AGENDA

Meeting Type:	B
Date:	04/19/1993
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
April 19, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. James Wade, Calvary Church. - Didn't show up Mayeed / Invocation

2. Announcements

   Tuesday, April 20 - 12:00 Noon - City/County/School Board Joint Meeting.

   ~~Wednesday, April 21 - 4:00 p.m. - Council Transportation Committee Meeting.~~ CANCELED

   Thursday, April 22 - 4:00 p.m. Council Planning Committee Meeting.

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

   (a) Agenda Item No. 6 - Hearing on Petition No. 93-17

      1) Bob Young, 301 South McDowell Street, 334-9157 - FOR

   (b) Agenda Item No. 8 - Hearing on Petition No. 93-19

      1) Bailey Patrick, Jr. 222 West Trade Street, 372-1120 - AGAINST

   (c) Agenda Item No. 9 - Hearing on Petition No. 93-20

      1) Robert Cloninger - (Hoyle Martin will give address later) 1111 Tom Sapker Rd Not for or against - wants to speak in general about environmental conditions.

      2) Neil Castles - (Hoyle Martin will give address later) 1525 Stoney Ridge Drive Not for or against - wants to speak in general about environmental conditions.

#1 - Luis Blasco - Chair, H.S. Landmarks
TR Lawing - 3701 Providence Rd - 334-6401

93-15 (#5)
Fred Bryant For

93-19 (#8)
Fred Bryant Against

Sub 93-1
Fred Bryant Against
Bailey Patrick Against

93-18
Tony Gray 16325 Peach Orchard Lane 382-4280

Pet - Hear 10 mN
Opponent " " "
Pet 2 mN Rebutted
opp " "

CHARLOTTE

Meetings in April '93

APRIL 1 - 2

1, Thursday

7 30 a m	FIREFIGHTERS RETIREMENT BOARD Board Room, 428 E Fourth St
10 00 a m	PARADE PERMIT COMMITTEE - CMGC, 6th Floor Conference Room
4 00 p m	CITY COUNCIL PLANNING COMMITTEE - CMGC, Room 271

THE WEEK OF APRIL 5 - 9

5, Monday

12 00 Noon	PLANNING COMMISSION/Work Session - CGMC, 8th Floor Conference Room
2 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
3 30 p m	CITY COUNCIL PERSONNEL AND FINANCE COMMITTEE CMGC, Room 271
5 00 p m	CITY COUNCIL WORKSHOP - CMGC, Conference Center

6, Tuesday

7 30 a m	STORM WATER COMMITTEE - CMGC, Rooms 270-271

8, Thursday

8 30 a m	CIVIL SERVICE BOARD/HEARING (Closed) - CMGC, Room 118
2 00 p m	ADVISORY ENERGY COMMISSION - Hal Marshall Building, 700 N Tryon St , Auditorium 1
4 00 p m	CITY COUNCIL PUBLIC SERVICES COMMITTEE - CMGC, Room 270

9, Friday

GOOD FRIDAY/EASTER HOLIDAY - All City Offices Closed

THE WEEK OF APRIL 12 - 16

12, Monday

3 30 p m	CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE - CMGC, Rooms 270-271
7 00 p m	HISTORIC LANDMARKS COMMISSION - Commission Office, Thies Building, 500 N Tryon St
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)

13, Tuesday

3 00 p m	HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room
4 00 p m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
7 00 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF APRIL 12 - 16 (Continued)

14, Wednesday

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

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

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

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

4 00 p m — **CITY COUNCIL PERSONNEL AND FINANCE COMMITTEE** - CMGC, Room 270

15, Thursday

8 30 a m — **CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

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

16, Friday

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

THE WEEK OF APRIL 18 - 23

18, Sunday

6 00 p m — **LEGISLATIVE DELEGATION, SCHOOL BOARD, CITY COUNCIL, COUNTY COMMISSION** - CMGC, Meeting Chamber (Public Hearing to Discuss District School Board Elections)

19, Monday

3 30 p m — **CITY COUNCIL PUBLIC SERVICES COMMITTEE** - CMGC, Room 270

4 00 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

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

6 00 p m — **HOUSING AUTHORITY** - Earle Village, 610 E Seventh St

21, Wednesday

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

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

5 00 p m — **CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Conference Room

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

22, Thursday

12 00 Noon — **CMUD ADVISORY COMMITTEE** - Catawba River Pump Station (end of Pump Station Road off of Mt Holly-Huntersville Road)

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

(CONTINUED NEXT PAGE)

THE WEEK OF APRIL 26 - 30

26, Monday

3 30 p m	**CITY COUNCIL REGIONALISM COMMITTEE** - CMGC, Room 271
4 30 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room
4 30 p m	**CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 119
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)

27, Tuesday

1 00 p m	**ZONING BOARD OF ADJUSTMENT** Hal Marshall Center, 700 N Tryon St
7 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

28, Wednesday

7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center
8 30 a m	**CIVIL SERVICE BOARD/HEARING (Closed)** - CMGC, 7th Floor Conference Room
9 00 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - New Convention Center Office, 2940 One First Union Center

29, Thursday

4 00 p m	**CITY COUNCIL PUBLIC SERVICES COMMITTEE** - CMGC, Room 270
5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

30, Friday

8 30 a m	**YOUTH INVOLVEMENT COUNCIL/Youth In Government Day** - CMGC, Meeting Chamber

These organizations do not have meetings scheduled in April

Community Relations Committee
Insurance & Risk Management Advisory Board
Mayor's International Cabinet
Volleyball Task Force

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, April 19, 1993

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

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

Invocation by Rev. James Wade, Calvary Church.

ORD# 1
3551- X
BK 43 PG 29

ITEM NO.

PUBLIC HEARINGS

1. **Hearing to consider designation of the Hawthorne Lane United Methodist Church, including the interior and exterior and the land upon which it sits, located at 501 Hawthorne Lane, Charlotte, North Carolina as an historic landmark.**

To close Mcc/ whe unan
Approve Mcc/ Scar unan.

The basis for recommendation by the Historic Landmarks Commission is found in the attachment.

Recommend adoption of an ordinance designating the Hawthorne Lane United Methodist Church, including the interior and exterior, as well as the ground upon which it sits, as an historic landmark.

Attachment No. 1

3552 - X BK 43, PG 34 ORD# 2

2. **Hearing to consider designation of the John Paul and Alice Craft Lucas House, including the exterior and interior of the house, as well as the land upon which it sits, located 1601 East Seventh Street, Charlotte, North Carolina, as an historic landmark.**

To close Ham/ MCC unan
Approve MCC Scar

The basis for recommendation by the Historic Landmarks Commission is in the attachment.

Recommend adoption of an ordinance designating the John Paul and Alice Craft Lucas House, including the exterior and interior, and the land upon which it sits as an historic landmark.

Attachment No. 2

Sub motion closed/ whe to designate ext. as property as FIRST Hearing UNAN.

To close Ham | Mart unan To Approve As Written Chd | Whe unan.

3553-X
BK 43 Pg 39

ITEM NO.

ORD# 3

3. Hearing to consider designation of the John Price Carr House, including the interior and exterior and the parcel of land upon which it sits, located at 200 North McDowell Street, Charlotte, North Carolina, as an historic landmark.

The basis for recommendation by the Historic Landmarks Commission is in the attachment.

Recommend adoption of an ordinance designating the John Price Carr House, including the exterior and interior, and the land upon which it sits as an historic landmark.

Attachment No. 3

4. (93-14) Hearing on Petition No. 93-14 by Real Estate and Building Industry Coalition for a Text Amendment to the City of Charlotte Zoning Ordinance for the purpose of modifying the vested rights portion of the ordinance.

Defer 30 days Ham | Scar unan

Attachment No. 4

5. (93-15) Hearing on Petition No. 93-15 by Harry G. Kostopoulos and Pete H. Kanellopoulos for a change in zoning from R-3 to R-4(CD) and B-2(CD) for a 3.6 acre site located on the north side of Albemarle Road between Faulconbridge Road and Hollirose Drive.

Close Mart | Whe unan.

Attachment No. 5

6. (93-17) Hearing on Petition No. 93-17 by Larry D. Campbell for a change in zoning from R-4 to B-2(CD) for approximately 2.4 acres located on the east side of Statesville Road north of Cindy Lane.

Close Mart | Whe unan

Attachment No. 6

7. (93-18) Hearing on Petition No. 93-18 by Charlotte-Mecklenburg Senior Centers, Inc. for a change in zoning from R-4 to R-17MF for approximately 5.5 acres located on the north side of Tyvola Road adjacent to Marion Diehl Park.

Close Whe | Mart unan

Attachment No. 7

#93-19
Continue until 5-17
Ham/ Scan
unan

8. (93-19) Hearing on Petition No. 93-19 by Charlotte-Mecklenburg Planning Commission for a text amendment to the City of Charlotte Zoning Ordinance to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act.

Attachment No. 8

9. (93-20) Hearing on Petition No. 93-20 by Charlotte-Mecklenburg Planning Commission for establishment of the Catawba River/ Lake Wylie Watershed Overlay district. This applies to approximately 1,950 acres located generally along portions of Mount Holly Road, Belhaven Boulevard and Tom Sadler Road.

Continue until 5-17
mant/ Ham
unan

Attachment No. 9

10. (SUB93-1) Hearing on Petition No. SUB 93-1 by Charlotte-Mecklenburg Planning Commission for a text amendment to the City of Charlotte Subdivision Ordinance to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act.

Ham/ Whe
Continue until 5-17
unan

Attachment No. 10

~~#10A - Attached~~ DO NOT HANDLE

DECISIONS

11. (92-72) Decision on Petition No. 92-72 by Christopher Branch for a change in zoning from R-3 to UR-1(CD) and UR-2(CD) for a 2.77 acre site located on the southwesterly corner of Queens Road West and East Boulevard.

Approve as modified #3 554-2 B-43 P-43
Clod/ Scan
unan.

This petition was deferred at the February 15 and March 15 meetings.

The Zoning Committee recommends that this petition be approved subject to modification to address concerns raised by the Myers Park Homeowners Association.

Attachment No. 11

12. (92-73) Decision on Petition No. 92-73 by James E. Body for a change in zoning from R-3 to R-6(CD) for a 6.89 acre site located on the north side of Fairview Road west of Wintercrest Road.

Deferred until next Bus meeting 4-26-93 / Ld. D
Mang
unan.

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

This petition was continued for 60 days at the December 21, 1992 meeting and deferred for 30 days at the February 15 March 15 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (93-1) Decision on Petition No. 93-1 by Charlotte Area Catholic Schools for a change in zoning from R-4 to O-1(CD) for two parcels which total 8.93 acres including 6.7 acres located on the west side of Park Road across from Princeton Avenue (Charlotte Catholic High School main campus) and a 2.17 acre site located on the southwest corner of the intersection of Park Road and Cambridge Road.

Move to Deny Scarf Mart Unan.

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

This petition was deferred at the February 15 and March 15 meetings.

The Zoning Committee recommends that this petition be denied.

Attachment No. 13

14. (93-7) Decision on Petition No. 93-7 by Allison Family Partnership for a change in zoning from O-15(CD) to R-3 for approximately 17.33 acres located on the east side of Wilora Lake Road north of Albemarle Road.

To Approve Clod w/the Unan # 3555-2 B-43 P-46

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (93-8) Decision on Petition No. 93-8 by Richard Stilwell for a change in zoning from R-3 to I-1 for an approximate 1 acre site located on the south side of Byrum Drive east of Timberly Place.

Deferred until Business Next Meeting 4-26-93 Clod Mart/ Unan

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (93-9) Decision on Petition No. 93-9 by Withrow Capital for a change in zoning from R-12(CD) and O-15(CD) to O-1(CD) for approximately 75.3 acres located on the northerly side of West Arrowood Road opposite the Arrowpoint Business Park.

Scar/ Mart Defer until 5-17 Back to Planning Co for their advice re. the Hin Shaw proposal unan

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

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

Attachment No. 16

17. (93-12) Decision on Petition No. 93-12 by N. A. Mathisen for a change in zoning from R-6MF(CD) and R-9(CD) to R-8 for approximately 14.6 acres located on both sides of Faires Farm Road north of McLean Road.

Approve Clod/ Whe unan

The Zoning Committee recommends that this petition be approved.

#3556-2 B-43 P-49

Attachment No. 17

18. (93-13) Decision on Petition No. 93-13 by Volvo GM Heavy Truck Corporation for a change in zoning from I-2 to I-1 for approximately 4.5 acres located on the southerly side of I-85 at Cottonwood Street.

Approve Scar/ Whe unan.

#3557-2 B-43 P-52

The Zoning Committee recommends that this petition be approved.

Attachment No. 18

BK 31, PG 18 Res #1

19. Recommend adoption of a Resolution calling for a joint public hearing on Monday, May 17, 1993, before the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning designation of the Morgan School, including the exterior and interior and the land associated therewith, as an Historic Landmark.

HAM/MAIT unan

BK 31, PG 20 Res #2

20. Recommend adoption of a Resolution calling for a joint public hearing on Monday, May 17, 1993, before the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Bishop Edwin D. Mouzon House, including the interior and exterior of the house and the interior and exterior of the garage, and the land associated therewith, as an Historic Landmark.

Mart/ HAM unan

Bk 31, pg 22

Scar/ahe unan Res #3

21. Recommend adoption of a Resolution calling for public hearings on Monday, May 17, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos. 93-16 and 93-21 through 93-26 for zoning changes.

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "Hawthorne Lane United Methodist Church" (specifically, the entire exterior and portions of the interior of the 1916 structure and a portion of the tract of land recorded under Tax Parcel Number 080-204-08) located at 501 Hawthorne Lane, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte-Mecklenburg Historic Landmarks Commission

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

Background - The Commission judges that the property known as the Hawthorne Lane United Methodist Church does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) the congregation of the church was organized in 1914 as Hawthorne Lane Methodist Church to serve the Elizabeth-Piedmont Park community and became a United Methodist Church in the 1960 s 2) many of Charlotte's most prominent business leaders, including J B Ivey, B D Heath and E A Cole, were charter members of Hawthorne Lane United Methodist Church, 3) Hawthorne Lane United Methodist Church was designed by a leading Charlotte architect, Louis Asbury 4) the Hawthorne Lane United Methodist Church was built in a popular church design of the period, the Akron Plan , 5) the first service at Hawthorne Lane United Methodist Church was held on December 3, 1916, 6) the Hawthorne Lane United Methodist Church has many exterior features, such as the bell tower and slate roof, intact and in very good condition, 7) the Hawthorne Lane United Methodist Church has many interior appointments, such as the ceiling lined with American chestnut and stained glass windows with cast stone tracery, intact and in very good condition, 8) the Hawthorne Lane United Methodist Church is architecturally significant as a fine example of an early 20th century Gothic Revival church, 9) the land at the Hawthorne Lane United Methodist Church contains landscape features which approximate the characteristics of the property in the early 20th century, 10) the protection of the landscape features at the Hawthorne Lane United Methodist Church is essential for safeguarding the historic setting of the church, and 11) the Hawthorne Lane United Methodist Church has, since 1914, continuously served the neighborhood and the city of Charlotte with its active programs for both members and non-members

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

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the property is exempt and there are no ad Valorem taxes potentially deferrable

Clearances - The Department Review process revealed no conflict between the proposed designation and other City projects except for comments regarding a future right-of-way

Bibliography - Survey and Research Report of Hawthorne Lane United Methodist Church (4 May 1992)

For Office Use Only

Date Submitted 7 April 1993

Agenda Date Requested 19 April 1993

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

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

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

1 Draft of Ordinance
2 Survey and Research Report (on file at office of City Clerk)
3 Letter with Vote of Charlotte Mecklenburg Historic Landmarks Commission
4 Tax Deferment Letter
5 Title Search by HLC Attorney
6 Letter from North Carolina Division of Archives and History
7 Justification for Recommending Historic Designation for Portion of Tax Parcel
8 Permission of Owners for Interior Design Review
9 Comment Summary of Department Review
10 Photographs of Proposed Landmark

An Ordinance designating as Historic Landmark a property known as "Hawthorne Lane United Methodist Church" (listed under Tax Parcel Number 080-204-08 and including the exterior and portions of the interior of the 1916 structure of Hawthorne Lane United Methodist Church located within the boundaries of said tax parcel). The portion of the parcel of land to be designated is listed under Tax Parcel Number 080-204-08 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by the Trustees of Hawthorne Lane United Methodist Church, is located at 501 Hawthorne Lane, Charlotte, Mecklenburg County, North Carolina.

