AGENDA

Meeting Type.	B
Date:	07-20-1992
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
July 20, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. L. Wayne Adkisson, Sharon Baptist Church - Rev. Adkisson had to cancel due to an emergency.

2. ANNOUNCEMENTS

Thursday, July 23, 4:00 p.m. City Council Planning Committee - CMGC, Rooms 270-271.

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

A) Agenda Item No. 8 - Hearing on Petition No. 92-40

(1) Bill Berry, 32100 Wellesley Avenue - 376-9800 - FOR
(2) J P Brackman, 2436 Lynbridge Drive. 364-2436

B) Agenda Item No. 9 - Hearing on Petition No. 92-41

(1) Rev. Paul Drummond, 1401 North Allen Street - 334-5309 - FOR

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

C) Agenda Item No. 10 - Hearing on Petition No. 92-42

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

D) Agenda Item No. 12 - Hearing on Petition 92-55
Chuck Dulaney, Planning Director for school system
(1) Roger Hudson, 2924 Richard Street - 357-0654 - AGAINST

E) Agenda Item No. 23 - Decision on Petition No. 92-34

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

#1, 2 + 3. Lewis A Bledsoe, III, Chair of Historic Landmarks Comm

#4 - Dan Page P.O. Box 37166, Charlotte, NC 28237

#6 Gregory B Gill, 705 Royal Court Suite 101, Charlotte 28202
Bessie Shipp, 1024 Rocky Ridge Dr. Charlotte 28210

7. Bob Young - 301 S McDowell Street

11 - Anthony Hunt - Anthony B Hunt Association - Architect

5:35

Dinner Presentation 7-20-92

Zoning Meeting

Mayor Vincent ✓
Campbell ✓
Closfelter
Hammond ✓
McCrary ✓
Majeed ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

Zoning Comm.
Ann McClure ✓
Jack Byrne ✓
Gloria Fearing ✓
John Isaac ✓
Ken Baker ✓
Don Welchel ✓
Vincent Jones ✓

Mayor
Walter Fields
Hammond

Mayor
Hammond

MC Crary
Fields
MC Crary
Fields

Hammond
Fields
Hammond
Fields
McCrory
Hammond
McCrory
Mayer
Morgan
McCrory
Mayer
Fields
Mayer
McCrory
Fields
Mayer
Fober
Fennell
Mayer
Morgan
Mayer
Hammond / Scarborough
Staff proceed w/ study
McCrory
Fields
Mayer
Reid

Fields
Jahn -
Fields
Mayor
Unanimous vote
McCoy

5:55

7-20-96 Zoning Meeting.

6:05

Mayor Vinroot ✓

Campbell ✓
Closefelter
Hammond ✓
McCoy ✓
Majeed ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

Mayor
Martin
Mayor
Introductions
Mayor - Deferrals
- Introductions
Mayor - opening Decisions 15 ✓
17 ✓
23 ✓

Martin / Mangum defer for 30 days

Signed up at the meeting:

Paul Earls	92-36
Jamie Bryant	92-5
Ruth Ann Lyons	92-28
JP Brockman	92-40
Louis Bledsoe	
3 Joint	Public Hearings
Bob Young	92-39
Don Page	92-35

Jones

Mayor

Majeed item # 14 9.2=5

Majeed / Martin Amen # 14

Morgan

Jamie Bryant

Majeed

Morgan

Mayor - leave on agenda

~~Majeed~~ Bryant

Mayor

Majeed - Martin, Scarb - yes

Scarborough

Mayor

Public Hearing - Historic Landmarks

Louis Bledsoe -

Morgan / Wheeler - Close

Morgan / Hammond - approved unan.

Bledsoe - / Sheppard Horse

Martin / Wheeler approved unan

Morgan / Patterson Close

unan

Bledsoe - Shift F. M:11

Hammond
McCoy
Hammond
Patterson
Mayor
Patterson
Mayor
Fuller
Mayor 92-241 Cause delay?
Martin
Mayor
Wheeler - #17 (92-27) neighborhood plan
reviewed OK to approve
Mayor
Patterson / Martin
Martin / Morgan defer 2-3
Mayor
Hammond / Scarborough
Mayor
Unanimous

Martin
Mayor
McCoy
Morgan
Mayor

Mayor
McCrory - condition of bldg.

Bledsoe
Carl Holloway
Martin
Carl Holloway
Martin
Mayor
Wheeler / Morgan - Close
Wheeler / Morgan - approve
Mayor - Zoning Hearing
Patterson - McCrory / Martin - 92-35
W. withdrew motion

Mayor
Don Page - charter Props.
Mayor
McCrory / Wheeler Unan.
Mayor - 92-36
Morgan / Wheeler Unan
Mayor - 92-38
Scarborough
Mayor
Fields

Mayor

Greg Gill

Basic Ships

Scarborough

Majeed

Scarborough

Mayor

McCoy

Scarborough

Patterson

Fields

Patterson

Fields

Scarborough - motion - Sept agenda

moved - second

Hammond

Fields

Hammond

McCoy -

Mayor

Morgan

Scarborough

Fields

Hammond

Fields

Mayor

Scarborough -
Martin
vote -
Scar - - 2 in power - Ellar + Naseef
Bessie Shipp
Mayor
Shipp
Mayor
Shipp
Mayor
Shipp
Mayor
Shipp
Dill
Scarborough
Anthony Fox Aug 24
Majeed
Fields
Majeed
Morgan - wheels close

Vote count
Mayor 92 - 39
Morgan
Mayor Fields

Bob Young
Patton / Wheeler Close

Mayor 92-40
Majeed question for Bob Young on 9-2-39
Young
Mayor
Fields

Bill Berry
J. Brockman
Fields
Berry
Brockman
Wheeler / Hammond

Mayor - 92-41
Fields
Fred Bryant
Rev. Drummond
mayor

Mayor
Majeed
Mangum
Martin
Fred Bryant
Reid
Bryant

Mayor
Morgan / wheeler

Mayor — 92-42
Fields
Bryant —
Mayor
Hammond
Fields
Hammond
Mayor
whitby / Martin

Mayor 92-43
Fields
Martin
Fields
Mayor
Anthony Hunt
Mayor *
Scott / wheeler

Mayor 92-55
Fields
Mayor — to speak in favor for the Director
Chuck Mulaney Planning Director school system
Mayor
Roger Hudson - resident of ? Street

Chuck Dulaney
Mangum
Dulaney
Mangum
Tabor
Dulaney
Fields
Fox
Mangum
Fields
Mangum
Fields
Hammond
Fields
Hammond
Fields
Hammond
Mangum
Martin
Fields
Dulaney — one 2 a day
Martin
Dulaney
Mayor
Gloria Fenning

Mayor

Morgan / Patterson close hearing

Fox

Morgan

Fox

Morgan / Scarborough — ask zoning com. to deliberate + bring back rec.

Mayor

Fox

Mayor -

Hammond

Fields

Hammond

Fields

Mayor - Decisions

#13 Patterson - Scarborough

Martin

Sat. Tom Morgan / wheeler

Majeed

Hammond

Mayor (delay -)

Campbell - Patter - Reid - No

Mayor 92-5

Fields
Mazzu

Morgan/ Majeed Denny
McCuen Ruff.- McCuen - Pat approve

Majeed
Mazzu
Martin

Mazzu
Scarborough
Mazzu
McCuen
Hammond
Mazzu

approve as modified (6) yes
No — Hammond - Martin - Morgan - Majeed
Mazzu 92 - 25
denny - Morgan/ Martin

Majeed
Fox
Martin
McCuen
Wheeler
Hammond,
Mazzu
Reid
Fields

Kyra
Fields
Reid
Fields

Mayor
Marquis
Patterson
Majeed
Patterson

Majeed
Patterson
Majeed
Patterson
Fields
Fox

Matio | Scar ex ass Majeed

Mayor
Marquis

[illegible]

([illegible]) McCloy - Hammad - Patterson

#17 Patti | Wheeler

#18 Scab | Patt

#10

Martin - Mayor - Hammond - NO

#22 - Approved Unan.

#23 - Deferred

#24 - Patterson / Scarborough Unan.

resign.
Majeed -

Fields -

Scarborough
Fields -

Mayor
Majeed
Scar
Majeed
Fields

Mayor
Hammond
Scarborough

(Waiting for Planning Comm. to return)
Mayor

Scarborough
Mangum
Beck -
Mayor - deal rec. from Olson.
ann McClure -
Oppose - amnt provision
Jan 1993
4-3 failed
motion to approve denied 4-3
92-55
Mayor
McClure
Jack Byrne
Mayor
scarborough -
Ella Don Reid - oppose
text amend.
Jan '93
Martin
Mangum
McCrory
Mayor - unanimous
adopt Patton / Scarb. 8:25

CHARLOTTE

Meetings in July '92

JULY 1 - 3

1, Wednesday

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

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

2, Thursday

9 00 a m — TAXICAB REVIEW BOARD - Law Enforcement Center, 3rd Floor Small Conference Room

3 30 p m — CITY COUNCIL PLANNING COMMITTEE - CMGC, Room 270

THE WEEK OF JULY 6 - 10

6, Monday

Independence Day Holiday - All City Offices Closed

7, Tuesday

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

7 30 a m — PRIVATIZATION TASK FORCE - CMGC, Room 270

8, Wednesday

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

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

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

9, Thursday

10 00 a m — PARADE PERMIT COMMITTEE - CMGC, 6th Floor Conference Room

2 00 p m — ADVISORY ENERGY COMMISSION - CMGC, 7th Floor Conference Room

THE WEEK OF JULY 13 - 18

13, Monday

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

7 00 p m — HISTORIC LANDMARKS COMMISSION - The Law Building, 730 E Trade St , Suite 100

14, Tuesday

8 00 p m — AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Main Terminal, Conference Room A

12 00 noon — TREE AND ZONING ORDINANCE COMMITTEE - CMGC, 14th Floor Conference Room

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

15, Wednesday

4 00 p m — CLEAN CITY COMMITTEE/Business Beautification Awards Committee - CMGC, Room 270

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

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

16, Thursday

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

18, Saturday

10 00 a m — CHARLOTTE TREE ADVISORY COMMISSION/Retreat - 4910 Carmel Acres Drive

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JULY 20 - 24

20, Monday

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

4 15 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

21, Tuesday

2 00 p m — **CMUD ADVISORY COMMITTEE** Charlotte-Mecklenburg Utility Dept , 5100 Brookshire Blvd

2 00 p m — **HOUSING AUTHORITY** - Hall House, 426 North Tryon Street

22, Wednesday

7 30 a m — **PRIVATE INDUSTRY COUNCIL** - CMGC, Room 118

5 00 p m — **PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room

23, Thursday

7 30 a m — **FIREFIGHTER'S RETIREMENT BOARD** - Retirment Office, 428 E Fourth St , Suite 205

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

THE WEEK OF JULY 27 - 31

27, Monday

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

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

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

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

28, Tuesday

1 00 p m — **ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 N Tryon Street, Building Standards Training Room

29, Wednesday

9 00 a m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Convention Center, VIP-B

30, Thursday

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

These organizations will not meet in July:

Community Relations Committee
Youth Involvement Council

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Monday, July 20, 1992

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Northeast Retail Study - Walter Fields

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

Invocation by Rev. L. Wayne Adkisson, Sharon Baptist Church.

ITEM NO.

PUBLIC HEARINGS

Ord # 1
3355
B-41
P-27

1. Hearing to consider designating the physical piece of property known as the "Charlotte Streetcar No. 85" (specifically, the entire interior and entire exterior of the physical piece of property) currently housed at the former Charlotte Transit Facility on North Brevard Street, Charlotte, North Carolina as historic landmark.

   Wheeler / Butler close

   Mangum / Cannon / Wheeler oppose

   Cannon

   The Commission judges that the property known as the Charlotte Streetcar No. 85 does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgment on the following considerations:

   1. The Charlotte Streetcar No. 85 is the only restorable known remnant of Charlotte's streetcar fleet.

   2. The body of Charlotte Streetcar No. 85 was constructed by the Perley Thomas Car Company of High Point, North Carolina, most likely in the late 1910's.

   3. The fleet of streetcars that served Charlotte played a decisive role in the physical evolution of this community.

   4. The Charlotte Streetcar No. 85, when fully restored and placed in service, will enhance the historic image of Charlotte.

   The Mecklenburg County Tax Administrator states that the subject property is exempt from property taxes. (Letter attached.)

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

Consider adoption of an ordinance designating Charlotte Streetcar No. 85 (specifically the entire interior and entire exterior of the physical piece of property) as historic landmark.

Attachment No. 1

Ord #2
#3354
B 41
P 30

2. Hearing to consider designation of the "John W. Sheppard House" (specifically the entire interior and entire exterior of the structure and the entire tract of land upon which it sits, located at 601 North Poplar Street, Charlotte, North Carolina as historic landmark.

Motion/ Close/ Vote Unan

Motion/ Patterson approve Unan'

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

1. The John W. Sheppard House was completed by 1899.

2. John W. Sheppard was one of the first university-trained professional pharmacists in the United States.

3. John W. Sheppard joined with J. P. Woodall to open the Woodall and Sheppard Drugstore in 1986 at the corner of Trade and Tryon Streets.

4. The John W. Sheppard House was owned and maintained by the family of Edith Sheppard Shaw until 1961.

5. The John W. Sheppard House has survived through the years with most interior appointments, such as wood paneling, stained moldings, and wooden pocket doors, intact and in very good condition.

6. The John W. Sheppard House has many exterior appointments, such as original front doors and full facade porch, intact and in very good condition.

7. The John W. Sheppard House is architecturally significant as one of the best examples of the Free Classic, Queen Anne style house in Charlotte and Mecklenburg County.

8. The John W. Sheppard House is one of only a few houses that is original to site and orientation in Fourth Ward.

The Mecklenburg County Tax Administrator states that the amount of Ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $662.48.

The Department Review process revealed only one conflict between the proposed designation and other City projects regarding a future right-of-way. Conflict was resolved by excluding right-of-way requirement from the ordinance of designation.

Recommend adoption of an ordinance designating the John W. Sheppard House, the entire interior and entire exterior and the entire tract of land upon which its sits at 601 North Poplar Street, Charlotte, North Carolina, as historic landmark.

Ord # 3
#3357
B-41
P 34

Attachment No. 2

Wheeler motion close vote

Wheeler motion approve vote

3. Hearing to consider designation of the "Thrift Mill" (specifically, the entire interior and entire exterior of the structure and the entire tract of land located 8300 Moore's Chapel Road, Charlotte, North Carolina as historic landmark.

The Historic Landmarks Commission judges that the property known as the Thrift Mill does possess special significance in terms of Charlotte-Mecklenburg. The commission bases its judgment on the following considerations:

1. The Thrift Mill is one of the last big textile mills that was built in Charlotte-Mecklenburg during the mill-building period which lasted from 1881 to ca. 1913.

2. The Thrift Mill is architecturally significant as an intact example of industrial architecture constructed at the turn of the century.

3. The Thrift Mill is unusual in that it was situated in a rural area and was miles away from an urban workforce when it was originally built.

4. The Thrift Mill is significant as a tangible reminder of the importance of the diversification and the survival of the textile industry in North Carolina during the post-World War I slump in the industry.

5. The Thrift Mill became the centerpiece of the village of Thrift, site of an important railroad terminal for commuter service between Thrift and Charlotte.

The Mecklenburg County Tax Administrator states that the amount of Ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $2,482.26.

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

Recommend adoption of an ordinance designating the Thrift Mill, specifically the entire interior and exterior and the tract of land located at 8300 Moore's Chapel Road, Charlotte, North Carolina, as historic landmark.

Attachment No. 3

4. (92-35) Hearing on Petition No. 92-35 by Charter Properties, Inc. for a Text Amendment to the Zoning Ordinance to allow optical, medical and dental clinics as uses by right in the RE-1 and RE-2 Research Districts instead of being permitted only as accessory uses with limiting restrictions.

McCray/Wheeler unan

Attachment No. 4

5. (92-36) Hearing on Petition No. 92-36 by Richard and Constance Keffer for a change in zoning from I-2 to I-1 for approximately 1 acre located on the southwesterly corner of the intersection of Tyvola Road and Old Pineville Road.

Morgan/Wheeler unan

Attachment No. 5

not voted 7-3 by Scarborough motion to rec. failed 6. (92-38) Hearing on Petition No. 92-38 by Essie B. Shipp for a change in zoning from R-4 with a Special Use Permit for a Day Care Center to R-8MF(CD) and termination of the Special Use Permit.

Morgan/Wheeler unan

Attachment No. 6

7. (92-39) Hearing on Petition No. 92-39 by J. H. Heffner for a change in zoning from I-1 and R-22MF to I-1(CD) for approximately 4.18 acres located on the northwest corner of Tipton Drive and Beasley Lane.

Patterson/Wheeler unan

Attachment No. 7

8. (92-40) Hearing on Petition 92-40 by CSCES-U.S., Inc. for a change in zoning from R-15MF(PUD) to R-4 for approximately 55.21 acres located on the east side of Providence Road south of McAlpine Creek.

Wheeler/Hammond unan

Attachment No. 8

Margaret/Wheeler unan

9. (92-41) Hearing on Petition No. 92-41 by Saint Paul Baptist Church for a change in zoning from R-5 to O-2(CD) for approximately 5.37 acres located on Harrill, Allen and Pegram Streets between 16th and 18th Streets.

Attachment No. 9

Wheeler/Martin unan

10. (92-42) Hearing on Petition No. 92-42 by Paul D. Weeks for a Text Amendment to Chapter 6 of the Zoning Ordinance to allow administrative approval for additions to the uses attached to conditional plans.

Attachment No. 10

Scarborough/Wheeler unan.

11. (92-43) Hearing on Petition No. 92-43 by City of Charlotte Community Development Department for a change in zoning from B-1(CD) to R-22MF and from R-5 to O-3(CD) for approximately .916 acres located on the northeast corner of Oaklawn Avenue and Wayt Street and approximately .81 acres located on the southeast corner of Oaklawn Avenue and Burton Street.

Attachment No. 11

Margaret/Patterson Close unan
Margaret/Scarborough to defer back rec plans not + bring back
Scarborough/Reid - to approve text amendment unan

Ord 4 #3358 B41 p.37

12. (92-55) Hearing on Petition No. 92-55 by Charlotte-Mecklenburg Board of Education for a Text Amendment to the Zoning Ordinance to provide an exemption to the access and locational criteria for elementary and secondary schools to allow mobile classrooms on non-conforming school sites.

Attachment No. 12

DECISIONS

Patterson/Scarborough approve
Sub to deny Margaret/Wheeler
No - Campbell - Reid - Patterson

13. (92-1) Decision on Petition No. 92-1 by the Mint Museum of Art for a Text Amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.

This petition was deferred for 60 days at the March 16 and May 18 meetings.

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

Attachment No. 13

Ord 5 #3359 B41 p 39

Majeed / Martin
Sub- McCullough / Patterson

Ord #6
3360-Z
B-41
p. 41

14. (92-5) Decision on Petition No. 92-5 by Realfin, Inc., for a change in zoning from Institutional to O-1(CD) for approximately 16.2 acres located on the east side of U. S. 19 at McCullough Drive.

Approve as modified 6-4
No- Harrison Martin Mansfield Majeed

This petition was deferred to 30 days at the June 15 meeting.

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

Attachment No. 14

15. (92-24) Decision on Petition No. 92-24 by Charlotte-Mecklenburg Planning Commission (Northeast District Plan) for a change in zoning from Institutional and B-1 to R-3 for approximately 147 acres located along the east side of U. S. 29 and northerly side of Mallard Creek Church Road.

Deferred Patterson / Martin unan

A protest petition has been filed and is sufficient to invoke the 20% rule, only as to the area from B-1 to R-3, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (92-25) Decision on Petition No. 92-25 by McDonald's Corporation for a Text Amendment to the City Zoning Ordinance to change the minimum required off street parking requirements for a restaurant.

Mansfield / Martin Deny
not of Martin ex cuse / Scarborough - to Majeed
YES 6
3-No McCullough Harrison Patterson

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

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

Attachment No. 16

Ord #7
3361-Z
B 41
P 44

17. (92-27) Decision on Petition No. 92-27 by Clayton Properties for a change in zoning from R-4 to R-8(CD) for approximately .88 acres located on the southeast corner of Park Road and Princeton Avenue.

Patterson / Wheeler Approve 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 Council Members, not excused from voting, in order to rezone the property.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 17.

Ord # 8 #3362-2 B 41 P 46

18. (92-28) Decision on Petition No. 92-28 by Juliet Williams for a change in zoning from B-1 to B-2(CD) for an 18,601 square feet parcel located on the northeasterly corner of the intersection of Shamrock Drive and The Plaza.

Scar | Pritt approval as modified 7 to 3 Martin - Morgan Hammond No

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

Attachment No. 18

19. (92-30) Decision on Petition No. 92-30 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for approximately 44.7 acres located between Monroe Road and Randolph Road just south of Briar Creek.

Hom | Martin Deferred Unan

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

20. (92-31) Decision on Petition No. 92-31 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for approximately 29 acres generally located off of the north side of Wendover Road west of LaTrobe Drive.

Hom | Martin Deferred Unan

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

21. (92-32) Decision on Petition No. 92-32 by Harry G. Kostopoulos and Pete Kanellopoulos for a change in zoning from R-3 to R-3(CD) and B-1(CD) for approximately 3.6 acres located on the north side of Albemarle Road, east of Jamison Place Drive.

Deferred Hom | Martin Unan

The Zoning Committee deferred action on this petition to their ~~next work session~~ (July 27).

Attachment No. 21

Ord #9 # 3363-Z B-41 P- 48

22. (92-33) Decision on Petition No. 92-33 by Ruth P. Flowe for a change in zoning from I-2 to I-1 for a .317 acres site located on the south side of Wilkinson Boulevard east of Remount Road.

Patterson / Wheeler / Cranor aff

The Zoning Committee recommends that this petition be approved.

Attachment No. 22

23. (92-34) Decision on Petition No. 92-34 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-1 for approximately 6.3 acres located on the westerly side of York Road at Sandy Porter Road.

Martin / Dellinger / Mongiello

The Zoning Committee recommends that this petition be approved.

Attachment No. 23 PROTEST SUFFICIENT

24. (92-44) Decision on Petition No. 92-44 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to make provisions for the surrender or the termination of existing Special Use Permits.

