AGENDA

Meeting Type:	B
Date:	11-18-1991
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
November 18, 1991

6:00 p.m. - Zoning Meeting

1. Invocation by the Reverend Bill Phipps, of First Pentecostal Holiness Church.

2. Announcements:

Tuesday, November 19 - 5:00 p.m. Meeting Chamber Conference Room, Planning and Public Works Committee meeting on Stormwater.

LAW OFFICES OF
PARKER POE ADAMS & BERNSTEIN
2600 CHARLOTTE PLAZA
CHARLOTTE, NORTH CAROLINA 28244
TELEPHONE 704 372 9000 FACSIMILE 704 334 4706

WILLIAM P FARTHING JR
PARTNER

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SOUTHPARK OFFICE
4201 CONGRESS ST SUITE 145
CHARLOTTE NORTH CAROLINA 28209
TELEPHONE 704 556 9600
FACSIMILE 704 556 9601

FILE NUMBER

DIRECT DIAL

November 11, 1991

Roy Matthews
Charlotte City Council
5520 Sunfield Drive
Charlotte, NC 28215

Dear Roy:

This firm represents Mr. Chuck Stone, whose Family Trust owns 38+ acres adjacent to Old Mount Holly Road and Meylinda Lane which is subject to being downzoned in two separate Petitions, 91-15 and 91-24. These Petitions are on your Agenda for decision on November 18, 1991.

Mr. Stone's property in petition 91-15 (highlighted in green on the attached maps) is subject to downzoning from I-1 to R-6. His adjacent property in 91-24 (highlighted in yellow on the attached maps) is subject to downzoning from R-9MF to R-9.

The purpose of this letter is to request your support of our effort to defer a vote on the current downzoning of The Trust property so that the entire property of Mr. Stone's Family Trust might be rezoned to I-1 CD pursuant to a now completed CD Site Plan. A deferral of Mr. Stone's downzoning need not impact your ability to vote on the remaining parcels subject to Petitions 91-15 and 91-24.

There has been an unfortunate misunderstanding which has resulted in the Site Plan not being filed prior to the Zoning Committee vote on this property. Walter Fields and I have been working for months to finalize a quite sophisticated Site Plan for this property. The Site Plan (actually, two site plans) have been completed for well over a month, except for the text of certain development notes to be included in the Site Plan, which were completed by me in mid-October and which I had told Mr. Fields I would submit to him for his review prior to filing. On October 15, Laura Simmons, on behalf of Mr. Fields,

called my office and advised us to submit our final Plan and notes before October 28, the date of the next Zoning Committee Meeting. On that same date, I called Walter Fields to tell him the Plan/s and Notes were completed and that I would like to meet with him to get his final "OK" before formally submitting them. I did not hear back from Mr. Fields, and called him back on October 23, and October 25, again to plan a brief meeting. I still did not hear from Mr. Fields, and assumed that he was busy and that we would meet when he could get free. I finally got Mr. Fields by phone on November 4, and learned for the first time that the Zoning Committee had voted on the subject Petitions on the 28th, voting in their "Reasons" that discussions between myself and the Staff had not "resulted in the submission of a conditional zoning site plan and Zoning Committee viewed continued deferrals as unwarranted at this point." Of course, on the 28th the Site Plan was on my desk waiting to be submitted, but awaiting a final meeting with Mr. Fields. As a result, the Zoning Committee has never seen the Site Plan that Mr. Fields, our Land Planner and I have worked on, literally, for months.

I will take full responsibility for not submitting the Plan prior to the 28th. My misunderstanding was that since my calls to Mr. Fields on the 15th, 23rd, and 25th had not been returned that Mr. Fields had not had time to get to this matter and that it would not be voted on until we could get together. Mr. Fields and I have talked since, and Mr. Fields recalls my telephone messages and thought he had returned one of them, but I received no notice of that. Mr. Fields and I have, I believe, a mutually respectful relationship, and this failure to file the Site Plan was simply a result of honest confusion and misunderstanding. In any event, as a result of this honest confusion, the CD Site Plan we have worked so hard on for months was not submitted by October 28, 1991. To vote on this downzoning at this time, under these circumstances, would be truly unfortunate and unnecessary. A slight delay would allow our CD rezoning Petition to be filed and routinely considered on its merits, with no negative impact on any interested parties.

Additionally, the Site Plan we have finalized is compelling in nature. The months we have spent has resulted in a plan that addresses numerous concerns in a sophisticated way, in conceptualizing a low density office - industrial park that merits enthusiastic support, for the following reasons:

(1) It is specifically responsive to p. 18, paragraph 15, of the Northwest District Plan itself which specifically addresses my client's property by stating: "...A future rezoning to I-1 conditional use should be considered for the

properties along the east side of Meylinda Lane near Central Transport. Adequate buffering and screening must be included in the Site Plan";

(2) The Plan is sensitive and sophisticated in its concept and design. It is well screened and buffered, has four well-conceived office - industrial buildings sensitively sited (one of which will hopefully serve as a site for my client's new radio station and radio transmitter manufacturing business, for which a new patent has recently been received);

(3) The Site Plan adjoins industrial uses across Old Mt. Holly Road and is practically adjacent to the Central Transport Trucking Terminal to the south, which obviously renders its future development as a residential area practically impossible;

(4) Perhaps most importantly, we have agreed to design our development in such a way as to allow for the future construction of a roadway which would allow Central Transport's tank trucks to access Mt. Holly Road through our property rather than along Meylinda Road, a narrow street used by residents.

There are multiple other benefits and justifications for our Plan. My desire at this time is to position this matter so that is might be fairly and fully considered. I believe the Plan itself is so appropriate and has been the focus of so much sophisticated effort and study that its adoption is much more compelling than either approval -- or defeat -- of the downzoning Petitions (a valid Protest Petition has been filed).

I have met with both Hoyle Martin and Tom Mangum and have discussed this matter at length. I cannot speak for them, but I believe they like the Plan and have no objection to it receiving full consideration through a deferral of the existing downzoning.

In conclusion, I respectfully request that you support, on November 18, our request that a vote on downzoning of property along Meylinda Lane and Old Mt. Holly Road owned by the Stone Family Trust (Tax Parcel No. 057-095-13) in Petitions 91-15 and 91-24 be deferred so that an I-1 CD Site Plan rezoning for such property, which has developed through much cooperation with the Planning Staff, may be pursued, in lieu of either adoption or defeat of the downzoning Petition for the Stone property at this time. Unfortunately, you cannot simply substitute this I-1 CD Site Plan for the existing proposal and vote on it on the 18th, because, even though most of the property is zoned I-1 currently, there is a 200' strip along Meylinda Lane (the

91-15 portion) which will have to go to Public Hearing since it is currently zoned R-9MF.

Thank you for your kind consideration. I would be pleased to answer any questions you may have about this matter if you would like to call and would be pleased to meet with you to discuss this matter if that would be helpful.

Very truly yours,

William P. Farthing, Jr.

WPFjr/sjs:1798

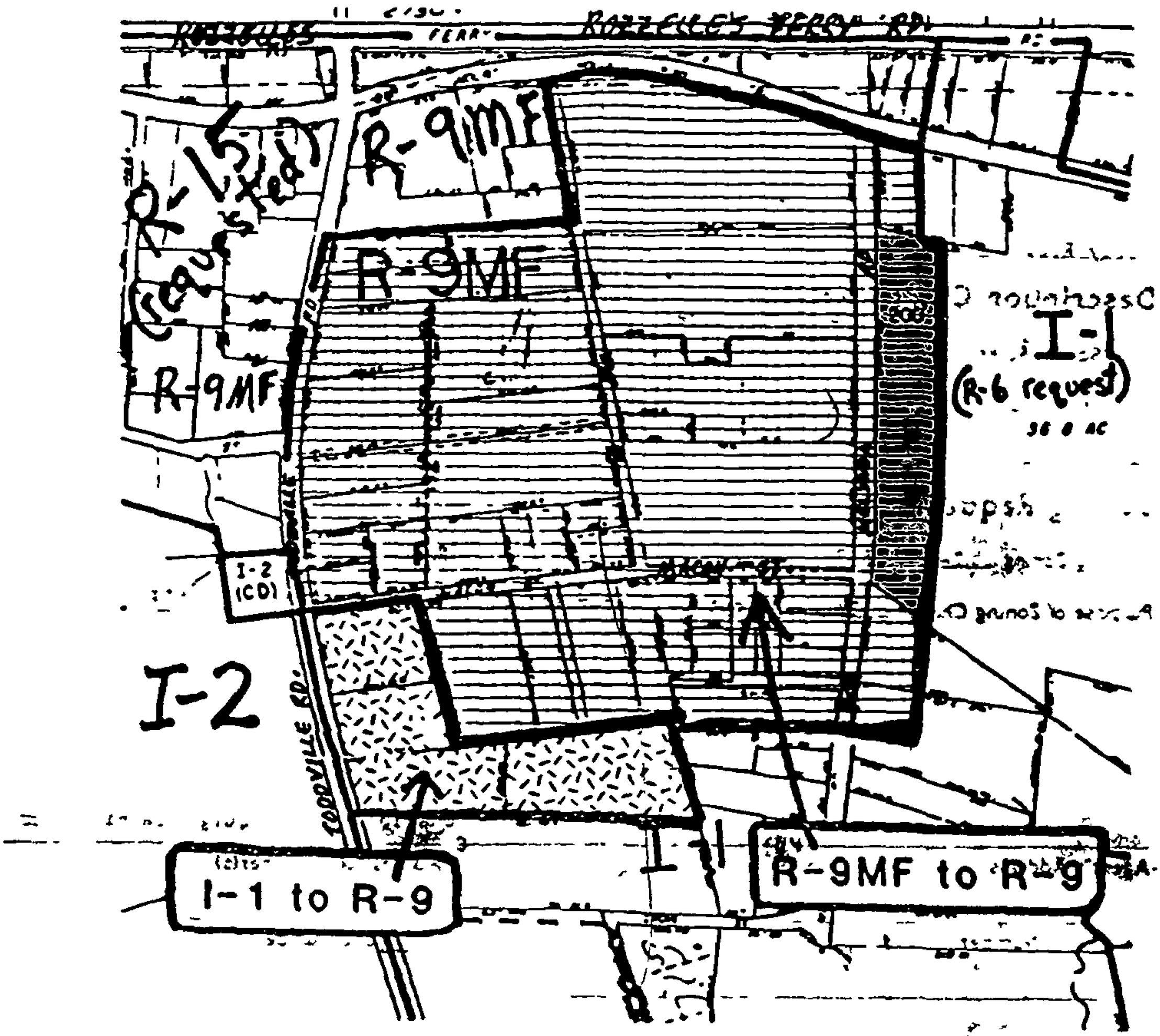
cc: Mr. V.C. Stone
Mr. Walter Fields
City Council Members
Zoning Committee Members

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

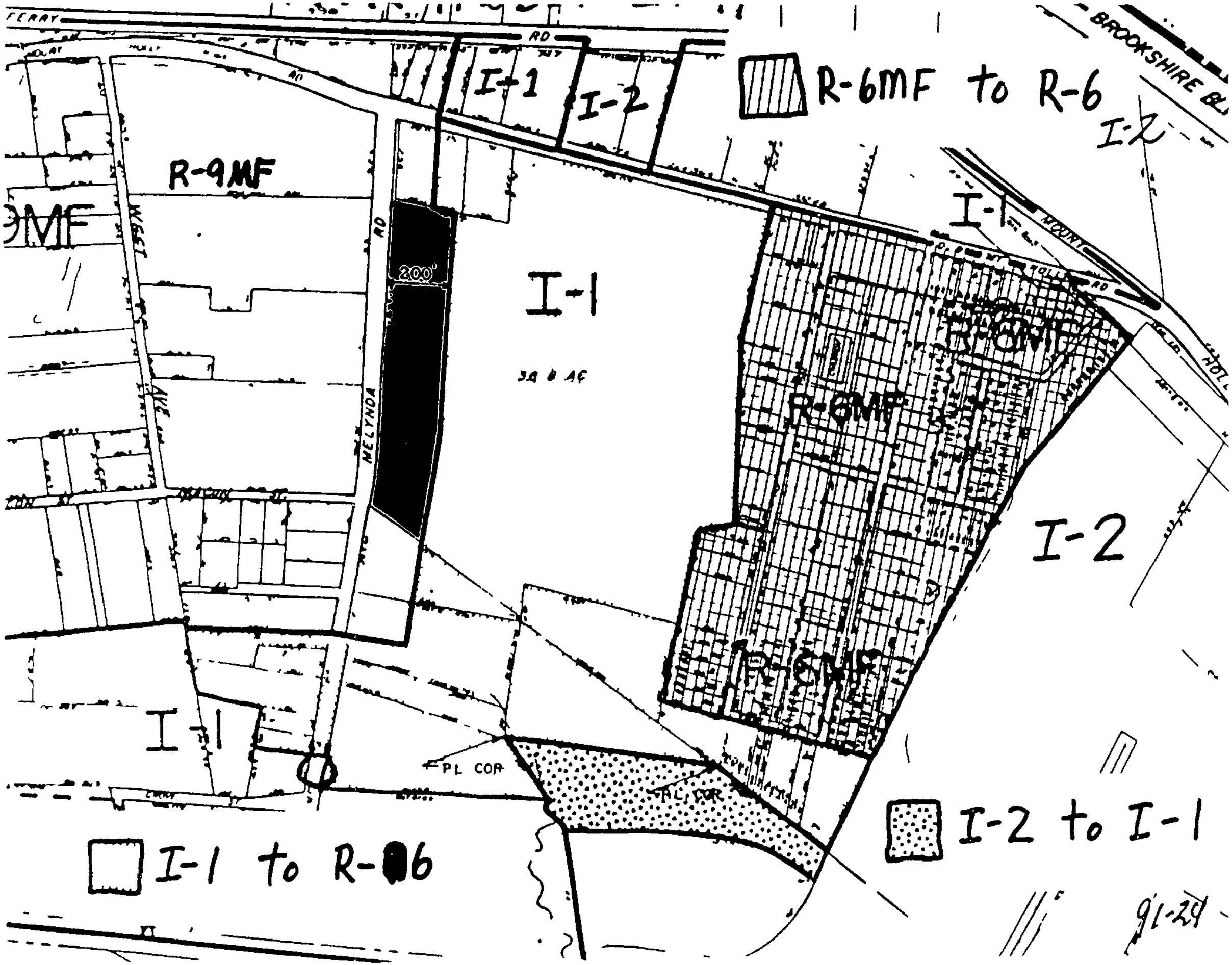
ZONING CLASSIFICATION, EXISTING: I-1 & R-9MF REQUESTED: R-9

LOCATION: Approximately 69.5 acres located on the east side of Toddville Road, south of Old Mount Holly Road extending to Melynda Road.



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

PROPERTY PROPOSED FOR CHANGE


R-6MF to R-6
I-1
I-2
R-9MF
I-1
200'
I-1
3A 8 AC
R-6MF
I-2
R-6MF
I-1
PL COR
PL COR
I-2 to I-1
I-1 to R-6
91-29

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 14, 1991

Mayor Sue Myrick
Members, City Council

Dear Mayor and Council Members:

The Conditional District section of the Charlotte Zoning Ordinance states "that all property be zoned only in accordance with firm plans to develop" and that "three years from the date of approval, the Planning Commission will examine progress made to develop in accordance with approved plans to determine if active efforts are proceeding." During this review, the property is inspected to determine if development has taken place in accordance with the approved plan. To comply with these provisions, the Planning Commission has begun a review of all conditional district rezonings that were approved in 1984, 1985, and 1986. A total of 101 cases have been reviewed and of these cases one that was never implemented has been recommended by Planning Commission staff for rezoning.

The Planning staff suggested a return to the original or most compatible zoning in the case recommended for rezoning. The Planning Commission reviewed and supported staff's recommendation and advised staff to proceed further with the process. Staff then contacted affected property owners, soliciting any pertinent information regarding any firm development plans that they may have.

Upon receipt of any new information, the Planning Commission staff reviewed the petition taking into consideration the new data received from the property owner, as well as surrounding land uses. The petition was presented once again to the Planning Commission for a final recommendation. Of note is that this case is a corrective rezoning recommendation proposed by the draft Southwest District Plan which is pending adoption. For this reason, the Planning Commission recommended that any further action on this case be deferred until such a time as the draft Southwest District Plan has been adopted.

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

It is your prerogative whether or not you would like to take further action on this case recommended for rezoning or whether you may receive this report as information and allow the zoning to remain intact. If there are any questions regarding this information please contact Cathy Verdone at 336-2205. Staff will discuss this information with you at your 5:00 P.M. dinner meeting prior to the October 18th Council meeting.

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF/CV:mlj

Attachments

CONTENTS

	COLOR CODE
• CD Review Update Sheet	Yellow
• CD Review Summary Sheets (Cases Reviewed)	Blue
• CD Review Summary Sheets (Cases Recommended for Rezoning)	Green
• Cases Recommended for Rezoning	Green
• CD Review Summary Sheets (Cases Recommended to Zoning Administrator)	Pink

Conditional Districts Review Update Sheet
City of Charlotte
1984, 1985, & 1986

Total Cases Reviewed	101
Cases Recommended for Rezoning	1
Cases Recommended for Action by ZA	27
Cases Requiring No Action	52
Cases Which Were Amended	21

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1984)

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
84-2	Carolina Conference Assocs., Inc.	6000 Conference Dr.	O-15	B-1(CD)	Amended See #86-50, Carolina Conference Assocs. Inc		----------
84-3	James M. Hanson	Park Rd. southeast of Dilworth Bi-Lo	O-6, B-1	B-1(CD)	As Approved	No Action	No Action
84-7	R. Robert Freeman, Jr.	Off Central Ave. at Morland Rd. & Charles St	R-9	B-2(CD), B-2(CD) S.P.A	As Approved	No Action	No Action
84-9	Public Storage, Inc	South Blvd at Muddy Pond Lane	B-2	B-D(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-15	Klutts Realty & Construction Co	Plaza Rd at Glenfiddich	R-9	R-9MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-16	Howard M. Duvall, III	Newell-Hickory Grove Rd., Melton Rd., & N Sharon Amity Rd.	R-9MF	B-1SCD	Amended See #88-2, CMC Centers/Equity Properties Group		----------
84-17	Ronnie W Nixon	Mt. Holly Rd. at Morningside Rd.	R-9MF	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-18	Nancy Bergmann	E. Morehead St. & Berkeley Ave.	O-6	B-1(CD)	Amended See #91-11, Churchill Galleries		----------
84-19	The Walsh Corp.	Wilora Lake Rd.	R-12	O-15(CD)	Vacant	No Action	No Action
84-20	The Walsh Corp.	Wilora Lake Rd.	R-12	R-15MF(CD)	As Approved	No Action	No Action
84-21	Nations Ford Investors, Inc.	Nations Ford Rd. & I-77	R-20MF	R-20MF S.P.A.	Vacant	Rezone R-9	Defer action until adoption of Southwest District Plan
84-23	Thomas Hampton	Billingsley & Wendover Roads	O-15(CD)	S.P.A.	Amended See #83-28, 86-119, 90-28, Billingsley Road Assocs		----------
84-24	John Crosland Co.	Sharon Rd at Sharonview Rd.	R-15	R-15MF(CD)	As Approved	No Action	No Action
84-25	Selwyn Farms Ltd	Marsh Road	R-12MF(CD)	R-20MF	Amended See #81-60, C. B Moore Heirs, " " #86-23, Browning Properties " " #89-80, Crosland Land Co.		----------
84-27	Tower Associates, Inc.	E. 5th St. & 7th St.	R-6MF, B-1	O-6(CD) B-1(CD)	Amended See #85-61, Elizabeth Square Assocs.		----------
84-30	Mike & Barbara Bernath	Florence Ave. off Rama Rd.	O-15(CD)	S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA
84-35	Martha Elizabeth Kirkpatrick Catron	Sharon Rd. at Rutherford Dr.	R-15	R-15MF(CD)	As Approved	No Action	No Action

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1984)

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
84-37	Southeastern Freight Lines	Southside of I-85 between N Graham St. & Sugar Creek Rd.	I-1, R-9	I-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-38	Delmar Dove	Pence Road at Holly Hill Rd.	B-D	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-40	Colonial Storage Ctrs.	East W T Harris Blvd. at Albemarle Rd.	R-12MF, B-2	B-D(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-45	John W. Harding	2801 Selwyn Ave.	R-9	B-1(CD)	As Approved	No Action	No Action
84-46	JKL Investments, Inc	Rockbrook Dr. at Runnymeade Lane	R-12	R-12MF(CD)	As Approved	No Action	No Action
84-49	Joseph T. Estwanik & wife Janice C.	Billingsley Rd. & Wendover Rd.	R-9MF	O-15(CD)	Amended See #86-119, Dr. J. Estwanik & Dr. T. Hampton " " #87-87, Charlotte Eye Assoc. P A.		----------
84-51	Sharon Amity Partners	N Sharon Amity Rd. at Walker Rd.	R-12	R-12MF(CD)	As Approved	No Action	No Action
84-53	Walter Hendrix	Olde Providence Rd. at McAlpine Creek	R-15PUD (Innov.)	S.P.A.	As Approved	No Action	No Action
84-55	Condel Investments, Inc.	Delta Rd. N. of Albemarle Rd.	R-20MF	S.P.A.	Amended See #88-12, Harlon, Inc.		----------
84-56	HCHB of NC	N. Graham St. & Sugar Creek Rd.	R-9	R-9(CD)	As Approved	No Action	No Action
84-57	Raj Kumar	Delta Rd. & Albemarle Rd.	B-1SCD	S.P.A.	As Approved	No Action	No Action
84-68	Francis C. Proctor	Statesville Ave. at Kohler Ave.	I-2(CD)	I-2(CD) S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA
84-69	Warren J. & Jane B Redd	Reddman Rd.	O-15(CD), R-9MF(CD)	R-9MF(CD) R-9MF(CD) S.P.A.	Amended See #87-93, Butterfly 7, Ltd. " " #82-36, Redd		----------
84-73	N B. Lewis Construction Company	The Plaza & Harrell-Hickory Grove Rd.	R-9	R-15MF(CD)	Amended See #87-82, A. S. Blankenship, Jr.		----------
84-74	Moehring Investments, Inc.	Fairview Rd. adjacent to McMillan Apts.	R-15	R-15MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-76	Sardis Rd. North Assocs.	E. Independence Blvd. near Hayden Way	B-D, I-1	B-1SCD	As Approved	No Action	No Action
84-79	Hornets Nest Girl Scout Council, Inc.	Idlewild Rd. east at Cedarwild Rd.	O-15(CD)	O-15(CD) S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1985)

Petition No.	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
85-6	Millbrook Village Assocs.	Jeremiah Ave. between I-77 & S. Tryon St.	B-2(CD)	S.P.A.	Vacant	No Action	No Action
85-9	JTR, Inc.	I-85 west of Cannon Ave.	R-9, I-2	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-12	William D. Simmerville & Paul E. Gibson	Northeast corner of Sharon & Sharon View Rds.	R-15	B-1(CD), R-15MF(CD)	As Approved	No Action	No Action
85-13	John Crosland Co.	Southeast side of Idlewild Rd. North southwest of Lawyers Rd.	R-9, R-9MF	R-9(CD), R-9MF(CD)	Amended See #86-83, John Crosland Co.	----------	
85-14	Airlie Dev. Corp.	Hanson Dr west of Providence Rd.	R-12, R-20MF	R-20MF, R-20MF S.P.A.	As Approved	No Action	No Action
85-17 Harrisburg Rd.	Isaac & Abraham Luski	Pence Rd. west of	R-15	R-12MF(CD)	As Approved	No Action	No Action
85-23	Patrick M. Beshitt	I-77 south of Nations Ford Rd.	R-9	B-D(CD), O-15(CD), R-9(CD)	Amended See #90-78, Faison Beshitt Arrowood Venture	----------	
85-24	JTR Land Partnership	South Blvd. between Sweden Rd. and Arrowood Rd.	B-D, I-1, I-2, R-9, R-15MF(CD)	R-12MF(CD)	As Approved	No Action	No Action
85-25	W. J. Hilton, Jr.	Philemon St. off Craighead Rd.	I-1	I-2(CD)	As Approved	No Action	No Action
85-31	Evans Construction Co.	Providence Rd. between Cloister Dr. & McMullen Creek	R-15	R-15MF(CD)	As Approved	No Action	No Action
85-32	LaQuinta Motor Inns, Inc.	Southwest corner of Nations Ford Rd. & Greenwood Dr.	O-15	O-6(CD), B-1(CD)	As Approved	No Action	No Action
85-33	Richard E. Athinson	5101 Monroe Rd.	B-1(CD)	O-6(CD)	Never Implemented	No Action	No Action
85-34	American Medical Financial Corp.	I-85 between Sloan Dr. & Mulberry Church Rd.	R-9MF	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-35	J. D. Sims & Co.	E. Independence Blvd. between Village Lake Dr. & McAlpine Creek	R-12MF	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-38	Eastland Ltd.	Eastland Mall on Central Ave.	B-1SCD	S.P.A.	As Approved	No Action	No Action
85-39	B. O. Rogers & Good Shepherd Lutheran Church	5301 Albemarle Rd.	O-15(CD)	O-6(CD), O-15(CD) S.P.A.	Never Implemented	No Action	No Action

