett

REQUEST· Change from R-12 to R-12MF(CD).

LOCATION: A 3.45 acre site located on the westerly side of Castleton Road.

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

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

Nays: O'Brien and Spencer.

REASONS

This petition proposes rezoning from single family residential to conditional multi-family residential to accommodate a fraternal organization. The Zoning Committee discussed this petition for some time with some members expressing concern over the configuration of the site, the intensity of the use, and the bulk of the proposed buildings. There was also concern that the proposal did not preserve the residential spirit of the nearby area. Ultimately, however, Zoning Committee viewed the petition as appropriate for approval, noting that there was no opposition expressed from the surrounding property owners. It was also noted that the mass and scale of the proposed use could be viewed as similar to a church or a school and their associated parking lots which are allowed in residential areas as well.

STAFF OPINION

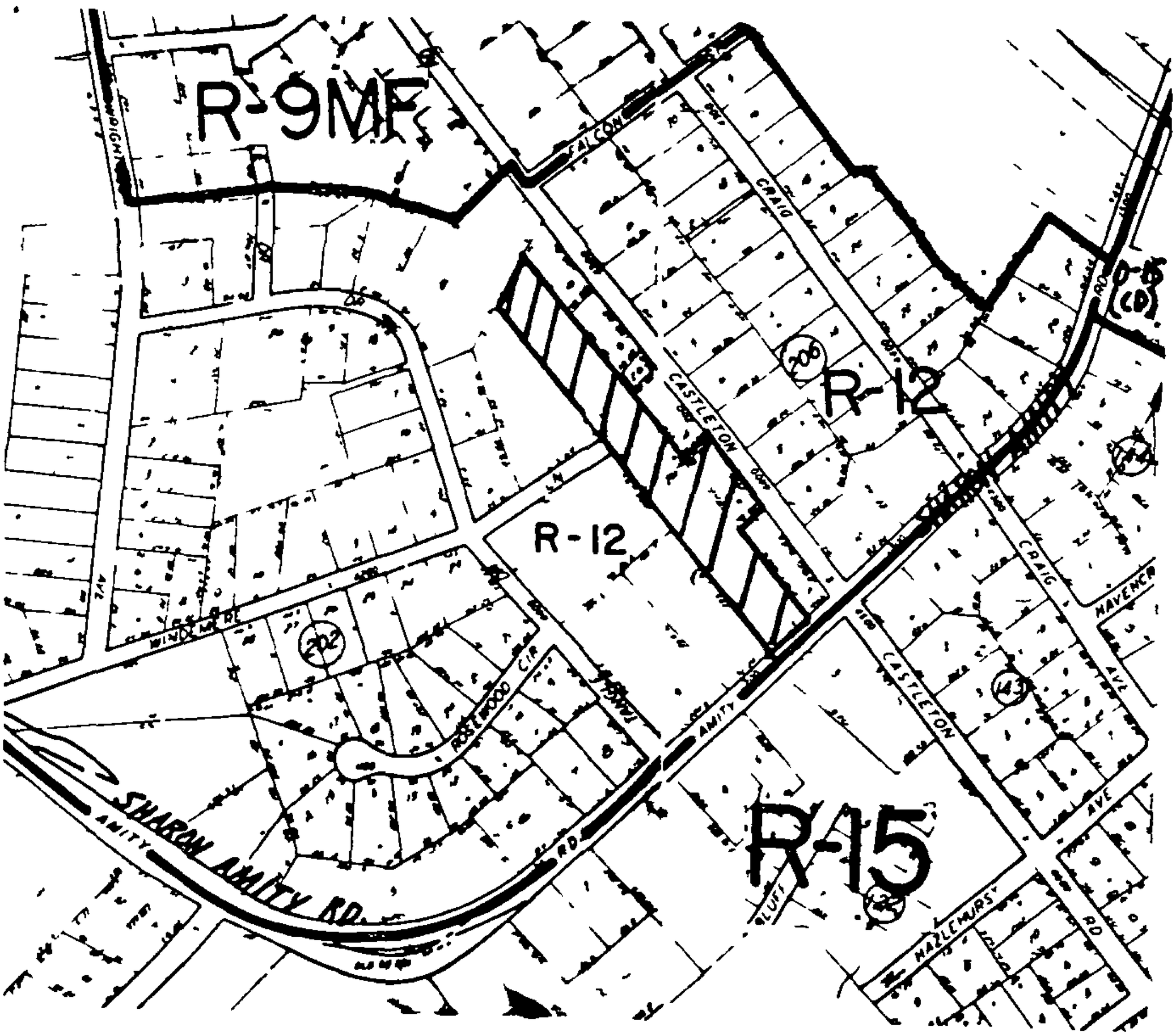
Staff views the configuration of the property included in this petition as one which is unsuitable for the introduction of a fraternal organization. The site plan basically represents a linear parking lot backing up to several shallow residential lots with minimal separation or screening.

PETITIONER: Arthur G. Bartlett

PETITION NO. 91-29 HEARING DATE May 20, 1991

ZONING CLASSIFICATION, EXISTING R-12 REQUESTED R-12MF(CD)

LOCATION Approximately 3.45 acres located on the westerly side of Castleton Road north of Sharon Amity Road.



ZONING MAP NO(s).: 123 & 124 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 21, 1991

PETITION NO.: 91-31

PETITIONER(S): Robert Rudolph

REQUEST: Change from R-12 to R-6.

LOCATION: A 15,000 square foot parcel located on the west side of Plum Street at Peach Street (south of Gibbon Road).

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

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

Nays: McClure and Spencer.

REASONS

This petition proposes the rezoning of a 15,000 square foot tract of land from R-12 to R-6 to allow the tract to be subdivided into two lots. The majority of Zoning Committee viewed the petition as appropriate for approval noting that the newly created lots would be comparable in size to the lots found in a new R-12 cluster development located nearby. However, the minority opinion expressed discomfort with the notion of creating two lots out of one in an established neighborhood and felt that the area could be weakened as a result.