Ord #10 3364-B-41 P-51

Patterson / Scarborough / Cranor aff

The Zoning Committee recommends approval of this petition.

Attachment No. 24

July 20

92-55

Nikita Wright

2205

Planning

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK BOTH THE INTERIOR AND THE EXTERIOR OF A PHYSICAL PIECE OF PROPERTY KNOWN AS THE "CHARLOTTE STREETCAR NO 85" THE PROPERTY, OWNED BY THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION, IS A PIECE OF MOVABLE EQUIPMENT CURRENTLY HOUSED AT THE FORMER CHARLOTTE TRANSIT FACILITY ON NORTH BREVARD STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____, 1992, on the question of designating a property known as the "Charlotte Streetcar No 85" as a historic landmark, and

WHEREAS, the "Charlotte Streetcar No 85" is the only restorable, known remnant of Charlotte's streetcar fleet, and

WHEREAS, the body of the "Charlotte Streetcar No 85" was constructed by the Perley Thomas Car Company of High Point, North Carolina, most likely in the late 1910's, and

WHEREAS, the fleet of streetcars that served Charlotte played a decisive role in the physical evolution of this community, and

WHEREAS, the "Charlotte Streetcar No 85," when fully restored and placed in service, will enhance the historic image of Uptown Charlotte, and

WHEREAS, the current owner, the Charlotte-Mecklenburg Historic Landmarks Commission, has faithfully restored the "Charlotte Streetcar No 85" 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 "Charlotte Streetcar No 85" possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

ORDINANCE -- CHARLOTTE STREETCAR NO 85

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Charlotte Streetcar No 85" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the "Charlotte Streetcar No 85" because written consent for interior design review has been given by the owner, and

WHEREAS, the property known as the "Charlotte Streetcar No 85" is owned by the Charlotte-Mecklenburg Historic Landmarks Commission,

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

1 That the property known as the "Charlotte Streetcar No 85" (including the interior and exterior) is hereby designated as 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 landmark is noted as being situated at the former Charlotte Transit facility at North Brevard Street in Charlotte, North Carolina, but as a piece of movable equipment, said location is subject to change

2 That said interior is more specifically defined as the historic fabric of the "Charlotte Streetcar No 85" to include the hardwood floors, the sash windows, the wooden walls, the laminate ceiling, the flip-over seats, the conductors' seats, the controllers, the wooden doors, the metal railings, the air brake and hand brake equipment, and the glass globes

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

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

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 owners and occupants of the landmark known as the "Charlotte Streetcar No 85" 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 Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

Approved as to form

Henry W. Underhill Jr.
City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

13 July 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 *Charlotte Streetcar #85* The owner of the proposed landmark is the Charlotte-Mecklenburg Historic Landmarks Commission The Commission is actively seeking landmark designation for the streetcar, 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 9 October 1989 The results are as follows

Favor	Brooks, Connelly, Desmond, Grenfell, Hammond, Henderson, Hendrix, Lomax, Presser, Rico, Scales
Oppose	None
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 J Andrew Scales, HLC Chairman
Dr Dan L. Morrill, Consulting Director
Ms. Pamela Syfert, Deputy City Manager

P O BOX 35434 • CHARLOTTE N C 28234 • (704) 376 9115 • FAX (704) 372 4584

MECKLENBURG COUNTY

Office of the Tax Administrator

May 8, 1992

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

RE Charlotte Streetcar #85

Dear Ms. Black·

Since the above property is exempt, there are no taxes potentially deferrable.

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

North Carolina Department of Cultural Resources

James G Martin, Governor
Patric Dorsey, Secretary

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

November 9, 1989

Dr Dan L Morrill, Director
Charlotte-Mecklenburg Historic Properties Commission
1225 S Caldwell St , Box D
Charlotte, NC 28202

Re Proposed designation of the Charlotte Trolley, Charlotte, Mecklenburg Co

Dear Dr Morrill

Thank you for your letter of October 23 and the Survey and Research Report for the Charlotte Trolley We have reviewed the information pursuant to GS 160A-400 6 and would like to comment

The trolley is an important vestige of Charlotte's late-nineteenth and early-twentieth century history and its role in urban and suburban development is well documented It is our opinion that the Charlotte Trolley merits designation as a historic landmark according to the criteria of GS 160A-400 5 We support designation of the trolley and hope that this recognition will help to preserve this significant piece of Charlotte's past

Thank you for the opportunity to comment on this proposal I am returning your slides as requested

Sincerely,

Beth Thomas
Preservation Planner
Survey and Planning Branch
State Historic Preservation Office

BT/lmm

LACY H THORNBURG
ATTORNEY GENERAL

State of North Carolina

Department of Justice
P O BOX 629
RALEIGH
27602 0629

-MEMORANDUM-

TO: William S Price, Jr
State Historic Preservation Officer

FROM: Charles J Murray CJM
Special Deputy Attorney General

DATE: April 8, 1992

SUBJECT Charlotte Trolley

The following is submitted in response to your memorandum dated March 3, 1992 and additional correspondence and conversations in regard to the above-referenced matter It is the opinion of this office that a moving trolley which meets the requirements of N C G S §§ 160A-400 5 and 160A-400 6 may be designated as a landmark under the provisions of Part 3C of Article 19 of Chapter 160A

The statutes do not contain an express definition of a landmark nor do they state what may be designated as a landmark however, N C G S § 160A-400 5, one of the two basic statutes relating to landmarks, states that:

> For each building, structure, site, area or object, so designated as a historic landmark, the ordinance shall require that the waiting period set forth in this Part be observed prior to its demolition

Therefore by implication any historic building, structure, site, area or object may be designated as a landmark The phrase building structure, site, area or object is also used in N C G S §§ 160A-400 6, 160A-400 8, 160A-400 11 and 160A-400 12

It is true that most of the language of Part 3C of Article 19 of Chapter 160A contemplates that the designation as a historic district or a historic landmark would be applied to either real property or objects fixed permanently to real property Additionally, the provisions of Part 3C draw upon the zoning authority of cities and counties in the designation of

historic districts or landmarks N C G S § 160A-400 1 It is also true that in other states the designation of a historic district or landmark is the equivalent of an easement or covenant running with the land

However, in North Carolina the statutes do not limit their application to real property or objects fixed permanently to real property and to impose such a restriction where the statutes do not contain one would be the equivalent of adding a requirement to the enactment of the General Assembly Significantly the provisions of the two statutes that expressly refer to real property or objects fixed to real property, N C G S §§ 160A-400 9(a) and 160A-400 14(a), do not use the word object" but instead refer to buildings, structures or sites Therefore when the word object is used in other places in Part 3C it can be inferred that the word was intended to cover personal property not affixed to land There is presumption in statutory interpretation that the legislature intended that effect is to be given to its enactments It is a well established principle of statutory construction that a statute must be construed, if possible, so as to give effect to every part of it, it being presumed that the Legislature did not intend any of its provisions to be surplusage State v Harvey, 281 N C 1, 19, 187 S E 2d 706, Clark v Carolina Homes, 189 N C 703, 710 128 S E 20, State v Barksdale, 181 N C 621, 625, 107 S E 505 State v Williams, 286 N C 422, 431 (1975) Because the term object has a very distinct meaning which differs from objects fixed permanently to real property it can be concluded that the General Assembly intended that objects not fixed permanently to real property, if otherwise qualified, may be designated as a historic landmark under the provisions of Part 3C of Article 19 of Chapter 160A

CJM/mr

Charlotte-Mecklenburg Historic Landmarks Commission

DEPARTMENT REVIEW PROCESS FOR HISTORIC LANDMARKS DESIGNATION

Charlotte Streetcar No. 85

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 comment
Engineering	-	No comment
Parks and Recreation	-	Encourages HLC to obtain designation
Planning Commission/Historic District Commission	-	Trolley service plan called for in *Urban Design Plan Center City Charlotte* Retail Task Force of Central Charlotte Association has endorsed trolley line. Project has cultural and economic development merit
Transportation	-	No response
Char-Meck Utility Department	-	No water or sanitary sewer on property (track) where streetcar where will be placed

P O BOX 35434 • CHARLOTTE N C 28234 • (704) 376-9115 • FAX (704) 372 4584

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "JOHN W SHEPPARD HOUSE" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 078-031-06 THE PROPERTY, OWNED BY MR JOSEPH ASHLEY PARLIER, IS LOCATED AT 601 NORTH POPLAR STREET, CHARLOTTE, MECKLENBURG COUNTY NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1992, on the question of designating a property known as the "John W Sheppard House" as a historic landmark, and

WHEREAS, construction of the "John W Sheppard House" was completed by 1899, and

WHEREAS, John W Sheppard was one of the first university-trained professional pharmacists in the United States, and

WHEREAS, John W Sheppard joined with J P Woodall to open the Woodall and Sheppard Drugstore in 1896 at the corner of Trade and Tryon Streets, and

WHEREAS, the "John W Sheppard House" was owned and maintained by the family of Edith Sheppard Shaw until 1961, and

WHEREAS, the "John W Sheppard House" has survived through the years with most interior appointments, such as wood paneling, stained moldings, and wooden pocket doors, intact and in very good condition, and

WHEREAS, the "John W Sheppard House" has many exterior appointments, such as original front doors and full facade porch, intact and in very good condition, and

WHEREAS the 'John W Sheppard House' is architecturally significant as one of the best examples of the Free Classic, Queen Anne style house in Charlotte and Mecklenburg County, and

WHEREAS, the "John W Sheppard House" is one of only a few houses that is original to site and orientation in Fourth Ward, and

ORDINANCE -- John W Sheppard House

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

WHEREAS, the current owner, Mr Joseph Ashley Parlier, has faithfully maintained the "John W Sheppard House" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

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

WHEREAS, the property known as the "John W Sheppard House" is owned by Mr Joseph Ashley Parlier,

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

1 That the property known as the "John W Sheppard House" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 078-031-06, with the following two roadway right-of-way exceptions 1) with the exception of a strip of land for a local residential street right-of-way adjacent to Poplar Street measured 25 feet from the centerline of Poplar Street, and 2) with the exception of a strip of land for a local residential street right-of-way adjacent to Ninth Street measured 25 feet from the centerline of Ninth Street) is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 601 North Poplar Street, Charlotte, Mecklenburg County, N C

2 That said interior is more specifically defined as the historic and structural fabric of the "John W Sheppard House" to include the hardwood floors (both the tiger

oak on the first floor and the pine on the second floor), the windows with both leaded glass and stained glass, the wooden paneling, the woodwork and moldings, the balustrades of the two stairways, the plaster walls, the gas sconces, the fire surrounds and fire tiles, the wooden pocket doors, the wood paneled doors, the entry hall window seat, the cast iron fireplace inserts, the dining room plate rail, the dining room corner cupboard, the radiator with warming section, the pine wainscot, the built-in pie safe with pass-through door, the tongue-and-groove flooring and beaded board ceiling of the enclosed back porch, the wood conduit on the back porch, the rounded plaster corner on the second floor landing, the hardware and the fixtures, the volume and shapes of the interior spaces provided by the Free Classic, Queen Anne style plan, and other interior features that are part of the original historic fabric of the building

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

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

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 owners and occupants of the landmark known as the"John W Sheppard House' be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk,

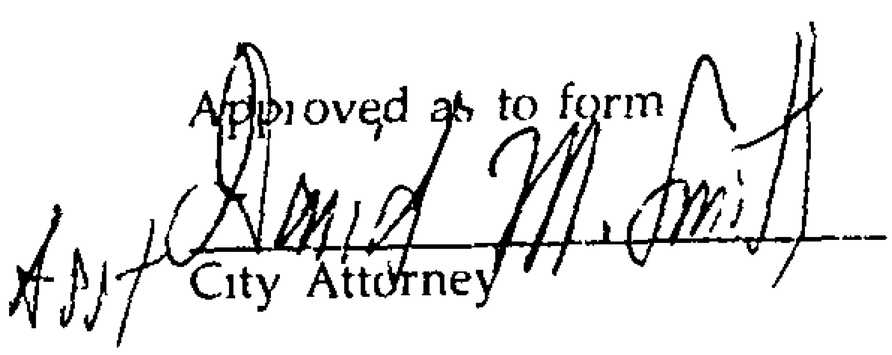
Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

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 Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

Approved as to form



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

13 July 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 *John W Sheppard House* The owner, Mr. J Ashley Parlier, has indicated his 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 February 1992 The results are as follows

Favor	Brooks, Bledsoe, Desmond, Dowd, Grenfell, Hammond, Hill, Lomax, Rico, Scales, Withers
Oppose.	None
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 J Andrew Scales, HLC Chairman
Dr Dan L Morrill, Consulting Director
Ms Pamela Syfert, Deputy City Manager

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MECKLENBURG COUNTY

Office of the Tax Administrator

February 24, 1992

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

RE Parcel Number 078-031-06
John W Sheppard House
601 North Poplar Street
Charlotte, North Carolina

Dear Ms Black

Based on the current assessment and tax rate, the potential amount of deferrable taxes on the above mentioned property would be $662 48 for the City of Charlotte and $788 78 for Mecklenburg County

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

May 5, 1992

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

Re **JOHN W. SHEPPARD HOUSE**
601 North Poplar Street, Charlotte, North Carolina

Dear Ms. Black

Pursuant to your request of February 20, 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 **JOSEPH ASHLEY PARLIER**, subject to a DEED OF TRUST recorded in Book 6526, Page 419, in the Mecklenburg County Register of Deeds, in favor of

Robert A. Shanklin, Trustee for
Empire of America Realty Credit Corp.
Empire Plaza
100 Seneca Street
Buffalo, New York 14203

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.

PERMISSION OF OWNERS
FOR
INTERIOR DESIGN REVIEW

~~We~~, I J. ASHLEY PARLIER ~~and~~ _____,
owners of record, do hereby request interior designation and do give permission to the Charlotte-Mecklenburg Historic Landmarks Commission to exercise jurisdiction for design review over all designated interior portions of the following historic landmark

Name of Property John W Sheppard House
Address of Property 601 N. POPLAR ST.

Signature J. Ashley P.
(Owner)

Name (Print) J. ASHLEY PARLIER

Date 10-7-91

Signature _____
(Owner)

Name (Print) _____

Date _____

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

February 27, 1992

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

Dear Ms Black,

Thank you for your letter of February 20 and the Survey and Research Report for the designation of the John W Sheppard House as a local historic landmark. We have reviewed the information pursuant to G.S. 160A-400 6 and offer the following comments.

We concur with the commission's finding that the Sheppard House is a fine example of the Queen Anne style Both the exterior and interior of the property are substantially intact, and appear to currently be well-maintained and displayed. In particular, the interior paneling, the leaded glass windows, the slate roof, shingled top elevation, and the substantial front porch define the late nineteenth century character of the house and relay both its form and detail to the present.

The house is also important as one of the few properties from the original housing stock of the Fourth Ward that is in its original location and that maintains its relationship to the area Furthermore, the Sheppard House is significant for its association with John W. Sheppard who, as the designation report states, was one of the first university-trained pharmacists and who with J. P. Woodall began a popular local drugstore in the Fourth Ward area near the turn-of-the-century.

Therefore, we support your recommendation for designation of the exterior, interior, and tax parcel of the house 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

John W. Sheppard House

FINDINGS

The Department Review Process revealed only one conflict between the historic designation and proposed public plans or projects of the Charlotte Department of Transportation Conflict was resolved by excluding right-of-way requirements from the ordinance of designation

COMMENT SUMMARY

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No permits are currently under consideration
Parks and Recreation	-	No current projects are anticipated in this area Parks and Recreation park property adjoins the John W Sheppard House Feels that historic designation can enhance City property
Planning Commission/Historic District Commission	-	House is located in the Fourth Ward Local Historic District and is subject to Historic District Commission jurisdiction No relation to Capital Improvement Program Projects or Permits
Transportation	-	Right-of-way requirements (see attached)
Char-Meck Utility Department	-	No relation to department plans and projects

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CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

JOHN W. SHEPPARD HOUSE

According to the Charlotte-Mecklenburg Thoroughfare Plan (1988)

Poplar Street is a local residential street requiring 50 feet of right-of-way, measured 25 feet from the centerline of the roadway. Property should be excluded from the historic designation to meet this requirement (see attached map).

Ninth Street is a local residential street requiring 50 feet of right-of-way, measured 25 feet from the centerline of the roadway. Property should be excluded from the historic designation to meet this requirement (see attached map).

attachment

29 March 92

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "THRIFT MILL" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 055-011-03 THE PROPERTY, OWNED BY WAREHOUSE INVESTORS, INC , IS LOCATED AT 8300 MOORE'S CHAPEL ROAD, CHARLOTTE, MECKLENBURG COUNTY NORTH CAROLINA

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

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1992, on the question of designating a property known as the "Thrift Mill" as a historic landmark, and

WHEREAS, the "Thrift Mill" is one of the last big textile mills that was built in Charlotte-Mecklenburg during the mill-building period which lasted from 1881 to ca 1913, and

WHEREAS, the "Thrift Mill" is architecturally significant as an intact example of industrial architecture constructed at the turn of the century, and

WHEREAS, the "Thrift Mill" is unusual in that it was situated in a rural area and was miles away from an urban workforce when it was originally built, and

WHEREAS, the "Thrift Mill" is significant as a tangible reminder of the importance of the diversification and the survival of the textile industry in North Carolina during the post-World War I slump in the industry, and

WHEREAS, the "Thrift Mill" became the centerpiece of the village of Thrift, site of an important railroad terminal for commuter service between Thrift and Charlotte, and

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

WHEREAS, the current owner, Warehouse Investors, Inc , has faithfully maintained the "Thrift Mill" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

ORDINANCE -- Thrift Mill

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

WHEREAS, the property known as the "Thrift Mill" is owned by Warehouse Investors, Inc ,

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

1 That the property known as the "Thrift Mill" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under Tax Parcel Number 055-011-03) is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at 8300 Moore's Chapel Road, Charlotte, Mecklenburg County, N C

2 That said interior is more specifically defined as the historic fabric of the "Thrift Mill" to include the hardwood floors, the industrial windows, the brick and plaster walls, the wooden ceiling, the dye-pits, the wooden and metal doors, the hardware and fixtures, and the monitors

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

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

herein shall be construed to prevent the landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations

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

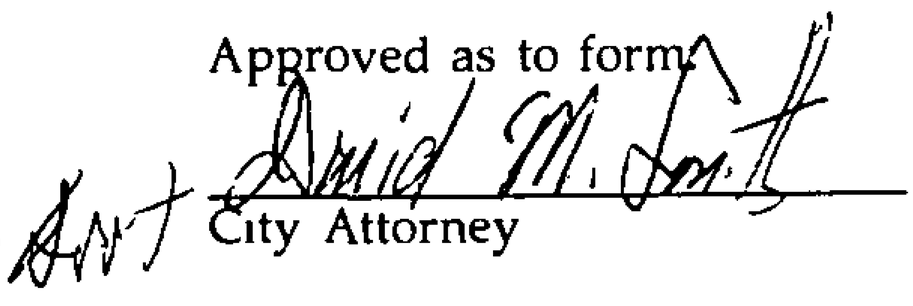
6 That the owners and occupants of the landmark known as the"Thrift Mill" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the 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 Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____
Clerk to the City Council

Approved as to form:



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

13 July 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 *Thrift Mill* The owner, Warehouse Investors, 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 13 January 1992 The results are as follows

Favor	Desmond, Grenfell, Hammond, Hendrix, Lomax, Rico, Scales
Oppose	None
Abstain	Hill

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

P O BOX 35434 • CHARLOTTE N C 28234 • (704) 376 9115 • FAX (704) 372 4584

MECKLENBURG COUNTY

Office of the Tax Administrator

April 8, 1992

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

RE· Parcel Number. 055-011-03
Thrift Mill
800 Moore's Chapel Road
Charlotte, North Carolina

Dear Ms Black

Based on the current assessment and tax rate, the estimated amount of deferrable taxes on the above mentioned property would be $2,482 26 for the City of Charlotte and $2,956 14 for Mecklenburg County

Very truly yours,

Bernard White
Assistant Tax Administrator

BW/sn

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

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

January 16, 1992

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

Re **THRIFT MILL**
8300 Moore's Chapel Road, Charlotte, North Carolina

Dear Ms. Black

Pursuant to your request of January 15, 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 **WAREHOUSE INVESTORS, a South Carolina General Partnership, c/o Carl L. Holloway, Jr., General Partner, P. O. Drawer 447, Columbia, South Carolina 29202.** Other parties at interest are

Patricia W. Nystrom, Trustee
Harkey, Fletcher, Lambeth & Nystrom
1043 East Morehead Street
Charlotte, North Carolina 28202 and

First Citizens Bank of South Carolina, Beneficiary
P. O. Box 29
Colunbia, South Carolina 29202

of that certain DEED OF TRUST dated October 13, 1989, and recorded in Book 6133, Page 754, in the Mecklenburg County Register of Deeds.

Consolidated Distribution Warehouse, Inc., Lessee
8300 Moores Chapel Road
Charlotte, North Carolina 28214

by virtue of a LEASE AGREEMENT dated July 24, 1990.

John Petoskey, Tax Administrator
City of Charlotte/Mecklenburg County
P. O. Box 31457
Charlotte, North Carolina 28231-6077

by virtue of delinquent 1991 City/County ad valorem taxes.

HELMS CANNON, HAMEL & HENDERSON
PROFESSIONAL ASSOCIATION

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

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH esm
Enc.