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1985)

Petition No.	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
85-40	Jesse M. Waller	Delta Rd. south of Albemarle Rd.	B-1SCD	S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA
85-41	Cardinal Industries Development Corp.	Northeast corner of Mulberry Church Rd. & I-85 Service Rd.	R-9MF	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-42	Concerned Homeowners of Parkview East	Wallace Rd. off N. Independence Blvd.	O-6	O-6(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-43	Zaremba Communities of of N.C., Inc.	6612 & 6618 Sardis Rd.	R-15	R-20MF	As Approved	No Action	No Action
85-44	Charlotte Hotel Limited Partnership	Billy Graham Blvd. & York Rd.	B-1, O-15 (CD)	B-1(CD), O-15(CD) S.P A.	Partially Implemented	No Action	No Action
85-46	The Walsh Corp.	Delta Rd. north of Albemarle Rd.	R-12, R-20MF	R-20MF, R-20MF S.P.A.	Amended See #88-12, Marlon Inc		----------
85-48	Capital Reserve Corp.	Delta Rd. north of Albemarle Rd.	R-20MF	S P.A.	Amended See #88-84, BT Venture		----------
85-49	Faison Assocs.	South of Arrowood Rd. and east of I-77	B-9	B-D(CD)	As Approved	No Action	No Action
85-50	Village Oaks Properties	East side of Little Rock Rd. south of Tuckaseegee	R-12	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-53	Samuel Lerner	5007 Monroe Rd.	R-9MF	O-6(CD)	As Approved	No Action	No Action
85-61	Elizabeth Square Assocs.	E. 5th & W. 7th Sts. at Briar Creek	O-6(CD),B-1 (CD)	S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA
85-62	MCF Financial Corp.	Lumarke Dr. Ext. adjacent to Campbell Creek	R-9	R-9MF(CD)	Vacant	No Action	No Action
85-63	Lawrence Properties	4938 Central Ave.	R-6MF	O-15(CD)	Amended See #90-84, CK Federal Savings Bank		----------
85-64	Malley, Garrett, & Gray	East of Delta Rd. & south of Lawyers Rd.	B-1SCD	S.P.A.	Zoning Violation	Refer to ZA	Refer to ZA
85-67	CMPC	York Rd. across from landfill	R-9, B-1	R-12MF, B-1(CD)	Amended See #89-52, Tyvola Crossing Assocs. Ltd Partnership		----------

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1985)

Petition No.	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
85-70	Rice Dev. Corp	Lawyers Rd. northwest of McAlpine Creek	R-9	R-9MF(CD)	Vacant	No Action	No Action
85-71	Charter Properties, Inc	Billy Graham Parkway east of Plant Disposal Rd.	R-9MF	I-1(CD)	As Approved	No Action	No Action
85-79 (I)	City of Charlotte Community Dev. Dept.	N. Graham St and Statesville Ave.	R-9MF	I-1(CD)	As Approved	No Action	No Action
85-79 (II)	City of Charlotte Engineering Dept.	Spratt St. & Brookshire Freeway	R-9MF	I-1(CD)	Approved 9/21/87	No Action	No Action

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1986)

Petition No.	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
86-6	Martin Dev. Group	5828/5900 Sharon View Rd.	R-15	R-20MF	As Approved	No Action	No Action
86-8	N. C. Gabler	550 Gulf Dr	I-1	I-1(CD), I-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-20	City of Charlotte	Billy Graham Pkwy. east of Disposal Plant Rd.	(Newly annexed area)	I-1(CD)	As Approved	No Action	No Action
86-22	R N Industrial Products	Hamilton St. at I-77	I-1	I-2(CD)	As Approved	No Action	No Action
86-23	Browning Properties	830 Marsh Rd (Selwyn Farms)	R-12MF(CD)	R-6(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-24	F & J Corp.	6600 Block of N. Tryon St.	R-12	B-2(CD)	As Approved	No Action	No Action
86-30	Excelsior Lodge	3900 Litchfield Dr.	R-12 & R-9	R-12MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-31	Charlotte-Mecklenburg Hospital Authority	1000 Blythe Blvd.	R-6MF, O-6, B-1, B-2	O-6(CD)	As Approved	No Action	No Action
86-32	Schurgin Dev. Corp.	Albemarle Rd. near Grafton Pl.	O-15, R-9	B-1(CD), R-9(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-34	John Crosland	NW corner of I-77 and Clanton Rd.	B-1	B-2(CD)	Amended See 88-79, James E. Merrifield	----------	
86-42	Lee Stuckey, Stuckey Furniture	Gloryland Ave. & N. Tryon St.	R-12	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-43	Wendover Shopping Center Assocs.	Wendover Rd. south of Latrobe Dr.	B-1(CD)	S.P.A.	Amended See 890-56, Wendover Shopping Center Assocs.		----------
86-46	Belk Bros. Co. & Ivey Properties Inc.	Sharon Rd. & Fairview Rd	B-1SCD, O-6	B-1SCD S.P.A , B-1SCD	As Approved	No Action	No Action
86-47	Ed Sadler	I-85 & Tuckaseegee Rd.	R-12	R-15MF(CD)	Vacant	No Action	No Action
86-49	Jack's Cookie Co.	Louise Ave., Belmont St. & Pegram Ave.	I-1, R-6 MF	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-50	Carolina Conference of 7th Day Adventists Inc.	6000 Conference Dr.	B-1(CD)	O-15(CD)	As Approved	No Action	No Action
86-57	(Part 4) BCP Financial Corp. & MPHA, Inc.	Queens Rd. & Hopedale Ave.	R-6MF	R-6MF(CD)	As Approved	No Action	No Action
86-69	Hickory Grove Child Development Center	Newell-Hickory Grove Rd between Robinson Church Rd. & Grove Park Blvd.	R-15MFP	R-9MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY OF CHARLOTTE (1986)

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CKPC Recommendation
86-70	Fairfax Properties	Morris Field Dr. east of Billy Graham Parkway	R-6MF	I-1(CD)	Vacant	No Action	No Action
86-72	Slag Realty	Corner of Central Ave. & Medallion Dr.	R-6MF	O-6(CD)	Never Implemented	No Action	No Action
86-73	John Crosland & Assocs. Inc.	4100 Carmel Rd.	B-1SCD	S.P.A.	As Approved	No Action	No Action
86-78	J.D Sims & Co & Piedmont Kennel Club	I-77 North & Tyvola Rd. Ext.	R-9MF	B-1SCD	Amended See #88-1, Feld Development Corp.	----------	
86-80	Dr. J Estwanik & Dr. T Hampton	Billingsley Rd.	R-6MF	O-15(CD)	Amended See #89-79, Dr. Joseph J Estwanik	----------	
86-81	HouReal Corp.	Billy Graham Pkwy. & Morris Field Rd.	R-9, R-9MF, R-6MF	B-1(CD)	Vacant	No Action	No Action
86-83	John Crosland Co	Idlewild Rd & Southwest of Lawyers Rd.	R-9(CD), R-9MF(CD)	S.P.A.	Vacant	No Action	No Action
86-100	Schurgin Dev. Corp.	Independence Blvd. north of Idlewild Rd.	R-9, B-2, B-2(CD)	B-1SCD	Zoning Violation	Refer to ZA	Refer to ZA
86-106	John W McDonald	Beatties Ford Rd. between "A" Ave. E. and Wilson Ave.	R-9, B-1	B-1(CD)	As Approved	No Action	No Action
86-112	Trammell Crow Co.	Providence Rd. & Hwy. 51	UDC-V, R-15, R-PUD	B-1SCD, O-15(CD), R-15(CD), R-15MF(CD)	As Approved	No Action	No Action
86-118	Charlotte Pipe & Foundry Co	Durham Ave & Vail Ave.	R-6	O-6(CD)	As Approved	No Action	No Action
86-119	Dr. T. Hampton & Dr J. Estwanik	Billingsley Rd.	R-6MF, O-15 (CD)	O-15(CD), O-15(CD) S.P.A.	Amended See #90-28, Billingsley Rd. Assocs.	----------	
86-120	Roll-A-Round, Inc.	Albemarle Rd. & Delta Rd.	B-1SCD	S.P.A.	As Approved	No Action	No Action

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CASES RECOMMENDED FOR REMOVING

Petition No.	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
CITY							
84-21	Matthews Ford Investors, Inc.	Matthews Ford Rd. & I-77	R-20MF	R-20MF S.P.A.	Vacant	Rezone R-9	Defer action until adoption of Southwest District Plan.

CONDITIONAL ZONING REVIEW CHECKLIST

CITY OF CHARLOTTE

Cases Recommended for Rezoning

Petition Number: 84-21

Council Approval Date: 4/16/84

Staff Review Date: 3/1/91

Location: A 70.97 acre site west of Nations Ford Road, north of its intersection with I-77.

Zoning Request: R-20MF to R-20MF site plan amendment

Original Petitioner: Nations Ford Investors, Inc.

Current Owner: Nations Ford Investors

Conditions as per Approved Site Plan: 1) 461 units at 6.57 units/acre, 2) Attached units with open space; tennis court; and pool, and 3) Primary internal collector to be continuation of existing Wanda Lane.

Current Project Status: Vacant - For Sale

*Vicinity Map Attached

Staff Recommendations: Rezone to R-9

CMPC Recommendations: Defer action until adoption of the draft Southwest District Plan.

Action:

PETITIONER Nations Ford Investors, Inc.

PETITION NO. 84-21 HEARING DATE March 19, 1984

ZONING CLASSIFICATION, EXISTING R-20MF REQUESTED Site Plan Amendment

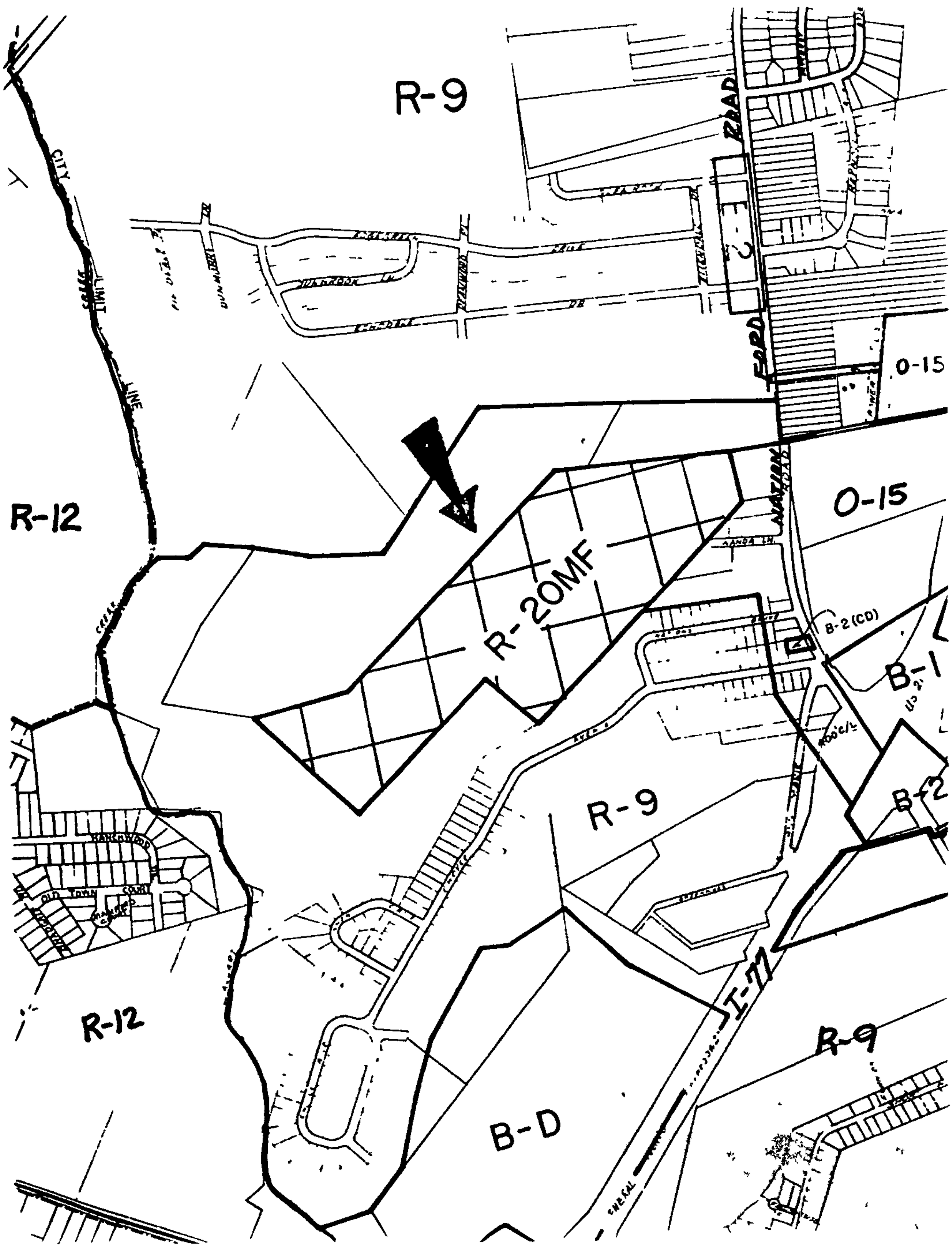
LOCATION A 70.97 acre site west of Nations Ford Road, north of its intersection with I-77.

SEE ATTACHED MAP

ZONING MAP NO. 35

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE


R-9
CITY
LIMIT
LINE
R-12
R-20MF
O-15
O-15
B-2(CD)
B-1
B-2
R-9
I-77
R-12
B-D
R-9

NATIONS FORD INVESTORS, INC #84-21

REALTOR®

The Real Estate Center

219 Main Street / P O Box 428 / Pineville, N C 28134
(704) 889-5001 / (803) 548-1980

September 6, 1991

Mr. Walter G. Fields, III
Land Development Manager
600 East Fourth Street
Charlotte, N.C. 28202-2853

Re: 70.97 Acre Site
located West of Nations Ford Road

Dear Mr. Fields:

Jim Cox, one of the partners in Nations Ford Investors, Ltd. is presently working with a potential buyer for the above referred property.whose interest is in developing a "model" community with the church as a catalyst for multi family, business, park, church expansion, etc. A site plan is being prepared. As soon as the plat is available, Mr. Cox will call to arrange a meeting to discuss the proposed development with you.

Please call in the meantime, if I may be of any help.

Yours truly,

THE REAL ESTATE CENTER

Nancy Smith

Nancy M. Smith
Realtor

cc: Jim Cox
James Horner

2305
9/18
9:20
Gaw

#84-21
Nations Ford Inc.

JAMES I. COX
P. O. Box 4523
Gastonia, NC 28053

Phone (704) 865-9098

FAX (704) 861-8098

To:

Name: CATHY VERDONE

Company: CHARLOTTE - MECKLENBURG PLANNING COMMISSION

FAX: 336 - 3497 Today's Date: September 18, 199

From:

Name: Nations Ford Investors, Ltd. Number of Pages: 2 (including cover sheet)

Comments: This is in answer to your letter of August 19, 1991 in regard to approximately 75 acres of property west of I-77 and south of Nations Ford Road. that is owned by this Partnership. Our Real Estate Agent handling this property is Mrs. Nancy Smith of T Real Estate Center in Pineville, NC.. This property is presently being discussed with Mr. James Horner relative to development as a "MODEL COMMUNITY" with the Church as a Catalyst for Multi fami Business park, Church Expansion, Etc.

The escalation in property taxes as reflected in our Tax Notice for

1991 indicates that the property of the 70 acre track has doubled in value and the roughly 5 acres fronting on Nations Ford Road has increased almost 10 times over the previous tax years, and this points up the fact that this property is highly valuable with the development that is taking place around the Airport and this southern corridor of I-77 and of course the southern Belt-wa around Charlotte that will link up in a few years with a bridge ov the Catawba River and the connection that will ultimately hook up with Dan Stowe's great project on the West side of the Cawtawba River in Gaston County. In our opinion, all of these factors have tremendous bearing on what we do with this 75 acres of land.

We believe that the Planning Commission must take all these facts i consideration, in whatever actions we are required to implement in ultimate usage of this valuable property.

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY CASES REFERRED TO ZONING ADMINISTRATOR

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
84-9	Public Storage, Inc	South Blvd at Muddy Pond Lane	B-2	B-D(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-15	Rlutts Realty & Construction Co	Plaza Rd at Glenfiddich	R-9	R-9MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-17	Ronnie W Wixon	Mt Holly Rd at Morningside Rd	R-9MF	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-30	Mike & Barbara Bernath	Florence Ave off Rama Rd	O-15(CD)	S P A	Zoning Violation	Refer to ZA	Refer to ZA
84-37	Southeastern Freight Lines	Southside of I-85 between N Graham St & Sugar Creek Rd	I-1 R-9	I-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-38	Delmar Dove	Pence Road at Holly Hill Rd	B-D	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-40	Colonial Storage Ctrs	East W T Harris Blvd at Albemarle Rd	R-12MF B-2	B-D(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-68	Francis C Proctor	Statesville Ave at Kohler Ave	I-2(CD)	I-2(CD) S P A	Zoning Violation	Refer to ZA	Refer to ZA
84-74	Moehring Investments, Inc	Fairview Rd adjacent to McMillan Apts	R-15	R-15MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-79	Hornets Nest Girl Scout Council, Inc	Idlewild Rd east at Cedarwild Rd	O-15(CD)	O-15(CD) S P A	Zoning Violation	Refer to ZA	Refer to ZA
85-9	JMR, Inc	I-85 west of Cannon Ave	R-9, I-2	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-34	American Medical Financial Corp	I-85 between Sloan Dr & Mulberry Church Rd	R-9MF	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-35*	J D Sims & Co	E Independence Blvd between Village Lake Dr & McAlpine Creek	R-12MF	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-40	Jesse M Waller	Delta Rd south of Albemarle Rd	B-1SCD	S P A	Zoning Violation	Refer to ZA	Refer to ZA
85-41	Cardinal Industries Development Corp	Northeast corner of Mulberry Church Rd & I-85 Service Rd	R-9MF	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-42	Concerned Homeowners of Parkview East	Wallace Rd off E Independence Blvd	O-6	O-6(CD)	Zoning Violation	Refer to ZA	Refer to ZA

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
CITY CASES REFERRED TO ZONING ADMINISTRATOR

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
85-50	Village Oaks Properties	East side of Little Rock Rd south of Tuckaseegee	R-12	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-61	Elizabeth Square Assocs	E 5th & W 7th Sts at Briar Creek	O-6(CD),B-1 (CD)	S P A	Zoning Violation	Refer to ZA	Refer to ZA
85-64	Malley, Garrett, & Gray	East of Delta Rd & south of Lawyers Rd	B-1SCD	S P A	Zoning Violation	Refer to ZA	Refer to ZA
86-8	H C Gabler	550 Gulf Dr	I-1	I-1(CD), I-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-23	Browning Properties	830 Marsh Rd (Selwyn Farms)	R-12MF(CD)	R-6(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-30	Excelsior Lodge	3900 Litchfield Dr	R-12 & R-9	R-12MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-32	Schurgin Dev Corp	Albemarle Rd near Grafton Pl	O-15 R-9	B-1(CD), R-9(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-42	Lee Stuckey Stuckey Furniture	Gloryland Ave & N Tryon St	R-12	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-49	Jack's Cookie Co	Louise Ave , Belmont St & Pegram Ave	I-1, R-6 MF	I-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-69	Hickory Grove Child Development Center	Newell-Hickory Grove Rd between Robinson Church Rd & Grove Park Blvd	R-15SUP	R-9MF(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-100	Schurgin Dev Corp	Independence Blvd north of Idlewild Rd	R-9 B-2 B-2(CD)	B-1SCD	Zoning Violation	Refer to ZA	Refer to ZA

CONDITIONAL DISTRICT REVIEW SUMMARY SHEET
COUNTY CASES REFERRED TO ZONING ADMINISTRATOR

Petition No	Original Petitioner	Location	Request From	Request To	Current Status	Staff Recommendation	CMPC Recommendation
84-2(c)	Rushing Construction Co	E Independence Blvd at Tarlton Dr	R-9 R-12	R-12MF(CD), B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
84-7(c)	Raintree Homeowner's Assocs	9000 Block of Raintree Lane	R-PUD	R-PUD S P A	Zoning Violation	Refer to ZA	Refer to ZA
84-19(c)	G C Miller	E W T Harris Blvd & Hickory Grove Rd	R-12 B-1(CD)	B-1(CD) B-1(CD) S P A	Zoning Violation	Refer to ZA	Refer to ZA
84-48(c)	Glenn R Moffat	Hart Rd off Hwy 16	RU	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-8(c)	Wendell Long & W Herbert Long	Blair Rd south of Albemarle Rd	R-15MF	I-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-20(c)	Martin Dev Group Inc	Park Rd in Park Crossing	R-12MF(CD)	R-20MF (Innov)	Zoning Violation	Refer to ZA	Refer to ZA
85-26(c)	Wexford Assocs	N C 49 & Oak Leigh Dr	R-12	B-1(CD)	Zoning Violation	Refer to ZA	Refer to ZA
85-31(c)	Charlotte Realty Ltd Partners	Hickory Grove Rd & Newell-Hickory Grove Rd	B-1SCD	S P A	Zoning Violation	Refer to ZA	Refer to ZA
85-65(c)	Walter H & Katy L Ballard	7601 Old Statesville Rd	R-MH	B-2(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-20(c)	CMPC	Nevin Rd & Gibbons Rd	B-1, I-1 I-2, R-9MF	B-1(CD) O-15(CD), I-2(CD) I-1(CD) R-15MF	Zoning Violation	Refer to ZA	Refer to ZA
86-40(c)	Donnie Rushing	5333 Lineview Dr	R-15	O-15(CD)	Zoning Violation	Refer to ZA	Refer to ZA
86-67(c)	Mark Shane Butler	Intersection of N C 115 & Alexanderana Rd	B-1(CD)	S P A	Zoning violation	Refer to ZA	Refer to ZA

CHARLOTTE

Meetings in November '91

THE WEEK OF NOVEMBER 4- 8

4, Monday

12 00 Noon — **PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room

5, Tuesday

MUNICIPAL ELECTION, BOND REFERENDA

6, Wednesday

2 00 p m — **CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

4 30 p m — **CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Conference Room

7, Thursday,

12 00 noon — **DIV. OF INSURANCE AND RISK MANAGEMENT** CMGC, 10th Floor Conference Room

4 00 p m — **CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** CMGC, Room 270

4 00 p m — **PLANNING COMMISSION/Planning Committee** CMGC, 8th Floor Conference Room

5 00 p m — **CHARLOTTE-MECKLENBURG ART COMMISSION AND THE ARTS AND SCIENCE COUNCIL** - CMGC, 8th Floor Conference Room

9, Saturday - 12, Tuesday

NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL MEETING - Charlotte Convention Center

THE WEEK OF NOVEMBER 11 - 15

11, Monday

VETERANS DAY. All City Offices Closed

7 00 p m — **HISTORIC LANDMARKS COMMISSION** - Commission Office, 1221 S Caldwell Street

12, Tuesday

3 00 p m — **HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room

4 00 p m — **PLANNING COMMISSION/Planning Committee** CMGC, 8th Floor Conference Room

4 00 p m — **AIRPORT ADVISORY COMMITTEE/Workshop** - Charlotte/Douglas International Airport, Main Terminal, Conference Room A

6 00 p m — **STORM WATER TASK FORCE** - CMGC, Conference Center

13, Wednesday

7 30 a m — **CLEAN CITY COMMITTEE** - CMGC, Rooms 270 271

8 30 a m — **CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room

9 00 a m — **CIVIL SERVICE BOARD/Hearing** - CMGC, Room 118

6 00 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

7 00 p m — **CITIZENS CABLE OVERSIGHT COMMITTEE/Public Hearing** CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

14, Thursday

8 30 a m — **CIVIL SERVICE BOARD/Hearing** - Rooms 270-271

4 00 p m — **HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF NOVEMBER 18 - 22

18, Monday

3 00 p m **MINOR SPECIAL USE PERMIT HEARING** - CMGC, 8th Floor Conference Room

4 30 p m **PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room

5 00 p m **COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room

6 00 p m **CITY COUNCIL MEETING/Zoning Hearings** CMGC, Meeting Chamber

19, Tuesday

2 00 p m **HOUSING AUTHORITY** - Edwin Towers, 201 W 10th Street

3 30 p m **PLANNING COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room

4 00 p m **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room

6 00 p m **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Rooms 270-271

20, Wednesday

7 30 a m **PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271

7 00 p m **METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center

21, Thursday

4 30 p m **CHARLOTTE TRANSIT ADVISORY COMMITTEE** CMGC, Room 270

5 00 p m **CHARLOTTE-MECKLENBURG ART COMMISSION** CMGC, 8th Floor Conference Room

7 00 p m **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

THE WEEK OF NOVEMBER 25 - 29

25, Monday

9 00 a m **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** Charlotte Convention Center, 101 S. College Street, VIP-B

2 00 p m **CMUD ADVISORY COMMITTEE** - Utility Department, 5100 Brookshire Blvd

5 00 p m **COUNCIL/MANAGER DINNER** - CMGC, Conference Center

6 30 p m **CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

7 00 p m **CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

26, Tuesday,

8 30 a m **CIVIL SERVICE BOARD/Hearing** - CMGC, Meeting Chamber Conference Room

1 00 p m **CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Bldg , 700 N Tryon St

4 00 p m **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room

27, Wednesday

6 00 p m **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

28, Thursday

THANKSGIVING DAY All City Offices Closed

These organizations will not meet in November
Advisory Energy Commission
Community Relations Committee
Firemen's Retirement Board
Parade Permit 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, November 18, 1991

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

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

Invocation by The Reverend Bill Phipps, of First Pentecostal Holiness Church.

