# AGENDA

| | |
|---|---|
| Meeting Type. | B |
| Date. | 05-20-1991 |
| SUBJECT | |

City of Charlotte, City Clerk's Office

CHARLOTTE

# Meetings in May '91

## THE WEEK OF MAY 1 - MAY 4

| | | |
|---|---|---|
| 1 | Wednesday, 9 00 a m | **CIVIL SERVICE HEARING** - CMGC, Meeting Chamber Conference Room |
| | Wednesday, 6 00 p m | **YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118 |
| 2 | Thursday, 4 00 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION/County Detox Center Ad Hoc Art Advisory Committee** - CMGC, 8th Floor Conference Room |
| | Thursday, 7 00 p m | **CITY COUNCIL REGIONAL ISSUES COMMITTEE** - Mint Hill Town Hall, 7151 Matthews-Mint Hill Road |

## THE WEEK OF MAY 5 - MAY 11

| | | |
|---|---|---|
| 6 | Monday, 11 30 a m | **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room |
| | Monday, 12 Noon | **PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room |
| 7 | Tuesday, 6 00 p m | **STORM WATER TASK FORCE** - CMGC, Meeting Chamber Conference Room |
| 8 | 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, 4 00 p m | **HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room |
| 9 | Thursday, 5 00 p m | **CITY COUNCIL WORKSHOP/Budget Presentation** - CMGC, Conference Center (Televised on Channel 32) |

## THE WEEK OF MAY 12 - MAY 18

| | | |
|---|---|---|
| 13 | Monday, 8 00 a m | **QUARTERLY MEETING OF ELECTED AND CHAMBER OFFICIALS** - Charlotte Chamber, 129 West Trade Street |
| | Monday, 5 00 p m | **CITY 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/Budget Public Hearing** - CMGC, Meeting Chamber (Televised on Channel 32) |
| | Monday, 7 00 p m | **HISTORIC LANDMARKS COMMISSION** - 1221 South Caldwell Street |
| 14 | Tuesday, 12 Noon | **POLICE COMMUNITY RELATIONS AWARDS CEREMONY** - CMGC, Outdoor Plaza Area, (Televised on Channel 32) |
| | Tuesday, 3 00 p m | **HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room |
| | Tuesday, 4 00 p m | **AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A, Main Terminal |
| | Tuesday, 4 00 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION/Airport Ad Hoc Art Advisory Committee** - Charlotte/Douglas International Airport, Conference Room A |

(CONTINUED ON BACK)

*Public Service And Information Department*

*600 East Fourth Street*

*Charlotte NC 28202 2861*

*704/336-2395*

## THE WEEK OF MAY 12 - MAY 18 (continued)

| | | |
|---|---|---|
| 15 | Wednesday, 7 30 a m | **CITY/COUNTY/CHAMBER BREAKFAST** - Charlotte Chamber, 129 West Trade Street |
| | Wednesday, 2 30 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room |
| | Wednesday, 5 00 p m | **CITY COUNCIL BUDGET WORKSHOP** - CMGC, Meeting Chamber Conference Room |
| | Wednesday, 6 00 p m | **YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118 |
| | Wednesday, 7 00 p m | **METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center |
| 16 | Thursday, 7 00 p m | **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270 |
| 17 | Friday, 7 30 a m | **PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room |

## THE WEEK OF MAY 19 - MAY 25

| | | |
|---|---|---|
| 20 | Monday, 2 00 p m | **HOUSING AUTHORITY** - Hall House, 426 N Tryon Street |
| | Monday, 5 00 p m | **CITY COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room |
| | Monday, 6 00 p m | **CITY COUNCIL/PLANNING COMMISSION/Zoning Hearings** - CMGC, Meeting Chamber |
| 21 | Tuesday, 4 00 p m | **PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room |
| | Tuesday, 4 30 p m | **PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Room |
| | Tuesday, 5 00 p m | **CITY COUNCIL BUDGET WORKSHOP** - CMGC, Meeting Chamber Conference Room |
| | Tuesday, 6 00 p m | **STORM WATER TASK FORCE** - CMGC, Meeting Chamber Conference Room |
| | Tuesday, 6 00 p m | **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Rooms 270 & 271 |
| 22 | Wednesday, 5 00 p m | **YOUTH INVOLVEMENT COUNCIL/Youth Excellence Banquet** - CMGC, Conference Center |
| 23 | Thursday, 5 00 p m | **CITY COUNCIL BUDGET WORKSHOP** - CMGC, Meeting Chamber Conference Room |

## THE WEEK OF MAY 26 - MAY 31

| | | |
|---|---|---|
| 27 | Monday, | **MEMORIAL DAY** - All City Offices Closed |
| 28 | Tuesday, 1 00 p m | **CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 N Tryon Street, Building Standards Training Room |
| | Tuesday, 5 00 p m | **CITY COUNCIL/MANAGER DINNER** - CMGC, Conference Center |
| | Tuesday, 6 30 p m | **CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Channel 32) |
| | Tuesday, 7 00 p m | **CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Channel 32) |
| 29 | Wednesday, 10 30 a m | **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 South College Street, VIP-B Conference Room |
| | Wednesday, 2 30 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room |
| | Wednesday, 6 00 p m | **YOUTH INVOLVEMENT COUNCIL** - CMGC, Room 118 |
| 30 | Thursday, 5 00 p m | **CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room |
| | Thursday, 5 00 p m | **CITY COUNCIL BUDGET WORKSHOP** - CMGC, Meeting Chamber Conference Room |

These organizations will <u>not</u> meet in May
Advisory Energy Commission
Community Facilities Committee

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, May 20, 1991**

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

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

Invocation by Rev. C. M. Booker, Shiloh Baptist Church.

ITEM NO.

## PUBLIC HEARINGS

1. The hearing was held at the April 15, 1991 meeting to consider designation of the Nebel Knitting Mill located at 1010 West Worthington Avenue, Charlotte, North Carolina as historic landmark. Decision was deferred pending determination of the amount of Ad Valorem taxes potentially deferrable on the subject property. Based on the 1990 assessed value of $352,476 the amount of deferrable taxes would be $46,879.31.

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

   Attachment No. 1

2. (91-19) Hearing 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.

   Attachment No. 2

3. (91-28) Hearing on Petition No. 91-28 by Hickory Grove Baptist Church for a change in zoning from R-12 and R-I to R-I and consideration of an R-I Site Plan Amendment for approximately 19.27 acres located on the southwest corner of Hickory Grove Road and East W. T. Harris Boulevard.

   Attachment No. 3

4. (91-29) Hearing on Petition No. 91-29 by Arthur G. Bartlett for a change in zoning from R-12 to R-12MF(CD) for approximately 3.45 acres located on the westerly side of Castleton Road north of Sharon Amity Road.

Attachment No. 4

5. (91-30) Hearing 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 approximately .57 acres located on the northeast side of East Fifth Street between Clement Avenue and Caswell Road.

Attachment No. 5

6. (91-31) Hearing 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.

Attachment No. 6

7. (91-32) Hearing on Petition No. 91-32 by One Coltsgate Associates for a change in zoning From R-15 to O-6 for approximately .252 acres located on the north side of Coltsgate Road east of Sharon Road.

Attachment No. 7

**DECISIONS**

8. (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 for 60 days at the March 18 Meeting.

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

Attachment No. 8

9. (91-18) Decision on Petition No. 91-18 by Charlotte Capital Partners for a Site Plan Amendment to an existing B-1SCD zoning to add 14,649 square feet to an existing building on approximately 24.3 acres located on the southwesterly corner of N.C. 51 and Carmel Road Extension. (Carmel Commons Shopping Center).

This petition was deferred for 30 days at the April 15 meeting.

The Zoning Committee recommends that this petition be approved as originally submitted.

Attachment No. 9

10. (91-20) Decision on Petition No. 91-20 by Balloons Over Charlotte, for a Text Amendment to Section No. 3100 of the Zoning Ordinance, creating a new Section 3142 Open Space Recreational Uses on a commercial basis in any district subject to performance standards.

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

Attachment No. 10

11. (91-21) Decision on Petition No. 91-21 by Alltel Mobile Communications Inc. for a Text Amendment to Sections 1605 and 3123 to permit the establishment of a new section in the Zoning Ordinance to deal specifically with the installation of cellular telephone transmission facilities.

The Planning Commission recommends the following actions with regard to this text amendment:

Denial of the portion of the proposed text amendment which would permit cellular telephone transmission towers to be erected above 40 feet in height in residential districts by having a lesser yard restriction than the present requirement of 200 feet off residential property lines.

Approval of the remainder of the proposed text which primarily dealt with permitting cellular transmission towers as an ancillary or secondary use in all districts with a lesser standard when in or adjoining residential districts.

Attachment No. 11

12. (91-22) Decision on Petition No. 91-22 by The Leon B. Jordan Estate for a change in zoning from R-9 to B-1(CD) for a 4.55 acre site located on the southwest corner of Harris Boulevard and Idlewild Road.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 12

13. (91-23) Decision on Petition No. 91-23 by Charlotte-Mecklenburg Planning Commission, for a change in zoning from R-6MF and R-9MF to R-6 and R-9 (Northwest District Plan) for a site located along both sides of Trinity Road south of Lakeview Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (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 I-1 and R-6 (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.

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

Attachment No. 14

15. (91-25) Decision on Petition No. 91-25 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 (East District Plan) for approximately 55.5 acres located along the north side of Albemearle Road between Harrisburg Road and Wilgrove-Mint Hill Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (91-26) Decision on Petition No. 91-26 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-2 and O-6 (East District Plan) for approximately 23.8 acres located along the south side of Albemarle Road between Winchester Lane and Wilgrove-Mint Hill Road.

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.

Attachment No. 16

17. (91-27) Decision on Petition No. 91-27 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to O-6 (East District Plan) for several parcels located on the south side of Albemarle Road at Orchard Ridge Road and from B-1 to O-15 for two parcels located south of Albemarle Road east of Dwightware Boulevard.

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 voted on the two portions of the petition separately and recommends the approval of both portions of the petition.

Attachment No. 17

18. Recommend adoption of a resolution setting public hearings for June 17, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-34 through 91-43 for zoning changes.

# MECKLENBURG COUNTY
## Office of the Tax Administrator

April 17, 1991

Ms. Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg
Historic Properties Commission
1225 South Caldwell Street
Box D
Charlotte, North Carolina 28203

RE: Potential Deferred Tax
Parcel Number: 121-022-03
Nobel Knitting Mill

Dear Ms. Black:

In my letter of November 19, 1990 to Richard Mattson with a carbon copy to you, I stated the amount of taxes potentially deferrable would be approximately $352,476. The figure of $352,476 was the assessed value of portions of the property being recommended for historic designation, not the amount of taxes. The amount of taxes potentially deferrable, based on the 1990 assessed value of $352,476, would be $46,879.31. However, as I stated in my letter, I have no estimate of the amount of tax potentially deferrable for 1991 and subsequent years due to the 1991 revaluation and the 1991 tax rate is unknown at this time.

I apologize for any inconvenience the error in my November 19, 1991 letter has caused.

Please feel free to contact me if you have any questions regarding this matter.

Very truly yours,

Bernard White
Assistant Tax Administrator

BW/sn

720 East Fourth Street • P O Box 36819 • Charlotte, North Carolina 28236 • (704) 336-2813

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "NEBEL KNITTING MILL (FORMER)" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 121-022-03 THE PROPERTY, OWNED BY OLD SPAGHETTI WAREHOUSE, INC , IS LOCATED AT 101 WEST WORTHINGTON AVENUE AT CAMDEN ROAD, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met and

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1991, on the question of designating a property known as the "Nebel Knitting Mill (former)" as a historic landmark, and

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

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

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

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

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

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior because consent for interior review has been given by the owners, and

WHEREAS, the current owner, Old Spaghetti Warehouse, Inc , has faithfully maintained the "Nebel Knitting Mill (former)" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Nebel Knitting Mill (former)" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

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

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

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

1 That the property known as the "Nebel Knitting Mill (former)" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 121-022-03 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 101 West Worthington Avenue at Camden Road in Charlotte, Mecklenburg County, N C

2 That said designated landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted

3 That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any

such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations

4 That a suitable sign may be posted indicating that said property has been designated as historic landmark and containing any other appropriate information If the owner consents, the sign may be placed on said landmark

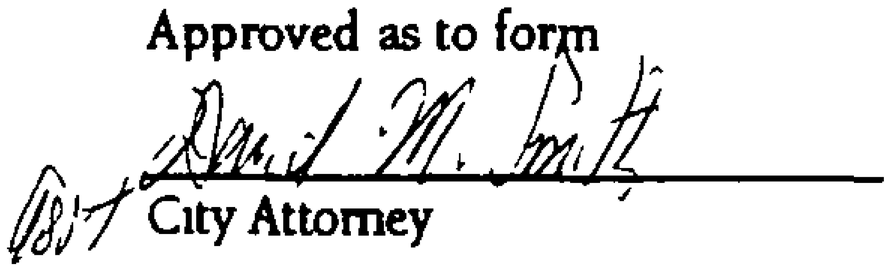
5 That the owners and occupants of the landmark known as the"Nebel Knitting Mill (former)" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register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

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

Adopted the _____ day of _____ 1991 by the Members of City Council of the City of Charlotte, Mecklenburg County,
North Carolina

_____
Clerk to the City Council

Approved as to form



City Attorney

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 1991

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 20, 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. 91-19

Petitioner: City of Charlotte

Location: Approximately .463 acres located on the northwest corner of the intersection of Squirrel Hill Road and Mount Kisco Drive.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-9 as is the surrounding neighborhood.

2. Existing Land Use. The subject property is developed with a single family residence that was formally used as a sales office and later modified for use as a church. Surrounding properties are developed for single family residential purposes.

3. Public Plans and Policies.

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

   2. North Tryon/I-85 Residential Corridor Special Study (1984). The North Tryon/I-85 Residential Corridor Special Study, adopted in 1984, recognizes the existing single family uses in the area of the subject property.

   3. Northeast District Plan. The Northeast District Plan recognizes the existing single family development in the area of the subject property.

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

5. School Information. The School Board staff indicates that this petition will have no impact on the school system.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 83-15 | R-9 to 0-6(CD) | Denied | 09/19/83 |

7. Neighborhood. The subject property falls within the area defined as the Hidden Valley neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a small tract of land from single family residential to multi-family residential. Publicly adopted plans for this area of the community recognize the area as an established single family residential neighborhood. Therefore, the petition is inconsistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agent for the petitioner prior to the filing of the application and requested that the petition be submitted on a conditional, rather than conventional, basis. The petitioner chose not to do so.

   2. Departmental Comments. Due to the conventional nature of this petition, there are very few departmental comments. CDOT commented that the site as presently zoned could generate approximately 22 to 24 trips per day. Under the proposed zoning, the site could generate approximately 298 trips per day.

ISSUES

1. Land Use. This petition proposes rezoning from single family residential to a conventional multi-family residential district permitting all uses allowed under multi-family zoning. As submitted, there is no way to adequately access the potential impact the approval of this petition could have on the surrounding neighborhood. Therefore, from a land use standpoint, this petition is not considered appropriate for approval as submitted.

2. Site Plan. There is no site plan which accompanies this petition due to the conventional, rather than conditional, nature of the request. To adequately access the potential impact of the rezoning on the surrounding community, a site plan would have to be submitted.

CONCLUSION

This petition is considered inappropriate for approval as submitted.

*Subject to further refinement following public hearing.

