AGENDA

Meeting Type:	B
Date:	06-17-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in June '91

THE WEEK OF JUNE 2 - JUNE 8

3	Monday, 12 Noon	PLANNING COMMISSION - CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	CITY COUNCIL WORKSHOP - CMGC, Conference Center
4	Tuesday, 9 00 a m	CHARLOTTE TREE ADVISORY COMMISSION/Judging of Tree Appreciation Week Awards - 701 Tuckaseegee Road
	Tuesday, 12 Noon	CHARLOTTE TREE ADVISORY COMMISSION/Education Subcommittee - CMGC, 14th Floor Conference Room
	Tuesday, 6 00 p m	STORM WATER TASK FORCE CMGC, Meeting Chamber Conference Room
5	Thursday, 5 00 p m	CITY COUNCIL PLANNING AND PUBLIC WORKS COMMITTEE - CMGC, Rooms 260-271

THE WEEK OF JUNE 9 - JUNE 15

10	Monday, 11 30 a m	CHARLOTTE-MECKLENBURG ART COMMISSION/"Playing Fields" Dedication - Charlotte Coliseum, 100 Paul Buck Blvd
	Monday, 12 15 p m	PLANNING COMMISSION/Lunch with County Commission - CMGC, Meeting Chamber Conference Room
	Monday, 3 00 p m	CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE - CMGC, Conference Center
	Monday, 5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Conference Center
	Monday, 6 30 p m	JOINT MEETING OF HISTORIC DISTRICT COMMISSION AND HISTORIC LANDMARK COMMISSION - 1225 S Caldwell St
	Monday, 6 30 p m	CITIZENS HEARING - CMGC, Meeting Chamber (Televised on Channel 32)
	Monday, 7 00 p m	CITY COUNCIL MEETING - CMGC, Meeting Chamber (Televised on Channel 32)
	Monday, 7 00 p m	HISTORIC LANDMARKS COMMISSION - 1221 South Caldwell Street
11	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Main Terminal, Conference Room A
	Tuesday, 2 30 p m	HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room
	Tuesday, 3 30 p m	CLEAN CITY COMMITTEE/Business Beautification Awards Committee - CMGC, Room 270
	Tuesday, 4·00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
12	Wednesday, 8 00 a m	CLEAN CITY COMMITTEE - CMGC, Room 270
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD CMGC, 7th Floor Conference Room
	Wednesday, 2 30 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JUNE 16 - JUNE 22

17	Monday, 5 00 p m	**COUNCIL/MANGER DINNER** - CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL MEETING/Zoning Hearings** - CMGC, Meeting Chamber
18	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Conference Center
	Tuesday, 5 00 p m	**CITY COUNCIL PLANNING AND PUBLIC WORKS COMMITTEE** - CMGC, Rooms 270-271
	Tuesday, 6 00 p m	**STORM WATER TASK FORCE** CMGC, Meeting Chamber Conference Room
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** Park Operations, 701 Tuckaseegee Rd
19	Wednesday, 7 30 a m	**CITY/COUNTY/CHAMBER BREAKFAST** - CMGC, 15th Floor Conference Room
	Wednesday, 7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center
21	Friday, 7 30 a m	**PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF JUNE 23 - JUNE 30

24	Monday, 4 00 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Channel 32)
25	Tuesday, 1 00 p m	**ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 N Tryon St , Building Standards Training Room
26	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271
	Wednesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 S College Street
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
27	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** CMGC, 8th Floor Conference Room
29	Saturday, 10 00 a m	**CHARLOTTE TREE ADVISORY COMMISSION** - 4910 Carmel Park Drive

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

Community Facilities Committee

Added to meeting at time

RESOLUTION OF THE CHARLOTTE CITY COUNCIL EXPRESSING ITS INTENTIONS NOT TO EXERCISE THE EXTRATERRITORIAL JURISDICTION AUTHORITY PROVIDED IN CHAPTER 161, 1991 SESSION LAWS

WHEREAS, Chapter 161, 1991 Session Laws authorizes the City of Charlotte and certain other towns in Mecklenburg County to regulate in certain extraterritorial areas outside the corporate limits, and

WHEREAS, the City Council has previously expressed its opposition to the passage of the above-referenced legislation, and

WHEREAS, it is the purpose of this resolution to clearly express the City Council's intentions not to exercise the authority granted by Chapter 161, 1991 Session Laws

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it hereby expresses to the Mecklenburg Board of County Commissioners the City Council's intentions to not exercise the discretionary extraterritorial jurisdiction authority granted to the City by virtue of the passage of Chapter 161, 1991 Session Laws

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Mecklenburg Board of County Commissioners

This the 17th day of June, 1991

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th th, day of June, 1991, the reference having been made in Minute Book 98, and recorded in full in Resolution Book 27, at Page(s) 484.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th th day of June, 1991.

Pat Sharkey, City Clerk

CHARLOTTE

Mayor Sue Myrick *Mayor Pro Tem Cyndee Patterson*

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

Council Agenda Monday, June 17, 1991

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

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

Invocation by Reverend Rick Duncan, Bethel Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (91-34) Hearing 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 approximately 33.57 acres located on the east side of West Tyvola Road south of Yorkmont Road extending to Big Sugar Creek.

   Attachment No. 1

2. (91-35) Hearing 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.

   Attachment No. 2

3. (91-36) Hearing on Petition No. 91-36 by Temple Beth El, Inc. for a change in zoning from R-15 to R-I for approximately 9 acres located on the northeasterly side of Providence Road north of Pine Tree Drive.

   Attachment No. 3

4. (91-37) Hearing on Petition No. 91-37 by Lavern M 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.

Attachment No. 4

5. (91-38) Hearing 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.

Attachment No. 5

6. (91-39) Hearing on Petition No. 91-39 by Dexter and Birdie Yager for a change in zoning from R-15 to R-6MF(CD) for approximately 5.024 acres located on the northwest side of Park South Drive between Woodbine Lane and Fairview Road.

Attachment No. 6

7. (91-40) Hearing on Petition No. 91-40 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 for a 3.12 acre site located on the north side of Moores Chapel Road approximately 1/2 mile west of Freedom Drive.

Attachment No. 7

8. (91-41) Hearing 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, voluntarily annexed into the City of Charlotte,

Attachment No. 8

9. (91-42) Hearing 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, voluntarily annexed into the City of Charlotte.

Attachment No. 9

10. (91-43) Hearing on Petition No. 91-43 by The City of Charlotte for a Text Amendment to clarify the application of certain standards to convention centers and halls, exhibition halls, merchandise marts and similar uses in the Uptown Mixed Use District (UMUD).

Attachment No. 10

POLICY

11. Recommend realignment of election district boundaries in order to maintain the required population balance. Realignment involves (1) the assignment of newly annexed residents to City Council districts and (2) the shifting of precincts to adjoining districts.

A decision on this item was deferred at the May 28, 1991 Council meeting. The additional information Council requested is attached.

Council Districts

The June 30, 1991 annexations and the increased population growth within districts as indicated by the 1990 census data will make it necessary to shift some City Council district boundaries in order to maintain the population balance required under one person, one vote ruling.

- The population differential between the largest and smallest City Council districts cannot exceed the maximum permitted deviation of ten percent.

Five Options

The attachmentlists five options for meeting the required population balance among City Council election districts. In proposing these options, the following points were considered:

- it should result in a deviation of less than 10% between the largest and smallest districts;
- it should not dilute the voting strength of minority groups;
- it should not unnecessarily divide a neighborhood.
- The district boundary realignment must be completed before the July 22, 1991 filing date for Mayor and City Council.

Attached is:

- a list of options to meet the required population balance,
- a summary table of population data for each option, and

- a map showing the relative location of precincts and proposed precinct shifts.

Clearances: The City Manager's office, City Attorney's office, and County Elections Supervisor have been advised of the proposed realignments.

Staff Resource: Dick Black

Attachment No.11

DECISIONS

12. (91-15) Decision on Petition No. 91-15 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and I-1 to R-9, (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 and May 20 Meetings.

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

Attachment No. 12

13. (91-17) Decision on Petition No. 91-17 by Derita Masonic Lodge #715 for a change in zoning from R-12 to R-15MF for a 3.2 acre site located between Maple Street and Hewitt Drive.

A protest petition has been filed and found sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and 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. 13

14. (91-19) Decision on Petition No. 91-19 by the City of Charlotte for a change in zoning from R-9 to R-6MF for approximately .463 acre located on the northwest corner of the intersection of Squirrel Hill Road and Mount 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. 14

15. (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 Council Members, not excused from voting, in order to rezone the property.

This petition was deferred at the May 20 meeting.

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

Attachment No. 15

16. (91-28) Decision on Petition No. 91-28 by Hickory Grove Baptist Church for a change in zoning from R-12 to R-I and consideration of an R-I Site Plan Amendment for approximately 19.927 acres located on the southwest corner of Hickory Grove Road and East W. T. Harris Boulevard.

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (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 north of Sharon Amity Road.

This petition was deferred for 30 days at the May 20 meeting.

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

Attachment No. 17

18. (91-30) Decision on Petition No. 91-30 by Presbyterian Health Services Corporation for a change in zoning from R-6MFH and B-1 to O-6 for two parcels totaling .57 acre located on the northeast side of East Fifth Street between Clement Avenue and Caswell Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

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.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (91-32) Decision on Petition No. 91-32 by One Coltsgate Associates for a change in zoning from R-15 to O-6 for approximately .252 acre located on the north side of Coltsgate Road east of Sharon Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. Recommend adoption of a resolution setting public hearings for July 15, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-33 and 91-44 through 91-53 for zoning changes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 29, 1991

Mayor and City Council:

RE: Petitions to be Heard in June, 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 June 17, 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. 91-34

Petitioner: Crescent Resources, Inc.

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

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned BP and is a portion of a 1988 rezoning request. Properties adjacent to the subject property generally contain a mixture of industrial and office districts including I-1, I-1(CD), O-15(CD) and BP.

2. Existing Land Use. The property involved in this request is presently undeveloped except for an inactive quarry. Immediately adjacent to this site is the Charlotte Coliseum complex. Other land uses in the surrounding area include the Coffey Creek and Lake Pointe Business Parks, Camp Greene and some scattered residential developments.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment land uses in the area of the subject property. The coliseum is indicated as a major institutional use. A major park site (Renaissance Park) is also indicated. 2005 Strategies involve greenway along Big Sugar Creek, extending water lines in the area, and the southwest segment of the Outer Belt.

   2. Transportation Improvement Program. The Transportation Improvement Program indicates the Billy Graham Parkway/West Boulevard Interchange in the area of the subject property.

   3. Billy Graham Park/Tyvola Road Extension Special Project Plan (1985). The subject property is located in an area that is designated to be a part of the coliseum complex. Business park land uses are recommended to the west of the subject property, greenway along Sugar Creek, and park uses south of subject property.

      This plan recognizes that the coliseum would play an important role in how property in the area is developed. The opportunity exists for office, service, and business park development adjacent to Billy Graham Parkway and surrounding the coliseum.

The plan also calls for streetscape improvements along the gateways and strategies for land use improvements on publicly owned property.

4. Southwest District Plan draft (1990). The draft Southwest District Plan recommends office land uses in the area of the subject property.

4. Site Plan. The site plan which accompanies this application proposes a nonresidential development consisting of office and business type uses. The plan proposes approximately 22.28 acres of land to be zoned O-15(CD) to accommodate up to 200,000 square feet of office uses and approximately 11.24 acres to be zoned B-1(CD) to accommodate a maximum of 36,000 square feet of business uses. 5.02 acres of land is proposed to be dedicated to Mecklenburg County Parks and Recreation Department for greenway.

The plan calls for a 100 ft. minimum building setback along Tyvola Road, 50 ft. of which is to remain as an essentially undisturbed buffer. A 50' buffer/setback is proposed along Yorkmont Road. These buffer areas may accommodate berms, landscaping, pedestrian pathways and utility crossings. Existing mature trees that die during construction will be replaced with 2-1/2 inch caliper trees at least 6 feet in height.

The number of vehicular access points to Tyvola Road has been limited to two, one of which is proposed for a new public street to be built in accordance with the subdivision standards. These access points will require Varicom signs which the petitioner commits to install. Two access points are also proposed for Yorkmont Road. The petitioner has also committed to roadway improvements along Tyvola Road and Yorkmont Road that include additional right-of-way, additional lanes and/or turn lanes and the reconstruction of the existing Yorkmont Road median if determined by CDOT that its relocation is required.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. SUP 85-3	SUP for Coliseum & High Rise in Residential	Approved	11/25/85
2. 85-27(c)	R-15, Inst. to I-1(CD)	Approved	06/17/85
3. 86-44	Establish Zoning	Approved	04/21/86
4. 87-2 SUP	Relocate Parking Count & Modify Buffer	Approved	07/20/87
5. 87-08	R-15 to I-1(CD)	Approved	01/09/88
6. 88-31	R-9, R-15 to BP, O-15(CD)	Approved	05/16/88

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a 33.57 acre tract of land to O-15(CD) and B-1(CD) to accommodate a mixed nonresidential development. Plans for this area indicate developing employment land uses and recognizes the Coliseum as a major institutional land use. The Coliseum Center Plan calls for up to 576,000 square feet on this tract. The proposed commercial is not strictly consistent with the plans, however it is appropriate as a support service for the employment uses in the area. Therefore, this petition is considered consistent with the publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. This proposal has been discussed with the petitioners agent on several occasions prior to the filing of the application. Subsequent to the filing of this petition, the staff communicated site plan comments to the petitioner for their consideration.

   2. Departmental Comments. The majority of the departmental comments regarding this plan dealt with minor issues of detail in the conditional notes and in the plan itself with regards to yards, buffers, landscaping, and tree ordinance requirements. The Charlotte Department of Transportation indicated that under the proposed zoning, this site could generate 6,132 trips per day as opposed to the 5,363 trips per day under the current zoning. This will not have a significant impact on the surrounding thoroughfare system. Mecklenburg County Parks and Recreation Department stated the 5 acre greenway dedication was satisfactory and asked that a pedestrian access easement to the greenway from Tyvola Road. The petitioner has addressed all of these technical details.

ISSUES

1. Land Use. This petition raises no significant land use issues. The adopted plans and policies for the area recognize the significance of the Coliseum as an institutional use. The Billy Graham Parkway/Tyvola Road Extension Special Project Plan (1985) indicates that the subject property is located in an area designated to be part of the Coliseum complex and recognizes the opportunity for office, service and business park development. The commercial segment will provide support services to the employment uses in the area. 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 a mixed nonresidential development with up to 200,000 sq. ft. of O-15(CD) uses and 36,000 sq. ft. of retail. Access to the development will be primarily from a new public street constructed to the City subdivision standards. Additional access points are provided on Tyvola Road and Yorkmont Road and the petitioner has committed to right-of-way and street improvements including the cost for additional Varicom signs. 5.02 acres of land are proposed to be dedicated to Mecklenburg County Parks and Recreation Greenway along with the provision of a pedestrian access to the greenway from Tyvola Road.

   The petitioner has addressed all interdepartmental comments on the revised site plan. Therefore, from a site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-34

DEVELOPMENT STANDARDS
(Revised 5/16/91)

1. GENERAL PROVISIONS.

(a) Except as otherwise provided in this Rezoning Plan, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the O-15 Zoning District Classification shall be met or exceeded in connection with development taking place on Parcel A and all development standards established under the Ordinance for the B-1 Zoning District Classification shall be met or exceeded in connection with development taking place on Parcel B.

(b) The building and parking lot configurations, placements, and sizes shown on the Schematic Site Plan merely depict possible configurations of buildings, parking lots and circulation relationships that could occur given the various building envelope areas established by this Rezoning Plan; and the same may be altered or modified during design and construction phases so long as the maximum building envelope lines established on this Rezoning Plan are not violated.

2. PERMITTED USES.

(a) Parcel A: O-15(CD).

The total gross floor area of all structures placed on Parcel A cannot exceed 200,000 square feet.

Parcel A may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in an O-15 Zoning District under the Ordinance.

The right to use portions of Parcel A to accommodate parking for development taking place on Parcel B is expressly reserved.

(b) Parcel B: B-1(CD).

The total gross floor area of all structures placed on Parcel B cannot exceed 36,000 square feet.

Parcel B may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in a B-1 Zoning District under the Ordinance.

3. <u>BUFFER AREAS</u>.

All site improvements taking place within the Buffer Areas depicted on this Rezoning Plan will be subject to the following restrictions:

(a) The Buffer Areas along Tyvola Road and Yorkmont Road are to remain as open space, except to the extent necessary to accommodate pedestrian pathways, access points, walls, berms, fences, grading, signs and graphics, drainage and utility construction. The Petitioners also reserve the right to remove vines, underbrush and small understory trees within any Buffer Area which is left in its natural state for purposes of improving the overall appearance of naturally vegetated areas.

(b) All grading within Buffer Areas will be subject to compliance with the provisions of the Charlotte Tree Ordinance. Existing mature trees within any Buffer Area which die as a result of grading performed outside of any such area will be replaced with large maturing type trees having a caliper of at least 2½ inches and a height of at least 6 feet. Berms may be installed within all Buffer Areas for purposes of visual screening, enhancing the placement of new landscaping and facilitating proper drainage and slope stabilization.

(c) In all Buffer Areas where existing trees and natural vegetation have been cleared to accommodate berms, grading or utility construction, the cleared, unimproved areas will, where permitted, be landscaped with trees and shrubs in accordance with the specifications described under the Landscaping Cross Section depicted on this Rezoning Plan.

(d) Utility lines may only cross Buffer Areas at interior angles measured at property lines which are not less than 70°.

4. <u>LANDSCAPING</u>.

(a) All landscaping will meet or exceed the requirements of the Charlotte Tree Ordinance.

(b) Any new trees planted within Buffer Areas shall be a minimum of 2½ inches in caliper and, for deciduous trees, a minimum of 8 feet in height at planting and, for evergreen trees, a minimum of 6 feet in height at planting, and will be planted at a minimum of 40 feet on center.

(c) Landscaping areas within the Site will be planted and improved in sequences which are keyed to the development taking place on each Parcel.

(d) All dumpsters and service areas will be screened from public streets and from adjacent properties.

(e) All applications for grading plans and building permits shall be accompanied by a tree-protection and planting plan which satisfies the provisions of Section 21-45 of the Charlotte Tree Ordinance.

5. UTILITY DISTRIBUTION LINES.

(a) All utility distribution lines delivering services within the Site will be placed underground unless the utility involved refuses to give its consent.

6. PARKING.

(a) Off-street parking provided within the Site will meet the minimum standards established under the Ordinance.

(b) No parking shall be permitted within Buffer Areas.

(c) Parking may take place inside or outside building envelopes.

7. LIGHTING.

A uniform lighting system will be employed throughout the Site.

8. SIGNS.

(a) All permanent signs erected on the Site will comply with the City Sign Ordinance.

(b) A master directional and informational signage and graphic system will be adopted and implemented throughout the Site.

(c) All free-standing building and tenant identification signs or graphics will be complementary in scale and appearance to the structures which they identify, and each sign affixed to a structure will be compatible with its architectural design.

9. ACCESS POINTS.

(a) The number of vehicular access points to Tyvola Road shall be limited to two and the number of vehicular access points to Yorkmont Road shall be limited to

two, all as generally depicted on this Rezoning Plan. The locations and configurations of each such access point will be determined by the Charlotte Department of Transportation during the driveway permit process and the locations of all driveways shown on the rezoning plan are subject to change in order to align them with any driveway which may be existing at the time on the opposite side of the street involved.

(b) The Petitioner acknowledges that the two vehicular accesses to the Site provided along Tyvola Road will require Varicom signs which operate during Coliseum events and restrict left turns from Tyvola Road into the Site. Petitioner agrees to install such control devices at each such access point as may be required by the Charlotte Department of Transportation.

10. STORM WATER MANAGEMENT.

(a) Stormwater runoff from the property will be managed through a variety of proven techniques which satisfy the standards imposed by the City of Charlotte.

(b) If detention areas are required, none may be installed within the Buffer Areas identified on this Rezoning Plan.

11. TRANSPORTATION COMMITMENTS.

(a) Roadway Improvements. Petitioner commits to install at its expense grading, drainage, curb and gutter for an additional lane leading from Tyvola Road in an easterly direction along Yorkmont Road to a point beyond the Site's easternmost access and then to taper such lane in an appropriate manner, all in accordance with specifications approved by the Charlotte Department of Transportation.

It is contemplated that a radius improvement possibly involving a channelized lane behind the traffic pole installation existing at the southeastern corner of the intersection may be required to accommodate right turns off Tyvola Road onto Yorkmont Road. Subject only to timely receipt of a firm concept plan for these intersection improvements, as hereinafter provided, Petitioner further commits to make such curb improvements along the southern margin of Yorkmont Road as CDOT may deem necessary to align the required cross-section for Wilmont Road with the required cross-section for Yorkmont Road. This commitment for such curb improvements on the part of the Petitioner, however, is expressly conditioned upon CDOT's furnishing to Petitioner's consultant upon the

consultant's written request (made at any time after Petitioner seeks a building permit for the first building to be constructed on the Site) a firm concept plan for these intersection improvements which will allow the consultant to prepare construction documents for the curb improvements.

If such concept plan is not furnished to Petitioner's consultant by CDOT within 45 days after the consultant's written request, Petitioner shall be released from any obligation to make the curb improvements. Petitioner agrees to inform CDOT in writing once it has obtained its first building permit so as to give CDOT adequate time to prepare and furnish the required concept plan to Petitioner's consultant.

If a firm concept plan is timely delivered by CDOT to Petitioner's consultant, then no certificate of occupancy for any building on the Site may be issued until after Petitioner has completed the curb improvements in accordance with construction plans prepared by its consultant and approved by CDOT.

(b) Petitioner agrees to dedicate an additional strip of land 10 feet wide or sufficient in width to provide 60 feet of right-of-way measured from the centerline of Yorkmont Road for a distance of 270 feet from the easterlymost corner monument at the southeast corner of the Tyvola and Yorkmont Road intersection. Thereafter, the strip dedicated for right-of-way shall be sufficient to provide 50 feet from the centerline of Yorkmont Road for the remainder of the property's frontage.

(c) Petitioner further agrees to reconstruct the existing median on Yorkmont Road which now runs from the intersection in an easterly direction if CDOT determines that its relocation is required to accommodate the proposed cross-section for Yorkmont Road at its intersection with Tyvola Road so long as the new median does not run for a distance of more than 540 feet east of the intersection.

(d) Petitioner further agrees to install a sidewalk and an appropriate planting strip along the southerly margin of Yorkmont Road, running in an easterly direction from the intersection to the eastern line of the Site.

12. GREENWAY DEDICATION.

Petitioner agrees to dedicate to Mecklenburg County for Greenway Purposes the areas identified on this Rezoning Plan within a reasonable period of time following receipt of a written request from the County Manager, subject to any utility or pedestrian easements needed for development of the Site and further agrees to provide a public pedestrian access to the Greenway from Tyvola Road.

13. COMPLIANCE WITH CITY AIRPORT REGULATIONS.

The heights of all buildings within the Site will conform with City Airport Regulations and with all other local, state or federal rules regulating the heights of buildings which are located within specified distances from an airport.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-34
Date Filed April 8, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: City of Charlotte

Owner's Address: Charlotte/Mecklenburg Government Center
600 E. Fourth Street
Charlotte, NC 28202

Date Property Acquired: June 6, 1988

Tax Parcel Number: 143-124-01, 02

Location Of Property (address or description): East side of West Tyvola Road from Big Sugar Creek and Yorkmont Road and extending along Yorkmont back to Big Sugar Creek

Description Of Property

Size (Sq Ft.-Acres): 33.57 acres

Street Frontage (ft): 2,444.47' - Tyvola

Current Land Use: Vacant

Zoning Request

Existing Zoning: B-P

Requested Zoning: O-15(CD) & B-1(CD)

Purpose of Zoning Change: To develop a planned commercial and office project in conformance with the City of Charlotte's Coliseum Center Plan

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204
Telephone Number

333-1680

Bailey Patrick
Perry, Patrick, Farmer & Michaux
900 Baxter Street
Charlotte, NC 28204
372-1120

Crescent Resources, Inc.
Name of Petitioner(s)

P. O. Box 1003
Address of Petitioner(s)

Charlotte, NC 28201-1003
Telephone Number

373-2379

Paul J Madley
Signature

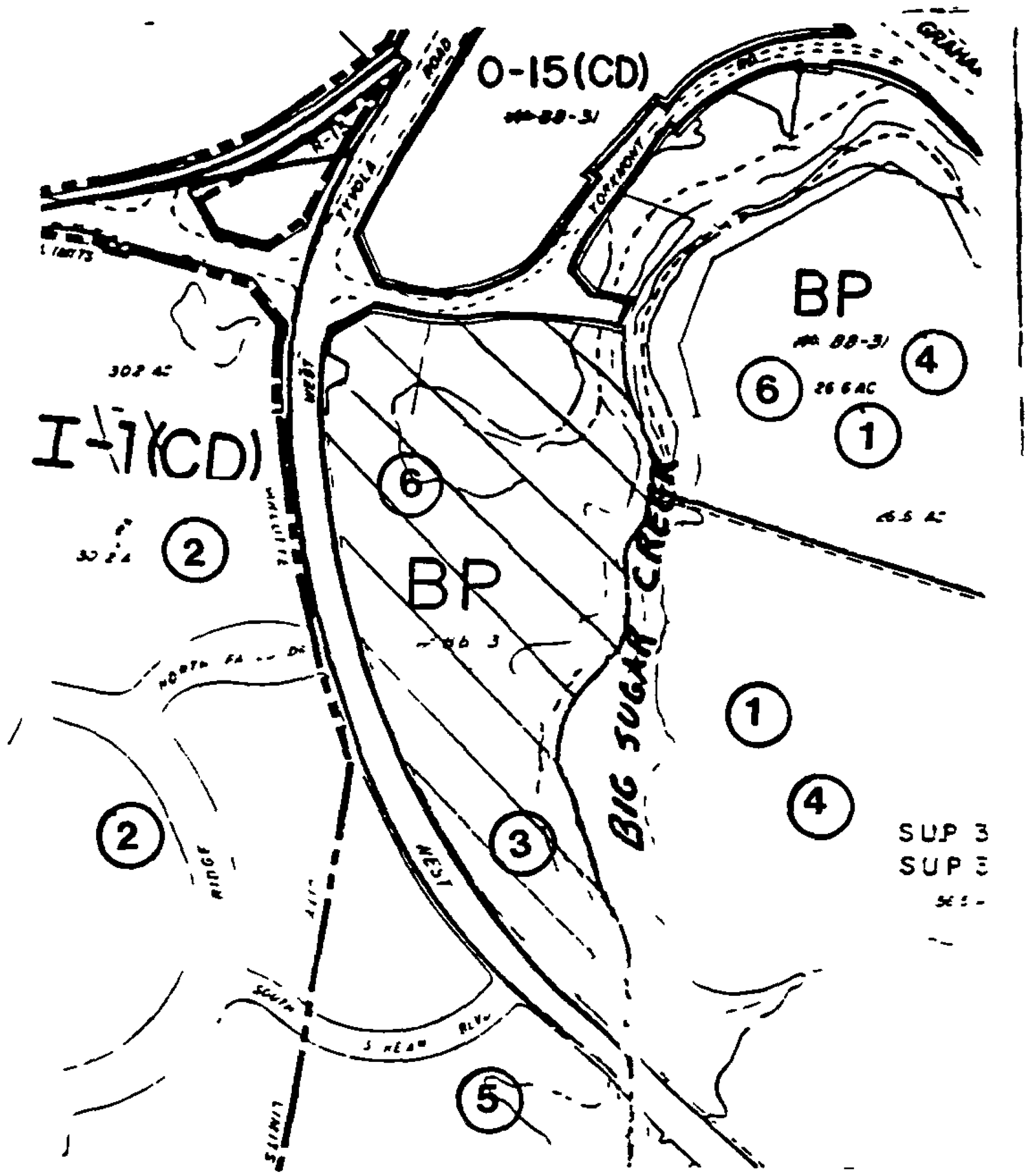
Kent G. Winslow
Signature of Property Owner if Other Than Petitioner

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" = ~~100'~~ Schematic

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 91-34

PETITIONER: CRESCENT RESOURCES, INC. (PROPERTY IS CURRENTLY OWNED BY THE CITY OF CHARLOTTE AND INCLUDED IN THE COLISEUM CENTER PLAN)

LOCATION: SOUTHEASTERLY CORNER OF WEST TYVOLA ROAD AND YORKMONT ROAD EXTENDING SOUTHERLY ALONG TYVOLA TO THE CHARLOTTE COLISEUM PROPERTY

REQUEST: CHANGE FROM B-P TO O-15(CD) AND B-1(CD)

Crescent Resources, Inc. has been working for some time with the City of Charlotte to implement approved development plans for the City owned property in the vicinity of the Charlotte Coliseum. One high-rise office building has now been completed between Yorkmont Road and Billy Graham Parkway with this rezoning request representing Phase Two development plans for an additional 33.57 acres.

The subject petition proposes zoning to accommodate a mix of office and business uses with 200,000 square feet of office on 22.28 acres, 36,000 square feet of business uses on 11.24 acres and 5.02 acres proposed to be dedicated to Mecklenburg County Parks and Recreation Department for greenway purposes. The site plan has been carefully prepared to be in conformance with the development standards prescribed in the Coliseum Center Plan previously approved by City Council. This area has long been envisioned as an employment area, but, in addition, the proposed plan recognizes the critical need for business service facilities such as restaurants to provide for the many visitors and employees inhabiting this general area. At the present time, there is no direct provision for these services and, therefore, extensive additional trips in and out of the area are necessary in order for the service needs to be met.

Prior to filing this request, extensive discussions were held with members of the Charlotte/Mecklenburg Planning Commission Staff, Charlotte Department of Transportation Staff, City Real Estate Staff and Mecklenburg County Greenway Officials to ensure compliance with all aspects of land use plans and development standards applicable to this property. The previously mentioned development standards approved for this area include 100-foot building setbacks from Tyvola, 50-foot buffers along both Tyvola and Yorkmont Roads, careful attention to existing site conditions and design of access points to the roadway system. All of these standards have been implemented in the submitted site plan with additional careful attention being given to preserving a substantial lake which is now on the site to provide a very attractive amenity to the subject development and the area as a whole. As the Staff Analysis has indicated, there are no land use issues nor site plan issues associated with this petition as it has been presented. All comments of the various staffs have been carefully addressed through either the site plan or the accompanying conditional notes.

Since this area is so sensitive to traffic circumstances, some comments are in order on this subject. The Petitioner's site plan does incorporate all the transportation improvement stipulations indicated by CDOT including the agreement to install a second southbound lane on Yorkmont Road extending from its intersection with Tyvola, south to a termination point east of the last proposed driveway. The Petitioner has also agreed to coordinate the Tyvola Road lane control system with the two access points to the subject site. This will consist primarily of installation of controls which will indicate limited access to Tyvola during the time when the reversible lane system is in effect.

For all of the foregoing reasons, the Petitioner is hopeful the Zoning Committee and City Council will agree to approve this petition.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-35

Petitioner: Temple Israel, Inc.

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-15 with the surrounding property zoned R-15 as well. To the north at the intersection of Providence and Fairview Roads there is a large R-15MF(CD) tract, a B-1(CD) and O-15(CD) tract. To the south of the subject property there is a small R-20MF tract.

2. Existing Land Use. The subject property is presently undeveloped and is immediately adjacent to the site of Shalom Park, The Jewish Community Center. (NOTE: This petition is in addition to another rezoning petition made by Temple Beth El on a site in close proximity to the proposed Temple Israel site). The remainder of the surrounding land is dominated by single family residential development. McMillan Place Apartments, The Essex, United Carolina Bank, and two convenience stores are located at the intersection of Fairview and Providence Roads.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses with a community commercial center shown in the area. 2005 strategies include extending waterlines along Providence Road and extending the greenway system along McMullen Creek.

   2. South District Plan. This property falls within the area covered by the South District Plan which is still under development.

4. Site Plan. The site plan which accompanies this request calls for the construction of a temple and associated facilities on a tract of land which is a part of the existing Shalom Park. The proposed site plan indicates that the new facility will have a seating capacity of 626 with additional seating of 967 for High Holy Days twice a year. The proposed total seating then is 1,593 with a total square footage of 33,403 in the building footprint. The site plan shows a parking lot which will accommodate 171 cars. Additional parking for 220 cars required by increased attendance on High Holy Days will be handled off site on the adjoining Shalom Park property. A note on the site plan addresses this issue and an agreement has been included as part of the petition. There is an existing building also shown on the site plan but there is no

indication of whether or not it will remain and if it is to remain how it will be used. Two access points to the site are shown. One of these is on Providence Road and the other is to an interior street within Shalom Park. Numerous existing trees are shown on the site plan. The revised site plan shows which trees are to be saved. Along the northwesterly side of the property adjacent to the existing single family neighborhood, hedge screening per Section 1601 of the zoning ordinance is noted. In addition two sections through this property line and through the Providence Road property line to the parking lot show how parking will be screened through grading and berming.

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

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-10(c)	R-15 to R-20MF	Approved	03/05/73
2. 83-77	R-20MF to R-15	Approved	11/21/83

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

REVIEWS

1. Plan Consistency. The 2005 Plan indicates existing residential development in the general area of the proposed site. A temple is a permitted use within a residential district so the rezoning request is consistent with publicly adopted plans and policies.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents 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 the dedication of right-of-way 50' from centerline and a 10' easement to accommodate future sidewalk and utilities along Providence Road. They also

requested clarification of location of the off site parking. Building Standards comments were in regard to off site parking complying with Section 3159 of the zoning ordinance. A note has been added to the site plan to that effect. Planning staff made general comments regarding screening of the parking lot and questioned clarification of the use of the existing structure. These comments have been addressed by the revised site plan.

ISSUES

1. Land Use. This petition does not raise any land use issues. The 2005 Plan recognizes the existing residential land use in the area. The proposed temple is a compatible and permitted use within residential districts. In fact, this rezoning is required due to the number of seats in the proposed facility. In addition, it's incorporation into the existing Shalom Park is an appropriate and well-planned relationship from a land use standpoint. For this reason this petition is appropriate for approval.

2. Site Plan. The site plan as presented raises no concerns. Care has been taken from a layout and grading standpoint to minimize any potential impact on adjacent property owners. All minor comments made by the reviewing departments have been addressed on the revised site plan. Therefore, the site plan as presented is appropriate for approval.

CONCLUSION

This petition in its present form is appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-35

TEMPLE ISRAEL
REZONING PLAN
FOR PUBLIC HEARING
LATEST REVISION 5/17/91

SITE DATA

SITE SIZE	10.52 ACRES
EXISTING ZONING·	R-15
PROPOSED ZONING.	R-I
PROPOSED USE:	RELIGIOUS TEMPLE WITH ASSOCIATED USES
REGULAR SEATING CAPACITY:	626 PEOPLE
EXPANDED SEATING FOR HIGH HOLY DAYS (2 TIMES EACH YEAR):	967 PEOPLE
TOTAL:	1,593 PEOPLE
FLOOR AREA	33,403 SQ FT
OPEN SPACE PROVIDED.	76%
OPEN SPACE REQUIRED:	25%
PARKING PROVIDED:	ON SITE = 171 SPACES OFF SITE = 220 SPACES (SEE NOTE 7) TOTAL = 391 SPACES

PARKING REQUIRED:

A. ONE SPACE PER FOUR FIXED SEATS IN SANCTUARY (INCLUDING CHOIR AND PLATFORM) 636 SEATS/4 SEATS PER SPACE = 159 SPACES

B. ONE SPACE PER 40 SQUARE FEET OF FLOOR AREA IN SOCIAL HALL
6765 SF @ SOCIAL HALL/40 SF PER SPACE = 170 SPACES

TOTAL REQUIRED SPACES 329 SPACES

GENERAL NOTES

1. This plan depicts a potential pattern of development to illustrate the general relationship of design for the site. Minor adjustments to the building, parking and circulation patterns may occur. Building will meet Zoning Ordinance standards for parking, sideyards, and setbacks for Churches.

2. Storm water control shall occur on site in accordance with a plan approved by the City of charlotte.

3. Signage shall be allowed in accordance with ordinance requirements.

4. In addition to the landscaping information shown, substantial areas of existing vegetation shall be preserved. Effective screening of adjoining properties shall occur through a combination of existing and proposed vegetation, an as a minimum, shall meet the requirements of Section 1601 of the Charlotte Zoning Ordinance. Trees will be required in accordance with Chapter 21 of the City Code Permits for tree removals and pruning in tree protection zone and right-of-way can be obtained from the Urban Forestry Staff. The proposed planting is a concept only and will be subject to change on actual site conditions and from the Urban Forestry Staff in accordance with the Codes and Ordinances.