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS
FOR
INTERIOR DESIGN REVIEW

Pursuant to North Carolina General Statute 160A-400 9(b), we, Warehouse Investors consisting of Carl L. Holloway, Jr., Janet B. Cohn, Curtis H. Dickerson, and Van T. Hill, owners of record of the Thrift Mill, do hereby request historic landmark designation of the interior spaces as such spaces have been deemed to have architectural, cultural, or historical significance We give permission to the Charlotte-Mecklenburg Historic Landmarks Commission to exercise jurisdiction for design review over all interior designated portions of the

Thrift Mill

located at *8300 Moores Chapel Road, Charlotte, North Carolina*

Signature _____ (Owner)
Name (Print) Carl L Holloway, Jr.
Date July 23, 1991

Signature _____ (Owner)
Name (Print) Janet B. Cohn
Date July 17, 1991

Signature _____ (Owner)
Name (Print) Curtis H. Dickerson
Date 7/26/91

Signature _____ (Owner)
Name (Print) VAN T HILL
Date 7/30/91

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

January 30, 1992

Nora M Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
Post Office Box 35434
Charlotte, NC 28234

Dear Ms Black,

Thank you for your letter of January 15 and the Survey and Research Report for the designation of the Thrift Mill as a local historic landmark We have reviewed the information pursuant to G S 160A-400 6 and offer the following comments

We concur with the commission's finding that the Thrift Mill is a fine example of early twentieth century industrial architecture The mill complex combines both utilitarian and aesthetic sensibilities The skylights create striking rooflines while filling the interiors with natural light The brick arches that frame the arched windows and doors are a consistent motif which unifies the buildings from the main mill to the pumphouse Combined with the bracketed cornices and the corner towers, they create an Italianate effect in a industrial setting

Thrift Mill is an intact complex of buildings that is still attended by features such as water towers and the nearby railroad Its relatively unchanged context illustrates the complex systems of transportation and services that arose around the mill economy of the early twentieth century in Mecklenburg County

Therefore, we support your recommendation for designation of the exterior, interior, and tax parcel of the mill Thank you for the opportunity to comment on this proposal

Sincerely,

Juli Aulik
Interim Preservation Planner
State Historic Preservation Office

enclosure

109 East Jones Street • Raleigh North Carolina 27611
(919) 733 7305

Charlotte Mecklenburg Historic Landmarks Commission

DEPARTMENT REVIEW PROCESS
FOR HISTORIC LANDMARKS DESIGNATION

Thrift Mill

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 permits are currently under consideration
Parks and Recreation	-	City Parks and Recreation does not currently own any land in this area
Planning Commission/Historic District Commission	-	Current CIP list includes a plan for a future realignment of the Moores Chapel Road/Old Mt Holly Road intersection
Transportation	-	Right-of-way requirements (see attached)
Char-Meck Utility Department	-	No relation to department plans and projects

P O BOX 35434 • CHARLOTTE, N C 28234 • (704) 376-9115 • FAX (704) 372 4584

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

THRIFT MILL

According to the Charlotte-Mecklenburg Thoroughfare Plan(1988)

Glasgow Road is a commercial street requiring 60 feet of right-of-way, measured 30 feet from the centerline of the roadway. According to the tax map, sufficient right-of-way exists to meet this requirement.

The Thrift Mill site abuts a future light rail corridor, however no additional right-of-way is requested.

29 March 92

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 7, 1992

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 20, 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:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-35

Petitioner: Charter Properties, Inc.

Request: Text amendment to allow optical, medical, and dental clinics as uses by right in the RE-1 and RE-2 Research Districts instead of being permitted only as accessory uses with limiting restrictions.

BACKGROUND

When the Research District was first established as part of the County Zoning Ordinance in 1968, its purpose was to provide a very restrictive district for research and related operations plus offices. Later, another research district (RE-2) was added to permit limited manufacturing operations to be associated with research facilities. Over the years other amendments have been made to the zoning text regarding the Research Districts. In 1989, various changes were made, among them lowering the minimum lot size from 4 to 2 acres in the R-1 and permitting day care centers in both Research Districts.

When the current ordinances were completely revised and adopted in January, 1992, medical and dental clinics were permitted for the first time on a limited scale. The clinics, along with retail establishments and restaurants, are permitted as accessory uses by restricting them to occupy no more than 10% of the gross floor area of all buildings on the lot and under no circumstances to exceed 25% of the ground floor area (except restaurants may occupy up to 50%).

Presently, if a clinic is to be located in a building separate from the principal use, then it must be designed and intended primarily for the use of persons who are employed by the principal use. If the clinic is to be located within the same building as the principal use, then there will be no direct public entrance from outside the building.

CONCLUSION

This amendment proposes to permit clinics to be principal uses in both Research Districts without the current limitations. The Planning staff has no objections to this amendment if the owners and developers of the Research Park feel that this additional degree of flexibility would be advantageous.

*Subject to further refinement following public hearing.

CHARTER PROPERTIES INC.

July 7, 1992

Mr. Walter G. Fields, III
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Re: Pre-hearing Staff Analysis
Rezoning Petition #92-35

Dear Walter:

While I generally agree with your conclusion on the above referenced pre-hearing staff analysis, I think some clarification is needed

In the City of Charlotte Zoning Ordinance adopted January 29, 1962, amended through August 28, 1989, "business, professional and corporate offices" are allowed in research districts under Section 3022 permitted uses. Further in that same section "optical, dental and medical laboratories" are included.

"Clinic" was not a defined term in the old ordinance. It appeared for the first time under the defined terms in the ordinance adopted September 23, 1991 effective January 1, 1992. Prior to the new ordinance, there was no distinction made between medical offices and medical clinics. Therefore, to say medical and dental clinics were permitted for the first time on a limited scale in January 1992 is a little misleading since before that time clinics were not a defined term.

My request for a text amendment is <u>not</u> a relaxing of permitted uses in the research district but rather clarifying the confusion caused by a new term. Thank you for your conclusion, however, we are not asking for additional flexibility, only the flexibility that we've always had.

Sincerely,

CHARTER PROPERTIES, INC.

G. Dan Page, Jr.
Vice President

GDP/sha

cc: Seddon Goode, Jr., President/University Research Park

SUITE 1200 COMMERCE CENTER 129 W TRADE ST CHARLOTTE NC 28202 2175
MAIL ADDRESS P O BOX 37166 ZIP 28237 7166 (704) 377 4172 FAX (704) 333 4532

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-35
Date Filed May 4, 1992
Received By MCM
OFFICE USE ONLY

Staff Review. Tues. 6/2 9:00 a.m.

Section No 9.602 uses permitted by right.
9.603 uses permitted under prescribed conditions.

(Title)

Purpose of Change To allow optical, medical and dental clinics to occupy an unrestricted percentage of gross floor area in any building.

Charter Properties, Inc.

By: G. Dan Page, Jr., Vice President
Name of Petitioner(s)

P. O. Box 37166, Charlotte, NC 28237
Address of Petitioner(s)

704/377-4172
Telephone Number

Signature

Name of Agent

Agent's Address

Telephone Number

ORDINANCE NO _____ AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1 Amend Section 9 602 by changing paragraph (12) which reads as follows

(12) Optical , dental and medical laboratories

to read

(12) Optical, dental and medical laboratories and clinics

2 Amend Section 9 603 by changing the title of paragraph (14) and subparagraph (c) which reads as follows

(14) Retail establishments, restaurants, medical, optical and dental clinics, provided that
(c) Retail establishments, restaurants, and medical and dental clinics, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area except a restaurant use may occupy up to 50 percent of the ground floor,

to read

(14) Retail establishments and restaurants provided that
(c) Retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except a restaurant use may occupy up to 50 percent of the ground floor,

_____
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

July 7, 1992

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 20, 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:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-36

Petitioner: Richard and Constance Keffer

Location: Approximately 1 acre located on the southwesterly corner of the intersection of Tyvola Road and Old Pineville Road.

Request: Change from I-2 to I-1.

BACKGROUND

1. Existing Zoning. The subject property is presently zoned I-2 as are surrounding properties located on the west side of South Boulevard. Properties located to the east of South Boulevard are zoned B-2.

2. Existing Land Use. The subject property is occupied by a vacant commercial building. Surrounding properties are developed with a variety of commercial and industrial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses for the subject property. The 2005 strategies for the area include improvements to South Boulevard and Tyvola Road.

   2. Southwest District Plan. The Southwest District Plan envisions industrial development on the subject property.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the widening of South Boulevard from Woodlawn to Tyvola Road to six lanes.

      The intersection of South Boulevard and Tyvola Road is on the high accident location and high congestion location list.

4. Site Plan. There is no site plan which accompanies this petition inasmuch as it is a conventional rather conditional application.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-135	B-2 to Cond. Amendment	Approved	04/20/70

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the general industrial category to the light industrial category in an area in which publicly adopted plans envision continued employment/industrial type development. Therefore, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed the application with staff prior to the filing. Staff indicated the petition should be considered on a conventional rather than conditional basis.

   2. Departmental Comments. CDOT indicates the site could generate approximately 357 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 177 trips per day. There were very few significant departmental comments inasmuch as the petition is a conventional rather than conditional application.

ISSUES

1. Land Use. This petition proposes rezoning from I-2 to I-1 in order to accommodate an auto sales lot on the subject property. (The new zoning ordinance requires B-2 or I-1 zoning for auto sales). This petition raises no issues from the land use standpoint and is considered appropriate for approval.

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

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-36
Date Filed May 4, 1992
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Richard W. Keffer, Jr. and wife Constance O. Keffer

Owner's Address: 1001 Tyvola Rd., Charlotte, NC 28217

Date Property Acquired: 02/02/89

Tax Parcel Number: 169-082-09

Location of Property (address or description)

1036 Tyvola Rd., Charlotte, NC 28217

Description of Property

Size (Sq Ft.-Acres): 1.031 Acres

Street Frontage (ft.): 271.35 Tyvola Rd.
122.77 Old Pineville Rd.

Current Land Use: Closed Restaurant - 3700 sq. ft. building

Zoning Request

Existing Zoning: I-2

Requested Zoning: I-1

Purpose of Zoning Change: Property was purchased for retail automobile sales. A ' van 9 zoning ordinance change does not permit this on I-2 property. Three restaurants have failed here and property owner desires an income producing business.

Paul Earls
Name of Agent

1001 Tyvola Rd., Charlotte NC 28217
Agent's Address

(704) 523-7809
Telephone Number

Richard W. Keffer, Jr. and
Constance O. Keffer
Name of Petitioner(s)

1001 Tyvola Rd., Charlotte, 282
Address of Petitioner(s)

(704) 523-7809
Telephone Number

Constance O. Keffer
Signature

Signature of Property Owner
if Other Than Petitioner

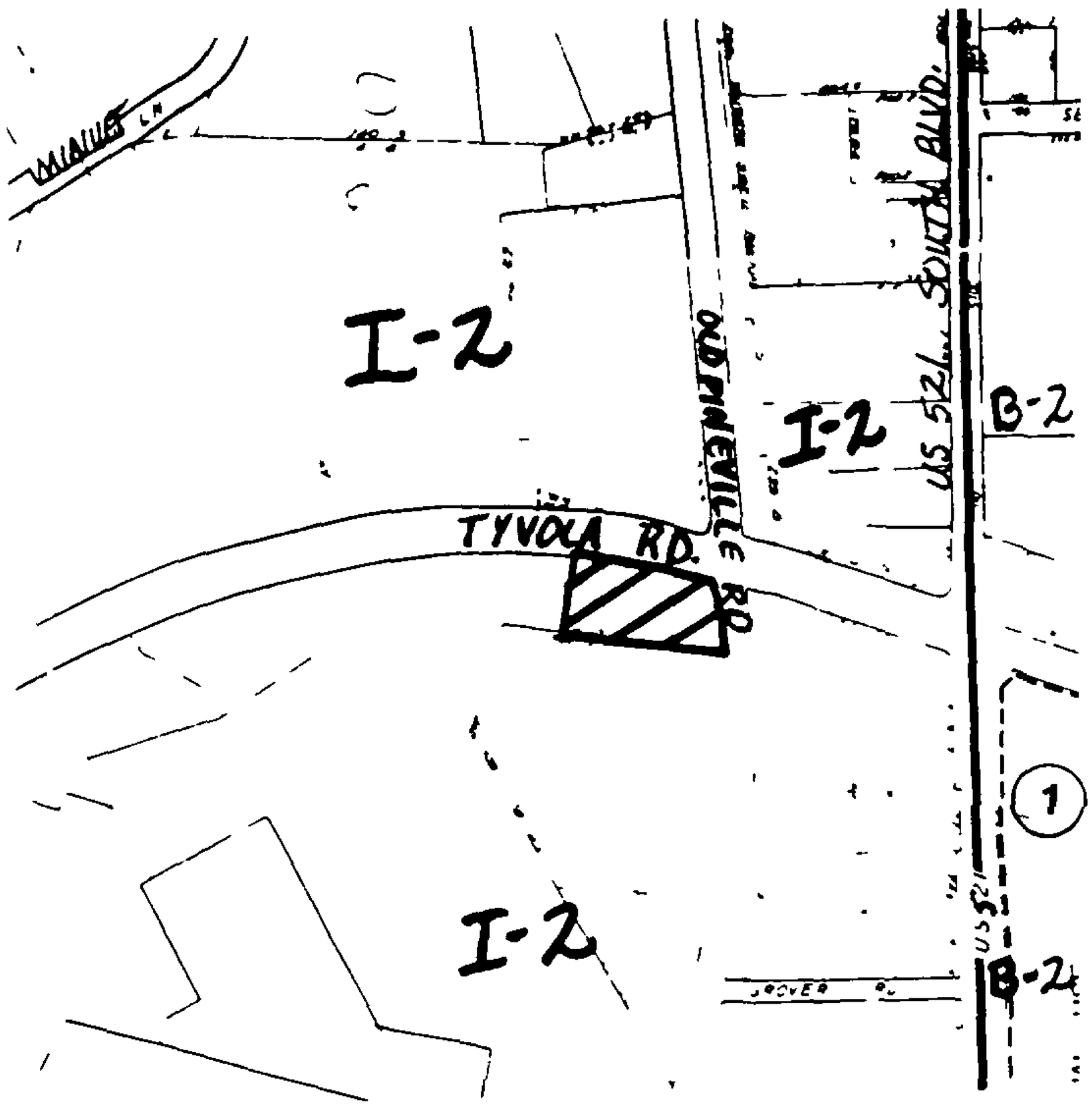
PETITIONER: Richard and Constance Keffer

PETITION NO.: 92-36 HEARING DATE: July 20, 1992

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION Approximately 1.03 acres located on the southwest corner of Tyvola Road and Old Pineville Road.



ZONING MAP NO(s).: 126 & 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 7, 1992

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 20, 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:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-38

Petitioner: Essie B. Shipp

Location: Approximately .575 acres located on the west side of Nations Ford Road north of Colony Acres Drive.

Request: Change from R-4 with a Special Use Permit for a Day Care Center to R-8MF(CD) and termination of the Special Use Permit.

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-4 and was granted a special use permit for a day care center in 1983. Surrounding properties on the west side of Nations Ford Road are also zoned R-4 and properties located to the east of Nations Ford Road are zoned a combination of R-20MF and R-22MF.

2. Existing Land Use. The petitioned property is developed with a single family residence that has been converted into a day care center. Properties located in this area on the west side of Nations Ford Road are predominately developed with single family uses and Nations Ford Elementary School is located just to the north. Properties located on the east side of Nations Ford Road in this area are predominantly developed with multi-family communities including Brookvalley Apartments, Claridge Apartments, and Cardinal Woods South Apartments.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the area of the subject property. The 2005 strategies include construction of the southwestern portion of the outer belt, expansion of the greenway system along Big Sugar Creek, and the widening of I-77.

   2. Southwest District Plan. The Southwest District Plan (adopted 1991) recognizes existing single family development with densities ranging from one to four dwelling units per acre in the area. A neighborhood convenience center is indicated at the intersection of Nations Ford Road and I-77. The plan also recognizes a neighborhood mixed use center at the intersection of Nations Ford Road and Arrowood Road.

4. Site Plan. The special use permit site plan currently in effect for the petitioned property permitted the existing 1,498 square foot residence to be converted into a day care center for a maximum of 50 children. The proposed site plan which accompanies this rezoning petition proposes a building addition of 720 square feet in the front of the existing day care center and also proposes an

increase in the allowed number of children to 58. The plan indicates the establishment of the required 12 foot buffer along the southerly and westerly project edges adjoining single family residential zoning and uses. Access to the site is provided by one driveway connection to Nations Ford Road. The plan indicates compliance with zoning regulations, the City of Charlotte Tree Ordinance, and provides right-of-way dedication along Nations Ford Road.

5. School Information. Information from the School Board staff has not been received as of the preparation of this material.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-27	R-9 to R-6MF	Approved	04/08/69
2. 70-82	R-9 to R-12MF (Approved R-20MF)	Approved	08/18/70
3. 83-3SUP	SUP-Day Care	Approved	12/14/83
4. 85-23	R-9 to B-D(CD), O-15(CD), & R-9(CD)	Approved	05/20/85

7. Neighborhood. This petition lies within the area defined as the Colony Acres neighborhood.

REVIEWS

1. Plan Consistency. This petition is requesting a change from an R-4 category with a special use permit for a day care center to R-8MF(CD) and termination of the special use permit to accommodate a building expansion and a minor increase in the number of children cared for at the existing day care center. The 2005 Plan recognizes the area as one of existing residential development and the Southwest District Plan recognizes the area as one of existing single family residential development. While the petition is not clearly consistent with the adopted Southwest District Plan, day care centers are often considered an appropriate adjunct to single family residential areas.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Subsequently, several comments relating to the site plan were relayed to the petitioner.

   2. Departmental Comments. CDOT indicates the site could generate approximately 119 trips per day as currently zoned

and 176 trips per day under the proposed zoning. The revised site plan submitted by the petitioner has addressed all outstanding departmental comments.

ISSUES

1. Land Use. This petition proposes a change from R-4 with a special use permit for a day care center to a multi-family district to accommodate an expansion of the existing day care center both in terms of square footage as well as number of children cared for. Current plans for the area recognize it as one of single family development. However, the site is already functioning as a day care center, has proximity to a large institutional use on one side (Nations Ford Elementary) and a large amount of multi-family development across Nations Ford Road and is located on a minor thoroughfare. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. The site plan that accompanies this application proposes to enlarge the existing day care center both in terms of square footage as well as number of children accommodated. The plan proposes a building addition of 720 square feet to the existing 1,498 square foot structure and proposes an increase in the maximum number of children that can be accommodated from 50 to 58. The plan indicates compliance with zoning regulations including buffers adjoining single family development, compliance with the tree ordinance, and all other departmental comments. Therefore, from a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. 6/2 9:00 a.m.

Petition No. 92-38
Date Filed May 4, 1992
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Essie B. Shipp

Owner's Address: 1024 Rocky Ridge Drive Charlotte, NC 28

Date Property Acquired: May 1982

Tax Parcel Number: 167-202-37

Location of Property (address or description): 8500 Nations Ford Road Charlotte, NC 28217

Description of Property

Size (Sq Ft.-Acres): .575 A or 25,047 sf. Street Frontage (ft.): 203 Lin ft.

Current Land Use: Child Care Center (Since 1984) Operating un Special Use Permit.

Zoning Request

Existing Zoning: R-4 w/SUP for a daycare Requested Zoning: R-8-MF (

Purpose of Zoning Change: To allow 720 sq ft addition to an existing 16 s.f residential style Child Care Ctr building. The addit will allow our Day Care Staff age grouping for an effective e tional program

Name of Agent: Gregory B Cell

Agent's Address: 705 Royal Court Suite 101 Char 28202

Telephone Number: 704-338-9948

Name of Petitioner(s): Essie B Shipp

Address of Petitioner(s): 704-525-4025

Telephone Number: 1024 Rocky Ridge D

Essie B. Shipp
Signature

Signature of Property Owner
if Other Than Petitioner

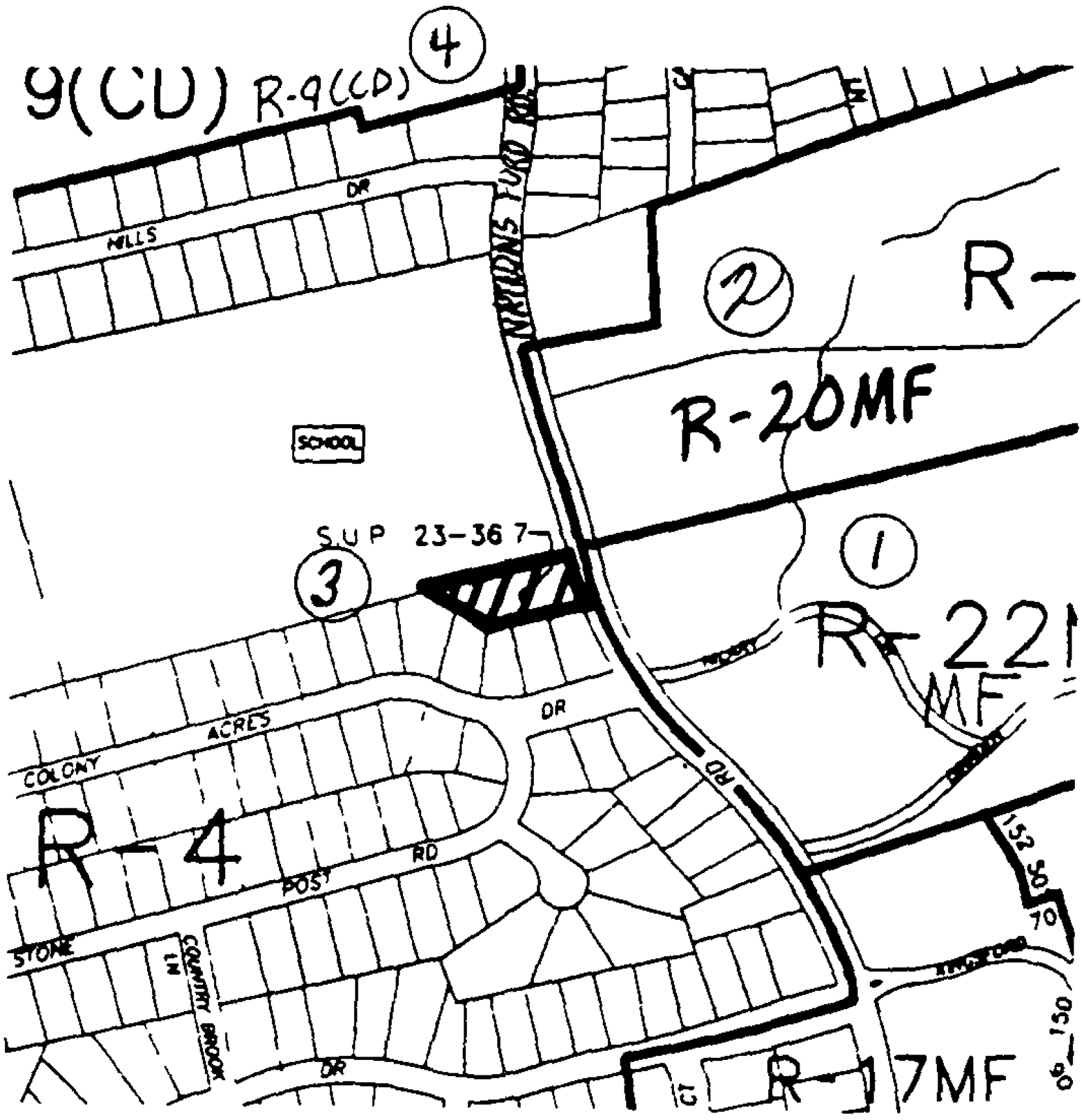
PETITIONER. Essie B. Shipp

PETITION NO.: 92-38 HEARING DATE: July 20, 1992

ZONING CLASSIFICATION, EXISTING: R-4 w/SUP for a daycare center

ZONING CLASSIFICATION, REQUESTED: R-8MF(CD)

LOCATION: Approximately 575 acres located on the west side of Nations Ford Road, north of Colony Acres Drive.



