AGENDA

Meeting Type:	B
Date:	12-21-1992
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
December 21, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by

2. Announcements

Tuesday, December 22, 4:00 p.m. City Council Planning Committee - Room 270

3. The following requests to speak to agenda items have been received:

(a) Agenda Item No. ~~3~~ 4 - Hearing on Petition No. 92-64

1) Brad Davis

2) Shirley Taylor, 3049 Heathcraft Court - 547-8635 - FOR

2) Charles Ellis, Charlotte Chamber - 376-6523 - FOR

3) Pat Dayton, 9234 Ravenwing Drive - 549-9475 - FOR

(b) Agenda Item No. ~~4~~ 5 - Hearing on Petition No. 92-67

1) Fred Bryant, 1850 East Third Street - 333-1680 - FOR

2) Bailey Patrick, 221 West Trade Street - 372-1120 - FOR

3) M. C. Wallace, 8315 Russell Street - 547-0109 - FOR

4) Pat Dayton, 9234 Ravenwing Drive - 549-9475 - AGAINST

5) David Holding, 9520 Glenwater Drive - (704) 786-4127 - AGAINST

6) Nina Pierson, 11220 Shandon Way - 548-0804 - AGAINST

7) Norcom Corporation, 1512 East Fourth Street - 332-4146 - AGAINST

8) Charles Ellis, Charlotte Chamber - 376-6523 - AGAINST

9) Christine Parks, 2700 Riddings Court - 371-0446 - AGAINST

10) Tim Mead, 7124 Chapperall Lane - 568-0445 - AGAINST

11) Jim Clay, UNCC - 568-0445 - AGAINST

(c) Agenda Item No. ~~5~~ 7 - Hearing on Petition No. 92-69

1) Fred Bryant, 1850 East Third Street - 333-1680 - FOR

(d) Agenda Item No. ~~6~~ 8 - Hearing on Petition No. 92-70

1) Fred Bryant, 1850 East Third Street - 333-1680 - FOR

(e) Agenda Item No. ~~7~~ 6 - Hearing on Petition No. 92-71

1) Charles Ellis, Charlotte Chamber - 376-6523 - AGAINST

(f) Agenda Item No. ~~8~~ 9 - Hearing on Petition No. 92-72

1) Michael Hawley, 2228 Malvern Road - 331-7438 - FOR

2) Gary Pritchett, 1723 Maryland Avenue, 372-9001 - AGAINST

(g) Agenda Item No. ~~9~~ 3 - Hearing on Petition No. 92-73

1) Frank Summers, 5621 Wintercrest - 553-2462 -AGAINST

2) Carol Bahringer, 5520 Barnsley Place - 553-9611 - AGAINST

3) Peter Burlos, 5272 Fairview Road - 553-2403 - AGAINST

(g) Agenda Item No. 10 - Hearing on Petition No. 92-74

1) Al Allison, P. O. Box 35628 - 376-7535 - FOR

2) Fred Bryant, 1850 East Third Street - 333-1680 - AGAINST

3) Bailey Patrick, 227 West Trade Street - 371-1120 - AGAINST

4) Don Goins, 10th Div. of Engineering, NCDOT - AGAINST

92-72

CHRISTOPHER J BRANCH - FOR

ROBERT CHANDLER - FOR

CHARLOTTE

Meetings in December '92

DECEMBER 1 - 4

3, Thursday

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

5 30 p m — **CHAMBER OF COMMERCE/ELECTED OFFICIALS QUARTERLY MEETING** - NationsBank Corporate Center, 41st Floor Conference Room, 100 N Tryon Street

6 45 p m — **ELECTED OFFICIALS RECEPTION** - NationsBank Corporate Center, 41st Floor Conference Room, 100 N Tryon Street

4, Friday

5 45 p m — **DEDICATION OF THOMAS POLK PARK** - The Square

THE WEEK OF DECEMBER 7 - 11

7, Monday

8 00 a m — **MAYOR'S INTERNATIONAL CABINET** - CMGC, Room 118

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

2 00 p m — **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room

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

8, Tuesday

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

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

6 30 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

9, Wednesday

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

2 00 p m — **HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room

3 00 p m — **HISTORIC DISTRICT COMMISSION/Regular Meeting** - CMGC, 8th Floor Conference Room

4 00 p m — **CITY COUNCIL TRANSPORTATION COMMITTEE** - CMGC, Room 270

9 30 a m — **CIVIL SERVICE HEARING (Closed)** - CMGC, Meeting Chamber Conference Room

10, Thursday

3 30 p m — **CLEAN CITY COMMITTEE/Business Beautification Awards Committee** - CMGC, Room 270

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

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF DECEMBER 14 - 18

14, Monday

1 00 p m	**CITY COUNCIL SERVICES ASSESSMENT WORKSHOP** - CMGC, Meeting Chamber 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)
7 00 p m	**HISTORIC LANDMARKS COMMISSION** - Commission Office, Law Building, 730 E Trade St , Suite 100

15, Tuesday

9 00 a m	**ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 N Tryon St , Building Standards Training Room
12 00 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
2 00 p m	**HOUSING AUTHORITY** - Authority Office, 1301 South Boulevard

16, Wednesday

7 30 a m	**CITY COUNCIL/COUNTY COMMISSION/CHAMBER OF COMMERCE** - CMGC, 15th Floor Conference Room
9 00 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Convention Center Office, 2940 One First Union Center

17, Thursday

8 30 a m	**CIVIL SERVICE BOARD/HEARING (Closed)** - CMGC, Meeting Chamber Conference Room
2 00 p m	**CMUD ADVISORY COMMITTEE** - Utility Dept , 5100 Brookshire Blvd
2 00 p m	**ADVISORY ENERGY COMMISSION** - CMGC, Room 271
5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room
7 30 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

THE WEEK OF DECEMBER 21 - 25

21, Monday

2 30 p m	**PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room
6 00 p m	**CITY COUNCIL MEETING/Zoning Hearings** - CMGC, Meeting Chamber
At end of 6 p m Mtg	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room

22, Tuesday

6 30 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

23, Wednesday

7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center

24, Thursday & 25, Friday

All City Offices Closed for the Christmas Holidays

These organizations will not meet in December·

Citizens Cable Oversight Committee
Community Relations Committee
Firefighters Retirement Board
Insurance & Risk Mgmt Advisory Board
Parade Permit Committee

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

Stan Campbell
Daniel G Clodfelter
Patrick McCrory
Nasif Rashad Majeed
Thomas A Mangum
Hoyle H Martin
Cyndee Patterson
Don D Reid
Ella Butler Scarborough
Lynn M Wheeler

Council Agenda Monday, December 21, 1992

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

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

Invocation by

ITEM NO.

PUBLIC HEARINGS

Ord #1
#3481-X
B41
p-216

1. Hearing to consider designation of the Oscar J. Thies Automobile Sales and Service Building (specifically the entire exterior of the structure and the land upon which its sits), located at 500 North Tryon Street, as historic landmark.

The Historic Properties Commission bases its judgement on the following considerations:

Hammond/Clodfelter Close Hrng. Unan.

(1) The property occupied by Oscar J. Thies Automobile Sales and Service Building has been in continual use since 1865 and was occupied by a dwelling until 1920.

Hammond/Clodfelter App Unan.

(2) Oscar J. Thies held a degree in mining engineering and spent fifteen years in that field before opening his own Charlotte Real Estate Company, the Carolina Realty Company.

(3) Oscar J. Thies organized the Thies-Smith Realty Company in 1912 and the Thies Realty and Mortgage Company in 1936.

(4) The Thies-Smith Realty Company built many homes in Dilworth, Myers Park and Elizabeth.

(5) Three generations of the Thies family have administrated the Thies Realty and Mortgage Company.

(6) The Oscar J. Thies Automobile Sales and Service Building, built in 1921, was designed by Louis Asbury, Charlotte's first professionally-trained architect.

(7) The Oscar J. Thies Automobile Sales and Service Building housed several automobile dealerships until 1930.

(8) The Oscar J. Thies Automobile Sales and Service Building has many exterior appointments, such as the terra cotta embedded in the pilasters and the decorative front roof of tile, intact and in very good condition.

(9) The Oscar J. Thies Automobile Sales and Service Building is architecturally significant as one of the last examples of the 1920's commercial style building remaining on North Tryon Street in Charlotte.

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

Based on the current assessment and tax rate, the amount of deferrable taxes would be $991.59.

Recommend adoption of an ordinance designating the Oscar J. Thies Automobile Sales and Service Building and the ground upon which it sits as historic property.

Attachment No. 1

2. Hearing to consider designation of the Johnston Building (specifically, the entire exterior and portions of the interior of the structure and the tract of land upon which it sits located at 212 South Tryon Street as historic property.

Ord. #2
3982 X
B 41
P- 246

The Historic Properties Commission bases its judgement on the following considerations:

(1) Charles Worth Johnston, born in 1861, began his career as a textile industrialist in Charlotte in 1892.

McCrory/Wheeler
Close Hearing
unan

Charles Worth Johnston was an officer in at least five different companies by 1924, the year the Johnston Building was completed.

Wheeler/McCrory
App unan.

(3) The Johnston Building was designed by William Lee Stoddart, an acclaimed architect practicing out of New York City.

(4) The Johnston Building was the tallest skyscraper in Charlotte when it opened in 1924.

(5) The Johnston Building housed cotton brokers, insurance agents, attorneys, realty companies and numerous independent businessmen, including the E. C. Griffith Company, Architect C. C. Hook, and the Honorable Cameron Morrison.

(6) The Johnston Building is architecturally significant to the streetscape as one of the first examples of the 1920's tall office buildings constructed on Tryon Street in Charlotte.

(7) The Johnston Building is architecturally significant for its height at the time of its construction and for its excellent design, materials and workmanship.

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

Based on the current assessment and tax rate, the amount of deferrable taxes would be $9,447.16.

Recommend adoption of an ordinance designating the Johnston Building, the entire exterior and portions of the interior and the ground upon which it sits as an historic landmark.

Attachment No. 2

4 Reid/Scarborough Excuse Cloodfelter from 92-64 & 92-71 unan.

(92-64) Hearing on Petition No. 92-64 by The Hahn Company for a change in zoning from B-1SCD to CC for a 77.7 acre site located on the northeasterly corner of the intersection of I-85 and W. T. Harris Boulevard.

Attachment No. 3

Hammond/Scarborough Continue Hearing to Jan. unan.

5 Martin/Scarborough Excuse Cloodfelter unan. Hammond/Reid continue to Jan. unan

(92-67) Hearing on Petition No. 92-67 by The Foundation of the University of North Carolina at Charlotte, Inc. and the Crosland Group for a change in zoning from R-3, R-5 and Institutional to Commercial Center (CC) for approximately 80 acres located on the north side of Highway 49 (University City Boulevard) and extending from Harris Boulevard to U. S. 29 (North Tryon Street).

Attachment No. 4

7 (92-69) Hearing on Petition No. 92-69 by Center Properties for a change in zoning from B-1 and O-1 to B-2(CD) for an 8.5 acre site located along the south side of Fairview Road, west of Sharon Road.

Attachment No. 5

McCrory/Scarborough Close Hearing unan.

8 X. (92-70) Hearing on Petition No. 92-70 by Norwood Plants and Garden Center for a change in zoning from R-3 to B-1(CD) for approximately 3.4 acres located on the north side of Albemarle Road east of Hollirose Drive.

Margaret/Wheeler Close Hearing unan.

Attachment No. 6

6 X. (92-71) Hearing on Petition No. 92-71 by Cambridge Properties for a change in zoning from B-1SCD and Institutional CD to CC (Commercial Center) and R-22MF(CD) for a 79.3 acre site located along the west side of U.S. 29, adjacent to University Place.

Hammond/Martin Move to Item 6 unan.
McCrory/Martin Continue Hearing for Jan. unan.

A protest petition was filed, but has now been withdrawn.

Attachment No. 7

9 X. (92-72) Hearing on Petition No. 92-72 by Christopher Branch for a change in zoning from R-3 to UR-1(CD) and UR-2(CD) for a 2.77 acre site located on the southwest corner of the intersection of East Boulevard, Maryland Avenue and Queens Road West.

Scarborough/Wheeler Close Hrng unan.

Attachment No. 8

3 X. (92-73) Hearing on Petition No. 92-73 by James E. Body for a change in zoning from R-3 to UR-2(CD) for approximately 6.89 acres located on the north side of Fairview Road west of Wintercrest Road.

Scarborough/Mergan Open Hearing and Continue for 90 days unan.

Margan/Scarborough Move to Item 3 unan.

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

Attachment No. 9

10. (92-74) Hearing on Petition No. 92-74 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to correct typographical errors, omissions, and make minor corrections or clarifications as a result of ordinance administration.

Wheeler/Martin Close Hrng unan.

Attachment No. 10

DECISIONS

Hammond/Mangum Defer 30 days unan.

11. (92-45) Decision on Petition No. 92-45 by YMCA of Charlotte-Mecklenburg for a change in zoning from R-12MF and SUP to Institutional (CD) for a 30.2 acre site located at the intersection of Sharon Road, Quail Hollow Road and Sharon Hills Road. (Harris YMCA)

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.

This petition was deferred at the September 21, October 19 and November 16 meetings.

The Zoning Committee recommends that this petition be deferred for 30 days.

Attachment No. 11

Ord #3 #3483-2 B 41 P 250

Mangum/Wheeler approved unan.

12. (92-58) Decision on Petition No. 92-58 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-17MF to I-1 for a 1,500 square foot parcel located off the west side of Statesville Avenue extending from Spratt Street to the North Graham Street ramp.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

Ord. #4 #3484-2 B-41 P-252

Scarborough/Mangum C-P-unan.

13. (92-68) Decision on Petition No. 92-68 by City of Charlotte Community Development Department for a change in zoning from R-4 to R-17MF(CD) for a 1.7 acre site located on the easterly side of China Grove Church Road north of the Outer Belt (Formerly Silver Mount Baptist Church)

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

Res. #1 B-30 P-254

Scarborough/Wheeler C-P-unan.

14. Recommend adoption of resolution calling for public hearings on Tuesday, January 19, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street for Petition Nos. 93-1 through 93-3 for zoning purposes.

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested

Consideration of an ordinance designating the property known as the "Oscar J Thies Automobile Sales and Service Building" (specifically, the entire exterior of the structure and the tracts of land recorded under Tax Parcel Numbers 080-033-01 and 080 033-02) located at 500 North Tryon Street, Charlotte, North Carolina, as historic landmark.

Responsible Department

Charlotte-Mecklenburg Historic Landmarks Commission

This request should be organized according to the following categories
Background Explanation of Request Source of Funding Clearances Bibliography

Background - The Commission judges that the property known as the Oscar J Thies Automobile Sales and Service Building does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) the property occupied by the Oscar J Thies Automobile Sales and Service Building has been in continual use since 1865 and was occupied by a dwelling until 1920, 2) Oscar J Thies held a degree in mining engineering and spent fifteen years in that field before opening his own Charlotte real estate company, the Carolina Realty Company, 3) Oscar J Thies organized the Thies-Smith Realty Company in 1912 and the Thies Realty and Mortgage Company in 1936, 4) the Thies-Smith Realty Company built many homes in Dilworth, Myers Park and Elizabeth, 5) three generations of the Thies family have administrated the Thies Realty and Mortgage Company, 6) the Oscar J Thies Automobile Sales and Service Building, built in 1921, was designed by Louis Asbury, Charlotte's first professionally-trained architect, 7) the Oscar J Thies Automobile Sales and Service Building housed several automobile dealerships until 1930, 8) the Oscar J Thies Automobile Sales and Service Building has many exterior appointments, such as the terra cotta embedded in the pilasters and the decorative front roof of tile, intact and in very good condition, and 9) the Oscar J Thies Automobile Sales and Service Building is architecturally significant as one of the last examples of the 1920's commercial style building remaining on North Tryon Street in Charlotte

Explanation of Request - Pursuant to Chapter 160A, Article 19 of the General Statutes of North Carolina, City Council, following the joint public hearing held by the City Council and the Historic Landmarks Commission, may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $991 59

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

Bibliography - Survey and Research Report on the Oscar J Thies Automobile Sales and Service Building (24 July 1992)

For Office Use Only

Date Submitted 7 December 1992

Agenda Date Requested 21 December 1992

Consequences if Agenda Date is Delayed or Action is Deferred Would delay historic designation of the property, thereby depriving the property of the legal safeguards against material alteration or demolition which are provided by historic landmark status

Contact Person for Questions from the City Manager's Office Ms. Nora M. Black, Architectural/Historical Consultant (376-9115)

Authorized by Dr. Dan L. Morrill, HLC Consulting Director

Approved by *Department Head*

Assistant City Manager

List Attachments

1 Draft of Ordinance
2 Survey and Research Report (on file at office of City Clerk)
3 Letter with Vote of Charlotte-Mecklenburg Historic Landmarks Commission
4 Tax Deferment Letter
5 Title Search by HLC Attorney
6 Letter from North Carolina Division of Archives and History
7 Comment Summary of Department Review

AN ORDINANCE DESIGNATING AS HISTORIC LANDMARK A PROPERTY KNOWN AS "OSCAR J THIES AUTOMOBILE SALES AND SERVICE BUILDING" (LISTED UNDER TAX PARCEL NUMBERS 080-033-01 AND 080-033-02 AND INCLUDING THE EXTERIOR OF THE "OSCAR J THIES AUTOMOBILE SALES AND SERVICE BUILDING" LOCATED WITHIN THE BOUNDARIES OF SAID TAX PARCEL) THE PARCEL OF LAND TO BE DESIGNATED IS LISTED UNDER TAX PARCEL NUMBERS 080-033-01 AND 080-033-02 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NORTH CAROLINA THE PROPERTY, OWNED BY MOREHEAD PROPERTIES, INCORPORATED, IS LOCATED AT 500 NORTH TRYON STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, all of the prerequisites to 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 City Council of the City of Charlotte, North Carolina, has 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 _____, 1992, on the question of designating a property known as the "Oscar J Thies Automobile Sales and Service Building" (listed under tax parcel numbers 080-033-01 and 080-033-02) as historic landmark, and

WHEREAS, the property now occupied by the "Oscar J Thies Automobile Sales and Service Building" has been in continual use since 1865 and was occupied by a dwelling until 1920, and

WHEREAS, Oscar J Thies held a degree in mining engineering and spent 15 years in that field before opening his own Charlotte real estate company, the Carolina Realty Company, and

WHEREAS, Oscar J Thies organized the Thies-Smith Realty Company in 1912 and the Thies Realty and Mortgage Company in 1936, and

WHEREAS, the Thies-Smith Realty Company built many homes in Dilworth, Myers Park and Elizabeth, and

ORDINANCE - Oscar J Thies Automobile Sales and Service Building

WHEREAS, three generations of the Thies family have administered the Thies Realty and Mortgage Company, and

WHEREAS, the building known as "Oscar J Thies Automobile Sales and Service Building", built in 1921, was designed by Louis Asbury, and

WHEREAS, the building known as "Oscar J Thies Automobile Sales and Service Building" housed several automobile dealerships until 1930, and

WHEREAS, the building known as "Oscar J Thies Automobile Sales and Service Building" is architecturally significant for the many exterior appointments, such as the terra cotta embedded in the pilasters and the decorative front roof of tile, intact and in very good condition, and

WHEREAS, the building known as "Oscar J Thies Automobile Sales and Service Building" is architecturally significant to the streetscape as one of the last examples of the 1920's commercial style building remaining on North Tryon Street in Charlotte, and

WHEREAS, the original historic fabric of the exterior of the "Oscar J Thies Automobile Sales and Service Building" is largely intact and visible, and

WHEREAS, the current Owner, Morehead Properties, Incorporated, has faithfully maintained the "Oscar J Thies Automobile Sales and Service Building" 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 "Oscar J Thies Automobile Sales and Service Building" (listed under tax parcel numbers 080-033-01 and 080-033-02), 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 "Oscar J Thies Automobile Sales and Service Building" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Oscar J Thies Automobile Sales and Service Building" is owned by Morehead Properties, Incorporated,

ORDINANCE - Oscar J Thies Automobile Sales and Service Building

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

1 That the property known as the "Oscar J Thies Automobile Sales and Service Building" (listed under tax parcel numbers 080-033-01 and 080-033-02 and including the exterior of the Oscar J Thies Automobile Sales and Service Building) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 500 North Tryon Street, Charlotte, in Mecklenburg County, North Carolina Exterior features are more completely described in the *Survey and Research Report of Oscar J Thies Automobile Sales and Service Building* (24 July 1992)

2 That said designated property 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, Part 3C, and amendments thereto

3 That nothing in this ordinance shall be construed to prevent or delay the 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 owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owner of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,* the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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

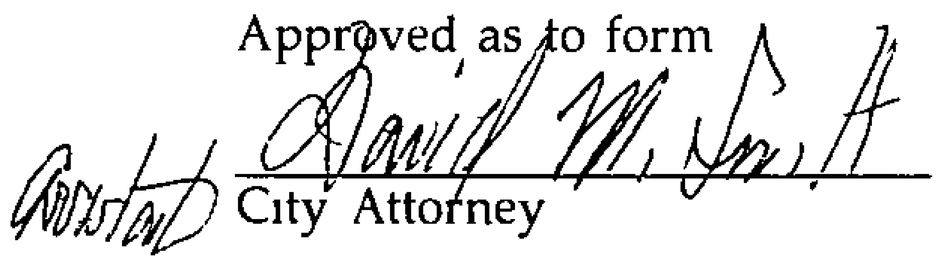
5 That the Owner and occupants of the landmark known as the "Oscar J Thies Automobile Sales and Service Building" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg 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 _____ 1992 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

7 December 1992

Ms Brenda Freeze
City Clerk, City of Charlotte
CMGC, 600 East 4th Street
Charlotte, North Carolina 28202

Dear Ms. Freeze:

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *Oscar J Thies Automobile Sales and Service Building*. The owner, Morehead Properties, Inc , has indicated approval of the prospect of designation, consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 10 August 1992 The results are as follows:

Favor· Louis Bledsoe, Robert Drakeford, Marcia Hart, B. J. Hendrix, Van Hill, Chris Oates, Shirley Rico, Jim VanOrsdel, Thornton Withers
Oppose: Milton Grenfell
Abstain: None

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

Sincerely,

Nora M Black

Nora M. Black
Architectural/Historical Consultant

Enclosures

c: Mr. Louis A. Bledsoe, III, HLC Chairman
Dr. Dan Morrill, Consulting Director
Ms. Pamela Syfert, Deputy City Manager

P O BOX 35434 • CHARLOTTE, N C 28235 • (704) 376-9115 • FAX (704) 372-4584

MECKLENBURG COUNTY

Office of the Tax Administrator

August 20, 1992

Ms Nora M Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P O. Box 35434
Charlotte, North Carolina 28234

RE Oscar J. Thies Automobile Sales and Service Building
Parcel Nos 080-033-01 and 080-033-02

Dear Ms Black:

Based on the current assessment and the 1992 tax rate, the potential amount of deferrable taxes on the above mentioned property would be

City Tax	227,430 x 436	=	$ 991 59
Special District Tax	227,430 x .0358	=	81.42
County Tax	227,430 x .76	=	1,728 47

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

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

HELMS, CANNON, HAMEL & HENDERSON
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SUITE 2300 TWO FIRST UNION CENTER
CHARLOTTE NORTH CAROLINA 28282

H PARKS HELMS
THOMAS R CANNON
WILLIAM F HAMEL
DAVID L HENDERSON
CHRISTIAN R TROY
BRUCE L JAMES
WILLIAM B HAMEL

CHARLES J HENDERSON
(RETIRED)
THOMAS G LANE JR
(RETIRED)

TELEPHONE (704) 372-4884
TELECOPIER (704) 332 0585

August 27, 1992

Ms. Nora M. Black, Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
Post Office Box 35434
Charlotte, North Carolina 28234

Re **OSCAR J. THIES AUTOMOBILE SALES AND SERVICE BUILDING**
500 North Tryon Street, Charlotte, North Carolina

Dear Ms. Black

Pursuant to your request of August 13, 1992, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is **MOREHEAD PROPERTIES, INC., 1032 East Morehead Street, Suite 300, Charlotte, North Carolina 28204,** subject to a DEED OF TRUST recorded in Book 6790, Page 845, in the Mecklenburg County Register of Deeds, in favor of

Mr. Bryan F. Kennedy III, Trustee
for Park Meridian Bank
6826 Morrison Boulevard
Charlotte, North Carolina 28211

and such tenant(s) as might have a leasehold interest in the property under a verbal or unrecorded written Lease having a term of three years or less.

Please find enclosed a statement for services rendered in this connection.

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey, Secretary

Division of Archives and History
William S Price Jr Director

September 9, 1992

Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P.O. Box 35434
Charlotte, NC 28234

Re: Local landmark designation report for the **Oscar J. Thies Automobile Sales and Service Building**

Dear Ms. Black:

Thank you for the survey and research report for local landmark designation of the **Oscar J. Thies Automobile Sales and Service Building, 500 North Tryon Street, Charlotte, Mecklenburg County.** We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

The report documents that the building is significant in terms of its architectural, historical, and cultural importance, and that it possesses integrity of design, workmanship, and materials, and association.

The Oscar J. Thies Automobile Sales and Service Building, built in 1921, was designed by Louis Asbury, Jr., Charlotte's first professionally trained architect, for prominent Charlotte businessman and real estate developer Oscar J. Thies. This two-story brick building, with basement in the rear portion, is one of the few remaining examples of the 1920's commercial style building on North Tryon Street. With the exception of replacement window sashes, the building remains substantially intact.

We concur with the Commission's finding that the Oscar J. Thies Automobile Sales and Service Building possesses the requisite special significance and integrity for local landmark designation as set forth in G.S. 160A-400.5. We support the Commission's recommendation for designation of the exterior of the building and its land parcels as a local landmark.

Thank you for the opportunity to comment on this proposed designation. As you requested, I'm returning your slides. Should you have any questions regarding our comments, please feel free to contact me at 919-733-6545.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

MW:w

enclosures

cc: Louis A. Bledsoe, III, Chairman, Charlotte-Mecklenburg Historic Landmarks Commission
Dr. Dan L. Morrill, Consulting Director, Charlotte-Mecklenburg Historic Landmarks Commission

Charlotte-Mecklenburg Historic Landmarks Commission

DEPARTMENT REVIEW PROCESS
FOR HISTORIC LANDMARKS DESIGNATION

Oscar J. Thies Automobile Sales and Service Building

FINDINGS

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects.

COMMENT SUMMARY

Building Inspection	-	No response.
Community Development	-	No response
Engineering	-	No relation to Department Plans, CIP Projects or permits under consideration Tryon Street is a minor thoroughfare with adequate right-of-way at this location.
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	Subject to UMUD zoning requirements and could be affected by future uptown streetscape improvements Building currently undergoing local CLG review for National Register designation Also lies within uptown cultural district
Transportation	-	Right-of-way requirements (see attached).
Char-Meck Utility Department	-	No comments

P O BOX 35434 • CHARLOTTE, N C 28235 • (704) 376-9115 • FAX (704) 372-4584

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

OSCAR J. THIES AUTOMOBILE SALES AND SERVICE BUILDING

According to the Charlotte Mecklenburg Thoroughfare Plan (1988):

> North Tryon Street is a minor thoroughfare with a current right-of-way width of 80 feet and East Eighth Street is a local commercial street with a current right-of-way width of 30 feet.
>
> The two parcels being processed for historic designation are located in the UMUD zoning district. Under UMUD zoning requirements, the required right-of-way is determined by the Charlotte Department of Transportation and Charlotte Mecklenburg Planning Commission.
>
> The Tryon Street Mall streetscape currently stops at the south corner of East Eighth Street. There is sufficient width on Tryon Street to extend the streetscape treatment further north along Tryon Street without impacting the building.
>
> CDOT is not opposed to the historic designation. However, if the building is ever demolished or modified, CDOT would request additional right-of-way on East Eighth Street to meet, at a minimum, the 50 feet of right- of-way (25 feet from the centerline) required for a local commercial street in the Charlotte Mecklenburg Comprehensive Street Classification System.

