AGENDA

Meeting Type.	B
Date:	10-19-1992

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
October 19, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Elvin Sadler, Grace AME Zion Church.

2. ANNOUNCEMENTS

Tuesday, October 20, 12 Noon, City Council/County Commission/School Board, CMGC Conference Center.

Wednesday, October 28, 4:00 p.m. City Council Public Safety Committee, Room 270.

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

A) Agenda Item No. 1 - Hearing on Petition No. 92-45

(1) R. C. Bryson, 5922 Sharon Hills Road - 553-2084 - Against

(2) Robert Southern, 5900 Sharon Road - 552-8605 - Against

(3) Scott Henry, 4011 Rhodes Avenue - 373-6182 - Against

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

B) Agenda Item No. 4 - Hearing on Petition No. 92-59

Two protest petitions have been filed, however 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.

C) Agenda Item No. 8 - Hearing on Petition No. 92-65

(1) Shirley Taylor, 3049 Heathcroft Court, 547-8635 - FOR

(2) David Taylor, 2434 Red Fox Trail, 366-5433 - FOR

(3) Fred Bryant For

~~(4) Brent Taylor For~~

DID NOT SPEAK EXCEPT TO ANSWER QUESTION

ITEM #5 Fred Bryant - For

ITEM #7 Fred Bryant - For

ITEM # 9 92-66 Lee McLaren (AGENT) - FOR
Bill Adcox - For

CHARLOTTE

Meetings in October '92

OCTOBER 1 - 2

1, Thursday

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

10 00 a m — **AIRPORT ADVISORY COMMITTEE** Charlotte Douglas International Airport, Conference Room A

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

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

THE WEEK OF OCTOBER 5 - 9

5, Monday

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

11 30 a m — **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room

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

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

9, Friday

8 30 a m — **POLITICAL CONSOLIDATION WORKSHOP** CMGC, Conference Center

THE WEEK OF OCTOBER 12 - 16

12, 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** Commission Office, The Law Building, 730 E Trade St , St 100

13, Tuesday

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

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

14, Wednesday

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

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

15, Thursday

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

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

16, Friday

7 30 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 OCTOBER 19 - 23

19, Monday

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

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

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

20, Tuesday

2 00 p m — **HOUSING AUTHORITY** Authority Office, 1301 South Boulevard

21, Wednesday

5 00 p m — **CITIZENS CABLE OVERSIGHT COMMITTEE** - Cablevision of Charlotte, 316 E Morehead Street

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

22, Thursday

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

THE WEEK OF OCTOBER 26 - 31

26, Monday

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

27, Tuesday

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

28, Wednesday

7·45 a m — **PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271

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

29, Thursday

7 30 a m — **FIREFIGHTERS RETIREMENT BOARD** - 428 E Fourth Street, Suite 205

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

These organizations will not meet in October.
Community Relations Committee
Insurance & Risk Management Advisory Board

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, October 19, 1992

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

Dinner Presentation
Bill Cox, County Engineering - update Council on Traffic Impact Study for the University Area.

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

Invocation by Rev. Elvin Sadler, Grace AME Zion 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).

Mangum/Martin Open the hearing and continue for 30 days unan.

A protest petition has been filed, and is not sufficient to invoke the 20% rule.

This petition was deferred at the September 21 meeting.

Attachment No. 1 ANOTHER PROTEST FILED AND IS SUFFICIENT

2. (92-56) Hearing 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.

McCrory/Clodfelter Close Hrng. unan.

Attachment No. 2

REMOVE 92-67 + 92-64
FROM RESOLUTION
FOR NOVEMBER -
LETTER RECEIVED
FROM BAILEY
PATRICK TODAY!
10/19

3. (92-57) Hearing on Petition No. 92-57 by Charlotte-Mecklenburg Planning Commission for a Text amendment to provide for a specific parking standard for fire stations.

Mangum/Hammond
clse. Hrng.
unan.

Attachment No. 3

4. (92-59) Hearing 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.

McCrory/Hammond
clse Hrng.
unan

2 PROTESTS FILED AND 1 IS SUFFICIENT

Attachment No. 4

5. (92-61) Hearing 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/McCrory
clse Hrng.
unan

Attachment No. 5

6. (92-62) Hearing 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/McCrory
clse Hrng.
unan

Attachment No. 6

7. (92-63) Hearing 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.

McCrory/Martin
clse Hrng
unan

Attachment No. 7

8. (92-65) Hearing 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.

McCrory/Hammond
clse Hrng
unan

Attachment No. 8

9. (92-66) Hearing 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 8.2 acre site located off North Graham Street on Amble Drive at Pine Grove Circle.

Reid/Martin
clse Hrng.
unan

Attachment No. 9

DECISIONS

Dist. 22 H3432 B41 P 151

10. (92-18) Decision on Petitio No. 92-18 by Dilworth Community Development Association for a Text Amendment to various sections of the City of Charlotte Zoning Ordinance to establish criteria for the location and design of group homes.

Motion for Withdrawal App. Union

This petition was deferred at the May 18 and September 21 meetings.

The Zoning Committee recommends that this petition be approved as an interim measure.

Attachment No. 10

11. (92-24) Decision on the remaining portion of Petition No. 92-24 by 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 U.S. 29 and the northerly side of Mallard Creek Church Road. (Northeast District Plan)

Motion for Master Defer 30 days

The decision on this zoning petition was originally a part of the August 24, 1992 agenda. Protest petitions seeking to invoke the three-quarter voting rule had previously been filed. However, the only protest petition that was signed by the owners of 20% or more of the area to be rezoned, thereby triggering the three-quarter voting rule, involved the area within the petition proposed to be rezoned from B-1 to R-3. As a consequence, in order to rezone this portion of the zoning petition, affirmative votes of three-fourths of the Mayor and City Council, not excused from voting were necessary. Since there was not a valid three-quarter protest petition filed with regard to the balance of the petition, (the portion proposing a re-zoning from Institutional to R-3) only six affirmative votes of the Council would be necessary to approve the re-zoning. In addition, since there would be no valid three-quarter protest petition, the Mayor would have no vote with respect to this portion of the petition.

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 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-quarter protest petition was not rezoned. However, the Council should have taken a second vote in order to properly resolve the re-zoning of the remainder of the

petition that was not subject to a valid three-quarter protest petition. Through an oversight, no second vote was taken.

Accordingly, it is requested that the City Council make a decision with regard to that portion of Petition No. 92-24 that proposes a change in zoning from Institutional to R-3. The Zoning Committee recommended that the entire petition be approved.

Attachment No. 11

12. (92-42) Decision on Petition No. 92-42 by Paul D. Weeks for a Text Amendment to the City of Charlotte Zoning Ordinance to add language that would give the Planning Director the authority to consider allowing additional uses to an approved conditional zoning site plan. Because the Zoning Committee had concerns about this, the Petitioner has amended the proposed text to give the Planning Commission the authority to review all requests and the authority to make the final decision instead of the Planning Director.

Martin/Majeed App
Sub'd. Clodfelter/Hammond
Deny
Martin - motion - Denied
No - Campbell, Patterson, Reid, McCrory

This petition was deferred for 60 days at the August 24 meeting.

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

Attachment No. 12

Ord. #2
3433-2
B 41
p. 153

13. (92-46) Decision on Petition No. 92-46 by Ronald and Reba Henry for a change in zoning from R-17MF to O-1(CD) for a 1.94 acre site located on the southeast corner of Oak Drive and Oakdale Road. The Petitioner has added a note to the site plan that all buffers are to be undisturbed.

Martin/Mangum
app.
unan

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

Attachment No. 13

Ord. #3
3434-2
B 41
p. 155

14. (92-47) Decision on Petition No. 92-47 by Park Ridge Seven Associates for a change in zoning from R-22MF to B-2 for approximately 11.5 acres located along both sides of Park Road, west of the Outer Belt.

Mangum/Hammond
approve to B-1
No Motion

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

Ord. #4 3435-2 B-41 P 157

15. (92-48) Decision on Petition No. 92-48 by Steve and Alma Nemrava for a change in zoning from R-3 to I-1(CD) for a 4.17 acre site located on the south side of Tuckaseegee Road north of I-85.

Martin/Scarborough App. - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (92-49) Decision on Petition No. 92-49 by President Baking Company for consideration of an I-1(CD) Site Plan Amendment for a 1 acre site bounded by Louise Avenue, Belmont Avenue and Pegram Street.

McCrory/Scarborough App. as modified 2nd + Reid sec. Scarborough + Reid sec. Lee approved - 6-5 No - Mayes, Cloadfelter, Wheeler - Martin + Scarborough

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

Attachment No. 16

Ord. #5 3436-2 B-41 P 159

17. (92-50) Decision on Petition No. 92-50 by Clifton and Margaret Flowers, et. al. for a change in zoning from O-1 to R-3 for approximately 1.67 acres located along both sides of Wilora Lake Road north of Albemarle Road.

Hammond/Wheeler App. - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

Ord #6 #3437-2 B-41 P 161

18. (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 for several parcels located off the southwesterly side of East Boulevard extending from Sugar Creek to Cumberland Avenue.

Wheeler/Patterson App everything but Valentine - unan.
Wheeler/Hammond to Defer Valentine - Reid/Patterson No. Hammond voted

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. 18

Ord. #7 #3438-2 B 41 P 163

19. (92-52) Decision on Petition No. 92-52 by Charlotte Inn, Inc. for a change in zoning from I-2 to I-1 for a 6.71 acre site located on the easterly side of Little Rock Road south of I-85.

Reid/Scarborough App. - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

Ord. #8 #3489-2 B-41 P-165

20. (92-53) Decision on Petition No. 92-53 by Alexander Children's Center, Inc., for a change in zoning from R-3 and R-17MF to Institutional (CD) for approximately 46 acres located on the west side of Thermal Road between Pineburr Road and Rocky Falls Road.

Scarborough | Mangum App. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

Ord #9 #3440-2 B-41 P-167

21. (92-54) Decision on Petition No. 92-54 by B.H.B. of Charlotte, Inc. for a change in zoning from O-2 to B-1(CD) for a .21 acre parcel located on the southwesterly side of East Boulevard between Dilworth Road East and Charlotte Drive.

Campbell | Scarborough App. 9-2 + No Mangum Martin

The Zoning Committee recommends that this petition be approved.

Attachment No. 21

Res. #1 Removed 92-64 & 92-67 from Resolution B-30 P-161

22. Recommend adoption of a Resolution calling for public hearing for Monday, November 16, 1992, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street on Petition Nos. 92-58, ~~92-64,~~ and ~~92-67~~ through 92-68 for zoning changes.

Martin | Patterson App all except 92-64 + 92-67 unan.

23. Recommend adoption of a motion to hold an executive session upon the conclusion of this meeting for the purpose of conferring with the City's attorneys about noise litigation as permitted by G.S. § 143.318.11(a)(4).

Patterson | Hammond Motion to hold exec. session unan.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 6, 1992

Mayor and City Council:

RE: Petitions to be Heard in October, 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, October 19, 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 (LRG)

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 [illegible]
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

Telephone Number: 334-9157

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

Address of Petitioner(s)

Telephone Number: 552-9622

DISTRICT VICE PRESIDENT HARRIS BRANCH DIRECTOR

Signature: Andy C Carlson

Signature of Property Owner if Other Than Petitioner

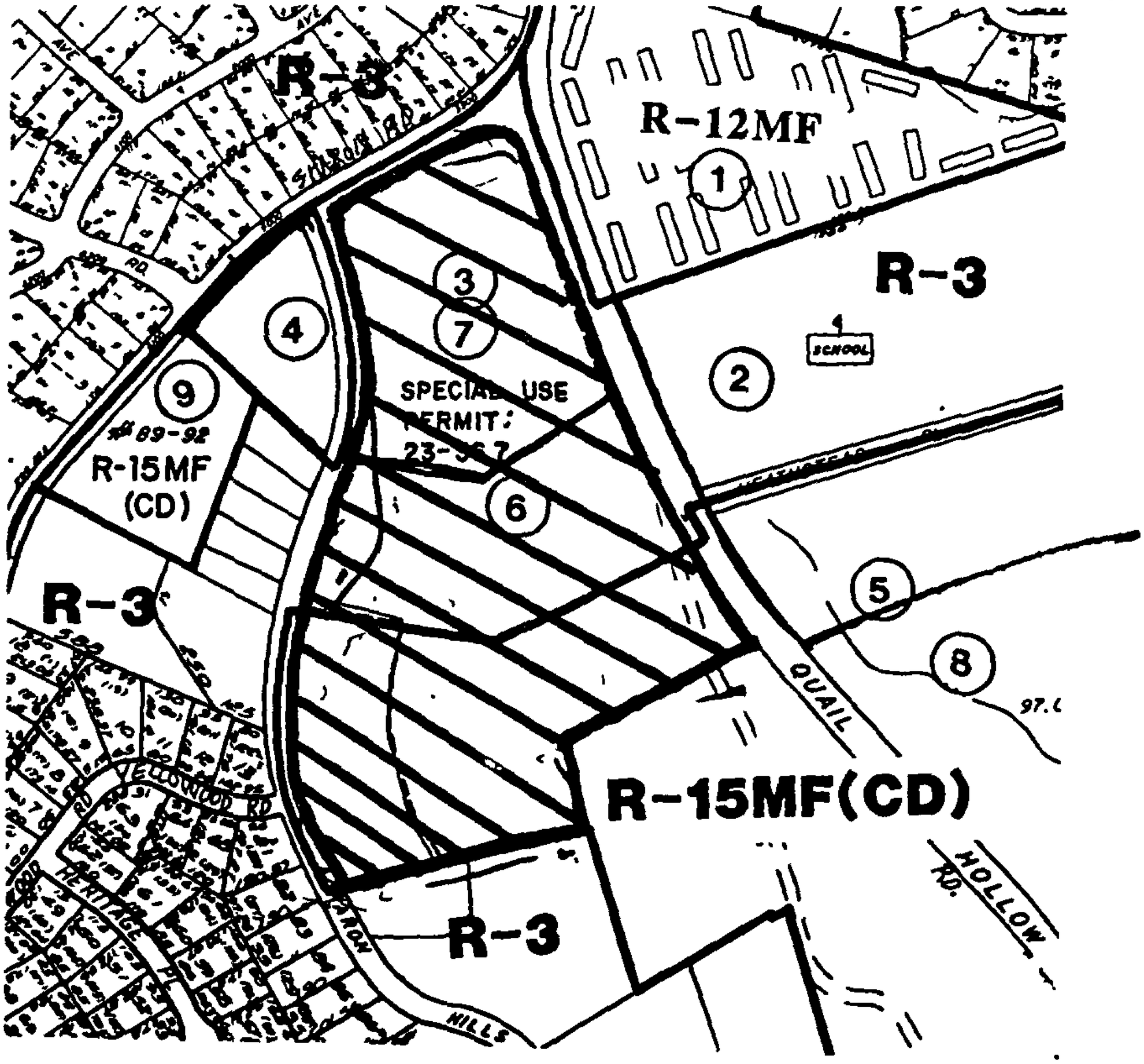
PETITIONER: YMCA of Charlotte-Mecklenburg

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. 92-56

Petitioner: 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 Light Industrial (I-1) district.

BACKGROUND

The revised zoning ordinance which became effective in January of 1992, established maximum size limits for office and retail buildings in industrial districts. The maximum size for office buildings is 100,000 square feet in the General Industrial (I-2) District and 300,000 square feet for the Light Industrial (I-1) District. The general intent was to keep industrially zoned land primarily reserved for that purpose so that its supply would not be depleted by other uses.

These have been concerns expressed that the 300,000 square feet is too restrictive. This proposed text amendment increases the maximum to 400,00 square feet in the I-1 district only.

CONCLUSION

This amendment gives a greater degree of flexibility for office use in the I-1 district while still maintaining the intent of reserving industrial land for industrial uses, especially in the General Industrial (I-2) district. Therefore, this is a justifiable amendment that is recommended for approval.

*Subject to further refinement following public hearing.

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.