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 7, 1992

Mayor and City Council:

RE: Petitions to be Heard in July, 1992

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-39

Petitioner: J. H. Heffner

Location: Approximately 4.18 acres located on the northwest corner of Tipton Drive and Beasley Lane.

Request: Change from I-1 and R-22MF to I-1(CD).

BACKGROUND

1. Existing Zoning. The petitioned property is zoned a combination of I-1 and R-22MF. Adjoining properties to the north along I-85 and to the east along Statesville Avenue are zoned I-1. Adjoining properties to the west and south are zoned I-1(CD) and B-D(CD). Properties further to the south are zoned R-22MF.

2. Existing Land Use. The property involved with this request is presently undeveloped. Beasley's Chapel is located to the north. Properties located along Statesville Avenue are developed with commercial land uses including a car lot, a lounge, garages, and a trucking facility. Properties to the west are developing with office park uses. J. T. Williams Junior High School and a mixture of multi-family and single family land uses are located to the south.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates residential land uses in the area of the subject property. The plan also indicates nonresidential development along Statesville Road. The 2005 strategies for the area include improvements to I-77, I-85, and Statesville Road.

   2. Central District Plan (draft). The pending Central District Plan recognizes the potential for industrial development in the area of the petitioned property.

   3. Transportation Improvement Program. The Transportation Improvement Program proposes the widening of I-77 from I-85 to the South Carolina State Line to six lanes for construction in FY92-95. The Transportation Improvement Program also includes the widening of I-85 from U.S. 29 to Gaston County.

4. Site Plan. The site plan which accompanies this petition proposes the development of a wholesale tire/distribution facility of a maximum of 28,000 square feet on the portion of the property oriented to Beasley Lane. On the westerly half of the property, the site plan proposes a 22,000 square foot facility devoted to any use allowed in the I-1 category. Access to the property is provided by one driveway connection to Beasley Lane and one

driveway to Tipton Drive. The plan also provides for a potential connection to the adjoining I-1 zoned property to the north. Service and loading areas are oriented away from Tipton Drive. The plan indicates the site is to comply with zoning regulations, storm water management regulations, and the Charlotte Tree Ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	65-99	R-6MF to I-1	Approved	11/22/65
2.	80-10	R-9MF to I-1	Approved	04/28/80
3.	88-60	R-6MF & B-2 to B-1(CD) & O-6	Approved B-D(CD)	11/21/88
4.	91-8	B-D(CD) to I-1(CD)	Approved	03/18/91

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a combination of industrial and residential categories to a conditional industrial district. While the 2005 Plan recognizes the area as one of residential development, the pending Central District Plan as well as a number of recent rezonings in the area have shifted the focus for the area from a residential one to light industrial/business park. The retention of the residential zoning on a portion of the subject property would serve virtually no purpose. The petition is, therefore, considered consistent with pending plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner's agent prior to the filing of the application. Subsequently, staff communicated several minor comments to the petitioner regarding the site plan.

   2. Departmental Comments. CDOT indicates the site could generate 337 to 389 trips day as currently zoned. Under the proposed zoning, the site could generate approximately 348 trips per day. The revised site plan generally notes departmental review comments.

ISSUES

1. Land Use. This petition proposes rezoning from a combination of multi-family residential and light industrial to conditional light industrial to allow the development of a light industrial/distribution facility. Although the 2005 Plan indicates residential land uses for the area of this rezoning, the pending Central District Plan recognizes the changing pattern of land uses and envisions industrial land uses in the future. In addition, there are a large amount of nonresidential properties adjoining this tract and extending to Statesville Road. There are residential areas to the south that are developed with a junior high school and multi-family and single family land uses but those areas are accessed from Julia Avenue and Carmine Street. Nonresidential development would be accessed from Statesville Road and Tipton Drive. Therefore, although this petition is not entirely consistent with previously approved plans for the area, there are changed conditions which now render the petition appropriate for approval.

2. Site Plan. The site plan which accompanies this petition raises no issues. From a site plan standpoint, this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

19

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-39
Date Filed May 4, 1992
Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: T.P.T., Inc.

Owner's Address: 147 Canvasback Trail, Mooresville, North Carolina 28115

Date Property Acquired: 04/06/70 (Parcel 12), 04/14/69 (Parcel 14)

Tax Parcel Number: Part of Parcel #077-031-12, Part of Parcel #077-031-14

Location of Property (address or description)

corner of Tipton ~~Lane~~ Drive and Beasley Lane

Description of Property

Size (Sq Ft Acres): 4.18 acres

Street Frontage (ft): 284± Beasley Lane, 561± Tipton Drive

Current Land Use: vacant

Zoning Request

Existing Zoning: I-1 and R-22 MF

Requested Zoning: I-1(CD)

Purpose of Zoning Change: to permit the development of light industrial development consistent with the surrounding zoning and development patterns

~~Robert G. Young~~
Name of Agent

301 S. McDowell St. Ste 404 Charlotte, N.C. 28204
Agent's Address

334-9157
Telephone Number

J H Heafner Co, Inc
Name of Petitioner(s)

PO Box 837 Lincolnton, NC 28
Address of Petitioner(s)

(704) 735-3003
Telephone Number

The J H Heafner Company Inc
[signature]
Signature

[signature] V P TPT
Signature of Property Owner
if Other Than Petitioner

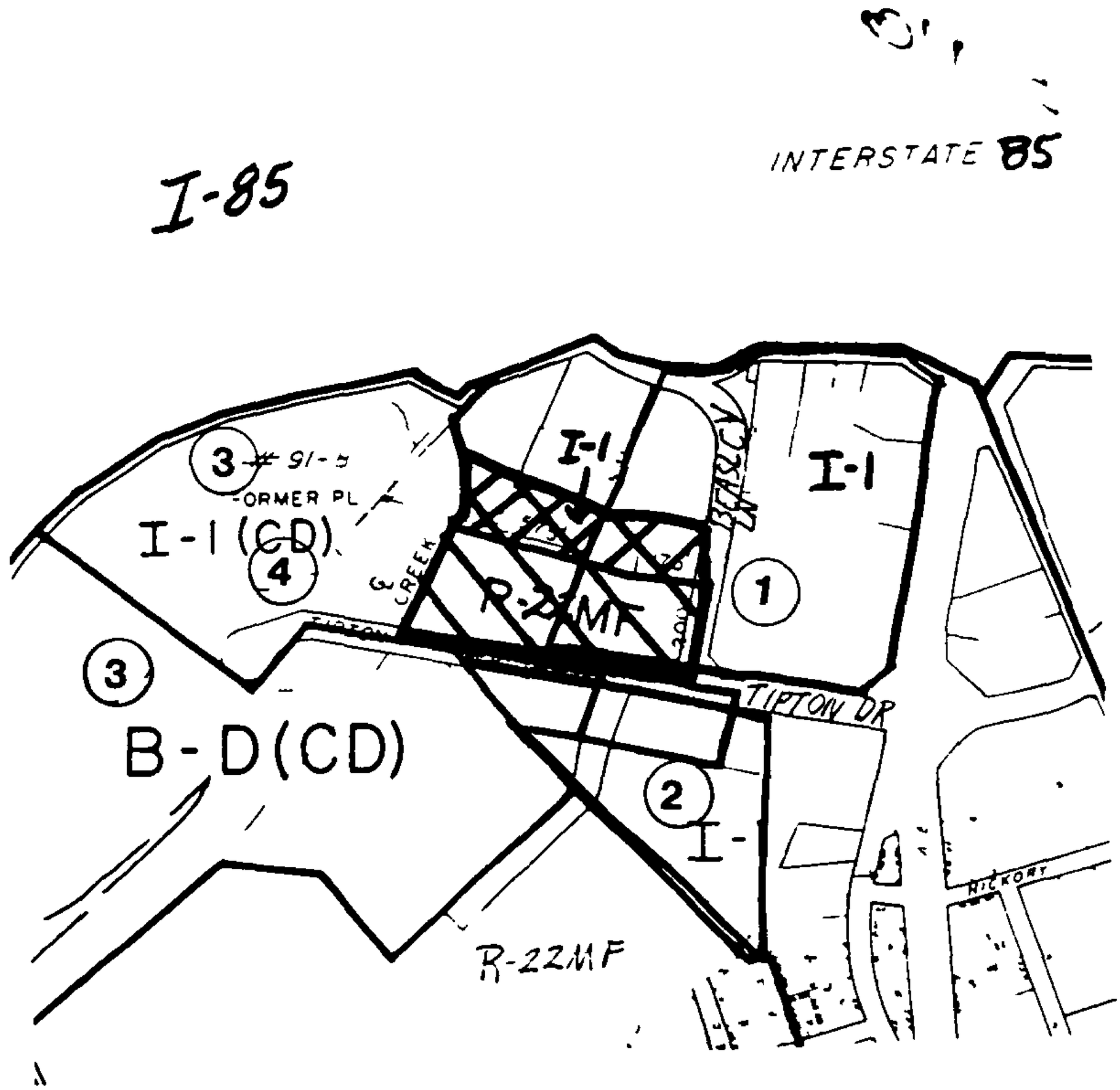
PETITIONER J. H. Heafner

PETITION NO.: 92-39 HEARING DATE: July 20, 1992

ZONING CLASSIFICATION, EXISTING. I-1 and R-22MF

ZONING CLASSIFICATION, REQUESTED: I-1(CD)

LOCATION: Approximately 4.18 acres located on the northwest corner of Tipton Drive and Beasley Lane.



ZONING MAP NO(s).: 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 7, 1992

Mayor and City Council:

RE: Petitions to be Heard in July, 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 July 20, 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:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-40

Petitioner: CSCEC-U.S., Inc.

Location: Approximately 55.21 acres located on the east side of Providence Road south of McAlpine Creek.

Request: Change from R-15MF(PUD) to R-4.

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-15MF(PUD) as a result of a 1986 rezoning petition under the County's jurisdiction. A large tract to the east of the petitioned property is zoned R-6PUD. Properties immediately across Providence Road from the petitioned site are zoned R-15PUD. Properties located to the north of McAlpine Creek along the east side of Providence Road are zoned R-12MF. Otherwise the area is zoned R-3.

2. Existing Land Use. The petitioned property is presently undeveloped. Several multi-family communities are located to the north of the subject property along the east side of Providence Road. The Bishop's Ridge development and Providence Landing development are located to the east and west respectively. The Hampton Leas community is located just to the south of the petitioned site.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the area and recognizes the Providence Square development as a commercial center. The 2005 strategies for the area include extension of the greenway system along McAlpine Creek and improvement of Providence Road.

   2. South Mecklenburg District Plan (pending). The draft South Mecklenburg District Plan recommends rezoning of the subject property to R-4.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the widening of Providence Road. NCDOT is currently preparing an Environmental Assessment for the project. Construction is tentatively scheduled to begin in 1996.

4. Site Plan. There is no site plan which accompanies this petition due to its conventional rather than conditional status.

5. School Information. Information from the School Board staff has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-88	R-15, R-15MF to B-1SCD & R-20MF	Approved	07/06/70
2. 79-61	R-15 to R-15MF(CD)	Denied	02/19/80
3. 79-65	R-15 to R-15MF	Denied	02/19/80
4. 80-9(c)	R-15 to R-6PUD	Approved	06/16/80
5. 82-15	R-15 to R-15PUD (Innov.)	Approved	04/19/82
6. 84-5	R-15 to R-15MF(CD)	Denied	06/18/84
7. 86-1(c)	R-15 to R-15MF PUD	Approved	03/17/86
8. 86-95	Establish zoning on annexed property	Approved	08/18/86

7. Neighborhood. This site does not lie within a previously defined neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning of properties from a Planned Unit Development to a conventional single family residential category. The pending district plan for the area recommends just such a rezoning. Therefore, the petition is consistent with pending and adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. An agent associated with the petitioner met briefly with staff prior to the filing of this petition.

   2. Departmental Comments. CDOT indicates the site could generate approximately 4,634 to 5,958 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 2,420 to 2,640 trips per day. There were no significant departmental comments due to the conventional nature of this petition.

ISSUES

1. Land Use. This petition proposes rezoning from conditional multi-family to conventional single family in an area in which publicly adopted plans envision continued residential development. In addition, the pending South District Plan recommends the R-4 category for this property. Therefore, the petition is considered appropriate for approval.

2. Site Plan. There is no site plan which accompanies this petition due to its conventional nature.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-90

Date Filed May 4, 1992

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: CSCEC - U S , Inc.

Owner's Address: 1000 Abernathy Road, Building 400, Suite 1240, Atlanta GA 30328

Date Property Acquired: August 28, 1987

Tax Parcel Number: 213-351-03

Location of Property (address or description): 55.21 Ac. - Providence Road, South of McAlp. Creek

Description of Property

Size (Sq Ft.-Acres): 55.21 Ac. Street Frontage (ft.): 1900

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-15 MF P D Requested Zoning: R-4

Purpose of Zoning Change: To develop a single-family residential community.

William P Berry
Name of Agent

1043 E. Morehead St., Charlotte, N.C. 28204
Agent's Address

(704) 376-9800
Telephone Number

CSCEC - U.S , Inc.
Name of Petitioner(s)

1000 Abernathy Rd., Bldg. 400
Suite 1240, Atlanta, GA 303[illegible]
Address of Petitioner(s)

Telephone Number

Fax: 404/804-0840

404/804-1111

Signature

Signature of Property Owner
if Other Than Petitioner

Lawrence Lu Yang
Regional Manager

PETITIONER: CSCEC - U.S., Inc.

PETITION NO.: 92-40 HEARING DATE: July 20, 1992

ZONING CLASSIFICATION, EXISTING: R-15MF(PUD)

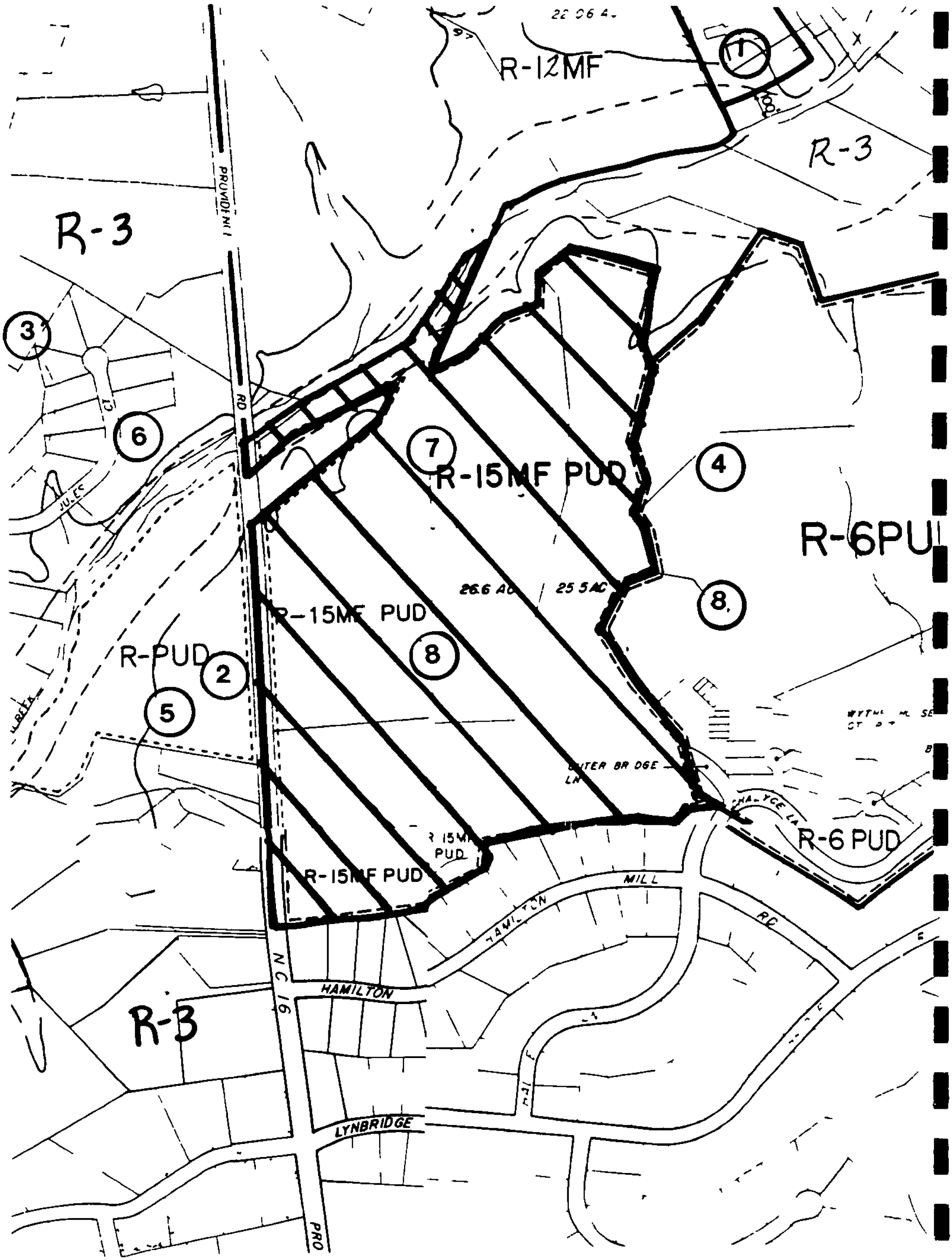
ZONING CLASSIFICATION, REQUESTED R-4

LOCATION Approximately 55.21 acres located on the east side of Providence Road (N.C. 16), south of McAlpine Creek.

SEE ATTACHED MAP

ZONING MAP NO(s).: 145,146,159,& 160 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-12MF
R-3
R-3
R-3
R-15MF PUD
R-6PUD
R-15MF PUD
R-PUD
R-15MF PUD
R-15MF PUD
R-6 PUD
R-3
HAMILTON
LYNBRIDGE
MILL
RD
NC 16
PRO
JULES
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25.5 AC
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PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-41

Petitioner: Saint Paul Baptist Church

Location: Approximately 5.37 acres located on Harrill, Allen, and Pegram Streets between 16th and 18th Streets.

Request: Change from R-5 to O-2(CD).

BACKGROUND

1. Existing Zoning. The subject properties are zoned R-5 as are most of the surrounding properties. Several nearby tracts are zoned a variety of other classifications including multi-family, commercial, and industrial.

2. Existing Land Use. The subject property includes Saint Paul Baptist Church and parking lots associated with the church. Also included are several vacant lots and residences. Hawthorne Junior High School is located across Pegram Street from a portion of the subject property. A number of other churches are located in the nearby area as well as single family homes, duplexes, and multi-family units. In addition, several commercial facilities are located nearby.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing residential land uses in the area. The 2005 strategies include the midtown Development Enterprise Area, potential light rail, and the now completed Parkwood Avenue Extension.

   2. Belmont Special Project Plan (adopted in 1987). The Belmont Special Project Plan includes a number of specific recommendations regarding land use/zoning, transportation, sidewalks, street lights, drainage, recreation, crime. The plan's rezoning recommendations resulted in a number of rezoning petitions in 1989 primarily changing zoning from multi-family to single family. In the area of the petitioned property, the Belmont plan recommends maintaining the single family residential character of the area, encouraging infill single family development with the potential for low density multi-family on a conditional rezoning basis.

      Additional new resources have been allocated by the City to deal with crime, housing code enforcement, community improvement, and employment and training issues. Habitat for Humanity has built several homes in the neighborhood. The City has approved the neighborhood for eligibility for neighborhood reinvestment program funds to provide for items such as construction and repair of sidewalks, curbs, gutters, storm

drains, street trees, and street lights. This program will help implement the recommendations of the Belmont plan and the Belmont Task Force and compliment the efforts of Habitat.

3. Central District Plan (pending). The pending Central District Plan notes the importance of limiting nonresidential uses in the Belmont neighborhood and evaluation of Belmont as a potential historic or conservation district.

4. Site Plan. The site plan which accompanies this petition proposes an expansion of the existing 33,000 square foot church to a total of 73,000 square feet. The plan indicates a new 30,000 square foot sanctuary and new 10,000 square foot gym adjoining the existing church. The plan also includes the existing accessory parking lots across East 17th and Allen Streets and accommodates an expansion of the parking area located on the block south of the intersection of Allen and 17th Streets. That expanded parking lot will extend to East 16th Street and Pegram Street. The plan indicates access through driveway connections to North Allen Street, East 17th Street, and Harrill Street. The ultimate seating capacity proposed by the plan is 1,800 seats. The site plan indicates compliance with the tree ordinance, zoning ordinance, and storm water detention ordinance. The on-site lighting is not to exceed 20 feet in height and is to be designed to reduce glare.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 64-42	R-6MF to I-1	Approved	08/10/64
2. 88-37	R-6MF to R-I	Approved	06/20/88
3. 88-73	R-6MF to R-6	Approved	10/17/88
4. 88-75	B-1 to R-6	Approved	11/21/88

7. Neighborhood. This petition falls within the Belmont neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a residential category to an office category in an area in which publicly adopted plans strive for limitation of nonresidential development. However, the petition is conditional and one of the stipulations is that the only use of the property is an expansion of the existing church and existing noncontiguous accessory parking. Churches are generally recognized as appropriate uses in single family residential neighborhoods. From that standpoint, this petition could be considered consistent with the intent of

the adopted land use plans for the area which strive to provide for infill development on vacant lots that is consistent with a single family residential setting.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff discussed the application prior to submittal. Staff relayed several site plan comments to the petitioner, most of which have been addressed by the revised site plan.

   2. Departmental Comments. Outstanding departmental comments include the need to establish East 17th and East 18th Streets as standard 50 foot rights-of-way.