ITEM NO.

BUSINESS

1. Consider alternative alignments for the segment of the Northwest Circumferential between Little Rock Road and Brookshire Boulevard and to direct the City's representative to the Metropolitan Planning Organization concerning a possible Thoroughfare Plan amendment.

Clodfelter/Martin
vs McCrory & Scarborough
Clodfelter/Martin
move alternate 2

DOT

Project: The Northwest Circumferential is a major thoroughfare proposed to connect Interstate 77 North with Interstate 85 South. The thoroughfare's right-of-way would be 100 feet and would include a four-lane, median-divided roadway with sidewalks. The proposed roadway will provide a much-needed circumferential in this portion of the County, linking major radial thoroughfares such as Freedom Drive (NC 27), Brookshire Boulevard (NC 16), and Beatties Ford Road.

Chronology: January 1987 Local transportation staff begins begins an analysis of alternative alignments for the Northwest Circumferential as requested by the Metropolitan Planning Organization (MPO).

Oct. 21, 1987	Staff presents six possible alignments at a public meeting attended by 122 persons.
Feb. 4, 1988	Staff presents revised alignments reflecting public comments at a second citizens meeting attended by approximately 350 residents.
June 13, 1988	Charlotte City Council approves the TCC-recommended alignment for the circumferential roadway.
July 20, 1988	The MPO unanimously amends the Thoroughfare Plan to locate the Northwest Circumferential along the alignment recommended by the TCC.
Summer, 1991	City Engineering staff re-examines the alignment of the Northwest Circumferential segment between Little Rock Road and Brookshire Boulevard (Attachment 1) because: • A new bridge location between the Northwest Circumferential and the CSX rail line must be compatible with proposed changes to several at-grade rail crossings in the area, and • CSX Transportation (CSXT) revealed plans for a major rail distribution center which is impacted by the Thoroughfare Plan alignment.
Sept. 18, 1991	Staff presents three alternatives to the MPO for the 2.5 mile segment of the Northwest Circumferential between Little Rock and Brookshire to the MPO. The MPO directs the TCC to hold a meeting with affected property owners on a possible change to the Thoroughfare Plan.

Oct. 15, 1991 Staff discusses three alternative alignments at a public meeting attended by 117 persons. Major citizen concerns are:

- Timing of project implementation.

- Effects of proposed road on marketability of properties in or near the Thoroughfare Plan alignment.

Council Action

It is requested that Council consider alter- alternative alignments for the Northwest Circumferential between Little Rock Road and Brookshire Boulevard. Council also must direct the City's representative to the MPO concerning the Plan amendment.

Attachment 2 illustrates the three roadway alignments analyzed for the Northwest Circumferential. Attachment 3 compares the impact of the alternates.

The TCC, as well as the Charlotte Department of Transportation (CDOT) and the ~~Charlotte-Mecklenburg~~ Planning Commission, recommend Alternate 2 in this area for the ~~Northwest Circumferential~~ because it:

- Allows for a bridge and a connection between Mount Holly and Old Mt. Holly roads at the CSX Railroad mainline track, which could be in use prior to the completion of the circumferential and would allow traffic to be maintained when the at-grade crossings are blocked.

- Appears to be the lowest-cost alternative when considering right-of-way and damage costs.

- It is primarily located on property which is zoned for non-residential purposes.

- Has the least impact on the Homestead Methodist Church and its adjoining neighborhood just south of Old Mt. Holly Road.

- Has the least impact on the proposed CSX industrial subdivision. CSXT has agreed to donate right-of-way (including temporary and

permanent easements) for the Northwest Circumferential if Alternate 2 is selected. The railroad also will re-route trains to the former Piedmont & Northern rail line (which parallels its main line) to eliminate the need for constructing a detour railroad bridge for the main line when the Northwest Circumferential is built.

- Minimizes the impacts on the Duke Power Regional Maintenance Facility because it crosses a storage yard and does not take any existing buildings or disturb existing internal circulation. The current Thoroughfare Plan alignment would impact the facility's viability because it crosses near the center of Duke Power's maintenance yard.

Staff Resources: William B. Finger

Attachment No. 1

2. Consider Thoroughfare Plan changes in response to the proposed development of the Ballantyne community and to direct the City's representative to the Metropolitan Planning Organization concerning Thoroughfare Plan amendment.

Patterson/Whitley

DOT

Project — In response to the rapid urbanization of the Six-Mile Creek Basin in 1984, the Charlotte-Mecklenburg Technical Coordinating Committee (TCC) developed a thoroughfare system for the portion of Mecklenburg County south of NC 51, west of NC 16, north of the Union County line, and east of the South Carolina state line. A primary reason for amending the 1983 Thoroughfare Plan was to protect right-of-way for new roads in the area.

Chronology — Events related to the thoroughfare system for the Six-Mile Creek Basin follows:

June 19, 1985 — TCC members present the proposed Thoroughfare Plan amendments for South Mecklenburg at a public meeting attended by about 200 residents.

Sept. 18, 1985 — The Metropolitan Planning Organization (MPO) adopts TCC's recommended Thoroughfare Plan amendments for the Six-Mile Creek

Basin except for the proposed extensions of Park, Carmel, and Johnston Roads.

Jan. 15, 1986 The MPO adds extensions of Park Road and Johnston Road to the Thoroughfare Plan.

Nov. 20, 1988 The MPO adopts a Countywide Thoroughfare Plan which includes two new proposed roadways for South Mecklenburg (both approved by the TCC and recommended in the South Mecklenburg Interim District Plan):

- US 521 relocation (Southern Outer Loop to South Carolina State line)--a four-lane major thoroughfare on new right-of-way.

- Community House Road Extension (US 521 Relocation to Lower Mecklenburg Circumferential)--a two-lane minor and four-lane major thoroughfare on new right-of-way.

Sept. 18, 1991 Staff presents to the MPO the Thoroughfare Plan modifications which respond to the Ballantyne mixed-use community proposed by the Bissell Companies. The MPO directs the TCC to hold a public meeting to receive comments on the Thoroughfare Plan changes.

Oct. 24, 1991 Staff presents the Thoroughfare Plan amendments reflecting the Ballantyne proposal at a public meeting attended by about 50 persons. There is little opposition to the Plan changes by meeting attendees.

Council Action

It is requested that Council consider the Thoroughfare Plan amendments in response to the proposed Ballantyne community and to direct the City's MPO representative when a vote on these amendments is taken on November 20. Attachment 1 shows the existing thoroughfares in the

vicinity of Ballantyne while Attachment 2 indicates the thoroughfares proposed by the Bissell Companies.

The TCC, as well as the Charlotte Department of Transportation (CDOT) and the Charlotte-Mecklenburg Planning Commission, recommend approval of the Thoroughfare Plan changes as requested by the Bissell Companies if the rezoning is approved. In addition, the TCC recommends reclassifying Providence Road West to a major thoroughfare if the rezoning is approved. The proposed amendments include:

- A realignment of the proposed Providence Road Extension between U.S. 521 and Elm Lane (Bissell request).
- A realignment of the proposed Community House Road Extension between Providence Road West and the realigned Providence Road West Extension (Bissell request).
- A further extension of Community House Road from the realigned Providence Road West, crossing the Outer Loop to Johnston Road Extension (Bissell request).
- Upgrade Providence Road West from a minor thoroughfare to a major thoroughfare between U. S. 521 Relocation and Rea Road Extension (TCC recommendation).

The TCC recommends approval of the Plan amendments because:

- The proposed Thoroughfare Plan changes are necessary to serve the Ballantyne community, if approved.
- The majority of the Thoroughfare Plan modifications are within the Ballantyne community.
- The modifications to the Thoroughfare Plan are being recommended in the draft South District Plan.
- The modifications to the Thoroughfare Plan maintain the desired spacing of thoroughfares and continuity to the adjacent thoroughfare network.

- The extension of Community House Road and Providence Road West Relocation will be built and dedicated by the Ballantyne developer.

Staff Resources: William B. Finger

Attachment No. 2

DECISIONS

Ord 1 3247-2 B-40 P281

3. (91-15) Decision on Petition No. 91-15 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 and R-9MF to R-9, (Northwest District Plan), for approximately 67.55 acres located on the east side of Toddville Road south of Old Mount Holly Road extending to Melynda Road.

Patterson/Martin approve - delete portion uses
Subst motion Martin/Vaughn approve all
Table 6-5

The rezoning of 1.95 acres fronting on Toddville Road was denied by City Council October 14, 1991. (Mr. Grant's property).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property. This applies to the portion of the property to be rezoned from R-9MF to R-9 only.

Decision was deferred at the March 18, May 20, June 17, July 15, September 16 and October 21 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 3

Ord 2 3248-2 B-40 P284

4. (91-24) Decision on Petition No. 91-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF, I-1, and I-2 to R-6 and I-1 (Northwest District Plan) for approximately 93.6 acres located on the south side of Old Mount Holly Road west of Melynda Road.

Patterson/W Kuhne approve - delete portion uses

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

Decision was deferred at the May 20, June 17, July 15, September 16 and October 21 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 4

Ord 3 #3249 B-40 p-287

5. (91-54) Decision on Petition No. 91-54 by Crosland-Erwin Associates for a Text Amendment to permit wholesale bakery activities on a limited basis in conjunction with a bakery for on site retail sale in the B-1 District.

McCrory/Patterson a amended approved passed 10-1

Decision was deferred at the October 21 meeting.

The Zoning Committee recommends that this petition be ~~denied~~ approved.

Attachment No. 5

6. (91-58) Decision on Petition No. 91-58 by Erwin Properties, Inc. for a change in zoning from O-15(CD) to B-1SCD and a B-1SCD Site Plan Amendment for approximately 26.4 acres located on the westerly side of East W. T. Harris Boulevard south of N.C. 49.

Patterson/Whitley defer to 11/25/91 unan

Decision was deferred at the October 21 meetings.

The Zoning Committee deferred action on this petition until November 18, 1991.

Attachment No. 6

Ord 4 3250-Z B-40 p-289

7. (91-61) Decision on Petition No. 91-61 by Hi-Q Photolith Corporation for a change in zoning from R-6MF to B-1(CD) for a 21,000 square foot parcel located at 2412 Arty Avenue.

Mangum/McCrory unan

Decision was deferred at the October 21 meeting.

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

Attachment No. 7

Ord 5 3251-Z B-40 p-292

8. (91-62) Decision on Petition No. 91-62 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-1(CD), B-2, and I-3 to UR-2 (Center City Urban Design Plan) for approximately 57.94 acres bounded by North Caldwell Street, North McDowell Street, John Belk Freeway, and East Trade Street.

Mangum/Patterson with modification Classified/Scarbough as amended unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 8

Ord 6 #3252-2 B 40 p 294

Clodfelter/Vinroot all but Adams vote a Fire Baptist - nay
Hammond/Vinroot Adams vote for Baptist - nay

9. (91-63) Decision on Petition No. 91-63 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6 and B-2 to UMUD for approximately 106.8 acres generally bounded by the John Belk Freeway, Davidson Street and 6th Street.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 9

Ord 7 #3253-2 B 40 p. 296

McCray/Hammond portion on Harris approval
Patterson/Hammond deny portion on Johnette but motion McCray/Vinroot approve with no connection to Johnette 7-4

10. (91-64) Decision on Petition No. 91-64 by Hickory Grove Baptist Church for a change in zoning from R-12 to R-I for a 27.2 acre site located on the west side of Harris Boulevard south of Trysting Place and extending westward to Johnette Drive.

The Zoning Committee recommends approval of the portion fronting on Harris Boulevard and denial of the portion extending westward to Johnette Drive. with no connection to Johnette Dr

Attachment No. 10

11. (91-65) Decision on Petition No. 91-65 by Davant Realty Company for a change in zoning from R-9 to R-9MF(CD) for approximately 5.5 acres located on the northerly side of Idlewild Road at Lynmont Drive.

Campbell/Matthews deny passed 7-4

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 11

Ord 8 #3254-2 B-40 p 298

12. (91-66) Decision on Petition No. 91-66 by Gibson and Associates, Inc. for a change in zoning from R-9MF to R-20MF for approximately 6.65 acres located off the westerly side of Oakdale Road north of Pleasant Grove Road.

Patterson/Clodfelter yes

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

Ord 9
3255-2
B-40
p 301

13. (91-67) Decision on Petition No. 91-67 by Charlotte Douglas International Airport for a change in zoning from R-12 and R-15 to I-2(CD) for approximately 135 acres located along both sides of Byrum Drive west of Coffee Creek.

Morgan/Scarborough
unan

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

Attachment No. 13

Ord 10
3256-2
B-40
p-303

14. (91-68) Decision on Petition No. 91-68 by Robert and Lorene Hawkins for a change in zoning from R-12 to B-1(CD) for a .52 acre site located on the westerly side of Thrift Road (Freedom Drive), south of Moores Chapel Road.

Patterson/White
unan

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

Attachment No. 14

15. (91-69) Decision on Petition No. 91-69 by Marriott Retirement Communities, Inc. for a change in zoning from R-12 to R-12MF(CD) for a 7.83 acre site located on the southwest corner of Runnymede Lane and Michael Baker Place.

Vinroot/Hammond
see Campbell
Morgan/Scarborough
main motion to deny - unan
subst
Patterson/Vinroot
defer to 11/25
passed (later reconsidered)
Vinroot/McCrory
reconsider motion to defer
unan

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

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

Attachment No. 15.

Ord 11
#3257-2
B-40
p-306

16. (91-70) Decision on Petition No. 91-70 by Charlotte Eye, Ear, Nose and Throat Associates for a change in zoning from R-6MF to O-6(CD) and consideration of an O-6(CD) Site Plan Amendment for a 1.90 acre site located on the southeasterly side of Lillington Avenue at Amherst Place.

Morgan/Patterson
approve
passed 9-2
Clodfelter/Hammond
deny
failed 9-2

The Zoning Committee recommends that this petition be ~~denied~~ approve.

Attachment No. 16

Motion/Second/unan

17. (91-71) Decision on Petition No. 91-71 by Fun City, Inc. for a change in zoning from B-1 to B-2 for a 3.659 acre site located between I-85 and Wilson Avenue, east of Beatties Ford Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

Motion/Second/unan

18. (91-72) Decision on Petition No. 91-72 by Emily Hedrick for a Site Plan Amendment to an existing R-12MF(CD) zoning for approximately 2.91 acres located on the west side of Marsh Road north of Selwyn Farms Lane.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

Petition/Whites defer to 11/25/91

19. (91-73) Decision on Petition No. 91-73 by Pi Phi Chapter-Omegas of Charlotte, Inc., for a change in zoning from R-9 to R-9MF(CD) for a 9.89 acre site located on the west side of I-77 south of Hamilton Circle.

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

The Zoning Committee deferred action on this petition to November 18.

Attachment No. 19

Motion/Whites unan

20. (91-74) Decision on Petition No. 91-74 by Charlotte York Rite Board of Trustees for a change in zoning from R-12 to R-12MF(CD) for a 1.68 acre site located on the westerly side of Castleton Road north of Sharon Amity Road.

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

Attachment No. 20

Refer to notes for motions defer to 11/25/91

21. (SUP 91-4) Decision on SUP 91-4 by Richardson Sports Limited Partnership for a Special Use Permit consideration for a stadium in UR-3, I-3, U-I, and UMUD zoning districts, on approximately 33.18 acres bounded by South Cedar Street, West Morehead Street, I-277 and Mint and Graham Streets.

The Zoning Committee recommends that the Findings of Fact and Conclusion of Law as set forth in the attached document be adopted and the Special Use Permit be approved.

Attachment No. 21

22. Recommend adoption of a Resolution calling for public hearings on Tuesday, December 17, 1991, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, for Petition Nos. SUB-91-1 and 91-75 through 91-81 for zoning changes.

Petition No 91-76 withdrawn

Attachment 1
SEGMENT UNDER STUDY
BEATTIES FORD
McCOY
ALEXANDERANA
MT HOLLY-HUNTERSVILLE
ROZZELLES FERRY
NC 16
REAMES
I-77
US 21
SUMMIT
PEACHTREE
NC 27
BROOKSHIRE
AUTEN
BEATTIES FORD
STATESVILLE
LITTLE ROCK
TODDVILLE
I-85
WALLACE NEEL
CHARLOTTE
ENGINEERING DEPARTMENT
PROPOSED CHANGE
NORTH WEST
CIRCUMFERENTIAL ROUTE
LITTLE ROCK
TO BROOKSHIRE BLVD.
2/10/91

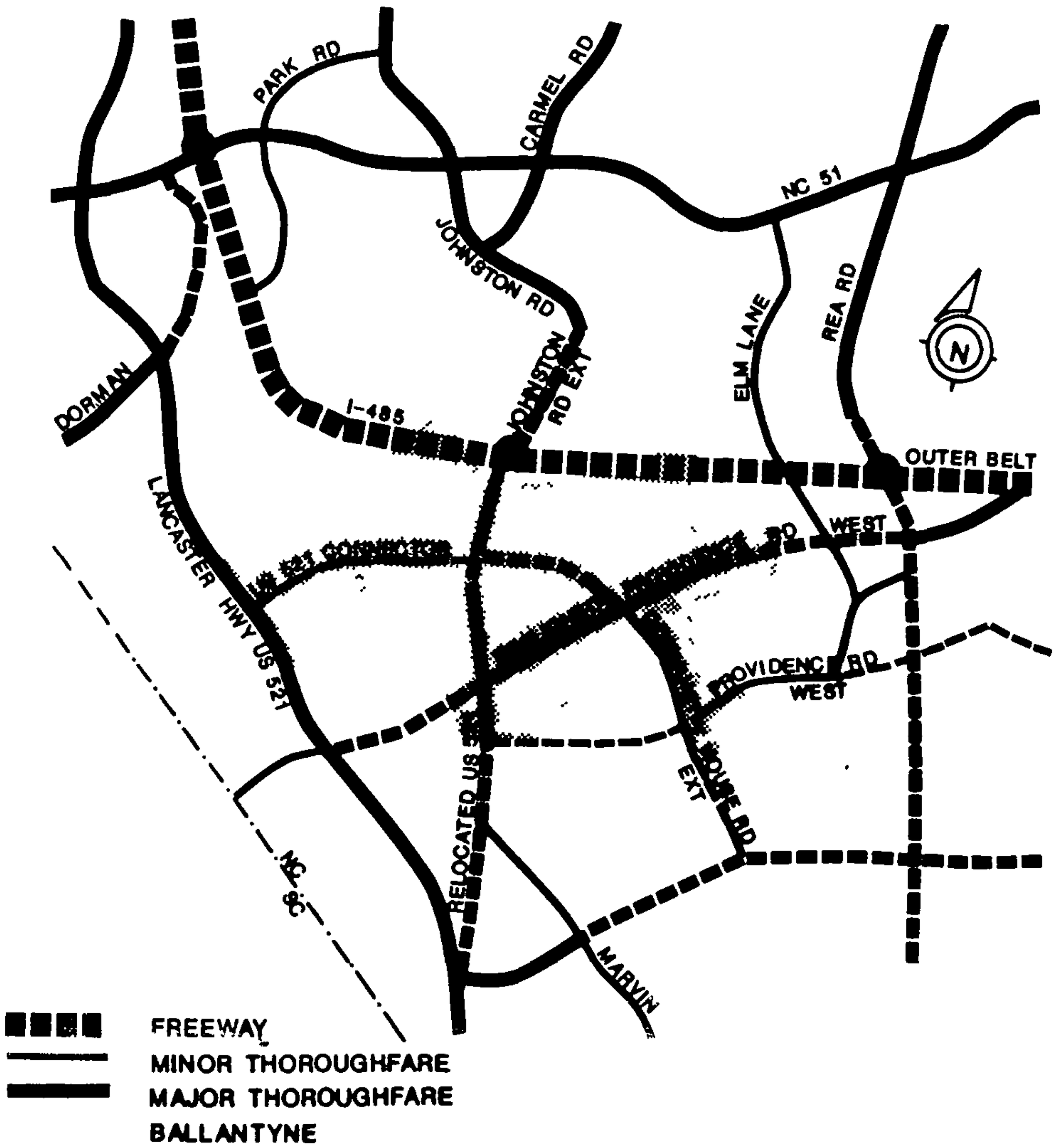
ATTACHMENT 3

NORTHWEST CIRCUMFERENTIAL ALIGNMENT ALTERNATIVES
Little Rock Road to Brookshire Boulevard (NC 16)

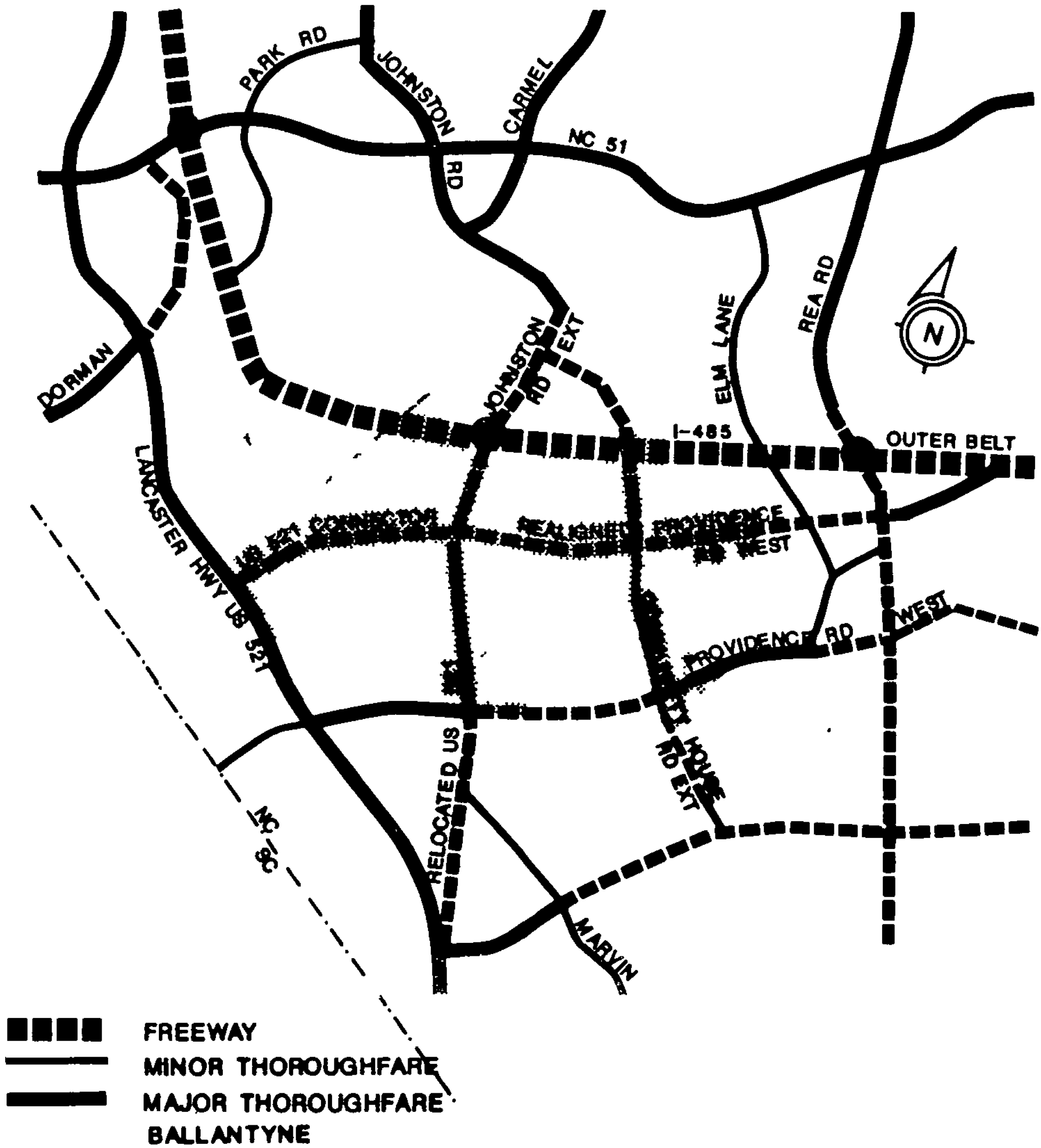
ALTERNATE	SEGMENTS	COLOR	STRUCTURES WITHIN RIGHT-OF-WAY RESIDENTIAL	STRUCTURES WITHIN RIGHT-OF-WAY BUSINESS/OTHER	STRUCTURES WITHIN 200' OF RIGHT-OF-WAY RESIDENTIAL	STRUCTURES WITHIN 200' OF RIGHT-OF-WAY BUSINESS/OTHER	PROPOSED CULVERTS AND BRIDGES	RAILWAY CROSSINGS	LENGTH (miles)
1*	A, A1, A2, A3,	Violet	9	2	22	7	8 Culverts 2 Bridges	2	2 58
2**	A, B, B1, B2, B3, A3	Blue	11	2	31	5	3 Culverts 3 Bridges	2	2.54
3**	A, A1, C, C1, B2, C2 A3,	Violet, Red, Blue	6	1	20	6	7 Culverts 3 Bridges	2	2.54

* *Existing Thoroughfare Plan Alignment*

** Structures noted within right-of-way and within 200 feet of right-of-way include those structures that would be affected by the realignment of Valleydale Road between Summerville and Mount Holly Roads and Little Rock Road between Flintrock Road and Carole Lane



EXISTING THOROUGHFARE PLAN



PROPOSED THOROUGHFARE PLAN

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 1, 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 October 28, 1991.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, November 11, 1991. This will then permit these matters to be placed on your agenda for consideration on November 18, 1991.