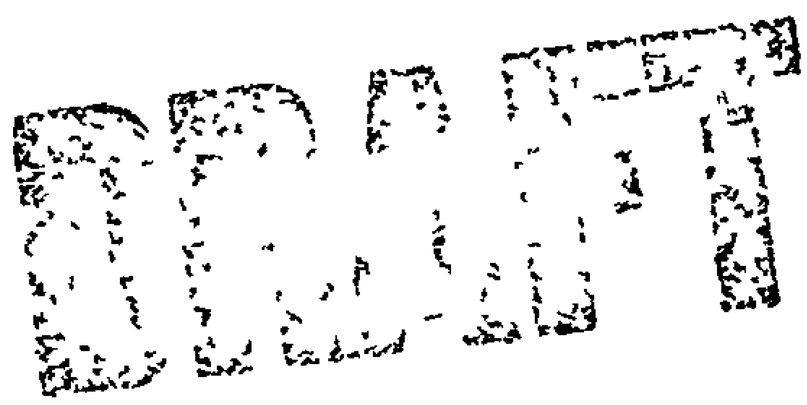
Section 2. That this ordinance shall become effective upon its adoption.

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



M E M O R A N D U M

DATE: September 2, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-56: Text Amendment

The Charlotte Department of Transportation has the following comments concerning this text amendment:

- We oppose amending Section 9.1103 (13) from 300,000 square feet to 400,000 square feet. Parts (a) and (c) should still be requirements for an office development of 300,000 square feet and larger. A typical development with 300,000 square feet of office will generate approximately 3,200 trips per day while 400,000 square foot office development would generate approximately 4,000 trips per day. Any development with a generation of 3220 new daily trips should be required to have primary access to a Class V street (or better) and be required to submit a Traffic Impact Study.

If we can be of further assistance, please advise.

RDG/REG:hll

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-57

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to provide for a specific parking standard for fire stations.

BACKGROUND

The new zoning ordinance has a general parking requirement for governmental buildings of one space per 300 square feet of gross floor area with no specific standard for fire stations. Since a large amount of fire station space is devoted to storage of large vehicles and equipment, this current standard requires more parking than needed. Also, unlike other governmental buildings, fire stations have little demand for visitor parking beyond employee needs. The old ordinance's parking requirement for fire stations was one space per each employee on duty for a normal shift. There was an attempt in the new ordinance to generally get away from parking requirements based upon the number of employees due to their uncertainty and fluctuation over time.

This amendment proposes a specific standard for fire stations by keeping the same requirement for governmental buildings of one space per 300 square feet of gross floor area, but excludes the apparatus room. The City is currently constructing a new fire station with 6,700 gross square feet of which 2,660 square feet will be in the apparatus room. The current standard would require 22 parking spaces, while this proposed amendment would require 13 (18 space will be provided).

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-57

Date Filed August 3, 1992

Received By MCM

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.

Address of Petitioner(s) 28202-2853

(704) 336-2205

Telephone Number

Signature

Petition No. 92-57
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 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

M E M O R A N D U M

DATE: September 2, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-57: Text Amendment

The Charlotte Department of Transportation supports this proposed text amendment concerning the parking requirement for fire stations.

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
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-59

Petitioner: Charlotte-Mecklenburg Schools

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

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

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-4 as are abutting properties to the west along both sides of Craig Avenue. Abutting properties to the east and north are zoned I-1. Properties to the south are zoned a combination of R-12MF(CD), R-3, R-17MF, and R-9MF(CD).

2. Existing Land Use. The subject property is vacant and adjoins a school bus maintenance and warehousing facility. Properties to the north and west are predominantly devoted to single family residential development with Oakhurst Business Park located on Silabert Avenue. Properties to the south are used for multi-family and single family residential purposes and a church.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the area of the subject property and employment uses are concentrated along Monroe Road. The 2005 strategies for the area include potential light rail.

   2. South District Plan (pending). The pending South District Plan recognizes the subject property as an industrial/residential edge. The district plan recognizes the existing industrial zoning of the school bus maintenance facility and the existing single family zoning on the subject property. A neighborhood commercial center is indicated at the intersection of Monroe and Wendover Roads and potential light rail service is indicated for the area.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-10	R-9MF to I-1	Approved	05/29/67
2. 67-20	Cond. Parking in R-9MF	Approved	05/01/67
3. 80-31	I-1 to R-9MF	Denied	12/22/80
4. 80-53	R-9MF & I-1 to R-9MF(CD)	Approved	12/22/80
5. 82-40	R-9MF(CD) Site Plan Amendment	Approved	07/19/82
6. 83-28	R-12 & R-6MF to O-15(CD)	Approved	09/19/83

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning of property from a single family residential category to a conventional light industrial category. The subject property is recognized by adopted and pending plans for the area as residential. Therefore, the petition is not consistent with pending and adopted plans for the area.

2. Technical Consistency.

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

   2. Departmental Comments. There were no significant departmental comments due to the conventional nature of this petition. Comments from CDOT are attached.

ISSUES

1. Land Use. This petition proposes rezoning from single family residential to a light industrial category. Publicly adopted and pending plans for the area recognize the residential zoning of the subject property as well as the adjoining property's existing industrial use. While the proposed rezoning is not consistent with those plans, the limited scope of the petition renders it worthy of consideration. Standards found within the new zoning ordinance would require up to a 100 foot landscaped buffer in order to separate any future industrial development or expansion on the site from the abutting residential properties. The subject property would have limited use except as part of that required buffer. For these reasons, this petition is considered appropriate for approval.

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

CONCLUSION

The requested industrial zoning category is not consistent with pending and adopted plans for this portion of our community. However, any future development or redevelopment that incorporates the subject property would be required by the new zoning ordinance to provide buffers to separate development of the industrial property from the adjoining R-4 property. Those buffer standards would ensure that the potential impact on adjoining residential development is extremely limited.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

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

Date Filed August 3, 199

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Charlotte-Mecklenburg Board of Education

Owner's Address 701 East Second Street, Charlotte, NC 28202

Date Property Acquired June 1962

Tax Parcel Number 157-165-12

Location of Property (address or description) 3901 Craig Avenue, Charlotte, NC 28211

Description of Property

Size (Sq Ft -Acres) ~~25.8~~ acres 1.3 Street Frontage (ft.) ~~1041.52 ft.~~

Current Land Use School Bus Maintenance and School Supply Warehousing

Zoning Request

Existing Zoning ~~20.7 AC (I-1), 2.0 AC (R-3), 3.1 AC (R-9SF)~~ R-4 Requested Zoning ~~Change I-1 3AC~~ I-

Purpose of Zoning Change To bring existing site into compliance with the current zoning ordinance relating to the separation and/or boundaries between distinct zoning d.

Physical Facilities Dept./Attn: L. A. Ollivierre
Name of Agent

3114 Bank Street, Charlotte, NC 28203
Agent's Address

(704) 343-6050
Telephone Number

Charlotte-Mecklenburg School
Name of Petitioner(s)

701 East Second Street, Char
Address of Petitioner(s)

(704) 379-7010
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

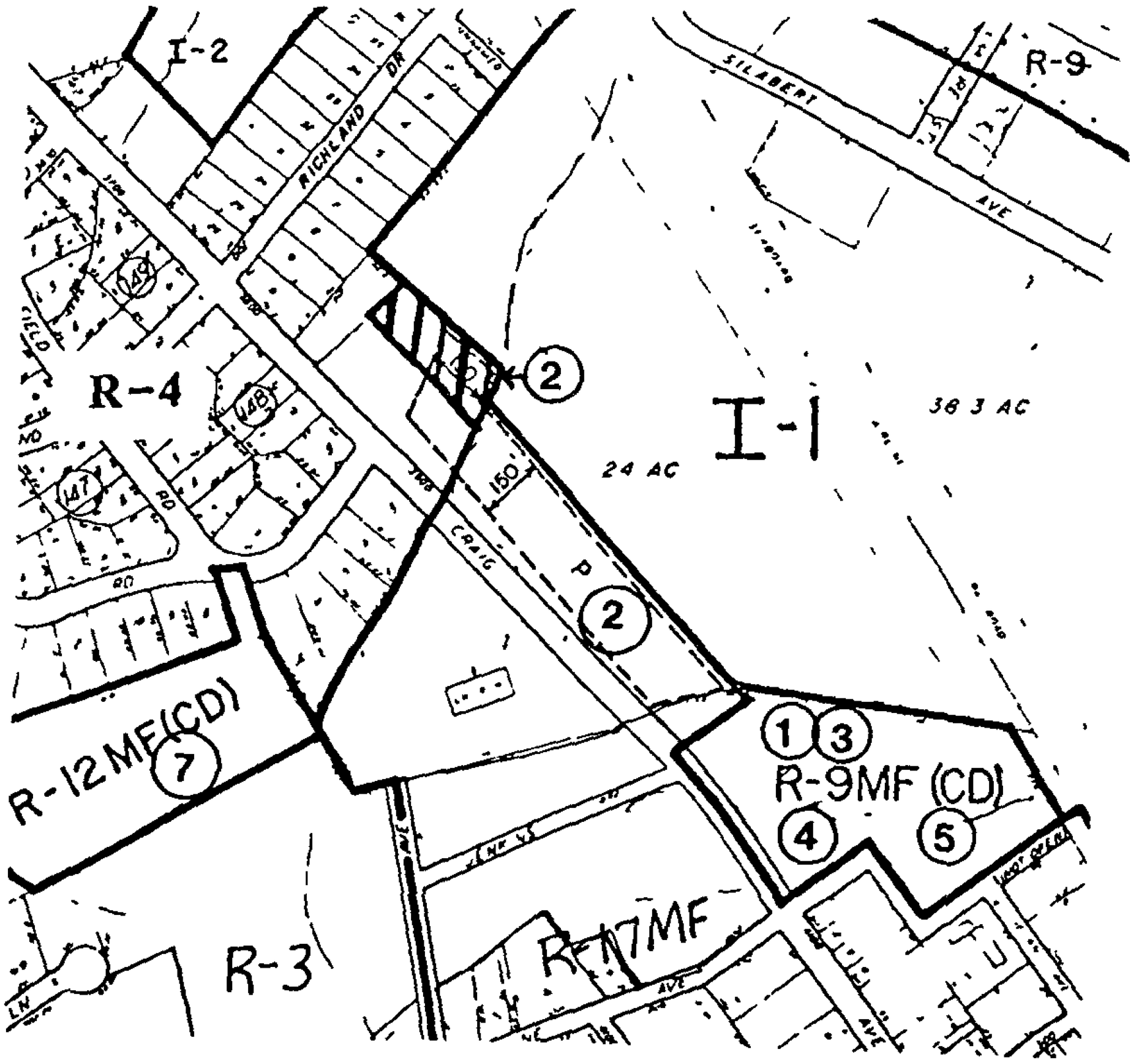
PETITIONER: Charlotte-Mecklenburg Schools

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).: 124

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 92-59: Craig Avenue-School Maintenance Facility

This site could generate approximately 55-60 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 67 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

We have no other comments concerning this rezoning petition.

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
Charlotte-Mecklenburg Schools/Attn: L. A. Ollivierre
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-61

Petitioner: Trammell Crow Company

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

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

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-17MF. Surrounding properties are zoned I-1(CD) as a result of a 1985 rezoning petition under the County's jurisdiction. Properties located to the west and north (Hyde Park) are zoned R-3. Properties located to the south of the petitioned site between Reames Road, Sunset Road, and I-77 are zoned a combination of R-17MF, B-2, and I-2(CD).

2. Existing Land Use. The petitioned property is presently undeveloped. NorthPark Business Park is adjacent to the petitioned property. To the west and north is the Hyde Park Community. Properties to the south between Reames Road and I-77 are devoted to commercial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment type land uses in the area of the subject property. A community commercial center is indicated near the intersection of Sunset and Beatties Ford Roads. The 2005 strategies for the area include improvements to Reames Road and extension of water and sewer lines.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of I-77 to six lanes from the Northern Outer Belt to I-85 and to eight lanes from I-85 to the Southern Outer Belt. The TIP lists this project as one of very high priority.

   3. Northwest District Plan. The Northwest District Plan recommends office/research/business park development for the subject property. A neighborhood convenience center is indicated at Sunset Road and I-77.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 85-12(c)	B-2, B-D, R-12MF, & R-12 to I-1(CD)	Approved	04/15/85
2. 89-63	Established zoning on property annexed into the City	Approved	08/28/89

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a multi-family residential category to the light industrial district. Both the 2005 Plan and the Northwest District Plan recognize the feasibility of expanded business park development on the petitioned property. Therefore, this petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of this petition. It was agreed that a conventional rather than conditional approach would be appropriate for this petition.

   2. Departmental Comments. There were very few departmental comments on this request due to its conventional status. Comments from CDOT are attached.

ISSUES

1. Land Use. This petition raises no land use issues. It is consistent with publicly adopted plans for the area that recognize the feasibility of expanded business park development on the subject property. Therefore, this petition is considered appropriate for approval.

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

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-61
Date Filed August 3, 199
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Tulip #2, c/o Trammell Crow Co./Commercial

Owner's Address: P. O. Box 98309, Atlanta, GA 30359

Date Property Acquired: December 22, 1988

Tax Parcel Number: 037-129-04

Location of Property (address or description)

West side of Reames Road, north of North Boulevard

Description of Property

Size (Sq Ft, Acres): 1.23 acres

Street Frontage (ft): 208.02' on Reames Road

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-17MF

Requested Zoning: I-1

Purpose of Zoning Change: To bring this small parcel into compliance with zoning which surrounds it on all four sides. No other reasonable use for property except lig industrial.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Trammell Crow Company
Name of Petitioner(s)

1450 Charlotte Plaza, Charlo 28244
Address of Petitioner(s)

342-7900
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

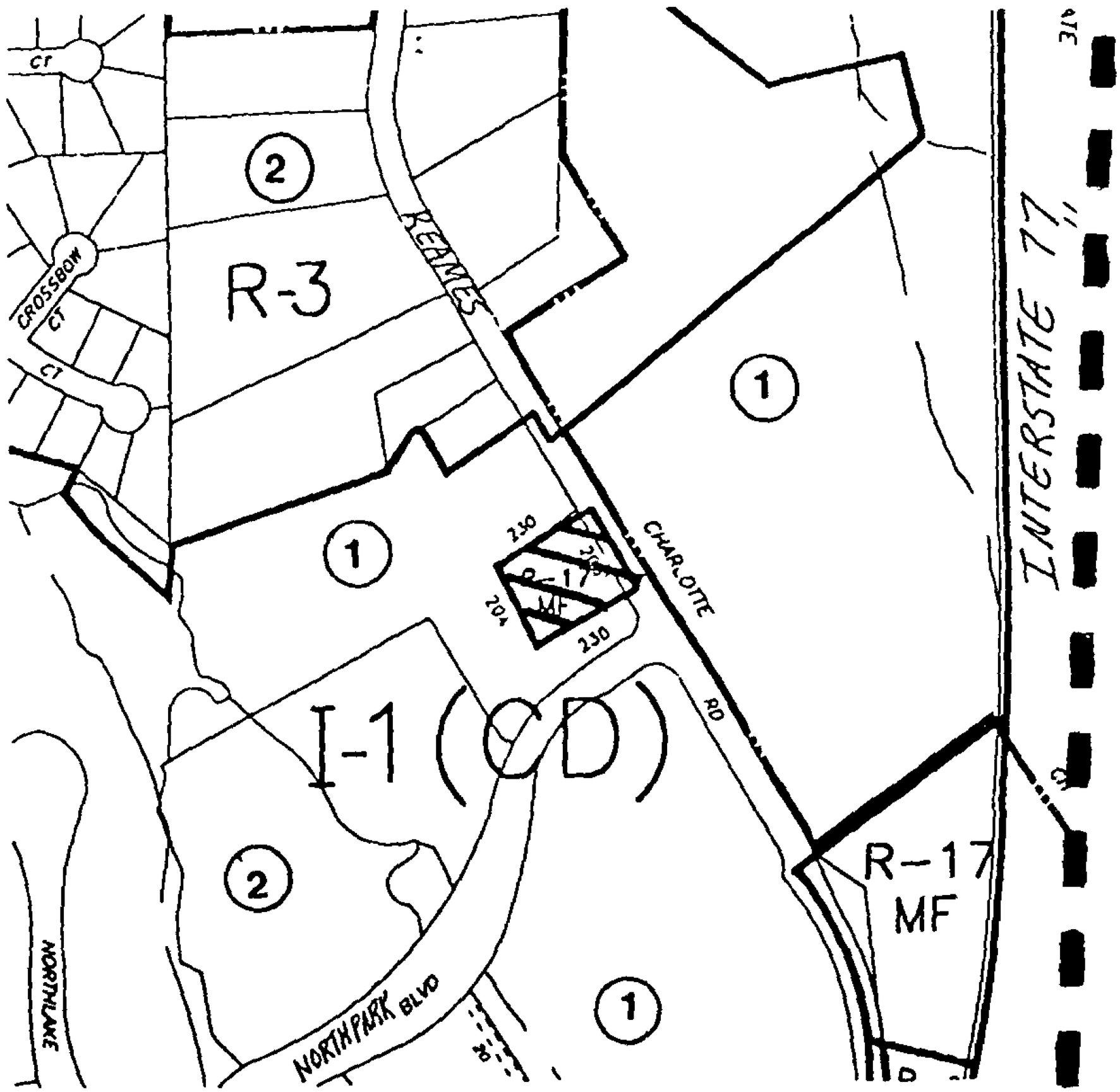
PETITIONER: Trammell Crow Company

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 North Boulevard.