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to conditional office in an area in which adopted and pending plans strive for limitation of additional nonresidential zoning and land uses. However, the specific use allowed by this petition is an expansion of an existing church and existing noncontiguous accessory parking. The specific church use is one which is normally considered appropriate in an established single family neighborhood. In that sense, the petition could be viewed as appropriate for approval from a land use standpoint. However, approval of this petition should not be viewed as an invitation for future nonresidential zoning petitions in this area.

2. Site Plan. The site plan which accompanies this petition proposes an expansion of an existing church to a total of 73,000 square feet and 1,800 seats. The one outstanding issue is the need to establish East 17th and East 18th Streets as standard 50 foot rights-of-ways. Therefore, this petition could be considered appropriate for approval from a site plan standpoint with that one minor modification.

CONCLUSION

This petition could be considered appropriate for approval contingent upon a modification to the site plan to bring East 17th and East 18th Street up to the minimum City requirements for local residential streets.

*Subject to further refinement following public hearing.

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

PETITION: 92-41

PETITIONER: SAINT PAUL'S BAPTIST CHURCH

LOCATION: HARRILL, ALLEN, PEGRAM, 16TH & 18TH STREETS IN BELMONT AREA

REQUEST: CHANGE FROM R-5 TO O-2(CD)

Saint Paul's Baptist Church is located in the Belmont Section of Charlotte, an area which is badly in need of an infusion of renewed development. The Church is proposing to do exactly that by constructing a new and enlarged physical facility. This development proposal not only contains a new sanctuary for worship purposes, but also includes the development of a gymnasium and other ancillary facilities which provide the opportunity for creating a neighborhood focus point. In order to accomplish this program, rezoning is necessary because of the size of the church sanctuary and space constraints related to the urban setting of this site.

A plan has been developed which meets all of the requirements of the zoning standards including landscaping and buffering requirements. In fact, the plan will create a design relationship between its property and adjoining properties which is not present now. Much of the property, for example, is now being utilized for parking without being landscaped in accordance with current standards and without providing buffer relationships to adjoining parcels. This should fit well with the City of Charlotte commitment to improving the quality of this community.

Adjoining property owners and community leaders have been invited to meetings to have the plan explained and as of this writing, we believe support will be forthcoming from those sources. At least one more meeting is to be held prior to the public hearing and at that time the community support level will be determined. We expect to have not only substantial support at the public hearing from membership of the church, but anticipate at least having written endorsement from neighborhood leadership.

The only Staff comment which we have not been able to address is one stating that 17th and 18th Streets which now have rights-of-way of 40 feet should be increased to 50 feet. If this is done, entire rows of much needed parking will be eliminated. It must be recognized that this is very much an urban location and there are multiple streets in the vicinity to carry the traffic which lessens the need for excessive right-of-way standards. It is my understanding that the 50 feet is not an actual requirement, but just an expression of preference under these circumstances. With the grid street

pattern which is in effect in this area now, it is likely in the future that as the church may be able to acquire additional land, they may actually request closing some of these streets which runs counter to the reasonableness of providing extra right-of-way at substantial sacrifice in the utility of the remaining property.

Saint Paul's Baptist Church certainly believes it is proposing to perform a community service by this expansion program and believes it is in the immediate and long-range best interest of the neighborhood to do so. Your favorable consideration of this request is sought.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-41

Date Filed May 4, 1992

Received By

OFFICE USE ONLY

Ownership Information

Property Owner SAINT PAUL BAPTIST CHURCH TRUSTEES

Owner's Address 1401 N. Allen Street, Charlotte, NC 28205

Date Property Acquired March, 1969 - April, 1992

Tax Parcel Number 081-138-01 - 10 & 13; 081-137-01; 081-136-07,04; 081-135-06,07

Location of Property (address or description) Harrill, Allen & Pegram Streets between 16th and 18th Streets

Description of Property

Size (Sq Ft -Acres) 5.37 acres Street Frontage (ft.) 300 feet on Allen Street

Current Land Use Partially used for existing church and parking

Zoning Request

Existing Zoning R-5 Requested Zoning O-2

Purpose of Zoning Change To permit the construction of a new church sanctuary, gymnasium and parking facilities as part of a master rebuilding program.

Fred E. Bryant , Planner
Name of Agent

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

704-333-1680
Telephone Number

Saint Paul Baptist Church Trus
Name of Petitioner(s)

1401 N. Allen St., Charlotte,
Address of Petitioner(s)

704-334-5309
Telephone Number

Limuel Oates, Trustee
Signature

Signature of Property Owner
if Other Than Petitioner

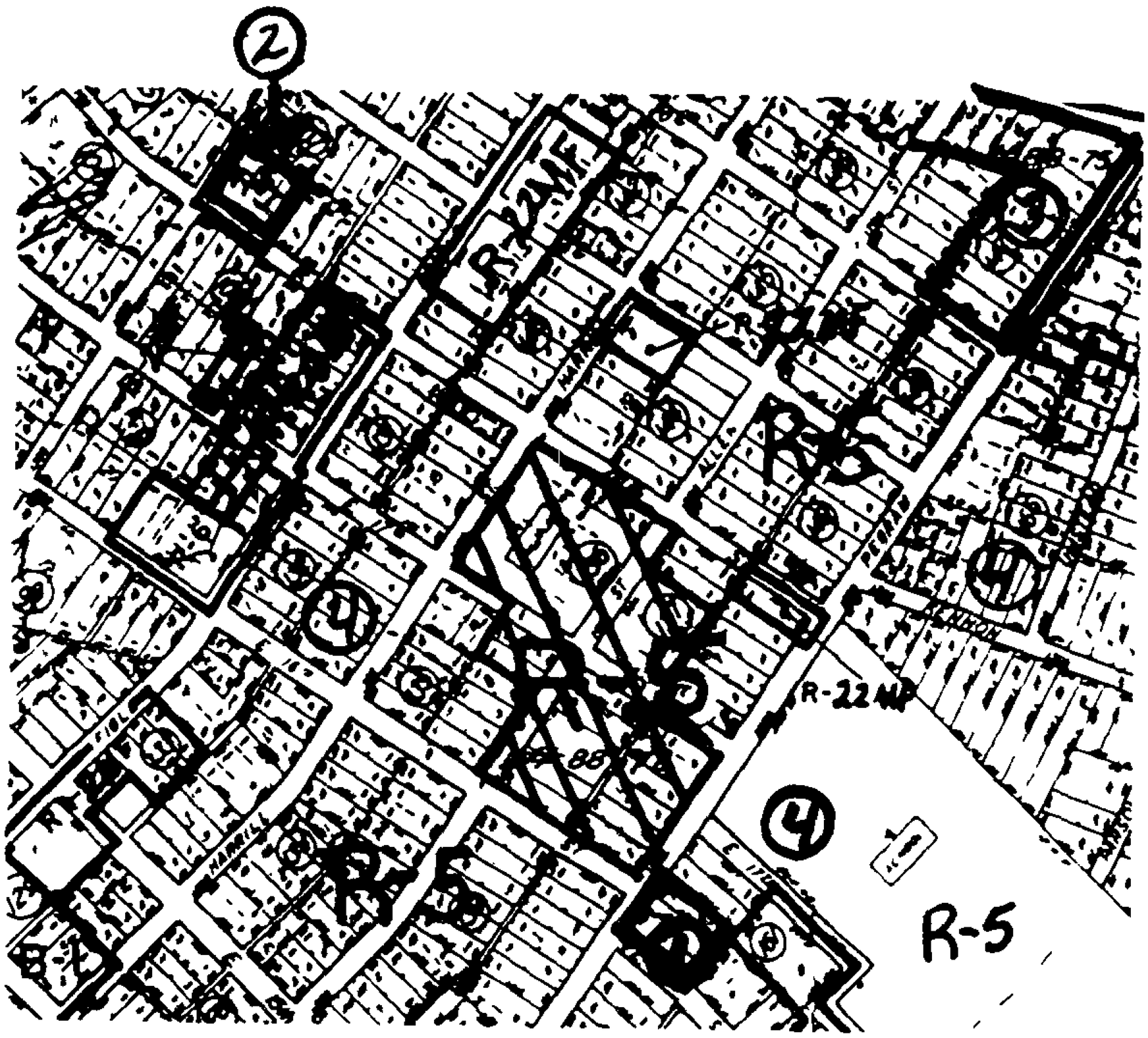
PETITIONER St Paul Baptist Church Trustees

PETITION NO. 92-41 HEARING DATE July 20, 1992

ZONING CLASSIFICATION, EXISTING R-5

ZONING CLASSIFICATION, REQUESTED 0-2 (cp)

LOCATION Approximately 5 37 acres located on Harrill Allen, and Pegram Streets between 16th and 18th Streets



ZONING MAP NO(s).: 101 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-42

Petitioner: Paul D. Weeks

Request: Text Amendment to allow administrative approval for additions to the uses attached to conditional plans.

BACKGROUND

Currently, minor changes in the detail of approved conditional plans can be made administratively with approval of the Planning Director or his designee without going through the pubic hearing process. This was also true of the previous zoning ordinance, however, that ordinance specifically stated that the uses could not be altered. The revised ordinance does not specifically prohibit altering the approved uses, although conditional plans approved under the previous ordinance must be developed according to that ordinance.

At times it may be reasonable to consider uses that were not specifically approved in the conditional plan. This may be particularly pertinent in cases where the present ordinance has different language, definitions, or allows certain uses in districts where they were not previously permitted.

CONCLUSION

This amendment provides for a reasonable degree of flexibility and change to approved conditional plans without going through the expense and time of another public hearing. Therefore, this is a justifiable amendment that may be favorably considered for approval.

*Subject to further refinement following public hearing.

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

PETITION: 92-42

PETITIONER: PAUL D. WEEKS

REQUEST: AMEND THE TEXT OF THE ZONING ORDINANCE TO ALLOW ADMINISTRATIVE APPROVAL FOR ADDITIONS TO THE USES ATTACHED TO CONDITIONAL PLANS

This request for Text Amendment has been prepared in close association with the Planning Staff to simplify the process of making minor adjustments to conditional plans. At the present time, it is possible to seek administrative approval of minor changes in the make-up of a conditional plan, but it is not possible to similarly treat minor changes in the permitted use list. The purpose of this text amendment is to allow limited discretionary approval administratively of such use list changes by the Planning Director.

Over a period of time and particularly with the adoption of the new ordinance, terminology of the use list has changed. The effect of this is that in some instances the interpretation of what a listed use means is not the same as it was at the time the conditional plan was approved. Many times adjustments in the use list can be made as an extremely minor treatment which, as of now, would still require full public hearing consideration by the governing body. It is not believed that this is necessary and that anything which can be done to shorten and simplify such a procedure is advisable.

The Planning Director still would have the discretion of determining whether or not the change was substantial enough to warrant a full public hearing review and would, therefore, only change the process of those minor ones that do not need to go through the full process. As indicated earlier, the Planning Staff has participated in the drafting of the language of this proposal and, to our knowledge, there is no opposition to this consideration.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-42
Date Filed May 4, 1992
Received By [illegible]
OFFICE USE ONLY

Section No Chapter 6, Part 2, Section 6.206 Alterations to Approval (Conditional
(Title)

Purpose of Change

This ordinance provides for minor alterations and adjustments to approved conditions plans without the full public hearing process. Many times it is reasonable to also consider additions to the approved use list attached to such conditional plans. This is particularly true when dealing with a permitted use list for shopping centers. This is especially pertinent now that the new zoning ordinance has different language and definitions for some uses.

The amendment proposed here would add language to allow the Planning Director to consider adding uses to an already approved conditional plan use list This will avoid many times the long and difficult task of considering all of these at public hearing.

Fred E. Bryant, Planner
Name of Agent
2850 E. Third St., Charlotte, NC 28204
Agent's Address
333-1680
Telephone Number

Paul D. Weeks
Name of Petitioner(s)
11722 Rimrock Canyon Drive, Charlotte 2822
Address of Petitioner(s)
542-1114
Telephone Number
Signature

ORDINANCE NO. _____

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

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

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

1 - Amend Chapter 6, Part 2, Section 6.206 (Alterations) by:

(A) Amend subsection "(1)" by revising the first part of that paragraph to read "(1) Except as provided in subsections (2) and 3 below ....." This makes the word subsection plural and adds reference to subparagraph (3).

(B) Add a new subsection (3) as follows: "(3) The Planning Director may approve the addition of uses to an approved conditional plan which were not specifically allowed by the original plan. The Planning Director may also approve uses which were not allowed in the district at the time the conditional plan was approved but are now permitted in the equivalent or original district. In reaching a determination as to whether or not to approve the additional uses, the Planning Director will consider the conditions and circumstances surrounding the approval of the original plan as well as the spirit and intent of the current regulations. The Applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision An unfavorable decision by the Planning Commission may be appealed to the City Council."

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

Approved as to Form:

_____
City Attorney

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

_____
Brenda Freeze, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-43

Petitioner: City of Charlotte Community Development Department

Location: Approximately .916 acres located on the northeast corner of Oaklawn Avenue and Wayt Street and approximately .81 acres located on the southeast corner of Oaklawn Avenue and Burton Street.

Request: Change from B-1(CD) to R-22MF and change from R-5 to O-3(CD).

BACKGROUND

1. Existing Zoning. The portion of the subject property located on the northeasterly corner of Oaklawn Avenue and Wayt Street is presented zoned B-1(CD). The portion of the subject property located on the southeasterly corner of Oaklawn Avenue and Burton Street is zoned R-5. Nearby properties located to the north of Oaklawn Avenue are zoned R-22MF. Most of the nearby properties south of Oaklawn Avenue are zoned R-5. A site located to the south of Oaklawn Avenue and west of Burton Street is zoned B-1.

2. Existing Land Use. The portion of the petitioned property located at the intersection of Wayt Street and Oaklawn Avenue is currently being used as a church (Community Outreach Church). The portion located at the intersection of Burton Street and Oaklawn Avenue is a vacant lot. A large tract immediately to the east of the Wayt/Oaklawn property is devoted to a Charlotte Housing Authority site (Fairview Homes). Oaklawn Elementary School is located to the north of Fairview Homes. Properties located along Wayt Street, Double Oaks Street, Kenney Street, and Gibbs Street are developed with a combination of single family homes, duplexes, and church uses. A small shopping center is located on the southwest corner of Burton Street and Oaklawn Avenue. Otherwise, properties located to the south of Oaklawn Avenue are developed with single family residential homes and a park.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies include the designation of a Development Enterprise Area in the Five Points vicinity in order to create employment opportunities and rehabilitation of existing housing. The basic 2005 Plan themes for the central area as a whole are the preservation of existing sound neighborhoods, the need for revitalization of deteriorating neighborhoods, and the revitalization of existing business corridors.

2. Greenville Special Project Plan (approved 1987). Oaklawn Avenue forms the northerly study area boundary of the Greenville Special Project Plan. The plan envisions residential development on the portion of the subject property located on the southeasterly corner of Burton Street and Oaklawn Avenue. The plan also recognizes the existing single family residential character of adjoining properties south of Oaklawn Avenue. The plan recommends rezoning of those properties from multi-family to single family residential and those rezonings have now been accomplished.

3. Central District Plan (pending). The pending Central District Plan recognizes the area of the petitioned site as one of the most depressed residential areas in Charlotte. The area also is plagued with one of the highest crime rates in Charlotte as well as extensive social problems. The plan recognizes that the problems require more than improvement of housing conditions or other physical improvements. The plan recommends that a task force be formed similar to the Belmont Task Force to identify strategies and set priorities for dealing with problems in the area.

4. Site Plan. The B-1(CD) site plan currently in effect for the portion of the subject property located at the intersection of Wayt Street and Oaklawn Avenue permits a number of residential and institutional uses including the existing church and associated parking lot. This petition proposes to remove the B-1(CD) zoning classification in favor of a conventional multi-family classification inasmuch as the existing use is permitted in a multi-family residential district. The proposed O-3(CD) site plan associated with the southeasterly corner of Burton Street and Oaklawn Avenue would permit the existing vacant lot to be developed as a 94 space accessory parking lot for Community Outreach Church. The plan indicates zoning variances are being requested from the Board of Adjustment to waive the 12 foot landscaped buffer requirement adjoining single family uses, to allow maneuvering in the 10 foot side yard adjoining Burton Street and to allow parking in the 20 foot setback adjoining Oaklawn Avenue and waiver of screening requirements. The plan provides for right-of-way dedication measuring 35 feet from the centerline prior to the issuance of any permits. Access to the parking lot is provided by one driveway connection to Burton Street. No vehicular connection is provided to Oaklawn Avenue. The plan also states that the site will comply with the City Tree Ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-48	B-1 & R-6MF to R-9MF	Approved	11/04/74
2. 78-1	R-6MF, B-1, B-2, & I-2 to R-6, R-9MF & B-1	Approved	02/27/78
3. 82-74	R-6MF to B-1(CD)	Approved	02/21/83
4. 88-86	B-1(CD) to B-1(CD) Site Plan Amendment	Approved	11/21/88
5. 89-17	B-1, R-6MF & R-9MF to R-6	Approved	03/20/89

7. Neighborhood. This property falls within the area defined as the Double Oaks/Greenville neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes to remove the existing B-1(CD) zoning classification on the existing church site in favor of a residential classification and proposes rezoning from residential to conditional office for the proposed parking lot. Publicly adopted plans for this portion of the community indicate the area should be preserved for residential purposes. Therefore, the existing business classification on the church property and the proposed office classification on the proposed parking lot are not in conformance with publicly adopted plans and policies. However, the current church usage of the property is in harmony with the intent and goals of the plans and there is no zoning classification other than a nonresidential one that will accommodate the proposed noncontiguous accessory parking lot.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff provided technical assistance to the petitioner's agent upon filing of the application. Subsequently, staff relayed a number of site plan related comments and concerns to the petitioner's agent.

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

ISSUES

1. Land Use. The portion of this petition which seeks to remove commercial zoning in favor of multi-family residential to accommodate a planned expansion of the existing church is clearly consistent with land use plans for the area which envision continued residential zoning and development. The portion of the petition which proposes office zoning is less clear. While the proposed nonresidential classification is inconsistent with plans

for the area, the sole use permitted by the conditional plan is a parking lot associated with Community Outreach Church. Inasmuch as churches and their parking lots are generally acceptable in single family residential settings, the petition can be viewed as appropriate for approval. However, approval of this petition should not be viewed as precedent-setting for future commercial and office zoning along this portion of Oaklawn Avenue.

2. Site Plan. The site plan which accompanies this petition allows a parking lot associated with Community Outreach Church. The revised site plan generally addresses departmental comments and could be considered appropriate for approval from that standpoint. The plan is based, however, on approval of variances that have not yet been obtained from the Board of Adjustment. In the event that those variances are denied in whole or in part, the site plan will have to be revised to address those Board of Adjustment actions. (The variance request is scheduled for consideration by the Zoning Board of Adjustment on June 30).

CONCLUSION

This petition could be considered appropriate for approval due to the restrictions associated with the O-3(CD) site plan. The site plan, however, is based upon approval of variances that have not been considered as of the preparation of this report.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-43
Date Filed May 4, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner (1) City of Charlotte, and (2) Community Outreach Mission Church

Owner's Address (1) 600 East Fourth Street, Charlotte NC 28202-2859 (2) P. O. Box 16714, Charlotte, NC 28216

Date Property Acquired (1) 4/16/74 (2) 7/18/85

Tax Parcel Number (1) 078-445-01 (2) 075-105-26

Location of Property (address or description)

(1) Corner of Oaklawn Avenue & Burton Street

(2) Corner of Oaklawn Avenue & Wayt Street

Description of Property

Size (Sq Ft.-Acres) (1) 31,840 sq. ft. - .81 acre (2) 39 900 sq ft - .916

Street Frontage (ft.) (1) 176' on Oaklawn & 165 (2) 280' on Wayt & 80' on Oa

Current Land Use (1) Vacant and (2) Church

Zoning Request

Existing Zoning (1) R-5 (2) B-1 (CD)

Requested Zoning (1 O3 (CD (2 R-22 MF

Purpose of Zoning Change To accommodate church exparsion

Name of Agent
J. W. Walton, Director

Agent's Address
600 E. Fourth Street
Charlotte, North Carolina 28202-2859

Telephone Number
(704) 336-2753

Name of Petitioner(s)
Community Development Dept.