5. The access point to Providence Road shall be subject to location and design approval of Charlotte and North Carolina DOTs.

6 Additional R O W to maximum of 50 feet from centerline shall be dedicated along Providence Road prior to the issuance of any Occupancy Permit. In addition to the 50 foot R.O.W., a 10 foot easement shall be granted for sidewalk, utilities, etc.

7. A maximum of 220 off-site parking spaces shall be provided on adjoining property owned by The Foundation of the Charlotte Jewish Community, Inc (See attached agreement.) This parking shall be needed only on High Holy days and will be utilized as shared parking at times not needed for The Foundation activities. These spaces shall not conflict with spaces assigned to Temple Beth-El. All off site parking must meet the minimum requirements of Section 3139 of the Charlotte zoning Ordinance.

8. The proposed 5 foot sidewalk location along Providence Road shall be coordinated with City Engineering and Urban Forestry Staff to avoid damage to Existing trees in the setback.

9. The driveway connection to Providence Road requires a driveway permit to be submitted to CDOT and NCDOT for review and approval.

10. The height of light poles and the cut off angles of the light fixtures shall be designed to minimize the effects on adjoining property owners.

11. All trees shown on site plan, unless otherwise noted, are to be saved.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-35
Date Filed April 8, 1991
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Temple Israel, Inc. | CHAI Investors

Owner's Address: 1014 Dilworth Road, Charlotte, NC 28203 | 1014 Dilworth Road, Charlotte, NC 28203

Date Property Acquired: July 13, 1984 | October 31, 1984

Tax Parcel Number: 187-072-17 | 187-072-08

Location Of Property (address or description)

Northeasterly side of Providence Road southeast of Jefferson Drive

Description Of Property

Size (Sq Ft.-Acres): 10.52 acres

Street Frontage (ft): 724.64' on Prov

Current Land Use: Vacant except for one residential type structure

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-1

Purpose of Zoning Change: To allow the construction of a temple and associated facilities

Fred E Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number
333-1680

Temple Israel, Inc
Name of Petitioner(s)

1014 Dilworth Road
Address of Petitioner(s)

Charlotte, NC 28203

Telephone Number
376-2796

Signature

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

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 91-35

PETITIONER: TEMPLE ISRAEL, INC.

LOCATION: NORTHEASTERLY SIDE OF PROVIDENCE ROAD SOUTH OF JEFFERSON DRIVE

REQUEST: CHANGE FROM R-15 TO R-I

Almost ten years ago, the Charlotte Jewish Community determined that its future could best be served by selecting an appropriate location, purchasing a large parcel of land and master planning it for several facilities. The site selected was a parcel of land located on Providence Road between Jefferson Drive and Pine Tree Drive. The property was zoned R-20MF and did not permit the use of the property for religious purposes. A rezoning petition was filed and approved by the Charlotte City Council in 1983 to change the property designation to R-15. The master plan compiled and publicized at that time indicated a community center facility and two temples. The community center facility has now been completed for several years and has been a considerable asset not only to the Jewish organizations, but to the community in general since it has provided a meeting place opportunity for many varied purposes.

Now that Temple Israel is ready to begin construction of its building, this zoning change is necessary for only a very restricted purpose. Between 1983 and the present, the Charlotte Zoning Ordinance has been amended to require special treatment for religious facilities meeting certain size criteria. While the Temple Israel facility is designed for a maximum permanent seating of 626, well below the 750 seat standard requiring extraordinary zoning, it is anticipated that temporary seating of up to 967 will be required on High Holy Day observances. Since this will occur only two times a year, the Zoning Administrator has ruled that zoning must be such as to permit the combined total of permanent and temporary seating of 1,593. Hence, the need to consider this change to the R-I classification.

The site plan which has been proposed has been designed to meet and exceed all of the standard design criteria specified for the R-I District and has been coordinated carefully with all of the city departments reviewing the proposal. The building has been located to be set back a considerable distance from Providence Road with a substantial amount of open space and preserve vegetation in front of it. Additionally, the side yard closest to any single-family residences has been designed to carefully provide the buffer relationship anticipated by the Zoning Ordinance. Access locations have been approved by the Charlotte Department of Transportation, and additional right-of-way required for the future status of Providence Road has been shown. All other Staff comments and requests have been addressed.

STATEMENT OF SUPPORT FOR REZONING PETITION 91-35
PAGE TWO

Please keep in mind that this request is necessary only because of two attendance days during the entire year and does not reflect a continuing level of activity to be carried on at this site. We hope you will agree with the Staff Analysis which indicates that there are no outstanding issues on this matter and that the petition is appropriate for approval.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-36

Petitioner: Temple Beth El, Inc.

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-15 with the surrounding property zoned R-15 as well. To the north at the intersection of Providence and Fairview Roads there is a large R-15MF(CD) tract, a B-1(CD) and O-15(CD) tract. To the south of the subject property there is a small R-20MF tract.

2. Existing Land Use. The subject property is presently undeveloped and is immediately adjacent to the site of Shalom Park, The Jewish Community Center. (NOTE: This petition is in addition to another rezoning petition made by Temple Israel on a site in close proximity to the proposed Temple Beth El site). The remainder of the surrounding land is dominated by single family residential development. McMillan Place Apartments, The Essex, United Carolina Bank, and two convenience stores are located at the intersection of Fairview and Providence Roads.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses with a community commercial center shown in the area. 2005 strategies include extending waterlines along Providence Road and extending the greenway system along McMullen Creek.

   2. South District Plan. This property falls within the area covered by the South District Plan which is still under development.

4. Site Plan. The site plan which accompanies this request calls for the construction of a temple and associated facilities on a tract of land which is a part of the existing Shalom Park. The proposed site plan indicates that the new facility will have a seating capacity of 446 with additional seating of 952 for High Holy Days twice a year for a maximum total seating of 1,398. The total gross building square footage shown is 19,500 including the Phase II footprint. The site plan shows a parking lot with the site data indicating 151 spaces provided on site. There is a notation regarding Phase II parking which is unclear whether or not it is a part of the 151 provided spaces. Additional parking for 220 cars required by increased attendance on High Holy Days will be handled off site on the adjoining property, Shalom Park, owned by the

Community. A note on the site plan addresses this issue and an agreement with The Foundation has been included as part of the petition. Two access points to the site are shown. One of these is on Providence Road and the other is on the entrance drive to Shalom Park. The facility has been sited away from Providence Road in order to save large areas of existing trees. A buffer of existing trees is also shown to be saved along the common property line with houses fronting on Pine Tree Drive with a note providing for additional screen planting. In addition trees are indicated to be planted in the proposed parking lot. On the entrance drive off Providence Road a detention pond is indicated which will need to be screened from view.

5. School Information. No impact on school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-10(c)	R-15 to R-20MF	Approved	03/05/73
2. 83-77	R-20MF to R-15	Approved	11/21/83

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

REVIEWS

1. Plan Consistency.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents 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 the revised site plan.

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

      City Engineering made general comments regarding required 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 the dedication of right-of-way 50' from centerline and a 10' easement to accommodate sidewalk and utilities along Providence Road . In addition they requested clarification of the location of the 220 off site parking spaces. It was noted that this use

couldn't conflict with Temple Israel's use of those same spaces. Building Standards requested an indication regarding maximum building height and clarification that each temple would actually have 220 off site parking spaces. Planning staff made general comments regarding screening of the detention pond; total seating calculations; and clarification regarding Phase II parking and that Temple Israel will not be utilizing the same 220 spaces. All of these comments have been addressed on the revised site plan.

ISSUES

1. Land Use. This petition does not raise any land use issues. The 2005 Plan recognizes the existing residential land use in the area. The proposed temple is a compatible and permitted use within residential districts. In fact, this rezoning is required due to the number of seats in the proposed facility. It's incorporation into the existing Shalom Park is an appropriate and well-planned relationship from a land use standpoint. For this reason, this petition is appropriate for approval.

2. Site Plan. The site plan as presented raises no major concerns. The building and related parking have been sited to the rear of the site to save trees along Providence Road and along the residential property edge and to minimize its visual impact on the surrounding property. All departmental comments have been addressed on the revised site plan. Therefore the site plan is appropriate for approval.

CONCLUSION

This petition in its present form is appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-36

TEMPLE BETH EL

GENERAL NOTES:

1. This plan depicts a potential pattern of development to illustrate the general relationship of design for the site. Minor adjustments to the building, parking and circulation patterns may occur. In addition, discussions are ongoing between the petitioners and The Foundation of the Charlotte Jewish Community, Inc. concerning the interior driveway location and the exact building location. Any substantial changes in these locations may be considered by the Planning Director as an administrative change. Approval for such change shall be based on overall site standards and relationship to surrounding properties.

2 Storm water control shall occur on site in accordance with a plan approved by the City of Charlotte.

3. Signage shall be allowed in accordance with ordinance requirements.

4. In addition to the landscaping information shown, substantial areas of existing vegetation shall be preserved. Effective screening of adjoining properties shall occur through a combination of existing and proposed vegetation. As a minimum all screening shall meet requirements of City ordinance section 1601 and all tree planting in accordance with Chapter 21 of City Ordinance.

5. Proposed planting is a concept only and will be subject to change based on actual site conditions and Tree Ordinance Staff approval.

6. All tree preservation barricades for Tree Preservation Zoning and Buffer areas shall be installed prior to any grading activities.

7. The access point of Providence Road shall be subject to location and design approval of Charlotte and North Carolina DOTs.

8. Additional R.O.W. to a maximum of 50 feet from centerline shall be dedicated along Providence Road prior to the issuance of any Building Permit.

9. A maximum of 220 off-site parking spaces shall be provided on adjoining property owned by The Foundation of the Charlotte Jewish Community, Inc. (See attached agreement). This parking shall be needed only on High Holy Days and will be utilized as shared parking at times not needed for the Foundation activities. This is separated from that provided for Temple Israel. All parking shall conform to City Ordinance Section 3139.

10. The Maximum height of the structure shall not exceed forty (40) feet.

11. Site lighting shall be directed inward and away from adjoining residential property. Pole height shall be limited to fifteen (15) feet.

12. A fire hydrant(s) will be installed so that the most remote corner of the building will be within 500 feet of a fire hydrant.

SITE DATA

Site Size	=	9.204 Acres
Existing Zoning	=	R-15
Proposed Zoning	=	R-I
Proposed Use	=	Religious Temple and Associated Uses

Regular Seating Capicity

Phase I	=	386
Phase II	=	60
TOTAL		446

Expanded Seating for High Holy Days (2 times each year)

Phase I	=	760
Phase II	=	192
TOTAL		952

Maximum Total Seating = 1398

Parking Provided

On Site	=	151
Off Site	=	220 (See note 9)
TOTAL PROVIDED		371
TOTAL REQUIRED		369

Area Used for Building and Parking: 37.7%

Area Used for Landscaping and Open Space: 62.3%

Landscaping in Parking Area: 13.18%

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-36
Date Filed April 8, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Temple Beth El, Inc — The Foundation of the Charlotte Jewish Community, Inc.

Owner's Address: 919 Jefferson Drive, Charlotte, NC 28226 — 1100 Cameron Brown Building, Charlotte, NC 28204

Date Property Acquired: January 6, 1984 — January 6, 1984

Tax Parcel Number: 187-072-16 — 187-072-11 (Portion of)

Location Of Property (address or description)

Northeasterly side of Providence Road northwest of Pine Tree Drive

Description Of Property

Size (Sq Ft-Acres): Approximately 9 acres

Street Frontage (ft.): 745' on Provide

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-1

Purpose of Zoning Change: To allow the construction of a temple and associated facilities

Fred E Bryant, Planner
Name Of Agent

1850 E Third Street, Suite 216
Agent's Address

Charlotte, NC 28204
Telephone Number

333-1680

Temple Beth El, Inc
Name of Petitioner(s)

1727 Providence Road
Address of Petitioner(s)

Charlotte, NC 28207
Telephone Number

366-1948

Signature

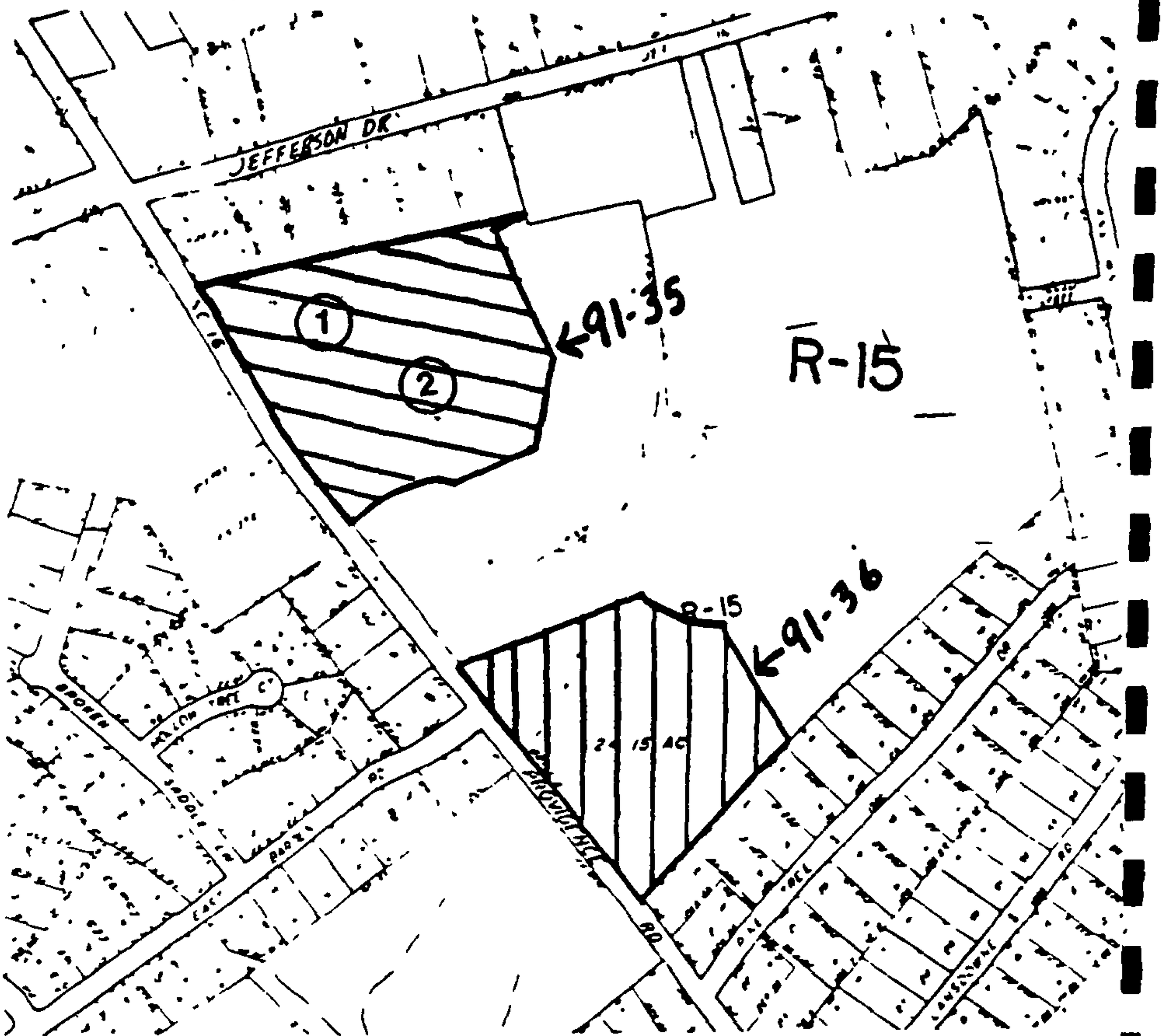
Signature of Property Owner If Other

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

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 91-36

PETITIONER: TEMPLE BETH EL, INC.

LOCATION: NORTHEASTERLY SIDE OF PROVIDENCE ROAD NORTH OF PINE TREE DRIVE

REQUEST: CHANGE FROM R-15 TO R-I

The basic background for this request is exactly the same as previously outlined for Petition 91-35 by Temple Israel. This is the second of the two temples which have been planned for ten years for this site, and the reason for the request is the same. Temple Beth El is planned as a somewhat smaller facility than Temple Israel with 446 permanent seats anticipated which, again, is much below the 750 which normally would require a zoning action for residential facilities. The temporary seating for High Holy Days, however, adds 952 to that for a maximum total seating capacity of 1,398. Again, I would remind you that the High Holy Days' attendance only occurs two times a year, and this petition is necessary only because of the technical interpretation of the Zoning Administrator.

This site plan has been carefully prepared to meet and exceed the standards established by the Ordinance for a religious facility of this nature and all comments and requests by the various reviewing staffs have been adherred to. This building site is set well back from Providence Road with a substantial amount of open area separating it from that roadway and adequate buffers being established along the side adjacent to single-family housing. All requests by the Transportation Department have been adherred to including additional right-of-way dedication along Providence Road and the reservation of a sidewalk area adjacent to the right-of-way to provide for an ultimate six-lane cross-section along Providence. The location of the driveway has been approved by DOT with both permanent and temporary parking available to meet all of the standard requirements.

As is stated in the Prehearing Staff Analysis, there are no outstanding issues and the petition is appropriate for approval. The Petitioner, therefore, urges the Zoning Committee and the City Council to follow this recommendation and approve the request.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-37

Petitioner: George and Lavern Rabb

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

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

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-9MF for the existing use as a day care center. Most of the surrounding property is zoned for multi-family and single family use. Several tracts of Business Park and B-2 zoning exist near the intersection of Tom Hunter Road and Interstate Highway 85.

2. Existing Land Use. The subject property is currently used as a day care center. The land use pattern in the area is predominately multi-family on the north side of Tom Hunter Road and single family on the south side. Business uses predominate the intersection of Tom Hunter Road and Interstate Highway 85.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies include additional extension of water utilities to the area.

   2. Northeast District Plan. The plan indicates existing residential land uses in the areas. Policy calls for the protection of established neighborhoods.

   3. North Tryon Street/I-85 Corridor Study (1984). The study does not recommend any changes of the multi-family zoning for the subject property. Concern is expressed by the study regarding the high amount of residential density in the area.

4. Site Plan. The site plan which accompanies this petition proposes changes to the existing site currently being used as a Day Care Center to allow an additional number of children to be served. Changes include reconfiguration of traffic circulation, parking, and addition of play area.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-28(c)	R-9 to B-2	Approved	05/01/72
2. 80-34	R-9 to I-1(CD)	Approved	08/25/80
3. 83-7 SUP	Day Care to Residential District	Approved	04/19/84
4. SUP 90-1	Terminate SUP for a Day Care Center in R-9MF	Approved	05/29/90

7. Neighborhood. This property falls within the Hidden Valley neighborhood.

REVIEWS

1. Plan Consistency. Publicly adopted plans for the area call for properties in this area to continue toward primarily residential uses. All other developments should be sensitive to residential uses and should protect or enhance established neighborhoods. The proposed expansion of the existing day care center is considered consistent with those objectives.

2. Technical Consistency.

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

   2. Departmental Comments. Zoning plans review staff requested that the petitioner clarify the amount and quality of existing screening as required by the Zoning Ordinance. Parking and maneuvering areas are not allowed in setback and should be removed. Planning Commission staff indicated that the number of children proposed on the plan exceeded the capacity of the site. Capacity should be set at 184 instead of the 192 proposed by the petitioner's original plans. Required parking should balance with the number of proposed children. The petitioner should also dedicate the proper amount of required public right-of-way. Forestry staff requested that the site plan demonstrate ability to comply with the Tree Ordinance by resolving questions regarding conflicts with sidewalks and parking lot planting. The majority of these issues have been addressed on the revised site plan.

ISSUES

1. Land Use. This petition proposes to intensify the existing use of the property by allowing an increase in the number of children served from 144 to 184. Plans for the area call for a continued residential future. From a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. The revised site plan which accompanies this petition addresses most of the concerns expressed by staff. However, a few site plan concerns remain outstanding or need clarification. The conditional notes do not clearly state the status of the right-of-way dedication, and provision for required screening is still unclear on the site plan. The plan also does not indicate removal of parking and maneuvering pavement in the setback.

CONCLUSION

If the outstanding site plan issues are resolved, then this petition could be considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-37

* PETITION #91-~~29~~ 31
* REZONING PETITIONERS: George Rabb and Lavern M. Rabb

* Existing Zoning	R9MF
* Proposed Zoning	R6MF CD
* Square Feet of Site Including R/W	58,189 SF
* Square Feet of Site Excluding R/W	51,846 SF
* Minimum Lot Area Required	50,000 SF
* Number of children proposed	184
* Number of children authorized R6MF	184
* Proposed parking spaces	30
* Required parking spaces	26
* Required play space	18,400 SF
* Actual Play Space	20,521 SF
* Sideyard required-right	6 FT
* Actual Sideyard-right	6 FT
* Sideyard required-left	8 FT
* Actual Sideyard-left	8 FT
* Setback Required-front	20 FT
* Setback Actual-front	20 FT
* Rear yard required	40 FT
* Rear Yard actual	40+ FT

*

R6MF and R9MF screening requirements are the same. Petitioners obtained permit for expansion of the day care center in 1990 and met all screening requirements. Proper screening exists at the points on plan marked by the outside fence. Petitioners will demonstrate compliance with Section 1601.

*

A 30 foot right-of-way has been dedicated for Tom Hunter Road according to previous permits and approvals. The southerly property line is the centerline of Tom Hunter Road.

*

No parking of motor vehicles will be permitted in the required setback and the space within the required setback will not be used as maneuvering space for parking or unparking of vehicles. No parking of motor vehicles will be permitted in the required sideyard.

* Traffic and parking is shown on the plan.

*

The mushroom shaped objects in the setback are trees. The tree ordinance has been complied with according to previous permits and approvals. Petitioners will demonstrate compliance with tree ordianance.

*

Play area is located within the fenced area shown on the plan.

*

NOTE: The Day Care Center located on the site was enlarged by permit duly issued in 1990. All code provisions were complied with at that time. There will be no new construction at the site. The sole purpose of this petiton for change is to allow 184 children rather than 144 as is now approved for R9MF.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-37
Date Filed April 8, 1991
Received By THCM
OFFICE USE ONLY

Ownership Information

Property Owner Lavern M. Rabb and George Rabb

Owner s Address 1076 Tom Hunter Road
Charlotte, NC

Date Property Acquired

Tax Parcel Number 089-071-01

Location Of Property (address or description)

1076 Tom Hunter Road, Charlotte, NC

Description Of Property

Size (Sq Ft Acres) 58,189 sq/ft Street Frontage (ft) 213 feet ±

Current Land Use Day Care

Zoning Request

Existing Zoning R9MF Requested Zoning R6MF(CD)

Purpose of Zoning Change The purpose of the change is to allow instead of 144 children a total of 192 children at the day care center.

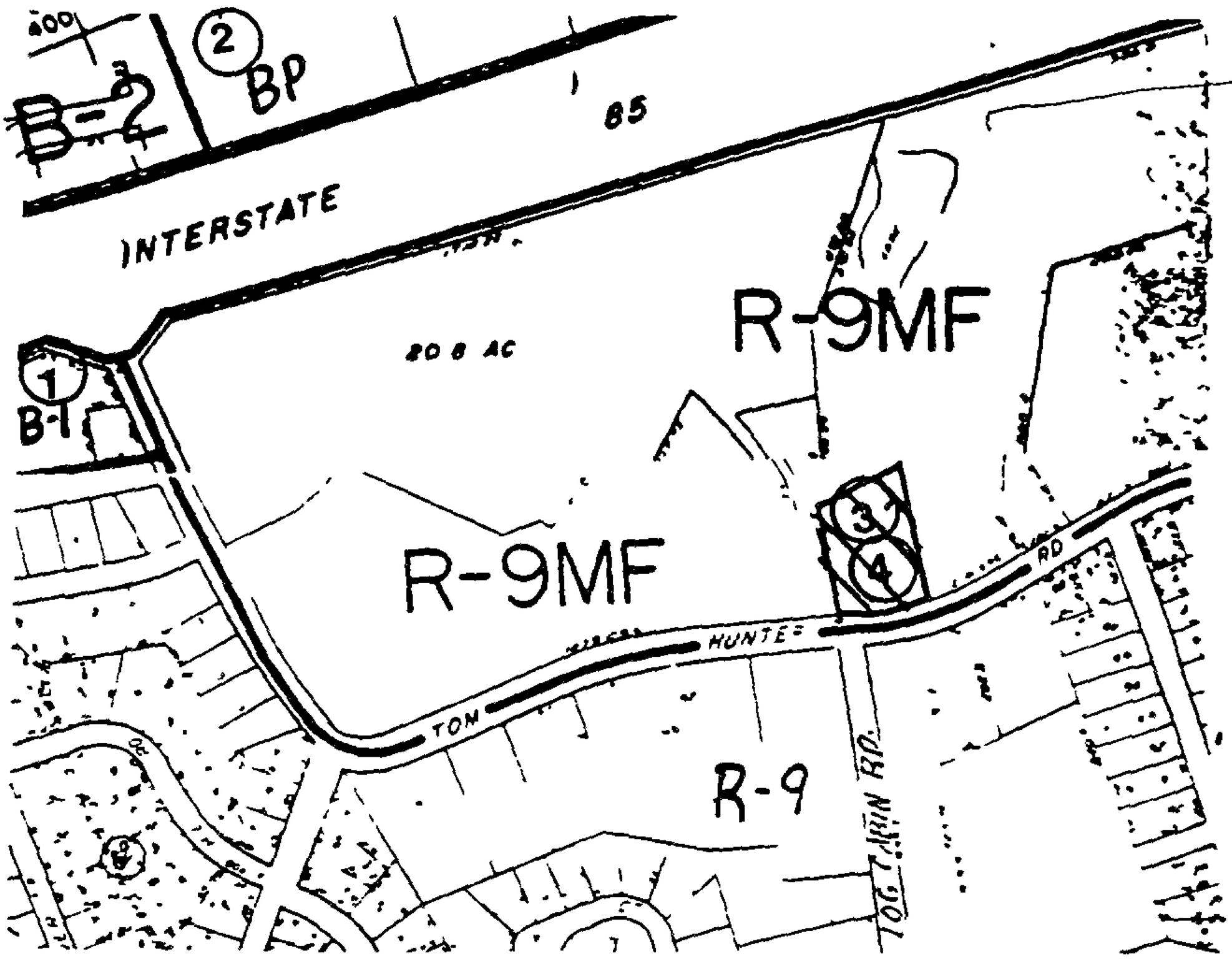
	George Rabb ~~Lavern M. Rabb~~
Name Of Agent	Name of Petitioner(s)
Thomas D.Windsor	1076 Tom Hunter Road
Agent s Address 6116 Dixie Road Charlotte, NC 28208	Address of Petitioner(s) Charlotte, NC 596-4942
Telephone Number 377-6825	Telephone Number
	George Rabb Signature
	Lavern M Rabb Signature of Property Owner if Other

PETITIONER: George and Lavern Rabb

PETITION NO.: 91-37 HEARING DATE: June 17, 1991

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

LOCATION: A 58,169 square foot parcel located on the north side of Tom Hunter Road at Log Cabin Road.



ZONING MAP NO(s).: 70 & 78

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-38

Petitioner: John Moore

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.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is composed of a mixture of zoning classifications. The immediate corner of Colonial Avenue and Providence Road is zoned O-6 with the remainder of the frontage along Colonial Avenue being zoned R-6MF. R-6MFH zoning is located to the rear of the property with no direct public street access. Properties surrounding the site are zoned for a variety of nonresidential as well as residential uses. To the north across Colonial Avenue and along both sides of Providence Road are properties zoned for office uses. To the south, east, and west of the site the property is generally zoned for a mixture of single family and multi-family uses.

2. Existing Land Use. The property involved with this request is presently used for a mixture of nonresidential uses fronting along Providence Road and residential uses fronting on Colonial Avenue. A portion of the site to the rear is largely undeveloped. To the north of the site across Colonial Avenue and along both sides of Providence Road is a substantial concentration of office uses, principally medical offices. To the west, south, and east of the site is a mixture of residential uses including both single family and multi-family housing, a convalescent center, and a public park across Providence Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment and existing residential land uses in the area of the subject property. A community commercial center is indicated generally in the vicinity of Randolph Road and Hawthorne Lane. The 2005 Plan strategies include a Development Enterprise Area in the midtown portion of the community and a potential light rail corridor nearby.

   2. Central District Plan (draft). The draft Central District Plan calls for multi-family zoning along Colonial Avenue to remain. The plan indicates that urban residential zoning districts, such as the type found in Third Ward and Fourth Ward, might be appropriate in this location to provide for more intense

housing locations near the major medical employment centers. The plan also anticipates that this housing will provide an appropriate transitional use between office uses along Providence Road and residential uses along Dartmouth and Queens Roads to the southwest.

4. Site Plan. The site plan which accompanies this application proposes the development of the entire site for general office use. The plan indicates two office buildings of 35,000 square feet each with the remainder of the site being devoted to parking. The site plan indicates an entrance to the property from Providence Road as well as three entrances to the site from Colonial Avenue. Conditional notes indicate that the buildings will not exceed 40 feet in height unless additional yards are established and establishes a 3-1/2 story expectation. On the westerly side of the site the plan indicates a brick screening wall to be located along the property boundary which will extend around portions of the site to protect existing residential development from the influences of the surface parking lot. The corner of the site which is most distance from Colonial Avenue is indicated to remain essentially undisturbed except for the possibility of an alternate dumpster location. The petitioner proposes to dedicate 20 feet of additional right-of-way along Providence Road to increase the road to a minimum 100 foot cross-section and the plan indicates minimum yards around all of the boundaries of the site. The plan contains a small note relative to the use of the site which indicates that if uses other than general office uses are proposed a reduction in the building size and/or reconfiguration of the parking lot will be required.

5. School Information. Information from the school system is not available as of the preparation of this report.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	63-72	0-6 to B-1	Denied	04/27/64
2.	65-69	R-6 to I-1	Approved	08/02/65
3.	68-10	R-6MF to 0-6(AIP)	Approved	02/12/68
4.	68-57	R-6MF to 0-6	Denied	09/09/68
5.	69-116	R-6MF to R-6MFH	Approved	01/12/70
6.	70-113	R-6MFH to 0-6	Approved	09/28/70
7.	73-35	R-6MF to 0-6	Approved	09/17/73
8.	76-25	R-6MF to R-6	Approved	06/18/76
9.	76-59	R-6MF to R-6(AIP)	Approved	10/04/76
10.	78-27	R-6MF to 0-6	Denied	07/24/78
11.	78-38	R-6 to R-6MFH	Approved	10/30/78
12.	81-15	R-6MF to 0-6(CD)	Approved	08/10/81
13.	81-61	R-9 to R-12MF(CD)	Approved	12/03/81

14. 89-67 R-6MF to R-6 Approved 10/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes the conversion of existing office as well as multi-family zoned land to a conditional office district. Only the portion of the site which fronts on Providence Road is presently being used for nonresidential purposes. The remainder of the site is still being used for single family residential purposes. The draft Central District Plan proposes to preserve the residential character of this as well as nearby communities by continuing a multi-family future for this property. The plan specifically recommends that the site be zoned to an urban residential classification which would permit a mixture of housing types as well as the possibility of office and/or retail uses on the ground floor. The conversion of this property to an exclusively office use is inconsistent with the recommendations of the draft Central District Plan for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the petitioner prior to filing the application and discussed a number of potential uses for the site. Subsequently the staff has communicated a number of site plan questions to the petitioner for their consideration.

   2. Departmental Comments. The site plan which accompanies this application generated the normal set of departmental comments relative to standard development requirements. The City Engineering and Transportation Departments indicated that driveway permits, grading permits, and adherence to the tree ordinance would all be required in the development of the site. The Department of Transportation was especially concerned that the driveway entrance on Providence Road be properly constructed to facilitate right in and right out traffic and that driveways along Colonial Avenue be properly aligned with existing driveways to the north. CDOT analysis indicates that the site plan as filed for general office use will not significantly impact the trip generation of the site over that which could be expected with the present zoning. However, if the site were to be used for medical offices then the trip generation and parking characteristics could change substantially.

Building Standards Department and Planning staff asked the petitioner to clarify a number of the detailed conditional notes on the site plan. Staff suggested that the driveways on Colonial Avenue be consolidated but the revised site plan still maintains three separate entrances. Most of the other minor details were corrected on the revised plan.

ISSUES

1. Land Use. This petition raise a significant land use issue. The property on the south side of Colonial Avenue continues to be predominantly residential in character and scale. These lots relate to properties which front along Queens Road as well as to properties which front along Dartmouth Place. Properties on the north side of Colonial Avenue have been devoted almost exclusively office uses with the only exceptions being higher density multi-family housing. The draft Central District Plan proposes that Colonial Avenue still remain as the boundary between residential and nonresidential uses. The draft plan recommends that the properties along Colonial Avenue be zoned to provide for urban residential densities which is generally consistent with the multi-family zoning present on the property today. The conversion of this entire tract of land to office use will eliminate the possibility of any future residential development on the south side of Colonial Avenue and may have the effect of stimulating additional nonresidential zoning requests in the vicinity of the Colonial Avenue/Queens Road intersection. At least two of the urban residential districts provide a mechanism to include some office and even retail uses as part of a residential development. This provides the opportunity for the developer to serve a mixture of tenants as well as complying with the recommendations of the plan for a residential future for the property. In its present form, from a land use standpoint, this petition is not considered appropriate for approval.

2. Site Plan. The site plan which accompanies this application also raises a number of issues. The property involved here is approximately 3.8 acres and the petition proposes 70,000 square feet of general office floor area. This equates to over 18,400 square feet of office floor area per acre of land which is on the high end of what can fit on any given piece of property with surface parking. An analysis of the plan reveals that virtually all of the land which is available for development with the exception of the triangular portion at the extreme rear of the site which is the low point of the property has been used development of either buildings or parking lot. The plan also indicates that the use of the property might be something other than general office and that adjustments may be required. For example, if portions of the buildings were to become medical offices rather general offices then substantially more parking

would be required. This could only be accommodated by a reduction in the amount of floor area on the remainder of the site and a site plan amendment as to the use of the property. In addition the site plan contains a number of unclear notes or illustrations relative to screening, landscaping, tree preservation, and stormwater retention. On the whole the staff believes that the site plan represents an overly intensive use of the site for purely office purposes. If the intensity of the development, especially on the westerly end of the site, could be reduced to a more appropriate scale or if the site could include a substantial residential component then this site plan would be more in keeping with residential character of the area. In its present form, the site plan is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It proposes an overly intense use of a site for office purposes in an area where pending plans propose a residential future.

*Subject to further refinement following public hearing.

DEVELOPMENT NOTES

Petition 91-38

1 Boundary survey information taken from survey by R B Pharr and Associates Surveying and Mapping, dated July 21, 1988

2. Building height will not exceed three and one half stories Maximum height 40 feet by schedule plus for every two feet in height the minimum side yard shall be increased one foot

3 Total gross building area shall be as follows
Two buildings at 10,000 square feet gross per floor for three (3) and one half floors Total 70,000 square feet

4 All development standards for the 0-6 district as set forth in the City of Charlotte Zoning Ordinance shall be met or exceeded

5 Buildings shall meet or exceed the required setbacks, rear yards and side yards as established in the City of Charlotte Zoning Ordinance

6 Buffering and/or screening shall as a minimum conform to Section 1601 of the City of Charlotte Zoning Ordinance, and the City of Charlotte Tree Ordinance requirement Along the perimeter of the site trees will be planted at a maximum of 40'-0" o c

Along the west boundary a 6-8" brick wall will screen the parking from the neighboring residential property

7 Building mechanical areas will be located at the roof top and will be screened from the public view

8 Special care will be taken to provide a high quality development with emphasis on landscaping, building architecture, and site arrangement design. The architectural design will be sympathetic to the adjacent structures

9 Adequate fire protection in the form of fire hydrants and fire rated construction will provide to meet or exceed the City of Charlotte Fire Marshall specifications

10 All signage will be provided in accordance with the City of Charlotte, Zoning Ordinance requirements

11 Exterior lighting will be designed and located to eliminate glare towards adjacent properties This shall include the use of low level lighting that directs light inward away from the single family community Light poles are to have a maximum height of 15'.