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

Respectfully submitted,

Anne J. McClure (mlj)

Anne J. McClure
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

AJM:mlj

Attachments

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

DATE: October 28, 1991

PETITION NO.: 91-15

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Northwest District Plan).

REQUEST: Change from I-1 and R-9MF to R-9.

LOCATION: A 67.55 acre site located on the east side of Toddville Road south of Old Mount Holly Road extending to Melynda Road.

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

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

Nays: None.

REASONS

This petition seeks rezoning from a combination of light industrial and multi-family residential to single family residential in accordance with the Northwest District Plan. The district plan recommends that the existing single family area east of Toddville Road and south of Mount Holly Road remain single family residential in the future to preserve the existing neighborhood and to provide additional housing opportunities in the area. A large vacant tract of land east of Melynda Road included in Rezoning Petition No. 91-24 is also recommended for a single family residential future. For the past several months the Zoning Committee has deferred action on this petition to allow Planning staff and an agent for one of the property owners affected by Petition No. 91-15 as well as Petition No. 91-24 to discuss the possibilities of potential conditional zoning districts for areas affected by both petitions. However, those discussions did not result in the submission of a conditional zoning site plan and Zoning Committee viewed continued deferrals as unwarranted at this point. The Zoning Committee viewed the district plan's goal of preservation of the existing housing stock in the area as appropriate and recommends the petition for approval.

STAFF OPINION

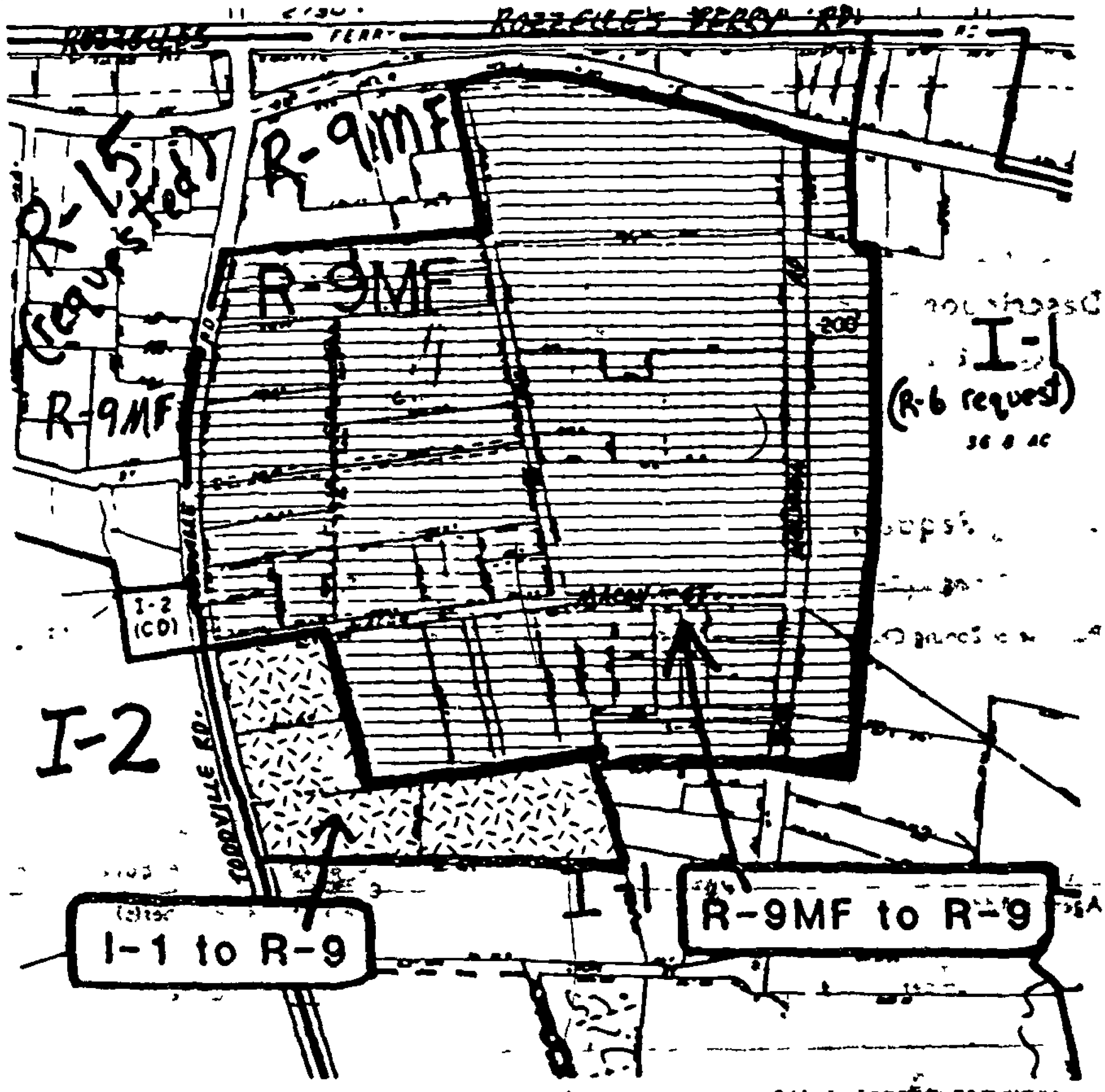
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

LOCATION: Approximately 69.5 acres located on the east side of Toddville Road, south of Old Mount Holly Road extending to Melynda Road.



ZONING MAP NO(s).: 67 & 81

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-24

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Northwest District Plan).

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

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

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

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

Nays: None.

REASONS

This petition seeks rezoning from multi-family residential to single family residential for the Todd Park neighborhood, from light industrial to single family residential for a large vacant tract of land adjacent to Todd Park and from general industrial to light industrial for a tract located to the south of Todd Park in accordance with the Northwest District Plan. Planning staff and the agent for a property owner affected by Petition Nos. 91-15 and 91-24 have discussed for some time the feasibility of conditional districts for property included in both petitions. The Zoning Committee has deferred this petition for several months while these discussions occurred. Those discussions have not resulted in the submission of a conditional zoning plan by the property owner and the Zoning Committee viewed additional deferrals awaiting a site plan as unwarranted at this point. The Zoning Committee viewed the district plan's goal of preservation of housing opportunities in the area as appropriate and recommends approval of the rezoning petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

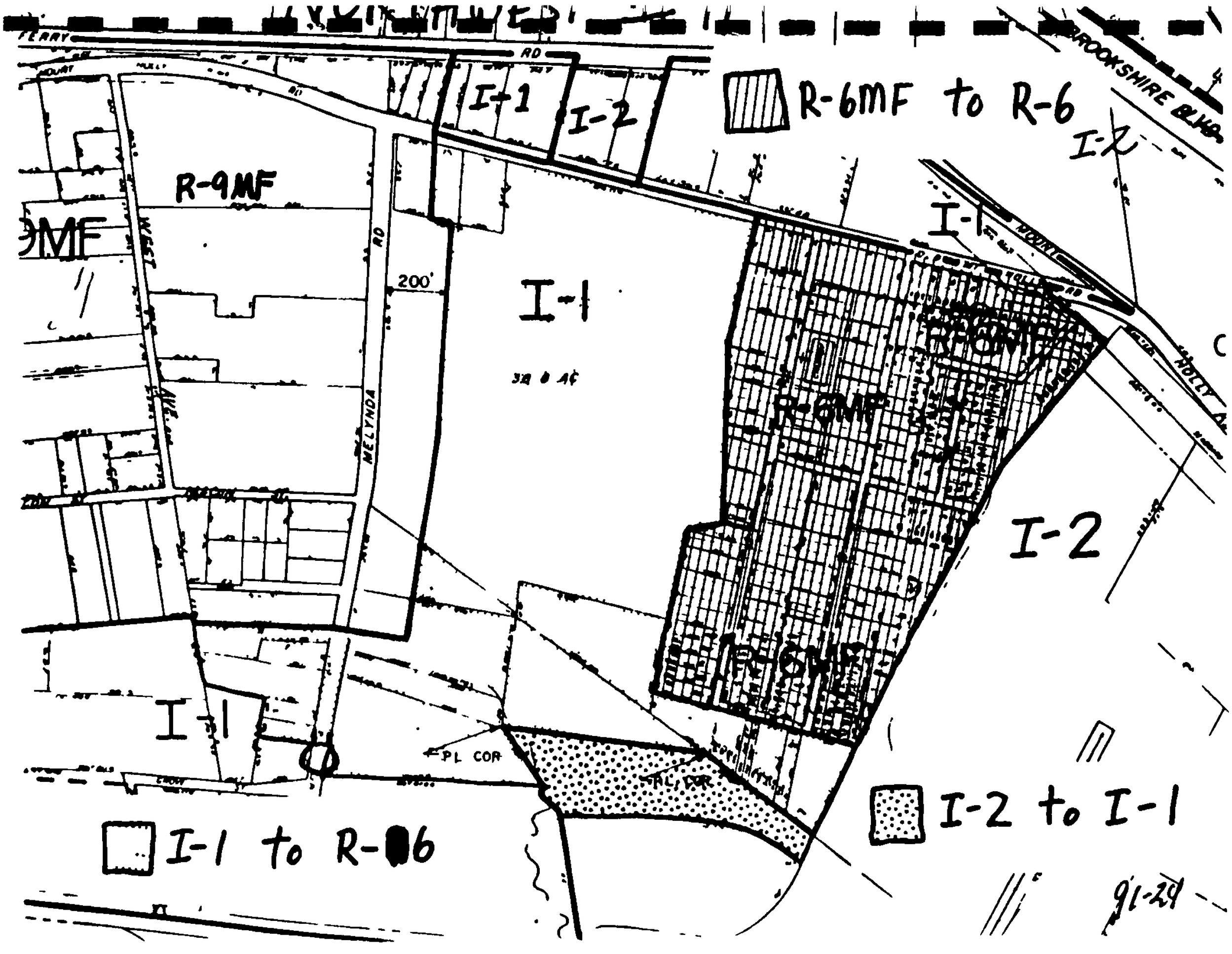
ZONING CLASSIFICATION, EXISTING: R-6MF,I-1,I-2 REQUESTED: R-6 & I-1

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

SEE ATTACHED MAP

ZONING MAP NO(s).: 67 & 68, 90, 91 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


FERRY RD
BROOKSHIRE BLVD
R-6MF to R-6
I-1
I-2
R-9MF
9MF
WEST AVE.
MELYNDA RD
200'
I-1
38.8 AC
I-1
MOUNT HOLLY RD
R-6MF
R-6MF
R-6MF
I-2
I-1
PL COR
PL COR
I-2 to I-1
I-1 to R-6
91-29

DATE: October 1, 1991

PETITION NO.: 91-54

PETITIONER(S): Crosland-Erwin Associates

REQUEST: Consideration of a text amendment to permit wholesale bakery activities on a limited basis in conjunction with a bakery for on site retail sale in the B-1 district.

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

VOTE: Yeas: Baucom, Byrne, Fenning, McClure, O'Brien, and Spencer.

Nays: Motley.

REASONS

The zoning ordinance presently permits bakeries including manufacture of goods for sale only on the premises to be located in the B-1 neighborhood business district. This petition proposes a change which would permit limited wholesale activity to also be conducted from such bakeries in the B-1 category allowing goods to be manufactured in B-1 and sold off-site on a wholesale basis. The text amendment would limit such bakeries with the wholesale operation to a total of 2,500 square feet of gross floor area and the area devoted to wholesale activities not to exceed 20% of the total square footage. The majority of the Zoning Committee members viewed the proposed amendment as inappropriate in that it would represent a shift from a neighborhood oriented retail focus to a wholesale services emphasis in the zoning district that is intended to be the most restrictive business category and one which provides services for the convenience of residents on the adjacent neighborhoods. Therefore, Zoning Committee recommends that the petition be denied.

MINORITY OPINION

A minority of Zoning Committee members viewed the request as appropriate for approval due to its limited application and the small scale of the bakeries involved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-54
Date Filed July 8, 1991
Received By MCM
OFFICE USE ONLY

Staff Review - Tues. July 30 @ 10:00 a.m.

Section No. 3062.25 Permitted Uses in Business Districts
(Title)

Purpose of Change: This section currently restricts bakeries to retail sales only in the B-1 District. While it is clear that large scale bakery activities have industrial characteristics, small operations can appropriately carry out some wholesale business while still maintaining a neighborhood retail atmosphere. Specialty shops, such as a bagel bakery, are a recent trend and typically combine retail and wholesale activities. This type of business creates unique interest when located in a neighborhood shopping center and serves as a popular shopping amenity to area residents. It is very difficult for a small bakery to survive financially by limiting sales to retail only. There is a blurred line between a retail and wholesale bakery business since most of the small bakeries conduct some type of wholesale activity in addition to their primary retail activity.

It is proposed that Section 3062 be amended to permit wholesale bakery activities in the B-1 District with the following stipulations: 1) Wholesale activities must be ancillary to and operated in conjunction with the primary use of a bakery manufacturing goods for on-site retail sale; and 2) gross floor area must be limited to 2,500 square feet.

Suggested Language: Amend Section 3062 to add the following allowed use: "Bakeries, retail, including manufacture of goods, and wholesale, including manufacture of goods, not to exceed 2,500 square feet of gross floor area. Wholesale activities must be operated in conjunction with retail activities (only in B-1)."

Eric E. Kenney
Crosland-Erwin-Associates

Name of Petitioner(s)

125 Scaleybark Road, Charlotte 28209
Address of Petitioner(s)

523-0272
Telephone Number

Signature

Name of Agent

Agent's Address

Telephone Number

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 3062. Permitted Uses, by adding a new allowed use as follows:

   "Bakeries, retail, including manufacture of goods, and wholesale, including manufacture of goods, not to exceed 2500 square feet of gross floor area. Wholesale activities must be operated in conjunction with retail activities. Floor area utilized for wholesale activities must be limited to no more than 20 percent (20%) of the gross floor area."

Section 2. These amendments shall become effective upon its adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: October 28, 1991

PETITION NO.: 91-58

PETITIONER(S): Erwin Properties

REQUEST: Change from O-15(CD) to B-1SCD and consideration of a B-1SCD site plan amendment.

LOCATION: Approximately 26 acres located on the westerly side of East W.T. Harris Boulevard south of N.C. 49.

ACTION: The Zoning Committee deferred action on this petition to November 18, 1991.

VOTE: Yeas: Baucom, Fenning, Motley and O'Brien.

Nays: Byrne, McClure and Spencer.

NOTE: A substitute motion was made to recommend denial of the petition, rather than to defer. That motion failed with the following vote:

VOTE: Yeas: Fenning, Spencer.

Nays: Baucom, Byrne, McClure, Motley and O'Brien.

REASONS

This petition proposes the amendment of an existing office park plan to convert a portion of the office area to a commercial center. Publicly adopted plans and policies in effect for this area have evolved over the recent years with the 2005 Plan indicating residential land uses in the area but with the UNCC District Plan and the Northeast District Plan recognizing the feasibility of office land uses. The Planning Committee of the Planning Commission is in the process of evaluating commercial land needs in the northeast district due to the substantial interest in additional retail in the area of the subject property. The Zoning Committee discussed the petition for some time with some members viewing the establishment of additional retail as warranted. However, ultimately, Zoning Committee deferred action on the petition in order to have the benefit of the Planning Committee discussions of northeast retail needs prior to their evaluation of this zoning petition. Therefore, Zoning Committee deferred action to their November 18 work session.

MINORITY OPINION

The petitioner's agent indicated during Zoning Committee's discussion that a delay of the decision on this request presents a problem to the petitioner and a negative Zoning Committee recommendation would actually be preferable to a deferral. A substitute motion was offered to recommend denial of the petition, in lieu of deferral, but the motion failed by a vote of 2-5.

DATE: October 28, 1991

PETITION NO.: 91-61

PETITIONER(S): Hi-Q Photolith Corporation

REQUEST: Change from R-6MF to B-1(CD).

LOCATION: A 21,000 square foot parcel located at 2412 Arty Avenue.

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

VOTE: Yeas: Baucom, Byrne, Fenning, McClure, Motley.

Nays: O'Brien and Spencer.

REASONS

This petition proposes rezoning from a residential category to a conditional business district to allow an addition to the existing engraving business. The business is presently operating as a nonconforming use thus requiring rezoning to allow the proposed expansion. The property was originally zoned for industrial purposes but through a 1981 rezoning petition was rezoned to R-6MF in order to protect the residential character of the neighborhood. Adopted plans and policies for this area further recognize the need to protect the residential character of the neighborhood. Subsequent to Zoning Committee's previous work session, the petitioner submitted a revised site plan to better address the proposed edge treatments adjoining residential properties. A majority of the Zoning Committee viewed the modifications as a substantial improvement over the previous plan and the planned expansion as a potential enhancement of the property. While Zoning Committee viewed the publicly adopted policy of preservation of the residential character of the area as correct and valid, the majority of members viewed the proposed expansion as appropriate for approval due to its potential to enhance the general area by providing better edges to the adjacent residential properties than currently exist and thus providing more stability to the neighborhood. Therefore, Zoning Committee recommends that the petition be approved.

MINORITY OPINION

The minority opinion viewed the conversion of the subject property to a commercial category and the proposed expansion as inappropriate in this location. It was noted that the area is a solid residential community and the enlargement of the business is not something which should be encouraged in this neighborhood. It was also noted that the approval of this rezoning would send the message that this is an area in which additional nonresidential development is considered appropriate.

STAFF OPINION

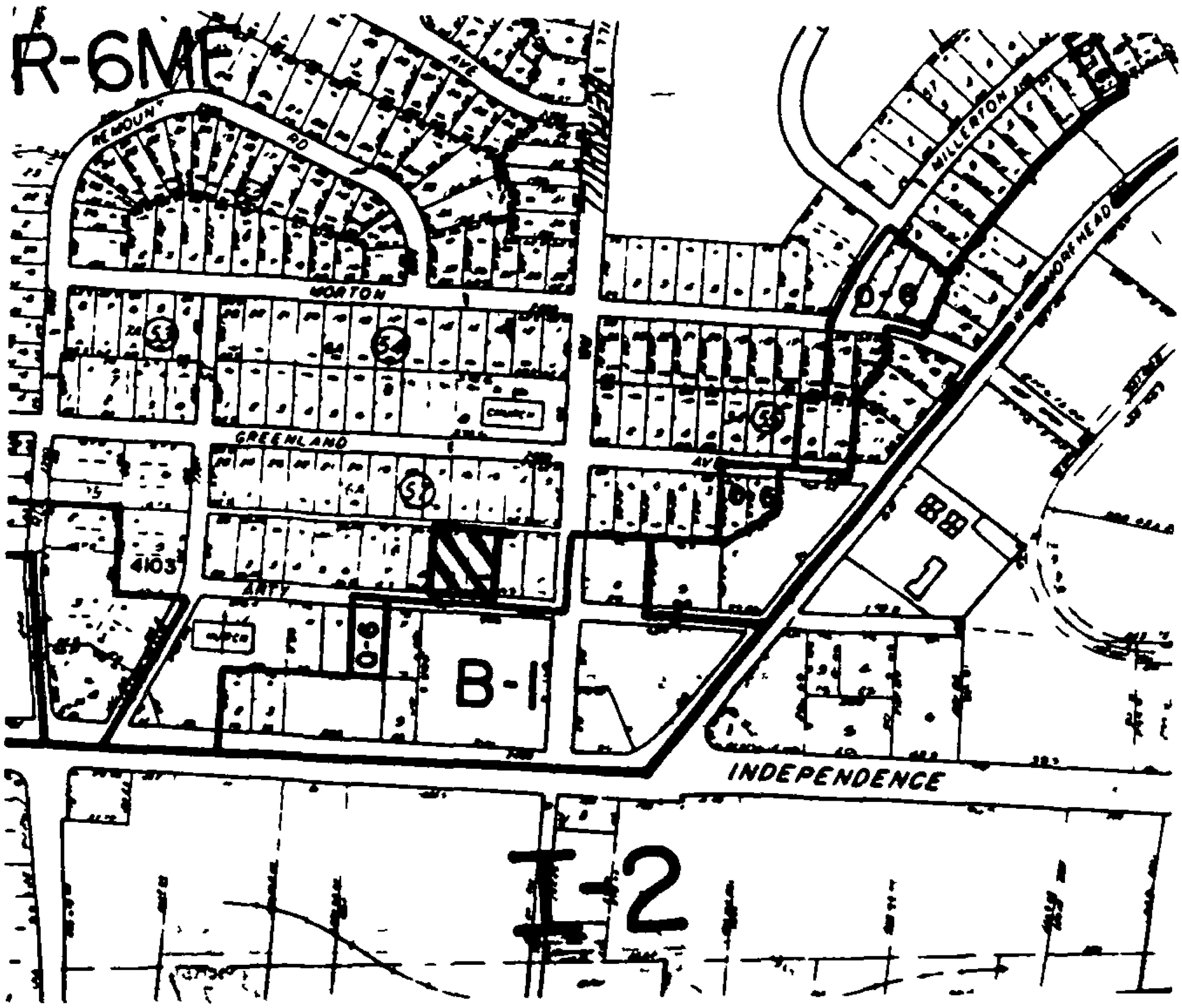
The staff disagrees with the recommendation of Zoning Committee. Staff views the proposed expansion as potentially detrimental to the goal of stabilizing the existing single family residential neighborhood and the site plan as inadequate in offering assurances that the expansion will be harmonious to the existing character of the area.

PETITIONER: Hi-Q Photolith Corp.

PETITION NO.: 91-61 HEARING DATE: September 16, 1991

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

LOCATION: A 21,000 square foot parcel located on the north side of Arty Avenue west of Berryhill Road.



ZONING MAP NO(s).: 103 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-62

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Center City Charlotte Urban Design Plan).

REQUEST: Change from O-6, B-1(CD), B-2, and I-3 to UR-2.

LOCATION: Approximately 57.94 acres bounded by North Caldwell Street, North McDowell Street, John Belk Freeway, and East Trade Street.

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

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

Nays: None.