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

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the _____ day of _____, 1993, on the question of designating a property known as the Hawthorne Lane United Methodist Church (listed under tax parcel Number 080-204-08) as historic landmark, and

WHEREAS, the congregation of the church was organized in 1914 as Hawthorne Lane Methodist Church to serve the Elizabeth-Piedmont Park community and became a United Methodist Church in the 1960's, and

WHEREAS, many of Charlotte's most prominent business leaders, including J B Ivey, B D Heath and E A Cole, were charter members of Hawthorne Lane United Methodist Church, and

WHEREAS, Hawthorne Lane United Methodist Church was designed by a leading Charlotte architect, Louis Asbury, and

WHEREAS, the Hawthorne Lane United Methodist Church was built in a popular church design of the period, the "Akron Plan", and

WHEREAS, the first service at Hawthorne Lane United Methodist Church was held on 3 December 1916, and

ORDINANCE - Hawthorne Lane United Methodist Church

WHEREAS, the Hawthorne Lane United Methodist Church is architecturally significant for the many exterior features and appointments, such as the bell tower and the slate roof, intact and in very good condition, and

WHEREAS, the Hawthorne Lane United Methodist Church is architecturally significant for the many interior features and appointments, such as the ceiling lined with American chestnut and the stained glass windows with cast stone tracery, intact and in very good condition, and

WHEREAS, the Hawthorne Lane United Methodist Church is significant as a fine example of an early 20th century Gothic Revival church, and

WHEREAS, the Hawthorne Lane United Methodist Church has, since 1914, continuously served the neighborhood and the city of Charlotte with its active programs for both members and non-members, and

WHEREAS, the original historic fabric of the exterior and the interior of the Hawthorne Lane United Methodist Church is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the interior of the 1916 structure of Hawthorne Lane United Methodist Church because consent for interior design review has been given by the Owners, and

WHEREAS, the current Owners, the Trustees of Hawthorne Lane United Methodist Church, have faithfully maintained the 1916 structure of Hawthorne Lane United Methodist Church and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Hawthorne Lane United Methodist Church (listed under tax parcel Number 080-204-08), possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

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

WHEREAS, the property known as the Hawthorne Lane United Methodist Church is owned by the Trustees of Hawthorne Lane United Methodist Church,

ORDINANCE - Hawthorne Lane United Methodist Church

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

1 That the property known as the Hawthorne Lane United Methodist Church (listed under tax parcel Number 080-204-08 and including the exterior and portions of the interior of the 1916 structure of Hawthorne Lane United Methodist Church) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 501 Hawthorne Lane, Charlotte, in Mecklenburg County, North Carolina For purposes of description only, the location of said building is situated on a portion of the tract of property and is more specifically described as follows

> Being a portion of the property of the Hawthorne Lane United Methodist Church shown as tax parcel 080-204-08, being more particularly described as follows
>
> BEGINNING at the southern corner of the property at the corner of East 8th Street and Hawthorne Lane and running 200 feet to the northeast along Hawthorne Lane, thence turning to the northwest and running parallel to the northeast wall of the 1916 structure on an imaginary line at a distance of 25 feet from said wall to end at an imaginary point, thence turning to the southwest and running parallel to the northwest wall of the 1916 structure on an imaginary line at a distance of 10 feet from said wall to end at an imaginary point on the East 8th Street boundary line of the tax parcel, thence turning to the southeast and running along the East 8th Street boundary line to the corner of East 8th Street and Hawthorne Lane, the point and place of BEGINNING

Interior and exterior features are more completely described in the *Survey and Research Report of Hawthorne Lane United Methodist Church* (4 May 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the nave, the sanctuary, the choir, the balcony, the two entry vestibules and the chapel of the 1916 structure of Hawthorne Lane United Methodist Church and includes the following items in those areas the ceiling of American chestnut, the nave's sloping floor, the other original floors, the woodwork and moldings including the wooden screens, balustrades, wainscot, and panels, the stained glass windows, the vestibule doors, the chapel doors, the

original walls, the hardware and fixtures, the volume and shapes of the interior spaces provided by the Akron Plan and other interior features that are part of the original historic fabric of the building

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

4 That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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

6 That the Owner and occupants of the landmark known as the Hawthorne Lane United Methodist Church be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

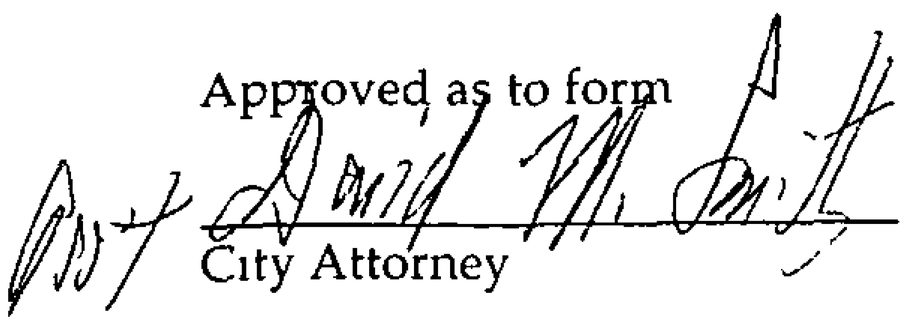
ORDINANCE - Hawthorne Lane United Methodist Church

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

Adopted the _____ day of _____ 1993 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

7 April 1993

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

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *Hawthorne Lane United Methodist Church* The owners, the Trustees of Hawthorne Lane United Methodist Church, have indicated approval of the prospect of designation Consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 18 May 1992 The results are as follows

Favor	Louis Bledsoe, Allen Brooks, Roddy Dowd, Jim Hammond, B J Hendrix, Van Hill, Trissy Lomax, Shirley Rico, Andy Scales, Jim VanOrsdel
Oppose	None
Abstain	None

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

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

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

MECKLENBURG COUNTY

Office of the Tax Administrator

May 27, 1992

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

RE Hawthorne Lane United Methodist Church

Dear Ms Black

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

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

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

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

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

CHARLES J HENDERSON
(RETIRED)
THOMAS G LANE JR
(RETIRED)
TELEPHONE (704) 372-4884
TELECOPIER (704) 332 0585

May 27, 1992

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

Re: **Hawthorne Lane United Methodist Church**
501 Hawthorne Lane, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of May 20, 1992, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property and sole parties to be notified are the **Trustees of Hawthorne Lane United Methodist Church, successor to Hawthorn Lane Methodist Episcopal Church, South, 501 Hawthorne Lane, Charlotte, North Carolina 28204.**

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

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

June 16, 1992

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

Re: Local landmark designation report for **Hawthorne Lane United Methodist Church**

Dear Ms. Black:

Thank you for the survey and research report for local landmark designation of the **Hawthorne Lane United Methodist Church, 501 Hawthorne Lane, Charlotte, Mecklenburg County.** We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

The report documents the importance of the red brick church as a fine example of an Akron plan, Gothic Revival style church from the early 20th century. The appointments, finishes, and decorative details exhibit a wide range of superior materials and expert craftsmanship. Especially notable exterior features are the bell tower, gable-roofed brick buttresses, cast stonework, and stained glass windows. The interior has an exceptional ceiling paneled with American chestnut, wooden trusses with carved decoration, and beautiful trefoil arched wainscot. Designed by Louis Asbury, the church was constructed in 1916 to serve as a neighborhood church for the Elizabeth-Piedmont Park community, among Charlotte's oldest suburbs. The church continues to serve the neighborhood and a congregation drawn from other residential areas. The architectural fabric of the building, both exterior and interior, has remained substantially intact and very well maintained.

We concur with the Commission's finding that the original main church building possesses the requisite special historical, architectural, and cultural significance and architectural integrity for local landmark designation as set forth in G.S. 160A-400.5. We support the Commission's recommendation for designation of the exterior, specified features of the interior, and the defined portion of the land parcel. It should be noted for the record that the Hawthorne Lane United Methodist Church is listed as a contributing property in the Elizabeth Historic District listed in the National Register in

1989. This property is most worthy of the honor, recognition, and protection provided by local designation.

I would like to offer two suggestions for consideration prior to the final drafting of the designation ordinance. First, item number 5 of the survey and research report indicates that a current deed book reference to the property was not found. This matter should be resolved prior to designation as the required owner consent for interior review must be filed in the office of the register of deeds and properly indexed in the grantor and grantee indexes in order to bind future owners.

Second, in addition to specifying the interior features to be reviewed, the ordinance must specify the nature of the Commission's jurisdiction over the interior features so that it is clearly established what kinds of changes will require Commission review.

Thank you for the opportunity to comment on this recommended designation. As you requested, I'm returning your slides and photos. Please feel free to call me at 919-733-6545 if you have any questions about our comments.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

MW:w

enclosures

cc: J. Andrew Scales, Chairman, Charlotte-Mecklenburg Historic Landmarks Commission
Dr. Dan L. Morrill, Consulting Director, Charlotte-Mecklenburg Historic Landmarks Commission

Charlotte-Mecklenburg Historic Landmarks Commission

7 April 1993

To Mayor Vinroot and Members of the Charlotte City Council

From Nora M Black
Architectural/Historical Consultant

Re Justification for recommending historic landmark designation for portion of Hawthorne Lane United Methodist Church tax parcel

During the department review process, the Charlotte Department of Transportation commented that property should be excluded from the historic designation to meet a right-of-way requirement measuring fifty feet from the centerline of Hawthorne Lane Members of the Hawthorne Lane United Methodist Church measured the right-of-way request They reported that a right-of-way of that width would bring the road within twelve feet of the 1916 structure being considered for landmark designation

The Charlotte-Mecklenburg Historic Landmarks Commission does not believe that it is feasible to exclude the right-of-way requirement Such a requirement, if ever realized, would damage the historic landscape so important both to the church and the National Register Historic District of the Elizabeth neighborhood Additionally, the proximity of road construction to the structure might cause two tangible problems The first could be movement and settlement of the foundation causing damage to the 1916 structure The second could be damage to the lead cames used to section the various colored glasses in the stained glass windows

Members of the Commission believe that the integrity of both setting and structure of the Hawthorne Lane United Methodist Church are worthy of historic landmark designation and protection

c Mr Louis A Bledsoe, III, HLC Chairman
Dr Dan Morrill, Consulting Director

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

Charlotte Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS
FOR
INTERIOR DESIGN REVIEW

Pursuant to North Carolina General Statute 160A-400 9(b) on historic landmarks, we, Robert W Lawing and Robert V. Dodd, owners of record, do hereby request designation of interior spaces as such spaces have been deemed to have architectural, artistic, cultural, or historical significance We give permission to the Charlotte-Mecklenburg Historic Landmarks Commission to exercise jurisdiction for design review over all interior designated portions of the following building or buildings known as

Hawthorne Lane United Methodist Church

located at 501 Hawthorne Lane, Charlotte, North Carolina 28204

Signature (Owner)

Name (Print) Robert W Lawing
Chairman Bd of Trustees HLUMC

Date 5/14/92

Signature (Owner)

Name (Print) Robert V. Dodd
Senior Pastor

Date 5-17-92

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

Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

Hawthorne Lane United Methodist Church

Findings

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects except for comments regarding a future right-of-way

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No relation to CIP Projects or permits granted or under consideration Copy of other comments attached
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	This property is in the Central Planning District There are no current land use proposals impacting it Subject is near, but should not be affected by the upcoming widening of Independence Boulevard No relation to permits granted or under consideration
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No comments but department attached maps of utilities near site

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

HISTORIC LANDMARKS COMMENT FORM

Return to: Charlotte-Mecklenburg Historic Landmarks Commission
P O Box 35434
Charlotte, North Carolina 28234

Date Mailed 21 May 1992
Response Due Date 8 June 1992

Property Description

Name *Hawthorne Lane United Methodist Church*
Address 501 Hawthorne Lane, Charlotte, North Carolina
Tax Parcel Number 080-204-08
Physical Description See attached Tax Map and Photograph
Rectangular portion of parcel being recommended for designation
Location Elizabeth neighborhood

Comments

Relation to Department Plans and Projects Hawthorne Lane is classified as a major thoroughfare. A future right-of-way width of 50' from the roadway centerline should be protected for roadway needs.

Relation to Capital Improvement Program Projects none

Relation to Permits Granted or Under Consideration none

Other Comments none

Submitted By

Name Clark Readling
Department City Engineering
Date June 4, 1992

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

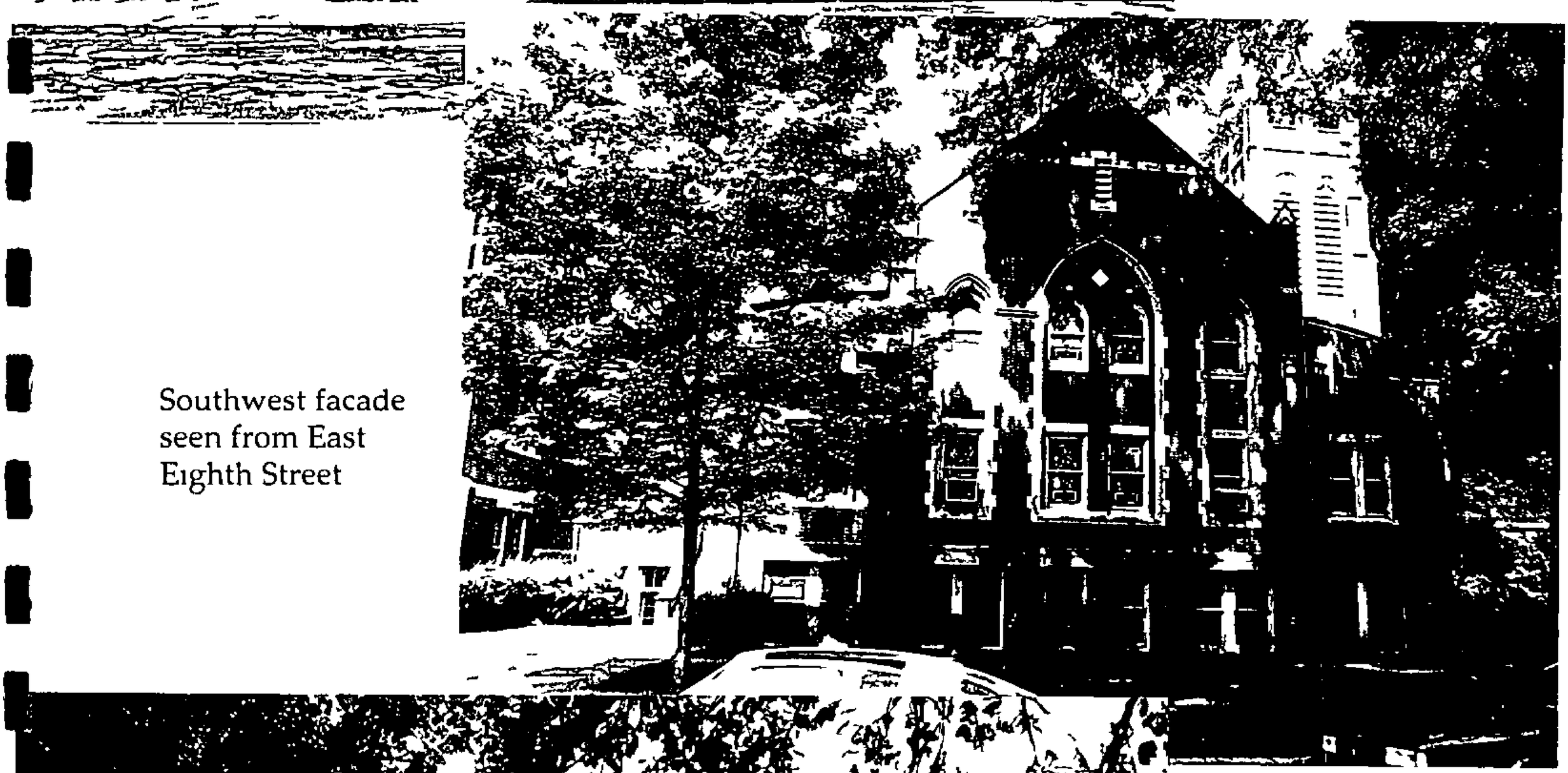
HAWTHORNE LANE UNITED METHODIST CHURCH

According to the Charlotte Mecklenburg Thoroughfare Plan (1988):

> Hawthorne Lane is a major thoroughfare requiring a minimum of 100 feet of right-of-way. Property should be excluded from the historic designation to meet this right-of-way requirement measuring 50 feet from the centerline.
>
> East 8th Street and Oakland Avenue are local residential streets requiring 50 feet of right-of-way. According to the tax map, sufficient right-of-way exists to meet this requirement.