12 Parking shall meet or exceed the requirements of the City of Charlotte Zoning Ordinance requirements.

13 Vehicle access points are limited to those shown on the plan Configuration of driveways and access points are subject to minor modifications as necessary to accommodate final site and architectural construction plan, as well as D O T Standards

14. Site development shall comply with the City of Charlotte Stormwater Detention Ordinance

15 This site plan is intended to show only general development character Minor modifications to the circulation, spot elevations, parking and building configurations may be required to accommodate final architectural and site design and to adjust to other site features. Such modifications may be approved administratively by the Planning Commission staff as long as the overall intent of the plan, and the internal and external relationships shown here are maintained

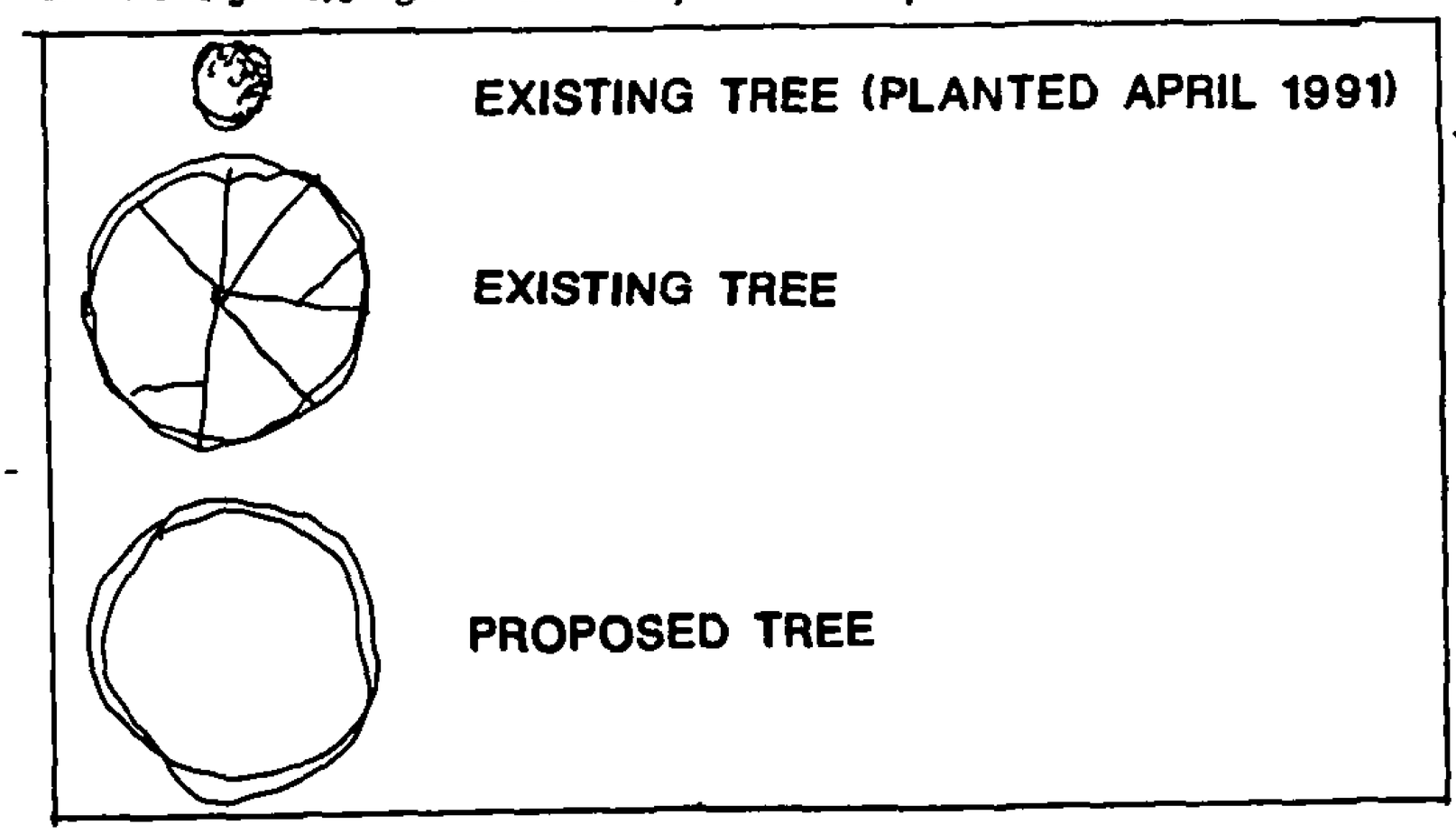
16 Additional right of way, equal to 50 ft. from center line of road, will be dedicated along Providence Road prior to the issuance of any permit for any building

17. All landscaping on the exterior of the proposed fence shall be maintained by the subject property owner

18 Existing trees to be saved as per City Standard Section 40 16

19 Driveway locations to coordinate with administrators of tree ordinance Internal landscape areas shall meet or exceed ordinance standards

20 No large maturing trees are to be planted under power lines



DEVELOPMENT DATA

EXISTING ZONING	O-6/R-6MF & R-6MFH
PROPOSED ZONING	0-6(CD)
SITE AREA	3.8 ACRES
MAX. BUILDING AREA	70,000 S.F.
* PARKING REQUIRED	233 SPACES
PARKING PROVIDED	TO MEET OR EXCEED REQUIREMENTS
PROPOSED USE	GENERAL OFFICE BUILDINGS

* If other than general office use proposed, a reduction in building size and/or reconfiguration of parking plan will be required

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-38
Date Filed April 8, 1991
Received By DACyn

OFFICE USE ONLY

Ownership Information

Property Owner: John K. and Patricia B. Moore

Owner s Address: P. O. Box 35261
Charlotte, NC 28235

Date Property Acquired: SEE ATTACHED SHEET

Tax Parcel Number: SEE ATTACHED SHEET

Location Of Property (address or description): Southwest corner of Providence Road and Colonial Avenue extending along Colonial Avenue in the direction of Queens Road

Description Of Property

Size (Sq Ft.-Acres): 3.8 acres

Street Frontage (ft.): 270' on Providen

Current Land Use: Combination of office, theatre, multi-family and single-family

Zoning Request

Existing Zoning: O-6, R-6MF & R-6MFH

Requested Zoning: O-6(CD)

Purpose of Zoning Change: To allow the construction of a low density planned office project to complement existing office and residential development in the vicinity

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204
Telephone Number

333-1680

John K. Moore
Name of Petitioner(s)

P. O. Box 35261
Address of Petitioner(s)

Charlotte, NC 28235
Telephone Number

332-1546

John K. Moore
Signature

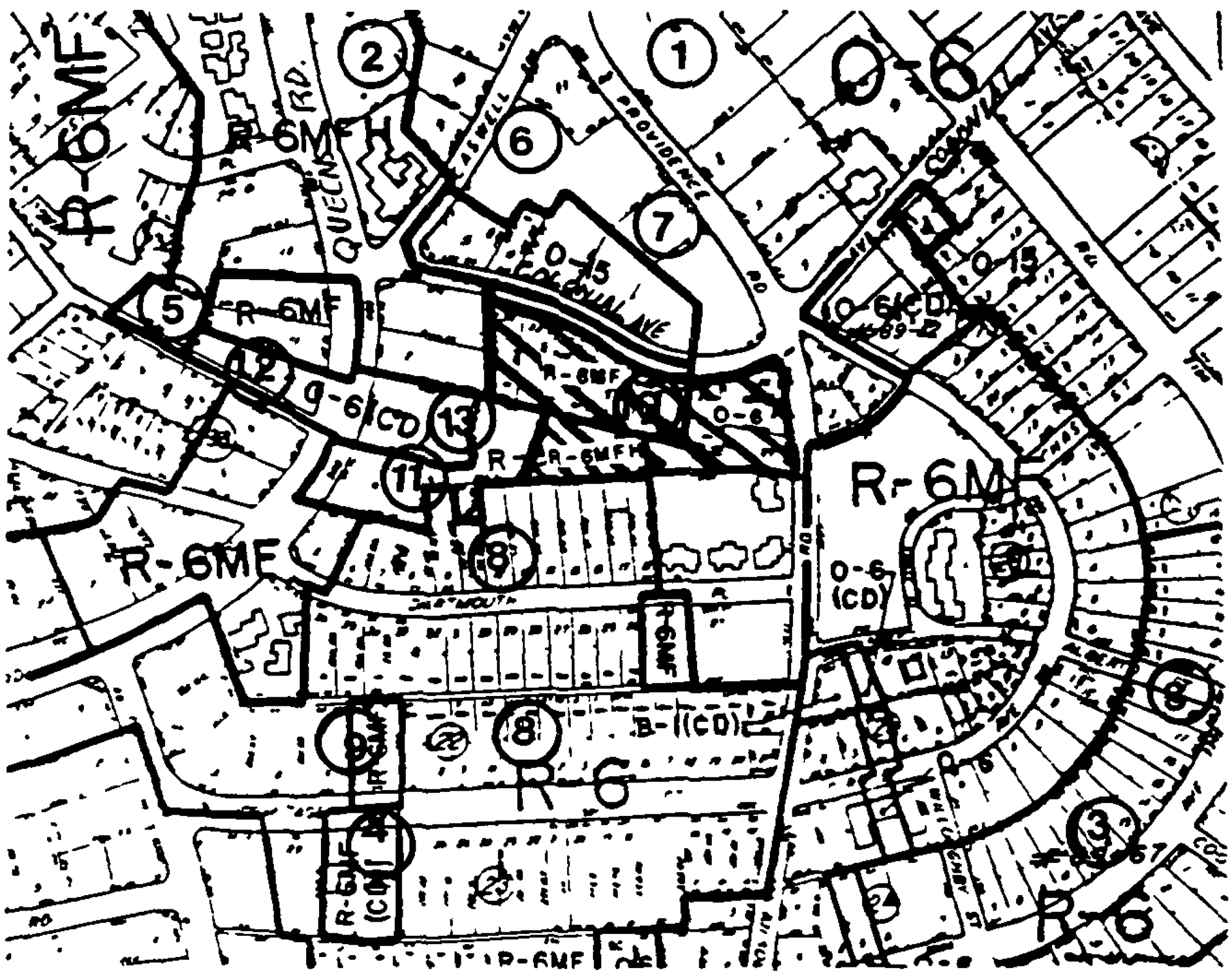
Signature of Property Owner If Other

PETITIONER: John Moore

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

ZONING CLASSIFICATION, EXISTING 0-6, R-6MF & R-6MFH REQUESTED: 0-6(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

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 91-38

PETITIONER: **JOHN MOORE**

LOCATION: **SOUTHEASTERLY SIDE OF COLONIAL AVENUE FROM PROVIDENCE ROAD TO NEAR QUEENS ROAD**

REQUEST: **CHANGE FROM O-6, R-6MF AND R-6MFH TO O-6(CD)**

This petition represents the culmination of many months of very careful planning to establish a proposed use for this property which would serve as a quality entry development into the Myers Park Area as it relates to Providence Road. Property from this site along Providence Road and Third Street in the direction of Presbyterian Hospital is solidly developed for office purposes. Adjacent to this property in the direction of Dartmouth Place begins a pattern of condominium and institutional uses gradually giving way to single-family homes along the various side streets such as Dartmouth and Hermitage. Careful examination of the existing pattern of zoning and land use for this vicinity will indicate that the subject property is strategically located to create a transitional design to merge the interest of these two areas. The subject property is now occupied by a mixture of office, commercial and single-family homes, most of which do not reflect a high standard of quality and design. About one-third of the subject property is zoned for office purposes and could, obviously, be redeveloped at the present time. By combining all of the property owned by the Petitioner, a much higher level of site design and quality can be created. In securing the services of a well known architectural firm, the Petitioner committed himself to a level of design which would indeed create that substantial transitional relationship between the existing office areas and the residential components of Myers Park.

Very early in the process contact was made with both the Myers Park Homeowners Association and the adjoining residences on Dartmouth Place to receive their comments and input. As a result, substantial changes have been made in the proposed development for this site, and a number of design features included at the suggestion of these groups. As of this time, we believe that the Myers Park Homeowners Association will support this project and that the homeowners along Dartmouth Place similarly will reflect a favorable stance on the proposal. Comments which we have received indicate that the design of this project is preferable to a higher density multi-family project which apparently is what would be recommended by the Planning Staff.

The reason for Planning Staff indicating that this petition is not acceptable relates to a very preliminary version of the Central Area District Plan which proposes that several blocks along Providence Road be placed in an urban residential classification to be developed with a combination of high density multi-family and a very limited amount of office space. Let me remind you that this plan has not even been exposed to its very first public discussion and only reflects a very early draft. It should also be noted that

the two blocks from Colonial to Queens Road which is recommended for this type of treatment is solidly developed with office buildings of a very substantial nature. These include a three-story office building at the corner of Caswell and several modern and recent medical clinic buildings between Caswell and Colonial. If these preliminary plan recommendations were to be implemented, all of these facilities would become nonconforming since the U-R Districts do not permit free-standing office buildings and only a maximum of two-stories even in a mixed-use building.

It is submitted that it is not appropriate at this time to judge this petition based on that kind of preliminary plan thinking in which it appears that someone's theoretical idea of what is appropriate for this area is being presented rather than the realistic practical and effective land use thoughts. Again, I would remind you that we believe this petition is solidly supported by those people who most directly are involved in the well-being of this particular area.

The Planning Staff has raised several points concerning the details of the site plan, most of which are a matter of clarification. It is the intent to discuss these matters further with the Planning Staff prior to the hearing so that most of them can be resolved. As to the general comment that the plan proposes a development which is overly intensive for this site, let me point out several pertinent items. First of all, it must be remembered that this is basically a central city location and intensity of development cannot be judged by suburban standards. The approximate 18,000 square feet per acre which is proposed for this site is well within the intensity of other similarly located site and is considerably less than most in this area at the present time. The cost of acquiring and compiling land in this area prohibits the development intensities which are more prevalent in the outlying portions of the City. The more common 10,000 square feet per acre suburban development economically would absolutely not work in a location such as this. It should also be noted that the new Zoning Ordinance which the City is preparing to adopt would automatically place the existing office zoning in this area in the O-2 category which would carry a floor area ratio permitting up to 43,560 square feet of building area per acre. By this, some comparison of the density proposed for this project can be made and hopefully realization that the criticism of over-intensity can be viewed in its proper perspective. Additionally, considerable effort has gone into creating design relationships to adjoining properties which make this proposal entirely appropriate.

It is hoped that you will carefully evaluate the fine details of this plan and its compatibility to adjoining residential areas in determining whether or not it is appropriate for this location. We believe it will create an image for this site which is fitting of the quality residential environment nearby and will substantially enhance the potential for maintaining that residential standard in years to come. It is maintained that this is much truer than if high-rise, high-density multi-family were encouraged for this side of Colonial Avenue. Your approval based on these factors and conditions is earnestly sought.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-39

Petitioner: Dexter and Birdie Yager

Location: Approximately 5.024 acres located on the northwest side of Park South Drive between Woodbine Lane and Fairview Road.

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

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-15 for single family residences. Most of the surrounding property is zoned for single family use. Office zoning is predominate across Park South Drive and at the Fairview Road intersection. Three small parcels of multi-family zoning exist at the southwest corner of Fairview Road and Park South Drive.

2. Existing Land Use. The subject property is currently partially vacant with three single family residences existing on the remaining tracts. The land use pattern in the area is predominantly single family with significant open space provided by Park Road Park. The Marriott Courtyard Hotel is directly across the street and a variety of office and mixed commercial properties dominate the uses surrounding the intersection of Park South Drive and Fairview Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A treatment plant, major mixed use center, community commercial center, and major park and open space uses are located nearby. 2005 strategies include streetscape improvements along Park Road, extension of the greenway system along Sugar Creek and extension of sewer lines in the area.

   2. Transportation Improvement Program (TIP). The TIP includes plans to widen Fairview Road to six lanes through the intersection with Park South Drive.

   3. Southpark Analysis (1988). The subject property falls within subarea "B" of the analysis area. This plan proposes that single family residential areas should be maintained. Limited, low density, multi-family development could be considered appropriate along Park South Drive south of the Fairview Road intersection. Nonresidential development should be discouraged. Site design considerations for any multi-family development would include sensitivity to adjacent single family homes and should include streetscape improvements.

4. Site Plan. The site plan which accompanies this petition proposes the construction of a single, four story structure composed of two wings which will contain a total of 84 units on approximately 5 acres. The density proposes is approximately 18 dwelling units/acre. Access would be provided by a single commercial type driveway off Park South Drive. The site plan proposes 40 ft. buffers along the northern and western boundaries adjacent to single family residences and reflects the increased side yards required by code to accommodate the extra building height. Some landscape islands are indicated in the parking lot.

5. School Information. Information not available at this time.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	64-22	R-12 to O-15	Approved	08/24/64
2.	68-13	R-12, R-12MF to O-15	Approved	03/25/68
3.	74-28	R-15 to O-15	Denied	07/01/74
4.	74-29	R-15 to O-15	Denied	07/01/74
5.	74-30	R-15 to O-15	Denied	07/01/74
6.	75-6	R-15 to R-6MFH	Approved	05/19/75
7.	75-11	R-15 to R-12MF	Approved	05/19/75
8.	80-46	R-12 to O-15(CD)	Approved	10/27/80
9.	82-69	R-15 to R-9MF(CD)	Approved	11/21/83
10.	88-41	R-6MF to O-6	Denied	09/19/88

7. Neighborhood. This property falls within the Glenkirk and Spring Valley neighborhoods.

REVIEWS

1. Plan Consistency. Publicly adopted plans for the area call for this property to be used primarily for single family residences with some limited, low density multi-family development considered appropriate along Park South Drive. General Policy Guidelines establish low density to be approximately 8 to 12 dwelling units/acre; however, the close proximity of employment centers, significant open space, and thoroughfare access would indicate that the proposed density could be considered appropriate. The Policy encourages any multi-family project to be very site sensitive with enhanced streetscape improvements.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents for the petitioner discussed this proposal with staff members prior to the filing of the application. Subsequently, the staff communicated a number of

concerns to the petitioner regarding the details of the site plan.

2. Departmental Comments. Zoning plans review staff requested that the petitioner show the limits of building construction and method of required screening for parking areas. Specific information about the proposed building height should also be shown on the drawings. The Fire Department staff expressed concern that the plans insure a minimum clearance of 13 ft. 6 in. under the covered bridge between the two wings. Planning Commission staff indicated that there should be no access to Glenkirk Court and that buffer relationships adjacent to single family residences should be strengthened and supplemental planting increased. Development control notes and diagrams should guarantee no grading, stormwater detention, parking, or other construction in the wooded buffer areas. Utility service should only cross the buffer, not run within it lengthwise. Most of these issues have been addressed on the revised plan.

ISSUES

1. Land Use. This petition proposes the construction of a single, large multi-family building for residential use. Plans for the area indicate mainly single family housing with some multi-family development to be appropriate. If the proposed project is properly designed, it could be appropriate for this area. From a land use standpoint, this petition could be considered appropriate for approval.

2. Site Plan. The revised site plan which accompanies this petition addresses several of the concerns expressed by staff. However, a few significant site plan concerns remain outstanding or need clarification. Development control notes on the revised plan regarding protection or enhancement of buffers do not adequately address staff concerns for avoiding construction impact in these areas. Little additional required screening is indicated. Other outstanding issues include provision for placement of stormwater management and the Fire Department access under the covered bridge. Intentions for streetscape enhancement remain somewhat unclear.

CONCLUSION

If the outstanding site plan issues are resolved, then this petition could be considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-39

General Notes

1 WHILE THIS PLAN DEPICTS A FIRM CONCEPT OF DEVELOPMENT, MINOR CHANGES IN BUILDING, PARKING & CIRCULATION CONFIGURATIONS MAY OCCUR TO ACCOMODATE FINAL SITE DETAILS IN NO EVENT, HOWEVER, SHOULD THE BUILDING EXCEED THE AREA DESIGNATED "BUILDING DEVELOPMENT BOUNDARY"

2 AN ADDITIONAL (5) FIVE FEET OF RIGHT-OF-WAY SHALL BE DEDICATED ALONG PARK SOUTH DRIVE PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS TO ACCOMODATE THE REQUIRED 35'-0" RIGHT OF WAY FROM CENTERLINE

3 AS INDICATED ON THE SITE PLAN, SEVERAL AREAS OF EXISTING TREES WILL BE PRESERVED. THIS EXISTING VEGETATION WILL BE SUPPLEMENTED BY ADDITIONAL SHRUBBERY & TREE PLANTINGS BOTH TO ENHANCE THE APPEARANCE OF THE PROJECT AND TO PROVIDE A VISUAL BREAK BETWEEN THE BUILDING AREA AND ADJOINING SINGLE FAMILY LOTS.- SAVE AREAS TO BE BARRICADED.

4 ON SITE STORM WATER RETENTION FACILITIES WILL BE PROVIDED AND WILL BE DESIGNED TO MEET ALL ORDINANCE REQUIREMENTS. NO DETENTION IN BUFFE

5 SIGNAGE MAY BE PERMITTED AS REGULATED BY APPROPRIATE ORDINANCES

6 REQUIRED PARKING WILL BE PROVIDED BY A COMBINATION OF SURFACE AREAS AND ONE LEVEL OF INTERIOR PARKING WITHIN THE BUILDINGS EXTERIOR PARKING WILL BE LANDSCAPED TO MEET TREE ORDINANCE REQUIREMENTS OTHER TREE ORDINANCE STANDARDS, INCLUDING THE PLANTING OF STREET TREES WILL BE MET

7. THE DRIVEWAY LOCATION & DESIGN FROM PARK SOUTH DRIVE WILL BE SUBJECT TO LOCATION & DESIGN APPROVAL OF CHARLOTTE D.O.T.

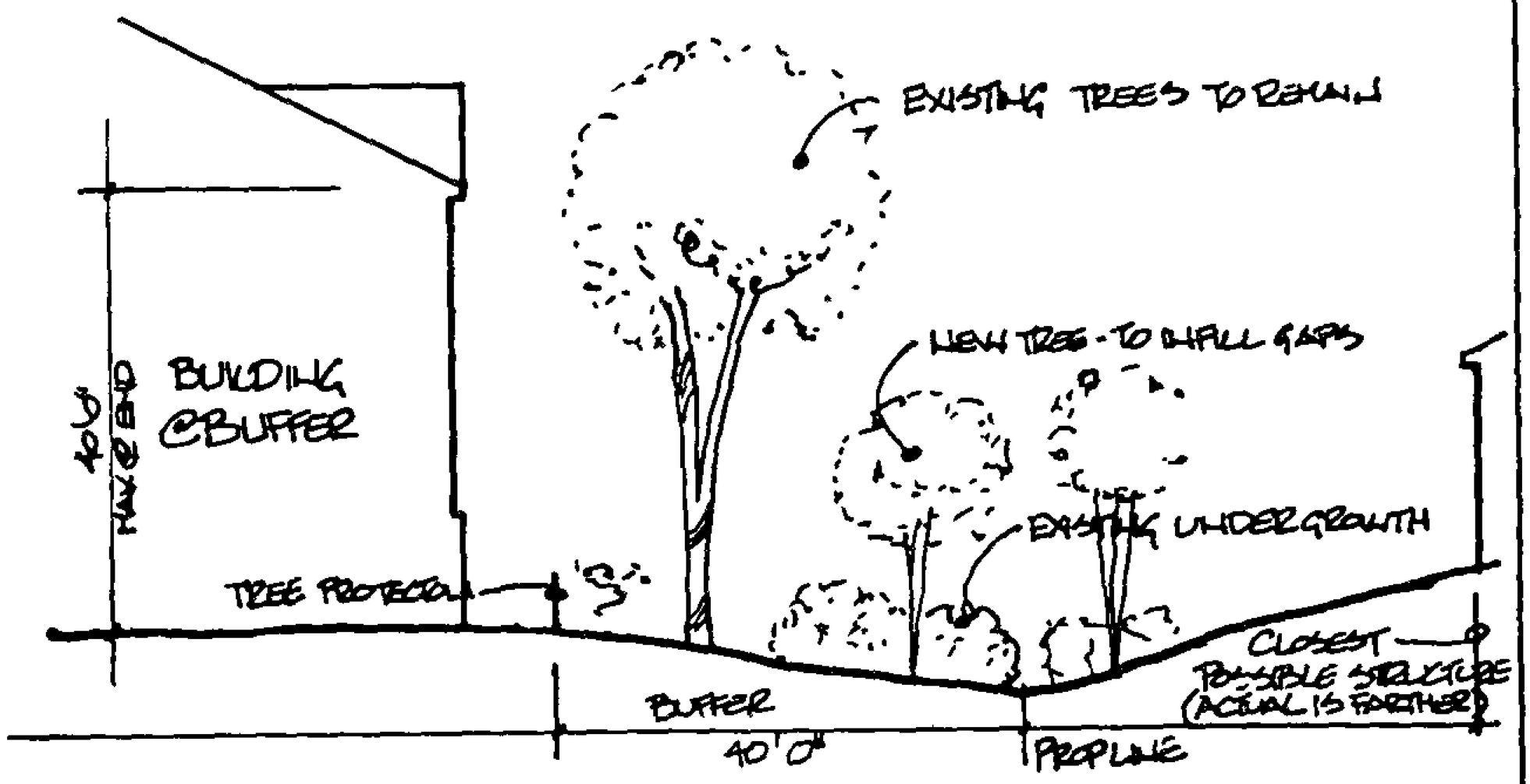
8 TREES INSIDE OF BUFFER AREAS TO BE SAVED AS ALLOWED BY CONSTRUCTION AREA LIMITS DEVELOPER TO CONSULT WITH ARBORIST TO REMOVE "HURT" DAMAGED AND OTHER TREES (AS TO HEALTH) PRIOR TO REMOVAL

9 ALL PARKING AREAS TO BE SCREENED PER ZONING ORDINANCE

10 BUFFER AREAS SHALL REMAIN UNDISTURBED EXCEPT AS REQUIRED FOR CONSTRUCTION OF ROADS, DRAINAGE & UTILITIES. DISTURBED AREAS TO BE REPLANTED

11 NO ACCESS SHALL BE PERMITTED TO GLENKIRK FROM SITE

Section at Buffer



Site Data

SITE SIZE	5.024 ACRES TOTAL
	4.610 NET
EXISTING ZONING	R 15
PROPOSED ZONING	R 6 MF (CD)
PROPOSED USE	MULTI-FAMILY HOUSING
PROPOSED # UNITS	84 D.U.
PROPOSED DENSITY	18.22 DU/ACRE
PARKING REQUIRED	158
PARKING PROVIDED	160
	92 SURFACE, 68 UNDER BUILDING
	HANDICAPPED 4 SPACES

SITE PLAN

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-39
Date Filed April 8, 1991
Received By JMCM

OFFICE USE ONLY

Ownership Information

Property Owner: Dexter & Birdie Yager, The Family Ltd. Partnership

Owner's Address: P. O. Box 412080
Charlotte, NC 28241

Date Property Acquired: June 26, 1990, March 4, 1991

Tax Parcel Number: 171-252-25, 08, 39, 40, 09, 24

Location Of Property (address or description)

West side of Park South Drive, north of Woodbine Lane

Description Of Property

Size (Sq Ft.-Acres): 4.610 acres

Street Frontage (ft.): 608.09' on Park

Current Land Use: Three residential structures

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-6MF(CD)

Purpose of Zoning Change: To allow the construction of a planned multi-family project related to the Park South frontage

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204
Telephone Number

333-1680

Dexter & Birdie Yager
Name of Petitioner(s)

P. O. Box 412080
Address of Petitioner(s)

Charlotte, NC 28241
Telephone Number

541-0529

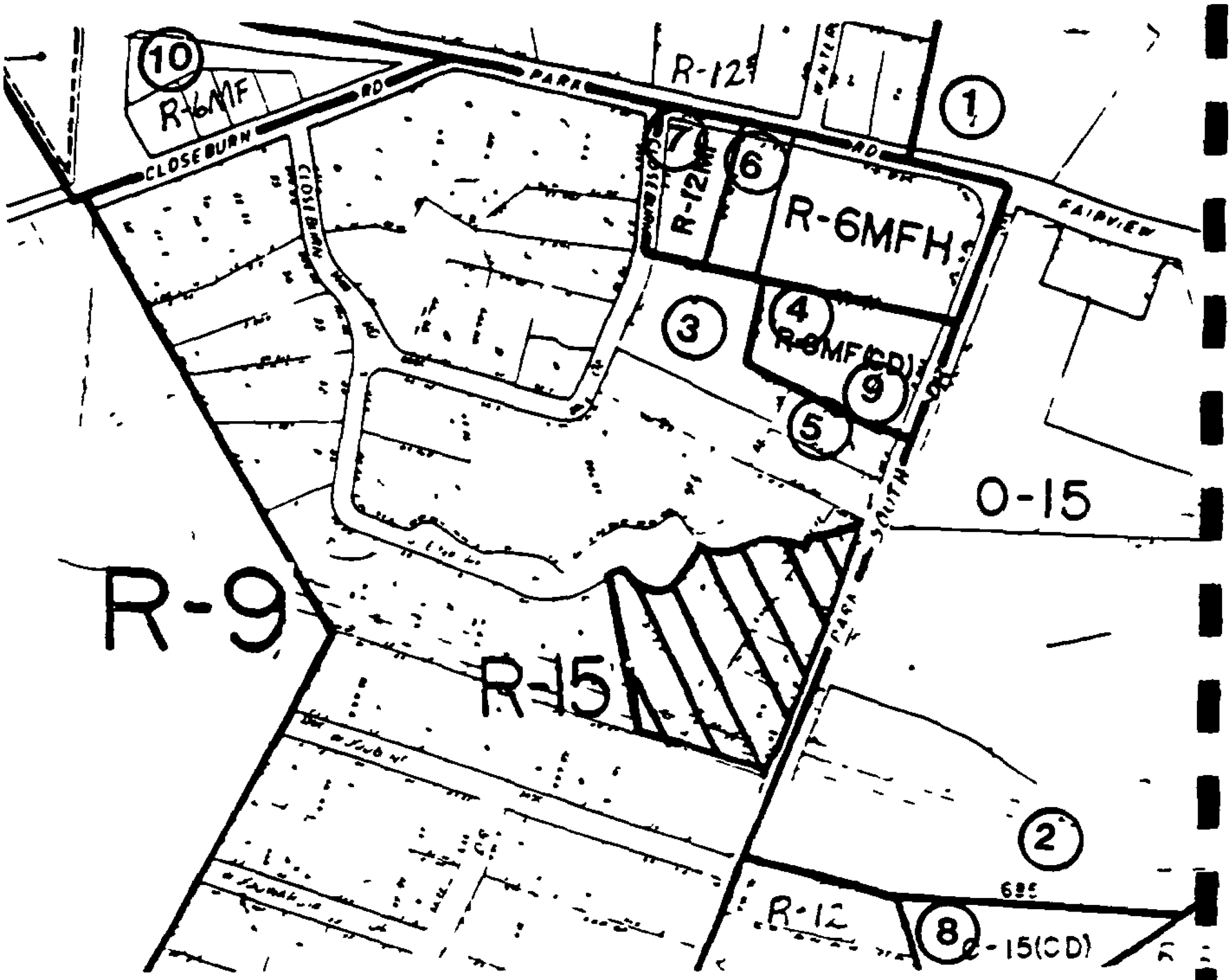
Signature (SEE ATTACHED POWER OF A

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

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 91-39

PETITIONER: **DEXTER AND BIRDIE YAGER**

LOCATION: **WEST SIDE OF PARK SOUTH DRIVE (FORMERLY PARK ROAD) SOUTH OF FAIRVIEW ROAD AND NORTH WOODBINE LANE**

REQUEST: **CHANGE FROM R-15 TO R-6MF(CD)**

The Petitioners originally obtained this property for the purpose of maintaining their own residence on the site along with smaller and older houses located on the west side of Park South Drive (formerly Park Road). Over a period of time and with the ever-encroaching high density office and, more recently, hotel development immediately across Park South Drive, the maintenance as single-family residential relationships became increasingly difficult. It is now obvious that this property with its primary physical relationship to Park South Drive is not satisfactory single-family residential land.

On the other hand, land use policy documents for this area have steadfastly maintained that nonresidential zoning should not extend west of Park South Drive in an effort to maintain the spreading effect of the primary Southpark office and commercial center. This policy was reinforced through the adoption of a revised Southpark Plan in 1988. In an effort to resolve the inability to expand nonresidential zoning and to relate this property to the existing high intensity uses, the current plan involving this rezoning request has been formulated.

The plan as put together proposes the construction of 84 upper end apartment units designed to carry forward the high design standards of the Southpark area and, at the same time, present a quality facade to the residential community along Glenkirk to the west. Careful examination of both the site plan and the illustrative elevations accompanying it will reveal this type of design concentration. It is a long accepted principle that a variety of housing should be made available close to a substantial employment center such as the Southpark area and should be in keeping with the quality needs of those areas. Examination of the land use pattern in the immediate vicinity of the Southpark core reveals that there is a comparatively small amount of such housing of a nonsingle-family nature available and few locations where additional housing can locate. This is indeed one of the few locations that can qualify for multi-family zoning and is large enough in size to permit the creation of a high quality project.

Recognizing that this is a site which must serve as a transition between the residential community to the west and the office/hotel area to the east, the site has been planned to provide a substantial amount of open space and

separation between the actual buildings and the neighborhood along Glenkirk. This has been accomplished by locating the buildings close to Park South Drive and by placing over 40% of the amount of parking underneath the buildings to avoid large expanses of surface parking. This has resulted in a very high percentage of open space on the site.

It should be noted that the Petitioner owns remaining single-family lots on two sides of the tract leaving only one single-family house with even a reasonable physical relationship to this site. As you look to the north of this property, it is noted that other lands are also zoned for multi-family use and the corner of Park South Drive and Fairview Road is already utilized for high-rise senior citizen housing. All of this property along the west side of Park South Drive adjacent to the office development can be utilized to create a needed housing base and, at the same time, create the transitional land use which will help protect the single-family areas to the west.

The Staff Analysis has revealed the information that this request is in keeping with the overall land use objectives for this area and that while there are some matters of site plan detail to be considered, the project is appropriate for approval. It is anticipated that prior to the public hearing, the remaining site plan issues can be settled through discussions with the Planning Staff.

It is always recognized that multi-family development is viewed with fear and concern by existing single-family housing. In this instance, however, it is hoped that you would view this as part of the overall land use pattern for the vicinity and recognize its merit in regards thereto.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-40

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the north side of Moores Chapel Road approximately 1/2 mile west of Freedom Drive.

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

BACKGROUND & JUSTIFICATION

Zoning History: This site has been R-6MF since originally zoned.

Existing Land Use: Single family residences occupy all lots in this rezoning.

Surrounding Land Uses and Zoning: Vacant land is to the west which was recently rezoned from R-6MF to R-6. Vacant land and a church are to the south across Moores Chapel Road. These were recently rezoned from R-6MF to R-6. Properties to the north and east are occupied by single family homes and are zoned R-6. All surrounding property is now zoned R-6.

Proposed Land Use: The Northwest District Plan calls for single family residential use on this site. The site was intended to be included in Petition No. 91-13 but was inadvertently omitted. That oversight is corrected with this petition.

Nonconformities Created by This Petition: No nonconformities will be created by this rezoning.

