AGENDA

Meeting Type.	B
Date:	11-16-1992
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in November '92

NOVEMBER 2 - 6

2, Monday

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

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

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

4 00 p m — CITY COUNCIL PUBLIC SERVICE COMMITTEE CMGC, Room 271

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

7 00 p m — CITY COUNCIL PLANNING COMMITTEE - CMGC, Room 271 (NOTE Time approximate; Meeting to follow Council Workshop)

3, Tuesday

8 00 a m — AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Conference Room A

5, Thursday

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

6, Friday

11 00 a m — SIGNING OF AGREEMENT WITH LIMOGES, FRANCE/SISTER CITIES COMMITTEE - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

THE WEEK OF NOVEMBER 9 - 13

9, Monday

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

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

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

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

10, Tuesday

12 Noon — INSURANCE & RISK MANAGEMENT ADVISORY BOARD - CMGC, 10th Floor Conference Room

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

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

4 00 p m — CITY COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE - CMGC, Rooms 270-271

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

11, Wednesday

VETERANS DAY All City Government Offices Closed

12, Thursday

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

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

7 00 p m — ANNEXATION PUBLIC HEARING - CMGC, Meeting Chamber

7 45 a m — PLANNING COMMISSION/Planning Liaison Committee - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF NOVEMBER 16 - 20

16, Monday

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

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

17, Tuesday

4 30 p m **COMMUNITY RELATIONS COMMITTEE** - CMGC, Conference Center

6 00 p m **HOUSING AUTHORITY** - Dalton Village, 3020 Clanton Rod

18, Wednesday

4 00 p m **CITY COUNCIL TRANSPORTATION COMMITTEE** - CMGC, Room 271

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

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

19, Thursday

8·30 a m **CIVIL SERVICE BOARD/HEARING (Closed)** - CMGC, Room 270

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

2 30 p m **HISTORIC DISTRICT COMMISSION** - VanLandingham Estate, 2010 The Plaza

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

7 30 p m **CHARLOTTE TREE ADVISORY COMMISSION** CMGC, Room 270

7 30 p m **PUBLIC MEETING ON WESTINGHOUSE BLVD PROJECT** - Kennedy Middle School, Multipurpose Room, 4000 Gallant Lane

20, Friday

7·45 a m **PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF NOVEMBER 23 - 27

23, Monday

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

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

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

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

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

24, Tuesday

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

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

25, Wednesday

7 30 a m **PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center

9 00 a m **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - New Convention Center Office, 2940 One First Union Center

26, Thursday

THANKSGIVING DAY All City Government Offices Closed

-30-

These organizations will not meet in November:

Advisory Energy Committee
Clean City Committee
Firefighters Retirement Board
Parade Permit Committee

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

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

Council Agenda Monday, November 16, 1992

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

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

Invocation by Rev. Nate Atwood, St. Giles Presbyterian Church

ITEM NO.

PUBLIC HEARINGS

1. (92-45) Hearing on Petition No. 92-45 by YMCA of Charlotte-Mecklenburg for a change in zoning from R-12MF with a Special Use Permit and R-3 to Institutional (CD) for a 30.2 acre site located on the west side of Quail Hollow Road south of Sharon Road (Harris YMCA).

Scarborough/McCrory Close Hrng unan

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

This petition was deferred at the September 21 meeting and continued at the October 19 meeting.

Attachment No. 1

2. (92-58) Hearing on Petition No. 92-58 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-17MF to I-1 for a 15,000 square foot parcel located off Spratt Street and on the North Graham Street Ramp between the Brookshire Freeway and Statesville Avenue.

Mangum/Wheeler Close Hrng. unan.

Attachment No. 2

Martin/Wheeler change order to #3, #2, #1 - unan.

3. (92-68) Hearing on Petition No. 92-68 by the City of Charlotte Community Development Department for a change in zoning from R-4 to R-17MF(CD) for approximately 1.7 acres located on the easterly side of China Grove Church Road north of the proposed outer belt.

Morgan/Wheeler Close Hrng Unan.

Attachment No. 3

DECISIONS

4. (92-24) Decision on the remaining portion of Petition No. 92-24 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional and B-1 to R-3 for approximately 147 acres located along the easterly side of US 29 and the northerly side of Mallard Creek Church Road. (Northeast District Plan), Done

Patterson/Majeed Opt a + Deny downzoning Carried 6-4 No-Morgan, Martin, Wheeler, Scarborough

The Zoning Committee recommended that the entire petition be approved.

Attached is a report from the City Attorney that provides background information regarding this petition and outlines the following options:

(a) Rescind the ordinance recorded at Ordinance Book 41, Page 103 and vote upon that portion of the petition that proposes a change in zoning from Institutional to R-3. Since there is no valid protest petition that affects this portion of the zoning petition, six affirmative votes of the Council would be necessary in order to approve the rezoning. (Councilmember Clodfelter has previously been excused from voting on this petition because of a conflict of interest.)

(b) Rescind the ordinance recorded in Ordinance Book 41, Page 103, direct the Planning staff to reinstitute the rezoning process for that portion of Petition No. 92-24 that proposes a change in zoning from Institutional to R-3. Specifically, this would entail re-advertisement, notice, and a new public hearing. It would also permit any affected property owner to submit a new protest petition in opposition to the proposed rezoning.

Attachment No. 4

5. (92-51) Decision on Petition No. 92-51 by L. Hunter Meacham, Jr., and Wanda P. Meacham for a change in zoning from R-22MF to R-6.

Mangum/Wheeler Defer - unan.

On October 19, 1992, City Council approved all of this petition to R-6 with the exception of the Valenstein property which is parcels 151-021-11, 15 and 20 at 2100 Lombardy Circle. Our decision tonight is for the Valenstein property only.

Martin/Mangum Place 5 + 8 on 11/23 agenda - unan.

Several protest petitions have been filed, and as a whole are sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 5

6. (92-56) Decision on Petition No. 92-56 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to increase the amount of office use by right from 300,000 square feet to 400,000 square feet in Light Industrial (I-1) District.

Reid/Wheeler App 7-3 No MAJEED, MANGUM, HAMMOND

The Zoning Committee recommends that this petition be approved.

Attachment No. 6

7. (92-57) Decision on Petition No. 92-57 by Charlotte-Mecklenburg Planning Commission, for a Text Amendment that would reduce the amount of off-street parking for fire stations.

Mangum/Hammond App, unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 7

8. (92-59) Decision on Petition No. 92-59 by Charlotte-Mecklenburg Board of Education for a change in zoning from R-4 to I-1 for approximately 1.3 acres located off Craig Avenue to the rear of a school bus maintenance facility.

Scarborough/Patterson Defer - unan

Two protest petitions have been filed and only one is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property. The protest petition filed by Vertie D. Riggins, Parcel No. 157-148-11 is sufficient. The protest petition filed by Robert S. Waechter, Parcel No. 157-148-10 is not sufficient.

The Zoning Committee recommends that this petition be approved.

Attachment No. 8

Ord #3

9. (92-61) Decision on Petition No. 92-61 by Trammell Crow Company for a change in zoning from R-17MF to I-1 for a 1.23 acre site located on the west side of Reames Road north of NorthPark Boulevard.

Hammond/Wheeler
app unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 9

Ord #4

10. (92-62) Decision on Petition No. 92-62 by Richard and Mary McDougall for a change in zoning from I-2 to I-1 for a 5.28 acre site located on the east side of South Boulevard (U.S. 521) north of China Grove Church Road.

Scarborough/Hammond
app. - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 10

Ord. #5

11. (92-63) Decision on Petition No. 92-63 by The Daisy Basket for a change in zoning from O-2 to B-1(CD) for a .55 acre site located on the south side of Monroe Road west of Summey Avenue

Morgan/Scarborough
app - unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 11

Ord. #6

12. (92-65) Decision on Petition No. 92-65 by University Research Park for a change in zoning from O-15(CD) to B-1(CD) for approximately 7.24 acres located on the southwest corner of West W. T. Harris Boulevard and Mallard Creek Road.

Scarborough/Wheeler
app. - unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

Ord. #7

13. (92-66) Decision on Petition No. 92-66 by Consolidated Pipe and Supply Company, Inc., for a change in zoning from I-1 to I-2 for an 8.20 acre site located off North Graham Street on Amble Drive at Pine Grove Circle.

Morgan/Wheeler
app - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

Res #1

14. Recommend adoption of a resolution calling for a joint public hearing on Monday, December 21, 1992, by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Johnston Building, including the exterior and portions of the interior, as historic property.

Manyson/Scarborough app. unan

Res #2

15. Recommend adoption of a resolution calling for a joint public hearing on Monday, December 21, 1992, by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Oscar J. Thies Automobile Sales and Service Building, including the exterior of the building, as historic property.

Manyson/Scarborough app. unan

Res #3

16. Recommend adoption of a resolution calling for public hearings on Monday, December 21, 1992, at 6:00 p.m. in the Meeting Chamber at 600 East Fourth Street, on petitions 92-64, 92-67, and 92-69 through 92-74 for zoning changes.

McCore/Martin app. unan.

#17 Pending Matt. app. Executive Session unan.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 3, 1992

Mayor and City Council:

RE: Petitions to be Heard in November, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, November 16, 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. 92-45

Petitioner: YMCA of Charlotte-Mecklenburg

Location: A 30.2 acre site located on the west side of Quail Hollow Road south of Sharon Road (Harris YMCA).

Request: Change from R-12MF with a special use permit and R-3 to Institutional (CD).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of R-12MF with a special use permit for the existing YMCA and R-3. A tract located across Quail Hollow Road and sites located to the south of the petitioned property along both sides of Quail Hollow Road are zoned multi-family residential. Otherwise, adjoining properties are zoned single family residential.

2. Existing Land Use. The petitioned property is the site of the Harris YMCA facility. Beverly Woods Elementary School and a mixture of single family and multi-family residential uses are located across Quail Hollow Road. To the south is a mixture of single family residential and multi-family residential uses. A condominium complex is located south of the intersection of Sharon Road and Sharon Hills Road. Otherwise, the area is devoted to single family residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. Quail Hollow Country Club is indicated as a large area of open space nearby. No particular strategies are identified for the area of the subject property.

   2. South District Plan (draft). The draft South District Plan recognizes the existing YMCA facility and existing single family and multi-family developments nearby.

4. Site Plan. The site plan which accompanies this petition proposes an expansion of the existing YMCA facility from the existing 65,800 square feet to 132,000 square feet. The plan would permit the building expansion to occur both towards the Sharon Road edge as well as the Quail Hollow Road edge. A pool deck expansion and proposed open air shelters/pavillions/rest rooms are to be located near the tennis courts and playground area. A proposed day camp area is located just off Sharon Hills Road in the southwesterly corner of the site. A future parking expansion area is proposed just off Quail Hollow Road across from Heathstead Place. The plan

indicates the two existing driveway connections to Quail Hollow Road are to be relocated at the time of the building or parking expansions. At the time of the driveway relocations, the former driveways are to be closed and only two permanent driveways to Quail Hollow Road are proposed by the plan. No vehicular connections are proposed to Sharon Road or Sharon Hills Road with the exception of the existing service driveway on Sharon Hills Road which is to be paved to avoid gravel/mud runoff and may be relocated slightly. The plan depicts new landscaping along Sharon Hills Road in the area of the service drive which is required at the time of building expansion in this area. The new landscaping is to be a combination of evergreen and deciduous trees and/or shrubs and may also include an earth berm.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-74	R-15 to R-15MF	Approved	09/28/65
2. 68-11	R-15 to R-15MF	Denied	03/02/70
3. 78-47	R-15 to SUP for YMCA	Approved	12/11/78
4. 82-30	R-15 to R-15MF(CD)	Approved	01/18/83
5. 82-90	R-15 to R-15MF(CD)	Approved	08/15/83
6. SUP85-10	SUP to expand existing YMCA	Approved	11/05/85
7. 86-95	Established zoning in annexed areas	Approved	08/18/86
8. 89-92	R-15 to R-15MF(CD)	Approved	02/19/90

7. Neighborhood. This site lies within the Olde Georgetown/Sharon Hills neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes the expansion of an existing YMCA facility in an area in which publicly adopted plans recognize the institutional nature of the existing use. Therefore, the petition is generally consistent with adopted plans 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 to discuss the proposal and to provide technical assistance on the preparation of the petition. Subsequent to the filing of the application, staff relayed several site plan comments to the

petitioner. Many of those comments have not been addressed by the revised site plan.