STAFF OPINION

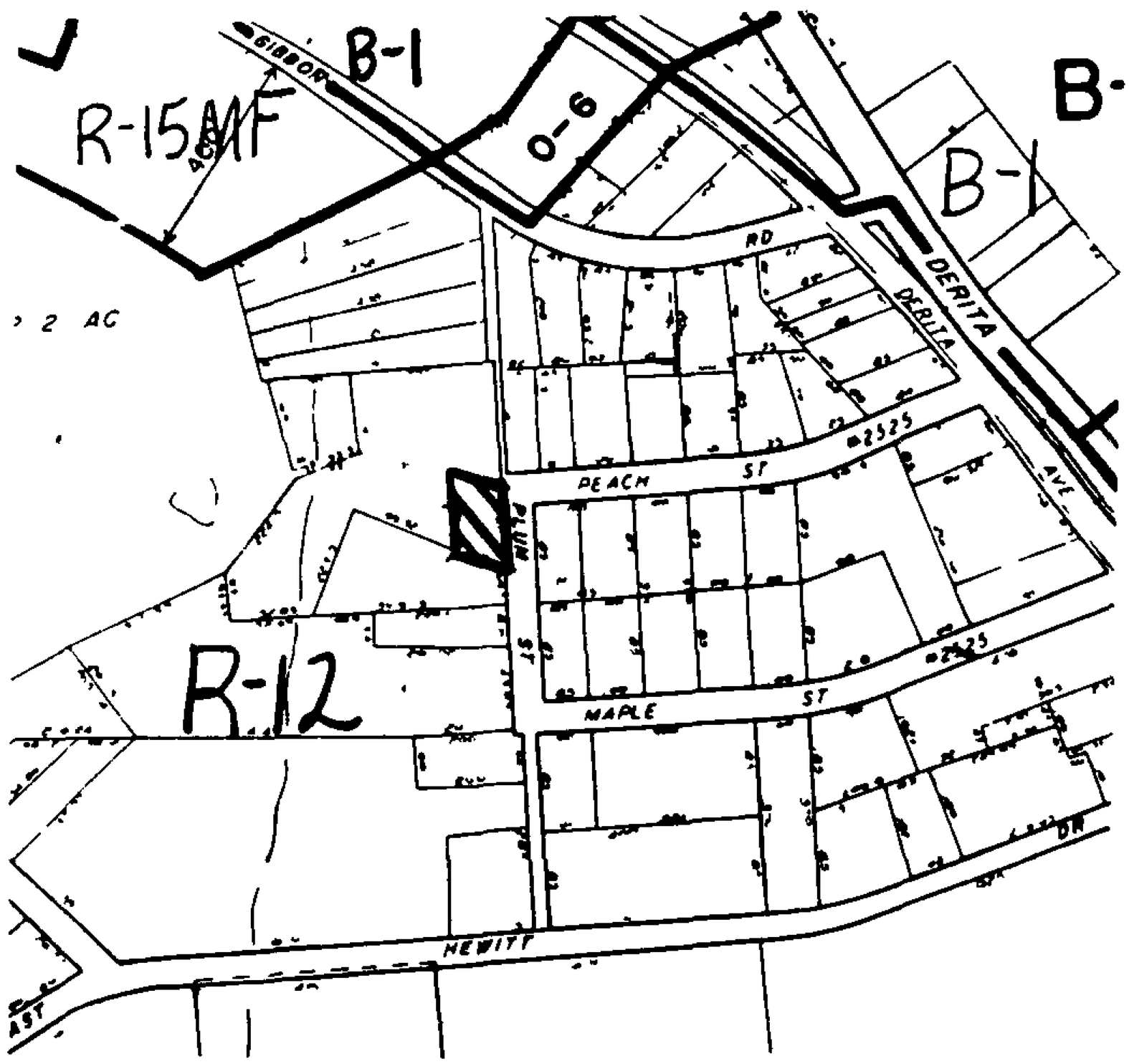
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Robert Rudolph

PETITION NO.: 91-31 HEARING DATE: May 20, 1991

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

LOCATION: A 15,000 square foot parcel located on the west side of Plum Street at Peach Street.



ZONING MAP NO(s).: 70 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 24, 1991

PETITION NO.: 91-34

PETITIONER(S) Crescent Resources, Inc.

REQUEST. Change from BP to O-15(CD) and B-1(CD).

LOCATION: A 33.57 acre site located on the east side of West Tyvola Road south of Yorkmont Road extending to Big Sugar Creek.

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

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

Nays: None.

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

REASONS

This petition proposes up to 200,000 square feet of office space and up to 36,000 square feet of commercial uses. Publicly adopted plans for the area recognize continued employment type land uses in the coliseum area and the Coliseum Center Master Plan envisions additional employment opportunities on the site. The site plan associated with this request maintains the high design standards established for the area. Therefore, Zoning Committee recommends that this petition be approved.

STAFF OPINION

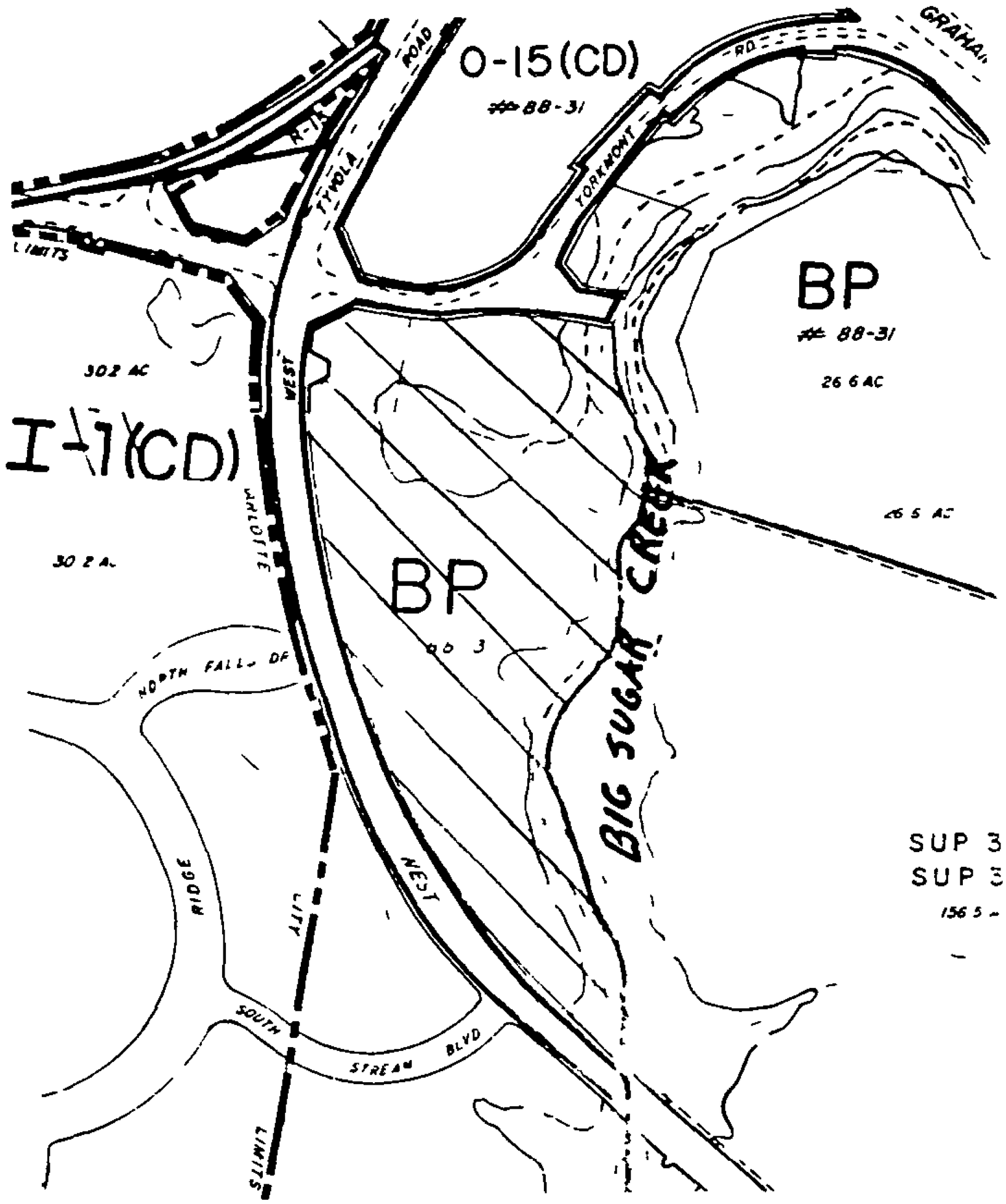
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Crescent Resources, Inc.