Charlotte Department of Transportation
5 June 1992

Hawthorne Lane
United Methodist
Church
501 Hawthorne Lane
Charlotte, N C
Southeast facade
seen from
Hawthorne Lane



Southwest facade
seen from East
Eighth Street

Back of church
showing
northwest facade

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "John Paul and Alice Craft Lucas House" (specifically, the entire exterior and interior of the structure and the tract of land recorded under Tax Parcel Number 080-205-01) located at 1601 East Seventh Street, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte-Mecklenburg Historic Landmarks Commission

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

Background - The Commission judges that the property known as the John Paul and Alice Craft Lucas House does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) the John Paul and Alice Craft Lucas House was constructed in Charlotte's second streetcar suburb, Elizabeth, in 1913 2) the John Paul and Alice Craft Lucas House was purchased by John Paul Lucas a managing editor of the *Charlotte Evening Chronicle*, for $8,500 in 1913, 3) Mr Lucas deeded the house to his wife, Alice Craft Lucas 4) Mr Lucas was publicity manager for the Southern Public Utilities Company by 1920 and later became a vice-president of Duke Power Company, 5) Mr Lucas was active in civic affairs of both Charlotte and North Carolina, 6) Mr Lucas, always interested in farming and agriculture, served as executive assistant state food administrator under the United States Food Administration 7) Mrs Lucas graduated from Trinity College, now Duke University, in 1905, 8) Mrs Lucas served as the southern correspondent for the *Boston Transcript* newspaper, 9) the Lucas family moved to Eastover in 1930 but retained the Seventh Street house as a rental property, 10) the John Paul and Alice Craft Lucas House passed to the mortgage holder in a 1936 foreclosure, 11) Mr William Calhoun McIntire, who bought the house in 1938, lived there with his family for about thirty years, 12) the house was purchased by the Chipley family in 1969, 13) the John Paul and Alice Craft Lucas House is architecturally significant as a Craftsman house constructed in the bungalow style, 14) the John Paul and Alice Craft Lucas House has many exterior features, such as the Tudor false half-timbering and wood shingle siding, that are intact and in good condition, 15) the John Paul and Alice Craft Lucas House has many interior appointments, such as the massive fireplaces, the woodwork, and the pocket doors, that are intact and in very good condition and 16) the John Paul and Alice Craft Lucas House can provide valuable insight into the era when Charlotte's citizens were adjusting to "life in the suburbs "

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

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $170 13 in city tax and $296 55 in Mecklenburg County tax

Clearances - The Department Review process revealed no conflict between the proposed designation and other City projects except for comments regarding a future right-of-way Charlotte-Mecklenburg Historic Landmarks Commission voted to exclude the requested right-of way from ordinance of designation

Bibliography Survey and Research Report on the John Paul and Alice Craft Lucas House (31 August 1992)

For Office Use Only

Date Submitted 7 April 1993

Agenda Date Requested 19 April 1993

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

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

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

1 Draft of Ordinance
2 Survey and Research Report (on file at office of City Clerk)
3 Letter with Vote of Charlotte-Mecklenburg Historic Landmarks Commission
4 Tax Deferment Letter
5 Copy of North Carolina General Warranty Deed
6 Letter from North Carolina Division of Archives and History
7 Permission of Owner for Interior Design Review
8 Comment Summary of Department Review
9 Photographs of Proposed Landmark

An Ordinance designating as historic landmark a property known as the "John Paul and Alice Craft Lucas House" (listed under Tax Parcel Number 080-205-01 and including the exterior and the interior of the John Paul and Alice Craft Lucas House located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 080-205-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by the Charlotte-Mecklenburg Historic Landmarks Commission, is located at 1601 East Seventh Street, Charlotte, Mecklenburg County, North Carolina.

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

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the _____ day of _____, 1993, on the question of designating a property known as the John Paul and Alice Craft Lucas House (listed under tax parcel Number 080-205-01) as historic landmark, and

WHEREAS, the John Paul and Alice Craft Lucas House was constructed in Charlotte's second streetcar suburb, Elizabeth, in 1913, and

WHEREAS, the John Paul and Alice Craft Lucas House was purchased by John Paul Lucas, a managing editor of the *Charlotte Evening Chronicle*, for $8,500 in 1913, and

WHEREAS, John Paul Lucas deeded the house to his wife, Alice Craft Lucas, and

WHEREAS, John Paul Lucas was publicity manager for the Southern Public Utilities Company by 1920 and later became a vice-president of Duke Power Company, and

WHEREAS, John Paul Lucas was active in civic affairs of both Charlotte and North Carolina, and

WHEREAS, John Paul Lucas, always interested in farming and agriculture, served as executive assistant state food administrator under the United States Food Administration, and

ORDINANCE - John Paul and Alice Craft Lucas House

WHEREAS, Alice Craft Lucas graduated from Trinity College, now Duke University, in 1905, and

WHEREAS, Alice Craft Lucas served as the southern correspondent for the *Boston Transcript* newspaper, and

WHEREAS, the Lucas family moved to Eastover in 1930 but retained the Seventh Street house as a rental property, and

WHEREAS, the John Paul and Alice Craft Lucas House passed to the mortgage holder in a 1936 foreclosure, and

WHEREAS, Mr William Calhoun McIntire, who bought the house in 1938, lived there with his family for about thirty years, and

WHEREAS, the John Paul and Alice Craft Lucas House was purchased by the Chipley family in 1969, and

WHEREAS, the John Paul and Alice Craft Lucas House is significant as a Craftsman house constructed in the bungalow style, and

WHEREAS, the John Paul and Alice Craft Lucas House is architecturally significant for the many exterior features and appointments, such as the Tudor false half-timbering and wood shingle siding, intact and in very good condition, and

WHEREAS, the John Paul and Alice Craft Lucas House is architecturally significant for the many interior features and appointments, such as the massive fireplaces, the woodwork and the pocket doors, intact and in very good condition, and

WHEREAS, the John Paul and Alice Craft Lucas House can provide valuable insight into the era when Charlotte's citizens were adjusting to "life in the suburbs", and

WHEREAS, the original historic fabric of the exterior and the interior of the John Paul and Alice Craft Lucas House is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the John Paul and Alice Craft Lucas House because consent for interior design review has been given by the Owner, and

WHEREAS, the current Owner, the Charlotte-Mecklenburg Historic Landmarks Commission, has faithfully maintained the John Paul and Alice Craft

Lucas House and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the John Paul and Alice Craft Lucas House (listed under tax parcel Number 080-205-01), possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

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

WHEREAS, the property known as the John Paul and Alice Craft Lucas House is owned by the Charlotte-Mecklenburg Historic Landmarks Commission,

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

1 That the property known as the John Paul and Alice Craft Lucas House (listed under tax parcel Number 080-205-01 and including the exterior and the interior of the John Paul and Alice Craft Lucas House, with the following roadway right-of-way exception With the exception of a strip of land for a right-of-way adjacent to East Seventh Street measured 50 feet from the centerline of East Seventh Street) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 1601 East Seventh Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of John Paul and Alice Craft Lucas House* (31 August 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the first floor, the second floor, the cellar and the attic of the John Paul and Alice Craft Lucas House to include the ceiling beams, the hardwood

floors, the original windows and glazing, the plaster walls, the wooden pocket doors, the wood paneled doors, the woodwork and moldings including the balustrades, newels, wainscot, and panels, the built-in bench/storage area in the stair hall, the fire surrounds and fire tiles, the hardware and fixtures, the volume and shapes of the interior spaces provided by the Bungalow style, Craftsman Plan, and other interior features that are part of the original historic fabric of the structure

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

4 That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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

6 That the Owner and occupants of the landmark known as the John Paul and Alice Craft Lucas House be given notice of this ordinance as required by

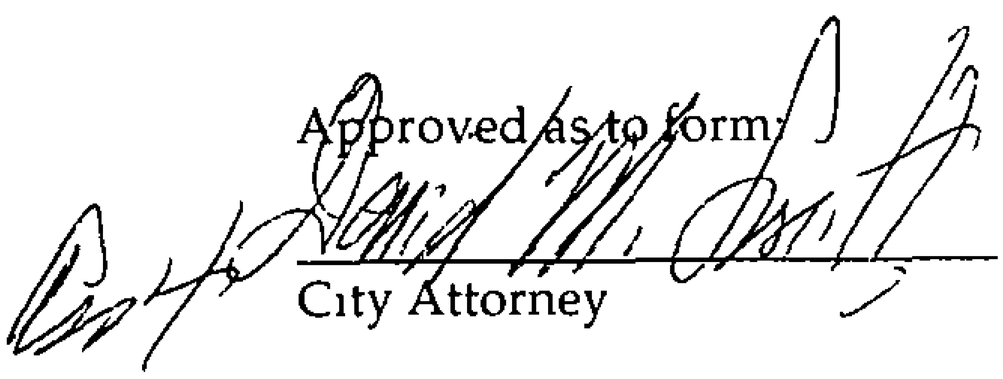
applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

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

Adopted the _____ day of _____ 1993 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

7 April 1993

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

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *John Paul and Alice Craft Lucas House* The owner, the Charlotte-Mecklenburg Historic Landmarks Commission, has indicated approval of the prospect of designation Consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 14 September 1992 The results are as follows

Favor	Allen Brooks, Louis Bledsoe, Robert Drakeford, Milton Grenfell, Jim Hammond, Marcia Hart, Van Hill, Chris Oates, Shirley Rico, Jim VanOrsdel
Oppose	None
Abstain	None

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

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

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

MECKLENBURG COUNTY

Office of the Tax Administrator

September 28, 1992

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

RE John Paul and Alice Craft Lucas House
1601 East Seventh Street
Parcel No 080-205-01

Dear Ms Black

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

County Tax	39,020 x 76 =	$ 296 55
City Tax	39,020 x .436 =	$ 170 13

Very truly yours,

Bernard White
Assistant Tax Administrator

BW/sn

720 East Fourth Street • P O Box 31457 • Charlotte North Carolina 28231 • (704) 336-2813

BK: 07121 PG: 0322/0325 #:0048 12.00

NC EXCISE TAX 180 00

REGISTERED DEC/01/1992 03 07AM ANNE A POWERS REGISTER OF DEEDS MECKLENBURG CO N C

MECKLENBURG COUNTY

[redacted]

STATE OF NORTH CAROLINA

Real Estate Excise Tax

Excise Tax $180 00

Tax Lot No 080-205-01

Parcel Identifier No

Verified by

by

County on the day of 19

Day Book and Mail To (Box 13)

~~Harkey, Hickman, Lambeth & Nystrom~~

1043 E Morehead St Suite 300

Charlotte N C 28204

Mail after recording to

This instrument was prepared by Patricia W Nystrom

Brief description for the Index Lot 17, Part of 18, Block 12 Independence Circle

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 30th day of November 19 92 by and between

GRANTOR	GRANTEE
JUDITH CHIPLEY HUDSON, and husband, CHARLES S HUDSON, III, and FRANCIS GILBERT CHIPLEY (widowed) individually and through his attorney in fact, Judith Chipley Hudson	CHARLOTTE MECKLENBURG HISTORIC LANDMARKS COMMISSION P O Box 35434 Charlotte, North Carolina 28234 Property Address, 1601 East 7th Street Charlotte, North Carolina 28204

Enter in appropriate block for each party name address and if appropriate character of entity e g corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties their heirs successors and assigns and shall include singular plural masculine feminine or neuter as required by context

WITNESSETH that the Grantor for a valuable consideration paid by the Grantee the receipt of which is hereby acknowledged has and by these presents does grant bargain sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situate in the City of Charlotte Mecklenburg County North Carolina and more particularly described as follows

See Exhibit A attached hereto and incorporated herein by expressed reference

NORTH CAROLINA GENERAL WARRANTY DEED Page 1 of 2 Form 1 Revised 4/90 Form No 1 Revised 4/90 Page 1 of 2 Form No 1 Revised 4/90 Page 1 of 2

Charles S Hudson, III, executes this deed for the sole purpose of relinquishing any rights he has in said property as a spouse and does not join in the warranties contained herein Franc's Gilbert Chipley hereby makes the following expressed warranties solely as to the portion of Lot 18 conveyed herein and does not make any warranties as to Lot 17 after his conveyence of the premises

Grantors also convey to Grantee the right and easement for the location and placement of a carport onto lot 18, as shown on the survey referred to in the description attached to this deed as long as said carport remains on the premises, and further waives any and all rights to any driveways located on the parcel conveyed herein

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book 230 Page 167

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple has the right to convey the same in fee simple that title is marketable and free and clear of all encumbrances and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated
Title to the property hereinabove described is subject to the following exceptions

Restrictions and easements of record and the lien of ad valorem taxes for 1993 and the following years

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be affixed by authority of its Board of Directors, the day and year first above written

(Corporate Name)

By

President

ATTEST

Secretary (Corporate Seal)

USE BLACK INK ONLY

Judith Chipley Hudson (SEAL)

Charles S. Hudson III (SEAL)

Francis Gilbert Chipley (SEAL)

(SEAL)

SEAL STAMP

NORTH CAROLINA Mecklenburg COUNTY

I, a Notary Public of the County and State aforesaid, certify that Francis Gilbert Chipley by Judith Chipley Hudson POA Charles S Hudson III and Francis Gilbert Chipley Grantor personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 25 day of November, 1992.

My commission expires July 27, 1993 Sharon Ann Raynes Notary Public

Use Black Ink

SEAL STAMP

NORTH CAROLINA County

I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal this day of 19

My commission expires Notary Public

Use Black Ink

The foregoing Certificate(s) of

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR COUNTY

By Deputy/Assistant Register of Deeds

N.C. Bar Association N.C. 1976, Revised 1977 James Williams & Co., Inc. Box 2 Kernersville, N.C. 27055
Pursuant to Agreement with the N.C. Bar Assoc. 78

EXHIBIT A

BEING all of Lot 17 and a portion of Lot 18 in Block 12 of the INDEPENDENCE CIRCLE property as shown on a map recorded in Map Book 230 at page 167 in the Mecklenburg Public Registry, and being more particularly described as follows:

Beginning at a concrete monument in the eastern margin of East 7th Street, said monument also being the southernmost corner of lot 17 in Block 12 of INDEPENDENCE CIRCLE as shown on the aforementioned map; thence from said beginning point, North 43-32-12 West 40.88 feet to a new iron pin located at the intersection of East 7th Street and the eastern margin of Louise Avenue; thence with the eastern margin of Louise Avenue, North 11-35-26 East 47.60 feet to an existing iron pin in the western margin of Lot 18 in Block 12 of INDEPENDENCE CIRCLE; then North 82-30-00 East 159.54 feet to a concrete monument, said monument being the common rear corner between lots 17 and 18 in Block 12 of INDEPENDENCE CIRCLE; thence with two lines of Lot 17 in Block 12: (1) South 10-2-59 East 25.48 feet to an existing iron pin, (2) South 63-26-24 West 161.02 feet to the concrete monument in the eastern margin of East 7th Street, also being the point and place of beginning, and as shown on a survey prepared by R. B. Pharr, R.L.S. dated November 23, 1992, on behalf of the Charlotte-Mecklenburg Landmarks Commission.

For back deed references, see deed from Leola Plyer Chipley and husband Francis Gilbert Chipley dated January 29, 1989 to Judith Chipley Hudson, and recorded February 1, 1989 in Book 5955 at Page 942 in the Mecklenburg Public Registry, which deed conveys Lot 17 in Block 12 of INDEPENDENCE CIRCLE, and a quitclaim deed recorded in Book 3136 at page 324 from Adah M. Grimm (widow) to Francis G. Chipley and wife, Leola P. Chipley describing the portion of Lot 18 included in the above description. Leola P. Chipley died in 1990.

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, a Notary Public for the aforesaid County and State, do hereby certify that Judith Chipley Hudson, attorney in fact for Francis Gilbert Hudson, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said Francis Gilbert Chipley, and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Mecklenburg County Public Registry on the 1st day of February, 1992, in Book 5958 at page 576 and that this instrument was executed under and by virtue of the authority given by said instrument granting him/her power of attorney.

I do further certify that the said Judith Chipley Hudson acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Francis Gilbert Hudson.

Witness my hand and official stamp or seal, this 30th day of NOVEMBER, 1992.

My commission expires: AUGUST 27, 1997

Notary Public

State of North Carolina County of Mecklenburg
The foregoing Certificate(s) of Sharon Ann Raines and Colleen M. Clarey

Notary(ies) Public is/are certified to be correct This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof

ANNE A. POWERS, REGISTER OF DEEDS

By _____ Deputy Register of Deeds

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

October 7, 1992

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

Re: Local designation report for the **John Paul and Alice Craft Lucas House**

Dear Ms. Black:

Thank you for your September 16, 1992, letter and the report for local designation of the **John Paul and Alice Craft Lucas House, 1601 East Seventh Street, Charlotte, Mecklenburg County.** The commission's recommendation is for the designation of the interior, the exterior, and the land parcel. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

The house, constructed in 1913, is an intact example of a Craftsman style house of the bungalow subtype. The interior finishes and decorative details are well conceived and constructed of fine materials. The exterior has survived with original materials and few changes. It is located in the Elizabeth neighborhood, Charlotte's second streetcar suburb (the first was Dilworth), and was the home of prominent citizen, John Paul Lucas, from 1913 to 1930.

It is our opinion that the designation of the exterior, specified features of the interior, and the land parcel is appropriate; and we strongly support the commission's recommendation for designation

Thank you for the opportunity to comment on this worthy proposal. I am returning your photographs and slides as you requested. Should you have any questions regarding our comments, please feel free to contact me at 919-733-6545.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

enclosures

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

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNER
FOR
INTERIOR DESIGN REVIEW

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

John Paul and Alice Craft Lucas House

located at 1601 East 7th Street, Charlotte, N.C.