2. Departmental Comments. There are a number of outstanding departmental comments.

Comments from CDOT (see attached memo) include the need for installation of a left turn lane on Quail Hollow Road opposite Heathstead Place and dedication of additional right-of-way. Comments from the City Engineering Department noted a history of storm drainage problems in the area and requested that the petitioner provide detention facilities for the entire site to:

1) limit the runoff from the site to that which existed prior to any development during the two and ten year frequency storms,

2) limit the volume of runoff in 12 hours to the volume that existed prior to any development for the two year six hour storm,

3) design and verify the performance of the detention facilities using an analytical "routing" procedure, and

4) design a spillway for detention facilities to convey the 50 year storm.

Engineering also pointed out the tree ordinance requirements that will need to be addressed prior to grading and building permits and noted that the site is currently in noncompliance with tree ordinance requirements made in 1990. Other departmental comments primarily involved the need for clarifying information. For example, the plan indicates shelters are to be located in the proposed day camp area but provides no information on the maximum number of shelters to be allowed. The plan proposes "extensive new landscaping" along a portion of Sharon Hills Road but the specific information would allow for the landscaping to be composed of nothing more than shrubs. Staff also requested additional notes on the plan committing to a maximum height, an increase in the southerly edge buffer from 50 feet to 75 feet, a correction in terminology on the Sharon Hills Road edge from "rear yard" to "setback", and a specification that no detention will be placed in any of the buffers.

ISSUES

1. Land Use. There are no significant land use issues associated with this application. It proposes a rezoning from a combination of residential and special use permit zoned land to an

institutional category in an area in which publicly adopted plans recognize the existing institutional use of the site. Therefore, this petition is consistent with public plans from a land use standpoint and is considered appropriate for approval.

2. Site Plan. There are several outstanding site plan issues that have not been adequately addressed by the petitioner at this point. Those issues include the need for:

- A left turn lane on Quail Hollow Road at Heathstead Place for safety reasons,
- Either dedication of additional right-of-way along Sharon Road and Quail Hollow Road or compliance with transitional setback standards,
- Information regarding storm water runoff measures, and
- Additional information on landscaping, the maximum height of the structures, an upper limit on the number of day camp shelters. The plan would also be enhanced by an increase in the width of the buffer adjoining residential development from 50 feet to 75 feet.

This petition could be considered appropriate for approval with these modifications.

CONCLUSION

This petition could be considered appropriate for approval upon submittal of a revised site plan.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Meeting - Tues 8/4 @ 10:00 a.m.

Petition No. 92-45
Date Filed July 6, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: YMCA of Charlotte/Mecklenburg — James J. Harris Estate

Owner's Address: 400 E. Morehead St. Charlotte, N.C. 28202 — P.O. Box 220427 Charlotte, N.C. 28222

Date Property Acquired

Tax Parcel Number: 209-191-55, 209-191-34

Location of Property (address or description): 5900 Quail Hollow Rd

Description of Property

Size (Sq. Ft.-Acres): 30.2± acres

Street Frontage (ft.): 610' Sharon Rd, 1515' Quail Hollow Rd, 1679' Sharon Hills Rd

Current Land Use: Harris Family YMCA

Zoning Request

Existing Zoning: R-12 MF with S.U.P. and R-3

Requested Zoning: Termination of SUP and Institutional (CD)

Purpose of Zoning Change: to permit the orderly expansion of the Harris YMCA, which is currently restricted by the existing special use permit/site plan

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

Agent's Address: 334-9157

Telephone Number

Name of Petitioner(s): YMCA of Charlotte/Mecklenburg, 400 E. Morehead St, Charlotte, N.C. 28202

Address of Petitioner(s): 552-9622

Telephone Number

DISTRICT Vice President Harris Branch Director

Andy C Carlson

Signature

Signature of Property Owner if Other Than Petitioner

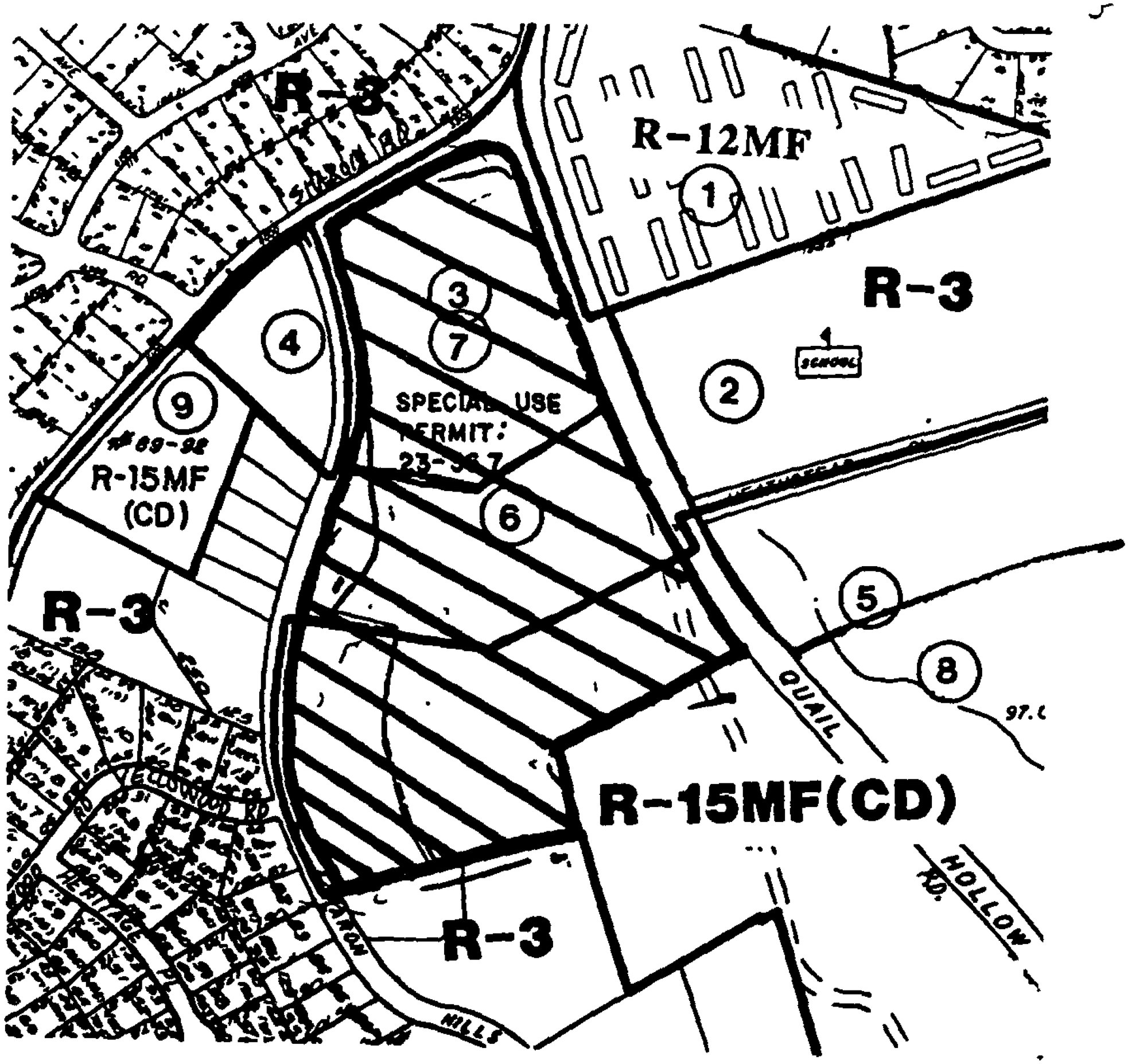
PETITIONER: YMCA of Charlotte-Mecklenburg

PETITION NO.: 92-45 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-12MF with SUP and R-3

ZONING CLASSIFICATION, REQUESTED: Termination of SUP and Institutional(CD)

LOCATION: A 30.2 acre site located on the west side of Quail Hollow Road south of Sharon Road (Harris YMCA).



ZONING MAP NO(s).: 147 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: September 1, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-45: Quail Hollow Road
South of Sharon Road
(Revised 8/24/92)

This site could generate approximately 957 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,921 trips per day) has remained the same.

Due to the proximity of an elementary school and the significant increase in vehicular trips, the Charlotte Department of Transportation (CDOT) has determined that for safety reasons a left-turn lane is necessary to serve the traffic using the site. Should the YMCA site expand as proposed with the relocation of some parking and expansion of the parking area adjacent to the existing soccer fields, the southern driveway will need to reconfigured. It can either remain at its present location and be re-built to physically only allow right-turns in and out or be aligned opposite Heathstead Place and include a left-turn lane designed in compliance with CDOT standards.

The engineering design and construction of the left-turn lane is the responsibility of the developer/owner. CDOT will only approve the proposed private driveway connections provided that a left-turn lane is constructed on Quail Hollow Road at a main entrance opposite Heathstead Place. We recommend that the rezoning plan reflect the design of this required left-turn lane prior to submittal/ approval of the private driveway connections. The left-turn lane must be designed with a minimum 150 feet of storage, a 20:1 bay taper and 45:1 through lane tapers.

The proposed driveway opposite Heathstead Place must be a Type III driveway and designed so that designated movement lanes align directly with the appropriate lanes on Heathstead Place. The main driveway is also proposed to be relocated to the south and will not be in the widened section of Quail Hollow Road which currently provides a left-turn lane to the facility.

Quail Hollow Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. Sharon Road is a minor thoroughfare requiring a minimum of 70 feet of right-of-way.

Additional right-of-way is required at the intersection of a major thoroughfare and a minor thoroughfare. Therefore, the developer/petitioner must dedicate right-of-way measuring 55 feet from the centerline of Quail Hollow Road for a distance of 545 feet starting from the centerline of Sharon Road, then tapering at a rate of 45:1 back to meet the minimum right-of-way requirement, measuring 50 feet from the centerline of the roadway. Right-of-way must also be dedicated on Sharon Road measuring 45 feet from the centerline of the roadway for 355 feet starting from the centerline of Quail Hollow Road, then tapering at a rate of 20:1 back to meet the minimum right-of-way requirement measuring 35 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35'x35'and two 10'x70' sight triangles are required for the proposed relocated Type III entrance to meet sight distance requirements. All other driveways require two 10' x 70' sight triangles. All proposed trees, berms, walls, fences and/or identification signs should not interfere with sight distance at the entrances. Such items should be identified on the site plan.

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

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
R. E. Wilson
Robert G. Young
YMCA of Charlotte/Mecklenburg
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-58

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: A 15,000 square foot parcel located off Spratt Street and on the North Graham Street Ramp between the Brookshire Freeway and Statesville Avenue.

Request: Change from R-17MF to I-1.

BACKGROUND

This petition proposes rezoning from a multi-family residential category to the light industrial category. The subject property is situated between two parcels previously rezoned to I-1(CD). Properties to the south are zoned I-2 and properties further to the north and west are zoned a combination of R-5, R-17MF, and O-6(CD). The City's Special Services facility and the County's Food Bank are located nearby.

This petition is the result of a cooperative effort between the City and County. The two I-1(CD) parcels to the east and west of the petitioned site are owned by the County and the City, respectively, and are developed or will be developed for a variety of community service facilities. The purpose of this petition is to accommodate plans for the potential expansion of the County's Food Bank and related parking.

PLAN CONSISTENCY

The adopted Greenville Special Project Plan recognizes previous City Council direction that rezonings to I-1 in this area be based on conditional zoning plans. This petition is, however, being presented for consideration in a conventional manner due to the size of the petitioned site and its relationship to adjoining properties. The petitioned site is a residual piece of property situated between two larger sites zoned I-1(CD). In addition, the property has limited use possibilities unless incorporated into the future development plans for one or both of the I-1(CD) parcels. Therefore, presenting the petition on a conditional basis would serve no meaningful purpose.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

NOV. 92

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Petition No. 92-28

Date Filed August 5, 19

Received By YKM

OFFICE USE ONLY

Ownership Information

Property Owner: Mecklenburg County

Owner's Address: P.O. Box 31787, Charlotte, NC 28231

Date Property Acquired:

Tax Parcel Number: 078-455-05

Location of Property (address or description)

In the Greenville neighborhood, west of Statesville Avenue between Spratt Street and the Brookshire Freeway.