ZONING MAP NO(s).: 60

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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 FOR REZONING PETITION 92-61

PETITIONER: TRAMMELL CROW COMPANY

LOCATION: 1.23 ACRES LOCATED ON THE WEST SIDE OF REAMES ROAD NORTH OF SUNSET ROAD AND NORTH OF NORTHPARK BOULEVARD

REQUEST: CHANGE FROM R-17MF TO I-1

This request constitutes a very minor proposal to bring into compliance with all surrounding zoning a 1.23 acre parcel of land. At the time all of the surrounding property was zoned I-1 by request of Trammell Crow Company, this lot was not owned or controlled by them and was left out of the petition. That rezoning occurred in 1985, and since that time, much of the surrounding area has been made ready for development through the installation of streets, utilities and landscaping. In fact, a number of parcels have been sold and uses are now in place.

Obviously, this small parcel is not suitable for its current (R-17MF) zoning classification and should be included in the development of the overall area. Now that Trammell Crow Company has purchased this lot, it is requesting to be integrated into the already existing pattern of zoning and land use.

The technical review of this request for the various City departments and agencies has not revealed any objections or concerns about this request. The Prehearing Staff Analysis indicates it should be approved and that it meets all of the public plans and policies for the area. The Charlotte Department of Transportation even finds that the property will generate less traffic under the proposed zoning classification than it would under the existing multi-family category.

It is respectfully submitted that this petition is appropriate for approval.

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 92-61: Reames Road, North of Northpark Boulevard

This site could generate approximately 140-180 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 64 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

Any proposed driveway connections to Reames Road require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Tranportation for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process.

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
Fred E. Bryant
Trammel Crow Company
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-62

Petitioner: Richard and Mary McDougall

Location: A 5.28 acre site located on the east side of South Boulevard (U.S. 521) north of China Grove Church 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 along both sides of South Boulevard. Properties further to the south and east are zoned a combination of B-D, B-2, I-1, and R-17MF.

2. Existing Land Use. The subject property is developed with an abandoned automobile dealership. 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 uses along South Boulevard. The 2005 Plan strategies for the area include extension of water and sewer lines into the area, streetscape improvements north of the subject property along South Boulevard, potential light rail, and the southern portion of the Outer Belt.

   2. South District Plan (pending). The pending South District Plan recognizes the area of the subject property as one of existing industrial development and recognizes potential light rail services.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 86-65	I-2 to B-D	Approved	09/15/86

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 conditional basis.

   2. Departmental Comments. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes rezoning from I-2 to I-1 in order to grant conforming status to an existing automobile sales facility on the subject property. (The new zoning ordinance requires B-2 or I-1 zoning for automobile sales). This petition raises no land use issues 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. 92-62
Date Filed August 3, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Richard W. McDougall and wife, Mary H. McDougall

Owner's Address: 30 Lakeview Point, Lake Wylie, SC 29710

Date Property Acquired: May 31, 1991

Tax Parcel Number: 207-011-12

Location of Property (address or description): 9029 South Boulevard, Charlotte, NC

Description of Property

Size (Sq. Ft. Acres): 5.28 acres Street Frontage (ft.): 412.25 feet

Current Land Use: Automobile dealership

Zoning Request

Existing Zoning: I-2 Requested Zoning: I-1

Purpose of Zoning Change: This property has been devoted to the special use of a car dealer and the ordinance change effective June 1, 1992 does not allow it, except as a non-co use.

Emil F. Kratt, Attorney
Name of Agent

Suite 2500, Two First Union Center, Charlotte, NC
Agent's Address

(704) 332-6141
Telephone Number

Richard W. McDougall
Mary H. McDougall
Name of Petitioner(s)

(same as above)
Address of Petitioner(s)

831-8216
Telephone Number

Richard W McDougall
Mary H. McDougall
Signature

And agent for

Signature of Property Owner
if Other Than Petitioner

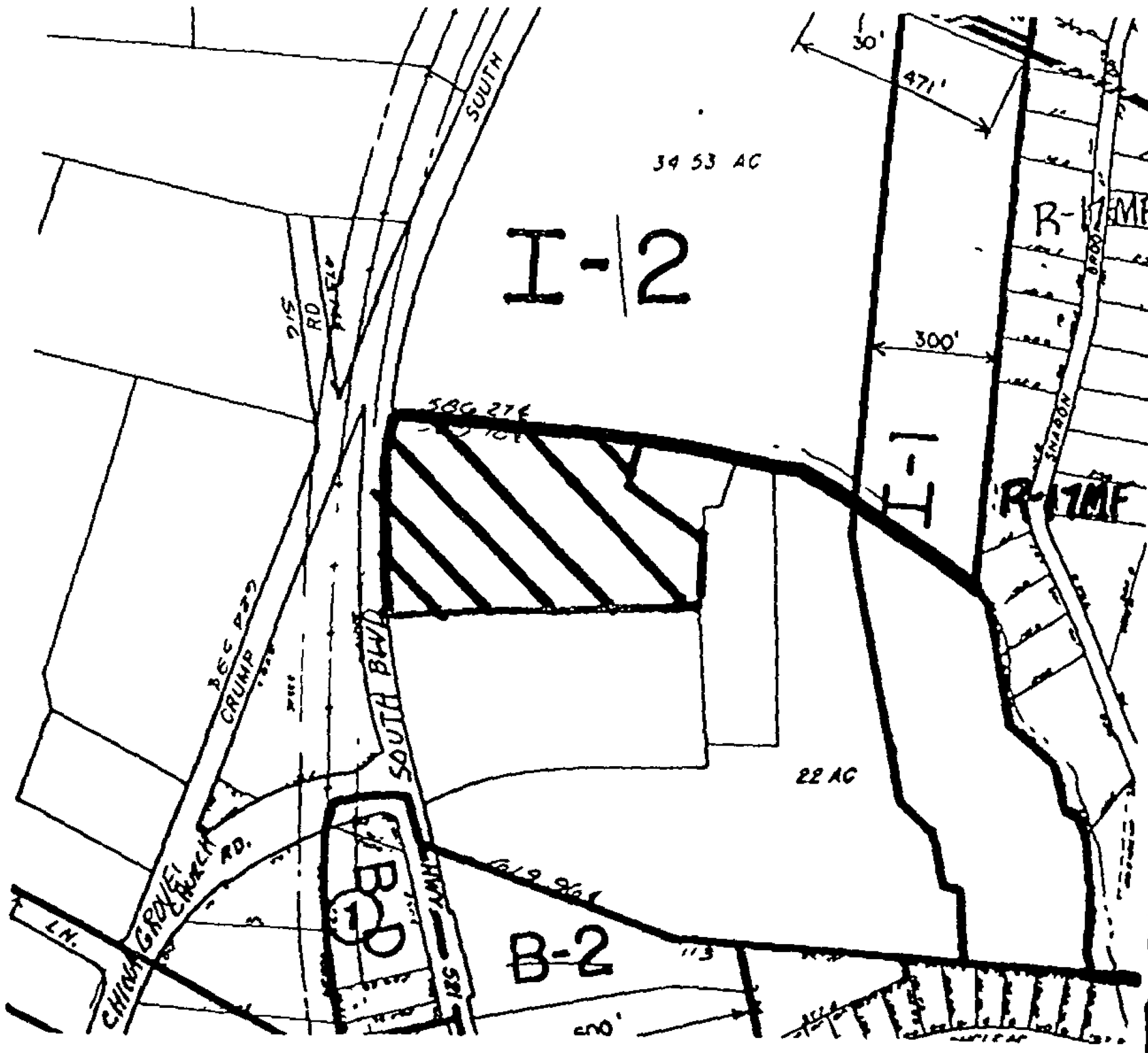
PETITIONER Richard and Mary McDougall

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

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 92-62: South Boulevard
North of China Grove
Church Road

This site could generate approximately 36 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 274 trips per day. Although this is a significantly higher number, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

South Boulevard is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner must dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway. This segment of South Boulevard was also identified in the 2005 Transportation Plan as needing 6 lanes by 2005 (Priority #65 of 76). We therefore, request an additional 10-foot easement for utilities, landscaping, and sidewalk.

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

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
Emil F. Kratt
Richard W. & Mary H. McDougall
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-63

Petitioner: The Daisy Basket

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

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

BACKGROUND

1. Existing Zoning. The subject property is zoned O-2 as are other nearby properties to the north and south of Monroe Road west of Summey Avenue. The section of Monroe Road between Summey Avenue and Sharon Amity Road is zoned B-1. Other nearby properties located further to the north and south are zoned a combination of residential categories, predominantly R-4 and R-17MF. The southeast corner of the intersection of Sharon Amity Road and Monroe Road is zoned R-4.

2. Existing Land Use. The subject property is presently occupied by a vacant residential structure. Nearby properties along Monroe Road are predominantly devoted to office uses. Three corners of the intersection of Sharon Amity and Monroe Roads are devoted to commercial uses and the fourth corner is occupied by Sharon Memorial Cemetery.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses along Monroe Road and existing residential development elsewhere.

   2. East District Plan. The East District Plan recognizes the office zoning of the subject property and the retail zoning at the intersection of Sharon Amity and Monroe Roads.

4. Site Plan. The site plan which accompanies this petition proposes conversion of the existing structure for a floral shop and any use allowed in the O-2 zoning category. Access to the site is provided by an existing driveway connection to Monroe Road. The plan commits to preservation of the existing structure and allows a new 700 square foot attached structure at the rear of the existing building that will also be residential in character. The plan commits to preservation of the existing trees on the site, wherever possible, including the existing hardwoods in front of the building. The plan stipulates that the signage is limited to that permitted under office zoning districts rather than the B-1 zoning. The detached sign for the floral shop will therefore be restricted to one identification sign of no more than 40 square feet and no more than seven feet in height, as opposed to a 100

square foot sign of 30 feet in height. The plan provides for a 25 foot landscaped buffer adjoining residential zoning to the south of the subject property.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-61	B-1 to B-2	Denied	06/30/69
2. 67-72	R-9 & R-9MF to O-6	Approved	11/21/67
3. 70-26	R-9 & R-9MF to O-6	Approved	01/26/70
4. 70-32	R-9 to O-6	Approved	03/23/70
5. 73-1	R-9 to O-6	Denied	02/26/73
6. 78-50	O-6 & R-9 to B-1(CD)	Approved	02/05/79
7. 85-33	B-1(CD) to O-6(CD)	Approved	06/17/85
8. 85-53	R-9MF to O-6(CD)	Approved	09/16/85
9. 88-5	R-9MF to O-6(CD)	Approved	02/15/88

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from an office category to a conditional commercial category to accommodate conversion of the existing structure specifically for a floral shop. The 2005 Plan recognizes the Monroe Road Corridor as one composed of existing employment land uses. However, the East District Plan recognizes the area as one of office zoning and uses and does not envision the potential for intensification of the zoning to commercial categories. Therefore, the request is not consistent with most recently adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Staff noted commercial zoning is inconsistent with the East District Plan. Subsequent to the filing of the petition, staff relayed several site plan comments to the petitioner. Those departmental comments have been thoroughly addressed by the submittal of the revised site plan.

   2. Departmental Comments. All departmental comments have been addressed by the submittal of a revised site plan. See attached for CDOT comments.

ISSUES

1. Land Use. This request raises a land use issue in that it proposes a change from an office category to a commercial category to allow a retail floral shop. The East District Plan recognizes the existing office use and zoning of this section of Monroe Road but views the Sharon Amity/Monroe Road intersection as the focus for commercial activity. For this reason, this petition is not considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this application proposes conversion of the existing structure to a floral shop. The plan is highly controlled and commits to numerous conditions which should serve to maintain the existing character of the structure and the grounds. The plan commits to preservation of the existing structure, many of the existing trees on the site and the signage is heavily restricted. While this site plan does not necessarily overcome the land use issues noted above, it does represent a use conversion that is well controlled and which maintains the existing character of the structure and grounds. From the site plan standpoint, this petition is appropriate for approval.

CONCLUSION

This petition raises a land use issue by proposing to introduce commercial zoning in a section of Monroe Road not considered appropriate for further commercial development. However, the site plan which accompanies this petition represents a well thought-out and highly controlled proposal for one specific use and provides a high level of commitment to preservation of the existing character of the property.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-63
Date Filed August 3, 1992
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Lillington Associates

Owner's Address: c/o Business Management Services; P. O. Box 187; Davidson, NC 28036

Date Property Acquired: January 31, 1984

Tax Parcel Number: 161-108-32

Location of Property (address or description)

5208 Monroe Rd. (South side of Monroe Road west of Summey Rd.)

Description of Property

Size (Sq Ft Acres): .55 acres

Street Frontage (ft): 80' on Monroe Road

Current Land Use: Vacant house

Zoning Request

Existing Zoning: O-2

Requested Zoning: B-1(CD)

Purpose of Zoning Change: To permit the redevelopment of the property for use as a florist establishment retaining the residential design characteristics.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

The Daisy Basket
Name of Petitioner(s)

5431 Monroe Road, Charlotte, NC
Address of Petitioner(s)

563-8011
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner: GEN. PTNR. LILLINGTON ASSO

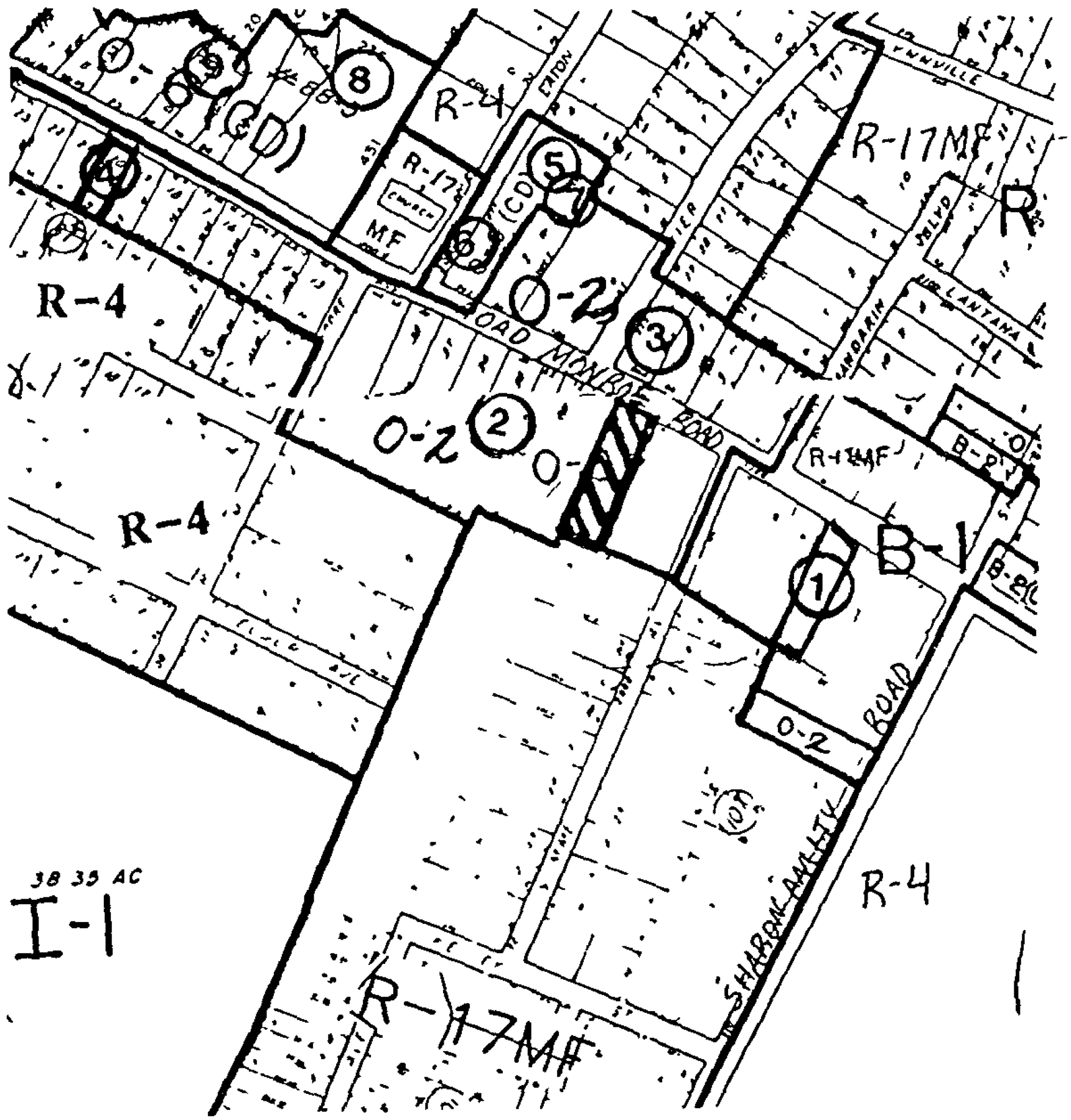
PETITIONER: The Daisy Basket

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 Sunney Road.