Signature [signature] (Owner)
Chairman - HLC

Name (Print) LOUIS A BLEDSOE, III

Date February 8, 1993

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

Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

John Paul and Alice Craft Lucas House

Findings

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects except for comments regarding a future right-of-way Right-of-way was excluded from the ordinance of designation as requested

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No relation to Department Plans, CIP Projects or permits granted or under consideration Copy of other comments attached
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	No relation to department plans or permits granted or under consideration Other comment was that possible widening of 7th Street is a low-priority TIP project
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No comments but department attached maps of utilities near site

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HISTORIC LANDMARKS COMMENT FORM

Return to Charlotte-Mecklenburg Historic Landmarks Commission
P O Box 35434
Charlotte, North Carolina 28234

Date Mailed 17 September 1992
Response Due Date 5 October 1992

Property Description

Name *John Paul and Alice Craft Lucas House*
Address 1601 East Seventh Street, Charlotte, North Carolina
Tax Parcel Number 080-205-01
Physical Description See attached Tax Map and Photograph
Entire tax parcel being recommended for designation
Location Elizabeth neighborhood

Comments

Relation to Department Plans and Projects NONE

Relation to Capital Improvement Program Projects NONE

Relation to Permits Granted or Under Consideration NONE

Other Comments Seventh Street is a major thoroughfare. Street classification system designates major thoroughfares as needing 100' right-of-ways. Please exempt the property within 50' of the centerline of Seventh Street from historic designation.

Submitted By

Signature C D Readling
Print Name Clark D. Readling
Department Engineering
Date 10/5/92

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

JOHN PAUL AND ALICE CRAFT LUCAS HOUSE
1601 East Seventh Street

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

Louise Avenue is a local residential street requiring 50 feet of right-of-way. According to the tax map, sufficient right-of-way exists to meet this requirement.

East Seventh Street is a major thoroughfare requiring 100 feet of right-of-way. The current right-of-way width adjacent to the subject parcel is approximately 70 feet.

CDOT is not opposed to the historic designation.If feasible, property should be excluded from the historic designation to meet this right-of-way requirement measuring 50 feet from the centerline of East Seventh Street. If the house is ever demolished or modified, CDOT would request additional right-of-way to meet, at a minimum, the 100 feet of right-of-way (50 feet from the centerline) for East Seventh Street.

The Charlotte-Mecklenburg Surface Transportation Improvement Program includes a project to widen East Seventh Street to four lanes between Independence Boulevard and Laurel Avenue. There may also be a need someday for a separate project to add a fifth lane in this area to provide left turn lanes to Hawthorne Lane. The project is ranked 29th on the list of unfunded projects. Pertinent pages from the TIP are attached.

Charlotte Department of Transportation
25 September 1992

John Paul and Alice
Craft Lucas House
1601 East Seventh Street
Charlotte, N C
Front or southwest facade

Southeast facade
(Seventh Street side)
Note square brick
pillars at front

Back or northeast facade

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "John Price Carr House" (specifically, the entire exterior and interior of the structure and the tract of land recorded under Tax Parcel Number 080-093-08) located at 200 North McDowell Street, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte-Mecklenburg Historic Landmarks Commission

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

Background - The Commission judges that the property known as the John Price Carr House does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) the land at the John Price Carr House contains landscape features which approximate the characteristics of the property in the early 20th century 2) the protection of the landscape features at the John Price Carr House is essential for safeguarding the historic setting of the house, 3) John Price Carr was an important civic, political and business leader in Charlotte and Mecklenburg County, 4) the John Price Carr House was built in 1903 and is, therefore, one of the older houses in the First Ward neighborhood of Charlotte, 5) the John Price Carr House is one of the finer examples of the Queen Anne style of architecture in Charlotte, 6) the John Price Carr House is architecturally significant for the original historic fabric of both the exterior and interior

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

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the land of the subject property is $618 16 in city tax, $29 49 in Service District #1, and $1,077 52 in Mecklenburg County tax

Clearances - The Department Review process revealed no conflict between the proposed designation and other City projects except for comments regarding a future right-of-way

Bibliography Survey and Research Reports on the John Price Carr House (28 January 1976, 31 July 1992)

For Office Use Only

Date Submitted 7 April 1993

Agenda Date Requested 19 April 1993

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

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

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

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

AN ORDINANCE DESIGNATING AS HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "JOHN PRICE CARR HOUSE" TO INCLUDE THE FOLLOWING BOTH THE INTERIOR AND EXTERIOR OF THE BUILDING AND THE PARCEL OF LAND UPON WHICH IT IS LOCATED, LISTED UNDER TAX PARCEL NUMBER 080-093-08 IN THE MECKLENBURG COUNTY TAX OFFICE THE PROPERTY, OWNED BY T BRAGG MCLEOD, IS LOCATED AT 200 NORTH MCDOWELL STREET, CHARLOTTE, MECKLENBURG COUNTY, N C

WHEREAS, the City Council of the City of Charlotte adopted Ordinance No 478X on 28th day of July 1980 designating the interior and exterior of the structure known as the "John Price Carr House" as historic property, which is located at 200 North McDowell Street, Charlotte, North Carolina, on tax parcel number 080-093-08, and further, Ordinance No 478X was filed on 4 February 1981 in the Registry of Deeds' Office as shown in Deed Book 4396, page 0871, and

WHEREAS, the City Council of the City of Charlotte further wishes to designate the outside premises of the same said property at 200 North McDowell Street, Charlotte, North Carolina, tax parcel number 080-093-08, and

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

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the _____ day of _____ , 1993, on the question of designating a property known as the "John Price Carr House" (listed under tax parcel number 080-093-08) as historic landmark, and

WHEREAS, John Price Carr was an important civic, political and business leader in Charlotte and Mecklenburg County, and

WHEREAS, the "John Price Carr House" was built in 1903 and is, therefore, one of the older houses in the First Ward neighborhood of Charlotte, and

ORDINANCE - John Price Carr House

WHEREAS, the "John Price Carr House" is one of the finer examples of the Queen Anne style of architecture in Charlotte, and

WHEREAS, the building known as "John Price Carr House" is architecturally significant for the many interior and exterior appointments intact and in very good condition, and

WHEREAS, the original historic fabric of the interior and exterior of the "John Price Carr House" is largely intact and visible, and

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

WHEREAS, the current Owner, T Bragg McLeod, has faithfully maintained the "John Price Carr House" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

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

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

WHEREAS, the property known as the "John Price Carr House" is owned by T Bragg McLeod,

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

1 That the property known as the "John Price Carr House" (including the interior and exterior of the building and the parcel of land upon which it is located, listed under tax parcel Number 080-093-08) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location

of said property is noted as being situated at 200 North McDowell Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of the J P Carr House* (28 January 1976)

2 That said interior is more specifically defined as the historic and structural fabric of the "John Price Carr House" to include the hardwood floors, the windows, the wooden paneling, the woodwork and moldings, the balustrades of the stairways, the plaster walls, the fire surrounds and fire tiles, the wooden pocket doors, the wood paneled doors, the window seats, the hardware and the fixtures, the volume and shapes of the interior spaces provided by the Queen Anne style plan, and other interior features that are part of the original historic fabric of the building

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

4 That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owner of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,* the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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

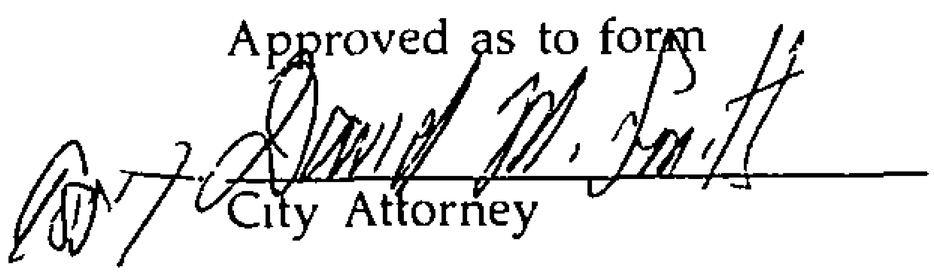
6 That the Owner and occupants of the landmark known as the "John Price Carr House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

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

Adopted the _____ day of _____ 1993 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form



City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

7 April 1993

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

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *John Price Carr House* The owner, Mr T Bragg McLeod, has indicated approval of the prospect of designation Consequently, the public hearing should take very little time

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

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

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

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

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

MECKLENBURG COUNTY

Office of the Tax Administrator

August 24, 1992

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

RE. Land at the John Price Carr House
200 North McDowell Street
Parcel No. 080-093-08

Dear Ms Black

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

City Tax	141,780 x	436	=	$ 618 16
Service District #1	141,780 x	0208	=	29 49
County Tax	141,780 x	76	=	1,077 52

This is in addition to the deferred taxes on the house

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

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

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

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

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

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

December 14, 1992

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

Re: **JOHN PRICE CARR HOUSE**
200 North McDowell Street, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of August 19, 1992, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is **T. BRAGG McLEOD, Unmarried**, 3027 North Tryon Street, Charlotte, North Carolina 28206, and his title to the property is subject only to the lien of Deed of Trust recorded in Book 5661, Page 522, in the Mecklenburg Public Registry, in favor of:

James W. Kiser, Trustee for
NCNB National Bank of North Carolina
100 North Tryon Street
Charlotte, North Carolina 28255

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

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James G Martin, Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

September 15, 1992

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

Re: Local landmark designation report for the **Land at the John Price Carr House**

Dear Ms. Black:

Thank you for your August 19, 1992, letter and the report for local landmark designation of the **Land at the John Price Carr House, 200 North McDowell Street, Charlotte, Mecklenburg County.** The commission's recommendation is for the designation of the land beneath and around the house. The house itself was designated as a local landmark in 1976. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

Built for prominent Charlotte citizen John Price Carr in 1903, the house is a very fine example of the Queen Anne style architecture of the early twentieth century. It was rehabilitated and adapted to office use in 1980. Also in 1980, the house was listed in the National Register of Historic Places. The National Register nomination specified that the land area included only the lot on which the house was built. The commission is recommending local designation of a larger land area. The report must justify the larger land area proposed for local designation.

In our review of the report some questions were raised about the requisite special significance and integrity of the land area. It appears from the chronological series of plat maps accompanying the report that the land area of the property has been expanded from the original lot on which the house was built. The expanded parcel now includes a former adjacent lot to the north (on which a house once stood) and an additional area to the east (rear yard). These two portions of the current land parcel were not included in the National Register nomination. Further, the report documents that the greater portion of the land area on the northern side of the house and the rear yard is now composed of a paved parking lot. Thus, it appears that the land area has been substantially altered and the integrity of the landscape has been substantially diminished.

We do not recommend designation of the land area based on the information we now have. The commission is not bound by our comments and may recommend the designation of any portion of the property it desires. Should the commission decide to go forward with the recommendation, a justification for designation should be developed based on the special significance and integrity of the land

area as it relates to the house. The justification must be supported by a clear rationale in order for the designation to withstand scrutiny.

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

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

enclosures

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

Charlotte-Mecklenburg Historic Landmarks Commission

To: Mayor Vinroot and the Charlotte City Council

From: Dr. Dan L. Morrill
Consulting Director

Date: March 9, 1993

Re: Justification for recommending historic designation for entire tax parcel beneath and surrounding the John Price Carr House.

Pursuant to N.C.G.S. 160A-400, the North Carolina Division of Archives and History has commented upon the prospective designation of the entire tax parcel beneath and surrounding the John Price Carr House as a historic landmark. On September 15, 1992, the aforesaid agency commented that it did not recommend the designation of the tax parcel as historic based on the information which it had before it at that time. The essential issue raised by the North Carolina Division of Archives and History concerned the physical integrity of the property largely due to the construction of a parking lot to the immediate north of the house.

At its meeting in October, 1992, the Historic Landmarks Commission considered the comments made by the North Carolina Division of Archives and History but voted nonetheless to move forward with its initial recommendation that the entire tax parcel be added to the historic landmark, which has included the John Price Carr House since July 28, 1980. The reasons for the Commission's decision were 1) that the relationship of the John Price Carr House to the streetscape remains essentially intact, and 2) that the overall size and configuration of the lot are not significantly changed from the original.

The Historic Landmarks Commission does not believe that it is feasible to exclude 10 feet of prospective street right-of-way from the prospective historic landmark. Widening McDowell St. an additional 10 feet would irreparably damage in house's historic setting.

cc: Louis A. Bledsoe, III, HLC Chairman

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Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNER
FOR
INTERIOR DESIGN REVIEW

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

John Price Carr House

located at *200 North McDowell Street, Charlotte, North Carolina*

Signature _____
(Owner)

Name (Print) T BRACE MSLECO

Date 1-13-93

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

Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

John Price Carr House

Findings

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects except for comments regarding a future right-of-way

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No relation to Department Plans, CIP Projects or permits granted or under consideration Copy of other comments attached
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	No relation to Department Plans, CIP Projects or permits granted or under consideration No other comments
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No comments but department attached maps of utilities near site

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HISTORIC LANDMARKS COMMENT FORM

Return to Charlotte Mecklenburg Historic Landmarks Commission
P O Box 35434
Charlotte, North Carolina 28234

Date Mailed 18 August 1992
Response Due Date 11 September 1992

Property Description

Name Tax Parcel associated with the *John Price Carr House*
Address 200 North McDowell Street, Charlotte, North Carolina
Tax Parcel Number 080-093-08
Physical Description See attached Tax Map and Photograph
Entire parcel being recommended for designation
Location First Ward

Comments

Relation to Department Plans and Projects

None

Relation to Capital Improvement Program Projects

None

Relation to Permits Granted or Under Consideration

None

Other Comments McDowell Street and Fifth Street are major thoroughfares. The street classification system calls for future right-of-way 50' from the existing centerline of the road. Fifth Street is a controlled access ramp to the ~~interstate system. We support the house receiving historic designation~~ and request the front and side yard be excluded from historic designation.

Submitted By

Name C. K. Whitlesey
Department Engineering
Date 8/31/92

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

JOHN PRICE CARR HOUSE

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

> McDowell Street is a major thoroughfare requiring 100 feet of right-of-way. The right-of-way width of McDowell Street varies from 50 to 70 feet between East Seventh Street and East Trade Street. The Fifth Street ramp leading to Independence Boulevard has a right-of-way width of 100 feet except where it adjoins the subject parcel. There, the right-of-way narrows to 80 feet before widening back out to 100 feet at McDowell Street. Typically, 80 feet of right-of-way has been considered adequate for one-way streets in the Uptown area.
>
> There are left turn lanes on McDowell Street at East Trade, East Sixth, and East Seventh Streets. Although there is not currently a funded project, it is reasonable to expect that in the future, a left turn lane may be needed from McDowell Street to the East Fifth Street Ramp This may require widening as much as 10 feet towards the John Price Carr House.
>
> CDOT is not opposed to the historic designation. If feasible, property should be excluded from the historic designation to meet the right-of-way requirement of 50 feet measured from the centerline of McDowell Street. Also, if the house is ever demolished or modified, CDOT would request additional right-of-way to meet, at a minimum, the 100 feet of right-of-way (50 feet from the centerline) for McDowell Street.

Charlotte Department of Transportation
09 September 1992

John Price Carr House
200 North McDowell Street
Charlotte, North Carolina

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 6, 1993

Mayor and City Council:

RE: Petitions to be Heard in April, 1993

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, April 19, 1993 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 (RG)

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-14

Petitioner: Real Estate and Building Industry Coalition.

Request: Consideration of a text amendment to the City of Charlotte Zoning Ordinance for the purpose of modifying the vested rights portion of the ordinance.

BACKGROUND

Both the City of Charlotte and Mecklenburg County have adopted provisions in their respective zoning ordinances dealing with the establishment of vested rights. Several years ago provisions were installed in the ordinances recognizing vested established through the issuance of a valid building permit. Later, in 1991, both ordinances were again amended to respond to changing state law dealing with vested rights establish for property prior to the issuance of a building permit but based on some "Site Specific Development Plan" or "Phased Development Plan". The state statue provided that cities and counties were required to adopt provisions in their ordinances dealing with "Site Specific Development Plans" such as those routinely provided with conditional rezonings, parallel conditional rezonings, and special use permits. Both the City and County ordinances were amended to reflect the statutory requirement and establish a three year vested rights period based predominantly on preexisting ordinance requirements which allowed for conditional districts, etc. to be evaluated after three years from the date of their approval. At the time the texts were amended, the decision was made by both the City Council and Board of County Commissioners to only adopt the mandatory provisions of the vested rights statue.