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 91-19
Date Filed January 14, 1991
Received By [illegible]
OFFICE USE ONLY

## Ownership Information

Property Owner: JESUS CHRIST HOLINESS CHURCH

Owner's Address: 1000 SQUIRRELL HILL ROAD CHARLOTTE NORTH CAROLINA

Date Property Acquired: 12/03/81

Tax Parcel Number: 099-092-04

## Location Of Property (address or description)

100 SQUIRRELL HILL ROAD

FORMER CHURCH FACILITY - CHANGING USE TO DAY CARE FACILITY OR ELDERLY CARE FACILITY

## Description Of Property

Size (Sq Ft Acres): 20,165.24 SQ FT/0.463 ACRE  Street Frontage (ft): 36.7

Current Land Use: VACANT - NO USE AT THIS TIME. FORMLY USED AS A CHURCH FACILITY

## Zoning Request

Existing Zoning: R-9  Requested Zoning: R-6 MF ~~(CD)~~

Purpose of Zoning Change: DAY CARE OR ELDERLY CARE FACILITY. THIS EXISTING BUILDING WAS FORMLY USED AS A CHURCH. IT WAS PURCHASED LEGALLY THROUGH A REAL ESTATE AGENCY IN CHLT. AFTER SEVERAL YEARS OF BEING UTILIZED AS A CHURCH, THE CITY OF CHARLOTTE CLOSED THE FACILITY DUE TO IMPROPER ZONING ALTHOUGH IT HAD BEEN USED AS A CHURCH IN PREVIOUS BY ANOTHER CHURCH CONGREGATION. BECAUSE THE FACILITY CANNOT BE UTILIZED AS A CHURCH ANYMORE, WE ARE REQUESTING A RE-ZONING FOR DAY CARE OR ELDERLY CARE AND THAT THI PETITION BE HONORED BY THE CITY OF CHARLOTTE BECAUSE OF HARDSHIPS THAT HAS OCCURED BECAUSE WE CANNOT SECURE REASONABLE RETURN FROM OR MAKE ANY REASONABLE USE OF THIS PROPERTY OTHER THAN A DAY CARE OR ELDERLY CARE FACILI

Name Of Agent: (SEE ATTACHED CITY RECOMMENDATION)
JESUS CHRIST HOLINESS CHURCH

Agent's Address: 1000 SQUIRRELL HILL ROAD CHARLOTTE, N.C. 28213

Telephone Number: 704 568-4173

Agent
[illegible] - 372-8577

Name of Petitioner(s): Charlie Mayes
CHARLIE MAYES, PASTOR

Address of Petitioner(s): 5849 AMITY PLACE, CHARLOTTE, N.C.

Telephone Number: 704 568-4173

Signature

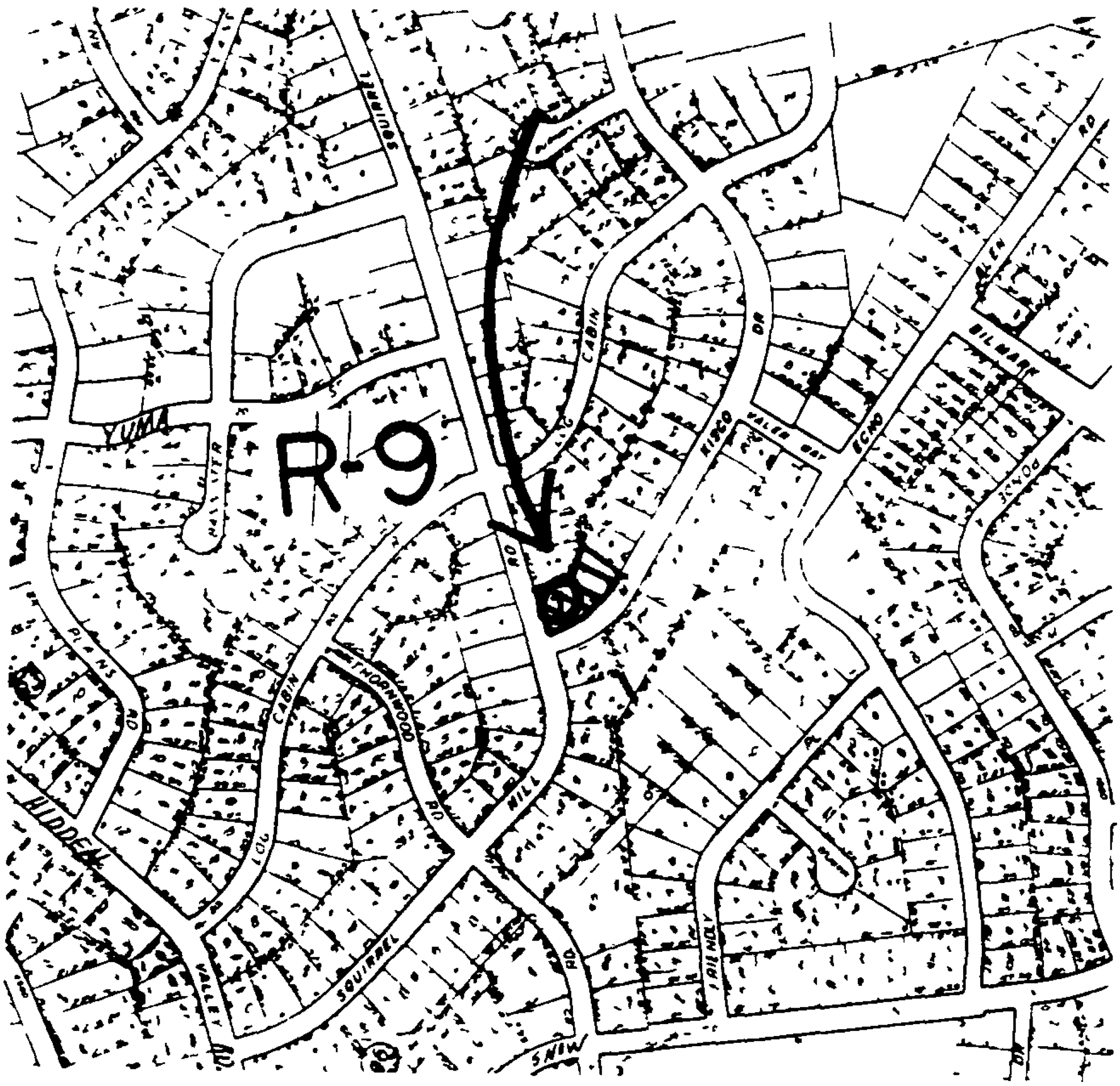
Signature of Property Owner if Other Than Petitioner

**PETITIONER:** Jesus Christ Holiness Church

**PETITION NO.:** 91-19 **HEARING DATE:** March 18, 1991

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

**LOCATION** Approximately 4.63 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'

10d 1

**PROPERTY PROPOSED FOR CHANGE**

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-28

Petitioner: Hickory Grove Baptist Church

Location: Approximately 19.27 acres located on the southwest corner of Hickory Grove Road and East W. T. Harris Boulevard.

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

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-I and R-12. The properties to the west, north, and southeast are zoned R-12. To the north, northeast, and east the properties are zoned B-1SCD, B-1, and B-1(CD). In general the zoning pattern for the area can be characterized as predominately business at the intersection of East W. T. Harris and Hickory Grove Road and residential in the remainder of the area.

2. Existing Land Use. A majority of the subject property is currently developed as the Hickory Grove Baptist Church except for a portion of the property at the southern boundary which is occupied by a single family home. To the west the land is developed with single family homes. To the north, northeast, and east the land is either vacant or developed with commercial land uses. To the southeast across East W. T. Harris the property is vacant. To the south property is occupied by fire station No. 23. In general, the surrounding land uses are residential, commercial, and institutional.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. A community commercial center is indicated in the northwest corner of the intersection of East W. T. Harris and Hickory Grove Road. 2005 Plan strategies include improving East W. T. Harris and Hickory Grove Road. A light rail system connecting this area with the Uptown area is also among the strategies recommended for this area.

   2. East District Plan (adopted 1990). This plan recognizes the existing institutional uses located on the subject property and the existing neighborhood commercial center located on the northwest corner of East W. T. Harris and Hickory Grove Road. The plan also recognizes the commercial zoning on the northeast corner of this intersection. Property surrounding the subject properties is recommended for single family land uses ranging in densities from one to four dwelling units to the acre.

3. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of East W. T. Harris from Plaza Road to Albemarle Road to four and six lanes.

4. Site Plan. The site plan associated with this petition proposes to add a three story education building to the existing 2,550 seat church as well as additional parking lot at the southern edge of the property on a parcel recently acquired. The site will maintain one driveway on Hickory Grove Road and three driveways on East W. T. Harris Boulevard. The plan calls for all new parking lots that adjoin single family homes to be screened by a combination of new and existing vegetation. All new and existing parking will be broken up by vegetation as required by the City's Tree Ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| | Petition No. | Request | Action | Date |
|---|---|---|---|---|
| 1. | 65-114 | R-9MF to B-1 | Approved | 01/04/66 |
| 2. | 67-11 | 0-6 to B-1 | Approved | 04/03/67 |
| 3. | 67-62 | R-9MF to B-1 | Approved | 10/23/67 |
| 4. | 72-66(c) | R-9MF to B-1 | Approved | 11/20/72 |
| 5. | 73-41(c) | R-9MF to B-1SCD | Approved | 01/07/73 |
| 6. | 76-17(c) | R-12 to B-1(CD) | Approved | 11/15/76 |
| 7. | 77-19(c) | R-12 & B-1(CD) to B-1(CD) Site Plan Amendment | Approved | 06/06/77 |
| 8. | 84-19(c) | R-12 & B-1(CD) to B-1(CD) & B-1(CD) Site Plan Amendment | Approved | 09/04/84 |
| 9. | 84-90 | R-12 to B-1 | Denied | 01/21/85 |
| 10. | 85-2(c) | R-12MF(CD) to R-12MF(CD) Site Plan Amendment | Approved | 02/18/85 |
| 11. | 85-31(c) | B-1SCD Site Plan Amendment | Approved | 07/08/85 |
| 12. | 86-39 | R-12 to R-I | Approved | 05/19/86 |
| 13. | 89-22 | R-12 to B-1(CD) | Approved | 04/17/89 |
| 14. | 90-77 | B-1SCD Site Plan Amendment | Approved | 11/19/89 |

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

REVIEWS

1. Plan Consistency. This petition proposes to rezoning from R-12 to R-I 2.6 acres and amend the existing R-I zoning to add a three story educational building and a new parking lot. The East District Plan recognizes the existing institutional use in the

area as well as the existing commercial center. It also recommends that the land surrounding this site be maintained for single family type uses. However, the expansion of the R-I zoning to the 2.6 acre tract along East W. T. Harris is consistent with adopted planning in that is represents a logical and well defined stopping place for this use (i.e. adjacent to a fire station and another church). Therefore, from a land use standpoint, this petition is consistent with adopted plans and policies.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner's agent met with the staff prior to the filing of this petition. Staff communicated several comments and concerns.

   2. Departmental Comments. The City Engineering staff comments centered around the need for the site to comply with the City's Tree Ordinance and that the petitioner provide adequate right-of-way. Transportation asked that the driveway to the single family home be removed and other minor comments all which have been addressed by the petitioner. Planning and Zoning asked for better notes regarding screening along the rear and along East W. T. Harris. The petitioner has addressed all these issues.

ISSUES

1. Land Use. This petition raises no land use issues. The Northeast District Plan recognizes this use in this area. In addition this expansion will not jeopardize or encroach into any existing single family neighborhood. Therefore, from a land use standpoint this petition is appropriate for approval.

2. Site Plan. There are no site plan issues related with this petition. The revised site plan addressed all of the concerns of the City staff and is appropriate for approval. 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.

91-28

# HICKORY GROVE BAPTIST CHURCH

## CONDITIONAL NOTES

1. While indicating a firm concept of development, minor adjustments to building shape, size and location, as well as parking and circulation pattern may occur to accommodate site conditions.

2. Storm water detention shall be provided which will meet or exceed the requirements of the Charlotte Stormwater Detention Ordinance. It is anticipated that surface storage will be provided in parking areas and adjacent open space. Discharge to adjacent properties will not be concentrated at one point and design will take existing drainage patterns into account.

3. Signage shall be allowed in accordance with applicable zoning standards.

4. Additional R.O.W. for the future improvement of East Harris Boulevard and Hickory Grove Roads has been provided as shown on the plan.

5. Parking and service areas on this site will be screened at "eye" level from adjacent residences on Dogwood Place. Screening shall be provided by natural screening consisting of existing vegetation supplemented with new evegreen planting where necessary to accomplish effective screening. New evergreen planting shall be large-maturing evergreen shrubs or small trees such as Burford Holly, Photinia, Osmanthus, Laurel, Nellie Stevens Holly. At planting, new screening shall be minimum 4' high and planted 5' on center in staggerd rows.

6. Site lighting shall be designed with a high cut-off angle or shielding and shall be mounted at a height which will eliminate glare at adjacent properties.

# HICKORY GROVE BAPTIST CHURCH

## GENERAL NOTES

1. Stormwater drainage facilities will be in accordance with the drainage detention ordinance.

2. A driveway permit will be required prior to relocating the East Harris driveway.

## PLANTING NOTES

1. Tree planting will be in accordance with Chapter 21 of the City Code.

2. Tree protection barricades will be installed prior to all grading activities. A tree survey and protection plan will be submitted prior to grading.

3. Planting plan is conceptual only and may be changed based on site conditions and approval of the tree ordinance staff.

4. Willow Oaks located along East Harris Boulevard will be replaced as they die.

5. No large maturing trees will be planted under overhead power lines.

6. Grading permit will be in accordance with Chapter 18 of the City Code.

7. Screening will comply with Secton 1601 of the City Zoning Ordinance.

# HICKORY GROVE BAPTIST CHURCH

## SITE SUMMARY

| | | |
|---|---|---|
| Area: | Existing R-I | 17.31 acres |
| | Proposed R-I | 2.617 acres |
| | Total | 19.927 acres |

Existing Zoning : R-12 & R-I
Proposed Zoning : Residential Institutional (R-I)
Proposed Use : Church
Main Auditorium Seating Capacity : 2,550 Seats
Parking Required : 637 Spaces
Parking Provided : 883 Spaces
Area used for buildng and parking : 68%
Area used for landscaping and open space : 31%
Landscaping in parking area : 10.5%

99

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

MAY - CITY

Staff Review - Thurs. April 4 @ 9:00 a.m.
* Please note the change in meeting days.

Petition No 91-28
Date Filed March 11, 1991
Received By MCyn
OFFICE USE ONLY

## Ownership Information

Property Owner: Hickory Grove Baptist Church, Charlotte, NC, Inc.

Owner's Address: 6050 Hickory Grove Road
Charlotte, NC 28215

Date Property Acquired: 12/31/86; 7/31/90

Tax Parcel Number: 103-211-25,10; 103-211-05

## Location Of Property (address or description)

Southwest corner of Hickory Grove Road and East Harris Blvd.

## Description Of Property

Size (Sq Ft.-Acres): 19.927 acres

Street Frontage (ft.): 1,364.72' - E. Harris Blvd.

Current Land Use: Church and single-family house

## Zoning Request

Existing Zoning: R-I and R-12

Requested Zoning: R-I with Site Plan Amendment

Purpose of Zoning Change: To permit expansion of parking onto newly acquired land, rearrange a portion of existing parking and amend future building footprint plan.

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204
Telephone Number

333-1680

Hickory Grove Baptist Church, Charlotte NC, Inc.
Name of Petitioner(s)

6050 Hickory Grove Road
Address of Petitioner(s)

Charlotte, NC 28215
Telephone Number

537-0969

R. Allen Blair
Signature

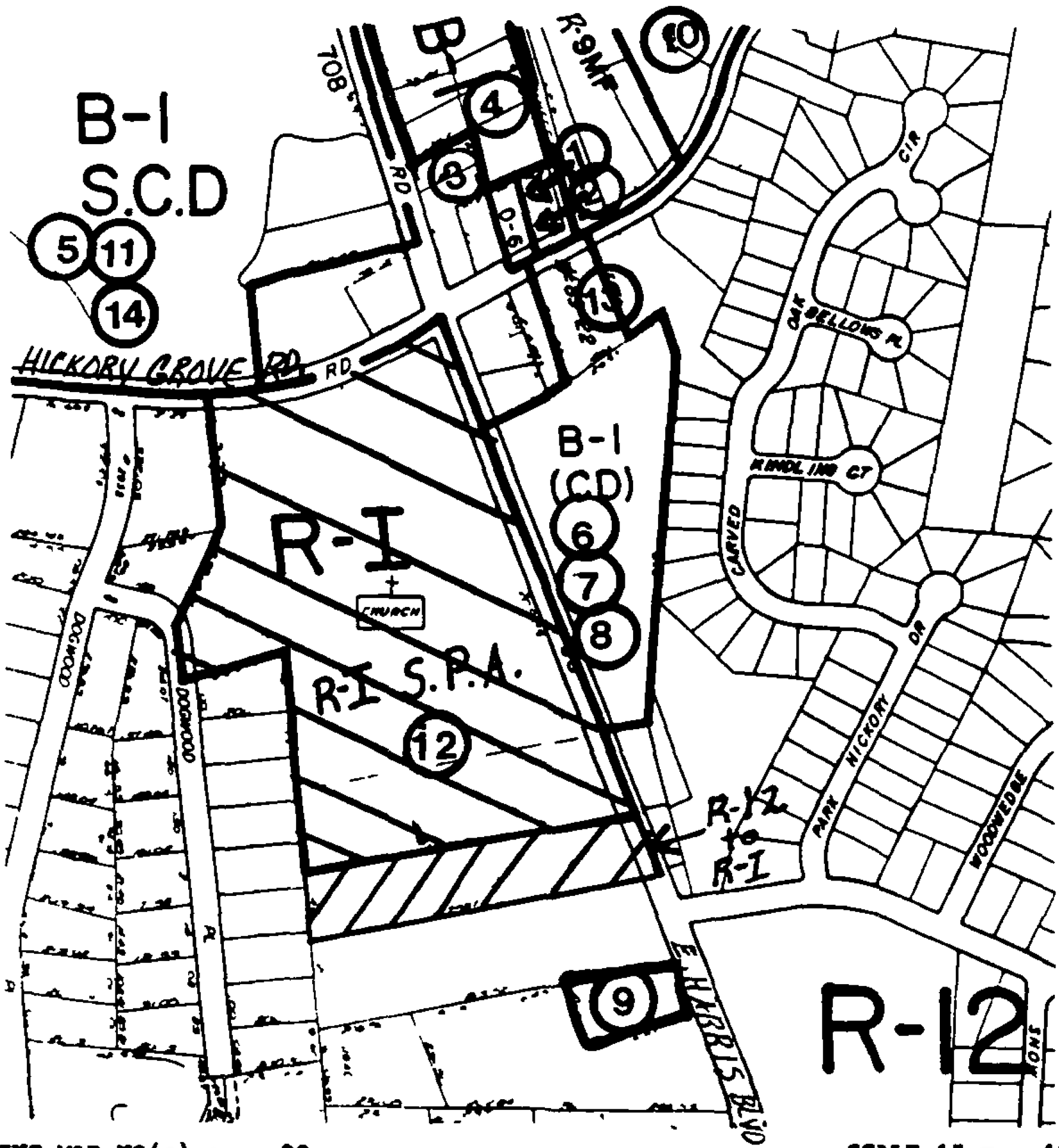
Signature of Property Owner If Other Than Petitioner

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

**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 91-28**

**PETITIONER: HICKORY GROVE BAPTIST CHURCH**

**LOCATION: SOUTHWEST CORNER OF HICKORY GROVE ROAD AND EAST W. T. HARRIS BLVD.**

**REQUEST: CHANGE FROM R-12 & R-I & CONSIDERATION OF A SITE PLAN AMENDMENT TO THE EXISTING R-I**

In 1986, the City Council approved the rezoning of almost 17 acres of land at the southwest corner of Hickory Grove Road and W. T. Harris Blvd. to the Residential-Institutional classification in order to permit the construction of the Hickory Grove Baptist Church. The construction of the primary sanctuary and educational facility has been completed and has enabled the church to continue to grow and provide a service to the entire community.