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

PROPERTY PROPOSED FOR CHANGE

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 FOR REZONING PETITION 92-63

PETITIONER: THE DAISY BASKET

LOCATION: A .55 ACRE SITE LOCATED ON THE SOUTH SIDE OF MONROE ROAD WEST OF SUMMEY AVENUE

REQUEST: CHANGE FROM O-2 TO B-1(CD)

This constitutes a proposal to rezone a single lot (.55 acres) located on the south side of Monroe Road west of Summey Avenue to permit a specialized type of florist. The proper description is "specialized" because very little of the business is devoted to casual or passerby traffic, but is predominantly related to orders taken by wire service and to the design and creation of floral arrangements for weddings, businesses and occasions such as housewarmings. This, obviously, creates a low-key business activity which differs very little in its impact from many of the uses that are already allowed under the existing office zoning for the site.

The petitioner has selected a lot containing a very old run-down residence which has not been able to attract any use under the existing office district, and the building has deteriorated to the point where it is a real blight on the vicinity. Under a tightly drawn development plan, which has been submitted with this petition, the existing house will be rehabilitated maintaining a residential character far superior to many of the lots converted to some form of office permitted development. For example, the lot next door, zoned office, is used by a hairdresser with little effort to disguise the obvious business relationship of that particular use. The submitted site plan commits to a retention of large trees currently in front of the house as well as committing to additional landscaping to add to the overall quality of the property. There is no assurance under existing zoning that either the trees or the residential character of the property would be preserved and, indeed, a building as large as 23,000 square feet could be placed on the property under the O-2 classification.

Since most of the activity related to this use is not directly retail oriented, there was considerable discussion with the Zoning Administrator as to whether or not this should be permitted under the existing O-2 zoning due to the amount of design work is associated with the operation. It was finally determined it would not be permitted under the office zoning because, technically, there is a retail sale of the product which is designed on the site and, therefore, this should constitute a business use. In examining the list of uses allowed under the office classification, it would appear there is a narrow distinction between this activity and some of the other uses

allowed under the office district and, certainly, many of those uses would be considerably more extensive in their impact on the area as it relates to design, site relationship and traffic as opposed to this proposed use.

The Planning Prehearing Analysis indicates there is a land use conflict with this business zoning, but, nevertheless, points out that the site plan is particularly strong and efficient in its creation of an acceptable use for this location. While the lot is two lots removed from the nearest business zoning on Monroe Road, the development characteristics created by this rezoning are far superior to those that could occur if the property were developed even under existing zoning. It appears that the recognition of this for conditional zoning with the extreme conditions which are attached would meet the basic objective identified in formulating the conditional process. The process was initially created so that specialized plans could be justified under circumstances which would not make general rezoning feasible. Certainly, a narrowly restricted use accompanied by extreme design standards should qualify as a reasonable and expected use of the conditional process.

While there are no technical difficulties at all presented with this petition, I must point out what I consider to be a rather unfair use of the traffic generation analysis which accompanies CDOT's review. They find this would not have a significant impact on traffic in the area, but they indicate that existing zoning would create 53 trips per day, while the proposed would create 613. I find it hard to believe that a possible office building of 24,000 square would generate only 53 trips per day, and a very restricted 2,000 square foot building, to be used for florist purposes only, would generate 613 trips. The explanation I get from CDOT is that they analyzed the office generation based on the half acre size of the tract and have no tables permitting them to calculate a floral operation, but instead utilize general business criteria. It appears unfair to indicate these figures without at least some explanation of what they are based on. For example, if they utilize general business figures, this could be anything from a fast food to a convenience store. This analysis points out the need to be a bit more practical in the manner in which traffic impacts are analyzed.

In summary, this is a highly restricted rezoning, both as it applies to the use is allowed and to the physical design of the property itself. The site has a rather substantial office building within five feet of the property on one side and an older house used for, what is in effect a hairdresser's business, on the other side. Additionally, we have signed statements from all of the surrounding property owners indicating they do not object to and are in favor of this change. It is maintained that this type of change is warranted and cannot be satisfactorily considered in the broad context of a district plan description.

M E M O R A N D U M

DATE: September 2, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-63: Monroe Road West of Summey Road

This site could generate approximately 53 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 613 trips per day. Although this is a significantly higher number, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

To minimize traffic near the adjacent residential neighborhood CDOT requests that there not be a connection to the unimproved alley.

Monroe Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner must dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

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

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
Fred E. Bryant
The Daisey Basket
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-65

Petitioner: University Research Park

Location: Approximately 7.24 acres located on the southwest corner of West W. T. Harris Boulevard and Mallard Creek Road.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned O-15(CD) as a result of a 1983 rezoning under the County's jurisdiction. Nearby properties are zoned a combination of R-15MF(CD), R-3, RE-2, and RE-1.

2. Existing Land Use. The subject property is presently undeveloped. Properties located to the south of Old Mallard Creek Road are developed with residential uses. The Harris Hill apartment complex is located to the northwest, the IBM complex to the southeast, and the Mallard Creek Center to the north.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses associated with the University Research Park. The 2005 strategies for the area include the improvement and realignment of Mallard Creek Road, expansion of sewer lines in the area, extension of the greenway system in the area, and the designation of a Development Enterprise Area.

   2. Northeast District Plan. The Northeast District Plan (adopted in 1990) recognizes the research park as a major employment center for the northeast. The plan envisions the expansion of the research park boundary north of Mallard Creek Church Road and east of I-85. Due to the strong market forces in the area, the Mallard Creek Basin Development Enterprise Area has been deleted from the district plan. The plan recognizes numerous retail and commercial focal points at locations such as University Place, the intersection of Harris Boulevard and Cheshire Road, the Davis Lake center, and the Sugar Creek Road/ Mallard Creek Road area.

   3. Proposed Northeast District Plan Amendment. Through this rezoning case, the petitioner is requesting consideration of an amendment to the district plan to recognize the feasibility of commercial development on the subject property. The General Development Policies for the district plans outline the formal plan amendment processes, one of which can be initiated through a rezoning petition. The process

outlined by the General Development Policies stipulates that after the rezoning public hearing, the Zoning Committee either recommends deferral to allow the Planning Committee to assess plan impacts or make recommendations. If the Zoning Committee makes a recommendation on a zoning case that conflicts with an adopted plan, the elected officials can still defer a decision for consideration by the Planning Committee.

4. Transportation Improvement Program. The Transportation Improvement Program includes the Harris Boulevard West widening from Mallard Creek Road to I-77 and the Mallard Creek Road widening from Graham Street Extension to Mallard Creek Church Road.

5. Greenway Master Plan. The Greenway Master Plan includes the Mallard Creek Greenway.

4. Site Plan. The site plan which accompanies this petition proposes a rezoning from the existing O-15(CD) category to B-1(CD) to accommodate a maximum of 57,000 square feet of development. The site plan divides the subject property into three development tracts. The largest tract (Parcel A) totals five acres, is located in the westerly portion of the property and is proposed for a 45,000 square foot retail/personal services establishment. The two remaining tracts (Parcels B and C) make up the remaining acreage and are located adjacent to Mallard Creek Road. These parcels are proposed for 6,000 square feet each of uses allowed in the O-1 category. Access to the property is provided by two driveway connections to Mallard Creek Road and one driveway to W. T. Harris Boulevard.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-55	R-12, B-2 & I-1 to R-12, I-1 & RE-1	Approved	11/27/67
2. 70-19	R-12 to R-12MF	Approved	05/18/70
3. 83-14(c)	R-15, R-12, R-9, R-12MF, R-9MF & R-6MFH to RE-2 & O-15(CD)	Approved	10/17/83
4. 85-42(c)	R-12 to R-15MF(CD)	Approved	10/21/85
5. 85-62(c)	R-12 & R-15 to R-12(CD), R-9(CD), R-20MF & B-1SCD	Approved	03/17/86
6. 86-53(c)	R-12 to RE-2	Approved	10/20/86
7. 88-45(c)	R-15MF(CD) Site Plan Amendment	Approved	10/17/88
8. 90-27(c)	RE-2 to RE-1	Approved	08/20/90

9. 92-21 O-15(CD) & RE-2 to O-1(CD) Approved 05/18/92

7. Neighborhood. This petition lies within the University City neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning to the B-1(CD) classification in an area in which land use plans recognize potential expansion of the Research Park. The Northeast District Plan provides for ample commercial opportunities in such locations as University Place, Davis Lake, Harris Boulevard and Chesire Road, and Sugar Creek Road and Mallard Creek Road. Therefore, this petition is not consistent with plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff discussed this application prior to submittal. Staff also relayed several site plan comments to the petitioner.

   2. Departmental Comments. The departmental comments regarding the site plan include the need for a 100 foot buffer along Harris Boulevard, limitation of the signage to ground-mounted signs and relocation of the Harris Boulevard driveway. (See attached for CDOT comments).

ISSUES

1. Land Use. This petition proposes rezoning from the O-15(CD) category to B-1(CD) in an area in which adopted plans envision further research park development in order to provide an expanding employment base in the area. Additional commercial development in the area is provided for by numerous other retail centers located or proposed elsewhere on Harris Boulevard and Mallard Creek Road. Therefore, this petition is not appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes a 57,000 square foot retail and office development. The outstanding site plan issues noted by staff include the need for a 100 foot buffer along Harris Boulevard as has been provided for by virtually all other nonresidential rezoning petitions along Harris Boulevard, a limitation of the signage to ground-mounted signs consistent with the Research Park area and relocation of the Harris Boulevard driveway in conformance with the proposed Harris Boulevard median opening policy.

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-65

Date Filed August 3, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner University Research Park, Inc.

Owner's Address 1980 Two First Union Center, Charlotte, NC 28282

Date Property Acquired May 19, 1979

Tax Parcel Number 027-031-09

Location of Property (address or description)

Southwest corner of W. T. Harris Boulevard and Mallard Creek Road. (8531 West W. T. Harris Blvd.)

Description of Property

Size (Sq Ft Acres) 7.242 acres

Street Frontage (ft) 885'+ on W. T. Harris Blvd

Current Land Use Vacant

Zoning Request

Existing Zoning O-15(CD)

Requested Zoning B-1(CD)

Purpose of Zoning Change To allow the development of a small commercial facility (superm to serve the immediate area including the Research Park.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Bailey Patrick
Perry, Patrick, Farmer & Michaux
900 Baxter Street
Charlotte, NC 28204
372-1120

University Research Park, Inc
Name of Petitioner(s)

1980 Two First Union Center
Charlotte, NC 28282
Address of Petitioner(s)

375-6220
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

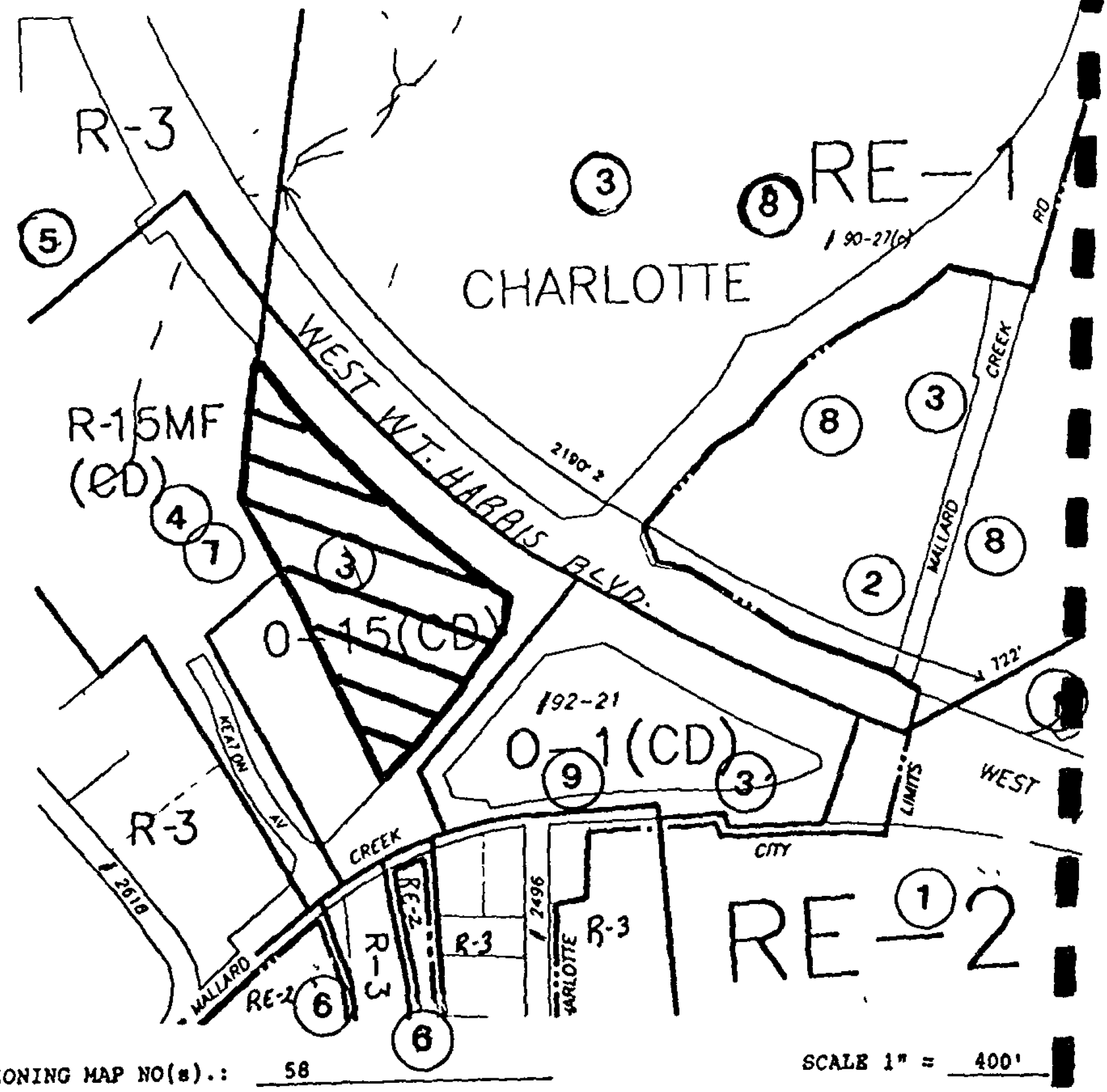
PETITIONER. University Research Park, Inc.

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

M E M O R A N D U M

DATE: September 3, 1992

TO: Laura Simmons
Planning Commission

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

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

This site could generate approximately 1,418 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 6,727 trips per day. This will have a significant impact on the surrounding thoroughfare system.

