AGENDA

Meeting Type:	B
Date:	09-16-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in September '91

THE WEEK OF SEPTEMBER 2 - 6

2, Monday

LABOR DAY HOLIDAY - All City Offices Closed

3, Tuesday

3 00 p m PLANNING COMMISSION/Planning Committee (Tour/Central District Plan Area II) - CMGC, Lobby

3 00 p m CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE - CMGC, Rooms 270-271

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

5 00 p m CITY COUNCIL WORKSHOP - CMGC, Conference Center

4, Wednesday

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

6 00 p m YOUTH INVOLVEMENT COUNCIL CMGC, Conference Center

6, Friday

7 30 a m PLANNING COMMISSION/Retreat - CMGC, Meeting Chamber Conference Room

THE WEEK OF SEPTEMBER 9 - 13

9, Monday

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

10, Tuesday

12 00 Noon CITY COUNCIL/COUNTY COMMISSION LUNCHEON (Continuation of Discussion on Law Enforcement Center Location and Consolidation) - CMGC, Conference Center

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

4 00 p m AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A

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

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

8 00 p m CANDIDATES FORUM - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

11, Wednesday

8 00 a m CLEAN CITY COMMITTEE - CMGC, Room 270

3 30 p m CITY COUNCIL/Executive Session CMGC, Room 271

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

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

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)

12, Thursday

4 00 p m CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room

8 00 p m CANDIDATES FORUM - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF SEPTEMBER 16 - 20

16, Monday

1 00 p m — **HOUSING AUTHORITY** - Charlottetown Terrace, 1000 Baxter Street

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

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

17, Tuesday

12 00 Noon — **CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD** - CMGC, Conference Center

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

18, Wednesday

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

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

19, Thursday

7 30 a m — **YOUTH INVOLVEMENT COUNCIL/Youth in Human Services Day** CMGC, Conference Center

2 00 p m — **ADVISORY ENERGY COMMISSION** Hal Marshall Center, 700 N Tryon St , Auditorium #1

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

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

20, Friday

7 30 a m — **PLANNING COMMISSION/Planning Liaison Committee** CMGC, 8th Floor Conference Room

THE WEEK OF SEPTEMBER 23 - 27

23, Monday

4 30 p m — **PLANNING COMMISSION/Zoning Committee (Work Session)** CMGC, 8th Floor Conference Room

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)

24, Tuesday

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

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 — **STORM WATER TASK FORCE** - CMGC, Conference Center

25, Wednesday

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

3 00 p m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Convention Center, 101 S College Street, VIP-B Room

26, Thursday

4 30 p m — **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 119

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

7 00 p m — **COMMUNITY RELATIONS COMMITTEE/A Town Meeting on Affirmative Action/Reverse Discrimination** - CMGC, Meeting Chamber

These organizations will not meet in SEPTEMBER:

Firemen's Retirement Board
Insurance & Risk Management Agency
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, September 16, 1991

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

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

Invocation

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Murkland Presbyterian Church (specifically, the entire interior and entire exterior of the building and a portion of land associated therewith), located at 7001 Old Providence Road, Charlotte, North Carolina as historic landmark.

The Historic Landmarks Commission judges that the property known as the Murkland Presbyterian Church does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgement on the following considerations:

1) The Murkland Presbyterian Church was founded by ex-slaves and freedmen who left the Providence Presbyterian Church about 1866.

2) The Murkland Presbyterian Church was named for its first pastor, Reverend Sidney Murkland.

3) The ca.1912 structure that formerly housed the Murkland Presbyterian Church is architecturally significant as an early 20th century vernacular interpretation of the carpenter Gothic style.

4) The two entry towers of the west facade serve as focal points of the Old Providence Road landmark.

5) Interior details such as the curved ceiling are examples of a high level of local craftsmanship.

6. The property is a visual reminder of the varied contributions made by all aspects of religious life to the Afro-American community of Mecklenburg County.

This property is exempt from Ad Valorem taxes.

The Department Review process revealed no conflict between the proposed designation and other City projects.

The Department of Archives and History concur with the proposed designation.

Consider adoption of an ordinance designating the Murkland Presbyterian Church, including the exterior and exterior of the building and a portion of the land associated therewith, as historic landmark.

Attachment No. 1

2. Hearing to consider designation of the Sloan-Davidson House (specifically, the entire interior and entire exterior of the building and the land associated therewith), located at 314 West Eighth Street, Charlotte, North Carolina, as historic landmark.

The Historic Landmarks Commission judges that the property known as the Sloan-Davidson House does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgement on the following considerations:

1) The ca.1820's original section of the Sloan-Davidson House is one of the earliest dwellings in Fourth Ward.

2) The ca.1890's enlargement and renovation of the Sloan-Davidson House made it a prominent house in Fourth Ward.

3) The Sloan-Davidson House is architecturally significant for exemplifying the vernacular interpretation of Folk Victorian housing with Queen Anne detailing.

4) The Sloan-Davidson House is one of the few original houses remaining in Fourth Ward.

5) The Sloan-Davidson House provides valuable insight to the life of city families in early Charlotte.

Based on the current assessment and tax rate, the amount of taxes deferrable on the above mentioned property would be $921.14.

The Department Review process revealed no conflict between the proposed designation and other City projects.

The Department of Archives and History does not concur with the proposed designation. The attached correspondence is for your information.

Consider adoption of an ordinance designating the Sloan-Davidson House, the entire interior and entire exterior of the building and the land associated therewith as historic landmark.

Attachment No. 2

3. (91-54) Public Hearing on Petition No. 91-54 by Crosland-Erwin Associates for a Text Amendment to Section No. 3062.25, of the Charlotte City Code, (Permitted Uses in Business Districts), to permit wholesale bakery activities on a limited basis in conjunction with the primary use of a bakery manufacturing goods for on-site retail sale in the B-1 District.

Attachment No. 3

4. (91-55) Hearing on Petition No. 91-55 by Young Ford, Inc. for a Site Plan Amendment to an existing B-2(CD) zoning for a 12.1 acre site located on the northerly side of North Tryon Street at Eastway Drive.

Attachment No. 4

5. (91-57) Hearing on Petition No. 91-57 by Realty Buyers Group for a change in zoning from R-15 to I-2(CD) for a 28.822 acre site located on the south side of Byrum Drive, west side of Wilmont Road, east side of Whippoorwill Drive and the north side of Beam Road.

Attachment No. 5

6. (91-58) Hearing 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 University City Boulevard (NC. 49).

Attached is a letter requesting the hearing on this petition be deferred for 30 days.

Attachment No. 6

7. (91-60) Hearing on Petition No. 91-60 by Motte Thomas for a change in zoning from R-6MF to O-6(CD) for a 7,500 square foot parcel located on the southeasterly side of East Worthington Avenue between Euclid and Cleveland Avenues.

Attachment No. 7

8. (91-61) Hearing 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 at 2412 Arty Avenue.

Attachment No. 8

9. (91-62) Hearing 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 for approximately 57.94 acres bounded by North Caldwell, North McDowell Streets, John Belk Freeway and East Trade Street.

Attachment No. 9

10. (91-63) Hearing on Petition No. 91-63 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-6, B-2 and B-1(CD) to UMUD for approximately 106.8 acres generally bounded by John Belk Freeway to the south and west, Davidson Street to the north and 6th street to the east.

Attachment No. 10

POLICY

11. RECEIVE AS INFORMATION TWO REPORTS WHICH DESCRIBE, (1) A PROCESS FOR DESIGNATING NEW OR EXPANDED LOCAL HISTORIC DISTRICTS AND, (2) A STAFF IMPACT STUDY ON AN EXPANSION OF THE CHARLOTTE HISTORIC DISTRICT PROGRAM.

Staff Resource: Dave Howard

Attachment No. 11

12. RECOMMEND ADOPTION OF THE CITY OF CHARLOTTE NEW, COMPREHENSIVE ZONING ORDINANCE; ZONING MAP CONVERSIONS; AND ZONING ORDINANCE TRANSITION PROCESS.

Staff Resource: Stanley Watkins

Attachment No. 12. Also, see separate draft booklet of Zoning Ordinance.

DECISIONS

13. (91-15) Decision on Petition No. 91-15 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and I-1 to R-9, (Northwest District Plan), for approximately 69.5 acres located on the east side of Toddville Road, south of Old Mount Holly Road extending to Melynda Road.

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

This petition was deferred at the March 18, May 20, June 17 and July 15 Meetings.

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

Attachment No. 13

14. (91-19) Decision on Petition No. 91-19 by City of Charlotte (Jesus Christ Holiness Church) for a change in zoning from R-9 to R-6MF for a .463 acre site located on the northeast corner of Squirrel Hill Road and Mount Kisco Drive.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 14

15. (91-24) Decision on Petition No. 91-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF, I-1 and I-2 to R-6 and I-1 (Northwest District Plan) for approximately 93.6 acres located on the south side of Old Mount Holly Road west of Melynda Road.

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

This petition was deferred at the May 20, June 17 and July 15 Meetings.

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

Attachment No. 15

16. (91-33) Decision on Petition No. 91-33 by Candlewyck Homeowners Association for a change in zoning from R-PUD to R-6 for a 3.5 acre site located on the northwest corner of Lawton Bluff Road and Candlewyck Lane.

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 16

17. (91-37) Decision on Petition No. 91-37 by Lavern Rabb and George Rabb for a change in zoning from R-9MF to R-6MF(CD) for an approximately 58,169 square foot parcel located on the north side of Tom Hunter Road at Log Cabin Road.

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

Attachment No. 17

18. (91-44) Decision on Petition No. 91-44 by Smith Funeral Homes, Harold Smith, for a text amendment to Section No. 3042 of the City of Charlotte Zoning Ordinance, (Permitted uses in Office Districts) to permit funeral homes, embalming and crematories as a use by right in all office districts.

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

19. (91-45) Decision on Petition No. 91-45 by Charlotte-Mecklenburg Planning Commission for a text amendment to provide for vested rights in certain circumstances.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (91-46) Decision on Petition No. 91-46 by Eastland Ltd. for a change in zoning from R-9 to O-15(CD) for approximately 7.89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road.

Councilmembers Patterson and Vinroot were excused from the hearing.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (91-47) Decision on Petition No. 91-47 by Child Acre Day Care Center, Inc. for a change in zoning form R-9 Special Use Permit and R-9 Conditional Use to R-9MF(CD) for approximately 7.9 acres located on the west side of Old Pineville Road north of Arrowood Road.

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

Attachment No. 21

22. (91-48) Decision on Petition No. 91-48 by the City of Charlotte to establish zoning on approximately 3,382 acres located between Mallard Creek/Prosperity Church Road and Cheshire/Brown Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. (91-49) Decision on Petition No. 91-49 by the City of Charlotte to establish zoning on approximately 4,388 acres generally located between Old Concord Road and I-85 extending from Rocky River Road to U. S. 29 and I-85.

The Zoning Committee recommends that this petition be approved.

Attachment No. 23

24. (91-50) Decision on Petition No. 91-50 by the City of Charlotte to establish zoning on approximately 101.6 acres generally located on Dixie Road, West Boulevard, Paul Brown Boulevard, Nannie Price Road in the airport area and a 1.3 acres site located on Ford Street in the Oakdale community.

The Zoning Committee recommends that this petition be approved.

Attachment No. 24

25. (91-51) Decision on Petition No. 91-51 by the City of Charlotte to establish zoning on approximately 762 acres located off Plott Road between Plaza Road Extension and Robinson Church Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

26. (91-52) Decision on Petition No. 91-52 by the City of Charlotte to establish zoning on approximately 1,445 acres located south of the Airport between Billy Graham Parkway and Highway 160.

The Zoning Committee recommends that this petition be approved.

Attachment No. 26.

27. (91-53) Decision on Petition No. 91-53 by the City of Charlotte to establish zoning on approximately 1,349 acres located between Independence Boulevard and Margaret Wallace Road extending from Sardis Road North to Idlewild Road.

The Zoning Committee recommends that this petition be approved.

Attachment No. 27

28. Recommend adoption of a Resolution calling for public hearings on Monday, October 21, 1991, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, for petitions 91-64 through 91-74 for zoning changes.

29. Recommend adoption of a Resolution calling for a public hearing on Monday, October 7, 1991, at 4:00 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, for a Special Use Permit 91-4, Petitioner, Richardson Sports Limited Partnership.

FIRST BAPTIST CHURCH
301 SOUTH DAVIDSON STREET
P O BOX 31046
CHARLOTTE NORTH CAROLINA 28231
704 375 1446

#10

September 12, 1991

RE Rezoning Petition No 91-63
Portions thereof affecting
First Baptist Church Property,
Marshall Park, Education Center,
EMR Center and Aquatic Center
September 16, 1991 Hearing

Mr Hoyle Martin
3012 Burbank Drive
Charlotte, NC 28216

Dear Mr Martin·

As pastor of First Baptist Church, I am writing because of my concern over the proposed change in zoning from B-6 to UMUD for our church property and the adjoining or nearby properties of the City (Marshall Park), Board of Education (EMR Center) and Mecklenburg County (Aquatic Center) Each of these properties is now in use for a purpose that is vital to our City and each appears to have a very long expectation of usefulness for its present purpose

At First Baptist Church we have a strong and firmly established ministry to the entire City and we believe that this will continue as long as the City stands When First Baptist Church moved from what is now Spirit Square to its present location in 1972, its members made a firm commitment that the church remain within the center of the urban area and that it shape its ministry accordingly That commitment remains strong to this day, and I believe it will continue into the far distant future

Before First Baptist Church relocated, we had extensive negotiations with the City through the Charlotte Redevelopment Commission concerning the nature of the area into which we would eventually move Incidentally, we were among the first purchasers of land within the area Many assurances were given such as these: open space (Marshall Park), off-street parking, buildings that met strict architectural design standards, compatible uses such as schools, offices and recreational facilities and landscaping that would enhance the natural beauty of this area Most of these plans have been accomplished, and the area has in fact become one of the most attractively

developed sections of our City First Baptist Church alone has contributed in excess of ten million dollars to the City by investing in buildings and other improvements which are widely used by the citizens of Charlotte The Charlotte Symphony had its opening concert in our facility last Wednesday night

To say it all very frankly, we like things as they are on our property - the park, the school and the Aquatic Center

Changing the zoning to UMUD for any of these properties would add an element of confusion and uncertainty as to future development We understand that there is presently no specific proposal for new or different development within the area Why then is a change in zoning either necessary or desirable? If a specific proposal should be made at some time in the future, a zoning change can be sought and all of us can evaluate it and react accordingly. In the meantime, let's hold fast to the splendid plan already in effect

Please give this matter your most thoughtful and prayerful consideration

Sincerely yours,

Charles D Page
Pastor

/sb

#7

320 E. Worthington Ave.
Charlotte, NC 28203
704/377-2246

September 11, 1991

Mr. Richard Vinroot
325 Cherokee Place
Charlotte, NC 28207

Dear Mr. Vinroot:

Monday, September 16th, there will be a hearing on Petition No. 91-60 for a change in the zoning classification of our property. It is very important to us that you know our side of the issue. Our property was one of six on East Worthington Avenue downzoned from O6 to R6-MF during the special zoning meeting March 8, 1990. Ours is the outermost house of this group that juts out from the neighborhood into the business district west of Euclid Avenue. For years, more than 50% of our space has been used for my Art business.

The Planning Commission explained their request for this change as a policy of preserving existing housing stock and to prevent the further deterioration of the neighborhood edge. Dave Howard commented at that time that the businesses on our street were "a blight on the neighborhood". To the contrary, the offices here (including ours), maintain the block with extensive landscaping and special attention to the preservation of a residential quality. Our property has been the standard of excellence which the other offices on the street now emulate. Can you explain how anyone could call the results of our planning and hard work in this area an "erosion of the edge of the neighborhood"?

The current R6-MF zoning follows neither the policy of preserving housing stock nor protecting the residential quality of the area, because with this zoning the land may be assembled, the houses torn down, and a multi-family project crammed in there. Until that time we expect that these properties will barely be kept up to the lowest city requirements, becoming the true blight to the edge of the neighborhood.

Rezoning our property to O6 as requested, will effectively prevent the land from being assembled, making the absentee landlords restore the existing vintage housing. This will ultimately achieve the policy of preserving and maintaining a residential quality.

The only <u>real</u> issue is the land use policy. In their zealous effort to preserve housing and protect the neighborhood, the Planning Commission somehow overlooked that I was doing that all along. The only inconsistency is that they want someone to live there and I need all the space for my business. What's the difference? As it is, I am there every day working and I will always keep the property up.

It is difficult for me to understand how our well-kept property and my business, which has been there for years, is going to suddenly become a threat to the inner neighborhood. In fact, the surrounding area will benefit from a long-term association with a regional artist's studio and the permanent enhancement of the property.

I am a native Charlottean, and I have lived in Dilworth for ten years. I have contributed much to this city financially and culturally and would like to continue to do so. We took a broken-down dump and turned it into one of the finest restorations in Dilworth. Our lives have pivoted around our only investment and its successful future.

It is our conclusion that in the future the City has more to lose than to gain by allowing the current R6-MF zoning to remain on this particular property.

We hope that you agree with our position and realize that our property is an exception to the land use policy. Please reward our years of effort by allowing us to finish our plans which are so close to completion. Show us you have an ear and some regard for the little guy. We need our O-6 zoning back and we are praying you will find some way to understand and help us. If you have any questions, please call us at 377-2246. Thank you.

Sincerely,

Motte Thomas

Patti Thomas

Motte Thomas
Patti Thomas

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "MURKLAND PRESBYTERIAN CHURCH" TO INCLUDE THE FOLLOWING BOTH INTERIOR AND EXTERIOR OF THE BUILDING AND THE PORTION OF TAX PARCEL NUMBER 211-021-01 UPON WHICH MURKLAND PRESBYTERIAN CHURCH IS LOCATED THE PROPERTY, OWNED BY THE MATTHEWS-MURKLAND PRESBYTERIAN CHURCH, IS LOCATED AT 7001 OLD PROVIDENCE ROAD, CHARLOTTE, MECKLENBURG COUNTY, N C

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

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

WHEREAS, the "Murkland Presbyterian Church" was founded by ex-slaves and freedmen who left the Providence Presbyterian Church about 1866, and

WHEREAS, the "Murkland Presbyterian Church" was named for its first pastor, Rev Sidney Murkland, and

WHEREAS, the "Murkland Presbyterian Church" was constructed about 1912, and

WHEREAS, the "Murkland Presbyterian Church" is an architecturally significant as an early 20th century vernacular interpretation of the carpenter Gothic style, and

WHEREAS, the two entry towers of the west facade of the "Murkland Presbyterian Church" serve as focal points of the Old Providence Road landmark, and

WHEREAS, the "Murkland Presbyterian Church" has interior details such as the curved ceiling which are examples of a high level of local craftsmanship, and

WHEREAS, the "Murkland Presbyterian Church" is a visual reminder of the varied contributions made by all aspects of religious life to the Afro-American community of Mecklenburg County, and

ORDINANCE -- Murkland Presbyterian Church

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

WHEREAS, the current owner, the Matthews-Murkland Presbyterian Church, has faithfully maintained the "Murkland Presbyterian Church" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Murkland Presbyterian Church" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Murkland Presbyterian Church" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Murkland Presbyterian Church" is owned by the Matthews-Murkland Presbyterian Church,

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

1 That the property known as the "Murkland Presbyterian Church" (including the interior and exterior of the building and the portion of the tax parcel of land upon which it is located listed under Tax Parcel 211-021-01) are hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 7001 Old Providence Road, Charlotte, Mecklenburg County, North Carolina.
For purposes of description only, the location of Murkland Presbyterian Church is noted as being a portion of the property of the Matthews-Murkland Presbyterian Church as

shown as Tax Parcel 211-021-01, being more particularly described as follows

Beginning at the western property line of Tax Parcel 211-021-01 at the northern margin of Old Providence Road and following the western property line for approximately 315 feet to the northern property line, then following the northern property line of Tax Parcel 211-021-01 to the east for 319 69 feet, then going south approximately 380 feet on an imaginary line drawn parallel to and 100 feet east of the easternmost side wall of the Murkland Presbyterian Church building to the margin of Old Providence Road, then going west along the northern margin of Old Providence Road for a distance of approximately 420 feet to the point of beginning at Old Providence Road and the western property line of Tax Parcel 211-021-01, containing an area of approximately 3 acres

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

3 That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations

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

the owner consents, the sign may be placed on said landmark

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

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

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

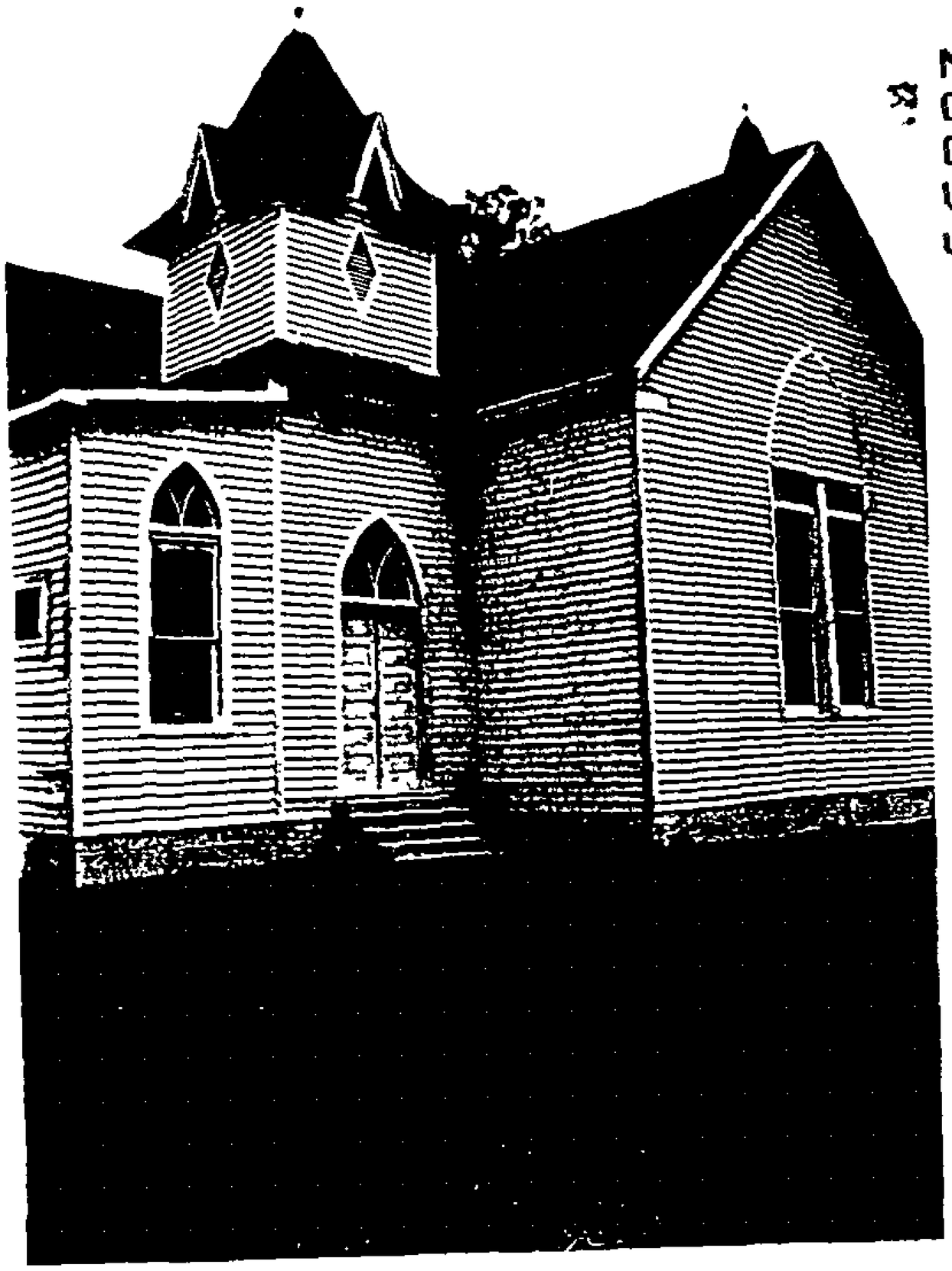
_____

Clerk to the City Council

Approved as to form

David M. Smith

City Attorney

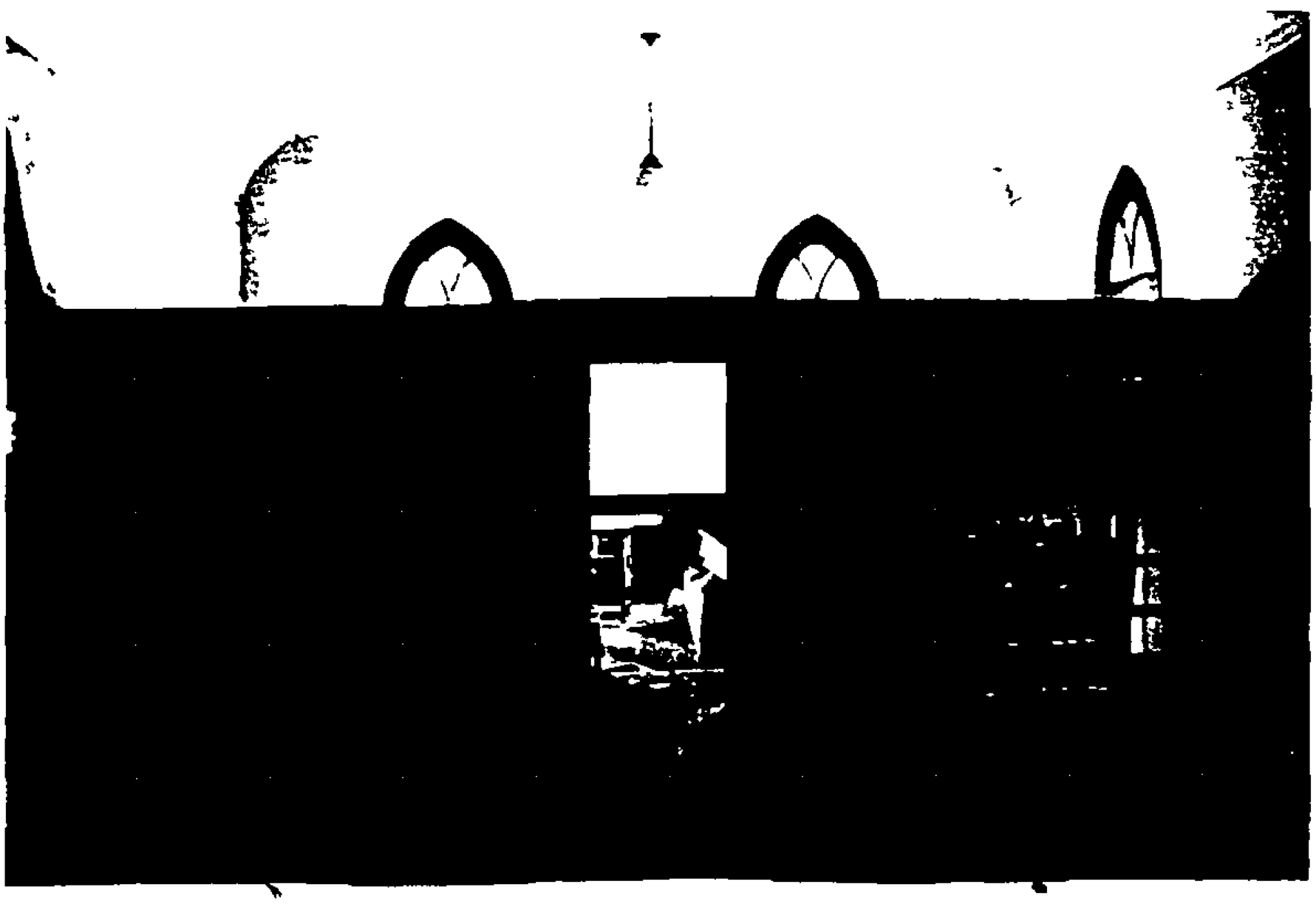


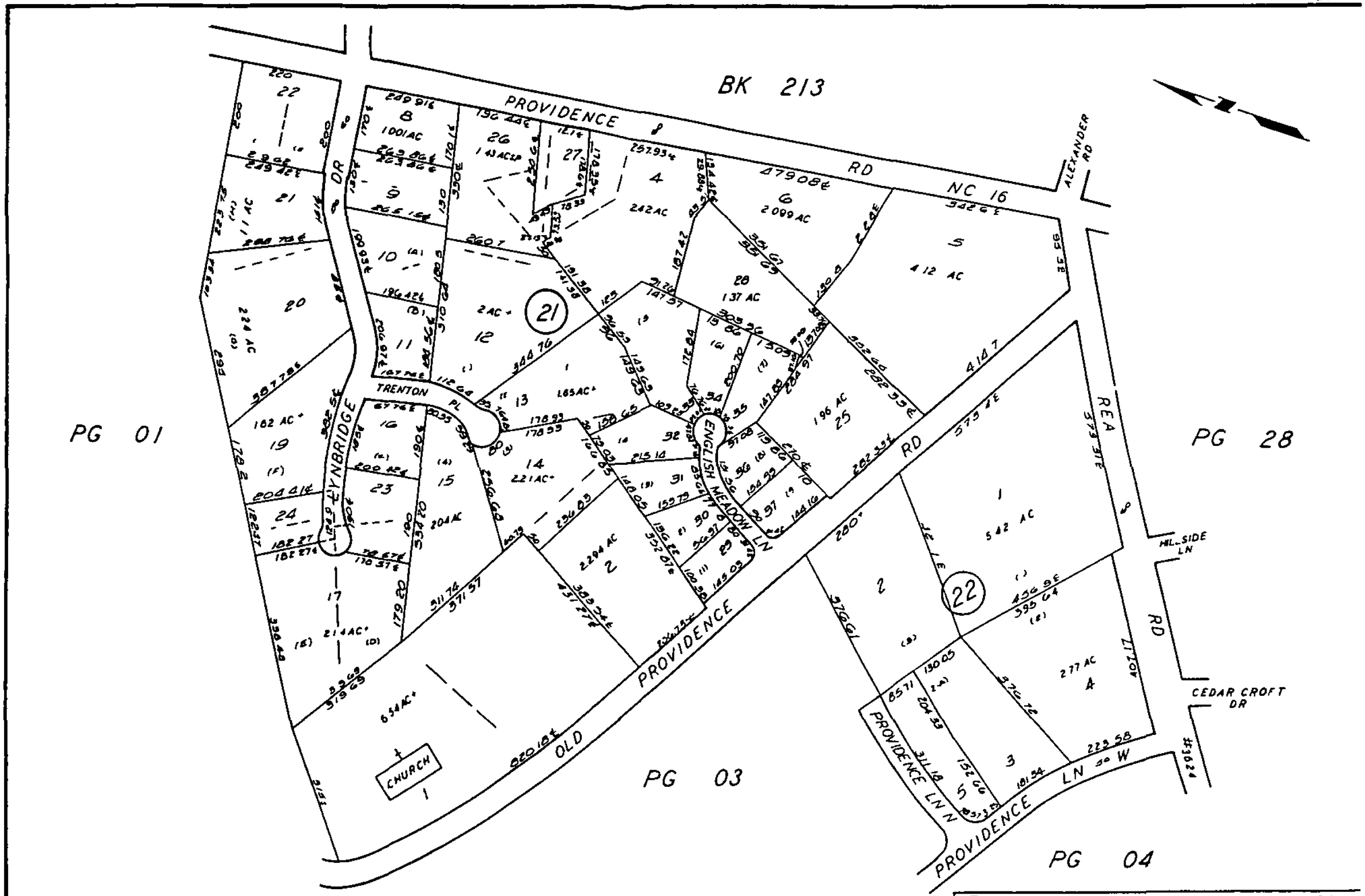
Murkland Presbyterian Church
Old Providence Road
West Facade
with Northwest Tower

South Facade

Murkland Presbyterian Church
Old Providence Road - South Facade seen from Cemetery

Interior
Shows temporary walls





TAX LINE MAP	BOOK 211	PAGE 02
MECKLENBURG COUNTY	NORTH CAROLINA	
REVISED 9 27 96	SCALE 1" = 200	

FOR TAX PURPOSES ONLY

Charlotte Mecklenburg Historic Landmarks Commission

4 September 1991

Mr O Wendell White, City Manager
City of Charlotte
CMGC, 600 East Fourth Street
Charlotte, North Carolina 28202

Dear Mr White

The Historic Landmarks Commission is processing the *Sloan-Davidson House* at 314 West Eighth Street,, Fourth Ward, Charlotte, North Carolina, for designation as "historic landmark" The HLC recommends the designation despite the comments regarding the house by the North Carolina Division of Archives and History.

As you know, N C G S 160A-400 only mandates that the Division of Archives and History have the opportunity to comment upon the prospective designation of properties as historic landmarks Routine procedures require that the HLC reconsider all recommendations which the Division of Archives and History questions Accordingly, as the enclosed copies of my report and the minutes of the 8 April 1991 meeting attest, the HLC did take the comments of the Division of Archives and History into account The fact that the Sloan-Davidson House is one of the few original houses remaining in Fourth Ward weighed heavily in the decision of the HLC Additionally, *The Secretary of the Interior's Standards for Rehabilitation* states, "Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment These changes may have acquired significance in their own right, and this significance shall be recognized and respected" It would appear that the repairs and renovations to the Sloan-Davidson House (which saved the structure and made it habitable) occurred during a time of revitalization in Fourth Ward as the City of Charlotte was encouraging uptown residential development

I hope this information will allow the City Council to continue the designation process for the Sloan-Davidson House Should you have any questions, please call our office

Sincerely,

Nora M Black
Architectural/Historical Consultant

Enclosures

c Mr J Andrew Scales, HLC Chairman
Dr Dan L Morrill, HLC Consulting Director
Ms Pamela Syfert, Deputy City Manager

1225 S CALDWELL STREET BOX D CHARLOTTE N C 28203 (704 376 9115

Item #2 - Chairman's Report Mr Scales.

Mr. Dowd, HLC Vice Chairman, said that Mr. Scales had asked him to preside at tonight's meeting due to the fact that Mr. Scales would not be present.

Mr. Dowd welcomed everyone to the meeting.

MS. RICO MOVED THAT MR. SCALES AND MR. BLEDSOE BE EXCUSED FROM THE MEETING MR. HILL SECONDED THE MOTION WHICH THE COMMISSION APPROVED.

Item #3 - Director's Report· Dr. Morrill.

A copy of the Director's report is attached.

Dr. Morrill showed slides of the caboose donated to the HLC by Norfolk-Southern Railroad.

Dr Morrill reported that Mr. Bledsoe and Mr. Bruce James, Helms, Cannon et al , had met and devised the proper arrangement for the Commission's private, not-for-profit, fund-raising agency.

THE PRESERVATION FUND COMMITTEE MOVED THAT THE HLC APPROVE THE ESTABLISHMENT OF A PRIVATE, NOT-FOR-PROFIT, FOUNDATION, SEPARATE FROM THE HLC WITH THE MEMBERS OF THE HLC SERVING AS THE BOARD OF DIRECTORS ON A VOLUNTEER BASIS, AND THAT THE PURPOSE OF THIS FOUNDATION BE TO RAISE AND DISBURSE FUNDS IN ACCORDANCE WITH POLICIES APPROVED BY THE BOARD OF DIRECTORS. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION

Item #4 - Historical/Architectural Report. Ms. Black.

Ms. Black informed the Commissioners that on April 15, 1991, the following joint public hearings will be held

- STEELE CREEK PRESBYTERIAN CHURCH - Mecklenburg County Commissioners - 8 45 a m
- NEBEL KNITTING MILL - Charlotte City Council - 6 00 p m.
- CHARLOTTE/WATER WORKS/WEST STATION - Charlotte City Council - 6 00 p m

Ms. Black distributed to the HLC copies of a letter from the N. C. Division of Archives and History stating that they do not concur with the proposal of the HLC to designate the Sloan-Davidson House in Fourth Ward. Ms. LaPointe spoke about the history of the house.