Charlotte Department of Transportation
09 September 1992

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested

Consideration of an ordinance designating the property known as the "Johnston Building" (specifically, the entire exterior and portions of the interior of the structure and the tract of land recorded under Tax Parcel Number 073-016 13) located at 212 South Tryon Street, Charlotte, North Carolina, as historic landmark

Responsible Department

Charlotte-Mecklenburg Historic Landmarks Commission

This request should be organized according to the following categories
Background Explanation of Request Source of Funding Clearances Bibliography

Background - The Commission judges that the property known as the Johnston Building does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) Charles Worth Johnston, born in 1861, began his career as a textile industrialist in Charlotte in 1892, 2) Charles Worth Johnston was an officer in at least five different Companies by 1924, the year the Johnston Building was completed, 3) the Johnston Building was designed by William Lee Stoddart, an acclaimed architect practicing out of New York City, 4) the Johnston Building was the tallest skyscraper in Charlotte when it opened in 1924, 5) the Johnston Building housed cotton brokers, insurance agents, attorneys, realty companies and numerous independent businessmen, including the E C Griffith Company, Architect C C Hook and the Honorable Cameron Morrison, 6) the Johnston Building is architecturally significant to the streetscape as one of the first examples of the 1920's tall office buildings constructed on Tryon Street in Charlotte, 7) the Johnston Building is architecturally significant for its height at the time of its construction and for its excellent design, materials and workmanship

Explanation of Request Pursuant to Chapter 160A, Article 19 of the General Statutes of North Carolina, City Council, following the joint public hearing held by the City Council and the Historic Landmarks Commission, may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $9,447 16 in city tax and $1,100 72 in special district tax

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

Bibliography - Survey and Research Report on the Johnston Building (27 May 1991)

For Office Use Only

Date Submitted 7 December 1992

Agenda Date Requested 21 December 1992

Consequences if Agenda Date is Delayed or Action is Deferred Would delay historic designation of the property, thereby depriving the property of the legal safeguards against material alteration or demolition which are provided by historic landmark status

Contact Person for Questions from the City Manager's Office Ms Nora M. Black, Architectural/Historical Consultant (376-9115)

Authorized by Dr. Dan L. Morrill, HLC Consulting Director

Approved by *Department Head*

Assistant City Manager

List Attachments

1. Draft of Ordinance
2. Survey and Research Report (on file at office of City Clerk)
3. Letter with Vote of Charlotte-Mecklenburg Historic Landmarks Commission
4. Permission of Owners for Interior Design Review
5. Tax Deferment Letter
6. Title search by HLC Attorney
7. Letter from North Carolina Division of Archives and History
8. Comment Summary of Department Review

AN ORDINANCE DESIGNATING AS HISTORIC LANDMARK A PROPERTY KNOWN AS "JOHNSTON BUILDING" (LISTED UNDER TAX PARCEL NUMBER 073-016-13 AND INCLUDING THE EXTERIOR AND PORTIONS OF THE INTERIOR OF THE "JOHNSTON BUILDING" LOCATED WITHIN THE BOUNDARIES OF SAID TAX PARCEL) THE PARCEL OF LAND TO BE DESIGNATED IS LISTED UNDER TAX PARCEL NUMBER 073-016-13 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NORTH CAROLINA THE PROPERTY, OWNED BY TWO HUNDRED TWELVE SOUTH TRYON STREET LTD PARTNERSHIP, IS LOCATED AT 212 SOUTH TRYON STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, all of the prerequisites to 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 City Council of the City of Charlotte, North Carolina, has 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 _____, 1992, on the question of designating a property known as the "Johnston Building" (listed under tax parcel Number 073-016-13) as historic landmark, and

WHEREAS, Charles Worth Johnston, born in 1861 in the Coddle Creek area of Cabarrus County, began his career as a textile industrialist in Charlotte in 1892, and

WHEREAS, Charles Worth Johnston was an officer in at least five different Companies by 1924, the year the "Johnston Building" was completed, and

WHEREAS, R Horace Johnston, son of Charles Worth and Jennie Stough Johnston, entered into business with his father upon graduation from the University of North Carolina, and

WHEREAS, the vacant lot, which became the site of the Johnston Building was transferred to Anchor Mills in 1923 for $100, and

WHEREAS, the "Johnston Building" was designed by William Lee Stoddart, an acclaimed architect practicing out of New York City, and

WHEREAS, the Johnston Building" was the tallest skyscraper in Charlotte when it opened in 1924, and

ORDINANCE - Johnston Building

WHEREAS, the "Johnston Building" housed cotton brokers, insurance agents, attorneys, realty companies and numerous independent businessmen, including the E C Griffith Company, Architect C C Hook and the Honorable Cameron Morrison, and

WHEREAS, the "Johnston Building" is architecturally significant for the many exterior appointments, such as the limestone cladding, the bronze pilasters surrounding the recessed front doorway and the Renaissance-style entablature, intact and in very good condition; and

WHEREAS, the "Johnston Building" is architecturally significant to the streetscape as one of the first examples of the 1920's tall office buildings constructed on Tryon Street in Charlotte, and

WHEREAS, the "Johnston Building" is remarkable for its height at the time of its construction and for its excellent design and workmanship, and

WHEREAS, the original historic fabric of the exterior and portions of the interior of the "Johnston Building" is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the interior of the "Johnston Building" because consent for interior design review has been given by the Owner, and

WHEREAS, the current Owner, Two Hundred Twelve South Tryon Street Ltd Partnership, has faithfully maintained the "Johnston Building" 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 "Johnston Building" (listed under tax parcel Number 073-016-13), 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 "Johnston Building" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Johnston Building" is owned by Two Hundred Twelve South Tryon Street Ltd Partnership,

ORDINANCE - Johnston Building

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

1 That the property known as the "Johnston Building" (listed under tax parcel Number 073-016-13 and including the exterior and portions of the interior of the Johnston Building) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 212 South Tryon Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report Johnston Building* (27 May 1991)

2 That said interior is more specifically defined as the historic and structural fabric of the Johnston Building to include the entire first floor with its arched coffered ceiling, the elevator lobbies of the seventeen floors, the marble staircase from the first floor to the basement, the marble staircase from the first floor to the second floor and the following items in these areas described below the marble columns, the original floors, the woodwork and moldings, the original front door, the elevator doors, the original walls, the hardware and fixtures, the volume and shapes of the interior spaces provided by the tall office building plan and other interior features that are part of the original historic fabric of the building

3 That said designated property 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, Part 3C, and amendments thereto

4 That nothing in this ordinance shall be construed to prevent or delay the 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 owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

5 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

6 That the Owner and occupants of the landmark known as the "Johnston Building" 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

7 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 _____ 1992 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form

David M. Smith
City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS FOR INTERIOR DESIGN REVIEW

Pursuant to North Carolina General Statute 160A-400 9(b) on historic landmarks, we, _____ ~~and~~ 212 South Tryon Limited Partnership, owners of record, do hereby request designation of interior spaces as such spaces have been deemed to have architectural, artistic, cultural, or historical significance We understand that changes to designated portions of the property are subject to design review for compliance with *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* We give permission to the Charlotte-Mecklenburg Historic Landmarks Commission to exercise jurisdiction for design review over all interior designated portions of the following building or buildings known as

Johnston Building

located at *212 South Tryon Street, Charlotte, North Carolina*

212 South Tryon Limited Partnership

Signature By _____
(Owner) Howard M. Duvall, III
General Partner

Name (Print) _____

Date October 15, 1992

Signature _____
(Owner)

Name (Print) _____

Date _____

P O BOX 35434 • CHARLOTTE, N C 28235 • (704) 376 9115 • FAX (704) 372-4584

Charlotte-Mecklenburg Historic Landmarks Commission

7 December 1992

Ms. Brenda Freeze
City Clerk, City of Charlotte
CMGC, 600 East 4th Street
Charlotte, North Carolina 28202

Dear Ms Freeze:

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *Johnston Building* The owner, 212 South Tryon, Ltd , has indicated approval of the prospect of designation, consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 11 November 1991 The results are as follows

Favor·	Milton Grenfell, Allen Brooks, Thornton Withers, Trissy Lomax, Shirley Rico, Andrew Scales, Van Hill, Dan Desmond, Jim Hammond, B J Hendrix
Oppose	None
Abstain·	Louis Bledsoe

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

c Mr Louis A Bledsoe, III, HLC Chairman
Dr Dan Morrill, Consulting Director
Ms. Pamela Syfert, Deputy City Manager

P O BOX 35434 • CHARLOTTE, N C 28235 • (704) 376-9115 • FAX (704) 372-4584

MECKLENBURG COUNTY

Office of the Tax Administrator

May 27, 1992

Ms. Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P O Box 35434
Charlotte, North Carolina 28234

RE Johnston Building
Parcel No 073-016-13

Dear Ms. Black:

If the property described in the May 27, 1992 letter to Howard Duvall from J. F Hatem, Jr., AIA is designated as historic property, the estimated potentially deferrable taxes based on the current assessment and tax rate would be

City Tax	Special District Tax	County Tax
$9,447 16	$1,100.72	$16,467 75

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

CC: Howard Duval

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

HELMS, CANNON, HAMEL & HENDERSON
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SUITE 2300 TWO FIRST UNION CENTER
CHARLOTTE NORTH CAROLINA 28282

H PARKS HELMS
THOMAS R CANNON
WILLIAM F HAMEL
DAVID L HENDERSON
CHRISTIAN R TROY
BRUCE L JAMES
WILLIAM B HAMEL

CHARLES J HENDERSON
(RET RED)
THOMAS G LANE JR
(RET RED)

TELEPHONE (704) 372-4884
TELECOPIER (704) 332 0585

January 10, 1992

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

Re **JOHNSTON BUILDING**

Dear Ms. Black·

Pursuant to your request of December 5, 1990, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is **212 South Tryon, Ltd., a North Carolina General Partnership, c/o Stephen N. Barnard and Howard M. Duvall, III, Managing General Partners, 212 South Tryon Street, Charlotte, North Carolina 28281.**

The property is subject to a DEED OF TRUST recorded in Book 6331, Page 1236, in the Mecklenburg County Register of Deeds, in favor of

Bobby D. Hinson, Substitute Trustee
Kennedy, Covington, Lobdell & Hickman
3300 NCNB Plaza
Charlotte, North Carolina 28280

for

General Electric Capital Corporation
5665 Northside Drive, Suite 350
Atlanta, Georgia 30328

Certain portions of the property, including the easternmost portion of the basement beneath the sidewalk on Tryon Street, the canopy, and the four outrigger poles, flags, and two lanterns in front of the building are subject to CONTRACT ENCROACHMENT RIGHTS OF WAY from

The City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202

The public records also reveal possible leasehold interests in favor of (but not limited to)

United Carolina Bank
306 South Madison Street
P. O. Box 632
Whiteville, North Carolina 28472

Brittain, Almond & Simpson, Pa
640 Johnston Building
212 South Tryon Street
Charlotte, North Carolina 28281

McGuire Group Services, Inc.
Suite 800, Johnston Building
212 South Tryon Street
Charlotte, North Carolina 28281

Mecklenburg Medical Group
1500 Johnston Building
212 South Tryon Street
Charlotte, North Carolina 28281

Summit Properties/Jones
12th Floor, Johnston Building
212 South Tryon Street
Charlotte, North Carolina 28281

Brownlee Jewelers, Inc.
First Floor, Johnston Building
212 South Tryon Street
Charlotte, North Carolina 28281

Please find enclosed a statement for services rendered in this connection.

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH esm
Enc.

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

December 11, 1991

Nora M Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
1225 S Caldwell Street, Box D
Charlotte, NC 28203

Dear Nora,

Thank you for your letter of December 5 and the Survey and Research Report for the designation of the Johnston Building as a local historic landmark We have reviewed the information pursuant to G S 160A-400 6 and offer the following comments

As you know, in August of this year Dr William S Price Jr , the North Carolina State Historic Preservation Officer, judged the Johnston Building to be of statewide significance for the purposes of G S 160A-400 14(c) Given that determination, I am glad to see the property is being proposed for local designation, for it certainly is a fine landmark that is worthy of local recognition

The Johnston Building is emblematic of the skyscrapers of the early twentieth century Its ambitious height as well as its detailed workmanship demonstrate its role as a marker of the progress of Charlotte and of the Johnston family In addition, the Johnston Building is largely intact Its exterior and the portions of the interior included in the proposed designation convey the splendor of the decade in which the building was constructed and serve as vivid reminders of the growth and successes of that time period

Therefore, we support your recommendation for designation of the exterior and a portion of the interior (the entire first floor, the marble staircase to the basement and to the second floor, and the elevator lobbies of the seventeen floors) of the Johnston Building Thank you for the opportunity to comment on this proposal

Sincerely,

Juli Aulik
Interim Preservation Planner
State Historic Preservation Office

enclosure

Charlotte-Mecklenburg Historic Landmarks Commission

DEPARTMENT REVIEW PROCESS
FOR HISTORIC LANDMARKS DESIGNATION

Johnston Building

FINDINGS

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects.

COMMENT SUMMARY

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No relation to Department Plans, CIP Projects or permits under consideration
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	No relation to Department Plans, CIP Projects or permits under consideration
Transportation	-	Right-of-way requirements (see attached)
Char-Meck Utility Department	-	No comments.

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CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

JOHNSTON BUILDING
212 South Tryon Street

According ing to the Charlotte Mecklenburg Thoroughfare Plan (1988):

South Tryon Street is a major thoroughfare with a current right-of-way width of 88 feet.

The subject parcel is located in the UMUD zoning district. Under UMUD zoning requirements, the required right-of-way is determined by the Charlotte Department of Transportation and the Charlotte-Mecklenburg Planning Commission.

There is currently sufficient right-of-way width to accommodate the Tryon Street Mall Streetscape. At this time, there is no identified need for additional right-of-way.

CDOT is not opposed to the historic designation. However, if the building is ever demolished or modified, CDOT will need to re-evaluate right-of-way requirements at that time.

Charlotte Department of Transportation
25 September 1992

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 1, 1992

Mayor and City Council:

RE: Petitions to be Heard in December, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, December 21, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:sls

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-64

Petitioner: The Hahn Company

Location: A 77.7 acre site located on the northeasterly corner of the intersection of I-85 and W.T. Harris Boulevard.

Request: Change from B-1SCD to CC

BACKGROUND

1. Existing Zoning. The subject property is zoned B-1SCD as a result of previous rezonings under the County's jurisdiction which date back to 1982 and 1986. Properties located to the south of the petitioned site across W.T. Harris Boulevard are zoned a combination of B-1(CD) and O-15(CD). Adjoining properties located to the north and east (in University Place) are also zoned B-1SCD. Properties located across U.S. 29 are zoned Institutional.

2. Existing Land Use. The petitioned property comprises most of the remaining vacant nonresidential tracts associated with the University Place Master Plan. The balance of the University Place development contains the Oasis Temple, the Hilton Hotel, retail shops and various offices. Nearby tracts located to the north of Carley Boulevard are developed with apartments and a school. To the south of W.T. Harris Boulevard are office and commercial developments including hotels, restaurants and banks. Across U.S. 29 is University Memorial Hospital.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential land uses and a major mixed use center (University Place) for the subject property. The research park is also recognized as a major land use in the area. 2005 strategies for the area include extension of water lines along U.S. 29 and expansion of the greenway along Mallard Creek. The widening of Harris Boulevard has been completed for this area.

   2. Transportation Improvement Program. The Transportation Improvement Program includes the widening of I-85 and Harris Boulevard for this area. Those projects have now been completed.

   3. Greenway Master Plan. The Greenway Master Plan includes the Mallard Creek and Toby Creek Greenways.

   4. Northeast District Plan. The Northeast District Plan recognizes University Place as an emerging regional commercial center and recommends a mixture of office and commercial uses for the subject property. The district plan recognizes the

high quality of the University Place development to date which is characterized by integrated design and pedestrian orientation.

4. Site Plan. The site plan which presently controls the development of University Place provides for a mixed use development including a 400 room hotel, a 60,000 square foot conference center, a total of 863,000 square feet of retail/entertainment uses, 1,750,000 square feet of office development, a 15,000 square foot school, 990 units of residential development, and a sports facility of 30,000 square feet for a maximum of 4,168,000 square feet of development. The site plan allows two vehicular connections to Harris Boulevard and 100 foot building setbacks along I-85 and Harris Boulevard. A design control manual associated with the site plan provides for a series of additional restrictions on the development outlining requirements for open space, a pedestrian system, a planned public street system, a planned landscaping/planting system, architectural controls, special design elements, coordinated paving, lighting, and signage. The design control manual also provides for a design review board which reviews all phases of the design process prior to the issuance of building permits for the development.

The proposed site plan which accompanies this petition proposes rezoning of 77.7 acres of the overall 240 acre University Place site from B-1SCD to CC. The proposed site plan would permit a total of 700,000 square feet of retail development and 240,000 square feet of office space for a total of 940,000 square feet eliminating approximately 1 million square feet of office development. The plan proposes three large freestanding anchor tenants along I-85 and a smaller scale shopping center oriented to the lake. The plan realigns Carley Boulevard to the east in order to accommodate the large anchors.

Generally, the conditional zoning site plan which has represented the University Place Master Plan has changed its retail concept over the years. The original 1982 B-1SCD site plan set up the major retail component of the University Place project as a "town center" with an emphasis on building mass, scale, open space, etc. The town center concept would relate the major shopping area to the pedestrian in an outside, somewhat European, atmosphere. Subsequent plan amendments were approved which shifted the focus to a more typical suburban mall concept. The requested plan amendment seeks to further amend the concept to a "power center" focus with three large freestanding anchor tenants located along I-85 and a separate shopping center along the lake comprising the major retail component.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-2	R-12, B-2 & RE-1 to Inst.	Approved	05/18/70
2. 70-17	R-12 to RE-1	Approved	05/18/70
3. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
4. 85-49(c)	B-1SCD to R-20MF	Approved	11/18/85
5. 86-44(c)	B-1SCD Site Plan Amendment	Approved	12/01/86
6. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/01/86
7. 88-17(c)	RE-1 to O-15(CD), B-1(CD) & B-D	Approved	07/20/88

7. Neighborhood. This petition falls within the area defined as the University City.

REVIEWS

1. Plan Consistency. Publicly adopted plans for this area have long recognized University Place to be a regional commercial center. Recent plans for the area have recognized that University Place has provided an integrated pedestrian oriented regional commercial center providing services for an ever-growing residential population. From this standpoint, the petition is consistent with land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff has worked with the petitioner over a number of months specifically focusing on design aspects of the conditional zoning site plan.

   2. Departmental Comments. Outstanding departmental comments relate to the need for reconfiguration of the J.M. Keynes/Carley Boulevard intersection so that the through movement continues to be J.M. Keynes Boulevard and clarification that the Hilton Hotel parking is not made nonconforming as a result of this rezoning. Staff noted that the plan provides a seemingly excessive amount of parking associated with the power center area, though no parking calculations are actually provided. Staff also noted that the nature of the submission of this rezoning leaves out many properties that were included in the previous rezonings to B-1SCD. The 1986 approved site plan will therefore provide for development rights on a number of properties which will now not be included in that site plan. Staff noted to the petitioner that this results in the need for either an administrative site plan amendment request or for incorporation of the remaining properties in this petition. Although not a major issue it nevertheless has not been resolved. If left unresolved subsequent to the ultimate

decision on this case it will be left to the staff to apply the leftover development rights on the remaining parcels or a separate petition will be required.

ISSUES

1. Land Use. This petition proposes a change from one retail zoning category to another on a site which has long been recognized by publicly adopted plans as providing the regional commercial center focus for the university area. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition basically changes the major retail component of University Place from a "mall" focus to a "power center" focus. The staff and the petitioner have worked together for several months to develop a site plan that retains many of the same design, landscaping, open space, and architectural details as have been associated with the University Place project since its original rezoning. The revised site plan has incorporated many measures to ensure the same high quality level of design will be associated with the project in the future. There are a number of fairly minor site plan issues that need to be addressed prior to the ultimate decision on this petition. Those items include the need for clarification that the Hilton Hotel parking would not be rendered nonconforming by this rezoning (the Hilton meets some of its minimum parking through a temporary parking easement on a portion of the Hahn property) and reconfiguration of the J.M. Keynes/Carley Boulevard intersection to maintain J.M. Keynes as the through movement. The site plan would be considered appropriate for approval with these minor clarifications.

CONCLUSION

This petition proposes a change in the focus of the major retail component of University Place from a suburban mall concept to a power center with three large major retail buildings. Although this shift in focus would typically represent a departure from the high design standards associated with University Place, the revised site plan has taken great steps towards ensuring continued attention to details related to architectural design, open space, pedestrian pathways, etc. The petition is considered appropriate for approval contingent upon the site plan changes noted above.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 9

Date Filed

Received F

PETI

P

Ownership Information

Property Owner THE HAHN COMPANY (agent for University Place Mall, Inc.)

Owner's Address 4530 La Jolla Village Drive, Suite 700 San Diego, CA 92122-1233

Date Property Acquired ~~12/31/87, 8/16/90, 12/13/91~~

Tax Parcel Number 047-201-26, 047-201-27, 29, 39 and 047-201-01

Location of Property (address or description) northeasterly intersection of I-85 and W.T. Harris Boulevard

Description of Property

Size (Sq Ft Acres) 77.7 ± Street Frontage (ft) Carley Blvd, I-85, W.T. Harris

Current Land Use undeveloped

Zoning Request

Existing Zoning B-1 S.C.D. Requested Zoning C.C.(CD)

Purpose of Zoning Change to develop a major commercial complex, which is consistent with the land use Master Plan for University Place. (The Commercial Center (CC) district is required ~~because the B-1 S.C.D. district no longer exists~~

Name of Agent Robert G. Young, Inc.
~~301 S. McDowell St., Suite 404~~
Charlotte, N.C. 28204

Agent's Address 334-9157

Telephone Number

Name of Petitioner(s) THE HAHN COMPANY (agent for University Place Mall, Inc.)

Address of Petitioner(s) 4530 La Jolla Village Drive, Suite
San Diego, California 92122-1233

Telephone Number 619/546-1001

Signature VICE PRESIDENT

Signature of Property Owner
if Other Than Petitioner

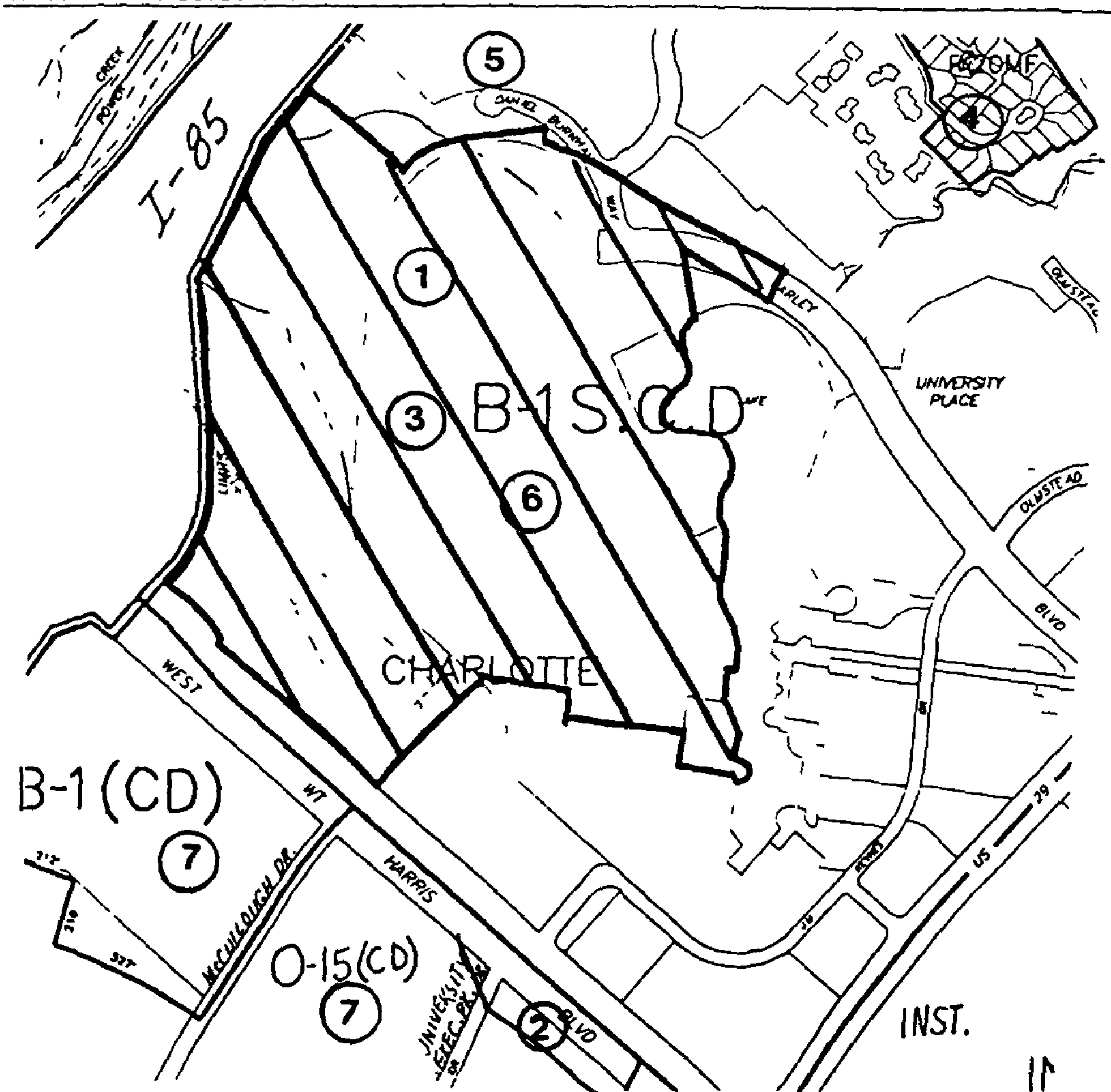
PETITIONER: The Hahn Company

PETITION NO.: 92-64 HEARING DATE: October 19, 1992

ZONING CLASSIFICATION, EXISTING: B-1SCD

ZONING CLASSIFICATION, REQUESTED: CC

LOCATION: A 77.7 acre site located at the northeasterly intersection of I-85 and W. T. Harris Boulevard.



ZONING MAP NO(s).: 58 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: October 27, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-64: I-85 and W. T. Harris Boulevard
(Revised 10/15/92)

This site could generate approximately 34,197 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (27,225 trips per day) has remained the same.

We have previously requested that a Traffic Impact Study (TIS) be submitted by the developer to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity. CDOT has not yet received the required TIS.

The preparer of the TIS must contact Scott Putnam (336-7085) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements.

In review of the revised site plan we have the following specific comments:

- Carley Boulevard cannot be extended unless the existing Carley Boulevard is widened/constructed as per the previously approved conditional plans (RP 86-64 (c)).

- Per the previously approved conditional plan, the existing median opening and operating traffic signal will be removed at J. M. Keynes Drive and W. T. Harris Boulevard when Carley Boulevard connects to W. T. Harris Boulevard opposite McCullough Drive (Section 5.5 of the Design Control Manual for RP 86-64(c)).

- Sidewalks should be constructed on <u>both</u> sides of Carley Boulevard.

- We request the reservation of 100 spaces for a Charlotte Transit park-and-ride facility (Needed 7am-6pm weekdays).

- We ask that sites be provided for 2-3 transit shelters to be installed by City once Carley Boulevard is completed. Future location of transit shelters should be shown on plan and noted under Development Note B.

W. T. Harris Boulevard is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated on the plan that there is an existing 200-foot right-of-way.

Adequate sight distance triangles must be reserved at the proposed street connections. Two 35'x35' and two 10'x70' sight triangles are required for the street connections to meet sight distance requirements. All other driveway connections require two 10'x70' sight triangles. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The proposed street connection to W. T. Harris Boulevard requires a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for the North Carolina Department of Transportation review and approval.

All future commercial driveway connections to the proposed public Street (Carley Boulevard) will require a driveway permit to be submitted to CDOT for review and approval.

Further comments will be made by CDOT after our review of the requested Traffic Impact Study.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Robert G. Young, Inc.
The Hahn Company
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-67

Petitioner: The Foundation of the University of North Carolina at Charlotte, Inc. and the Crosland Group.

Location: Approximately 80 acres located on the north side of Highway 49 (University City Boulevard) and extending from Harris Boulevard to U.S. 29 (North Tryon Street).

Request: Change from R-3, R-5, and Institutional to Commercial Center (CC).

BACKGROUND

1. Existing Zoning. The property involved with this request is composed of three zoning classifications. Portions of the site along Highway 49 (University City Boulevard) are zoned R-3. Portions of the site along Hampton Church Road and Washington Boulevard are zoned R-5. The vast majority of the site is zoned Institutional. To the north of the site in the vicinity of the intersection of U.S. 29 and Harris Boulevard is a mixture of Office and Commercial zoning. To the east of the site across Harris Boulevard the land is zoned for institutional use and a B-1SCD retail site. To the south across N.C. 49 there is also property zoned for institutional and retail uses but there is also a substantial area zoned R-3 single family. To the west of the site along Highway 29 the property is zoned B-2.

   Note. The Institutional portion of this site was proposed for rezoning by the Charlotte-Mecklenburg Planning Commission in early 1992. The purpose of the rezoning was to bring the property into conformance with the recommendations of the Northeast District Plan. Although supported by the residents of the Hampton Church Road area, the owners of the institutional property objected to the petition which was subsequently denied by the City Council.

2. Existing Land Use. The property involved with this request is largely undeveloped but does include a number of existing single family homes as well as subdivided single family lots. To the north and west along Highway 29 is a mixture of commercial and office uses. To the east across Harris Boulevard is the main campus of the University of North Carolina at Charlotte and the Town Center Shopping Center. To the south across University City Boulevard is existing single family development, substantial areas of undeveloped land, and a developing retail center comprising approximately 140,000 square feet of total retail floor area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates that this property would be used for employment type uses as it contemplated the

expansion of the University of North Carolina campus onto this land. The plan indicates the Town Center Shopping Center as a community commercial center for this area and 2005 strategies include improving Harris Boulevard and extending water and sewer lines into the area.

2. Transportation Improvement Program (TIP). The TIP calls for the extension of N.C. 49 to North Graham Street via the construction of a new road which would interchange with Interstate 85. This is priority number 7 in the 2005 Transportation Plan for this area. The TIP also calls for the improvements of the existing interchange of N.C. 49 and W.T. Harris Boulevard. The upgrade will include ramps in the southwest quadrant and is predicated upon the projected congestion in the area upon the completion of the N.C. 49/Graham Street Connector.