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

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

The proposed W. T. Harris Boulevard access location will have to be adjusted to a location approximately 615 feet west of Mallard Creek Road to comply with the proposed W. T. Harris Boulevard Median Opening Policy.

Mallard Creek Road and W. T. Harris Boulevard are both major thoroughfares requiring a minimum of 100 feet of right-of-way. The normal dedication of right-of-way by the developer/petitioner to meet this requirement, measures 50 feet from the centerline of each thoroughfare. However, additional right-of-way is required at the intersection of two major thoroughfares. Therefore, right-of-way must be dedicated on Mallard Creek Road measuring 60 feet from the centerline of the roadway for a distance of 570 feet from the centerline of W. T. Harris Boulevard, 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 currently exists on W. T. Harris Boulevard that exceeds the minimum requirements.

The proposed rezoning site is within the limits of the Mallard Creek Road Widening Project which is currently scheduled for construction for FY93.

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

The driveway connections to Mallard Creek Road and W. T. Harris Boulevard require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Tranportation 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.

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

If we can be of further assistance, please advise.

RDG/REG·hll

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-66

Petitioner: Consolidated Pipe and Supply Company, Inc.

Location: An 8.2 acre site located off North Graham Street on Ample Drive at Pine Grove Circle.

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

BACKGROUND

1. Existing Zoning. The subject property is zoned I-1 as are adjoining properties immediately abutting Derita Creek to the south. Properties to the north and west are zoned I-2 and I-2(CD). Properties to the east are zoned a combination of R-9(CD) and R-4.

2. Existing Land Use. The petitioned property is presently vacant. Nearby properties located to the north and west are developed with a variety of industrial and commercial uses including truck terminals, manufacturing facilities, and a junk yard. Properties to the east are devoted to single family development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses in the area of the subject property. The 2005 strategies for the area include extension of water lines.

   2. Central District Plan. The Central District Plan recognizes the existing industrial zoning in the area of the subject property.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 73-26	R-9 to B-1	Denied	08/13/73
2. 81-16	R-9 to I-1(CD)	Denied	04/13/81
3. 84-37	I-1 & R-9 to I-2(CD) & R-9(CD)	Approved	09/17/84
4. 84-56	R-9 to R-9(CD)	Approved	09/17/84

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the light industrial category to the general industrial category. The 2005 Plan recognizes the area as one of existing employment development and the pending Central District Plan recognizes the area as one of existing and future industrial development. Therefore, the request is considered consistent with pending and adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Staff indicated that a conventional rather than conditional approach would be appropriate.

   2. Departmental Comments. Comments from CDOT are attached.

ISSUES

1. Land Use. This petition proposes a rezoning from the I-1 category to the I-2 category. Plans for the area recognize it as one of employment/industrial development. Nearby properties to the north and west are also zoned I-2. Therefore, from a land use standpoint, this petition 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 92-66
Date Filed August 3, 1992
Received By TWM

OFFICE USE ONLY

Ownership Information

Property Owner Millard Brady Thomas, Jr. & Kathleen Thomas McRee

Owner's Address P.O. Box 113, 1015 Rocky River Road West, Newell, NC 28126

Date Property Acquired

Tax Parcel Number 087-041-09

Location of Property (address or description) Northeast end of Amble Drive

Description of Property

Size (Sq Ft. Acres) 8.20 acres Street Frontage (ft) 164'

Current Land Use Vacant

Zoning Request

Existing Zoning I-1 Requested Zoning I-2

Purpose of Zoning Change To permit I-2 development

Lee R. McLaren, DPR Associates, Inc.
Name of Agent

2036 E. Seventh Street, Charlotte, NC 28204
Agent's Address

332-1204
Telephone Number

Consolidated Pipe & Supply Co
Name of Petitioner(s)

2316 Lucena St., Charlotte, N
Address of Petitioner(s)

373-1880
Telephone Number

✓ Bill Adcock
Signature

Millard Brady Thomas
Signature of Property Owner
if Other Than Petitioner

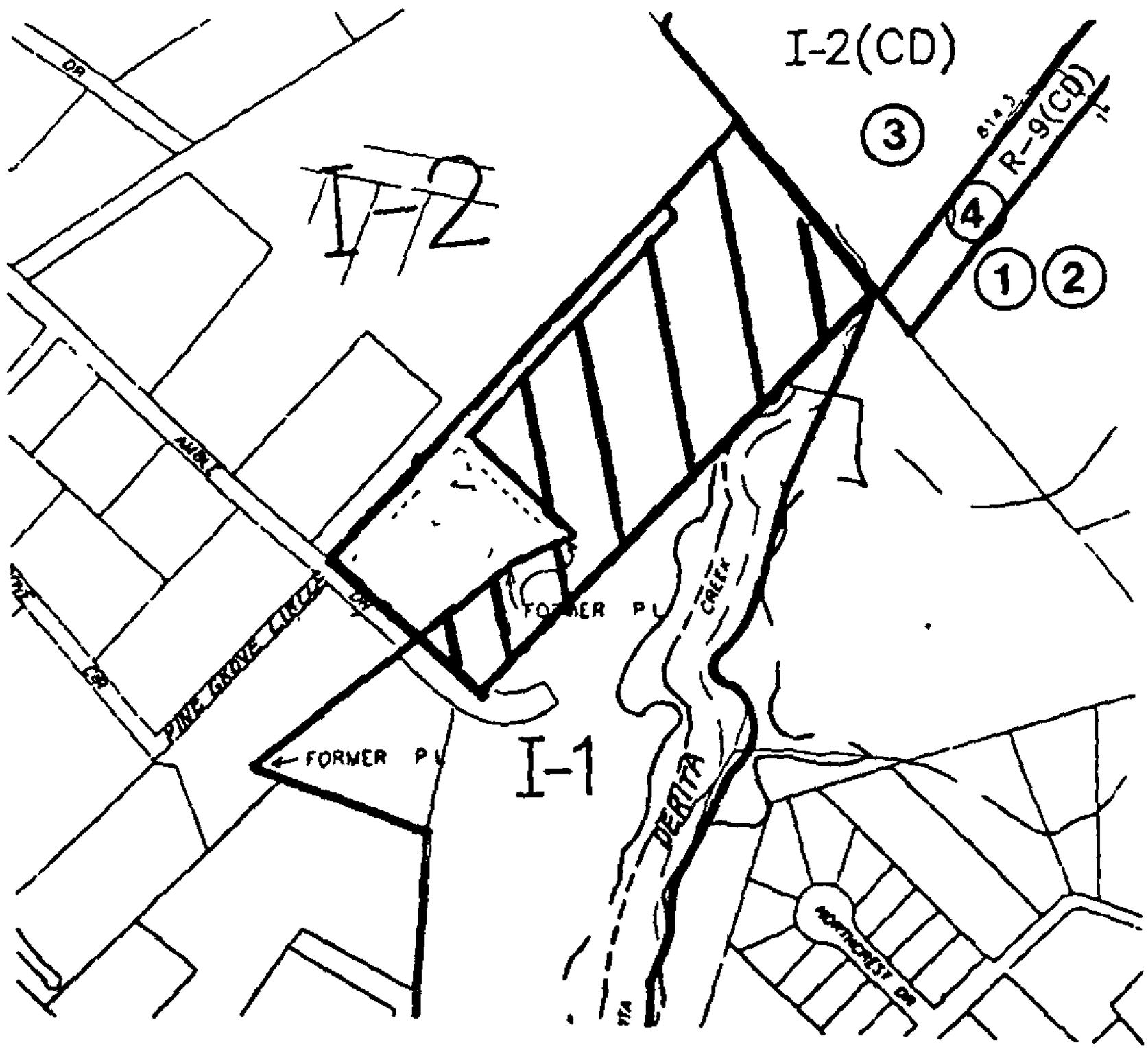
PETITIONER: Consolidated Pipe and Supply Co , Inc.

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

M E M O R A N D U M

DATE: September 2, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-66: Amble Drive at Pine Grove Circle off N. Graham Street

This site could generate approximately 425 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 55 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

Any driveway connections to Amble Drive 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.

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
Lee R. McLaren - DPR Associates, Inc.
Consolidated Pipe & Supply Co., Inc.
Rezoning File

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 2, 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 September 28, 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, October 12, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, October 19, 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

DATE: September 28, 1992

PETITION NO.: 92-18

PETITIONER(S): Dilworth Community Development Association

REQUEST: Consideration of a text amendment to establish criteria for the location and design of group homes.

ACTION: The Zoning Committee recommends that this petition be approved as an interim measure.

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

Nays: None.

Absent: Baker and James.

REASONS

This petition proposes an amendment to the Zoning Ordinance to add language that would establish some type of location and design requirements for group homes. A few months ago, the Zoning Committee deferred action on this petition and appointed a committee to review this text amendment. That committee has completed its review. Due to several issues that the committee had problems resolving, they recommended to the Zoning Committee that the proposed language be adopted and that the Planning Committee be directed to do further study on this issue. The Planning Committee could develop additional language for the ordinance at some time in the future.

The members of the Zoning Committee discussed this petition at great length. What constitutes a group home? How would one map the location of group homes? Who would be responsible for keeping such a map? After a very lengthy discussion, the Zoning Committee accepted the committee's recommendation. This text amendment submitted by the DCDA is essentially the same language proposed by the Planning staff in a text amendment for Mecklenburg County. That text amendment has been approved by Mecklenburg County. Therefore, the Zoning Committee recommends that this proposed text be adopted and that the Planning Committee be directed to do further study on some type of text amendment relating to group homes in the City.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-18
Date Filed February 3, 1992
Received By MCH

OFFICE USE ONLY

Section No 9.203, 9.303, 9.502, 9.503, 9.702, 9.703, 9.802, 9.803 and §12.517
(Title)

Purpose of Change

To eliminate a loophole in the existing spacing requirements for group homes in residential districts. This text amendment will extend those spacing requirements to protect neighborhoods such as Dilworth where large numbers of group homes in nonresidential zoning districts directly abutt residential areas. This amendment will require uniform spacing of group homes in these sensitive areas. The amendments also call for minimal Class C buffers between large group homes and residential uses in all relevant districts.

Jonathan M. Crotty
Name of Agent

1511 Clayton Drive, Charlotte, NC 28203
Agent's Address

372-9000 (W) 343-9873 (H)
Telephone Number

Dilworth Community Development Associatio
Name of Petitioner(s)

1214 Myrtle Avenue 28203
Address of Petitioner(s)

Miller Jordan-President 377-4300
Telephone Number (Authorized Board Member)

Signature

Petition No.: 92-18
Petitioner: Dilworth Community Development Association

A RESOLUTION AMENDING APPENDIX A OF THE CITY OF CHARLOTTE 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 Section 9.203 by deleting item (10) in its entirety, replacing it as follows:

   10. Group homes for up to 6 clients subject to the regulations in Section 12.517.

2. Amend Section 9.303 by deleting item (13) in its entirety, replacing it as follows:

   13. Group homes for up to 10 clients subject to the regulations in Section 12.517.

3. Amend Section 9.502 by deleting item (8) in its entirety.

4. Amend Section 9.503 by adding a new item (23) as follows:

   23. Group homes subject to the regulations in Section 12.517.

5. Amend Section 9.702 by deleting item (15) in its entirety.

6. Amend Section 9.703 by adding a new item (31) as follows:

   31. Group homes subject to the regulations in Section 12.517.

7. Amend Section 9.802 by deleting item (43) in its entirety.

8. Amend Section 9.803 by adding a new item (36) as follows:

   36. Group homes for up to 6 clients subject to the regulations in Section 12.517. (B-1 & B-2 only)

9. Amend Section 12.5 by adding a new Section 12.517 as follows:

Section 12.517. Group Homes

This ordinance provides for the location of group homes in a variety of residential and non-residential districts. However, the public has an interest in providing for the appropriate location and design of group homes that are proposed in or near residential areas to assure a proper integration of these uses into the existing community. Accordingly, the following standards apply to the location of group homes.

1. Location Criteria. The following 2 part test must be met for the proposed location of a group home.

   If the proposed site is located in or within one quarter mile of a residentially zoned area and if the proposed site is within one quarter mile of any other existing group home, no matter what district the existing group home is located in, then the proposed site is not acceptable for a group home.

2. Buffer. Group Homes serving more than 6 persons shall be separated by a Class C buffer from any abutting property located in a residential district.

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 _____, 199___, the reference having been made in Minute Book _____ and recorded in full in Ordinance Book ____, at page _____.

_____

City Clerk

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

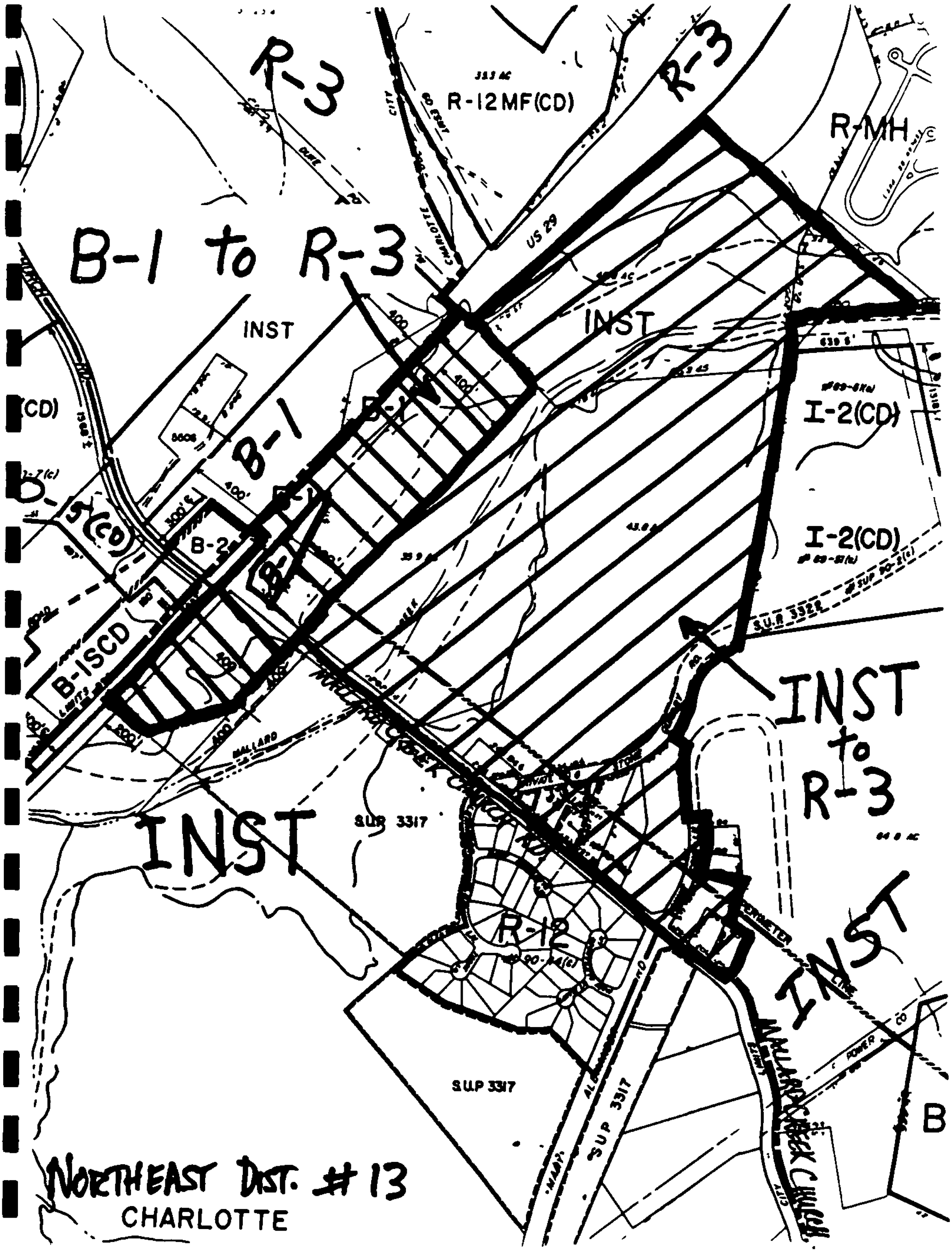
ZONING CLASSIFICATION, REQUESTED: R-3

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

DATE: September 28, 1992

PETITION NO.: 92-42

PETITIONER(S): Paul D. Weeks

REQUEST: Text amendment to add language to the zoning ordinance that would give the Planning Director the authority to consider allowing additional uses to an approved site plan.