PETITION NO. 91-34 HEARING DATE June 17, 1991

ZONING CLASSIFICATION, EXISTING BP REQUESTED. O-15(CD) & B-1(CD)

LOCATION Approximately 33.57 acres located on the east side of West Tyvola Road south of Yorkmont Road extending to Big Sugar Creek.



ZONING MAP NO(s).: 109 & 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 24, 1991

PETITION NO.: 91-35

PETITIONER(S) Temple Israel, Inc.

REQUEST Change from R-15 to R-I.

LOCATION A 10.52 acre site located on the northeasterly side of Providence Road south of Jefferson Drive.

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

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

Nays: None.

REASONS

This petition proposes rezoning to accommodate the construction of a temple and associated facilities on a tract of land which is a part of the existing Shalom Park. The rezoning is required due to the ultimate seating capacity of the proposed temple which requires the R-I category for the additional seating for High Holy Days twice a year. The agent for the petitioner noted at the public hearing on this request that a revised site plan would be submitted that will enhance the buffer treatment along the Jefferson Drive edge. The Zoning Committee viewed the request as appropriate for the area and recommends that the petition be approved.

STAFF OPINION

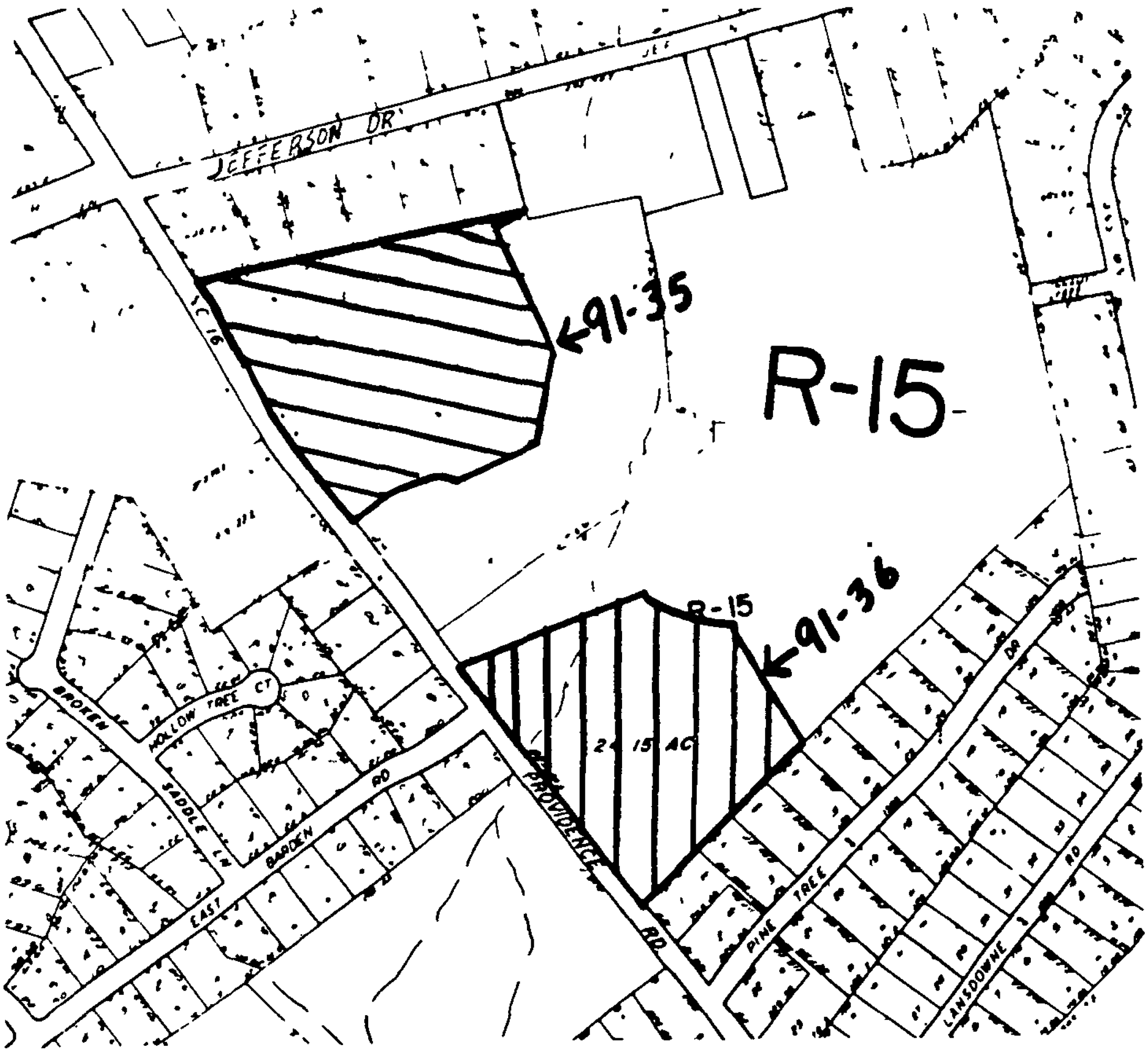
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Temple Israel, Inc

PETITION NO. 91-35 HEARING DATE June 17, 1991

ZONING CLASSIFICATION, EXISTING R-15 REQUESTED: R-I

LOCATION Approximately 10.52 acres located on the northeasterly side of Providence Road south of Jefferson Drive.