Consequences of Not Rezoning This Property: If this petition is not approved, this site will be an isolated island of multi-family zoning in the middle of a single family neighborhood. If the property were converted to multi-family uses, it would be out of character with the rest of the neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-40
Date Filed April 8, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: see attached list

Owner's Address: see attached list

Date Property Acquired: N/A

Tax Parcel Number: see attached list

Location Of Property (address or description)

Description Of Property

Size (Sq. Ft. Acres): 3.12 acres in 11 lots Street Frontage (ft.):

Current Land Use: single-family residences

Zoning Request

Existing Zoning: R-6MF Requested Zoning: R-6

Purpose of Zoning Change: to carry out the recommendations of the adopted Northwest District Plan

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s): 600 East Fourth St., Charlotte, nc

Telephone Number

Signature

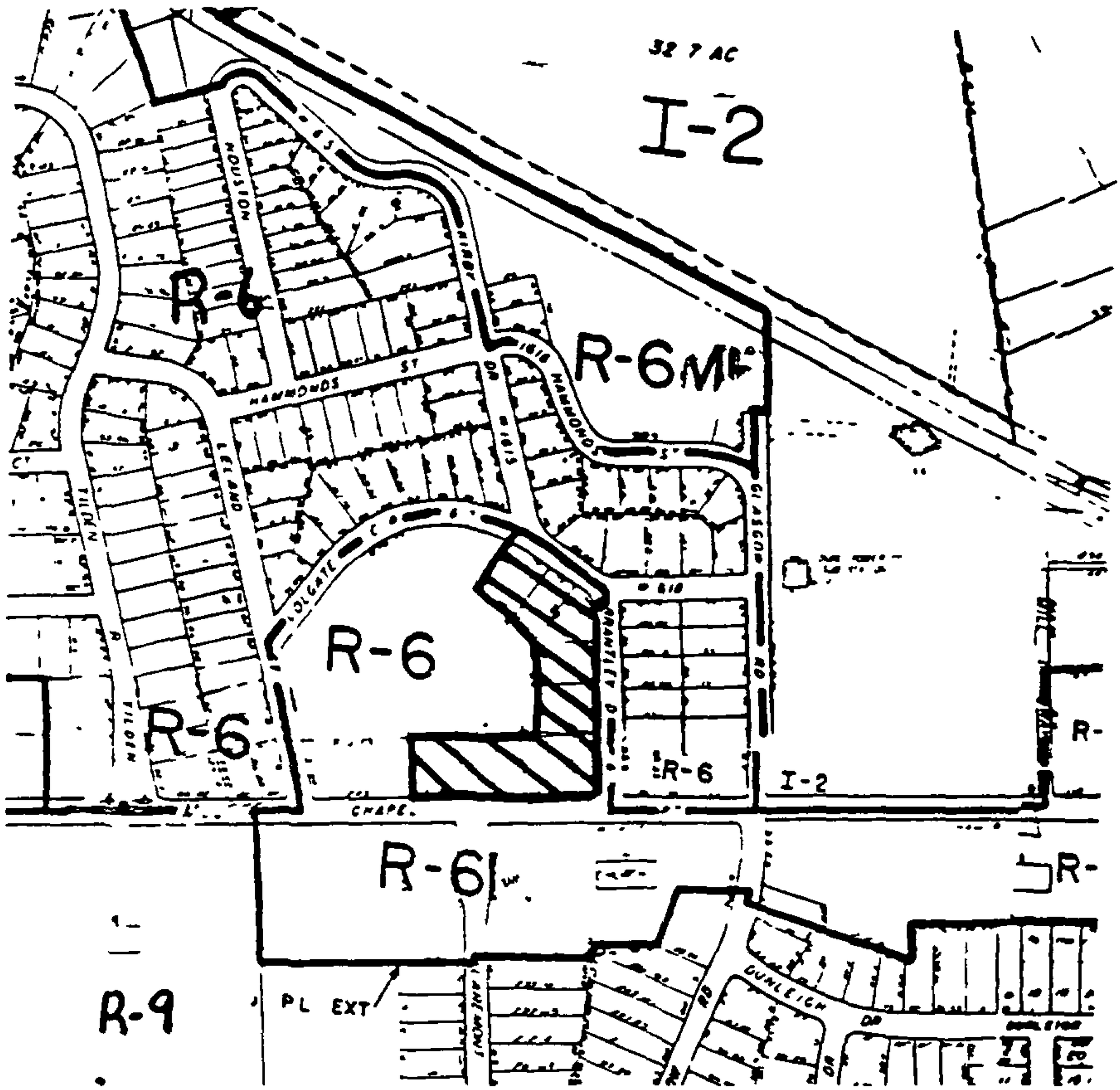
Signature of Property Owner if Other Than Petitioner

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 an extending along the east side of Brantley Drive to Colgate Circle.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-41

Petitioner: City of Charlotte

Location: Approximately 15 acres located off the southeast side of Sardis Road northwest of Beards Creek.

Request: Establish City zoning on property voluntarily annexed into the City of Charlotte.

BACKGROUND

The subject property has been voluntarily annexed into the City. The City has 90 days to establish its zoning jurisdiction over the area and this petition has been filed to establish zoning on the property. The area is presently zoned I-1 under the County's jurisdiction and this petition proposes to establish the same zoning classification under the City's jurisdiction.

CONCLUSION

City zoning should be established on the subject property utilizing the same zoning district as presently exists under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-41
Date Filed April 8, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Sardis North Associates, Ltd.

Owner's Address: Crown Point Associates, Inc. 125 Scaleybark Road 28.

Date Property Acquired:

Tax Parcel Number: 193-114-3, 193-114-1(p), and 193-114-4(p)

Location of Property (address or description): A portion of Crown Point located on Crown Centre Drive

Description of Property

Size (Sq Ft.-Acres): 15 ACRES Street Frontage (ft.):

Current Land Use: VACANT

Zoning Request

Existing Zoning: I-1 Requested Zoning: I-1

Purpose of Zoning Change: To establish city zoning authority due to annexation (voluntary).

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): City of Charlotte

Address of Petitioner(s): 400 E. 4th Street

Telephone Number:

Signature:

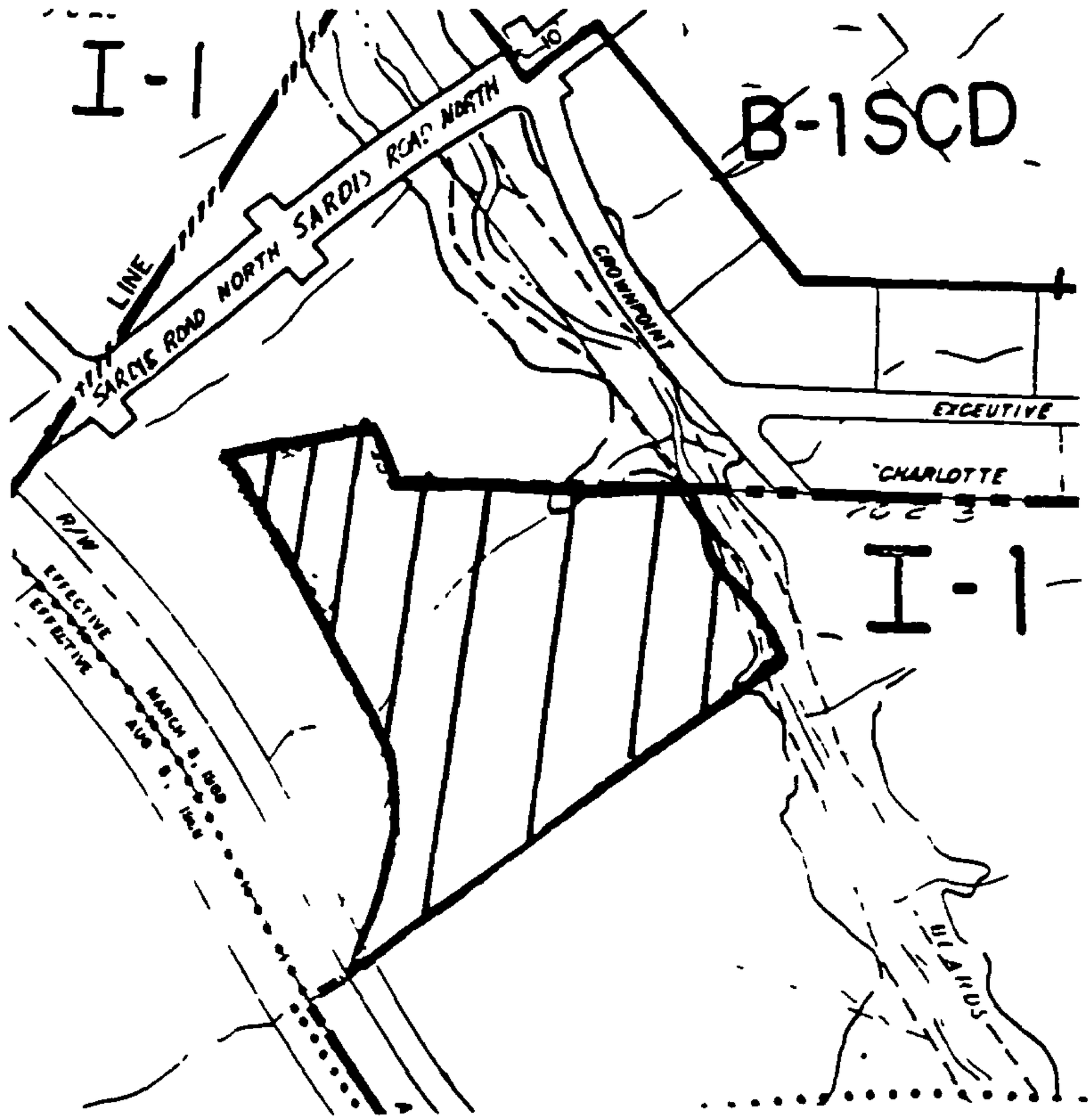
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-42

Petitioner: 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.

Request: Establish City zoning on property voluntarily annexed into the City of Charlotte.

BACKGROUND

The subject property has been voluntarily annexed into the City. The City has 90 days to establish its zoning jurisdiction over the area and this petition has been filed to establish zoning on the property. The area is presently zoned I-2 under the County's jurisdiction and this petition proposes to establish the same zoning classification under the City's jurisdiction.

CONCLUSION

City zoning should be established on the subject property utilizing the same zoning district as presently exists under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-42
Date Filed April 8, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner McDevitt + Street Co. and Vulcan Materials Co.

Owner's Address

Date Property Acquired

Tax Parcel Number 205-134-01, 205-131-04, 205-141-04

Location of Property (address or description) Adjacent to the proposed route of the Westinghouse Boulevard Extension in the vicinity of the Southern Outer Belt.

Description of Property

Size (Sq. Ft.-Acres) 47.55 Street Frontage (ft.)

Current Land Use VACANT

Zoning Request

Existing Zoning I-2 Requested Zoning I-2

Purpose of Zoning Change To establish city zoning authority due to annexation (voluntary)

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) City of Charlotte

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

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: City of Charlotte

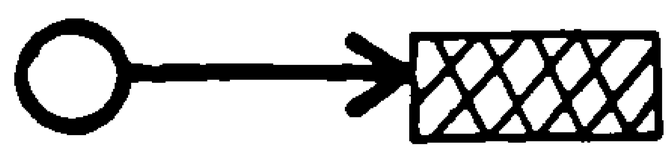
PETITION NO.: 91-42 HEARING DATE: June 17, 1991

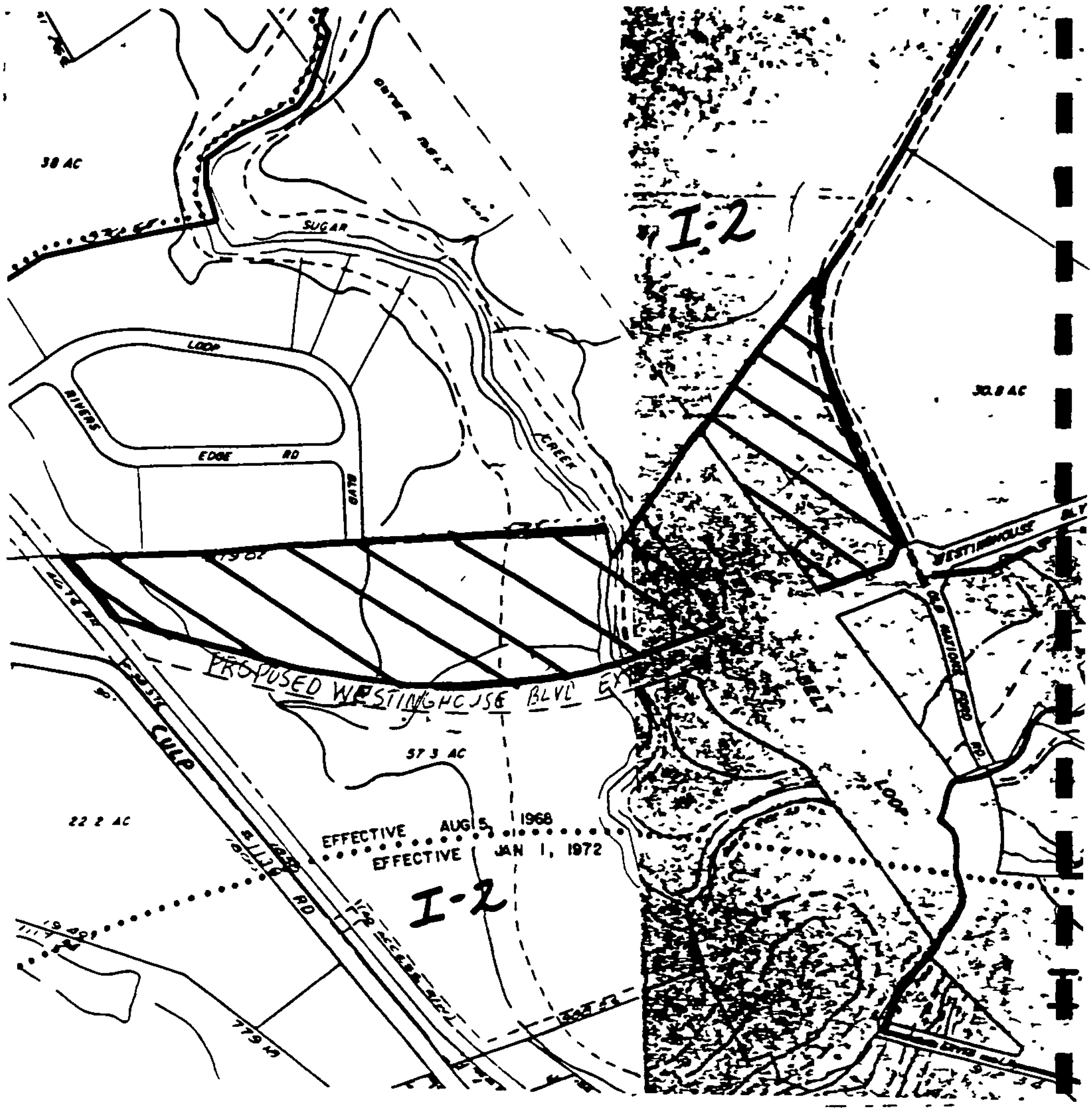
ZONING CLASSIFICATION, EXISTING. Establish zoning on property due for voluntary annexation into the city REQUESTED:

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" = ~~400'~~ Reduce

PROPERTY PROPOSED FOR CHANGE 


38 AC
SUGAR
LOOP
RIVERS
EDGE RD
CREEK
I-2
30.8 AC
WESTINGHOUSE
OLD NATIONAL ROAD
PROPOSED WESTINGHOUSE BLVD EXT
57.3 AC
22.2 AC
EFFECTIVE AUG 5, 1968
EFFECTIVE JAN 1, 1972
I-2
LOOP

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-43

Petitioner: City of Charlotte

Request: A text amendment to clarify the application of certain standards to convention centers and halls, exhibition halls, merchandise marts and similar uses in the Uptown Mixed Use District (UMUD).

BACKGROUND

The Uptown Mixed Use District (UMUD) purpose as stated in the Zoning Ordinance, "permits and encourages the coordinated development of retail and wholesale trade; business, professional and financial services, offices; hotels, convention and conference centers; merchandise markets; high density residential development; and parking as a separate business". While convention and conference centers and merchandise markets are listed in the stated purpose of the district, they are not specifically listed in the permitted use section. The Zoning Administrator had determined that while the ordinance does permit "Buildings for dramatic, musical, or cultural activities...", the ordinance could be more clear as to this specific type of use. This amendment clarifies the original intent of the ordinance by definitely listing these as permitted uses by right.

This amendment also exempts these kinds of facilities from the requirement that buildings over 100,000 square feet must devote 50% of the net first floor area to retail activities. Convention and conference centers and merchandise markets typically have large amounts of square footage per floor. In order for these buildings to serve a variety of purposes, they must be flexible and be able to easily and quickly change space configurations with movable partitions. Therefore, it is not practical for these uses to provide 50% of their first floor space to permanent rooms for retail space.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-43

Date Filed April 8, 1991

Received By MCM

OFFICE USE ONLY

ection No 3053. Uptown Mixed Use Districts, subsections 3053.2. Permitted Uses, and 3053.6 7. First Floor Retail required.

(Title)

urpose of Change To clarify the application of certain standards regarding convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar ses in the Uptown Mixed Use District (UMUD).

ame of Agent

Agent's Address

elephone Number

City of Charlotte

Name of Petitioner(s)

600 East Fourth St., Char., NC 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

DRAFT

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 3053 Uptown Mixed Use Districts, 3053.2 Permitted Uses, by adding the following category in numerical order·

21 Convention centers and halls, conference centers, exhibition halls, merchandise marts, and other similar uses.

2 Amend Section 3053.6.7 First floor retail required, by adding the following sentence after the last sentence of this section.

This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls merchandise marts, and similar uses

Section 2 That this ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

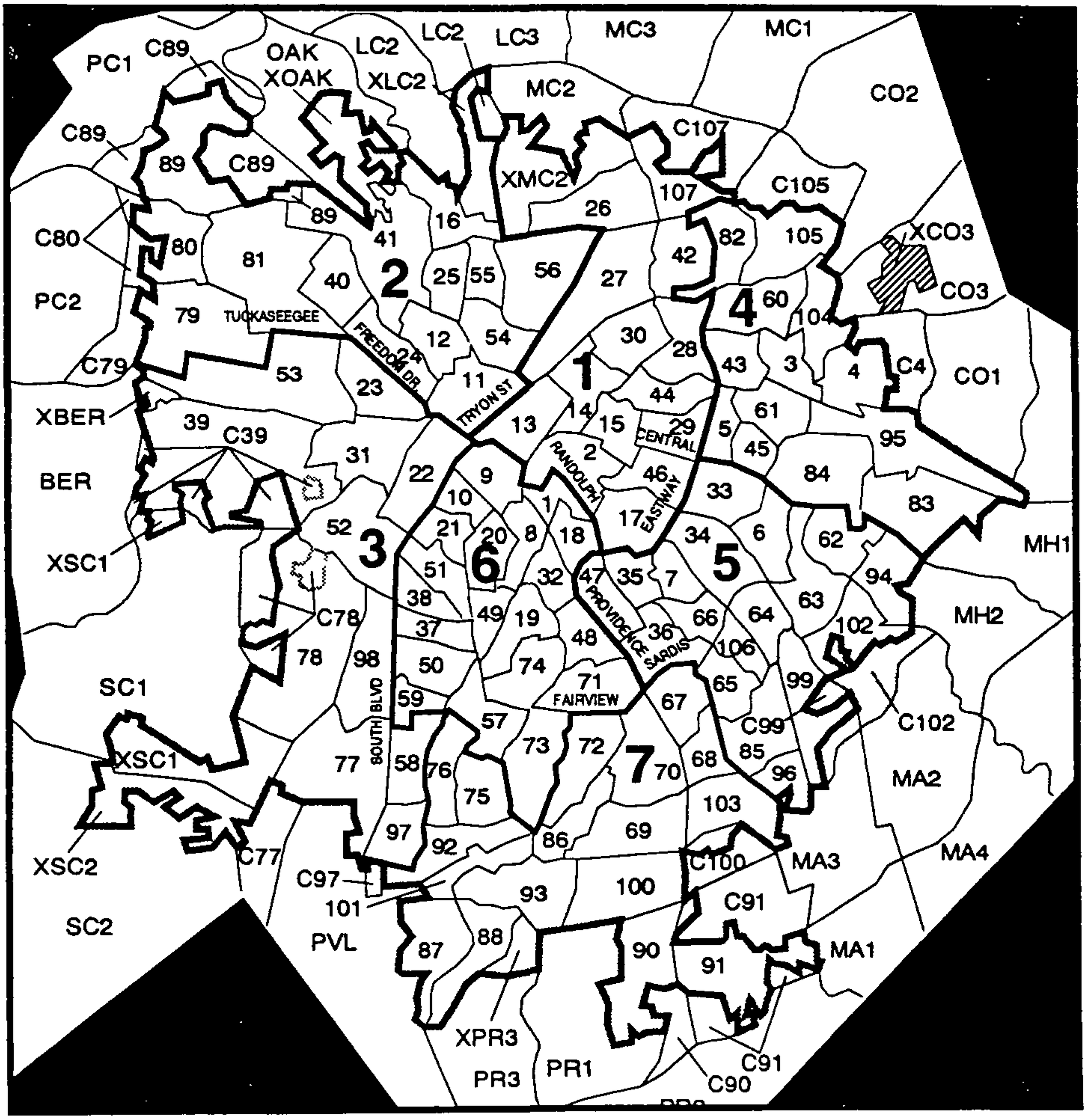
CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION



City of Charlotte
Current District Alignment

Voting Districts	Total Population	% Black	18 + Over % Black
1	56,607	50.57	45.80
2	55,853	63.50	59.00
3	51,834	60.04	55.45
4	58,737	32.36	28.82
5	58,451	11.33	10.29
6	53,515	5.72	5.10
7	61,027	3.21	2.77
Charlotte Total	396,024	31.78	28.96

Largest District (7) - Smallest District (3) = 9,193 persons

Population Differential = 16.25%

Maximum Population Differential Permitted = 10%

June 30, 1991 Annexations

Prosperity Church	5,826	7.90
Old Concord	9,410	16.25
Plott Road	1,158	19.56
Margaret Wallace	4,658	8.67
Beam Road	635	2.42
Total for Areas	21,687	15.31

Current District Alignment
With June 30, 1991 Annexations*

Voting Districts	1990 Population	+	Annexation Population	=	6/30/91 Population	% Black
1	56,607		8,500		65,107	45.34
2	55,853		0		55,853	63.50
3	51,834		635		52,469	59.34
4	58,737		7,894		66,631	30.51
5	58,451		4,658		63,109	11.13
6	53,515		0		53,515	5.72
7	61,027		0		61,027	3.21
Charlotte Total	396,024		21,687		417,711	30.90

Largest District (4) - Smallest District (3) = 14,162

Population Differential = 23.73%

*Note: Annexation areas were assigned to the adjacent voting district.

City of Charlotte
Voting District Options

Voting Districts	Option X Pop.	Option X % Black	Option Y Pop.	Option Y % Black	Option Z Pop.	Option Z % Black	Option X1 Pop.	Option X1 % Black
1	58,952	45%	60,030	35%	60,485	35%	61,173	36%
2	60,208	63%	59,817	62%	61,304	64%	60,290	65%
3	60,322	59%	59,528	66%	62,062	67%	60,450	65%
4	60,578	26%	61,940	30%	59,954	25%	59,599	25%
5	61,070	11%	59,018	11%	59,285	8%	58,337	8%
6	59,450	5%	60,142	5%	58,103	5%	59,443	6%
7	57,131	3%	57,236	6%	56,518	6%	58,419	6%
Population Differential	6.60%		7.88%		9.29%		4.75%	

Voting Districts	Option A Pop.	Option A % Black	Option B Pop.	Option B % Black	Option Z1 Pop.	Option Z1 % Black
1	58,456	55.1	59,248	50.2	61,311	34.3
2	59,915	57.0	58,801	60.8	60,355	66.9
3	58,840	57.3	59,979	61.3	60,013	65.6
4	60,204	26.1	62,032	22.6	58,885	25.4
5	60,508	11.8	61,070	10.8	59,285	9.7
6	58,761	5.4	59,450	5.3	58,738	5.1
7	61,027	3.2	57,131	3.4	59,124	6.2
Population Differential	4.31%		8.21%		4.31%	

City of Charlotte
Voting District Options
Percent Black

Option X

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	45%	41%	42%
2	63%	59%	59%
3	59%	55%	57%
4	26%	23%	26%
5	11%	10%	9%
6	5%	5%	3%
7	3%	3%	2%

Option Y

Gen. Pop.	18 + Over Pop.	Reg. Voters
35%	30%	28%
62%	58%	59%
66%	62%	63%
30%	27%	31%
11%	10%	8%
5%	4%	3%
6%	5%	4%

Option Z

Gen. Pop.	18 + Over Pop.	Reg. Voters
35%	30%	28%
64%	59%	60%
67%	63%	65%
25%	22%	27%
8%	9%	8%
5%	4%	3%
6%	5%	4%

Option X1

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	36%	32%	32%
2	65%	61%	62%
3	65%	61%	63%
4	25%	22%	25%
5	8%	9%	7%
6	6%	5%	3%
7	6%	5%	4%

Option Z1

Gen. Pop.	18 + Over Pop.	Reg. Voters
34%	30%	28%
67%	63%	63%
66%	62%	63%
25%	22%	28%
10%	9%	8%
5%	5%	3%
6%	5%	4%

Option A

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	55%	50%	48%
2	57%	53%	56%
3	57%	53%	55%
4	26%	23%	26%
5	12%	11%	10%
6	5%	5%	3%
7	3%	3%	2%

Option B

Gen. Pop.	18 + Over Pop.	Reg. Voters
50%	46%	55%
61%	57%	58%
61%	56%	59%
23%	20%	18%
11%	10%	9%
5%	5%	3%
3%	3%	2%

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

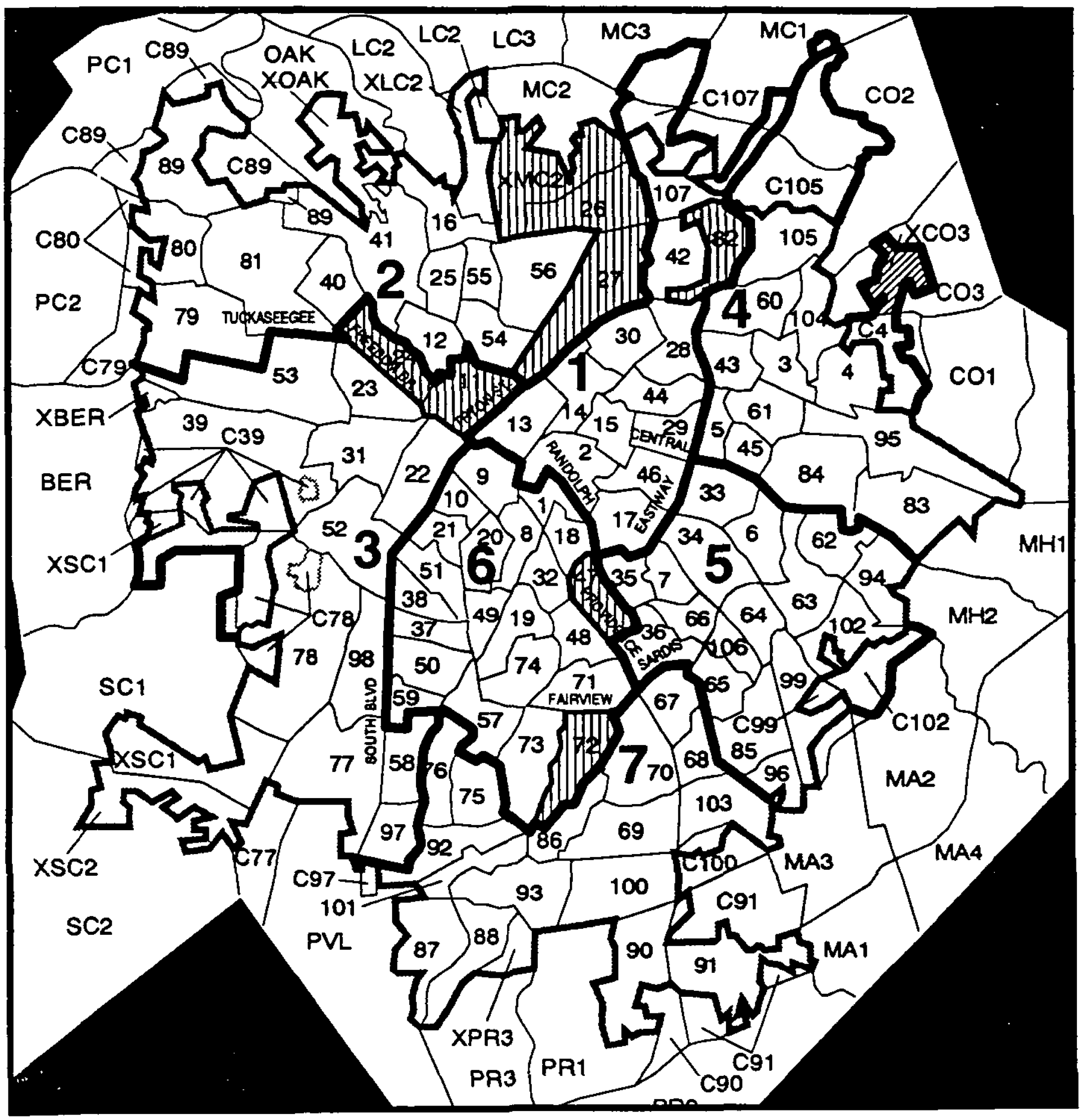
EXISTING VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION

PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION X



Option X

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church	5,826						
Old Concord	2,674			6,736			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
82	+6,053			-6,053			
11		-3,999	+3,999				
24		-3,854	+3,854				
47					-2,039	+2,039	
72						+3,896	-3,896
Option X Total	58,952	60,208	60,322	60,578	61,070	59,450	57,131

CITY OF CHARLOTTE
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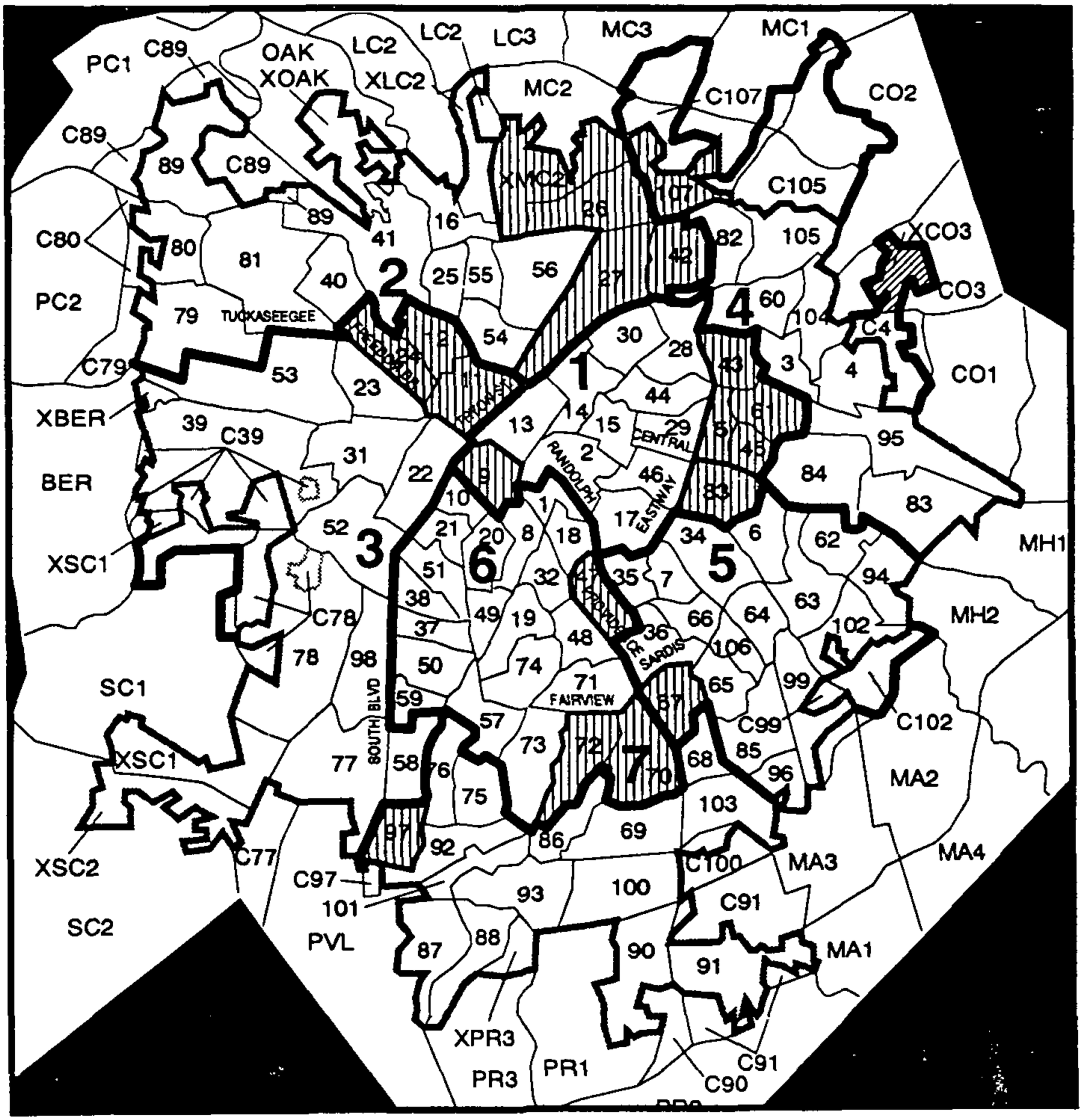
OPTION Y



Option Y

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church				5,826			
Old Concord				9,410			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
61	+4,067			-4,067			
33	+3,931				-3,931		
9	+3,241					-3,241	
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
42	-4,732	+4,732					
11		-3,999	+3,999				
24		-3,854	+3,854				
12		-5,123	+5,123				
107	-1,256			+1,256			
47					-2,039	+2,039	
70						+3,933	-3,933
67					+1,879		-1,879
97			-5,917				+5,917
72						+3,896	-3,896
Option Y Total	60,030	59,817	59,528	61,940	59,018	60,142	57,236

CITY OF CHARLOTTE
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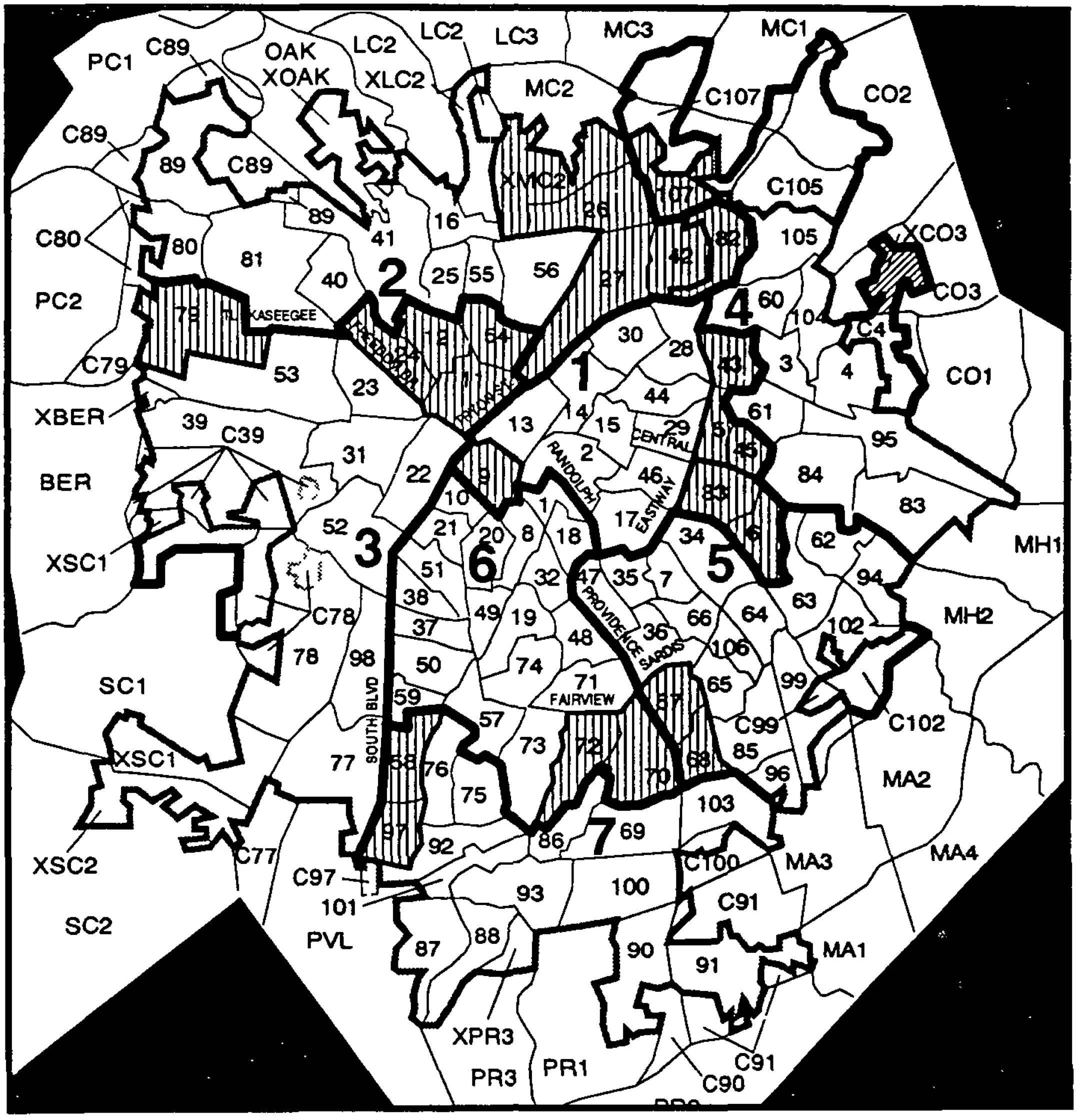