REASONS

This petition is one of a series of petitions to be initiated by the Charlotte-Mecklenburg Planning Commission to implement the recommendations of the Center City Charlotte Urban Design Plan which was adopted in 1990. The Center City Plan recommends a number of properties for incorporation into urban zoning districts due to their relationship to the existing UMUD district, their geographic location within the Center City core created by the I-277 loop and their long range feasibility for more urban types of development. The properties in this petition are proposed for rezoning to the UR-2 district which is the predominant residential district throughout the fringe of the uptown area and provides for moderate density residential development and limited retail and office uses in conjunction with residential uses. Representatives of two sites which would be rendered nonconforming by the implementation of this rezoning petition appeared at the public hearing and requested that their properties remain as conforming uses. The Zoning Committee previously deferred action on this petition while Planning staff evaluated the existing uses and alternative zoning categories to address the nonconformity issue. An alternative zoning classification that would address the nonconformity issue is the UR-C classification. UR-C allows freestanding office and business uses as well as residential uses and could serve as a transition between the UMUD classification and the adjoining residential properties. The UR-C classification would offer some advantages to extension of UMUD across 5th Street due to the potentially adverse impact of the unlimited height and floor area ratio available in the UMUD zoning classification on adjoining residential uses. The Zoning Committee viewed the UR-C district as potentially feasible for these two properties subject to proper rezoning procedure including notification and hearings. Therefore, Zoning Committee recommends approval of the petition to UR-2, as submitted, with the

caveat that City Council consider potential application of the UR-C classification on the two properties rendered nonconforming by UR-2.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-62 HEARING DATE: September 16, 1991

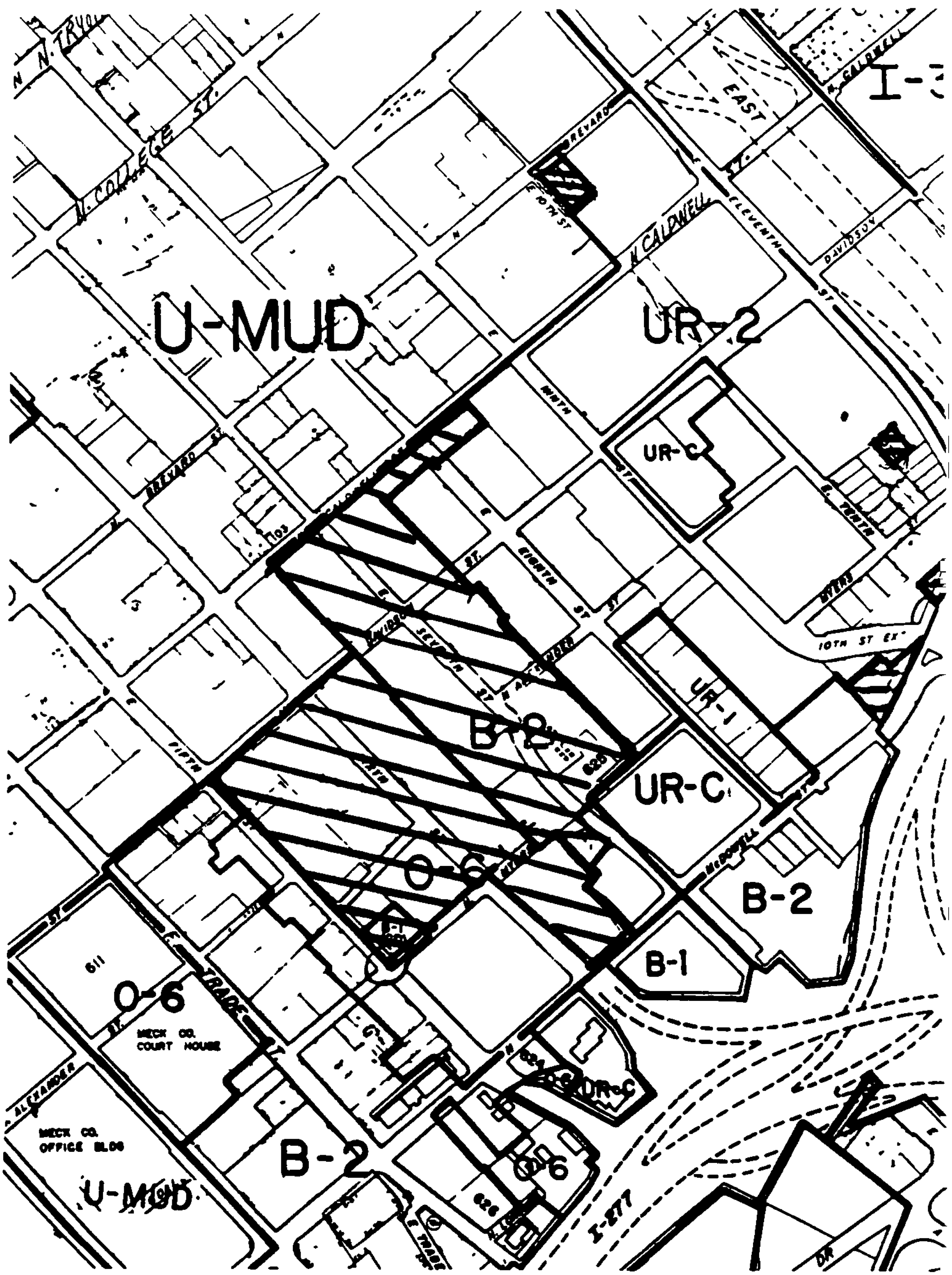
ZONING CLASSIFICATION, EXISTING: O-6, B-1(CD), B-2 & I-3 REQUESTED: UR-2

LOCATION Approximately 106.8 acres bounded by North Caldwell Street, North McDowell Street, John Belk Freeway, and East Trade Street.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


N. TRYON
N. COLLEGE ST.
BREVARD
N. CALDWELL
EAST
ELEVENTH ST.
DAVIDSON
U-MUD
UR-2
NINTH ST.
UR-C
E. TENTH
EIGHTH ST.
WYAT
10TH ST EX
UR-1
B-2
FIFTH
SIXTH
UR-C
O-6
B-2
B-1
O-6
TRADE
MECK CO. COURT HOUSE
ALEXANDER
MECK CO. OFFICE BLDG
B-2
U-MUD
I-277

DATE: October 28, 1991

PETITION NO.: 91-63

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Center City Urban Design Plan)

REQUEST: Change from O-6 and B-2 to UMUD.

LOCATION: Approximately 106.8 acres generally bounded by the John Belk Freeway, Davidson Street, and 6th Street.

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

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

Nays: None.

REASONS

This petition is one of a series of petitions to be initiated by the Charlotte-Mecklenburg Planning Commission to implement the recommendations of the Center City Urban Design Plan which was adopted in 1990. The properties involved in this petition are recommended for rezoning to UMUD to provide a mixture of retail, office, and residential uses and to promote higher densities in the center city core. The Zoning Committee had previously deferred action on the petition in order to allow Planning staff to provide additional information on issues that arose at the public hearing on this request related to the existing urban renewal plan for the area and accompanying deed restrictions. The urban renewal plans specify allowed uses, maximum building coverage, setbacks, and parking standards that exceed the requirements of the UMUD zoning classification. For example, the urban renewal plan requires 20 foot setbacks and rear yards while the UMUD category requires 12 foot setbacks and no rear yard and the plan requires parking in excess of the zoning ordinance requirements. The urban renewal restrictions are generally more restrictive than the current zoning and will continue even though the zoning is changed. However, none of the restrictions in combination with the existing or proposed zoning regulations are mutually exclusive or create conflicts in which adherence to one set of restrictions results in noncompliance with the other set of restrictions. An amendment to the urban renewal plan can be approved by the City Council much like changes to zoning classifications. If the proposed change is significant the owners of property within the renewal area would also have to consent to the proposed change. The Zoning Committee viewed the request to establish the UMUD category within the petitioned site as consistent with the goal of establishing design criteria in the uptown area and as appropriate for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO. 91-63 HEARING DATE: September 16, 1991

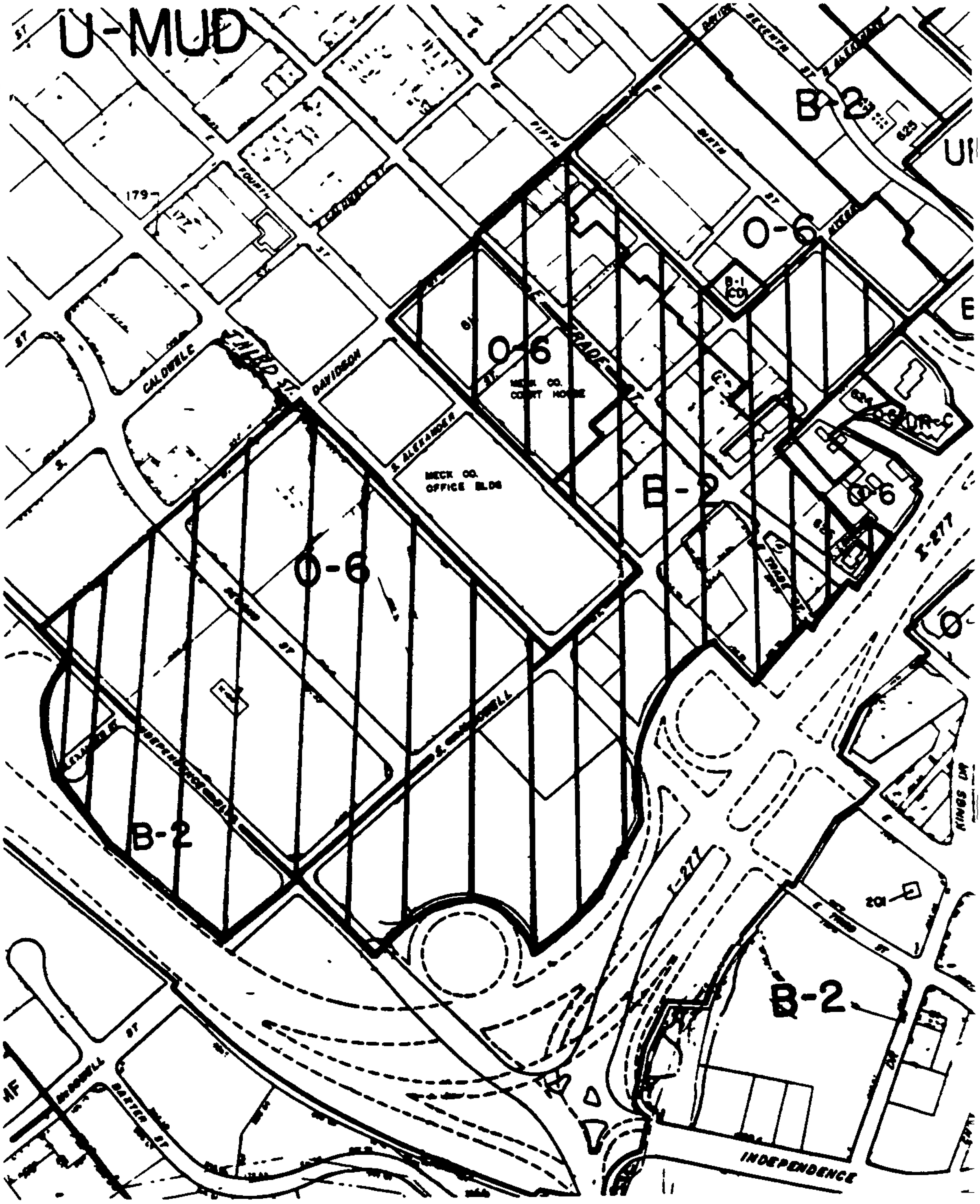
ZONING CLASSIFICATION, EXISTING: O-6, B-2, B-1(CD) REQUESTED UMUD

LOCATION Approximately 57.94 acres generally bounded by the John Belk Freeway to the south and west, Davidson Street to the north and 6th Street to the east.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


U-MUD
B-2
O-6
FIFTH
SIXTH
FOURTH
CALDWELL
THIRD ST.
DAVIDSON
TRADE
MECK. CO. COURT HOUSE
S. ALEXANDER
MECK. CO. OFFICE BLDG
I-277
KINGS DR
INDEPENDENCE
BARTER ST
179
625
201

DATE: October 28, 1991

PETITION NO.: 91-64

PETITIONER(S): Hickory Grove Baptist Church

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

LOCATION: A 27.2 acre site located on the west side of Harris Boulevard south of Trysting Place and extending westward to Johnnette Drive.

ACTION: The Zoning Committee recommends that this petition be approved in part. (See attached map).

VOTE: Yeas: Baucom, Byrne, Fenning, McClure, Motley, and Spencer.

Nays: O'Brien

REASONS

This petition proposes rezoning from single family residential to the R-I district to allow the creation of additional parking for an existing church. The Zoning Committee discussed the proposed parking expansion for some time focusing on the apparently unclear ultimate vision of the church with respect to their overall land needs and the extensive amount of parking proposed in relationship to the church's membership. There was also significant concern among Zoning Committee regarding the extent to which the petitioned site extends in a westerly direction toward Johnnette Drive. Ultimately, the Zoning Committee recommended approval of only the portion of the petitioned site closest to Harris Boulevard and recommended denial of the portion of the property which extends westward to Johnnette Drive, as shown on the attached map.

MINORITY OPINION

The minority opinion expressed general concern regarding the expansion of large institutional type uses in residential settings and viewed rezoning petitions of this nature as giving inadequate consideration to the residential fabric of the adjoining properties.

STAFF OPINION

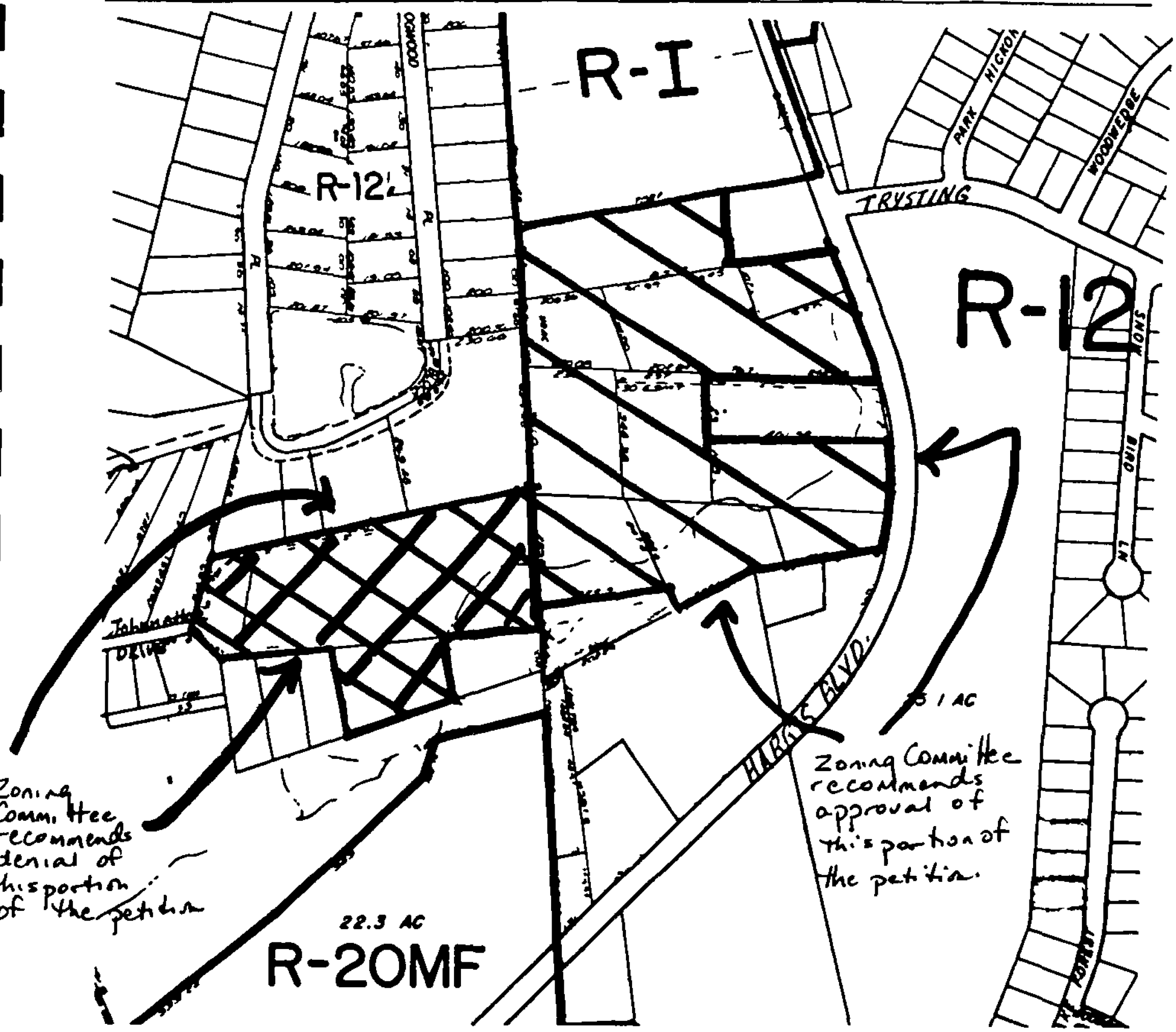
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Hickory Grove Baptist Church

PETITION NO.: 91-64 HEARING DATE: October 21, 1991

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

LOCATION: Approximately 27.2 acres located on the west side of Harris Boulevard south of Trysting Place and extending westward to Johnnette Drive.



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

PROPERTY PROPOSED FOR CHANGE

DATE:	October 28, 1991
PETITION NO.:	91-65
PETITIONER(S):	Davant Realty Company
REQUEST:	Change from R-9 to R-9MF(CD).
LOCATION:	Approximately 5.5 acre located on the northerly side of Idlewild Road at Lynmont Drive.
ACTION:	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas:	Baucom, Fenning, McClure, O'Brien and Spencer.
Nays:	Byrne and Motley.

REASONS

This petition seeks rezoning from single family residential to conditional multi-family residential to allow the development of a small apartment community and a day-care center. The Zoning Committee discussed issues that arose at the public hearing on this request including the issue of cut-through traffic in Idlewild Farms. The City's Department of Transportation provided the attached information on that issue which notes that CDOT expects cut-through traffic on Idlebrook Drive and Farm Pond Lane to be reduced when additional capacity is added to the existing thoroughfare system via the Idlewild Road widening project and the Harris Boulevard widening project. CDOT also notes that in the interim period the city is working with the Idlewild Farms Neighborhood Association to further address the cut through traffic situation and petitions are currently being circulated for the installation of multi-way stop signs in accordance with the recently revised neighborhood multi-way stop policy. The Zoning Committee also discussed the issues that arose at the public hearing on this request regarding the extent of existing multi-family development in the general area of the petitioned site and the intensity of development represented by the plan in relationship to adjoining single family properties. The majority of the Zoning Committee members viewed the request as inappropriate for approval noting an inordinate amount of multi-family development in the general area particularly on Albemarle Road, the petitioned site's proximity to established single family development, the intensity of the proposed development and the inadequate buffering offered by the site plan. Therefore, Zoning Committee recommends that the petition be denied.

MINORITY OPINION

The minority opinion viewed the petition as worthy of approval in that the site meets the locational criteria contained within the general policies for the district plans and viewed the site plan as in conformance with the character of the area.

STAFF OPINION

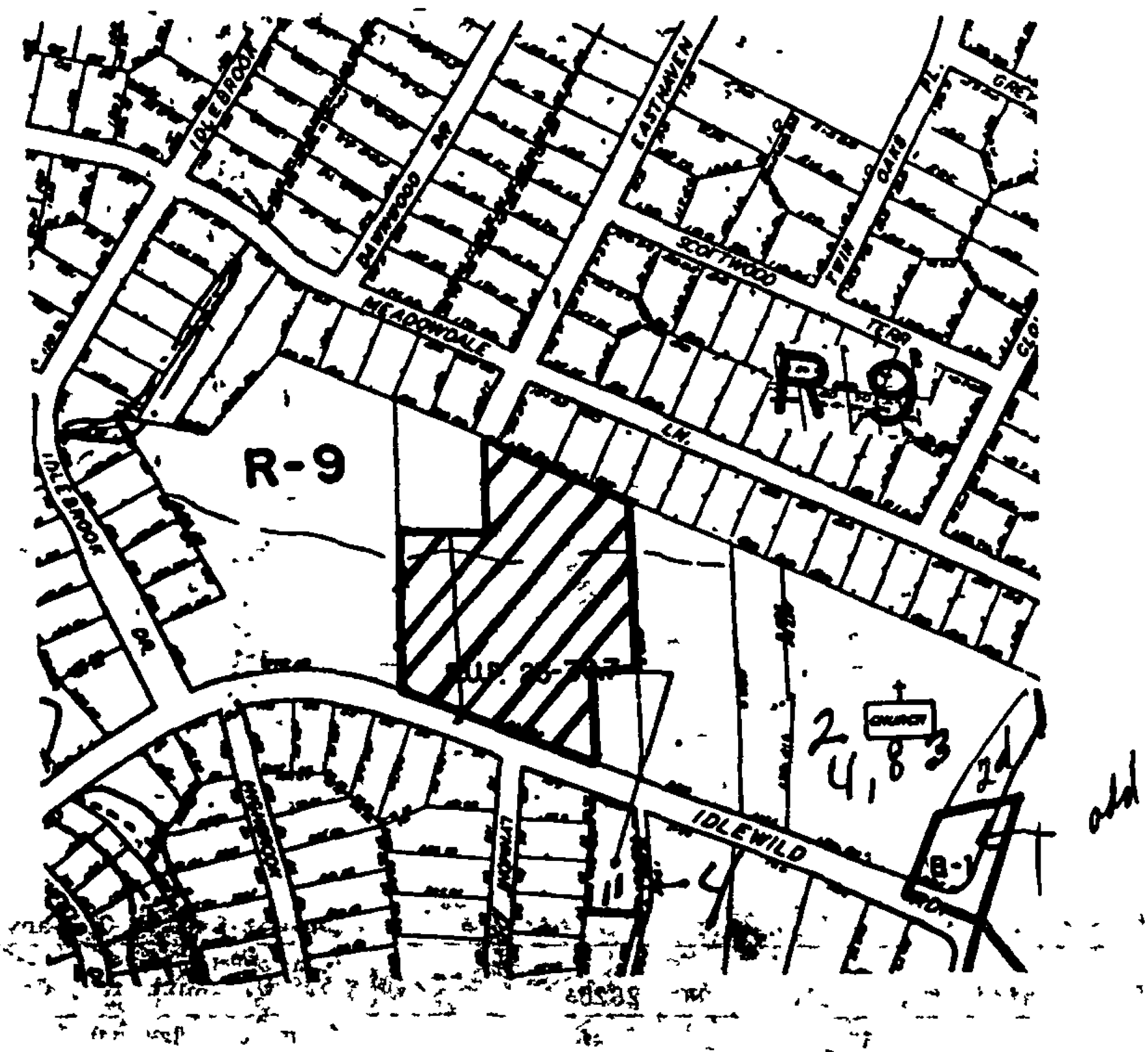
The staff disagrees with the recommendation of the Zoning Committee. Staff views the request as consistent with adopted plans for the area which envision continued residential development and the locational criteria for multi-family development that are a part of the general policies for the district plans are supportive of a multi-family residential designation in this location.

PETITIONER: Davant Realty

PETITION NO.: 91-65 HEARING DATE: October 21, 1991

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

LOCATION: Approximately 5.5 acres located on the northerly side of Idlewild Road at Lynmont Drive.



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

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-66

PETITIONER(S): Gibson & Associates, Inc.

REQUEST: Change from R-9MF to R-20MF.

LOCATION: Approximately 6.65 acres located off the westerly side of Oakdale Road north Pleasant Grove Road.

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

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

Nays: None.

REASONS

This petition seeks rezoning from a multi-family residential classification to the innovative category to provide for a patio home community to the rear of the existing Oakdale Place Townhomes. Plans for the area recognize continued residential development in the area of the subject property. Inasmuch as this petition proposes rezoning from one multi-family residential category to another which actually results in a reduction in permitted density, the Zoning Committee viewed the petition as appropriate for approval.

STAFF OPINION

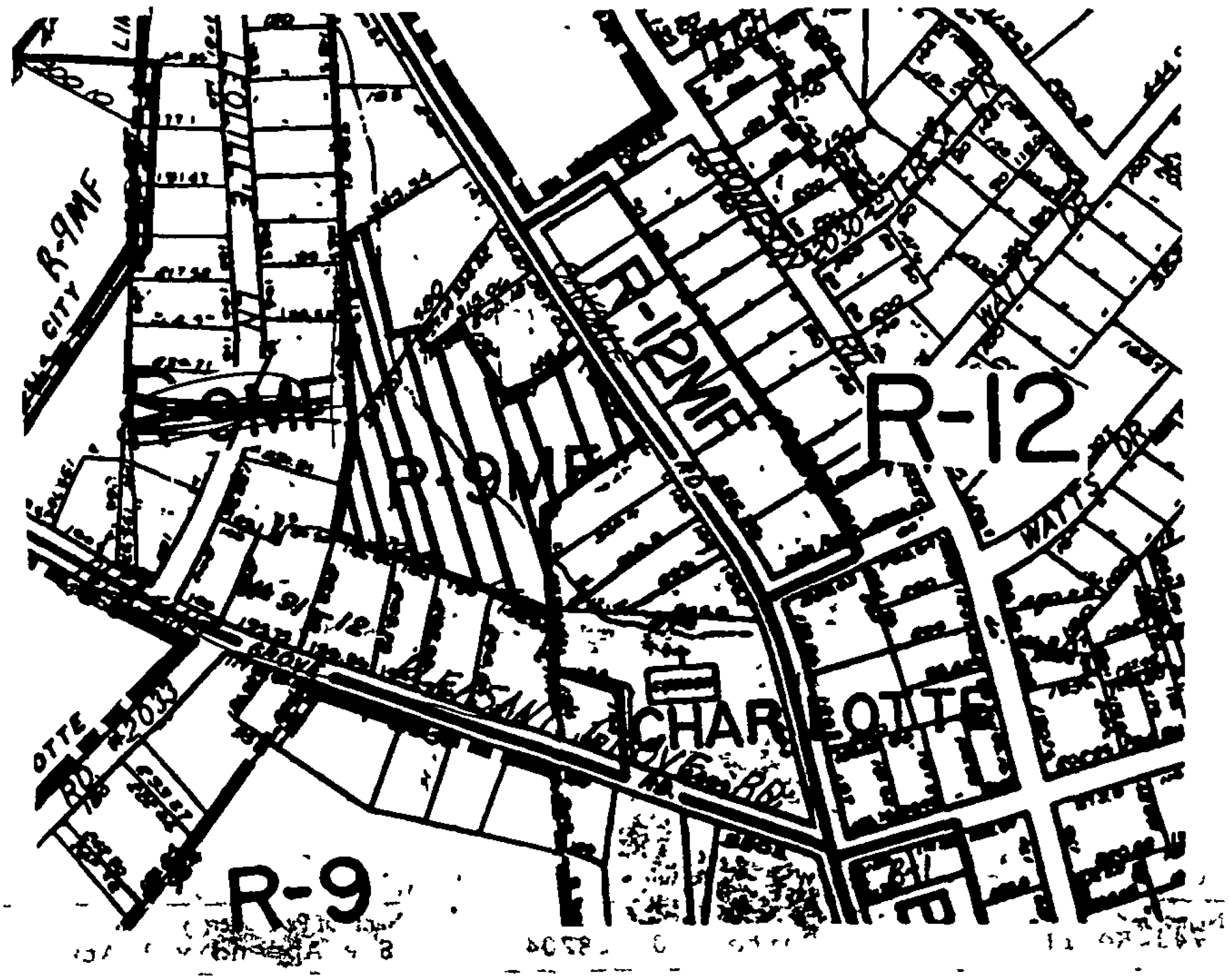
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Gibson & Associates

PETITION NO.: 91-66 HEARING DATE: October 21, 1991

ZONING CLASSIFICATION, EXISTING: R-9MF REQUESTED: R-20MF Innovative

LOCATION: Approximately 6.65 acres located off the westerly side of Oakdale Road north of Pleasant Grove Road.