ZONING MAP NO(s).: 136 & 146 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	June 24, 1991
PETITION NO.:	91-36
PETITIONER(S)	Temple Beth El, Inc.
REQUEST:	Change from R-15 to R-I.
LOCATION:	A 9 acre site located on the northeasterly side of Providence Road north of Pine Tree Drive.
ACTION:	The Zoning Committee recommends that this petition be approved as modified.
VOTE: Yeas:	Baucom, McClure, Motley, O'Brien, Spencer, and Thomasson.
Nays:	None.

REASONS

This petition proposes rezoning to allow the construction of an additional temple and associated facilities on a portion of the existing Shalom Park campus. The rezoning is required due to the ultimate seating capacity of the proposed temple for High Holy Days twice a year. The agent for the petitioner noted at the public hearing on this request that a revised site plan would be submitted which commits to an undisturbed buffer along Pine Tree Drive. The Zoning Committee also asked the petitioners' agent about concerns expressed at the public hearing from an adjacent property owner regarding noise associated with the Jewish community center. The petitioners' agent noted that the Jewish community center officials are investigating ways of dealing with the noise issue including installation of silent burglar alarms. The Zoning Committee viewed the request as appropriate for the area and, therefore, recommends that the petition be approved.

STAFF OPINION

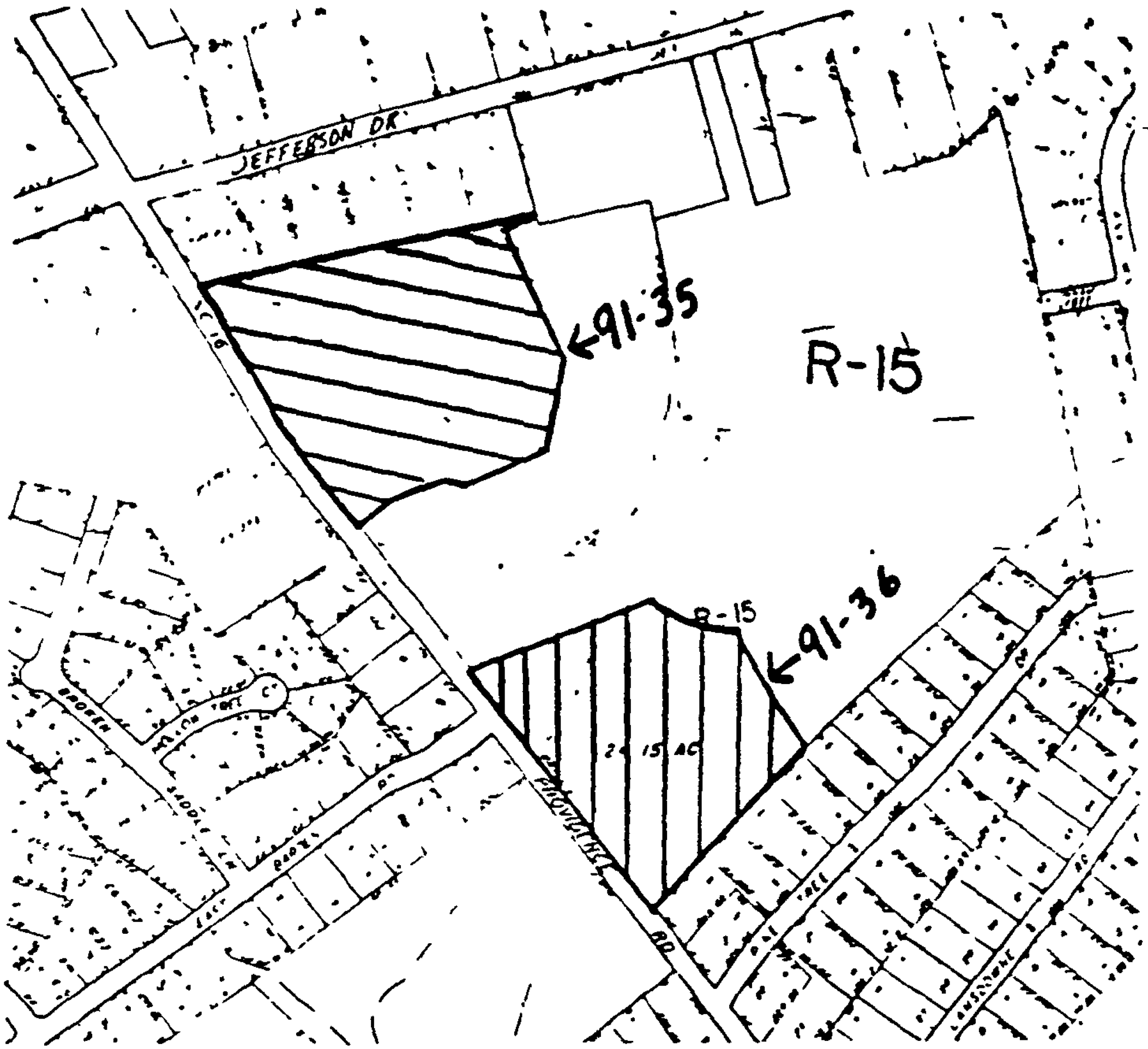
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Temple Beth El, Inc.

PETITION NO. 91-36 HEARING DATE June 17, 1991

ZONING CLASSIFICATION, EXISTING: R-15 REQUESTED R-I

LOCATION Approximately 9 acres located on the northeasterly side of Providence Road north of Pine Tree Drive.



ZONING MAP NO(s).: 136 & 146 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 24, 1991

PETITION NO.: 91-37

PETITIONER(S) Lavern and George Rabb

REQUEST. Change from R-9MF to R-6MF(CD).

LOCATION: Approximately 58,169 square feet located on the north side of Tom Hunter Road at Log Cabin Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from one multi-family residential category to another multi-family residential category to accommodate the expansion of an existing day care center. A number of technical site plan issues remain unaddressed including the need for adequate screening and the removal of parking in the setback. Therefore, Zoning Committee deferred action on the petition for 30 days to allow time for the petitioner to revise the site plan.

DATE: June 24, 1991

PETITION NO. 91-38

PETITIONER(S). John Moore

REQUEST Change from O-6, R-6MF, and R-6MFH to O-6(CD).