3. Northeast District Plan. The Northeast District Plan (adopted 1990) recommends multi-family and a mixture of multi-family and office use for the subject property. The office portion of the area would be oriented toward existing office development along the Highway 29 corridor. The vast majority of the remainder site along Harris Boulevard and along 49 is proposed for multi-family use to accommodate the growing student, facility, and staff population of the University of North Carolina at Charlotte and the University Research Park. The district plan also proposes a number of infrastructure improvements including the extension of water and sewer lines and the upgrading of U.S. 29 from four to six lanes within the medium time period.

4. Hampton Park Special Project Plan. The Hampton Park Plan (adopted 1988) does not recommend any zoning changes in the area. The plan recommends extension of water and sewer lines into the Hampton Park community and the improvement of housing conditions in the area. The plan expresses concern as to whether or not this small residential community will be able to survive development pressures in the area. The water and sewer extensions have been completed.

5. UNCC District Plan. The UNCC District Plan (adopted 1984) recognizes the institutional zoning on this property and contemplates the use of the area as an extension of the University of North Carolina at Charlotte campus. It recognizes the existing Town Center Shopping Center at the intersection of Highway 49 and Harris Boulevard and also acknowledges the major mixed use development at the intersection of Harris Boulevard and I-85 known as University Place. The UNCC District Plan was intended as an interim land use plan in place until the 2005 Plan and subsequent district plans could be developed and adopted.

6. Comprehensive Plan 1995. The 1995 Plan (adopted by the City Council in 1975) shows this property as an area for the expansion of the University of North Carolina at Charlotte.

7. University City Plan. The University City Plan prepared in late 1968 was the first significant planning effort in this area after the announcement of incorporation of the Charlotte College campus into the University of North Carolina system. It attempted to establish a basic policy framework to guide the development of an area which was sure to grow as a result of the anticipated growth of the university. Many of the land use features which are present today including the major thoroughfare system in the area, the Town Center Shopping Center, and many of the residential and research areas were contemplated by this plan. University City Plan called for the property involved with this rezoning request to be used for multi-family residential purposes.

4. Site Plan. The site plan which accompanies this application proposes the development of the site for a "Power Center" type shopping center. The project would contain a maximum of 540,908 square feet of retail floor area and proposes approximately 3,000 parking spaces. This amount of parking is over 38% in excess of what is required by ordinance. The plan indicates an access point to U.S. 29, a driveway type access to Harris Boulevard, and two entrances to Highway 49. The northwesterly edge of the site is interrupted by the Hampton Church Road right-of-way and a single lot at the end of Hampton Church Road. The plan indicates substantial grading along the edge of the Hampton Park neighborhood and over the entire site in general. While the existing elevations from west to east drop approximately 70 feet the after grading elevations will drop approximately 90 feet across the site. The plan includes four outparcels along Highway 49 with internal access and indicates that stormwater will be managed at the intersection of Harris Boulevard and N.C. 49 which is the low point of the site. While the plan indicates buffers to meet the minimum City requirements the substantial amount grading which will take place on this site will result in virtually none of the existing substantial tree cover being preserved except along the very extreme margins on the northwesterly side of the site in the vicinity of Hampton Church Road and Washington Boulevard. Although not shown on a site plan the property contains a number of existing public streets which will have to be abandoned by the City Council in order for this project to be developed. The plan contains a number of notes dealing with the development of the site and makes reference to architectural renderings for building elevations which are "attached to this rezoning plan". No such elevations have ever been submitted with the application. The plan does not include any information about transportation improvements at the proposed access points nor does it contain any information about the phasing

of the project if any is to be proposed. A transportation study has been prepared and submitted to the City's Department of Transportation and is being evaluated.

5. School Information. Information from the School Board has been requested but has not been received as of the preparation of this report (11/26/92).

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-5	R-12, R-12MF, B-2 to Inst.	Approved	05/18/70
2. 70-15	R-12 to B-2	Approved	05/18/70
3. 72-62(c)	Inst. to B-2	Approved	10/06/72
4. 72-89(c)	R-12 to O-9	Denied	12/06/72
5. 74-38(c)	Inst. to B-2	Approved	01/06/75
6. 89-12(c)	Inst. to O-15(CD)	Approved	05/15/89
7. 89-43(c)	Inst. to B-1SCD	Denied	12/18/89
8. SUP 91-3	Inst. to SUP to allow fraternal organizations	Denied	11/23/91
9. 92-4	Inst. to R-3	Approved	04/20/92
10. 92-5	Inst. to O-1	Approved	07/20/92
11. 92-23	Inst. to R-5	Approved in Part	06/15/92

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a large tract of land including land occupied by existing single family residences from institutional and residential to the commercial center district. Starting in 1969 there have been a number of public plans adopted for this area. All of those plans have shown this property to be used only one of two uses: residential including multi-family residential or institutional to provide for the expansion of the University of North Carolina campus. None of them have ever contemplated the use of this property for any commercial use, much less one of this scale. Beginning with the 1969 University City Plan the commercial services in this portion of the community were to be provided for and have been provided by the Town Center Shopping Center located to the east of the subject site. In the early 80's public plans began to recognize the need for additional commercial development in the area and since at least 1984 that commercial area has been defined as the University Place area. Plans have provided for additional commercial opportunities along the Highway 29 corridor inasmuch as commercial

zoning was already present in those areas. Less than two years ago an additional power center site was rezoned by the Board of County Commissioners just prior to the time that the City annexed the property and that site is located directly across Highway 29 from this proposed site. The combination of the existing zoning in the University Place development and the existing zoning across U.S. Highway 29 from this property is more than adequate to accommodate the needs of this portion of the community for centers of this size.

Pursuant to instructions from the City Council the Planning staff has conducted a study of the retail issue in the northeast district. The staff looked at sizes, location, and service areas of a wide variety of shopping center types. The study also includes an evaluation of the amount of shopping provided to residents of Mecklenburg County with the amount of shopping that would be provided by retail development built within accordance with the Northeast District Plan. That information was also compared with state and national averages and tested against three different development scenarios with varying populations. The study reveals that the Northeast District is under served with regard to smaller type shopping centers but is substantially over served with regard to shopping centers in the regional/power center range which is from 300,000 to 750,000 square feet. The study clearly indicates that another shopping center of this size is simply not warranted.

It is also important to recall the recent zoning history in this immediate area with regard to retail development. The Town Center Shopping Center has been long established in the area and is the shopping center which was first noted in the 1969 University City Plan. Since that time public policy has always recognized that center as providing for the shopping needs of the immediate vicinity. However, that center was allowed to grow to large and in doing so began to change in character. Within the last several years a proposal to expand the Town Center Shopping Center was approved although the staff cautioned that the expansion was not in conformance with plans for the area and that it would change the character of retail in the area and likely result in more petitions being requested. In addition a petition to rezone institutional property to the office category directly across Harris Boulevard from the Town Center was approved predicated upon the notion that the institutional district allowed a number of office type uses through the special use permit process and that changing the zoning from institutional to office would be in general conformance with plans for the area. However, a subsequent petition for the property propose to change the office zoning to a commercial classification to provide for 140,000 feet of new retail space in the area. This petition was also opposed by the staff who noted its inconsistency with plans for the area

and warned that it would set the stage for additional zoning requests in the area for retail type uses. That request was also approved.

The magnitude of the present zoning request raises substantial concerns about the future of Highway 49 between Harris Boulevard and its connection with U.S. 29 to the west. The vast majority of the property opposite this site is undeveloped and zoned either institutional or single family. In many cases the tracts are already subdivided into small parcels and in some cases the land is developed for existing single family neighborhoods. The approval of this petition will no doubt result in additional requests for commercial zoning along this major thoroughfare which is a gateway to both the University of North Carolina/University City area as well as a gateway to the North Tryon Corridor and Uptown Charlotte.

This petition is clearly inconsistent with the entire body of public policy and plans for this area dating back over 20 years. More than ample zoning is already in place to accommodate retail development of this type and the approval of this petition would have substantial negative impacts on the overall quality of development in the area as well as trigger additional zoning requests of like type.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has met with the petitioner on a number of occasions prior to the filing of this application. The staff strongly discouraged this request and pointed out its inconsistency with long established policy for this portion of the community. Subsequently the staff has communicated a number of concerns and site plan deficiencies to the petitioner. Many of those deficiencies remain on the revised site plan.

   2. Departmental Comments. As noted above a number of the comments furnished to the petitioner has not been addressed on the site plan. Both the Planning and the Building Standards Department request additional information on buffers and edge treatments and the City Engineering Department requested specific information about existing vegetation within the right-of-way and within the setback along Harris Boulevard and N.C. 49. The petitioner was advised that a minimum submission requirement calls for existing right-of-ways to be shown on the site plan. The City's Department of Transportation is in discussions with the petitioners transportation consultant about the traffic impact for the site inasmuch as the site plan makes no proposal for specific transportation improvements those matters will invariably have to be

addressed prior to any resolution of this case. In addition the site plan shows a "public access drive" from the northeast corner of the site to Harris Boulevard. The petitioners were advised that that would have to be a public street dedicated through the normal subdivision process and not just an access drive. Unless it becomes a public street it would have to be removed from the site or the property over which it runs will have to be rezoned as well. Notes on the site plan make reference to elevations for the various buildings and indicate that those are part of the submission. However, as of the preparation of this report no such elevations have ever been submitted or reviewed as part of this application.

ISSUES

1. Land Use. This petition raises a significant land use issue. Public policy in this area for over 20 years has recognized this property as being appropriate for either the extension of the University of North Carolina campus or for the establishment of housing to support the growth of the campus and other employment opportunities in the area. No publicly adopted plan has ever called for this site to be used for retail purposes. Even if one argues that the Northeast District Plan would allow some mixture of office and multi-family uses, that mixture is clearly oriented toward the existing office zoning along Highway 29 and does not contemplate the extension of even office uses all the way to the Highway 49 frontage. Existing zoning in the area is already more than adequate to provide for retail opportunities for a center of this size. Indeed there are two existing conditionally zoned sites as well as many acres of straight-up commercial zoning which would accommodate this type of development. A study of the retail needs in this area show a significant over supply of zoning for this type of development and indicate that additional zoning for a power center is unwarranted. Recent retail requests in this immediate area have raised the plan consistency issue in the past. Both the expansion of the Town Center Shopping Center and the conversion of Chancellor Park from office to retail were inconsistent with the adopted plans for the area. In both instances the staff raised concerns that the cumulative effect of these small changes begin to change the character of the retail uses in the area and would no doubt result in additional proposals. In view of the remaining undeveloped land along University City Boulevard and this immediate area the approval of this petition would no doubt have the same result.

   The staff also has concerns with regard to the impact that this petition will have on properties beyond just the immediate area. As City Council struggles to preserve the North Tryon Corridor centers of this type tend to run contrary to the policy of preserving retail where it already exist. Indeed, it is

reasonable to expect that portions of this site would simply transplant uses from North Tryon Street as recent newspaper articles have already indicated for the Chancellor Park site directly across Highway 49. That site will be the site of a Lowe's store and the press indicates that upon the completion of the new store the existing store on North Tryon Street will likely close. In view of the fact that studies reveal a significant over supply of zoning in this area already and the rezoning of this property would likely damage existing retail development in the "City Within A City" area the approval of this rezoning is not only inappropriate but potentially damaging to a fragile portion of the community.

2. Site Plan. The site plan which accompanies this request proposes the development of a 540,000 square foot power center with a number of outparcels along Highway 49. In its present form it does not meet minimum submission requirements and still contains a number of deficiencies with regard to information on transportation improvements, access, and edge treatments. At the very minimum it must show the existing streets which the City Council will be asked to abandon in order to make this development possible. In its present form it does not appear to adhere to the City's ordinance requiring tree preservation and contains a very unusual situation with regard to a single family structure which will be surrounded by this proposed development. While it might be possible for the petitioner to correct these deficiencies prior to approval the vast majority have been noted in advance and have not been corrected to date. In its present form the site plan cannot be approved.

CONCLUSION

This petition should not be approved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. 9/29@10:00 a.m.

Petition No 92-67

Date Filed August 27, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: See attached list

Owner's Address: See attached list

Date Property Acquired: Under option by Petitioner

Tax Parcel Number: See attached list

Location of Property (address or description): Intersection Hwy 49 (University City Blvd.) and W.T. Harris Blvd.

Description of Property

Size (Sq Ft -Acres): ± 80 Acres

Street Frontage (ft): 3500 LF

Current Land Use: Undeveloped and Residential

Zoning Request

Existing Zoning: R-5 R-3 Single Family Residential, Institutional District

Requested Zoning: CC Commercial Ce

Purpose of Zoning Change: To accomodate a shopping center facility

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Foundation of the University at Charlotte, Inc. The Crosland Group

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

Telephone Number: (704) 523-0272

Signature

Signature of Property Owner if Other Than Petitioner: See Attached Signatures

PETITIONER: *The Crosland Group*

PETITION NO.: 92-67 HEARING DATE: November 16, 1992

ZONING CLASSIFICATION, EXISTING: B-3, R-5 and Institutional

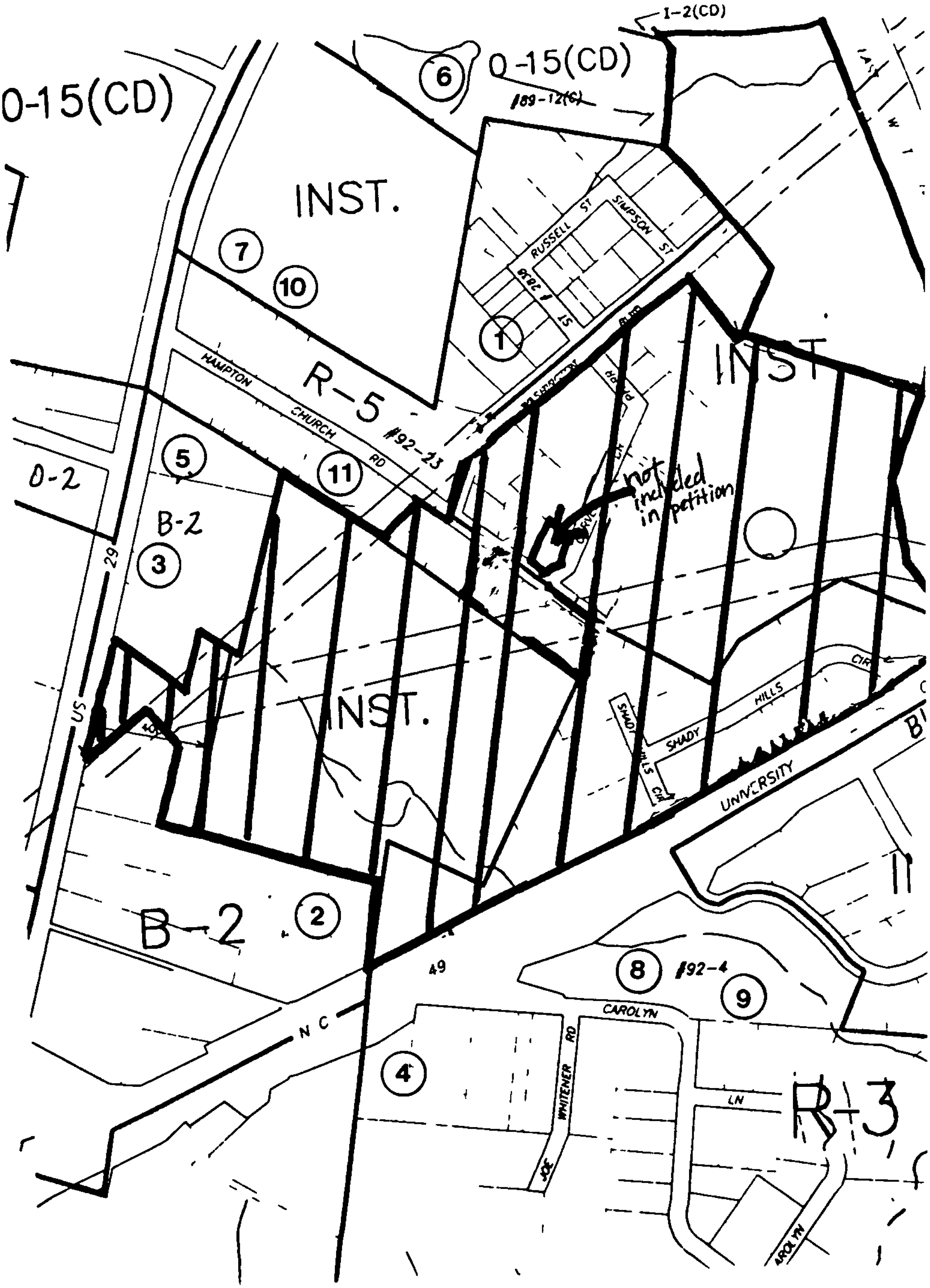
ZONING CLASSIFICATION, REQUESTED: CC

LOCATION: Approximately 80 acres located within the northwest quadrant of N.C. 49 (University City Boulevard) and W. T. Harris Boulevard.

SEE ATTACHED MAP

ZONING MAP NO(s).: 58 & 71 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


I-2(CD)
O-15(CD)
O-15(CD)
#89-12(C)
INST.
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R-5
#92-23
B-2
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O-2
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RUSSELL
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SIMPSON
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US
29
N C
49
SHADY
HILLS
UNIVERSITY
CAROLYN
LN
WHITENER
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not included in petition
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M E M O R A N D U M

DATE: September 30, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis
Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-67: NC 49 at W.T. Harris Boulevard

The trip generation for the existing Institutional zoning was not calculated because of the various land uses that are permitted in this zoning district. Under the proposed zoning the site could generate approximately 20,298 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, we request that a Traffic Impact Study (TIS) be submitted by the developer to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity.

The preparer of the TIS must contact Scott Putnam (336-7085) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements.

Initial site plan review comments are as follows:

- Various public rights-of-way will need to be abandoned.
- The proposed access driveway to W.T. Harris Boulevard will be limited to right-in movements only.
- A minimum of 150 feet of internal channelization at all driveway locations is required.
- If a median opening is approved on NC 49, then left-turn lanes will be required in both directions and not just in the northbound direction.
- We request that the developer reserve 100 Park-N-Ride spaces (6 am -6pm) Monday-Friday within the development.

Additional specific comments will be made by CDOT after our review of the TIS.

US 29, NC 49, and W.T. Harris Boulevard are all major thoroughfares requiring a minimum of 100 feet of right-of-way. If right-of-way does not currently exist to meet this requirement, then the developer/petitioner should dedicate right-of-way, measuring 50 feet from the centerline of each roadway.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35' x 35' and two 10' x 70' sight triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The driveway connections to US 29, NC 49 and W.T. Harris Boulevard require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation (NCDOT) for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

If we can be of further assistance, please advise.

RDG/REG:nsk

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
R. E. Wilson
The Crosland Group
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-69

Petitioner: Center Properties

Location: An 8.5 acre site located along the south side of Fairview Road, west of Sharon Road.

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

BACKGROUND

1. Existing Zoning. The subject property is predominantly zoned B-1 with the most southwesterly tip of the site zoned O-1. Other parcels located on the southwesterly corner of the intersection of Fairview Road and Sharon Road are zoned B-1. Properties located to the west are zoned O-1. Properties located to the south of the petitioned site are zoned a combination of single family and multi-family residential. The northwest corner of the intersection of Sharon and Fairview Roads is zoned B-1SCD. Properties located across Sharon Road are zoned a combination of single family, multi-family, office, and commercial categories.

2. Existing Land Use. The subject property is the site of an existing shopping center. Properties located to the west are developed with office uses. To the south of the petitioned property is a combination of single family residential, duplex units and multi-family units. To the north across Fairview Road is SouthPark Shopping Center. Across Sharon Road from the subject property is a combination of residential, office and commercial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 land use plan indicates existing employment land uses generally at the intersection of Sharon and Fairview Roads and recognizes SouthPark as a major mixed use center. The southwesterly corner of the intersection of Sharon and Fairview Roads is recognized as a community commercial center. There are no specific strategies identified for the area.

   2. South District Plan (Pending). The South District Plan recognizes the existing commercial center at this location and the potential for light rail in the area. The Plan also recognizes SouthPark as a regional commercial center.

   3. Transportation Improvement Program. The Transportation Improvement Program indicates the widening of Fairview Road from Park Road to Colony Road to six lanes.

4. SouthPark Analysis (1988). The subject property falls within Sub-Area E of the SouthPark Analysis. The plan states that retail development is to be confined to the immediate area of the intersection of Sharon and Fairview Roads.

4. Site Plan. The site plan which accompanies this petition proposes a minor expansion of the existing shopping center from a total of 94,991 square feet to a total of 99,991 square feet. (Rezoning is required because the B-1 category limits shopping centers to 70,000 square feet). The entire development is either existing or under construction with the exception of one proposed building in the most northwesterly corner of the petitioned site. Access to this portion of the shopping center is to be provided by an improved driveway on Fairview Road. The petitioner is providing for a left turn lane into this driveway. The plan indicates compliance with zoning regulations and the tree ordinance. In addition the plan notes that while the rezoning petition seeks the B-2 category, uses on the site will be limited to those permitted in the B-1 district.

5. School Information. Not Applicable.

6. Zoning History (See Attached Map).

Petition No.		Request	Action	Date
1.	65-45	R-12 & O-15 to B-1SCD	Approved	05/31/65
2.	66-64	R-12 to R-12MF	Approved	08/08/66
3.	71-68	O-6 to B-1	Approved	09/13/71
4.	75-11	R-15 to R-12MF	Approved	05/19/75
5.	76-16	B-1SCD Site Plan Amendment	Denied	03/20/76
6.	76-74	O-6 & R-15 to B-1	Denied	04/18/76
7.	78-39	R-15 to O-6	Approved	08/21/78
8.	79-63	R-15, O-6 to R-15MF(CD)	Approved	02/19/80
9.	SUP 80-2	SUP for day-care center in R-6MF	Approved	03-31/80
10.	86-46	B-1SCD & O-6 to B-1SCD & B-1SCD Site Plan Amendment	Approved	07/21/86
11.	91-10	R-15 to O-6(CD)	Approved	03/18/91

7. Neighborhood. This petition falls within the area defined as the Heatherstone/Fairmeadow neighborhood.

REVIEWS

1. Plan Consistency. Publicly adopted plans for the area recognize the existing community commercial shopping center at this location. This center in conjunction with SouthPark is recognized as providing for major retail needs in the area. Therefore, this petition is consistent with land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff provided technical assistance to the petitioner prior to the filing of the application. Subsequently, the staff communicated a number of departmental comments to the petitioner regarding details of the site plan.

   2. Departmental Comments. The revised site plan addresses all departmental comments.

ISSUES

1. Land Use. This petition proposes rezoning in order to accommodate a minor expansion of an already existing shopping center. Land use plans for the area recognize this site as providing for community commercial needs. Therefore, from a land use standpoint this petition is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes an increase in the size of the existing shopping center from 94,991 square feet to 99,991 square feet. The B-1 category limits shopping centers to a maximum of 70,000 square feet. Typically this use is associated with the CC (Commercial Center) category. The petitioner in this case is proposing B-2 due to the smaller setback requirement. Inasmuch as this is an existing shopping center the larger setback related to the CC category is not a critical issue. In addition, the site plan limits uses on the site to those permitted in the B-1 district. For these reasons, the petition is considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. 11/3 @ 10:30a.m.

Petition No. 92-69
Date Filed 10/5/92
Received By WJM
OFFICE USE ONLY

Ownership Information

Property Owner: Center Properties

Owner's Address: 125 Scaleybark Road, Charlotte, NC 28209

Date Property Acquired: 11/27/79 and 12/31/91

Tax Parcel Number: 179-011-66, 69, 76, 78

Location of Property (address or description)

South side of Fairview Road and west side of Sharon Road

Description of Property

Size (Sq. Ft.-Acres): 8.522 acres

Street Frontage (ft.): 348' on Fairview Road; 493' on Sharon Road

Current Land Use: Shopping Center

Zoning Request

Existing Zoning: B-1 & O-1

Requested Zoning: B-2(CD)

Purpose of Zoning Change: To allow the construction of a 5,000 square foot building to complete the reconstruction and renewal of an older shopping center. (B-1 only allows 70,000 square feet while this center contains 99,991 square feet).

Name of Agent: Fred E. Bryant, Planner

Agent's Address: 1850 E. Third St., Charlotte, NC 28204

Telephone Number: 333-1680

Name of Petitioner(s): Center Properties

Address of Petitioner(s): 125 Scaleybark Rd., Charlotte, NC 2820

Telephone Number: 523-0272

Signature

Signature of Property Owner if Other Than Petitioner

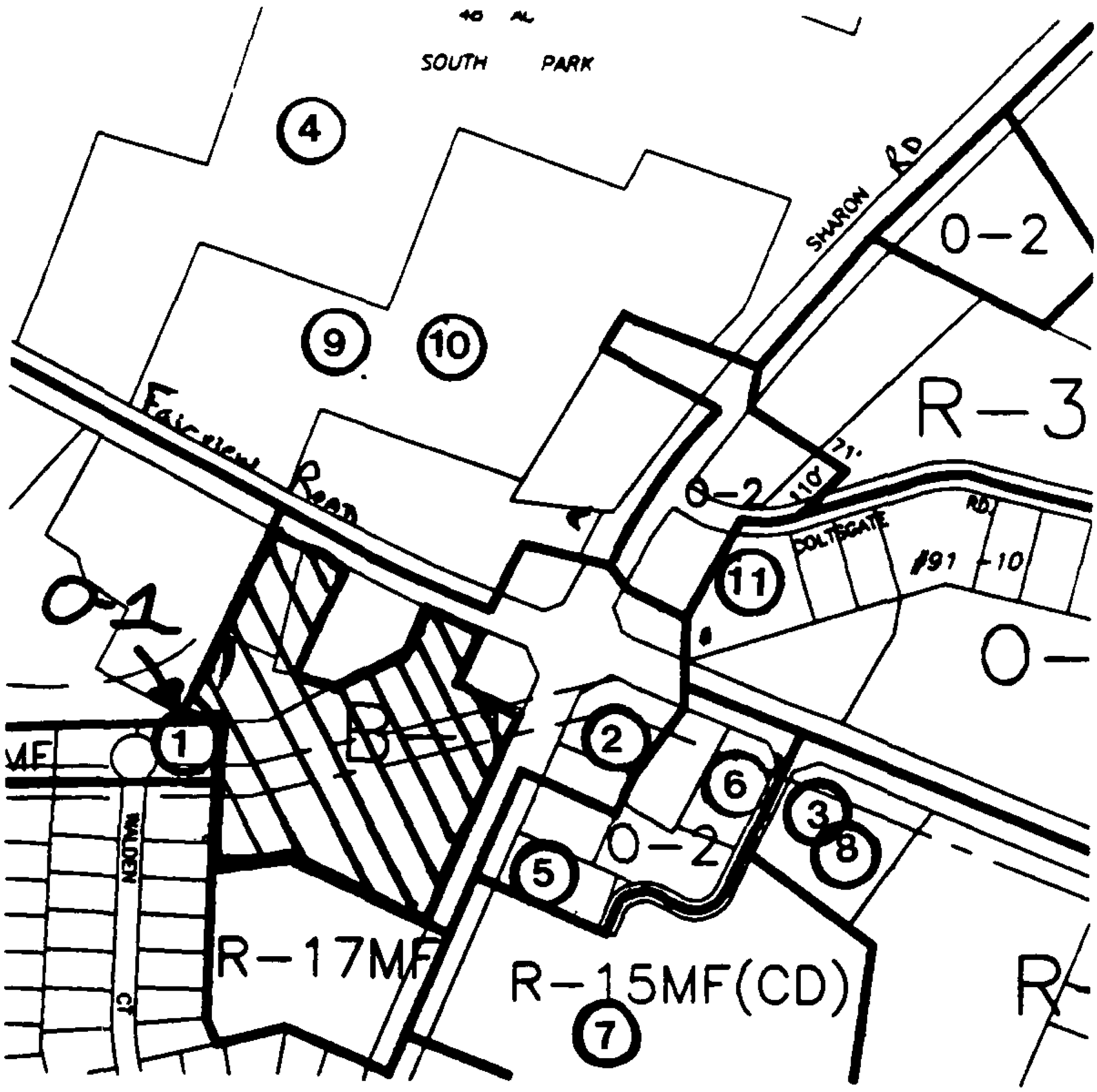
PETITIONER: Center Properties

PETITION NO.: 92-69 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: B-1 & O-1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

LOCATION: A 8.522 acre site located along the south side of Fairview Road and the west side of Sharon Road.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: December 1, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-69: Fairview Road West of Sharon Road (Revised 11/20/92)

This site could generate approximately 6,844 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (10,005 trips per day) will remain the same.

Fairview and Sharon Roads are both Commercial Arterials requiring a minimum of 150 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement, measuring 75 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the existing and proposed entrances. Two 35' x 35' and two 10' x 70' sight distance triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The proposed driveway connection to Fairview Road opposite the entrance to SouthPark requires a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location design, and proposed left-turn lane will be reviewed by CDOT during the driveway permit process. The construction of this new driveway may also include the extension of the existing median on Fairview Road. The location of the proposed driveway shown on the site plan is subject to a slight change in alignment, compliance with City Driveway Regulations, and compliance with the City Tree Ordinance.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the right-of-way by the City and/or utility

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
Center Properties
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-70

Petitioner: Norwood Plants and Garden Center

Location: Approximately 3.4 acres located on the north side of Albemarle Road east of Hollirose Drive.