Address of Petitioner(s)
Same

Telephone Number
(704) 336-2016

Lynne Jones for J W W

Signature

Pastor Barbara Brown

Signature of Property Owner
if Other Than Petitioner

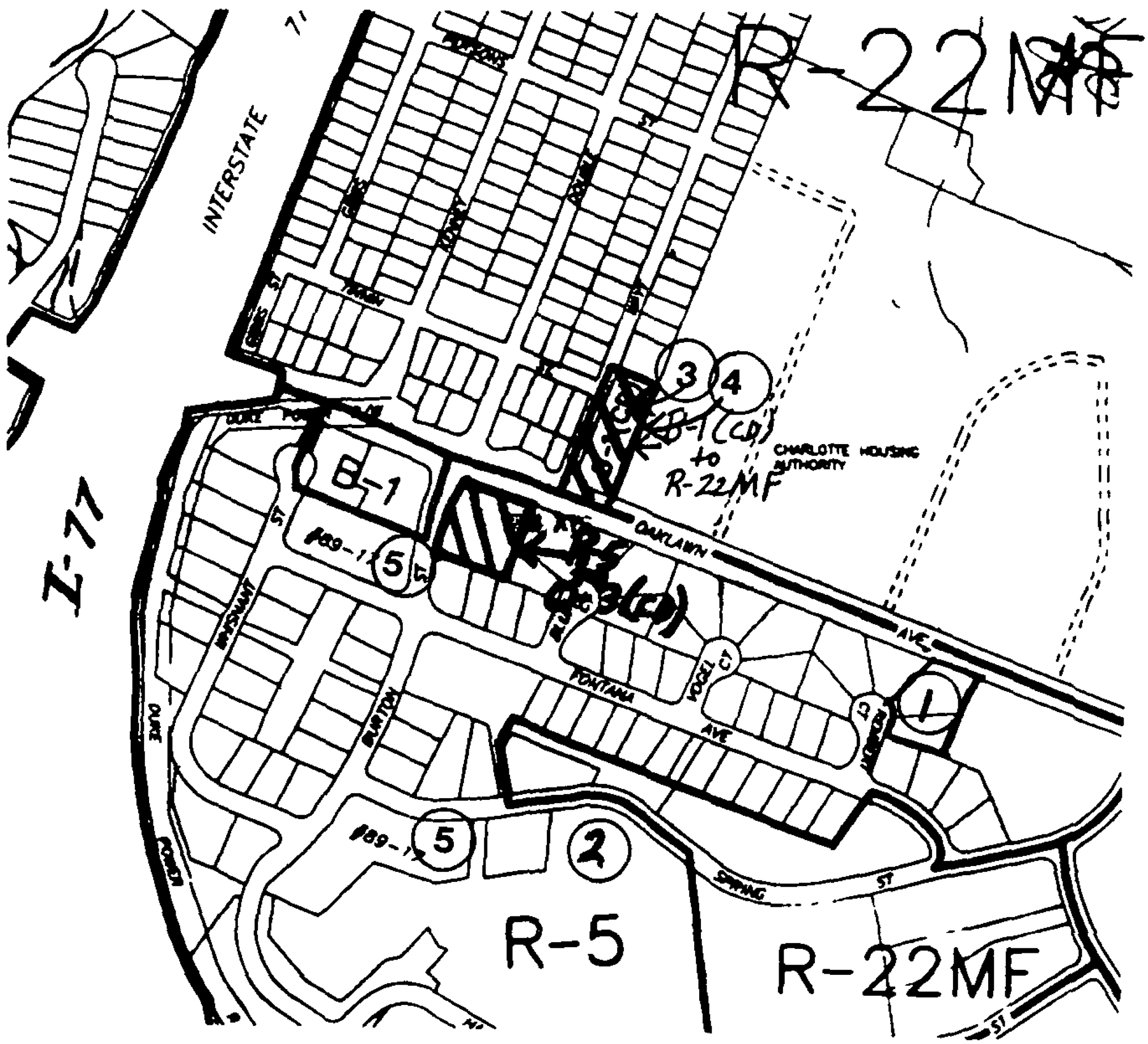
PETITIONER: City of Charlotte Community Development Department

PETITION NO.: 92-43 HEARING DATE: July 20, 1992

ZONING CLASSIFICATION, EXISTING: R-5 & B-1(CD)

ZONING CLASSIFICATION, REQUESTED: O-3(CD) & R-22MF

LOCATION. Approximately .916 acres located on the northeast corner of Oaklawn Avenue and Wayt Street; and approximately .81 acres located on the south side of Oaklawn Avenue west of Wayt Street.



ZONING MAP NO(s).: 88 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-55

Petitioner: Charlotte-Mecklenburg Board of Education

Request: Text amendment to provide an exemption to the access and locational criteria for elementary and secondary schools to allow mobile classrooms on non-conforming school sites.

BACKGROUND

The adopted zoning ordinance has placed new development restrictions on school development activities within the City and County. The major changes that affect schools are as follows:

1. All Elementary and Junior High or Middle Schools must have frontage on a Collector (Class V) or higher classification street.

2. High Schools must have frontage on a Minor Thoroughfare (Class IV) or higher classification street.

3. Primary vehicle access to the school site cannot be provided by a local residential (Class VI) street. (Secondary access points are permitted to a Class VI street.)

4. Class C buffer is required to separate Elementary and Junior or Middle Schools from abutting lower intensity land uses (ie,. residential).

5. Class B buffer is required to separate High Schools from abutting lower intensity land uses.

THE PROBLEM

The frontage and vehicle access provisions in the new zoning ordinance have restricted development activities at some existing school sites. The Charlotte-Mecklenburg School System is planning to add mobile classrooms at twenty-five (25) sites over the summer to accommodate shifting enrollment patterns or planned program changes. Twelve (12) of the twenty-five (25) sites cannot meet the frontage and/or vehicle access requirements as outlined in the new zoning ordinance.

The sites that do not comply with the ordinance's requirements are regarded as non-conforming and cannot be expanded though the addition of mobile classrooms or new construction.

IMPACTS

For the upcoming school year 1992-1993, the current ordinance's requirement will impact the movement of approximately twenty-five (25) mobile classrooms at 12 schools which will affect 676 students. If the mobile classrooms are not placed at the 12 school sites, the schools will be forced to exceed the state class size limits, eliminate services or house teachers in inappropriate spaces.

PROPOSED TEXT AMENDMENT

The text amendment proposed by the Charlotte-Mecklenburg School System would exempt any existing non-conforming school site from being required to meet the frontage and vehicle access requirements for schools in the zoning ordinance for placement of a mobile classroom on the site. However, for such a non-conforming school site the number of additional mobile classrooms may not constitute more than fifty percent (50%) of the school's total permanent classrooms. The proposed text amendment does not exempt the non-conforming sites from compliance with the zoning ordinance's buffer requirements.

The proposed text amendment is only applicable to the placement of mobile classrooms on existing non-conforming school sites. The amendment does not address permanent construction at non-conforming school sites. The School System plans to address this issue in a future text amendment.

STAFF RECOMMENDATION

A review of the treatment of schools in the new zoning ordinance reaffirmed for the Staff that the policy position regarding schools is sound and responsible. Schools are major large-scale institutional uses which have similar land use and traffic characteristics of other large-scale institutional uses such as religious institutions, civic, service and fraternal organizations, and cultural facilities. The Staff's view is that schools should not be treated any differently than other institutional land uses.

However, the Staff is sensitive to the fact that perhaps, the zoning ordinance should not be applied retroactively in the case of existing school sites. Given the restructuring underway in the school system, the ordinance as applied creates some hardships in meeting community expectations regarding pupil assignment and curriculum program changes.

The Staff recommends approval of the proposed text amendment.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-55

Date Filed July 1, 1992

Received By [illegible]

OFFICE USE ONLY

1

Section No 9.203 and 9.303 Single Family and Multi-Family Residential Distr

(Title)

Purpose of Change To provide an exemption to the access and locational criteria for elementary and secondary schools to allow mobile classrooms on non-conforming school sites.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Board of Education

Name of Petitioner(s)

701 East Second Street, Charlotte, NC

Address of Petitioner(s)

379-7000

Telephone Number

[illegible]

Signature

Petition No. 92-55
Petitioner: Charlotte-Mecklenburg Board of Education

DRAFT

ORDINANCE NO. _____

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

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

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

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

1. Amend Chapter 9 by:

(A) Adding the following to Part 2: SINGLE FAMILY, Section 9.203. Uses permitted under prescribed conditions. (7) Elementary and secondary schools:

(d) Subsections 7(b) and 7(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to July 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not constitute more than fifty percent of the school's total existing classrooms, not including any existing mobile classrooms.

(B) Adding the following to Part 3: MULTI-FAMILY DISTRICTS, Section 9.303. Uses permitted under prescribed conditions. (10) Elementary and secondary schools:

(d) Subsections 10(b) and 10(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to July 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not constitute more than fifty percent of the school's total existing classrooms, not including any existing mobile classrooms.

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

DRAFT

DATE: January 27, 1992

PETITION NO.: 92-1

PETITIONER(S): Mint Museum of Art

REQUEST: Text amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.

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

VOTE: Yeas: Baker, Byrne, Lassiter, and Tabor.

Nays: McClure and Spencer.

REASONS

A new comprehensive zoning ordinance was adopted by City Council September 23, 1991, to become effective January 1, 1992. The preceding ordinance permitted museums in residential districts under prescribed conditions which only required greater distances from any lot line to a building than those for residences.

The new ordinance requires various institutional type uses to be in the specific Institutional district separate from residential districts. The requested text amendment proposes to permit museums in residential districts subject to certain performance standards including a maximum floor area ratio of .5 and a minimum lot area of 15,000 square feet. The Zoning Committee expressed concern that the proposed amendment could allow a potentially negative attraction in the midst of an established neighborhood. In order to discourage incorporation of such a potentially negative attraction within a developed residential setting, Zoning Committee asked the petitioner to consider a revision to the amendment to increase the minimum lot area to five acres. The petitioner agreed to this revision and Zoning Committee recommended approval of the petition, as modified.

MINORITY OPINION

The minority opinion viewed the specific Mint Museum issue which has arisen due to philosophical changes contained in the new ordinance as more appropriately dealt with in a way other than through a text amendment. It was noted that this is an issue which warrants a deferral for additional discussion and a potential compromise solution.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. This petition is due to the interests of one particular museum but will extend to all such uses in all neighborhoods. It is more appropriate to provide for this type of use through the public hearing (rezoning) process where the circumstances unique to each site may be properly evaluated.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-1

Date Filed November 8, 1991

Received By MCM

OFFICE USE ONLY

Section No 2.201 (Definitions); 9.203 (Uses permitted under prescribed conditions) 9.204 (Permitted accessory uses and structures); Chapter 12, Part 5 (Special Requirements for Certain Uses) (Title)

Purpose of Change

To amend the new Zoning Ordinance to provide that museums remain as a use permitted under prescribed conditions in a residential district as provided in the current Zoning Ordinance.
TEXT OF AMENDMENT ATTACHED.

A. Zachary Smith III
Name of Agent

See below
Agent's Address

331-7474
Telephone Number

Kennedy Covington Lobdell & Hickman
3300 NCNB Plaza
Charlotte, NC 28280

Mint Museum of Art
Name of Petitioner(s)

2730 Randolph Road, Charlotte, NC
Address of Petitioner(s)

337-2000
Telephone Number

Marc D. Oken
Signature Marc D. Oken
President Elect

Dated: October 29, 1991

Petition No. 92-1
Petitioner: Mint Museum of Art

ORDINANCE NO._____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

Section 2.201. **DEFINITIONS.** (page 2-24) is amended to add the following definition:

(M13) Museum.

A museum or gallery operated primarily for the display, rather than the sale of works of art.

Section 9.203. **Uses permitted under prescribed conditions.** (page 9-22) is amended to add the following:

(23) Museums, subject to regulations of Section 12.517.

Section 9.204. **Permitted accessory uses and structures.** (page 9-23) is amended to add the following:

(15) Parking lots, storage facilities, exhibit preparation facilities and similar uses as accessories to museums located on the same or contiguous lot and subject to the regulations of Section 12.517.

Chapter 12, Part 5: Special Requirements for Certain Uses (page 12-65) is amended to add a new Section 12.517 as follows:

Section 12.517. **Museums in residential districts.**

Museums, along with their accessory uses, are permitted in residential districts and must meet the standards of this Section and all other requirements of these regulations:

(1) Maximum floor area ratio is .50.

(2) Minimum lot area is 5 acres.

(3) Minimum lot width is 80 feet.

(4) Minimum setback is 40 feet.

(5) Minimum side yard is 30 feet.

(6) Minimum rear yard is 30 feet.

(7) Maximum height is 40 feet.

(8) Minimum open space is 60%.

(9) Off-street parking is 1 space per 250 square feet.

(10) The principal building and accessory uses must be on a contiguous site.

(11) Offices associated with the activities or business of the museum will occupy no more than 25 percent of the total floor area of buildings on the lot.

(12) All buildings and off-street parking and service areas will be separated by a Class C buffer which abut property located in a residential district or abutting residential use.

(13) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare.

(14) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

(15) Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of this ordinance:

(a) No merchandise or merchandise display window shall be visible from outside the building;

(b) All parking shall be screened in accordance with Section 12.303; and

(c) Accessory uses must not violate the yards, separation or buffer requirements which apply to the principal structure(s).

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE: June 22, 1992

PETITION NO.: 92-5

PETITIONER(S): Realfin, Inc.

REQUEST: Change from Institutional to O-1(CD).

LOCATION: Approximately 16.2 acres located on the east side of U.S. 29 at McCullough Drive.

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

VOTE: Yeas: Baker, Byrne, Lassiter and Tabor.

Nays: Fenning, McClure and Spencer.

REASONS

This petition proposes rezoning of properties from the Institutional category to conditional office to allow the development of a 272,650 square foot office park. The petition was deferred previously as a result of a 3 to 3 tie vote after lengthy discussion. The Zoning Committee discussed the petition again for some time focusing on potential advantages or disadvantages of the creation of more office zoned land in the area.

The majority of Zoning Committee viewed the petition as appropriate for approval. The Zoning Committee again clarified with the petitioner's agent that a revised site plan would be submitted committing to several transportation improvements including turn lanes along Highway 29 and McCullough Drive and to clarify that buffers will be provided along the edges of an outparcel located on the most northwesterly edge of the petitioned property.

MINORITY OPINION

Several members of Zoning Committee opposed the creation of additional office zoning in the area and indicated a desire to see additional residential development in the area to provide support to the Hampton Park community.

STAFF OPINION

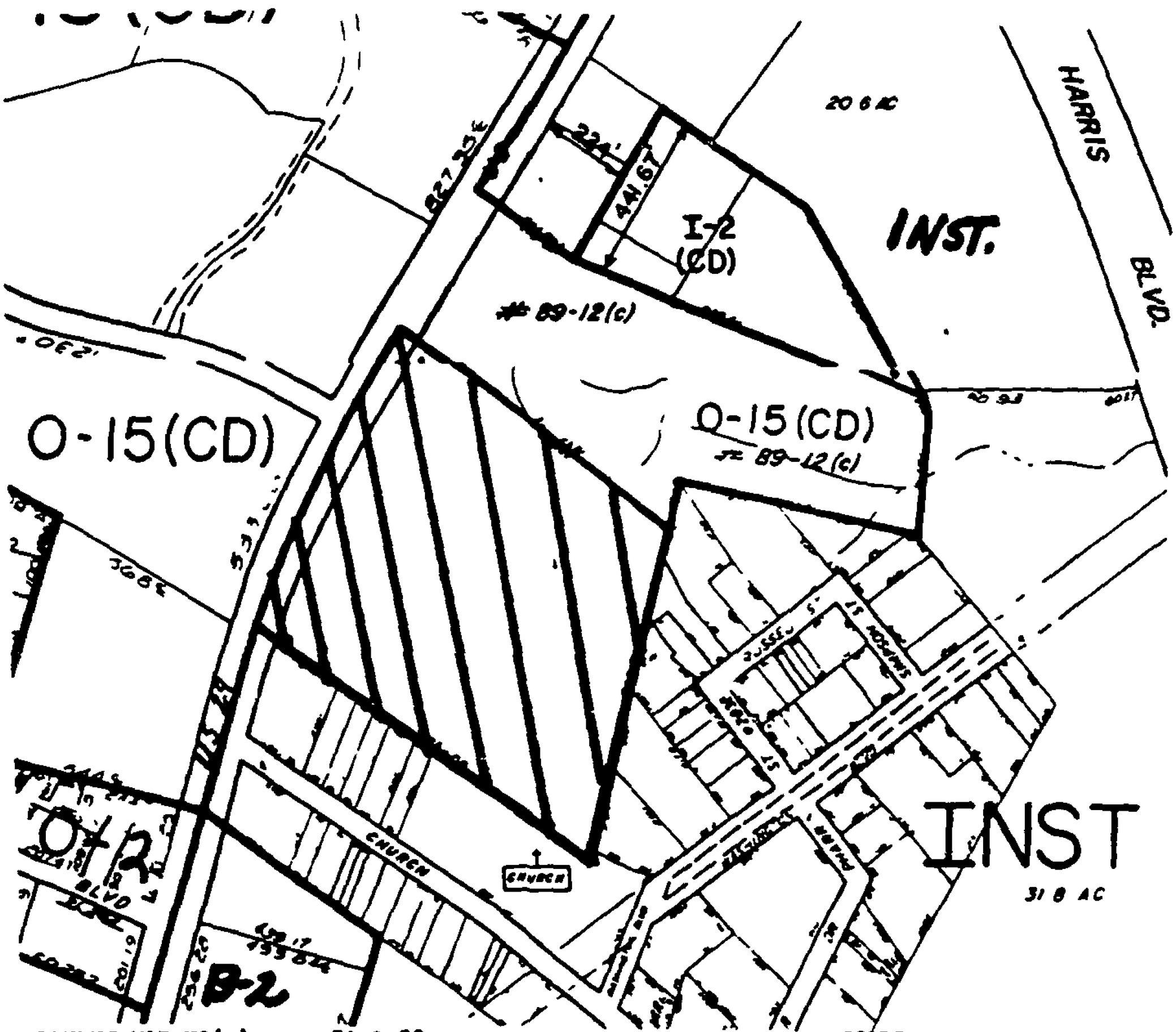
A multi-family residential development or a combination of office and multi-family development could provide some advantages over a pure office park development in terms of compatibility of scales and intensity of development to the Hampton Park neighborhood.

PETITIONER. Realfin, Inc.

PETITION NO.: 92-5 HEARING DATE: February 17, 1992

ZONING CLASSIFICATION, EXISTING Institutional REQUESTED O-1(CD)

LOCATION Approximately 16.2 acres located on the east side of U.S. 29 at McCullough Drive.



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

PROPERTY PROPOSED FOR CHANGE

DATE: June 22, 1992

PETITION NO.: 92-24

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

REQUEST: Change from Institutional and B-1 to R-3.

LOCATION: Approximately 147 acres located along the easterly side of U.S. 29 and the northerly side of Mallard Creek Church Road.

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

VOTE: Yeas: Baker, Byrne, Fenning, McClure and Spencer.

Nays: Lassiter and Tabor.

REASONS

This petition proposes rezoning from Institutional and B-1 to R-3. The petition had previously been deferred in order to obtain clarification on UNCC's position on the petition. (UNCC has provided the attached letter of clarification).

The majority viewed the requested residential zoning as more compatible with the nearby existing residential development. Therefore, the Zoning Committee recommends that this petition be approved.

MINORITY OPINION

A minority of the Zoning Committee viewed the requested residential zoning as inappropriate for the area and noted UNCC's opposition to the request.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte Mecklenburg Planning Commission

PETITION NO.: 92-24 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: Institutional and B-1

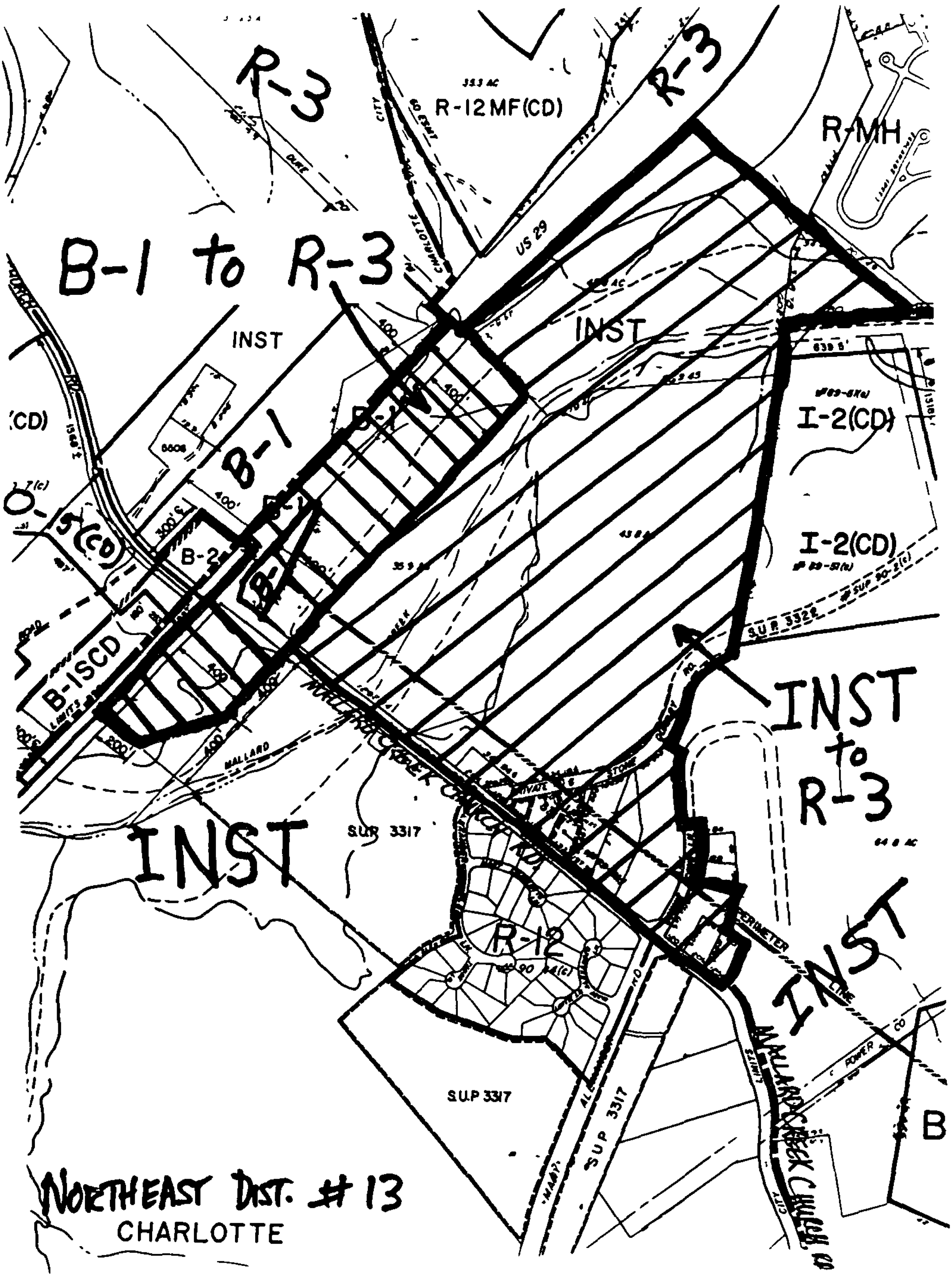
ZONING CLASSIFICATION, REQUESTED: R-3

LOCATION: Approximately 147 acres located along the easterly side of U.S. 29 at Mallard Creek Church Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


R-3
R-12MF(CD)
R-3
R-MH
B-1 to R-3
US 29
INST
INST
I-2(CD)
I-2(CD)
B-1
B-2
B-1SCD
INST
to
R-3
INST
SUP 3317
R-12
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SUP 3317
SUP 3317
B
NORTHEAST DIST. #13
CHARLOTTE

UNC CHARLOTTE
The University of North Carolina at Charlotte
Charlotte N C 28223

June 12, 1992

Office of the Chancellor
704/547 2201

Mr Walter G Fields, III
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 E Fourth Street
Charlotte, North Carolina 28202-2853

Dear Mr Fields

This is in response to your letter of May 28, 1992, which requested clarification regarding UNC Charlotte's position on Rezoning Petition No 92-24

The resolution expressing support for the Northeast District Plan approved by the UNC Charlotte Board of Trustees in March 1990 was a general endorsement of the plan as a framework for future development in the area surrounding the University When that resolution was enacted, we were not aware that it contemplated the rezoning of a portion of the University campus from institutional to residential use For the reasons stated in my letters of May 8, 1992, we are opposed to such rezoning of campus property

After further consideration, I now propose that the Northeast District Plan be amended to retain institutional zoning for the approximately 44 acres of land owned by The University of North Carolina at Charlotte/the State of North Carolina which is included in Rezoning Petition No 92-24

Also, because of the growing activity in rezoning petitions for retail sites in the Northeast District, there may be a need for a new look at that aspect of the Northeast District Plan I therefore recommend that the Planning Commission consider sponsoring a process to reevaluate sites for potential retail use in the core of the Northeast District, with a view to appropriate amendment of the Northeast District Plan

Sincerely yours,

J H Woodward
Chancellor

JHW/rf

DATE: June 22, 1992

PETITION NO.: 92-25

PETITIONER(S): McDonald's Corporation

REQUEST: Consideration of a text amendment to change the minimum required off street parking requirements for a restaurant.