This private text amendment is intended to add to both the City and County ordinances, the optional provisions from the state law. These optional provisions would allow a property owner, after a public hearing held by the Charlotte-Mecklenburg Planning Commission, to "lock in" vested rights for a period ranging up to five years based on a "phased development plan" submitted in accordance with statutory requirements and in accordance with procedures adopted pursuant to this proposed amendment. The effect of a vested right established under this proposed amendment would be to prevent the City or County from amending the zoning ordinances, including text amendments or changing the zoning classification, without the consent of the owner of the property if those amendments would "change, alter, impair, prevent, diminish, or otherwise delay development or use of the property" without either the consent of the owner, compensation paid to the owner, inadequacy or misrepresentation of information, or mandates by state or federal regulations. In addition, this amendment would have the effect of allowing the Planning Commission to extend the vested rights period for previously approved conditional uses which are already covered by existing vested rights provisions for up to five

years. This would appear to conflict with the long standing three year review policy for previously approved conditional zoning cases. In addition there is no statutory requirement for the City or County to establish a mechanism to extend vested rights for site specific development plans approved prior to October of 1991. Indeed, according to the statue, "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A CITY (COUNTY)TO ADOPT AN ORDINANCE PROVIDING FOR VESTED IN RIGHTS UPON APPROVAL OF A PHASED DEVELOPMENT PLAN." (Citation omitted).

ISSUES

There are a number of philosophical as well as technical issues which are raised by this text amendment. For ease of understanding, these issues will be presented in abbreviated form rather than a lengthy detailed analysis.

PHILOSOPHICAL ISSUES

1. Optional Provision. The state statues which establish the vested right provisions do not require local governments to provide for vested rights for phased development plans. Both the City and County ordinances already meet the state requirement to provide for vested rights for site specific development plans. This text amendment defines everything as a site specific development plan which would then be covered under the ordinance provisions adopted in 1991. In addition, by defining everything as a site specific development plan it is not clear the extent to which "conditions" can be attached to the approval of a vested right as indicated in the statue which deals with "phased development plans". This has the effect of providing the best of both worlds; the advantages of the mandatory provisions of the statues for site specific development plans and the advantage of not having provisions for conditions to be attached to the approval.

2. Authority for Approval. This proposed text amendment gives the Charlotte-Mecklenburg Planning Commission the authority to approved vested rights. The effect of this delegation of authority to the Planning Commission is to give the Planning Commission ability to prevent the City Council or Board of Commissioners from rezoning property or amending the text of the zoning ordinance if the effect of the rezoning or text amendment would be to in any way "change, alter, impair, prevent, diminish, or otherwise delay development or use of the property". Further, this provision would; allow the Planning Commission to restrict the local governments legislative authority for a period of up to five years. This is a significant issue relative to local government's ability to adopt and implement land use plans for the community.

3. When Is A Rezoning Not A Rezoning? Both City and County attorneys have verified that the provisions in this proposal are not, from a legal standpoint, a rezoning of property. However, the effect of the vested rights provisions establish in this amendment are arguably equivalent to a rezoning. If one examines the procedure

proposed in this text amendment one finds all the characteristics of a rezoning including notification and a public hearing. The effect of a vested right granted pursuant to this procedure is the same as if the property had gone through a parallel conditional rezoning to establish a site specific development plan for the use of the property. In other words this provision creates a parallel process to the existing and well established rezoning process utilizing the same staff, the same review procedures, and the same Planning Commission. When there is already an existing well established process in place to achieve the same result, what benefits to the public are there for establishing a new procedure as proposed by this text amendment?

4. Vested Rights Period. The state statue provides that any vested rights establish pursuant to a local ordinance can extend for a period of not less than two years and no more than five years. It is noteworthy that this text amendment provides for the extension of vested rights for up to five years but makes no mention about the shorter time period. The existing ordinances provide for a three year vested right period for site specific development plans. It would seem that this vested right provision should not grant rights in excess of those already provided for by existing ordinances. Indeed, if the subject is to be opened for discussion then perhaps a shortening of the existing time period from three years to two should also be considered.

5. Public Hearing. This provision calls for the Planning Commission to conduct a public hearing on each and every vested rights request. The proposal simply states that the hearing would be conducted in accordance with rules and procedures adopted by the Planning Commission but provides no guidance as to the type of hearing which must be conducted. Arguably the term "public hearing" in the act implies the kind of broad public policy discussion typically conducted when a legislative decision such as zoning amendments are made. Since the vested right establish by this provision is established upon the approval of a specific land use or vested rights certification, which arguably as a quasi-judicial or administrative decision it could be argued that the act requires an "evidentiary" hearing. Obviously the type of hearing conducted has a bearing on complexity of the hearing process itself and the length it will take for the process to operate. In addition the proposed text amendment simply states that an appeal from a decision of the Planning Commission on a vested right request is taken to the governing body which then must itself must hold a hearing, which according to the proposal may also have to be "evidentiary" in nature.

6. Subdivision Text Amendment. This proposal also includes an amendment to the subdivision ordinance which appears to tie a zoning vested right to any accompanying subdivision which might be proposed regarding the same piece of property. In view of the fact that the subdivision ordinance contains its own separate vested rights provisions which extend for three years on an approved

preliminary plan, it would not appear that this provision is warranted. In addition it provides for an owner to take "two bites at the apple" by allowing for the existing vested rights provisions in the subdivision ordinance to still control the property even after failing to obtain vested rights under the zoning ordinance.

7. Board of Adjustment. The zoning ordinance specifically provides for the relationship between the Board of Adjustment and specific plans approved by City Council or Board of Commissioners under a rezoning process. However, this provision establishes no such relationship and raises a question as to the extent to which the Board of Adjustment has a role or any authority for granting variances after the vesting of rights or in conjunction with the application for a vested rights certificate.

TECHNICAL ISSUES

A wide variety of technical issues which also arise from this proposal.

1. Hearing Procedures. As alluded to earlier, the development of "procedures" called for by this amendment provides no guidance whatsoever as to the types of procedures which should be employed. Issues of the type of hearing, type of notification, applicability of "fair trials standards", are neither included nor suggested.

2. Record Keeping. To implement the suggestions of this amendment an enormous record keeping process would be triggered. Each individual vested rights certificate would have to be tracked as if it was governed by a separate ordinance. Text amendments or zoning amendments of may not apply to previously approved vested rights certificates for a period of time which would vary depending on when the certificate was issued and what the circumstances of the issuance were. The impact on the resources of the Planning Commission staff, Building Standards Department staff, and others cannot be accurately estimated.

3. Workload. In view of the fact that this optional provision is triggered at the will of the property owner, City and County governments have no means to assess the potential workload which could result. For example, the recently adopted Central District Plan provides for the rezoning of literally thousands of individual parcels of land. Theoretically, each individual property owner could petition for a separate vested rights certificate before the City Council considers rezoning the property. According to this provision each property owner would be entitled to have their application processed by the Planning Commission and have the Planning Commission review and approved their request only after a report from the Planning staff and a public hearing held by the Planning Commission. In view of the fact that individual property owners already have the protection of the 3/4 vote rule when their property is considered for a corrective rezoning and also have the right to apply for a specific rezoning for their property to lock

in the development rights it would seem that the merits of this *proposal are less than obvious.* In addition, the extent to which the City or County would seek to recover any of the administrative costs attached to such a process would also have to be examined.

CONCLUSION

Both the City of Charlotte and Mecklenburg County have long standing ordinance provisions which establish rights for property owners for site specific development plans as contemplated by the state statues. Indeed, both Charlotte and Mecklenburg County provided property owners with an assurance of at least three years for previously approved conditional zonings and previously approved subdivision preliminary plats even before the State of North Carolina mandated that such provisions be added to local government ordinances. At the time that those provisions were added to the City and County ordinances it was noted that the optional portion of the state statues did not seem to afford any additional protection or benefits to property owners which were not already available under local law. Since that time nothing has changed. This amendment establishes a procedure which in all outward appearances is the same thing as rezoning a piece of property. Since the rezoning process is already available and since the effect of this provision is to potentially tie the hands of local elected officials in terms of dealing with land use issues it does not appear that any significant public purpose is being served. This text amendment is not recommended for approval.

*Subject to further refinement following public hearing.

APRIL 93'

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-14
Date Filed February 4, 1993
Received By [illegible]
OFFICE USE ONLY

Staff Review 3/2 @ 10:30a.m.

Section No. 1.110 Procedures for establishing a vested right.
6.205 Effect of approval.

(Title)

Purpose of Change:

To amend the vested property right ordinance of the City of Charlotte, Sec. 1.110 of the Charlotte Zoning Ordinance, in order to provide the full protections of the Vested Property Right Act, N.C. Gen. Stat. 160A-385.1, to the citizens of the City of Charlotte. The proposed amendment allows the vesting period to extend for up to five years in certain circumstances, and it creates a "vested right certification process." This process does not require a rezoning to receive vested property rights. It would authorize owners of property in a general zoning district, as well as owners of property which was zoned to a conditional or parallel conditional district, or which received a special use permit, prior to October 1, 1991, to apply for vested property rights. The proposed amendment also would allow owners to apply for vested property rights in the subdivision approval and BP district preliminary site plan processes.

Mark C. Cramer, Esq.
Name of Agent

1130 E. Third St., Suite 210
Agent's Address

Charlotte, NC [illegible]
Telephone Number

Real Estate and Building Industry Coalition
Name of Petitioner(s)

P.O. Box 187, Davidson, NC 28036
Address of Petitioner(s)

(704) 892-3346
Telephone Number

[illegible]
Signature

ORDINANCE NO._____

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

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

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

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

1. Amend Section 1.110. Procedures for establishing a vested right, to read as follows:

"Section 1.110. Procedures for establishing a vested right.

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

(a) parallel conditional use district
(b) conditional district
(c) special use permit
~~(d) special purpose district~~
~~(e)~~ (d) Uptown Mixed Use District (optional) UMUD-O
(e) vested right certification

The approved plans and conditions for these districts and the vested right certification constitute, for purposes of G.S. Sec. 160A-385.1, site specific development plans.

A right which has been vested as provided for in this section shall remain vested for a period of from three to five years. The approving authority in its sound discretion may establish a vesting period exceeding the three year minimum where the applicant or petitioner shows such extended period is warranted in light of all relevant circumstances, including but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this section is not a personal right, but shall attach and run with the subject property.

A right which has been vested as provided in this Section 1.110 shall terminate at the end of the applicable vesting period with

respect to buildings and uses for which no valid building permits have been filed."

2. Add a new Section 1.111. Vested right certification., as follows:

"1.111. Vested Right Certification.

Upon compliance with the provisions of this subsection, the Planning Commission shall issue a vested right certification.

(1) Initiation. A petition for a vested right certification may be initiated only by the owner of a legal interest in the affected property, or anyone else authorized in writing to act on the owner's behalf. Petitions under this subsection may be initiated for any property which is within a general zoning district, a conditional district, or a parallel conditional use district.

(2) Filing of petitions. A petition for a vested right certification must be in a form prescribed by the Planning Commission and accompanied by the fee established by the City Council, and shall be filed with the Planning Director. No applications for a vested right certification will be accepted until it is complete. A decision by the Planning Director that an application is incomplete may be appealed to the Planning Commission.

(3) Staff Review. The Planning Director shall review the petition, and he shall deliver copies of the petition to other appropriate agencies for review, if necessary. The petition shall be reviewed for compliance with the provisions of this subsection and all applicable development regulations. The Planning Director, based on the Planning Commission staff's review of the proposed petition and incorporating or summarizing the reports of other agencies, shall deliver to the Planning Commission, prior to the scheduled hearing, a written report and recommendation regarding the petition and the reasons for such recommendation.

(4) Public hearing. Notice of the public hearing required by this subsection shall be consistent with notice requirements for amendments to the zoning ordinance. No vested rights certification shall be issued until after the Planning Commission has held a public hearing on the proposed certification. The hearing shall provide the applicant and any opponents of the petition the opportunity to provide comments to the Planning Commission regarding compliance of the application with the requirements of this section. The hearing

shall be conducted in accordance with rules and procedures adopted by the Planning Commission.

(5) Action by the Planning Commission. The Planning Commission, after receiving the report and recommendation of the Planning Commission staff, shall consider the report and recommendations, and the reports, if any, of other departments, as well as the information derived from the public hearing. If the petition complies with the requirements of this subsection and all applicable development regulations, it shall be approved by the Planning Commission. Within a reasonable time, the Planning Commission shall either approve or deny the proposed certification.

(6) Effect of denial of petition. A petition for a vested right certification that has been denied shall not be resubmitted within two years of the date of the Commission's action on the original petition, unless there has been a substantial change in conditions or circumstances.

(7) Plans and other information to accompany petition. Every petition submitted under this subsection shall be accompanied by a site specific development plan, which shall include the following information:

(a) Approximate boundaries of the site.

(b) Significant topographical and other natural features affecting development of the site.

(c) Approximate location on the site of the proposed buildings, structures, and other improvements (this may be presented as building 'envelopes'). The petitioner may be required to include the approximate dimensions and height of proposed buildings and other structures.

(d) Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

(e) Existing zoning and proposed uses to be established on the site.

(f) The total density of development on the site.

(8) Effect of approval. If a petition is approved under this subsection, all subsequent development of the property shall be in accordance with the terms and conditions of the approved certification and all applicable development regulations. Following approval of a vested right certi-

fication, notification of such approval shall be transmitted to the Zoning Administrator who shall review development or construction applications in accordance therewith.

(9) Alterations to approval. Except as provided in this subsection, changes to an approved certification shall be processed under the same procedures as the original petition. Minor changes in the detail of the approved certification which will not alter the basic relationship of the proposed development to surrounding properties, may be approved by the Planning Director at his discretion without going through the certification application procedures of this subsection. Any such minor changes will not extend the effective period of the vested right certification. Administrative changes under this subdivision which increase nonresidential development are limited to a maximum of 10% of the approved density, or 1,000 square feet, whichever is less. For residential development, increases in density are limited to 10% of the development or no more than 5 units, whichever is less.

(10) Appeals. Any appeal from the action of the Planning Commission pertaining to a decision on a vested right certification may be taken to the City Council. Within 15 days of the action of the Planning Commission, the applicant or any party participating in the hearing may appeal the decision of the Planning Commission directly to the City Council for a new hearing. The appeal will be considered according to "Rules of Procedure for Hearing Appeals of Vested Right Certifications," to be adopted by the City Council. An application fee as established by the City Council must be paid by the aggrieved party at the time the appeal is filed. On the appeal, the parties may stipulate that the record from the hearing before the Planning Commission, or any portion of the record exclusive of the findings, may be introduced as evidence. Those members of the Planning Commission who participated in the original hearing and decision-making process may not participate in the appeal in any manner.

3. Amend Section 6.205. Effect of Approval., by adding a new subsection (4) thereto as follows:

"(4) Any conditional district approved on or after October 1, 1991, shall have vested rights pursuant to G.S. Section 160A-385.1 for the period of time established pursuant to 1.110 and 1.111 of these rules, except as such vested rights may be altered as allowed by G.S. Section 160A-385.1(e). Vested rights shall remain effective beyond the end of the period of time established pursuant to 1.110 and 1.111 of these rules for any buildings or uses for which a valid building permit

had been issued during the vested rights period, so long as such building permit is valid."

Section 2. The City of Charlotte Subdivision Regulations as embodied in the Subdivision Ordinance are hereby amended by adding to the end of subsection 6.550 thereof the following new paragraph:

"An approved preliminary plan may be submitted along with any other information required by subdivision 1.111(7) of the Zoning Ordinance, to obtain a vested right certification pursuant to section 1.111 of the Zoning Ordinance. If a vested right certification is issued, the preliminary subdivision plan shall be valid for the period of time specified in the vested right certification, or under the provisions of the subdivision ordinance, whichever is greater. Expiration of a vested right does not impair the validity of an approved preliminary plan which would otherwise be valid. The purpose of a petition filed under section 1.111 of the Zoning Ordinance is only to secure vested rights, and disapproval of a vested right certification petition does not revoke or impair the validity of the Planning staff's prior approval of a preliminary plan."

Section 3. These amendments shall become effective upon adoption.

Approved as to form:

_____
City Attorney

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

_____
City Clerk

(Rev. 3/19/93)

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-15

Petitioner: Harry G. Kostopoulous and Pete H. Kanellopoulos

Location: A 3.6 acre site located on the north side of Albemarle Road between Faulconbridge Road and Hollirose Drive.

Note: This petition is a resubmittal of Rezoning Petition No. 92-32 which was denied on August 21, 1992. The "two-year rule" does not apply to this petition inasmuch as the requested zoning categories are lower in the hierarchy of districts than the districts previously requested. Otherwise, the application is essentially the same with the exception of two site plan changes. The revised plan is limited to two access points along Albemarle Road, one to the convenience store and one that is a proposed new public street which will end in a cul-de-sac and accommodate the single family component of this petition. The other site plan revision involves a phasing schedule. The plan notes that the residential component of this petition will be submitted for subdivision approval and a final plat recorded prior to the issuance of an occupancy permit for the commercial building. The pre-hearing staff analysis for Petition No. 92-32 is attached.