Description of Property

Size (Sq. Ft.-Acres): approx. 50' x 300' Street Frontage (ft.):

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-17MF Requested Zoning: I-1

Purpose of Zoning Change: To bring this property into conformance with the Greenville Special Project Plan and, specifically, to allow expansion of the County food ban

Name of Agent:

Agent's Address:

Telephone Number:

Charlotte-Mecklenburg Plannir

Name of Petitioner(s)

600 E. Fourth Streeet

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

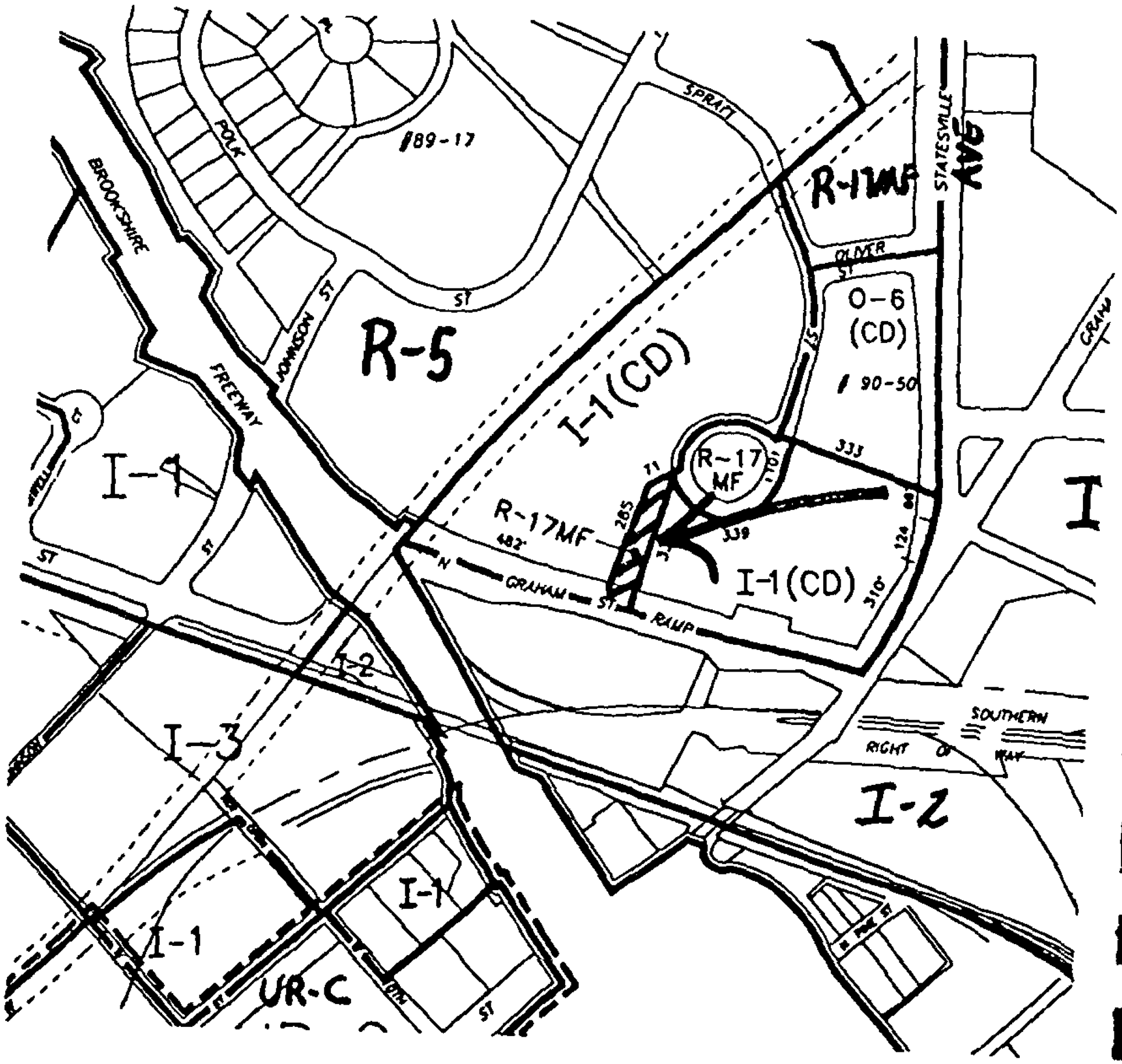
PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-58 HEARING DATE: November 16, 1992

ZONING CLASSIFICATION, EXISTING: R-17MF

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: A 15,000 square foot parcel of land located off of the west side of Statesville Avenue extending from Spratt Street to the North Graham Street Ramp.



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

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-68

Petitioner: City of Charlotte Community Development Department

Location: Approximately 1.7 acres on the easterly side of China Grove Church Road north of the proposed outer belt.

Request: Change from R-4 to R-17MF(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-4 as are nearby properties located on the east side of China Grove Church Road. Properties located on the west side of China Grove Church Road are zoned R-12MF. The jurisdiction of the Town of Pineville falls to the south of the future outer belt.

2. Existing Land Use. The petitioned property is the site of an abandoned church which has relocated elsewhere in the neighborhood. Nearby properties are devoted to single family residences.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area. 2005 strategies for the area include the outer belt, extension of water and sewer lines and potential light rail.

   2. Sterling Special Project Plan. The Sterling Special Project Plan recognizes the area as one of existing single family residential development.

4. Site Plan. The site plan which accompanies this petition proposes conversion of the existing 4,923 square foot church building to a day care center for up to 100 children. The plan provides a 16 foot buffer adjoining single family zoning on the northerly project edge. The 8,000 square foot outdoor play area is also to be located in the northerly portion of the site. The site plan indicates the property will be brought into conformance with all zoning requirements including buffering adjoining single family residential zoning, removal of parking from the setback and side yard adjoining the future outer belt and parking lot screening. A variance is pending for the building encroachment in the setback. In addition, the substandard driveways are to be rebuilt as per CDOT regulations.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 76-37(c)	I-1 to R-9	Approved	12/13/76
2. 83-19	I-1 & I-2 to R-9	Approved	07/18/83
3. 86-33(c)	I-2 to R-12MF	Approved	06/16/86
4. 86-67	I-2 to R-9	Approved	10/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential category to a conditional multi-family residential district to allow reuse of an existing building as a day care center. The Sterling special project plan recognizes the area as one of existing single family residential development. Inasmuch as the requested rezoning petition proposes a multi-family residential category, the petition is not entirely consistent with land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff, the petitioner's agent, a representative of the City's Community Development Department, and the potential property owner discussed the proposed rezoning prior to its filing and Planning staff suggested a conditional approach to the petition . Subsequent to the technical interdepartmental site plan review, staff relayed several comments to the petitioner's agent. The revised site plan fully addresses those departmental comments.

   2. Departmental Comments. Departmental comments included the need for compliance with minimum setbacks and yards. The revised site plan fully addresses all departmental comments.

ISSUES

1. Land Use. This petition proposes rezoning from single family residential to conditional multi-family residential specifically to allow conversion of an existing building for a day care center. In many respects, the subject property is not a typical day care site. It is in an established single family neighborhood and is accessed by narrow local residential streets. However, the site lies on the edge of the neighborhood and is immediately adjacent to the future outer belt now under construction. For this reason and for reasons related to the specific site plan

associated with this petition and noted below, this petition could be considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes an adaptive reuse of an existing vacated church for a day care center. The site plan proposes to bring the site into zoning compliance through installation of a landscaped buffer and by removing parking in the setback and side yard. (The petitioner could have pursued variances on these items). The one variance being requested relates to the existing building encroachment in the setbacks. Although the petitioned site is not a typical location for a day care center and this petition would establish multi-family zoning in a single family neighborhood, this request could be viewed as appropriate for approval. The site plan represents a reuse proposal that may be one of only a very limited number of reuse possibilities for the existing building which is in keeping with the scale and character of the neighborhood and worthy of preservation. In addition, the property is on the edge of the neighborhood overlooking the future outer belt. For these reasons, this petition is considered appropriate for approval.

CONCLUSION

Although the subject property is not a typical day care center site, this petition is considered appropriate for approval for several reasons. The site is situated on the edge of the Sterling neighborhood and is immediately adjacent to the future outer belt. In addition, the conditional site plan provides for a number of improvements to the property that will be in keeping with the existing residential development nearby such as removal of parking from the setback and installation of parking lot screening.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-68

Date Filed August 31, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Silver Mount Baptist Church

Owner's Address: 501 Arrowwood Road, Charlotte, N. C. 28205

Date Property Acquired: January 28, 1963

Tax Parcel Number: 20510422 and 20510403

Location of Property (address or description)

9815/9817/9823

China Grove Church Road, Charlotte, N. C. 28207

Description of Property

Size (Sq. Ft.-Acres): 1.7 acres

Street Frontage (ft.): Approximately 80.0/55.5

Current Land Use: Church

Zoning Request

Existing Zoning: R-9

Requested Zoning: R-17MF(CD) ~~Institutional (CD)~~ LS

Purpose of Zoning Change: To allow a church building to be converted to a day care center

Name of Agent: Mr. James Blair

Agent's Address: 1607 Redcoat Drive, Charlotte, N. C. 28211

Telephone Number: (704) 365-6121

Name of Petitioner(s): City of Charlotte Community Development Dept.

Address of Petitioner(s): 600 East Fourth Street Charlotte, N. C. 28202

Telephone Number: (704) 336-2491

Signature: J. W. Walton

J. W. Walton

Signature of Property Owner if Other Than Petitioner: Robert L. Holloway

Robert L. Holloway
Deacon
Silver Mount Bap.Churc

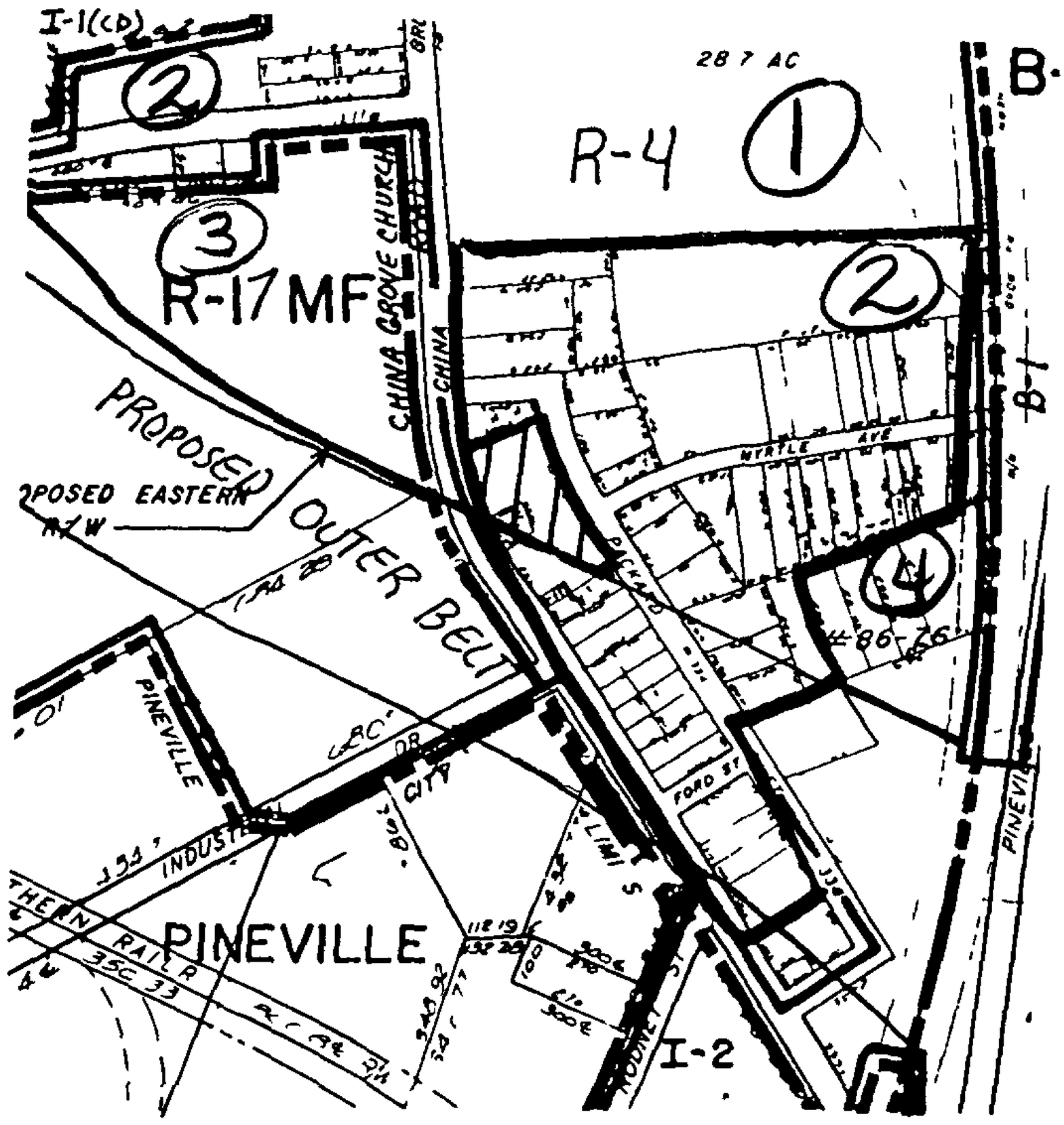
PETITIONER: City of Charlotte Community Development Department

PETITION NO.: 92-68 HEARING DATE: November 16, 1992

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: R-17MF(CD)

LOCATION: Approximately 1.7 acres located on the easterly side of China Grove Road north of the proposed Outer Belt (Silver Mount Baptist Church).