Option Z

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church				5,826			
Old Concord				9,410			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
6	+4,522				-4,522		
33	+3,931				-3,931		
9	+3,241					-3,241	
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
42	-4,732	+4,732					
82		+6,053		-6,053			
11		-3,999	+3,999				
12		-5,123	+5,123				
24		-3,854	+3,854				
54		-2,049	+2,049				
79		-2,517	+2,517				
107	-1,256			+1,256			
67					+1,879		-1,879
68					+2,750		-2,750
70						+3,933	-3,933
72						+3,896	-3,896
58			-2,032				+2,032
97			-5,917				+5,917
Option Z Total	60,485	61,304	62,062	59,954	59,285	58,103	56,518

CITY OF CHARLOTTE
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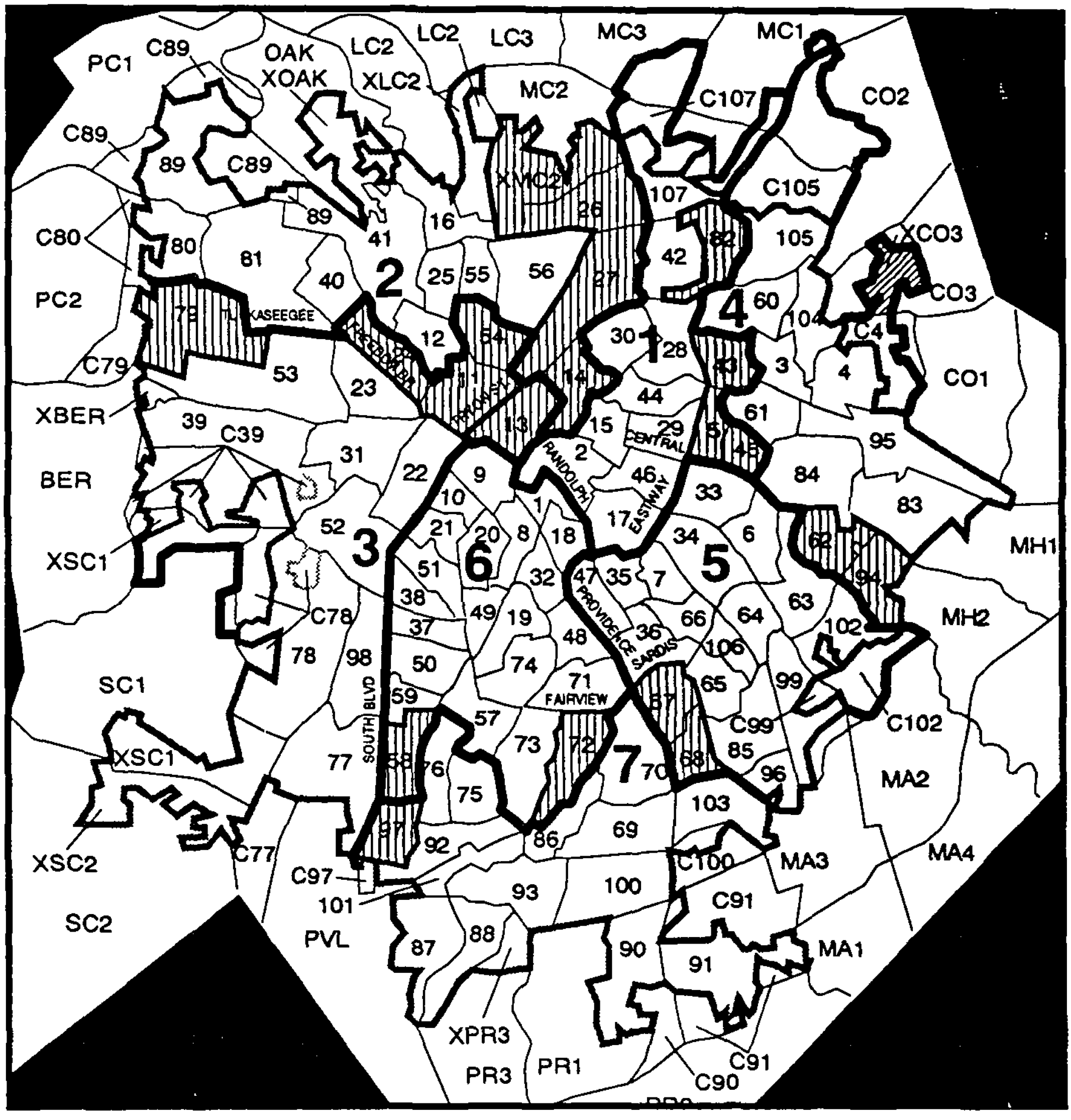

Option X1

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church	5,826						
Old Concord	2,674			6,736			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
13	-3,511		+3,511				
14	-4,648	+4,648					
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
82	+6,053			-6,053			
11		-3,999	+3,999				
24		-3,854	+3,854				
54		-2,049	+2,049				
72						+3,896	-3,896
79		-2,517	+2,517				
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
67					+1,879		-1,879
68					+2,750		-2,750
58			-2,032			+2,032	
62				+4,277	-4,277		
94				+5,124	-5,124		
97			5,917				+5,917
Option X1 Total	61,173	60,290	60,450	59,599	58,337	59,443	58,419

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

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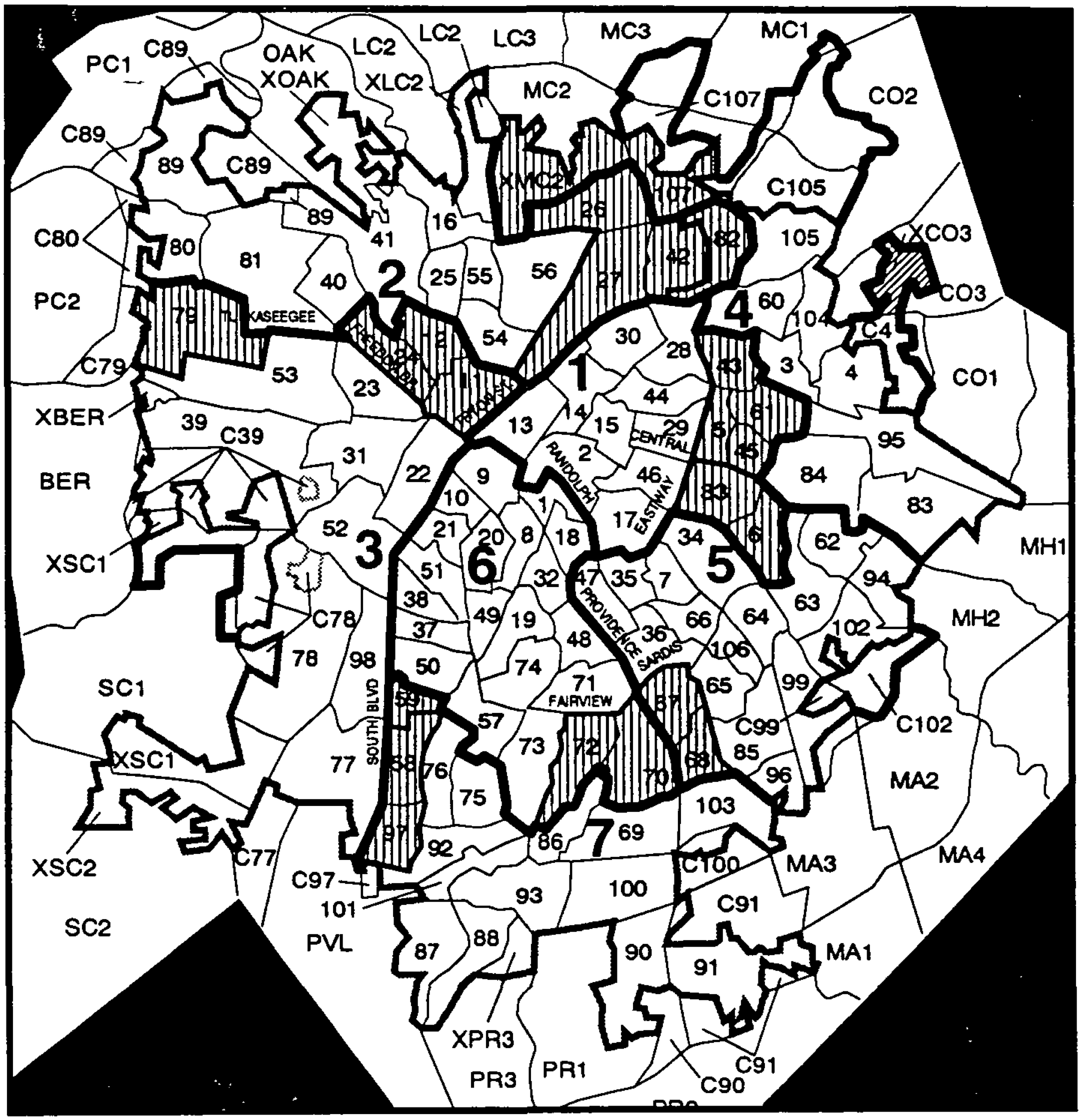


Petition 91-37

* PETITION #91-~~29~~ 37
* REZONING PETITIONERS: George Rabb and Lavern M. Rabb

* Existing Zoning	R9MF
* Proposed Zoning	R6MF CD
* Square Feet of Site Including R/W	58,189 SF
* Square Feet of Site Excluding R/W	51,846 SF
* Minimum Lot Area Required	50,000 SF
* Number of children proposed	184
* Number of children authorized R6MF	184
* Proposed parking spaces	30
* Required parking spaces	26
* Required play space	18,400 SF
* Actual Play Space	20,521 SF
* Sideyard required-right	6 FT
* Actual Sideyard-right	6 FT
* Sideyard required-left	8 FT
* Actual Sideyard-left	8 FT
* Setback Required-front	20 FT
* Setback Actual-front	20 FT
* Rear yard required	40 FT
* Rear Yard actual	40+ FT

*

R6MF and R9MF screening requirements are the same. Petitioners obtained permit for expansion of the day care center in 1990 and met all screening requirements. Proper screening exists at the points on plan marked by the outside fence. Petitioners will demonstrate compliance with Section 1601.

*

A 30 foot right-of-way has been dedicated for Tom Hunter Road according to previous permits and approvals. The southerly property line is the centerline of Tom Hunter Road.

*

No parking of motor vehicles will be permitted in the required setback and the space within the required setback will not be used as maneuvering space for parking or unparking of vehicles. No parking of motor vehicles will be permitted in the required sideyard.

* Traffic and parking is shown on the plan.

*

The mushroom shaped objects in the setback are trees. The tree ordinance has been complied with according to previous permits and approvals. Petitioners will demonstrate compliance with tree ordianance.

*

Play area is located within the fenced area shown on the plan.

*

NOTE: The Day Care Center located on the site was enlarged by permit duly issued in 1990. All code provisions were complied with at that time. There will be no new construction at the site. The sole purpose of this petiton for change is to allow 184 children rather than 144 as is now approved for R9MF.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-37
Date Filed April 8, 1991
Received By THCM
OFFICE USE ONLY

Ownership Information

Property Owner Lavern M. Rabb and George Rabb

Owner s Address 1076 Tom Hunter Road
Charlotte, NC

Date Property Acquired

Tax Parcel Number 089-071-01

Location Of Property *(address or description)*

1076 Tom Hunter Road, Charlotte, NC

Description Of Property

Size (Sq Ft-Acres) 58,189 sq/ft Street Frontage (ft) 213 feet ±

Current Land Use Day Care

Zoning Request

Existing Zoning R9MF Requested Zoning R6MF(CD)

Purpose of Zoning Change The purpose of the change is to allow instead of 144 children a total of 192 children at the day care center.

Name Of Agent
Thomas D. Windsor

Agent s Address
6116 Dixie Road
Charlotte, NC 28208

Telephone Number
377-6825

George Rabb
~~Lavern M. Rabb~~
Name of Petitioner(s)

1076 Tom Hunter Road
Address of Petitioner(s)
Charlotte, NC
596-4942
Telephone Number

George Rabb
Signature

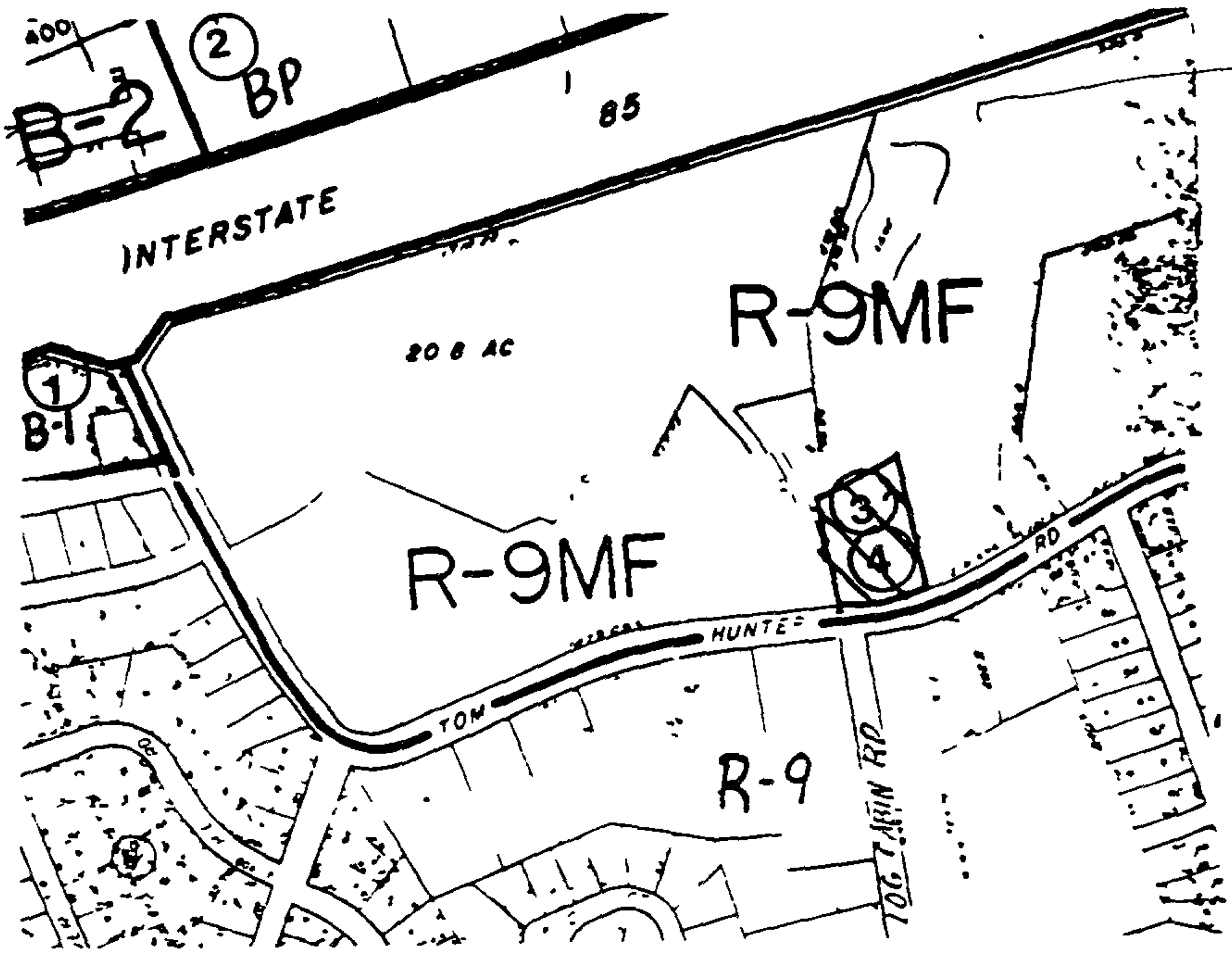
Lavern M Rabb
Signature of Property Owner if Other

PETITIONER: George and Lavern Rabb

PETITION NO.: 91-37 HEARING DATE: June 17, 1991

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

LOCATION. A 58,169 square foot parcel located on the north side of Tom Hunter Road at Log Cabin Road.



ZONING MAP NO(s).: 70 & 78 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-38

Petitioner: John Moore

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.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is composed of a mixture of zoning classifications. The immediate corner of Colonial Avenue and Providence Road is zoned O-6 with the remainder of the frontage along Colonial Avenue being zoned R-6MF. R-6MFH zoning is located to the rear of the property with no direct public street access. Properties surrounding the site are zoned for a variety of nonresidential as well as residential uses. To the north across Colonial Avenue and along both sides of Providence Road are properties zoned for office uses. To the south, east, and west of the site the property is generally zoned for a mixture of single family and multi-family uses.

2. Existing Land Use. The property involved with this request is presently used for a mixture of nonresidential uses fronting along Providence Road and residential uses fronting on Colonial Avenue. A portion of the site to the rear is largely undeveloped. To the north of the site across Colonial Avenue and along both sides of Providence Road is a substantial concentration of office uses, principally medical offices. To the west, south, and east of the site is a mixture of residential uses including both single family and multi-family housing, a convalescent center, and a public park across Providence Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment and existing residential land uses in the area of the subject property. A community commercial center is indicated generally in the vicinity of Randolph Road and Hawthorne Lane. The 2005 Plan strategies include a Development Enterprise Area in the midtown portion of the community and a potential light rail corridor nearby.

   2. Central District Plan (draft). The draft Central District Plan calls for multi-family zoning along Colonial Avenue to remain. The plan indicates that urban residential zoning districts, such as the type found in Third Ward and Fourth Ward, might be appropriate in this location to provide for more intense

housing locations near the major medical employment centers. The plan also anticipates that this housing will provide an appropriate transitional use between office uses along Providence Road and residential uses along Dartmouth and Queens Roads to the southwest.

4. Site Plan. The site plan which accompanies this application proposes the development of the entire site for general office use. The plan indicates two office buildings of 35,000 square feet each with the remainder of the site being devoted to parking. The site plan indicates an entrance to the property from Providence Road as well as three entrances to the site from Colonial Avenue. Conditional notes indicate that the buildings will not exceed 40 feet in height unless additional yards are established and establishes a 3-1/2 story expectation. On the westerly side of the site the plan indicates a brick screening wall to be located along the property boundary which will extend around portions of the site to protect existing residential development from the influences of the surface parking lot. The corner of the site which is most distance from Colonial Avenue is indicated to remain essentially undisturbed except for the possibility of an alternate dumpster location. The petitioner proposes to dedicate 20 feet of additional right-of-way along Providence Road to increase the road to a minimum 100 foot cross-section and the plan indicates minimum yards around all of the boundaries of the site. The plan contains a small note relative to the use of the site which indicates that if uses other than general office uses are proposed a reduction in the building size and/or reconfiguration of the parking lot will be required.

5. School Information. Information from the school system is not available as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.		Request	Action	Date
1.	63-72	0-6 to B-1	Denied	04/27/64
2.	65-69	R-6 to I-1	Approved	08/02/65
3.	68-10	R-6MF to 0-6(AIP)	Approved	02/12/68
4.	68-57	R-6MF to 0-6	Denied	09/09/68
5.	69-116	R-6MF to R-6MFH	Approved	01/12/70
6.	70-113	R-6MFH to 0-6	Approved	09/28/70
7.	73-35	R-6MF to 0-6	Approved	09/17/73
8.	76-25	R-6MF to R-6	Approved	06/18/76
9.	76-59	R-6MF to R-6(AIP)	Approved	10/04/76
10.	78-27	R-6MF to 0-6	Denied	07/24/78
11.	78-38	R-6 to R-6MFH	Approved	10/30/78
12.	81-15	R-6MF to 0-6(CD)	Approved	08/10/81
13.	81-61	R-9 to R-12MF(CD)	Approved	12/03/81

14. 89-67 R-6MF to R-6 Approved 10/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes the conversion of existing office as well as multi-family zoned land to a conditional office district. Only the portion of the site which fronts on Providence Road is presently being used for nonresidential purposes. The remainder of the site is still being used for single family residential purposes. The draft Central District Plan proposes to preserve the residential character of this as well as nearby communities by continuing a multi-family future for this property. The plan specifically recommends that the site be zoned to an urban residential classification which would permit a mixture of housing types as well as the possibility of office and/or retail uses on the ground floor. The conversion of this property to an exclusively office use is inconsistent with the recommendations of the draft Central District Plan for this area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with agents for the petitioner prior to filing the application and discussed a number of potential uses for the site. Subsequently the staff has communicated a number of site plan questions to the petitioner for their consideration.

   2. Departmental Comments. The site plan which accompanies this application generated the normal set of departmental comments relative to standard development requirements. The City Engineering and Transportation Departments indicated that driveway permits, grading permits, and adherence to the tree ordinance would all be required in the development of the site. The Department of Transportation was especially concerned that the driveway entrance on Providence Road be properly constructed to facilitate right in and right out traffic and that driveways along Colonial Avenue be properly aligned with existing driveways to the north. CDOT analysis indicates that the site plan as filed for general office use will not significantly impact the trip generation of the site over that which could be expected with the present zoning. However, if the site were to be used for medical offices then the trip generation and parking characteristics could change substantially.

Building Standards Department and Planning staff asked the petitioner to clarify a number of the detailed conditional notes on the site plan. Staff suggested that the driveways on Colonial Avenue be consolidated but the revised site plan still maintains three separate entrances. Most of the other minor details were corrected on the revised plan.

ISSUES

1. Land Use. This petition raise a significant land use issue. The property on the south side of Colonial Avenue continues to be predominantly residential in character and scale. These lots relate to properties which front along Queens Road as well as to properties which front along Dartmouth Place. Properties on the north side of Colonial Avenue have been devoted almost exclusively office uses with the only exceptions being higher density multi-family housing. The draft Central District Plan proposes that Colonial Avenue still remain as the boundary between residential and nonresidential uses. The draft plan recommends that the properties along Colonial Avenue be zoned to provide for urban residential densities which is generally consistent with the multi-family zoning present on the property today. The conversion of this entire tract of land to office use will eliminate the possibility of any future residential development on the south side of Colonial Avenue and may have the effect of stimulating additional nonresidential zoning requests in the vicinity of the Colonial Avenue/Queens Road intersection. At least two of the urban residential districts provide a mechanism to include some office and even retail uses as part of a residential development. This provides the opportunity for the developer to serve a mixture of tenants as well as complying with the recommendations of the plan for a residential future for the property. In its present form, from a land use standpoint, this petition is not considered appropriate for approval.

2. Site Plan. The site plan which accompanies this application also raises a number of issues. The property involved here is approximately 3.8 acres and the petition proposes 70,000 square feet of general office floor area. This equates to over 18,400 square feet of office floor area per acre of land which is on the high end of what can fit on any given piece of property with surface parking. An analysis of the plan reveals that virtually all of the land which is available for development with the exception of the triangular portion at the extreme rear of the site which is the low point of the property has been used development of either buildings or parking lot. The plan also indicates that the use of the property might be something other than general office and that adjustments may be required. For example, if portions of the buildings were to become medical offices rather general offices then substantially more parking

would be required. This could only be accommodated by a reduction in the amount of floor area on the remainder of the site and a site plan amendment as to the use of the property. In addition the site plan contains a number of unclear notes or illustrations relative to screening, landscaping, tree preservation, and stormwater retention. On the whole the staff believes that the site plan represents an overly intensive use of the site for purely office purposes. If the intensity of the development, especially on the westerly end of the site, could be reduced to a more appropriate scale or if the site could include a substantial residential component then this site plan would be more in keeping with residential character of the area. In its present form, the site plan is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It proposes an overly intense use of a site for office purposes in an area where pending plans propose a residential future.

*Subject to further refinement following public hearing.

DEVELOPMENT NOTES

Petition 91-38

1 Boundary survey information taken from survey by R B Pharr and Associates Surveying and Mapping, dated July 21, 1988

2. Building height will not exceed three and one half stories Maximum height 40 feet by schedule plus for every two feet in height the minimum side yard shall be increased one foot

3 Total gross building area shall be as follows
Two buildings at 10,000 square feet gross per floor for three (3) and one half floors Total 70,000 square feet

4 All development standards for the 0-6 district as set forth in the City of Charlotte Zoning Ordinance shall be met or exceeded

5 Buildings shall meet or exceed the required setbacks, rear yards and side yards as established in the City of Charlotte Zoning Ordinance

6 Buffering and/or screening shall as a minimum conform to Section 1601 of the City of Charlotte Zoning Ordinance, and the City of Charlotte Tree Ordinance requirement Along the perimeter of the site trees will be planted at a maximum of 40'-0" o c

Along the west boundary a 6 8" brick wall will screen the parking from the neighboring residential property

7 Building mechanical areas will be located at the roof top and will be screened from the public view

8 Special care will be taken to provide a high quality development with emphasis on landscaping, building architecture, and site arrangement design. The architectural design will be sympathetic to the adjacent structures

9 Adequate fire protection in the form of fire hydrants and fire rated construction will provide to meet or exceed the City of Charlotte Fire Marshall specifications

10 All signage will be provided in accordance with the City of Charlotte, Zoning Ordinance requirements

11 Exterior lighting will be designed and located to eliminate glare towards adjacent properties This shall include the use of low level lighting that directs light inward away from the single family community Light poles are to have a maximum height of 15'.

12 Parking shall meet or exceed the requirements of the City of Charlotte Zoning Ordinance requirements

13 Vehicle access points are limited to those shown on the plan Configuration of driveways and access points are subject to minor modifications as necessary to accommodate final site and architectural construction plan, as well as D O T Standards.

14. Site development shall comply with the City of Charlotte Stormwater Detention Ordinance

15 This site plan is intended to show only general development character Minor modifications to the circulation, spot elevations, parking and building configurations may be required to accommodate final architectural and site design and to adjust to other site features Such modifications may be approved administratively by the Planning Commission staff as long as the overall intent of the plan, and the internal and external relationships shown here are maintained

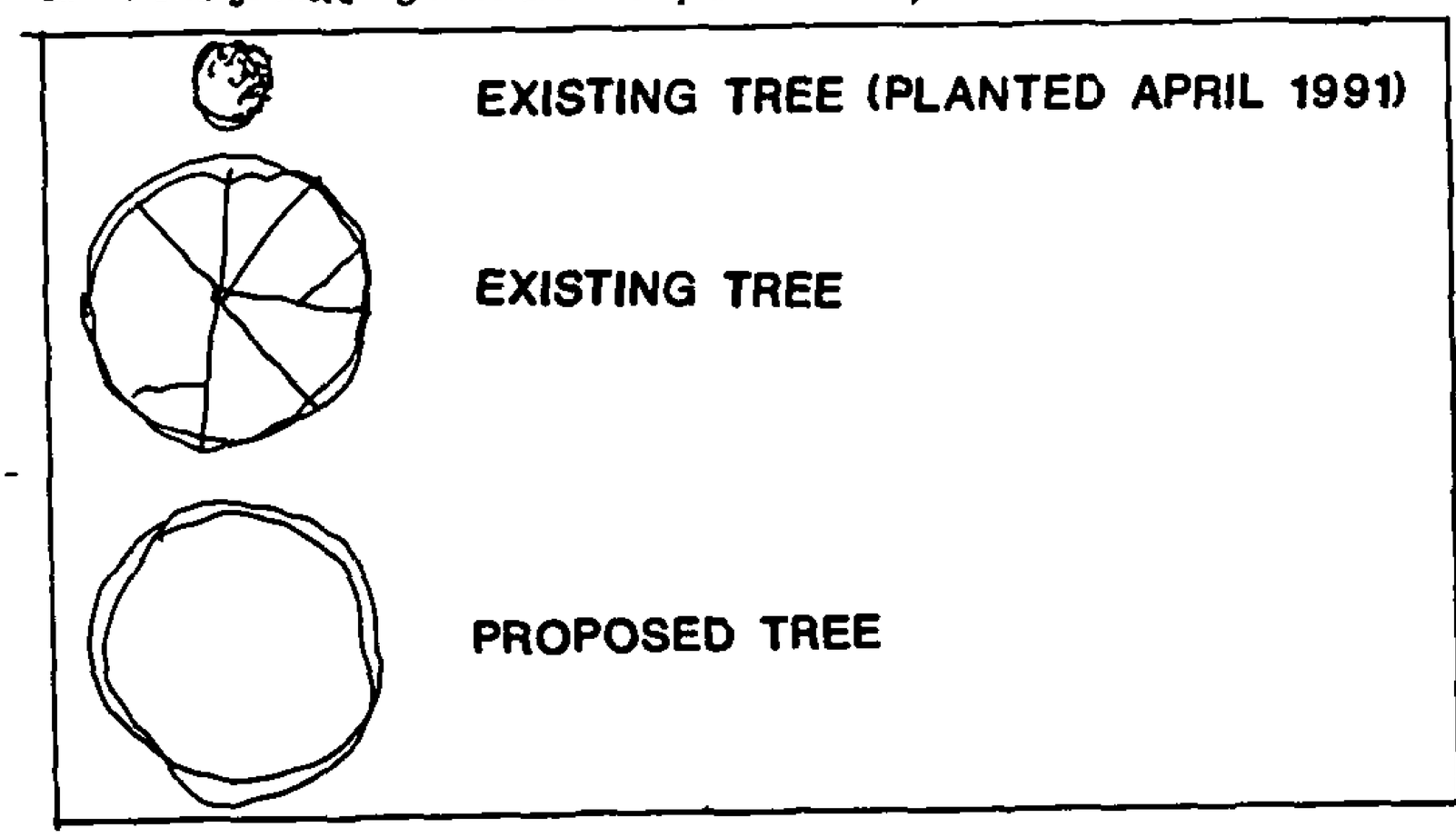
16 Additional right of way, equal to 50 ft. from center line of road, will be dedicated along Providence Road prior to the issuance of any permit for any building

17. All landscaping on the exterior of the proposed fence shall be maintained by the subject property owner

18 Existing trees to be saved as per City Standard Section 40 16

19 Driveway locations to coordinate with administrators of tree ordinance Internal landscape areas shall meet or exceed ordinance standards

20 No large maturing trees are to be planted under power lines



DEVELOPMENT DATA

EXISTING ZONING	O-6/R-6MF & R-6MFH
PROPOSED ZONING	O-6(CD)
SITE AREA	3.8 ACRES
MAX. BUILDING AREA	70,000 S.F.
* PARKING REQUIRED	233 SPACES
PARKING PROVIDED	TO MEET OR EXCEED REQUIREMENTS
PROPOSED USE	GENERAL OFFICE BUILDINGS

* If other than general office use proposed, a reduction in building size and/or reconfiguration of parking plan will be required

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-38
Date Filed April 8, 1991
Received By ZACM

OFFICE USE ONLY

Ownership Information

Property Owner: John K. and Patricia B. Moore

Owner's Address: P. O. Box 35261

Charlotte, NC 28235

Date Property Acquired: SEE ATTACHED SHEET

Tax Parcel Number: SEE ATTACHED SHEET

Location Of Property (address or description): Southwest corner of Providence Road and Colonial Avenue extending along Colonial Avenue in the direction of Queens Road

Description Of Property

Size (Sq Ft.-Acres): 3.8 acres

Street Frontage (ft.): 270' on Providen

Current Land Use: Combination of office, theatre, multi-family and single-family

Zoning Request

Existing Zoning: O-6, R-6MF & R-6MFH

Requested Zoning: O-6(CD)

Purpose of Zoning Change: To allow the construction of a low density planned office project to complement existing office and residential development in the vicinity

Fred E. Bryant, Planner
Name Of Agent

1850 E. Third Street, Suite 216
Agent s Address

Charlotte, NC 28204
Telephone Number

333-1680

John K. Moore
Name of Petitioner(s)

P. O. Box 35261
Address of Petitioner(s)

Charlotte, NC 28235
Telephone Number

332-1546

John K. Moore
Signature

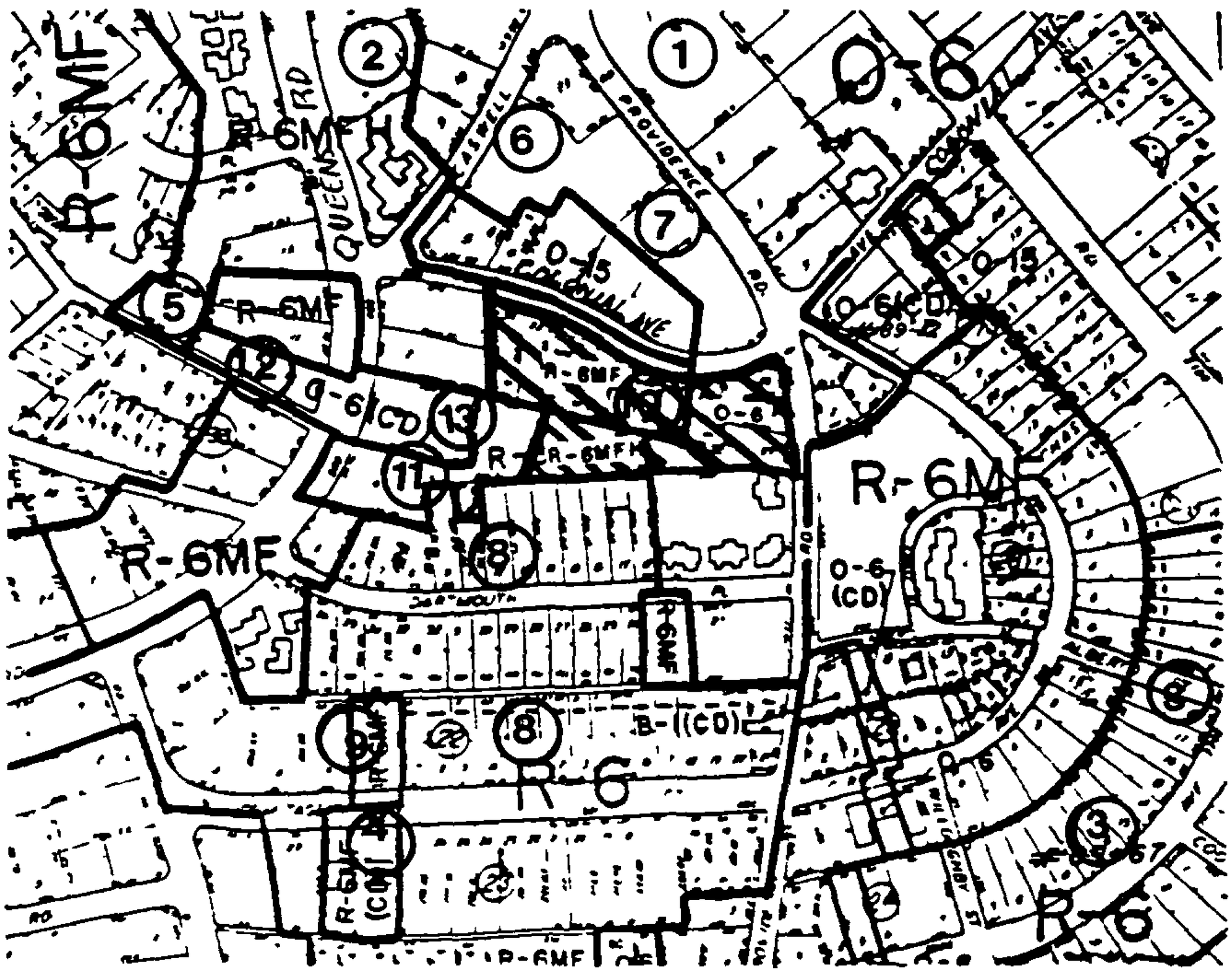
Signature of Property Owner if Other

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

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 91-38

PETITIONER: **JOHN MOORE**

LOCATION: **SOUTHEASTERLY SIDE OF COLONIAL AVENUE FROM PROVIDENCE ROAD TO NEAR QUEENS ROAD**

REQUEST: **CHANGE FROM O-6, R-6MF AND R-6MFH TO O-6(CD)**

This petition represents the culmination of many months of very careful planning to establish a proposed use for this property which would serve as a quality entry development into the Myers Park Area as it relates to Providence Road. Property from this site along Providence Road and Third Street in the direction of Presbyterian Hospital is solidly developed for office purposes. Adjacent to this property in the direction of Dartmouth Place begins a pattern of condominium and institutional uses gradually giving way to single-family homes along the various side streets such as Dartmouth and Hermitage. Careful examination of the existing pattern of zoning and land use for this vicinity will indicate that the subject property is strategically located to create a transitional design to merge the interest of these two areas. The subject property is now occupied by a mixture of office, commercial and single-family homes, most of which do not reflect a high standard of quality and design. About one-third of the subject property is zoned for office purposes and could, obviously, be redeveloped at the present time. By combining all of the property owned by the Petitioner, a much higher level of site design and quality can be created. In securing the services of a well known architectural firm, the Petitioner committed himself to a level of design which would indeed create that substantial transitional relationship between the existing office areas and the residential components of Myers Park.