As the church continues to prosper, there is an ever present need to provide additional parking and to further refine the portions of the development plan not yet complete. Therefore, this request has been filed to provide for the rezoning of approximately 2.6 acres of land to the south of the existing parking area for the purpose of adding to the amount of parking spaces available. This brings the parking area adjacent to the City of Charlotte Fire Station and creates no unreasonable land use pattern relationships. There was shown on the original plan to the south of the main building an area which would be devoted to the construction of one additional building to serve the educational needs of the congregation. The submitted plan now refines the location of that structure and relates it to the other buildings already in place. While this is technically a Site Plan Amendment, it only clarifies and further details the building plan rather than proposing anything substantially new or different.

The site plan has been prepared to meet all current standards as to parking lot design and landscaping as well as providing screening and buffering to the residential area to the west. As a matter of fact, additional berming and landscaping has been committed on the plan as a result of comments received in a neighborhood meeting held several weeks ago.

The Prehearing Staff Analysis indicates that all of the comments received from various departments in reviewing this proposal have been addressed and that there are no outstanding land use or site plan issues. Indeed, this is a minor request which will enable the church to better perform its services to the area. Your approval of this request is sought on behalf of the Petitioner.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-29

Petitioner: Arthur G. Bartlett

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

Request: Change from R-12 to R-12MF(CD).

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-12 with the majority of the land surrounding it zoned R-12 as well. To the north of the subject property there is a large R-9MF tract and to the east on Sharon Amity Road and Havencrest Drive there is an O-15(CD) tract.

2. Existing Land Use. The subject property is presently vacant with single family residential development surrounding the property on all sides. While there is an R-9MF tract to the north of the subject property, it is predominately a single family development with a few small multi-family projects interspersed throughout the single family development. To the east of the subject property there is an apartment complex fronting on Sharon Amity Road at the railroad crossing. Institutional uses in the general area of the site are three churches and a day care center all fronting on Sharon Amity Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the existing residential development in the area of the subject property with a neighborhood commercial center at the intersection of Randolph Road and Sharon Amity Road (Cotswold). The plan calls for preserving and revitalizing existing neighborhoods which frame the inner city; intersection and road improvements; extension of the greenway system in the area and intensification of development at Cotswold Shopping Center.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the construction of a median in Sharon Amity Road from Providence Road to Addison Drive (unscheduled); Monroe Road widening scheduled in FY91; intersection improvements at Sharon Amity Road and Providence Road, Sharon Amity Road and Randolph Road (FY91); and Sharon Amity Road and Monroe Road.

4. Site Plan. The site plan which accompanies this request calls for the construction of two buildings to house the activities of a fraternal organization. The buildings will be built in two phases. Phase I will be 4,920 square feet with an approximate

height of 37 feet. The footprint also indicates future expansion of 3,600 square feet. The Phase II footprint is labeled an activities building of 3,750 square feet with a height of 36 feet. It provides as well for expansion of an additional 2,500 square feet. There is one access to the site from Castleton Road which is a local residential street (40 foot right-of-way). The entrance is shown as being divided with two drives both of which are 26'0" wide. Screening is indicated around the perimeter of the site but the information given is insufficient to determine if it will be effective. Also no width is specified for this screening strip. The majority of the site will be a parking lot with the exception of a multipurpose court at the western property edge. Due to the configuration of the proposed site the resulting site plan is very linear with little consideration of building relationships; circulation or relationships to surrounding residential development.

5. School Information.

| Schools | | Capacity | Enrollment |
|---|---|---|---|
| Elementary: | Cotswold | 572 | 671 |
| Junior High: | Randolph | 902 | 1,053 |
| Senior High: | West Charlotte | 1,380 | 1,686 |

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 68-64 | R-15 to R-12MF & O-6 | Denied | 08/26/68 |
| 2. 79-15 | R-15 to O-15(CD) | Approved | 05/14/79 |
| 3. 85-1 | R-15 to R-15MF(CD) | Denied | 03/09/85 |
| 4. 85-15MSUP | MSUP for a retirement comm. in a res. dist. | Denied | 07/01/86 |

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of land to accommodate a fraternal organization, a use which requires at a minimum a multi-family zoning category. The 2005 Plan indicates existing residential use in the area of this petition. In addition, it calls for the preservation of these existing neighborhoods. While this petition proposes a residential category, the proposed use and unusual configuration could have a negative impact on the surrounding neighborhood. For this reason, this petition is not consistent with publicly adopted plans and polices.

2. Technical Consistency.

1. Pre-Hearing Staff Input. Agents for the petitioner met with the staff prior to the filing of this petition. Staff discouraged the petitioner from pursuing this application due to the unusual configuration and location of the site in relation to the surrounding residential neighborhood. In addition, the staff expressed a number of technical comments regarding the site plan for consideration by the petitioner.

2. Departmental Comments. This petition raised a number of comments from the reviewing departments and agencies. City Engineering requested that general notes be added to the plan stating that a grading permit will be required per City Code Chapter 18; stormwater detention facilities will be provided according to the ordinance; driveway permits will be in accordance with the Charlotte Driveway regulations; and compliance with the tree ordinance. (As submitted, the site plan is not in compliance with the tree ordinance.)

CDOT requested that the petitioner clarify and/or revise the driveway off of Castleton Road. They recommended that it be divided with two one-way drives 20 feet minimum width each or a two-way drive with a minimum width of 26 feet. They also commented that the petitioner should indicate on the site plan the dedication of right-of-way, totalling 50 feet from centerline along North Sharon Amity Road. Also parking tabulations should be added to the plan indicating number of spaces required and number of spaces provided. In addition they commented that as presently zoned the site could generate approximately 132 to 144 trips per day and under the proposed zoning the site could generate 329 to 423 trips per day. However, this will not have a significant impact on the surrounding thoroughfare system.

Building Standards requested that a note be added to the plan stating that there will be no access to Windemere Lane and that a site tabulation chart be included on the plan.

Planning staff requested that the parking on Castleton Road be eliminated; a 35 foot setback be shown along North Sharon Amity Road in which there will be no parking or maneuvering; screening should exceed the ordinance requirements given the poor relationship with surrounding residences; maximum height of lights shall be 10 feet; and a statement of how noise abatement will be handled.

On the revised site plan the petitioner has addressed all comments except for adding a note stating that there will be no access to Windemere Lane from the proposed site. Also it

is still indeterminable whether or not the proposed plantings will be sufficient to screen the parking lot from the adjoining residential properties.

ISSUES

1. Land Use. This petition as presented raises a land use issue in that the configuration of the actual site is not suitable for multi-family zoning. In addition, the plan calls for residential land uses in this area and this petition is proposing a fraternal organization rather than a residential use. For this reason the petition is not appropriate for approval from a land use standpoint.

2. Site Plan. The site plan itself raises a number of serious concerns. While the petitioner has made every effort to address staff review comments on his revised site plan, the petitioner cannot overcome the overriding issue of the actual configuration of this particular tract of land. The narrow lot configuration is the driving force behind a site plan which is primarily a linear parking lot which backs us to a number of shallow, residential lots with the screening as shown being inadequate to mitigate this problem. Therefore, the site plan raises several concerns as to its impact on the surrounding neighborhood and is therefore not appropriate for approval.

CONCLUSION

This petition in its present form is not appropriate for approval. The proposal raises serious concerns about its relationship to surrounding properties due to the unusual dimensions and configuration of the land.

*Subject to further refinement following public hearing.

**ADVANCED IMAGING SYSTEMS**
*Any Document, Anywhere Anytime - (704) 525 - 4392*

# The Following Image(s) are...

(Check one of the following)

☐ Photocopy

☐ Poor Quality Original

☐ Other_____

91-29

**Notes:**

Maximum height of lights to be 10'-0".

Grading permit in accordance with Chapter 18 of the City Code.

Stormwater detention facilities in accordance with the Drainage Detention Ordinance.

Trees will be required in accordance with Chapter 21 of the City Code

A tree survey and preservation plan is required before grading and construction begins.

All tree preservation barricades for the Tree Preservation Zone and buffer areas shall be installed prior to any grading activities.

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

No large maturing trees will be planted under overhead powerlines.

The average age of the membership of the York Rite Masonic Bodies and the Meszah Chapter of Eastern Star is approximately 58 years of age. The membership of the user organization is mature adults and conduct themselves accordingly. A similar use would be a Church with minimum noise generated. The site will be heavily landscaped on the property, [illegible] creating sound buffers between the neighbors and our facility.

There are no utilities to our knowledge that will pass through the tree protection zone.

R-12 PROPERTY OF HOYT RIDENHOUR TAX# 157-203-09 N. SHARON AMITY

R-12 PROPERTY OF MRS. DORA ALLEN CRAIG TAX # 157-203-10
1030 N SHARON AMITY RD.

SITE TABULATION

Property of Charlotte York Rite
Tax # 157-203-11

Site is 3.45 Acres

Square Footage of Proposed Structures
Phase 1: 4,920 Sq. Ft.
Future Expansion (Phase 1): 3,600 Sq. Ft.
Phase 2: 3,750 Sq. Ft.
Futrue Expansion (Phase 2): 2,500 Sq. Ft.

Parking
Phase 1: Required - 30
Provided - 52

Phase 2: Required - 44
Provided - 87

R-12 PROPERTY OF HOYT A RIDENHOUR TAX # 157
194 TANGLE DR

ITY

# 157-203-10

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 91-29

Date Filed March 14, 1991

Received By MCM

OFFICE USE ONLY

## Ownership Information

Property Owner CHARLOTTE YORK RITE BOARD OF TRUSTEES

Owner's Address P.O. Box 9447 Charlotte, N.C. 28299

Date Property Acquired 1/12/87

Tax Parcel Number 157-203-11

**Location of Property** (address or description) Castleton Road

## Description of Property

Size (Sq Ft -Acres) 3.45 Acres Street Frontage (ft) 208.88' Castleton Road

Current Land Use Vacant

## Zoning Request

Existing Zoning R-12 Requested Zoning R-12 MF-CD

Purpose of Zoning Change Build a Fraternal Organization

Architectural Planning Associates, P.A.
Name of Agent

1136 Greenwood Cliff Charlotte, N.C. 28204
Agent's Address

(704) 338-9637
Telephone Number

Arthur M Bartlett Chairman
Name of Petitioner(s)

PO Box 9447
Address of Petitioner(s)

Charlotte NC 28299-9447
Telephone Number

704 527 3840

Signature

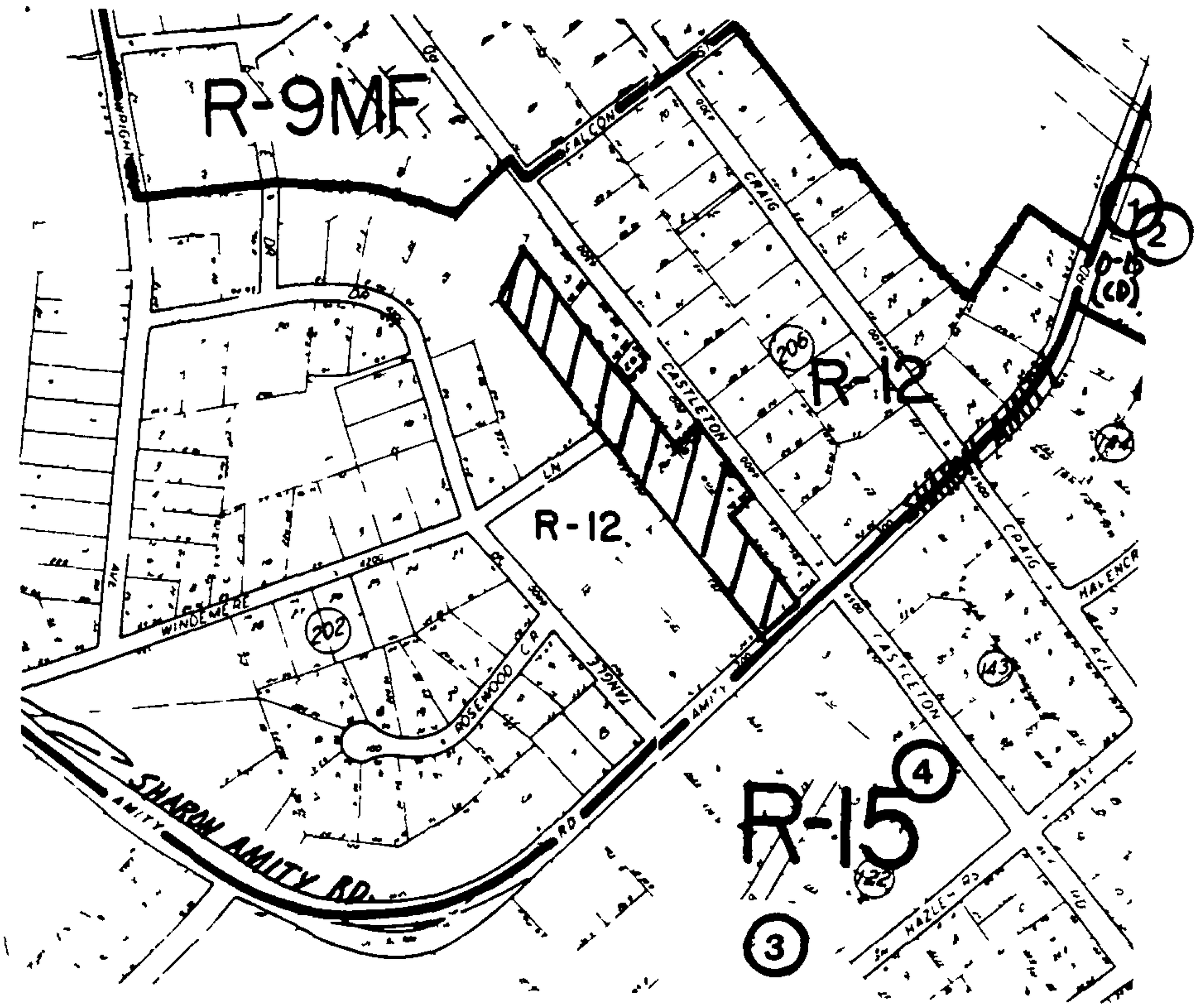
Arthur M Bartlett Chairman
Signature of Property Owner
if Other Than Petitioner

PETITIONER: Arthur G. Bartlett

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

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

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




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

- PROPERTY PROPOSED FOR CHANGE

**Architectural Planning Associates, p.a.**

**Nordman-Associates**

1136 Greenwood Cliff Charlotte N.C 28204

Theodore P Nordman, AIA (704)338-9637

91-29

May 8, 1991

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
600 East Fourth Street
Charlotte, NC

Ref: Rezoning Parcel # 157-203-11
To R-12-MF-CD for
York Rite Masonic Bodies

Dear Planning Commission:

**1. Receipt of Review**

We have come in receipt of the planning staff's review comments dated April 29, 1991 and we find numerous points that we take exception to and should be further explained. Please accept this letter as part of the petitioners rezoning conditional usage.