Request: Change from R-3 to B-1(CD).

BACKGROUND

1. Existing Zoning. The subject property and all surrounding properties are zoned R-3. The intersection of Albemarle Road and Harrisburg Road is zoned B-1SCD, B-1, I-1, and B-2.

2. Existing Land Use. The property involved with this request is developed with a single family residence and associated barn. Two churches are located to the east and west of the subject property on the north side of Albemarle Road. Otherwise, the area is developed with single family residential housing. Further to the east properties are devoted to office and commercial uses including a new Walmart store. Several large vacant tracts remain along both the north and south sides of Albemarle Road in the nearby area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the vicinity of the subject property. The 2005 strategies for the area include the widening of Albemarle Road which is currently underway, potential light rail service in the area and the Harrisburg Road Park.

   2. East District Plan (adopted 1990). The East District Plan indicates residential development of densities ranging from one to four dwelling units per acre in the area of the petitioned site. The plan recognizes a community mixed use center (1 million square feet retail/office) at the intersection of Albemarle Road and Harris Boulevard. The transportation improvements indicated in the plan include the widening of Albemarle Road and the eastern circumferential. The plan also includes the Harrisburg Road Park and Lake Forest Neighborhood Park.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the eastern circumferential and the widening of Albemarle Road.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from R-3 to B-1(CD) to allow development of a 30,000 square foot commercial garden center/plant nursery. The existing residence and barn will remain with the existing house to be used

as a caretaker residence. Access is provided through one driveway connection to Albemarle Road. The plan provides for a 41 foot landscaped buffer along the northerly, easterly, and westerly edges of the site and indicates compliance with the City of Charlotte Tree Ordinance. Additional right-of-way is being dedicated in conformance with the street classification system.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-40	R-15 to R-12MF	Denied	04/21/69
2. 92-32	R-3 to R-3(CD) and B-1(CD)	Denied	08/24/92

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a residential category to a business district to allow development of a commercial garden center. Additional commercial development is not envisioned by plans for the area. Therefore, the subject petition is not consistent 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 the petition. Subsequent to the filing, staff communicated a number of site plan related concerns to the petitioner.

   2. Departmental Comments. Most of the site plan comments from reviewing agencies noted the need for clarifying information on buffers and tree preservation. Those departmental comments have been fully addressed by the submittal of a revised site plan. CDOT comments are attached.

ISSUES

1. Land Use. This petition raises a land use issue. It requests rezoning from a residential district to a commercial district in an area in which publicly adopted plans call for a residential future. There are several existing or proposed commercial centers located nearby providing abundant retail services for the neighborhood. Additional retail facilities on Albemarle Road are

not needed. Therefore, from a land use standpoint, the petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes the development of a 30,000 square foot commercial garden center. Access is provided by one driveway connection to Albemarle Road and buffers are provided in accordance with the zoning ordinance. There are no technical site plan issues associated with the petition.

CONCLUSION

This petition is not appropriate for approval due to its inconsistency with land use plans for the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-70

Date Filed 10/5/92

Received By WJM

OFFICE USE ONLY

Ownership Information

Property Owner: Ben R. and Carol S. Norwood

Owner's Address: 7039 Albemarle Road, Charlotte, NC 28227

Date Property Acquired: June 17, 1992

Tax Parcel Number: Portion of 109-102-04

Location of Property (address or description)

8837 Albemarle Road (North side of Albemarle Road between Hollirose Drive and Harrisburg Road)

Description of Property

Size (Sq. Ft.-Acres): 3.39 acres

Street Frontage (ft.): 416.51' on Albemarle Road

Current Land Use: Single family house with outbuildings

Zoning Request

Existing Zoning: R-3

Requested Zoning: B-1(CD)

Purpose of Zoning Change: To permit the placement of a plant nursery and garden center to serve this rapidly developing section of the city.

Fred E. Bryant, Planner

Name of Agent

1850 E. Third St., Charlotte, NC 28204

Agent's Address

333-1680

Telephone Number

Norwood Plants & Garden Center

Name of Petitioner(s)

7039 Albemarle Rd., Charlotte, NC 282

Address of Petitioner(s)

535-6938

Telephone Number

x Ben R. Norwood

x Carol S. Norwood

Signature

Signature of Property Owner if Other Than Petitioner

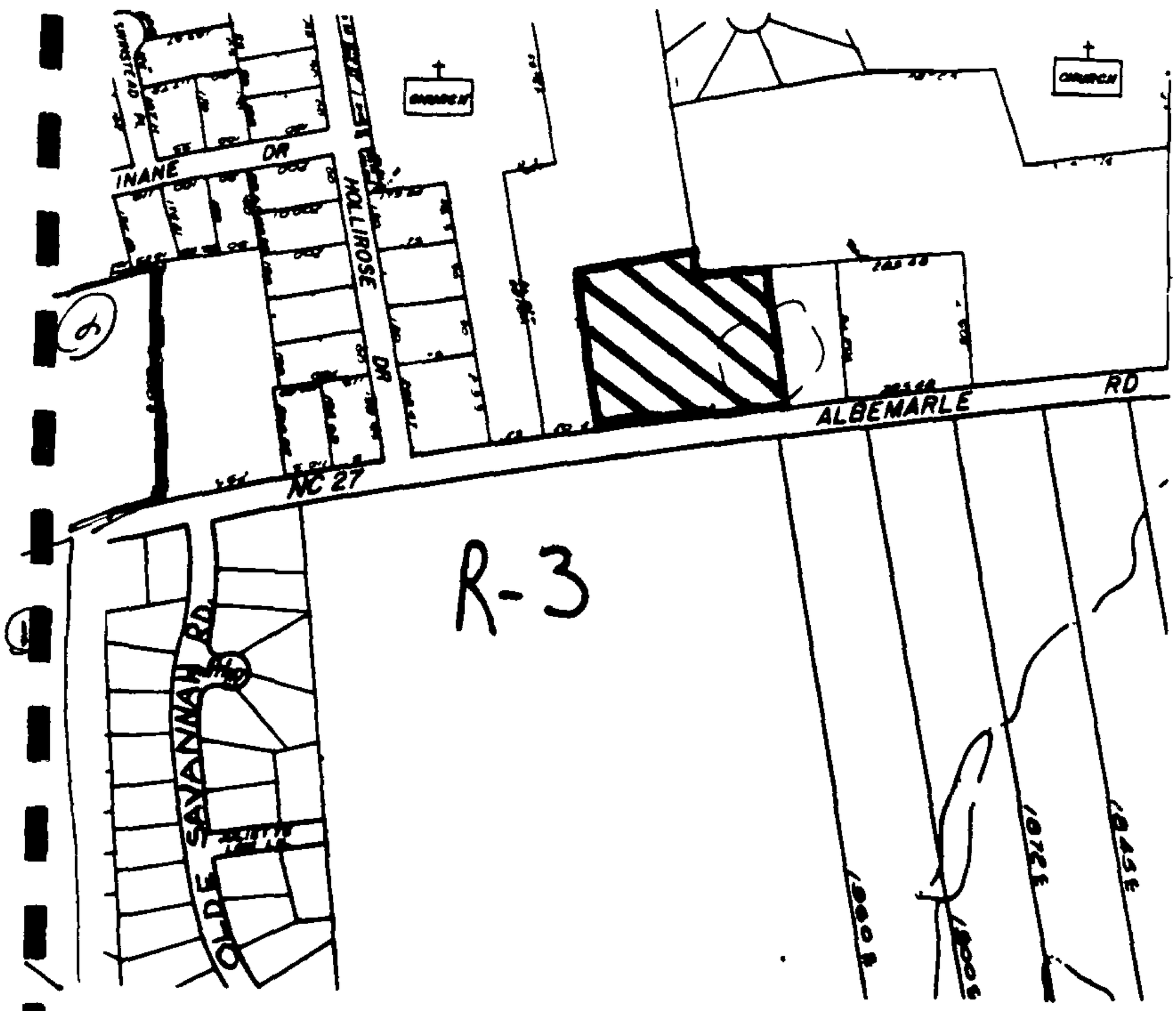
PETITIONER: Norwood Plants & Garden Center

PETITION NO.: 92-70 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

LOCATION: A 3.39 acre site located at 8837 Albemarle Road, north side of Albemarle Road, between Hollirose Drive and Harrisburg Road.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: December 1, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-70: 8837 Albemarle Road, Between Hollirose Drive and Harrisburg Road (Revised without a date)

This site could generate approximately 110-120 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,082 trips per day) will remain the same.

Albemarle Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has noted in General Note 2 to dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the proposed entrance. Two 10'x70' sight triangles are required for the entrance to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrance. Such items should be identified on the site plan.

The driveway connection to Albemarle Road requires driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The location of the driveway shown on the site plan is subject to change in order to comply with City Driveway Regulations and the City Tree Ordinance.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal requirements, cost, and liability insurance coverage requirements.

To facilitate driveway permit review the site plan must be revised to include the following:

- Dimension the proposed driveway at the property line. The minimum width for a two-way driveway is 26 feet.

- Show the proposed driveway as a standard drop curb ramp Type II drive (without radii).

- Indicate the locations and widths of all adjacent and opposing driveways.

- Indicate parking module dimensions.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
Norwood Plants & Garden Center
Rezoning File

FRED E. BRYANT, PLANNER

Suite 216, Providence Center
1850 East Third Street
Charlotte, North Carolina 28204
(704) 333-1680 • FAX (704) 376-5715

STATEMENT OF SUPPORT

REZONING PETITION: 92-70

PETITIONER: NORWOOD PLANTS AND GARDEN CENTER

LOCATION: 3.4 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD EAST OF HOLLIROSE DRIVE

REQUEST: CHANGE FROM R-3 TO B-1(CD)

This request proposes to change almost 3.5 acres of land located on the north side of Albemarle Road west of Harrisburg Road from the residential classification to the B-1(CD) classification in order to permit the establishment of a plant nursery and garden center. The Norwoods now operate a facility near Albemarle Road and W. T. Harris Boulevard, but with added congestion in that area and limitation of available space, the owners need to relocate to a site nearer the center of their trade area. As has been established by the Prehearing Staff Analysis, there are no technical issues involved in the site plan as we have conformed to all of the requirements of the ordinance as well as addressing all comments coming from the departmental staff reviews.

Very simply put, the only objection to this rezoning is that it is located just west of an established commercial center and, therefore, has been judged not to be in compliance with the overall objectives of the East Mecklenburg District Plan. While this is technically correct, it does not recognize the practical issues related to the establishment of such a service facility. The choosing of a site for a plant nursery is always difficult since it is a relatively large user of space (in this case almost 3.5 acres) which cannot normally be found in existing commercial center locations. The cost of acquiring 3.5 acres in a conventional shopping center setting, zoned business, almost immediately rules out such family operated centers. Additionally, the type of service provided by this type of plant nursery is not suitable for placement in what is basically an asphalt area identified as a shopping center. Neither the zoning ordinance nor the district plan recognizes the particular characteristics of this type of use and, therefore, does not generally recognize the appropriateness of them in relation to the practical realities of locational criteria.

One of the results of this type of close-knit regulation is to primarily force the consumer to rely upon garden facilities which are a part of a much larger retail concentration such as a Wal-Mart or a K-Mart. While these facilities provide products for the homeowner, they do not provide the quality of product and expertise of attendants provided by the specialty centers such as Norwoods. It is unfortunate that in our urbanizing environment, recognition

cannot be given to the provision of services in a more leisurely and compatible environment.

It has been demonstrated that such facilities can operate satisfactorily in a residential environment without encroaching upon the basic characteristics of the area. This is true because the nature of this business is not comparable to a pure retail operation in a building, but depends upon the creation of what in effect becomes almost landscaped environment in order to display and promote the products. These activities are carried on in a controlled and small-scale manner providing a service to the surrounding residential area without displacing its characteristics. A prime example of this is Harkey's Nursery relocated from Sardis Road, in the midst of a residential area, to a new location on Rea Road which is solidly in the midst of a rapidly developing and growing residential environment. This move was accomplished along with the appropriate rezoning without any voice of objections from the neighborhood and, to the best of my knowledge, is providing a much needed and wanted service in this area without detracting from the value of the nearby residential subdivisions.

This is the objective the Norwoods have in pursuing this rezoning request. Please consider the practical reality of locating such a land use and, if possible, view the Harkey's Nursery facility on Rea Road before arriving at your final decision.

FEB/df

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-71

Petitioner: Cambridge Properties

Location: A 79.3 acre site located along the west side of U.S. 29, adjacent to University Place.

Request: Change from B-1SCD and Institutional CD to CC (Commercial Center) and R-22MF(CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently covered by two separate B-1SCD petitions. The vast majority of the site is covered under a single master plan approved in 1986 for a mixed use development on approximately 62 acres of the petition site. Although zoned B-1SCD, the plan called for a mixture of business, office and residential uses as well as the creation of several open space and greenway areas.

   Two small tracts labeled on the site plan as First Union and Cityfair III Holding, Inc. are part of the University City Master Plan. These two tracts are also zoned B-1SCD but are controlled by the master plan and design guidelines for University City. Only the Cityfair tract has any significant development rights granted under the University City Plan, and those rights include an unspecified amount of retail and/or office development.

   Properties to the south of the subject property are zoned B-1SCD and a mixture of commercial and office zoning near the intersection of Harris Boulevard and U.S 29. Properties to the north of the site are zoned for institutional, retail, office, and multi-family uses. Properties across U.S. 29 from the site are zoned for institutional uses.

2. Existing Land Use. The property involved with this request is presently occupied predominately by the Paradise Valley Golf Course. Portions of the site which are presently part of the University City Master Plan are undeveloped. To the south of the site can be found existing development at University City including approximately 125,000 square feet of retail space as well as additional office space and a hotel. At the intersection of Harris Boulevard and U.S. 29 is a mixture of business, office and institutional uses including a hospital. To the north of the site along U.S. 29 can be found a golf driving range, a restaurant, and one or two small convenience stores. Directly across U.S. 29 from the site are two small nonresidential uses and the undeveloped portion of the University of North Carolina at Charlotte campus area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates a major mixed use center at the intersection of Harris Boulevard and U.S. 29. The plan anticipates this major retail center will be surrounded by and include a significant amount of housing. The plan recognizes developing employment uses adjacent to University Place and existing employment in the University Research Park elsewhere in the immediate vicinity. The University of North Carolina at Charlotte is a major institutional use in the area. 2005 strategies include improvements to Harris Boulevard, the extension of water and sewer lines in the area and the development of the greenway system along Mallard Creek.

   2. Northeast District Plan. The Northeast District Plan (adopted 1990) recommends multi-family land uses in the area of the subject property. University Place is recognized as the regional mixed use center for the area which would accommodate a significant amount of retail and office development.

      Note. In accordance with the recommendations of the Northeast District Plan, the Charlotte-Mecklenburg Planning Commission filed a rezoning petition to remove the existing commercial zoning from the subject site. The petition requested that the property be rezoned from B-1SCD to a multi-family classification in accordance with the adopted Northeast District Plan. Pursuant at least partially, to strenuous objections from the property owners the City Council in June of 1992 rejected the zoning petition thus leaving the existing commercial zoning in place. In view of the fact that the City Council specifically rejected changing the zoning on this site to coordinate with the Northeast District Plan the debatable question arises as to whether the nonresidential portion of the site is or is not consistent with the plan's recommendations and City Council's actions.

   3. Transportation Improvement Program. Long term transportation plans for the area include the widening of Mallard Creek Church Road and the construction of the northeast segment of the Outerbelt Freeway.

4. Site Plan.

   1. Existing Site Plan. The site plan which presently controls the development of the bulk of this property proposes a mixed use development including approximately 135,000 square feet of retail space, 110,000 square feet of office space, a 100 room hotel and 480 units of multifamily housing. In addition the plan committed to pedestrian, vehicular, and open space connections which would tie the Mallard Creek Greenway to the

University Place development to the south. This was accomplished through the extension of Olmstead Drive to the north from University Place, the creation of two open space areas along the center of the property focusing on the natural topography, and the dedication of approximately 6½ acres to the County's greenway system. The property was to be accessed by a loop road with two connection points to U.S. 29 serving the business, office, and multi-family portions of the site. The multi-family portion of the site extended all along the Mallard Creek Greenway area and related to existing similar type development in the University Place Project. The plan limited to two the number of outparcels along the U.S. 29 frontage.

The portions of this site which were part of the University Place plan included an area which was related to residential development and proposed to be used largely for open space and an area with frontage along U.S. 29 with an unspecified amount of retail/offices uses. The sole access to that site (the Cityfair site) was from Olmstead Drive with no connections to U.S. 29. An analysis of the development which has taken place to date on University Place indicates that there is only 37,500 square feet of development remaining as part of the convenience retail portion of that plan. In as much as the plan does not specifically designate development rights to individual parcels and assuming the Cityfair tract included all of the remaining retail development rights, then the maximum that could be built on the Cityfair site is only about 37,500 square feet.

2. Proposed Site Plan. The site plan which accompanies this rezoning petition proposes to rezone the front two thirds of this property to the commercial center classification and the remaining one third to the rear to the R-22MF multifamily classification. With regard to the commercial center area, the plan proposes a total of 435,000 square feet of any use allowed in the commercial center district. The arrangement of buildings on sheet one of the zoning plan suggests a retail development. The plan now contains three access points to U.S. 29 including two driveway entrances to the commercial portions of the site and a public street which connects the multi-family portion of the site to U.S. 29. The plan proposes the development of up to four outparcels along U.S. 29 with possibly a fifth on the Cityfair portion of the site. The plan maintains the existing objective of creating both the vehicular and pedestrian connections to University Place through the extension of Olmstead Drive and the creation of a greenway/buffer area along the central portion of the site separating the rear of commercial center from the multi-family portion of the plan. The plan indicates certain greenway and buffer areas to be established between the commercial and

multi-family areas and suggest that lakes may be included within this area although there is no firm commitment on the plan to establish permanent water features. The plan contains no specific information regarding phasing of the nonresidential development and no commitment toward the actual construction of the multi-family portion tied to the nonresidential development. The configurations of property lines on the site suggest that substantial portion of the commercial development could be built by one property owner or the other and there are no specific provisions for coordinated grading or opens space development which, in view of topography of the site, should most likely be conducted at one time through a master plan proposal. Sheet two of the site plan is devoted to development notes related to among other things provision of the buffer/greenway areas, signage, storm water management and traffic study.

5. School Information. School Information has been requested but has not been received as of the preparation of this report (11/26/92).

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-3	R-12 to B-2	Denied	05/18/70
2. 70-4	R-12, R-12MF, B-2 to B-1 & Institutional	Approved	05/18/70
3. 70-2	R-12, B-2, RE-1 to Inst.	Approved	05/18/70
4. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
5. 84-38(c)	Inst. to B-1SCD	Approved	11/05/84
6. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/12/86
7. 86-47(c)	B-2, R-12, Inst. to B-1SCD & Inst. (CD)	Approved	06/22/88
8. 85-49(c)	B-1SCD to R-20MF	Approved	11/18/85
9. 92-22	B-1SCD & B-2 to R-12MF	Approved	06/15/92

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to provide for 435,000 square feet of nonresidential area and approximately 300 dwelling units of multi-family housing. Plans for this area, and specifically the Northeast District Plan adopted in 1990, call for this property to be used for multi-family housing. The multi-family housing on this site takes advantage of several characteristics. The property has rolling topography as well as a substantial floodplain area and

multi-family housing is more easily integrated into this varied topography than large footprint users found in retail shopping centers. In addition, the location of this site bounding a major thoroughfare as well as adjoining a county greenway and existing multi-family developments makes it desirable for additional multi-family opportunities. In addition the site is directly across the street from the undeveloped portion of the UNCC campus. As this major institution grows in the future it would be appropriate to provide for housing opportunities for both students, faculty, and staff within walking distance of both the campus and of retail services found in University Place.

As noted earlier, however, a zoning case specifically intended to implement the recommendations of the Northeast District Plan by changing the zoning on this property to multi-family was rejected by the City Council in June of this year. Although no formal action has been taken to amend the plan itself, a question may be raised as to the intent of the City Council in the denial of the zoning petition. Was it the Council's intention to maintain the Northeast District Plan policy for multi-family housing even though denying the application or was it the Council's intent by denying the application to amend the Northeast District Plan to memorialize the existing zoning? If the later scenario is correct, then it could be argued that the Northeast District Plan would accommodate a specific amount of commercial development on the site. As noted earlier the existing site plan provides for approximately 240,000 square feet of retail and offices uses as well as an unspecified amount of floor area on the Cityfair portion of the site. If one concludes that the Northeast District Plan supports commercial on this location then the existing zoning is sufficient to accommodate that need. The existing plan provides for an excellent mix of convenience retail as well as small scale office uses and provides for a larger number of multi-family housing units over a larger portion of the site taking advantage of the Mallard Creek Greenway for open space. As noted earlier the existing zoning already accommodates a vehicular as well as a pedestrian/open space connection to University Place and so those characteristics of the proposed zoning plan are not new. Without any specific action to the contrary, the staff must conclude that this petition as proposed cannot be considered consistent with the Northeast District Plan. The increase in the amount of commercial area and the reduction in the amount of multi-family area would not seem to be consistent with either the plans recommendations or the existing zoning for the site if that were to be included in the plan.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has discussed this petition and variations of this petition for many months with

the property owners prior to the filing of this request. The staff has communicated a number of comments and suggestions to the petitioner since the filing of the application, the majority of which have been addressed on the revised site plan.

2. Departmental Comments. Significant among the departmental comments was a request from the City's Department of Transportation for traffic impact study which has been prepared and is under review. The petitioner also acknowledged the possibility of establishing a park and ride site on a portion of the property as well as addressing many of the staff concerns regarding buffer and open space questions. However, it should be noted that a number of detail comments still need to be addressed on the conditional site plan relating to the buffer, architectural controls, signage, and the results of the traffic impact study. All of these issues can likely be resolved by the petitioner prior to any final action on this request.

ISSUES

1. Land Use. This petition raises a perplexing land use issue. Taken in its simplest form this petition is not consistent with the Northeast District Plan or the 2005 Plan. Both of those plans anticipate this property being used for housing to support the growth of the University as well as the growth of employment in the area. The existing zoning on this site was a compromise reached in 1986 which reduced a substantial area of unregulated B-2 zoning along the front portion of the site in exchange for a conditional site plan providing for convenient retail and small scale office uses as well as multi-family housing. However, when a rezoning request to bring this property into conformance with the Northeast District Plan was proposed, the City Council denied the zoning application leaving the existing zoning in place. No specific actions have been taken to amend the Northeast District Plan to reflect the commercial zoning on the site and the specific intent of the City Council with regard to the action on the zoning case was not declared. If, as the petitioner has suggested, this property is viewed as an extension of University Place then an argument could be made for additional development rights or conversion of existing development rights from office and multi-family towards more retail use. Indeed, the petitioner has maintained the same sort of vehicular and pedestrian connections to University Place that had been established earlier. The existing development rights on the site could be reconfigured to allow for more retail while still preserving an office component and more of the originally approved multi-family housing. However, without a specific action to amend the Northeast District Plan to accommodate the zoning which already exists on this site

much less zoning proposed by this petition, then this request cannot be considered consistent with plans for the area.

In accordance with the request of the City Council the staff has conducted a retail study in the northeast area focusing on specific sizes and types of shopping centers, their service areas and the amount of those centers which are both planned for and zoned in the northeast district. The proposal to rezone this property to accommodate approximately 435,000 square feet of retail space moves this petition into the category called "regional/power centers". The study reveals that there is a significant over supply of zoning already in place for centers of this type in the northeast district. However, the existing zoning on this property places it in the next smaller class of shopping centers known as community shopping centers for which the study reveals an inadequate supply of planned and zoned properties. It would seem then that if the Northeast District Plan did contemplate this site remaining as a commercial site then the more appropriate configuration of the site would be for a community shopping center for which there is not enough land presently zoned instead of a regional/power shopping center for which there is an over abundance of property already planned or zoned.

In view of the Councils action to preserve the existing zoning on the site, the oversupply of zoning for larger power center type shopping centers, and the apparent under supply of appropriately located and zoned sites for convenience centers it would appear that the zoning which presently exists on this site should be preserved and, therefore, the petition should not be approved.

2. Site Plan. The site plan which accompanies this petition combines parcels covered by two existing zoning plans to form a single site. The proposal would establish a retail center over 435,000 square feet and provide for 300 units of multi-family housing. The site plan would allow four or possibly five outparcels along Highway 29 instead of the two which are permitted by the present zoning. While the plan does preserve both pedestrian, open space and vehicular connections to University Place it does not make best use of the existing topography which was more sensitively addressed by the present site plan. There are still several small unresolved site plan issues dealing with park and recreation facilities, signage and the provision of open space amenities which need to be resolved prior to a final decision on this request. In addition the results of the analysis of the traffic study done for the property need to be incorporated as needed prior to any final action. If one accepts the notion that a power center type development is appropriate for this site then the site plan which accompanies the application provides for such a center. However, a reconfiguration on the site by reducing the outparcels and shifting some of the retail uses to the south

toward University Place might free up additional land to be used for small scale office or additional multi-family housing. If, as the petitioner suggests, this property should be viewed as an extension of University Place then clearly the high quality design standards of University Place must be committed to rather than alluded to in this petition. In subjective terms the existing zoning for this property represents a more attractive and thoughtful use of the site than the zoning proposed by this petition. These site plan issues can be addressed by the petitioner prior to a final decision on this case.

CONCLUSION

In its present form this petition is not consistent with the Northeast District Plan which continues to show the future use of this property as one of housing to support growth and development in the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-71
Date Filed 10/5/92
Received By wfm
OFFICE USE ONLY

Ownership Information

Property Owner Ronald J. Withrow; Velma C. Ratcliffe; First Union Natinal Bank; Cityfair III Holding, Inc.

Owner's Address Post Office Box 220325, Charlotte, NC 28222

Date Property Acquired September 5, 1984

Tax Parcel Number 047-191-05; 047-191-12; 047-201-33; 047-201-31

Location of Property (address or description) West side of US Highway 29 North, adjacent to University Place.

Description of Property

Size (Sq. Ft.-Acres) 79.3 acres Street Frontage (ft.) 2029.65 feet

Current Land Use 1) Golf Course; 2) Club House; 3) Storage; 4) Vacant

Zoning Request

Existing Zoning B-1 SCD; R-12MF; Inst. (CD) Requested Zoning CC; R-22MF (CD)

Purpose of Zoning Change To balance and unify the usage and development of these tracts with University Place.

Name of Agent

Agent's Address

Telephone Number

Cambridge Properties
Name of Petitioner(s)

2915 Providence Rd., Char., NC 28211
Address of Petitioner(s)

704/364-2393
Telephone Number

George L. Maloomian

Signature

Ronald J. Withrow
Signature of Property Owner
if Other Than Petitioner

Velma C. Ratcliffe

PETITIONER: Cambridge Properties

PETITION NO.: 92-71 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: B-1SCD, , & Institutional(CD)

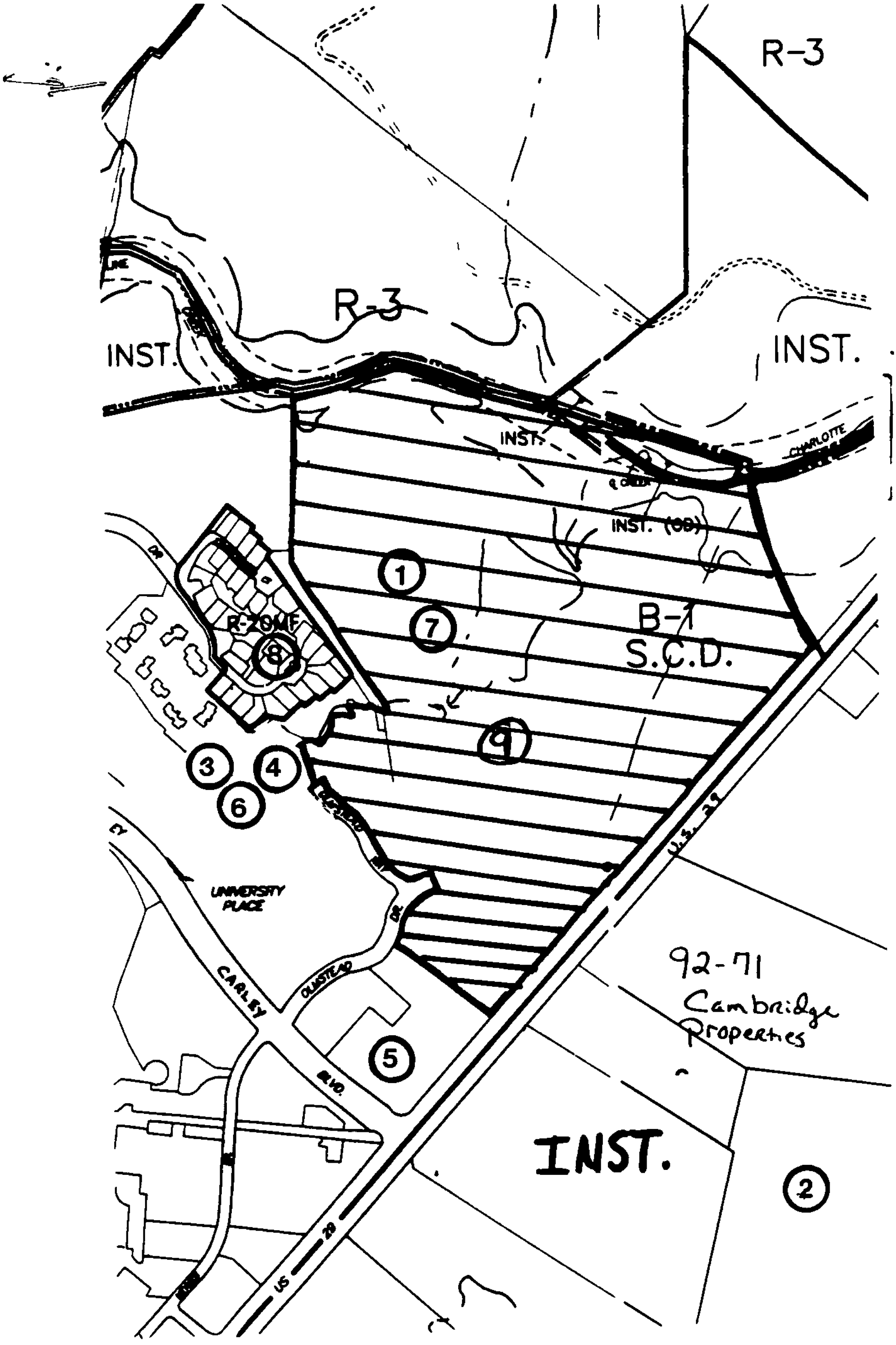
ZONING CLASSIFICATION, REQUESTED: CC and R-22MF

LOCATION: A 79.3 acre site located along the west side of U.S. Highway 29 North, adjacent to University Place.