ACTION: The Zoning Committee recommends approval of the petition as modified.

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, Spencer and Tabor.

Nays: McClure.

REASONS

This proposed text amendment originally sought to change the minimum required off-street parking for restaurants to the standard stipulated under the previous zoning ordinance (one parking space per three seats plus one space for each two employees on the shift of greatest employment). Subsequent to the public hearing, the petition was extensively researched by the City's Department of Transportation and County Engineering staff and extensive discussions have resulted in a proposed alternative by the petitioner. The petitioner proposed an alternative standard (see attached letter) of one parking space per 100 square feet of gross floor area for restaurants with drive-thru windows with a credit/bonus for one-half of the required stacking spaces associated with the drive-thru window. The alternative as submitted by the petitioner proposed no change whatsoever to the parking requirements for sit-down restaurants. With the one exception of the proposed credit for one-half of the required stacking spaces, the proposed alternative is consistent with the recommendation from CDOT and County Engineering. The Zoning Committee discussed the petition for some time and concern was expressed that the proposed alternative is substantially different from that discussed at public hearing and there may be some benefit to deferring the petition to allow for another public hearing. The Zoning Committee also expressed concern about the extent of overflow and employee parking associated with restaurants on narrow residential streets.

Ultimately, the Zoning Committee viewed the proposed alternative of one space per 100 square feet as appropriate for drive-thru restaurants but opposed allowing any credit for stacking spaces. The petitioner's agent agreed to this modification. Therefore, the Zoning Committee recommends approval of the standard of one space per 100 square feet of gross floor area for restaurants with drive-thru windows and no change to the existing standard of one space per 75 square feet of gross floor area for sit-down restaurants.

MINORITY OPINION

The minority opinion viewed the existing standard of one space per 75 square feet as the appropriate standard and a reduction of spaces as unnecessary.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

FRED E. BRYANT, PLANNER

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

June 15, 1992

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

Dear Committee Members:

On Monday, June 22, you are scheduled to discuss Rezoning Petitions 92-25 and 92-15(c). These are the two petitions proposing amendments to the text of the ordinance to change the requirement for off-street parking for restaurants.

Since the public hearings have been held, I have found out there is some citizen objection to changing the required parking for sitdown type restaurants. This apparently is coming from the Eastover Community and expresses concern about restaurants along the Providence Road Corridor and the relationship to their neighborhood. It is my belief that problems come more from some borderline eating/drinking facilities such as Nickyo's and does not necessarily relate to the true sitdown restaurant concept.

Nevertheless, my client, McDonald's Corporation, has agreed that we should not take on the battle over sitdown restaurants and, therefore, I have been authorized to propose limiting the impact of the proposed amendment to fast food restaurants which are referred to in the ordinance as "restaurants with drive-in service windows." To that end, I am proposing an additional compromise which I believe addresses the concern about a standard of parking which is too high and also recognizes the peculiarities of the drive-in service window operation.

You will recall this all began with a proposal to go back to the old ordinance method of requiring parking based on seating capacity and the number of employees. After concern was expressed about enforcing difficulties, it was proposed by CDOT that the standard be changed to 1 parking space per 100 square feet. After comparing this to several of my client's businesses, I was authorized to propose that the current 75 square feet be raised to 125 square feet in lieu of the 100.

Now that the complication of the objections to the sitdown restaurant has occurred, I am proposing that a new category entitled "Restaurants (with drive-in service windows)" be established and that the parking requirement be stated as "one space per 100 square feet less 4 spaces per drive-in service windows." This, in effect, accepts the CDOT proposal of 100 square feet, but recognizes that drive-in window traffic must by ordinance requirement provide at least 8 spaces for stacking purposes. Since these spaces are not always

filled, it is proposed that 1/2 of the spaces be given as credit on the required amount of parking.

Latest figures indicate that fast food restaurants handle 52% of their total volume at the windows and, therefore, these customers never utilize conventional parking spaces. This 52% recognizes the actual window traffic and does not take into consideration those people who park at conventional spaces and go inside for carryout service.

It seems to me that this is a fair and equitable way of recognizing the patterns established by such business facilities and is a practical way of giving credit for the manner in which they operate. Additionally, it should be kept in mind that parking requirements, as with all zoning standards, should be used as minimum requirements and not market requirements. In most instances, market conditions will necessitate the establishment of more spaces than those which are required as a minimum. This is not limited to restaurant parking, but is true across the board with everything from discount stores to supermarkets. Likewise, the overall standards should not be based on super successful locations where at peak times the business volume may exceed the capacity to accommodate it. For every one circumstance like this there are probably dozens which do not meet their design loads.

I have attached copies of revised ordinance text which would accomplish the change outlined above. I hope to have the opportunity to discuss this with you before your meeting on Monday.

Sincerely,

Fred

Fred E. Bryant, AICP

FEB/df

Attachment

cc: Mr. Walter Fields
Mr. Scott Putnam
Mr. Bill Coxe

ORDINANCE NO. _____

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

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

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

1 - Amend Chapter 12, Part 2, Section 12.204, Table 12.202 (Minimum Required Off-Street Parking Spaces by Use) by:

(A) Establishing a new category to be placed after "Restaurants" to read as follows: "Restaurants (with drive-in service windows). . . . . 1 space per 100 square feet less 4 spaces per drive-in service window."

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

Approved as to form:

_____
City Attorney

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

_____
Brenda Freeze, City Clerk

DATE: June 22, 1992

PETITION NO.: 92-27

PETITIONER(S): Clayton Properties

REQUEST: Change from R-4 to R-8(CD).

LOCATION: Approximately .88 acres located on the southeast corner of Park Road and Princeton Avenue.

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure and Tabor.

Nays: Spencer.

REASONS

This petition proposes rezoning from R-4 to R-8(CD) to allow the creation of 5 single family lots on the petitioned property. This petition was previously deferred as the result of a modified site plan presented at the public hearing. The revised plan reduced the number of units from 6 to 5, committed to the installation of sidewalks and dedication of right-of-way along Park Road, provision of additional screening and storm water diversion.

The majority of Zoning Committee viewed the petition as appropriate for approval as modified. Therefore, this petition is recommended for approval.

MINORITY OPINION

The minority opinion viewed the petition as inappropriate for the area due to the proposed design of the subdivision, but not the proposed density. Concern was expressed that this particular development will be incompatible with the rest of the neighborhood.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

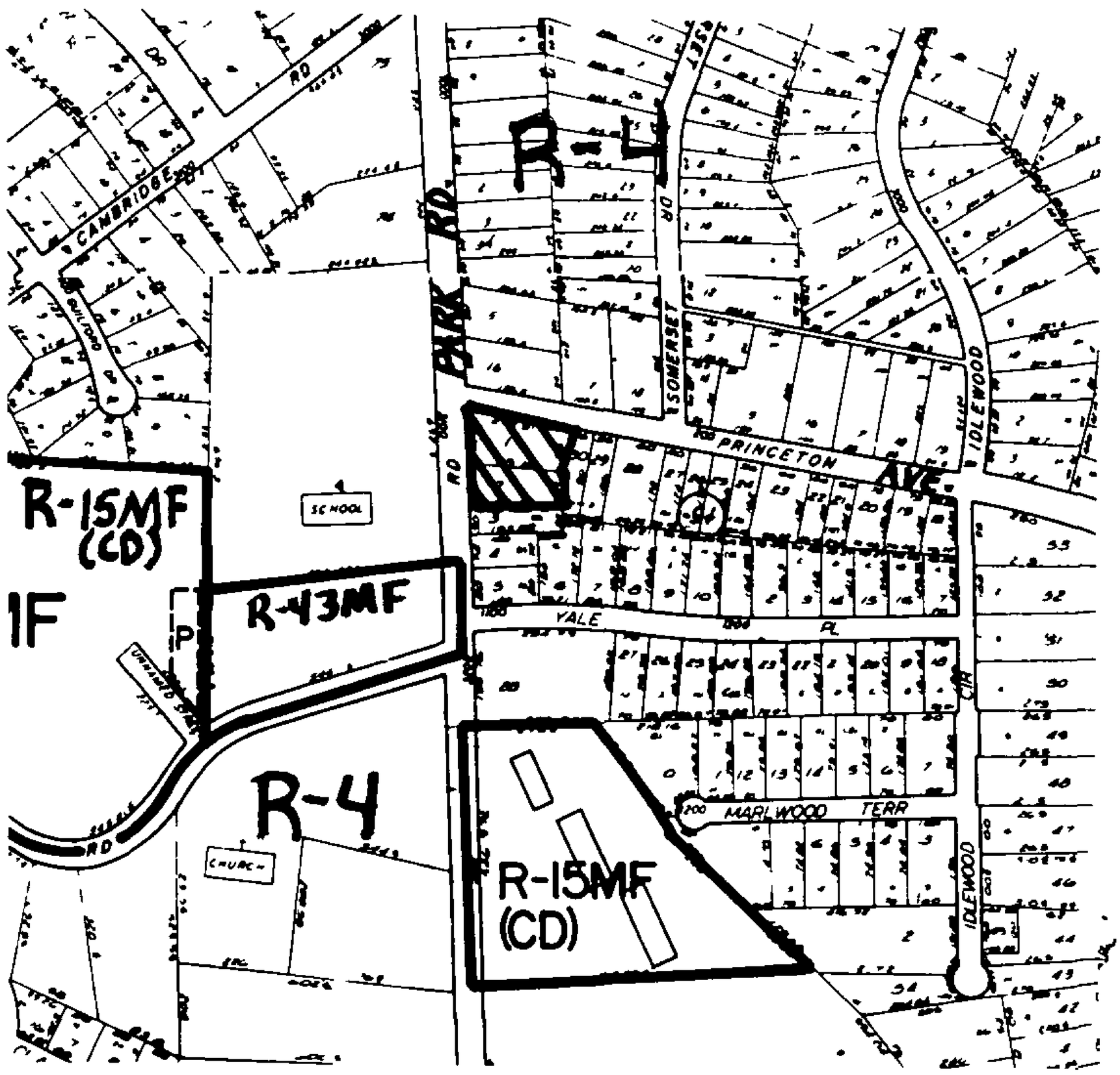
PETITIONER: Clayton Properties

PETITION NO.: 92-27 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: R-8(CD)

LOCATION: Approximately .88 acres located on southeast corner of Park Road and Princeton Avenue.



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

PROPERTY PROPOSED FOR CHANGE

DATE: June 22, 1992

PETITION NO.: 92-28

PETITIONER(S): Juliet A. Williams

REQUEST: Change from B-1 to B-2(CD).

LOCATION: An 18,601 square foot parcel located on the northeasterly corner of the intersection of Shamrock Drive and The Plaza.

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

VOTE: Yeas: Baker, Byrne, Lassiter, McClure and Tabor

Nays: Fenning and Spencer.

REASONS

This petition proposes rezoning from B-1 to B-2(CD) to accommodate reuse of the existing facility for retail sales of used automobiles and preparation of automobiles for sale.

The majority viewed the particular situation as warranting favorable consideration. It was noted that this particular petitioner could provide a strong, positive presence in the area. Therefore, the Zoning Committee recommends that this petition be approved.

MINORITY OPINION

A minority of Zoning Committee members viewed the creation of the B-2 highway business district as inappropriate in this setting.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. The introduction of the general business district in this location is unwarranted and the specific site plan associated with the petition will undoubtedly present numerous zoning enforcement problems.

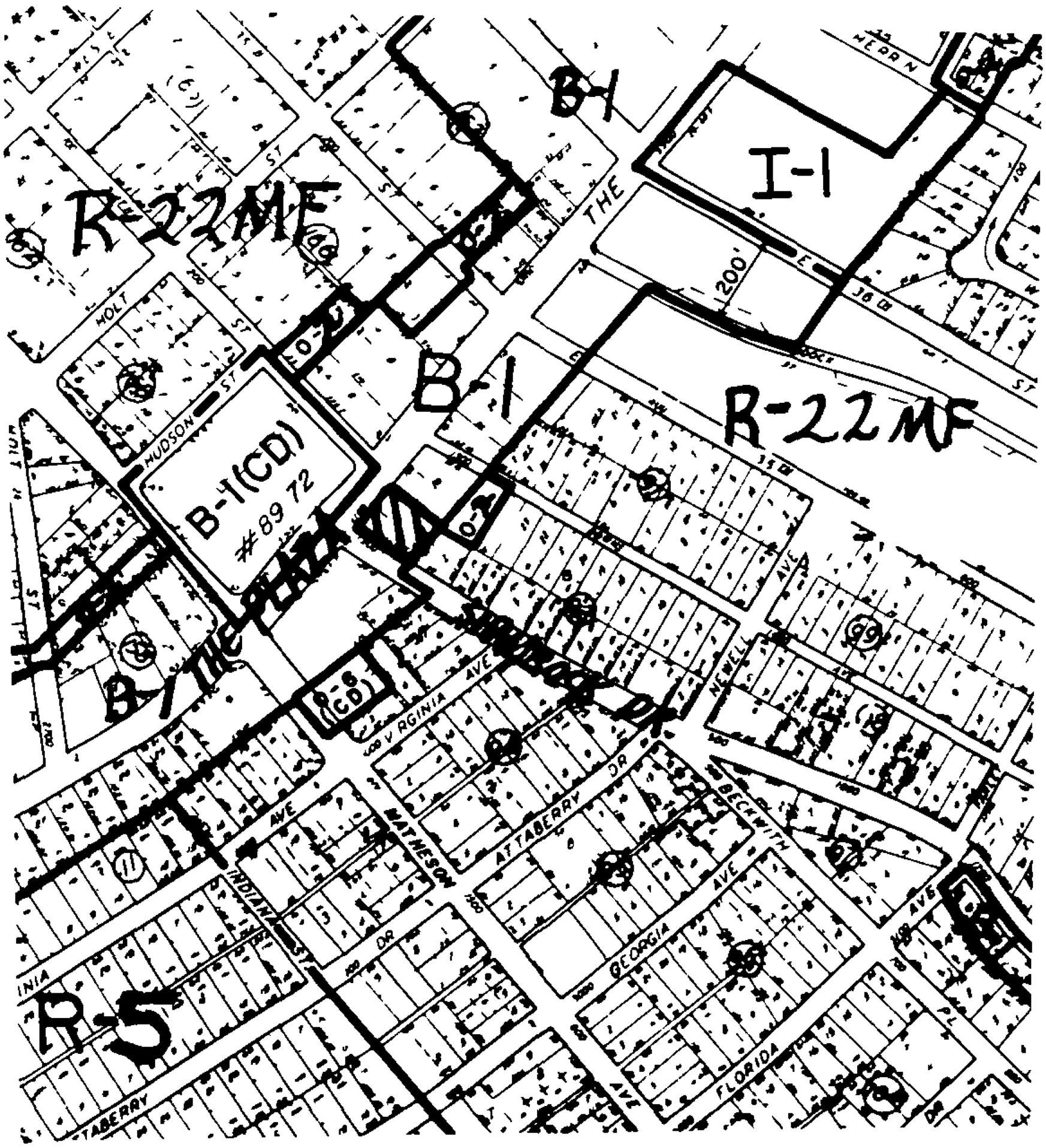
PETITIONER: Juliet A. Williams

PETITION NO.: 92-28 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: B-1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

LOCATION: An 18,601 square foot parcel located on the southeasterly corner of The Plaza and Shamrock Drive.



ZONING MAP NO(s).: 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 22, 1992

PETITION NO.: 92-30

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Grier Heights Special Project Plan)

REQUEST: Change from R-5 to R-8.

LOCATION: Approximately 44.7 acres located between Monroe Road and Randolph Road just south of Briar Creek.

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from R-5 to R-8 in accordance with the Grier Heights Special Project Plan. The petition was previously deferred in order to allow Zoning Committee time to review a report prepared by staff that compared the number of nonconforming lots under the existing R-5 category, the R-6 category and the proposed R-8 category. Upon evaluation of the report, the Zoning Committee viewed the proposed R-8 category as the most appropriate one for the area and recommends approval of this petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-30 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-5

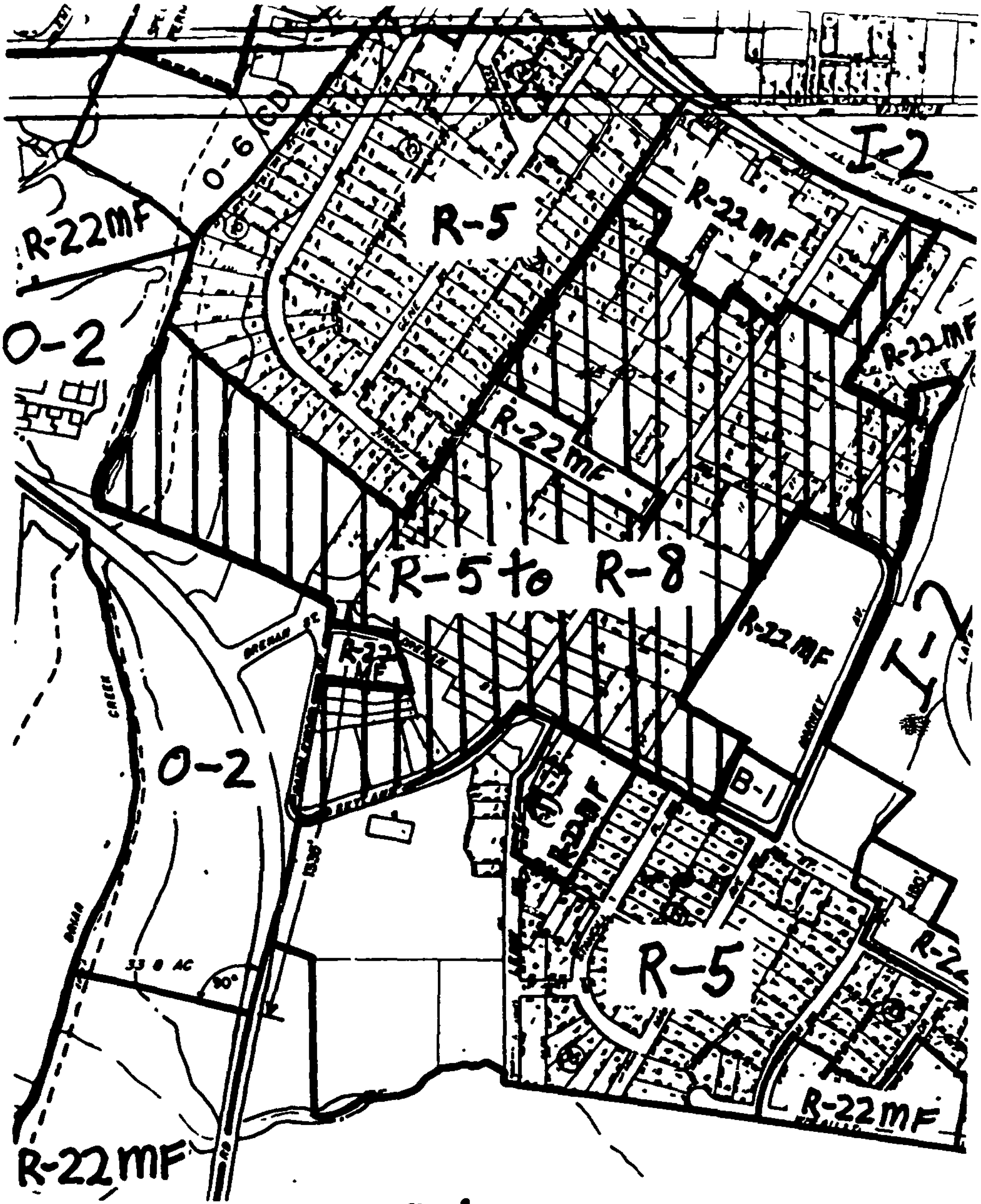
ZONING CLASSIFICATION, REQUESTED: R-8

LOCATION: Approximately 44.7 acres generally bounded by Marney Ave., Briar Creek, the Duke Power right-of-way, and Skyland Avenue (Grier Heights #4).

SEE ATTACHED MAP

ZONING MAP NO(s).: 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



GRIER HTS #[redacted]4
R-5 to R-8 O-1

DATE: June 22, 1992

PETITION NO.: 92-31

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (Grier Heights Special Project Plan)

REQUEST: Change from R-5 to R-8

LOCATION: Approximately 29 acres generally located off of the north side of Wendover Road west of Latrobe Drive.

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from R-5 to R-8 in accordance with the Grier Heights Special Project Plan. The petition was previously deferred in order to allow Zoning Committee time to review a report prepared by staff that compared the number of nonconforming lots within the petitioned area under R-5, R-6 and R-8 zoning classifications. Upon evaluation of the report, the Zoning Committee viewed the R-8 category as most appropriate for the area and recommends approval of the petition as submitted.

STAFF OPINION

The staff agrees with the recommendation of Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-31 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-5

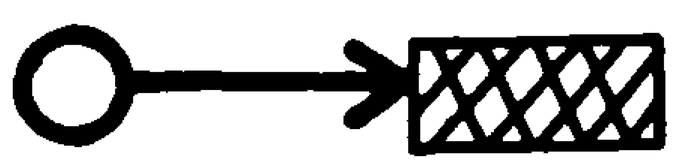
ZONING CLASSIFICATION, REQUESTED: R-8

LOCATION: Approximately 29 acres generally located off of the north side of Wendover Road, west of LaTrobe Drive (Grier Heights #5).