MR. HENDERSON MOVED THAT THE HLC GO AHEAD WITH ITS ORIGINAL RECOMMENDATION ON MARCH 18, 1991, THAT THE SLOAN-DAVIDSON HOUSE, 314 WEST EIGHTH STREET, CHARLOTTE, N. C., BE CONSIDERED FOR HISTORIC DESIGNATION. MR. DESMOND SECONDED THE MOTION WHICH THE HLC UNANIMOUSLY APPROVED.

Item #6 - Design Review Committee Report: Mr. Grenfell

Mr. Grenfell reported that the Design Review Committee met March 25, 1991, at 5 30 p m., at the HLC office.

North Carolina Department of Cultural Resources

James G Martin, Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price, Jr , Director

April 2, 1991

Ms Nora Black
Charlotte-Mecklenburg Historic Landmarks Commission
1225 S Caldwell Street, Box D
Charlotte, NC 28203

Re Proposed designation of the Sloan-Davidson House, 314 West Eighth Street, Charlotte

Dear Nora

Thank you for your letter of March 20 and the Survey and Research Report for designation of the Sloan-Davidson House We have reviewed the material pursuant to GS 160A-400 6 and would like to comment

Absent any evidence of historical significance, the only basis for potential designation of this property is as a rare late-19th century building on its original site in Fourth Ward. However, the description suggests that extensive alterations have been made, including the apparent replacement of original late-19th century ornament with 1970 s neo-Queen Anne trim and possible significant structural alterations as well The report references the poor condition of the property in the late 1970s and the need for major renovation. It is difficult to tell from the description what period is being described where, and what elements are original or replaced.

It is our opinion that any claim for significance based on a remnant of a possible early-19th century structure is weak, as so little evidence of that remains. The apparent extent of changes to the late-19th century structure raises serious questions about whether or not the house retains sufficient integrity of design, materials, and workmanship (see GS 160A-400.5) to warrant designation Unless more documentation can be provided to clarify the extent and dates of changes made to the late-19th century structure, we are unable to recommend designation for this house. Pre-early 1970s photographs, a floor plan showing what has happened and a clearer description of what is original and what isn't would be most helpful

Thank you for the opportunity to comment on this designation. I am returning your slides and photographs as requested.

Sincerely,

Beth Thomas

Beth P. Thomas
Preservation Planner
State Historic Preservation Office

BPT/s

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "SLOAN-DAVIDSON HOUSE" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE HOUSE AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 078-036-08 THE PROPERTY, OWNED BY DIANE E LAPOINT, IS LOCATED AT 314 WEST EIGHTH STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the ca 1820's original section of the "Sloan-Davidson House" is one of the earliest dwellings in Fourth Ward, and

WHEREAS, the ca 1890's enlargement and renovation of the "Sloan-Davidson House" made it a prominent house in Fourth Ward, and

WHEREAS, the "Sloan-Davidson House" is architecturally significant for exemplifying the vernacular interpretation of Folk Victorian housing with Queen Anne detailing, and

WHEREAS, the "Sloan-Davidson House" is one of the few original houses remaining in Fourth Ward, and

WHEREAS, the "Sloan-Davidson House" provides valuable insight to the life of city families in early Charlotte, and

WHEREAS, the current owner, Diane E LaPoint, has faithfully maintained the "Sloan-Davidson House" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

ORDINANCE -- Sloan-Davidson House

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Sloan-Davidson House" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Sloan-Davidson House" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Sloan-Davidson House" is owned by Diane E LaPoint,

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

1 That the property known as the "Sloan-Davidson House" (including the interior and exterior of the house) and the parcel of land upon which it is located, listed under Tax Parcel Number 078-036-08 is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 314 West Eighth Street in Charlotte, Mecklenburg County, N C

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

3 That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition

Nothing herein shall be construed to prevent the landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations

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

5 That the owners and occupants of the landmark known as the"Sloan-Davidson House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

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

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

_____
Clerk to the City Council

Approved as to form.
David M. Smith
City Attorney

Survey and Research Report
of
Sloan- Davidson House

Charlotte-Mecklenburg Historic Landmarks Commission

1991

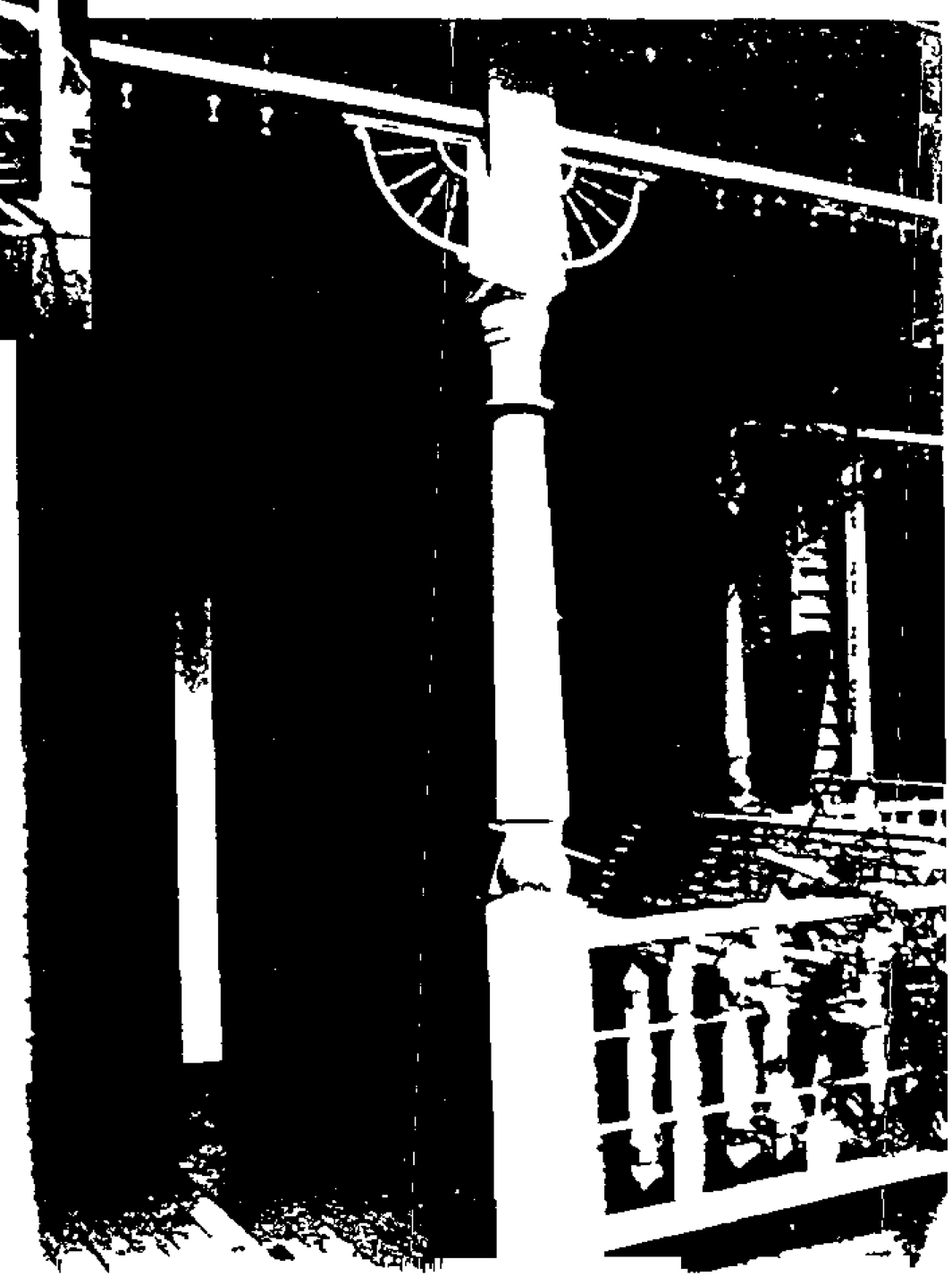
Sloan-Davidson House
From Dining Room
Looking Into Kitchen

Fire Surround
In East Bedroom

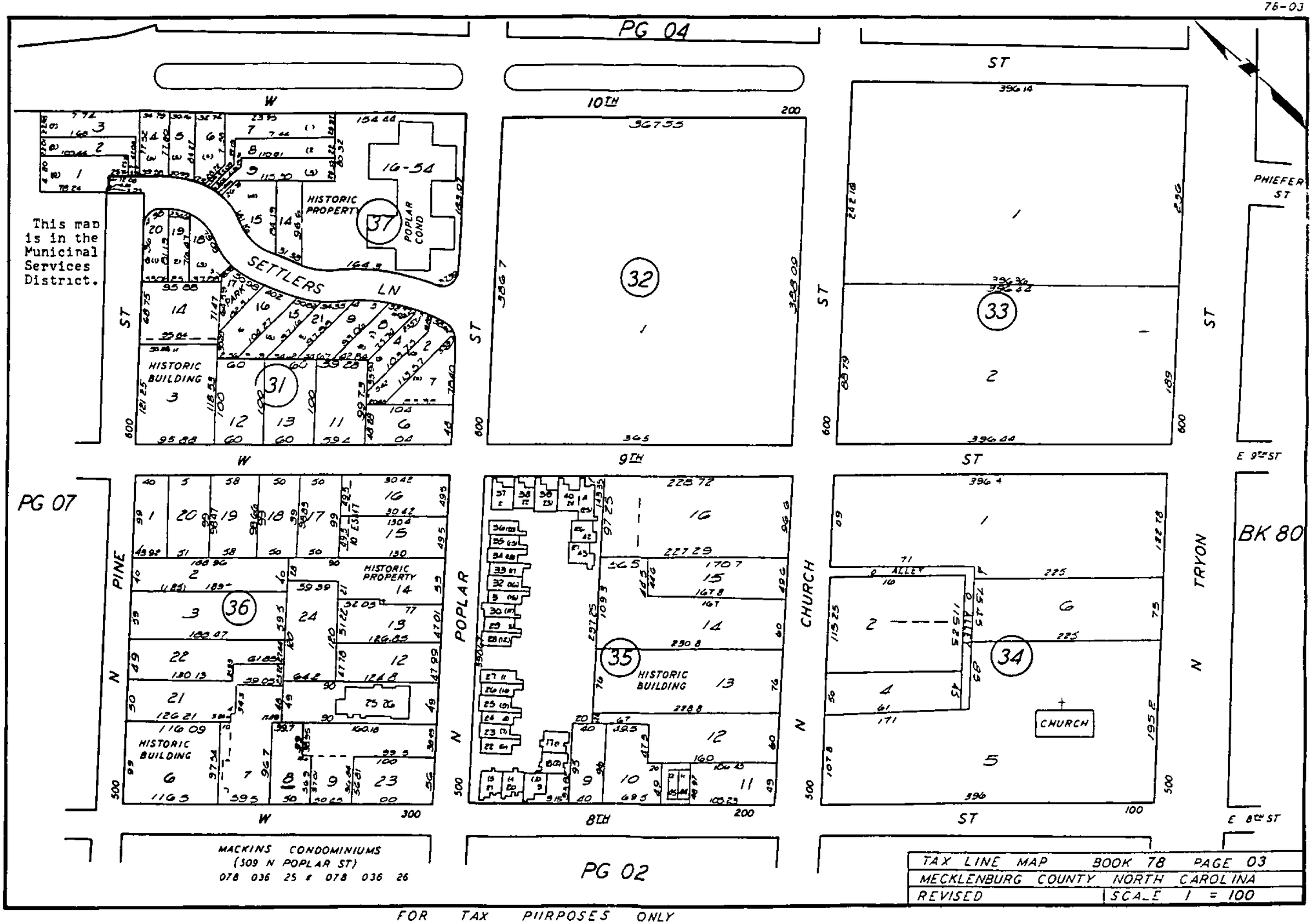
Center Passage (Parlor)
With Corner Chimney

Sloan-Davidson House
314 West Eighth Street
South Facade

North Facade



Detail of Spindlework
on Front Porch



FOR TAX PURPOSES ONLY

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-54

Petitioner: Crosland-Erwin Associates

Location: Text amendment to permit wholesale bakery activities on a limited basis in conjunction with the primary use of a bakery manufacturing goods for on-site retail sale in the B-1 district.

BACKGROUND

The zoning ordinance presently permits bakeries including manufacture of goods for sale only on the premises, to be located in the B-1 neighborhood commercial district. This petition proposes a change which would permit limited wholesale activities to also be conducted from such bakeries in B-1. This would allow goods to be manufactured in B-1 and sold off-site on a wholesale basis. Such bakeries with the wholesale operation would be limited to a total of 2,500 square feet of gross floor area with the area devoted to wholesale activities not to exceed 20% of the total square footage.

This petition is the second involving bakeries within the last three years. An amendment was approved in 1988 permitting bakeries not exceeding 5,000 square feet which manufacture goods to also conduct wholesale operations in the B-2, but not the B-1.

CONCLUSION

This proposed amendment raises issues regarding the B-1 neighborhood business district.

- This district is primarily designed for business centers with retailing of merchandise and the provision of services for the convenience of residents in adjacent residential areas.

- Wholesale operations are not permitted uses in the B-1 district. This amendment would be the first official recognition of allowing wholesale operations in the neighborhood business district.

- Once a particular wholesale operation is permitted in B-1, it will be very difficult in the future to determine the extent and what other types of wholesale services would be permitted.

This amendment also would be difficult to enforce. How could it be determined that only 20% of the total floor area would be for wholesale use? In actual practice how could it be monitored and determined over time if a majority of the bakery is wholesale?

For the reasons cited above, this text amendment is recommended for denial.

*Subject to further refinement following public hearing.

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)."

Name of Agent

Agent's Address

Telephone Number

Eric E. Kenney
Crosland-Erwin-Associates
Name of Petitioner(s)

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

523-0272
Telephone Number

Signature

Petition No. 91-54
Petitioner: Crosland-Erwin Assoc.

DRAFT

ORDINANCE NO. _____

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."

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-55

Petitioner: Young Ford Inc.

Location: A 12.1 acre site located on the northerly side of North Tryon Street at Eastway Drive.

Request: Consideration of a B-2(CD) site plan amendment.

BACKGROUND

1. Existing Zoning. The property involved in this petition is presently zoned B-2(CD) as is the property directly to the north and south. The property to the west is zoned R-12MF(CD) and R-9(CD). All these properties were part of one rezoning petition in 1988. The properties in the general area are a mix of B-1 and B-2 along North Tryon and R-15MF, R-9MF and R-9 to the west.

2. Existing Land Use. The property involved in this petition is presently being used for a car dealership. The property directly to the north and south are vacant as is the property to the west. The property across North Tryon Street is developed as a shopping center. The surrounding land uses are business and commercial along North Tryon Street and changing to residential as to the west.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment and residential land uses in the area of the subject property. It also indicates a community commercial center. The 2005 strategies involve streetscape improvements along North Tryon Street and a future light rail corridor and station in the area.

   2. Transportation Improvement Program. The TIP calls for intersection improvements at the intersection of Eastway Drive and North Tryon Street. This improvement is ranked 10th on the TIP. A timetable for these improvements is not specified.

   3. North Tryon Residential Corridor Special Study. This plan had recommended the rezoning of portions of the subject property to eliminate a large amount of multi-family zoning. The portions of this site which are zoned R-9(CD) and R-12MF(CD) were rezoned to those classifications in conformance with that plan.

   4. North Tryon Street Corridor Plan. This plan indicates a mixed use future for this site with nonresidential uses along North Tryon Street and residential uses otherwise.

4. Site Plan. The site plan which accompanies this petition proposes to add two driveways to the existing car dealership which, indeed, have already been built in violation of the approved plan. One driveway will be added along the northern property line and will access Northchase Drive, the other driveway will be added along the southern boundary and will access the extension of Eastway Drive. This second drive has already been added to the plan administratively at the specific request of the Fire Department for emergency access only. In both cases these new driveways will be the dealerships third driveway on each of these roads. The remainder of the site plan is identical to the plan approved in 1988. As previously approved, this plan proposes three parcels of B-2(CD) along North Tryon Street each of these parcels allowing 100,000 square feet to be built upon them. Behind these parcels the property is divided into four parcels. Three of these parcels will be developed with 469 multi-family units, the remaining parcel will be developed with 87 single family units. The site gains its access from North Tryon Street via one driveway and two public streets. The one driveway along North Tryon Street access the existing car dealership, the remaining parcels will be accessed from the internal roads.

5. School Information.

School		Capacity	Enrollment
Elementary:	Hidden Valley	780	863
Junior High:	Alexander Graham	935	816
Junior High:	Cochran	1,075	845
Senior High:	Myers Park	1,685	1,737

6. Zoning History (See Attached Map).

Petition No.		Request	Action	Date
1.	70-33	B-2 to I-2	Approved	03/23/70
2.	76-11	I-2 to B-1SCD	Approved	11/08/76
3.	79-10	I-2 to B-2 & I-1	Denied	04/30/79
4.	86-28	R-9MF to R-9 & R-12MF	Approved	03/16/87
5.	88-85	B-2, R-12MF & R-9 to B-2(CD), R-12MF(CD) & R-9(CD)	Approved	12/19/88

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

REVIEWS

1. Plan Consistency. Both the 2005 Plan and the North Tryon Street Corridor Plan indicate a mixed use future for this tract. Both plans recognized the commercial aspects of the North Tryon

corridor and recommend the continuation of employment type and service land uses along the street frontage. However, both plans indicate that the rear portion of the tract should be used for residential purposes. The plan originally approved in December of 1988 used just such a configuration with commercial zoning along the street frontage and both single family and multi-family zoning to the rear. This proposed site plan amendment does nothing to change this configuration or increase the proposed square footage of the site. This site plan amendment is for two new driveways only. Therefore, this request is consistent with public plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff has discussed this site plan amendment with the petitioner prior to filing. One of the driveways had been added administratively to accommodate the Fire Department. This driveway was approved with the provision that it be permanently closed with a gate.

2. Departmental Comments. The Fire Department as well as the Building Standards Department had no comment on this proposed site plan amendment. The tree ordinance staff pointed out that the currently developed site was not in compliance with the tree ordinance. They noted that the construction activity had damaged some trees and that construction materials had been and are being stored on top of existing trees. The urban forestry staff suggested some solutions and asked that the developer take appropriate action.

   The Transportation Department pointed out that the eventual build out of this site will require major intersection improvements estimated between $2.05 million and $4.8 million. They also estimate the developers cost of these intersection improvements between 1.45 million and 2.3 million dollars. The current plan only commits the developer to a total of $100,000 toward the intersection improvements and does not allow him to develop parcels D and E, and a portion of parcel C until the intersection is improved to a full access intersection. The Transportation Department would like the developers share of the cost of the necessary intersection improvements to be increased. If further funding is not an option they are asking that note #14 that commits 50,000 dollars toward intersection improvements be revised to eliminate the two year deadline. Since this petition was last approved North Tryon Street has been reclassified as a commercial arterial requiring 150 feet of right-of-way. The Transportation Department has requested that the petitioner dedicate this additional right-of-way. The petitioner did not

change the wording regarding intersection improvements, funding or additional right-of-way dedication.

ISSUES

1. Land Use. This plan poses no significant land use issues. This petition proposes a site plan amendment to allow two additional driveways to an existing car dealership. Both these driveways are from internal roads. No other changes are proposed. Both the North Tryon Street Corridor Plan and the 2005 Plan call for these type uses for this property. Therefore, from a land use standpoint this petition is considered appropriate for approval.

2. Site Plan. This site plan raises some minor site plan issues. The originally approved plan committed two increments of 50,000 dollars toward intersection improvements. The first of these 50,000 dollars was tied to the cities improvements to the Eastway Drive, North Tryon Street intersection if they occur within two years of the zoning approval. We believe that this condition should be changed so that the 50,000 dollars is available whenever the city makes the improvements to the Eastway Drive, North Tryon Street intersection. The petitioner should also reserve or dedicate the additional right-of-way necessary along North Tryon Street. Therefore, from a site plan standpoint this petition is considered appropriate for approval once these issues are resolved.

CONCLUSION

Once the minor site plan issues are resolved this petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

91-55

Development Notes

1 All development pursuant hereto shall comply with applicable Town ordinances off street parking screening signage and storm water retention requirements

2 A full service automobile/truck dealership is proposed for Parcel B but it may also include another use or uses Furthermore all uses allowed in the B 2 District shall be permitted on Parcel A Parcel B and Parcel C except as follows Adult Bookstore cost actors offices and site sales yards funeral homes pawn shops tire recapping shops and entertainment establishments such as lounges bars taverns etc that employ topless waitresses

3 A 25 foot planting strip shall be observed on the project s frontage along North Tryon Street The strip shall contain shrubs trees and/or trees designed to provide for an attractive landscape/street appearance A 10 foot planting strip along both the proposed new public streets is also planned for the area of the streets contained in the B 2 (CD) area Both proposed public street intersections with North Tryon Street shall include a landscaped median The landscaping requirements for the planting strips on either side of the proposed public streets shall be required only in conjunction with the development of each respective parcel Issuance of building permit(s) for Parcel B shall not be contingent upon the completion of the proposed public street adjoining it Improvements to said streets shall be required to be extended only to the depth of the B 2 (CD) zoning line paralleling North Tryon Street until the multi family or single family portions of the project are developed

4 The project shall be limited to only the access points as shown on the site plan Access points may shift slightly from those shown However driveways serving the existing W S Abernathy residence golf driving range and mobile home sales shall be allowed to remain and function as long as those uses continue to operate At the time of the discontinuance of each of the uses said driveways shall be required to terminate as well

5 The number of buildings their locations shapes and sizes for those depicted for Parcel B may vary from that which is shown on the site plan However the total square footage for the parcel shall not exceed the total shown on the site plan Specific use building and parking arrangements for Parcels A & C shall be reviewed and approved by the Planning Staff at the time detailed plans for these parcels are determined; Planning staff shall review plans on the basis of the parcel s compliance with the proposed building square footage landscaping along public streets and in parking lots access points and screening The outline for building and parking areas for Parcels A & C may change in accordance with specific plans and therefore may vary from that shown on the site plan Parcel A and Parcel C may have one detached parcel each and Parcel B may have two detached parcels The total square footage for Parcels A B and C shall not exceed 100 000 square feet each In no event shall any detached parcel have direct driveway access to N Tryon Street nor shall any such parcel be permitted to have a restaurant with a drive in window

6 A 65 foot buffer shall be established between the proposed commercial areas and the proposed residential areas (excluding Public Facility Parcel) Forty feet of buffer shall be located on the proposed R 12 MF (CD) property and twenty five feet on the proposed B-2 (CD) property The buffer area shall include any combination of new or existing trees walls fences and/or landscape berms

7 A one acre site for a public facility (i e fire station library etc) shall be set aside for the purpose of land dedication If within ten (10) years from the date of the rezoning approval no action has been taken by any public agency to secure a use for the parcel and request the land dedication then said parcel may be used for multi family usually purposed to be limited to such things as open space clubhouse pool tennis courts etc

8 No vehicular street connections shall be allowed to Dilmark Avenue Springview Drive and Cinderella Road

9 Multi family developments may be modified from the shape and sizes shown The Planning Staff shall review individual projects under normal administrative guidelines The development of multi family development shall avoid the repetitive use of building footprints building colors styles and materials etc In no event shall any development plans deviate from the minimum buffer and building setbacks shown

10 The illustrated multi family area is conceptual in nature but is intended to demonstrate one approach with regard to building parking and circulation arrangement The illustrated area is intended also to depict potential development on adjoining tracts for Parcel B as well

11 All building construction will comply with applicable fire fighting and safety standards

12 The 60 loop road will be built in accordance with commercial construction standards for that portion of the loop road contained in the B 2 (CD) area

13 The 25 undisturbed buffer bordering Parcel "B" will not be used to satisfy the minimum rear yard standards as established under the R 9 zoning category The 25 undisturbed buffer is in addition to the minimum rear yard and will be included as part of the individual lots

14 The Petitioner recognizes that the City of Charlotte has planned major intersection expansion changes and improvements for the intersection of Eastway Drive and North Tryon Street The timing for these improvements and the funding have not been determined Petitioner acknowledges that the development of the property will cause additional traffic for this intersection necessitating additional expansion for the intersection At this time such increased cost for the intersection improvements attributable to the development of Petitioner s property cannot be determined However within two (2) years from the date of approval of Petitioner's plan and upon written notice to Petitioner Petitioner's assigns or successors in interest and within 30 days after written notice of the same Petitioner will pay to the City of Charlotte the amount of such estimated incremental cost attributable to the development of Petitioner s developments up to the maximum of $50 000 00

Furthermore upon the sale of or request for building permit for Parcel C the petitioners their heirs or successors shall contribute the sum of $50 000 00 to the appropriate agency to be used for intersection improvements at the Eastway/North Tryon Street intersection Such contribution shall be made no later than 30 days following said sale or request for building permit. To insure full notice and disclosure the Petitioner agrees to file on record at the Register of Deeds Office a lien or other notice describing the nature of the commitment to contribute the $50 000 00

12 [illegible] be 60 [illegible] be [illegible] commercial construction standards for that portion of the loop road contained in the B 2 (CD) area

13 The 25 undisturbed buffer bordering Parcel "E" will not be used to satisfy the minimum rear yard standards as established under the B 9 zoning category The 25 undisturbed buffer is in addition to the minimum rear yard and will be included as part of the individual lots

14 The Petitioner recognizes that the City of Charlotte has planned *and for* intersection expansion changes and improvements for the intersection of Eastway Drive and North Tryon Street The timing for these improvements and the funding have not been determined Petitioner acknowledges that *the development of the* property will cause additional traffic for this intersection necessitating additional expansion for the intersection At this time such increased cost for the intersection improvements attributable to the *development of Petitioner s property cannot be determined* However within two (2) years from the date of approval of Petitioner s plan and upon written notice to Petitioner Petitioner s assigns or successors in interest and within 30 days after written notice *of the same Petitioner will* pay to the City of Charlotte the amount of such estimated incremental cost attributable to the development of Petitioner s developments up to the maximum of $50 000 00

Furthermore upon the sale of or request for building permit for Parcel C the petitioners their heirs or successors shall contribute the sum of $50 000 00 to the appropriate agency to be used for intersection *improvements* at the Eastway/North Tryon Street intersection Such contribution shall be made no later than 30 days following said sale or request for building *permit* To insure full notice and disclosure the Petitioner agrees to file on record at the Register of Deeds Office a lien or other notice describing the nature of the commitment to contribute the $50 000 00

15 Until such time as there is full service access into the site at the Eastway/North Tryon Intersection Parcel A and Parcel B shall be the first phase of development Interim access to both parcels shall be limited to right in/right-out movements only except that the Petitioner agrees to provide the necessary funds or to reconstruct the current median opening in North Tryon Street at the North Park Mall *entrance such that only left turn* movements shall be allowed into the project site at the new northernmost public street as well as into the North Park Mall The median/access improvements to the site shall be reviewed and approved by C DOT *and* NC DOT *The median reconstruction shall be* constructed as part of the development of either Parcel A or Parcel B Parcel B shall also construct the southernmost public street as an interim right-in and right out movement only as part of the development of Parcel B

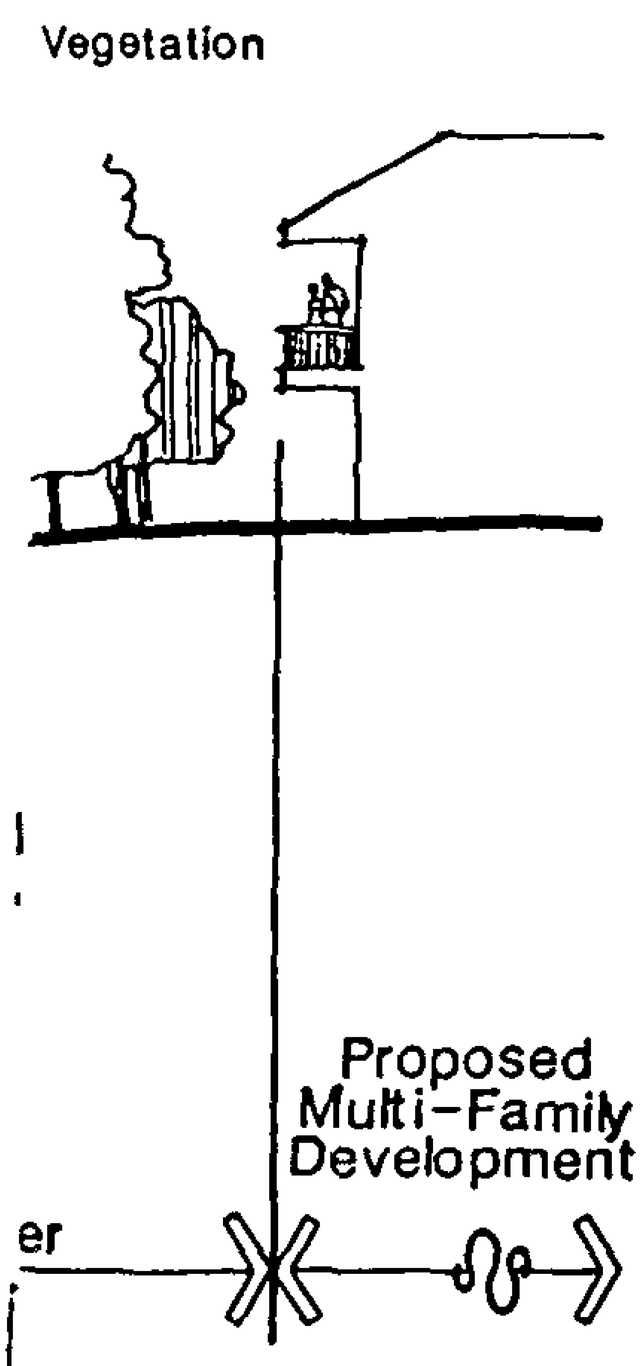
As part of this phasing restriction Parcel A shall only be *developed as an auto dealership(s) However if Parcel A* remains vacant until there is full service access at the North Tryon/Eastway Intersection, then Parcel A may be developed for any B 2 use as described under Note #1 Parcel C, D and E may not be developed until there is full service access at the Eastway/North Tryon Street Intersection except that Parcel C maybe allowed to construct 15 000 s f of space upon payment of $50 000 00 as provided in note #14 above Access to the 15 000 s f space shall be limited to the proposed public street adjacent to Parcels B and C The intersection of North Tryon Street and the proposed public street shall be designed to permit only a right in and right out movement. CDOT shall review and approve said design in such a manner as is consistent with the anticipated final, full access, North Tryon Street/Eastway Drive Intersection No driveway curb cut shall be granted to North Tryon Street from Parcel C

At the time full service access is available at the Eastway/North Tryon Street Intersection then C-DOT NC DOT and any other applicable agency shall review the median opening as described above to determine if any changes are *necessary to accommodate traffic flow and safety to and from* the project

16 The Petitioner agrees to dedicate an additional 10 feet of right of way along the property's entire frontage along North Tryon Street if C DOT NC-DOT or any other *applicable* agency requests such dedication as part of the future roadway improvements to North Tryon Street The Petitioner agrees to provide the right of-way within 30 days of written notice CDOT NCDOT or other applicable agencies shall have two [illegible] years from the date of rezoning approval to request said right of way otherwise the condition for right of way dedication shall no longer be valid

17 No more than one half of the multi family units shall be approved for construction until at least one half of the *single-family* lots have been approved through the subdivision process After one-half of the single family lots have been approved, the balance of the multi-family units shall be allowed to be approved for construction

18 The developer of the multi-family and single family developments shall give the *Hidden Valley Homeowners* Association copies of their proposed development to show the streetscape the *proposed landscape* the *location of* the buildings the types of building and the amenities to be provided and allow at least 30 days within which representatives of the Hidden Valley Homeowners Association shall have the right to make written comments observations and suggestions to modify said plans in an effort to make any development of multi family or single-family an attractive *quality and compatible development* to the Hidden Valley Community Such comments shall be made to the Developer and the Developer reserves the right to make any adjustments based on the comments



OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Petition No 91-55
Date Filed July 8, 1991
Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: Young Ford, Inc.

Owner's Address: 5415 N. Tryon Street Charlotte, N.C. 28213

Date Property Acquired: December 1988

Tax Parcel Number: 089-121-05

Location of Property (address or description)

northerly side of N. Tryon Street at the intersection of Eastway Drive

Description of Property

Size (Sq Ft Acres): 12.1 acres

Street Frontage (ft): 850'± N. Tryon St.

Current Land Use: automobile dealership

Zoning Request

Existing Zoning: B-2(CD)

Requested Zoning: Site Plan Amendment

Purpose of Zoning Change: to permit two additional driveways

Name of Agent: Robert G. Young

Agent's Address: 301 S. McDowell St, Suite 1012

Telephone Number: 334-9157

Name of Petitioner(s): Young Ford, Inc.

Address of Petitioner(s): P.O. Box 32275 Charlotte, N.C. 28232

Telephone Number: 598-2599

Signature: [illegible] Pres.

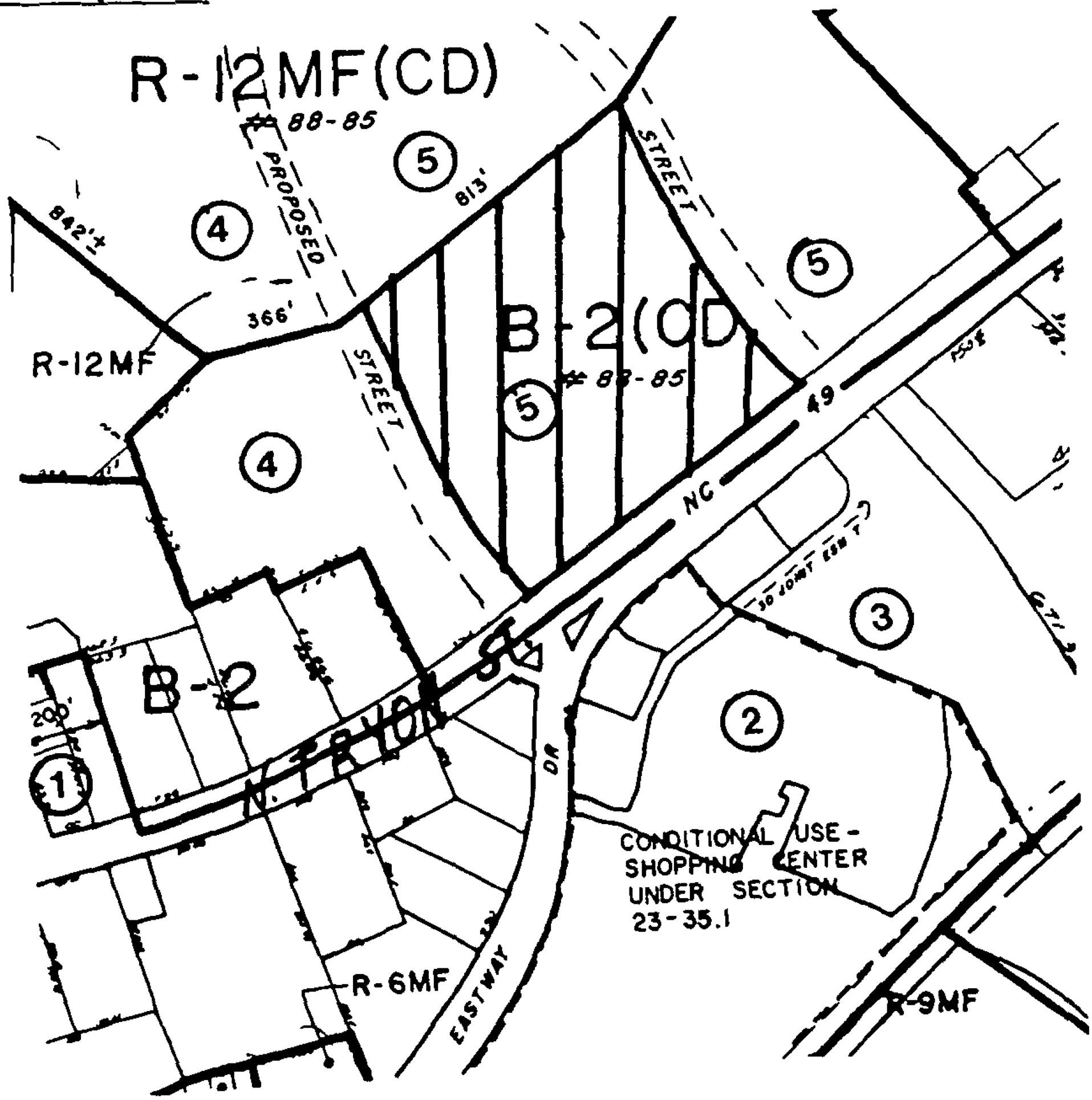
Signature of Property Owner if Other Than Petitioner

PETITIONER: Young Ford, Inc.