SEE ATTACHED MAP

ZONING MAP NO(s).: 57 & 58 SCALE 1" = Reduced 400'

PROPERTY PROPOSED FOR CHANGE


R-3
R-3
INST.
INST.
INST.
INST. (OB)
CHARLOTTE
B-1
S.C.D.
R-20MF
1
7
8
9
3
4
6
5
2
UNIVERSITY PLACE
CARLEY
BLVD.
US 29
U.S. 29
92-71
Cambridge Properties
INST.

M E M O R A N D U M

DATE: December 1, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-71: North Tryon Street (US 29) Adjacent to University Place (Revised 11/21/92)

The trip generation was not calculated because of the various land uses permitted in each of the existing zoning districts. The revised site plan indicates a reduction from 400 to 300 multi-family units. Therefore, the trip generation range has been reduced (from 20,514-21,314 to 19,814 - 20,414 trips per day).

The Traffic Impact Study (TIS) that we previously requested has not yet been submitted by the developer. The TIS <u>is required</u> and essential to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity.

The preparer of the TIS must contact Scott Putnam (336-7085) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements.

Initial site plan review comments are as follows:

- A minimum of 150 feet of internal channelization at all driveway locations is required.
- We request the developer reserve 100 Park-N-Ride spaces (6am - 6pm) Monday - Friday within the development. These spaces must be reserved in a location that is convenient to transit users as determined by CDOT.
- If median openings/relocations are approved on US 29, then left-turn lanes will be required in both directions and not just in the northbound direction.

- The internal termination of the main entrance driveway to force right and left-turns should be redesigned to promote a more appropriate circulation pattern.

- We recommend an internal public street connecting to Olmstead Way.

Additional specific comments will be made by CDOT after our review of the TIS.

North Tryon Street (US 29) is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

Adequate sight distance triangles have been shown to be reserved at the proposed entrances. Two 35'x35' and two 10' x 70' sight triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The driveway connections to North Tryon Street require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with the City Driveway Regulations, and the City Tree Ordinance.

All proposed commercial driveway connections to a future public street will also require a driveway permit to be submitted to CDOT for review and approval.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business

association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal requirements, cost, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Cambridge Properties
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-72

Petitioner: Christopher Branch

Location: A 2.77 acre site located on the southwest corner of the intersection of East Boulevard, Maryland Avenue, and Queens Road West.

Request: Change from R-3 to UR-1(CD) and UR-2(CD).

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-3 as are nearby properties located to the south and east along Sterling Road, Maryland Avenue, Queens Road West, and Queens Road. Properties located to the north along Kings Drive and the northwest along East Boulevard are predominantly zoned O-2. Properties located to the northwest along Lombardy Circle and along Briar Creek are zoned R-5 and R-6. A small tract located across Maryland Avenue from the petitioned site is zoned with a special use permit for a civic organization.

2. Existing Land Use. The petitioned property is one of a small number of remaining vacant tracts in the area. Freedom Park is a significant open space feature in the surrounding area. Properties to the south and along Queens Road are predominantly devoted to single family residential development. Properties along the East Boulevard corridor are developed with a combination of office, multi-family, single family, and duplex units. The Nalle Clinic is located at the intersection of East Boulevard and Kings Drive. Further to the north along Kings Drive properties are devoted to single family and duplex units.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates the area as one of existing residential land uses and recognizes Freedom Park as a major open space/park in the area.

   2. Central District Plan (Pending). The Central District Plan recommends single family residential development for the subject property.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from R-3 to a combination of UR-1(CD) and UR-2(CD) to allow the development of a single family attached and detached community with an overall density of 9 units per acre. The portion of the petitioned property being requested for rezoning from R-3 to UR-1(CD) is in the most southwesterly portion of the site abutting Maryland Avenue. This portion of the site plan proposes four

single family lots of 5,000 square feet in size. The remainder of the site which abuts Queens Road West, East Boulevard and the remaining portion of Maryland Avenue is proposed for rezoning from R-3 to UR-2(CD) for 21 single family attached units on individual lots with the units attached at the garages. The plan indicates each lot will have a minimum setback of 5 feet, a minimum side yard of 5 feet, and a minimum rear yard of 10 feet. The plan provides for a 4 foot high solid masonry wall along the rear/side yards of the attached units in the UR-2(CD) area and along the predominant portion of the project edge of the UR-1(CD) portion. Access to the property is provided by the creation of an internal loop road off of Maryland Avenue. The three lots which abut Maryland Avenue have their access directly off of Maryland Avenue. No vehicular connections are made to East Boulevard or Queens Road West.

5. School Information. School information has been requested but has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-46	R-12 to R-6MFH	Denied	01/07/72
2. 80-44	R-6MF to O-6	Denied	06/15/81
3. 84-34	R-12 to R-15MF(CD)	Denied	09/17/85
4. MSUP 85-84	Inst. Use in Residential (Junior League)	Approved	12/15/85

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning of property from a single family residential category to conditional UR-1 and UR-2 categories. Pending and adopted land use plans for the area recognize it as one of existing and future single family residential development. Therefore, the petition is not entirely consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff provided technical assistance to the petitioner prior to the filing of this petition. Subsequent to the filing, staff relayed a number of departmental comments to the petitioner.

   2. Departmental Comments. Staff comments included the need for clarification of the proposed use i.e. single family attached versus detached, an indication of whether the internal streets would be public or private, clarification as to whether the wall/fence would be built and an indication that the wall would be a solid masonry or brick wall with the finished side

on the exterior. Staff also noted the need for attention to tree preservation on the site particularly along the project edges and the need for right-of-way dedication. The revised site plan addresses the majority of these comments but needs clarification of the transitional setback or right-of-way dedication, clarification of existing trees to be saved, and indication that the brick wall will have its finished side on the exterior.

ISSUES

1. Land Use. This petition proposes rezoning from a standard single family residential category to a combination of two urban residential categories. Land use plans for the area recognize it as one of existing and future single family residential development. This type of location, although in close proximity to the central city, is not an "urban" setting as typically associated with the urban residential districts. The UR districts are found mostly in First, Third, and Fourth Wards and have design standards focused on high density, limited parking, very small yard spaces, and no buffers. From this standpoint, the utilization of an urban residential district raises a land use concern. Therefore, consideration of this request must fall heavily to the specific site plan which accompanies this petition.

2. Site Plan. The site plan which accompanies this petition proposes rezoning to a combination of UR-1(CD) and UR-2(CD). The proposed UR-1(CD) area is located in the most southwesterly corner of the property abutting Maryland Avenue. This portion of the petition proposes four single family lots of 5,000 square feet in size. A brick wall is proposed along most of the project edge in this area adjoining single family zoning. Three of the four lots are accessed directly off of Maryland Avenue and the fourth of these lots is to be accessed from a proposed internal loop street. The proposed UR-2(CD) portion of the petition proposes a maximum of 25 attached units on individual single family lots to be accessed off of the proposed internal loop road. The units are to be attached at the garages, rather than the walls, which should establish a generally single family atmosphere. This portion of the project also proposes a four foot high solid masonry wall abutting single family zoning. Overall, the site plan does create a small enclave with a single family character that fits in well with the established neighborhood. From this standpoint, the specific site plan's generally single family concept renders this petition worthy of consideration.

There are, however, several outstanding site plan issues which need to be addressed prior to a decision on this request. Those items include the need for clarification of the attempts at tree preservation particularly along East Boulevard/Queens Road West, an indication that the exterior of the brick wall will be the finished side of the brick, and provision of either right-of-way

dedication or compliance with transitional setback requirements. These modifications are easily addressed by the petitioner prior to the ultimate decision on this request. Assuming that these changes are incorporated into the site plan, this petition is considered appropriate for approval.

CONCLUSION

This petition's proposal to utilize an urban residential category raises some concern inasmuch as this is not a particularly urban setting. However, the UR categories were the only vehicle through which this particular proposal could be accommodated and the site plan proposes a development which is in harmony with the surrounding properties. Assuming that the noted site plan issues are addressed by the petitioner, this petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-72

Date Filed 10/5/92

Received By WJM

OFFICE USE ONLY

Ownership Information

Property Owner E.C. Griffith Company

Owner's Address 1914 Brunswick Ave. Charlotte, NC 28207

Date Property Acquired 1953

Tax Parcel Number 151-051-07 (17)

Location of Property (address or description) Property at the southwest corner of Queens Road West and East Boulevard.

Description of Property

Size (Sq. Ft.-Acres) 2.77 acres Street Frontage (ft.) 900+

Current Land Use Vacant; Zoned R-3

Zoning Request

Existing Zoning R-3 Requested Zoning UR-2

Purpose of Zoning Change To accommodate the subdivision of the property into 25 separately deeded lots.

Name of Agent
The Boulevard Company

Agent's Address
500 East Boulevard Charlotte, NC 28203

Telephone Number
704 334-8244

Name of Petitioner(s)
Christopher J. Branch

Address of Petitioner(s)
1915 Lennox Ave. Charlotte, NC 28203

Telephone Number
704 376-4464

Signature

Signature of Property Owner
If Other Than Petitioner

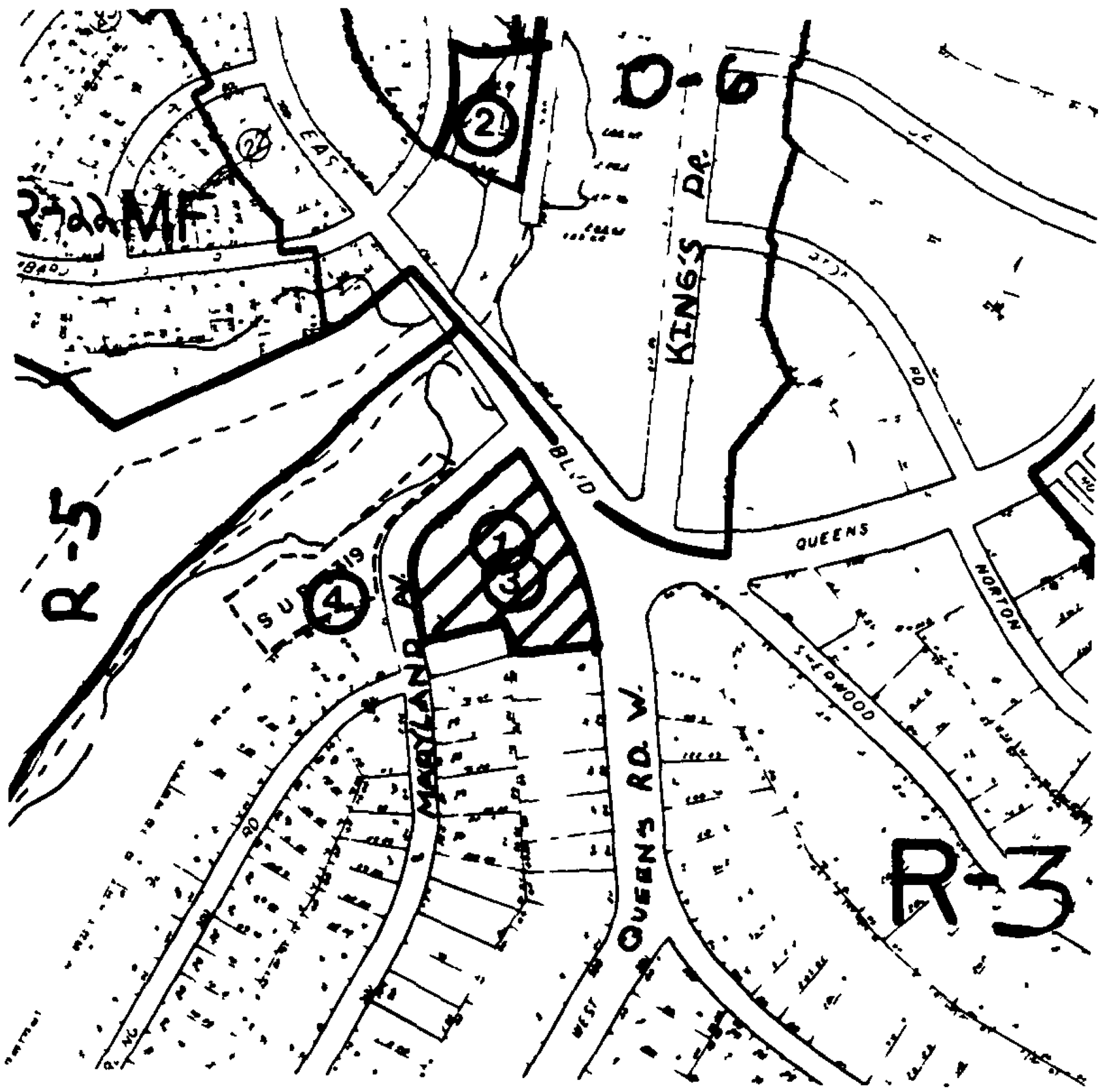
PETITIONER: Christopher J. Branch

PETITION NO.: 92-72 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: UR-2

LOCATION: A 2.77 acre site located at the southwest corner of Queens Road West and East Boulevard.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: December 1, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-72: Southwest Corner of Queens Road West and East Boulevard (Revised 11/20/92)

This site could generate approximately 88-96 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (300-325 trips per day) will remain the same.

East Boulevard and Queens Road West are both major thoroughfares requiring a minimum of 100 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35'x35' and two 10'x70' sight distance triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The driveway connections to Maryland Avenue require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and to comply with City Driveway Regulations and the City Tree Ordinance. CDOT will not approve any driveway connection to East Boulevard or Queens Road west.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether and encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the use of the right-of-way by the City and/or utility franchise holders. Further, CDOT, and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be aaproved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal requirements, cost, and liability insurance coverage requirements.

To facilitate driveway permit review the site plan must be revised to include the following:

- A vicinity map
- Dimension the proposed driveways at the property line. The minimum width for a two-way driveway is 26 feet.
- Proposed locations of Stop Signs. All signing must conform to the Manual on Uniform Traffic Control Devices.
- Proposed sidewalks should be coordinated to tie into the existing crosswalk/ramp locations on Queens Road West.

If we can be of further assistance, please advise.

RDG/REG:hll
cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
The Boulevard Company
Christopher J. Branch
Rezoning File

December 7, 1992

Laura Simmons
Charlotte-Mecklenburg
Planning Commission
600 East 4th Street
Charlotte, NC 28202-2853

Dear Laura:

I am writing in response to your letter and pre-hearing analysis for petition 92-72 dated December 1st, 1992. Please consider this my statement to be filed and distributed with that petition.

Generally, the planning staff has noted that, although the request for UR rezoning raises some land use questions, the UR designation is the only possible zoning for the site plan we have proposed. As pointed out by the staff, the site plan itself does represent an appropriate use for the site. Our request for rezoning is conditional and ensures that our site plan is the only type of development that can occur at this location. Consequently, the land use and plan consistency issues are a function of the zoning category rather than the actual conditional site plan, which delineates 25 individually deeded single family lots.

Specifically, our plan shows a transitional setback 50' from the centerline of East Boulevard and Queens Road West as required by the zoning ordinance. In addition to the transitional setbacks in these areas, we also show a 40' subdivision setback that begins where the transitional setback ends. Consequently, our building envelopes are a minimum of 90' from the centerline of East Boulevard and Queens Road West. We should note that our perimeter drive does occur in the subdivision setback. However, this issue has been reviewed and accepted by the planning staff as consistent with the zoning ordinance.

The area between the curb and the property line will be fenced during construction and all existing specimen trees will be maintained. In the area between the property line and our interior loop road we will make every attempt to protect and save specimen trees. In addition, we will be adding trees to compliment the existing foliage and further separate the new homes visually from East Boulevard and Queens Road West. Obviously, it is in our best interest to save as many trees as possible in order to minimize future planting.

THE BOULEVARD COMPANY

500 EAST BOULEVARD

CHARLOTTE, NC 28203

704. 334.9244

FAX 704. 343.9380

Our site plan shows a solid masonry wall that separates the existing homes on Queens Road West and Maryland Avenue and the proposed project. This wall will be of solid masonry and will have the finished side facing the existing homes and the exterior of the site.

I hope this response covers the areas of concern outlined in the staff analysis. If you have further questions, please do not hesitate to contact me.

Sincerely yours,

Christopher J. Branch
The Boulevard Company

CB/bt
013CB

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-73

Petitioner: James E. Body

Location: Approximately 6.89 acres located on the north side of Fairview Road west of Wintercrest Road.

Request: Change from R-3 to UR-2(CD).

BACKGROUND

1. Existing Zoning. The subject property is currently zoned R-3 as is most of the surrounding property. Office zoning is predominate to the east of Wintercrest Road and Park South Drive. Three parcels located at the southwest corner of Fairview Road and Park South Drive are zoned R-17MF, R-43MF and R-9MF(CD).

2. Existing Land Use. The subject property is currently developed with two single family residences. The land use pattern in the area is predominantly single family residential with significant open space provided by Park Road Park. A multi-family residential development is located on the south side of Fairview Road between Closeburn Road and Park South Drive. A variety of office and mixed commercial uses dominate the properties surrounding the intersection of Park South Drive and Fairview Road.

3. Public Plans and Policies.

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

   2. Transportation Improvement Program (TIP). The TIP includes plans to widen Fairview Road to six lanes from Park Road to Colony Road.

   3. Southpark Analysis (1988). The subject property falls within subarea "B" of the analysis area. This plan recommends that single family residential areas be maintained. Limited multi-family development along Park Road south of Fairview and between Tyvola and Fairview Roads may be permitted.

   4. South Mecklenburg District Plan. The South District Plan recognizes the area as suitable for either single family or multi-family residential development.

4. Site Plan. The site plan which accompanies this petition proposes the construction of 47 townhouses for sale and preservation of the existing historic structure. The density is 6.96 units per acre. A brick wall would surround the project with large maturing trees placed on the exterior of the wall along Fairview Road and on the interior of the wall elsewhere. Access is provided by one driveway to Fairview Road. The plan indicates the townhouses would be constructed with a brick veneer finish, designed in a "traditional" architectural style and would not exceed two stories in height. Two open space areas are provided within the project.

5. School Information. School information has been requested but has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

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

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

REVIEWS

1. Plan Consistency. Publicly adopted plans for the area ranging from the 2005 Plan to the 1988 Southpark Plan to the South Mecklenburg District Plan have evolved from a general indication of existing residential development (2005 Plan) to a specific single family residential focus (1988 Southpark Plan) to an either single family or multi-family residential designation (South Mecklenburg Plan). The district plan general policies would indicate the petitioned property is suitable for eight dwelling units per acre. The proposed use is, therefore, generally consistent with plans for the area.

2. Technical Consistency.

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

2. Departmental Comments. Planning staff indicated some concern regarding the use of an urban residential category in this location and suggested the incorporation of at least a 20 foot buffer adjoining single family residential zoning with large maturing trees placed on the interior and exterior of the brick wall. CDOT noted the need for the plan to limit the Fairview Road driveway to right turns only. (See attached memo).

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to a conditional urban residential district to permit the construction of a townhouse for sale development. The proposed multi-family development is generally consistent with recent land use plans for the area. However, the requested urban residential category is not typically utilized outside of Inner City neighborhoods such as First, Third, and Fourth Wards and is exempt from the buffer standards outlined in the zoning ordinance. A standard multi-family residential district would require 40 to 50 foot buffers with a 25% reduction for installation of a wall or fence. Therefore, the UR-2 category, as proposed, is appropriate for approval in this setting only if the site plan clearly demonstrates that adequate project edges are provided.

2. Site Plan. The site plan which accompanies this petition proposes a 47 unit townhouse for sale project accessed off of Fairview Road. The plan also commits to the preservation of the existing historic structure. The plan provides a 40 foot building setback along Fairview Road and 5 or 10 foot side and rear yards along the remaining project edges. A 6 foot brick wall finished on both sides surrounds the project. The outstanding site plan issues are the project edge treatment and the need for a limitation of the driveway on Fairview Road to right turns only. Inasmuch as a standard multi-family category would require 40 to 50 foot buffers adjoining single family zoning, this site plan should incorporate at least a 20 foot buffer with landscaping on the exterior of the brick wall.

CONCLUSION

This petition could be considered appropriate for approval with an improved project edge treatment.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-73

Date Filed 10/5/92

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: Body Park 51, Florence O'Neal Starnes

Owner's Address: 1901 Roxbororough Rd, Suite 215 Charlotte, N.C. 28211 — 5700 Fairview Rd Charlotte, N.C. 28209

Date Property Acquired:

Tax Parcel Number: 177-053-07/08/09/35

Location of Property (address or description)

northerly side of Fairview Rd opposite Closeburn Rd

Description of Property

Size (Sq. Ft.-Acres): 6.82 ±

Street Frontage (ft.): 811' ± Fairview Rd.

Current Land Use: single family residence(2)

Zoning Request

Existing Zoning: R-3

Requested Zoning: UR-2 (CD)

Purpose of Zoning Change: to permit the development of a townhouse for sale residential community

Name of Agent: Robert G. Young
301 S. McDowell St., Suite 404
Charlotte, N.C. 28204

Agent's Address: 334-9157

Telephone Number:

Name of Petitioner(s): James E. Body
1901 Roxborough Rd
Suite 215, Charlotte, N.C. 28211

Address of Petitioner(s): 364-8811

Telephone Number:

Signature: [signature]

Signature of Property Owner if Other Than Petitioner: Florence O'Neal Starnes

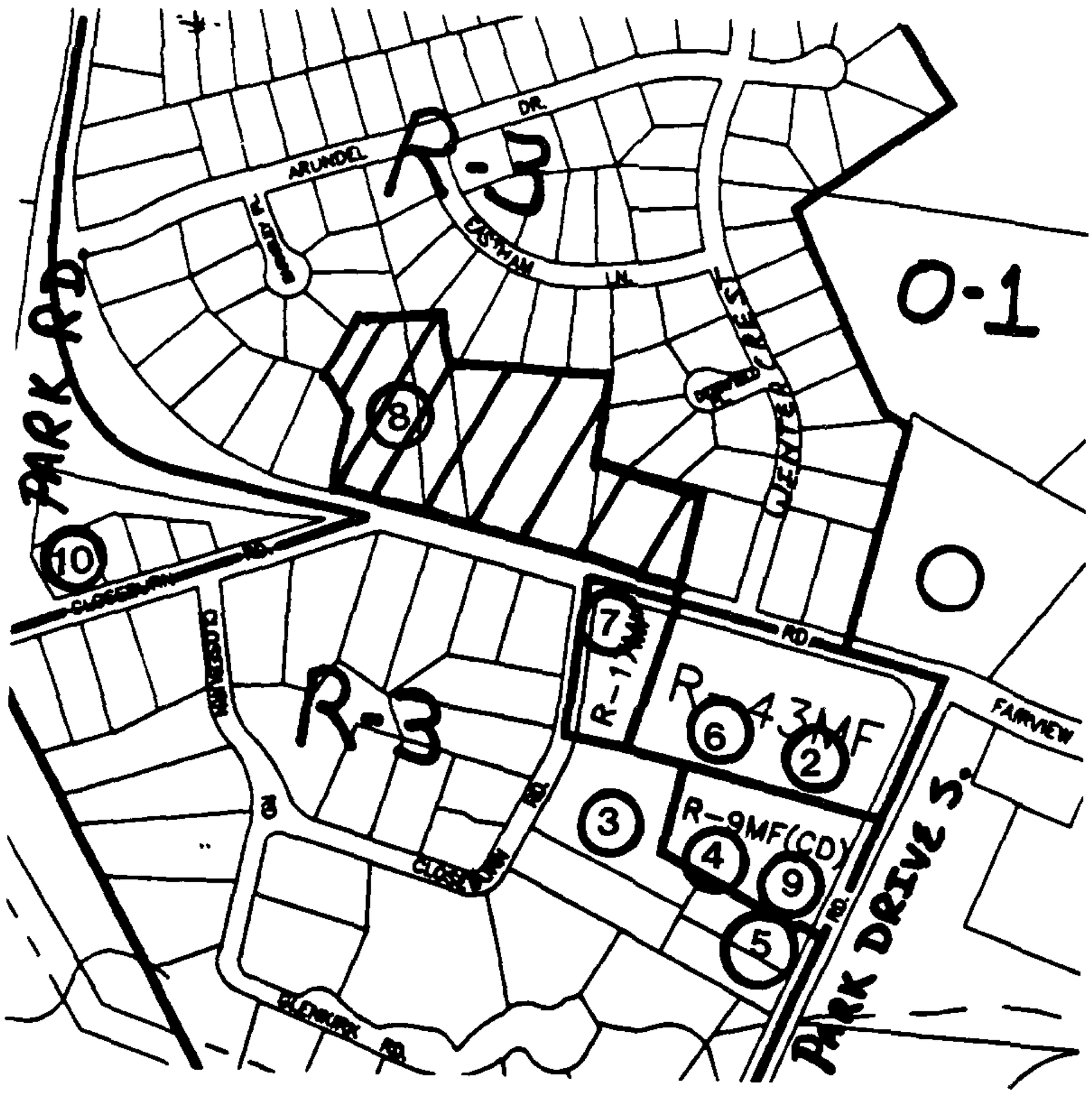
PETITIONER: James E. Body

PETITION NO.: 92-73 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: UR-2(CD)

LOCATION: A 6.82 acre site located along the northerly side of Fairview Road opposite of Closeburn Road.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: December 2, 1992

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis, Assistant Director
Department of Transportation

SUBJECT: Rezoning Petition 92-73: North Side of Fairview Road Opposite Closeburn Road (Revised 11/20/92)

This site could generate approximately 220-240 trips per day as currently zoned. The revised site plan indicates a change in proposed land use (from 51 to 47 dwelling units). Therefore, the trip generation has been reduced (from 408-510 trips per day to 376-470 trips per day).

It has been agreed to that the proposed driveway may be located opposite Closeburn Road at the existing median opening only if a left-turn lane is constructed on Fairview Road and that left-turn movements out of the site will be prohibited. The driveway must also be designed so the right-turns from the site are channelized beyond the end of the median. Note 14 should be revised to indicate these access restrictions.

According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a City street. CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed private driveway connection. The engineering design and construction of the left-turn lane is the responsibility of the developer/owner. CDOT will only approve the proposed private driveway connection provided that a left-turn lane is constructed on Fairview Road. We recommend that the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the private driveway connection. This roadway improvement is required to meet the traffic demands of the proposed development. The left-turn lane must be designed with a minimum 150 feet of storage, a 20:1 bay taper. The consultant needs to reference the attached design standards.

The driveway must be designed with a minimum of 150 feet of internal channelization.

Fairview Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has noted in Conditional Note 5 the dedication of right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

This portion of Fairview Road is projected to be widened to 6 lanes. Fairview and Sharon Roads widening to 6 lanes was included in FY 92-96 CIP but deleted from City's FY 93-97 program.

We also recommend sidewalk construction along the frontage at 49 feet from centerline.

Adequate sight distance triangles must be reserved at the proposed entrance. Two 35'x35' and two 10'x70' sight distance triangles are required for the entrance to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrance. Such items should be identified on the site plan.

The driveway connection to Fairview Road requires a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The location of the driveway shown on the site plan is subject to minor shift in location and compliance with the City Driveway Regulations and the City Tree Ordinance.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items

and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal requirements, cost, and liability insurance coverage requirements.

To facilitate driveway permit review the site plan must be revised to include the following:

- Dimension the proposed driveway at the property line.
- Indicate the location and width of the existing median/median opening on Fairview Road.
- Indicate the location of Closeburn Road.