**2. Additional Landscaping Beyond Code**

A. In regards to the comment of providing additional plant screening from the neighbors property we would like to further explain the existing conditions and additional plantings that the petitioner will provide. The property on the west side of The York Rite Center property consists of three very large parcels that are heavily wooded and are zoned R-12. The first parcel at 1030 North Sharon Amity has an existing dwelling that is approx. 60'-0" from the property line with a heavy wooded area between the house and the property line with York Rite Center (see attached picture 1). The house cannot be seen from the York Rite Site and the heavy foliage is extended in The York Rite Property approx. 10'-0". The additional landscaping as per our proposal would be even making the forest atmosphere more dense with a controlled hedge separation.

B. In regards to the properties on the east side of The York Rite Site, the petitioner will be adding additional landscaping with two rows of hedge plants @ 3'-0' on center in addition to the new trees @ 20'-0" on center. Additionally a berm will be created at the property line to help elevate the landscape planting and create a solid buffer at the initial stage. The Keller property consists of a 2 car garage portico at the left end of the house but the closest point of the residential portion of the house is 31.5' as per our field report (see attached picture 2).

**3. Reducing Site Parking With 48' Buffer**

In our review with the petitioner and in review of the parking with Ms. Cathy Verdone, we have decided to eliminate one row of parking in the second phase area and provided a landscaped grassed area on the east side property line creating a buffered area approx. 48'-0" from the parking area and a 15'-0" planting buffered area (next to forest) on the west side creating dense buffered lot separation (see attached layout).

4. Impertinent Review of Unused Schematic Sketch

In regards to the comments of your staff, numerous items that were included concerned off the record comments of a site plan that was never submitted with the petition and therefore the comments are not pertinent directly or indirectly to the petition being presented. We therefore request The Planning Commission or any other parties reviewing the staff comments to disregard their inclusion and to respond only to the site plan as per our submittal of April 19,1991 and the contents of this letter with its attachments.

5. Community Acceptance

In regards to the acceptability and the proper usage of the site within the Castleton neighborhood area, we would like to again enlighten all parties concerned that the neighborhood and surrounding property owners of The York Rite Site have "unanimously endorsed" the development of the properties as per our submittal. We feel that the wishes of the neighborhood for the inclusion of our rezoning and the development of the properties as per our submittal should weigh heavily in your approval of The York Rite Center.

6. Intent of Purchase

On January 12, 1987 The York Rite Bodies purchased the property from The Charlotte Montessory Schools for the sole purpose of developing the property as per our submittal. At the time of purchase, The York Rite Masonic Bodies were informed that the property was properly zoned for the inclusion of their facilities. Since the purchase, The Planning Commission has changed the requirements of the inclusion of a conditional design rezoning. The additional expenses of a $1,005.00 filing fee and thousands of dollars of planning and preparation costs are additional expenses that were not the requirements at the time of the land purchase.

7. Environment Enhancement

The York Rite Bodies have worked very closely with the Castleton neighborhood and surrounding property owners to come up with the most desired site usage for the property. The entry area for the facilities is thru a tree lined entry with gardened and landscaped areas between Castleton and the new facilities. The results are an enhancement of the environment with a land usage in harmony with the environment and the neighborhood.

8. Donation to City

It should be noted that The Charlotte York Rite Center will donate to the City of Charlotte the 50'-0" right-of-way as proposed by The Planning Commission at no cost upon approval of this rezoning. This transferring of property rights would save the City of Charlotte a substantial sum in their acquiring of this right-of-way.

9. Past Zoning Rejections

In past zoning requests for this property, the Castleton neighborhood has unanimously protested the rezoning attempts for a retirement center, an apartment complex and for office zoning. The approval of our site usage with the communities approval is a substantial change in the perception of our facilities as an enhancement to the Castleton area.

**10. Ideal Location for Fraternal Organization**

It has been proven through the past experience of the location of thousands of fraternal facilities throughout America that the ideal location for a masonic facility is in a single family neighborhood. By the nature of a masonic facility being utilized by mature, religious, concerned and social consciousness members, the masonic facility becomes a positive inspiration to the residential neighborhood.

**11. Users of Proposed New Center**

The Center is being developed jointly by The Charlotte York Rite Bodies and The Mizpah Chapter of The Order of Eastern Star. The York Rite currently meets at the Setzer Lodge located in a residential neighborhood off Woodlawn Road. Mizpah Chapter's, a womens and mens organization, currently meets at the Excelsior Lodge in a residential neighborhood off Litchfield Road near the proposed site. The average age of the members in the organizations is approximately 58+ years of age. Approximately 85% of the members of the Mizpah Chapter are the daughters or wives of Masons with 15% being masons.

**12. Planning Staff's Perceptions**

Based on the Plannings Staffs misconception of a Masonic Facility and how they actually improve residential communities, it appears that the Planning Staff has never attended a Masonic meeting or been to an Eastern Star meeting. To the best of our knowledge, all of The Planning Staff that was involved with the review were non-masons with a limited knowledge of Masonry and the positive benefits the facility would provide to the neighborhood. The issues noted in The Planning Staff's review are totally non-issues with incorrect conclusions and concerns. By stating the incorrect issues as fact, The Planning Staff has made a incorrect conclusion.

**13. Site's Best Usage**

Having served as the town planner for such communities as Cornelius, Huntersville, Cramerton and Great Falls in the Metrolina Area for the past 15 years, we have experienced numerous land planning rezoning and modified land use considerations. Based on this extensive knowledge of the planning process and working with neighborhood groups for the incorporating of facilities such as a fraternal organization in a residential area, we have found the fraternal facility has been a positive and welcomed addition to the communities. We feel the Charlotte York Rite Center is the highest and best use for the site and the longitudinal direction of the site from Castleton serves as a central focal point for the entire property. The central access to the site makes the total site convenient and accessible.

**14. First Phase Site Plan**

The first phase consists of a 4,920 sq. ft. building with thirty (30) parking spaces along the west property line. The building will have a mezzanine for storage and related masonic activities. The first phase site is separated from the Phase II site area by a controlled fence screen and plantings.

## 15. CONCLUSION

The petitioner with the assistance of Architectural Planning Associates has produced the ideal site usage with the approval of all parties in the Castleton community area. The proposal raises no concerns with its relationships to the surrounding properties as demonstrated by the adjacent owners approval of the Charlotte York Rite Centers site plan. This welcomed community enhancement has been welcomed with open arms and is requested for approval by many of the neighbors in the area.

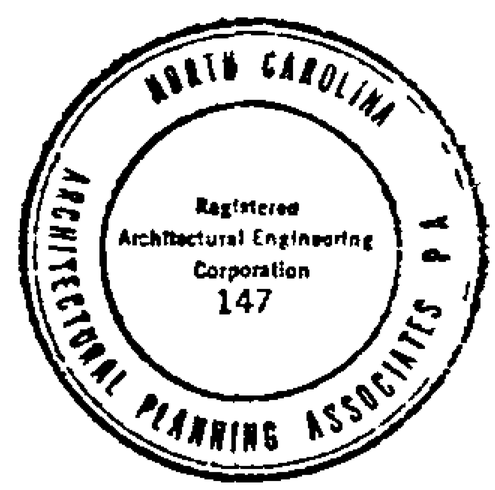
Therefore, Whereas the Castleton community requests the approval of the Charlotte York Rite Center site plan; and whereas, the neighborhood has endorsed the Charlotte York Rite Bodies request for rezoning to R-12-MF-CD; and whereas, the petitioner has accepted the inclusion of substantial landscaping and planting to the site in excess of the zoning requirements; and whereas, the petitioner will not locate the parking area within 48'-0" on the east side in Phase II, and whereas; a masonic facility located within a residential area is proper, legal and acceptable to the neighborhood; and whereas, the property was purchased over 4 years ago for the sole purpose as requested; and whereas, the starting of this project will be a positive stimulus to the economy at this time; and whereas, the projects known positive values greatly exceeds any negative thoughts; and whereas, the petitioner shall continue to work with the neighborhood for the common good; **Therefore, Be it resolved that the rezoning be granted as proposed and amended as by this letter.**

Respectfully Submitted,

**Architectural Planning Associates, PA**

Theodore P. Nordman,AIA
President

Attachments: Pictures of site
Site Plan of Phase II
Approval petition of neighborhood



# YORK RITE CENTER SITE PHOTOS

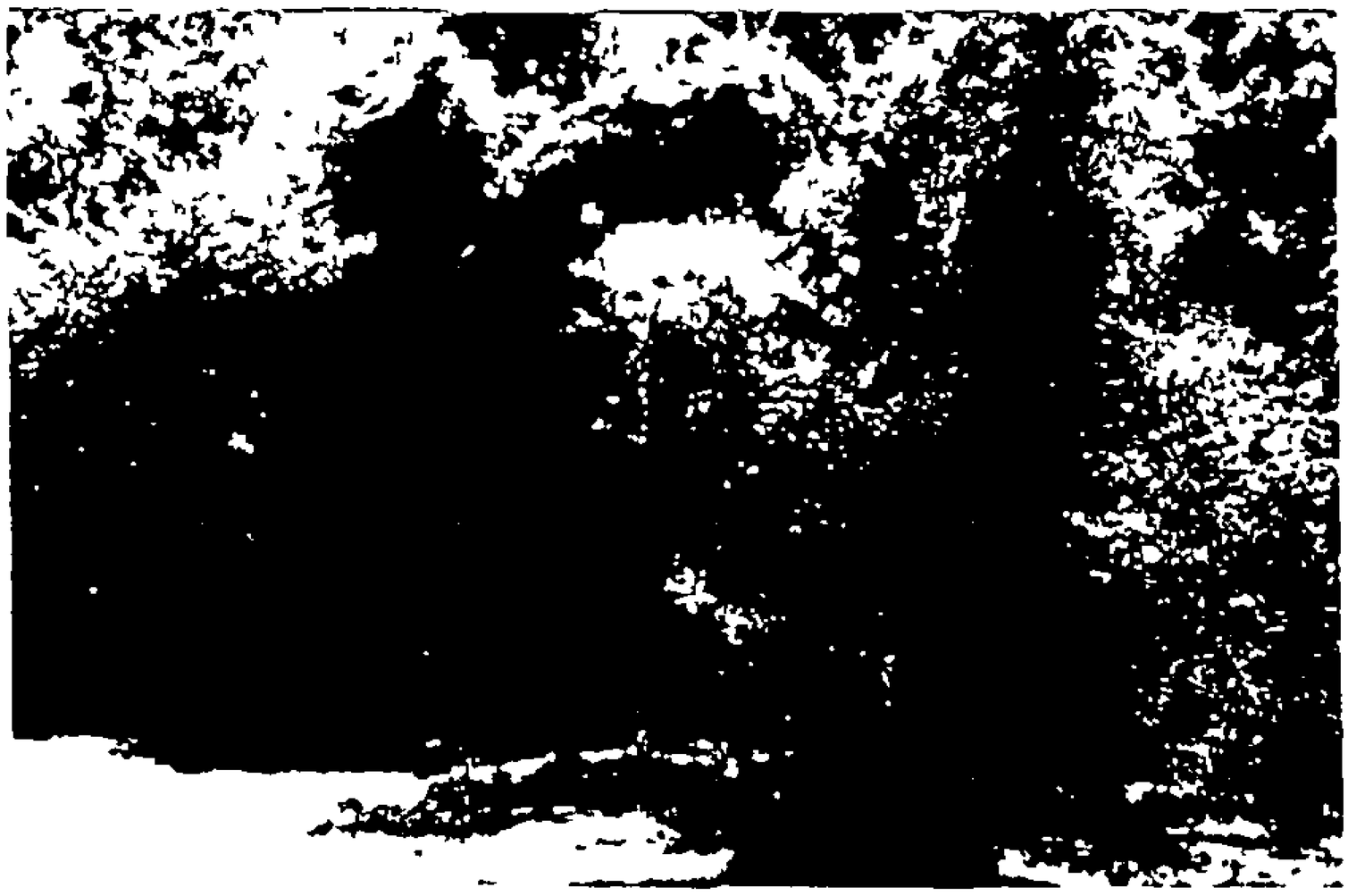


Photo 1 - Typical West Side Property Line

Photo 2 - Keller Property Showing Carport

# YORK RITE CENTER SITE PHOTOS

Photo 3 - Least Foliage of West Property Line

Photo 4 - Johnson Property Line

YORK RITE SITE PLAN
SECOND PHASE LAYOUT

PHASE 1 PHASE 2

NO ACCESS TO
WINDMERE LANE

N 37° 5 28' W 1059 16

HC HC

62'-0"

7'

18'

80'-0"

SQ FT.
EXPANSION

REQUIRED PARKING - PHASE 2. 44
PROVIDED PARKING - PHASE 2. 57

PHASE 1 SCREENING
LINE AS PER CODE

GRASSED AREA

48'-0"

TREES TO BE AT APPROX 20'-0" OC
SHRUBS TO BE IN AN ALTERNATING ZIG-ZAG
PATTERN AT APPROX 3'-0" OC

S 37° 18 34" E 300.36'

42.17
S 37° 15' 57" E

S 37° 16' 16" E 178.93'

R-12 PROPERTY OF CLOIS AND DORIS CHALKER
TAX # 157-203-14
4340 CASTLETON RD

R-12 PROPERTY OF
HARRY SWIMMER
TAX # 157-203-25
CASTLETON RD

R-12
PROPERTY OF BARBARA KELLER
4326 CASTLETON RD

N 47° 25'28" E 99.83'

20.09'

MEET THE 10'x70'
IGLE REQUIREMENTS

CASTLETON RD.
40' R/W

R-12 PROPERTY OF

R 12 PROPERTY OF

May 3, 1991

**PETITION FOR APPROVAL OF**
**THE YORK RITE CENTER REZONING APPROVAL**
**TO R-12-MF-CD**
Castleton Road and North Sharon Amity Road
Charlotte, NC

We the undersigned are neighbors to the above noted site for The York Rite Center and we have reviewed their site plan usage requested as part of the conditional design rezoning. We feel that The York Rite Center in our neighborhood would be a positive asset to our community and we approve of the site usage as requested.

| NAME | ADDRESS | PHONE NO. |
|---|---|---|
| 1. Helen M Cagle | 4411 Castleton Rd | 3661076 |
| 2. Dan Mackin | 4401 Castleton Rd | 365-9514 |
| 3. [illegible] | 4340 ~ | 3663757 |
| 4. Lois Soule | 4347 Castleton Rd | 366-8053 |
| 5. Jessica Gray | 4339 " " | 366-6158 |
| 6. Myrtle Wilson | " " " | " |
| 7. Mary Ellen Clark | 4329 " " | 366-5823 |
| 8. James E Clark | 4329 " " | 366-5823 |
| 9. Barbara Keller | 4326 | 3662256 |
| 10. Ralph E Mitchell | 4499 Castleton Rd | 366-1606 |
| 11. Betsy J Kemo | 1239 N. Sharon Amity Rd. | 365-9170 |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-30

Petitioner: Presbyterian Health Services Corporation

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned a combination of R-6MFH and B-1. The parcel located at the intersection of Clement Avenue and East Fifth Street is zoned R-6MFH and the parcel located on East Fifth Street just north of Caswell Road is zoned B-1. The zoning of nearby properties includes O-6 across East Fifth Street for properties occupied by Presbyterian Hospital and Mercy Hospital and to the north in the area of Hawthorne Lane United Methodist Church. Properties located along Seventh Street are predominately zoned B-1. Properties located at the intersection of Greenway Avenue and Caswell Road are zoned O-6 and O-6(CD). Several properties located south of Clement Avenue along Park Drive are zoned R-6MFH.

2. Existing Land Use. The portion of the subject property located on Clement Avenue is presently vacant and the other parcel is used as a parking lot. The parcel located between the petitioned properties is vacant. Across East Fifth Street are Presbyterian and Mercy Hospitals. To the north between East Fifth Street and Park Drive is Kings College, an office and a small multi-family complex. To the south of the subject property at the intersection of East Fifth Street and Caswell Road is an office and the Studio Shop. Other nearby properties located along Park Drive are used for a variety of purposes including office, multi-family residential, and single family residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses and recognizes Independence Park in the area of the subject property. The plan indicates the creation of a Development Enterprise Zone in the Midtown area extending roughly from Morehead Street to Hawthorne Lane and including the area around the three major hospitals to encourage a high intensity district of offices, shops, and housing. The plan also recognizes a potential light rail station and corridor nearby. The light rail transit line would link Uptown Charlotte with Pineville and UNCC.