*Subject to further refinement following public hearing.

FRED E. BRYANT, PLANNER

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

STATEMENT OF SUPPORT FOR REZONING PETITION 93-15

PETITIONER: Harry G. Kostopoulous and Pete H. Kanellopoulos

LOCATION: A 3.6 acre tract located on the north side of Albemarle Road between Faulconbridge Road and Hollirose Drive

REQUEST: Change from R-3 to R-4(CD) and B-2(CD)

In Summer, 1992, Petition 92-32 was submitted requesting a change of zoning for the above described property to permit the reconstruction of an existing nonconforming retail store as well as committing to the creation of several single-family lots located to the rear of the store and buffering several single-family homes. On August 21, 1992, the City Council denied this petition by vote of six to five despite the fact that the petition had been recommended unanimously by the Zoning Committee for approval, the only area spokesperson at the public hearing ended by supporting the rezoning request, and a petition containing 81 names of residents in the immediate area supporting the change was submitted. The action of the City Council followed some significant confusion as to how the motion was worded and what, in effect, the members were voting for or against. In fact, at least three different votes were necessary in order to secure what was considered to be an action on the matter.

Since that time, we have discussed with several members of City Council their vote on this petition, and it was determined that, indeed, there was some confusion in terms of what this petition contained as well as a misunderstanding concerning the significant amount of support for its approval within the neighborhood. Based on this, it was determined that a new petition could be filed within the two-year waiting period provided the request was for a different classification and a classification that could not have been considered as part of the previous action.

As a result, the petition has been refiled now requesting a combination of B-2(CD) and R-4(CD) as opposed to the previous B-1 and R-3 categories. While the district designations have changed, the site plan and the commitment to controlling the use of the property in the described fashion is exactly the same as was previously submitted. In other words, we are requesting different districts, but the exact same development will occur on the property as presented by the previous petition.

The Planning Staff has, for the most part, resubmitted to you the Prehearing Staff Analysis which occurred prior to the consideration of 92-32. The Staff view remains the same, and it is significant to note that all of the technical issues and site plan issues alleged deficient in the previous Staff Analysis have now been revised. We are not aware of any site plan details which are still questionable. For example, we have revised the access points to address the concern of Charlotte Department of Transportation even to the point of agreeing to eliminate one existing driveway already located on this property. Additionally, we have clarified the access relationship to adjoining properties and done a number of other things to bring the plan in compliance with the comments of the Staff. An examination of the memorandum from CDOT does not reveal any comments or issues which reflect on any deficiency of the site plan.

We urge you to carefully consider the merits of this change which does nothing other than to permit the reconstruction of an existing nonconforming structure operating as a retail facility for many, many years. The present building is unsightly and is located close to the widened Albemarle Road. By allowing a new residential-style structure to be built on the site and providing a planned system of landscaping and traffic control, the site will be substantially improved in much the same fashion as was the Blanchard Site on Carmel Road.

Given the unusual support which this request has from residents of the immediate vicinity, and what we anticipate to be continued endorsement by the Zoning Committee, we urge your favorable consideration of this request.

FEB/df

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-15
Date Filed February 1, 1993
Received By MCH

OFFICE USE ONLY

Ownership Information

Property Owner: Harry G. Kostopoulos & Pete H. Kannellopoulos

Owner's Address: 1727 Paddock Circle, Charlotte, NC 28209

Date Property Acquired: June 18, 1981

Tax Parcel Number: 109-072-04

Location of Property (address or description)

North side of Albemarle Road near Old Savannah Road

Description of Property

Size (Sq. Ft.-Acres): 3.6 acres

Street Frontage (ft.): 280' on Albemarle Road

Current Land Use: one convenience store and two houses

Zoning Request

Existing Zoning: R-3

Requested Zoning: R-4(CD) and B-2(CD)

Purpose of Zoning Change: To allow the redevelopment of a nonconforming retail store and create five new single-family lots.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Harry G. Kostopoulos and
Pete H. Kanellopoulos
Name of Petitioner(s)

1727 Paddock Circle, Charlotte, NC 28209
Address of Petitioner(s)

394-1250
Telephone Number

Harry G Kostopoulos
Pete H Kanellopoulos
Signature

Signature of Property Owner
if Other Than Petitioner

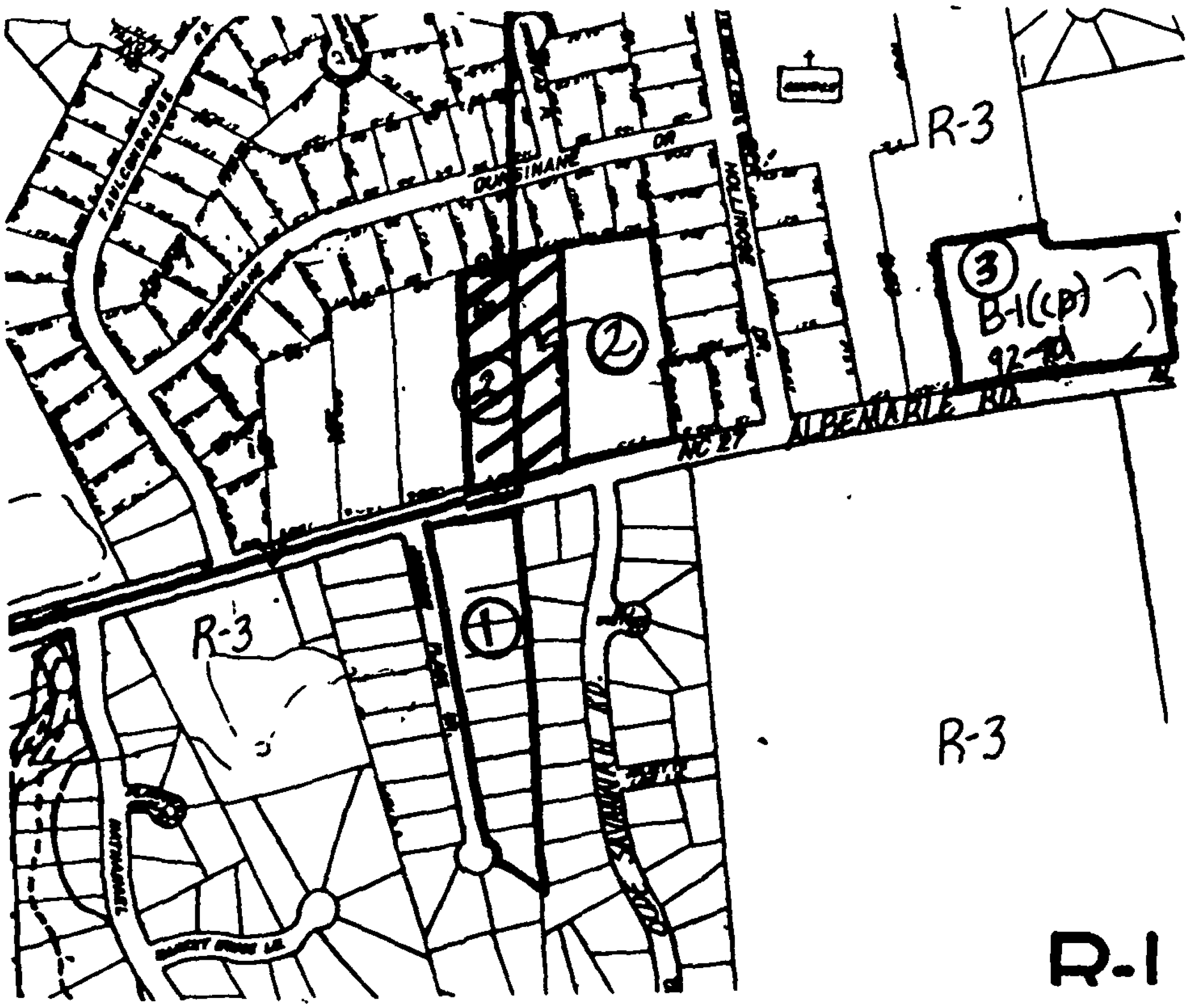
PETITIONER. Harry G. Kostopoulos & Pete H. Kanellopoulos

PETITION NO.: 93-15 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING. R-3

ZONING CLASSIFICATION, REQUESTED: R-4(CD) and B-2(CD)

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



ZONING MAP NO(s).: 114 & 115

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-32

Petitioner: Harry G. Kostopoulos & Pete Kanellopoulos

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

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

BACKGROUND

1. Existing Zoning. The subject property and all surrounding properties are zoned R-3.

2. Existing Land Use. The property involved with this request is developed with a convenience store and two single family residences. A church is located to the east on the north side of Albemarle Road near Hollirose Drive. Otherwise, the area is developed with single family residential housing. Several large vacant tracts still remain along both the north and south sides of Albemarle Road in the nearby area.

3. Public Plans and Policies.

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

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

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

4. Site Plan. The site plan which accompanies this petition proposes rezoning from R-3 to a combination of B-1(CD) and R-3(CD) to allow development of a new 3,600 square foot retail/convenience/food service facility on the front portion of the site abutting Albemarle Road and five single family lots to the rear. The plan provides for two driveway connections to Albemarle Road for the

retail center as well as a new public street connection to Albemarle Road to access the single family lots. The plan provides for a 30 foot landscaped buffer along the northerly and easterly edges of the B-1(CD) site and compliance with the City of Charlotte Tree Ordinance. The plan indicates the retail store is to have residential character, brick construction, gable roof, and optional dormers. The signage for the retail facility is limited to a maximum of four feet in height.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-40	R-15 to R-12MF	Denied	04/21/69

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a residential category to a combination of commercial and residential to allow development of a new retail/convenience center. Additional commercial development is not envisioned by plans for the area. Therefore, the commercial component of the subject petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition. Subsequent to the filing, staff communicated a number of site plan related concerns to the petitioner.

   2. Departmental Comments. CDOT indicates this site could generate approximately 110 through 120 trips per day as currently zoned. The site could generate approximately 6,735 through 6,740 trips per day based on the proposed rezoning. Several site plan comments noted by CDOT are still outstanding. Those comments are:

      1. Right-of-way dedication measuring 50 feet from the centerline of Albemarle Road. 2. Access to the proposed convenience store shall only be allowed from the proposed subdivision street. No direct access will be allowed to Albemarle Road. 3. The proposed public street must be constructed to the commercial street standards (40 foot wide

street within a 60 foot wide right-of-way beyond the relocated drive to the convenience center). Beyond the driveways the street may be tapered to the local residential street standard with a 50 foot right-of-way.

Other outstanding site plan comments include the need for a minor modification to the public street layout so that it provides for future access to adjacent property and limitation of the retail signage to a monument type (rather than pylon) type sign.

ISSUES

1. Land Use. This petition raises a land use issue. It requests rezoning from a residential district to a combination of commercial and residential zoning in an area in which publicly adopted plans call for a residential future. Although the petitioned site is developed with a commercial use, it would be inappropriate to rezone the subject property only for that reason. The existing commercial use is nonconforming and can remain as is forever. In addition, there are several existing or proposed commercial centers located nearby providing abundant retail services for the neighborhood. Additional retail facilities on Albemarle Road are not needed. Therefore, from a land use standpoint, the petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this request also raises several issues. From a site plan standpoint, the petition is not appropriate for approval until those issues have been adequately addressed.

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-17

Petitioner: Larry D. Campbell

Location: Approximately 2.4 acres located on the east side of Statesville Road north of Cindy Lane.

Request: Change from R-4 to B-2(CD).

BACKGROUND

1. Existing Zoning. Properties located along this section of U.S. 21 (Statesville Road) are predominantly zoned R-4. To the south of the petitioned site properties are zoned a combination of B-1, B-2, B-2(CD), and I-1(CD). A site located to the north at the intersection of U.S. 21 and Cochrane Drive is zoned I-1.

2. Existing Land Use. The subject property is presently developed with a non-conforming wrecker service. Abutting properties to the north, south and across U.S. 21 are developed with single family residential homes. Further to the north and to the south along Statesville Road are other commercial establishments.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include the Nevins Road/Cindy Lane Extension.

   2. Derita Small Area Plan. The Derita Small Area Plan envisioned a residential future for this portion of the Statesville Road corridor. The plan recommended that the predominantly single family residential development pattern remain and be augmented by the introduction of conditional multi-family development. One of the goals for Statesville Road is to enhance the residential character by designating retail convenience nodes as opposed to allowing strip development to take place. The plan recognized that the opportunity existed at the intersection of I-77 and I-85 to introduce business and light industrial development which could relate favorably to the surrounding residential area. The plan recommended changing existing B-2 zoned properties including a portion of the subject property to the R-9 classification. (The portion of the petitioned property that was zoned B-2 was rezoned to R-9 in 1986. The existing wrecker service was made non-conforming as a result of the rezoning).

   3. Northeast District Plan. The Northeast District Plan recognizes this section of Statesville Road as one of single family residential development.

4. Transportation Improvement Program. The Transportation Improvement Program includes the Cindy Lane/Nevins Road Extension. The roadway will ultimately connect Brookshire Boulevard and Mallard Creek Road. The project will provide a standard two-lane section to replace the substandard section of Nevins Road between Lake and Statesville Roads as the primary thru traffic facility in the area. The project ranks number 38 in the 2005 Transportation Plan.

4. Site Plan. The site plan which accompanies this petition proposes an expansion of the existing wrecker service. The plan indicates a maximum building square footage of 5800 square feet (of which 2200 is existing). The expansion would include a proposed canopy/shed area to the rear of the existing building as well as an additional building beside the existing building. The plan also indicates a parking/circulation/equipment area to the rear of the existing building. The plan notes the required 36 foot Class B buffer which includes an existing fence on the northerly, easterly, and southerly project edges. Access to the site would be provided by the two existing driveway connections to Statesville Road. A new landscaped area is provided in the remainder of the required 20 foot setback. The existing gravel parking is located between the setback line and the existing and proposed buildings.

5. School Information. School officials indicate that this petition would have no impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-42	R-9 to B-1	Denied	04/25/66
2. 68-24	R-9 to B-2	Approved	04/29/68
3. 71-37	R-9 to I-2	Denied	09/13/71
4. 72-10(c)	R-9 to B-2	Approved	05/01/72
5. 75-34	R-9 to B-2	Approved	11/17/75
6. 75-35	R-9 to B-2	Approved	11/17/75
7. 76-60	R-9 to B-2 & R-9MF	Denied	10/04/76
8. 79-14(c)	R-9 to B-2	Approved	09/04/79
9. 80-30(c)	R-9 to I-1(CD)	Approved	11/03/80
10. 86-8(c)	I-1(CD) Site Plan Amendment	Approved	04/21/86
11. 86-15	B-2 to R-9 & B-1	Approved	03/17/86
12. 89-24(c)	I-1(CD) to R-9	Approved	07/10/89
13. 89-76	R-9, B-2 to I-1(CD)	Approved	10/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from a single family residential classification to a

conditional commercial classification. The 2005 Plan, the Derita Small Area Plan, and the Northeast District Plan have all recognized the area of the subject property as being appropriate for continued residential development. Therefore, this petition is inconsistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner's agent discussed the application with staff prior to the filing of the application. Staff noted the inconsistency with publicly adopted plans for the area.

   2. Departmental Comments. Departmental comments noted that no expansion should be allowed to occur prior to the site's compliance with zoning ordinance requirements regarding buffering and screening. The revised site plan does not adequately address this comment. The plan states that buffer improvements, screening and tree ordinance requirements will be implemented prior to the issuance of the final certificate of occupancy. This note would potentially allow construction of one of the additional building expansions or expansion into the parking/circulation/equipment area prior to installation of the buffers.

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to a conditional general business district in an area in which publicly adopted plans dating back to the 2005 Plan called for continued residential development. An expansion of the existing nonconforming use would likely result in a negative impact on the single family residential neighbors of this property. Typically an arrangement such as this results in concerns from the affected neighbors regarding truck traffic, noise, lighting, etc. This petition is not considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition would allow an expansion of the existing automotive wrecker service. The outstanding site plan issue relates to the need for the site plan to commit to compliance with all requirements for buffers, screening and landscaping prior to or, at the least, concurrent with any expansion.

CONCLUSION

This petition is not considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-7
Date Filed February 1, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Larry D. Campbell

Owner's Address: 4727 Statesville Rd Charlotte, N C 28269

Date Property Acquired: 3/85

Tax Parcel Number: 045-303-07

Location of Property (address or description)

easterly side of Statesville Road, just north of the intersection of Cindy Lane

Description of Property

Size (Sq. Ft.-Acres): 2.44 acres

Street Frontage (ft.): 200' ± Statesville Rd.