LOCATION: Approximately 3.8 acres located on the southwesterly corner of the intersection of Providence Road and Colonial Avenue extending along Colonial Avenue toward Queens Road.

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

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

Nays: O'Brien and Spencer.

REASONS

This petition proposes rezoning from a combination of residential and office zoning to a conditional office district to allow the construction of two office buildings totaling 70,000 square feet. The Zoning Committee discussed this petition for some time focusing on the pending Central District Plan's recommendation for the retention of multi-family zoning on the subject property. Concern was expressed by some members that this petition represents an erosion of the former boundary of the neighborhood. There was also concern about the site plan's intensity and the modest edge treatments. It was also noted, however, that three neighborhood associations favor the proposed office development and there was no opposition expressed at the public hearing. Ultimately, Zoning Committee viewed the request as appropriate and recommends that this petition be approved.

STAFF OPINION

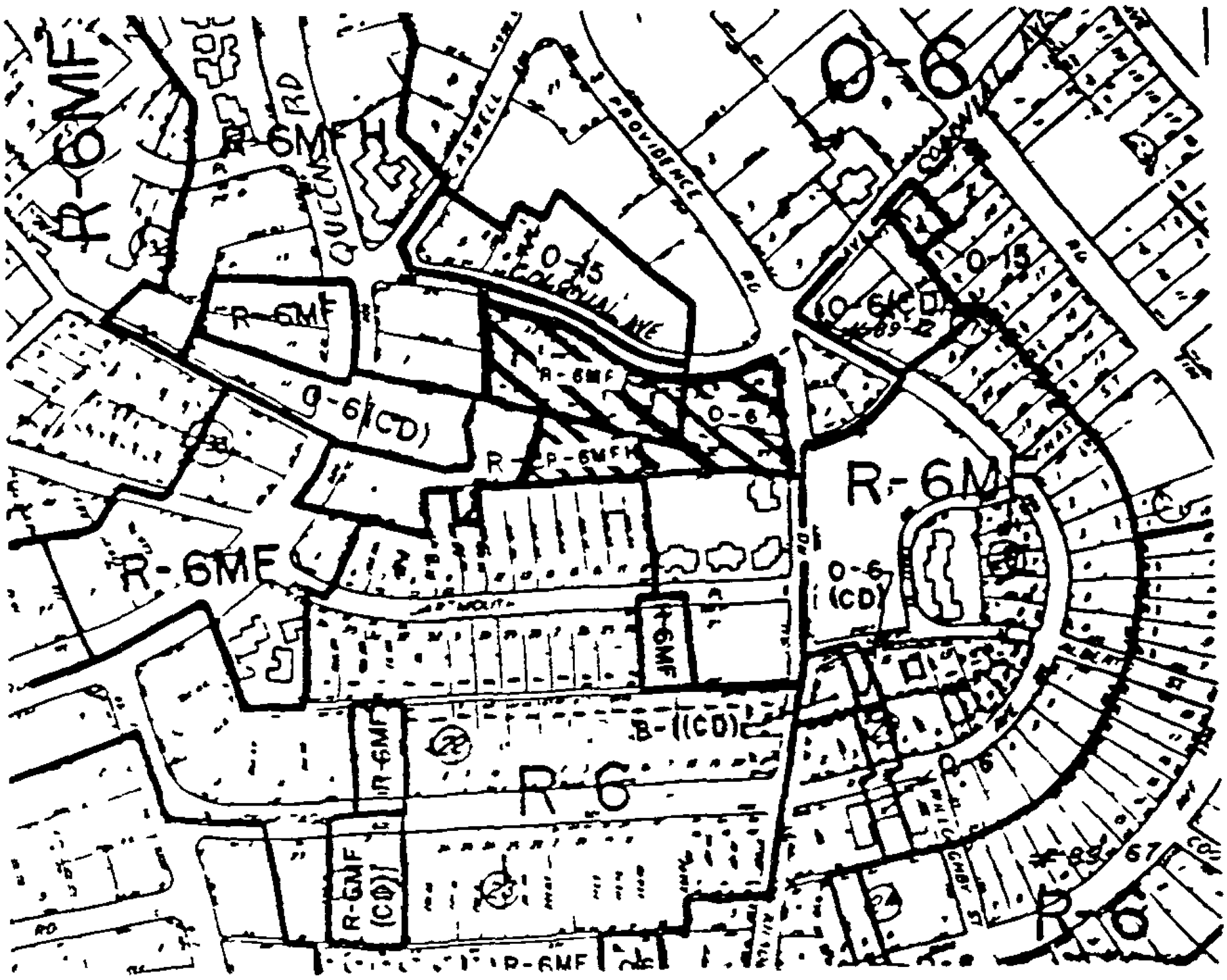
The staff disagrees with the recommendation of the Zoning Committee. The conversion of this property to entirely office use will eliminate the possibility of any future residential development on the south side of Colonial Avenue and likely stimulate additional nonresidential zoning requests in the area of Queens Road and Colonial Avenue.

PETITIONER: John Moore

PETITION NO. 91-38 HEARING DATE: June 17, 1991

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

LOCATION 3.8 acres located on the southwest corner of Providence Road and Colonial Avenue extending along Colonial Avenue in the direction of Queens Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE:	June 24, 1991
PETITION NO.:	91-39
PETITIONER(S):	Dexter and Birdie Yager
REQUEST.	Change from R-15 to R-6MF(CD).
LOCATION	A 5 acre site located on the northwest side of Park South Drive between Woodbine Lane and Fairview Road.
ACTION	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas:	Baucom, McClure, Motley, O'Brien, Spencer, and Thomasson.
Nays:	None.

REASONS

This petition proposes rezoning from single family residential to multi-family residential to allow an 84 unit multi-family development. The petitioners' agent had requested a deferral in order to allow time to investigate the feasibility of restricting the development to condominiums rather than apartments and to investigate a reduction in density. The Zoning Committee discussed the request for deferral for some time but ultimately viewed the petition as raising land use rather than site plan issues and a motion to grant a deferral failed 3-3. The Zoning Committee viewed the request as an intrusion into an established single family neighborhood and the site as inappropriate for multi-family development. Therefore, Zoning Committee recommends that this petition be denied.