PETITION NO.: 91-55 HEARING DATE: September 16, 1991

ZONING CLASSIFICATION, EXISTING: B-2(CD) REQUESTED: B-2(CD) Site Plan Amendment

LOCATION: Approximately 12.1 acres located on the northerly side of North Tryon Street at Eastway Drive.



ZONING MAP NO(s).: 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-57

Petitioner: Realty Buyers Group

Location: A 28.822 acre site on the south side of Byrum Drive, west side of Wilmont Road, east side of Whippoorwill Drive, and north side of Beam Road.

Request: Change from R-15 to I-2(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-15 as are properties located to the west and south. Properties to the north along the northerly side of Byrum Drive in the vicinity of the subject property are zoned a combination of I-1 and I-1(CD). To the east of the subject property along Wilmont Road the property is zoned I-1.

2. Existing Land Use. The property involved with this request is developed with single family houses. Properties to the west are also developed with single family houses; however, they are in an area which is scheduled to be purchased by the Airport Authority. To the north along Byrum Drive are single family houses which were a part of a recent approved rezoning case to I-1(CD). Across the street along Wilmont Road is Lake Pointe Business Park and light industrial uses such as Emery Worldwide and Southern Overseas Corp.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates single family land uses, developing employment land uses, and uses associated with the airport in the area of the subject property. 2005 strategies include connecting West Boulevard and Paul Brown Boulevard, improving Billy Graham Parkway and Wilmont Road. (Wilmont Road improvements are completed.)

   2. Draft Southwest District Plan. The Draft Southwest District Plan recommends light industrial, office, and business park uses in the area of the subject property. An airport linear park is proposed for the area including the subject property. A connector road between West Boulevard and Paul Brown Boulevard is shown as well as a connector road between Beam and Shopton Roads. The subject property is located within the 65, 70, 75 Ldn's, airport noise contours.

   3. Transportation Improvement Program (TIP). The TIP schedules the relocation of N.C. 160 for FY91. This project will construct a four lane road on a new location between Wilmont Road and West Boulevard.

4. Greenway Master Plan. The Greenway Master Plan calls for the West Mecklenburg Mega Center in the general vicinity of the proposed site.

4. Site Plan. The site plan which accompanies this request calls for an industrial development which would allow all I-2 uses except abattoirs, foundries, junk yards, and billboards. The proposed site plan gives no indication of building envelopes but states that no development within the site may exceed a floor area ratio of .80. This ratio computes to an allowable maximum square footage on the site of 892,109 square feet. Development notes state that all building heights will comply with appropriate regulations for height limitations surrounding an airport.

The proposed plan calls for a 20' parking and building setback along property frontage on Byrum Drive and Wilmont Road with a 20' side and/or rear yard around the remainder of the tract. Development notes state that screening per Section 1601 of the zoning ordinance will be provided based on the zoning of the adjoining property at the time of development. A cross section is provided of the proposed property frontage along Wilmont Road. It indicates that large maturing trees will be planted in the 20' building setback. The plan also indicates that this will occur along Byrum Drive as well. In addition, a double staggered hedgerow is shown in this section.

No specific access points are shown on the site plan but development notes state that it will be limited to two on Byrum Drive, three on Wilmont Road, one at the north end of the site and two at the south end of the site. In addition, the proposed plan calls for one access to Whippoorwill Drive. All of these driveways will be subject to location and configuration modifications as determined by the Charlotte Department of Transportation. An existing unimproved Baker Road is shown on the site plan and it is noted that it may be withdrawn from dedication. In addition, the development notes specify that the property may be phased and subdivided but each subdivided parcel will have to meet the development standards established in this rezoning petition.

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

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-51	R-6MF to R-12	Approved	11/13/73
2. 72-72(c)	I-1 to Cond. Use Freight Terminal	Approved	10/02/72
3. 73-54(c)	I-1 to Cond. Freight	Approved	10/01/73

4.	73-70(c)	R-9 to I-1	Approved	01/07/73
5.	78-16(c)	I-1 to I-1 Cond. Freight Terminal	Approved	09/05/78
6.	80-28(c)	R-15 to I-1	Denied	11/03/80
7.	88-35(c)	R-15 to O-15(CD)	Approved	10/17/88
8.	91-2(c)	R-15 to I-1(CD)	Approved	04/01/91

7. Neighborhood. This site is not located within a defined neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the development of heavy industrial uses on the subject property. The Southwest District Plan recommends a combination of light industrial, business, and office park uses in this area as well as the development of a linear airport park of which this tract is a part. This petition calls for a more intensive use than called for in the plan. While it does prohibit abattoirs, foundries, junk yards, and limits outside storage to no closer than 200' from Byrum Drive and Wilmont Road, only the minimum zoning ordinance requirements have been met for setback, yards and landscaping. This plan calls for nothing above and beyond the minimum zoning ordinance requirements to minimize the impact of an intensification of use from surrounding residentially zoned property or to create a high quality streetscape along Wilmount Road. For this reason this petition is not considered to be consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The agent for the petitioner met with staff prior to the filing of this petition at which time it was indicated that light industrial uses rather than heavy industrial uses would be more appropriate for the area.

   2. Departmental Comments. This petition raised several comments from the reviewing departments. City Engineering made general comments regarding permits and ordinance compliance with the majority of these comments directed at Tree Ordinance compliance. Of chief concern was the fact that existing trees in the setback and right-of-way which are required to be saved along Byrum Drive and Wilmont Road were not taken into consideration in the proposed tree planting shown on the site plan. This has not been addressed on the revised site plan.

   Charlotte Department of Transportation commented that this request would have no significant impact on the surrounding thoroughfare system. In addition, the 35' of dedicated

right-of-way shown on the site plan as originally submitted was not sufficient to accommodate the extension of the proposed Terminal Drive from Byrum Drive south to Beam Road. Additional right-of-way was requested by CDOT to accommodate this road. The revised site plan complies with all additional right-of-way requests.

CDOT also requested that a note be added stating that there will be no access to Whippoorwill Drive. The petitioner has stated on the revised site plan that one access will be allowed onto Whippoorwill Drive after lots 6 and 7 are rezoned to a nonresidential category.

Building Standards commented that the 20' setback/rear yard/side yard should be specified as a 20' buffer with screening. In addition, they had a question regarding the status of Baker Road. The revised plan states that it may be withdrawn from dedication.

Planning Staff requested that a 50' landscaped strip be provided along Wilmont Road rather than 20' as shown and that a 50' buffer along the southerly edge adjacent to residential property be provided rather than a 20' side/rear yard with appropriate screening. Also it was requested that the large maturing trees be moved back out of the way of the overhead utility lines. The revised site plan does not address these comments.

ISSUES

1. Land Use. This petition raises a land use issue in that it proposes a more intensive use than is called for in the publicly adopted plans and policies. In addition, only minimum zoning ordinance requirements have been provided on the proposed site plan to minimize the impact of this intensified use on the surrounding properties. For this reason this petition is not considered appropriate for approval.

2. Site Plan. The site plan as presented specifies only the minimum zoning requirements in regards to setbacks, yards, and landscaping. While the petitioner has noted that there will be no outside storage within 200' of Byrum Drive and Wilmont Road he has only provided minimum setback dimensions along adjacent residentially zoned properties. Staff requested that buffers be provided to minimize the impact of these uses on these adjacent properties but the site plan as presented does not specify any buffers. Also only the minimum standards as spelled out by the zoning ordinance have been met by this site plan. Nothing extra has been provided to warrant an intensification of use from

residential to heavy industrial. From a site plan standpoint this petition is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval from either a land use or site plan standpoint.

*Subject to further refinement following public hearing.

DEVELOPMENT STANDARDS

(a) PERMITTED USES.

The Site may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in an I-2 Zoning District under the Ordinance, except the following uses which shall not be allowed:

1. Abattoirs;

2. Foundries;

3. Junk yards; and

4. Outdoor billboards.

No development taking place within the Site may exceed a floor area ratio of .80.

(b) LANDSCAPING.

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

(2) The provisions of the Charlotte Tree Ordinance relating to the saving of existing trees will be satisfied.

(3) Trees planted within Setback Areas shall be a minimum of 2½ inches in caliper and will be planted at a minimum of 40 feet on center subject to future locations of driveway or street connections.

(4) A staggered row of evergreen shrubs will be planted along Wilmount Road, Byrum Drive and Beam Road within the Setback Area at a minimum of 5 feet on center, subject to future locations of driveway or street connections. Minimum size of shrubs at planting will be 24 to 30 inches in height.

(5) Landscaping areas within the Site will be planted and improved in sequences as individual parcels are developed.

(6) Screening will be provided for adjoining properties in accordance with the provisions of Section 1601 of the Ordinance in effect as of the date on which this Rezoning Petition is filed.

(7) All dumpsters and service areas will be screened from public streets and from adjacent properties in accordance with the Charlotte Zoning Ordinance.

(c) PARKING.

(1) Off-street parking provided within the Site will meet the minimum standards established under the Charlotte Zoning Ordinance in effect as of the date on which this Rezoning Petition is filed.

(2) No parking shall be permitted within the Setback Areas depicted along Wilmount Road, Byrum Drive and Beam Road.

(d) SIGNS.

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

(e) ACCESS POINTS.

The number of vehicular access points to Byrum Drive shall be limited to two. The number of vehicular access points to Beam Road shall be limited to one. The number of vehicular access points to Wilmount Road shall be limited to five. See the Rezoning Plan for note dealing with a conditional vehicular access point to Whippoorwill Drive. The locations and configurations of each such access point will be determined by the Charlotte Department of Transportation during the driveway permit process.

(f) STORMWATER MANAGEMENT.

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

(g) COMPLIANCE WITH AIRPORT REGULATIONS.

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

(h) YARDS.

Because the City of Charlotte is in the process of attempting to acquire all residential lots adjoining the Site with the view of seeking industrial zoning therefor, the requirements for rear and side yards on the Site shall be determined on the basis of the zoning categories of adjoining properties at the time development takes place on the Site. However, in no event shall the rear and side yards be greater than the yards depicted on the Rezoning Plan.

(i) RIGHT-OF-WAY DEDICATION.

The additional strips along Wilmount Road and Beam Road depicted on the Rezoning Plan and committed to be dedicated for right-of-way purposes will be dedicated before the issuance of the first building permit covering development within the Site.

(j) BOUNDARY INFORMATION.

Boundary information is from a boundary survey by Yarbrough-Williams & Associates, Inc. dated 8/6/91, with the exception of the southeast corner property owned by Maggie L. Savage - Tax Code No. 141-054-13, which was taken from a recorded deed. Boundary information is subject to verification by field survey.

(k) PHASING AND SUBDIVISION.

The property may be phased and subdivided as necessary by the Petitioner with each subdivided parcel meeting all development standards established above.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-57
Amended 8/14/91
Date Filed 7/8/91
Received By LS

OFFICE USE ONLY

Ownership Information

Property Owner: Emma Cochran, et al - See attached Schedule A

Owner's Address: See attached Exhibit A

Date Property Acquired: See attached Exhibit A

Tax Parcel Number: 141-054-14, 141-054-15, 141-054-16, 141-054-19, 141-054-27, 141-054-20, 141-054-23 and 141-054-13

Location of Property (address or description): South side of Byrum Drive, west side of Wilmount Road, east side of Whippoorwill Drive and north side of Beam Road

Description of Property

Size (Sq Ft Acres): 28.822 acres±

Street Frontage (ft): Wilmount Road: 1,263 feet±
Byrum Drive: 330 feet±
Whippoorwill Dr: 300 feet±
~~Beam Road: 330 feet±~~

Current Land Use: Single Family Residence

Zoning Request

Existing Zoning: R-15

Requested Zoning: I-2 (CD)

Purpose of Zoning Change: To authorize industrial uses on these parcels in light of their close proximity to the Airport.

Bailey Patrick, Jr.
Agent

P. O. Box 35566, Charlotte, NC 28235
Address

(704) 372-1120
Phone Number

Realty Buyers Group, a North Carolina Partnership
Name of Petitioner(s)

6201 Fairview Road, Suite 300
Charlotte, NC 28210
Address of Petitioner(s)

(704) 552-8523
Telephone Number

By: [signature]
T. W. Aldred, Jr., Partner

By: [signature]
Signature William E. Collins, Part

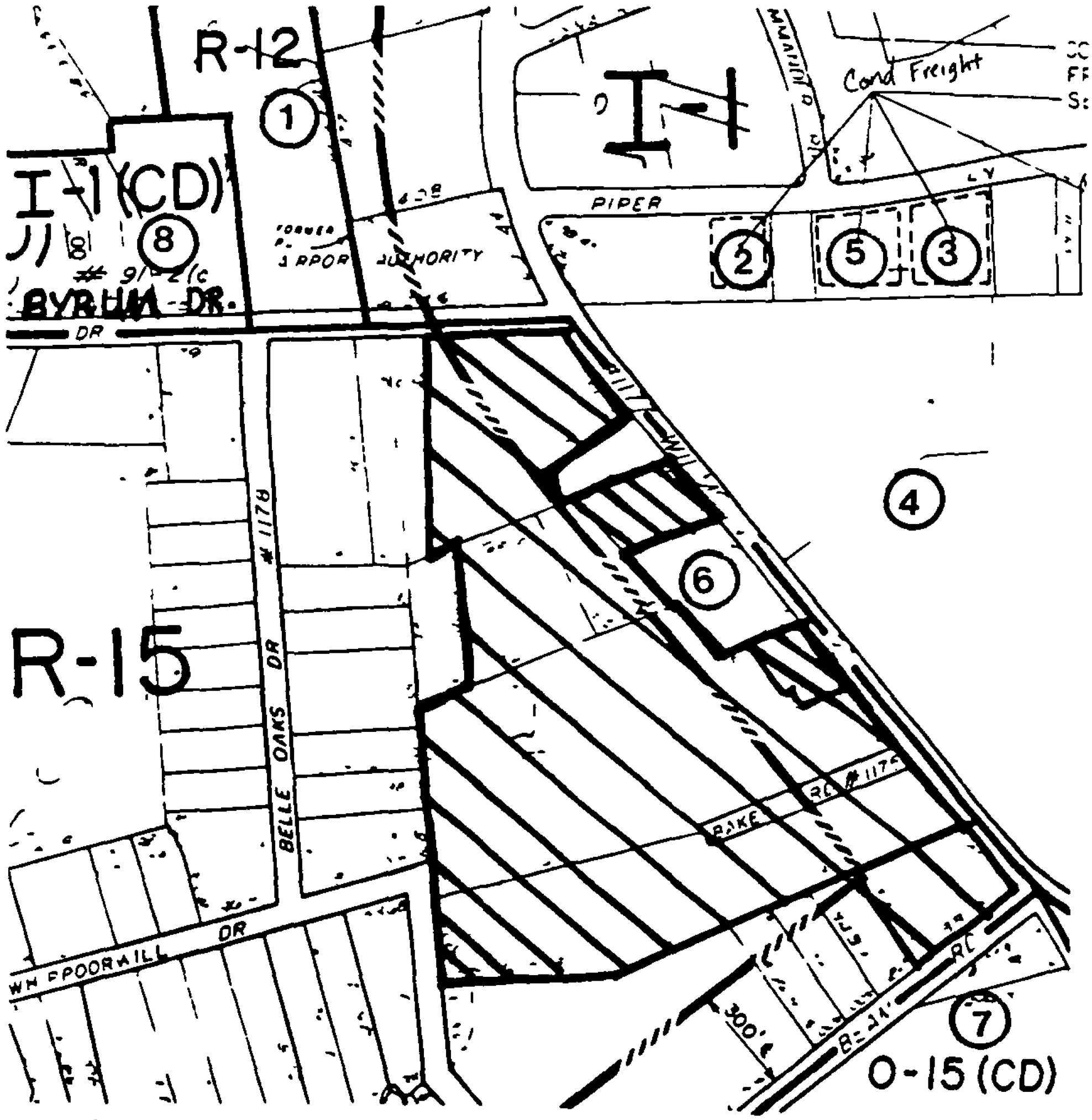
See attached Schedule A
Signature of Property Owner
if Other Than Petitioner

PETITIONER: Realty Buyers Group

PETITION NO.: 91-57 HEARING DATE: September 16, 1991

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

LOCATION: Approximately 28.5 acres located on the south side of Byrum Drive west of Wilmount Road.



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

PROPERTY PROPOSED FOR CHANGE

LAW OFFICES
PERRY PATRICK FARMER & MICHAUX
PROFESSIONAL ASSOCIATION
900 BAXTER STREET
POST OFFICE BOX 35566
CHARLOTTE NORTH CAROLINA 28235
TELEPHONE(704) 372 1120
FACS MILE(704) 372 9635

ROBERT E PERRY JR
BA LEY PATRICK JR
B D FARMER III
FOY H M CHAUX JR
RICHARD W W LSON
JAMES G WALLACE
CAROLYN G H SLEY
BRYAN W PITTMAN
LAURA L YAEGER
RICHARD W MOORE
J CHR STOPHER OATES
W R CHARD JAM SON
ANN A WATKINS
LESL E M LLER WEBB
DAVID A RAYNES

SOUTHPARK OFF CE
190 ROXBOROUGH ROAD
SUITE 100
CHARLOTTE N C 282
TELEPHONE (704) 372 20
FACS MILE(704 364 9698

RALEIGH OFFICE
3724 NAT ONAL OR VE
SU TE 200
POST OFF CE BOX 30 58
RALEIGH N C 27622 0 58
TELEPHONE 9 9) 787 88 2
FACSIMILE (9 9 787 33 2

September 4, 1991

Ms. Pat Sharkey
Clerk to the City Council
City of Charlotte
600 East 4th Street
Charlotte, NC 28202

SEP 6 1991

Re: Rezoning Petition No. 91-58

Subject Property Approximately 26.4 acres located on the westerly side of East W. T. Harris Boulevard south of University City Boulevard (N.C. 49)

Petitioner: Erwin Properties, Inc.

Zoning Request: From O-15(CD) to B-1SCD and consideration of a O-15(CD) Site Plan Amendment

Dear Pat:

This Petition is scheduled for Public Hearing on Monday, September 16, 1991.

The Charlotte Department of Transportation, after having reviewed the traffic report prepared by Petitioner's consultant, has requested that the consultant furnish it with an accident report and respond to various questions relating to its traffic report. The information needed to prepare this accident report is not readily available and, as a consequence, cannot be delivered by September 6, 1991, the date requested by CDOT.

Since the information will not be available for CDOT's review by September 6, it appears to the Petitioner that the Public Hearing should be deferred for 30 days.

For the foregoing reason, the Petitioner would appreciate your placing its request for a deferral on the agenda for the City Council's September 16, 1991 meeting.

A full response will be made to CDOT's requests.

Thanking you for your assistance in this matter, we remain

Cordially yours,

PERRY, PATRICK, FARMER & MICHAUX, P.A.

Bailey Patrick, Jr./gb

Bailey Patrick, Jr.

BPJr/gb

cc: Mayor Sue Myrick
All Members of the City Council
Mr. John Crosland, Jr.
Mr. Mark W. Erwin
Mr. Stephen L. Vermillion
Mr. Fred E. Bryant
Mr. Walter G. Fields, III

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-58

Petitioner: Erwin Properties, Inc.

Location: Approximately 26.4 acres located on the westerly side of East W. T. Harris Boulevard south of University City Boulevard (N.C. 49).

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned O-15(CD) as a result of a 1989 rezoning from Institutional. Adjoining properties located to the west and east are zoned Institutional, R-9MF, and R-12. Properties located across East W. T. Harris Boulevard are zoned B-1SCD. Properties located across University City Boulevard (N.C. 49) are zoned a combination of R-12 and Institutional.

2. Existing Land Use. The property involved with this request is the developing Chancellor Park office complex. The Paces Oaks Apartment community is located immediately to the east along East W. T. Harris Boulevard. Across East W. T. Harris Boulevard from the petitioned site is the Town Center Shopping Center. The UNCC campus is located to the northeast along U.S. 49.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential land uses in the area of the subject property and recognizes the Town Center Shopping Center across Harris Boulevard as a community commercial center. 2005 strategies include the extension of water and sewer services in the area and the extension of W. T. Harris Boulevard from U.S. 49 to Newell-Hickory Grove Road.

   2. UNCC District Plan. The UNCC District Plan envisions institutional type land uses associated with UNCC in the area of the subject property. The plan also states that existing Institutional zoning surrounding the University represents an opportunity for the expansion of a variety of office and residential uses.

   3. Northeast District Plan. The Northeast District Plan recommends office, research, and business park land uses for the subject property. The plan recognizes the Town Center Shopping Center as an existing neighborhood commercial center. The plan also recommends extension of water lines along Harris Boulevard.

4. Transportation Improvement Program.

   1. N.C. 49 Widening. This project provides for the widening of University City Boulevard (N.C. 49) to four lanes from Mallard Creek Church Road to the Cabarrus County Line.

   2. N.C. 49/Graham Street Extension Connector. This project provides for a connector to be constructed between Graham Street and University City Boulevard (N.C. 49) with an interchange at I-85. The connector would provide access to the southern part of the University Research Park and to the land east of I-85 and south of Harris Boulevard.

   3. N.C. 49/W. T. Harris Boulevard Interchange. This project will upgrade N.C. 49 interchange at Harris Boulevard by providing ramps in the southwest quadrant. The N.C. 49/W. T. Harris Boulevard interchange is scheduled for construction in FY92-93.

4. Site Plan. The subject property was rezoned in 1989 from Institutional to O-15(CD) to allow a 290,000 square foot office park. The site plan which accompanies this petition proposes rezoning from O-15(CD) to B-1SCD for 11.86 acres to allow 120,000 square feet of uses allowed under the B-1SCD district and an O-15(CD) site plan amendment to the remaining 14.54 acres to allow 120,000 square feet of office development. A portion of Chancellor Park Drive has been constructed within the project area and the site plan phases the development upon the completion of this road. Building permits are not to be issued for the B-1SCD building until that portion of Chancellor Park Drive which is currently not built is under construction and no certificate of occupancy is to be issued until the road construction is completed. The plan provides for a 50 foot landscaped buffer along Harris Boulevard and 40 foot landscaped buffers along both sides of Chancellor Park Drive. A 20 foot buffer is established along the property edge adjoining residential properties. The plan provides for greenway dedication along Toby Creek within two years of the date of the approval of the subject rezoning petition.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-5	R-12, R-12MF, & B-2 to	Approved	05/18/70
2. 70-11	Institutional to B-1SCD	Approved	11/16/70
3. 80-26(c)	B-1SCD to B-1SCD Site Plan Amendment	Approved	10/20/80
4. 85-3(c)	B-1SCD to B-1SCD Site Plan Amendment	Approved	02/18/85
5. 87-38(c)	B-1SCD to B-1SCD Site Plan Amendment	Approved	08/17/87
6. 88-24(c)	Institutional & R-12 to R-9MF(CD)	Approved	06/20/88
7. 89-9(c)	Institutional to O-15(CD)	Approved	05/15/89
8. 90-50(c)	Institutional to R-12MF	Approved	12/19/90
9. 90-55(c)	B-1SCD to B-1SCD Site Plan Amendment	Approved	01/22/91

7. Neighborhood. This project falls within the area defined as the Newell neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the amendment of an existing office park plan to convert a portion of the office area to allow for a commercial component. 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 Northeast District Plan recognizes the Chancellor Park office development and the existing Town Center Shopping Center as comprising a neighborhood mixed use center. The general policies for the district plans recognize neighborhood mixed use centers as retail/office combinations composed of 125,000 square feet of office uses and 125,000 square feet of commercial uses. The recent rezoning of the subject property from Institutional to office was viewed as consistent with the district plan in that Chancellor Park would fulfill the office portion of the neighborhood mixed use center concept and that the existing Town Center Shopping Center would act as the retail component of the mixed use center.

   Recently approved site plan amendments for the Town Center Shopping Center while under the County's jurisdiction have brought its total amount of floor area to 220,000 square feet, an amount substantially greater than that envisioned by the district plan. The staff pointed out in the analysis for that petition that continued expansion of the retail component of the neighborhood

mixed use center would begin to change the character of the center from the neighborhood mixed use center concept to more of a regional retail center and likely signal more and more additional requests for further retail expansions. Conversion of the office component of the mixed use center to retail may reduce the viability of other proposed centers throughout the area providing convenience services to the residences of this portion of the community. The conversion of this site to retail is not with publicly adopted plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this request and discouraged its submittal. Subsequent to the filing of the petition, the staff communicated several site plan comments to the petitioner. Many of those comments have been addressed by the revised site plan.

2. Departmental Comments. There were a number of departmental comments on this application seeking additional information or clarification to the plan. Departmental comments which have not adequately been addressed included the need for providing cross-sections of proposed screening treatments adjacent to residential properties and rewording of a note which deals with lighting to state that lighting will be designed to eliminate glare on adjacent residential properties and limiting light fixture heights to 20 feet. The screening cross-sections provided by the revised plan do not provide enough information in order to assess the adequacy of the proposed screening/buffer treatment. The revised plan states that the lighting system will be designed to "minimize" glare on adjacent residential properties and the maximum light fixture height is to be 30 feet.

ISSUES

1. Land Use. This petition raises a substantial land use issue. The retail component of what is recognized as an existing neighborhood mixed use center at the intersection of Highway 49 and Harris Boulevard already exceeds that which is viewed as appropriate under the neighborhood mixed use category in the general policies for the district plans. Continued expansion of the retail component of the mixed use center could impact the opportunities for additional centers in this portion of the community and signal additional requests for further expansions which together would begin to change the character of this center from that of a neighborhood mixed use concept to more of a regional center. In addition, staff has discussed several proposals for additional retail opportunities in the area with

various interested parties which together would constitute a major increase in retail square footage over that envisioned by the Northeast District Plan. Staff is currently conducting a study of commercial land needs in the Northeast district and it is recommended that this petition be deferred pending the completion of the study.

2. Site Plan. There are no major site plan issues which accompany this application. The one outstanding site plan issue accompanying this request is its treatment of the project edges which adjoin residential zoning. The site plan offers insufficient information by which to assess the adequacy of its buffering adjacent to residential properties. This issue needs to be addressed prior to a decision on this petition.

CONCLUSION

This petition should be deferred pending the completion of the ongoing study of commercial land needs in the Northeast District. At this point, the conversion of this property from an office park to a retail center is not in conformance with adopted land use plans for the area and the petition is not purposing an amendment to the plans to address this inconsistency.

*Subject to further refinement following public hearing.

91-58

CHANCELLOR PARK SHOPPING CENTER
CHARLOTTE, NC

B1(SCD) REZONING

"FOR PUBLIC HEARING"

PETITIONER: CROSLAND-ERWIN-ASSOCIATES

125 SCALEYBARK ROAD

CHARLOTTE, NC 28209

PHONE: 704-523-0272

DEVELOPMENT DATA:

015(CD) ZONING TO REMAIN ON 14.545 ACRES	120,000 S.F.
PROPOSED ZONING: B1 (SCD) ON 11.86 ACRES (TO AMEND EXISTING 015(CD) ZONING)	120,000 S.F.
MAXIMUM ALLOWABLE BUILDING AREA	240,000 S.F.

PARKING REQUIRED

SHOPPING CENTER (120,000 - 250)	480 SPACES
PARKING PROVIDED	(+/-) 500 SPACES

NOTE: PARKING FOR DEVELOPMENT TAKING PLACE ON THE 015(CD) PARCELS WILL BE PROVIDED WITHIN EACH PARCEL.

PETITIONER: CROSLAND-ERWIN-ASSOCIATES

DEVELOPMENT NOTES - B1 (SCD) ZONING:

All development standards established under the Charlotte Zoning ordinance (the "Ordinance") for the B-1 (SCD) Zoning District Classification shall be followed in connection with development taking place on the Property. Subject only to the provisions set forth below under "Architectural Controls", the configuration, placement, and size of the shopping center as shown on this Rezoning Plan are schematic in nature and may be altered or modified during design development and construction document phases within the maximum building envelope lines established on this Rezoning Plan. Parking layouts may also be modified to accommodate final building locations.

PERMITTED USES

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

SETBACKS

1. Building setbacks shall be a minimum of 50' off the rights-of-way for W.T. Harris Boulevard and Chancellor Park Drive and a minimum of 50' off all other property lines.

2. Parking will not be permitted in any setback area.

BUFFERS

1. A 20-0" undisturbed buffer shall be maintained at the eastern boundary of the property and a 20'-0" greenway access shall be maintained at the south boundary of the property.

2. The undisturbed buffer zone imposed by and depicted on this Rezoning Plan along the eastern boundary of the property is subject to the following regulations:

   a. The 20' buffer area established along the eastern property line must remain undisturbed an in its natural state, except to the extent necessary to accommodate pedestrian pathways leading into the property, utility lines, the clearing of undergrowth and the placement of trees and other plant materials where the existing foliage does not create an adequate visual screen.

   b. Utility installations and driveway access may only cross undisturbed buffer areas at interior angles measured at the property lines which are not less than 75 degrees and, to the extent possible, paths cleared for utility lines shall be replanted with plant materials which are the same or similar to the types of materials that are in place within the buffer area involved.

PEDESTRIAN WALKWAYS

1. The Owners will construct at their expense sidewalks along W.T. Harris Boulevard and Chancellor Park Drive within the rights-of-way. Sidewalks are to be set back from the curb at least 15′ on Harris Boulevard.

LANDSCAPING & SCREENING

1. Screening shall conform with the standards and treatment specified in Section 1601 of the City of Charlotte Zoning Ordinance.

2. Landscaping areas within the site will be planted and improved in sequences consistent with the development of the project and outparcels.

3. All landscaping will meet or exceed the requirements of the City of Charlotte's Tree Ordinance.

4. Tree protection and/or planting will be required in accordance with Chapter 21 of the City Code.

PARKING

1. The parking areas depicted on this Rezoning Plan may vary in size and locations, but in all events, off-street parking will meet the minimum standards established under the Charlotte Zoning Ordinance.

2. Parking areas may be constructed inside and outside the building envelopes.

LIGHTING

1. A uniform lighting system will be employed throughout the site. The lighting system will be designed to minimize glare on adjacent residential properties. Maximum light fixture height will be 30′.

SIGNS

1. A master signage and graphic system will be adopted and implemented throughout the property and the adjoining office complex.

2. All signs placed on the property will be erected in accordance with the requirements of the Charlotte Sign Ordinance, except that no outdoor billboards may be placed on the property.

3. Permanent project identification signs and directional signs may be located in the general areas depicted on this Rezoning Plan along W.T. Harris Boulevard and Chancellor Park Drive.

4. All signs must be fixed and may not move, rotate, or flash.

5. Temporary project signs may be located within the buffer areas established on this Rezoning Plan along W.T. Harris Boulevard and Chancellor Park Drive, but must be removed no later than 60 days after issuance of the first certificate of occupancy for space within the shopping center.

ACCESS POINTS (DRIVEWAYS)

1. The number of vehicular access points to the shopping center site shall be limited to two on Chancellor Park Drive.

2. The configurations of access points within the site are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and are further subject to approval by the North Carolina Department of Transportation and the Charlotte Department of Transportation.

FIRE PROTECTION

1. Adequate fire protection in the form of fire hydrants will be provided to the Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of any building commences.

2. Fire hydrants shall be located within 500 feet of any buildings constructed on the property.

ARCHITECTURAL CONTROLS

1. The front elevation of the building to be located on Track I and will be constructed substantially in accordance with the rendering (sheet RZ-3, dated 4/15/91) which accompanies this Rezoning Plan.

2. The front elevation of the buildings located on Tracks II and III shall be in keeping with the architectural character of the building located on Track I.

3. No building constructed on the property will exceed one story in height.

STORM WATER MANAGEMENT

1. Storm water will be managed by the use of retention ponds and/or other means allowable under the Ordinance, all in accordance with plans approved by the Charlotte Engineering Department. The detention pond will not be located in the buffers.

PHASING

1. Building permits may not be issued for the construction of the building on the B1 (SCD) site until that portion of Chancellor Park Drive which is not currently built is under construction.

2. No certificate of occupancy will be issued until the road construction is completed.

OFFSITE ROADS

1. Petitioner agrees to install a left turn lane on W.T. Harris Boulevard and a left turn lane on Highway 49 as shown on the attached site plan, prior to issuance of Certificate of Occupancy for the building.

GREENWAY MAINTENANCE

1. Petitioner will allow access for maintenance of the greenway in the northeast corner of the parking lot.

DEVELOPMENT NOTES:

015(CD) ZONING

1. This site plan is intended to show only general development character. Minor modifications to the circulation, parking and building configurations may be required to accommodate final architectural and site design and to adjust to other site features. Such modifications may be approved administratively by the Planning Commission Staff as long as the overall intent of this plan, and the internal and external relationships shown here are maintained. No building shall be located outside of the building development line. Parking may be placed inside building development line.

2. All development standards for the 0-15 District as set forth in the Mecklenburg County Zoning Ordinance shall be met or exceeded.

3. Special care will be taken to provide a high quality development with emphasis on landscaping, building architecture and site arrangement design.

4. Building shall meet or exceed the required setbacks, rear yards and side yards as established in the Mecklenburg County Zoning ordinance.

5. All signage provided shall be in accordance with the Mecklenburg County Zoning Ordinance.

6. Vehicular access points are limited to the number shown on the plan. Configuration of driveways and access points are subject to minor modifications as necessary to accommodate final site and architectural construction plans, as well as D.O.T. standards.

7. As indicated on this plan, land along Toby Creek shall be dedicated to Mecklenburg County for Greenway purposes within two years of the date of approval of this proposal.

8. The roadway shown on the plan connecting NC 49 to Harris Boulevard is part of the proposed 49/Graham Street Connector (currently under EIS review by NC D.O.T.) designed to improve overall traffic flow in this area. This road will be built to commercial street standards. Right-of-way dedication will be accomplished through an agreement with the adjoining property owner. Chancellor Boulevard within the property will be built by the developer.

9. Screening will conform to Section 1601.

10. 8% of the parking lot area will be landscaped.

11. No parking will be within 40 feet of the eastern or southern property lines.

12. All uses in the 0.15 district will be allowed except the following: Arboretum, Auction Sales, Dormitories, Dwellings (all types) Farms, Fraternal Organizations, Group Homes, Orphanages, Trailers, Overnight Camping, Cemeteries, Churches, Convent and Monasteries, Customary Home Occupations, Golf Courses, Hospitals, Nursing Homes, Riding Stables, Room Renting, Schools, Sewage Treatment Plants, Turkey Shoots, Quarries.

M E M O R A N D U M

DATE: September 3, 1991

TO: Mayor Sue Myrick and
Members, Charlotte City Council

Chairman Anne McClure and
Members, Zoning Committee
Charlotte/Mecklenburg Planning Commission

FROM: Fred E. Bryant and FEB/BP
Bailey Patrick

SUBJECT: Support Statement for Rezoning Petition 91-58

As representatives for Crosland Erwin Associates, we are submitting the following statement in response to the Staff Analysis of Rezoning Petition 91-58. This petition is scheduled for public hearing on September 16, 1991.