ZONING MAP NO(s).: 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Revised 10/7

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 30, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on October 26, 1992.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, November 9, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, November 16, 1992.

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

Respectfully submitted,

Anne J. McClure

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

AJM:mlj

Attachments

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

MEMORANDUM

November 9, 1992

TO Mayor and City Council

Henry W. Underhill Jr.

FROM· Henry W Underhill, Jr
City Attorney

SUBJECT Rezoning Petition 92-24

The above-subject zoning petition was filed by the Planning Commission for a change in zoning from Institutional and B-1 to R-3 for approximately 147 acres located along the easterly side of U S 29 and the northerly side of Mallard Creek Church Road The petition has been before the City Council on several occasions, having most recently appeared on the October 19 agenda for decision on a portion of the petition Just prior to the meeting, the City received a letter from the Attorney General's office on behalf of UNC-Charlotte contending that the City Council's actions purporting to downzone approximately 44 acres of State-owned university land was illegal Because of the letter from the Attorney General's office and as a result of other questions raised about this petition, the City Council deferred any action and requested a report The following is submitted in response to the City Council's request Before responding to the specific questions, some background information should be helpful

BACKGROUND

As indicated above, this petition was filed by the Planning Commission as part of the implementation of the Northeast District Plan The petition sought the rezoning of approximately 147 acres, a small portion of which is zoned B-1 with the balance zoned Institutional The petition proposed that all of the property covered by the petition be rezoned to R-3 The public hearing on this matter was scheduled for the April 20 1992 zoning meeting

Three separate protest petitions were filed by some of the affected property owners (McNeary, Kirk, Pi Kappa Phi Fraternity) The location of the property owned by the property owners who filed the protest petitions are indicated in red on the attached map which also indicates the area requested to be rezoned The protested areas constitute approximately 16 acres or slightly more than 10% of the 147 acre tract In order to invoke the three-fourths rule under State law, a protest petition or petitions must be submitted by the owners of 20% or more of the area requested to be rezoned Accordingly, the three protest petitions taken together are not

sufficient to trigger the three-fourth voting rule for the entire petition

However, the McNeary property does constitute more than 20% of the area zoned B-1 and thus this office ruled that the McNeary protest petition was sufficient to trigger the three-fourths rule with respect to the area proposed to be rezoned from B-1 to R-3 (We have consistently applied this interpretation of the three-fourth voting rule for a number of years when the zoning petition involved different zoning classifications)

At the April 20 meeting, Lydia McNeary and others contended that they had received inadequate notice regarding the hearing and requested that the City Council defer the hearing until a later date Instead of deferring the hearing completely, the City Council heard from everyone present who wished to speak on the petition and continued the hearing until the May 18 zoning meeting so as to allow any others to speak at that time At the April 20 hearing, five persons spoke, two in favor of the proposed rezoning and three against the proposed rezoning The three who spoke against were the property owners who signed the three protest petitions in opposition to the rezoning At the continuation of this hearing on May 18, two persons spoke, both in favor of the proposed rezoning The Zoning Committee subsequently recommended that the entire petition be approved

The decision on this zoning petition was originally a part of the August 24 meeting agenda As outlined above, in order to rezone the portion from B-1 to R-3, affirmative votes of three-fourths of the Mayor and City Council, not excused from voting were necessary Since there was not a valid three-fourths protest petition filed with regard to the balance of the petition (the portion proposing a rezoning from Institutional to R-3) only six affirmative votes of the Council would be necessary to approve the rezoning The Mayor has no vote on rezonings where the three-fourths voting rule is not in effect except in cases of a tie

At the August 24 meeting, a motion was made to approve the petition After deciding that Council member Clodfelter had a conflict of interest and thus was not eligible to vote, the City Council voted seven to four in favor of the motion to approve the petition (Mayor Vinroot and Council members McCrory, Majeed, and Reid voted no) Since the motion failed to obtain nine affirmative votes, the portion of the petition subject to the three-fourths rule was not rezoned (The B-1 to R-3 area) However, the Council should have taken a second vote in order to properly resolve the rezoning of the remainder of the petition that was not the subject to a valid three-fourths protest petition (The portion proposing a rezoning from Institutional to R-3) Through an oversight, no second vote was taken at this meeting Initially, the August 24 vote was interpreted

as having denied that portion of the petition proposing a rezoning from B-1 to R-3, but approving that portion of the petition proposing a rezoning from Institutional to R-3 because at least six members of Council had voted in the affirmative on the single motion An ordinance reflecting this purported rezoning has been recorded in Ordinance Book 41 at page 103 by the City Clerk This interpretation of the August 24 vote was legally incorrect and the ordinance should be removed from the official records

With this background in mind, let me now address the specific questions raised at the October 19 meeting

QUESTIONS

Question What is the basis for the State's contention that the downzoning of the State-owned university land was illegal?

Answer The State Attorney General's office puts forth two reasons why it believes that the downzoning was illegal First, the State was under the mistaken belief that the entire zoning petition was the subject of a valid protest petition rather than just a portion of the property covered by the petition As indicated above, only that portion of the property proposed to be rezoned from B-1 to R-3 was the subject of a valid three-quarters protest petition Secondly, the State contends that if there were no protest petition for the entire zoning petition in place, then the City Council should have taken a second vote to deal with the portion of property that was not subject to a valid protest petition agree with the Attorney General's office, and as discussed above, another vote of the City Council is necessary in order to finally dispose of this petition As part of this disposition, the Council needs to rescind the ordinance recorded in Ordinance Book 41, page 103 since it does not accurately reflect the actions taken by the City Council at the August 24 meeting

Question Was the original public hearing on this petition deferred or was it continued?

Answer As pointed out above the original public hearing was held and then continued until May 1 at which time additional speakers were heard

Question: Was the second hearing readvertised, and if so, were the property owners given notice that they could file a second protest petition?

Answer: The second hearing was not readvertised since it was a continuation of the original hearing rather than a deferral. In the opinion of this office, the current zoning ordinance would not allow the affected property owners to file a second protest petition under these circumstances. Hence, the property owners were not informed that a second protest petition could be filed.

Question: Did the City Council take action to split this petition or was there a single vote on the whole petition?

Answer: As mentioned above, only one vote was taken on the entire petition. A second vote is necessary to properly dispose of the balance of this petition.

Question: Was the protest petition or petitions valid for the entire zoning petition or only for the B-1 portion of the property?

Answer: As outlined above, the protest petitions was valid only for the B-1 portion of the zoning petition.

Question: How was notice of the hearing given to UNCC?

Answer: State law requires that a first-class mailing be sent to the owners at addresses as shown on the county tax listing prior to the public hearing. In the case of UNCC, the county tax listing shows the UNCC property is owned by the State of North Carolina, Post Office Box 629, Raleigh, NC. This is the post office box for the North Carolina Attorney General's office. Accordingly, the mailing of the notice by the Planning Commission staff for this property was sent to this listed address as required by law. All notices were mailed on April 3, 1992. We do not know when or if UNCC actually received the mailed notice. If UNCC had filed a timely protest petition, it (the State) owns a sufficient amount of property within the subject zoning petition (43.87 acres) to have triggered the three-fourths voting rule for the entire zoning petition.

OPTIONS

1. Rescind the ordinance recorded at Ordinance Book 41, page 103 and vote upon that portion of the petition that proposes a change in zoning from Institutional to R-3. Since there is no valid protest petition that affects this portion of the zoning petition, six

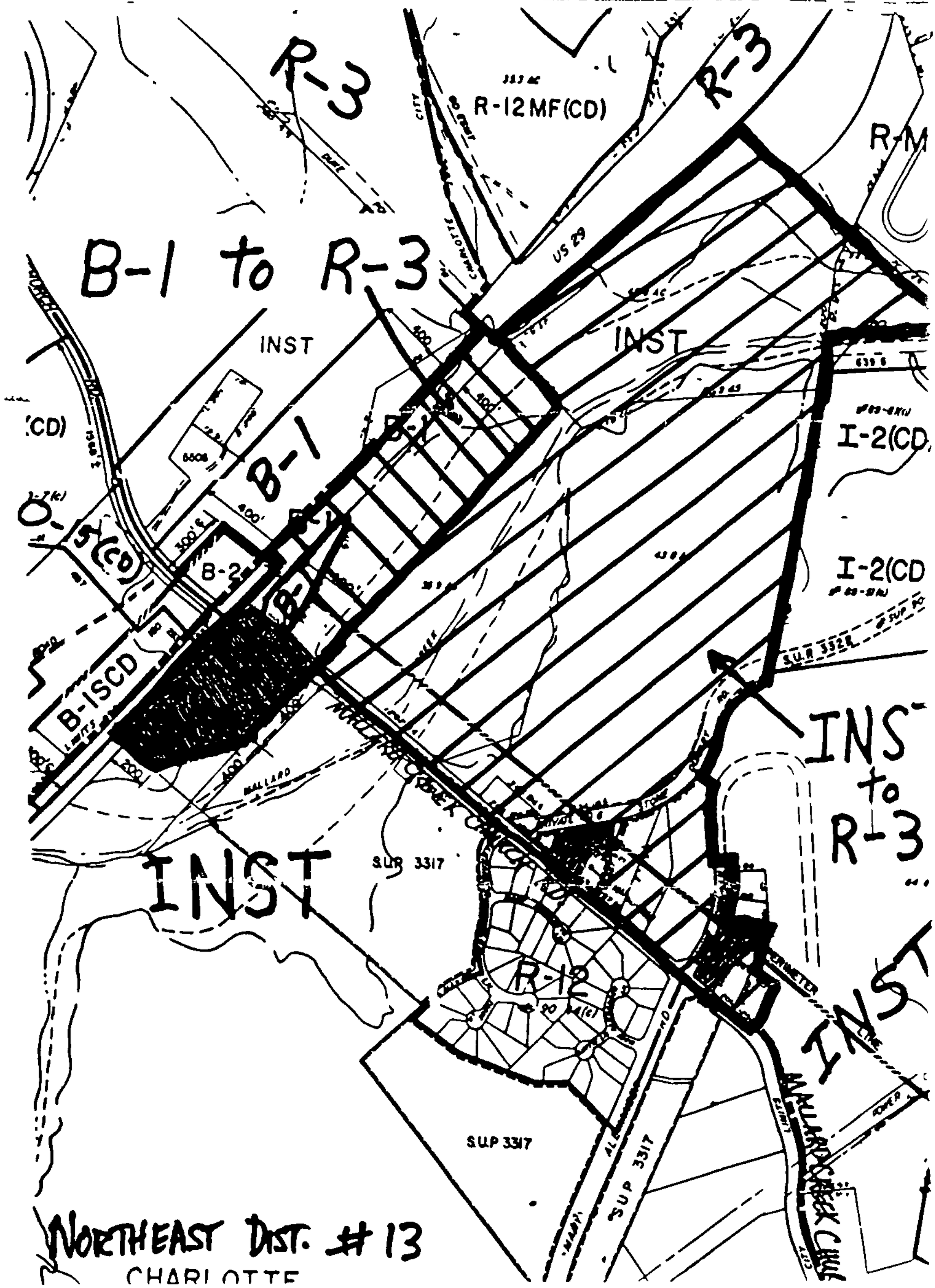
affirmative votes of the Council would be necessary in order to approve the rezoning

2 Rescind the ordinance recorded in Ordinance Book 41, page 103 Direct the Planning staff to reinstitute the rezoning process for that portion of petition No 92-24 that proposes a change in zoning from Institutional to R-3 This would entail readvertisement, notice, and a new public hearing It would also enable UNC-C and any other affected property owner to submit new protest petitions in opposition to the proposed rezoning

I regret the length of this report, however, I felt that you might need this amount of detail in order to adequately understand the issues that surround this zoning petition Please contact me if you need any additional information

HWUjr/ef

c Brenda Freeze
Walter Fields


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

DATE: September 28, 1992

PETITION NO.: 92-51

PETITIONER(S): L. Hunter Meacham, Jr, and Wanda P. Meacham

REQUEST: Change from R-22MF to R-6.