Very early in the process contact was made with both the Myers Park Homeowners Association and the adjoining residences on Dartmouth Place to receive their comments and input. As a result, substantial changes have been made in the proposed development for this site, and a number of design features included at the suggestion of these groups. As of this time, we believe that the Myers Park Homeowners Association will support this project and that the homeowners along Dartmouth Place similarly will reflect a favorable stance on the proposal. Comments which we have received indicate that the design of this project is preferable to a higher density multi-family project which apparently is what would be recommended by the Planning Staff.

The reason for Planning Staff indicating that this petition is not acceptable relates to a very preliminary version of the Central Area District Plan which proposes that several blocks along Providence Road be placed in an urban residential classification to be developed with a combination of high density multi-family and a very limited amount of office space. Let me remind you that this plan has not even been exposed to its very first public discussion and only reflects a very early draft. It should also be noted that

the two blocks from Colonial to Queens Road which is recommended for this type of treatment is solidly developed with office buildings of a very substantial nature. These include a three-story office building at the corner of Caswell and several modern and recent medical clinic buildings between Caswell and Colonial. If these preliminary plan recommendations were to be implemented, all of these facilities would become nonconforming since the U-R Districts do not permit free-standing office buildings and only a maximum of two-stories even in a mixed-use building.

It is submitted that it is not appropriate at this time to judge this petition based on that kind of preliminary plan thinking in which it appears that someone's theoretical idea of what is appropriate for this area is being presented rather than the realistic practical and effective land use thoughts. Again, I would remind you that we believe this petition is solidly supported by those people who most directly are involved in the well-being of this particular area.

The Planning Staff has raised several points concerning the details of the site plan, most of which are a matter of clarification. It is the intent to discuss these matters further with the Planning Staff prior to the hearing so that most of them can be resolved. As to the general comment that the plan proposes a development which is overly intensive for this site, let me point out several pertinent items. First of all, it must be remembered that this is basically a central city location and intensity of development cannot be judged by suburban standards. The approximate 18,000 square feet per acre which is proposed for this site is well within the intensity of other similarly located site and is considerably less than most in this area at the present time. The cost of acquiring and compiling land in this area prohibits the development intensities which are more prevalent in the outlying portions of the City. The more common 10,000 square feet per acre suburban development economically would absolutely not work in a location such as this. It should also be noted that the new Zoning Ordinance which the City is preparing to adopt would automatically place the existing office zoning in this area in the O-2 category which would carry a floor area ratio permitting up to 43,560 square feet of building area per acre. By this, some comparison of the density proposed for this project can be made and hopefully realization that the criticism of over-intensity can be viewed in its proper perspective. Additionally, considerable effort has gone into creating design relationships to adjoining properties which make this proposal entirely appropriate.

It is hoped that you will carefully evaluate the fine details of this plan and its compatibility to adjoining residential areas in determining whether or not it is appropriate for this location. We believe it will create an image for this site which is fitting of the quality residential environment nearby and will substantially enhance the potential for maintaining that residential standard in years to come. It is maintained that this is much truer than if high-rise, high-density multi-family were encouraged for this side of Colonial Avenue. Your approval based on these factors and conditions is earnestly sought.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-39

Petitioner: Dexter and Birdie Yager

Location: Approximately 5.024 acres located on the northwest side of Park South Drive between Woodbine Lane and Fairview Road.

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

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-15 for single family residences. Most of the surrounding property is zoned for single family use. Office zoning is predominate across Park South Drive and at the Fairview Road intersection. Three small parcels of multi-family zoning exist at the southwest corner of Fairview Road and Park South Drive.

2. Existing Land Use. The subject property is currently partially vacant with three single family residences existing on the remaining tracts. The land use pattern in the area is predominantly single family with significant open space provided by Park Road Park. The Marriott Courtyard Hotel is directly across the street and a variety of office and mixed commercial properties dominate the uses surrounding the intersection of Park South Drive and Fairview Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A treatment plant, major mixed use center, community commercial center, and major park and open space uses are located nearby. 2005 strategies include streetscape improvements along Park Road, extension of the greenway system along Sugar Creek and extension of sewer lines in the area.

   2. Transportation Improvement Program (TIP). The TIP includes plans to widen Fairview Road to six lanes through the intersection with Park South Drive.

   3. Southpark Analysis (1988). The subject property falls within subarea "B" of the analysis area. This plan proposes that single family residential areas should be maintained. Limited, low density, multi-family development could be considered appropriate along Park South Drive south of the Fairview Road intersection. Nonresidential development should be discouraged. Site design considerations for any multi-family development would include sensitivity to adjacent single family homes and should include streetscape improvements.

4. Site Plan. The site plan which accompanies this petition proposes the construction of a single, four story structure composed of two wings which will contain a total of 84 units on approximately 5 acres. The density proposes is approximately 18 dwelling units/acre. Access would be provided by a single commercial type driveway off Park South Drive. The site plan proposes 40 ft. buffers along the northern and western boundaries adjacent to single family residences and reflects the increased side yards required by code to accommodate the extra building height. Some landscape islands are indicated in the parking lot.

5. School Information. Information not available at this time.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	64-22	R-12 to O-15	Approved	08/24/64
2.	68-13	R-12, R-12MF to O-15	Approved	03/25/68
3.	74-28	R-15 to O-15	Denied	07/01/74
4.	74-29	R-15 to O-15	Denied	07/01/74
5.	74-30	R-15 to O-15	Denied	07/01/74
6.	75-6	R-15 to R-6MFH	Approved	05/19/75
7.	75-11	R-15 to R-12MF	Approved	05/19/75
8.	80-46	R-12 to O-15(CD)	Approved	10/27/80
9.	82-69	R-15 to R-9MF(CD)	Approved	11/21/83
10.	88-41	R-6MF to O-6	Denied	09/19/88

7. Neighborhood. This property falls within the Glenkirk and Spring Valley neighborhoods.

REVIEWS

1. Plan Consistency. Publicly adopted plans for the area call for this property to be used primarily for single family residences with some limited, low density multi-family development considered appropriate along Park South Drive. General Policy Guidelines establish low density to be approximately 8 to 12 dwelling units/acre; however, the close proximity of employment centers, significant open space, and thoroughfare access would indicate that the proposed density could be considered appropriate. The Policy encourages any multi-family project to be very site sensitive with enhanced streetscape improvements.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Agents for the petitioner discussed this proposal with staff members prior to the filing of the application. Subsequently, the staff communicated a number of

concerns to the petitioner regarding the details of the site plan.

2. Departmental Comments. Zoning plans review staff requested that the petitioner show the limits of building construction and method of required screening for parking areas. Specific information about the proposed building height should also be shown on the drawings. The Fire Department staff expressed concern that the plans insure a minimum clearance of 13 ft. 6 in. under the covered bridge between the two wings. Planning Commission staff indicated that there should be no access to Glenkirk Court and that buffer relationships adjacent to single family residences should be strengthened and supplemental planting increased. Development control notes and diagrams should guarantee no grading, stormwater detention, parking, or other construction in the wooded buffer areas. Utility service should only cross the buffer, not run within it lengthwise. Most of these issues have been addressed on the revised plan.

ISSUES

1. Land Use. This petition proposes the construction of a single, large multi-family building for residential use. Plans for the area indicate mainly single family housing with some multi-family development to be appropriate. If the proposed project is properly designed, it could be appropriate for this area. From a land use standpoint, this petition could be considered appropriate for approval.

2. Site Plan. The revised site plan which accompanies this petition addresses several of the concerns expressed by staff. However, a few significant site plan concerns remain outstanding or need clarification. Development control notes on the revised plan regarding protection or enhancement of buffers do not adequately address staff concerns for avoiding construction impact in these areas. Little additional required screening is indicated. Other outstanding issues include provision for placement of stormwater management and the Fire Department access under the covered bridge. Intentions for streetscape enhancement remain somewhat unclear.

CONCLUSION

If the outstanding site plan issues are resolved, then this petition could be considered appropriate for approval.

*Subject to further refinement following public hearing.

Petition 91-39

General Notes

1 WHILE THIS PLAN DEPICTS A FIRM CONCEPT OF DEVELOPMENT, MINOR CHANGES IN BUILDING, PARKING & CIRCULATION CONFIGURATIONS MAY OCCUR TO ACCOMODATE FINAL SITE DETAILS IN NO EVENT, HOWEVER, SHOULD THE BUILDING EXCEED THE AREA DESIGNATED "BUILDING DEVELOPMENT BOUNDARY"

2 AN ADDITIONAL (5) FIVE FEET OF RIGHT-OF-WAY SHALL BE DEDICATED ALONG PARK SOUTH DRIVE PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS TO ACCOMODATE THE REQUIRED 35'-0" RIGHT OF WAY FROM CENTERLINE

3 AS INDICATED ON THE SITE PLAN, SEVERAL AREAS OF EXISTING TREES WILL BE PRESERVED. THIS EXISTING VEGETATION WILL BE SUPPLEMENTED BY ADDITIONAL SHRUBBERY & TREE PLANTINGS BOTH TO ENHANCE THE APPEARANCE OF THE PROJECT AND TO PROVIDE A VISUAL BREAK BETWEEN THE BUILDING AREA AND ADJOINING SINGLE FAMILY LOTS - SAVE AREAS TO BE BARRICADED.

4 ON SITE STORM WATER RETENTION FACILITIES WILL BE PROVIDED AND WILL BE DESIGNED TO MEET ALL ORDINANCE REQUIREMENTS "NO DETENTION IN BUFFE

5 SIGNAGE MAY BE PERMITTED AS REGULATED BY APPROPRIATE ORDINANCES

6 REQUIRED PARKING WILL BE PROVIDED BY A COMBINATION OF SURFACE AREAS AND ONE LEVEL OF INTERIOR PARKING WITHIN THE BUILDINGS EXTERIOR PARKING WILL BE LANDSCAPED TO MEET TREE ORDINANCE REQUIREMENTS OTHER TREE ORDINANCE STANDARDS, INCLUDING THE PLANTING OF STREET TREES WILL BE MET.

7. THE DRIVEWAY LOCATION & DESIGN FROM PARK SOUTH DRIVE WILL BE SUBJECT TO LOCATION & DESIGN APPROVAL OF CHARLOTTE D.O.T.

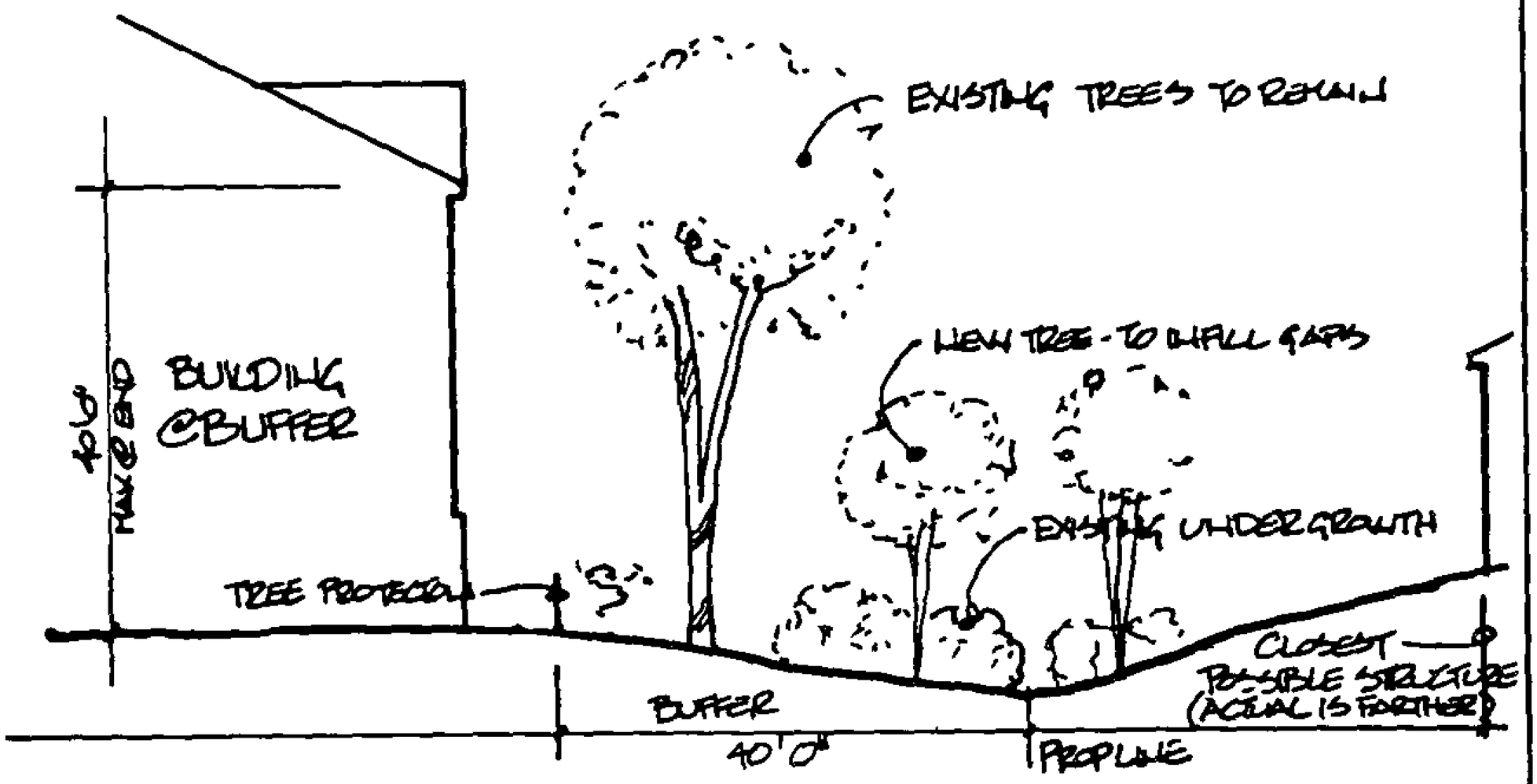
8 TREES INSIDE OF BUFFER AREAS TO BE SAVED AS ALLOWED BY CONSTRUCTION AREA LIMITS DEVELOPER TO CONSULT WITH ARBORIST TO REMOVE "HEAD" DAMAGED AND OTHER TREES (AS TO HEALTH) PRIOR TO REMOVAL

9 ALL PARKING AREAS TO BE SCREENED PER ZONING ORDINANCE

10 BUFFER AREAS SHALL REMAIN UNDISTURBED EXCEPT AS REQUIRED FOR CONSTRUCTION OF ROADS, DRAINAGE & UTILITIES. DISTURBED AREAS TO BE REPLANTED.

11 NO ACCESS SHALL BE PERMITTED TO GLENKIRK FROM SITE

Section at Buffer



Site Data

SITE SIZE	5.024 ACRES TOTAL 4.610 NET
EXISTING ZONING	R 15
PROPOSED ZONING	R 6 MF (CD)
PROPOSED USE	MULTI-FAMILY HOUSING
PROPOSED # UNITS	84 D.U.
PROPOSED DENSITY	18.22 D.U./ACRE
PARKING REQUIRED	158
PARKING PROVIDED	160
	92 SURFACE, 68 UNDER BUILDING
	HANDICAPPED 4 SPACES

SITE PLAN

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-39
Date Filed April 8, 1991
Received By JKM

OFFICE USE ONLY

Ownership Information

Property Owner: Dexter & Birdie Yager, The Family Ltd. Partnership

Owner's Address: P. O. Box 412080
Charlotte, NC 28241

Date Property Acquired: June 26, 1990, March 4, 1991

Tax Parcel Number: 171-252-25, 08, 39, 40, 09, 24

Location Of Property (address or description): West side of Park South Drive, north of Woodbine Lane

Description Of Property

Size (Sq Ft-Acres): 4.610 acres

Street Frontage (ft.): 608.09' on Park

Current Land Use: Three residential structures

Zoning Request

Existing Zoning: R-15

Requested Zoning: R-6MF(CD)

Purpose of Zoning Change: To allow the construction of a planned multi-family project related to the Park South frontage

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204
Telephone Number

333-1680

Dexter & Birdie Yager
Name of Petitioner(s)

P. O. Box 412080
Address of Petitioner(s)

Charlotte, NC 28241
Telephone Number

541-0529

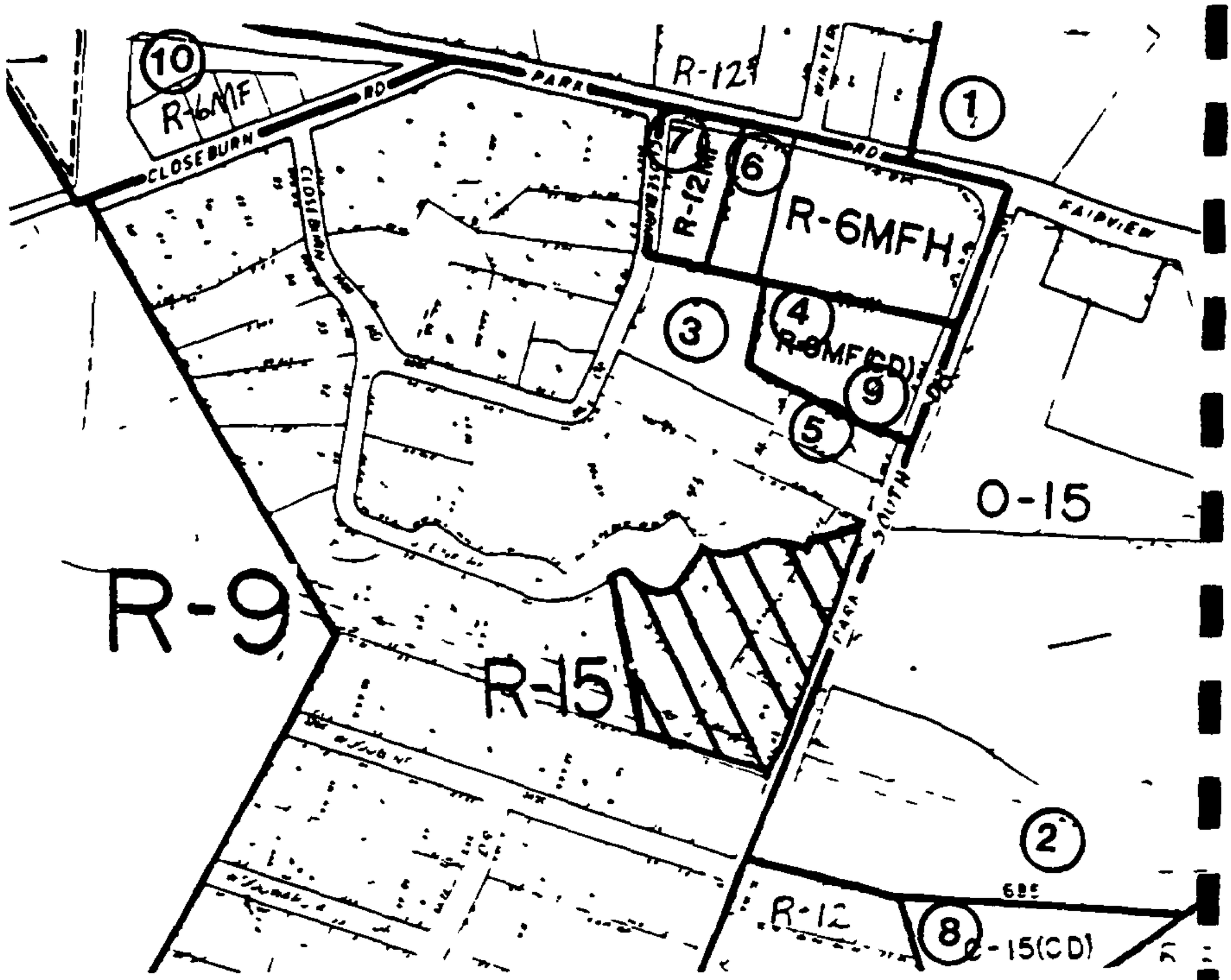
Signature (SEE ATTACHED POWER OF A

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

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 91-39

PETITIONER: **DEXTER AND BIRDIE YAGER**

LOCATION: **WEST SIDE OF PARK SOUTH DRIVE (FORMERLY PARK ROAD) SOUTH OF FAIRVIEW ROAD AND NORTH WOODBINE LANE**

REQUEST: **CHANGE FROM R-15 TO R-6MF(CD)**

The Petitioners originally obtained this property for the purpose of maintaining their own residence on the site along with smaller and older houses located on the west side of Park South Drive (formerly Park Road). Over a period of time and with the ever-encroaching high density office and, more recently, hotel development immediately across Park South Drive, the maintenance as single-family residential relationships became increasingly difficult. It is now obvious that this property with its primary physical relationship to Park South Drive is not satisfactory single-family residential land.

On the other hand, land use policy documents for this area have steadfastly maintained that nonresidential zoning should not extend west of Park South Drive in an effort to maintain the spreading effect of the primary Southpark office and commercial center. This policy was reinforced through the adoption of a revised Southpark Plan in 1988. In an effort to resolve the inability to expand nonresidential zoning and to relate this property to the existing high intensity uses, the current plan involving this rezoning request has been formulated.

The plan as put together proposes the construction of 84 upper end apartment units designed to carry forward the high design standards of the Southpark area and, at the same time, present a quality facade to the residential community along Glenkirk to the west. Careful examination of both the site plan and the illustrative elevations accompanying it will reveal this type of design concentration. It is a long accepted principle that a variety of housing should be made available close to a substantial employment center such as the Southpark area and should be in keeping with the quality needs of those areas. Examination of the land use pattern in the immediate vicinity of the Southpark core reveals that there is a comparatively small amount of such housing of a nonsingle-family nature available and few locations where additional housing can locate. This is indeed one of the few locations that can qualify for multi-family zoning and is large enough in size to permit the creation of a high quality project.

Recognizing that this is a site which must serve as a transition between the residential community to the west and the office/hotel area to the east, the site has been planned to provide a substantial amount of open space and

separation between the actual buildings and the neighborhood along Glenkirk. This has been accomplished by locating the buildings close to Park South Drive and by placing over 40% of the amount of parking underneath the buildings to avoid large expanses of surface parking. This has resulted in a very high percentage of open space on the site.

It should be noted that the Petitioner owns remaining single-family lots on two sides of the tract leaving only one single-family house with even a reasonable physical relationship to this site. As you look to the north of this property, it is noted that other lands are also zoned for multi-family use and the corner of Park South Drive and Fairview Road is already utilized for high-rise senior citizen housing. All of this property along the west side of Park South Drive adjacent to the office development can be utilized to create a needed housing base and, at the same time, create the transitional land use which will help protect the single-family areas to the west.

The Staff Analysis has revealed the information that this request is in keeping with the overall land use objectives for this area and that while there are some matters of site plan detail to be considered, the project is appropriate for approval. It is anticipated that prior to the public hearing, the remaining site plan issues can be settled through discussions with the Planning Staff.

It is always recognized that multi-family development is viewed with fear and concern by existing single-family housing. In this instance, however, it is hoped that you would view this as part of the overall land use pattern for the vicinity and recognize its merit in regards thereto.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-40

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the north side of Moores Chapel Road approximately 1/2 mile west of Freedom Drive.

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

BACKGROUND & JUSTIFICATION

Zoning History: This site has been R-6MF since originally zoned.

Existing Land Use: Single family residences occupy all lots in this rezoning.

Surrounding Land Uses and Zoning: Vacant land is to the west which was recently rezoned from R-6MF to R-6. Vacant land and a church are to the south across Moores Chapel Road. These were recently rezoned from R-6MF to R-6. Properties to the north and east are occupied by single family homes and are zoned R-6. All surrounding property is now zoned R-6.

Proposed Land Use: The Northwest District Plan calls for single family residential use on this site. The site was intended to be included in Petition No. 91-13 but was inadvertently omitted. That oversight is corrected with this petition.

Nonconformities Created by This Petition: No nonconformities will be created by this rezoning.

Consequences of Not Rezoning This Property: If this petition is not approved, this site will be an isolated island of multi-family zoning in the middle of a single family neighborhood. If the property were converted to multi-family uses, it would be out of character with the rest of the neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-40
Date Filed April 8, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner see attached list

Owner s Address see attached list

Date Property Acquired N/A

Tax Parcel Number see attached list

Location Of Property (address or description)

Description Of Property

Size (Sq Ft Acres) 3.12 acres in 11 lots Street Frontage (ft.)

Current Land Use single-family residences

Zoning Request

Existing Zoning R-6MF Requested Zoning R-6

Purpose of Zoning Change to carry out the recommendations of the adopted Northwest District Plan

Name of Agent

Agent s Address

Telephone Number

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

Address of Petitioner(s)
600 East Fourth St., Charlotte, nc

Telephone Number

Signature

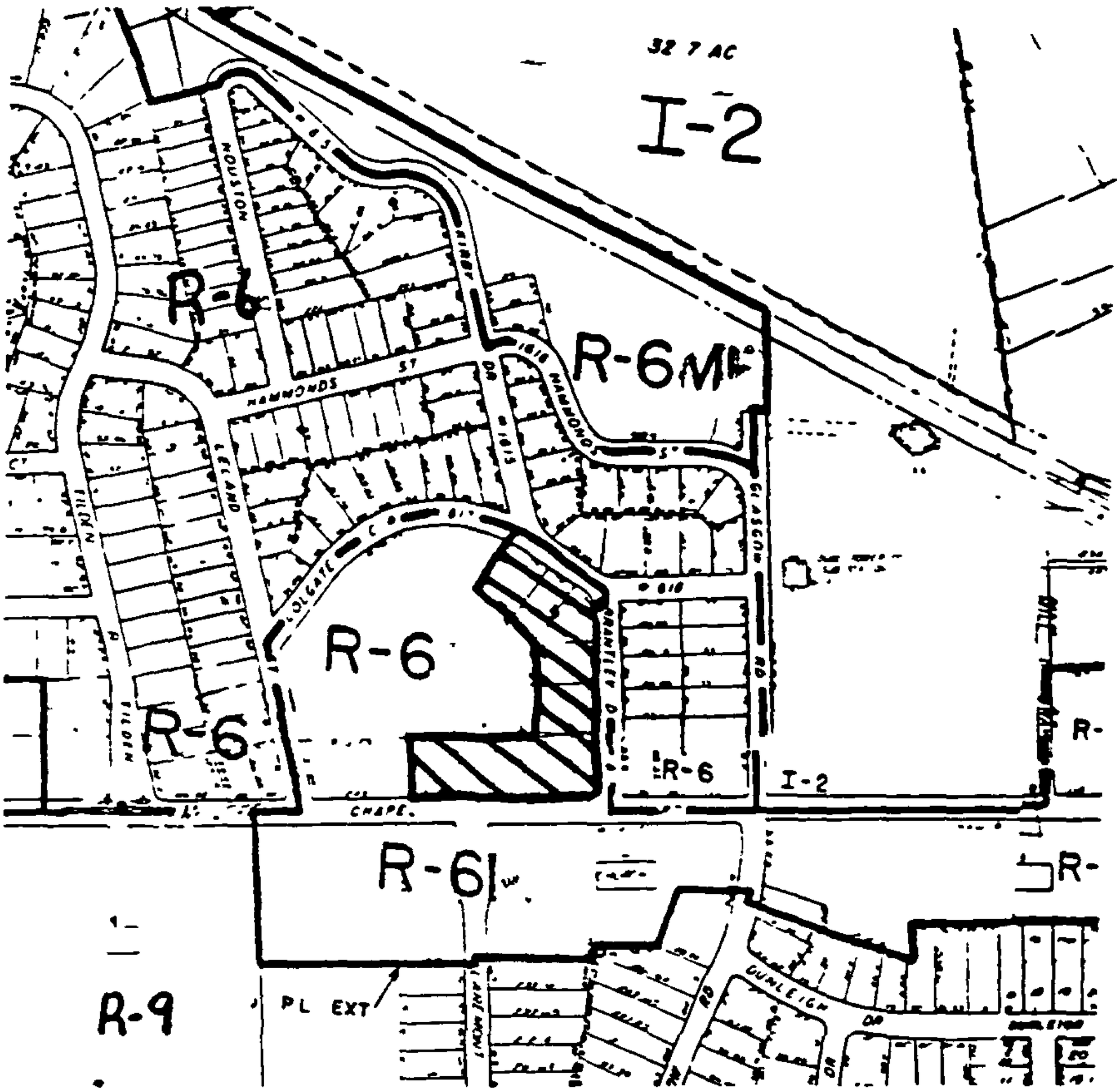
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-41

Petitioner: City of Charlotte

Location: Approximately 15 acres located off the southeast side of Sardis Road northwest of Beards Creek.

Request: Establish City zoning on property voluntarily annexed into the City of Charlotte.

BACKGROUND

The subject property has been voluntarily annexed into the City. The City has 90 days to establish its zoning jurisdiction over the area and this petition has been filed to establish zoning on the property. The area is presently zoned I-1 under the County's jurisdiction and this petition proposes to establish the same zoning classification under the City's jurisdiction.

CONCLUSION

City zoning should be established on the subject property utilizing the same zoning district as presently exists under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-41
Date Filed April 8, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Sardis North Associates, Ltd.

Owner's Address: Crown Point Associates, Inc. 125 Scaleybark Road 28.

Date Property Acquired:

Tax Parcel Number: 193-114-3, 193-114-1(p), and 193-114-4(p)

Location of Property (address or description): A portion of Crown Point location on Crown Centre Drive

Description of Property

Size (Sq. Ft.-Acres): 15 ACRES

Street Frontage (ft.):

Current Land Use: VACANT

Zoning Request

Existing Zoning: I-1

Requested Zoning: I-1

Purpose of Zoning Change: To establish city zoning authority due to annexation (voluntary).

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): City of Charlotte

Address of Petitioner(s): 400 E. 4th Street

Telephone Number:

Signature:

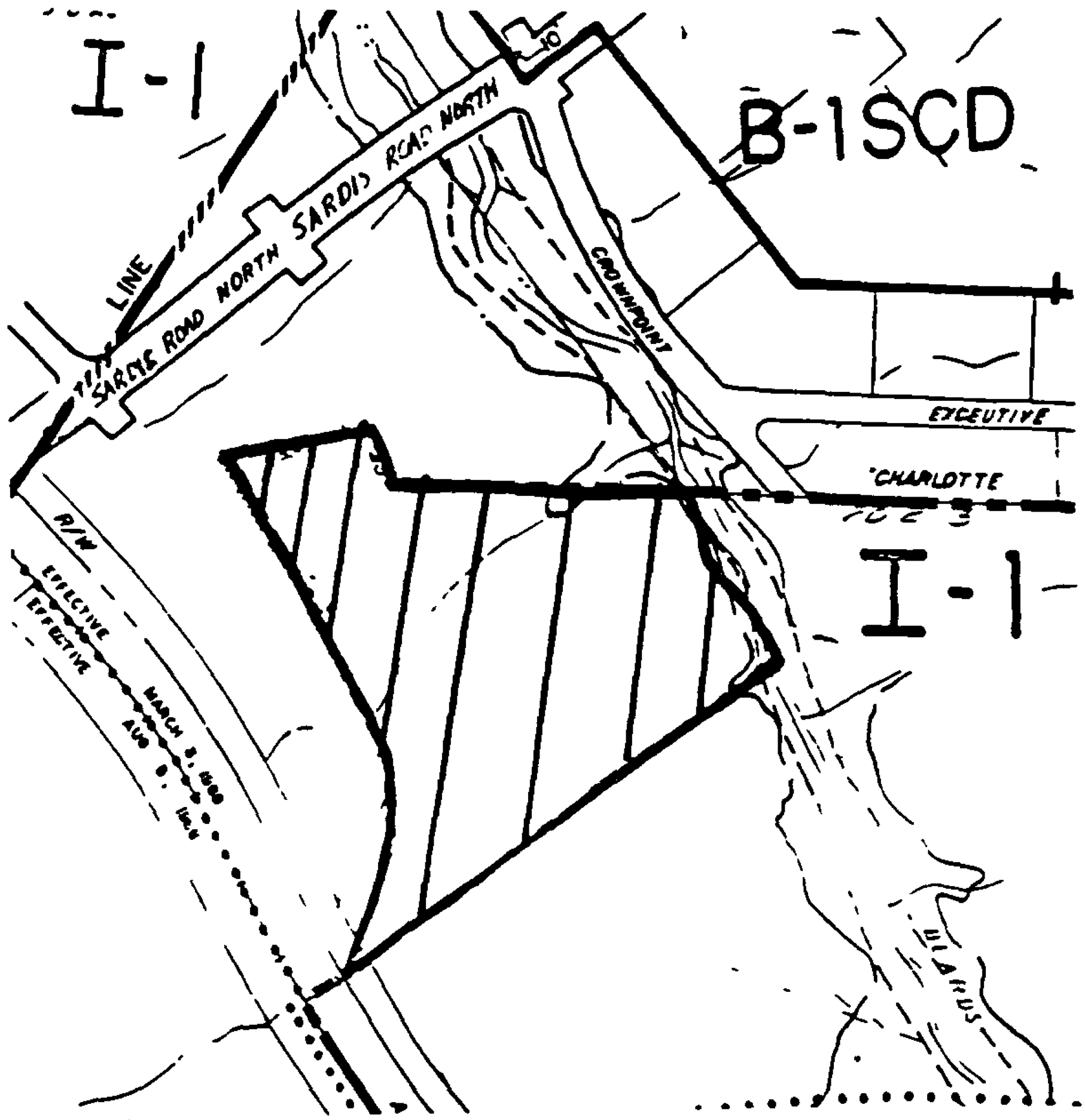
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-42

Petitioner: 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.

Request: Establish City zoning on property voluntarily annexed into the City of Charlotte.

BACKGROUND

The subject property has been voluntarily annexed into the City. The City has 90 days to establish its zoning jurisdiction over the area and this petition has been filed to establish zoning on the property. The area is presently zoned I-2 under the County's jurisdiction and this petition proposes to establish the same zoning classification under the City's jurisdiction.

CONCLUSION

City zoning should be established on the subject property utilizing the same zoning district as presently exists under Mecklenburg County's jurisdiction.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-42
Date Filed April 8, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: McDevitt + Street Co. and Vulcan Materials Co.

Owner's Address:

Date Property Acquired:

Tax Parcel Number: 205-134-01, 205-131-04, 205-141-04

Location of Property (address or description): Adjacent to the proposed route of the Westinghouse Boulevard Extension in the vicinity of the Southern Outer Belt.