I. *SITE PLAN DISCUSSIONS*

The Planning Staff acknowledges there are "no major site plan issues which accompany this application." Two minor issues dealing with lighting have been mentioned in the analysis. The first concerns the height of the lighting and the Petitioner's commitment to "minimize" glare rather than "eliminate" it from neighboring properties. The Petitioner believes it has addressed this item in a fair and reasonable manner, but should Zoning Committee and City Council conclude these issues need further refinement, the Petitioner is willing to give additional consideration to them. The only other outstanding issue raised by Staff relates to the treatment of the project edge along the rear of the property adjoining residential zoning. The Petitioner acknowledges that specifications for the landscaping along the project edge could be more specific and will work with the Staff to attain mutually acceptable specifications.

II. TRAFFIC DISCUSSIONS

The Charlotte Department of Transportation has raised a number of issues with respect to the Petitioner's proposal which can best be addressed by the traffic consultant, Wells-Maniktala Associates, Inc. The Petitioner will arrange to have its consultant prepare a response to these items and arrange to have the consultant present at public hearing to respond to any questions.

III. LAND USE DISCUSSIONS

Planning Staff correctly notes that the retail use proposed by this petition is at odds with the Northeast District Plan. However, there are a number of factors we request you give consideration to in determining the correctness of this petition. We believe these are considerations which the district plan process recognizes in outlining procedures which allows for rezoning actions differing from the plan content. We would remind you that the policy document adopted to guide the district plan procedures provides a means for rezoning property contrary to the district plans if consideration is given to conditions which would warrant that rezoning. In effect, it establishes the mechanism for amending the plan upon the valid consideration of a rezoning. The factors which make this site appropriate for this use include:

A. *Need*

For several years now, local government has encouraged residential development in the northeast. This effort has been successful, and there is now a substantial population basis with a need for various types of services. Nowhere in this area is there a facility to provide the residents with building and home improvement materials. Staff indicates there have been discussions with several parties pursuing the location of similar facilities which, obviously, indicates a market exists for this type of use. Residents of this area deserve an opportunity to shop this type of facility without having to drive long distances away from their community.

B. Location

This site is situated with access to two major thoroughfares, NC 49 and Harris Boulevard, providing quick service to major portions of the overall community area. In association with the already constructed shopping center across Harris Boulevard, it provides a convenient location for meeting the needs of residents of this vicinity. While there are several locations zoned for business development in the general area, few of them would permit a building as large as the one proposed here. As you are aware, any building over 100,000 square feet requires B-1SCD zoning and there are only two or three properties so zoned in the general vicinity, none of which are suitable for this area.

C. Definite Proposal

This petition represents a proposal backed by a definite commitment to construct the development indicated. A user is committed and an architectural illustration of the building is attached to the conditional plan. Both the intended user and

the Petitioner have a proven record of providing quality development and services.

Because of the above factors, we strongly urge you to favorably consider this request as being in the best interest of overall land use planning. It will provide a needed facility in a good location for the benefit of the community.

FEB/BP:df

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-58
Date Filed July 8, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Chancellor Park Associates Limited Partnership

Owner s Address: '25 Scaleybark Road
Charlotte, NC 28209

Date Property Acquired: September 20, 1989

Tax Parcel Number: 049-281-01 & 049-281-02

Location Of Property (address or description)

Northeast corner of intersection of Harris Boulevard and Highway 49

Description Of Property

698.86' Chancellor P

Size (Sq Ft Acres): 15 64 acres

Street Frontage (ft): 491' on Harris Blvd

Current Land Use: Vacant

Zoning Request

Existing Zoning: 0-15 (CD)

Requested Zoning: B1 (SCD)

Purpose of Zoning Change: For use as Retail Development

Name Of Agent

Agent s Address

Telephone Number

Erwin Properties, Inc.
Name of Petitioner(s)

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

(704) 523-0272
Telephone Number

Steve Newell, Vice President
Signature

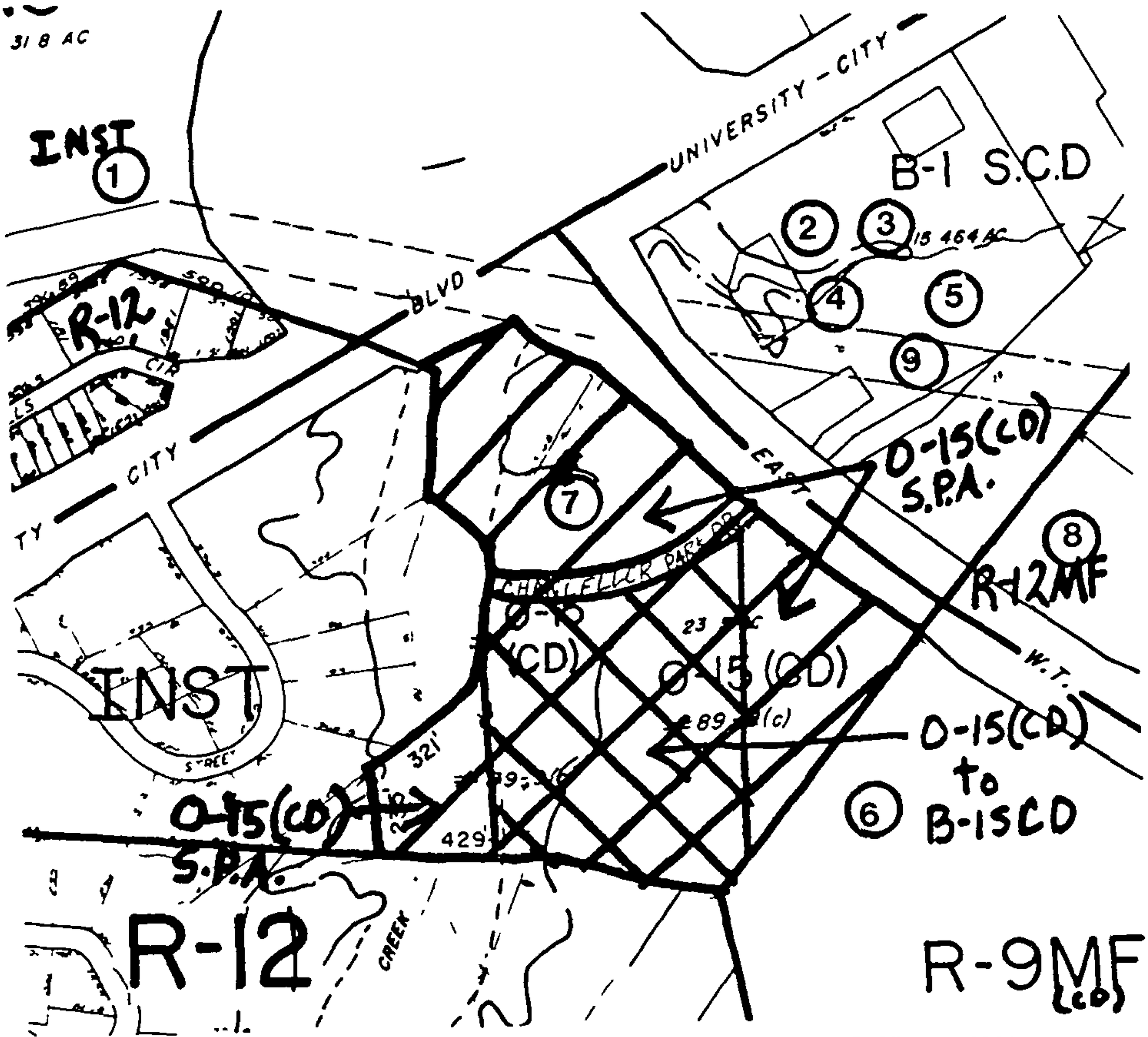
Signature of Property Owner if Other Than Petitioner

PETITIONER: Erwin Properties

PETITION NO.: 91-58 HEARING DATE: September 16, 1991

ZONING CLASSIFICATION, EXISTING: O-15(CD) REQUESTED: B-1SCD

LOCATION Approximately 15.64 acres located on the westerly side of East W. T. Harris Boulevard south of University City Boulevard (N.C. 49).



ZONING MAP NO(s).: 71 & 72 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-60

Petitioner: Motte Thomas

Location: A 7,500 square foot parcel located on the southeasterly side of East Worthington Avenue between Euclid and Cleveland Avenues.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-6MF as are other properties located to the east along East Worthington Avenue. The subject property was rezoned from O-6 to the current R-6MF district in March, 1990 based on the South Boulevard Special Project Plan. Properties located to the west along East Worthington Avenue are zoned O-6 and B-1.

2. Existing Land Use. The subject property is presently used as a single family residence which includes an artist studio as a customary home occupation. Properties located immediately across East Worthington and along East Worthington to the east are used for single family residential purposes. Nearby properties located to the west along East Worthington Avenue are used for office and commercial purposes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential uses in the area of the subject property. 2005 strategies for the area include a light rail station and corridor and streetscape improvements along South Boulevard.

   2. South Boulevard Special Project Plan. The South Boulevard Special Project Plan adopted in February, 1987 recognized that the zoning in place at that time in the South Boulevard area was not reflective of the existing or proposed land uses for a revitalized South Boulevard and the surrounding neighborhoods. The plan contained a series of recommendations for rezonings in order to implement the concept of a neighborhood center along the South Boulevard corridor and to protect the existing residential stock as well as to eliminate land use/zoning conflicts. The plan recommended the area of the subject property be rezoned from O-6 to R-6 in order to stabilize the edge of the existing neighborhood. The plan recognized that existing residential uses and structures within the area that were zoned office at the time needed protection from further deterioration. The subject property was one of several parcels proposed for rezoning from O-6 to R-6 in 1989. The petition was recommended for approval by Zoning Committee in January,

1990 and City Council rezoned the property to the current R-6MF in March, 1990.

3. Central District Plan (draft). The pending Central District Plan recognizes the existing zoning of the subject property.

4. Site Plan. The site plan which accompanies this application proposes conversion of the existing one story frame house for use as a studio workshop and office for the owner. The plan indicates that approximately 650 square feet of the existing 1,180 square feet is presently in use as the owner's studio workshop and office and the balance is used as a residence. The site plan proposes expansion of the artist studio and office into the areas of the structure which are currently used as a residence. The use of the structure will be limited to the artist studio and office and will not be used as a gallery or showroom. The plan indicates that the exterior of the structure and the grounds will remain essentially unchanged with no removal of trees or other landscaping and continued use of a shared driveway. The one change to the exterior proposed by the plan is the expansion of the parking area from the current two space parking lot to a parking area for four vehicles.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-14	0-6 to B-1	Denied	06/17/74
2. 76-27	R-6MF & R-6MFH to R-12 (AIP)	Approved	06/18/76
3. 82-85	0-6 & I-1 to R-6MF	Denied	05/16/83
4. 78-18	R-12 to R-15MF(CD)	Approved	07/05/78
5. 89-78	0-6 & R-6MF to R-6MF & R-6	AIP	11/20/89
6. 89-100	B-1 & I-2 to B-1	Approved	03/08/90
7. 89-103	0-6 & R-6MF to R-6 & R-6MF	Approved	03/08/90
8. 89-104	0-6 to R-6	Approved R-6MF	03/08/90
9. 89-105	I-1 to B-1	Approved	03/08/90
10. 89-105	I-1 to B-1	Approved	03/08/90
11. 89-106	I-1 to 0-6 & B-2	Approved	03/08/90
12. 90-60	I-1 to B-2	Approved (I-1(CD)	01/22/91

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a parcel from residential to office to accommodate conversion of the existing structure for use as an artist studio and office. The 2005 Plan, the South Boulevard Special Project Plan, and the pending Central District Plan all envision the area of the subject property as remaining residential. Therefore, the request is inconsistent with pending and adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application to discuss the proposed plan. Staff indicated the proposal's inconsistency with pending and adopted plans for the area. Subsequent to the filing of the petition, staff relayed several site plan comments to the petitioner.

   2. Departmental Comments. Comments from reviewing agencies included the need for Historic District Commission approval for the parking lot expansion. The petitioner has indicated that application for Historic District Commission approval will be submitted for a September HDC hearing. CDOT indicates the site could generate approximately 27-33 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 73 trips per day. The site plan as submitted does not conform to minimum CDOT standards for commercial driveways (26 feet in width for a two-way driveway).

ISSUES

1. Land Use. This request raises a substantial land use issue. It seeks a change from a residential category to an office district to allow conversion of the existing residence for use as an artist studio and office. The 2005 Plan, the adopted South Boulevard Special Project Plan, and the pending Central District Plan all recognize the area of the subject property as one with a residential future. The subject property is the beginning of a solid mass of single family structures extending along East Worthington to the east and represents the beginning of the transition from the nonresidential uses associated with South Boulevard and Cleveland Avenue into the heart of the residential area of the Dilworth neighborhood. Conversion of single family residences to nonresidential uses in this area will cause further erosion of the residential edges of Dilworth. Therefore, in terms of land use, the petition is considered inappropriate for approval.

2. Site Plan. The site plan which accompanies this application proposes expansion of the existing artist studio and office throughout the entire structure. The plan indicates only minimal changes to the exterior of the site namely the expansion of the parking lot from two to four spaces. The plan raises technical issues associated with compliance with the commercial driveway standards required by CDOT. The introduction of commercial driveway standards on the petitioned property would negatively impact the site and change the character of this portion of East Worthington Avenue. From a site plan standpoint, the conversion of the property to nonresidential use raises technical issues that have not yet been resolved and, therefore, the petition is not considered appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. It is inconsistent with public plans and policies for this portion of the community which call for properties in this area to remain used for residential purposes. In addition, the conversion of the property from a residential use to a nonresidential use introduces commercial driveway standards that, if imposed upon the existing site, would change the character of the area.

*Subject to further refinement following public hearing.

DEVELOPMENT NOTES

USE OF BUILDING.
The property will be used as a studio workshop and office for the artist and owner. Approximately 650 square feet of the existing 1180 square feet is presently in use as the owner's studio workshop and office under the business name of Artl'do Currently, the owners are residing in a portion of the building totalling less than half of the square footage of the building With city approval, they would prefer to vacate the living area to allow the expansion of the artist's studio/workshop and office space to meet the necessary space requirements of the artist's growing business needs Use of the building would be solely by the artist The property use will be limited to the sole purpose of the production of professional works of art and office business associated with such The property will not be used as a gallery or showroom nor will it be used for receptions or any other social gatherings Possible expansion into the basement and attic spaces could bring the total square footage to approximately 2000 square feet

SCREENING
The screening provided by the trees, plants, and shrubbery shall remain as it presently exists and shall be so maintained within the designated areas shown on the site plan No trees are to be removed without the approval of the City Engineering Department or other City of Charlotte agencies.

DRIVEWAY AND PARKING
The property permanently shares a common driveway with the adjoining office building Presently there are two parking spaces on the property which, PARKING WILL be expanded to THREE parking spaces

DEVELOPMENT DATA:

LOCATION: 320 EAST WORTHINGTON AVE.
SITE AREA: .20 ACRE 7500 SQ. FT.
EXISTING ZONING: R6-MF
PROPOSED ZONING: O6-(CD)
PARKING REQUIRED - 3 SPACES
PARKING FURNISHED - 3 SPACES
DATE AUGUST 19, 1991

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-60

Date Filed July 8, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner MOTTE + DATTI THOMAS

Owner's Address 320 E WORTHINGTON AVE

Date Property Acquired 6-29-83

Tax Parcel Number 121-056-13

Location of Property (address or description) 320 E WORTHINGTON AVE CHARLOTTE, NC BLOCK 22 LOT 8

Description of Property

Size (Sq Ft Acres) 7500 SQ FT Street Frontage (ft) 50 FT

Current Land Use OFFICE / RESIDENTIAL

Zoning Request

Existing Zoning R6-MF Requested Zoning O-6(CD)

Purpose of Zoning Change TO ALLOW FOR PLANNED EXPANSION TO SUIT GROWING BUSINESS NEEDS. OWNER/TENNANT WOULD LIKE TO DEVOTE ENTIRE BLDING FOR ST + OFFICE

Name of Agent

Agent's Address

Telephone Number

MOTTE THOMAS
Name of Petitioner(s)

320 E WORTHINGTON AVE
Address of Petitioner(s)

704-377-2246
Telephone Number

Motte Thomas
Signature

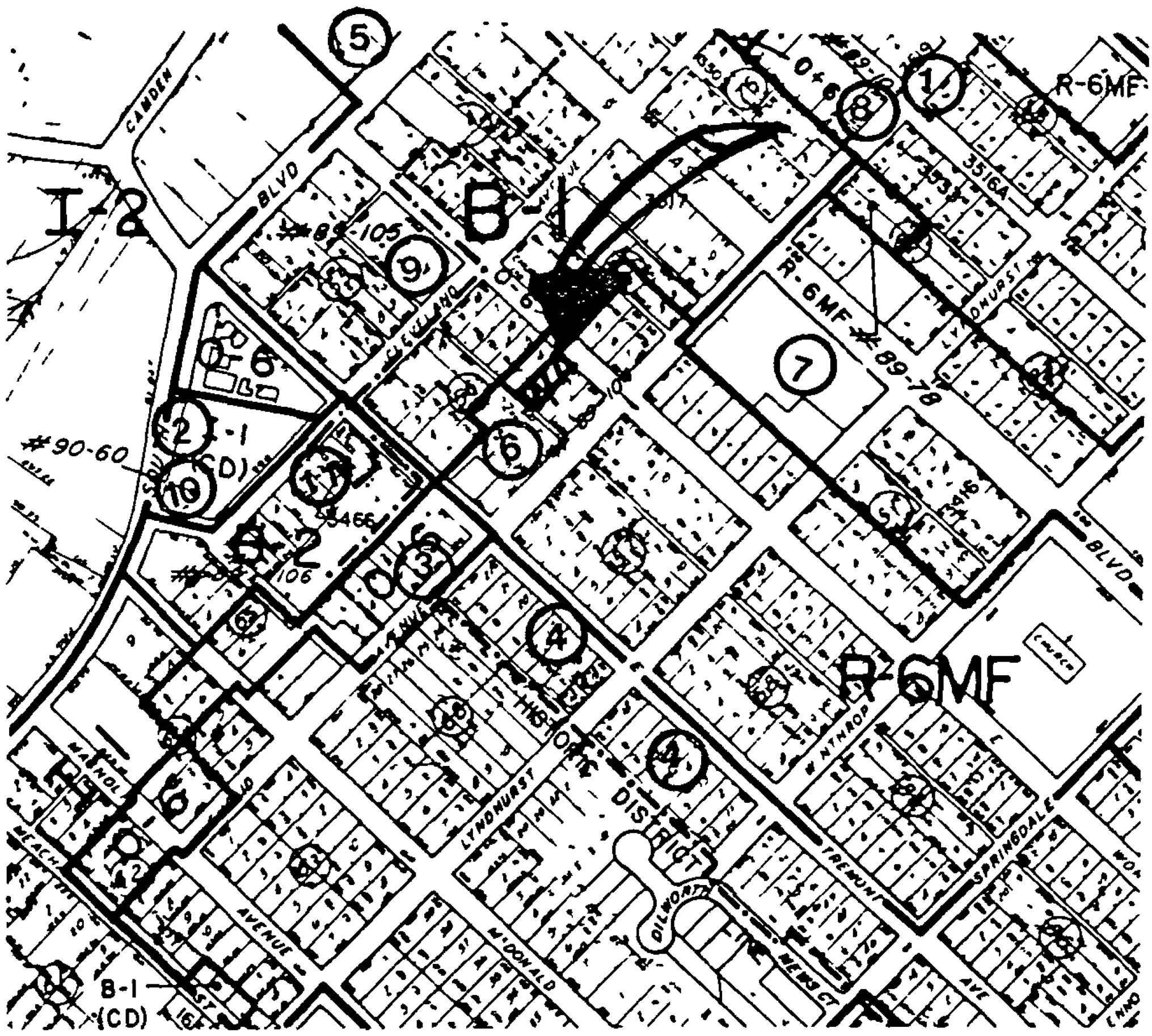
Signature of Property Owner
if Other Than Petitioner

PETITIONER: Motte Thomas

PETITION NO.: 91-60 HEARING DATE: September 16, 1991

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

LOCATION A 7,500 square foot parcel located on the southeasterly side of E. Worthington Avenue between Euclid and Cleveland Avenues (320 East Worthington Avenue)



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-61

Petitioner: Hi-Q Photolith Corporation

Location: A 21,000 square foot lot at 2412 Arty Avenue.

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-6MF with the majority of the property surrounding it to the north, west, and northeast zoned R-6MF as well. Across Arty Avenue from the subject property there is a large B-1 tract which fronts on Independence Boulevard (U.S. 74). Adjacent to this tract along Arty Avenue there is a small O-6 tract with the land adjacent to it zoned R-6MF. On the south side of Independence Boulevard from the subject property it is zoned I-2.

2. Existing Land Use. The subject property is presently being used as an engraving business. The remainder of the R-6MF property in the vicinity is developed as single family residential with the exception of three church properties. Across Arty Avenue is a Quality Inn which fronts on Independence Boulevard and Carolina Detailing Inc. on the south side of Arty Avenue. Land use patterns show Arty Avenue as the boundary between residential development and the nonresidential development which occurs along Independence Boulevard.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses along U.S. 74 and recognizes existing residential land uses in the vicinity of the subject property. 2005 strategies include streetscape improvements along U.S. 74.

   2. Westerly Hills-Ashley Park Small Area Plan (Adopted April 1984). This plan recommends residential land uses for the subject property.

   3. Wilkinson Boulevard Special Project Plan (Adopted July 1986). The Wilkinson Boulevard Special Project Plan recognizes the existing zoning in the area of the subject property.

   4. Central District Plan (draft). The draft Central District Plan recommends that the subject property be rezoned from R-6MF to R-6.

4. Site Plan. The site plan which accompanies this request calls for a 2,190 square foot addition to an existing 3,450 square foot building. The existing building is 15 feet high with the proposed

addition being 15 feet in height as well. Setbacks and yards are not shown on the site plan but are stated as being a 20 foot front yard, 20 foot rear yard, and 10 foot side yard. A fence is indicated around the entire property with no indication of what kind of fence it is. To the rear the property is bounded by an alley. There is an existing garage structure which sits approximately 1 foot off the rear property line. The entire perimeter except for the Arty Avenue frontage is surrounded by a grass strip of unspecified dimension with pear trees planted along the westerly boundary. Existing road improvements are shown along Arty Avenue at the two existing driveways but are not shown along the remainder of the Arty Avenue frontage.

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

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 81-69	I-1 & O-6 to O-6 & R-6MF	Approved	02/22/82
2. 88-71	I-1 to O-6	Approved	10/17/88
3. 88-72	I-1 to B-1	Approved	10/17/88

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from R-6MF to B-1(CD) to allow for an addition to an existing building which houses an engraving business. This business is presently operating as a nonconforming use within a residential district thus requiring a rezoning to expand this use. This property was originally zoned for industrial uses but through a petition filed by the Greenland Avenue Crime Watch Association in 1981 it was rezoned R-6MF to protect the residential character of the neighborhood and thus because nonconforming. All adopted plans and policies for this area recognize the residential character of the neighborhood and seek to protect it. In fact, the draft Central District Plan proposes that this area be rezoned to single family rather than remaining as multi-family due to its viability as a stable, single family neighborhood. This petition would expand a use which is already nonconforming and which if enlarged could be detrimental to achieving this goal of stabilizing an existing, single family neighborhood. For this reason, this petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The agent for the petitioner met with staff prior to the filing of this application, at which time they were informed that the petition was not consistent with the adopted plans for the area.

   2. Departmental Comments. This petition raised several comments from the reviewing departments. City Engineering made general comments regarding ordinance compliance and required permits.

      Charlotte Department of Transportation commented that this petition would have no significant impact on the surrounding thoroughfare system. They did express concern with proposed parking for the site. While the revised site plan meets the minimum standards for parking and maneuvering, it appears to be very tight.

      Building Standards and the Planning staff had strong concerns about the lack of screening adjacent to existing residential properties. The revised site plan states that it will comply with the zoning ordinance requirements, yet it is not correctly illustrated on the site plan. Also it was requested that more detailed information be provided to illustrate how this facility would be screened form adjacent residential properties. The revised site plan does not address this issue in enough detail to determine whether or not this facility will be effectively screened from adjacent residential properties.

ISSUES

1. Land Use. This petition raises a serious land use issue. Presently this business is operating as a nonconforming use in a residential district with the petitioner requesting to expand this nonconforming use. All publicly adopted plans and policies for this area recognize and promote the stabilization of the existing residential character of the neighborhood. This use is already infringing upon this residential character and is the only business operating on the northerly side of Arty Avenue. If allowed to expand it could encourage additional nonresidential development along this side of Arty Avenue thus further threatening the long term stability of the residential character of this area. For this reason, this petition is not appropriate for approval from a land use standpoint.

2. Site Plan. The site plan as presented provides for minimum ordinance requirements in particular as it relates to screening. Due to the sensitive nature of this site's relationship to the surrounding residential neighborhood, it is critical that it be

properly screened from surrounding properties so that its impact will be minimized. As presented, this petition does not adequately address this issue and it can not be determined whether or not this facility will be properly screened. For this reason, the site plan as presented is not appropriate for approval.

CONCLUSION

This petition is not appropriate for approval. Not only does it raise a serious land use concern but also the site plan as presented does not adequately address the critical edge relationships with adjoining residential properties.

*Subject to further refinement following public hearing.

SITE DATA

IMPERVIOUS SURFACES

BUILDING	3,450 S F
PROPOSED ADD	2,190 S F
GARAGE	288 S F
PARKING AREA	8 675 S F
DRIVEWAYS	365 S F

AL IMPERVIOUS AREA 14 968 S F
LANDSCAPED AREA 6,182 S F

LEGAL DESCRIPTION

BEING ALL OF LOTS 8 AND 9 IN BLOCK OF THE CHARLOTTE INVESTMENT COMPANY PROPERTY AS SHOWN ON A MAP THEREOF RECORDED IN MECKLENBURG PLUBIC REGISTRY IN MAP BOOK 332, AT PAGE 208, TO WHICH MAP REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION

1- 482 ACRES
2- PRESENT ZONING R-6 MF
3- REQUIRED ZONING B-1 CD FOR SET BACK
4- SET BACK REQUIREMENTS FOR PROPOSED B-1 CD ZONING
   FRONT YARD -20 FT
   REAR YARD -20 FT
   SIDE YARD -10 FT
5- PROPOSED USE-BUSINESS- PHOTO LITHOGRAPHY
6- EXISTING BUILDING SIZE -3,450 S F
   15 FEET HIGH
   PROPOSED ADDITION -2,190 S F
   15 FEET HIGH
7- REQUIRED PARKING SPACES AFTER BUILDING ADDITION -18
8- EXISTING PARKING SPACES -18

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-61

Date Filed July 2, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Hi-Q Photolith Corp. by Emanuel Savranakis

Owner's Address: 2412 Arty Ave., Charlotte, N.C. 28208

Date Property Acquired: 6-28-85

Tax Parcel Number: 067-057-09 & 067-057-10

Location of Property (address or description): 2412 Arty Ave., Charlotte, N.C. 28208

Description of Property

Size (Sq Ft -Acres): 21,000 SF

Street Frontage (ft): 140

Current Land Use: Existing Business- Engravers

Zoning Request

Existing Zoning: R-6MF

Requested Zoning: B-1

Purpose of Zoning Change: To allow expansion of existing building-current use is non-complying with current zoning

Name of Agent: Nick Miller

Agent's Address: 725 E. Trade St.,125 Court Arcade Charlotte, N.C. 28202

Telephone Number: (704) 372-6644

Name of Petitioner(s): Hi-Q Photolith Corp./by Emanuel Savranak

Address of Petitioner(s): 2412 Arty Ave. CharlotteN.C.

Telephone Number: (704) 392-7206

Hi-Q Photolith Corp by

Signature

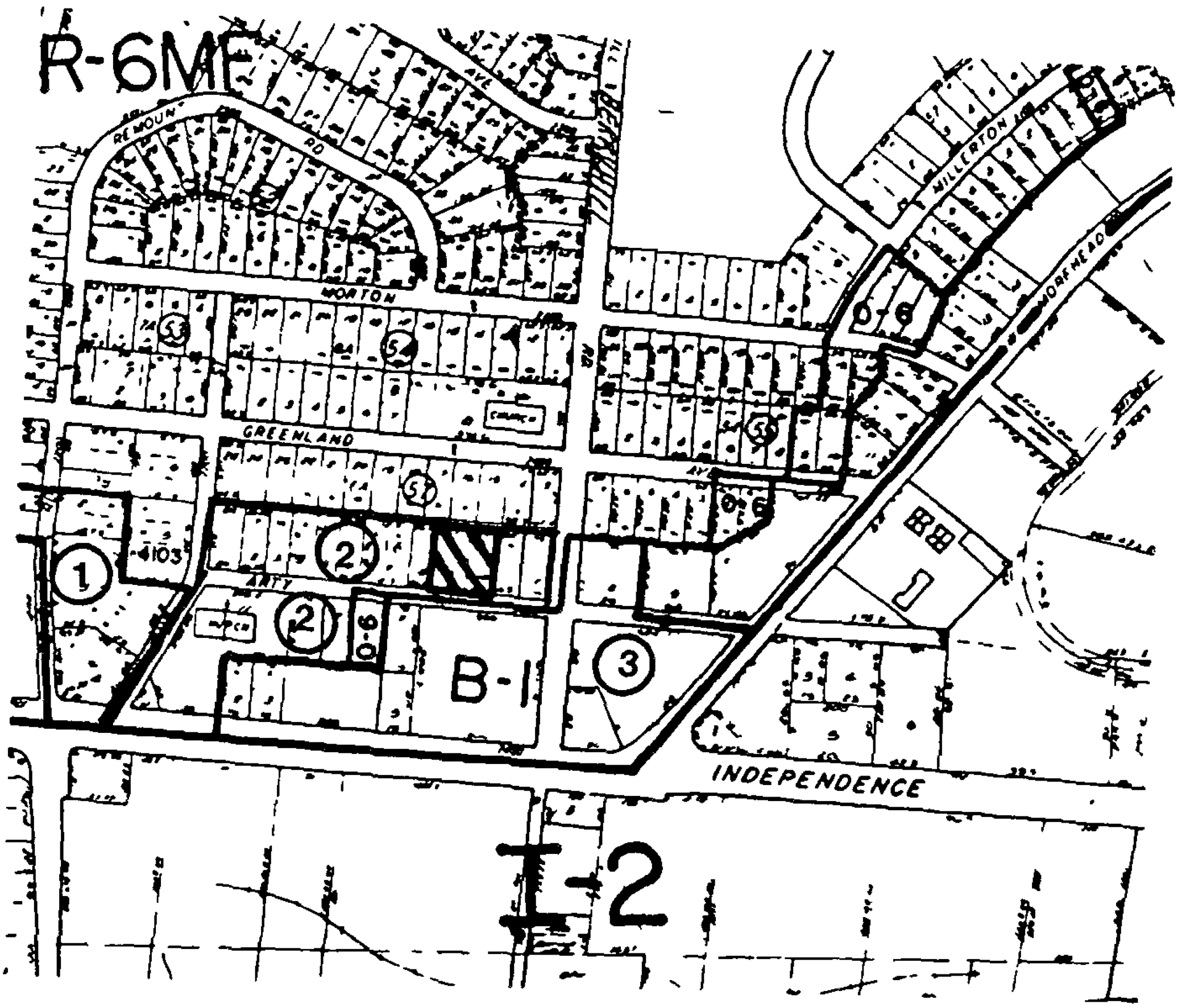
Signature of Property Owner if Other Than Petitioner

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-62

Petitioner: Charlotte-Mecklenburg Planning Commission.

Location: Approximately 57.94 acres bounded by N. Caldwell Street, N. McDowell Street, John Belk Freeway, and E. Trade Street.

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

BACKGROUND

This petition is the first in a group 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 by the Charlotte City Council and the Mecklenburg Board of County Commissioners on January 8, 1990. In this plan several areas were recommended for inclusion within the urban zoning district due to their relationship to the existing UMUD district, their geographic location within the inner core created by the I-277 loop, and their long range potential for more urban types of development.

The properties in this request are bounded by N. Caldwell Street, N. McDowell Street, John Belk Freeway and E. Trade Street. They are proposed for rezoning to the UR-2 district which provides for moderate density residential development. The intent of this district is to act as a transition between lower and higher density development and it is the predominant residential district throughout the fringe of the uptown area. In addition to providing for residential uses, this district allows limited retail and office uses in conjunction with the residential uses. The majority of the land involved in this petition is presently developed as a residential community with some vacant land and several small business and office uses. Two nonconforming uses will be created by this petition. Inasmuch as this rezoning is recommended by the Center City Charlotte Urban Design Plan, this petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-62

Date Filed July 8, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired N/A

Tax Parcel Number 080-096-01; 080-082-15; 080-081-01,02,05; 080-056-01 part of; 080-062-03 p 080-065-01 p.o.; 080-066-01 p.o.; 080-112-17; 080-115-03; 080-111-01 p.o., 080-104-02,08; 080-072-02; 080-082-01,06; 080-085-04,03,01.

Location of Property (address or description) Properties bounded by N. Caldwell St., N. McDowe

and the John Belk Freeway as well as the properties on both sides of 7th St.

Description of Property

Size (Sq Ft Acres) _____ Street Frontage (ft) _____

Current Land Use The properties involved are developed as either residential or commercial uses or vacant.