LOCATION: Several parcels located off the southwesterly side of East Boulevard extending from Sugar Creek to Cumberland Avenue.

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

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

Nays: None.

Absent: James.

REASONS

This proposes rezoning from a multi-family residential category to a single family residential category. Public adopted plans for the area recognize the existing single family land uses. The pending Central District Plan also recommends single family residential land uses in the area of the subject property. The Zoning Committee discussed the fact that they would be faced with this proposal at some point and time due to the recommendation in the pending Central District Plan. The Committee also discussed the issue of several duplexes becoming nonconforming if this petition is approved. One of the property owners who is in opposition to this downzoning, requested that the Zoning Committee defer action on this petition for 30 days. The Committee discussed this request and decided to proceed with a recommendation as scheduled. Based on the existing land uses and plan recommendations for the subject property, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

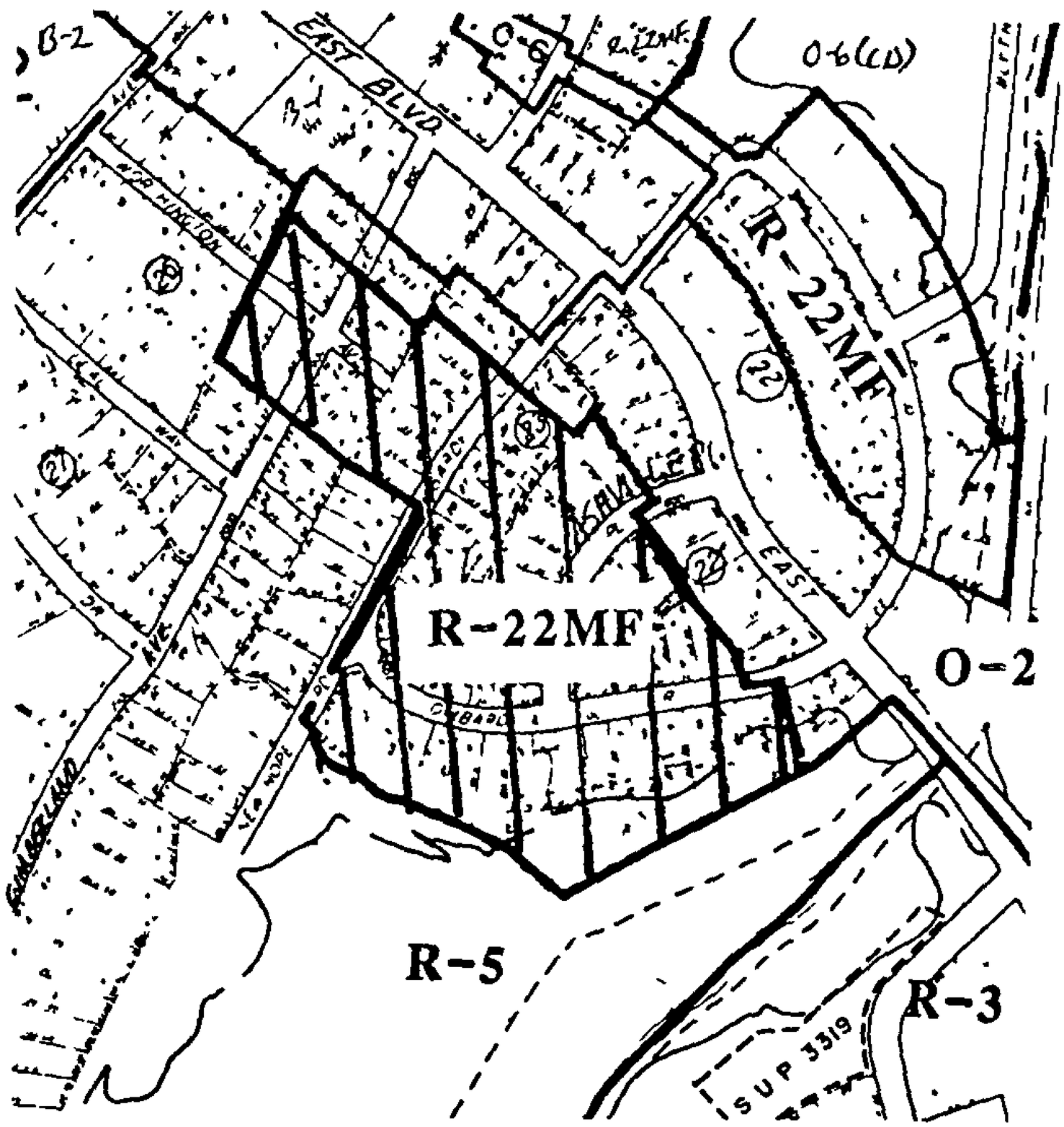
PETITIONER L. Hunter Meacham, Jr. and Nanda F

PETITION NO.: 92-51 HEARING DATE. September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-22MF

ZONING CLASSIFICATION, REQUESTED: R-6

LOCATION: Several parcels located off the southwesterly side of East Boulevard extending from Sugar Creek to Cumberland Avenue.



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

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-56

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Text amendment to increase the amount of office use by right from 300,000 square feet to 400,000 square feet in the I-1 (Light Industrial) district.

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

VOTE: Yeas: Baker, James, McClure, Tabor, and Whelchel.

Nays: None.

Absent: Fenning.

Abstaining: Commissioner Byrne was excused from voting, due to a possible conflict of interest.

REASONS

The new zoning ordinance establishes a maximum amount of office space that is allowed in the industrial category. The limits are 100,000 square feet in the general industrial (I-2) district and 300,000 square feet in the light industrial (I-1) district. The previous zoning ordinance did not restrict the amount of office space allowed in the industrial category. There has been some concern that these regulations may be too restrictive. The committee discussed the memo from CDOT and listened to the concerns of CDOT officials on this proposed text change. CDOT officials indicated that basically, CDOT would like to have a traffic study for any development of 300,000 square feet or higher. The committee was concerned that CDOT has the ability to require a traffic study and right turn lanes without the support of the zoning ordinance. The Zoning Committee discussed this requirement at length and ultimately viewed it as being rather restrictive. Therefore, the Zoning Committee recommends approval of the text amendment.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee, but acknowledges the validity of the CDOT concern which was also discussed as part of the adoption of the new zoning ordinance.

Staff Review - Tues. 9/1 @ 10:30 a.m.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-56

Date Filed August 3, 1992

Received By MCM

OFFICE USE ONLY

Section No Various Sections of Chapter 9, dealing with maximum square footage of office use in the I-1 (Light Industrial) District.

(Title)

Purpose of Change

This amendment would increase the amount of office use by right from 300,000 square feet to 400,000 square feet in the I-1 (Light Industrial) District.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 East 4th Street, Charlotte, N. C. 28202-2853

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

Petition No. 92-56
Petitioner: CMPC

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, Part 11: INDUSTRIAL by:

(A) Amending Section 9.1102. Uses permitted by right (56) by deleting the following:

(56) Offices, up to 300,000 square feet (I-1 only).

and replacing with the following:

(56) Offices, up to 400,000 square feet (I-1 only).

(B). Amending Section 9.1103. Uses permitted under prescribed conditions (13) by changing the number "300,000" to "400,000".

2. Amend Chapter 9, Part I: TABLE OF USES AND HIERARCHY OF DISTRICTS by:

(A). Amending Section 9.101. Table of uses, OFFICE & BUSINESS USES by:

(1) Adding a new listing of "Offices, up to 400,000 square feet" after the listing of "Offices, up to 300,000 square feet", and an indication of "Uses Permitted as of Right (x)" to the I-1 district.

(2) Adding a new listing of "Offices, more than 400,000 square feet" in proper order, and an indication of "Uses Permitted Under Prescribed Conditions (PC)" to the I-1 district.

(3) Removing the indication of "Uses Permitted Under Prescribed Conditions (PC)" after the listing of "Offices up 300,000 square feet" in the I-1 district.

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: October 26, 1992

PETITION NO.: 92-57

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Text amendment that would reduce the amount of off-street parking required for fire stations.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor, and Whelchel.

Nays: None.

Absent: Fenning.

REASONS

The zoning ordinance has a parking requirement for governmental buildings of one space per 300 square feet of gross floor area. A large amount of fire station spaces are devoted to storage of large vehicles and equipment. The current standards in the ordinance require more parking than needed. The Zoning Committee views this as an appropriate request and recommends approval of the text amendment as submitted.

STAFF OPINION

The staff agrees with recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-57

Date Filed August 3, 1992

Received By [illegible]

OFFICE USE ONLY

Section No Section 12.202, Table 12.202. Minimum Required Off-Street Parking Spaces By Use. (Title)

Purpose of Change

To reduce the amount of off-street parking required for fire stations.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 East 4th Street, Charlotte, N. C. 28202-2853

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

Petition No. 92-57
Petitioner. CHPC

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 12, Part 2: OFF STREET PARKING AND LOADING, Table 12.202. MINIMUM REQUIRED OFF-STREET PARKING SPACES BY USE, INSTITUTIONAL USES, by:

(A). Adding a new category in proper alphabetical order as follows:

Fire stations	1 space per 300 square feet, excluding apparatus room

Section 2. 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

DATE: October 26, 1992

PETITION NO.: 92-59

PETITIONER(S): Charlotte-Mecklenburg Schools

REQUEST: Change from R-4 to I-1.

LOCATION: Approximately 1.3 acres located off Craig Avenue to the rear of the school bus maintenance facility.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor and Whelchel.

Nays: None.

Absent: Fenning.

REASONS

This petition proposes rezoning from single family residential to a light industrial category. Publicly adopted plans for the area recognize the residential zoning of the subject property as well as the industrial zoning of the adjoining property. At the public hearing on this petition, City Council requested additional information from the School Board on why they are seeking a rezoning at this location (see attached memo). The Zoning Committee discussed this memo at great length. There was a representative from the School Board staff present to respond to some of their concerns. Once again, the committee expressed great concern over the manner in which the School Board filed this petition and the fact that there is an existing violation at this site. However, due to the limited scale of this petition and the required buffer, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Physical Facilities
Charlotte-Mecklenburg Schools
3114 Bank Street
Charlotte North Carolina 28203
Telephone (704) 343 6050
Fax (704) 343 6047

John A Murphy
Superintendent

October 23, 1992

Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

RE: REZONING PETITION NO. 92-59
3901 CRAIG AVENUE

Dear Sir or Madam:

As requested, this letter is to clarify and provide additional background information on Charlotte-Mecklenburg Schools' (CMS) petition to rezone a 1.3 acre portion of the referenced site located at the school bus maintenance facility.

The school system was first informed of a zoning inconsistency at the Craig Avenue property in June 1991, as plans for a new garage addition on the site were reviewed by the zoning administrators office. We were informed that a small triangular portion of the R-4 zoned site was fenced-in behind the I-1 zoned area of the site. The current zoning maps showed the zoning separation and boundary line between the two uses to be along the fence alignment.

CMS staff concluded that the encroachment occurred several years ago when a section of the fence was realigned to create needed additional parking on the industrial site for school buses.

In response to the notice from the zoning office, CMS, as part of the garage addition project, sought to correct the infraction by filing a petition with the Planning Commission to rezone the area and bring it into compliance with the zoning ordinance.

Although the garage addition has since been completed, the zoning office has held its approval for occupancy until the zoning issue has been resolved. In the interim, the school system has lost the use of the facility for nearly three months while the rezoning has proceeded.

The garage addition itself does not impact the 1.3 acre site, however, access to the building as well as vehicle circulation around the building perimeter will be limited, if not impossible, should the rezoning petition be denied, and the fence be required to be reset along its original course.

With the approval of the petition, the existing site arrangement and fence location will not be altered. The only physical site change to occur would be as a result of the installation of the required buffer between the rezoned I-1 area and the existing R-4 area. Moreover, approximately two-thirds (2/3) of the 1.3 acres under consideration would be limited to buffer use only. We believe that the rezoning of this 1.3 acre portion of the overall 25.8 acre site will not adversely impact the surrounding residential properties nor the Oakhurst community proper. It will, however, allow CMS to continue to utilize the desperately needed area for parking school buses.