Description of Property

Size (Sq. Ft.-Acres): 47.55 Street Frontage (ft.):

Current Land Use: VACANT

Zoning Request

Existing Zoning: I-2 Requested Zoning: I-2

Purpose of Zoning Change: To establish city zoning authority due to annexation (voluntary)

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): City of Charlotte

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

Telephone Number:

Signature:

Signature of Property Owner if Other Than Petitioner:

PETITIONER: City of Charlotte

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

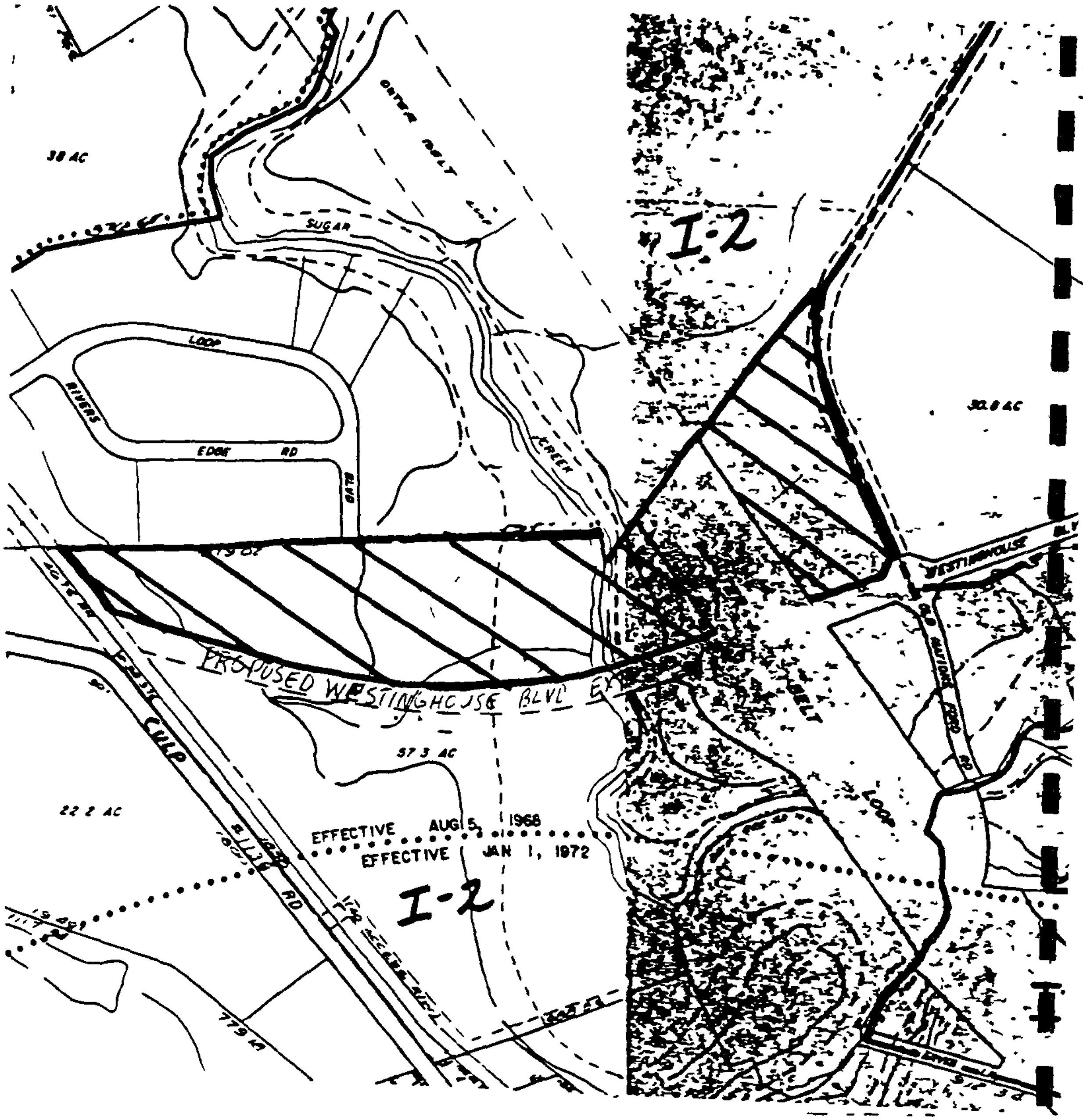
ZONING CLASSIFICATION, EXISTING Establish zoning on property due for voluntary annexation into the city REQUESTED:

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" = ~~200'~~ Reduce

PROPERTY PROPOSED FOR CHANGE


38 AC
SUGAR
LOOP
RIVERS
EDGE RD
BATH
I-2
30.8 AC
WESTINGHOUSE
PROPOSED WESTINGHOUSE BLVD EXT
57.3 AC
22.2 AC
EFFECTIVE AUG 5, 1968
EFFECTIVE JAN 1, 1972
I-2
LOOP

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-43

Petitioner: City of Charlotte

Request: A text amendment to clarify the application of certain standards to convention centers and halls, exhibition halls, merchandise marts and similar uses in the Uptown Mixed Use District (UMUD).

BACKGROUND

The Uptown Mixed Use District (UMUD) purpose as stated in the Zoning Ordinance, "permits and encourages the coordinated development of retail and wholesale trade; business, professional and financial services, offices; hotels, convention and conference centers; merchandise markets; high density residential development; and parking as a separate business". While convention and conference centers and merchandise markets are listed in the stated purpose of the district, they are not specifically listed in the permitted use section. The Zoning Administrator had determined that while the ordinance does permit "Buildings for dramatic, musical, or cultural activities...", the ordinance could be more clear as to this specific type of use. This amendment clarifies the original intent of the ordinance by definitely listing these as permitted uses by right.

This amendment also exempts these kinds of facilities from the requirement that buildings over 100,000 square feet must devote 50% of the net first floor area to retail activities. Convention and conference centers and merchandise markets typically have large amounts of square footage per floor. In order for these buildings to serve a variety of purposes, they must be flexible and be able to easily and quickly change space configurations with movable partitions. Therefore, it is not practical for these uses to provide 50% of their first floor space to permanent rooms for retail space.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-43

Date Filed April 8, 1991

Received By MCM

OFFICE USE ONLY

ection No 3053. Uptown Mixed Use Districts, subsections 3053.2. Permitted Uses, and 3053.6. First Floor Retail required.

(Title)

urpose of Change To clarify the application of certain standards regarding convention centers and halls, conference centers, exhibition halls, merchandise marts, and similar ses in the Uptown Mixed Use District (UMUD).

ame of Agent

Agent's Address

elephone Number

City of Charlotte

Name of Petitioner(s)

600 East Fourth St., Char., NC 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

DRAFT

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 3053 Uptown Mixed Use Districts, 3053.2 Permitted Uses, by adding the following category in numerical order·

21 Convention centers and halls, conference centers, exhibition halls, merchandise marts, and other similar uses.

2 Amend Section 3053.6.7 First floor retail required, by adding the following sentence after the last sentence of this section

This first floor retail standard is also not applicable to convention centers and halls, conference centers, exhibition halls merchandise marts, and similar uses

Section 2 That this ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

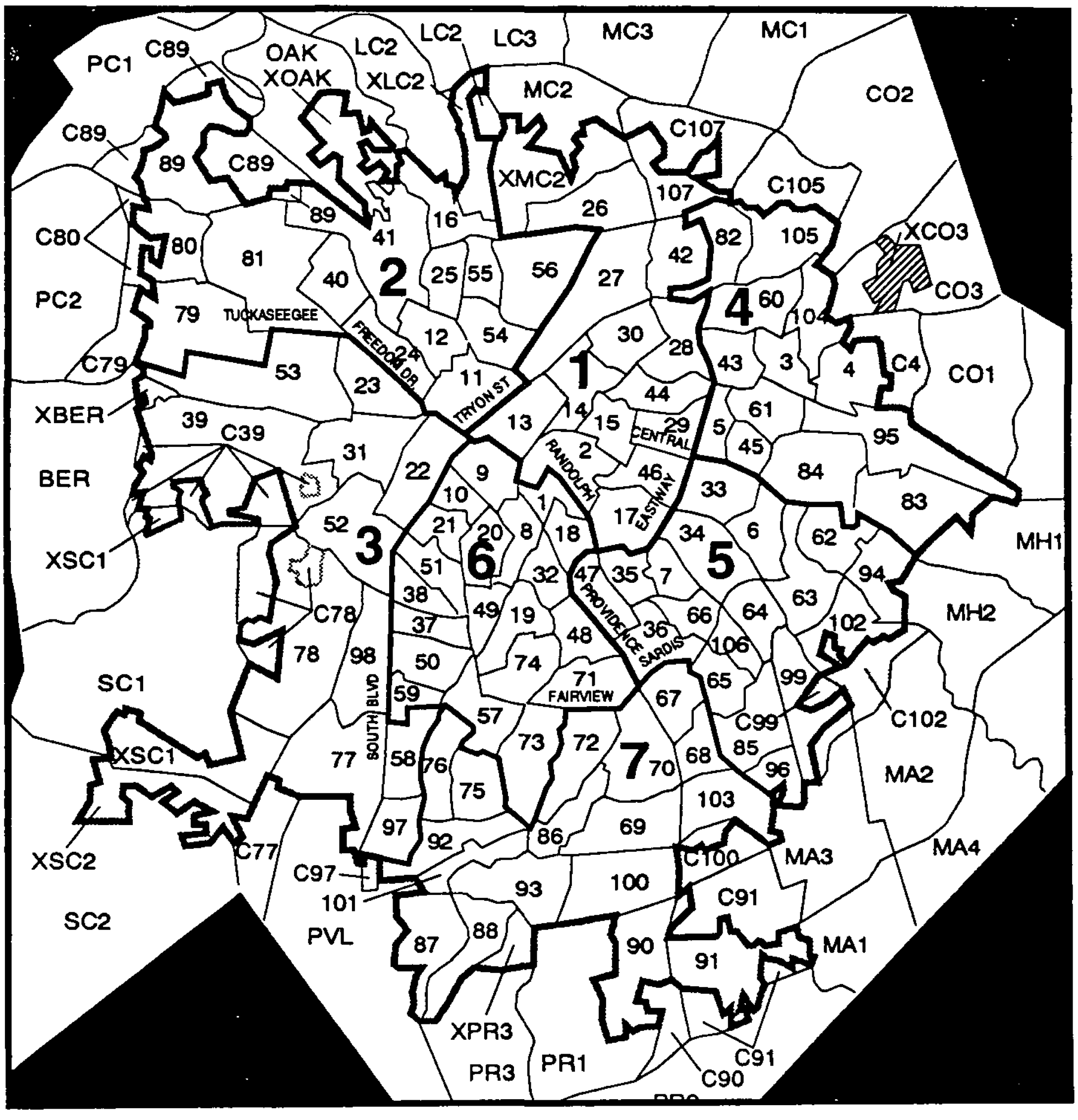
CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION



City of Charlotte
Current District Alignment

Voting Districts	Total Population	% Black	18 + Over % Black
1	56,607	50.57	45.80
2	55,853	63.50	59.00
3	51,834	60.04	55.45
4	58,737	32.36	28.82
5	58,451	11.33	10.29
6	53,515	5.72	5.10
7	61,027	3.21	2.77
Charlotte Total	396,024	31.78	28.96

Largest District (7) - Smallest District (3) = 9,193 persons

Population Differential = 16.25%

Maximum Population Differential Permitted = 10%

June 30, 1991 Annexations

Prosperity Church	5,826	7.90
Old Concord	9,410	16.25
Plott Road	1,158	19.56
Margaret Wallace	4,658	8.67
Beam Road	635	2.42
Total for Areas	21,687	15.31

Current District Alignment
With June 30, 1991 Annexations*

Voting Districts	1990 Population	+	Annexation Population	=	6/30/91 Population	% Black
1	56,607		8,500		65,107	45.34
2	55,853		0		55,853	63.50
3	51,834		635		52,469	59.34
4	58,737		7,894		66,631	30.51
5	58,451		4,658		63,109	11.13
6	53,515		0		53,515	5.72
7	61,027		0		61,027	3.21
Charlotte Total	396,024		21,687		417,711	30.90

Largest District (4) - Smallest District (3) = 14,162

Population Differential = 23.73%

*Note: Annexation areas were assigned to the adjacent voting district.

City of Charlotte
Voting District Options

Voting Districts	Option X Pop.	Option X % Black	Option Y Pop.	Option Y % Black	Option Z Pop.	Option Z % Black	Option X1 Pop.	Option X1 % Black
1	58,952	45%	60,030	35%	60,485	35%	61,173	36%
2	60,208	63%	59,817	62%	61,304	64%	60,290	65%
3	60,322	59%	59,528	66%	62,062	67%	60,450	65%
4	60,578	26%	61,940	30%	59,954	25%	59,599	25%
5	61,070	11%	59,018	11%	59,285	8%	58,337	8%
6	59,450	5%	60,142	5%	58,103	5%	59,443	6%
7	57,131	3%	57,236	6%	56,518	6%	58,419	6%
Population Differential	6.60%		7.88%		9.29%		4.75%	

Voting Districts	Option A Pop.	Option A % Black	Option B Pop.	Option B % Black	Option Z1 Pop.	Option Z1 % Black
1	58,456	55.1	59,248	50.2	61,311	34.3
2	59,915	57.0	58,801	60.8	60,355	66.9
3	58,840	57.3	59,979	61.3	60,013	65.6
4	60,204	26.1	62,032	22.6	58,885	25.4
5	60,508	11.8	61,070	10.8	59,285	9.7
6	58,761	5.4	59,450	5.3	58,738	5.1
7	61,027	3.2	57,131	3.4	59,124	6.2
Population Differential	4.31%		8.21%		4.31%	

City of Charlotte
Voting District Options
Percent Black

Option X

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	45%	41%	42%
2	63%	59%	59%
3	59%	55%	57%
4	26%	23%	26%
5	11%	10%	9%
6	5%	5%	3%
7	3%	3%	2%

Option Y

Gen. Pop.	18 + Over Pop.	Reg. Voters
35%	30%	28%
62%	58%	59%
66%	62%	63%
30%	27%	31%
11%	10%	8%
5%	4%	3%
6%	5%	4%

Option Z

Gen. Pop.	18 + Over Pop.	Reg. Voters
35%	30%	28%
64%	59%	60%
67%	63%	65%
25%	22%	27%
8%	9%	8%
5%	4%	3%
6%	5%	4%

Option X1

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	36%	32%	32%
2	65%	61%	62%
3	65%	61%	63%
4	25%	22%	25%
5	8%	9%	7%
6	6%	5%	3%
7	6%	5%	4%

Option Z1

Gen. Pop.	18 + Over Pop.	Reg. Voters
34%	30%	28%
67%	63%	63%
66%	62%	63%
25%	22%	28%
10%	9%	8%
5%	5%	3%
6%	5%	4%

Option A

Voting Districts	Gen. Pop.	18 + Over Pop.	Reg. Voters
1	55%	50%	48%
2	57%	53%	56%
3	57%	53%	55%
4	26%	23%	26%
5	12%	11%	10%
6	5%	5%	3%
7	3%	3%	2%

Option B

Gen. Pop.	18 + Over Pop.	Reg. Voters
50%	46%	55%
61%	57%	58%
61%	56%	59%
23%	20%	18%
11%	10%	9%
5%	5%	3%
3%	3%	2%

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

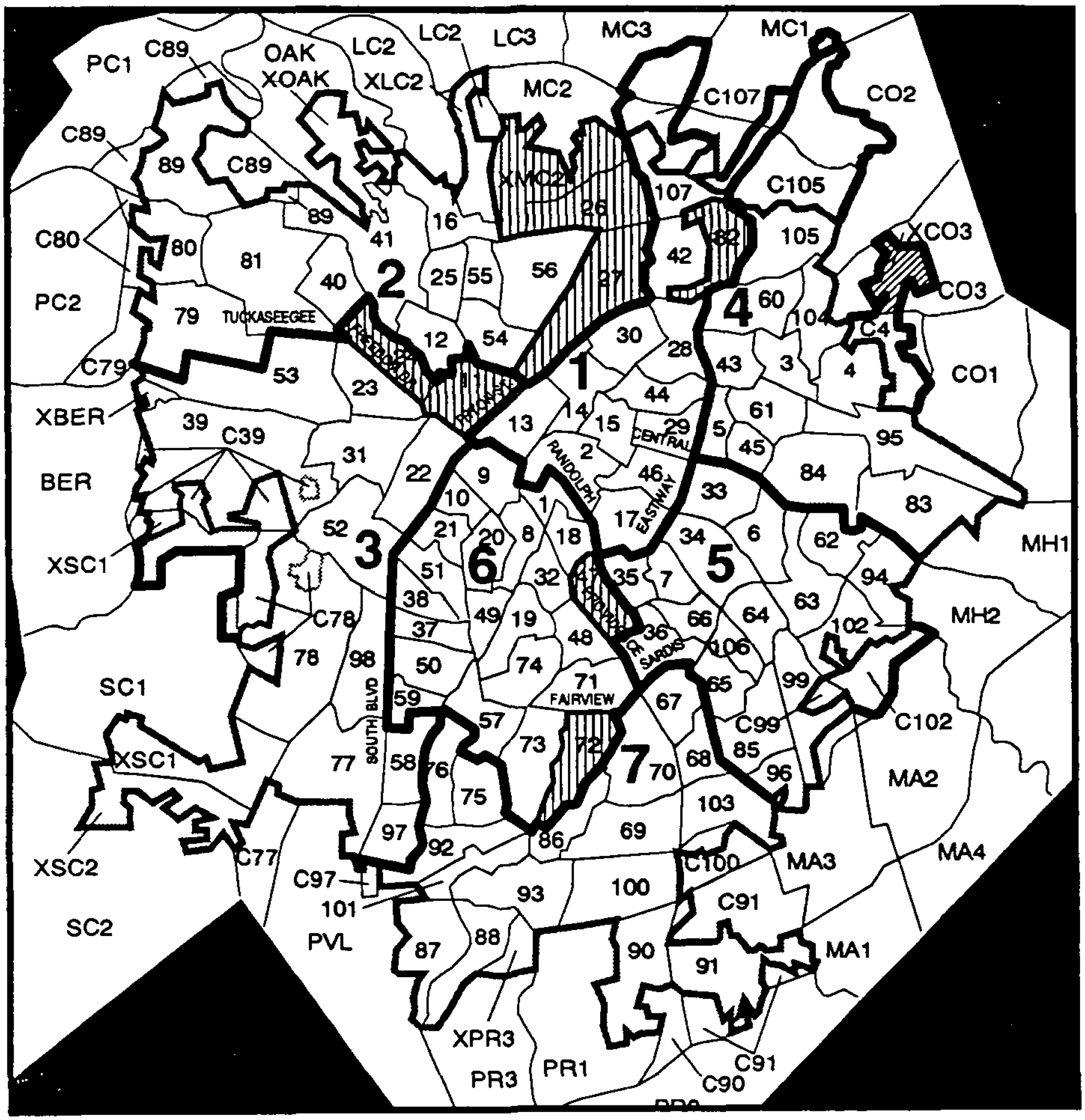
EXISTING VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION

PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION X



Option X

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church	5,826						
Old Concord	2,674			6,736			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
82	+6,053			-6,053			
11		-3,999	+3,999				
24		-3,854	+3,854				
47					-2,039	+2,039	
72						+3,896	-3,896
Option X Total	58,952	60,208	60,322	60,578	61,070	59,450	57,131

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

EXISTING VOTING DISTRICT BOUNDARIES

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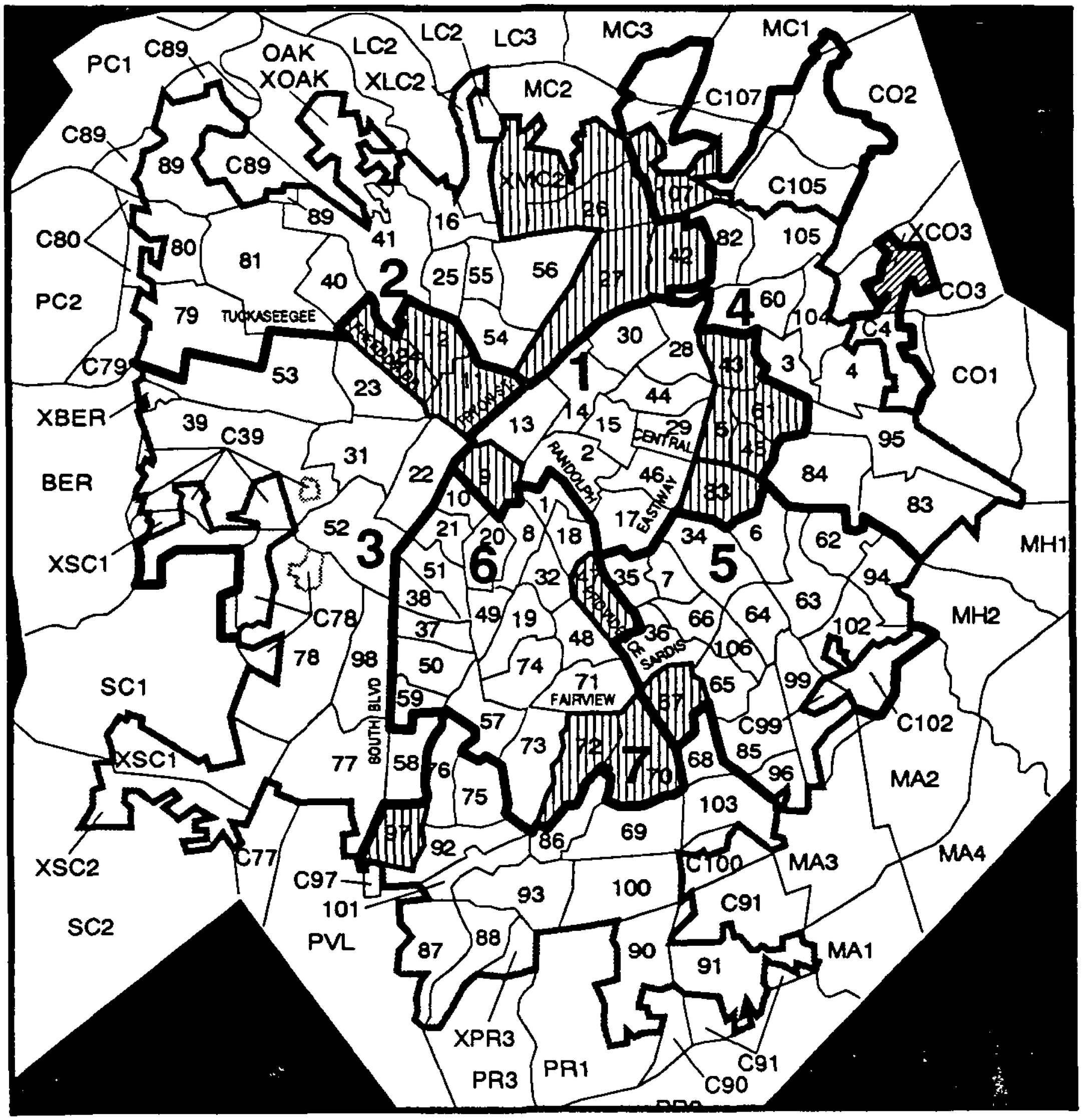
PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION Y



Option Y

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church				5,826			
Old Concord				9,410			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
61	+4,067			-4,067			
33	+3,931				-3,931		
9	+3,241					-3,241	
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
42	-4,732	+4,732					
11		-3,999	+3,999				
24		-3,854	+3,854				
12		-5,123	+5,123				
107	-1,256			+1,256			
47					-2,039	+2,039	
70						+3,933	-3,933
67					+1,879		-1,879
97			-5,917				+5,917
72						+3,896	-3,896
Option Y Total	60,030	59,817	59,528	61,940	59,018	60,142	57,236

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

EXISTING VOTING DISTRICT BOUNDARIES

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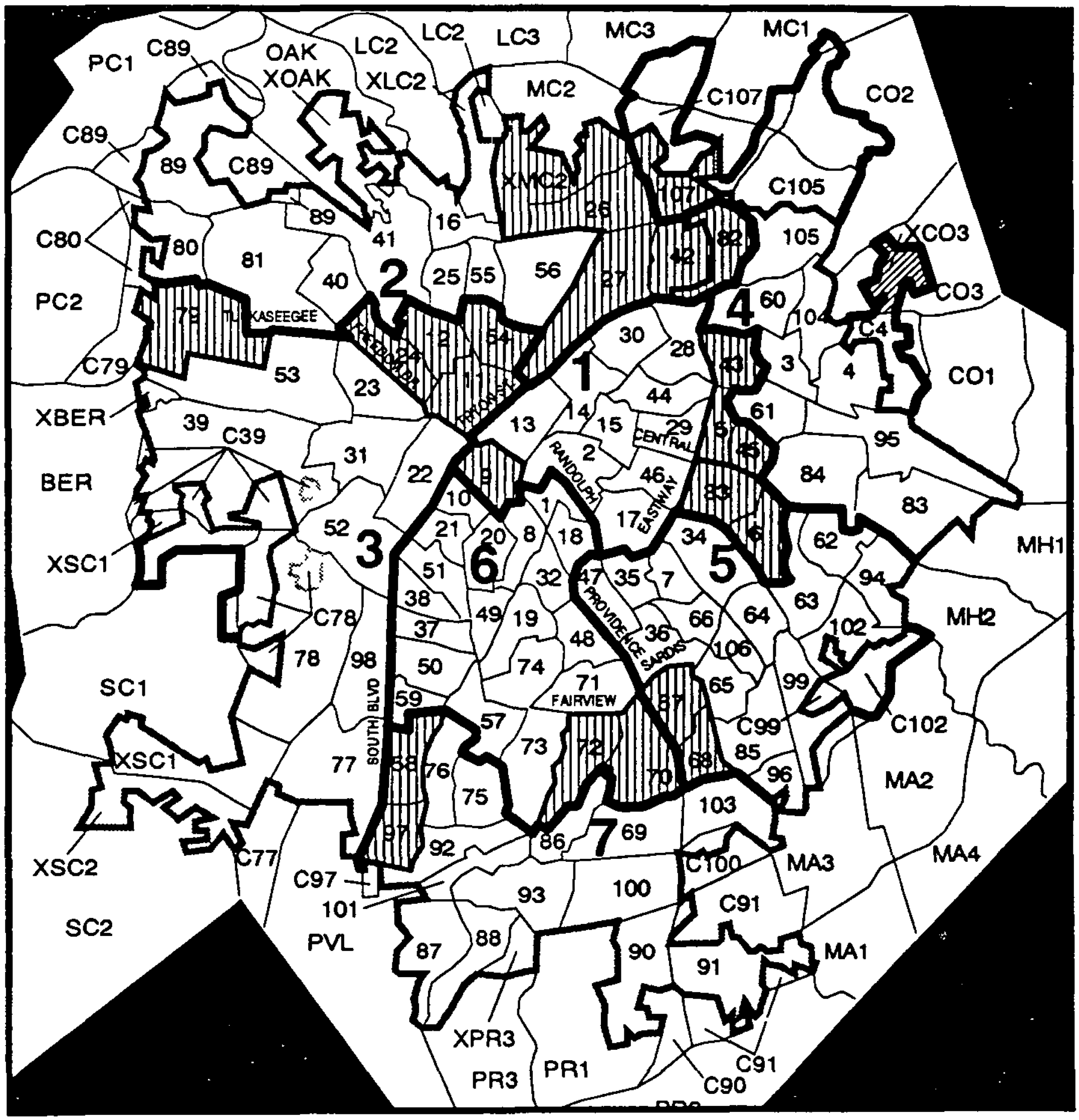
PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION Z



Option Z

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church				5,826			
Old Concord				9,410			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
6	+4,522				-4,522		
33	+3,931				-3,931		
9	+3,241					-3,241	
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
42	-4,732	+4,732					
82		+6,053		-6,053			
11		-3,999	+3,999				
12		-5,123	+5,123				
24		-3,854	+3,854				
54		-2,049	+2,049				
79		-2,517	+2,517				
107	-1,256			+1,256			
67					+1,879		-1,879
68					+2,750		-2,750
70						+3,933	-3,933
72						+3,896	-3,896
58			-2,032				+2,032
97			-5,917				+5,917
Option Z Total	60,485	61,304	62,062	59,954	59,285	58,103	56,518

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

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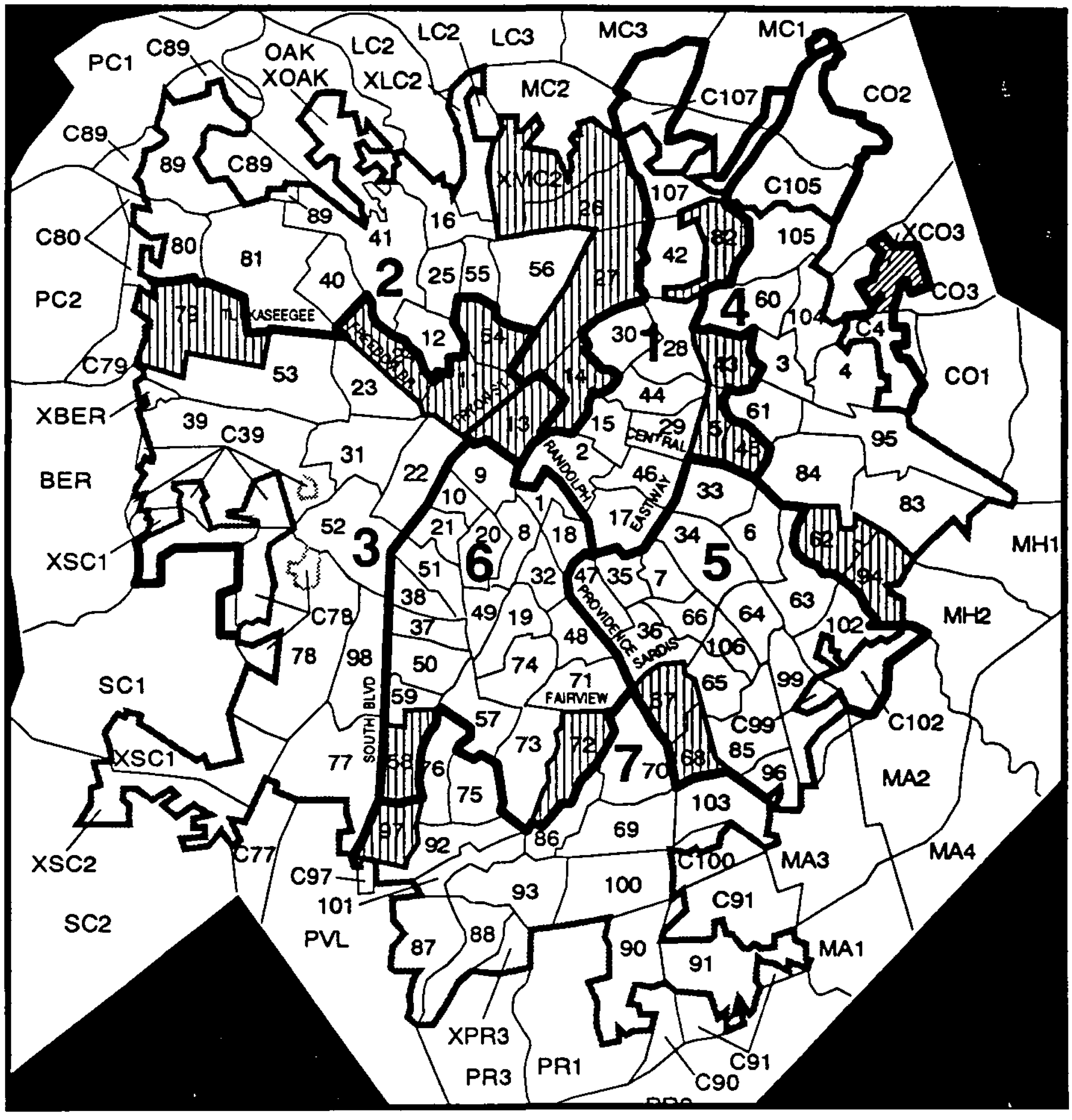
PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION X1



Option X1

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church	5,826						
Old Concord	2,674			6,736			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
13	-3,511		+3,511				
14	-4,648	+4,648					
XMC2	-2,998	+2,998					
26	-3,949	+3,949					
27	-5,261	+5,261					
82	+6,053			-6,053			
11		-3,999	+3,999				
24		-3,854	+3,854				
54		-2,049	+2,049				
72						+3,896	-3,896
79		-2,517	+2,517				
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
67					+1,879		-1,879
68					+2,750		-2,750
58			-2,032			+2,032	
62				+4,277	-4,277		
94				+5,124	-5,124		
97			5,917				+5,917
Option X1 Total	61,173	60,290	60,450	59,599	58,337	59,443	58,419

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

EXISTING VOTING DISTRICT BOUNDARIES

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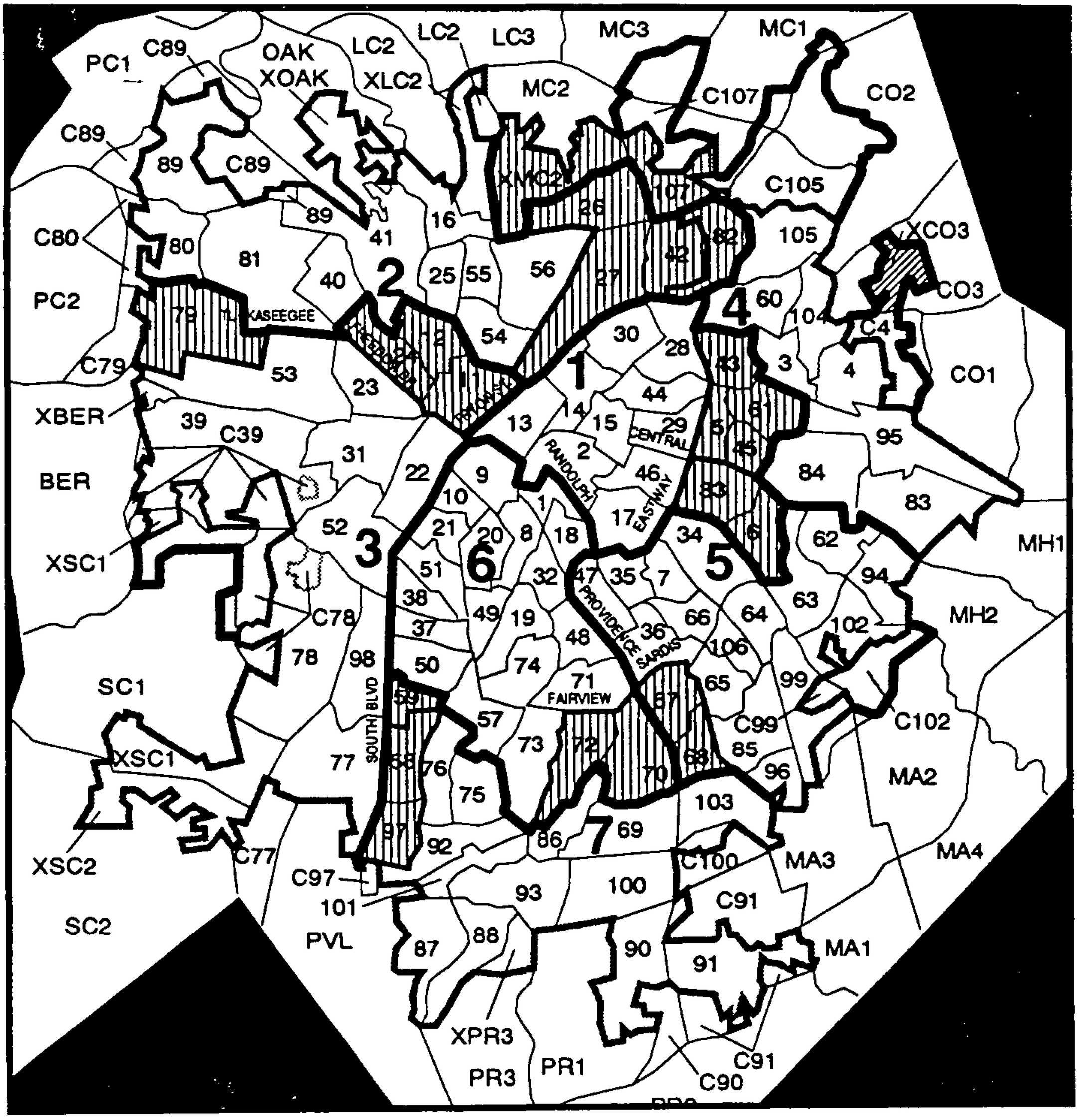
PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION Z1



Option Z1

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church				5,826			
Old Concord				9,410			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
5	+2,645			-2,645			
43	+4,062			-4,062			
45	+3,673			-3,673			
6	+4,522				-4,522		
33	+3,931				-3,931		
61	+4,067			-4,067			
XMC2	-2,998			+2,998			
26	-3,949	+3,949					
27	-5,261	+5,261					
42	-4,732	+4,732					
82		+6,053		-6,053			
11		-3,999	+3,999				
12		-5,123	+5,123				
24		-3,854	+3,854				
79		-2,517	+2,517				
107	-1,256			+1,256			
67					+1,879		-1,879
68					+2,750		-2,750
70						+3,933	-3,933
72						+3,896	-3,896
58			-2,032				+2,032
97			-5,917				+5,917
59						-2,606	+2,606
Option Z1 Total	61,311	60,355	60,013	58,885	59,285	58,738	59,124