Zoning Request

Existing Zoning 0-6, B-2, and I-3 Requested Zoning UR-X2

Purpose of Zoning Change To follow the recommendations outlined in the Center City Charlotte Urban Design Plan.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Comm

Name of Petitioner(s)

600 East Fourth Street, Clt., NC 2

Address of Petitioner(s)

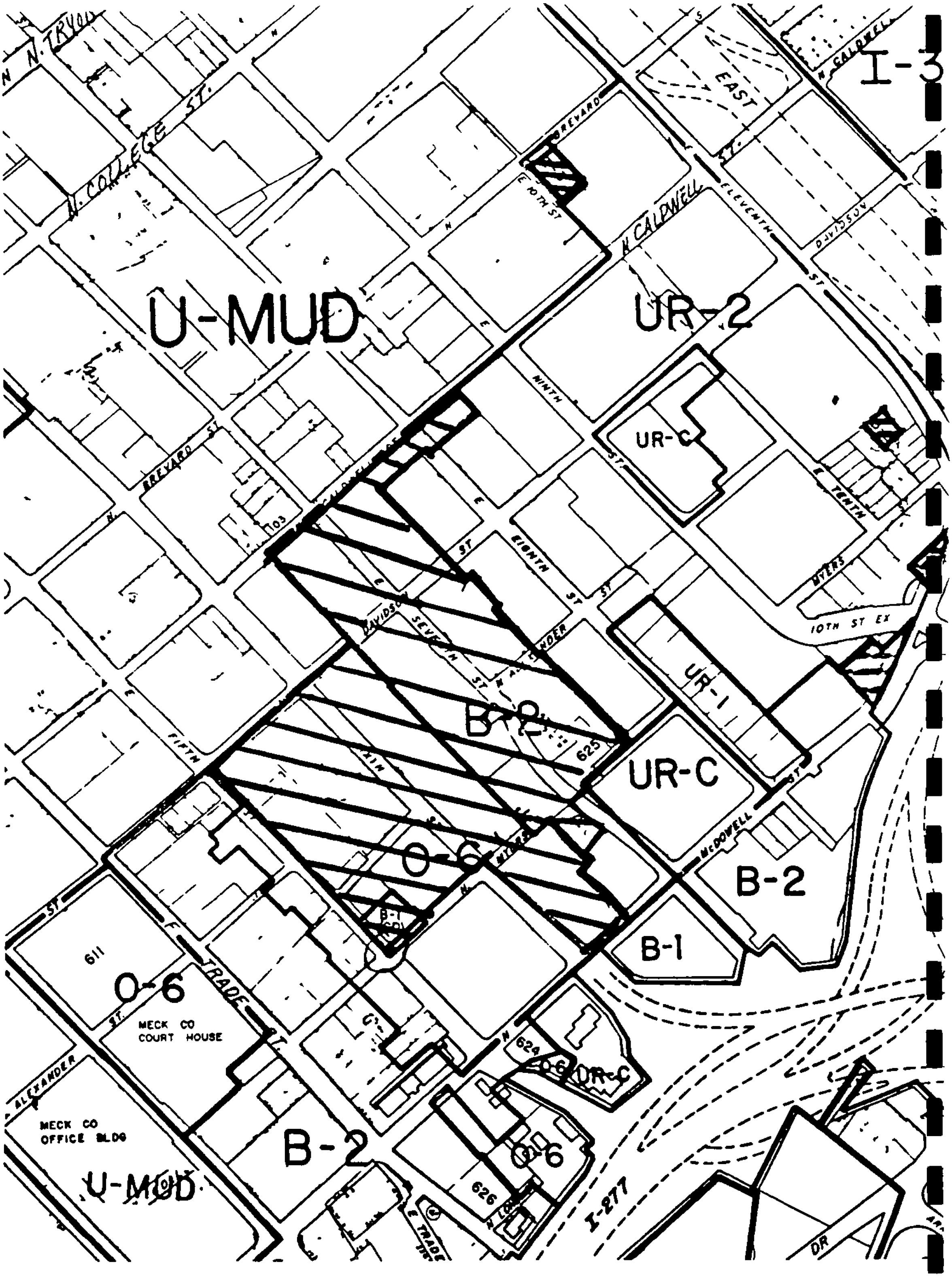
(704) 336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

CASE #9


I-3
N. TRYON
N. COLLEGE ST.
BREVARD
E 10TH ST
N CALDWELL
ELEVENTH ST
EAST
DAVIDSON
U-MUD
UR-2
NINTH ST
UR-C
EIGHTH ST
TENTH
MYERS
10TH ST EX
SEVENTH ST
ALEXANDER
UR-1
B-2
625
FIFTH
MCDOWELL ST
O-6
B-2
B-1
611
O-6
TRADE ST
MECK CO
COURT HOUSE
624
O-6
UR-C
MECK CO
OFFICE BLDG
B-2
U-MUD
626
O-6
I-277
DR

PETITIONER: Charlotte-Mecklenburg Planning Commission

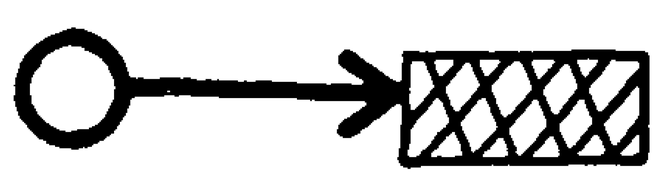
PETITION NO.: 91-62 HEARING DATE: September 16, 1991

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

LOCATION: Approximately 57.94 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 

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-63

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 106.8 acres generally bounded by the John Belk Freeway to the south and west, Davidson Street to the north, and 6th Street to the east.

Request: Change from O-6, B-2, and B-1(CD) to UMUD.

BACKGROUND

This petition is the second in a group 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 by the Charlotte City Council and the Mecklenburg Board of County Commissioners on January 8, 1990. In this plan several areas were recommended for inclusion within the urban zoning district due to their relationship to the existing UMUD district, their geographic location within the inner core created by the I-277 loop, and their long range potential for more urban types of development.

The properties involved in this request are generally bounded by the John Belk Freeway to the south and west, Davidson Street to the north, and 6th Street to the east. These properties are presently zoned O-6, B-2, and B-1(CD) and are recommended for rezoning to UMUD. The Uptown Mixed Use District provides for a mix of retail, office, and residential uses to promote the high density of the center city core. The properties involved in this request are primarily institutional/governmental uses with several office and hotel uses along McDowell Street. No nonconforming uses will be created by this petition. Inasmuch as this rezoning is recommended by the Center City Charlotte Urban Design Plan, this petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-63
Date Filed July 8, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired N/A

Tax Parcel Number 080-089-01,10,3,4,5,8; 080-083-01 thru 12; 125-021-01; 125-032-01,02,c 125-042-02,03; 125-043-01 thru 05; 125-049-01,02; 125-071-11,25,20,26, 125-171-01,02; 125-098-01 thru 07 and 08 thru 36; 125-092-01,02,12 & 1 080-097-

Location of Property (address or description) These properties are generally bounded by the John Belk Freeway to the south and west, Davidson St. to the north and 6th St. to the e and is centered on properties on both sides of East Trade as well as North & South McDo

Description of Property

Size (Sq Ft -Acres) _____ Street Frontage (ft) _____

Current Land Use The vast majority of the properties are currently used as office space.

Zoning Request

Existing Zoning O-6, B-2, & B-1(CD) Requested Zoning UMUD

Purpose of Zoning Change To implement the recommendations and guidelines of the Center City Charlotte Urban Design Plan.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning C
Name of Petitioner(s)

600 East Fourth Street, Clt., NC
Address of Petitioner(s)

(704) 336-2205
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

Case #5

PETITIONER. Charlotte-Mecklenburg Planning Commission

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

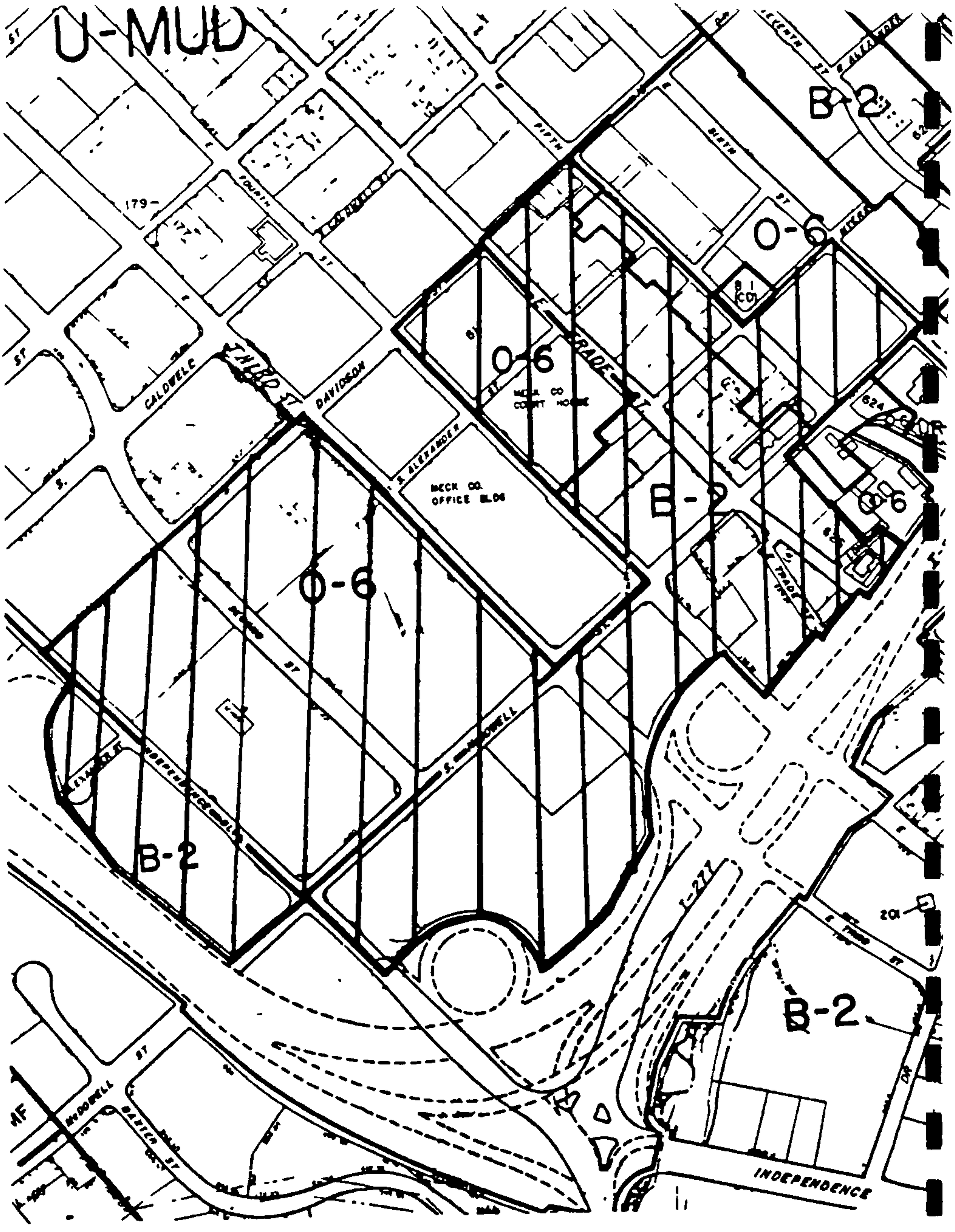
ZONING CLASSIFICATION, EXISTING. O-6, B-2, B-1(CD) REQUESTED UMUD

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
O-6
O-6
O-6
B-2
B-2
B-2
FIFTH
SIXTH
FOURTH
CALDWELL
THIRD
DAVIDSON
S. ALEXANDER
TRADE
MECK CO.
OFFICE BLDG
S. McDOWELL
McDOWELL
BAXTER
INDEPENDENCE

PROCESS FOR DESIGNATING NEW OR EXPANDED LOCAL HISTORIC DISTRICTS

The process to designate a Local Historic District or to expand an existing Local Historic District is a combination of state and local requirements. The steps below comprise the mandated process currently in place. In addition to these steps, Historic District Commission staff will conduct a public information forum for potential new historic district property owners prior to the rezoning hearing before City Council, provided that the expansion process receives approval. After each step, the present status of each neighborhood in the current expansion proposal is noted.

1. The Charlotte Historic District Commission must conduct a study of the neighborhood, including each individual property proposed for inclusion in the historic district, to determine if it meets the eligibility criteria for a local historic district. The study is to include a formal boundary description of the proposed district.

   Dilworth Expansion: 95% complete

   Plaza-Midwood: 100% complete

2. The studies mandated above are to be forwarded to the N.C. Department of Cultural Resources for a formal review. If the Department fails to provide written comments within 30 days, Charlotte can assume a favorable response under current state and local statute.

   Dilworth Expansion: 95% have undergone prior review by NCDCR

   Plaza-Midwood: 100% complete

3. After the above requirement is satisfied, a new local historic district can be designated by City Council taking "any necessary action to adopt or amend its zoning ordinance". This can be accomplished through the regular rezoning process, as historic districts are an overlay zoning designation. The Charlotte Zoning Ordinance requires Planning Commission review and comment only for the expansion of already existing historic districts, but the use of the rezoning process would include this step for new district designations as well.

   Dilworth Expansion: Application package is currently in preparation

   Plaza-Midwood: Application package is currently in preparation

4. The only other mandated step is that the local zoning maps be amended to show the boundaries of both new and expanded local historic districts.

   Dilworth Expansion: Will be accomplished at the end of rezoning process

   Plaza-Midwood: Will be accomplished at the end of rezoning process

STAFF IMPACT STUDY: PROPOSED EXPANSION OF THE CHARLOTTE HISTORIC DISTRICT PROGRAM

The Charlotte Historic District Commission was established in 1976 as part of the redevelopment plan for Fourth Ward. The Fourth Ward Local Historic District, which contains 148 individual properties, remained the only locally designated historic district until the creation in 1983 of the Dilworth Local Historic District added an additional 492 properties to the program. This action placed a total of 640 properties under the jurisdiction of the Historic District Commission.

The primary responsibilities of the Charlotte Historic District Commission are issuance of Certificates of Appropriateness and monitoring compliance with the provisions of Section 1629 (Historic Districts) of the City of Charlotte Zoning Ordinance. These certificates are required prior to any material exterior change to a property located within a locally designated historic district. Such routine projects as larger-scale landscaping and ordinary signage are approved administratively while all major projects or any projects that may be denied for cause are reviewed by the full Commission.

Over the last twelve months, the Historic District Commission has processed 101 separate projects brought before them, or an average of 8.4 per month. Of these, thirty-seven (three per month) were handled exclusively by staff. The Commission has been meeting on a monthly basis for several years, and has found that this schedule is usually sufficient to handle the routine caseload and to meet its obligation to handle all applications in a timely manner.

The expansion of the historic district program currently under consideration would increase the number of properties under HDC jurisdiction by 184.5%. The proposed expansion of the Dilworth Local Historic District would add 828 additional sites to that district, and the creation of a Plaza-Midwood Local Historic District would add 343 new commercial and residential properties to the program. The entire HDC program would experience an increase of 1171 properties, for a total of 1811 properties under the Commission's jurisdiction.

This increase should result in a tripling of the number of cases received by the HDC per month. Twenty-five cases per month, with an assumption of nine being eligible for staff approval, would cause the full Commission to hear an average of sixteen cases per month. In order to maintain a high level of service to the public, it will be necessary to meet this additional demand on staff resources by both streamlining the current application and review process and creating an active Commission committee structure.

To respond to the request by both Plaza-Midwood and Dilworth for an increased level of service from the Historic District Commission and its staff, the following program has been designed to accommodate the additional workload in the most cost efficient manner possible. It is a three pronged approach devised to have a minimal impact of the city's fiscal resources while meeting the obligations that these new historic districts would create.

The fiscal impacts noted affect only the Historic District Commission budget and not the overall budget of the Planning Commission.

Three Point Program to Accommodate the Expansion of the Charlotte Local Historic District Program.

1. **Establish a standing committee structure for the Historic District Commission.**

   To accommodate the increased responsibilities created by an expansion of the historic district program, the HDC would create a standing committee structure modeled after that of the Planning Commission. A design review committee would give prior review to all projects ineligible for administrative approval, and approval motions would be drafted in advance of a full Commission hearing to assure that approvals are specific in their requirements. This committee would meet on a monthly basis. A standing policy committee would handle all questions of policy and procedure, and would craft recommendations for the consideration of the full Commission with more concise debate than currently takes place when the full Commission receives an issue in an open meeting. This committee would meet at least quarterly. In order to keep all HDC members up on all aspects of the Commission's functions, the membership of these committees would be rotated on a regular basis.

   IMPACT: This Commission structure would require a greater time commitment from the appointed members of the Historic District Commission, but should not increase HDC operating costs.

2. **Increase Historic District Commission Staff By Reclassifying Current 1/2 Time Office Assistant IV Position to Full Time Planning Assistant**

   The staff of the HDC at present consists of a full time Planner II and a 1/2 time Office Assistant IV. The Planner II has primary responsibility for the administration of the Historic District program and for the enforcement of Section 1629 of the City of Charlotte Zoning Ordinance. The Office Assistant IV not only handles the routine paper work of the HDC, but also operates as a contact with historic district property owners. This position occasionally operates on a policy level, interpreting HDC policies for applicants and at times handling staff approvals under the direction of the Planner II. To adequately handle the increased workload created by the proposed expansion, additional HDC staff resources will be necessary.

   The expansion of the current Office Assistant IV position to a Planning Assistant position will allow HDC staff to handle th projected workload increase caused by the proposed expansion. The Planning Assistant would need to be capable of operating independently at a policy level on routine matters. This position would work under the direct supervision of the Planner II, and would be able to process routine review applications while referring more involved projects to the Planner II. In addition, the Planning assistant would have responsibility for monitoring compliance with the Historic District Ordinance within the districts and in educating historic district property owners regarding HDC policies and procedures.

IMPACT: Under the present pay plan, the additional expenditure for a beginning full time Planning Assistant over the current cost of a 1/2 time Office Assistant IV with fringe would increase annual HDC personnel costs by $13,965.

3. **Procure a Personal Computer to Allow More Rapid Processing of Applications for Review and to Make HDC Recordkeeping More Efficient.**

A great deal of the documentation required to process an application for review by the HDC must be created directly by the program administrator. Currently, all staff analysis and recommendations on projects are done on an IBM PC XT that is shared with several other employees of the Planning Commission. Often, conflicting workloads make the timely preparation of required reports difficult.

At present, an average of ten hours per week is spent by the HDC program administrator in the direct preparation of HDC documents on a computer. The projected tripling of the monthly HDC workload would increase this time by a similar factor. In addition, the creation of an historic district property owner data base would be possible with a PC, reducing processing time for each review application received.

IMPACT: A stand-alone PC with the capability necessary to meet the needs of an expanded historic district program can be purchased for roughly $2,500. A LAN terminal linked with a processing unit in MIS would cost slightly less, but may not have sufficient data base management capabilities. This would be a one-time equipment cost.

IMPACT SUMMARY:

The expansion of the Historic District Program as proposed would have the following effects on HDC staff and resources:

* A greater time commitment would be required of the appointed members of the Historic District Commission.
* An increase in annual HDC personnel costs of $13,965.
* A one-time equipment cost of roughly $2,500.

Failure to approve this program would make the proposed expansion of the Charlotte Historic District Program unmanagable. The added responsibilities could not be met with current staff resources.

ORDINANCE NO. _____

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

AN ORDINANCE ADOPTING A NEW, COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF CHARLOTTE:

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

WHEREAS, the Generalized Land Plan 2005 (November 25, 1985) called for comprehensively rewriting the city zoning regulations and revising the mapped districts;

WHEREAS, all of the legal prerequisites to adoption of this new, comprehensive zoning ordinance and zoning maps conversion prescribed in Article 19, Chapter 160A of the General Statutes of North Carolina, have been met;

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on the 26th day of September and the 11th day of October, 1990, on the question of this new, comprehensive zoning ordinance and zoning maps conversion; and

WHEREAS, the City Council has further reviewed the proposed text of this new, comprehensive zoning ordinance and the proposed zoning map conversion in a series of public workshops held between March 6, 1991 and July 22, 1991.

Now, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina.

Section 1. The City of Charlotte Zoning Ordinance adopted on January 24, 1962, as amended, is hereby further amended by the deletion of the existing text in its entirety and the adoption of the new Zoning Ordinance attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The existing mapped zoning districts are hereby converted to the new zoning districts as described in Appendix 2 of the new Zoning Ordinance.

Section 3. The Planning Commission is directed to continue to accept for filing and processing rezoning petitions, special use permit applications, and text amendments under the current Zoning Ordinance only for a period of up to 90 days before the new Zoning Ordinance becomes effective. Rezoning petitions, special use permit applications, and text amendments filed thereafter, but prior to January 1, 1992 shall be accepted and processed under the new Zoning Ordinance.

Section 4. Text amendments to the current Zoning Ordinance approved after July 30, 1991 will be automatically included as part of the new Zoning Ordinance, whether approved before the adoption of this Ordinance, after the adoption of this Ordinance, but before the effective date of the new Zoning Ordinance, or after the effective date of the new Zoning Ordinance.

Section 5. For a one year period following the adoption of this Ordinance, the Planning Director of the Charlotte-Mecklenburg Planning Commission is hereby authorized, at his discretion, to make such revisions as necessary to correct any typographical and syntactical errors contained in the new Zoning Ordinance. This authorization shall not include the authority to make any substantive changes to the new Zoning Ordinance. In the event of any ambiguity in the Zoning Ordinance as revised by the Planning Director or any conflict between the provisions of the new Zoning Ordinance attached as Exhibit A and as revised by the Planning Director, the provisions of the new Zoning Ordinance attached as Exhibit A shall control.

Section 6. Sections 1 and 2 of this ordinance shall become effective on January 1, 1992. Sections 3, 4 and 5 of this ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

September 5, 1991

FUTURE TEXT AMENDMENTS TO NEW ZONING ORDINANCE

TEXT AMENDMENT	REQUESTOR	DEVELOPMENT TIME FRAME
MAJOR ITEMS		
1. Develop overlay districts for watershed, corridors and rural designations	Council/Commission	12-18 Months
2. Review limits on amount of office development in the I-1 district	City Council	12-18 Months
3. Evaluate need for B-D district	City Council	12-18 Months
4. Develop performance standards for noise, odor and fumes	Council/Commission	12-18 Months
5. Evaluate the application of impervious cover ratios	Council/Commission	12-18 Months
6. Review application of private streets	Planning Commission	12-18 Months
7. Develop regulations for Bed & Breakfast Facilities	Planning Commission	12-18 Months
8. Develop regulations for Single Room Occupancy (SRO) Facilities	Planning Commission	12-18 Months
9. Review regulations on heliports and helipads	Planning Commission	12-18 Months
10. Develop site plan standards Non-Residential development residential development	Planning Commission	12-18 Months
MINOR ITEMS		
11. Evaluate notice period for appealing administrative rulings of the Zoning Administrator	City Council	6 Months
12. Include new manufactured housing standards	County Commission	6 Months
13. Review standards for Boarding House occupancy	City Council	6 Months

TEXT AMENDMENT	REQUESTOR	DEVELOPMENT TIME FRAME
MINOR ITEMS (Continued)		
14. Pursuant to Central District Plan rezone Universities, Colleges and Universities to the Institutional District and remove these uses from the residential districts in the zoning text	Planning Commission	Indefinite
15. Evaluate heating and air conditioning units encroachment into the side yard	Planning Staff	6 Months
16. Change commercial vehicle parking standards from number of axles to weight limits in residential areas	Planning Staff	6 Months
17. Clarify location of Veterinary Health Institutions	Planning Staff	6 Months

NCNB National Bank
Charlotte NC 28255
Telephone 704|386 5000

NCNB

August 26, 1991

Charlotte City Council
c/o Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear Council Member

Several financial institutions have expressed serious concerns over portions of the proposed Charlotte-Mecklenburg Zoning Ordinance Specifically, the stacking requirements for drive-in service windows for developments with multiple drive-in lanes are very burdensome and create great hardships

The apparent intent of the language in the proposed ordinance is reasonable when assuming one drive-in lane However, when several drive-in lanes are provided the proposed ordinance is unreasonable The reasons several drive-in lanes are provided by financial institutions are to reduce the amount of time customers have to wait for service and to shorten potentially long stacking lines which could inhibit the traffic flow of the site. A good analogy would be to look at a queuing line inside a financial institution One line (stacking lane) is served by multiple tellers. When the line gets longer, more teller positions are opened Therefore, it appears reasonable that for each additional drive-in lane provided, there should be an allowable reduction in the stacking requirements.

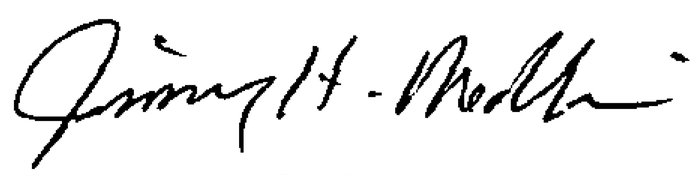
Also, it should be noted that the parking requirement for financial institutions under the proposed ordinance is being reduced This assumes, when paired with the stacking requirements, that people will choose to utilize the drive-in facility rather than park and walk inside the building This assumption should be carried one step further That is if financial institutions provide parking in excess of the minimum requirement, the stacking requirements may be reduced This infers that if the stacking is reduced and customers choose not to wait in line for drive-in service, then they may park and walk inside the building thereby using the additional parking spaces which have been provided Finally, while reducing the requirement of on-site

parking enables developments to allow for considerably more greenscape, the proposed stacking requirements for drive-in service windows "paves" the way to more asphalt and less landscape.

Financial institutions of Charlotte-Mecklenburg ask that the Mecklenburg County Board of Commissioners and the Charlotte City Council consider revising the language for drive-in service windows in the proposed Charlotte-Mecklenburg Zoning Ordinance to allow developments which provide drive-in lanes in excess of one drive-in lane to reduce the stacking requirements by multiplying the total number of excess drive-in lanes by 40 feet Also, for each parking space provided in excess of the minimum requirement, the stacking requirements may be reduced by multiplying the total number of excess parking spaces by 20 feet However, in no instance shall the stacking requirements for all drive-in lanes be reduced by more than 300 feet

Thank you for your kind consideration in this matter.

Sincerely yours,



Jimmy H Medlin
Vice President
Properties Acquisition/Disposition

cc. Mr Card - UCB
Mr Evans - Wachovia Bank
Ms. Hobbs - BB&T
Mr. Miller - First Union National Bank
Mr. Putnam - Charlotte Department of Transportation
Mr. Watkins - Charlotte-Mecklenburg Planning Commission
Mr Williams - First Citizens Bank

UNITED CAROLINA BANK
ucb

August 29, 1991

Charlotte City Council
c/o Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear Council Member:

United Carolina Bank has reviewed the proposed Charlotte-Mecklenburg Zoning Ordinance and applauds the document for reducing the parking requirement for financial institutions. The proposed stacking requirements for drive-in service windows with multiple drive-in lanes; however, has created great site development stress and unnecessary burden to financial institutions.

I have attached Jimmy H. Medlin's, NCNB, revision to the proposed Charlotte-Mecklenburg Zoning Ordinance, as United Carolina Bank's endorsement and support of that revision. Service and customer convenience is at the very heart of the "banking business." As financial institutions attempt to improve service and convenience, we find a penalty for our efforts by the proposed stacking ordinance.

I hope you find merit in the attached proposal, or at the very least, allow the banking industry to work with the City-County Planning Commissioner to cooperate on a stacking plan that protects the public and allows development of financial institution sites.

United Carolina Bank appreciates your consideration on this matter.

Cordially,

Merritt C. Card
Vice President
Real Estate Acquisition Mgr.

MCC:sjg

Attachment

August 26, 1991

Charlotte City Council
c/o Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear Council Member:

Several financial institutions have expressed serious concerns over portions of the proposed Charlotte-Mecklenburg Zoning Ordinance. Specifically, the stacking requirements for drive-in service windows for developments with multiple drive-in lanes are very burdensome and create great hardships

The apparent intent of the language in the proposed ordinance is reasonable when assuming one drive-in lane However, when several drive-in lanes are provided the proposed ordinance is unreasonable The reasons several drive-in lanes are provided by financial institutions are to reduce the amount of time customers have to wait for service and to shorten potentially long stacking lines which could inhibit the traffic flow of the site. A good analogy would be to look at a queuing line inside a financial institution. One line (stacking lane) is served by multiple tellers. When the line gets longer, more teller positions are opened. Therefore, it appears reasonable that for each additional drive-in lane provided, there should be an allowable reduction in the stacking requirements.

Also, it should be noted that the parking requirement for financial institutions under the proposed ordinance is being reduced. This assumes, when paired with the stacking requirements, that people will choose to utilize the drive-in facility rather than park and walk inside the building. This assumption should be carried one step further. That is if financial institutions provide parking in excess of the minimum requirement, the stacking requirements may be reduced. This infers that if the stacking is reduced and customers choose not to wait in line for drive-in service, then they may park and walk inside the building thereby using the additional parking spaces which have been provided Finally, while reducing the requirement of on-site

parking enables developments to allow for considerably more greenscape, the proposed stacking requirements for drive-in service windows "paves" the way to more asphalt and less landscape

Financial institutions of Charlotte-Mecklenburg ask that the Mecklenburg County Board of Commissioners and the Charlotte City Council consider revising the language for drive-in service windows in the proposed Charlotte-Mecklenburg Zoning Ordinance to allow developments which provide drive-in lanes in excess of one drive-in lane to reduce the stacking requirements by multiplying the total number of excess drive-in lanes by 40 feet. Also, for each parking space provided in excess of the minimum requirement, the stacking requirements may be reduced by multiplying the total number of excess parking spaces by 20 feet. However, in no instance shall the stacking requirements for all drive-in lanes be reduced by more than 300 feet

Thank you for your kind consideration in this matter

Sincerely yours,

Jimmy H. Medlin
Vice President
Properties Acquisition/Disposition

cc: Mr. Card - UCB
Mr. Evans - Wachovia Bank
Ms. Hobbs - BB&T
Mr. Miller - First Union National Bank
Mr. Putnam - Charlotte Department of Transportation
Mr. Watkins - Charlotte-Mecklenburg Planning Commission
Mr. Williams - First Citizens Bank

BB&T Branch Banking and Trust Company

P O Box 1847
Wilson North Carolina
27894-1847

919/399-4111

August 23, 1991

Jimmy H Medlin
NCNB
Vice President
Properties Acquisition/Disposition
101 North Tryon Street
Charlotte, NC 28255

RE MECKLENBURG CODE - DRIVE-IN SERVICE WINDOWS

Dear Jimmy

In summary of our recent discussion, BB&T is very concerned about the impact the above ordinance will have on future and existing bank facilities located in Mecklenburg County

The 120' length required for stack at drive-in windows regardless of the number of lanes

1 Increases the amount of land required to provide a place of business, which increases facility costs that ultimately drives up the cost of services provided to our customers

2 Restricts the types and shapes of lots that branches can be placed upon

Please keep BB&T informed as this issue develops We offer our support and interest in exploring any solutions that will result in an ordinance that serves the community as well as financial institutions

Sincerely,

Barry W Story
Senior Vice President
General Services

BWS/asg

RECEIVED
AUG 28 1991
FACILITIES MANAGEMENT
CHARLOTTE

First Union National Bank
of North Carolina

Corporate Real Estate Division
Charlotte North Carolina 28288 0340
704 374-6631

FIRST UNION

September 3, 1991

Charlotte City Council
C/O Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear Council Member:

First Union National Bank supports the position set forth by Mr. Jimmy H. Medlin, Vice President of North Carolina National Bank, in his letter to the Council dated August 26, 1991 with respect to the stacking requirements for drive-in service windows as set forth in the proposed Charlotte Mecklenburg Zoning Ordinance. We respectfully request that the Charlotte City Council consider revising the language for drive-in service windows in the proposed Charlotte Mecklenburg Zoning Ordinance as set forth in Mr. Medlin's letter.

Thanking you in advance for your consideration I am,

Very truly yours,

Chip Miller

Dana S. "Chip" Miller
Real Estate Manager

DSCM/rl

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 5, 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 July 29, 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, September 9, 1991. This will then permit these matters to be placed on your agenda for consideration on Monday, September 16, 1991.

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

Respectfully submitted,

Anne J. McClure

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

TM:mlj

Attachments

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

DATE: July 29, 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 69.5 acre site located on the east side of Toddville Road south of Old Mount Holly Road extending to Melynda Road.

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

VOTE: Yeas: Baucom, Byrne, Fenning, McClure, Motley, 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. Planning staff and an agent for one of the property owners affected by the subject petition as well as Petition No. 91-24 are continuing discussions of potential conditional zoning districts for areas affected by the two petitions and will finalize those discussions prior to the September Zoning Committee work session. In deferring this case for an additional 30 days, Zoning Committee specified that this is the final deferral to be granted to this petition.

DATE: July 29, 1991

PETITION NO.: 91-19

PETITIONER(S): City of Charlotte (Jesus Christ Holiness Church).

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

NOTE: The property owner has submitted a site plan to enable consideration of an R-6MF(CD) application.

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

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

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

Nays: None.

REASONS

This petition proposes rezoning from single family residential to conditional multi-family residential to allow conversion of the existing structure to a day care center. The petition was converted to a conditional application after unanimous recommendation for denial by Zoning Committee in May. The site plan indicates reuse of the existing structure as a day care center for 36 children and provides for landscaping improvements to the property. Ultimately, however, Zoning Committee viewed the petition as one which raises a land use, rather than a site plan, issue. The introduction of a day care center in the midst of an established single family neighborhood was viewed as inappropriate and, therefore, Zoning Committee recommends denial of the petition.

STAFF OPINION

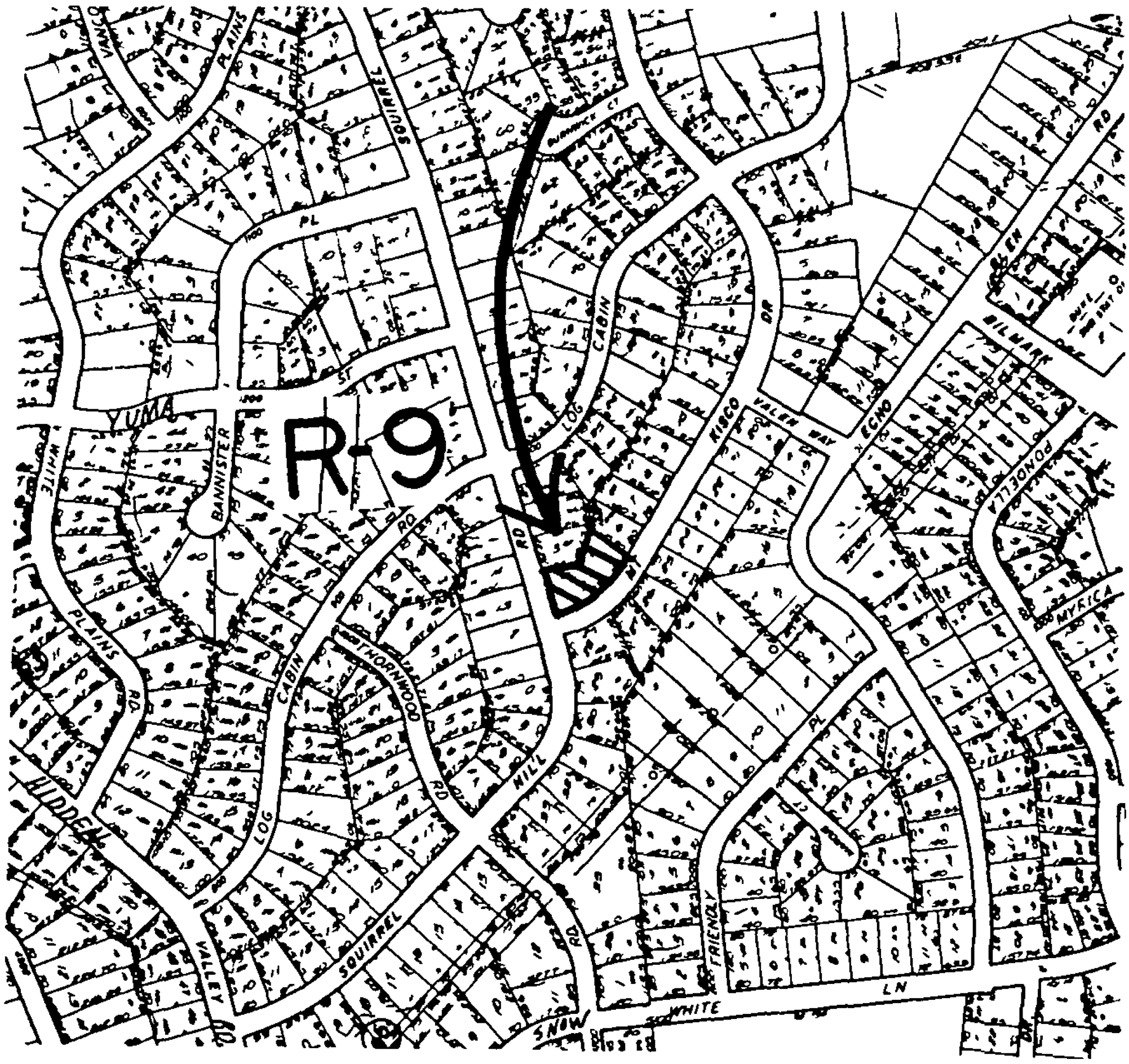
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Jesus Christ Holiness Church (City of Charlotte)

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 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 deferred action on this petition for 30 days.

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

Nays: None.

REASONS

This petition seeks rezoning from multi-family residential to single family residential for the Todd Park neighborhood and 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 are continuing their discussions of the feasibility of conditional districts for properties included in both petitions. Therefore, the Zoning Committee deferred action on this petition for an additional 30 days but specified that this is the final deferral to be granted on this case and a Zoning Committee recommendation will be made in September.