Current Land Use: ~~business usage (wrecker service)~~

Zoning Request

Existing Zoning: R-4

Requested Zoning: B-2(CD)

Purpose of Zoning Change: ~~to restore the former business zoning to the site to permit~~ the expansion of the existing business, property was downzoned in 1986 creating a nonconforming business use on the site (wrecker service has existed here since 1984)

Robert G. Young
Name of Agent

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

334-9157
Telephone Number

~~Larry D. Campbell~~
Name of Petitioner(s)

4727 Statesville Rd Charlotte, N.C 28269
Address of Petitioner(s)

597-8450
Telephone Number

Larry Campbell
Signature

Signature of Property Owner
if Other Than Petitioner

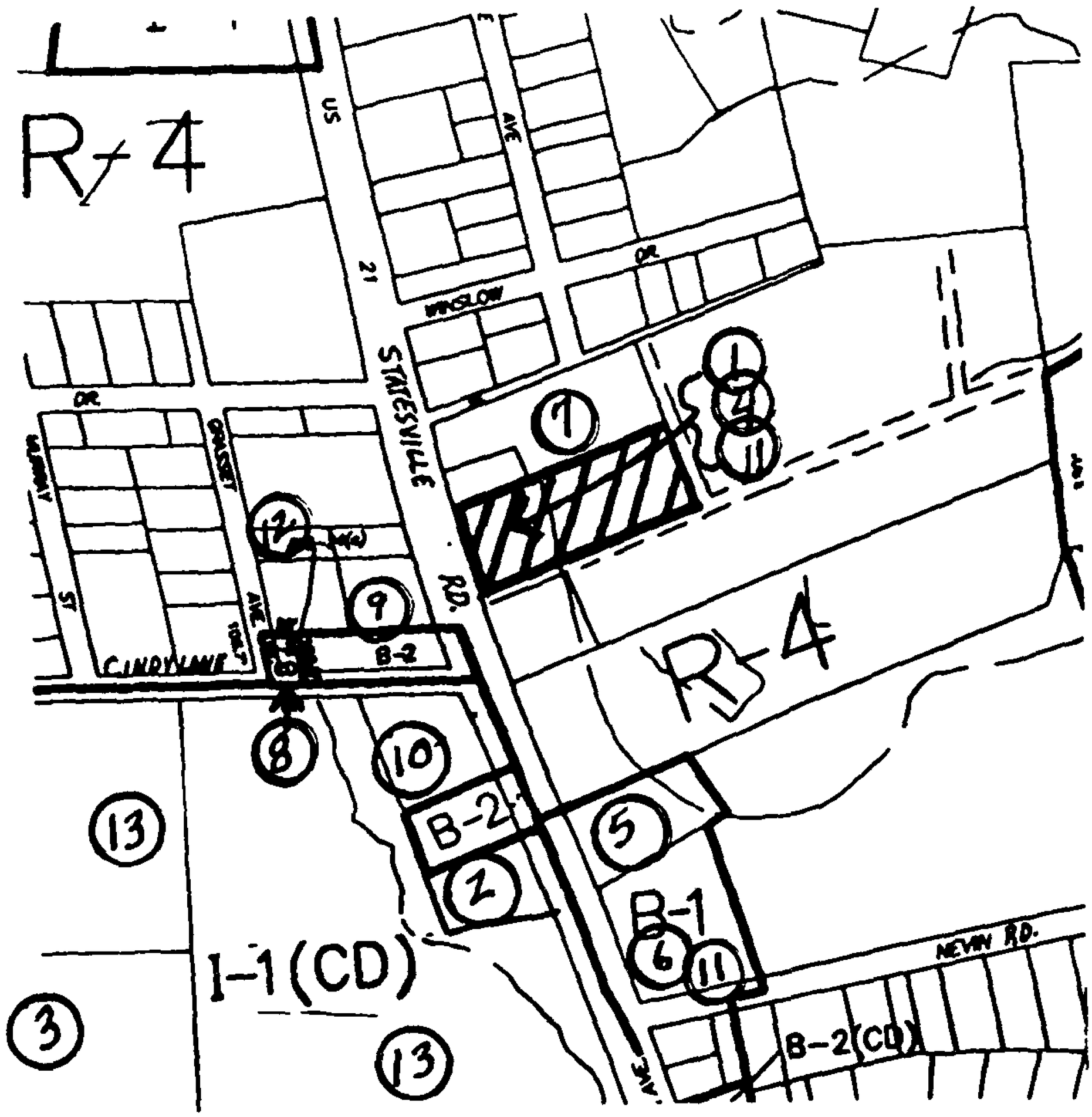
PETITIONER Larry D Campbell

PETITION NO.: 93-17 HEARING DATE April 19, 1993

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED B-2(CD)

LOCATION. Approximately 2.4 acres located on the east side of Statesville Road north of Cindy Lane



ZONING MAP NO(s).: 69

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-18

Petitioner: Charlotte-Mecklenburg Senior Centers, Inc.

Location: Approximately 5.5 acres located on the north side of Tyvola Road adjacent to Marion Diehl Park.

Request: Change from R-4 to R-17MF.

BACKGROUND

1. Existing Zoning. The subject property and all adjoining properties are zoned R-4.

2. Existing Land Use. The petitioned property is undeveloped. To the north of the petitioned site is the Marion Diehl Center. Across Tyvola Road to the south is the Sugar Creek Disposal Plant. Properties located elsewhere along Tyvola Road are devoted to single family residential development. Several churches are also found nearby.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies for the area include Briar Creek and Sugar Creek Greenways, sewer line extensions, the Park Road relocation (now Park South Drive), and streetscape improvements along Park Road, Park Road relocation and South Boulevard.

   2. South District Plan. The South District Plan recognizes the subject property as part of Marion Diehl Park, recognizes the disposal plant across the street and indicates existing single family development in the area otherwise.

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

5. School Information. School Board officials indicate that this petition has no impact upon the school system.

6. Zoning History. There have been no rezonings in the area of the subject property.

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from a single family residential classification to a multi-family residential classification. Both the 2005 Plan and the more detailed South District Plan recognize existing single family residential development in this area. Therefore, this petition is not entirely consistent with adopted plans for the area in terms of zoning classification. However, adopted land use plans also recognize the site as part of Marion Diehl Park. Inasmuch as the purpose of this petition is to accommodate additional development associated with the park, it could be considered consistent with adopted plans for the area.

2. Technical Consistency.

    1. Pre-Hearing Staff Input. Staff provided technical assistance to the petitioner upon filing of the application.

    2. Departmental Comments. There were few departmental comments due to the conventional nature of the petition. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to a conventional multi-family residential category. Typically, a conventional multi-family residential category in an otherwise established single family residential area may raise some concern. However, this petition's purpose is simply to accommodate additional development associated with the Marion Diehl Center. Therefore, the petition could be considered as appropriate for approval from a land use standpoint.

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. 93-18
Date Filed February 1, 1993
Received By TKM

OFFICE USE ONLY

Ownership Information

Property Owner: City of Charlotte

Owner's Address: 600 E. Fourth Street, Charlotte, NC

Date Property Acquired: January 1, 1975

Tax Parcel Number: 171-172-01

Location of Property (address or description): Marion Diehl Park, 2219 Tyvola Road

Description of Property

Size (Sq. Ft.-Acres): 5.5 acres Street Frontage (Ft.): 615

Current Land Use: Open park land currently unused for a specific purpose. Site previously referred to as "Derby Downs" used for soap box racing.

Zoning Request

Existing Zoning: R.4 Requested Zoning: R.17MF

Purpose of Zoning Change: To allow construction of a Senior Center facility offering support services to senior residents in Charlotte and Mecklenburg County

Little & Associates Architects/Jim Metze
Name of Agent

5618 Westpark Drive, Charlotte, NC 28217
Agent's Address

704-525-6350
Telephone Number

Char/Meck. Senior Centers, Inc.
Name of Petitioner(s)

1201 Dilworth Rd., Charlotte, NC 28203
Address of Petitioner(s)

704-372-5663
Telephone Number

Stephanie B. Hoover
Signature

Kent G. Wimbler
Signature of Property Owner if Other Than Petitioner: City of Charlotte Real Estate Supervisor

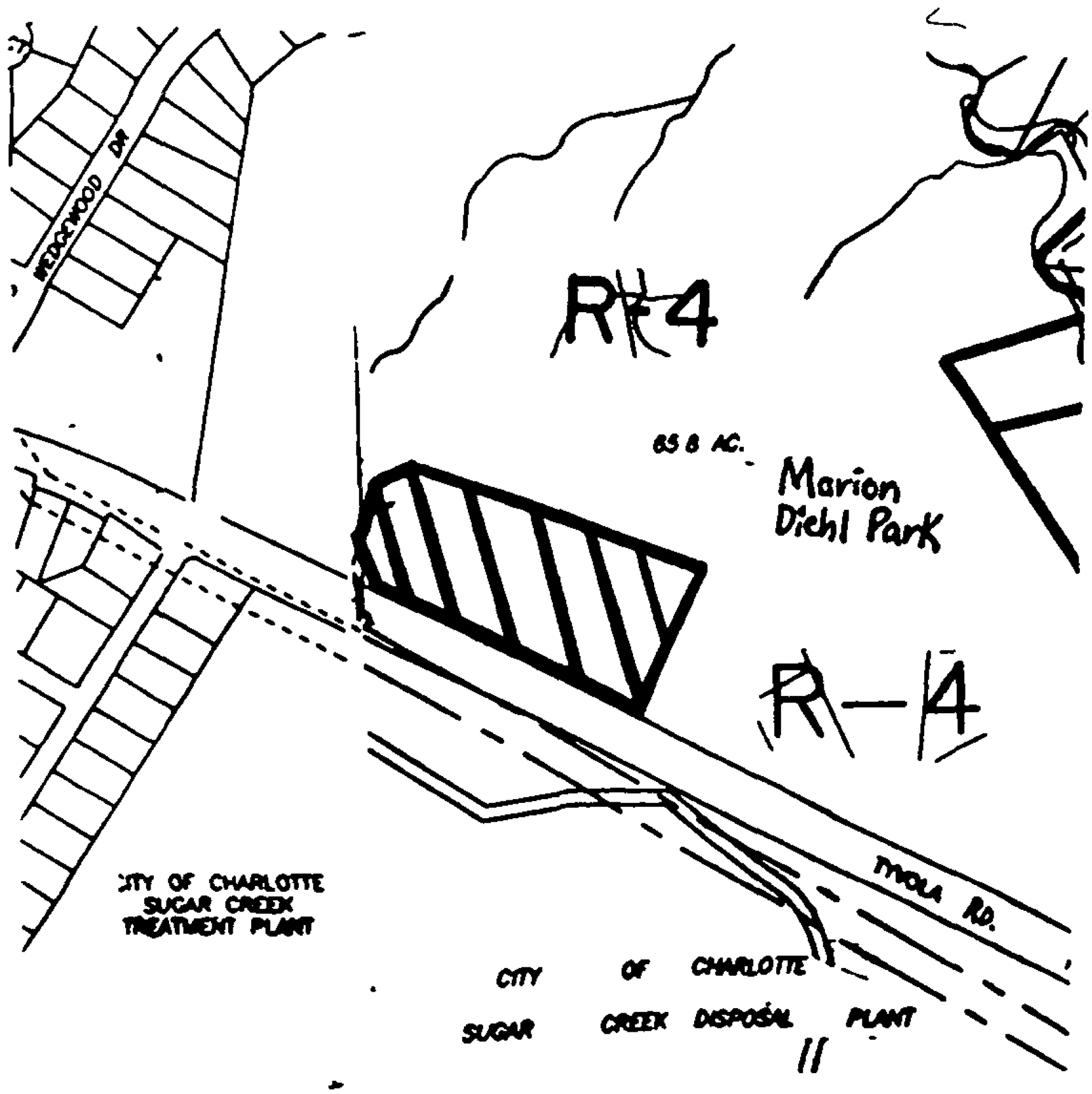
PETITIONER Char-Meck Senior Centers, Inc.

PETITION NO. 93-18 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED. R-17MF

LOCATION: Approximately 5.5 acres located on the north side of Tyvola Road adjacent to Marion Diehl Park.



ZONING MAP NO(s).: 134 & 135

SCALE 1" =400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-19

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (G.S. 143-214.5).

BACKGROUND

Recent state legislation requires all jurisdictions located in areas of water supply watersheds to adopt certain minimum development standards for the purpose of protection of water supplies. This proposed text amendment establishes a watershed overlay district that will impose impervious cover ratio for new development. The overlay will not affect the underlying zoning category or permitted uses but, rather, establish a 24% impervious cover ratio for all new development. The district will permit a 70% impervious cover ratio under a high density option provided that engineered controls (structural BMP's) are used to manage stormwater runoff. The overlay district will require a 30 foot vegetative buffer along perennial streams. A 100 foot buffer is required under the high density option. The amendment also provides for County acceptance of maintenance responsibility for structural BMP's under prescribed conditions.

CONCLUSION

Inasmuch as this amendment meets the State's prescribed guidelines for watershed protection, it is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-19
Date Filed February 1, 1993
Received By YKCIN

OFFICE USE ONLY

Section No Add New 10 Part 6 Catawba River/Lake Wylie Watershed Overlay
(Title)

Purpose of Change:

To provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5)

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 E. Fourth St., Charlotte, N.C. 28202-2853
Address of Petitioner(s)

336-2205
Telephone Number

Signature

Petition No 9379
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 10: OVERLAY DISTRICTS by:

A. Adding a new PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Part 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Section 10.601 Purpose

The purpose of the Catawba River/Lake Wylie Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated thereunder. The Catawba River/Lake Wylie Watershed Overlay may be an overlay in any district established in Chapters 9 and 11. The Catawba River/Lake Wylie Watershed Overlay District supplements the uses or development requirements of the underlying zoning district within the Catawba River/Lake Wylie Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Catawba River/Lake Wylie Watershed Overlay District.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and which is described as follows:

Beginning at a point located on Long Creek approximately 0.6 miles downstream of Beatties Ford Road (SR 2074) and extending downstream to the Catawba River and to the ridgeline along the south side of Long Creek and to Mt. Holly-Huntersville Road and thence proceeding in a southwesterly direction along Mt. Holly-Huntersville Road to the intersection of N.C. 27 and thence proceeding in a westerly direction to the Catawba River on the north side of Long Creek and includes portions of the McIntyre Creek, Gutter Branch, Gum Branch and Thomas Pond drainage areas.

Section 10.602 General Definitions

For the purposes of these regulations, the following words and phrases shall be defined as specified below.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP's). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include detention basins, retention basins, grass swales and ditches, and infiltration devices.

Buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon area (B.U.). Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Discharge. The addition of any man induced waste effluent either directly or indirectly to N.C. surface waters.

Existing Development. Existing development, as defined for the purposes of this Part, means projects for which a certificate of compliance has been issued, projects for which a building permit has been issued, property which has been subdivided by a recorded instrument, or projects which have obtained vested rights under Section 1.105 and/or Section 1.110 as of the date of adoption of the amendment incorporating this subpart into this Ordinance. Existing development is required to comply with this Ordinance to the maximum extent practical.

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds

prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

(1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

(2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;

(3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or

(4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Nonresidential Development. All development other than residential development, agriculture and silvilculture.

Normal Pool Elevation. The Catawba River, Lake Wylie normal pool elevation which is at contour interval 570 feet above Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

Protected Area. The area adjoining and upstream of the Critical Area and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;

(2) The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations;

(5) The division of a tract into plots or lots used as a cemetery.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Section 10.603 not used

Section 10.604 Uses and Standards established

(A) Uses Permitted By Right

All those permitted in the underlying zoning district.

(B) Uses Permitted under Prescribed Conditions

All those permitted in the underlying zoning district except:

1. Structural BMP's, under High Density Option, subject to regulations of Section 10.608

2. Sludge Applications

3. Storage of Hazardous Materials, subject to the filing of a spill/failure containment plan with Mecklenburg County Fire Marshall.

(C) Permitted Accessory Uses and Structures

All those permitted in the underlying zoning district except:

1. On-site demolition landfills, not within any floodplain or buffer area and subject to the regulations of Section 12.405.

Section 10.605 Development Standards for the Catawba River/Lake Wylie Watershed Overlay

All uses permitted in the Catawba River/Lake Wylie Watershed Overlay shall meet the applicable development standards established in this section and all other requirements of these regulations.

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

a. Maximum Residential Density (D.U./AC)

Maximum allowed in underlying district

b. Minimum lot area

Minimum required in underlying district

c. Maximum Allowable Built Upon Area (% B.U.)

1. Residential
   a. low density option - 24%
   b. high density option (1) - 70%

2. Nonresidential
   a. low density option - 24%
   b. high density option (1) - 70%

Footnote to Chart 10.605.1c

(1) High Density Option - See Section 10.606

Section 10.606 Cluster Development

Cluster Development, as defined in Section 2.201(C6) is permitted in accordance with the following regulations.

1. Subject to all the cluster requirements of the underlying zoning district.

2. % B.U. shall not exceed the allowed % B.U. for the watershed area. [Section 10.605.1(c)]

3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious recreational uses are permitted provided that they are located a

minimum of 30 feet from the stream bank. Impervious recreational uses are permitted if they are located outside of any required buffer and do not exceed the allowable percentage built upon for the project.