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

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

Nays: None.

Absent: James.

REASONS

Currently, minor changes in the detail of approved conditional plans can be made administratively with the approval of the Planning Director or his designee, without going through the public hearing process. However, the ordinance does not specifically permit altering the approved uses. At times, it may be reasonable to consider uses that were not specifically approved in the conditional plan. This may especially apply in cases where the present ordinance has different languages, definitions, or allows certain uses in districts where they were not permitted under the previous ordinance.

Previously, the Zoning Committee expressed a substantial amount of concern about the proposal's lack of notification of adjoining property owners and its potential for abuse. For this reason, the Zoning Committee deferred this petition to allow the petitioner ample time to address these concerns. The petitioner has since amended the proposed text to give the Planning Commission the authority to review all request and the authority to make the final decision, instead of the Planning Director.

This amendment provides for a reasonable degree of flexibility and change to approve conditional plans without going through the expense and time of another public hearing. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 92-42
Date Filed May 4, 1992
Received By MCR

OFFICE USE ONLY

Section No. Chapter 6, Part 2, Section 6.206 Alterations to Approval (Conditional Pl

(Title)

Purpose of Change.

This ordinance provides for minor alterations and adjustments to approved conditional 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

1850 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, N 28226
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. After a decision by the Planning Director the proposed additional uses shall be submitted to the Planning Commission for review and decision. The applicant may appeal an unfavorable decision by the Planning Commission 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

DATE: September 28, 1992

PETITION NO.: 92-46

PETITIONER(S): Ronald and Reba Henry

REQUEST: Change from R-17MF to O-1(CD).

LOCATION: A 1.94 acre site located on the southeast corner of Oak Drive and Oakdale Road.

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

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

Nays: None.

Absent: James.

REASONS

This petition proposes rezoning from a multi-family residential category to an office category to allow the development of a branch bank. At the public hearing, the petitioner's agent agreed to add a note to the site plan specifying that all buffers are to be undisturbed. Although, the Northwest District Plan envisions low density single family land uses for the subject property, the proposed office use may be viewed as appropriate for the Historical Oakdale Downtown setting. Therefore, the Zoning Committee viewed this petition as appropriate for approval as modified and recommends it for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

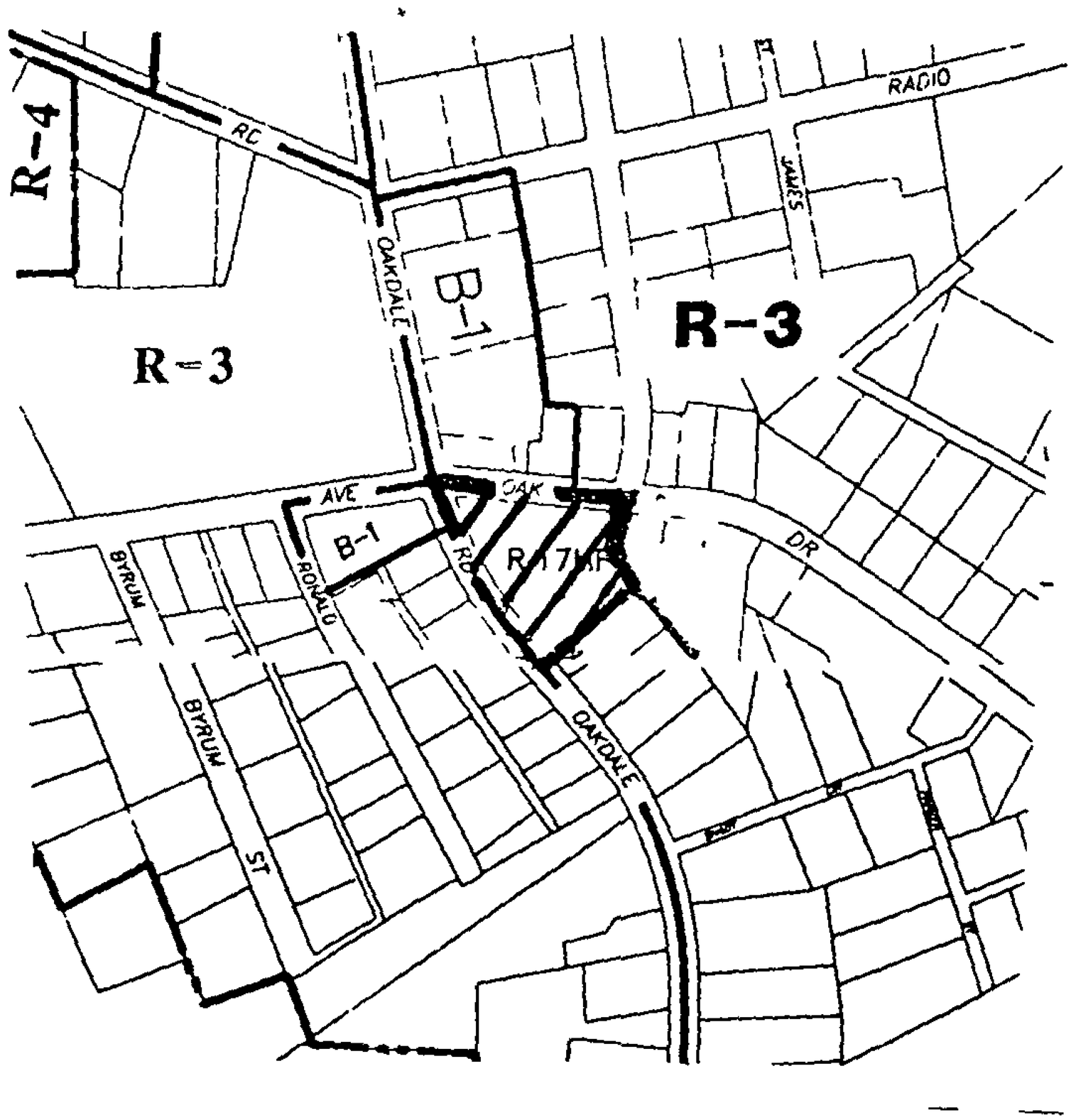
PETITIONER: Ronald and Reba Henry

PETITION NO.: 92-46 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-17MF

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

LOCATION: Approximately 1.94 acres located on the south side of Oak Drive at Oakdale Road.



ZONING MAP NO(s).: 61, 68 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 28, 1992

PETITION NO.: 92-47

PETITIONER(S): Park Ridge Seven Associates

REQUEST: Change from R-22MF to B-2.

LOCATION: An 11.5 acre site located along both sides of Park Road west of the Outer Belt.

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 petition proposes rezoning from a multi-family residential category to a commercial category. The pending South District Plan acknowledges the potential for commercial development at the interchange of the Outer Belt and Park Road. At the public hearing, the petitioner's agent stated that they wish to changed the requested zoning classification from B-2 to B-1. Property owners in the area indicated that they were pleased by this change in the requested zoning classification. The Zoning Committee viewed the change as being appropriate and recommends that this petition be approved as modified.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

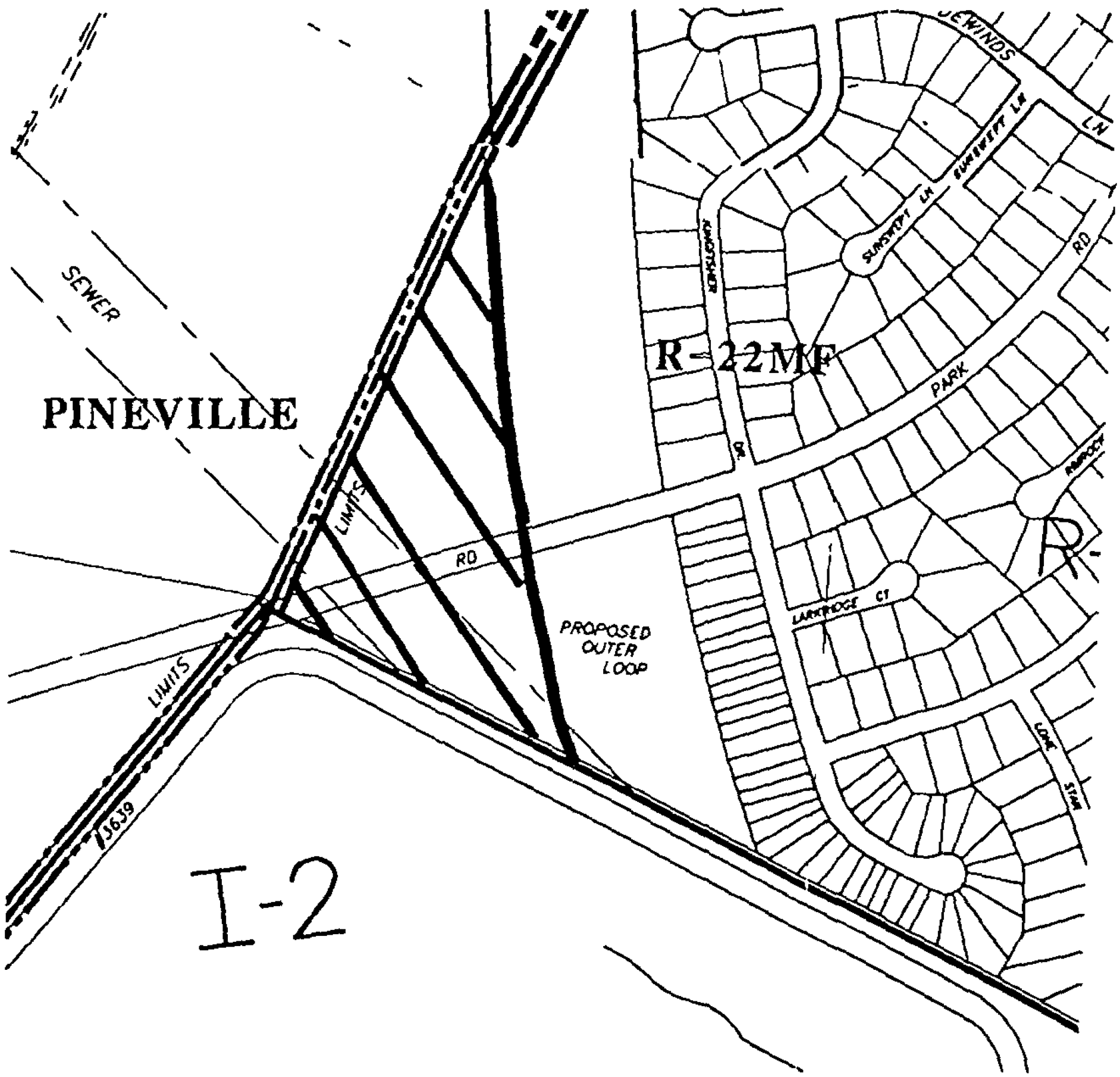
PETITIONER: Park Ridge Seven Associates

PETITION NO.: 92-47 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-22MF

ZONING CLASSIFICATION, REQUESTED: B-2

LOCATION: Approximately 11.50 acres located along both sides of Park Road west of the Outer Belt.



ZONING MAP NO(s).: 168, 175 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 28, 1992

PETITION NO.: 92-48

PETITIONER(S): Steve and Alma Nemrava

REQUEST: Change from R-3 to I-1(CD).

LOCATION: A 4.17 acre site located on the south side of Tuckaseegee Road north of I-85.

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 plan proposes rezoning from single family residential to conditional industrial. Publicly adopted plans for this area recommend that this property is to be acquired for a park. However, due to the relationship of this area to the airport noise contours, the plans also recognize that this area will probably be used for nonresidential purposes at some time in the future. Because of the relationships of the grade of this property to the interstate and the airport noise contours, committee members expressed concern that this property would never be used for single family residential. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

This petition is not consistent with land use plans for the area as adopted by the City Council.

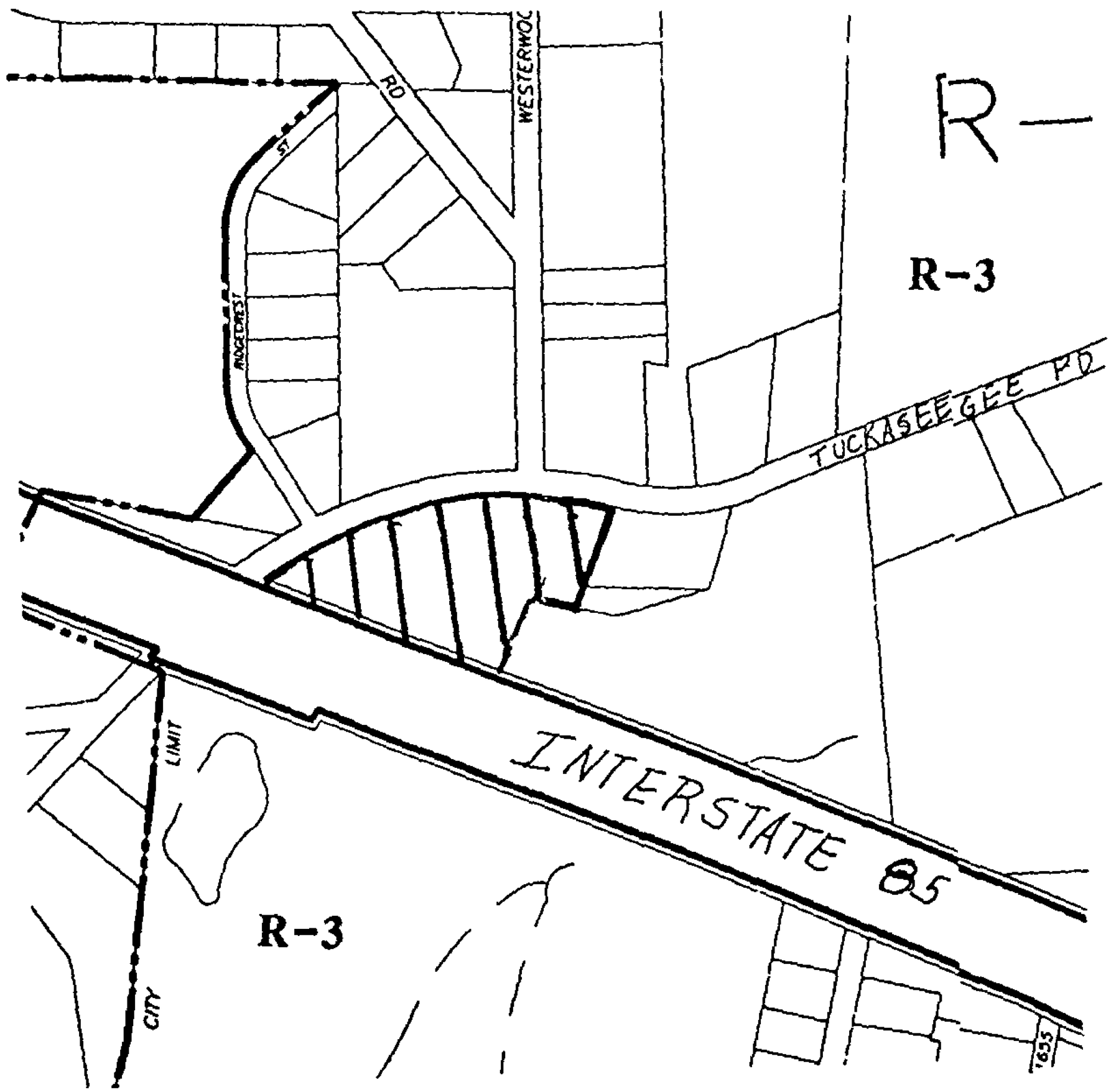
PETITIONER: Steve and Alma Nemrava

PETITION NO.: 92-48 HEARING DATE. September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-1(CD)

LOCATION: A 4.17 acre site located on the south side of Tuckaseegee Road at I-85.



ZONING MAP NO(s).: 85 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE:	September 28, 1992
PETITION NO.:	92-49
PETITIONER(S):	President Banking Company
REQUEST:	Consideration of an I-1(CD) site plan amendment.
LOCATION:	A 1.054 acre site bounded by Louise Avenue, Belmont Avenue, and Pegram Street.
ACTION:	The Zoning Committee recommends that this petition be approved as modified.
VOTE: Yeas:	Baker, Byrne, Fenning, McClure, Tabor, and Whelchel.
Nays:	None.
Absent:	James.