DATE: July 29, 1991

PETITION NO.: 91-33

PETITIONER(S): Candlewyck Homeowners Association.

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

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

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

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

Nays: Fenning and Spencer.

REASONS

This petition requests the rezoning of the proposed retail component of the Candlewyck PUD to prevent the development of a shopping center and allow for the development of the property in conformance with the surrounding neighborhood. Zoning Committee discussed this petition for some time. The majority of the members viewed the proposed downzoning as inappropriate in that the PUD concept allows for a mixture of uses and the homeowners who bought into the development knew about the planned retail center. There was also concern that a downzoning of this property would be inconsistent with the recent zoning approval of the proposed Beverly Crest development which includes a retail center. Therefore, Zoning Committee recommends that the petition be denied.

MINORITY OPINION

A minority of Zoning Committee members viewed the request as appropriate for approval for several reasons including CDOT's estimate that 90-95% of the trips generated will come from outside of the neighborhood. That was viewed as contrary to the section of the zoning ordinance stating that PUD's may incorporate limited commercial and office uses designed to serve the inhabitants of the PUD district. It was also noted that City Council's approval of the Arboretum rezoning was based on the absence of commercial services in the area and there was a clear mandate to not "strip out" Providence Road.

STAFF OPINION

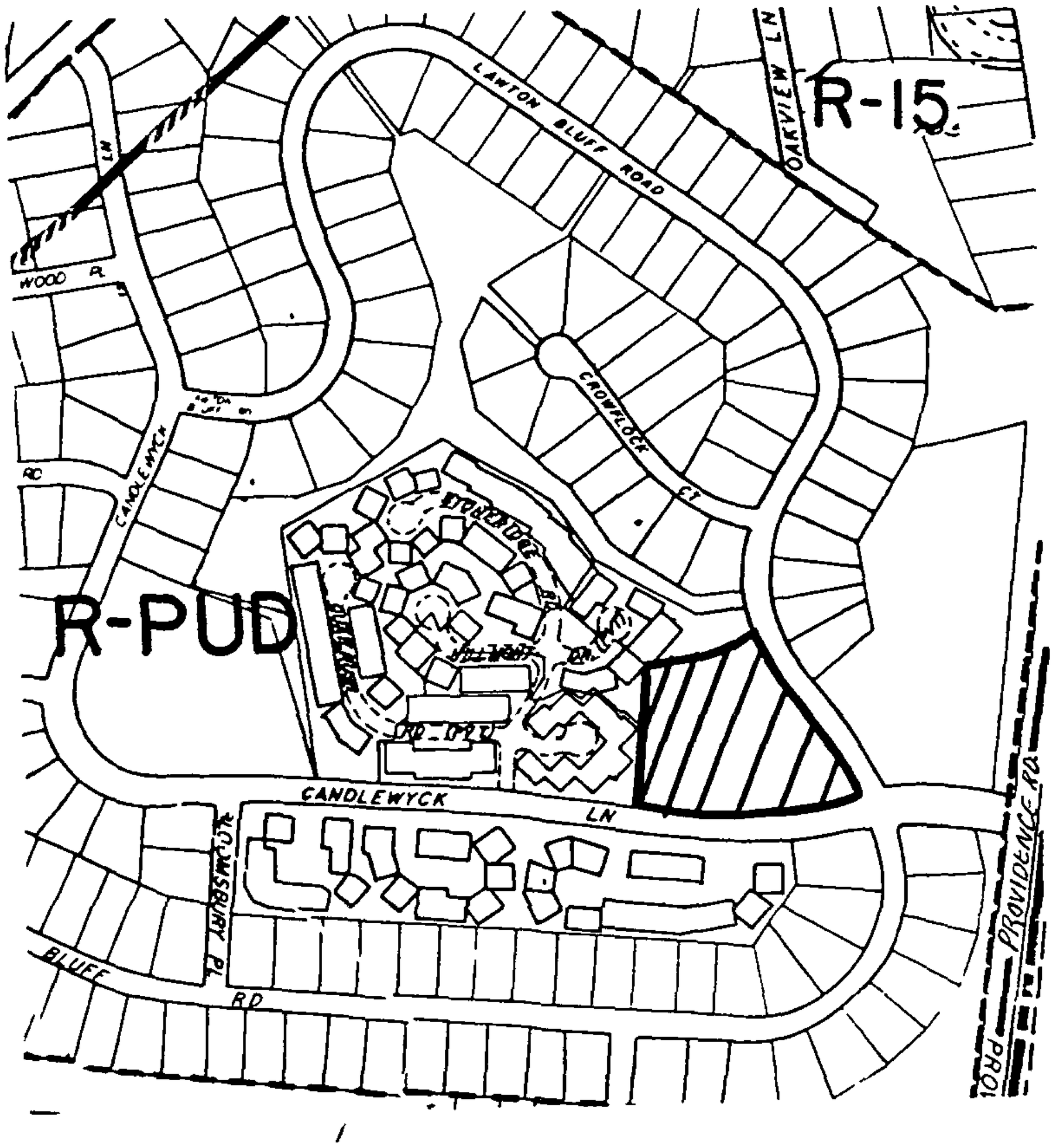
The staff disagrees with the Zoning Committee recommendation. When the original R-PUD zoning was established, there were no other commercial services available in the area. Since that time a large amount of retail has been built or approved nearby. This site is in the interior of a residential area requiring most of the users to come from outside the PUD district. This site is no longer viewed as a suitable commercial location.

PETITIONER: Candlewyck Homeowners Association

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-37

PETITIONER(S): George and Lavern Rabb.

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

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

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

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

Nays: None.

REASONS

This petition proposes rezoning from one multi-family classification to another to accommodate the expansion of an existing day care center. The petition was deferred previously to allow the petitioner time to modify the site plan to address several issues including the existing parking in the setback and screening. The petitioner subsequently submitted a revised site plan indicating removal of the portion of the parking located within the setback and screening/landscaping treatments. During their discussion, Zoning Committee asked the petitioner's agent about the proposed treatment of the affected front lawn area after the removal of this portion of the parking lot. The agent agreed to the submission of revised plans specifying seeding and landscaping of this area. Based on these site plan modifications, Zoning Committee recommends approval of the petition.

STAFF OPINION

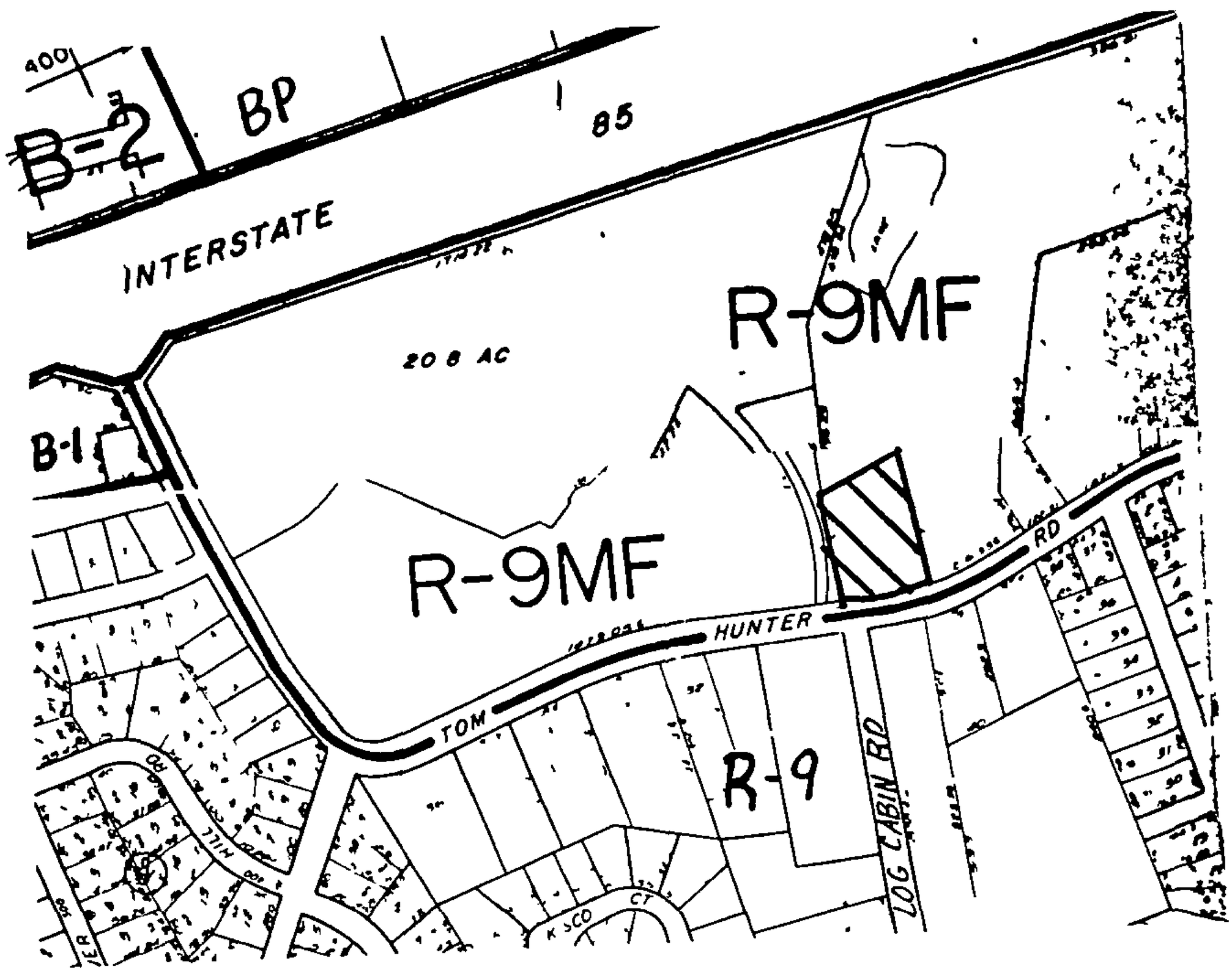
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: George and Lavern Rabb

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-44

PETITIONER(S): Smith Funeral Homes, Harold Smith.

REQUEST: Consideration of a text amendment to permit funeral homes, embalming, and crematories as a use by right in all office districts.

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

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

Nays: None.

REASONS

The existing City Zoning Ordinance permits funeral homes, embalming and crematories in the O-6 district but not the O-15 district. This text amendment proposes to allow these uses in the O-15 district. The amendment would bring the present City ordinance in conformance with both the County ordinance and the proposed ordinance. The Zoning Committee viewed the proposal as appropriate and, therefore, recommends its approval.

STAFF OPINION

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

Staff Review - Tues May 28 @ 10:30

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-44
Date Filed May 6, 1991
Received By [illegible]
OFFICE USE ONLY

Section No 3042 (Permitted Uses in Office Districts) of the City of Charlotte Zoning Ordinance
(Appendix A, Code of the City of Charlotte) (Title)

Purpose of Change

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

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

The proposed amendment would delete the limitation "(O-6 only)" from paragraph 24 of Section 3042 and permit Funeral Homes as a matter of right in any Office District.

Frederick Warren
Name of Agent

1536 Pondella Drive, Charlotte, NC 28213
Agent's Address

(704) 333-7977
Telephone Number

Smith Funeral home by
Larola Smith
Name of Petitioner(s)

P. O. Box 775, Wadesboro, NC 28170
Address of Petitioner(s)

(704) 694-4121
Telephone Number

Larola Smith
Signature

ORDINANCE NO _____

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

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

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

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

1. Amend paragraph 24 of Section 3042 of Appendix A "Zoning" of the Code of the City of Charlotte to delete the limitation "(U-O only)" so that paragraph 24 will now read as follows

   "24. Funeral homes, embalming and crematories "

Section 2 That this ordinance shall become effective upon its adoption

Approved as to form

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: July 29, 1991

PETITION NO.: 91-45

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

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

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

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

Nays: None.

REASONS

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

The State law provides for the vesting of rights after a public hearing based upon two types of plans; 1) "site specific development plans" and 2) "phased development plans". The Planning Commission draft amendment developed in concert with City and County Attorneys proposes to vest rights based upon site specific development plan approval, not for phased development plans. The site specific development plan concept uses procedures which have been in our ordinances for some time and have been accepted as common practice including conditional districts and uses, special use permits, and special purpose districts. Local governments are required by the State act to determine by ordinance what constitutes a site specific development plan, but they are not required to provide for the vesting of rights on the basis of a phased development plan.

At the public hearing on this amendment, private interest representatives proposed additional amendments including a provision for the vesting of rights by phased development plans and a minor change to clearly specify that building permits will not expire while a vested right is outstanding. The change related to building permits has been incorporated into the Planning Commission draft amendment.

Zoning Committee discussed the various issues associated with the potential vesting of rights through phased development plans, ultimately deciding that those issues are numerous and complex enough to warrant further study and directed staff to do so. However, in order to have an ordinance adopted by the October 1 deadline, Zoning Committee recommends the approval of the Planning Commission draft amendment as modified to specify that a building permit will not expire while a vested right is outstanding. Staff will continue to study the

phased development plan concept with interested parties and report back to Planning Commission on the study process.

STAFF OPINION

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

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-45

Date Filed May 6, 1991

Received By MEM

OFFICE USE ONLY

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

(Title)

Purpose of Change:

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

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

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 East Fourth Street, Charlotte, NC

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 1008. Reserved, to read as follows:

1008. Vested Rights in Certain Circumstances

1008.1 Duration of Building Permits

~~(1)~~ Any amendments, modifications, supplements, repeal, or other changes to these regulations and restrictions or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which either (a)a building permit has been issued prior to the effective date of the ordinance making the change, so long as the permit remains valid and unexpired pursuant to G.S. § 160A-418 and the building permit has not been revoked pursuant to G.S. § 160A-422, or (b) a vested right has been established pursuant to Section 1008.2 and such vested right remains valid and unexpired pursuant to Section 1008.2. A permit issued pursuant to § 160A-417 shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under Section 1008.2 is outstanding. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire except for a permit issued under Section 1008.2. Upon issuance of a building permit under Section 1008.2, the provisions of G. S. § 160A-418 and G. S. § 160A-422 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under the section is outstanding. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

1008.2 Procedures for Establishing a Vested Right

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

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

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

A right which has been vested as provided for in this section shall remain vested for a period of three years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the ~~applicable~~ subject property. A right which has been vested as provided in this Section 1008.2 shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

2. Amend Section 3200. Conditional Districts by adding the following wording to the end of Section 3202.4. Effect of approval:

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

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: July 29, 1991

PETITION NO.: 91-46

PETITIONER(S): Eastland Ltd.

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

LOCATION: Approximately 7.89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from single family residential to conditional office to permit the development of an overflow parking lot associated with Eastland Mall. The plan proposes a landscaped berm along Wilora Lake Road with no access to Wilora Lake Road or any other nearby residential street. Both the 2005 Plan and the East District Plan recognize Eastland Mall as a major retail/employment center in the area of the subject property. The East District Plan recognizes the feasibility of office zoning on the subject property. The Zoning Committee viewed the request as consistent with plans for the area and, therefore, recommends that the petition be approved.

STAFF OPINION

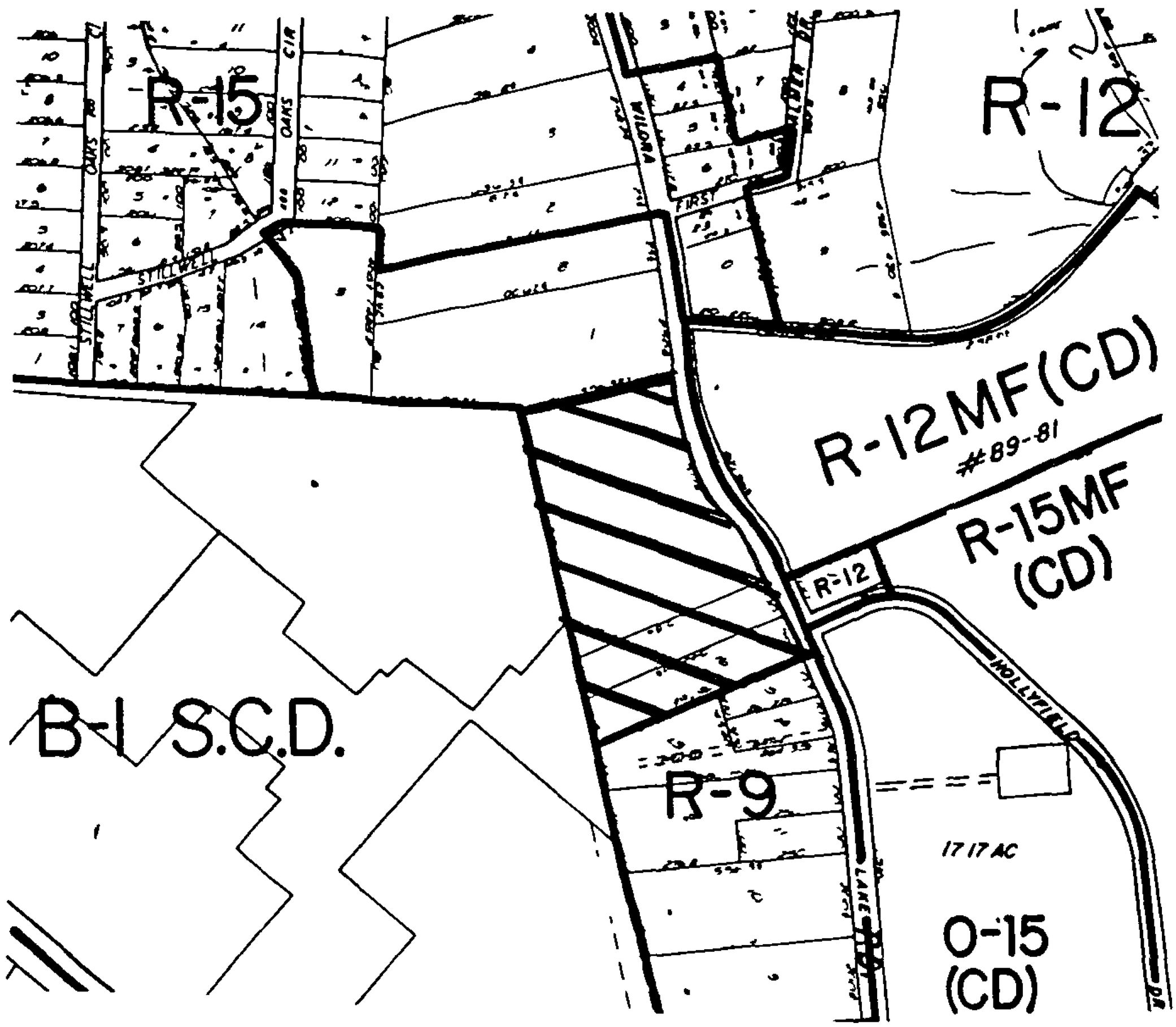
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Eastland Ltd.

PETITION NO.: 91-46 HEARING DATE: July 15, 1991

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

LOCATION: Approximately 7.89 acres located on the west side of Wilora Lake Road, north of Hollyfield Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-47

PETITIONER(S): Child Acre Day Care Center, Inc.

REQUEST: Change from R-9SUP and R-9 Conditional Use to R-9MF(CD).

LOCATION: A 7.9 acre site located on the west side of Old Pineville Road north of Arrowood Road.

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

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

Nays: None.

REASONS

This petition proposes rezoning from R-9SUP and conditional use to conditional multi-family residential to allow the expansion of an existing day care center. The petitioner's agent noted during Zoning Committee's discussion that a revised site plan will be submitted clarifying the intended preservation of a stand of trees along Old Pineville Road. Zoning committee viewed the petition as one which raises no issues, provides a needed service to the nearby community and which is appropriate for approval.

STAFF OPINION

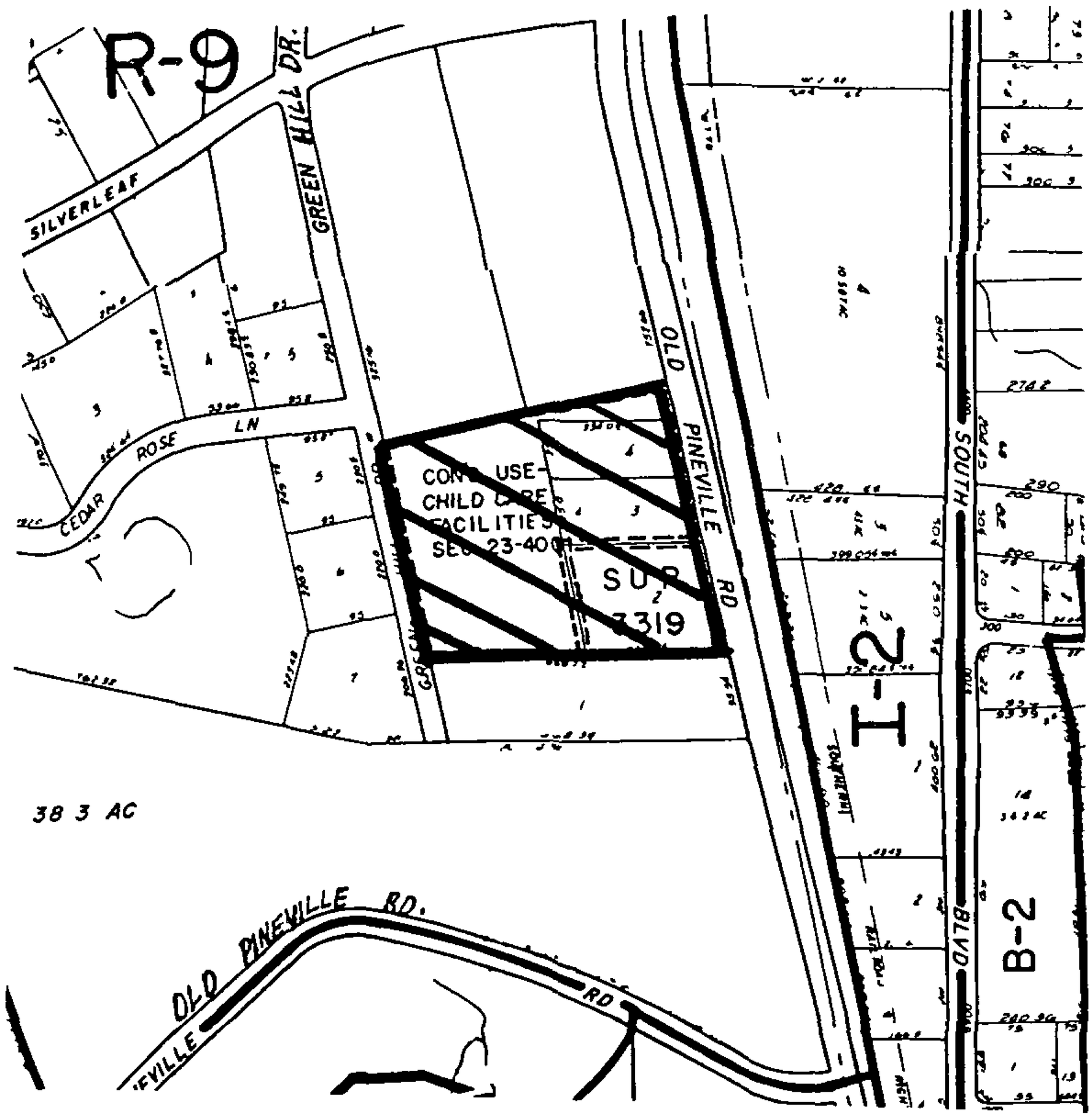
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Child Acre Day Care Center, Inc.

PETITION NO.: 91-47 HEARING DATE: July 15, 1991

ZONING CLASSIFICATION, EXISTING: R-9 Special Use Permit & Conditional Use REQUESTED: R-9MF(CD)

LOCATION: Approximately 7.9 acres located on the west side of Old Pineville Road north of Old Pineville Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-48

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 3,382 acres located between Mallard Creek/Prosperity Church Road and Cheshire/Brown Road.

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

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

Nays: None.

REASONS

This petition seeks to establish City zoning jurisdiction on 3,382 acres of newly annexed properties. The City has 90 days to establish zoning jurisdiction on the properties. This request seeks to establish City zoning using the same districts as currently exist under the County's jurisdiction with one exception. A site located on Mallard Creek Road is currently zoned O-9 and the City Zoning Ordinance has no such category. It has been the City's practice to establish an O-6 district in this instance. There are no issues associated with this request and, therefore, the Zoning Committee recommends approval of this petition.

STAFF OPINION

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

PETITIONER: City of Charlotte

PETITION NO.: 91-48 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

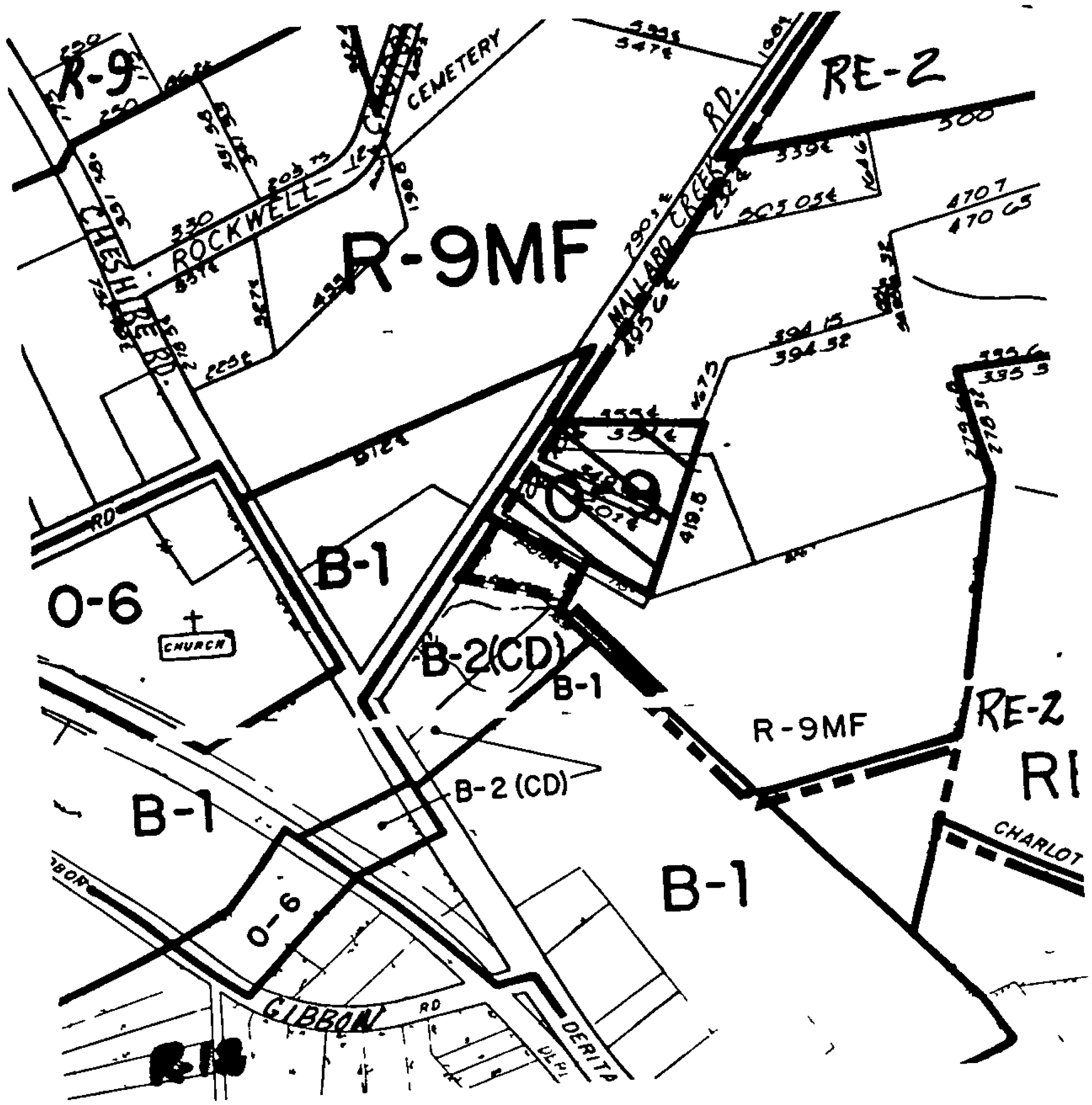
LOCATION: Approximately 3,382 acres located between Mallard Creek Road/Prosperity Church Road, and Cheshire Road/Browne Road.

SEE ATTACHED MAP

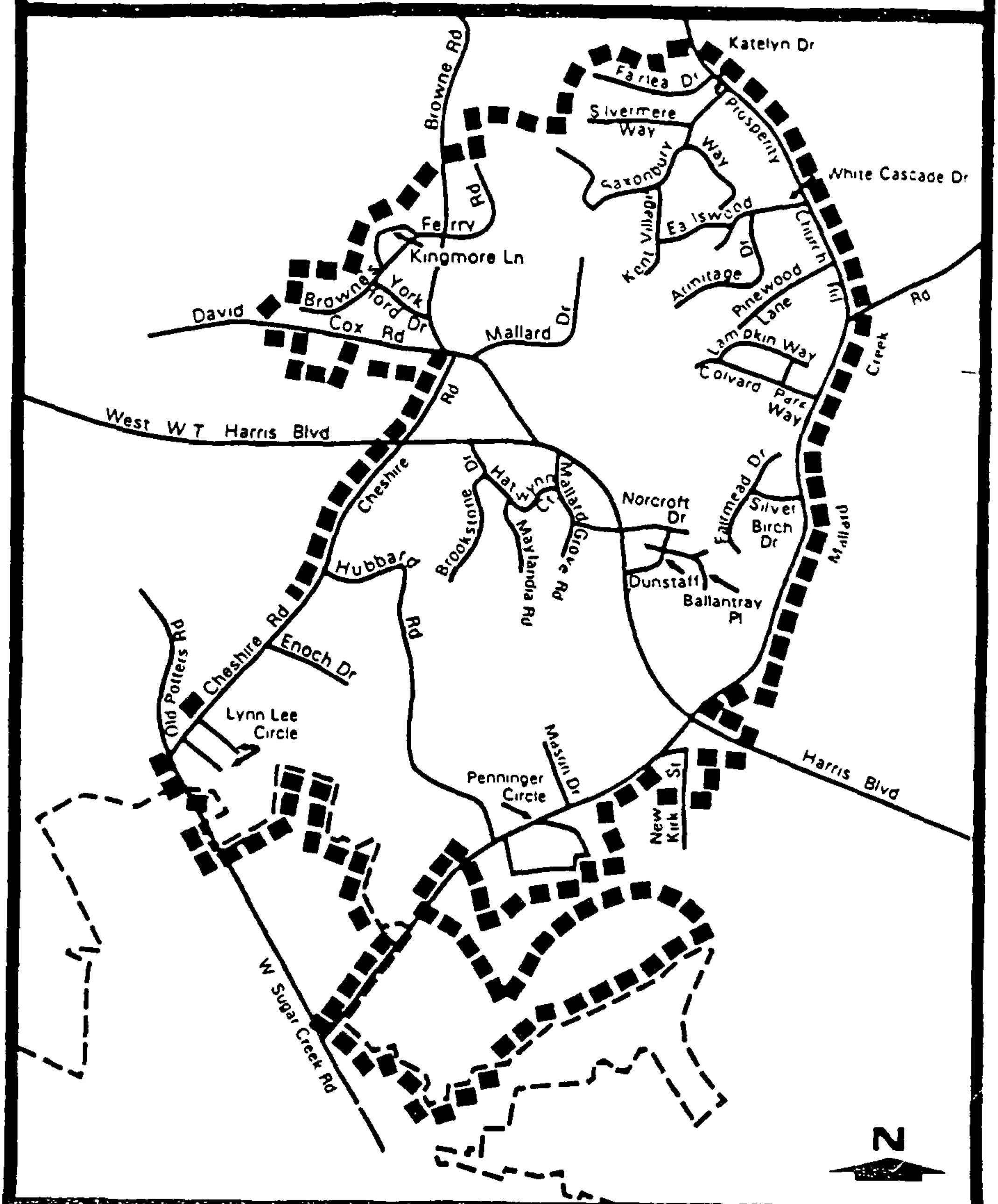
ZONING MAP NO(s).: Several SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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



PROSPERITY CHURCH RD/BROWNE RD



Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

91-48

DATE: July 29, 1991

PETITION NO.: 91-49

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 4,388 acres generally located between Old Concord Road and I-85 extending from Rocky River Road to U.S. 29 and I-85.

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

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

Nays: None.

REASONS

The subject property was recently annexed by the City of Charlotte and the City has 90 days in order to establish its zoning jurisdiction in the area. The City has historically established zoning utilizing the same categories as under the County's jurisdiction whenever possible. The vast majority of the subject property is presently zoned in a manner in which the City can establish the same district as currently exists under the County. However, several properties located on U.S. 29 are zoned O-9 and O-9(CD). The City has no O-9 category and, therefore, these parcels should be zoned O-6 and O-6(CD) retaining the same site plan. This annexation area also includes a site which is currently pending rezoning from I-1 to B-1SCD [Petition No. 91-24(c)]. Background information and Zoning Committee's recommendation on the request are attached. The Zoning Committee viewed the request as appropriate and recommends approval of the petition.

STAFF OPINION

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

PETITIONER: City of Charlotte

PETITION NO.: 91-49 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

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

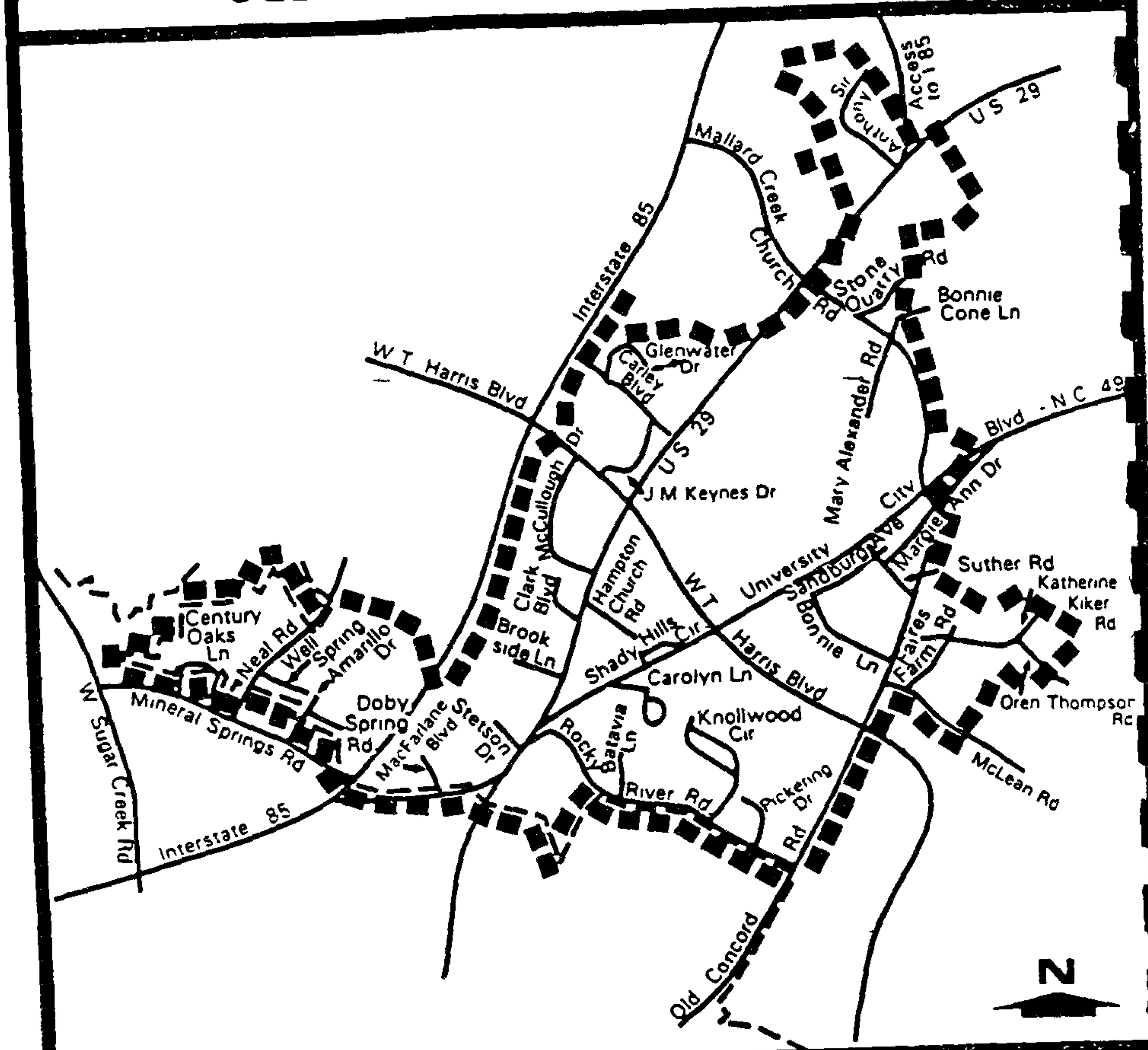
All existing zoning will remain the same, except for the O-9 and O-9(CD) zoning located on the westerly side of U.S. 29, south of W. T. Harris Boulevard. The City does not have an O-9 district; therefore, the property is recommended for O-6 and O-6(CD).