If we can be of further assistance, please advise.

RDG/REG:hll

Attachments

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Robert G. Young
James E. Body
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-74

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to correct typographical errors, omissions, and make minor corrections or clarifications as a result of ordinance administration.

BACKGROUND

The new zoning ordinance became effective January 1, 1992. Throughout this year there have been numerous text amendments by both private and public initiated petitions. These past amendments have dealt with specific policy or subject matter.

As a result of administering the ordinance over this period, there have been various technical problems resulting from omissions and areas that need clarification or to correct typographical errors. This text amendment deals with these problems. Some of these changes will raise policy issues and possibly change the effect of the original provisions.

One of the provisions that has been subject of considerable discussion deals with the wording and interpretation of the transitional setback. This amendment clarifies its definition and text by specifically stating that any transitional area located outside of the existing minimum setback or yard may be used for parking which exceeds the minimum parking requirement.

This amendment has been formated so that the changes are readily discernible. Words that are marked through thusly, ~~words~~, are deletions. Words underlined thusly, words, are additions.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-74

Date Filed 10/5/92

Received By WPM

OFFICE USE ONLY

Section No Various sections of the City of Charlotte Zoning Ordinance

(Title)

Purpose of Change

To correct typographical errors, omissions, and make minor corrections or clarifications as a result of ordinance administration.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. Fourth St., Char., N.C. 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

DRAFT 10/5/92

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

ORDINANCE NO. _____

EDITOR'S NOTE: Words that are marked through thusly, ~~WORDS~~, are deletions. Words underlined thusly, WORDS, are additions.

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 1.101. Title as follows:

   These regulations shall be known and may be cited as the Zoning Ordinance of the City of Charlotte, North Carolina.

2. Amend Section 1.104. Zoning Maps as follows:

   The Board of Commissioners, upon the recommendation of the Planning Commission, ~~shall~~ may adopt a series of Zoning Maps which shall set out and delineate ~~into~~ the zoning districts established in Chapters 9, 10, and 11 all land within the jurisdiction of these regulations. The Zoning Maps are hereby designated, established, and incorporated as a part of these regulations and the originals thereof which are on file at the offices of the Planning Commission shall be as much a part of these regulations as if they were fully described in these regulations. The Zoning Maps shall be reviewed and may be amended from time to time through the amendment process, as provided in Chapter 6 of these regulations, to be consistent with the objectives and policies of the "Generalized Land Plan", district plans, area plans, and other public policies related to land development adopted by the Board of Commissioners provided, however, that nothing herein shall limit the authority of the Board of Commissioners to approve any petition for reclassification of property in accordance with the procedures set out in the "District Plan General Policies", as the same may be amended from time to time.

3. Amend Section 1.105. Exceptions to applicability, number (3) as follows:

   (3) These regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, conditional district or special use permit. Development of these uses will be governed by the previously approved site plans and the accompanying regulations in effect prior to January 1, 1992. Any amendments to these approved uses which cannot be approved administratively will be subject to the requirements of these regulations.

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4. Amend Section 2.103. Fractional requirements as follows:

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply. Whenever a density calculation for a lot of record existing prior to January 1, 1992, results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted subject to Section 7.105.

5. Section 2.201. Definitions.

Delete all alphanumerical references in the definition section such as (A1), (A2)...etc. and delete any item shown as [RESERVED].

Abutting.

Having common property boundaries or lot lines which are not separated by a street or alley. Abutting also means adjoining for purposes of this ordinance.

Accessory structure or use.

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. ~~In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.~~

Adjacent.

Either abutting or being directly across a street, alley or body of water neither of which ~~does not~~ exceeds 100 feet in width.

Airport.

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land, and including the sale of goods or materials to users of such aircraft.

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Alley.

A private or public right-of-way or easement which is less than 30 feet in width and runs between two or more lots or located on a single lot, affording primary or secondary vehicular access to the properties which abut it, but not including a street, utility easement, or railroad right-of-way.

Automotive repair. (Also, see Automobile service station.)

A building or area designed and used for the storage, care, and repair of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Buffer. (Also, see Screening.)

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two ~~adjacent~~ abutting land uses or properties from one another. A buffer area may include any required screening for the site.

Clinic, veterinary.

A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals or their grooming and indoor boarding, but not including the training of animals or outdoor cages, pens, or runs for animals.

Development.

(ii) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land, but only so long as the increase in the number of such establishments ~~does not~~ materially ~~increase~~ increases the number of persons occupying or employed on the premises.

Dwelling, multi-family.

More than four dwelling units, including modular homes, placed one on top of another or side by side and sharing common walls and or common floors and ceilings.

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Dwelling, quadraplex.

Four dwelling units, including modular homes, attached side by side or one on top of another and sharing common walls or common floors and ceilings.

Dwelling, triplex.

Three dwelling units, including modular homes, placed on top of one another or attached side by side and sharing ~~two or more~~ common walls or common floors and ceilings.

Farm, bona fide.

Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries.

Flood.

A temporary rise in stream flow or stage that results in water overtopping its bank and inundating areas adjacent to the watercourse.

Floodway.

That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood, without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines.

The outer boundaries of the floodway.

Flood protection elevation.

The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or floodproofed.

~~-----Floor.~~

~~-----The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.~~

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Government building.

A building, use, or facility owned, ~~or~~ operated, ~~by~~ or affiliated with a government agency and serving as an agency office, police station, fire station, (including volunteer fire station), library, community center, or similar facility, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Health Institution.

A hospital, clinic (not including veterinary), health maintenance organization, or similar use or building, not including a group home, which routinely provides for the care of, treatment of, and testing for physical, emotional, or mental injury, illness, or disability, and for the overnight boarding of patients, either on a for-profit or not-for-profit basis.

Hotel or motel.

A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations, ~~and~~ cleaning services, combined utilities, and on-site management and reception.

Junkyard.

A parcel of land on which waste material or inoperative vehicles ~~and~~ or other machinery are collected, stored, salvaged or sold.

Kennel, commercial.

A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the ~~owner~~ occupant of the lot.

Large maturing tree.

A tree whose height is greater than 35 feet at maturity and has a minimum caliper of 2½ inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman. (See Appendix 1)

Lot, types.

The diagram ~~(below)~~ below illustrates terminology used in these regulations with reference to corner lots, interior lots and through lots~~,~~ ~~is~~. In the diagram a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the

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intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots.

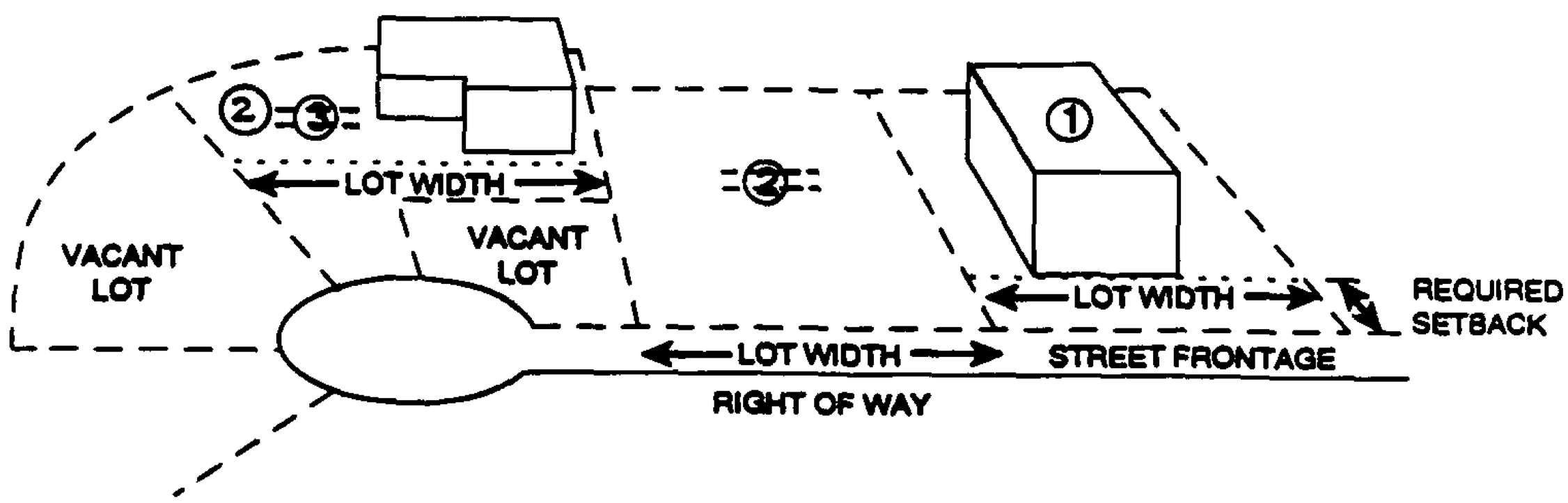
Lot width.

.1 The continuous distance between the side lot lines measured along the setback line as established by these regulations; or

~~----- .2---If no setback is established by these regulations, the lot width is the distance measured between the side lot lines along the street lines; or~~

.2 The continuous distance between the side lot lines measured along a setback line shown on a duly recorded plat when that line is greater than the setback required by these regulations along the turnaround portion of a cul-de-sac street.

LOT WIDTH



Marina, commercial.

A commercial facility for 10 or more boats with wet or dry storage (or combination thereof), launching and mooring of boats, together with all accessory structures and uses.

Marine railway.

A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

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Mean sea level.

The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

Outdoor recreation.

Public or private golf courses, swimming pools, tennis courts, ball fields, ~~and~~ ball courts, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use.

Parking deck.

A multi-level building designed and used for the temporary parking and storage of motor vehicles.

Planned multi-family ~~and attached~~ development.

A group of two or more attached, duplex, triplex, quadraplex, or multi-family buildings, or a single building of more than 12 units constructed on the same lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated common open space and service areas in accordance with the requirements of Chapter 9 for the zoning district in which it is located.

Quarry.

An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, dirt, soil or other material, or minerals~~for commercial purposes~~.

Regulatory flood.

A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution.

A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, ~~located on the same lot~~.

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Residential use.

Any building constructed for human habitation, including but not limited to a detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, boarding house, or dormitory.

Restaurant.

An establishment designed, in whole or in part, ~~to cater to or~~ to accommodate the consumption of food and/or beverages.

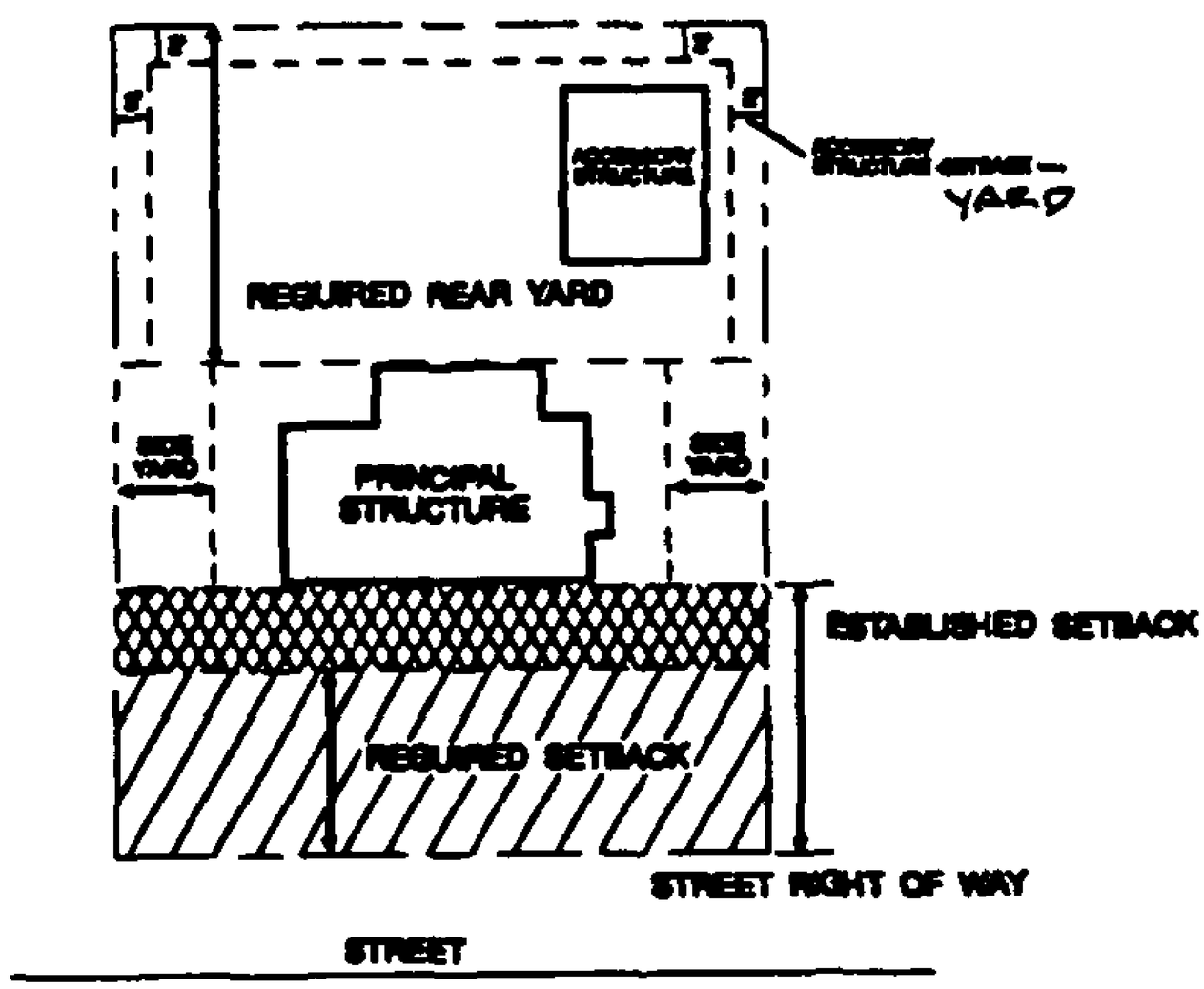
Restaurant, drive-in.

An establishment designed, in whole or part, ~~to cater to or~~ to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

Setback, required.

The minimum distance required by these regulations between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way, projected to the side lines of the lot. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. In the Neighborhood Service district, the setback is measured from the back of the curb to the building line.

SETBACK, Established and Required



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Shopping center.

A group of two or more retail establishments or restaurants constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas ~~in accordance with the requirements of Chapter-9 for the zoning district in which it is located~~.

Shrubs.

Woody branching plants of relatively low height. (See Appendix 1)

Street.

A public right-of-way or fee simple tract of land not less than 30 feet in width, set aside for public travel, which has been accepted or offered for maintenance by the City of Charlotte or Mecklenburg County if so authorized, or the State of North Carolina, has been established as a public street prior to the effective date of these regulations, or has been dedicated or offered for dedication to the City of Charlotte or Mecklenburg County if so authorized, or the State of North Carolina for public travel by the recording of a subdivision plat.

Street line.

The ~~outer~~ boundary of a street right-of-way.

Street, private.

An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private buildings or residences, to parking and service areas and which is not maintained by the public.

Thoroughfare.

Any street designated on the adopted Charlotte-Mecklenburg Thoroughfare Plan, or any street which is an extension of any street on the adopted Thoroughfare Plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designed as Class I, II, III, III-C, or IV.

Thoroughfare Plan.

The most recent map approved by the ~~City Council and the Board of County Commissioners~~ local Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. The words thoroughfare plan and arterial street plan are used interchangeably.

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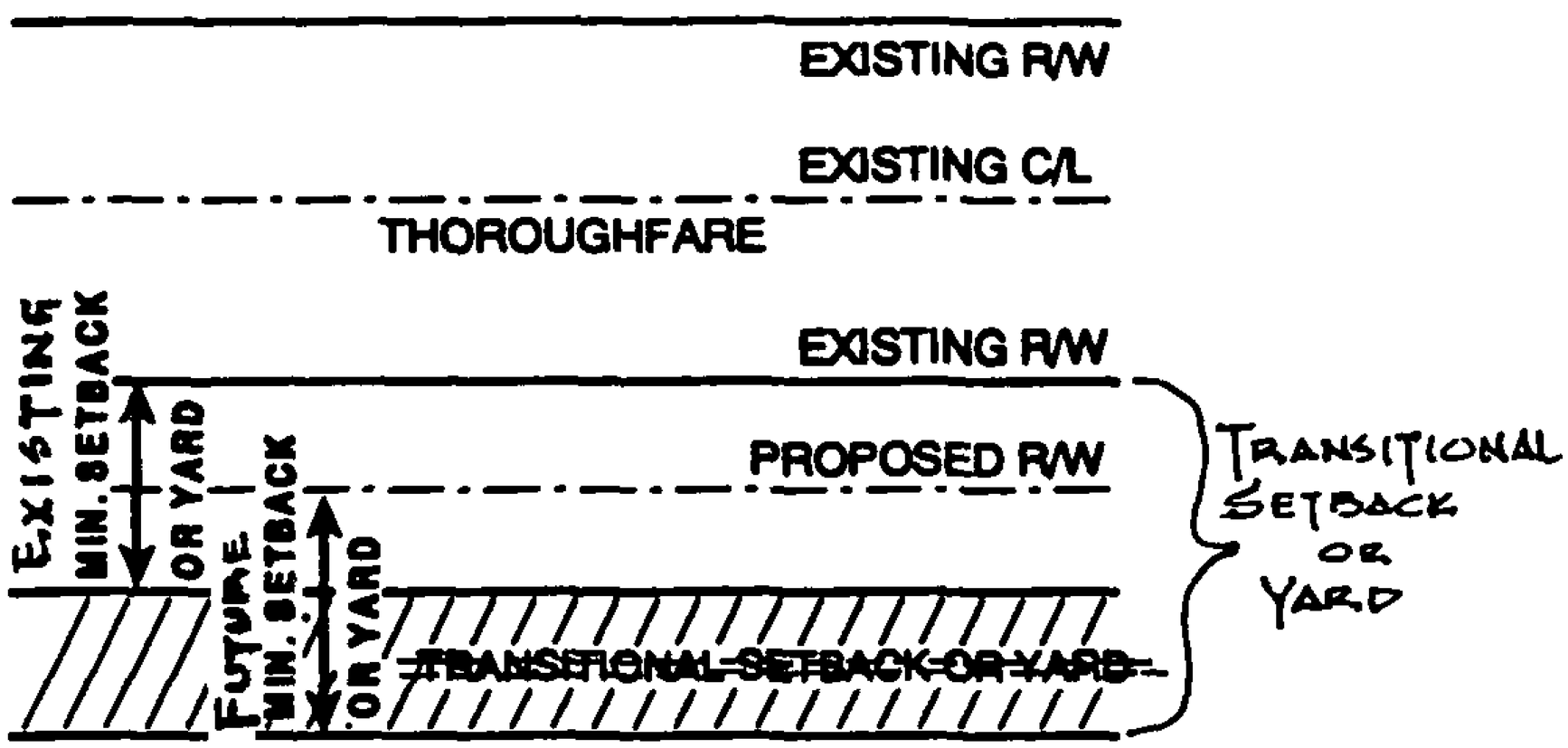
Transitional setback or yard.

That area, if any, along a thoroughfare which lies between ~~(a)~~ the ~~minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the proposed right-of-way line~~ existing right-of-way line and the future setback or yard. The future setback is measured from the proposed right-of-way. There will be no transitional setback or yard when the existing street right-of-way line and the proposed right-of-way line are the same or when the existing right-of-way width exceeds the proposed right-of-way width.

TRANSITIONAL SETBACK OR YARD



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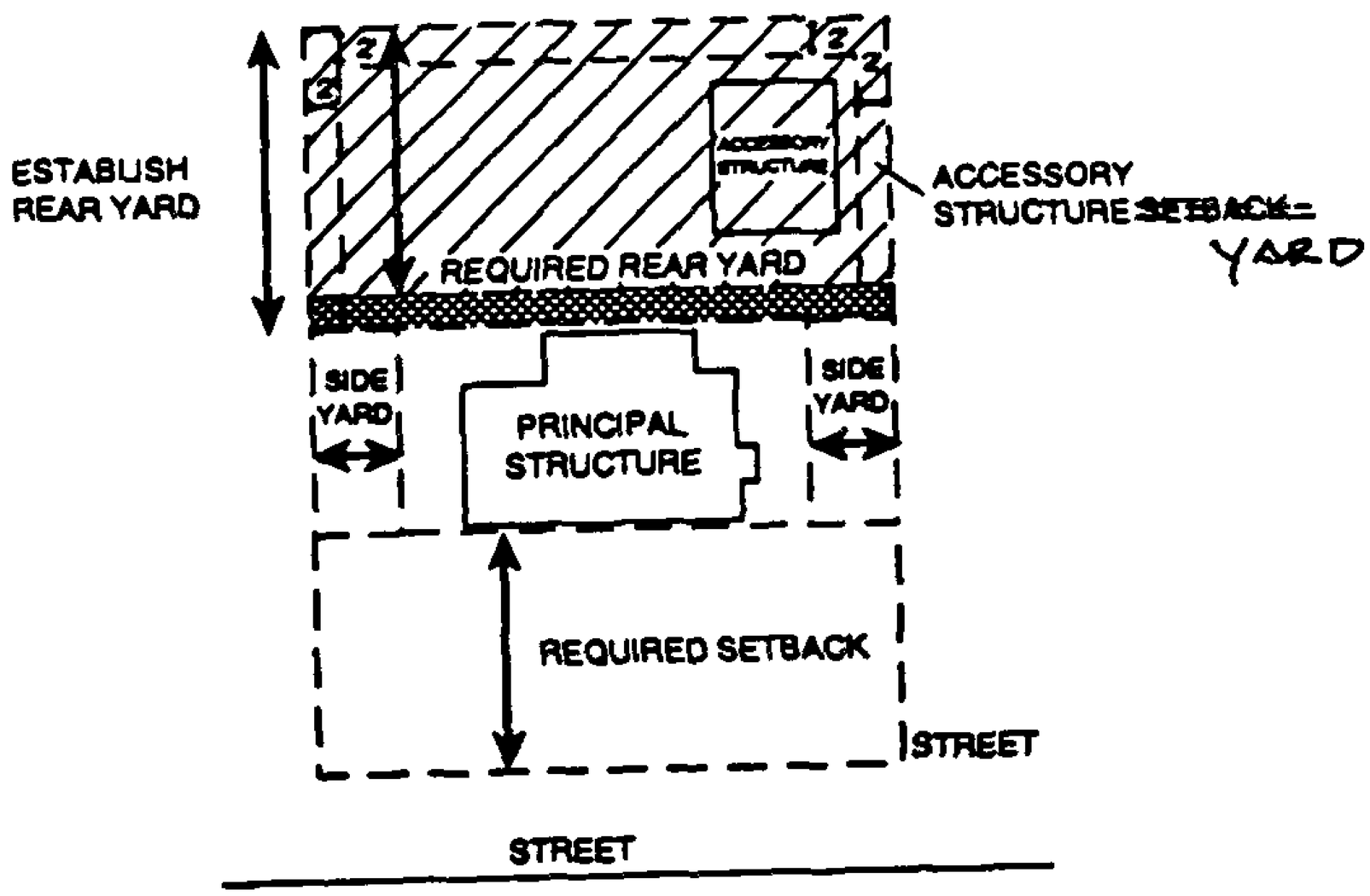
Yard, rear, established.

The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

REAR YARD



Yard, rear, required.

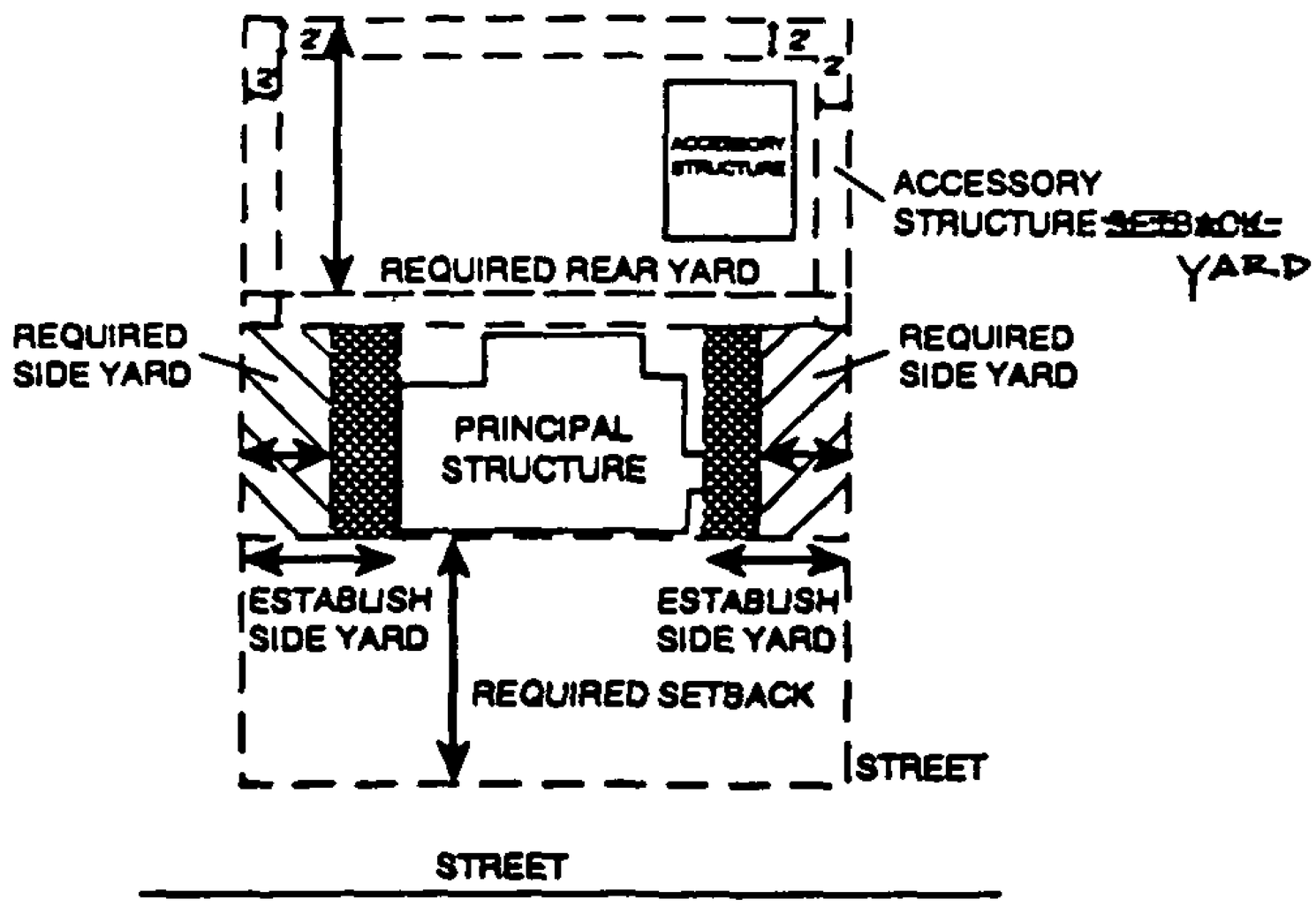
The minimum distance required by these regulations between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

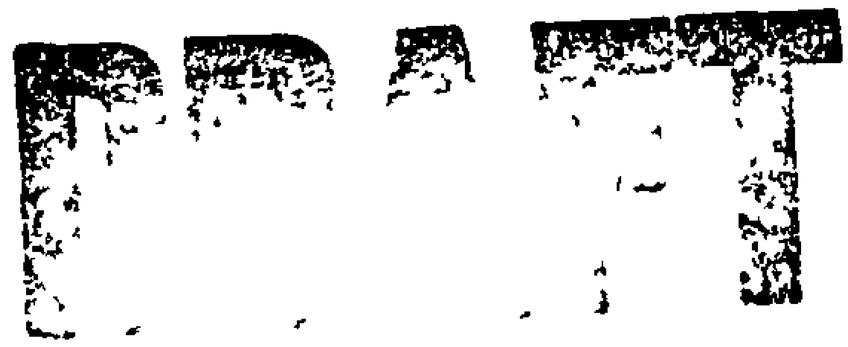
DRAFT

Yard, side, required.

The minimum distance required by these regulations between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard.

SIDE YARD





Zero lot line.

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a side lot line.

Zoning Administrator.

The employee of the Mecklenburg County Building Standards Department charged with ~~overseeing~~ the administration and enforcement of these regulations or his or her designee.

6. Ament Section 3.301. Powers and Duties as follows:

   (5) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as outlined below. The process identified in Section 6.201 Conditional Districts, is the only process available for any changes or amendments to approve conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions or minimum requirements which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

7. Amend Section 3.501. Planning Commission Staff; powers and duties by adding a new number (7) as follows:

   (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.

8. Amend Section 3.503. Engineering Department; powers and duties (5) by deleting the following wording:

----- ~~(5) To determine street classifications not otherwise provided for in the Subdivison Ordinance in conjunction with the Planning Director and the North Carolina Department of Transportation.~~

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9. Amend Section 5.101. Authority of Mecklenburg County Board of Adjustment as follows:

(4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as outlined below. The process identified in Section 6.201 Conditional Districts is the only process available for any changes or amendments to approved conditional districts. The Board of Adjustment shall only have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions or minimum requirements which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to signs in a conditional district.