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

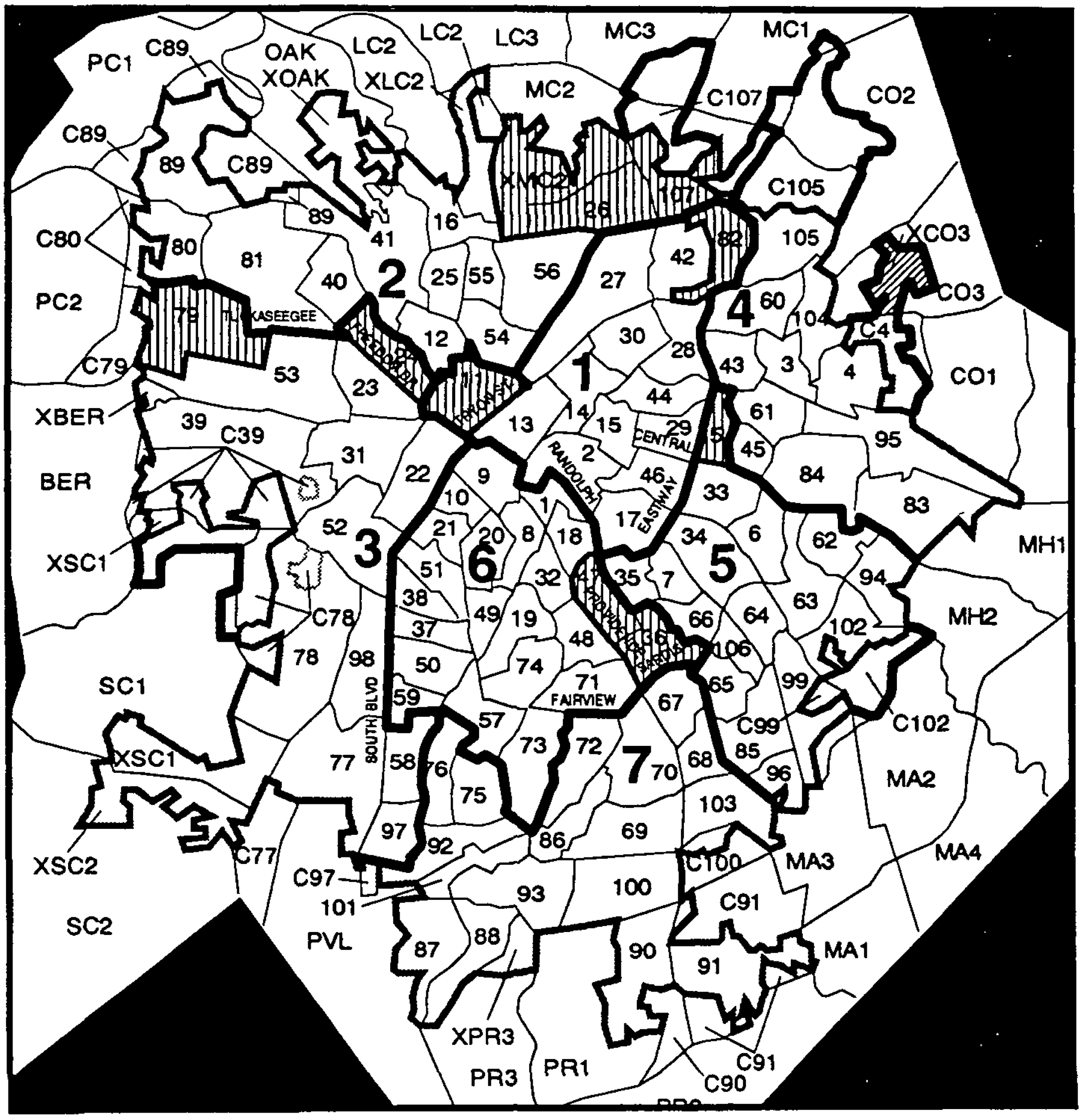
EXISTING VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION

PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION A



Option A

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church		5,826					
Old Concord		403		9,007			
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
11	+3,999	-3,999					
82	+6,053			-6,053			
26	-3,949	+3,949					
107	-1,256	+1,256					
XMC2	-2,998	+2,998					
24		-3,854	+3,854				
79		-2,517	+2,517				
5				-2,645	+2,645		
36					-3,207	+3,207	
47					-2,039	+2,039	
Option A Total	58,456	59,915	58,840	60,204	60,508	58,761	61,027

CITY OF CHARLOTTE
VOTING DISTRICTS AND PRECINCTS

ANNEXATIONS

EXISTING CITY LIMITS

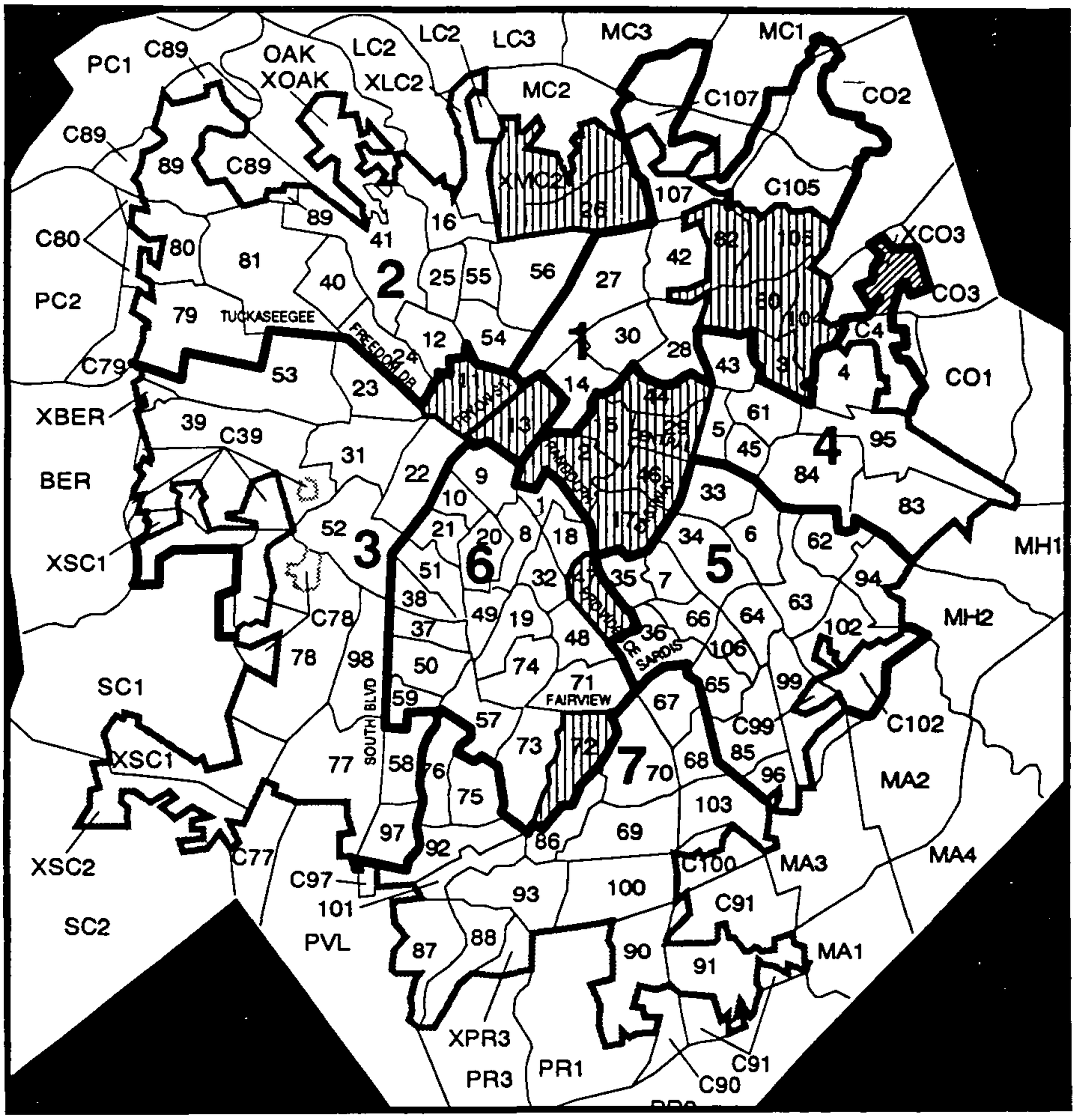
EXISTING VOTING DISTRICT BOUNDARIES

SATELLITE ANNEXATION

PROPOSED VOTING DISTRICT BOUNDARIES

PRECINCT-SHIFT OPTIONS

OPTION B



Option B

	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Dist. 6	Dist. 7
1990 Population	56,607	55,853	51,834	58,737	58,451	53,515	61,027
June 30 Annex.							
Prosp. Church	5,826						
Old Concord	9,410						
Plott Road				1,158			
Margaret Wallace					4,658		
Beam Road			635				
Precinct Shifts							
3	+4,613			-4,613			
60	+3,226			-3,226			
82	+6,053			-6,053			
104	+4,877			-4,877			
105	+3,045			-3,045			
2	-5,898			+5,898			
15	-3,816			+3,816			
17	-3,801			+3,801			
29	-3,615			+3,615			
44	-2,155			+2,155			
46	-4,666			+4,666			
26	-3,949	+3,949					
XMC2	-2,998	+2,998					
11		-3,999	+3,999				
13	-3,511		+3,511				
47					-2,039	+2,039	
72						+3,896	-3,896
Option B Total	59,248	58,801	59,979	62,032	61,070	59,450	57,131

OPTION B

DISTRICT	DEMOCRAT	REPUBLICAN
1	17,728	4,725
2	23,991	5,478
3	17,751	4,841
4	18,659	10,540
5	15,217	14,750
6	20,662	18,858
7	12,526	20,988

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 29, 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 May 21, 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, June 10, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, June 17, 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: May 21, 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 Mount Holly Road extending to Melynda Road.

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

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

Nays: None.

REASONS

This petition 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 Mount 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 by 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

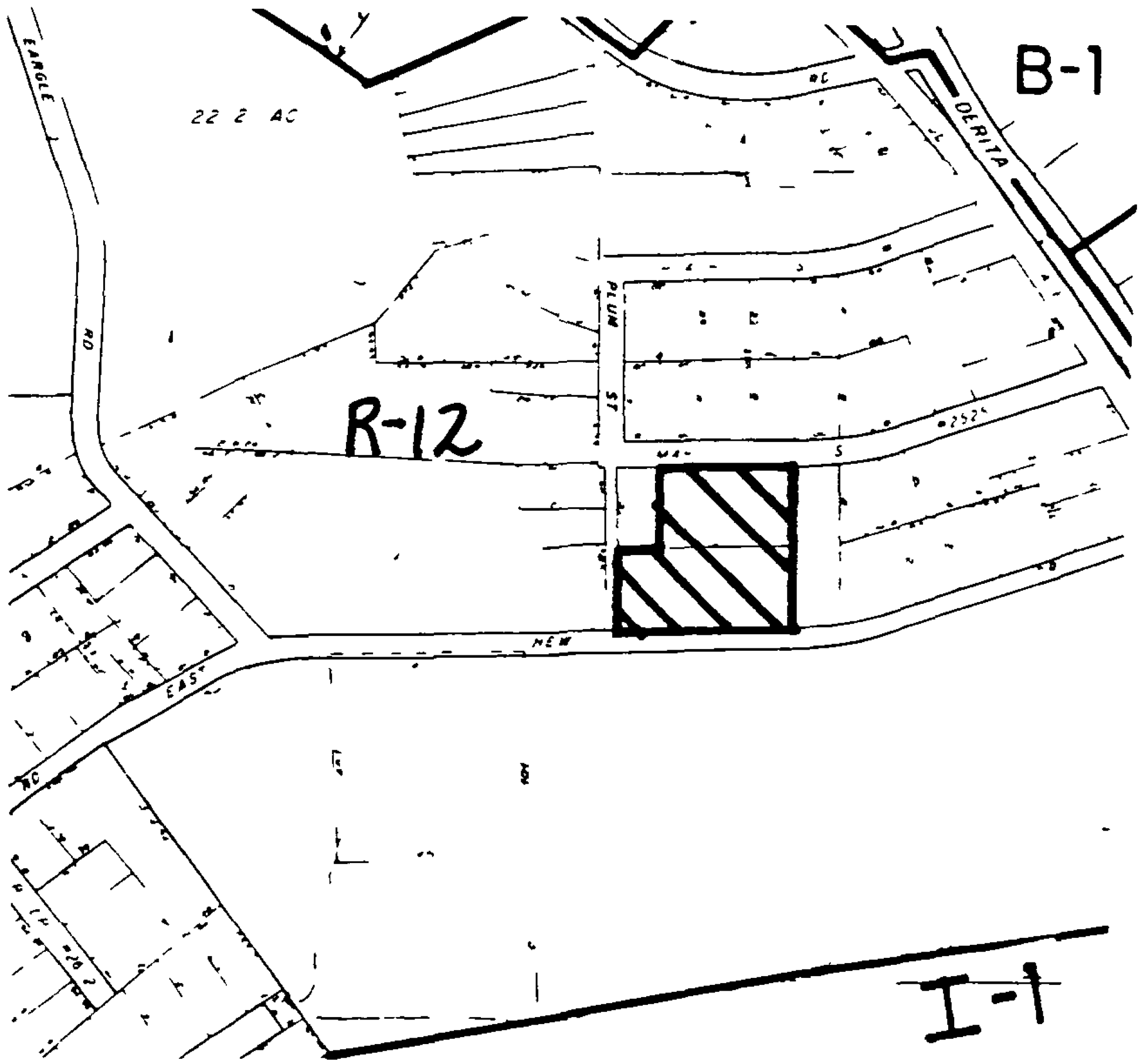
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Derita Masonic Lodge #715

PETITION NO 91-1 **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. Kisco 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

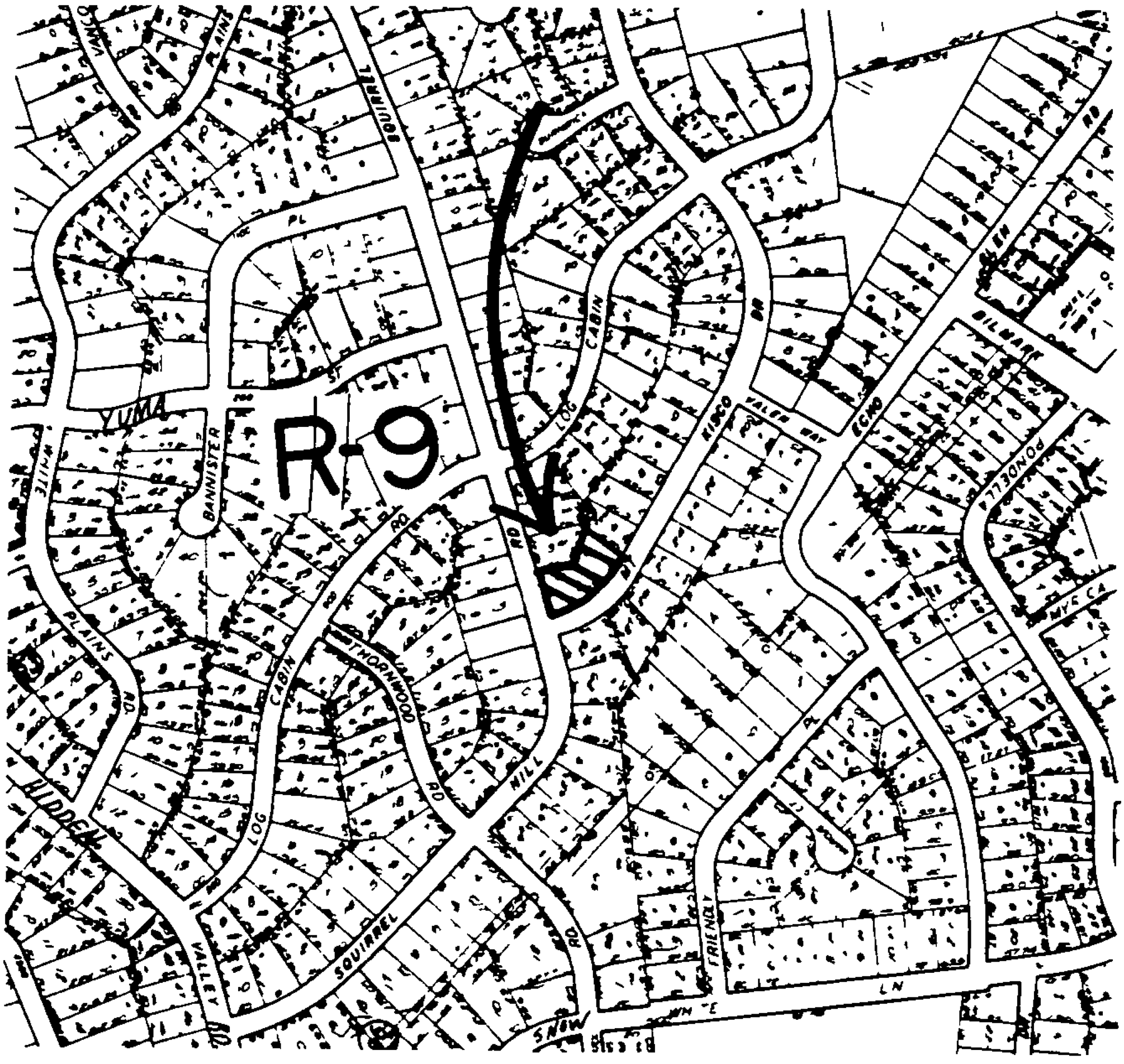
The staff agrees with the recommendation of the Zoning Committee.

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: May 21, 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 Mount Holly Road west of Melynda Road.

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

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

Nays: None.

REASONS

This petition seeks rezoning from multi-family residential to single family residential for the Hyde Park neighborhood, 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 Petitions 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 30 days.

DATE: May 21, 1991

PETITION NO.: 91-28

PETITIONER(S): Hickory Grove Baptist Church

REQUEST: Change from R-12 to R-I and consideration of an R-I site plan amendment.

LOCATION: A 19.927 acre site located on the southwest corner of Hickory Grove Road and East Harris Boulevard.

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

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

Nays: None.

REASONS

This petition proposes the rezoning of 2.6 acres from R-12 to R-I and an R-I site plan amendment to add a three story educational building and a new parking lot to the Hickory Grove Baptist Church campus. The Zoning Committee viewed the petition as consistent with plans for the area and appropriate for approval.

STAFF OPINION

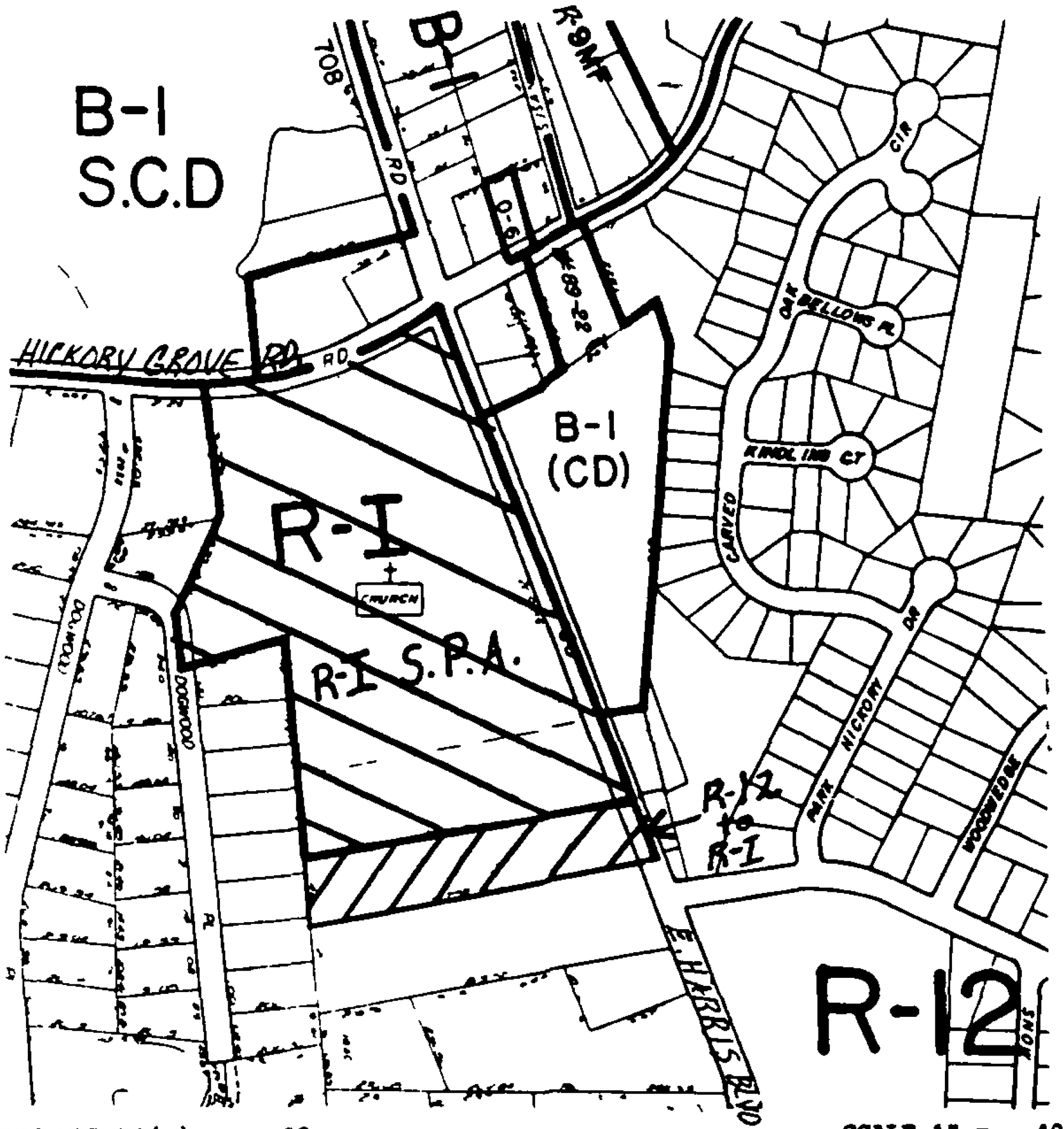
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Hickory Grove Baptist Church

PETITION NO.: 91-28 HEARING DATE: May 20, 1991

ZONING CLASSIFICATION, EXISTING: R-12 & R-I REQUESTED: R-I & Consideration of an R-I Site Plan Amendment

LOCATION: Approximately 19.927 acres located on the southwest corner of Hickory Grove Road and East Harris Boulevard.



ZONING MAP NO(s).: 99 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 21, 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 north of Sharon Amity Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from single family residential to multi-family residential to accommodate a fraternal organization. The petitioner submitted a revised site plan after the deadline for submission of revised plans. The conditional site plan policy requires the petition to be deferred as a result of these revisions.

DATE: May 21, 1991

PETITION NO.: 91-30

PETITIONER(S): Presbyterian Health Services Corporation

REQUEST: Change from R-6MFH and B-1 to O-6.

LOCATION: Two parcels totaling .57 acres located on the northeast side of E. Fifth Street between Clement Avenue and Caswell Road.

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

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

Nays: Spencer.

REASONS

This petition proposes the rezoning of properties zoned a combination of residential and commercial to an office district. The pending Central District Plan envisions urban scale residential development and ground floor retail/office uses along Independence Park and the adopted Elizabeth Small Area Plan recommends infill residential developement to take advantage of the amenity provided by Independence Park. The Zoning Committee discussed the issue of future hospital expansion and the potential encroachment of hospital associated uses into the Elizabeth neighborhood. The majority of the Zoning Committee felt the proposed day care and the benefits associated with provision of much needed day care services outweighed concerns over potential hospital encroachment into the neighborhood and also felt that Presbyterian Hospital will ultimately need to expand across Fifth Street. The minority opinion viewed Fifth Street as an appropriate line of demarcation between the hospital and the neighborhood.

STAFF OPINION

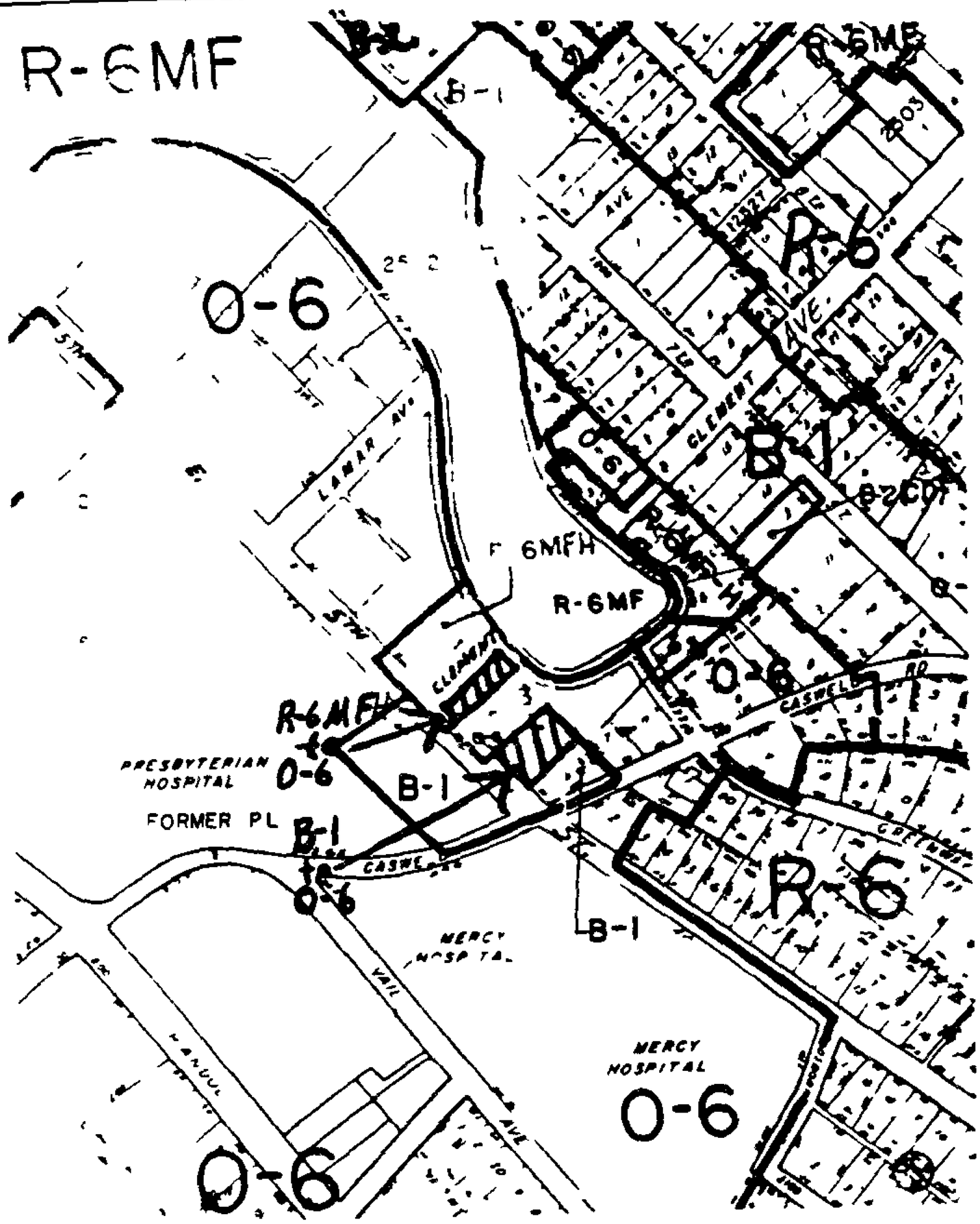
Staff views the requested rezoning as one which would not promote the goals identified in the pending and adopted land use plans for the area.

PETITIONER Presbyterian Health Service Corporation

PETITION NO. 91-30 HEARING DATE May 20, 1991

ZONING CLASSIFICATION, EXISTING. R-6MFH & B-1 REQUESTED: O-6

LOCATION: Two separate parcels totaling approximately .57 acres located or the northeast side of East 5th Street between Clement Avenue and Caswell Road.



SCALE 1" = 400'

ZONING MAP NO(s). 101,102,111,&112

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

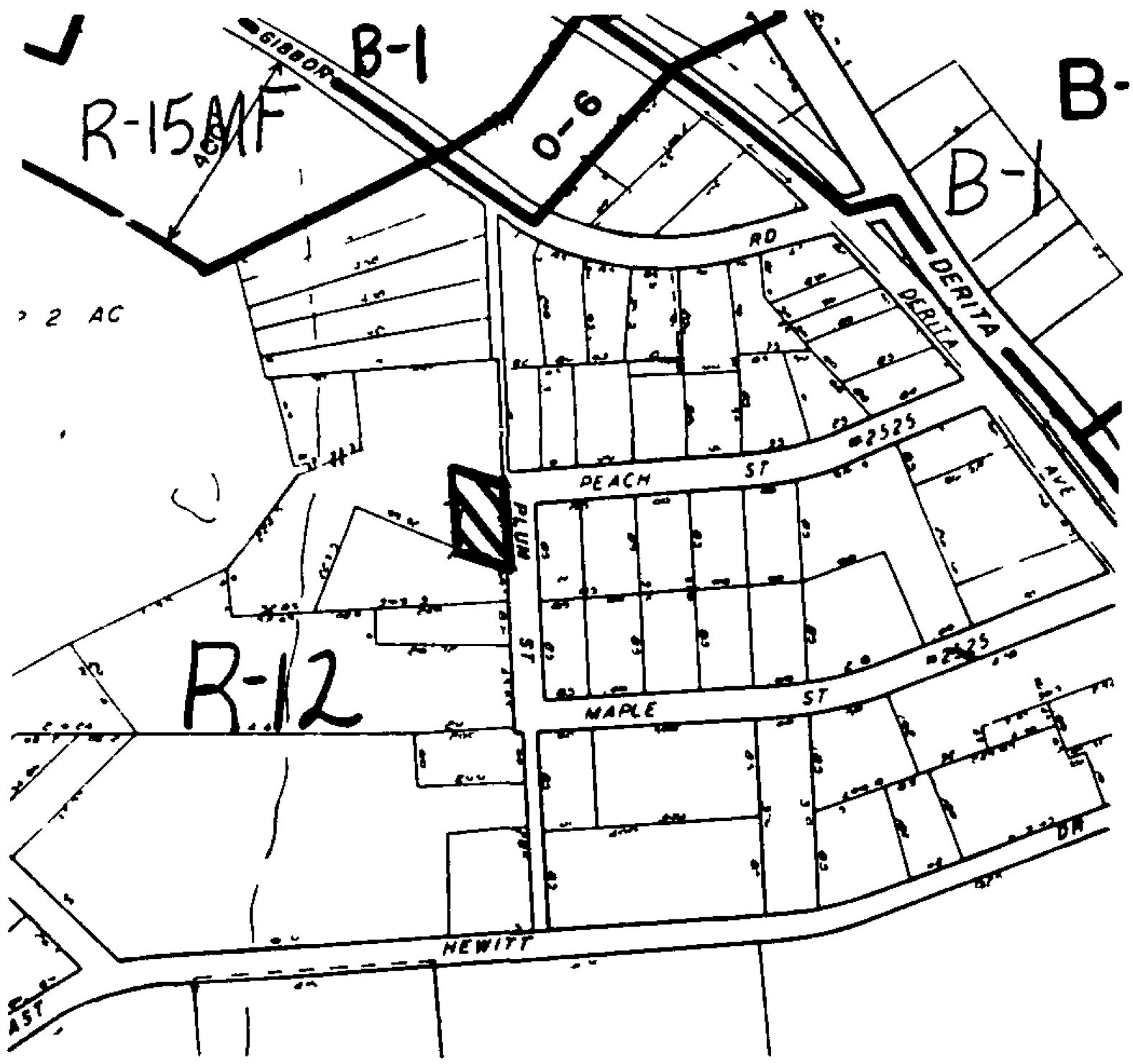
The staff agrees with the recommendation of the Zoning Committee.

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: May 21, 1991

PETITION NO.: 91-32

PETITIONER(S): One Coltsgate Associates

REQUEST: Change from R-15 to O-6.

LOCATION: A .252 acre site located on the north side of Coltsgate Road east of Sharon Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from single family residential to an office district. The 2005 Plan and the South Park Analysis recognize employment type land uses generally in the area of the Sharon Road/Fairview Road intersection and the South Park Analysis recognizes the potential for office or multi-family along Coltsgate Road. The Zoning Committee viewed the petition as appropriate for approval.

STAFF OPINION

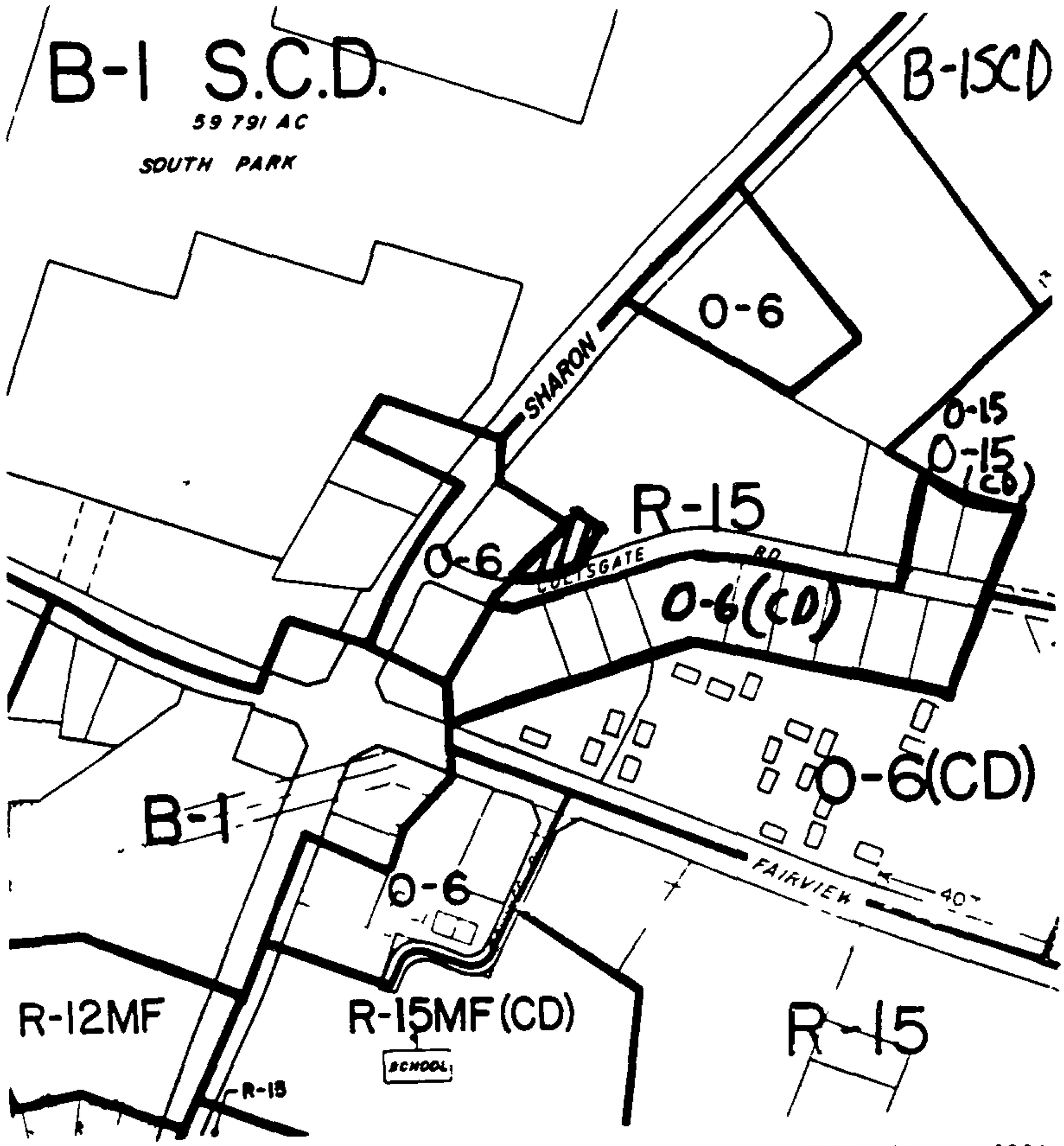
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: One Coltsgate Associates

PETITION NO.: 91-32 HEARING DATE: May 20, 1991

ZONING CLASSIFICATION, EXISTING: R-15 REQUESTED: O-6

LOCATION: Approximately .252 acres located on the north side of Coltsgate Road, approximately 170 feet east of Sharon Road.



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

PROPERTY PROPOSED FOR CHANGE