2. Elizabeth Small Area Plan. The Elizabeth Small Area Plan, adopted in November, 1985, encourages new housing development on key sites around or near Independence Park including along Park Drive at Greenway Avenue. The Elizabeth plan recommended the rezoning of several properties located along Park Drive from 0-6 to R-6MFH. The portion of the subject rezoning petition which seeks rezoning from R-6MFH to 0-6 was rezoned in 1987 from 0-6 to R-6MFH.

3. Central District Plan (pending). The draft Central District Plan proposes rezoning of the subject property as well as other properties located along Park Drive to an urban residential district to provide the opportunity for urban scale residential development and ground floor retail/office uses around and adjacent to Independence Park and to restrict the amount and type of nonresidential uses.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 63-60 | 0-6 to B-1 | Denied | 10/21/63 |
| 2. 63-72 | 0-6 to B-1 | Denied | 04/27/69 |
| 3. 72-36 | R-6MF to 0-6 | Approved | 08/07/72 |
| 4. 73-37 | R-6MF to R-6 | Approved | 11/19/73 |
| 5. 83-36 | B-1 to B-2(CD) | Approved | 09/19/83 |
| 6. 70-29 | 0-6 to B-1 | Approved | 03/02/70 |
| 7. 87-66 | 0-6 to R-6MF | Approved | 09/21/87 |
| 8. 87-73 | R-6MF to 0-6(CD) | Approved | 10/19/87 |
| 9. 87-34 | 06 to R-6MFH | Approved | 06/22/87 |

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

REVIEWS

1. Plan Consistency. 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. In addition, the adopted Elizabeth Small Area Plan recommended infill residential development to take advantage of the amenity provided by Independence Park.

Therefore, this petition is considered inconsistent with pending and adopted public plans for the area.

2. Technical Consistency.

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

   2. Departmental Comments. Due to the conventional nature of this petition there are very few departmental comments. CDOT indicates that the site could generate approximately 88 to 96 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 231 through 252 trips per day.

ISSUES

1. Land Use. This petition raises a land use issue in that it proposes rezoning from residential and commercial to office in an area in which publicly adopted and pending plans envision urban scale residential infill housing and ground floor office/retail uses. The requested zoning district would not promote those goals and would allow, for example, a parking lot. However, it is recognized that the existing zoning pattern is mixed and the B-1 zoned portion of the petitioned site also does not promote the plan's goals. It is also recognized that the proposed use specified on the application would be an asset to the neighborhood even though that use may not be considered as part of the request. As the medical community continues to grow, it is reasonable to expect that smaller parcels near the hospitals will come under pressure to be converted to support uses. The public must balance their needs with other competing objections. In view of the land use direction called for in both the Elizabeth and pending Central District Plans, the petition is not considered appropriate for approval.

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

CONCLUSION

This petition is not considered appropriate for approval as submitted.

*Subject to further refinement following public hearing.

107 IC

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 91-30
Date Filed March 14, 1991
Received By [illegible]
OFFICE USE ONLY

## Ownership Information

Property Owner: Presbyterian Health Services Corporation

Owner's Address: P. O. Box 33549

Charlotte, NC 28233

Date Property Acquired: March 15, 1988

Tax Parcel Number: Portion of 127-036-01

## Location Of Property (address or description)

Northeast side of East Fifth Street between Clement Avenue and Caswell Road

## Description Of Property

Size (Sq Ft.-Acres): Approximately .57 acres

Street Frontage (ft.): 157' on East Fifth St.

Current Land Use: Vacant

## Zoning Request

Existing Zoning: R-6MF and B-1

Requested Zoning: O-6

Purpose of Zoning Change: To unify the zoning classification on a single parcel of land which will be used for a child development center.

Fred E. Brya [illegible], Planner
Name Of Agent

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

Charlotte, NC 28204
Telephone Number

333-1680

Presbyterian Health Services Corporation
Name of Petitioner(s)

P. O. Box 33549
Address of Petitioner(s)

Charlotte, NC 28233
Telephone Number

384-4942

Richard T. Howerton III
Signature Exec. Vice President

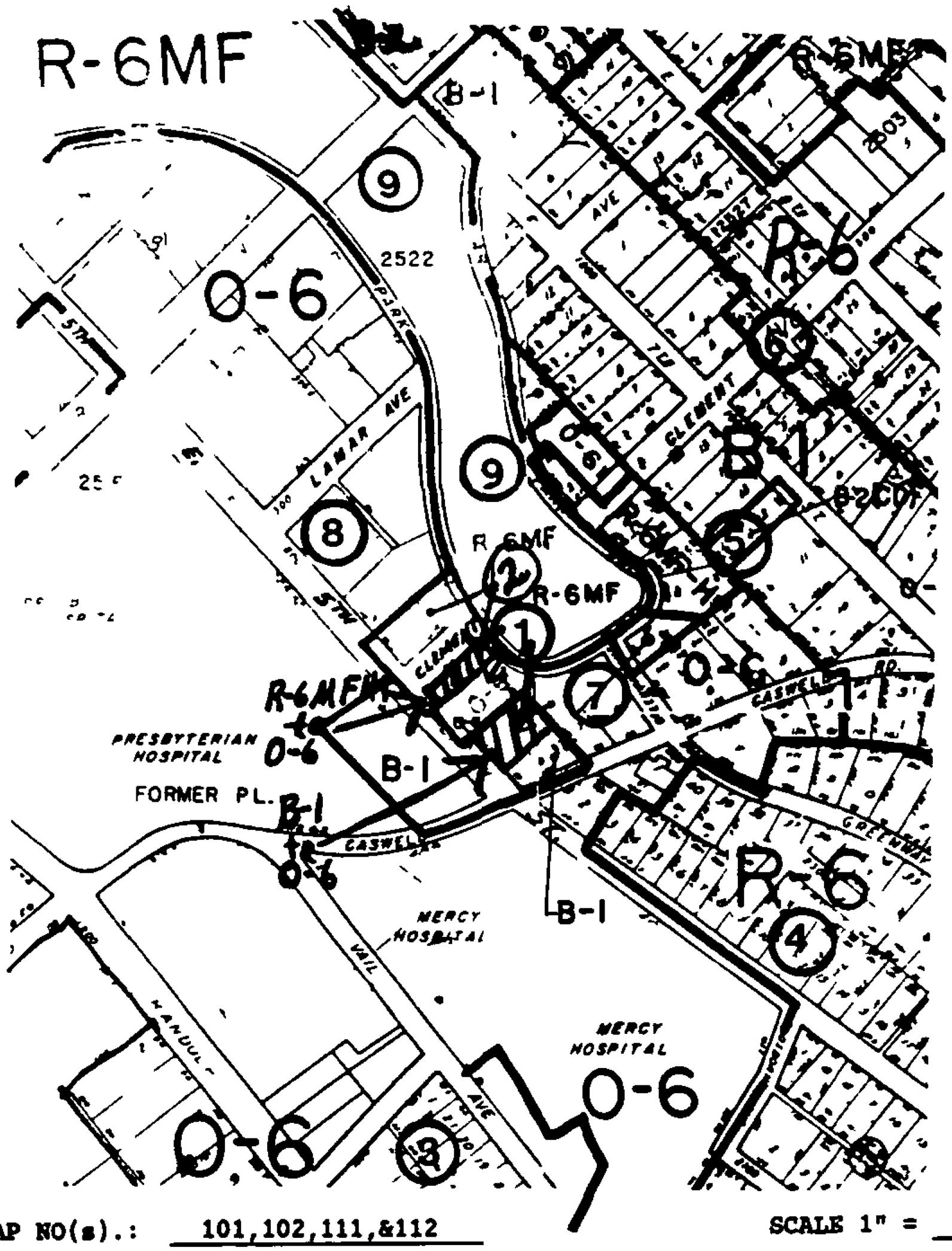
Signature of Property Owner if Other

PETITIONER: Presbyterian Health Service Corporation

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

ZONING CLASSIFICATION, EXISTING: R-6MF/& B-1 REQUESTED: O-6

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




ZONING MAP NO(s).: 101,102,111,&112 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 91-30**

**PETITIONER: PRESBYTERIAN HEALTH SERVICES CORPORATION**

**LOCATION: EAST FIFTH STREET BETWEEN CLEMENT AVENUE AND CASWELL ROAD**

**REQUEST: CHANGE FROM R-6MFH & B-1 TO O-6**

Presbyterian Hospital has been a pioneer in the field of providing child care facilities for its employees. In the very competitive market for health services personnel, the ability to provide care facilities for the children of employees is an essential ingredient in the operation of a large and successful hospital such as Presbyterian. Due to the ever-increasing demand for child care facilities, the hospital has for some time been planning the construction of a new and enlarged child development center and school of nursing. The location chosen for this facility is the block of East Fifth Street from Clement Avenue to near Caswell Road and extending back to Independence Park. In fact, except for the corner of Caswell and Fifth an entire block is included in these plans.

In 1987, an attempt was made to rezone much of this block from business and office to residential in order to relate to the Elizabeth Area Plan. Shortly after this attempt was voted down by the Charlotte City Council, Presbyterian Health Services Corporation began acquiring the property for the stated and intended purpose. This purchase was completed in 1988, and immediate planning for the building and land use was initiated. A $6,000,000 bond issue was approved by the State and sold through the Medical Care Commission. These bonds called for the construction to be completed by September, 1992, and it is expected that the construction will be initiated by July, 1991.

The need for this zoning change involves one very small segment of the property and requires that change only because it is anticipated that two shifts of child care services will be required to meet the needs of the employees, and the Zoning Administrator has ruled that a child care facility involving any residentially zoned land can be utilized only during daytime hours. This interpretation has been given despite the fact that only 50 feet of frontage of this entire block is zoned multi-family residential and none of the building or play space will be located on that lot. It is anticipated that it will be used for a very small amount of parking and driveway space. There is no question of use since the child development center is permitted under all of the zoning classifications in place on this property at the present time including the R-6MFH on the one lot.

It is extremely difficult to understand the Staff Recommendation on this matter since, in the issue discussion, a majority of the statements indicate that the intended use would probably be an asset to the neighborhood and that it is reasonable to expect that parcels near the hospitals will need to be converted to support uses. The extremely narrow view in recommending Rezoning

disapproval is related to the fact that the Elizabeth Plan indicated residential usage of this area (which was rejected by the City Council in 1987) and that a central area plan in the preliminary stages envisions a mixture of office and residential. A child development center should be viewed as an almost ideal transition use between the primary hospital block and any residential expectations which would occur on the opposite side of the park. At the time this is being written, the Elizabeth Neighborhood Organization has indicated to hospital personnel that it has no objection to this use of the property, and we anticipate by the time of the public hearing to have written endorsement from that source.

After considering the above statements, we hope it is obvious to the City Council and Zoning Committee that the following applies:

1. Presbyterian Health Services Corporation relied on the 1987 actions to indicate that the subject site would be available for use as a child development center and school of nursing.

2. Presbyterian Health Services Corporation has expended a substantial amount of time, effort and money in reliance on this expectation even to the extent of having approved and sold $6,000,000 in bonds.

3. The issue in question relates only to one small 50-foot frontage of land out of the entire block and does not involve any use issue, but only whether or not the facility can operate with two shifts.

4. In reality, there are no significant land use issues related to this zoning change and, in fact, it should be noted that the Petitioner is volunteering downzoning of a significant portion of the block from B-1 to O-6.

5. The overriding factors involved in this matter indicate that it is in the best interest of the hospital, its employees, the neighboring area and the community as a whole to have this petition approved.

The support of the Zoning Committee and the City Council are earnestly sought for this petition.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-31

Petitioner: Robert Rudolph

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-12 as are surrounding properties. East of Derita Road and north along Gibbon Road there is a large area of commercial zoning along with some office and multi-family districts.

2. Existing Land Use. The subject property presently contains two existing units, a burned out house, and a second new house. Surrounding the property on all sides is single family residential with approximately one-third of the lots vacant. A large residential project is currently under construction on a neighboring tract. Across Derita Road and along Gibbon Road are existing office and commercial uses. However, the predominant land use in the area is residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan shows existing residential land uses and a community commercial center in the area of the subject property. Strategies for the area include a light rail station and improvements to Mallard Creek Road. It also proposes relocating Mallard Creek Road to connect with Nevins Road and extending Graham Street to Mallard Creek Road. Additional transportation improvements include upgrading Cheshire Road. In addition, the 2005 Plan recognizes Derita as the springboard for residential growth in the Harris Boulevard area.

   2. Northeast District Plan. The Northeast District Plan recommends single family land uses with over one to four dwelling units per acre. A potential light rail station and neighborhood mixed-use center are shown in the general area.

   3. Derita Special Area Plan (adopted 1985). Goals of the Derita Plan are to protect the stability of existing single family neighborhoods and encourage additional residential development.

   4. Transportation Improvement Program. The Transportation Improvement Program includes the widening of Mallard Creek Road from the Graham Street Extension to Mallard Creek Church Road.

5. Charlotte-Mecklenburg Thoroughfare Plan. The Thoroughfare Plan shows the extension of Mallard Creek Road to connect with Nevins Road and the extension of Graham Street to Mallard Creek Road.

4. Site Plan. Since this is a conventional rather than a conditional rezoning petition, there is no accompanying site plan.

5. School Information. The School Board staff indicated that this petition will have no impact on the school system.

| School | | Capacity | Enrollment |
|---|---|---|---|
| Elementary: | Derita | 572 | 585 |
| Junior High: | Ranson | 600 | 832 |
| Senior High: | North | 1,130 | 1,212 |

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 68-28 | R-12 to B-1 | Denied | 05/27/68 |
| 2. 68-38 | R-12 to B-1 | Approved | 05/27/68 |
| 3. 69-86 | R-12 to O-6 | Approved | 09/22/69 |
| 4. 71-97 | R-12 to O-6 | Approved | 11/22/71 |
| 5. NOT USED | | | |
| 6. 85-35(c) | B-1SCD, R-12 & R-12MF to R-9(CD), R-12(CD), R-12MF(CD), R-15MF(CD) & B-1SCD | Approved | 11/04/85 |
| 7. 86-11 | R-9MF, B-1, I-1, & I-2 to R-12, R-15MF & B-1 | Approved | 03/17/86 |
| 8. 86-13 | I-1, O-6 to B-2, R-12 | Approved | 03/17/86 |

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

REVIEWS

1. Plan Consistency. 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 single family 7,500 square foot lots. Each of the existing units on the subject property would be on a separate lot. The proposed lot size would be compatible with new R-12 cluster development in the area and publicly adopted plans for this area recommend the continuance of single family neighborhoods with over one to four dwelling units per acre. Therefore, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition. Subsequently, the staff has communicated interdepartmental comments to the petitioner.

   2. Departmental Comments. Due to the conventional nature of this petition, there were few departmental comments. CDOT commented that the site could generate 22 to 24 trips per day under the proposed zoning. The present trip generation is approximately 11 to 12 trips per day. This would not have a significant impact on the surrounding thoroughfare system.

ISSUES

1. Land Use. This petition proposes the rezoning of tract of land from R-12 to R-6 single family residential. The publicly adopted plans and policies for this area recommend the continuance of single family neighborhoods. Therefore from a land use standpoint, this petition is considered appropriate for approval.

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

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No. 91-31
Date Filed March 11, 1991
Received By [illegible]

OFFICE USE ONLY

## Ownership Information

Property Owner: Robert O Rudolph

Owner's Address: 8412 Coulwood Oaks Ln

Date Property Acquired: 10-90

Tax Parcel Number: 045-142-11

**Location of Property** (address or description): 2535 Plum Street

## Description of Property

Size (Sq Ft -Acres): 15,000 ☐ Street Frontage (ft): 150 Ft.