REASONS

This petition proposes an amendment to a previously approved I-1(CD) plan to correct a violation. Publicly adopted plans for the area recognizes the existing industrial use. The Zoning Committee discussed the violations that currently exist at this site and thinks that what is being offered is a good compromise. The Zoning Committee recommends that this petition be approved with a slight modification to the site plan adding a note committing to plant grass in the area along Pegram Street where the driveway is to be removed.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

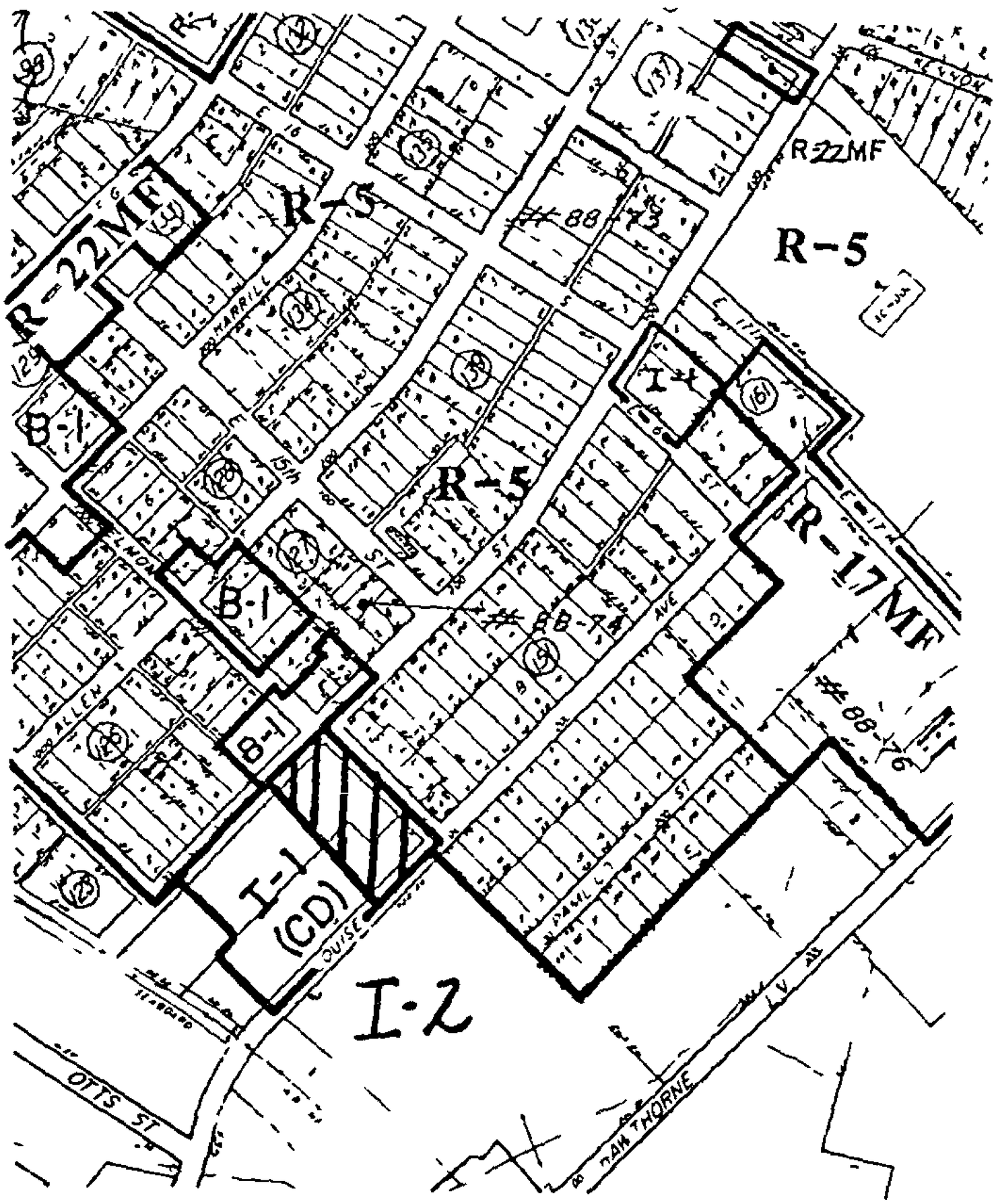
PETITIONER: President Baking Company

PETITION NO.: 92-49 HEARING DATE September 21, 1992

ZONING CLASSIFICATION, EXISTING: I-1(CD)

ZONING CLASSIFICATION, REQUESTED: I-1(CD) Site Plan Amendment

LOCATION: Approximately 1.054 acres bounded on three sides by Louise Avenue, Belmont Avenue and Pegram Street.



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

PROPERTY PROPOSED FOR CHANGE

DATE: September 28, 1992

PETITION NO.: 92-50

PETITIONER(S): Clifton and Margaret Flowers, et. al.

REQUEST: Change from O-1 to R-3.

LOCATION: Approximately 1.67 acres located along both sides of Wilora Lake Road north of Albemarle Road.

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 petition seeks a rezoning from an office category to a single family residential category. This is a self-imposed downzoning. Plans for the area recognize the subject property as suitable for office uses. However, the requested zoning classification is consistent with the existing land use. Therefore, the Zoning Committee views this petition as appropriate for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

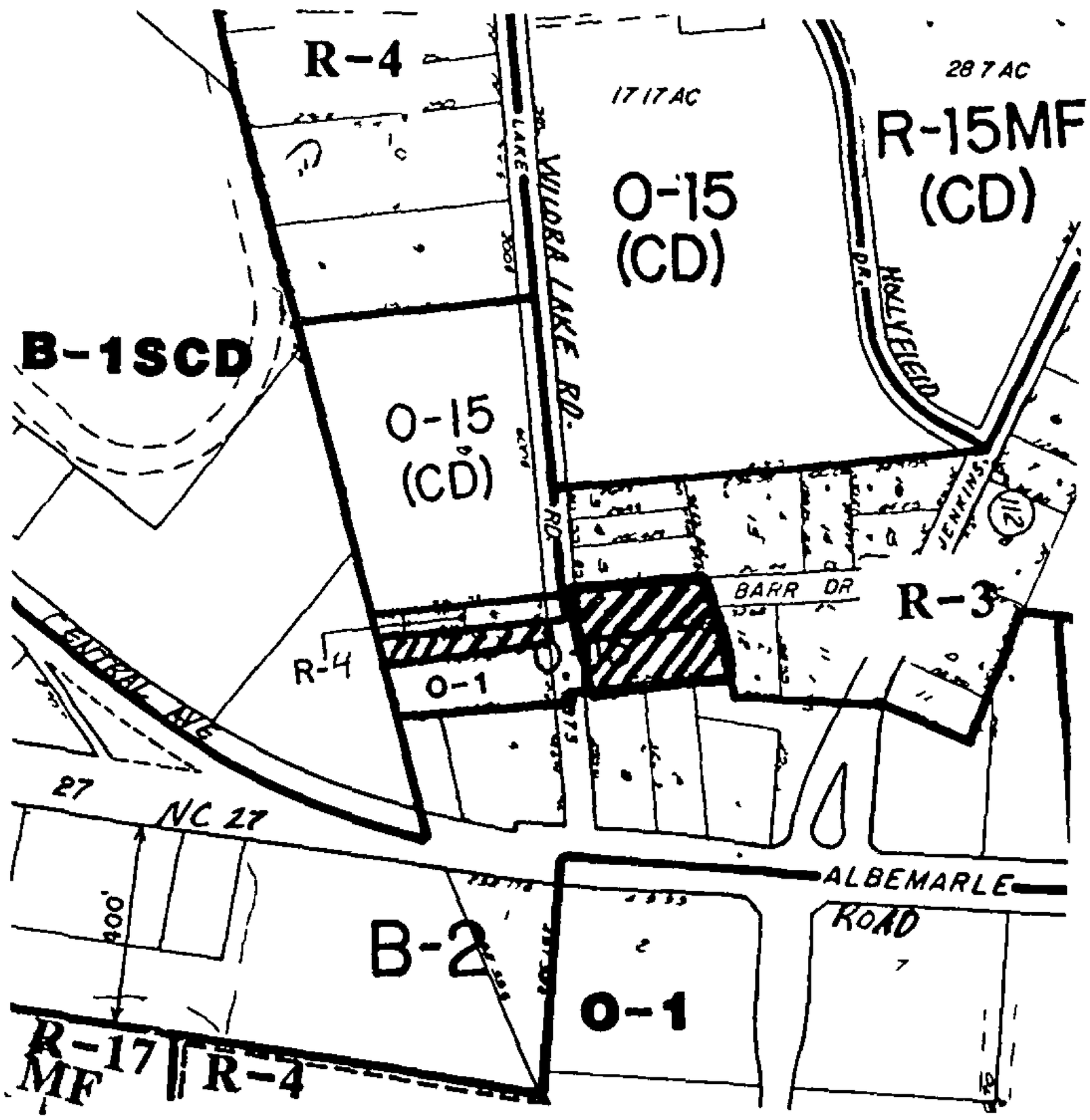
PETITIONER: Clifton & Margaret Flowers, et al.

PETITION NO.: 92-50 HEARING DATE: September 21, 1992

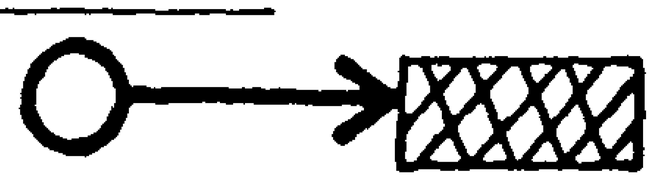
ZONING CLASSIFICATION, EXISTING: O-1

ZONING CLASSIFICATION, REQUESTED: R-3

LOCATION: 3 parcels located along both sides of Wilora Lake Road north of Albemarle Road.



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



PROPERTY PROPOSED FOR CHANGE

P. 4 of 1

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.

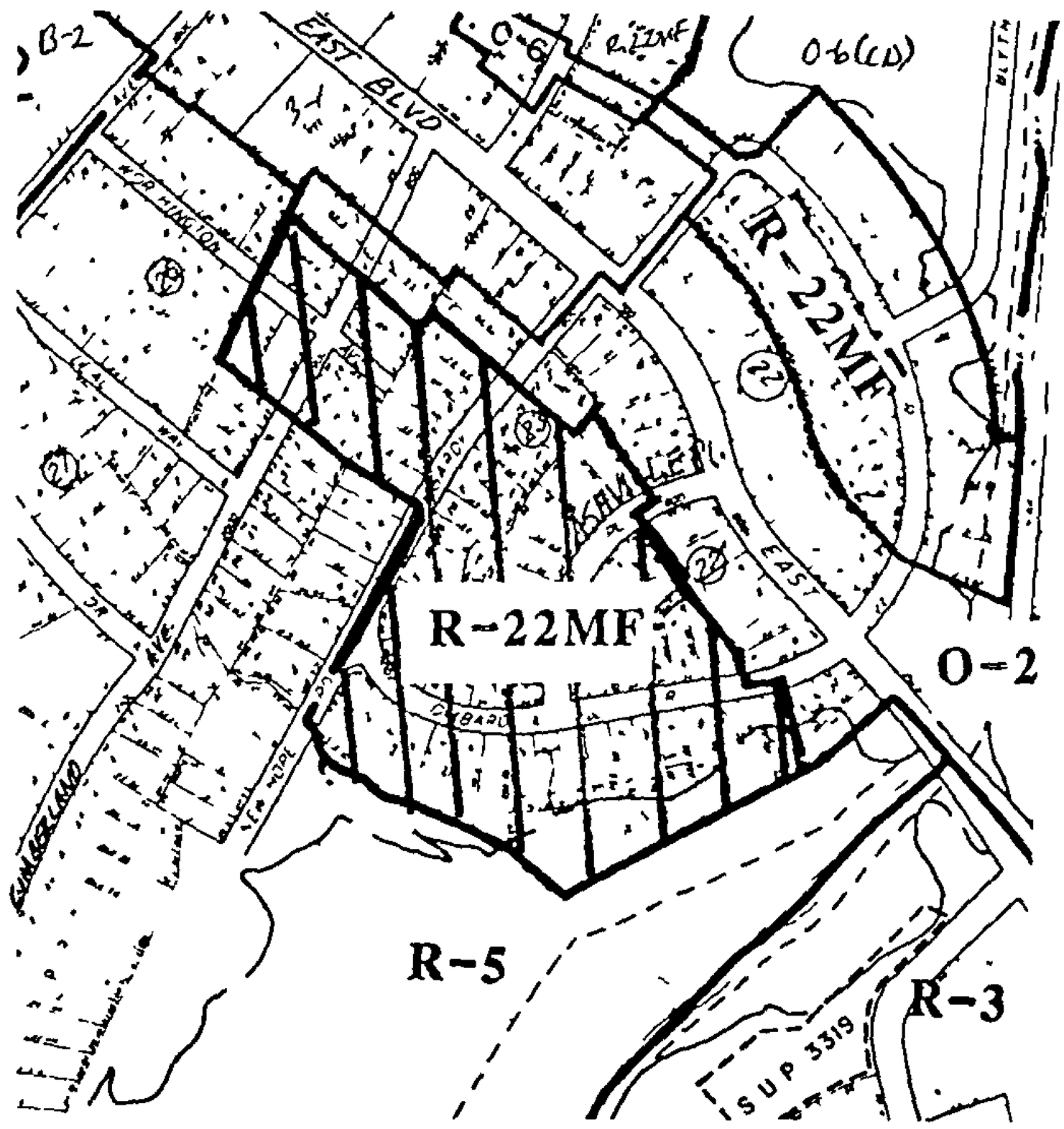
PETITIONER L Hunter Meacham, Jr and Wanda F. ...

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:	September 28, 1992
PETITION NO.:	92-52
PETITIONER(S):	Charlotte Inn, Inc.
REQUEST:	Change from I-2 to I-1.
LOCATION:	A 6.71 acre site located on the east side of Little Rock Road south of I-85.
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 petition proposes the downzoning from general industrial (I-2) to light industrial (I-1) for an existing hotel. In the previous ordinance, a hotel was permitted as a use by right in the I-2 district. However, the new zoning ordinance allows hotels as a permitted use in the I-1 district. Publicly adopted plans for the area recommend employment and industrial uses in the area of the subject property. This petition raises no issues from a land use standpoint. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

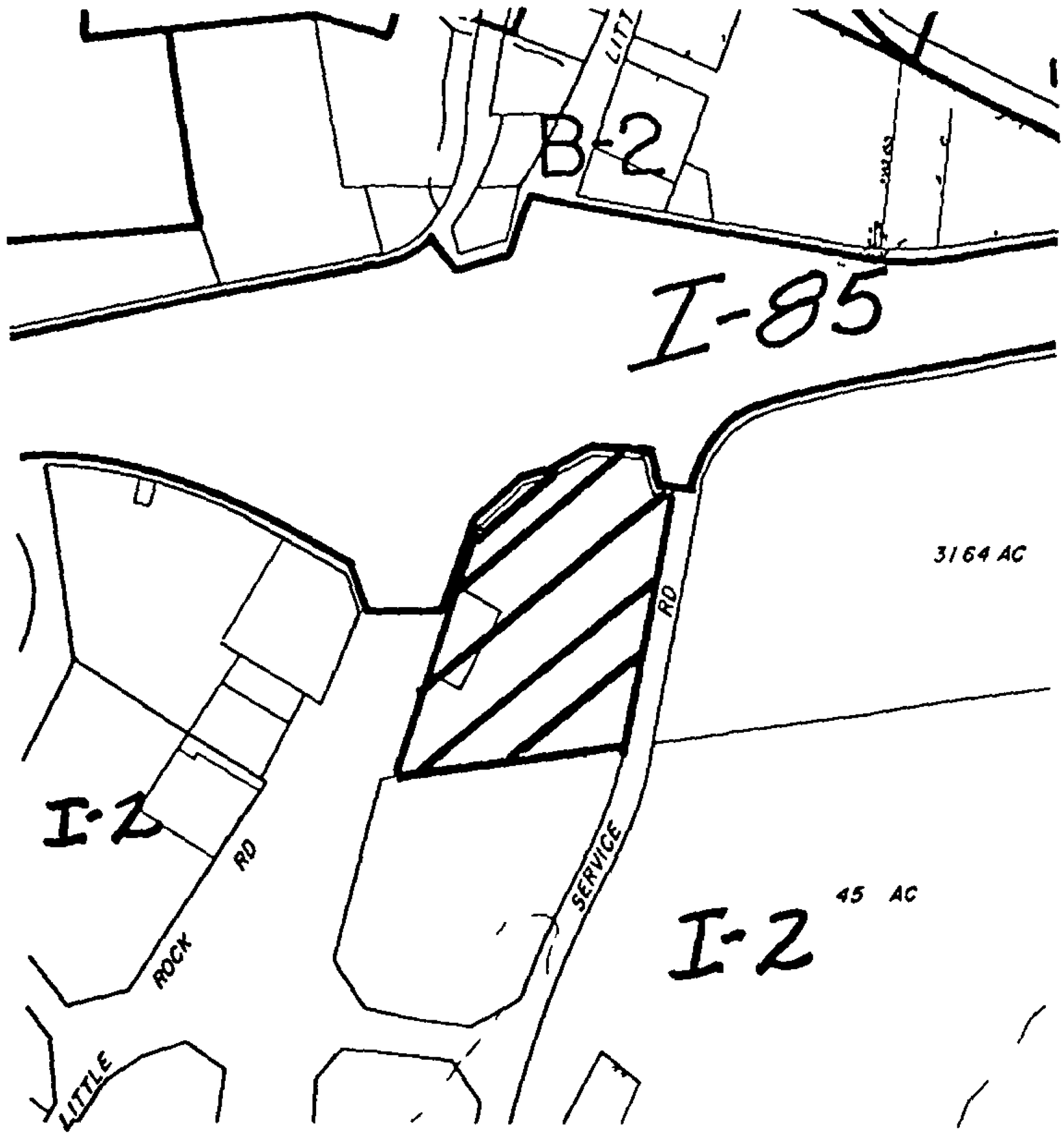
PETITIONER. Charlotte Inn, Inc.