STAFF OPINION

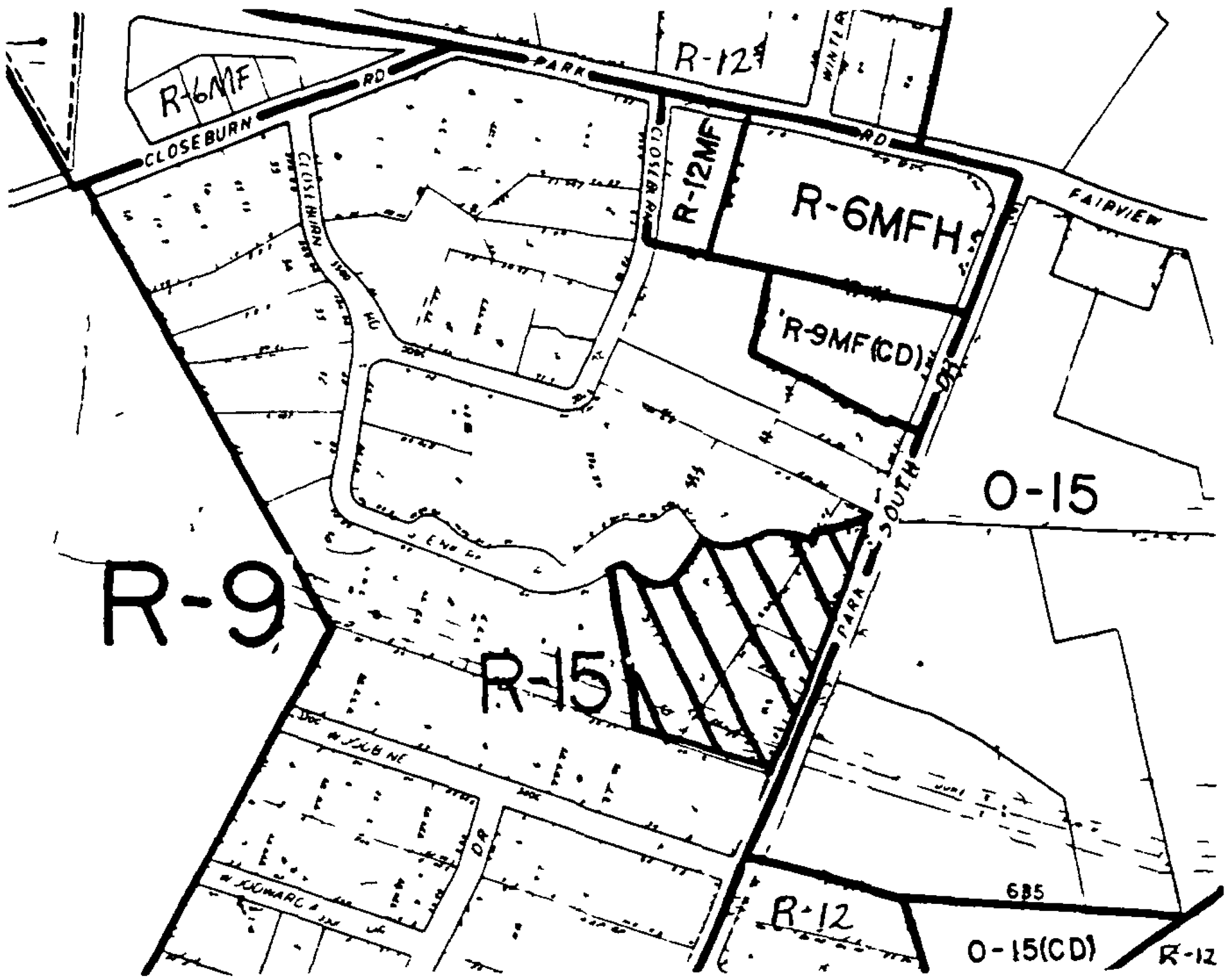
Staff noted several site plan issues which remain unaddressed and deal primarily with the provision of adequate buffers along the project edges. Staff viewed the petition as appropriate for approval subject to the submittal of a site plan which adequately deals with those issues.

PETITIONER: Dexter & Birdie Yager

PETITION NO.: 91-39 HEARING DATE: June 17, 1991

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

LOCATION Approximately 4.610 acres located on the west side of Park South Drive north of Woodbine Lane.



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

PROPERTY PROPOSED FOR CHANGE

DATE. June 24, 1991

PETITION NO.: 91-40

PETITIONER(S) Charlotte-Mecklenburg Planning Commission

REQUEST Change from R-6MF to R-6 (Northwest District Plan).

LOCATION: A 3.12 acre site located on the north side of Moores Chapel Road approximately 1/2 mile west of Freedom Drive.

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

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

Nays: None.

REASONS

This petition proposes rezoning from multi-family residential to single family residential in order to better match the zoning to the existing land use pattern. The area is developed with single family residences and is surrounded by predominately single family development as well. Nearby properties were included in earlier rezoning petitions arising from the Northwest District Plan but the subject property was inadvertently omitted from those earlier rezoning petitions. The Zoning Committee viewed the request as appropriate for the area and recommends that this petition be approved.