Recent Pet.

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

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-67

PETITIONER(S): Charlotte-Douglas International Airport.

REQUEST: Change from R-12 and R-15 to I-2(CD).

LOCATION: Approximately 135 acres located along both sides of Byrum Drive west of Coffey Creek.

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

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

Nays: None.

REASONS

This petition seeks rezoning from single family residential to the general industrial district for properties located near the City's airport. Subsequent to the public hearing on this request, the petitioner met with Planning staff to discuss a number of outstanding site plan issues and submitted revised site plans prior to Zoning Committee's work session. The revised site plan better addresses the Byrum Drive and Piney Top Drive streetscapes and prohibits outdoor storage within 100 feet of those roads. The Zoning Committee viewed those modifications to the site plan as adequately ensuring that the affected thoroughfares remain attractive gateways into the community with appropriate streetscape treatments. Therefore, the Zoning Committee recommends that this petition be approved as modified.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Douglas International Airport

PETITION NO.: 91-67 HEARING DATE: October 21, 1991

ZONING CLASSIFICATION, EXISTING: R-12 and R-15 REQUESTED: I-2(CD)

LOCATION: Approximately 134.94 acres located along both sides of Byrum Drive, west of Coffey Creek.

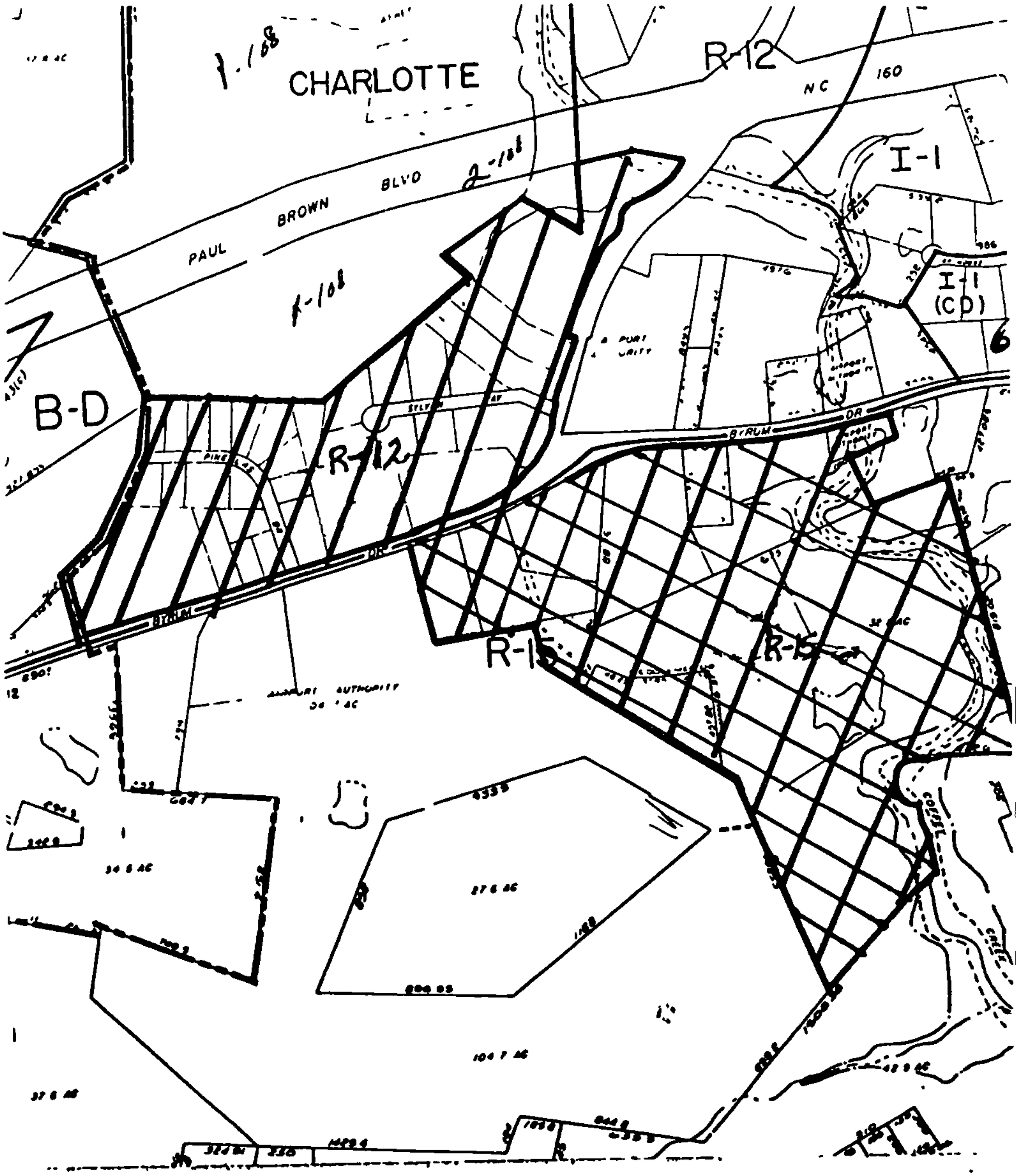
SEE ATTACHED MAP

ZONING MAP NO(s).: 108, 109, 127, 128

~~SCALE 1" = 400'~~

Not to scale

PROPERTY PROPOSED FOR CHANGE


CHARLOTTE
R-12
NC 160
I-1
PAUL BROWN BLVD
I-1 (CD)
B-D
BYRUM DR
R-12
R-15
R-15

DATE: October 28, 1991

PETITION NO.: 91-68

PETITIONER(S): Robert & Lorene Hawkins

REQUEST: Change from R-12 to B-1(CD).

LOCATION: A .52 acre site located on the westerly side of Thrift Road (Freedom Drive), south of Moores Chapel Road.

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

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

Nays: Spencer.

REASONS

This petition seeks rezoning from a single family residential category to the neighborhood business district to allow conversion of the existing single family residence to a retail flower and gift shop. Subsequent to the public hearing on this petition, the petitioner clarified an issue which arose at the public hearing by stipulating that the existing structure will be retained and the only use permitted other than a single family residence will be the retail flower and gift shop. The Zoning Committee viewed the petition as acceptable subject to those site plan revisions and, therefore, recommends its approval.

MINORITY OPINION

The minority opinion viewed the petition as an encroachment into the established single family community and one which would encourage parcel by parcel erosion of the residential edge of the Thrift Road corridor.

STAFF OPINION

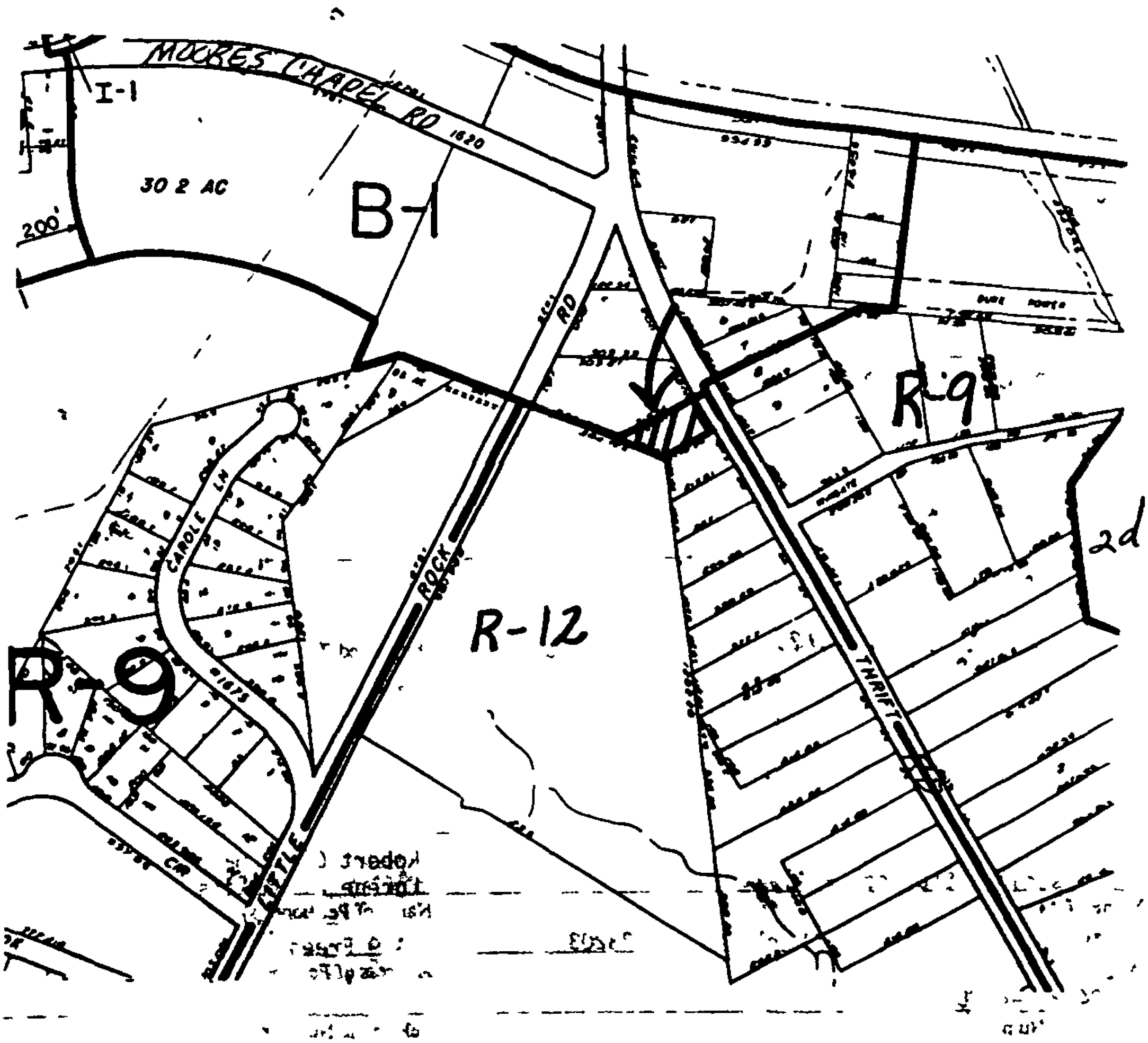
The staff disagrees with the recommendation of the Zoning Committee. The subject property is the point along Thrift Road which transitions from commercial to residential development. Approval of the petition could signal the beginning of the conversion of this portion of Thrift Road from a residential corridor into a commercial strip development pattern.

PETITIONER: Robert and Lorene Hawkins

PETITION NO.: 91-68 HEARING DATE: October 21, 1991

ZONING CLASSIFICATION, EXISTING: R-12 REQUESTED: B-1(CD)

LOCATION: Approximately .52 acres located on the westerly side of Thrift Road (Freedom Drive), south of Moores Chapel Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-69

PETITIONER(S): Marriott Retirement Communities, Inc.

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

LOCATION: A 7.83 acre site located on the southwest corner of Runnymede Lane and Michael Baker Place.

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

VOTE: Yeas: Baucom, Byrne, McClure, Motley, O'Brien.

Nays: Fenning and Spencer.

REASONS

This petition seeks rezoning from a single family residential district to a conditional multi-family residential district to allow the development of a home for the aged. The Zoning Committee discussed the petition for some time focusing on issues that arose at the public hearing including the potential impact of the proposed development on Briar Creek, stormwater runoff, the issue of construction in the floodway fringe, and safety of school children. Subsequent to the public hearing, the petitioner submitted additional information and additional commitments in response to these issues. A majority of Zoning Committee members viewed the issue of development within the floodway fringe as a larger issue requiring much further analysis and discussion outside of this rezoning request. It was noted that the existing zoning does not prohibit development within the floodway fringe. The Zoning Committee also noted the petitioner's additional commitment to fence the site during construction to ensure pedestrian safety on the sidewalks along Runnymede Lane, to provide a crossing guard at its curb cut during the construction and to make a one-time contribution of $10,000 to further provide for the public safety of school children in the immediate area. Based on the site plan modifications, the majority of the Zoning Committee members viewed the petition as appropriate for approval.

MINORITY OPINION

The minority opinion viewed the proposed development within the floodway fringe and the potential stormwater impact as rendering the petition inappropriate for approval.

STAFF OPINION

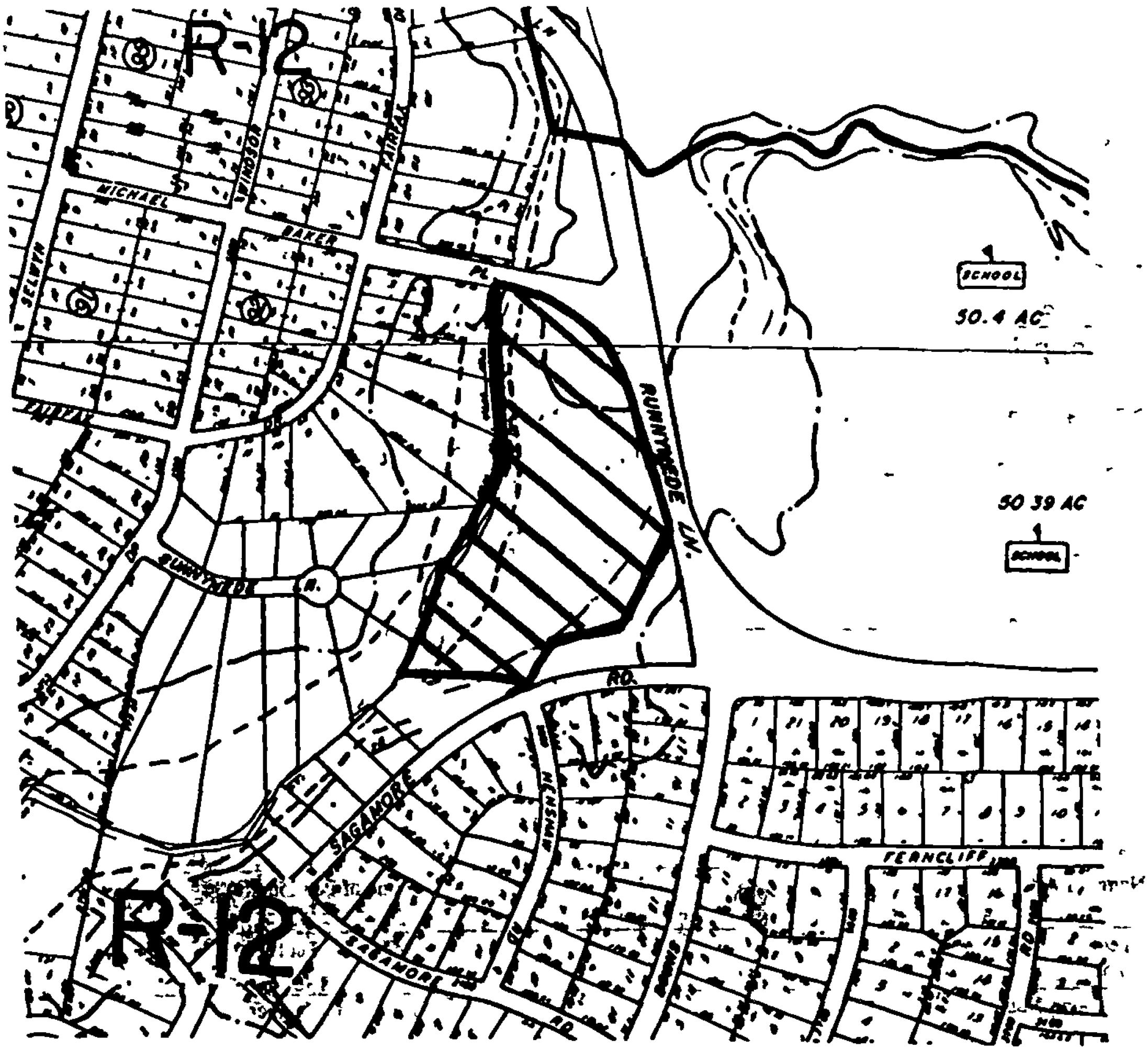
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Marriott Retirement Communities, Inc.

PETITION NO.: 91-69 HEARING DATE: October 21, 1991

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

LOCATION: Approximately 7.83 acres located on the southwest corner of Runnymede Lane and Michael Baker Place.



ZONING MAP NO(s).: 125, 135 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-70

PETITIONER(S): Charlotte Eye, Ear, Nose, & Throat Associates.

REQUEST: Change from R-6MF to O-6(CD) and consideration of an O-6(CD) site plan amendment.

LOCATION: A 1.90 acre site located on the southeasterly side of Lillington Avenue at Amherst Place.

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

VOTE: Yeas: Baucom, Byrne, O'Brien and Spencer.

Nays: Fenning, McClure and Motley.

REASONS

This petition proposes a rezoning from residential to office and an office site plan amendment to allow the construction of a medical office building. Publicly adopted and pending plans for the area stress the importance of protecting the residential character of the Cherry neighborhood. The Zoning Committee debated those plans as they relate to the subject property with several members viewing the petitioned site as appropriate for conversion from residential to office zoning. It was noted that the proposed development could potentially be more of an asset to the neighborhood than the existing residential structures. Other members viewed the petition as an encroachment into the neighborhood and continued removal of housing for nonresidential uses as a potential loss of "critical mass" much needed to maintain a stable neighborhood. Ultimately, the majority of the Zoning Committee members viewed the petition as inappropriate for approval due to its inconsistency with the long term goal of maintaining a solid residential fabric in the Cherry neighborhood.

MINORITY OPINION

The minority opinion viewed the proposal as not representing an intrusion into the neighborhood and the proposed development plan as potentially a better neighbor to the Cherry community than the existing residential uses.

STAFF OPINION

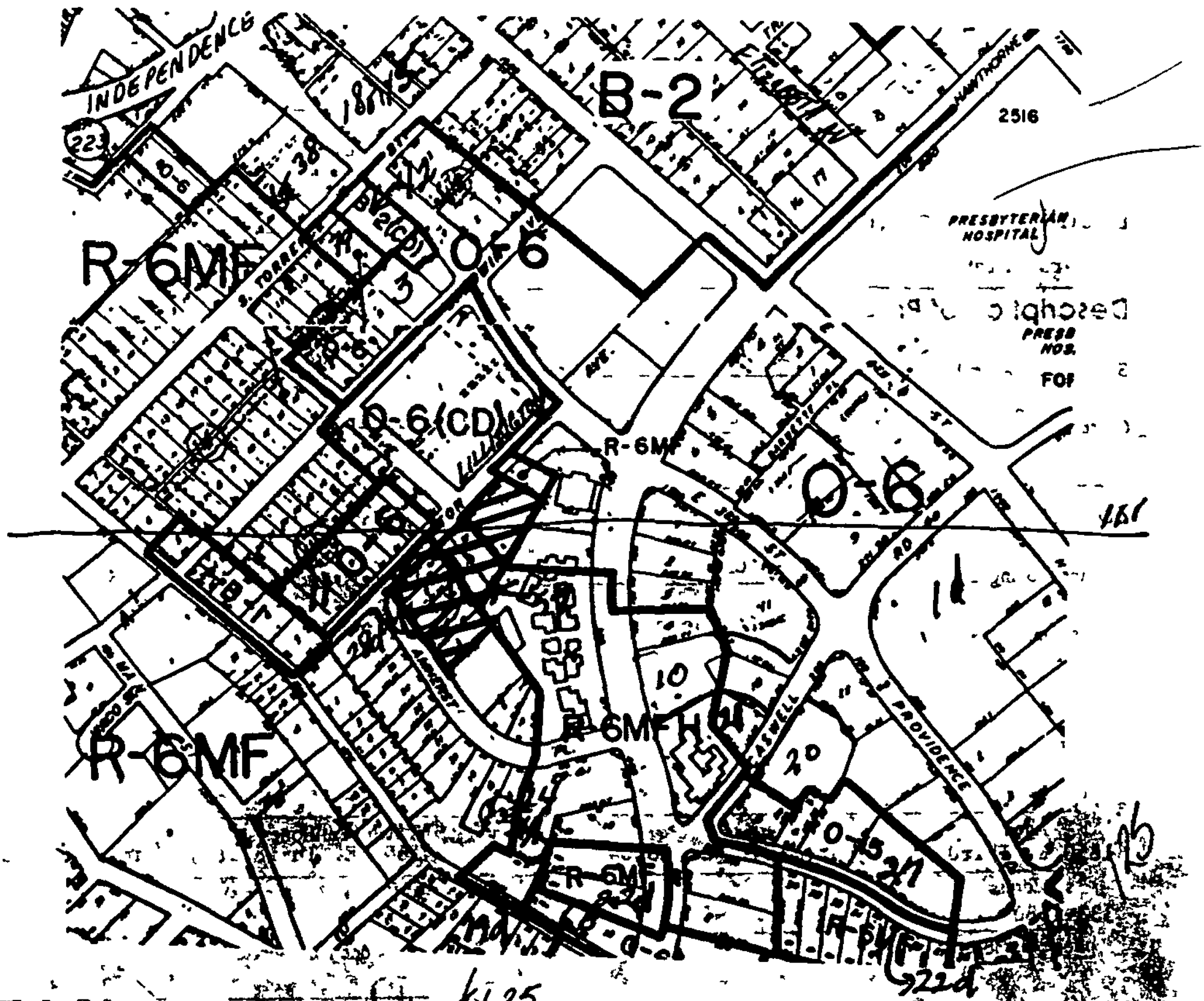
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte Eye Ear Nose & Throat Assoc.

PETITION NO.: 91-70 HEARING DATE: October 21, 1991

ZONING CLASSIFICATION, EXISTING: R-6MF, O-6(CD) REQUESTED: O-6(CD) and O-6(CD) S.P.A.

LOCATION: Approximately 1.90 acres located on the southeasterly side of Lillington Avenue at Amherst Place.



ZONING MAP NO(s): 111

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-71

PETITIONER(S): Fun City, Inc.

REQUEST: Change from B-1 to B-2.

LOCATION: A 3.659 acre site located between I-85 and Wilson Avenue, east of Beatties Ford Road.

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

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

Nays: Spencer.

REASONS

This petition proposes rezoning from the neighborhood business district to the general business district. The Zoning Committee expressed concern regarding the conventional, rather than conditional, nature of the request but ultimately viewed the petition as appropriate for approval as submitted. It was noted that the petitioner's adjacent development has generally enhanced this portion of the community and the petitioner would likely take care to continue the positive image in the area.

MINORITY OPINION

The minority opinion viewed the petition as inappropriate for approval due to its inconsistency with plans for the area and the nonconditional aspect of the application.

STAFF OPINION

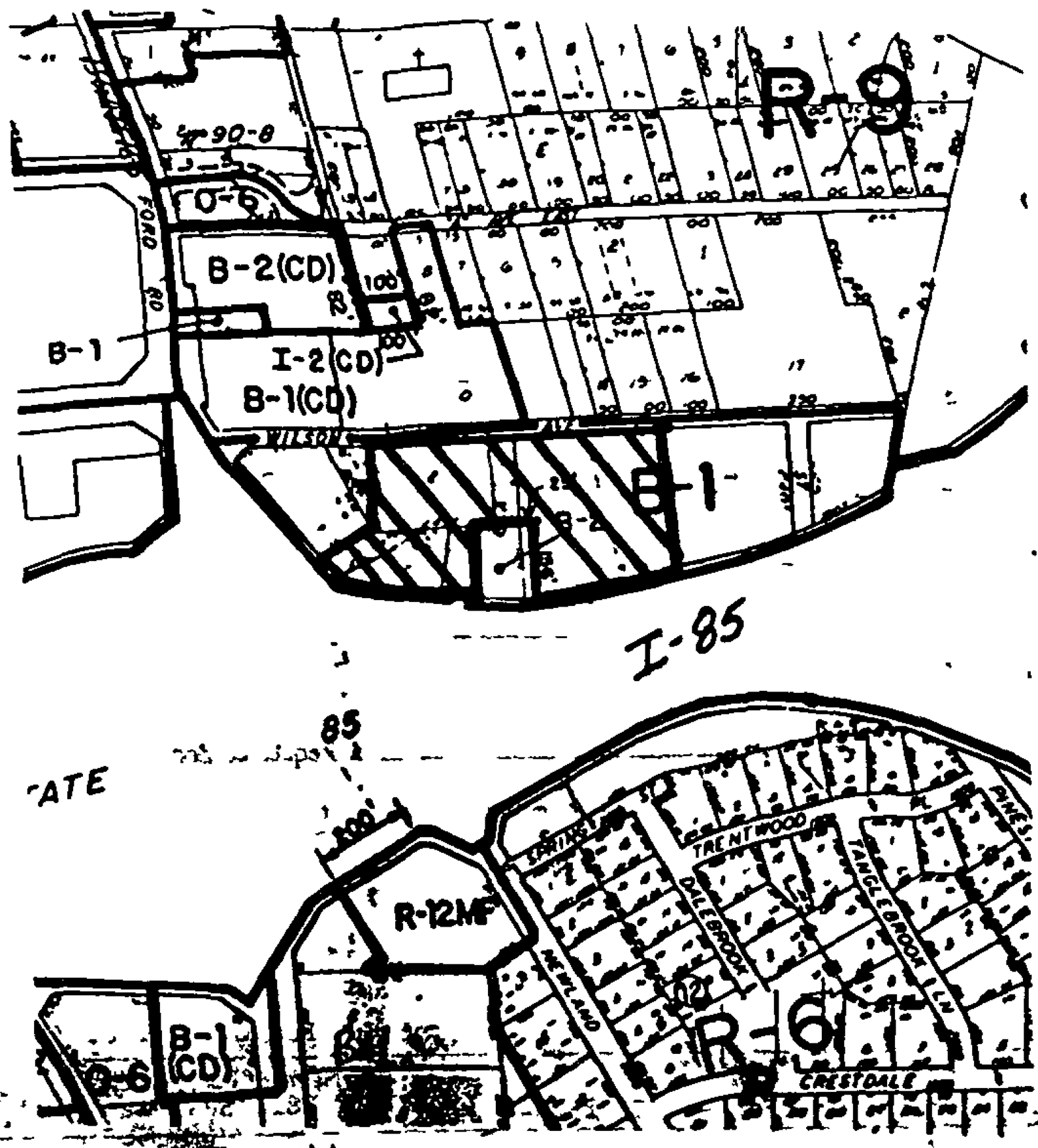
The staff disagrees with the recommendation of the Zoning Committee. An unrestricted, nonconditional general business category could have detrimental impacts on the adjoining fragile residential community.