PETITION NO.: 92-52 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately 6.71 acres located on the east side of Little Rock Road south of I-85.



ZONING MAP NO(s).: 86 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 28, 1992

PETITION NO.: 92-53

PETITIONER(S): Alexander Children's Center

REQUEST: Change from R-3 and R-17MF to Institutional(CD).

LOCATION: A 46 acre site located on the west side of Thermal Road between Pineburr Road and Rocky Falls Road.

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 petition proposes the rezoning of property from single family residential and multi-family residential to conditional institutional to allow the expansion of a children's center. Publicly adopted plans for the area recognize the institutional nature of the existing use. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

REVISED

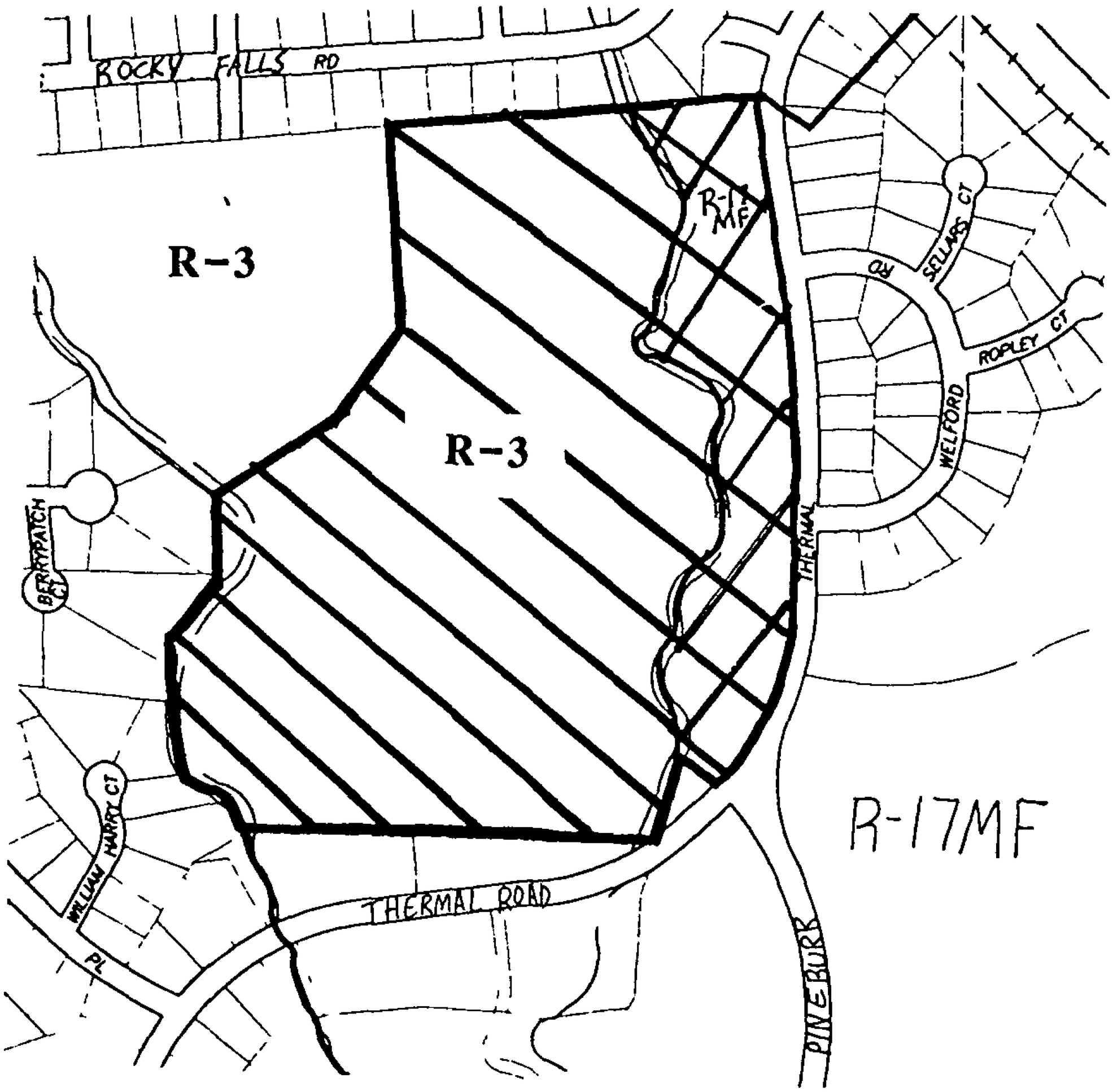
PETITIONER: Alexander Children's Center

PETITION NO.: 92-53 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3 and R-17MF

ZONING CLASSIFICATION, REQUESTED: Institutional(CD)

LOCATION: Approximately 46.00 acres located on the west side of Thermal Road between Pineburr Road and Rocky Falls Road.



ZONING MAP NO(s).: 137 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: September 28, 1992

PETITION NO.: 92-54

PETITIONER(S): B.H.B. of Charlotte, Inc.

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

LOCATION: A .21 acre parcel located on the southwesterly side of East Boulevard between Dilworth Road East and Charlotte Drive.

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 petition proposes rezoning from an office district to a conditional commercial district. Publicly adopted plans for the area recognize the existing office zoning and use of the subject property. The Zoning Committee requested that a note be added to the site plan clarifying that the uses allowed on this property would be limited to what was described at the public hearing or what could go there now. The petitioner's agent agreed to add such a note. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff disagrees with the Zoning Committee recommendation. There is ample existing and vacant commercially zoned land in the area and rezoning this site could stimulate similar requests in the same block.

PETITIONER: B H B. of Charlotte, Inc.

PETITION NO.: 92-54 HEARING DATE: September 21, 1992

ZONING CLASSIFICATION, EXISTING: O-2

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

LOCATION: Approximately 31,00 square foot parcel located on the southwesterly side of East Boulevard between Dilworth Road East and Charlotte Drive.

ZONING MAP NO(s).: 111 SCALE 1" = ~~400~~ Not to Scale

PROPERTY PROPOSED FOR CHANGE

Dinner Briefing 10/19/92

Mayor	✓	Ann McClure	✓
Campbell	✓	Jack Byrne	✓
Clodfelter	✓ x	John Tabor	✓
Hammond	✓ x	Ken Baker	✓
McCrory	✓ x		
Majeed	✓ x		
Mason	✓ x		
Martin	✓ x		
Patterson	✓ x		
Reid	✓ x		
Scarborough	✓ x		
Wheeler			

5:25

Hammond
Fields
Hammond
Fields
Bill Cox - Transportation assessment for next 20 years
Revisit Northeast District Plan -

Morgan - Did you consider
HOV

Cox
Morgan
Cox
Hammond
McCrory
Fields - 2 for Nov - 1 Dec
Votes Dec + Jan
McCrory
Edna Chirico
Cox
Fields
Chirico
Cox -
McCrory
Cox
McCrory
Cox
McCrory
Cox
Scarborough
Fields
Scarborough

Fields 92-64 & 92-67
Martin
Mangum
Fields
Mangum
Fields Now zoned B-2(CD)
Cox
Fields
Mangum - Retail ?
Fields
Hammond -
Fields At dinner in November.
Hammond - Dec. workshop
Fields -
Scarborough / Mangum - Put on
workshop in
Patterson
Scarborough - First Mon. Dec is 7th
Hammond
Ford - need to vote ?
Hamm
Man Vote - Dec Workshop
Fields
Mangum - Harris - & defined

McCrary not intent

Margum

Hammond

McCrary

White

McCrary

Mazzer add to ex sess or —

White

Mazzer

McCrary soon enough?

White

Mazzer ex sess next Mon —

White

Pattison

Adjourn 6 p.m.

Zoning Meeting 10/19/92

Mayor	✓	Ann McClure	✓
Campbell	✓	Len Baker	✓
Clodfelter	✓	Jack Byrne	✓
Hammond	✓	Vincent James	✓
McCrory	✓	John Tabor	✓
Majeed	✓	Don Wheldel	✓
Mangum	✓		
Martin	✓		
Patterson	✓		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

6:05 pm

Mayor
Hammond - Invocation
Mayor
Ann McClure
Mayor - Deferrals
#1 Mangum - 92-45
Freeze
Mangum / Martin - Continue for 30 days - unan.

Mayor
Freeze
Mangum
Mayor

#2 #92-56

Mayor
Clodfelter
Fields
Clodfelter
Fields
Hammond
Fields
Hammond
Fields
Clodfelter
Fields
Clodfelter
Fields or raise 25 ft. without traffic study
Hammond
Mayor
Mangum
Doug Gillis
Hammond
Gillis

Majeed
Clodfelter
Majeed
Hammond
Fields - only affects I-1 district
McCrory / Clodfelter Close Hrng.
unan.

#3-92-57
Mayor
Mangum / Hammond Close Hrng.
unan.

#4-92-59
Mayor
Mangum - wants to hear staff
Fields
Mangum - are they using now?
Fields
Clodfelter
Fields
Scarborough - Is there any present buffer?
Fields
Scarborough
Fields
McCrory

Fields
McCrory
Clodfelter
McCrory
Hammond

Fields
McCrory / Hammond Clse Hrng.
Unan.

#5 - 92-61
Mayor
Bryant - Unless Opp - will not speak
Mayor
Scarborough
Fields
Mayor
Bryant -
Hammond / McCrory Clse Hrng
Unan.

6 - 92-62
Mayor
Scarborough - Has petitioner spoken
Emil Pratt with neighborhood?
Mayor
Scarborough / McCrory Clse Hrng
Unan.

#7
#92-63
Mayor
McCrory
Mayor
Fields
Mayor
Fred Bryant
McCrory / Martin — Close Hrng.
Unan.
Mayor
Hammond

#8 - 92-65
Mayor
Patterson - serves on this board as
Martin - no a volunteer
Mayor
Fields
Mayor
David Taylor
Fred Bryant
Shirley Taylor - For conditional that
Harris - Peter is high quality
Fred Bryant
Mayor
Hammond

Bryant
Hammond - 60 ft from str
Bryant
Hammond
Bryant
Hammond
Bryant
Hammond - Zoning Comm look at
pre-existing opportunities
Fields
Hammond - Are there certain reasons
Harris - Tenter cannot move into
some existing center
Bryant - site now approved for 125,000 SQ FT.
office space
Majeed
J Mayor
John Tilson
Bryant
Fields
Bryant -
McCrory - Est tax value of fa
Fields
Bryant
Hammond

Bw
McCrory / Hammond Clse. King
Tenn

#9. -9-2-66
Mayor
Mangum - Brewer
Lee McLaren -
Mangum
McLaren.
Mangum
McLaren.
Fields
Mangum
McLaren
Bill Adcox, Branch Mgr Consolidated
Pipe and Supply Co., Inc
Mangum
Majeed
Wheeler arrived 7:00
Fields
Majeed
McLaren
Mangum
Adcox
Mangum

Adopt
Majeed
Mayor
Reid / Martin

Case Hrng.
Unan.

#10 - 92-18
Mangum / Wheeler - App.
Majeed
McCrory
McClure
VOTE - Unan

#92-24 - #11
Mayor
Mike Boyd -
~~[illegible]~~ Mangum / Martin defer 30 days
Clodfelter - answers - did we continue or defer hearing - were owners advised they could file protests - We do split, but say we are going to split - did we actually split or was there a single vote on whole petition?
Patterson
Hammond
Boyd
Hammond.
VOTE - Defer - Unan.
#12 - 92-42
Martin / Majeed App.
Subst. Clodfelter / Patterson
Clodfelter

Deny

Martin
Clodfelter
Martin - Withdraw motion
McCrory
Ann McClure
McCrory
McClure
Fields
Mayor
McCrory
Majed
Fields
Majed
Fields
Mayor
Martin
Clodfelter - does not say minor change
Martin - Withdraw motion
Fields
Mangum
Hammond - what does strike vs list of permitted uses

VOTE - No Campbell, McCrory | Patterson, Reid,

#13- 92-46
Martin / Mangum App -
Unan.

#14 92-47
Mangum / Hun Approve B-1
Mangum
Reid
Mangum
App -
Mangum

No - Martin

#92-48 - #15
Martin / Scarborough App -

Majed
Martin
VOTE - Unan

#16 92-49
McCrory / Scarborough App
~~[illegible]~~
Clodfelter
Fields
Clodfelter
Fields

Clodfelter
Fields
Clodfelter
Fields
Clodfelter
Fields
Clodfelter
McCrory
Ann McClure
Hammond
Fields
Hammond
Fields
Hammond
McClure
Fields
Hammond
McClure
Hammond
Fields
Majed
Patterson. People who promised not
there anymore.
Scarborough
Fields.

Scarborough
Fields -
Scarborough - Withdraws second -
Martin
Fields
Martin
Reid - seconded

VOTE - aye -

No - Mayer, Clodfelter, Wheeler,
Martin, Scarborough

Clodfelter
Mayer
Clodfelter
Fields
Clodfelter
McClure
McCrory
Mayor

#17 92-50
~~Reed~~ Hammond / Wheeler
Zoning.

#18 92-51

~~Wheeler / Hammond App~~

Reid - ~~App Wooby~~ please separate

Wheeler / Patterson app everything

but Valenstine

Uner

Wheeler / Hammond App Valenstine

Reid

Vineroot

Boyd

Reid

Bob Young

McGregor

Bob Young -

Reid

Sabet Reid / Patterson

2 parties to

Hammond.

Wheeler - neighbors would entertain

deferral of Mr. Valenstine

will work with them -

Clodfelter

Bob Young - normal permitting

process -

Clodfelter

Defer 30 days to allow talk

Young
Majed
Hammond
Fields - Mr Valentine could submit
a conditional plan -
Hammond
Fields -
Hammond
Young - willing to look at
alternatives
Campbell
Venroot
Scarborough
VOTE - No Hammond, Majed

#19 - 9252
Margum / Scarborough App
Unan.

#92-53
Scarborough / Margum App
Unan

#21 92-54
Campbell / Scarborough App

~~Yes~~
No - Mangum, Martin

#22 - Patterson / Martin
App all except 92-64 & 92-67

#23 - Patterson / Hammond - App.
Epc Sessin

Fields

Mangum / Scarborough Adjourn
unan.
8:00 p.m.