Current Land Use: Residential

## Zoning Request

Existing Zoning: R-12 Requested Zoning: R-6

Purpose of Zoning Change: To Allow two existing houses to remain on Property one house burned would be refurbish Property would be subdivided into 2 Smaller lots

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Robert Rudolph

Address of Petitioner(s): 8412 Coulwood Oaks Ln

Telephone Number: O-399-4848 H-392-5122

Signature: [signature]

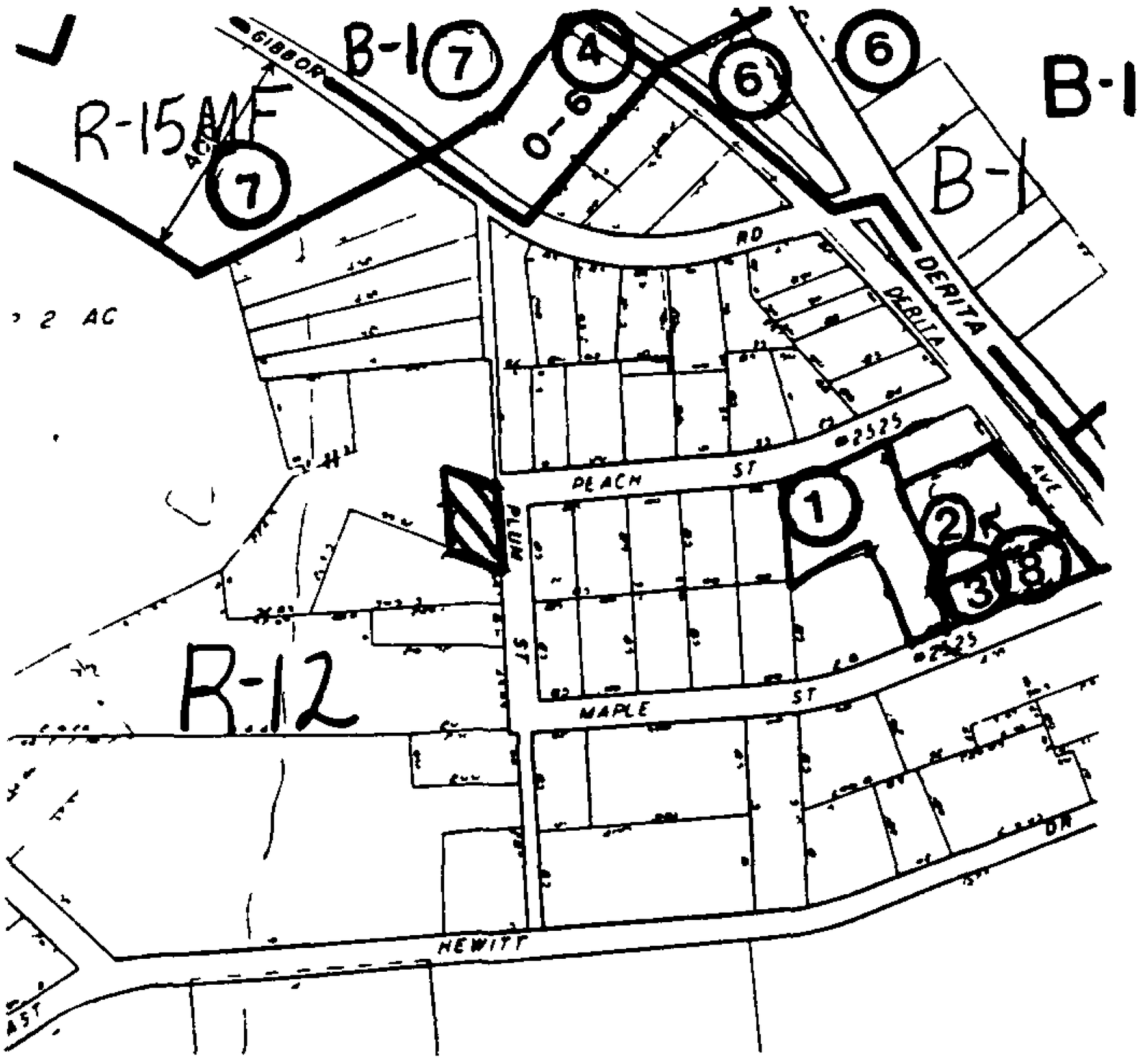
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-32

Petitioner: One Coltsgate Associates

Location: Approximately .252 acres located on the north side of Coltsgate Road east of Sharon Road.

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned R-15 as are two remaining tracts along the north side of Coltsgate Road. The properties immediately surrounding the subject property are zoned for office uses with a combination of O-6, O-6(CD) and O-15(CD) districts. Along the south side of Fairview Road is a mixture of R-15, R-15MF, B-1 and O-6 zoning. To the west of the subject property is the large B-1SCD site developed with SouthPark Mall.

2. Existing Land Use. The property involved in this petition is presently vacant. Several single family dwellings are located nearby on Coltsgate Road while the remaining R-15 property is vacant. The single family residential property south of Fairview Road is also vacant. Otherwise, the entire surrounding area around the Sharon Road/Fairview Road intersection has been developed with office and retail uses including SouthPark Mall. Further south and east of the intersection, are existing single family and multi-family neighborhoods.

3. Public Plans and Policies.

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

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

   3. SouthPark Analysis (May 1988). The SouthPark Land Use Study, adopted in May, 1988, recommends office or multi-family

development along the north side of Fairview Road to Colony Road Extension and along the east side of Sharon Road. Retail development should be confined to the immediate area of the intersection.

4. Transit Corridor Study (pending). CDOT is conducting a Transit Corridor Study that includes a corridor between SouthPark and the Uptown Area. The scope of the study includes evaluating all modes of transit opportunities from increased bus service to a fixed guideway system. As the concentration of employment and residential developments escalate in the SouthPark area the need for a transit facility becomes more evident. (This study is incomplete).

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

| Petition No. | Request | Action | Date |
|---|---|---|---|
| 1. 65-45 | O-15 to B-1SCD | Approved | 05/31/65 |
| 2. 70-13 | R-15 to O-6 | Approved | 12/14/70 |
| 3. 71-8 | R-15 to O-6 | Approved | 03/01/71 |
| 4. 76-16 | B-1SCD Site Plan Amendment | Denial | 03/29/76 |
| 5. 81-62 | R-15 to O-6(CD) | Approved | 12/03/81 |
| 6. 81-66 | R-15 to B-1 App (O-6(CD) | Approved | 12/03/81 |
| 7. 83-37 | O-6(CD) Site Plan Amendment | Approved | 07/18/83 |
| 8. 86-46 | B-1SCD & O-6 to B-1SCD Site Plan Amendment & B-1SCD | Approved | 07/21/86 |
| 9. 88-11 | R-15 to O-6(CD) | Approved | 07/18/88 |
| 10. 88-32 | R-15 to R-15(CD), R-PUD (Innovative), O-15(CD) & B-1SCD | Approved | 07/18/88 |
| 11. 89-68 | B-1SCD Site Plan Amendment | Approved | 10/18/89 |
| 12. 91-10 | R-15 to O-6(CD) | Approved | 03/18/91 |

7. Neighborhood. The property involved in this request falls within the Foxcroft neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from single family residential to an office district. The 2005 Plan and the SouthPark Analysis (May 1988) recognize the employment land uses

generally located in the four quadrants of the Sharon Road and Fairview Road intersection. Furthermore, the SouthPark Analysis recognizes the potential for more intensive uses for the properties along Coltsgate Road and recommends that the area involved in this request be considered for office or high-density multi-family. Therefore, this petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

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

   2. Departmental Comments. Due to the conventional nature of the petition, departmental comments were minor. The City Engineering Department outlined the standard development requirements including curb, gutter and sidewalk.

ISSUES

1. Land Use. This petition raises no land use issues. Plans for this area recognize the employment land uses already existing in the surrounding area and the pressures placed on the subject property for more intense land uses. The SouthPark Analysis (May 1988) recommends that the subject property be developed for office or high density multi-family purposes. Therefore, this petition is consistent with publicly approved plans for the area and is appropriate for approval.

2. Site Plan. There is no site plan which accompanies this petition.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

Petition No 91-32
Date Filed March 11, 1991
Received By MCM
OFFICE USE ONLY

## Ownership Information

Property Owner: Fradonia B. Porter

Owner's Address: 4517 Sharon Road
Charlotte, NC 28211

Date Property Acquired: February 17, 1951

Tax Parcel Number: 183-131-04 (Portion)

## Location Of Property (address or description)

North side of Coltsgate Road beginning 169.95' distance east of Sharon Road

## Description Of Property

Size (Sq. Ft.-Acres): .252 acres

Street Frontage (ft.): 123.50 feet

Current Land Use: Vacant

## Zoning Request

Existing Zoning: R-15

Requested Zoning: O-6

Purpose of Zoning Change: To permit a small expansion of parking for an adjoining office building fronting on Sharon Road

Fred E. Bryant, Planner
Name Of Agent

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

Charlotte, NC 28204

Telephone Number.
333-1680

One Coltsgate Associates
c/o Spectrum Properties
Name of Petitioner(s)

1910 Two First Union Center
301 South Tryon Street
Address of Petitioner(s)

Charlotte, NC 28202

Telephone Number
358-2000

James M. Dalton
Signature

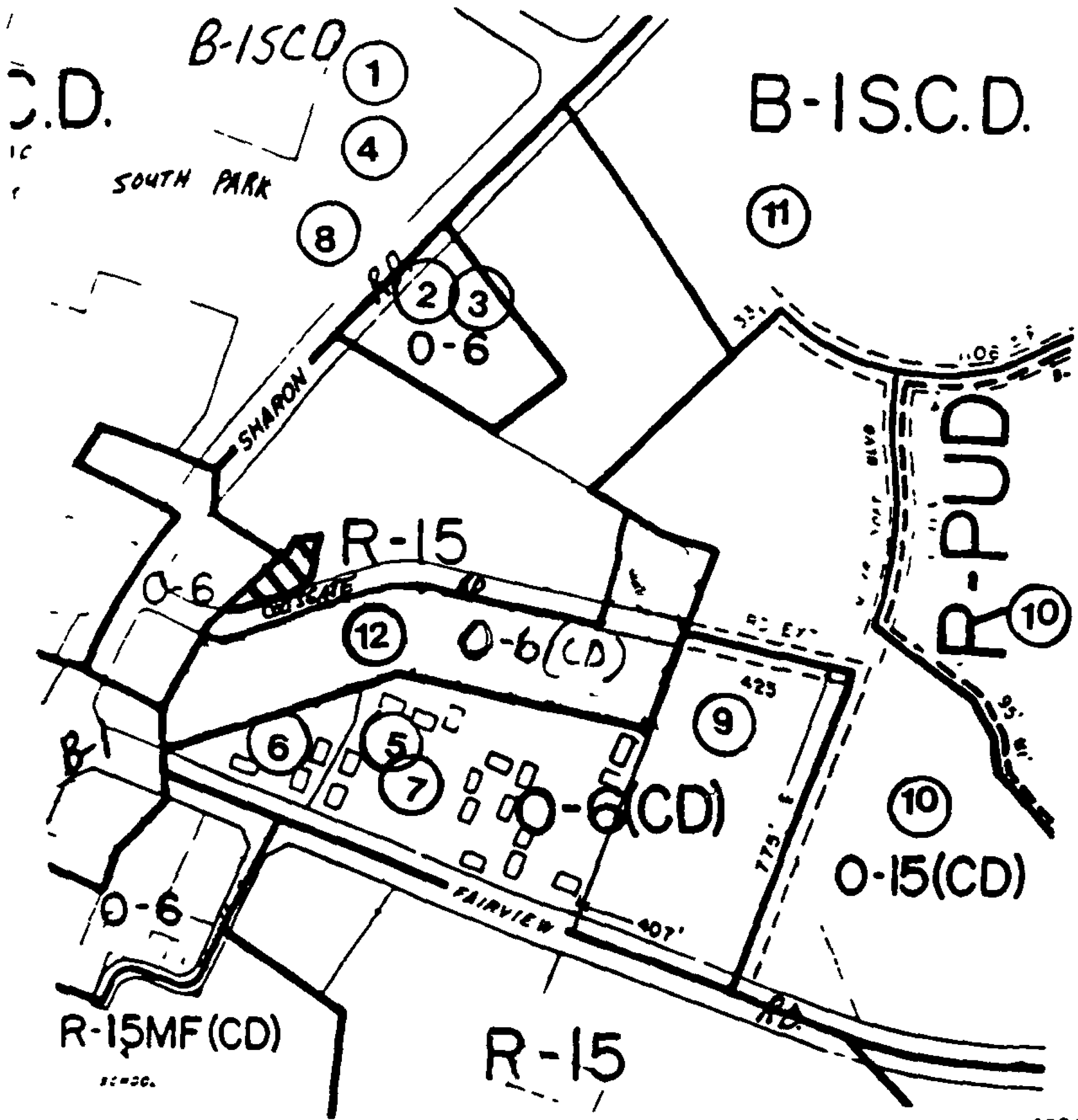
Fradonia B. Porter
Signature of Property Owner if Other Than Petitioner

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

**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 91-32**

**PETITIONER: ONE COLTSGATE ASSOCIATES**

**LOCATION: NORTH SIDE OF COLTSGATE ROAD, EAST OF SHARON ROAD**

**REQUEST: CHANGE FROM R-15 TO O-6**

The Petitioner currently has in place an office building on the immediately adjoining property with frontage on Sharon Road. Because of tenant demand, a small amount of additional land is needed at the rear of this building to accommodate more parking. The site in question is approximately 1/4 of an acre, but will provide substantial relief for a parking shortage now existing around the office building.

Because of circumstances which have occurred in the area surrounding Coltsgate, a recognition has been made that this entire street is slated for office type uses. In fact, the property across Coltsgate from this site was just recently changed to the O-15 category in order to provide an opportunity for additional office type development. The subject property which is owned by Mrs. Fradonia B. Porter has not been included in previous rezonings only because Mrs. Porter prefers to retain a homesite for the immediate future.

Not only is this a very minor request in terms of its size, but it has been found to be in keeping with all of the area plan commitments which have been made for this location. As the Planning Staff has noted, this request should be approved since it is in keeping with the Southpark Analysis of May, 1988, which recommended that the subject property be developed for office or high density multi-family purposes. We are not aware of any other issues which have been raised concerning this request through any of the departmental reviews.

Your approval of this petition is requested in accordance with the above statements and findings.

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 2, 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 April 22, 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, May 13, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, May 20, 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: April 22, 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 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 which is included in Rezoning Petition No. 91-24 is also recommended for a single family residential future. The agent for one of the property owners affected by the subject petition as well as by Rezoning Petition No. 91-24 has requested a 30 day deferral of both petitions to allow various parties impacted by the rezonings to pursue discussions with Planning staff regarding potential conditional districts. Therefore, the Zoning Committee deferred action for 30 days.

DATE: April 22, 1991

PETITION NO.: 91-18

PETITIONER(S): Charlotte Capital Partners

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

LOCATION: 24.3 acres located on the southwesterly corner of N.C. 51 and Carmel Road Extension. (Carmel Commons Shopping Center).

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

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

Nays: None.
(Commissioner Spencer was not present when vote was taken.)

REASONS

This petition proposes the addition of 14,649 square feet of retail space to the existing Carmel Commons Shopping Center. In addition, at the public hearing on this request, the petitioner proposed an additional 5,000 square foot outparcel. The Zoning Committee viewed the main shopping center addition as appropriate for approval but was concerned about the additional visual clutter associated with the outparcel. Therefore, the Zoning Committee recommends that the petition be approved without the 5,000 square foot outparcel.