We hope that this overview of the issues surrounding the petition is helpful in your reaching a favorable ruling on our behalf. We would like to thank the commission for their time and consideration. Please feel free to contact me directly should any additional information be needed.

Sincerely,

Lance A. Ollivierre, EIT
Construction Engineer

/mml
c: B. Hance
C. Wallace
W. Neeley

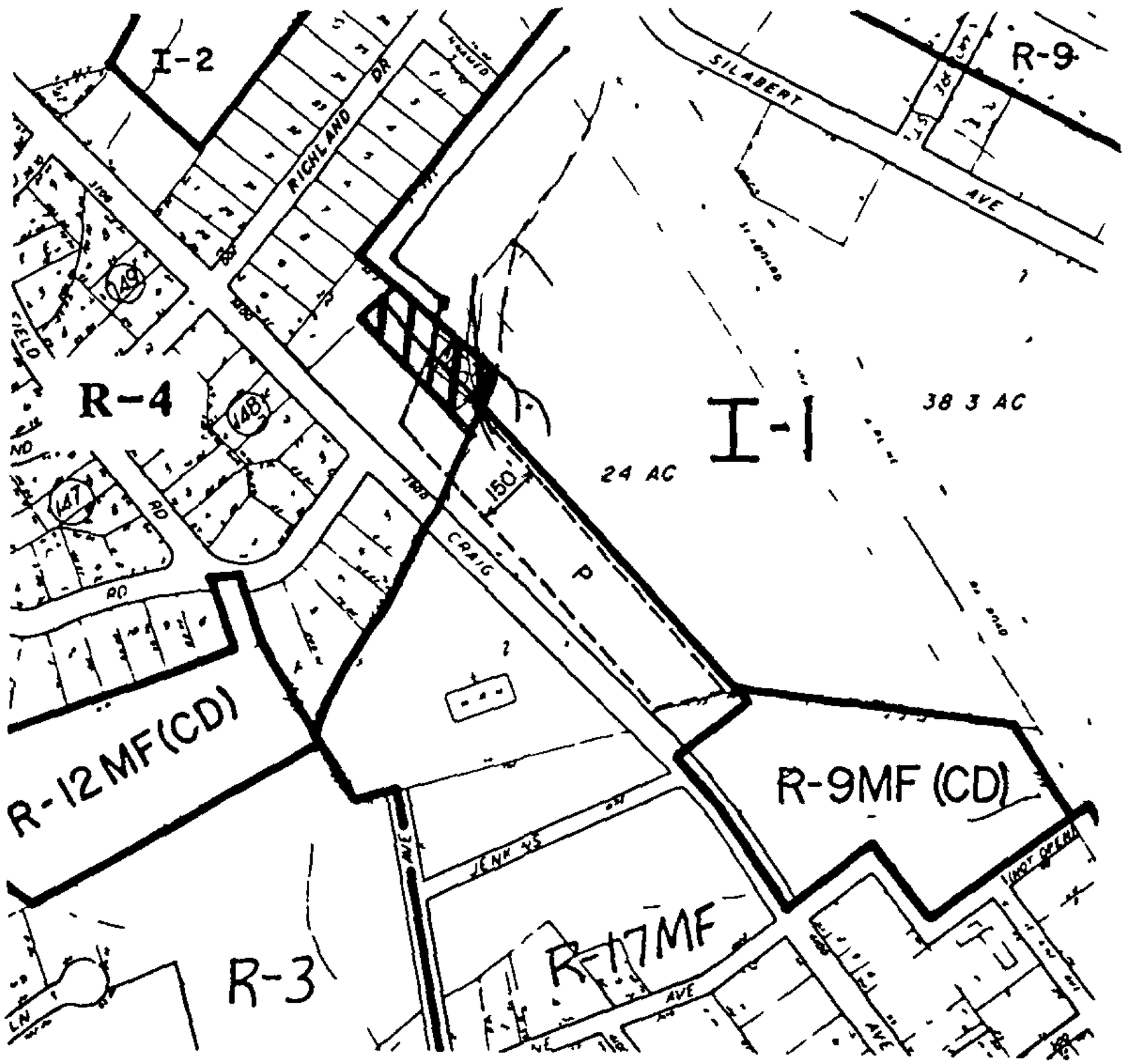
PETITIONER: Charlotte-Mecklenburg Schools

PETITION NO.: 92-59 HEARING DATE: October 19, 1992

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED. I-1

LOCATION: A 1.3 acre site located off of Craig Avenue to the rear of the school bus maintenance facility.



ZONING MAP NO(s).: 136 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-61

PETITIONER(S): Trammell Crow Company.

REQUEST: Change from R-17MF to I-1.

LOCATION: A 1.23 acres site located on the west side of Reames Road, north of Northpark Boulevard.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor and Whelchel.

Nays: None

Absent: Fenning.

REASONS

This petition proposes rezoning from a multi-family residential category to light industrial. Publicly adopted plans for this area recommend business park uses for the subject property, which is surrounded by industrial zoning. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

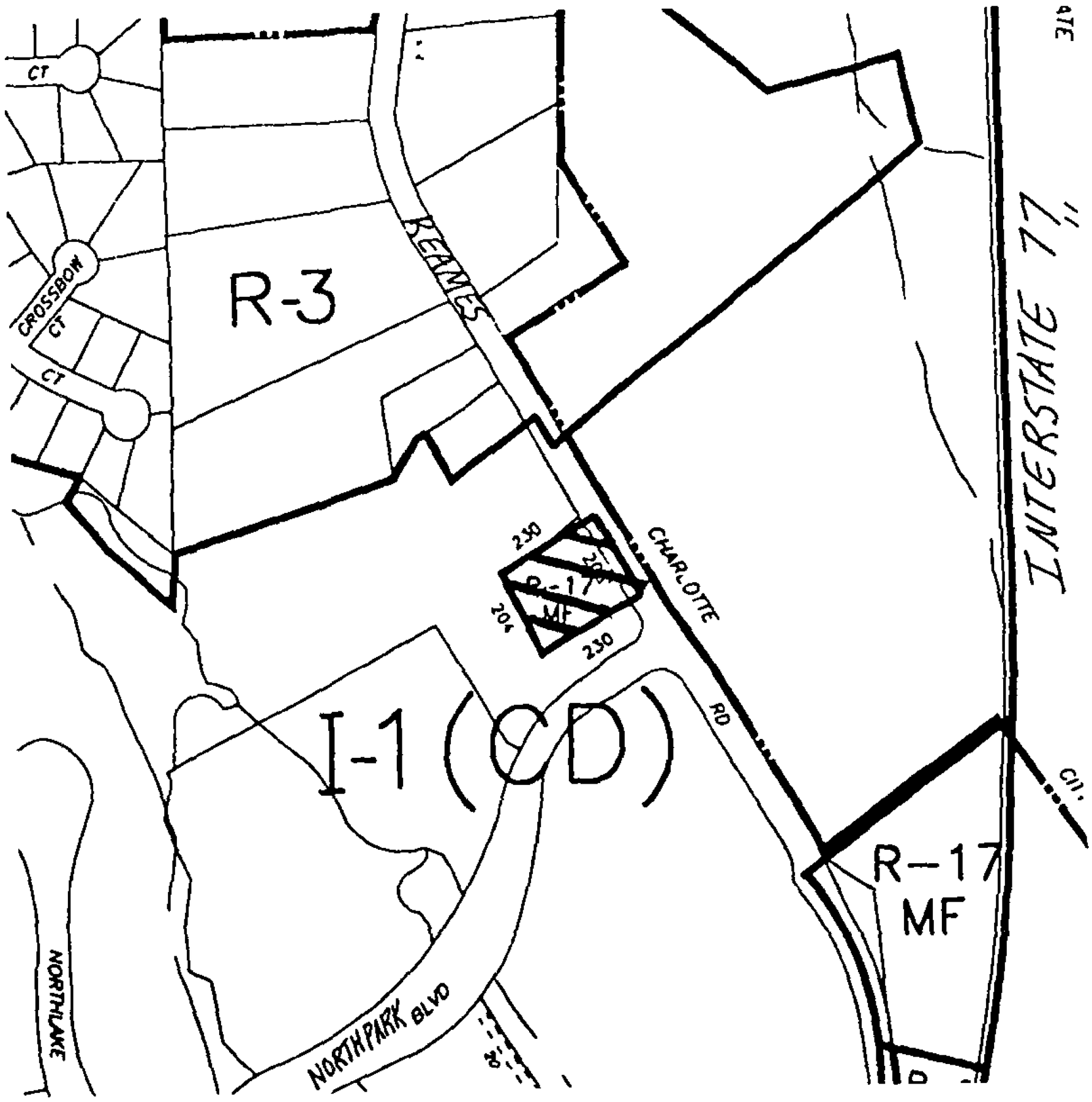
PETITIONER Trammell Crow Company

PETITION NO.: 92-61 HEARING DATE: October 19, 1992

ZONING CLASSIFICATION, EXISTING: R-17MF

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION. A 1.23 acre site located on the west side of Reames Road, north of NorthPark Boulevard.



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

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-62

PETITIONER(S): Richard and Mary McDougall.

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

LOCATION: A 5.28 acre site located on the east side of South Boulevard (U.S. 521), north of China Grove Church Road.

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

VOTE: Yeas: McClure, Baker, Byrne, James, Tabor and Whelchel.

Nays: None.

Absent: Fenning.

REASONS

This petition proposes rezoning from general industrial to a light industrial category for an existing automobile sales facility. The new zoning ordinance does not permit automobile sales in the general industrial district, however, automobile sales are permitted the light industrial district. Publicly adopted plans for the area recommend employment and industrial type uses in the area of the subject property. This petition raises no issues from a land use standpoint. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

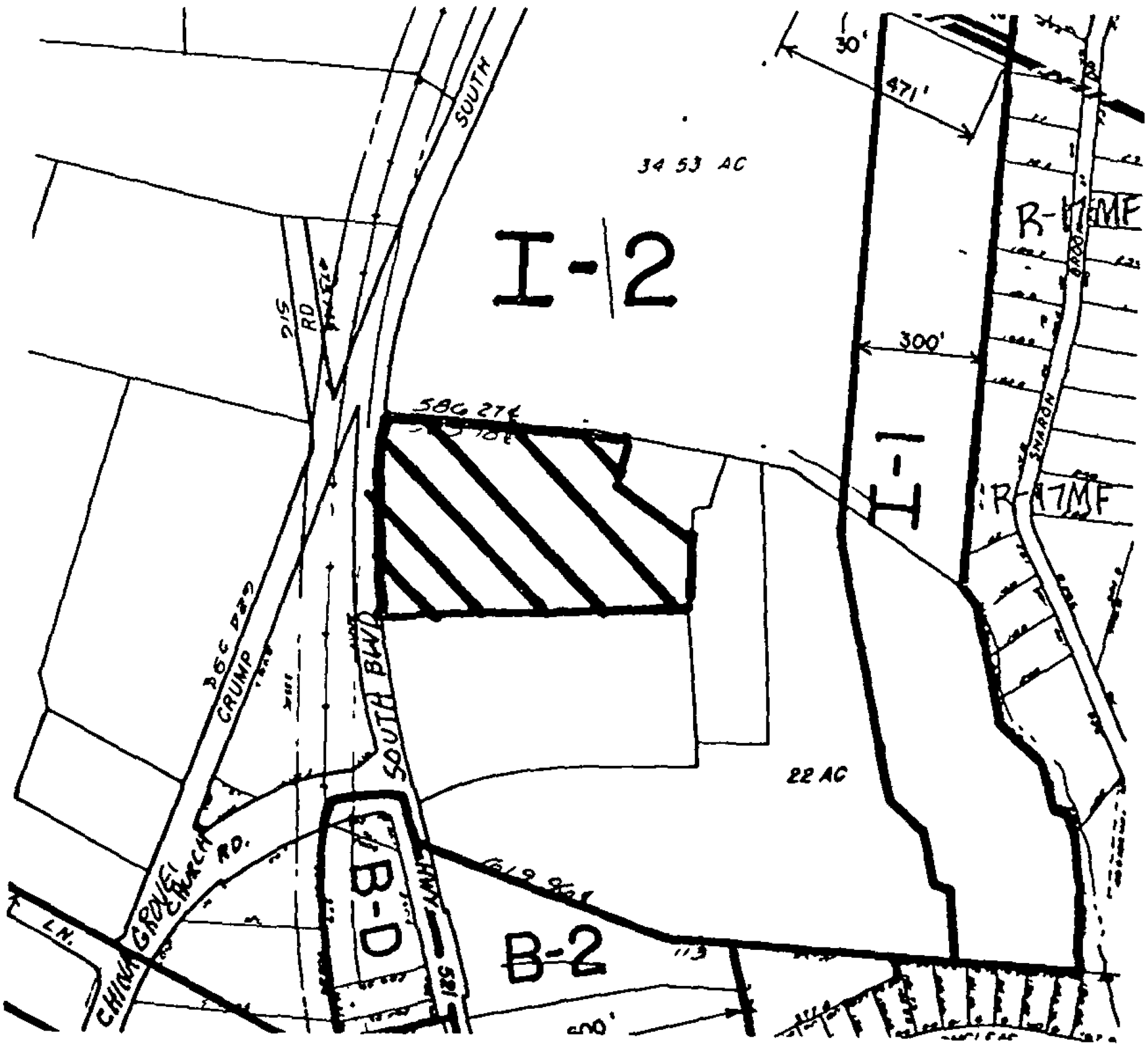
PETITIONER Richard and Mary McDougall

PETITION NO.: 92-62 HEARING DATE: October 19, 1992

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: A 5.28 acre site located on the east side of South Boulevard (U S. 521) north of China Grove Church Road.