STAFF OPINION

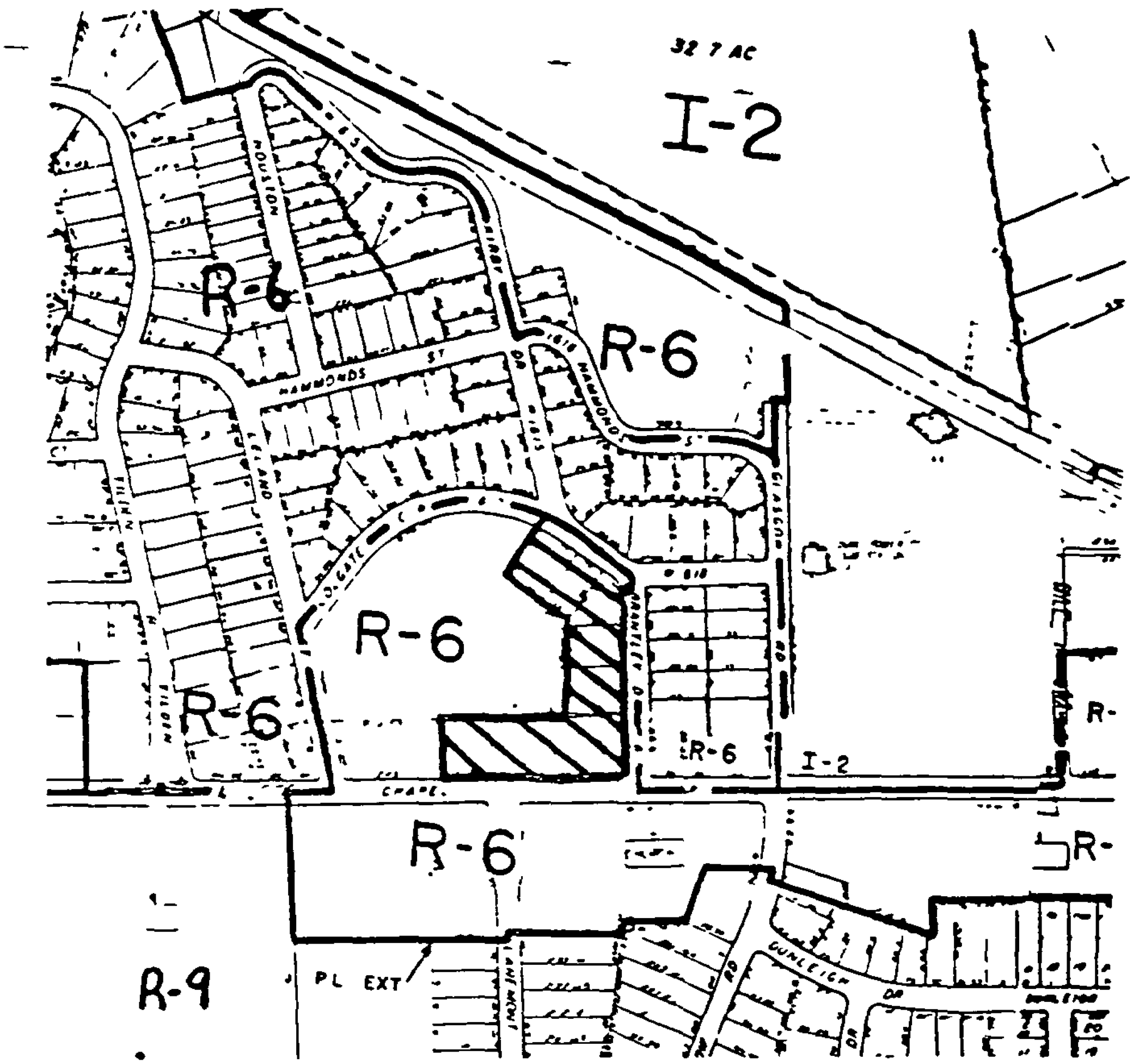
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 91-40 HEARING DATE June 17, 1991

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

LOCATION Approximately 3.12 acres located on the north side of Moores Chapel Road and extending along the east side of Brantley Drive to Colgate Circle.



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

PROPERTY PROPOSED FOR CHANGE

DATE.	June 24, 1991
PETITION NO.:	91-41
PETITIONER(S)	City of Charlotte
REQUEST	Establish City zoning on recently annexed properties.
LOCATION:	Approximately 15 acres located off the southeast side of Sardis Road northwest of Beards Creek.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, McClure, Motley, O'Brien, Spencer, and Thomasson.
Nays:	None.

REASONS

This petition seeks to establish City zoning jurisdiction on 15 acres of newly annexed properties. This request seeks to establish City zoning using the same districts as currently exist on the properties under the County's jurisdiction. There are no issues associated with this request and the Zoning Committee recommends approval of the petition.

STAFF OPINION

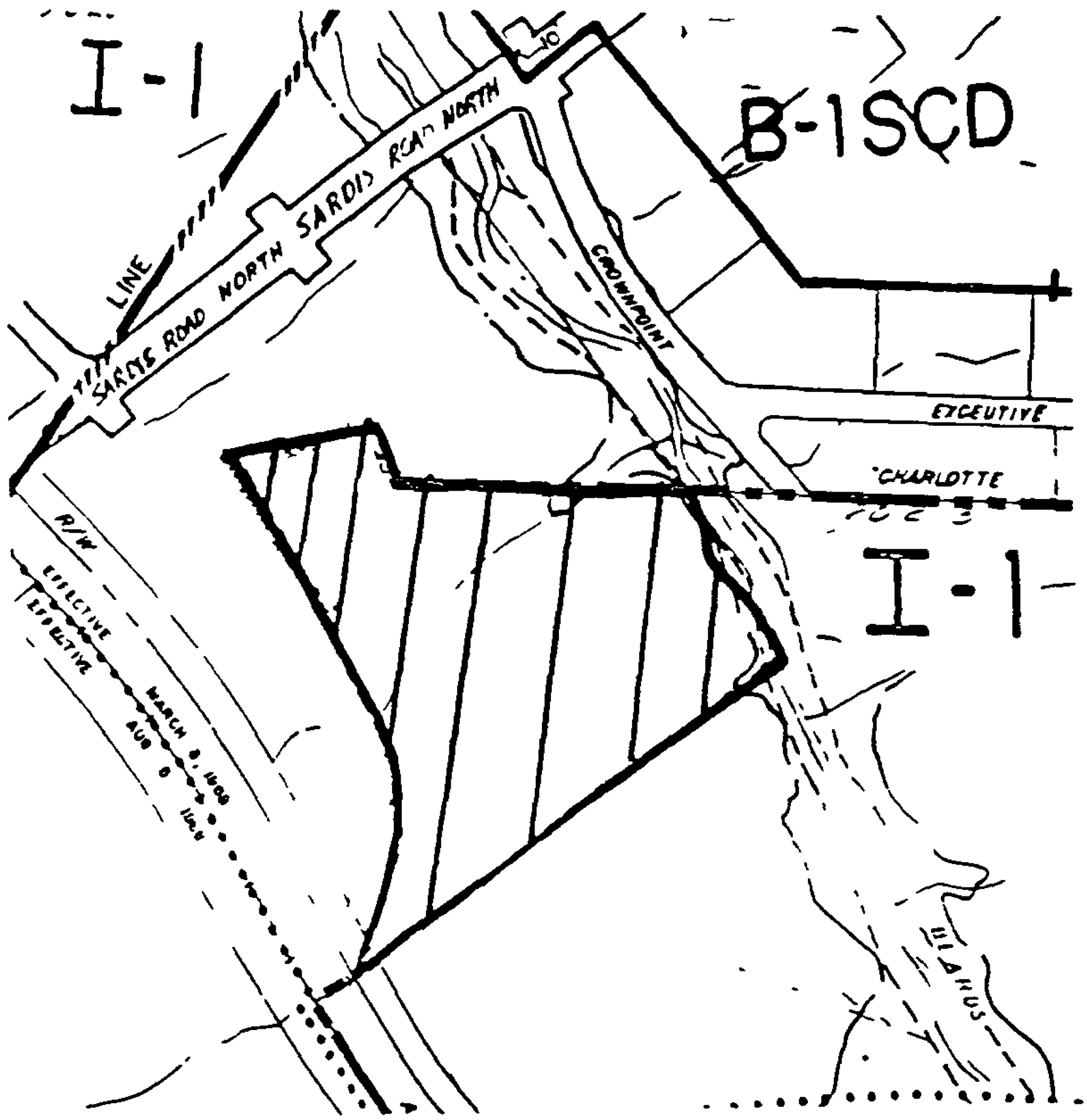
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER City of Charlotte

PETITION NO. 91-41 HEARING DATE June 17, 1991

ZONING CLASSIFICATION, EXISTING Establish zoning on property due for voluntary annexation into the city REQUESTED

LOCATION Approximately 15 acres located off the southeast side of Sardis Road northwest of Beards Creek (a portion of Crown Point).