10. Amend Section 5.103. Filing of notice of appeal, (3) by deleting the following wording:

----- ~~(3)--Except as provided below, the filing of such notice shall stay all proceedings in furtherance of the action being appealed. The Zoning Administrator may certify in writing to the Board of Adjustment that due to facts stated in the certificate, a stay imposes an imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings. A court of record may also issue a restraining order staying proceedings~~

and replacing it with the following:

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed, that because of facts stated in the certificate a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of these regulations. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from which the appeal is taken and on due cause shown.

11. Amend Section 5.111. Effect of grant of variance or reversal or modification of administrative decision as follows:

After the Board of Adjustment approves a variance, or reverses or modifies an order, requirement, decision, or determination, of the Zoning Administrator, the appellant or petitioner shall be required to follow the

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applicable procedures of Chapter 4 for the approval of a building permit and certificate of occupancy in order to proceed with development of the subject property. Unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a building permit or a certificate of occupancy pertaining to the need for the variance is not obtained within one year from the date of the meeting of the Board at which the Board rendered its decision.

12. Amend Section 6.108. Withdrawal and amendment of petition as follows:

(3) The petitioner shall not be allowed to amend the petition after a public hearing has been scheduled for the petition unless such an amendment to the petition is submitted to the Planning Director no later than ~~three~~ four weeks prior to the scheduled public hearing. No changes to the petition shall be accepted in the intervening weeks prior to the hearing. Also, no changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Commission, Board of Commissioners, and other interested parties may be considered by the Board of Commissioners at the time of their hearing, if any changes are offered.

13. Amend Section 7.105. Nonconforming vacant lots as follows:

(1) Except as provided below in subsection (2), a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening, parking, and floor area ~~established~~ required in these regulations for the zoning district in which the lot is located.

14. Amend Section 9.101. Table of Uses, TABLE 9.101, PERMITTED USES, BY DISTRICT as follows:

INSTITUTIONAL USES:

Add the symbol X (Uses permitted by right), to the RE-1 and RE-2 districts for the category, Civic/social/fraternal facilities.

INDUSTRIAL USES:

Add a category entitled, Automotive sales and repair, including tractor-trucks and accompanying trailer units, in proper alphabetical order and place the symbol X (Uses permitted by right), only under the I-1 district.

Add a category entitled, Plastic products, fabricated from previously prepared plastic materials, in proper alphabetical order and place the symbol X (Uses permitted by right), under the I-1 and I-2 districts.

Section 9.101 Continued....

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OTHER USES:

Change the symbol PC (Uses permitted under prescribed conditions), to the symbol X (Uses permitted by right), to the INST, RE-1, RE-2, 0-1, 0-2, 0-3 districts for the category, Indoor recreation.

15. Amend Section 9.102. Hierarchy of districts by moving INST from it's present position to between RE-2 and 0-1 as follows:

("highest")	R-3	R-22MF	B-1	
	R-4	R-43MF	MX-2	
	R-5	RE-1	CC	
	R-6	RE-2	MX-3	
	R-6	*INST*	B-2	
	MX-1	0-1	B-D	
	R-MH	0-2	BP	
	R-8MF	0-3	I-1	
	R-12MF	NS	I-2	("lowest")
	R-17MF			

16. Amend Section 9.203. Uses permitted under prescribed conditions, (6)(c) by deleting the following wording:

(c) The dwelling must meet the minimum setback for both streets.

and replacing it with the following:

(c) The minimum setback requirement must be applied to each of the two different streets.

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17. Amend Section 9.205. Development standards for single family districts as follows:

(1) Area, yard and bulk regulations shall be as follows:

	R-3	R-4	R-5	R-6	R-8
(a) Maximum Residential Density (Dwelling (units per acre) 1	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.30 ~~.50~~	.30 ~~.50~~	.30 ~~.50~~	.30 ~~.50~~	.30 ~~.50~~
(c) Minimum lot area (square feet) 2					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000	13,000	10,000	8,000	6,500
- Triplex dwellings					9,500
- Quadraplex dwellings					11,500
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) 3 (See Section 12.102(i) if abutting a lot in a residential zoning district.	30	30	20	20	20
(f) Minimum side yard (feet) 4	6	6	6	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) 5	65	65	65	60	50
(i) Maximum height (feet) 6	40	40	40	40	40

* Also, see Section 9.205(2)

(2) Amend Section 9.205. FOOTNOTES TO CHART 9.205(1) as follows:

5. ~~Floor area ratio requirement applies only to nonresidential development.~~ Religious institutions may have a minimum open space of 25%.

Table 9.205(5)

Zoning Districts	Maximum Dwelling Units Per Acre	Minimum Lot Area (Square feet)	Minimum Lot Width (Feet)	Minimum Rear Yard (Ft.) Interior Lots*
R-3	3.0	8,000	60	30
R-4	4.0	6,000	60	30
R-5	5.0	4,500	40	20
R-6	6.0	3,500	40	20

* Minimum rear yards forming the outer boundary of a cluster must conform to the constructional minimums of subsection 9.205(1) for the district in which the development is located.

18. Amend Section 9.303. Uses permitted under prescribed conditions, (19)(c)(i) as follows:

(i) Adopted ~~major~~ thoroughfare plan;

19. Amend Section 9.305. Development standards for multi-family districts.

(1) Area, yard and bulk regulations shall be as follows:

	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(a) Maximum Residential Density (Dwelling units per acre) 1	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) 2					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
~~- Attached dwellings~~	~~*~~	~~*~~	~~*~~	~~*~~	~~*~~
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
~~- Nonresidential buildings~~	~~12,000~~	~~12,000~~	~~12,000~~	~~12,000~~	~~12,000~~
- All other buildings	12,000	12,000	12,000	12,000	12,000

	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
------ ~~Attached dwellings~~	~~None~~	~~None~~	~~None~~	~~None~~	~~None~~
- Multi-family dwellings	55	55	55	55	55
------ ~~Nonresidential buildings~~	~~80~~	~~80~~	~~80~~	~~80~~	~~80~~
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) 3	30	30	30	30	30
(f) Minimum side yard (feet) 4					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family and ----- ~~attached~~ developments (except as required below)	10	10	10	5	5
- Planned multi-family ~~or~~ ~~attached~~ developments adjoining single family developed or zoned land 5	20	20	10	10	10
(g) Minimum rear yard (feet)					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family and ----- ~~attached~~ developments (except as required below)	40	40	40	40	40
- Planned multi-family ~~or~~ ~~attached~~ developments adjoining single family developed or zoned land 5	50	50	50	40	40
(h) Minimum open space (%) 6	50	50	45	40	30
(i) Maximum height (feet) 7	40	40	40	40	40

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size must be sufficient to accommodate dwelling unit and 400 feet of private open space.

5. Side and rear yards determinations in planned multi-family ~~or~~ ~~attached~~ developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

6. ~~Floor area ratio requirement applies only to nonresidential development.~~ Religious institutions may have a minimum open space of 25%.

20. Amend Section 9.502. Uses permitted by right as follows:

(1) Clinics, medical, dental, and optical, and doctor's offices.

(2) Clinics, veterinary.

(3) Civic, social service and fraternal facilities.

(4) Cultural facilities.

(5) Elementary and secondary schools.

(6) Farms, including retail sale of produce grown on the premises.

(7) Government buildings.

(8) [RESERVED]

(9) Indoor recreation.

(10) Highway and railroad rights-of-way.

(11) Parks, greenways and arboretums.

(12) Religious institutions, any size.

(13) Universities, colleges, and junior colleges.

(14) Vocational schools, within an enclosed building.

21. Amend Sectin 9.605. Development standards for research districts as follows:

(1) Area, yard and bulk regulations shall be as follows:

		RE-1	RE-2
(a)	Maximum floor area ratio (%) 1	.60	.60
(b)	Minimum lot area (acres)	2 acres	4 acres
(c)	Minimum lot width (feet)	200*	400*
(d)	Minimum setbacks (feet)		
	- Lots between 2 and less than 4 acres	40**	N.A.
	- Lots between 4 and 10 acres	40**	100
	- Lots greater than 10 acres	100	150

	RE-1	RE-2
(e) Minimum side and rear yards (feet)		
- Lots between 2 and less than 4 acres	25***	N.A.
- Lots between 4 and 10 acres	25***	35
- Lots greater than 10 acres	25***	50
(f) Minimum street side yard on corner lots		
- Lots between 2 and less than 4 acres	40	N.A.
- Lots between 4 and 10 acres	40	75
- Lots greater than 10 acres	40	100
(g) Maximum height (feet) 2	40	40

22. Amend Section 9.701. Office districts established; purposes as follows:

(13) Funeral homes, embalming and crematories.

23. Amend Section 9.703. Uses permitted under prescribed conditions, (17)(c)(iii) and (iv) as follows:

(17) Offices, financial institutions and government buildings, over 300,000 square feet, provided that:

(c) Submission of traffic impact analysis in accordance with the following provisions to identify any needed on-site transportation improvements.

(iii) Before beginning the traffic impact study, the engineer or planner shall meet with the appropriate staff of the Charlotte Department of Transportation to determine the acceptable area boundaries, ~~target forecasting~~ forecast (horizon) years, background traffic ~~levels~~ percentages, approved developments in the vicinity imminent transportation projects, data collection needs, and the format of the study report.

(iv) The traffic impact study shall include, but not limited to, the following information:

24. Amend Secion 9.705. Development standards for office districts as follows:

(1) Areas, yard and bulk regulations shall be as follows:

	0-1	0-2	0-3
(a) Maximum Residential Density (Dwelling Units Per Acre) 1	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses 2	.60	1.0	3.0
(c) Minimum lot area (square feet) 3			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500
~~Attached dwellings~~	*	*	*
- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			
- Detached dwellings	40	40	40
- Duplex, triplex & quadraplex dwellings	55	55	55
~~Attached dwellings~~	~~None~~	~~None~~	~~None~~
- Multi-family dwellings and all other residential buildings	55	55	55
- Nonresidential buildings	80	50	50
(e) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential district)	20	20	20
(f) Minimum side yard (feet) 4			
- Detached dwellings	5	5	5
- Other residential dwelling(s) ~~in a single~~ or buildings ~~up to 12 units~~ except as provided below)	10	5	5
- Planned multi-family ~~and attached~~ development adjoining single family developed or zoned land 5	20	10	10
- Nonresidential development	10	5	5

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	0-1	0-2	0-3
(g) Minimum rear yard (feet)			
- Detached dwellings	20	20	20
- Other residential dwelling(s) ~~in a~~ --~~single~~ or buildings ~~up to 12 units~~ (except as provided below)	30	20	20
- Planned multi-family ~~and planned attached~~ development adjoining single family developed or zoned land 5	50	40	40
- Nonresidential development	20	20	20
(h) Minimum open space for residential development (%)	50	40	30
(i) Maximum height (feet) 6	40	40	40

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

5. Side and rear yards determinations in planned multi-family ~~or attached~~ developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

25. Amend Section 9.801. Business districts established; purposes as follows:

(4) The purpose of the BP (Business Park) district is to provide for a mixture of employment uses of varying types in a single coordinated development. The district might include mixtures of office, retail, distribution, warehouse, manufacturing, and related service uses. It is not intended that this district be used to accommodate single use developments which can be located in other zoning classifications. Development within the district is expected to be of high quality design for buildings, site arrangement, and site amenities. Development will be expected to conform to higher levels of performance standards which are designed to protect adjacent areas, especially residential areas, as well as enhance development within the district. Further, this district provides for substantial flexibility in the internal arrangement of uses on the site while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. In order to assure that any proposal for a BP district can fulfill the objectives of this ordinance and to encourage well planned, mixed use developments, the minimum area necessary to be considered for the BP district is 20 acres.

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The BP district is intended for application in select locations throughout the urban and urbanizing area. It's principal use will be for new development on previously undeveloped land, but it may also be applied to areas which are appropriate for redevelopment or conversion and in which all of the regulation standards may be fulfilled.

In order to assure that areas to be considered for a BP district can accommodate the increased activity which can be expected, the following ~~general~~ criteria will be used to establish the district:

26. Amend Section 9.802. Uses permitted by right as follows:

    (1) Amusement, commercial, outdoor ~~limited to par 3 golf courses, golf driving ranges and archery ranges~~ (B-2 only).

    (10) Bakeries, wholesale (BD and BP only).

27. Amend Section 9.803. Uses permitted under prescribed conditions, (15)(a) as follows:

    iii. Prisons - 50 acres~~;~~

28. Amend Section 9.804. Permitted accessory uses and structures as follows:

    (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section ~~12.414~~ 12.413 (B-1, B-2 and BP only).

29. Amend Section 9.805. Development standards for business districts as follows:

    (1) Areas, yard and bulk regulations shall be as follows:

	B-1	B-2	B-D	BP
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) 1	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development 2	.50	1.0	.70	.80
(d) Minimum lot area (square feet) 3				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
~~Attached dwellings~~	*	*		
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560

	B-1	B-2	B-D	BP
(e) Minimum lot width (feet)				
- Detached dwellings	40	40	--	--
- Duplex, triplex & quadraplex	50	50	--	--
~~Attached dwellings~~	None	None		
- Multi-family dwellings and all other residential buildings	50	50	--	--
- Nonresidential buildings	50	50	50	--
(f) Minimum project street frontage	--	--	--	100
(g) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential district)	20	20	20	40
(h) Minimum side yard (feet) 4				
- Residential ~~dwelling(s) in~~ a ~~single~~ building (except as provided below)	5	5	--	--
- Planned multi-family and attached developments adjoining single family developed or zoned land 5	10	10	--	--
- Nonresidential building	None**	None**	10	20
(i) Minimum rear yard (feet)				
- Residential ~~dwellings in~~ a ~~single~~ building (except as provided below)	20	20	--	--
- Planned multi-family ~~and~~ ~~attached~~ developments adjoining single family developed or zoned land 5	40	40	--	--
- Nonresidential building	10	10	10	20
(j) Minimum project edge 6	--	--	--	100
(k) Minimum open space for residential development (%)	40	40	--	--
(l) Maximum height (feet) 7	40	40	40	None***

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size must be sufficient to accommodate a dwelling unit and 400 square feet of private open space for each unit.

**In B-1 and B-2 districts, no side yard is required, but if they are provided, one must be a minimum of 8 feet and if provided, the other 4 feet.

FOOTNOTES TO CHART 9.805(1)

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district.

5. Side and rear yards determinations in planned multi-family ~~or attached~~ developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

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(2) Maximum floor area. In the B-1 district, no retail establishment or shopping center may exceed 70,000 square feet in floor area and no office establishment may exceed 100,000 square feet in floor area on a lot. In the B-2 and B-D districts, no retail establishment or shopping center may exceed 100,000 square feet in floor area, except as under a Commercial Center ~~Special Purpose~~ District as provided for in Chapter 11, Part 4. In the BP district, no retail establishment or shopping center may exceed 10,000 square feet on a lot.

Move existing item (8) to follow item (5) and renumber to item (6) as follows:

(6) Outside Storage. Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in a business district must be screened from the public right-of-way and adjoining property in accordance with Section 12.303. The street right-of-way screening requirement does not apply to the storage of new and used vehicles which are offered or intended for sale.

Renumber existing item (6) to (7) as follows:

(7) Special Development Requirements for the BP district. Additional development requirements for the BP district are specified below:

(e) Project edge. The protection of the project edge is essential to the proper integration of a business park development into the community, especially when adjoining residential areas. The objective of the standards for the project edge is to provide the appropriate separation, screening, landscaping and transition between the development and the adjoining properties.

The minimum project edge required around the perimeter of the site is 100 feet. However, if the abutting land is zoned and used for business, business park, research or industrial purposes, or if the project adjoins the right-of-way of a railroad, Class I, or Class II thoroughfare, the minimum edge for that part of the project boundary may be reduced to 50 feet. The minimum project edge must remain undisturbed except that utility lines may cross this area pursuant to specific site plan approval. If the project edge does not contain sufficient vegetation to adequately screen and buffer, it must be revegetated or screened according to a Class B buffer as per Table 12.302(b). Project identification signs may be permitted in the project edge pursuant to specific site plan approval.

(g) Project entrance. The entrance or entrances to the project should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the public street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential, and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site. Individual development sites within the BP district shall be accessed only from internal streets.

Renumber item (7) to (8) as follows:

(8) Administrative site plan approval required for BP district. Once the BP district has been established all development in the business park district must be built in accordance with an administratively approved site plan. Site planning in proposed developments must provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences within the development. The site plan must be designed giving adequate consideration to the minimum standards of these regulations and to the following factors: the size and shape of the tract; the topography and necessary grading, the reasonable preservation of the natural features of the land and vegetation; the size and relationship of buildings; and the character of relationship to adjoining properties. Consideration should be given to the location and arrangement of parking areas, the nature and extent of screening, the design of and utilization of streets and open spaces. The site plan must be prepared by a registered professional land planner licensed to practice in North Carolina. This registration could include land planners with designations as AICP, ASLA, AIA, PE, or others so long as the designer of record specializes in site design.

30. Amend Section 9.1102. Uses permitted by right as follows:

(4) Amusement, commercial outdoors~~, limited to par 3 golf courses, golf driving ranges and archery ranges.~~

(10) Automotive sales and repair, including tractor-trucks and accompanying trailer units (I-1 only).

(32) Financial institutions, up to 25,000 square feet ~~(I-2 only)~~.

(48) Manufacture (light) of:

Bakery products
Batteries
Beverages, excluding alcoholic beverages
Boat and ship building
Brooms and brushes
Burial caskets
Candy and confectionary products
Cigarettes, cigars and chewing tobacco
Communications equipment
Computer and office equipment
Costume jewelry and notions
Dairy products
Electrical lighting and wiring equipment
Electric components and accessories
Electronic equipment
Fabricated metal products, excluding use of blast furnaces or drop forges
Grain mill products
Household audio and visual equipment
Household appliances
Ice
Jewelry, silverware, and plated ware
Measuring and controlling devices
Meat products, excluding slaughtering and dressing
Medical instruments and supplies
Musical instruments
Ophthalmic goods
Pens, pencils, office and art supplies
Pharmaceuticals
Plastic products, fabricated from previously prepared plastic materials
Preserved fruits and vegetables
Pumps
Search and navigation equipment
Signs
Toys and sporting goods
Watches, clocks, watch cases and parts
Other similar uses

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31. Amend Section 9.1103(13)(c). Offices, and government buildings, over 300,000 square feet (I-1 only), as follows:

(c) Submission of traffic impact analysis in accordancd with provision of subdivision 9.703~~(12)(e)~~ 9.703(17)(c) to identify any need on-site transportation improvements.

32. Amend Section 9.1105. Development standards for industrial districts as follows:

All uses and structures permitted in the I-1 and I-2 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

		I-1	I-2
(a)	Maximum Floor Area Ratio 1	.80	1.00
(b)	Minimum lot area (square feet)	8,000	8,000
(c)	Minimum lot width (feet)	50	50
(d)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20
(e)	Minimum side yard (feet)	0 or 4*	0 or 4*
(f)	Minimum rear yard (feet)	10	10
(g)	Maximum height (feet) 2	40	40

33. Amend Section 10.101. Purpose as follows:

Overlay Districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of a lot. *Overlay Districts are applicable on* an area wide basis to support specific public policy objectives and should be consistent with the Generalized Land Plan, District Plans and Area Plans. Overlay districts may be applied to general and ~~special purpose~~ conditional districts. An overlay district may be initiated as an amendment by the City Council, Planning Commission or property owner.

34. Amend Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts as follows:

(2) Residential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development and in Section 9.305 for the R-22MF district for attached and multi-family development. Single family dwellings may have a minimum rear yard of twenty feet if the rear yard does not form the outer boundary of an MX district. Residential development within an MX district need not comply with these requirements if it complies with the provisions of subsection 9.205(4).

35. Amend Section 11.306. Foundations, patios and walkways as follows:

(5) The area beneath a home must be fully enclosed with durable skirting within 60 days of placement in the park or subdivision. As a minimum, such skirting must be a product designed and sold for use as skirting.

36. Amend Section 11.505. Development standards as follows:

(1) The minimum setback shall be 12 feet from the back of the existing or future curb as established by the "Charlotte-Mecklenburg Thoroughfare Plan" or as prescribed within an approved streetscape plan governing the site, whichever is greater.

37. Amend Section 11.506. Parking requirements as follows:

(1) The minimum parking requirements for the Neighborhood Services District are as follows:

Residential - 1 space per dwelling unit

~~Retail---------- 1 space per 600 square feet~~

All other uses- 1 space per 600 square feet

~~Office---------- 1 space per 600 square feet~~

DRAFT

38. Amend Section 12.101. Every lot must abut a street as follows:

(3) Driveways in a research, institutional, office, business or industrial zoning district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to the effective date of this Ordinance May 20, 1985, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.

39. Amend Section 12.102. Special lot, setback or yard requirements as follows:

(1) Any use, building, or structure in a research, office, business, industrial or institutional zoning district located on a lot abutting a lot in a residential zoning district with setbacks off the same street shall meet the minimum setback requirement for uses permitted by right in the abutting residential zoning district.

(5) Elevated pedestrian walkways over public rights-of-way may be located in any required yard or setback area provided they do not create a visual obstruction for motor vehicle traffic and have all other governmental approvals for its location over the public right-of-way.

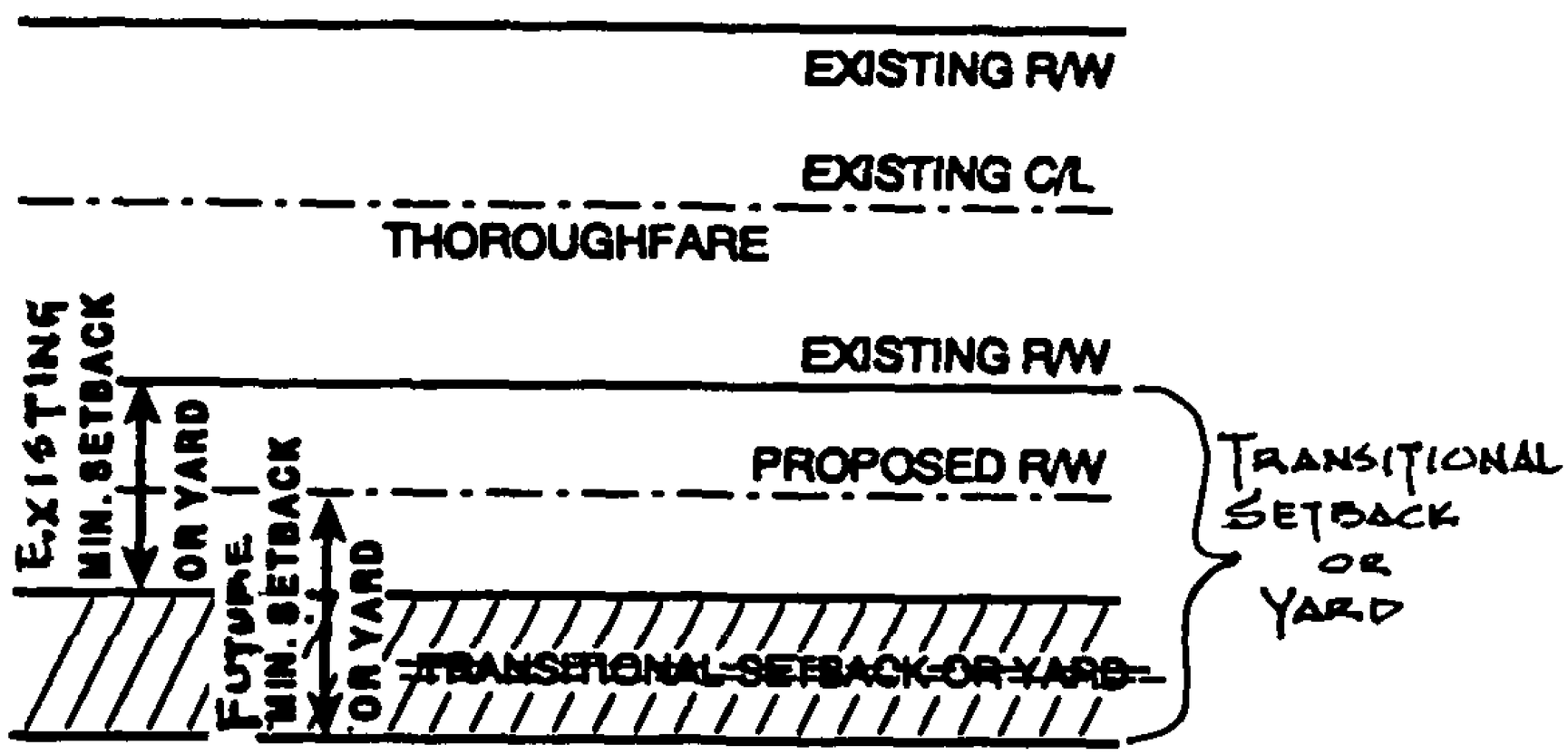
(8) If a lot is abutted on three sides by streets, the setback requirement for the zoning district shall be applied only on the two opposing street fronts. The required setback side yard on the third street front must be at least one-half the required setback in that zoning district. The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district. If the lot is abutted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback.

DRAFT

40. Amend Section 12.103. Requirements for lots along thoroughfares as follows:

(2) A transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as illustrated in Figure 12.103. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those permanent uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. However, any of this area that is located outside of the existing minimum setback or yard space may be used for parking which exceeds the minimum parking requirements. The area between the existing right-of-way and the proposed right-of-way line may not be used to satisfy any minimum parking requirement, any minimum open space requirements, any minimum lot size requirements or any other minimum requirements, imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses which are outside of any right-of-way from the transitional setback or yard that are not otherwise permitted in the setback or yard by the zoning district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

TRANSITIONAL SETBACK OR YARD



41. Amend Section 12.105. Effect of certain street and public land dedications on computation of density as follows:

-----~~Land dedicated for certain public street purposes and land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. For street dedications, where the subdivision ordinance requires the dedication of up to 100 feet of right-of-way (50 feet on either side of the center line) for public street purposes, all right-of-way in excess of 100 feet must be reserved and may be offered for dedication at the option of the developer or property owner. Except as provided above, all of the area which is dedicated for any Class-I, Class-II, Class-III, and Class-IV streets, may be used to compute the number of lots or dwelling units allowed on the site.~~

-----~~For public community service facilities, the entire dedicated area may be used to compute the number of lots or dwelling units. However, none of the provisions of this Section shall apply to projects developed under the regulations of Chapter 11, Part 2, Mixed Use Districts and subsection 9.205(5). To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:~~

Land dedicated for future streets or thoroughfares may be used to compute the number of lots or dwelling units allowed on an entire site. This does not apply to the dedication of right-of-way within existing streets, but only to the dedication of additional or new right-of-way.

Land dedicated to the public for any community service facility including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, or other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. However, in the Mixed Use Districts and Cluster developments any land so dedicated may count towards the total site area in computation of the total number of lots or dwelling units, but it shall not be credited towards any additional lots, dwelling units, or further reductions in lot sizes other than those already permitted by the regulations specifically applying to them. To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:

(1) For single family districts: Total right-of-way area and dedicated area (in acres) multiplied by the maximum permitted density.

(2) For multi-family districts: Total right-of-way area and dedicated area (in acres) multiplied by the maximum permitted density.

DRAFT

42. Section 12.106(2) Uses and structures prohibited and allowed in required setbacks and yards as follows:

(2) Except as otherwise provided in this subsection, no accessory structure shall be located within any setback or side yard required by these regulations, or within 2 feet of a lot line in the established rear yard. This section notwithstanding, no elderly or disabled housing, guest houses, or employee quarters shall be located within 15 feet of a ~~rear~~ any property line. In the RE-1, RE-2 and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots which abut a body of water. A fence, wall, mailbox, powerpole, light-pole, patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stop shelters may be located in any setback or yard which abuts a street in accordance with Section 12.513.