ZONING MAP NO(s).: 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-63

PETITIONER(S): The Daisy Basket.

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

LOCATION: A .55 acre site located on the south side of Monroe Road west of Summey Avenue.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor and Whelchel.

Nays: None.

Absent: Fenning.

REASONS

This petition proposes rezoning from an office category to a conditional commercial category to accommodate a floral shop in an existing structure. The most recently adopted plan for the area, the East District Plan, recognizes the existing office zoning in the area and recommends that it remain. The Zoning Committee discussed what the plan for the area recommends in contrast to what is there now. Based on the development pattern in the area, as well as the site plans submitted by the petitioner, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff is concerned about the domino effect that may take place in this area. Indeed, the staff has already been contacted by at least one other party interested in more commercial zoning in the area based on this petition.

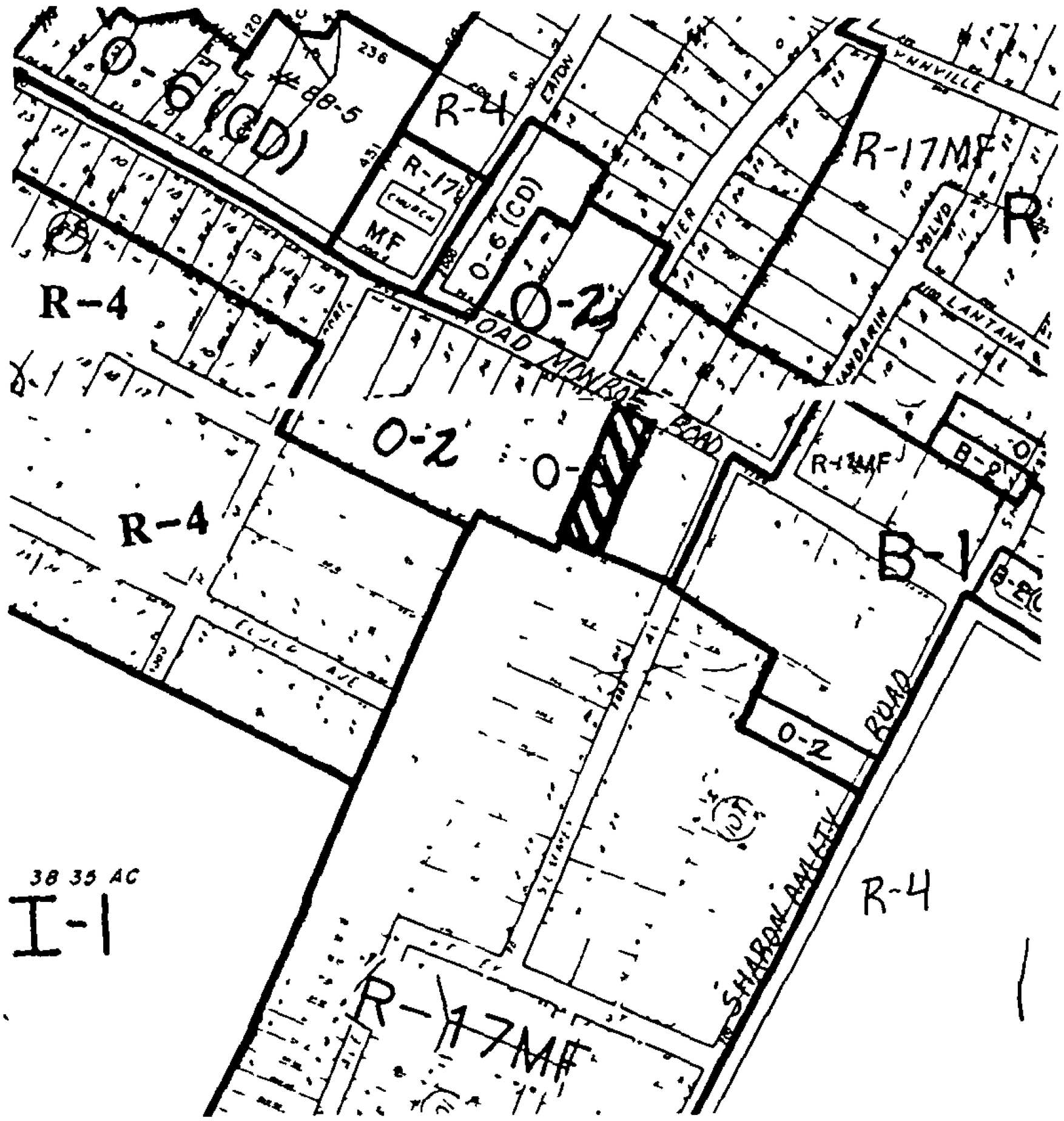
PETITIONER The Daisy Basket

PETITION NO.: 92-63 HEARING DATE October 19, 1992

ZONING CLASSIFICATION, EXISTING: O-2

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

LOCATION: A .55 acre site located on the south side of Monroe Road west of Summey Road.



ZONING MAP NO(s).: 113 & 123 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-65

PETITIONER(S): University Research Park, Inc.

REQUEST: Change from O-15(CD) to B-1(CD).

LOCATION: A 7.24 acre site located on the southwest corner of West W. T. Harris Boulevard and Mallard Creek Road.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor and Whelchel.

Nays: None

Absent: Fenning.

REASONS

This petition proposes a rezoning from the existing conditional office zoning category to a conditional commercial category to accommodate retail development. The most recently adopted plan for this area, the Northeast District Plan, recommends office type uses for the subject property. The petitioner is requesting through this rezoning case that the Northeast District Plan be amended to recognize the feasibility of commercial development on the subject property. The Zoning Committee voted to send this petition forward with an affirmative recommendation and request that City Council amend the Northeast District Plan to reflect this change.

There are still some outstanding transportation issues that need to be resolved. The petitioner's agent agreed to work with the Department of Transportation to resolve these issues. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. Petitioner and staff have agreed on the appropriate language which will be made part of the petition.

M E M O R A N D U M

DATE: October 26, 1992

TO: Walter G. Fields, III
Planning Commission

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

SUBJECT: Rezoning Petition 92-65: W.T. Harris Boulevard and Mallard Creek Road
Traffic Impact Study

The Charlotte Department of Transportation (CDOT) has completed its review of the traffic impact study (TIS) prepared by Post, Buckley, Schuh, & Jernigan (PBSJ) for the University Research Park in conjunction with the subject rezoning petition. CDOT concurs with the TIS based on the additional information and analyses that were provided for our review following our October 6, 1992 comments regarding the initial study.

CDOT will support the petition if the Zoning Committee of the Charlotte-Mecklenburg Planning Commission and the Charlotte City Council determine that the land use is appropriate at this location and provided that the following roadway/driveway improvements are completed to ensure that the operation of the signalized intersection of W.T. Harris Boulevard and Mallard Creek Road will not be adversely impacted by the site generated traffic from the proposed development.

1. A right-turn lane based on deceleration is constructed at the W.T. Harris Boulevard driveway in accordance with the appproved W.T. Harris Boulevard median opening/access policy. The petitioner/developer is responsible for all costs associated with the design and construction of the right-turn lane which must be completed prior to issuance of a certificate of occupancy for parcel A. The design of the right-turn lane must be reviewed/approved by CDOT and the NCDOT in conjunction with the driveway permit approval process.

2. Old Mallard Creek Road is realigned opposite the southernmost site driveway as is shown on the site plan. Also that left-turn lanes (northbound and southbound) are constructed on Mallard Creek Road at this location as is indicated in the traffic study. The petitioner/developer is responsible for all costs associated with the design and construction of these improvements which must be completed prior to issuance of a certificate of occupancy for parcel A. The design of these improvements must be reviewed/approved by CDOT and the NCDOT in conjunction with the driveway permit approval process.

3. The northernmost Mallard Creek Road driveway is physically constructed to allow right in/right-out movements only unless a median is constructed with improvements in item 2. The design of the driveway must be reviewed/approved by CDOT and NCDOT in conjunction with the driveway permit approval process.

The statements related to these improvements included in the petitioner's October 15, 1992 letter must be modified to conform to the above conditions.

This site is located in the area of the NCDOT's Mallard Creek Road (U-2507B) and W.T. Harris Boulevard (U-0609H) widening projects. These projects will begin construction by the end of this year. The petitioner/developer should coordinate the required roadway improvements with these projects.

CDOT reviewed access to the site with respect to the draft W.T. Harris Boulevard median opening and access policy developed by the North Carolina Department of Transportation (NCDOT), CDOT, and the Mecklenburg County Engineering Department (MCED). This document commits the NCDOT, CDOT, and MCED to a joint policy for approval of access, median opening, and signalization requests along W.T. Harris Boulevard from I-77 to US 74 (Independence Boulevard). Until the Eastern and Northern segments of the Outer Loop are completed (construction to begin in the late 1990's) or the Eastern Circumferential is completed (construction not yet programmed), W.T. Harris Boulevard will serve major by-pass functions in addition to normal thoroughfare functions. The purpose of the policy is to ensure a high level of traffic service on the roadway by limiting the number of signalized intersections, property access locations, and median opening locations.

The policy also recognizes that turning traffic disrupts the flow of through traffic when forced to decelerate in the through traffic lane. This behavior, when producing speed differentials of greater than 10 mph, also sharply increases the potential for rear-end accidents. For these reasons the policy states that it is desirable to design turn lanes with lengths that are greater than that normally needed to meet only storage requirements.

Please make this information available to the City Council and to the Zoning Committee prior to its meeting on October 26, 1992.

If we can be of further assistance, please advise.