ZONING MAP NO(s).: 144 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE	June 24, 1991
PETITION NO.	91-42
PETITIONER(S)	City of Charlotte
REQUEST	Establish City zoning on property recently annexed into the City of Charlotte.
LOCATION	Approximately 47.55 acres located on the north side of Westinghouse Boulevard Extension extending from Culp Road to the easterly side of the Outer Belt.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, McClure, Motley, O'Brien, Spencer, and Thomasson.
Nays:	None.

REASONS

This petition seeks to establish City zoning jurisdiction on approximately 47.55 acres of newly annexed properties. This request seeks to establish City zoning using the same districts as currently exist on the properties under the County's jurisdiction. There are no issues associated with this request and the Zoning Committee recommends approval of the petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER City of Charlotte

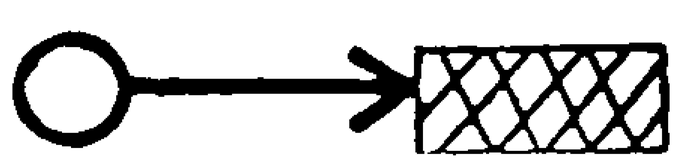
PETITION NO. 91-42 HEARING DATE June 17, 1991

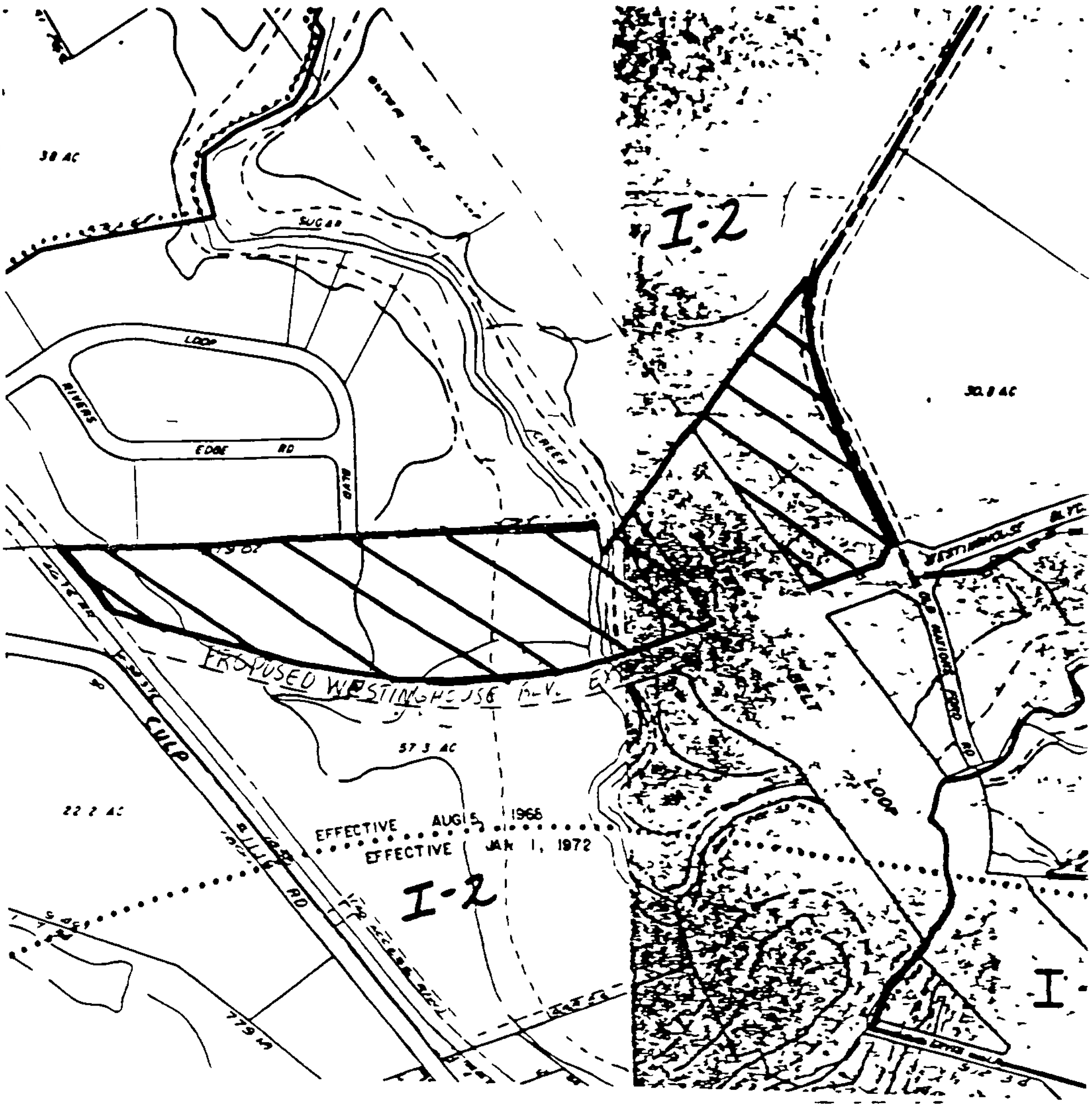
ZONING CLASSIFICATION, EXISTING Establish zoning on property due for voluntary annexation into the city REQUESTED

LOCATION Approximately 47.55 acres located on the north side of Westinghouse Boulevard Extension extending from Culp Road to the easterly side of the Outer Belt.

SEE ATTACHED MAP

ZONING MAP NO(s).: 156 & 157 SCALE 1" = ~~300'~~ Reduce

PROPERTY PROPOSED FOR CHANGE 


38 AC
SUGAR
CREEK
I-2
LOOP
RIVERS
EDGE RD
GATE
30.8 AC
WESTINGHOUSE
PROPOSED WESTINGHOUSE REV. EXT.
CULP
37.3 AC
22.2 AC
EFFECTIVE AUG 15, 1966
EFFECTIVE JAN 1, 1972
I-2
RD
779 S
I