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

OLD CONCORD ROAD/I-85



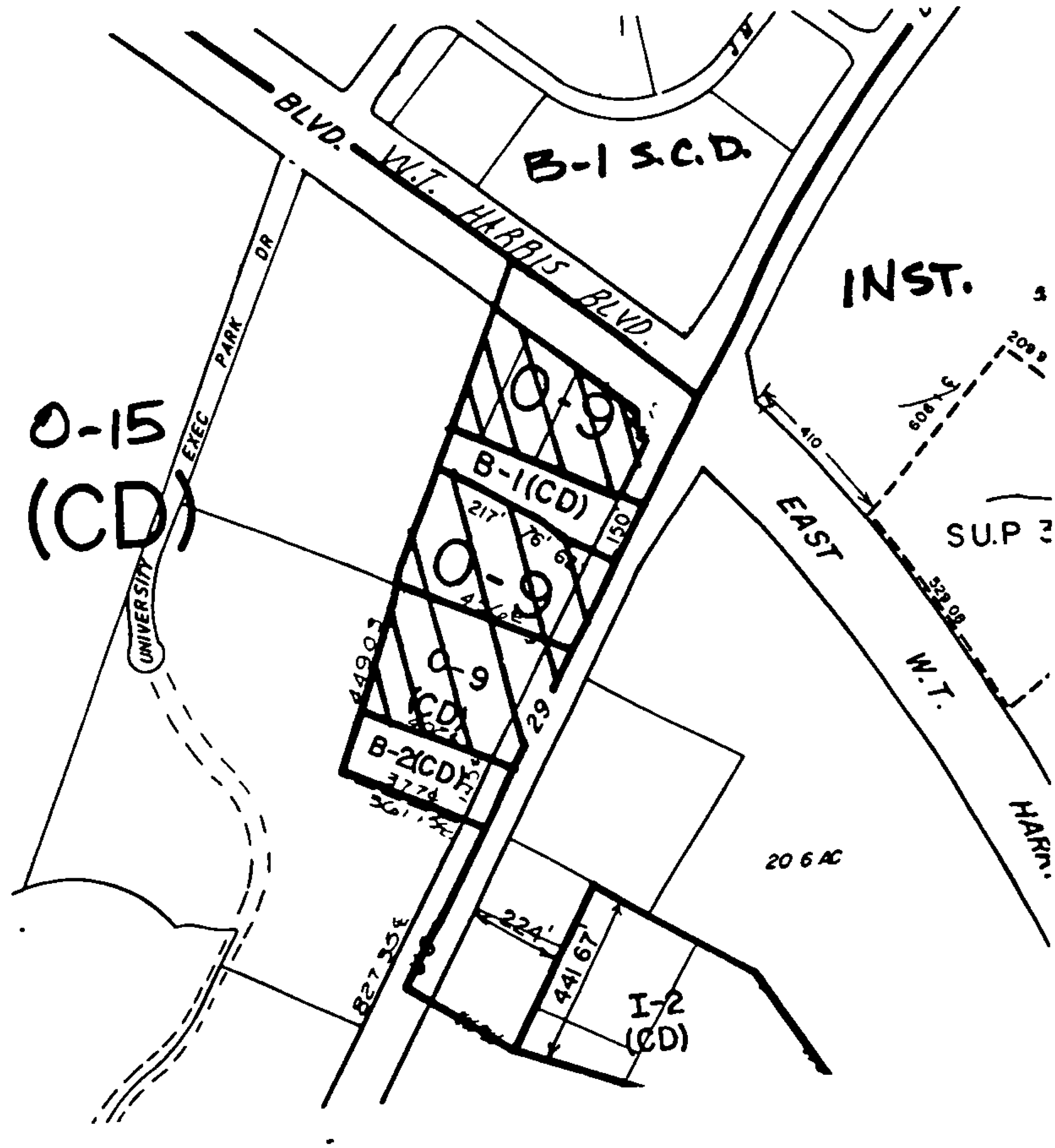
Annexation Area Boundary

Present City Limits

Proposed Annexation Area

91-49

Petition No. 91-49
Request: O-9 and O-9(CD)
to O-6 and O-6(CD)
Map: 58



PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-24(c)

Petitioner: McAdams-Norman Properties

Location: Approximately 55.27 acres located on the west side of U.S. 29 south of Clark Boulevard.

Request: Change from I-1 to B-1SCD.

BACKGROUND

1. Existing Zoning. The subject property is currently zoned I-1. The properties directly to the north are zoned O-9 and RE-1, and to the south and west the property is zoned I-1. Across Highway 29 the properties are zoned B-2. The general zoning pattern in the area is a mixture of industrial, office, business, and research.

2. Existing Land Use. The property involved in this petition is currently occupied by two single family homes. To the north a portion of the property is developed with single family homes and to the east across Highway 29 the property is developed with a single family home and several commercial uses. To the south along Highway 29 there are several commercial and industrial uses. To the west between the subject property and I-85 the land is vacant. In general, the surrounding land uses are a mixture of commercial, industrial, and residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. University Place is recognized as a major mixed use center in the area.

   2. Northeast District Plan. The Northeast District Plan recommends a mixture of office and industrial land uses in the area of the subject property. The plan also recommends the expansion of water lines in the area and construction of the Graham Street/N.C. 49 connector.

   3. Transportation Improvement Program. The Transportation Improvement Program calls for the construction of the Graham Street/N.C. 49 connector to be built in the area of this petition. This road would be a four lane road connecting N.C. 49 to Graham Street.

4. Site Plan. The site plan which accompanies this petition proposes to build 490,000 square feet of retail space. The site is accessed by two driveways from Highway 29 and one driveway from Brookside Avenue. Once inside the site, the buildable square footage is broken up into four large building envelopes. The remainder of the square footage (approximately 45,000 square feet) is divided into

three building envelopes that will be used for up to six outparcels. The plan calls for a 20 foot landscape buffer along the entire perimeter of the site and a 40 foot setback along both Highway 29 and Brookside Avenue. The proposed landscaping will comply with the City's tree ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	67-55	R-12, B-2 & I-1 to R-12, RE & I-1	Approved	11/27/67
2.	68-2	I-2 & B-2 to I-1 & 0-6	Approved	01/15/68
3.	72-62(c)	Inst. to B-2	Approved	05/18/72
4.	74-38(c)	Inst. to B-2	Approved	01/06/75
5.	77-12(c)	I-1 to I-2(CD)	Approved	04/04/77
6.	81-38(c)	I-1 to I-2	Approved	12/18/81
7.	88-17(c)	RE-1 to 0-15(CD), B-1(CD) & B-D(CD)	AIP	07/18/88
8.	89-43(c)	Inst. to B-1SCD	Denied	12/18/89

7. Neighborhood. This site does not fall within any defined neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes to zone 55.27 acres of industrially zoned land to B-1SCD for a 490,000 square foot shopping center. The 2005 Plan recognizes employment type land uses in the area of the subject property. The Northeast District Plan also calls for employment type uses in the area of the subject property. The Northeast District Plan has set aside certain areas in the northeast for shopping centers. This site is not one of these protected sites. However, the current zoning would allow much of what is being proposed and is a change from an industrial district to a more restrictive commercial district. This change allows the community an opportunity to review the specific development plan and the number of access points to Highway 29. Therefore, this petition is considered consistent with adopted plans and policies in that it provides some employment type uses and provides the community the opportunity to comment upon the development.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioners' agent met with staff prior to the filing of the application. Subsequently, the staff communicated several comments and concerns on the plan as submitted.

   2. Departmental Comments. The County Engineering Department pointed out that this location conflicts with the locally recognized alignment for the Graham Street/N.C. 49 connector road. However, the state has been studying alternate routes which would not affect this proposed project. The state is schedule to make a final decision on the alignment of this road the week of May 6. The County Engineering Department also pointed out that the proposed driveway on N.C. 29 may or may not be approved and encouraged the developer to tie into and make allowances for the proposed collector that extends from McCullough Drive and runs parallel to U.S. 29 and I-85. Planning and Zoning both noted that the yards shown on the plan did not meet the minimum and that a number of the notes needed rewording and clarification. Also requested was a detailed and enforceable landscape plan for both the interior of the lot and the proposed 20 foot landscape buffer. The petitioners did agree to comply with the City's Tree Ordinance but have not provided any detail of how the 20 foot landscape area would be treated. Due to the size of the center and the number of required parking spaces, it was pointed out to the developer that an air pollution permit from the Health Department would have to be secured prior to the issuance of building permits. In general, most of the staff comments where addressed. However, buffer treatment and transportation related issues are still unresolved.

ISSUES

1. Land Use. This petition raises some interesting land use issues. This plan does propose employment type uses. However, they are not the type anticipated by the Northeast District Plan. In addition, the change will be from an industrial zone to a more restrictive district and the type of uses proposed are uses allowed by the current zoning on the property. This change does provide the public the opportunity to comment and guide the development of the project. This proposal will also provide the community a unified and planned development that will lessen the demand for strip like commercial centers and the type of zoning that supports them. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. This petition does raise some important transportation issues. The alignment of the Graham

Street/Highway 49 connector and the incorporation and extension of a commercial collector to McCullough Drive are still outstanding. The state has proposed an alignment for the Graham Street/Highway 49 connector that will not affect the site but the state is looking at other alternatives (i.e. grade level intersection instead of grade separa d). These other alternatives may impact the site. The state is due to finalize its plans the week of May 6. Until these plans are finalized, the impact on this site or, restated, the impact of this site on future roads is impossible to determine.

The implementation of the commercial collector which begins at McCullough Drive and runs parallel to Highway 29 and I-85 is also an important issue. This collector street was implemented as part of the Collins and Aikman petition as a way to minimize the traffic impact of new development in the area. The petitioner has not made allowances on the plan for this proposed roadway. The County Engineering Department is currently studying the area to determine the correct alignment for this road. The petitioners proposed plan could be revised to accommodate a future alignment either through the middle of the site as a spine road, or through a portion of the western most corner of the property. The County Engineering Department is studying these proposals and favors an alignment through the western portion of the site, but will not be able to determine which of these alignments will work without further study. The road design is complicated by the existing topography and a requirement that it line up with a bridge the state will build as part of the Graham Street/Highway 49 connector. Therefore, from a site plan standpoint, this petition is appropriate for approval once these transportation issues are resolved.

CONCLUSION

This petition is appropriate for approval once the outstanding transportation issues are resolved.

*Subject to further refinement following public hearing.

This site plan addresses the Mecklenburg County Rezoning Application Requirements for a Conditional District. The property is currently owned by two separate owners who are requesting through a petitioner, McAdams Norman Properties, for Re Zoning from I-1 to B 1 SCD The intended use is predominantly retail with associated uses such as but not limited to banks, restaurants with drive thru service, professional services and theaters

1 The document is intended to show the general arrangement and scale of proposed development Revisions to the building sizes and positions may be made during the design process so long as the general intent of this plan is not altered

2 The project shall comply withthe minimum requirements of the Mecklenburg County Zoning Ordinance for B-1SCD and all North Carolina State Building Codes

3 This document indicates six outparcels In the final development, the outparcel configurations may be combined, increased or decreased in size However, the outparcel total will not exceed this maximum of 45,000 sq ft. Uses may include retail, bank, professional services, restaurant, or other uses compatible with a shopping center All access to the outparcel envelope A will be from the interior of the site, from points further than 150' from US 29 on the main entry drive Access to outparcel envelope B will be from Brookside Avenue or the interior of the site Outparcels adjacent to US 29 shall have a 40 ft front yard from the right of way with rear and side yards of 25 ft each regardless of the architectural front. If any of the anchor stores are sold to the occupying tenants, they shall have no individual front, rear or side yard requirements, but shall be governed by the intent of the Schematic Site Plan. No individual outparcel building will exceed 10,100 sq ft.

4 Building signage shall conform to the applicable zoning ordinance at the time of occupancy. Project signage will include one pylon sign at the main entry drive with a maximum sign face not exceeding 150 sq ft. on each side and a height not to exceed 30 sf and one pole sign at the entrance off Brookside not to exceed 100 sq ft. and a height of 30 ft. Outparcels shall each have one ground mounted sign conforming to the applicable zoning ordinance, which may either front their adjacent street (Hwy 29 or Brookside Avenue) or the interior driveways, as well as permissible building signage

5 The general intent and scope of landscaping is shown on the site plan. Landscape areas may be revised in final design as long as the general character remains unchanged The built project will conform to the applicable City of Charlotte Tree Ordinance

6 A traffic study was compiled by a private consulting firm This study is included with and is a part of this application. The proposed density is less than the retail development permissible under the current zoning

7 The project shall have a cohesive architectural character in a campus setting The style, color, palette, facade materials and landscape treatment will be compatible through out the project. The front building facades will consist of a palette of four masonry colors and three base synthetic stucco colors. The shop canopies will have a combination of accent metal or canvas roofing with feature elements which relate to the anchor entry canopies. Decorative accounts will be highlighted in the masonry and the synthetic stucco details

8 Boundary survey information was taken from a survey prepared by Murphy Yelle Associates, dated 6 March 1991

9 Building Envelopes 1, 2, 3 and 4 total 446,669 gross square feet. Outparcel envelopes A and B total 45,000 gross feet. Project total square footage is 491,669 and may be comprised of combinations varying from those listed Building Envelopes 1, 2, 3 and 4 will have parking spaces provided at a ratio between 4.5 per 1000 sq ft. and 5.5 per 1000 sq ft. due to retail tenant industry standard requirements Outparcels will have parking spaces provided at the minimun or exceeding Zoning Ordinance requirements for the specific occupancy.

10 Application for an Air Quality Permit will be made after final rezoning approval.

11 The Developer will improve Brookside Ave adjacent to the property to County Commercial standards with curb and gutter.

12. Storm water will retained in a combination of retaining ponds, underground structures, pipes and surface retention, but not necessarily by all of these means Storm water retention will conform to the requirements of Mecklenburg County Engineering

OFFICIAL REZONING APPLICATION
MECKLENBURG COUNTY

Petition No 91-24(c)

Date Filed March 11, 1991

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: William G. Barnett & Wife — William M. Stewart, Jr.

Owner's Address: 394 Mountain View Court SE, Concord, NC 28025 — 8325 N. Tryon, Charlotte, 28213

Date Property Acquired: 3/31/51 — 5/15/51, 10/1/54, 4/19/61

Tax Parcel Number: 047-222-15 — 047-222-14

Location of Property (address or description)

The west side of Hwy. 29, South of Clark Boulevard and North of Brookside Lane

Description of Property

Size (Sq Ft.-Acres): 55.27 acres — Street Frontage (ft.): 1191.17'

Current Land Use: Undeveloped and agricultural.

Zoning Request

Existing Zoning: I-1 — Requested Zoning: B-1SCD

Purpose of Zoning Change: To permit a shopping center district with total retail sales floor area in excess of 100,000 square ft. and less than 500,000 square ft.

Janet Williams/Dalton Moran Shook Architecture
Name of Agent

114-1/2 W. Fifth St., Charlotte, NC 28202
Agent's Address

372-0116
Telephone Number

McAdams-Norman Properties
Name of Petitioner(s)

3640 One First Union Center
Address of Petitioner(s)

301 S. College St., Charlotte, N
Telephone Number

343-0950

[signature]
Signature

[signature]
Signature of Property Owner if Other Than Petitioner

x William G. Barnett

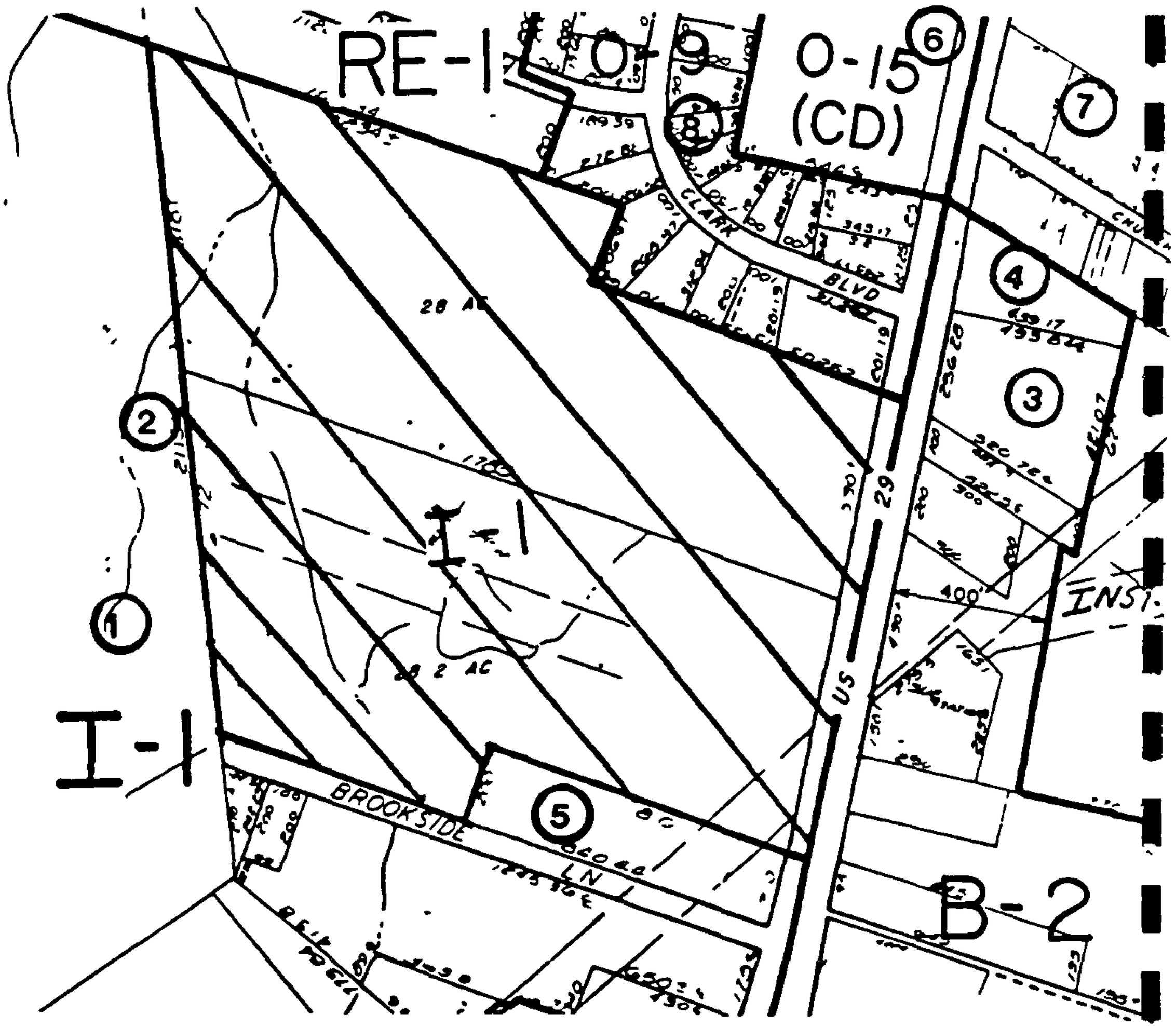
x Brenda D. Barnett

PETITIONER: McAdams-Norman Properties

PETITION NO.: 91-24(c) HEARING DATE: May 13, 1991

ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: B-1SCD

LOCATION: Approximately 55.27 acres located on the west side of U.S. 29 south of Clark Boulevard.



ZONING MAP NO(s).: 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-24(c)

PETITIONER(S): McAdams-Norman Properties.

REQUEST: Change from I-1 to B-1SCD.

LOCATION: Approximately 55.27 acres located on the west side of U.S. 29 south of Clark Boulevard.

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

NOTE: THE SUBJECT PROPERTY WAS ANNEXED BY THE CITY OF CHARLOTTE ON JUNE 30 AND THE CITY HAS 90 DAYS IN ORDER TO ESTABLISH CITY ZONING ON THE PROPERTY. THE BOARD OF COUNTY COMMISSIONERS IS SCHEDULED TO RENDER A DECISION ON THIS REZONING REQUEST ON SEPTEMBER 3 WHICH WILL ENABLE THE CITY COUNCIL TO ESTABLISH CITY ZONING ON THE SITE ON SEPTEMBER 16.

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

Nays: None.

REASONS

This petition proposes rezoning from an industrial district to the B-1 shopping center district to permit a 490,000 square foot shopping center. The petition has been deferred since May awaiting information from NCDOT regarding the potential impact on this property of the N.C. 49/Graham Street Connector. The property is now located within the Charlotte City limits as a result of a recent annexation. Zoning Committee viewed additional delays to await the future roadway information from the State as unwarranted particularly since an additional delay would require the City Council to hold a public hearing on the request due to the 90 day limit on establishment of City zoning. During the discussion, the petitioner agreed to submit revised site plans committing to the dedication of the necessary right-of-way for the extension of McCullough Drive and the provision of the necessary funds for its construction. The petitioner also committed to the extension of the main internal driveway to the rear of the site to allow for its ultimate connection to the McCullough Drive extension. The Zoning Committee viewed the plan as appropriate for approval based on these modifications. Therefore, Zoning Committee recommends approval of the petition..

STAFF OPINION

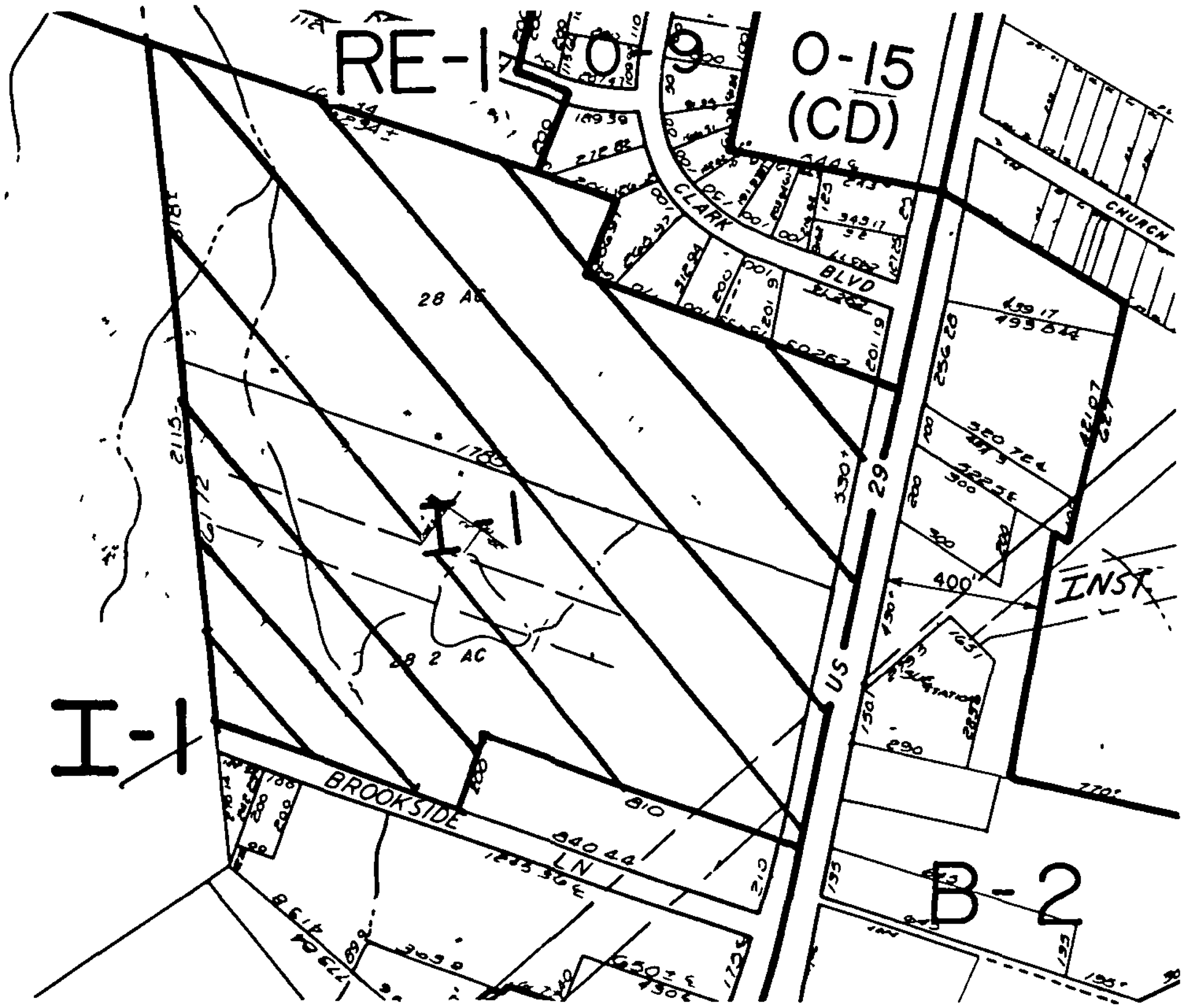
The Planning staff agrees with the recommendation of the Zoning Committee.

PETITIONER: McAdams-Norman Properties

PETITION NO.: 91-24(c) HEARING DATE: May 13, 1991

ZONING CLASSIFICATION, EXISTING: I-1 REQUESTED: B-1SCD

LOCATION: Approximately 55.27 acres located on the west side of U.S. 29 south of Clark Boulevard.



ZONING MAP NO(s).: 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: July 29, 1991

PETITION NO.: 91-50

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 101.6 acres generally located on Dixie Road, West Boulevard, Paul Brown Boulevard, and Nannie Price Road in the airport area and a 1.3 acre site located on Ford Street in the Oakdale community.

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

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

Nays: None.

REASONS

This petition would establish zoning on approximately 103 acres recently annexed by the City using the same districts as currently exist under the County's jurisdiction. Zoning Committee recommends approval of the request.

STAFF OPINION

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

PETITIONER. City of Charlotte

PETITION NO. 91-50 HEARING DATE July 15, 1991

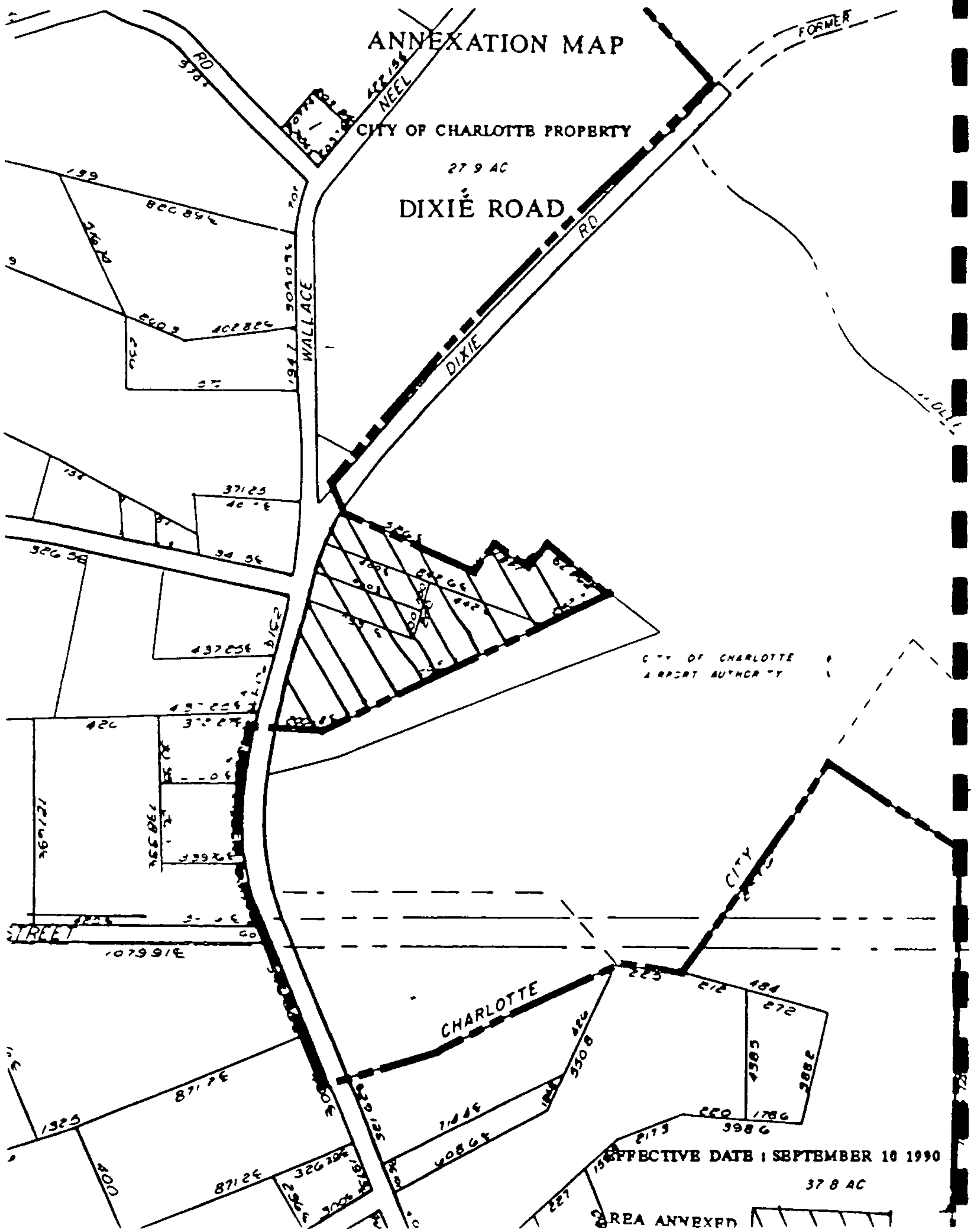
REQUEST. Establish zoning on recently annexed property.

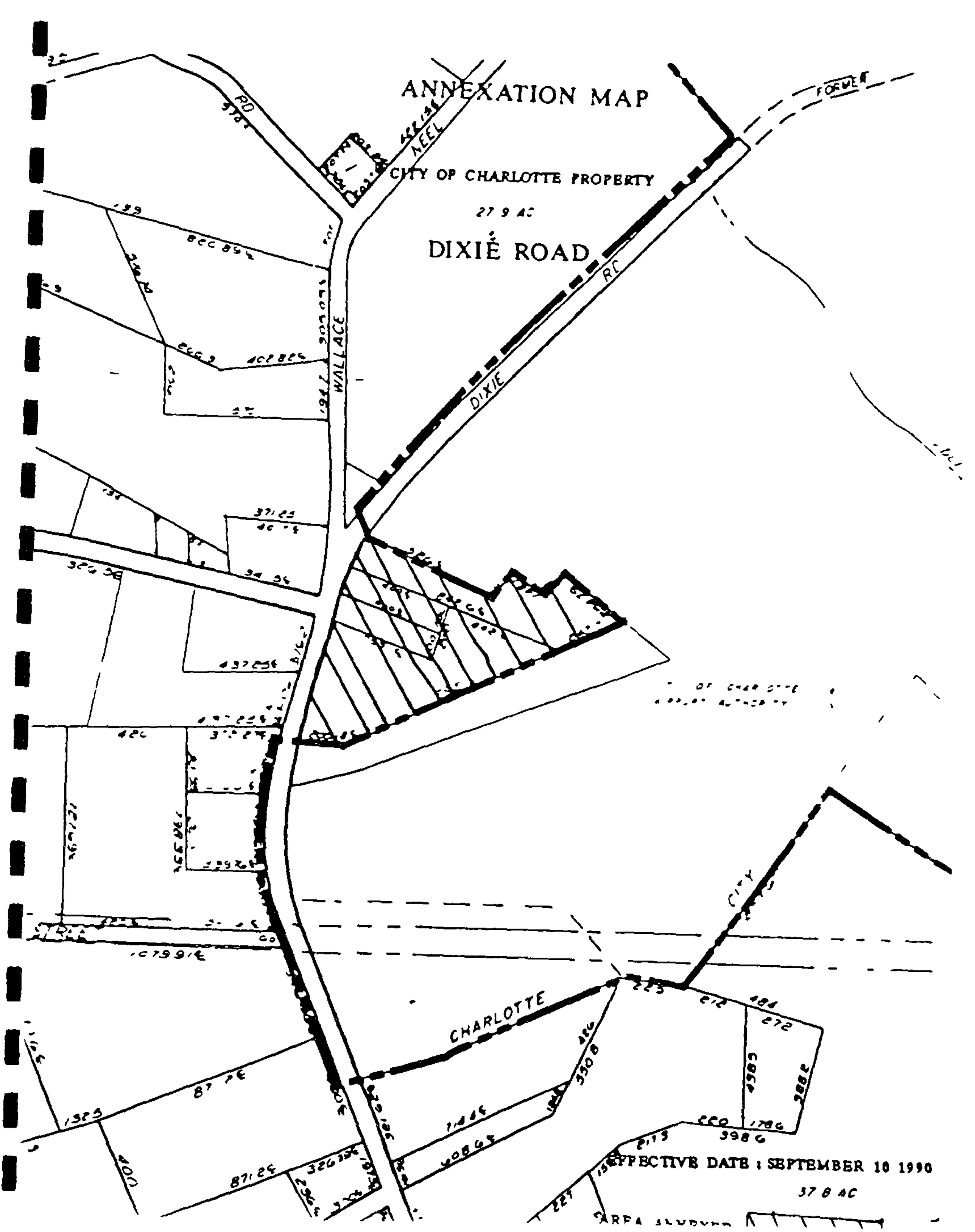
LOCATION Approximately 101.6 acres located on Dixie Road, West Boulevard, Paul Brown Boulevard, Nannie Price Road (Airport Area), and Ford Street (Oakdale Community).