RDG/SLP:nsk

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
Fred E. Bryant
University Research Park, Inc.
Rezoning File

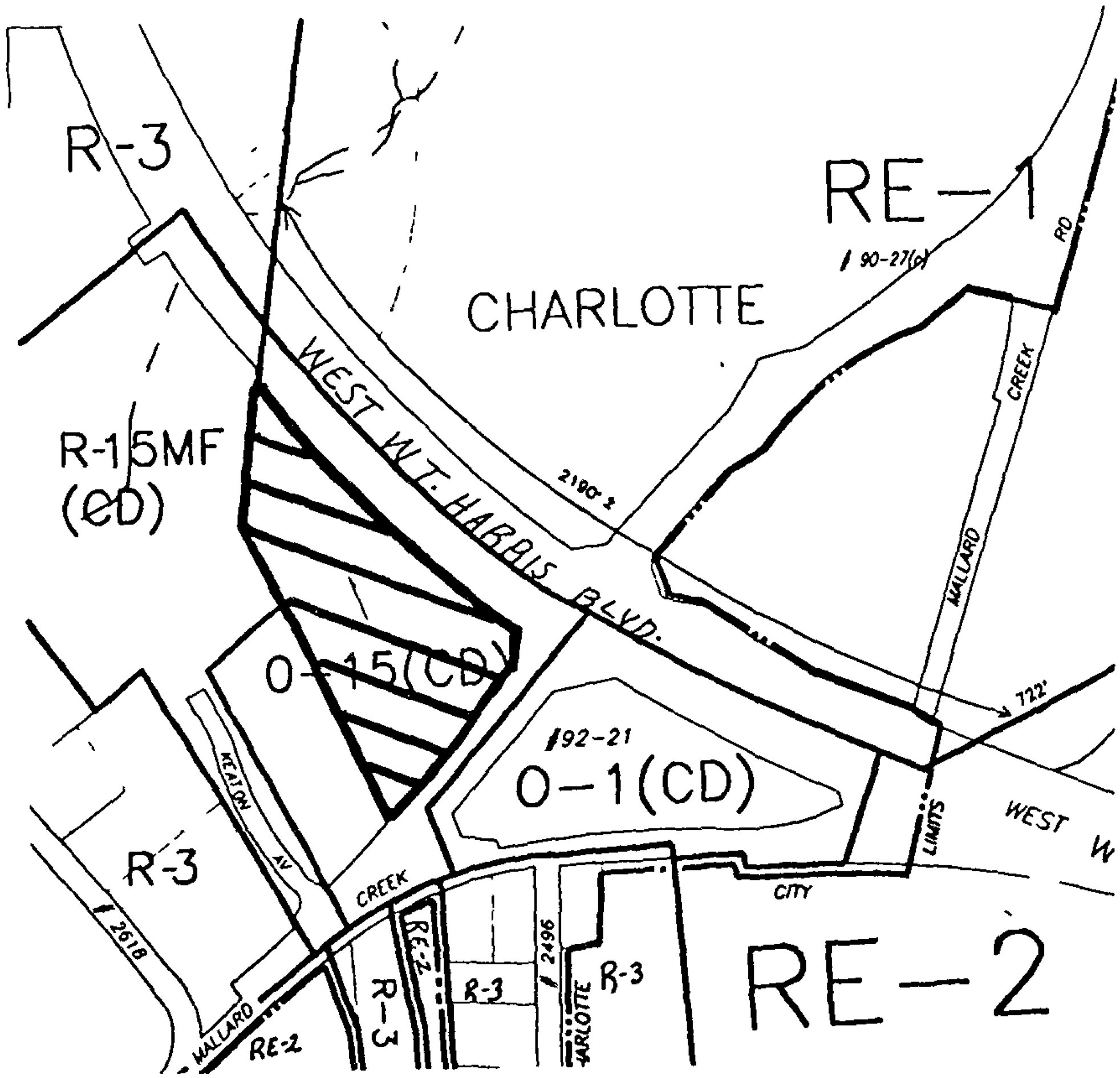
PETITIONER University Research Park, Inc

PETITION NO.: 92-65 HEARING DATE October 19, 1992

ZONING CLASSIFICATION, EXISTING: O-15(CD)

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

LOCATION: A 7.24 acre site located on the southwest corner of W. T. Harris Boulevard and Mallard Creek Road.



ZONING MAP NO(s).: 58

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: October 26, 1992

PETITION NO.: 92-66

PETITIONER(S): Consolidated Pipe and Supply Company, Inc.

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

LOCATION: A 8.20 acre site located off North Graham Street on Amble Drive at Pinegrove Circle.

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

VOTE: Yeas: Baker, Byrne, James, McClure, Tabor and Whelchel.

Nays: None

Absent: Fenning.

REASONS

This petition proposes rezoning from a light industrial category to a general industrial category. Publicly adopted plans for the area recognize the employment and industrial development in this area. Therefore, the Zoning Committee considers this petition appropriate for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

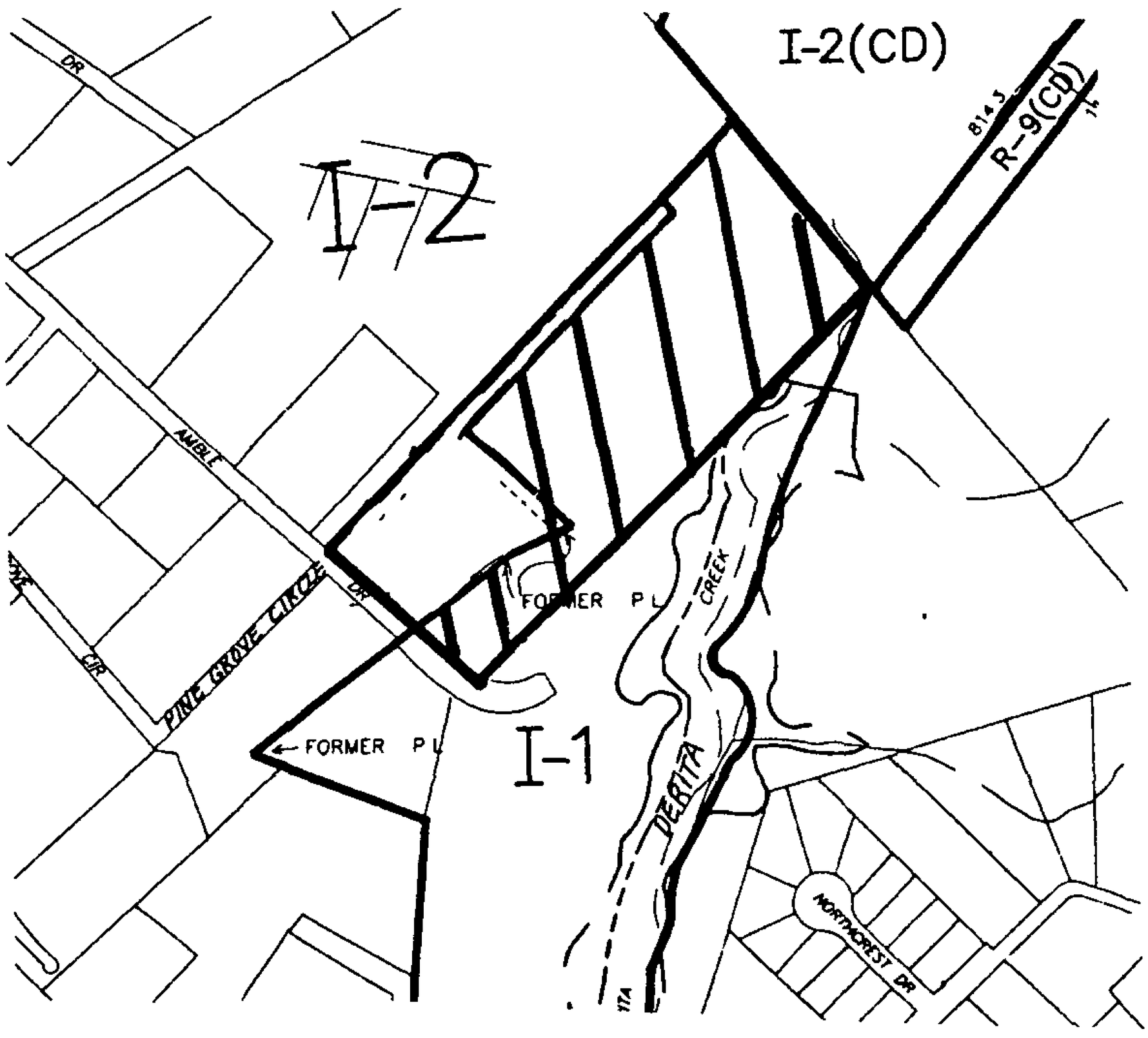
PETITIONER: Consolidated Pipe and Supply Co., Inc.

PETITION NO.: 92-66 HEARING DATE: October 19, 1992

ZONING CLASSIFICATION, EXISTING: I-1

ZONING CLASSIFICATION, REQUESTED: I-2

LOCATION: An 8.20 acre site located off North Graham Street on Amble Drive at Pine Grove Circle.



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

PROPERTY PROPOSED FOR CHANGE

Dinner Briefing

Mayor Vincent	✓
Campbell	✓
Cole Secter	
Hammond	✓
McCoy	✓
Majeed	✓
Morgan	✓
Martin	✓
Patterson	✓
Reid	✓
Scarborough	✓
Wheeler	✓

11-19-92

ZONING COMMITTEE

Ann McClure	✓
Ken Baker	✓
Gloria Fenning	✓
Jack Byrne	✓
Don Wheelchel	✓
Vincent James	✓
John Jabon	✓

5:30 p.m.

Walter Fields - Watershed - Old coming in April

McCrory

Fields - Must meet state requirements

Vincent

Fields

Morgan

Vincent

Underhill

Vincent

Mangum
Martin
Vinroot
Wheeler - Lombardy - #5
Mangum - 8 needs
Vinroot
Reed -
Hammond - Public Relations piece approved for stormwater - Epley Associates
Reid
Jim Schumacher
Vinroot
Scarborough
Hammond
Martin
Hammond
Majeed -
Scarborough
Vinroot
Mike Coca -
McCrory
Vinroot
Labor

Reid -
Vinroot
Reid - Carried 5 passengers for
Vinroot $22,000 for
Reid summer
McCrory

5:50 p.m.

Zoning Meeting 11/16/92

Mayor	✓	Ann McClure	✓
Campbell	✓	Jack Byrne	✓
Clodfelter	absent	Ken Baker	✓
Hammond	✓	Gloria Jenning	✓
McCrory	✓	Vincent Jones	✓
Majeed	✓	Don Wheelehil	✓
Mangum	✓	John Tabor	✓
Martin	✓		
Patterson	✓		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

6 05

Vinroot
Hoyle Martin - Invocation
Ann McClure 11/23 4.30
Vinroot
Mangum / Wheeler 92-56 Defer - Tuesday #5
Scarborough / Patterson 92-59 Defer - Tuesday #8
Vinroot Hammond
Martin.
~~Other~~ Vinroot

Wheeler
Patterson
Martin / Mangum Place # 5 + #8
on agenda next Monday - 11/23
Mangum
Vinroot
Scarborough
Vinroot
Martin / Wheeler, Change order
to #3, #2, #1 - Unan.
Vinroot
#3 92-68
Mangum / Wheeler Close Hrng
Unan.
#2 92-58
Vinroot
Mangum / Wheeler Close Hrng.
#1 92-45 Unan.
Vinroot
Mangum
Laura Simmons - MF (CD) NOT SF
Martin
Simmons
Martin
Simmons
Vinroot

Peter Pappas - For -
Scarborough
B Pappas
Bob Young - For
Jackie Breeda - For
Vinroot
Robert Southern - Against
David Levasseur - Against
Scott Henry - Against
Vinroot
Mangum
Young
Vinroot
Scarborough
Hammond
Bob Young
Hammond
Young
Hammond
Young
Hammond
Young
Hammond

Young
Hammond
Young
Hammond
Young
Hammond
Young
Hammond
Hammond
Laura Simmons
Hammond
Young
Hammond
Young
Hammond
Young
Hammond
Young
McCrory - noise + night activity
Young
McCrory
Young
McCrory
Young

McCrory - What impact to Quail Hollow side?

Martin
Young
Martin
Young
Martin
Young
Mangum
Young
Mangum
Young
Mangum
Lewasseur
Mangum
Lewasseur
Mangum
Young
Mangum
Young
Mangum
Vincent
Mangum
Vincent
Hammond
Young

Hammond
Young
Scarborough / McCrory Case Hung
Vinroot
McClure
Wheelchel
McCrory
VOTE - Tuner.

#492-24
Patterson / Majeed Deny
VOTE - NO - Mangum Martin, Wheeler
Scarborough
Underhill - Wanted to confirm that Council is rescending ord. as shown in option (a) - Yes
#6 - 92-56
Reid / Wheeler App
Mangum
Fields
Mangum.
Fields
Mangum
Fields
Mangum
Hammond
Fields

Hammond
Doug Gillis - 4000 trips per day
Hammond
Fields
Mangum
Fields
VOTE -

No MAJEED, MANGUM, HAMMOND

Majeed - 92-24 - Make sure UNCC knows about future rezonings that may affect them

#7 92-57 Mangum / Hammond App-Zman.

#9 92-61 Hammond / Wheeler App.-Zman

#10 92-62 Scarborough / Hammond App-Zman.

#11 92-63 Man / Scarbo App-Zman

#12 92-65 Scarborough / Wheeler App
Hammond
Fields
Wheeler

McClure - Not comfortable with a change in Plan Amendment

Hammond

McClure

Hammond

Majeed

McClure.

Hammond

Chmrosk

VOTE - Unan

#13

Mangum / Wheeler App

Unan

#14 Mangum / Scarborough App - Unan

#15. Mangum / Scarborough App - Unan.

#16 McCrory / Martin App Unan

#17 Reid / Martin App. Exec. Session

Mangum / Reid Adjourn

7.45