STAFF OPINION

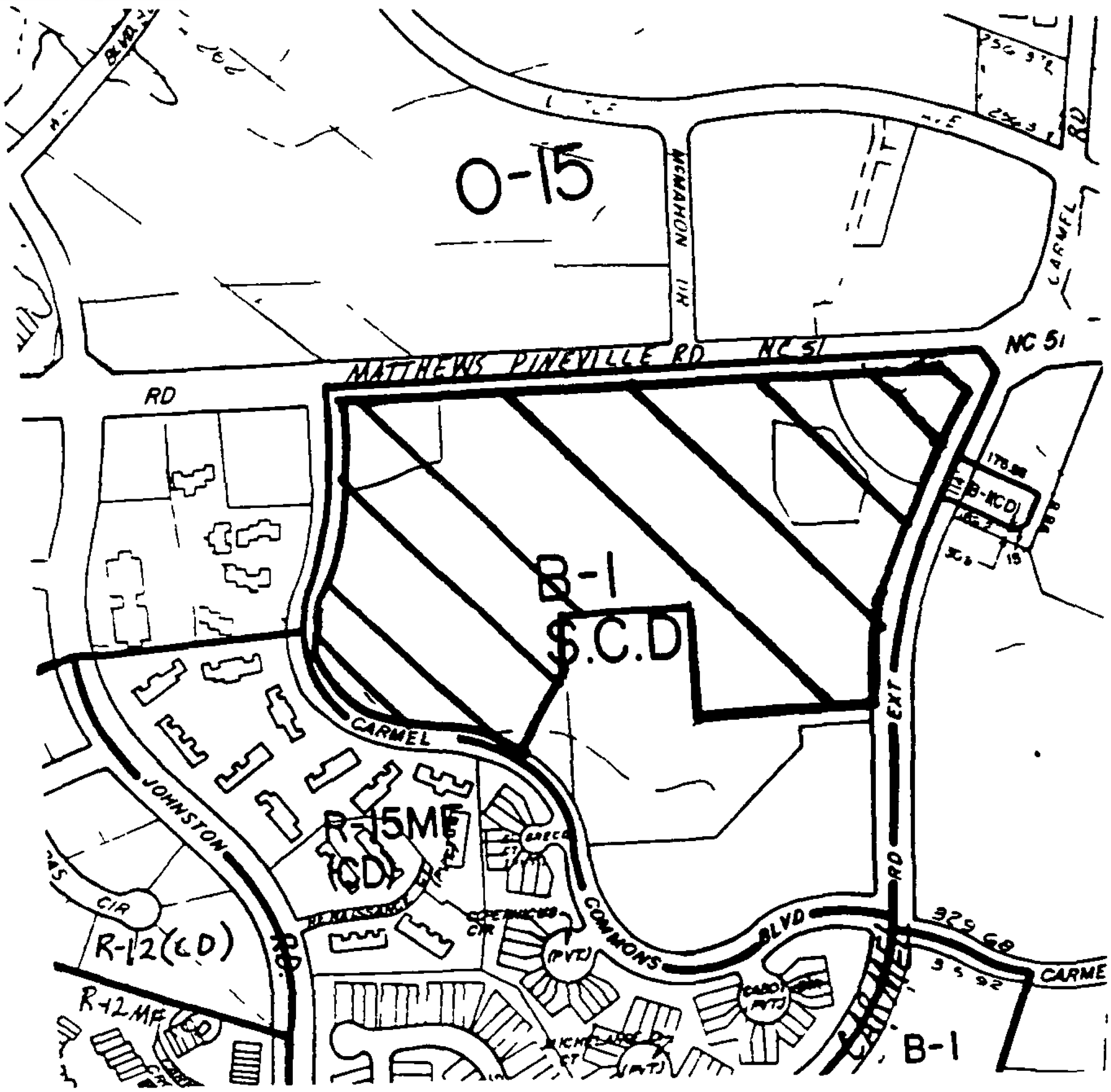
The staff agrees with the recommendation of the Zoning Committee. The petitioner came forward with the outparcel very late in the process and was advised by the staff that that part of the proposal would not be considered appropriate by the staff even at a much smaller size as originally proposed.

**PETITIONER:** Charlotte Capital Partners

**PETITION NO.:** 91-18 **HEARING DATE:** March 18, 1991

**ZONING CLASSIFICATION, EXISTING** B-1SCD **REQUESTED** B-1SCD Site Plan Amendment

**LOCATION** Approximately 2.5 acres located at the southwest corner of the intersection of Carmel Road Extension and Matthews-Pineville Road (N.C. 51).




ZONING MAP NO(s).: 167 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

| | |
|---|---|
| DATE: | April 22, 1991 |
| PETITION NO.: | 91-20 |
| PETITIONER(S): | Balloons Over Charlotte. |
| REQUEST: | Consideration of a text amendment to the City of Charlotte Zoning Ordinance to permit open space recreational uses on a commercial basis in any district subject to performance standards. |
| ACTION: | The Zoning Committee recommends that this petition be approved, as modified. |
| VOTE: Yeas: | Mead, Motley, O'Brien and Thomasson. |
| Nays: | Baucom and McClure. (Commissioner Spencer was not present when vote was taken.) |

REASONS

This text amendment proposes to allow open space recreational uses such as hot air balloon rides, bungee and parachute jumping, polo matches and similar outdoor recreational uses on a temporary or seasonal basis in all zoning districts. Several Zoning Committee members expressed concerns about the potential impact of the amendment particularly in residential districts and discussed the addition of a sunset provision so that any problems associated with the amendment could be addressed upon the expiration of the sunset period. The petitioner agreed to the addition of a five year sunset provision and the Zoning Committee recommended approval of the petition as modified.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

Ic 1 d 4/25

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

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

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

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

3142. Open Space Recreational Uses

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

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

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

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

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

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

3142.7. These provisions shall be effective for a period of five years from the date of adoption unless measures are taken otherwise to permanently adopt and regulate the uses in this section.

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

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

# CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 2, 1991

Mayor Sue Myrick
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached is a recommendation of the Planning Committee of the Charlotte-Mecklenburg Planning Commission on a petition which has been heard and referred to the Planning Commission for consideration. The recommendation as reflected herein was arrived at in a meeting of the Planning Commission on April 16, 1991.

According to the adopted rules of procedure, this recommendation 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, May 13, 1991. This will then permit this matter to be placed on your agenda for consideration on Monday, May 20, 1991.

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

Respectfully submitted,

Frank E. Emory, Jr.
Planning Committee Chairperson

FEE:mlj

Attachments

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

DATE: April 16, 1991

PETITION NO.: 91-21

PETITIONER(S): Alltel Mobile Communications, Inc.

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

ACTION: The Planning Committee recommends the following actions with regard to this text amendment.

PART A: Denial of the portion of the proposed text amendment which would permit cellular telephone transmission towers to be erected above 40 feet in height in residential districts by having a lesser yard restriction than the present requirement of 200 feet off residential property lines.

PART B: Approval of the remainder of the proposed text which primarily dealt with permitting cellular transmission towers as an ancillary or secondary use in all districts with a lesser standard when in or adjoining residential districts.

PART A

VOTE: Yeas: Emory, Fenning, Lassiter, Tabor

Nays: James

Absent: Majeed, Winget

PART B

Yeas: Emory, Fenning, James, Lassiter, Tabor

Nays: None

Absent: Majeed, Winget

REASONS

The Planning Committee discussed this text amendment in two major parts. First the Committee recommends that cellular telephone transmission towers should not be treated any differently than the current ordinance stipulates when located as a principal use in or adjoining residential districts. As a use by themselves, towers over 40 feet in height need to be a significant distance (200 feet) off any residential property line.

However, the Committee does recommend that as an ancillary or secondary use on a site where another use (other than single family or duplex use) is already established such as a school, church, multi-family residential, or similar uses, that cellular telephone transmission towers would be less obtrusive. The standard proposed in these circumstances is that cellular facilities may be constructed in any district over 40 feet in height provided that the minimum yards adjoining the residentially zoned property are increased by one foot for each one foot of facility height in excess of 40 feet, up to a maximum required separation of 200 feet.

The Planning Committee also agrees with the proposed portion of this amendment which permits cellular telephone transmission towers atop any building or structure (other than single family or duplex use) so long as such facilities do not exceed 20 feet in height measured from the base of such facilities.

STAFF OPINION

The staff agrees with the Planning Committee recommendations.

| | |
|---|---|
| DATE: | April 22, 1991 |
| PETITION NO.: | 91-22 |
| PETITIONER(S): | The Leon B. Jordan Estate |
| REQUEST: | Change from R-9 to B-1(CD). |
| LOCATION: | A 4.55 acre site located on the southwest corner of Harris Boulevard and Idlewild Road. |
| ACTION: | The Zoning Committee recommends that this petition be denied. |
| VOTE: Yeas: | Baucom, McClure, Mead, Motley and Thomasson. |
| Nays: | None. (Commissioner O'Brien abstained from voting. Commissioner Spencer was not present when vote was taken.) |

REASONS

This petition proposes the rezoning of 4.55 acres to allow the development of a 20,000 square foot strip commercial center facing Harris Boulevard with an outparcel at the corner of Harris Boulevard and Idlewild Road. The district plan recommends continued residential development in the area and recognizes that the existing neighborhood convenience center located on the southeast corner of this intersection adequately provides for the daily retail service needs of the nearby community. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

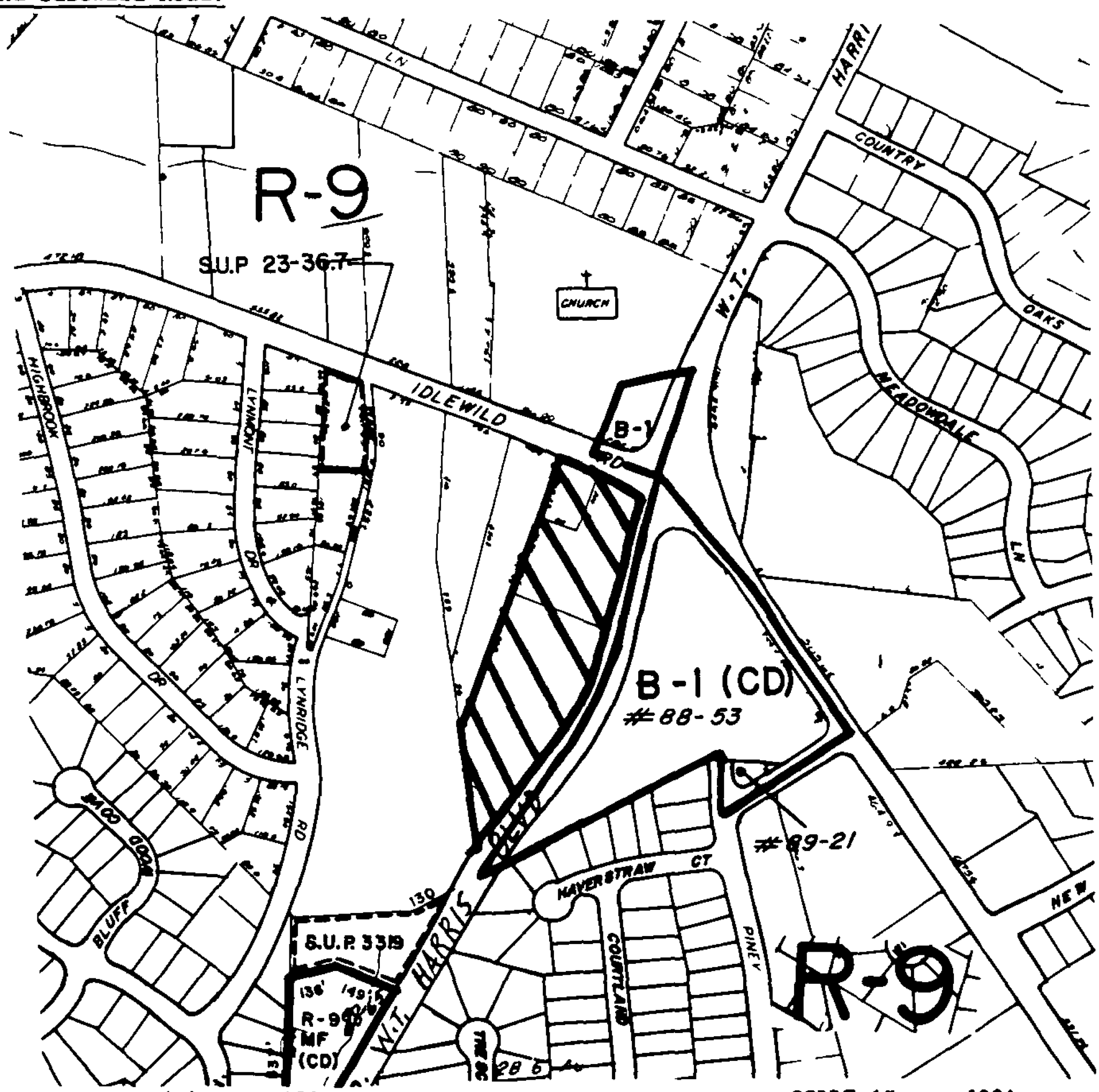
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: The Leon B. Jordan Estate

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

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

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




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

PROPERTY PROPOSED FOR CHANGE

| | |
|---|---|
| DATE: | April 22, 1991 |
| PETITION NO.: | 91-23 |
| PETITIONER(S): | Charlotte-Mecklenburg Planning Commission |
| REQUEST: | Change from R-6MF and R-9MF to R-6 and R-9. |
| LOCATION: | Approximately 16.09 acres located along both sides of Trinity Road south of Lakeview Road. |
| ACTION: | The Zoning Committee recommends that this petition be approved. |
| VOTE: Yeas: | Baucom, McClure, Mead, Motley, O'Brien and Thomasson. |
| Nays: | None. (Commissioner Spencer was not present when vote was taken.) |

REASONS

This petition proposes rezoning from R-6MF to R-6 and from R-9MF to R-9 in accordance with the Northwest District Plan. The Northwest District Plan recognizes the existing single family development as the appropriate use for the long term future of the neighborhood. Therefore, the Zoning Committee recommends approval of this petition.

STAFF OPINION

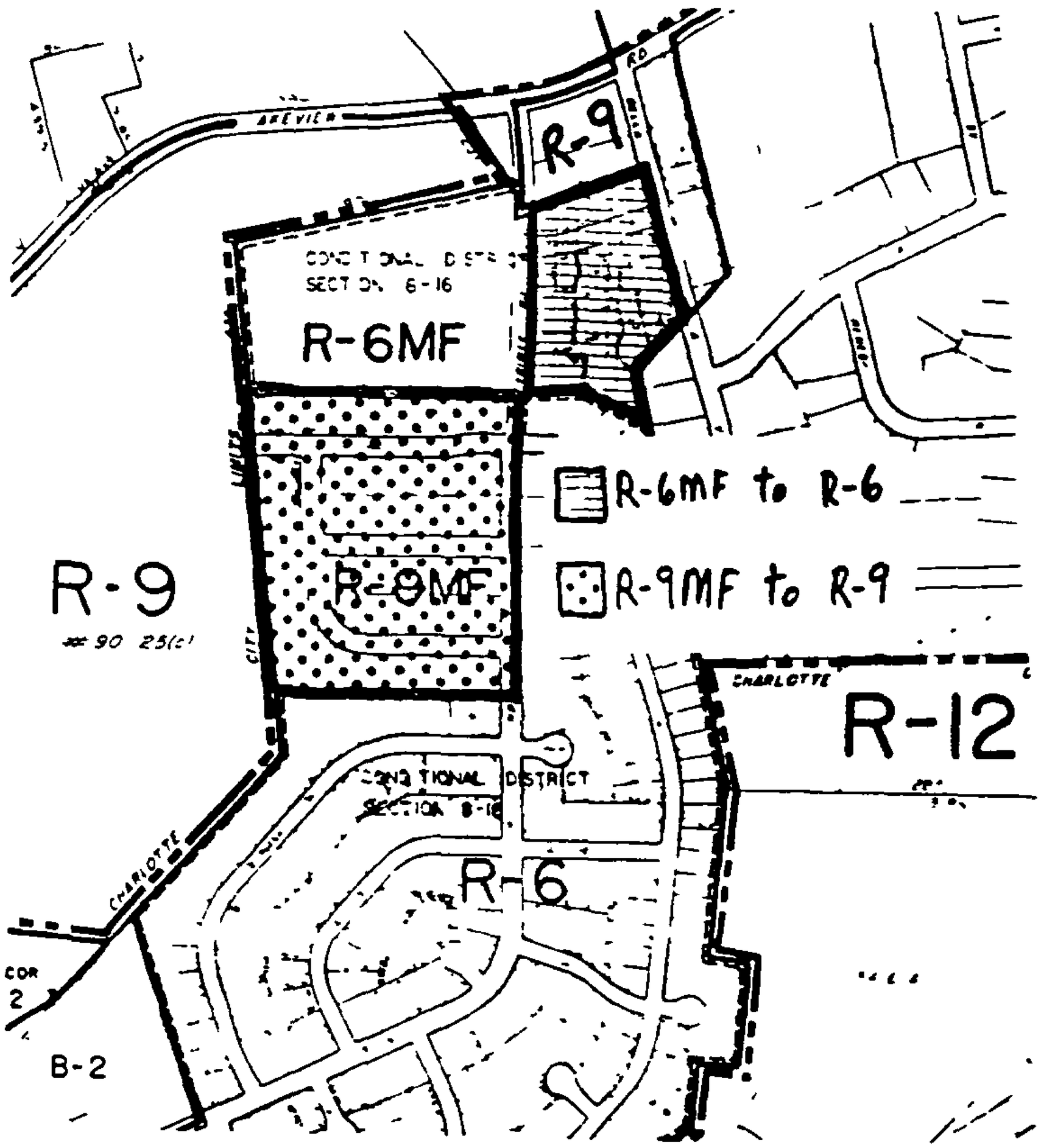
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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




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

PROPERTY PROPOSED FOR CHANGE

# OFFICIAL REZONING APPLICATION
# CITY OF CHARLOTTE

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

## Ownership Information

Property Owner See Attached List

Owner's Address See Attached List

Date Property Acquired

Tax Parcel Number See Attached List

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

## Description Of Property

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

Street Frontage (ft)