PETITIONER: Fun City, Inc.

PETITION NO.: 91-71 HEARING DATE: October 21 1991

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

LOCATION: Approximately 3.659 acres located between I-85 and Wilson Avenue, east of Beatties Ford Road.



ZONING MAP NO(s).: 79

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-72

PETITIONER(S): Emily Hedrick

REQUEST: Consideration of an R-12MF(CD) site plan amendment.

LOCATION: An approximately 2.91 acre site located on the west side of Marsh Road north of Selwyn Farms Lane.

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

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

Nays: None.

REASONS

This petition proposes a site plan amendment to allow a change of use from townhomes to a day-care facility for a maximum of 40 children. All publicly adopted plans and policies for the area recognize Selwyn Farms and the residential nature of the area of the subject property. Inasmuch as this petition proposes a minor change from one residential use to another, Zoning Committee viewed the petition as appropriate for approval.

STAFF OPINION

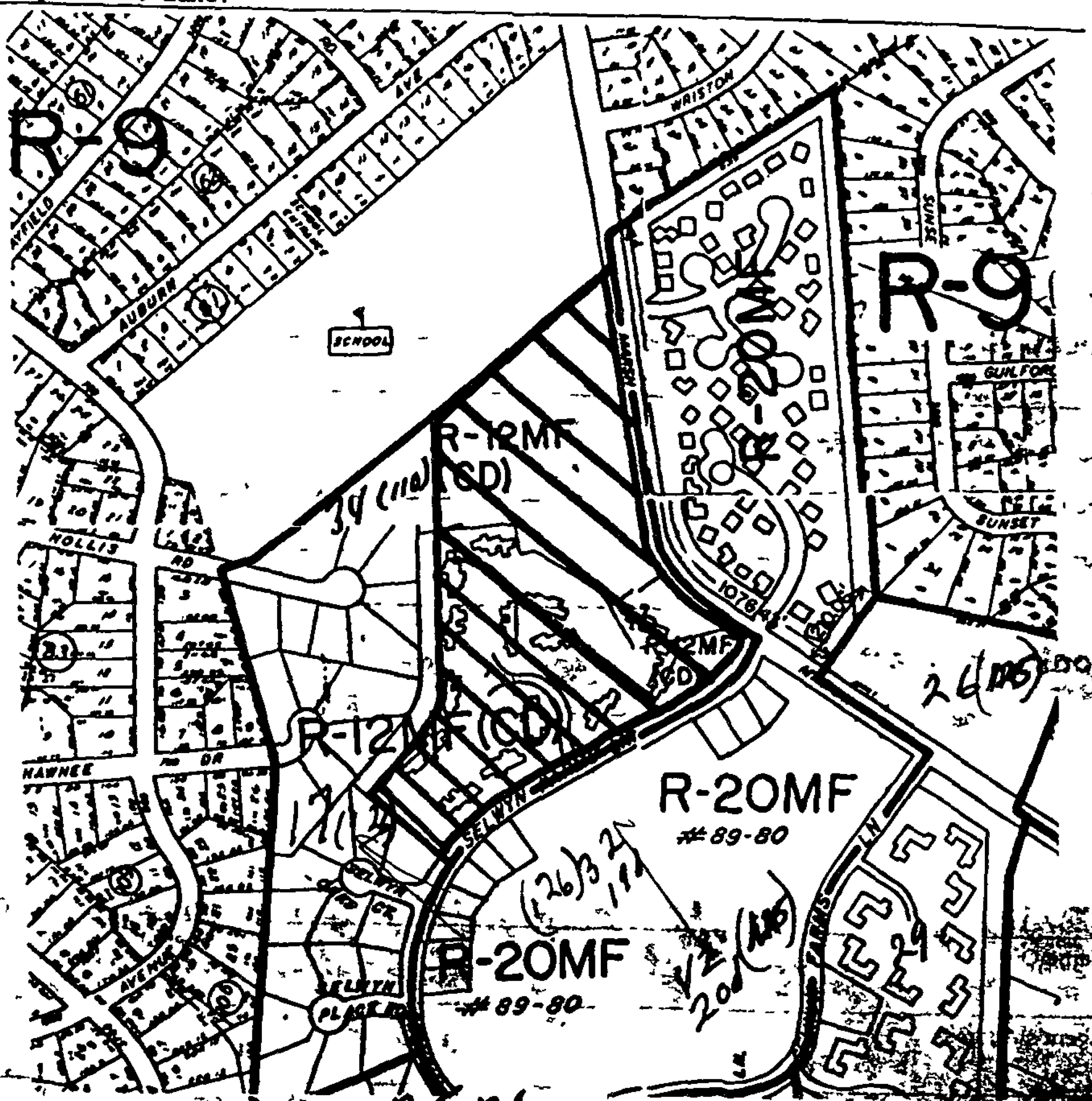
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Emily Hedrick

PETITION NO.: 91-72 HEARING DATE: October 21, 1991

ZONING CLASSIFICATION, EXISTING: R-12MF(CD) REQUESTED: R-12MF(CD) S.P.A

LOCATION: Approximately 2.91 acres located on the west side of Marsh, north of Selwyn Farms Lane.



PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: 91-73

PETITIONER(S): Pi Phi Chapter-Omegas of Charlotte, Inc.

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

LOCATION: A 9.89 acre site located on the west side of I-77 south of Hamilton Circle.

ACTION: The Zoning Committee deferred action on this petition to November 18.

VOTE: Yeas: Byrne, Fenning, O'Brien and Motley.

Nays: Baucom, McClure and Spencer.

REASONS

This petition proposes rezoning from single family residential to a multi-family category to allow the development of a fraternal organization. Several members of the Zoning Committee noted issues that arose at the public hearing on the request and viewed a deferral to allow time for the petitioner to meet with nearby property owners as warranted. Other members viewed a deferral as unnecessary due to the overriding land use issue and noted that a deferral would not change their overall concerns regarding the proposed land use. Ultimately, however, the majority of the Zoning Committee members viewed the deferral as appropriate in order to allow time for the petitioner to meet with the nearby community.

DATE: October 28, 1991

PETITION NO.: 91-74

PETITIONER(S): Charlotte York Rite Board of Trustees.

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

LOCATION: A 1.68 acre site located on the westerly side of Castleton Road north of Sharon Amity Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from single family residential to multi-family residential to allow the development of a fraternal organization. Subsequent to the public hearing on this request the petitioner committed to the submittal of revised site plans which will delete a portion of the parking lot immediately adjacent to Sharon Amity Road in order to create a better relationship to the adjoining single family uses. The Zoning Committee viewed the petition as appropriate for approval with that modification and, therefore, recommends that it be approved.

STAFF OPINION

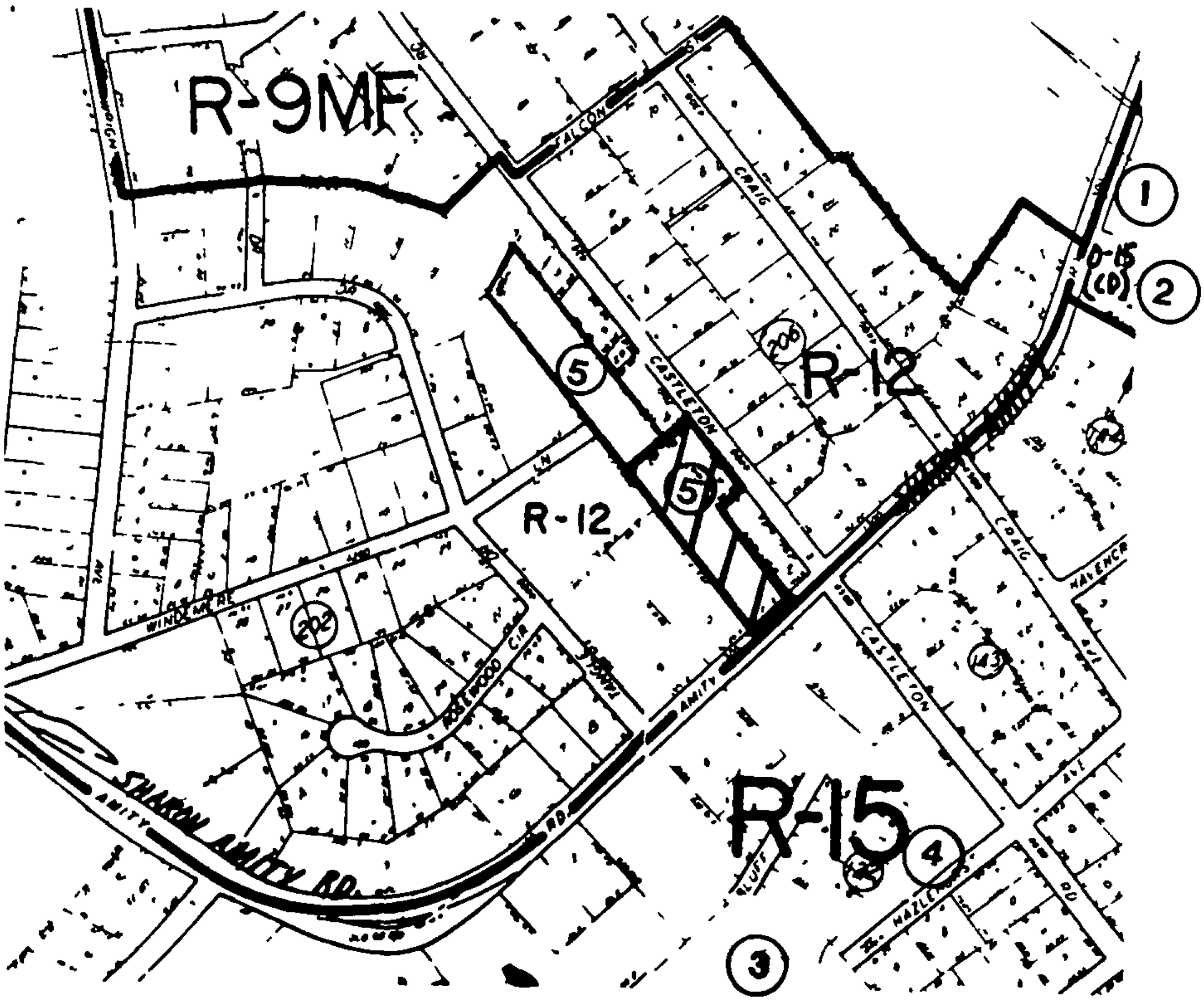
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte York Rite Board of Trustees

PETITION NO.: 91-74 HEARING DATE: October 21, 1991

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

LOCATION: Approximately 1.68 acres located on the westerly side of Castleton Road north of Sharon Amity Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: October 28, 1991

PETITION NO.: SUP 91-4

PETITIONER(S): Richardson Sports Limited Partnership.

REQUEST: Consider a Special Use Permit for a stadium in a UR-3, I-3, U-I, and UMUD zoning districts.

LOCATION: Approximately 33.18 acres generally bounded by South Cedar Street, West Morehead Street, I-277, and Mint and Graham Streets.

ACTION: The Zoning Committee recommends that the Findings of Fact and Conclusion of Law as set forth in the attached document be adopted and that the Special Use Permit be approved.

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

Nays: None.

REASONS

The Zoning Committee discussed this request for a special use permit at length, before recommending it for approval. The members of the Zoning Committee request that City Council take a close look at the concerns listed in the enclosed letter from the residents of Third Ward, particularly items number three and four.

PETITIONER: Richardson Sports Limited Partnership

PETITION NO.: SUP 91-4 HEARING DATE:

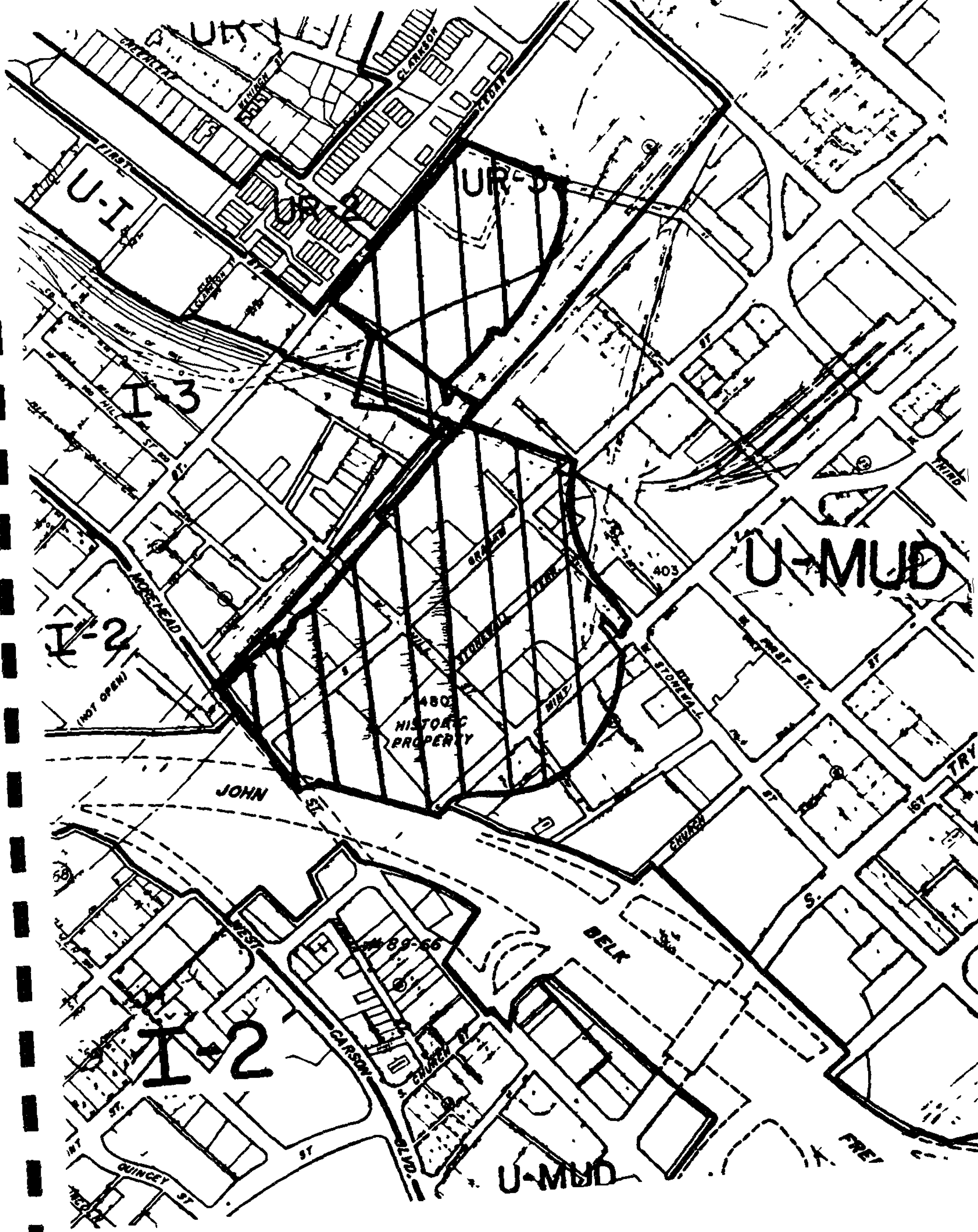
ZONING CLASSIFICATION, EXISTING: I-2, U-I, UMUD & UR-3 REQUESTED: SUP to allow a stadium

LOCATION: Approximately 33.18 acres generally bounded by South Cedar Street, West Morehead Street, I-277, and proposed realigned Mint and Graham Streets.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


UR-1
CHESTNUT
LEHIGH
555
CLARKSON
CLYDE
FIRST
U-I
UR-2
UR-D
CLARKSON
I-3
HILL
ST.
MOREHEAD
I-2
(NOT OPEN)
GRANDVIEW
TYNEWALD
TYNE
MINT
480
HISTORIC PROPERTY
403
U-MUD
STONEWALL
FIRST ST.
ST
THIRD
TRY
1ST
JOHN
ST.
CHURCH
S.
BELK
WEST
CARSON
BLVD.
CHURCH ST
ST.
QUINCEY
ST
U-MUD
FREY

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

BEFORE THE CHARLOTTE CITY COUNCIL

IN RE: RICHARDSON SPORTS PETITION NO.: SUP 91-4 MAJOR SPECIAL USE PERMIT FOR A FOOTBALL STADIUM	FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS CAUSE COMING on to be heard on the 7th day of October, 1991, before the Charlotte City Council and the Charlotte-Mecklenburg Planning Commission upon the petition of Richardson Sports requesting the issuance of a Major Special Use Permit, pursuant to Section 3322 of the City of Charlotte Zoning Ordinance, for a football stadium, and after hearing the testimony offered and the arguments of counsel, the City Council makes the following Findings of Fact and Conclusions of Law:

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR APPLICABLE AND SCHEMATIC PLANS

All the necessary technical requirements for submission and consideration of the Major Special Use Permit, including the site plan, have been found to be sufficient. (Fields, p. 11).

FINDINGS REGARDING PRESCRIBED STANDARDS FOR MAJOR SPECIAL USE PERMIT

The following Findings were made from competent, material and substantial evidence presented at the hearing with regard to the nine standards prescribed by Section 3322.3 of the City of Charlotte Zoning Ordinance:

Finding No. 1

"That the perimeter of the parking areas, exclusive of access driveways, will have a planting strip of at least 5 feet in width, and that at least 1 tree 2 inches in caliper for each 25 linear feet or fraction of 25 feet shall be planted."

Facts Indicating Compliance With Finding No. 1

The perimeter of the stadium parking area along the property line at West Morehead Street will have a planting strip in excess of twenty-five feet in width, containing trees and ground planting. The trees in the planting strip will be four inches in caliper, and there will be at least one tree for every twenty-five linear feet of the perimeter. (Wellner, p.20 [Aff. p. 2]).

Finding No. 2

"That parking areas will have interior planting areas amounting to at least 10 percent of the paved area in excess of one acre."

Facts Indicating Compliance With Finding No. 2

The parking area at Morehead Street contains interior planting areas in excess of 20 percent of the paved area. (Wellner, p. 20 [Aff. p.2]).

Finding No. 3

"That access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets."

Facts Indicating Compliance With Finding No. 3

Access points for the parking and service areas of the development site are at West Morehead Street and South Graham Street. (Wellner, p. 20 [Aff. pp.2-3]). West Morehead Street and South Graham Street are Class III Major Arterials (thoroughfares). (Pressley, p.34 [Aff. p.1]). Access to the practice field portion of the site will be primarily from the stadium area across the access easement. (Wellner, p. 20 [Aff. p.3]). Access from South Cedar Street is limited to maintenance and emergency use only. (Wellner, p. 20 [Aff. p.3]).

Finding No. 4

"That the private living areas and associated open spaces of all adjacent residential properties are effectively screened from parking and service areas, as well as from any other portion of the development site which is actively used."

Facts Indicating Compliance With Finding No. 4

The railroad berm, together with existing and planned landscaping, will effectively screen the nearest residential area from the limited parking and service areas located near the stadium. The practice fields will be screened by a new planting strip, a brick pier fence, and the required street planting strip and sidewalk. (Wellner, p. 20 [Aff. pp. 3-4]).

Finding No. 5

"That no direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site will shine into the private living areas and associated open spaces of adjacent residential properties."

Facts Indicating Compliance With Finding No. 5

The lighting system that illuminates the stadium will be located on light standards on arms along both sides of the field, with highly controlled beams of light that will shine directly onto the field. (Wellner, pp. 29-30). The practice fields will not be illuminated at night. (Wellner, p.29). The average footcandle level of spill light from the site that will fall along Cedar Street will be no more than 0.17 footcandles. This footcandle level is comparable to the footcandle level of light that now falls on the area on a clear night with a full moon. The footcandle level along Cedar Street will be much lower than 0.17 footcandles if trees are planted on the west side of the practice fields, because such trees would cause additional diffusion of the spill light emitted from the site. (Neese, p. 27 [Aff. pp. 2-3], pp.27-28, 31-32.)

Finding No. 6

"That the proposed use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers."

Facts Indicating Compliance With Finding No. 6

The stadium structure will effectively block glare from being transmitted from the site to the road surfaces of the surrounding roads. (Neese, p. 27 [Aff: p. 3).

Finding No. 7

"That the proposed use will be designated to allow direct access for transit service."

Facts Indicating Compliance With Finding No. 7

The Charlotte Transit System has substantial capacity already in place in the Uptown area, and has the capacity and experience to provide special service for stadium events. In addition, the stadium site will be developed

with designated areas for city buses to drop off and pick up passengers on game days, and the master traffic plan will provide access to these areas. (Pressley, p. 34 [Aff. p. 3]).

Finding No. 8

"That the proposed use will not cause or intensify off-site drainage problems."

Facts Indicating Compliance With Finding No. 8

Properly designed and installed detention systems will be utilized on the development site. No drainage can leave the site on the surface and enter any residential areas, and the rate of flow of water that leaves the site after the development is completed will not be greater than the present rate of flow of water that leaves the site. (Cook, pp.37-40 [Aff. p.2]).

Finding No. 9

"That the proposed use will not be contradictory to the objectives of any approved plan for the area."

Facts Indicating Compliance With Finding No. 9

The most recently adopted public plans that deal with land use in the area in which the development site is located are the West Morehead Special Project Plan, the Third Ward Plan, the Uptown Streetscape Guidelines, and the Center City Charlotte Urban Design Plan. The West Morehead Special Project Plan and the Third Ward Plan allow the proposed use of the development site, and the Center City Charlotte Urban Design Plan specifically calls for the proposed use of the development site. The plans submitted with the Major Special Use Permit application indicate that the proposed use of the development site will comply with all of the pertinent specifications of the Streetscape Guidelines. (Fields, p. 43 [Aff. pp. 1-4]).

From the foregoing Findings of Fact, the City Council makes the following Conclusions of Law:

1. That the perimeter of the parking areas, exclusive of access driveways, will have a planting strip of at least 5 feet in width, and that at least 1 tree 2 inches in caliper for each 25 linear feet or fraction of 25 feet shall be planted.

2. That parking areas will have interior planting areas amounting to at least 10 percent of the paved area in excess on one acre.

3. That access for the development site will be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.

4. That the private living areas and associated open spaces of all adjacent residential properties are effectively screened from parking and service areas, as well as from any other portion of the development site which is actively used.

5. That no direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site will shine into the private living areas and associated open spaces of adjacent residential properties.

6. That the proposed use will not generate light of such an intensity or brilliance as to cause glare or to impair the vision of drivers.

7. That the proposed use will be designated to allow direct access for transit service.

8. That the proposed use will not cause or intensify off-site drainage problems.

9. That the proposed use will not be contradictory to the objectives of any approved plan for the area.

Based upon the foregoing Findings of Fact and Conclusions of Law, the request for the Major Special Use Permit sought by the Petitioner is granted.

Entered this _____ day of _____, 1991.

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ATTORNEYS AT LAW

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Charlotte/Greenville

Richard M Thigpen
Partner

Direct Dial (704) 342-5259

4173.006

TO: Charlotte City Council
Charlotte Mecklenburg Planning Commission

FROM: Richard M. Thigpen
Representative for Richardson Sports

DATE: October 17, 1991

RE: Major Special Use Permit for NFL Stadium
SUP91-4

On October 7, 1991, a hearing was held before the Charlotte City Council and the Charlotte Mecklenburg Planning Commission with regard to the application for a major Special Use Permit by Richardson Sports. At the hearing, Richardson Sports, the Petitioner, entered its evidence through various qualified witnesses regarding the propriety of a grant of a Special Use Permit for certain property located in uptown Charlotte. Affidavits prepared by the witnesses were submitted as Petitioner's Exhibits Numbers 1 through 6 during the hearing. The testimony of the witnesses through the Affidavits clearly and concisely addressed each of the findings required by the City Code. In addition, each of the witnesses answered questions from Council and Commission members.