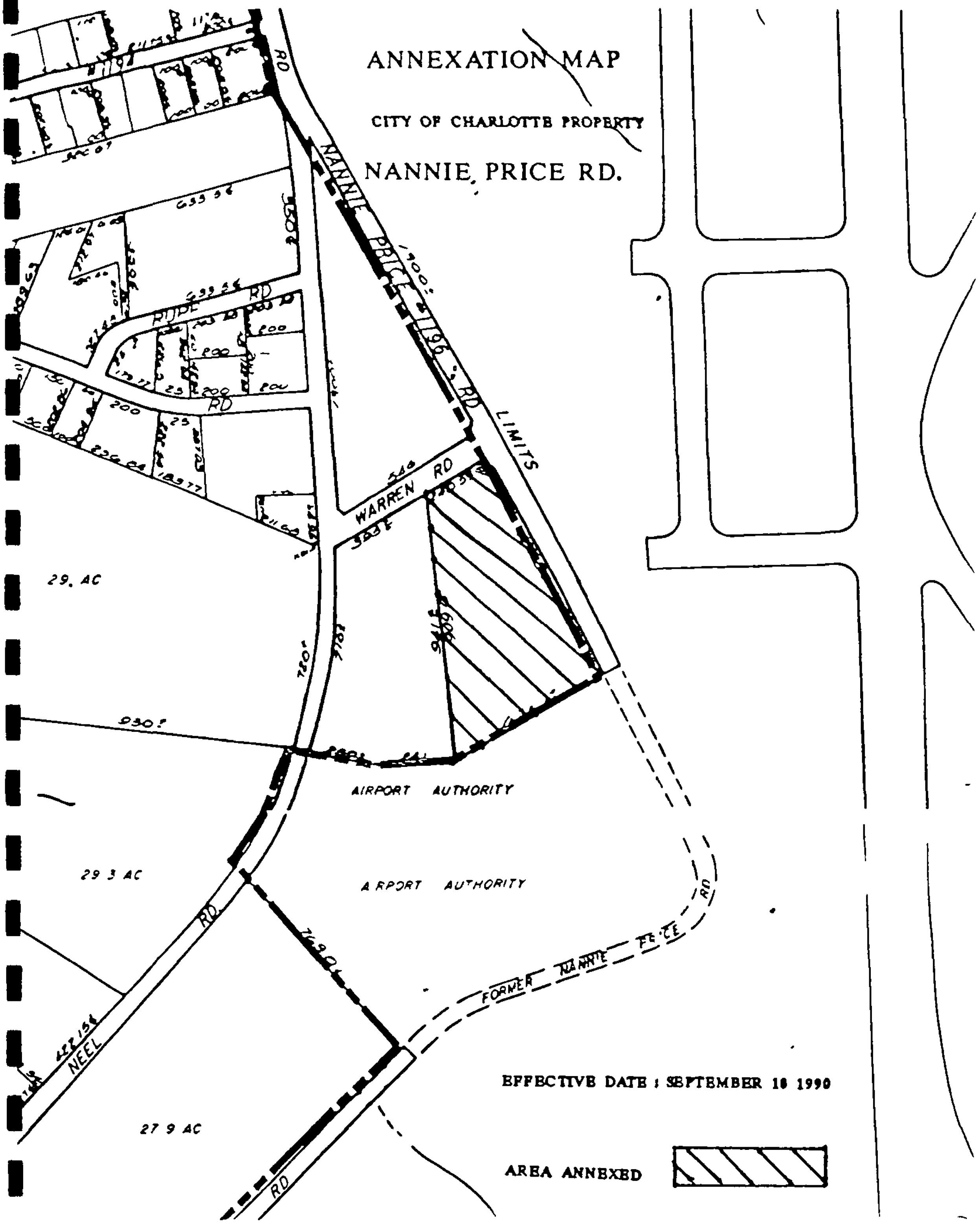
SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
27 9 AC
DIXIE ROAD
NEEL
WALLACE
DIXIE
RD
FORMER
CITY OF CHARLOTTE
AIRPORT AUTHORITY
CHARLOTTE
CITY
EFFECTIVE DATE : SEPTEMBER 10 1990
37 8 AC
AREA ANNEXED


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
27.9 AC
DIXIE ROAD
WALLACE
DIXIE
RD
CHARLOTTE
EFFECTIVE DATE : SEPTEMBER 10 1990
37.8 AC


ANNEXATION MAP
CITY OF CHARLOTTE PROPERTY
NANNIE PRICE RD.
NANNIE PRICE RD
LIMITS
WARREN RD
29. AC
AIRPORT AUTHORITY
29 3 AC
AIRPORT AUTHORITY
FORMER NANNIE PRICE RD
NEEL
27 9 AC
EFFECTIVE DATE : SEPTEMBER 10 1990
AREA ANNEXED

THIS IS TO CERTIFY THAT ON THE 30 DAY OF SEP 19 74 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON

SIGNED R Smith Smith L.S.
REGISTERED SURVEYOR
115 Morehead St
CHARLOTTE N.C. 28216
704/349 3 78

NORTH CAROLINA REGISTERED SEAL L 1482 LAND SURVEYOR RADFORD DENNIS SMITH

FORMERLY ... 60 FT IN (IN WIDEN THE ROAD)

STREET

60 ...

LUCA C UPTON
DEED 3070 ...
TAX PARCEL 035 130 12
1620 FOE
CHARLOTTE N.C. 28

THOMAS ...
... & JEANNE C
DEED 3960 5
TAX PARCEL 035 130 13
3 FORD ST
CHARLOTTE N.C. 28

N 23° 55' 00" W 170.00

679.5

FOEP

DEED ...
TAX PARCEL 035 ...
DI DANDALE
CHARLOTTE N.C. 28...

SIDNEY V EAD
...

N 66° ... E

W LEWIS BYRUM
...
TAX PARCEL 035 ...
...
CHARLOTTE N.C. 28...
1.349 AC

FOR ANNEXATION ...

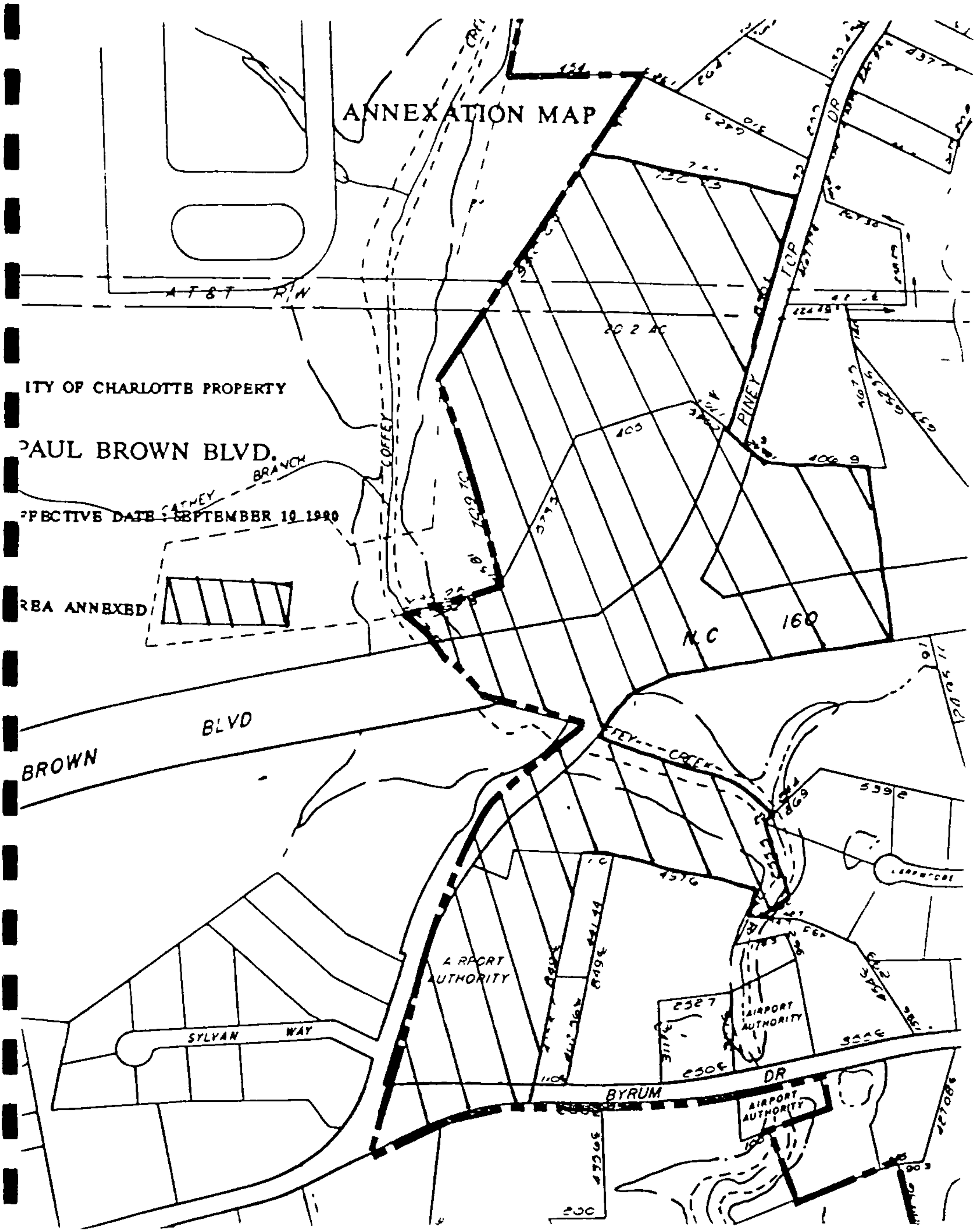
PROPOSED
ANNEXATION OF SURVEY

1.349 AC BYRUM LOT & Road R/W

SCALE 1 = ...
THE PROPERTY OF W LEWIS BYRUM & ELDORA TAYLOR BYRUM

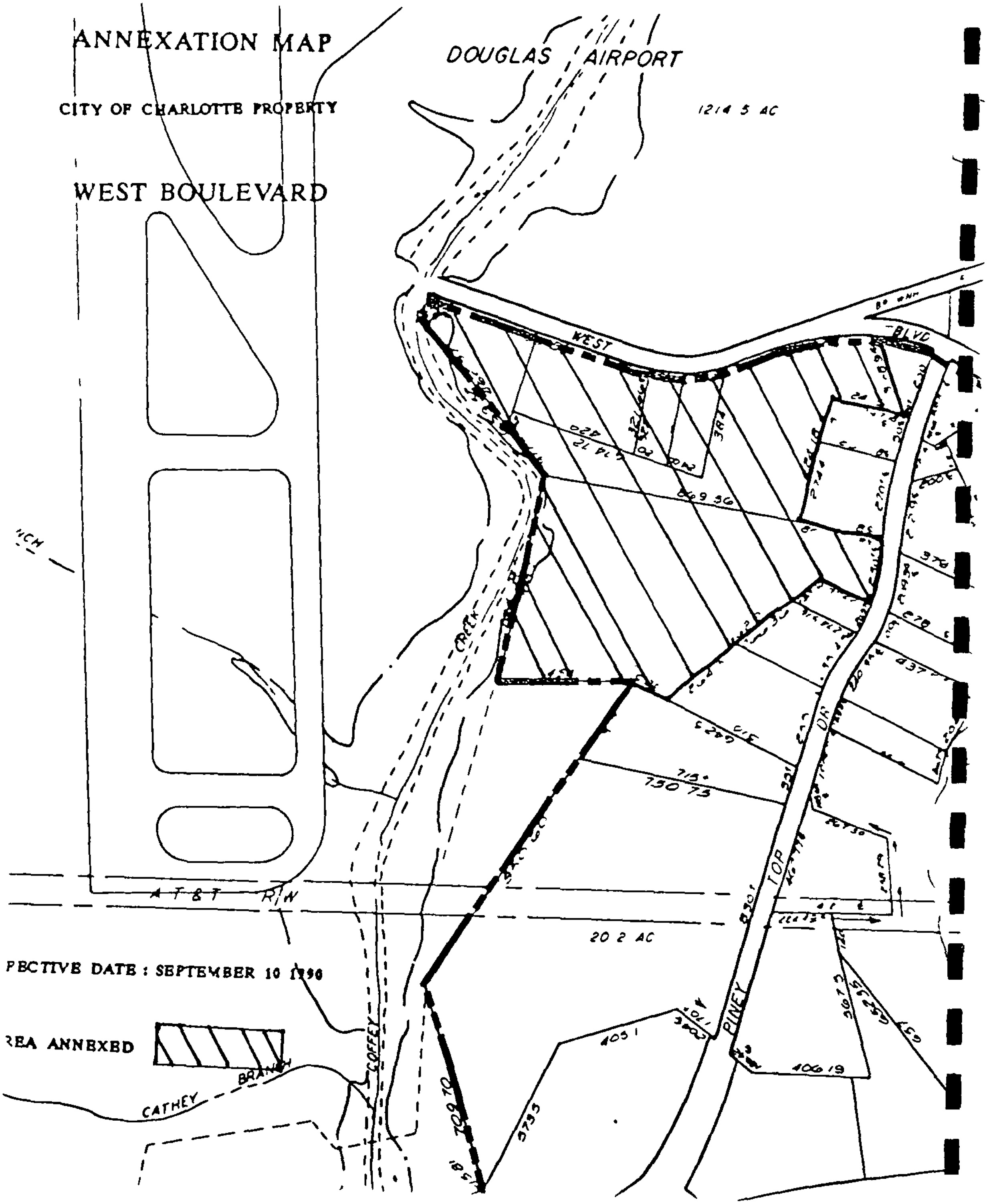
MAP RECORDED IN BOOK ____ AT PAGE ____ DEED RECORDED IN BOOK 5... PAGE ...

R-1


ANNEXATION MAP
ITY OF CHARLOTTE PROPERTY
PAUL BROWN BLVD.
PPECTIVE DATE : SEPTEMBER 10 1980
RBA ANNEXED
A T & T R/W
COFFEY BRANCH
COFFEY
PINEY
TCP
DR
20.2 AC
NC
160
BROWN BLVD
PINEY CREEK
AIRPORT AUTHORITY
SYLVAN WAY
BYRUM DR
AIRPORT AUTHORITY
AIRPORT AUTHORITY

ANNEXATION MAP

CITY OF CHARLOTTE PROPERTY



PECTIVE DATE : SEPTEMBER 10 1990

DATE: July 29, 1991

PETITION NO.: 91-51

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 762 acres located off Plott Road between Plaza Road Extension and Robinson Church Road.

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

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

Nays: None.

REASONS

This petition seeks to establish City zoning jurisdiction on approximately 762 acres of newly annexed properties. The request seeks to establish City zoning using the same districts as currently exist on the properties under the County's jurisdiction with the exception of two tracts located on James Road which are presently zoned RU(CD). The RU(CD) zoned tract located on the west side of James Road is developed with a boarding stable which is allowed under a single family residential category in the City subject to certain performance standards. Inasmuch as the City has no RU district and the boarding stable use is permitted in residential zoning, the site should be rezoned to R-15. The RU(CD) zoned tract located on the east side of James Road is developed with a commercial plant nursery and requires rezoning to B-1(CD) in order to remain a conforming use. Zoning Committee viewed the request as appropriate and recommends its approval.

STAFF OPINION

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

PETITIONER: City of Charlotte

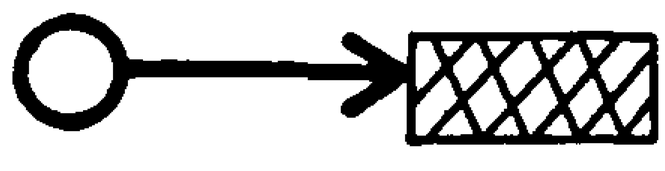
PETITION NO.: 91-51 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

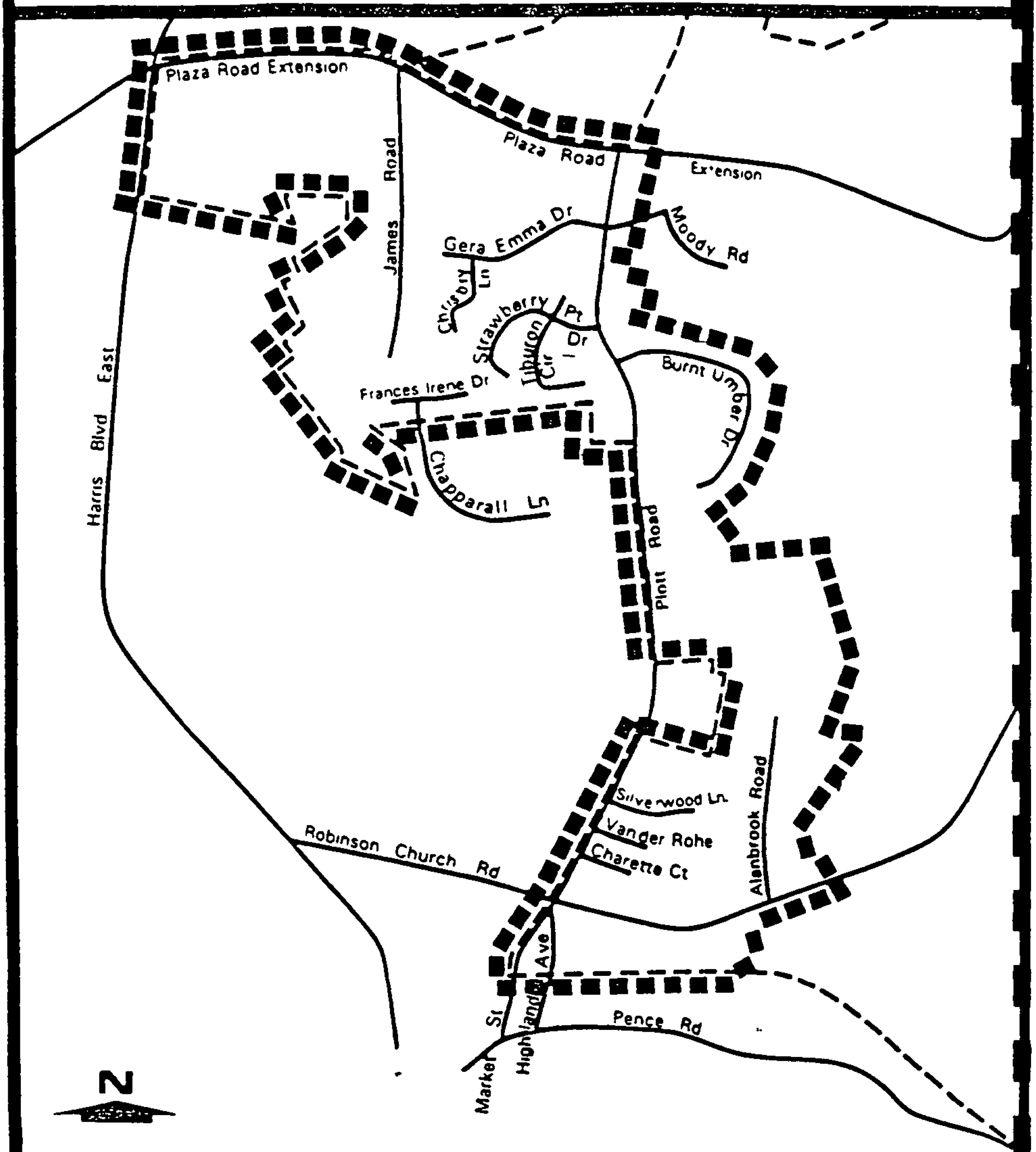
LOCATION: Approximately 762 acres located off Plott Road between Plaza Road Extensin and Robinson Church Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE 

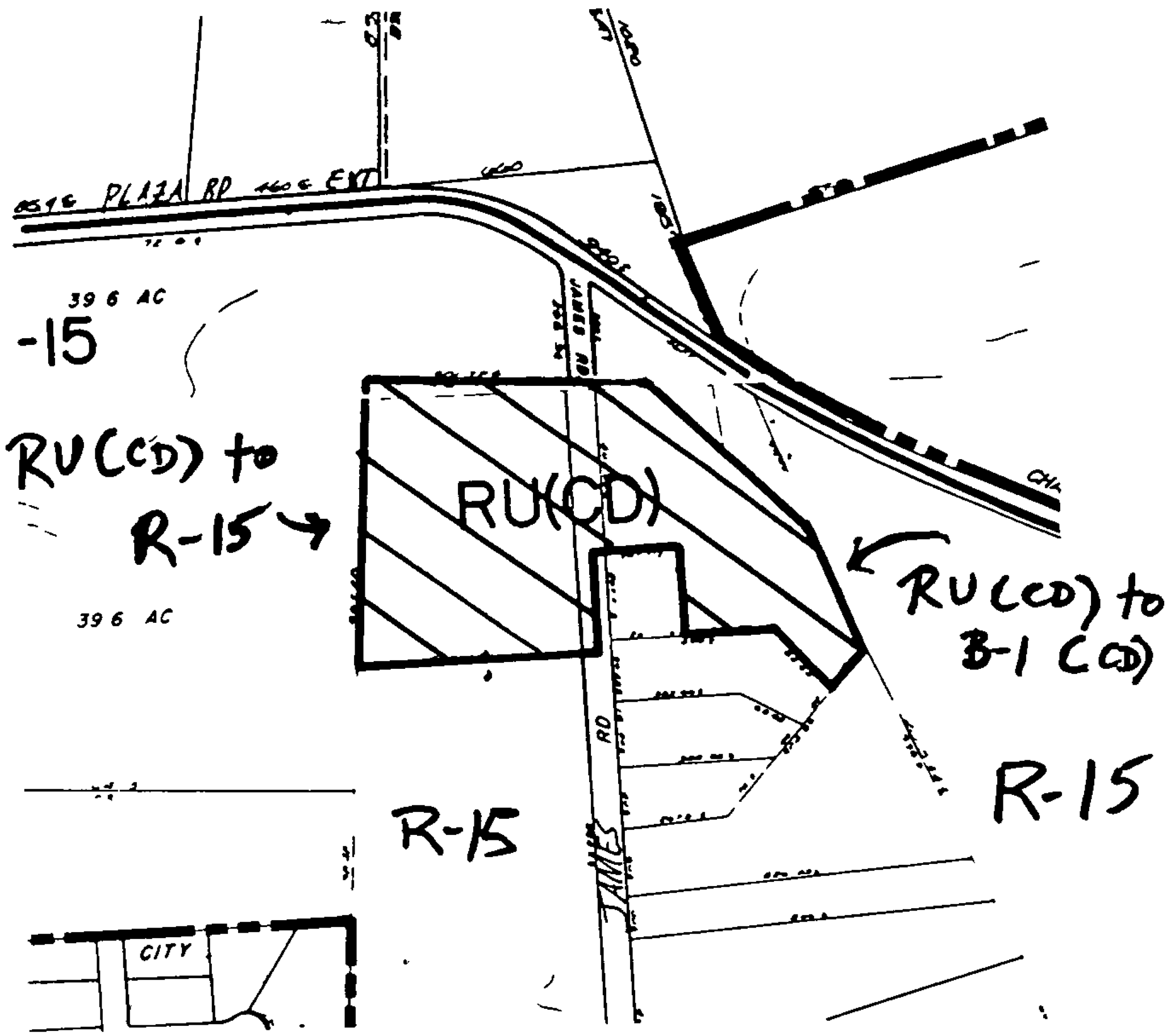
PLOTT ROAD



Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

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



DATE: July 29, 1991

PETITION NO.: 91-52

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 1,445 acres located south of the Airport between Billy Graham Parkway and Highway 160.

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

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

Nays: None.

REASONS

This petition would establish City zoning on recently annexed properties totaling approximately 1,445 acres using the same zoning which currently exists under the County's jurisdiction with the exception of one tract on Byrum Drive presently zoned RU(CD). The site is developed as a boarding stable which is permitted in the City under a single family residential category subject to certain performance standards. Inasmuch as the City has no RU district and the boarding stable is permitted in single family residential zoning, the tract should be rezoned to R-15. Zoning Committee viewed the petition as appropriate and, therefore, recommends its approval.

STAFF OPINION

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

PETITIONER City of Charlotte

PETITION NO. 91-52 HEARING DATE July 15, 1991

REQUEST Establish zoning on property recently annexed by the City

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

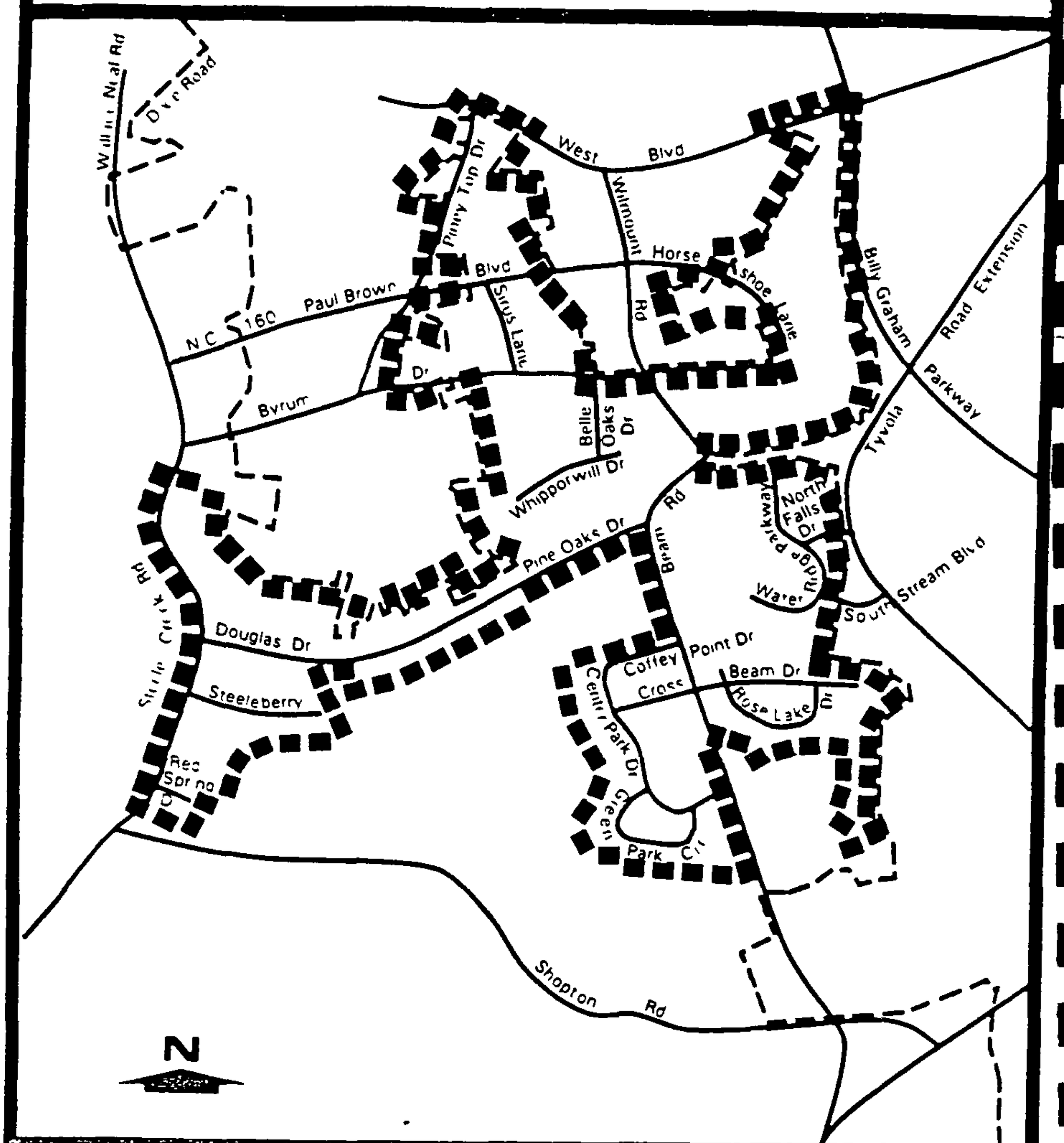
All existing zoning will remain the same, except for the RU(CD) zoning located at the end of Timberly Place, south of Byrum Drive. The City does not have RU zoning, therefore, the property is recommended for R-15.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

BEAM ROAD

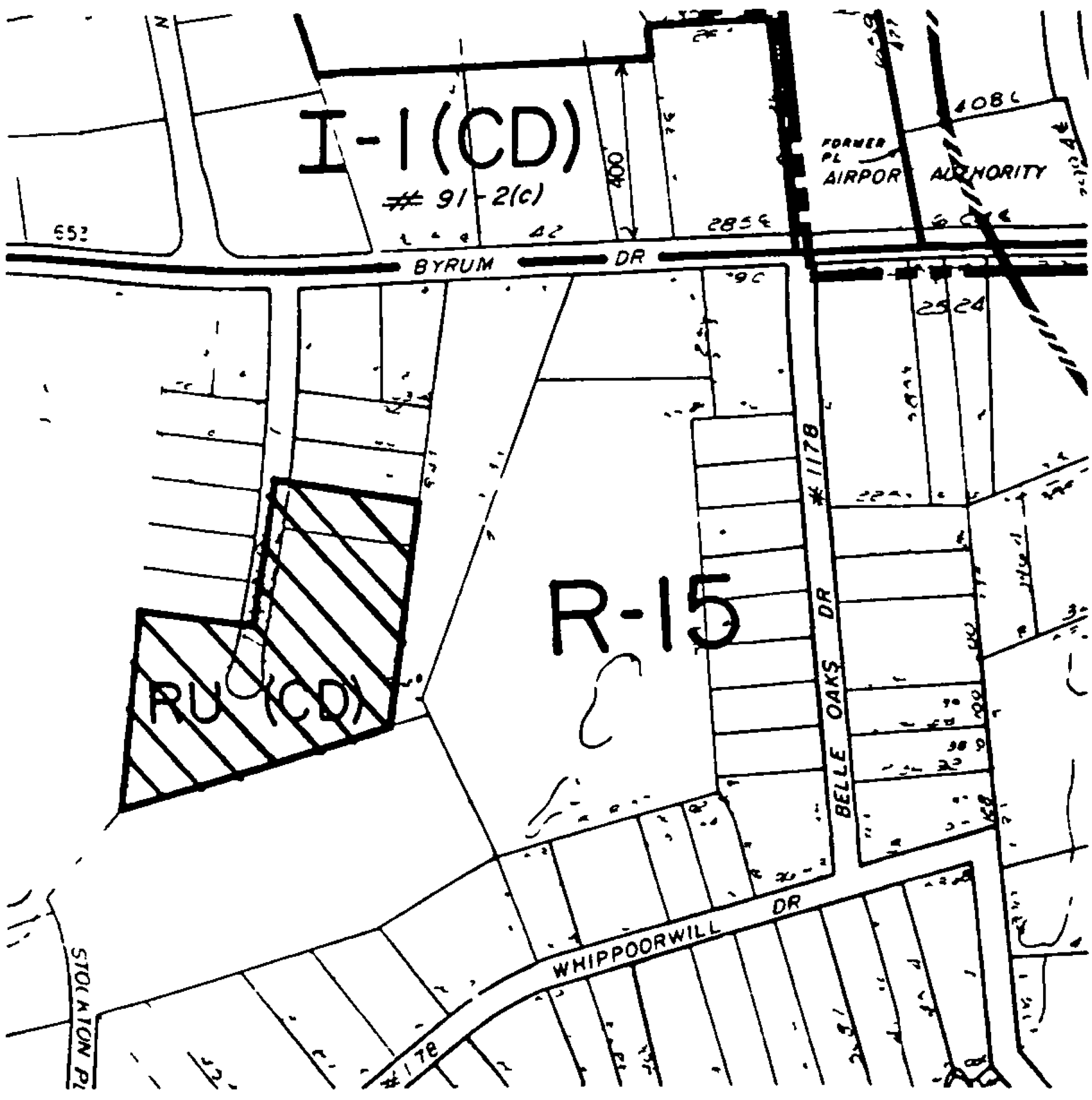


■■■ Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

91-52

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



DATE: July 29, 1991

PETITION NO.: 91-53

PETITIONER(S): City of Charlotte.

REQUEST: Establish zoning on approximately 1,349 acres located between Independence Boulevard and Margaret Wallace Road extending from Sardis Road extending from Sardis Road north to Idlewild Road.

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

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

Nays: None.

REASONS

The subject property was recently annexed by the City. This petition would establish City zoning in the area using the same zoning as currently exists under the County's jurisdiction. There are no issues associated with the request and, therefore, the Zoning Committee recommends approval of the petition.

STAFF OPINION

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

PETITIONER: City of Charlotte

PETITION NO.: 91-53 HEARING DATE: July 15, 1991

REQUEST: Establish zoning on property recently annexed by the City.

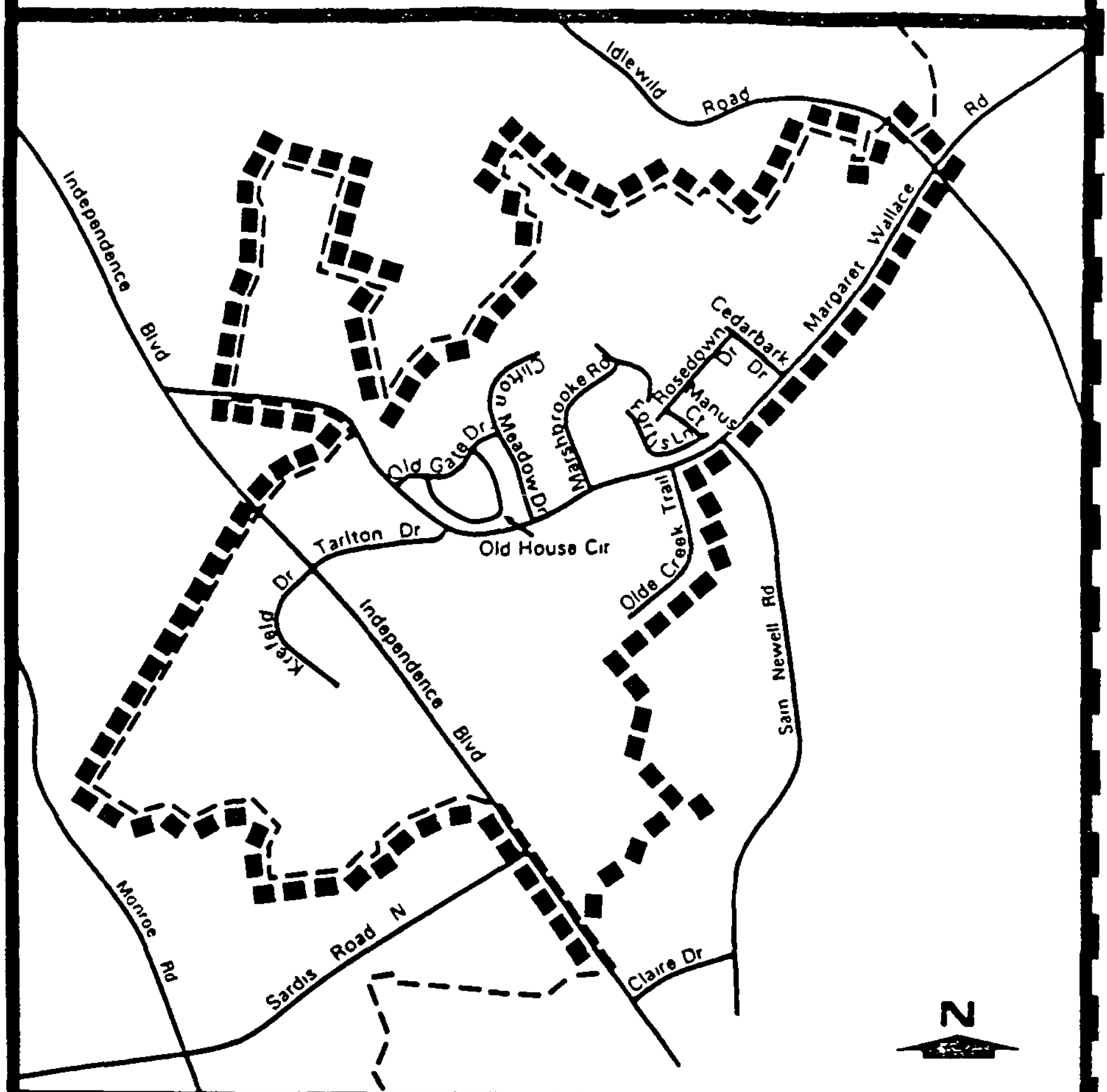
LOCATION: Approximately 1,349 acres located between Independence Boulevard and Margaret Wallace Road extending from Sardis Road North to Idlewild Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

MARGARET WALLACE RD./INDEP.BLVD.



Annexation Area Boundary — — — Present City Limits

Proposed Annexation Area

91-53