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

## Zoning Request

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

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

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

Name Of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

NORTHWEST DISTRICT #6

DATE: April 22, 1991

PETITION NO.: 91-24

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

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

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

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

VOTE: Yeas: Baucom, McClure, 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. The agent for a property owner affected by Petitions 91-15 and 91-24 requested a deferral of both petitions to allow various parties impacted by the rezonings to pursue discussions with the Planning staff regarding potential conditional districts. Therefore, Zoning Committee deferred action on this petition for 30 days.

| | |
|---|---|
| DATE: | April 22, 1991 |
| PETITION NO.: | 91-25 |
| PETITIONER(S): | Charlotte-Mecklenburg Planning Commission |
| REQUEST: | Change from I-1 to B-2. |
| LOCATION: | Approximately 55.5 acres located along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road. |
| ACTION: | The Zoning Committee recommends that this petition be approved. |
| VOTE: Yeas: | Baucom, McClure, Mead, Motley and Thomasson. |
| Nays: | None. (Commissioner O'Brien abstained from voting. Commissioner Spencer was not present when vote was taken.) |

REASONS

This petition seeks rezoning from I-1 to B-2 in accordance with the East District Plan. One of the objectives of the East District Plan is to encourage quality residential development and associated neighborhood services along Albemarle Road east of Harris Boulevard. The plan recommends retail rather than industrial land uses along this section of Albemarle Road. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte Mecklenburg Planning Commission

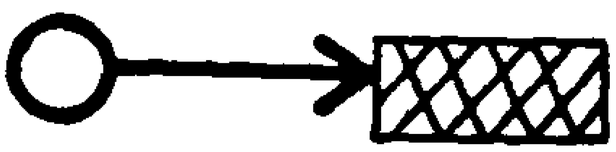
PETITION NO. 91-25 HEARING DATE: April 15, 1991

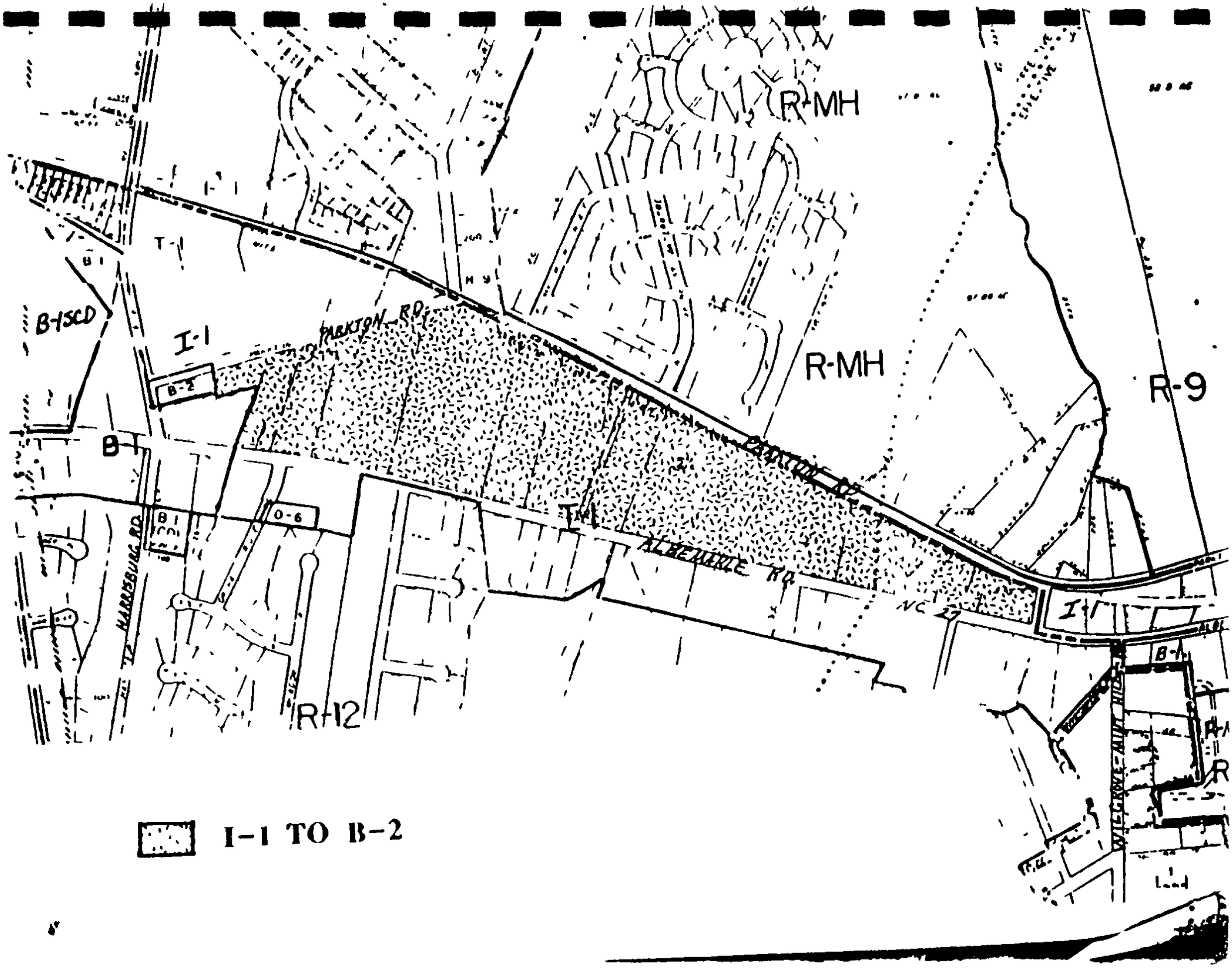
ZONING CLASSIFICATION, EXISTING I-1 REQUESTED. B-2

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 


R-MH
R-MH
R-9
B-1SCD
I-1
PARKTON RD
B-2
B-1
O-6
HARRISBURG RD
ALBEMARLE RD
NC 27
I-1
B-1
R-12
I-1 TO B-2

DATE: April 22, 1991

PETITION NO.: 91-26

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-1 to O-6 and B-2 (East District Plan).

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

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

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

Nays: Baucom and McClure.
(Commissioner Spencer was not present when vote was taken.)

REASONS

This petition seeks rezoning from I-1 to B-2 and O-6 in accordance with the East District Plan. The East District Plan recommends retail and office uses for this area of Albemarle Road. The Zoning Committee discussed the nonconforming uses created by the portion of the petition which seeks rezoning to O-6 noting that several uses, some of which have been created since the district plan was adopted, would be made nonconforming by a rezoning to O-6. However, the majority of the Zoning Committee viewed the petition as appropriate for approval. The minority opinion expressed concerns about the portion of the petition being requested for rezoning to O-6 and viewed a B-2 district as appropriate for the entire petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

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

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

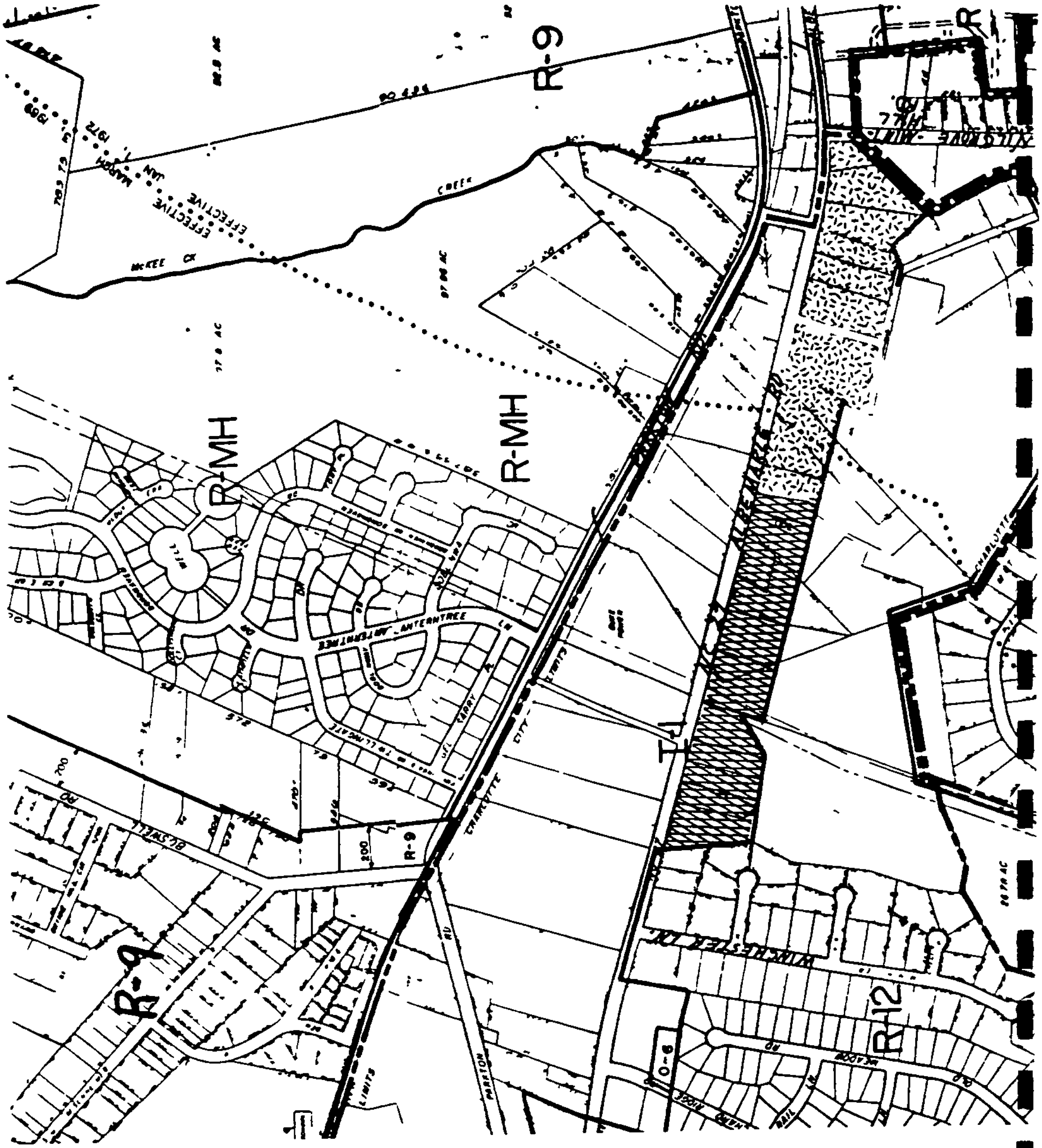
LOCATION Approximately 23.8 acres located along the south side of Albemarle Road between Winchester Lane and Wilgrove-Mint Hill Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 98 & 115

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE




I-1 TO O-6

I-1 TO B-2

DATE: April 22, 1991

PETITION NO.: 91-27

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from I-1 to O-6 for several parcels located on the south side of Albemarle Road at Orchard Ridge Road and change from B-1 to O-15 for two (2) parcels located south of Albemarle Road east of Dwightware Boulevard.

ACTION: The Zoning Committee voted on the two portions of the petition separately and recommends approval of both portions of the petition.

VOTE PART A: I-1 to O-6 along Orchard Ridge Road.

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

Nays: None.
(Commissioner Baucom abstained from voting. Commissioner Spencer was not present when vote was taken.)

VOTE PART B: B-1 to O-15 east of Dwightware Boulevard.

Yeas: McClure, Mead, Motley and Thomasson.

Nays: Baucom and O'Brien.
(Commissioner Spencer was not present when vote was taken.)

REASONS

This petition proposes rezoning of properties from I-1 to O-6 and B-1 to O-15 in accordance with the East District Plan. The East District Plan recommends these properties develop as, or continue to be used for, office uses due to the significant amount of commercial zoning in the area. The plan recognizes a community mixed use center at the intersection of Albemarle Road and Harrisburg Road and the amount of existing commercial zoning combined with the commercial zoning proposed in Petitions 91-25 and 91-26 allow far beyond the recommended 250,000 square feet of retail space. The plan recognizes that the area is lacking the office component of the community center. The Zoning Committee voted on the two portions of the petition separately. The portion of the petition which seeks rezoning from I-1 to O-6 along Orchard Ridge Road was recommended for approval unanimously. Some members of Zoning Committee viewed the properties included in the portion of the petition which seeks rezoning from B-1 to O-15 as an ideal commercial site due to its location and configuration. However, the majority of the Zoning Committee viewed the petition as appropriate for approval. Therefore, the Zoning Committee recommends approval of the petition as submitted.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte Mecklenburg Planning Commission

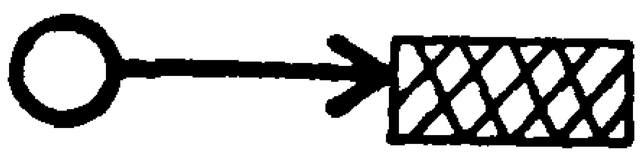
PETITION NO.: 91-27 HEARING DATE: April 15, 1991

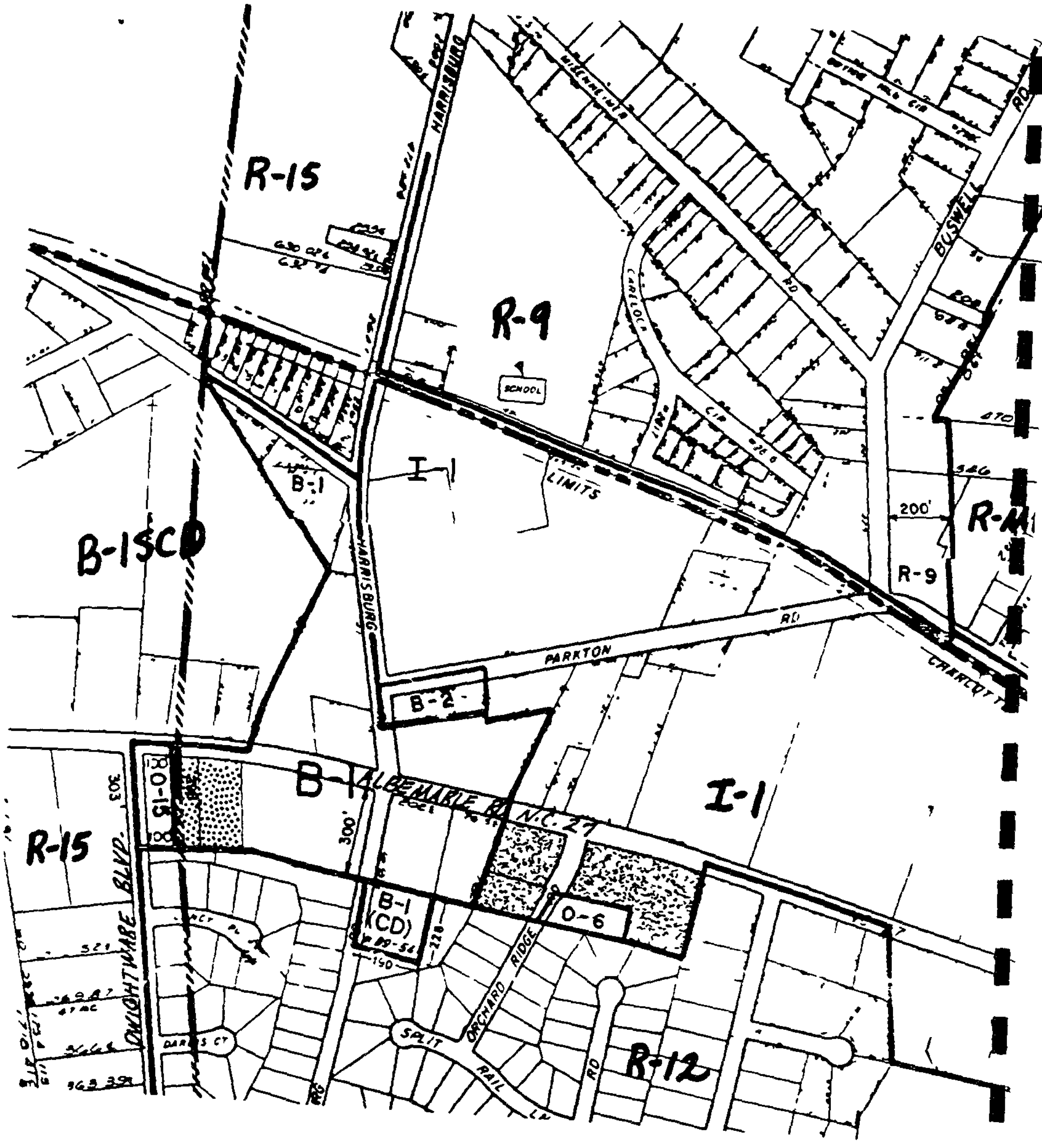
ZONING CLASSIFICATION, EXISTING B-1 & I-1 REQUESTED: O-15 & O-6

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 




I-1 TO O-6

B-1 TO 0-15