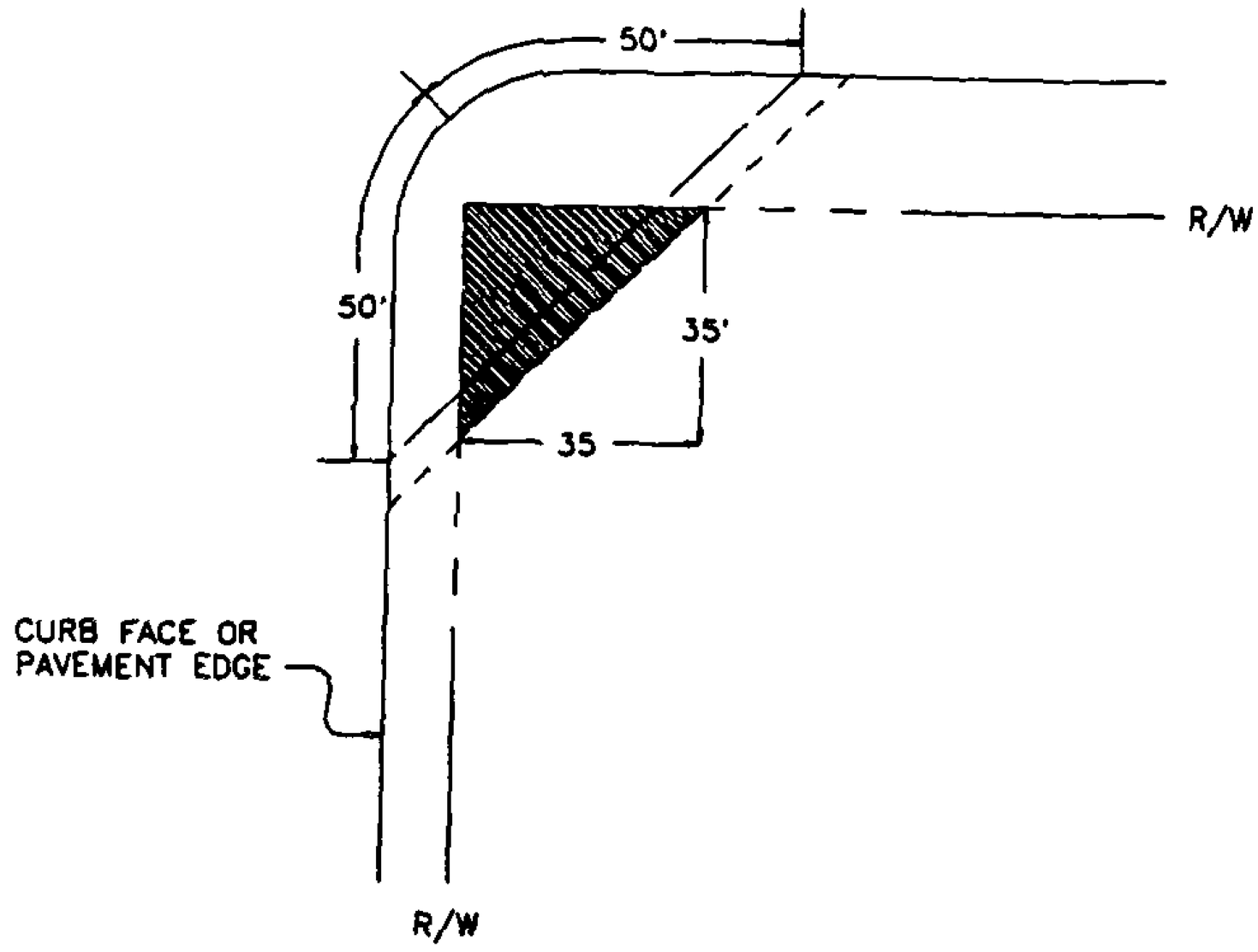
43. Section 12.109. Clear sight triangles at street intersections as follows:

(1) The minimum development standards set forth in this Section shall apply to land abutting street intersections delineated as follows:

(a) The triangle bounded on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb or pavement edge for 50 feet from the midpoint of the radius of the curb or pavement edge, and on the third side by the diagonal line connecting the ends of the 50-foot sides as illustrated in Figure 12.109; and

(b) The triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides, as illustrated in Figure 12.109 ~~(b)~~ ; and

Figure 12 109



(c) On highways maintained by the State of North Carolina, additional site ~~triangle~~ distance requirements may apply.

44. Amend Section 12.202. Required number of off-street parking spaces, TABLE 12.202, MINIMUM REQUIRED OFF-STREET PARKING SPACES BY USE by adding an item (b) between the existing items (a) and (c) as follows:

OFFICE AND BUSINESS USES:

Hotels/Motels

(b) Per meeting room capacity 1 *space per 4 seats, plus*

45. Amend Section 12.203. Shared parking as follows:

(1) Joint use of up to 50 percent of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces (See Section 12.206(1)).

DRAFT

46. Section 12.204. Size of required parking spaces and aisles as follows:

(1) Each required parking space shall meet the minimum dimensional requirements as set out in the "Charlotte-Mecklenburg Land Development Standards Manual". ~~The minimum required length of a parking space shall be at least 2 feet longer where there is a wall or fence at the end of the parking space, and may be up to two feet less where a strip of ground at least two feet wide exists at the end of the space and a wheel block or curb is placed at the edge of the space so as to prevent a vehicle from driving onto the strip or hitting any fence or wall at the edge of the parking area.~~

47. Amend Section 12.206. Location of required parking as follows:

(2) No off-street parking or driveways ~~is~~ are permitted in the required setback or within any required side or rear yard which abuts a street in any district nor within 5 feet of any exterior lot line on a lot, except for single family detached, duplex and attached triplex and quadraplex dwellings with individual driveways providing access across the setback, street side yard or perimeter strip. The space within the required setback, side or rear yard abutting a street may not be used as maneuvering space for parking or unparking of vehicles, except that driveways providing access to the parking area may be installed across these setback and yard areas. It is the intent of this provision that these driveways be as nearly perpendicular to the street right-of-way as possible.

48. Amend Section 12.214. Number, size, and location of loading spaces, TABLE 12.214, REQUIRED LOADING SPACES BY USE as follows:

Under the category of Office, Restaurant, or Hotel or Motel of gross floor area of 150,000 and over, change the required loading and unloading spaces required for the 10 x 50 feet spaces from 1 to 2.

Under the category of retail establishment, Shopping center, or any industrial use of gross floor area fo 150,000 and over, change the required loading and unloading spaces required for the 10 x 50 feet spaces from 5 to 6. Delete the gross floor area "for each 50,000 over 150,000" and delete the accompanying required spaces of 0 and 1.

49. Section 12.216. Configuration of off-street parking and loading ingress and egress as follows:

(1) Access to and from off-street parking and loading spaces shall be provided by means of clearly limited and defined entrance and exit drives from public rights-of-way or private streets to clearly limited and defined maneuvering lanes which, in turn, provide access to individual off-street parking or loading spaces. Off-street parking and loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on the public right-of-way.

50. Amend Section 12.217. Driveways and street access as follows:

No commercial driveway or street connection to a public street shall be constructed, relocated or altered unless a driveway permit, ~~if required,~~ is obtained from the Mecklenburg County Engineering Department {and the North Carolina Department of Transportation (State System Street) }.

51. Amend Section 12.302. Buffer requirements as follows:

(8) The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards:

(a) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks or any combination of such materials. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section;

(e) Shrubs are not required if a fence or wall is built. However, if a berm is constructed, shrubs are required but the number may be reduced by 25%. However, the number of trees is not modified by the reduction of buffer width.

52. Amend Section 12.303. Screening requirements, number (2) as follows:

(a) Fences and walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials or wood post and planks or any combination thereof with no more than 25 percent of the fence surface area left open. The finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section;

(g) Shrubs used in any screening or landscaping must be evergreen, at least ~~3~~ 2½ feet tall when planted and no further apart than 5 feet. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 4 years of planting.

53. Amend Section 12.404. Wastewater treatment facilities as follows:

(2) No aboveground structure for the treatment or disposal of wastewater and no surface disposal of wastewater shall be located within 300 feet of any ~~existing or proposed~~ residential structure, either existing or under construction, in any district.

DRAFT

54. Amend Section 12.406. Fences and walls in residential districts Editor Note: as follows:

[Editor Note: Any fence or wall constructed within the site sight distance triangle at an intersection must conform to the cross visibility requirement regulated in City Code, Section 14-16 and Section 12.109 of these regulations. A fence or wall constructed along the border or bounding on any streets or sidewalks of the City, shall require certification by the Charlotte Department of Transportation (City Code, Section 19-4)]

55. Amend Section 12.407. Elderly and disabled housing as follows:

(7) Detached elderly and disabled housing shall be located in the rear yard and not be any closer than 15 feet to the rear any property line.

56. Amend Section 12.412(7). Guest houses and employee quarters as follows:

(7) Guest houses or employee quarters shall be located in the rear yard and not be any closer than 15 feet to the rear any property line. and adhere to the minimal side yards for the district

57. Amend Section 12.413. Drive-in service windows as follows:

Section 12.413. Drive-in service windows and other drive-through uses.

(4) Menu boards and other signage associated with drive-in service windows will be governed by Chapter 13.

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS*

TYPE OF FACILITY	VEHICLE STORAGE
Drive-in Bank	6 spaces per window (1)
Drive-in Restaurant	8 spaces per window (2)
Automatic Car Wash	10 spaces per wash line
Self-service Car Wash	3 spaces per wash line
Drive-in Theater	15% of the total parking capacity
Hospital (3)----------	1% of the total parking capacity
Service Stations----------	4 spaces per service position
Service Stations	4 spaces per service pump island
Drive-in Dry Cleaners	3 spaces per window (2)
Other Drive-in Uses	5 spaces per window

*(1 vehicle space equals 20 feet)

FOOTNOTES TO TABLE 12.413:

----------(3)--At the main entrance to the hospital.

DRAFT

58. Amend Section 12.506. Religious Institutions in residential zoning districts as follows:

Churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential zoning districts subject to the following development approvals based upon size limitations:

	Permitted Districts
Religious Institutions, less than 750 seats in the largest place of assembly	All residential zoning districts
Religious Institutions, 750 to 1200 seats in the largest place of assembly	Multi-family and MX zoning districts

(8) ~~Any structure will be set back from the street no less than any existing dwelling on an abutting lot.~~ [RESERVED]

59. Amend Section 12.516. Open space recreational uses as follows:

(1) Such uses shall not involve the use of motorized vehicles, such as dirt bikes, go carts, motorcycles, ~~etc.~~ and similar uses.

60. Amend Section 13.108. Specifications for permanent signs requiring a permit number (4)(c) as follows:

(c) No ground mounted or monument sign greater than 2½ feet in height as measured from the grade of the road or pole sign having a vertical clearance less than 10 feet between grade and the bottom of the sign face shall be located in the ~~site~~ sight distance triangle;

61. Amend Section 13.109. District regulations for permanent on-premises signs as follows:

(1) Residential Districts

(a) Signs on the premises of single family, detached duplex, group homes, and on the premises of mobile homes shall conform to ~~subsection 13.106(5)~~ subsection 13.106(4) of these regulations.

(5) Business Districts

(d) Signs on the premises of business parks shall be regulated in accordance with ~~subdivision 13.109(2)(c)~~ subdivision 13.109(2)(b) and (d) herein.

DRAFT

(6) Industrial Districts

(a) Detached signs in industrial districts shall be regulated in accordance with subdivision 13.109(4) ~~(a)~~.

(b) ~~Industrial Park Development Signs~~ Signs on the premises of industrial parks shall be regulated in accordance with ~~subdivision 13.109(2)(d)~~ subdivision 13.109(2)(b) and(d).

62. Amend Appendix 1: List of Acceptable Plant Species by moving from Small Maturing Trees, Botanical Name: Myrica cerifera, Common Name: Wax myrtle and put in proper alphabetical order under Shrubs, and deleting in it's entirety, Botanical Name: Photinia glabra, Common Name: Red tipped photinia from under Shrubs.

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 _____.

_____
Brenda Freeze, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 1, 1992

Mayor Richard Vinroot
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 November 23, 1992.

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 December 14, 1992. This will then permit these matters to be placed on your agenda for consideration on December 21, 1992.

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

Respectfully submitted,

Don Whelchel (LS)

Don Whelchel
Charlotte-Mecklenburg Planning Commission
Zoning Committee Vice-Chairman

DW:sls

Attachments

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

DATE: November 23, 1992

PETITION NO.: 92-45

PETITIONER(S): YMCA of Charlotte.

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

LOCATION: A 30.2 acre site located at the intersection of Sharon Road, Quail Hollow Road, and Sharon Hills Road. (Harris YMCA)

ACTION: The Zoning Committee recommends that this petition be deferred for 30 days.

VOTE: Yeas: Baker, Byrne, Fenning, James, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes rezoning to accommodate an expansion of the Harris YMCA. Subsequent to the public hearing on this petition, the petitioner requested a 30 day deferral in order to allow time to address a number of issues which arose at the public hearing on this request. (See attached letter). In addition, Council requested a stormwater impact study for the area and the study is now underway. Therefore, the Zoning Committee deferred action on this petition for 30 days.

DATE: November 23, 1992

PETITION NO.: 92-58

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Change from R-17MF to I-1.

LOCATION: A 1500 square foot parcel located off the west side of Statesville Avenue extending from Spratt Street to the North Graham Street ramp.

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

VOTE: Yeas: Baker, Byrne, Fenning, James, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes rezoning from multi-family residential to the light industrial category for a small parcel located between two I-1(CD) zoned parcels. It was noted that the subject property is a minor residual tract that would probably never be developed for residential purposes. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of Zoning Committee.

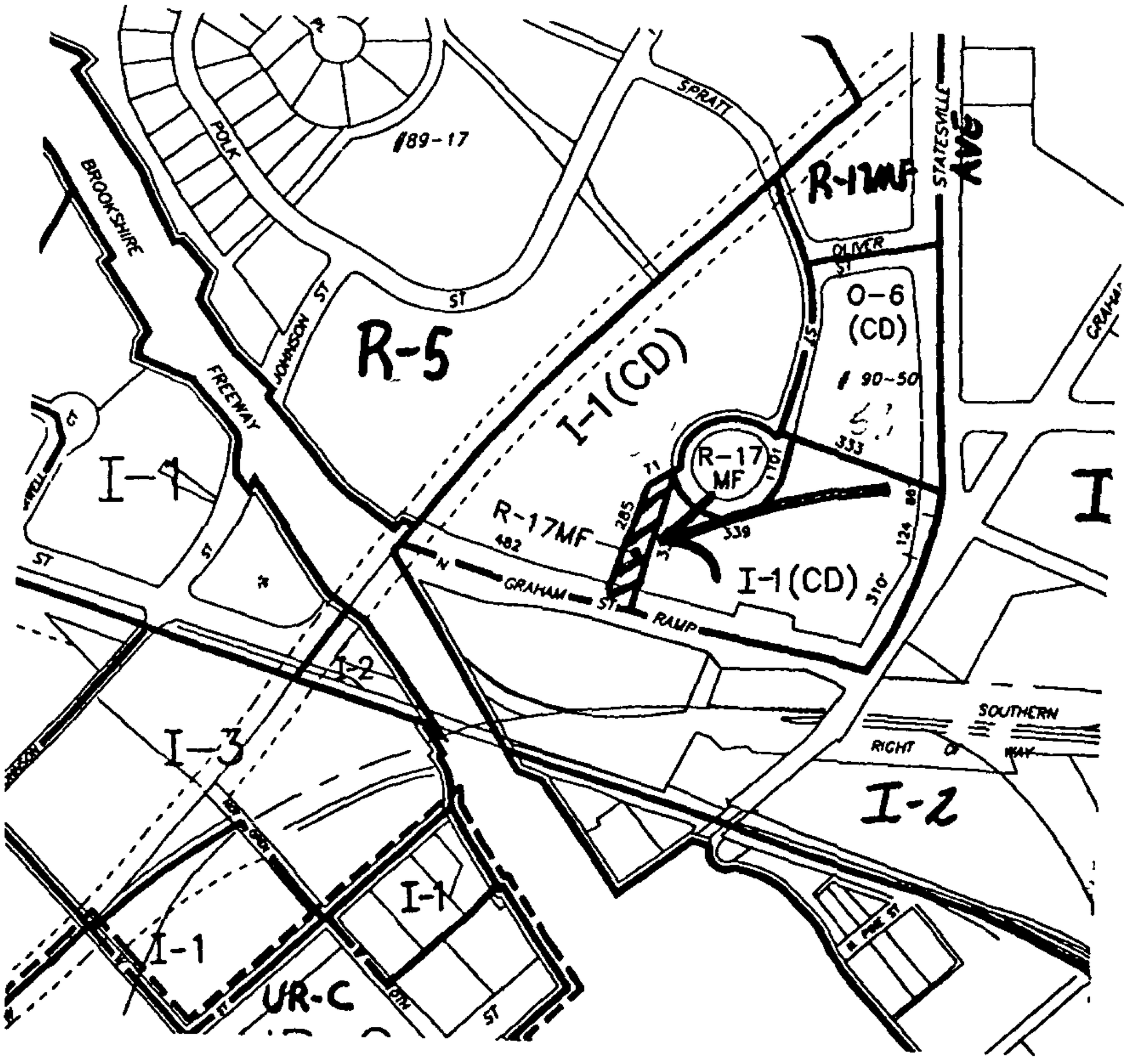
PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-58 HEARING DATE: November 16, 1992

ZONING CLASSIFICATION, EXISTING: R-17MF

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: A 15,00 square foot parcel of land located off of the west side of Statesville Avenue extending from Spratt Street to the North Graham Street Ramp.



ZONING MAP NO(s).: 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: November 23, 1992

PETITION NO.: 92-68

PETITIONER(S): City of Charlotte Community Development Department.

REQUEST: Change from R-4 to R-17MF(CD).

LOCATION: A 1.7 acre site located on the easterly side of China Grove Church Road north of the Outer Belt (Formerly Silver Mount Baptist Church).

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

VOTE: Yeas: Baker, Byrne, Fenning, James, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes reuse of an existing abandoned church structure for a day-care center for a maximum of 100 children. The site plan which accompanies the petition proposes to bring the site into compliance with zoning regulations by removing existing parking in the setback and side yard and by installation of a required buffer adjoining single family. The proposed reuse was viewed as appropriate for the neighborhood and an improvement to the petitioned site. Therefore, the Zoning Committee recommends approval of this petition.

STAFF OPINION

The staff agrees with the recommendation of Zoning Committee.

PETITIONER: City of Charlotte Community Development Department

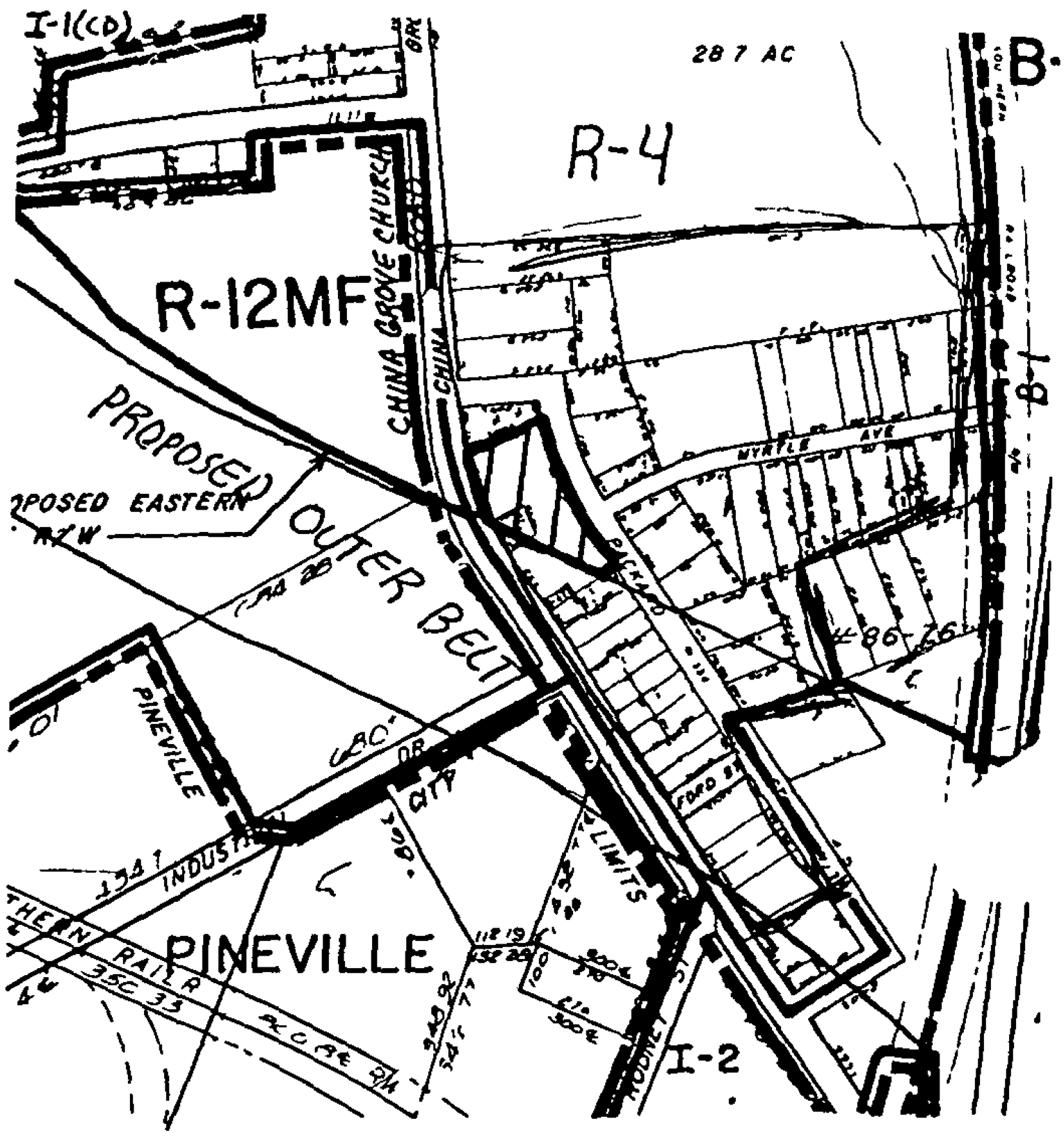
PETITION NO.: 92-68 HEARING DATE: November 16, 1992

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: Institutional(CD)

LOCATION: Approximately 1.7 located on the easterly side of China Grove Road north of the proposed Outer Belt (formerly C~~hina Grove A.M.E.Z.~~ Church).

Silver Mount



ZONING MAP NO(s).: 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

ZONING MEETING 12/21/92

Mayor ✓
Campbell absent
Clodfelter ✓
Hammond ✓
McCrory ✓
Majeed ✓
Mangum ✓
Martin ✓
Patterson absent
Reid ✓
Scarborough ✓
Wheeler ✓

Ron McClure –
Ken Baker –
Jack Byrne –
Vincent Jones –
John Tabor –
Don Whelchel –
Gloria Fleming absent
John Jones - continued on 1/93

6:00 p.m.

Mayor
Majeed - Invocation
Mayor - Instructions
Clodfelter - 92-67 - Conflict
Martin / Scarborough Excuse Clodfelter - unan.
Clodfelter
Reid / Scarborough - Excuse Clodfelter from 92-64, + 92-71
Mayor
Hammond

McCrory
~~Lid~~ Martin F
Mangum
Scarborough
Mayor
Wheeler
VOTE - YES Mayor, McCrory, Lid,
Scarborough -
Fails for lack of 6 votes
~~Martin~~ Lid
Martin
Mangum
Clodfelter -
Mayor - Take that vote again.
Vote - Unan.
Mayor
Hammond / Mangum Defer 92-45
Unan.
Mayor
Hammond - 92-73 #9
Mayor
Frank Summers
Mayor
Summers
Hammond
Fields
Hammond

Fields
Freze
Mangum
Hammond / Martin 92-71
move to position # 6
after 92-67
Mayor
Mangum
Mayor
Clodfelter - Cancelled + moved

Mangum
Mayor
Mangum / Scarborough 92-73 moved
to item # 3 - Tuesday so we can
Mayor open, continue + People
#1 Mettis Greenfield can go home.
Clodfelter
Greenfield
McCrory
Mayor
Greenfield
Hess / Clodfelter Close Hearing
McCrory
Don Morrill Urban Lange

Hammond / Clodfelter	Designate Lean.
#2	
Milton Greenfeld	
Mayor	
McCrory / Wheeler	Close Hrng.
Wheeler / McCrory	Designate - Lean
#3 92-73	
Mayor	
Bob Young 60 days OK	
Sam / Man	Continue for 90
days	
Clodfelter	
Bob Young	
Clodfelter	
Martin	
Hammond	
Mayor	
Carol Bahringer	
Mayor	
Bill Payne	
Mayor	
Payne - Prefer 90 days	
Clodfelter	

Scar
Mayor
Young
VOTE - Unan.

Mayor - Now go to 92-64, 92-67
+ 92-71
#4 92-64
Mayor
Martin
Fields
Mayor
Fields
Martin
Fields
Mangum
Fields
Martin
Fields
Hammond
Fields - Does that cover it?
Martin - Yes
Fields
McCrory
Fields

Mayor
Martin
Fields
Martin
Fields
McCrory
Fields
McCrory
Vinroot
Brad Davis
Shelby Taylor
Pat Dayton - Resident of Audubon Park
Mary Colvin
Vinroot
~~Hammond~~ Mangum / Wheeler
Else / Hemp.
Hammond -
Hen / Scarborough - Continue
Hearing to Jan.
McCrory
Hammond
Mangum
Vote - Unan.
Mangum
Fields

Unroot	4.27
#5 - 92-67	
Fulde	
Unroot	
Martin	
Fields	
McCrory	
Fields	
Wheelw	
Fields	
Unroot	
Bailey Patrick	
Fred Bryant	
M. C. Wallace	
Martin	
Wallace	
Martin	
Wallace	
Martin	
Fields	
Martin	
Fields	
McCrory	
Patrick	
Steve Vermillion	

Hammond
Bugart
Hammond
Bugart
Hammond
Bugart
Hammond
Bugart
Steve Vermillion
Hammond
Vermillion
Bugart
Hammond
Vermillion
Vermillion
Reid
Fields - single lot at end of Hampton
Vermillion 1/2 acre Ch. Rd.
Reid
Vermillion
Morgan
Vermillion
Morgan

Vermillion

Mangum

Vermillion

Vinroot

Majeed

Vermillion

Majeed

Jap Arnold, UNCC

Majeed

Arnold

Wheeler

Vermillion

Wheeler

Vermillion

Martin

Fields - somewhere around 10-15

Martin

Fields

Martin

Fields

Martin

Fields

Vinroot

Scarborough

John Tabor

Vermillion	
Tabor	
Vermillion	
Tabor	
Winrod	
Fields	
Vermillion	
Dave Bryant	- Mr. Robinette came
Winrod	
Pat Dayton	- against
Christine Parks	
David Holding	
Judd McAdams	
Purdue	
Mary Colvin	- Defer for J
Jen Mead	
Scarborough	
Venrod	
Morgan	
Scarborough	
Jim Clay	
Martin	
Clay	
McCrary	
Clay	

Mangan
Ed Robinette
Hammond
Robinette
Fields
Hammond
Robinette B-2
Majeed
Vincent
Hammond - Investments in Hampton Park ?
Sufest Yes
Hammond - Pull together $ spent
Sufest
Hammond
Vincent
Robinette
Bailey Patrick
Fields
Majeed
McClure
Vincent
Hammond / Reid - Continue to Jan. Hearings
Unan.

#6 92-71

D Vinroot

Fields

McCrory

Fields

Vinroot

George Maloomian - For

Will look like an extension

of University Place.

Mary Colvin - Against

McCrory

Mary Colvin

Scarborough

Mary Colvin

Scarborough

Vinroot

Maloomian

Vinroot

Hammond

Maloomian

Mangum

Fields

Ulen

McCrory / Martin Continue Hearing to

Vinroot 1/19/93

Malconian	
Vencroot	
VOTE - Unan	
Recess	8:40
Mr. James left	+ Mr. Baker
left at	8:25
Mr. Byrne left	after Item #5
Reconvene	8:45
#7 - 92-69	
Vincroot	
Fields	
Vincroot	
Fred Bryant	
John Tabor	
Bryant	
Steve Vermillion	
Bryant	
Doug Gillis -	CDOT
Reid	
Bryant	
Reid	
Vermillion	
Reid	

Doug Gillis	
Vermillion	
Reid	
Vermillion	
Reid	
Vermillion	
Bryant	
Hammond	
Bryant	
Ham	
Bryant	
McCrory / Scarborough	Clse Hrng. Union.
#8 - 92-70	
Vinroot	
Fields	
Vinroot	
Bryant	
Vinroot	
Mangum	
Bryant	
Hammond	
Fields	
Bryant	
Hammond	

Bryant
Hammond
Bryant
Hammond
Morgan / Wheeler — Close Hearing Unan.
#9 92-22
J Vincent
Fields
Christopher Branch - For
McCrory
Branch — 2,000 to 3000 SQ FT above #120 per SQ FT
Mike Hawley
Wheeler
Hawley
Wheeler
Hawley
McCrory
Hammond - Yard depth ?
Branch - 60 FT.
Hammond
Branch
Hammond
Branch

David Furman	
Hammond %	of green space
Furman	
Hammond	
Furman	On tape 3
Robert Chandler	
Vinroot	Mr. Jones & Mr. Baker returned
Gary Pritchett	9:26 p.m.
Vinroot	
Everett Roberts	1400 MARYLAND AVE.
David Furman	
Christopher Branch	
John Isbar	
Branch	
Fulds	
Wheeler	
Branch	
Michael Hawley	
Branch	
Hammond	100 ft ROW?
Fields	
Hammond	
Branch	
McCrary	
Branch	

Fields	
McCrory	
Sc / Wh	Case Hung.
	Tuner.
#10 - 92-74	
Vinroot	
Fields	
al Allison - For	
Fred Bryant - against	
Bailey Patrick - against - definition	
of quarry - expand to	
include dirt, soil	
Don Goins, NCDOT - Div. Eng.	
Definition	of Quarry site
Vinroot	
McCrory	
Vinroot	
McCrory	
Vinroot	
McClure	
Scar	
Wheeler / Martin	Case Hung.
Tuner.	
Vinroot	
McCrory	

Hammond
Vinroot
Patrick
Fields
Hammond
Fields
Hammond
Fields
Vinroot

#12 Man / Wh Aff.
Vap
VOTE - Unan

#13 Aff Scan / Mangum
App. - Unan.

#14 Scan / Wh Aff.
Unan

Scan / Hem
Adj.
Unan.
9:55