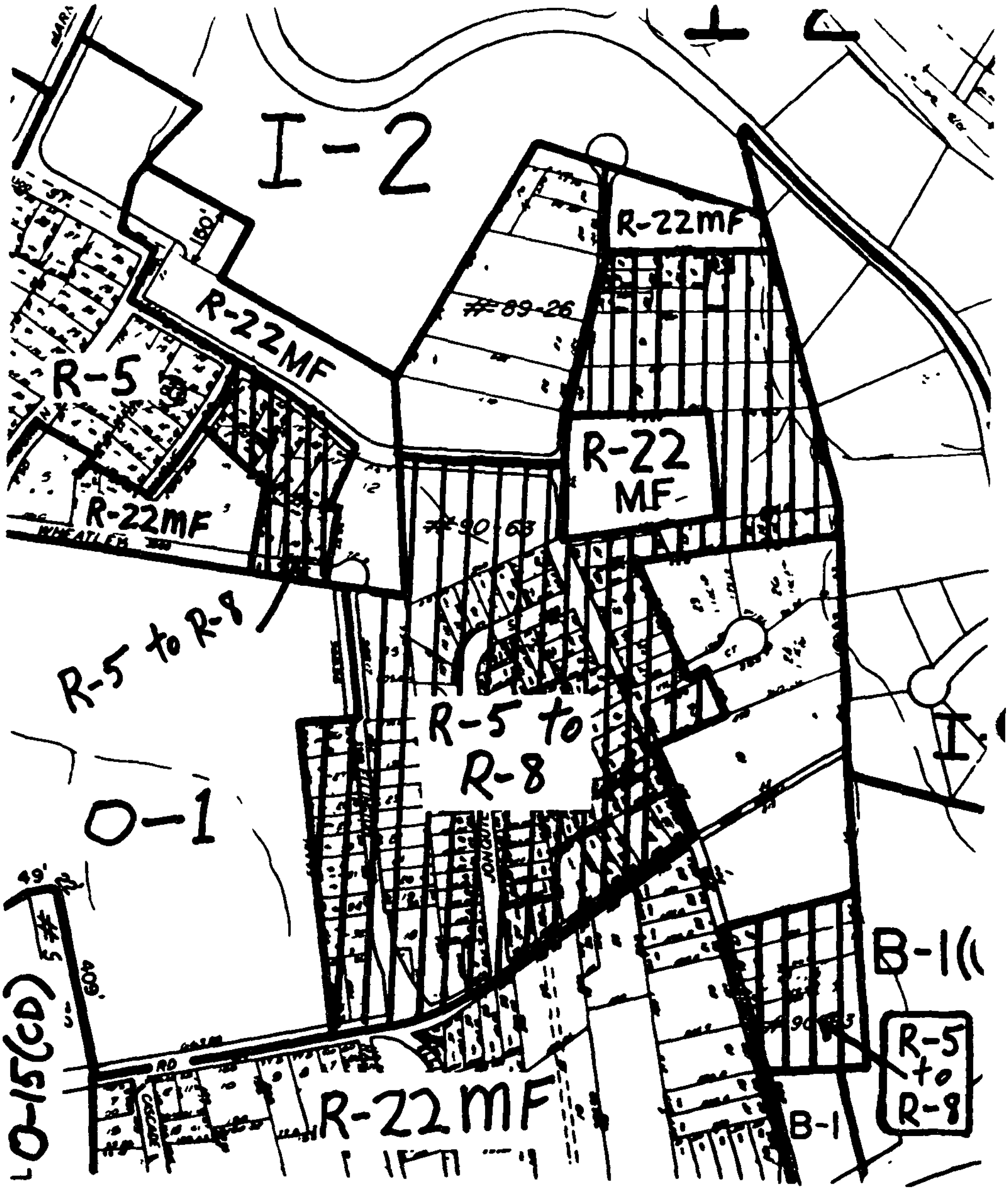
SEE ATTACHED MAP

ZONING MAP NO(s).: 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



Revised



GR. HTS #5

MATCH TO SHEET N

DATE: June 22, 1992

PETITION NO.: 92-32

PETITIONER(S): Harry G. Kostopoulos and Pete H. Kanellopoulos

REQUEST: Change from R-3 to R-3(CD) and B-1(CD)

LOCATION: A 3.6 acre site located on the north side of Albemarle Road east of Jamison Place.

ACTION: The Zoning Committee deferred action on this petition to their next work session (July 27).

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from R-3 to a combination of B-1(CD) and R-3(CD) to allow development of a new retail/convenience facility on the front portion of the site abutting Albemarle Road and 5 single family lots to the rear. The site plan provides for 2 driveway connections to Albemarle Road for the convenience center as well as a new public street connection to Albemarle Road to access the single family lots. The Zoning Committee discussed the petition for some time focusing on the number of vehicular connections to Albemarle Road. Ultimately, the petition was deferred to allow time for the petitioner's agent to discuss with the property owners the possibility of a reduction in the number of driveways to Albemarle Road.

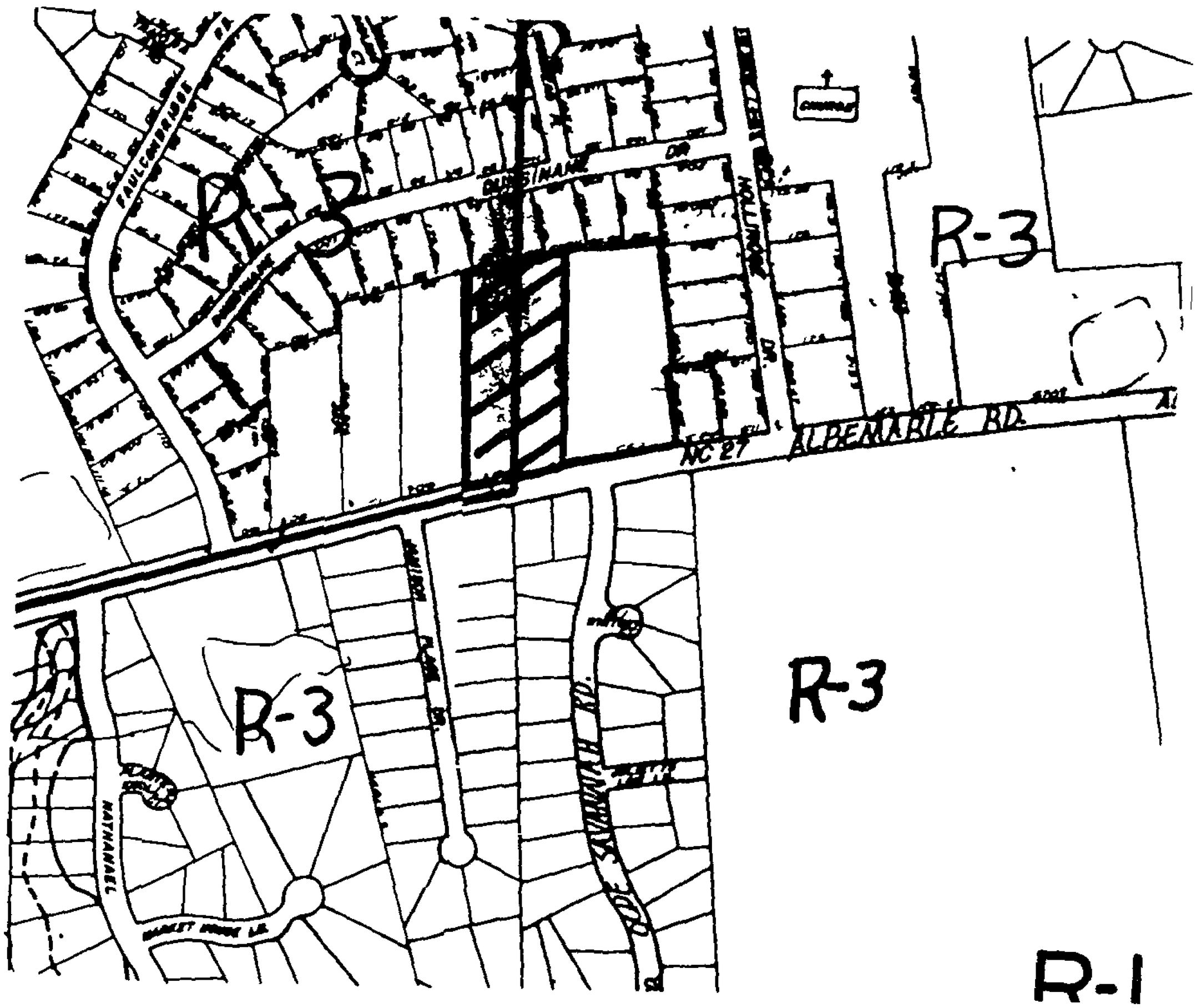
PETITIONER: Harry G. Kostopoulos & Pete Kanellopoulos

PETITION NO.: 92-32 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: R-3(CD) and B-1(CD)

LOCATION: Approximately 3.6 acres located on the north side of Albemarle Road, east of Jamison Place Drive.



ZONING MAP NO(s).: 114 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: June 22, 1992

PETITION NO.: 92-33

PETITIONER(S): Ruth P. Flowe

REQUEST: Change from I-2 to I-1

LOCATION: A .317 acre site located on the south side of Wilkinson Boulevard east of Remount Road.

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from I-2 to I-1 to accommodate an auto sales lot on the petitioned property. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

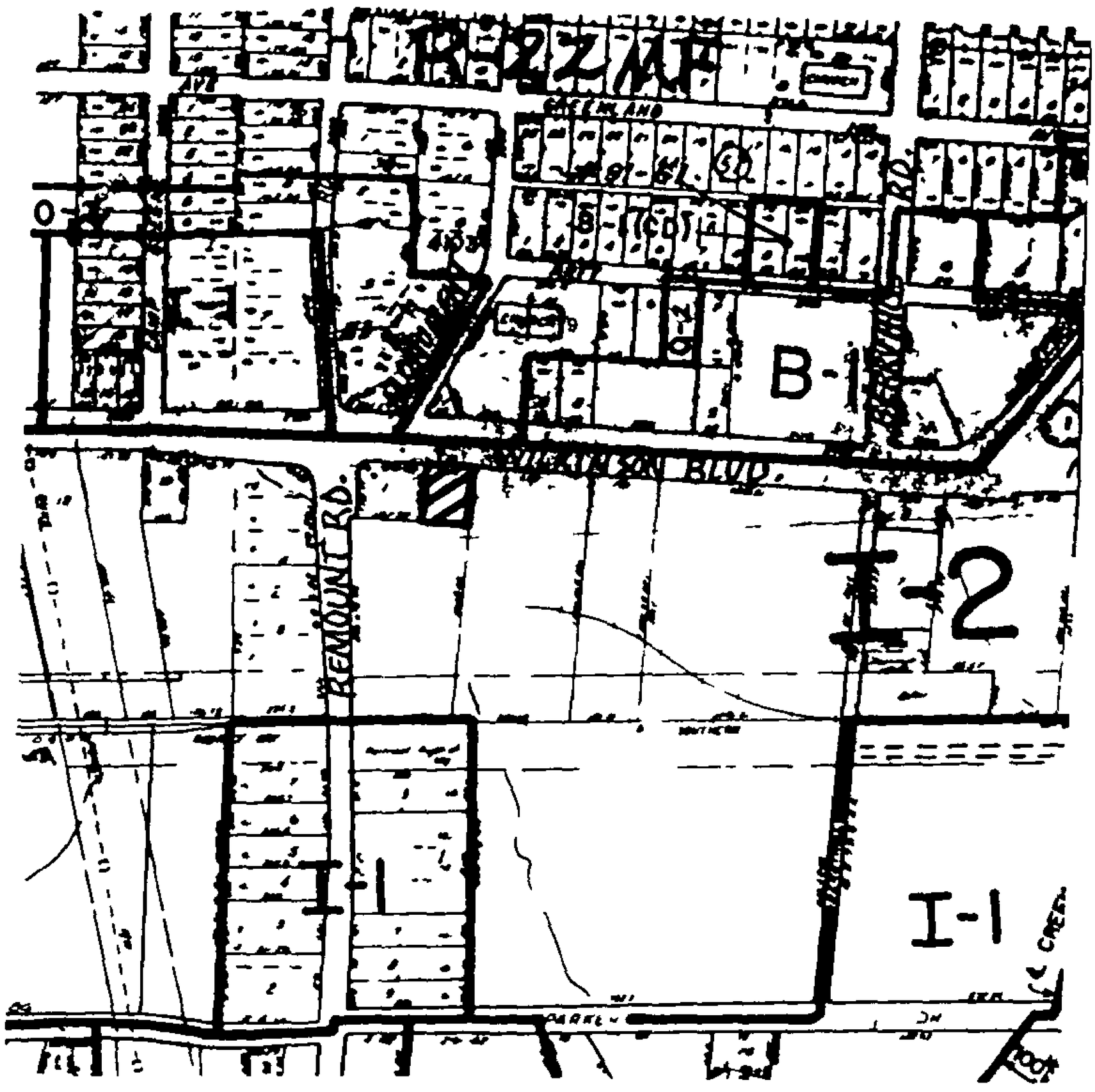
PETITIONER: Ruth P. Flowe

PETITION NO.: 92-33 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately .317 acres located on the south side of Wilkinson Boulevard, east of Remount Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: June 22, 1992

PETITION NO.: 92-34

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

REQUEST: Change from I-1 to B-1

LOCATION: Approximately 6.3 acres located on the westerly side of York Road at Sandy Porter Road.

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from I-1 to B-1 in accordance with the Southwest District Plan. The district plan proposes the B-1 category for the subject property in order to more closely align the zoning with the established use of the property. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-34 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: I-1

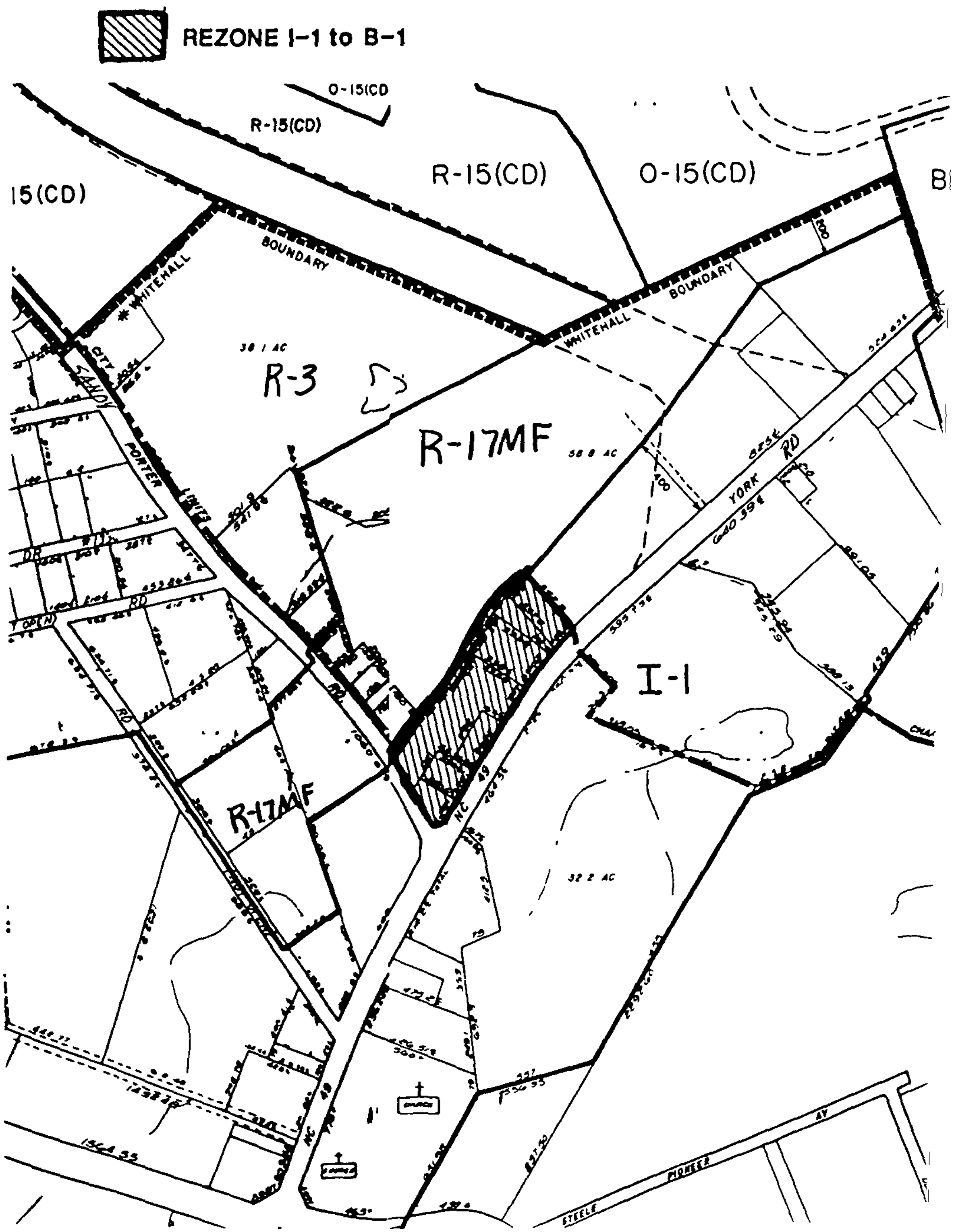
ZONING CLASSIFICATION, REQUESTED: B-1

LOCATION: Approximately 6.3 acres located on the westerly side of York Road at Sandy Porter Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


REZONE I-1 to B-1
O-15(CD)
R-15(CD)
R-15(CD)
O-15(CD)
15(CD)
BOUNDARY
WHITEHALL
WHITEHALL
BOUNDARY
R-3
R-17MF
PORTER
YORK
RD
I-1
R-17MF
NC 49
32.2 AC
STEELE
PIONEER
AV

DATE: June 22, 1992

PETITION NO.: 92-44

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to make provisions for the surrender or the termination of existing special use permits.

ACTION: The Zoning Committee recommends approval of this petition.

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer and Tabor.

Nays: None.

REASONS

This proposed text amendment would provide for the termination of a previously approved special use permit through two methods:

1. Cancellation by surrender. This procedure would allow a property owner to request that a previously approved special use permit be cancelled merely by administrative action of the Planning staff. The special use permit could be cancelled if there are no existing zoning violations and the property is undeveloped or the existing use is permitted in the underlying zoning district.

2. Termination. Any special use permit which does not meet the conditions for cancellation could be terminated by a rezoning of the property. The granting of the rezoning would terminate the previously approved special use permit.

The Zoning Committee viewed the petition as appropriate for approval and a long needed simplification of the special use permit termination process.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-44

Date Filed March 30, 1992

Received By MCM

OFFICE USE ONLY

Section No Chapter 14: Special Use Permits
(Title)

Purpose of Change: To make provisions for the "surrender" or "termination" of previously approved special use permits.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC 28202
Address of Petitioner(s)

(704) 336-2205
Telephone Number

Signature

ORDINANCE NO. _____

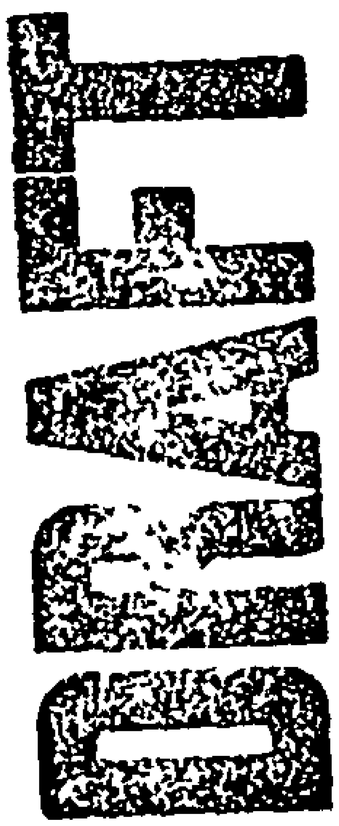
AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1. Amend Chapter 14: Reserved, by adding the following:



CHAPTER 14:

SPECIAL USE PERMITS

PART 1: RESERVED

PART 2: RESERVED

PART 3: CANCELLATION BY SURRENDER AND TERMINATION OF SPECIAL USE PERMITS

Section 14.301. Cancellation by surrender of a special use permit.

(1) Any special use permit which has been previously approved may be offered for surrender by the property owner or his agent by submitting a written application to the Planning Director.

(2) The Planning Director will accept the offer of surrender and cancel the special use permit if all the following conditions are met: (i) there are no existing zoning violations of the special use permit; and (ii) the property is undeveloped or the existing use is permitted in the underlying zoning district.

(3) Approval of the application will result in the special use permit being cancelled and the property becoming subject to the existing underlying zoning district. Upon the cancellation of a special use permit, any expansion of an existing use or any new development must conform to all the requirements of the underlying zoning district.

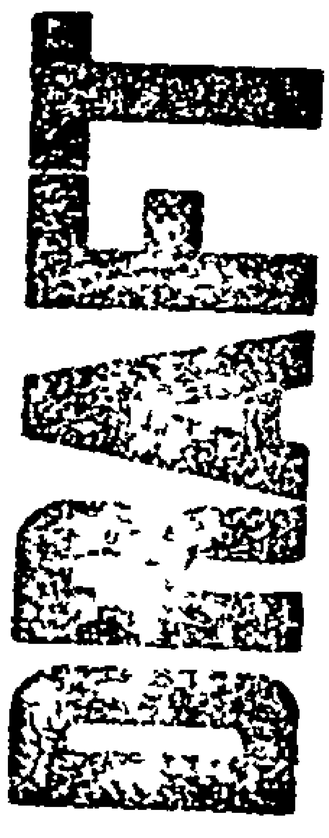
(4) Following the cancellation, the designation of the previously approved special use permit will be removed from the Official Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

Section 14.302. Termination of a special use permit.

Any special use permit which does not meet the conditions for cancellation established by Section 14.301 can be terminated by a reclassification of the property in accordance with the procedures set forth in Chapter 6. The granting of a zoning reclassification petition will terminate the previously approved special use permit.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:



_____
City Attorney

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

_____
City Clerk