Richard Whisnant and Norman Brame appeared at the hearing on behalf of the residents of Third Ward. During the hearing, they addressed certain questions to the witnesses and, at the conclusion of Petitioner's evidence, they made certain remarks pertaining to the concerns of the residents of Third Ward. They have also submitted a Memorandum wherein they reiterate their concerns and request that certain conditions be placed upon the Permit. We were provided with a copy of the memorandum submitted by Mr. Whisnant and have spoken with him regarding its contents. Most of their concerns, such as noise, off-site parking, security and trash removal, are legitimate concerns but are not related to the nine (9) findings set forth in the City Code and, therefore, are not relevant to the issuance of the Permit.

The concerns raised by the citizens of Third Ward which did in some way relate to the findings were more than adequately covered in the testimony of Petitioner's witnesses and the site plan submitted with Petitioner's application. For example, there was extensive competent testimony regarding landscaping, lighting and traffic patterns related to on-site parking - i.e., the only traffic patterns relevant to the Permit. Mr. Fields' testimony discussed the West Morehead Special Project Plan - November, 1985, the Third Ward Plan - June, 1986, the Uptown Streetscape Guidelines - April, 1987, and the Center City Charlotte Urban Design Plans - January, 1990, and concluded that the proposed development by Richardson Sports was not contradictory to any of these plans or guidelines.

In summary, the record clearly shows that there is competent, material and substantial evidence that the nine (9) required findings have been met, thus supporting Petitioner's request for the issuance of a Special Use Permit without any restrictions or conditions. There is no competent or material evidence that would support a denial of the application or the attachment of any conditions. In addition, the concerns of the residents of Third Ward have been addressed by Richardson Sports and the City of Charlotte in the past, and these concerns will continue to be addressed as the project develops. Accordingly, we respectfully request that the Special Use Permit be issued without any conditions or restrictions.

10/17/91
RMT0001_.MEM
4173.006

MEMORANDUM

To. Charlotte City Council and Planning Commission

From: Richard Whisnant and Norman Brame
Residents of Third Ward

Date: October 12, 1991

Re: Stadium Special Use Permit - Request for Conditions on Permit

---

The City Code provides that "in considering an application for a special use permit, the city council or special use permit board will consider, evaluate and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property. Charlotte Code § 3307.3 (emphasis added). At the special use permit hearing on the proposed NFL stadium and practice fields (Petition No. SUP 91-4), we presented reasons why the permit should be granted only with conditions attached that would attempt to insure that the stadium development is not antagonistic toward residential neighborhoods--particularly Third Ward--in uptown Charlotte. Council invited us to summarize the conditions we wished to have placed on the permit in a written submission. This responds to that request.

In this memorandum, we briefly review the legal and policy reasons why broad-ranging conditions are appropriate on this special use permit. We then turn to a summary of the conditions we believe are reasonable and necessary. As requested, we are simultaneously submitting this memorandum to counsel for the petitioners, who we understand will respond to any of the listed conditions with which petitioners do not agree.

I. Finding Number 9 requires conditions be placed on the special use permit

In order to issue the special use permit, Council must find as a matter of fact that "the proposed use will not be contradictory to the objectives of any approved plan for the area." At the hearing, petitioner's evidence on this finding consisted of cursory statements that a stadium is a permitted use under the UR-3 zoning classification. In point of fact, the zoning code itself notes the potential for disruption inherent in this stadium: "Stadium and coliseums with a capacity of more than 5,000 seats . . . have the potential of being enormously disruptive to the communities in which they are located. However, such uses may be permitted as major special uses **when properly located and designed so as to diminish these disruptive impacts.**" Charlotte Code § 3____.

Furthermore, the use of the scrapyard property for practice fields, instead of for residential development, is flatly contradictory to the objectives of approved plans for the area. The Planning Commission Mandatory Referral Report No. 90-33, submitted as the neighborhood's exhibit 1, admits as much.

Finally, the City of Charlotte proclaimed Third Ward a redevelopment area in 1976 and placed land controls on development in Third Ward as a matter of public record. In *Land Controls and Restrictions as to Redevelopment, Third Ward Community Development Target Area*, filed with the Register of Deeds in Mecklenburg County in Book 3872, beginning at page 839, the City stated:

> It is vital to the success of this Redevelopment Plan for the nonresidential uses which presently exist or will be redeveloped in the Redevelopment Area to exist in harmony with the nearby residential uses to remain in the Redevelopment Area. For this reason, it is particularly important that all structures, streets, and open spaces of the varying land uses so relate to one another than a harmonious environment serving the needs of all can be created.

Id. at 862. The City went on to prescribe stringent architectural approval requirements and use limitations designed to assure the residential revitalization of Third Ward.

As we stated in our presentation of evidence, we do not believe the stadium and practice fields will be inherently bad or inconsistent with the growth of the residential neighborhood; it all depends on how the stadium development is managed. This is thus an appropriate situation for conditions on the special use permit, to attempt to assure that the stadium development does not undermine or destroy the huge effort we residents and the City have put into the Third Ward redevelopment area.

II. Appropriate concerns to be addressed by conditions on the special use permit

There are essentially no limits on the scope of concerns that can be addressed by conditions to a special use permit. The only requirement is that such conditions be "reasonable and appropriate."

The North Carolina General Statutes provide for local zoning ordinances that may allow cities to "issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards and procedures specified therein **and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities."** N.C. Gen. Stat. § 160A-381.

With respect to the subject matter of conditions on special use permits, the City Code provides that "Any such conditions may relate to **parking areas and driveways, pedestrian and**

vehicular circulation systems, screening and buffer areas, the timing of development and other matters the city council or special use permit board may find appropriate. . . . Charlotte Code § 3307 3 (emphasis added).

The North Carolina Court of Appeals has held that concerns about the adverse effect of a proposed development on traffic congestion and safety are valid and justify denial of a permit, *Ghidorzi Construction, Inc. v. Town of Chapel Hill*, 80 N.C. 438, 342 S E.2d 545, *cert. denied*, 317 N.C. 703 (1986). It follows with greater force that traffic congestion and safety are valid concerns to be addressed by conditions on the permit.

III. Conditions to be placed on this special use permit

We offer the following as a set of conditions we believe to be reasonable and appropriate in order to assure that stadium development does not create unnecessarily negative impact on residential uses in Third Ward. Note that this list is not a comprehensive list of our concerns about the stadium. There are a number of other issues on which we expect to need and receive the help of Council and staff in integrating the stadium into our neighborhood. Many of those are not addressed here, because the special use permit is not the suitable vehicle for addressing those issues.

A Parking and traffic

The City Code requires that:

all applications for a special use permit <u>must</u> be accompanied by a site plan drawn to scale which includes <u>at least</u> the following information:

. . . .

6 Traffic, parking and circulation plan, showing proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

Charlotte Code § 3304. Although no parking plan is required for uses in the U-MUD district, we are not aware that the practice fields are within the U-MUD district. Code § 2002.17 requires parking plan approval for "indoor and outdoor commercial recreation." It seems, at the least, disingenuous to pretend that this stadium's impact on Third Ward can be evaluated independently of the parking lots being planned for the area west of Morehead Street. Perhaps the most fundamental problem already existing in the Third Ward neighborhood is the dissection of the neighborhood by major traffic arteries, which impede pedestrian uses and quiet residential enjoyment. The stadium and practice fields should not be allowed to exacerbate this problem.

The following conditions should be imposed on the special use permit to address the problems of traffic and parking associated with the stadium and practice fields:

- **No parking associated with stadium uses will be permitted on the west side of the Southern Railroad tracks and north of West Morehead Street.**

- **All surface parking associated with the stadium (including the lots planned for the south side of West Morehead Street) will be built according to U-MUD standards, i.e. will have interior and exterior planting strips and berms and meet all required size restrictions.**

- **Two hours before and after, and during all stadium events, traffic will be blocked from using Cedar Street between 1st and 4th, and the Victoria Street entrance from 4th Street, except for residents of Third Ward and emergency or safety vehicles.[1] Emergency vehicles will be placed within the neighborhood before and after games so that response time is not reduced by traffic to and from stadium parking.**

B. Noise

Reference was made to the noise ordinance and the fact that construction and operation of the stadium would be fully subject to the same. We understand that ordinance to provide the following restrictions, among others, on stadium-related uses: It is unlawful to operate construction machinery, or lawn mowers and other domestic tools out-of-doors, between the hours of 9 00 p.m. and 7:00 a m., on the practice fields (since they are zoned for residential uses). Code § 15-68(a)(2), (4). There is an apparent conflict between Code § 15-69(a)(1) and (3) regarding stadium usage. The threshold for a noise permit should be the 60/50 dB(A) level of (a)(1) rather than the 65/50 dB(A) level of (a)(3). This determination is important for enforcement of the number of hours restriction in § 15-70(c), allowing a maximum of twenty hours of excess amplification per year at the stadium. In any event, the ordinance prohibits the creation of sounds registering more than 70 dB(A) at the L10 level anywhere within the boundary of the nearest residentially occupied property.

Because the noise ordinance may be amended from time to time and is partly ambiguous as now written, we believe the following condition should be placed on the special use permit:

---

[1]This will likely require the creation of a Third Ward parking district; we ask Council's help in planning and creating such.

- Neither the construction nor use of the stadium or practice fields will result in: (a) operation of construction machinery, lawn mowers or other domestic tools out-of-doors west of the Southern Railroad tracks between the hours of 9.00 p.m. and 7:00 a.m.; (b) sounds registering more than 70 dB(A) at the L10 level anywhere within the boundary of the nearest residentially occupied property; or (c) a violation of the Noise Ordinance, Code § 15-69(a)(1) and/or 15-70(c), as currently written or later amended to a more stringent standard.

C. Security and litter

The games and practices of the team will bring thousands of people to our neighborhood, many of whom could care less about the fact that we view Third Ward as a residential neighborhood. For our security and that of our families, as well as the cleanliness of the neighborhood, the following conditions are important:

- The petitioner shall provide, or shall cause the City to provide, adequate security personnel in the neighborhood during events and practices to deter trespasses and other threats to persons and property in Third Ward.

- The petitioner shall provide, or shall cause the City to provide, adequate receptacles for refuse and garbage and personnel to clean up litter left by observers of practices and stadium events, such that litter in residential neighborhoods and surrounding areas will be removed within twenty four hours.

D. Streetscape

The Planning Commission and staff have already spoken about the importance of the Cedar Street streetscape conforming to Uptown design specifications. The petitioner has indicated its willingness to take these actions, which we believe should accordingly be formalized as permit conditions:

- The boundary of the site along Cedar Street will be developed in full accordance with uptown street design criteria and the drawings submitted in conjunction with the special use permit request, including (a) an eight-foot planting strip with large canopy trees; (b) a six-to-eight foot sidewalk; (c) an interior planting strip around the exterior of the practice fields of large canopy trees or other ornamental trees; (d) understory shrubs or other plantings around the practice fields; (e) a fence

built of brick and ornamental wrought iron around the practice fields; and (e) a path developed, surfaced and maintained for public, pedestrian use around the practice fields.

- Overhead utility lines along Cedar Street must be buried or relocated to the rear of the practice field property.

E. Design and location of structures

No attention has been paid in the special use permit process to the location of maintenance or other ancillary buildings on the practice field property.

The City Code requires that:

> all applications for a special use permit must be accompanied by a site plan drawn to scale which includes at least the following information:
>
> . . . .
>
> .4 Proposed location of all structures, their approximate square area and general exterior dimensions.

Charlotte Code § 3304.

Petitioner should indicate where such structures are intended to be placed and their approximate square area and exterior dimensions. In accordance with the Charlotte Redevelopment Area architectural guidelines for Third Ward, any such structures should be architecturally consistent with the residential buildings already present in the neighborhood and should be suitably screened with plantings. A condition to accomplish this is:

- Any structures located on the practice field property, other than the fields themselves, should be located so far as possible out of sight from Cedar Street, should be screened with suitable foundation plantings or trees, and should be architecturally harmonious with the existing residential buildings in the neighborhood. Furthermore, no structures or plantings will obstruct the view of the uptown skyline from the existing park in Cedar Street Commons adjacent to Cedar Street.

F. Access

Cedar Street is a very narrow street, not designed for heavy traffic or large vehicles. Furthermore, a number of Third Ward residences are located just a few feet away from Cedar Street. It should not be used for access to the stadium or practice fields, either in construction or during use of the facility. A condition to assure this is:

- There shall be no regular vehicular access (by means of curb cuts) to the stadium or practice field property along Cedar Street north of the CSX railroad spur or south of Fourth Street. Access may be allowed for emergency vehicles. Access for construction traffic will be allowed only from Morehead, Fourth Street, or the east side of the Southern Railway (under the railroad tracks).

G. Lighting

Petitioner's presentations at the special use permit hearing regarding lighting should be incorporated as conditions on the permit:

- There will be no lighting on the practice fields, other than pedestrian scale lighting around their perimeter. Pedestrian scale lighting will be provided along Cedar Street and through the walkway under the Southern Railroad overpass connecting the stadium and practice fields.

- Stadium lighting will be designed and executed so that light levels from stadium events in Third Ward residential areas are minimized, and in no event greater than stated in petitioner's affidavits submitted in support of the special use permit.

IV. Summary of conditions

A concise list of the conditions needed follows.

skip 1. No parking associated with stadium uses will be permitted on the west side of the Southern Railroad tracks and north of West Morehead Street.

skip 2. All surface parking associated with the stadium (including the lots planned for the south side of West Morehead Street) will be built according to U-MUD standards,

i.e. will have interior and exterior planting strips and berms and meet all required size restrictions.

3. Two hours before and after, and during all stadium events, traffic will be blocked from using Cedar Street between 1st and 4th, and the Victoria Street entrance from 4th Street, except for residents of Third Ward and emergency or safety vehicles.[2] Emergency vehicles will be placed within the neighborhood before and after games so that response time is not reduced by traffic to and from stadium parking.

4. Neither the construction nor use of the stadium or practice fields will result in: (a) operation of construction machinery, lawn mowers or other domestic tools out-of-doors west of the Southern Railroad tracks between the hours of 9.00 p.m. and 7:00 a m ; (b) sounds registering more than 70 dB(A) at the L10 level anywhere within the boundary of the nearest residentially occupied property; or (c) a violation of the Noise Ordinance, Code § 15-69(a)(1) and/or 15-70(c), as currently written or later amended to a more stringent standard.

5. The petitioner shall provide, or shall cause the City to provide, adequate security personnel in the neighborhood during events and practices to deter trespasses and other threats to persons and property in Third Ward.

6. The petitioner shall provide, or shall cause the City to provide, adequate receptacles for refuse and garbage and personnel to clean up litter left by observers of practices and stadium events, such that litter in residential neighborhoods and surrounding areas will be removed within twenty four hours.

7. The boundary of the site along Cedar Street will be developed in full accordance with uptown street design criteria and the drawings submitted in conjunction with the special use permit request, including (a) an eight-foot planting strip with large canopy trees; (b) a six-to-eight foot sidewalk; (c) an interior planting strip around the exterior of the practice fields of large canopy trees or other ornamental trees; (d) understory shrubs or other plantings around the practice fields; (e) a fence built of brick and ornamental wrought iron around the practice fields; and (e) a path developed, surfaced and maintained for public, pedestrian use around the practice fields.

---

[2]This will likely require the creation of a Third Ward parking district; we ask Council's help in planning and creating such.

8. Overhead utility lines along Cedar Street must be buried or relocated to the rear of the practice field property.

9. Any structures located on the practice field property, other than the fields themselves, should be located so far as possible out of sight from Cedar Street, should be screened with suitable foundation plantings or trees, and should be architecturally harmonious with the existing residential buildings in the neighborhood. Furthermore, no structures or plantings will obstruct the view of the uptown skyline from the existing park in Cedar Street Commons adjacent to Cedar Street.

10. There shall be no regular vehicular access (by means of curb cuts) to the stadium or practice field property along Cedar Street north of the CSX railroad spur or south of Fourth Street. Access may be allowed for emergency vehicles. Access for construction traffic will be allowed only from Morehead, Fourth Street, or the east side of the Southern Railway (under the railroad tracks).

11. There will be no lighting on the practice fields, other than pedestrian scale lighting around their perimeter. Pedestrian scale lighting will be provided along Cedar Street and through the walkway under the Southern Railroad overpass connecting the stadium and practice fields.

12. Stadium lighting will be designed and executed so that light levels from stadium events in Third Ward residential areas are minimized, and in no event greater than stated in petitioner's affidavits submitted in support of the special use permit.

11/18/91 6:11 pm

Mayor ✓
Campbell ✓
Clapham ✓
Hammond ✓
McCrary ✓
Mangum ✓
Martin ✓
Matthews ✓
Pattison ✓
Scarborough ✓
Vinroot ✓
Whitley ✓

McClure
Barefoot
Byrne
Fleming
Mobley
O'Brien
Spencer

Mayor
Rev. Bill Phipps

Mayor

Hammond / Martin #1 91-56
19 91-73

no vote / no delay

Scarborough
Mayor
Martin
Patterson
Vinroot
Mayor
Martin
Mayor do not defer

#1
Mayor
Vinroot
Mayor
Scarborough
Underhill
Cloaffetter
Bill Finger DOT
Cloaffetter
Finger
Cloaffetter
Finger
Martin
Finger
Martin

1 cont'd

Finger
Martin
Finger
Underhill
Clodfelter / Martin
Clodfelter / Martin
Vinroot
Underhill
Mayo
Mangum
Vinroot
Mayo

1360
w/c McCrory & Scribound
all 2
unan
& go to MPO with
that direction

2
Mayo
Mangum
Patterson / Wheeler

unan.

3
Patterson
Patterson / Martin
Clodfelter

send paid in 91-15 & 91-24
back to Plann.

3 cont'd

Walter Fields
Martin
Hammond
Fields
Hammond
Fields
Vinroot
Matthews
Martin
Mayor
(Scarborough / Whitley defers 3 & 4 withdrew)
Patterson
Matthews / Mangum (subst) 91-15 1/670
Mangum

CD plan ?

for approval
subst. motion
failed 6-5

yes	no
Cloffitter	Martin
Matthews	Hammond
McCloy	Patterson
Mangum	Vinroot
Campbell	Scarborough
	Whitley

3 Cont'd

Mayor
Main motion passed as amended unan.

4

Patterson / Whuler as amended 1/200 unan
Martin
leave Bowcom property
+ race shop as is

defer Mr Stone's property, approve balance

5

Mc Crory
Finds
Mc Crory
Finds
Mc Crory / Patterson
approve as amended
Mangum / deny Subst.
Mc Crory
Mangum
Hammond
Martin
Clodfelter
Finds
Underhill

incl. language by Mr Young

Yes

7-0.

Mangum

passed 10-1

#6.

Underhill comment on recommendation

McCrory / Scarborough

7 days to comment (omit)

(reduced from 10 days)

Ann McLure

Patterson / Wheeler

Underhill

defer 8 11/25/91

unan

#19

Ann McLure

Patterson / Wheeler

Scarborough

defer 8 11/25/91

unan

7

Mangum / McCrory

as modified

unan

yes

8

Mangum / Patterson

Hammond

Chafflter

passed 9-2

8 cont'd

Clodfelter		
Clodfelter / Scarborough	subd	1/1500
Clodfelter	5¢ & alcohol	(2 pgs)
McCrary	UR-C	
Fields	unan	
Clodfelter		
Fields		
Clodfelter		
Underhill		

9

Underhill	Adams Mark & First Baptist
Clodfelter / Vinroot	all but Adams Mark & First B
Hammond / Vinroot	adam Mark & First Baptist - unan

10

McCrary / Hammond	portion on Harris Blvd.
	unan

#10 Cont'd

Patterson / Hammond — design Johnnie Ed portion

Clodfelter

Vinroot

Clodfelter

Fields

Mayor

McCrory

McClure

Mayor

McClure

McCrory — drainage

McClure

Clodfelter

McClure

Matthews

Fields

Matthews

Fields

Hammond

Fields

Hammond

Fields

Hammond

McCrory / Vinroot — subst without connection to Johnnie

10 cont'd

Martin
McCrory
Martin
McClure
Martin
McClure
Martin
McClure
Patterson
Fields
Geo Bryant
Scarborough
Mayor
Cadie Marks

4818 Dogwood Place

subst. motion
passed 7-11
approve with no connection
to Johnette Rd.

yes	no
Cloaftis	Hammond
Martin	Scarborough
Patterson	White
Vinroot	Morgan
McCrory	
Matthews	
Campbell	

Recess 7:20 pm
Reconvene 7:30 p.m.

11

Campbell
Campbell / Matthews — deny — 1/3200
Martin
Campbell
Martin
Hammond
Clodfelter

yes
Hammond
Patterson
McCrory
Scarborough
Mangum
Campbell
Matthews

no
Vinroot
Clodfelter
Martin
Wheeler

deny
passed 7-4

12

Patterson / Clodfelter — under

#13

Mangum / Scarborough mon
as modified

#14

Patterson / Wheeler mon
as modified

#15

Patterson
Fuids
Patterson
Fuids
Campbell
Mangum
Underhill
Campbell
Mayo
Campbell
Hammond
Mc Crory
Campbell
Mc Crory

15 cont'd

Martin
Vinroot / Hammond — yes Campbell
Mangum
Mangum / Scarborough — deny
Clodfelter
Mc Crory
Hammond
Mc Crory
Mangum
Martin
Mangum
Mayor
Wheeler
Patterson
Clodfelter
Scarborough
Vinroot
Patterson / Vinroot — subst — defer to 11/25/91

passed 6-4

yes
Martin
Patterson
Vinroot
Mc Crory
Matthews
Wheeler

no
Mangum
Scarborough
Hammond
Clodfelter

2/885

this motion was reconsidered later in meeting

#15 cont'd

Vincent
Matthews
Vincent / McCrory reconsider previous motion
McCrory unan.
Mangum
main motion
deny - unan.

16

Mangum / Patterson approve
Clodfelter / Hammond deny
Clodfelter
Matthews
Fields
Matthews
Fields
Matthews
Fields
Mayor
Scarborough

16 cont'd

Campbell

fails 9-2	yes	Clodfelter Hammond	no
passes 9-2 Clodfelter	yes		no C H

17

Mangum / Scarborough
Vincent
Hammond
Fields
Hammond

unan

18

Mangum / Scarborough

unan

#20

Yerger / Wheeler
Scarborough — man

#21

Magruder / Patterson — approve
Matthews
Fields
Matthews
Underhill
Matthews
Underhill
Matthews
Hammond
Vinroot — 1, 2 & 7 Richardson
3, 5 & 6 City will do
4 noise ordinance

Underhill
Vinroot
Underhill
Vinroot
Underhill
Fields

21 Cont'd

Vinroot	9, 10 + 12
	8, 11
Matthews	
Fields	
Underhill	
Matthews	
Underhill	
Patterson	
Underhill	
Hammond	
Underhill	
Patterson	
Matthews	
Underhill	
Matthews	
Martin	
Underhill	
Patterson	
Underhill	
Fields	
Matthews	
Fields	
Matthews	

#21 cont'd

Fields	
Matthews	9 - hold
Fields	
Matthews	10 - hold
Patterson	
Fields	
Matthews	
Fields	
Underhill	
Matthews	
Mangum	
Underhill	once running
Matthews	
Richard Thigpen	# 9
Matthews	
Patterson	
Thigpen	
Mangum	
Thigpen	
Matthews	
Thigpen	
Matthews	
Richard W Hassell	

#21 Cont'd

Shippen
Whisnant
Matthews
Whisnant
Matthews
W. White
Underhill
Matthews
Mangum
Patterson
Hammond
Underhill
Hammond
Patterson
Hammond
Martin
McCrory / no second

2/31/27
policy to committee
Third Ward Concurs

Martin
McCrory
White

#21 cont'd

McCrory
White
Matthews
Matthews / Hammond — Said defer — 11/25/91 — 2/3320
Vincent / Patterson — subject to approval
Hammond
Vincent
Patterson
Hammond
Mayor — stated motion — 3/10
White
Mayor

failed 5-3

yes	no
Vincent	Hammond
Mayor	Matthews
Martin	McCrory
Patterson	
Clodfelter	

Patterson
Underhill
Mayor
Underhill
Mayor
McCrory / Clodfelter — reconsider previous motion

unan

21 cont'd

Mayor

defer 11/25 failed

yes
Clodfelter
Martin
Hammond
Matthews

no
Vinroot
Patterson
McCrory
Mergum

Mayor
Matthews

3/160

Matthews / Hammond
defer to 11/25

yes
Clodfelter
Martin
Patterson
Vinroot
Matthews
Mergum
Hammond

no
McCrory

passed 7-1

22

Mayor
Martin / Patterson

withdrawn 91-76
urban

Vinroot / Patterson

use. session
adjourn 9:25 pm