4. Subject to the buffer area requirements of Section 10.607.

Section 10.607 Buffer areas Required

Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream.

1. In the Catawba River/Lake Wylie Watershed Protection Area the minimum buffer areas are as follows:

   a. All areas adjacent to perennial streams:
      1. low density option - 30'
      2. high density option - 100'

2. Additional buffer requirements:

   No permanent structures, impervious covers, septic tanks systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

   a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved on a plan submitted to the County Environmental Protection Department.

   b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the City Engineering Department and the County Environmental Protection Department.

   c. Water dependents structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.

   d. The City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.

   e. Non-impervious recreational uses are permitted provided they are located a minimum of 30 feet from the stream bank.

Section 10.608 High Density Option

The High Density Option allows for a greater development density provided engineered controls (structural BMP's) are used to manage stormwater runoff Wet detention ponds are required under the High Density Option. Their function is to provide storage and treatment of the pollutants contained in stormwater. Other types of structural BMP's may also be required. High density development shall meet the requirements of this section and the Land Development Standards Manual.

1. High Density Permit Application.

   A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

   B. Application for a High Density Development Permit shall be submitted as follows:

      1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Commission will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

      2. Development plans not subject to the Subdivision Ordinance will submit the High Density Development Permit to the City Engineer as part of the Sediment and Erosion Control requirements of the building permit application process.

      3. Applications for the High Density Option shall be made on the proper form and shall include the following information:

         a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

         b. Required number of development plans and specifications of the stormwater control structure.

         c. Submittal of a sediment and erosion control plan to the appropriate agency.

         d. Permit application fees.

2. Stormwater Control Structures

   A. All stormwater control structures shall be designed and stamped by either a North Carolina registered professional engineer, landscape architect or land surveyor.

   B. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific

pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.

C. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

3. Posting of Financial Security Required

A. When Structural BMP's (wet detention pond and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing. The owner may then petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.

4. Additional Requirements

A. An Occupancy Permit shall not be issued for any building within the permitted development until the City Engineering Department has approved the stormwater control structure, as provided in Section 10.608.3(A).

B. Appeals of any order, requirement, decision or determination may be made to and decided by the Zoning Board of Adjustment.

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

Approved as to form:

_____
City Attorney

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

_____
Brenda Freeze, City Clerk

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-20

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 1,950 acres located in the Catawba River/Lake Wylie Watershed generally along portions of Mount Holly Road, Belhaven Boulevard and Tom Sadler Road. (see attached map)

Request: Establishment of the Catawba River/Lake Wylie Watershed Overlay district.

BACKGROUND

This petition proposes to establish the Mountain Island Lake Watershed overlay district in conformance with recent State legislation which requires all jurisdictions located in areas of water supply watersheds to adopt at least minimum development standards for the purpose of water supply protection. (The County watershed overlay petition is also pending). The watershed overlay district would establish additional development standards on the petitioned property in conformance with a pending zoning ordinance text amendment (Petition No. 93-19).

CONCLUSION

Inasmuch as this petition would establish the Mountain Island Lake Watershed overlay district in conformance with recently approved State legislation, it is recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-20
Date Filed February 1, 1993
Received By NCYR

OFFICE USE ONLY

Ownership Information

Property Owner: See Attached

Owner's Address: See Attached

Date Property Acquired: N/A

Tax Parcel Number: See Attached

Location of Property (address or description)

Several hundred acres located in the Catawba River/Lake Wylie Watershed

Description of Property

Size (Sq. Ft.-Acres): approx. 1,950 ac Street Frontage (ft.): N/A

Current Land Use: Moderately developed residential and non-residential

Zoning Request

Existing Zoning: Several Classifications - See Attached Requested Zoning: Catawba River/ Lake Wylie Watershed Overlay

Purpose of Zoning Change: To provide for the protection of public water supplies as required by N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5)

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s): Charlotte-Mecklenburg Planning Commission

Address of Petitioner(s): 600 E. Fourth St., Charlotte, N.C. 28202-2853

Telephone Number: 336-2205

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER CMPC

PETITION NO. 93-20 HEARING DATE April 19, 1993

ZONING CLASSIFICATION, EXISTING. Various zoning classifications

ZONING CLASSIFICATION, REQUESTED· Catawba River/Lake Wylie Watershed Overlay.

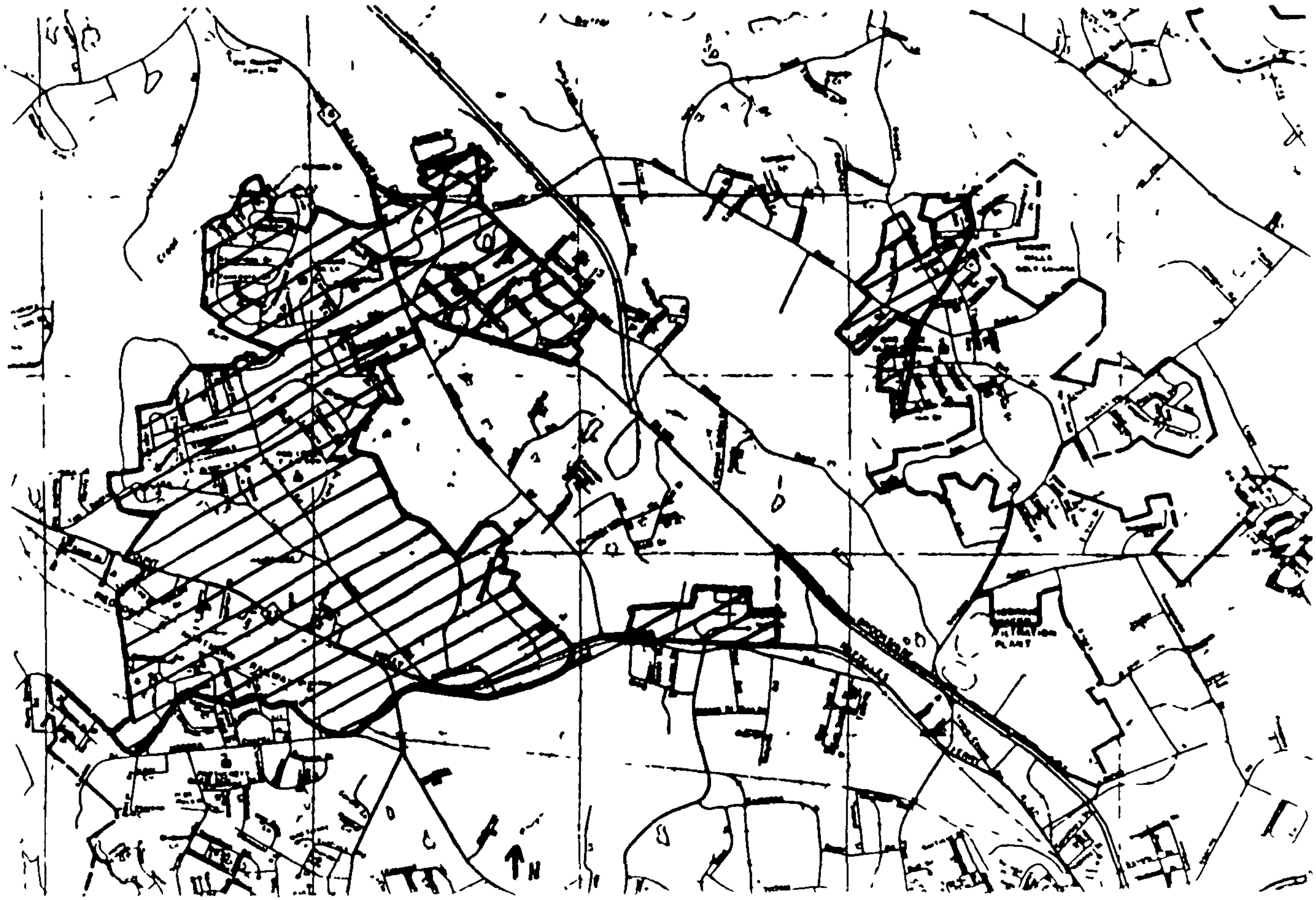
LOCATION Approximately 1,950 acres located in the Catawba River/Lake Wylie Watershed.

SEE ATTACHED MAP

ZONING MAP NO(s).: Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


N

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. SUB 93-1

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Consideration of a text amendment to the City of Charlotte Subdivision Ordinance to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (G.S. 143-214-5).

BACKGROUND

Recent state legislation requires all jurisdictions located in areas of water supply watersheds to adopt certain minimum development standards for the purpose of protection of water supplies. This proposed text amendment establishes a watershed protection area and establishes an impervious cover ratio (maximum built upon area) for new development. The amendment will not affect the underlying zoning category or permitted uses but, rather, establish a 24% impervious cover ratio for all new development. The district will also permit a 70% impervious cover ratio under a high density option provided that engineered controls (structural BMP's) are used to manage stormwater runoff. The ordinance requires a 30 foot vegetative buffer along perennial streams. A 100 foot buffer is required under the high density option. The district also provides for County acceptance of maintenance responsibility for structural BMP's under prescribed conditions.

CONCLUSION

Inasmuch as this amendment meets the State's prescribed guidelines for watershed protection, it is recommended for approval.

*Subject to further refinement following public hearing.

SUBDIVISION ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. Sub 93-1
Date Filed February 1, 1993
Received By YKM

OFFICE USE ONLY

Section No.: Add New 7.200.11 Lots within the Catawba River/Lake Wylie Watershed Protection Area
(Title)

Purpose of Change:

To provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5)

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commissi
Name of Petitioner(s)

600 E. Fourth St., Charlotte, N.C. 28202-2853
Address of Petitioner(s)

336-2205
Telephone Number

Signature

AMENDING CHAPTER 20

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE·

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Chapter 20, is hereby amended as follows:

1. Amend Section 7.200 by:

   A. Add following new paragraph:

.11 Lots Within Catawba River/Lake Wylie Watershed Protection Area

The purpose of the Catawba River/Lake Wylie Watershed Protection Area is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated thereunder.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and which is described as follows:

> Beginning at a point located on Long Creek approximately 0.6 miles downstream of Beatties Ford Road (SR 2074) and extending downstream to the Catawba River and to the ridgeline along the South side of Long Creek and are to Mt. Holly-Huntersville Road and thence proceeding in a southwesterly direction along Mt. Holly-Huntersville Road to the intersection of N.C. 27 and thence proceeding in a westerly direction to the Catawba River on the north side of Long Creek and includes portions of the McIntyre Creek, Gutter Branch, Gum Branch and Thomas Pond drainage areas.

A map showing the Catawba River/Lake Wylie Watershed Protection Area and its subareas (if any) is incorporated herein as Appendix A. In any event of any difference or inconsistency between the areas as depicted on the map and the definition, the map or definition which describes or depicts the greater geographical area shall control. Should the area be more specifically defined in the City of Charlotte Zoning Ordinance by use of major landmarks such as roads and property lines to adjust the boundary, the boundary as described in the Zoning Ordinance shall control over those described in this ordinance.

For the purpose of this section, the following terms will have the definitions indicated below.

BMP's. Best Management Practices. A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILT-UPON AREA (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts) etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project.

CRITICAL AREAS. The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed.

NORMAL POOL ELEVATION. The Catawba River/Lake Wylie normal pool elevation which is at contour interval 570 feet above the Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

PROTECTED AREA. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Areas.

SEPTIC TANK SYSTEM. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

WATERSHED. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

1. Development Standards.
   a. Maximum Residential Density

      Maximum allowed in underlying zoning district

   b. Minimum lot area

      Minimum required in underlying zoning district

   c. Maximum Allowable Built Upon Area Per Project

      1. Residential
         a. low density option - 24%
         b. high density option - 70%
            (structural BMP's*)

      2. Nonresidential
         a. low density option - 24%
         b. high density option - 70%
            (structural BMP's*)

      * STRUCTURAL BMP's. Wet detention ponds are required under the High Density Option. Other types of Structural BMP's may also be required.

   d. Cluster Development is allowed

2. Buffer Areas Required.

   Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream.

   1. In the Catawba River/Lake Wylie Watershed Protection Area the minimum buffer areas are as follows:

      a. All areas adjacent to perennial streams:
         1. low density option - 30'
         2. high density option - 100'

   2. Additional buffer requirements:

      No permanent structures, impervious covers, septic tanks systems or any other disturbance of existing

vegetation shall be allowed within the buffer except as follows:

a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved on a plan submitted to the County Environmental Protection Department.

b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the County Engineering Department and the County Environmental Protection Department.

c. Water dependents structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials. Non-pervious recreational uses are permitted provided they are located a minimum of 30 feet from the stream bank.

d. The City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.

3. Posting of Financial Security Required

A. When Structural BMP's (wet detention ponds and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the

submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing. The owner may then petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____

City Attorney

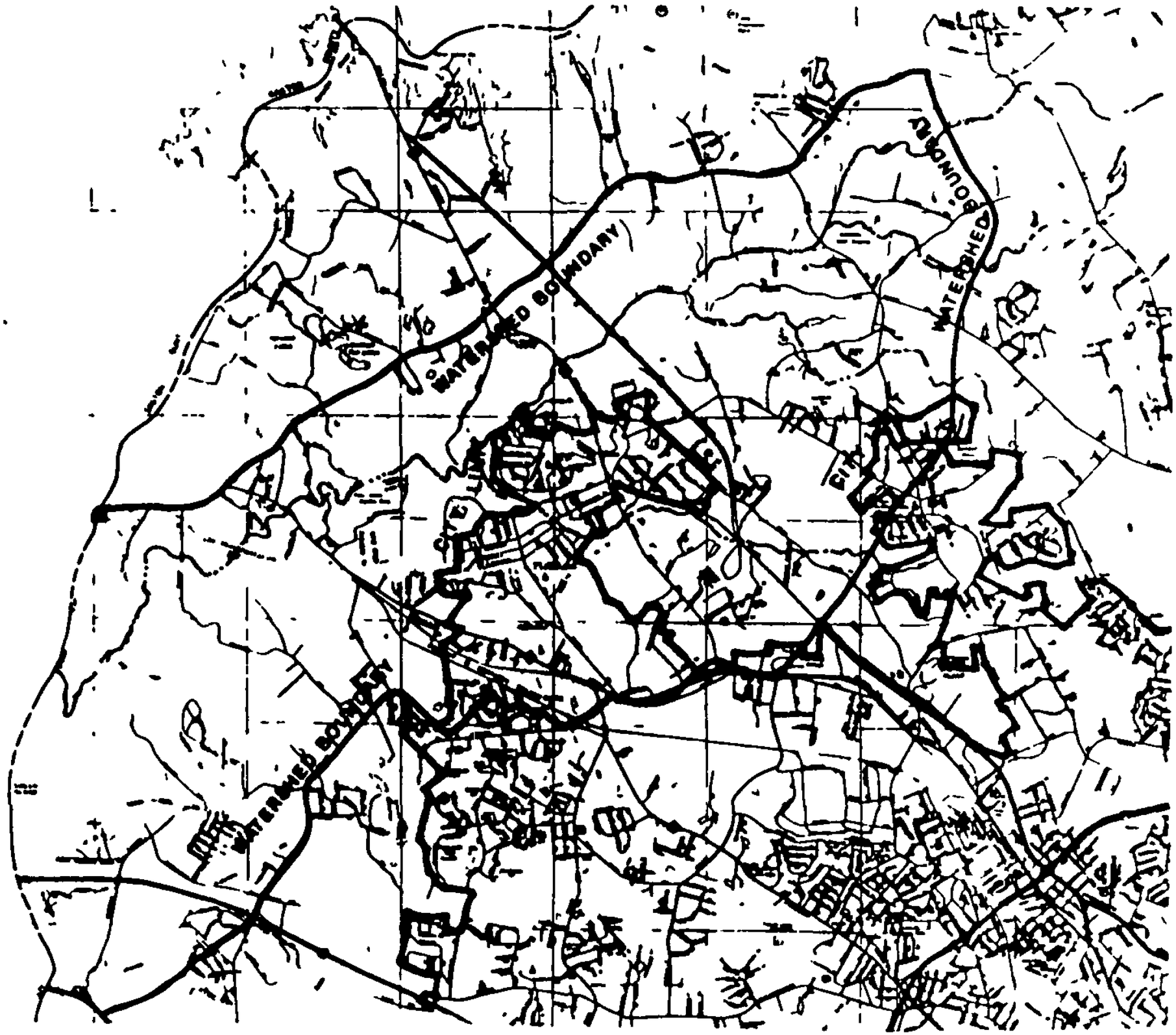
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 19 ____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, beginning on Page _____.

_____

Brenda Freeze, City Clerk

CATAWABA RIVER / LAKE WYLIE WATERSHED PROTECTION AREA

Appendix A (Ref. Section 7.200.11)



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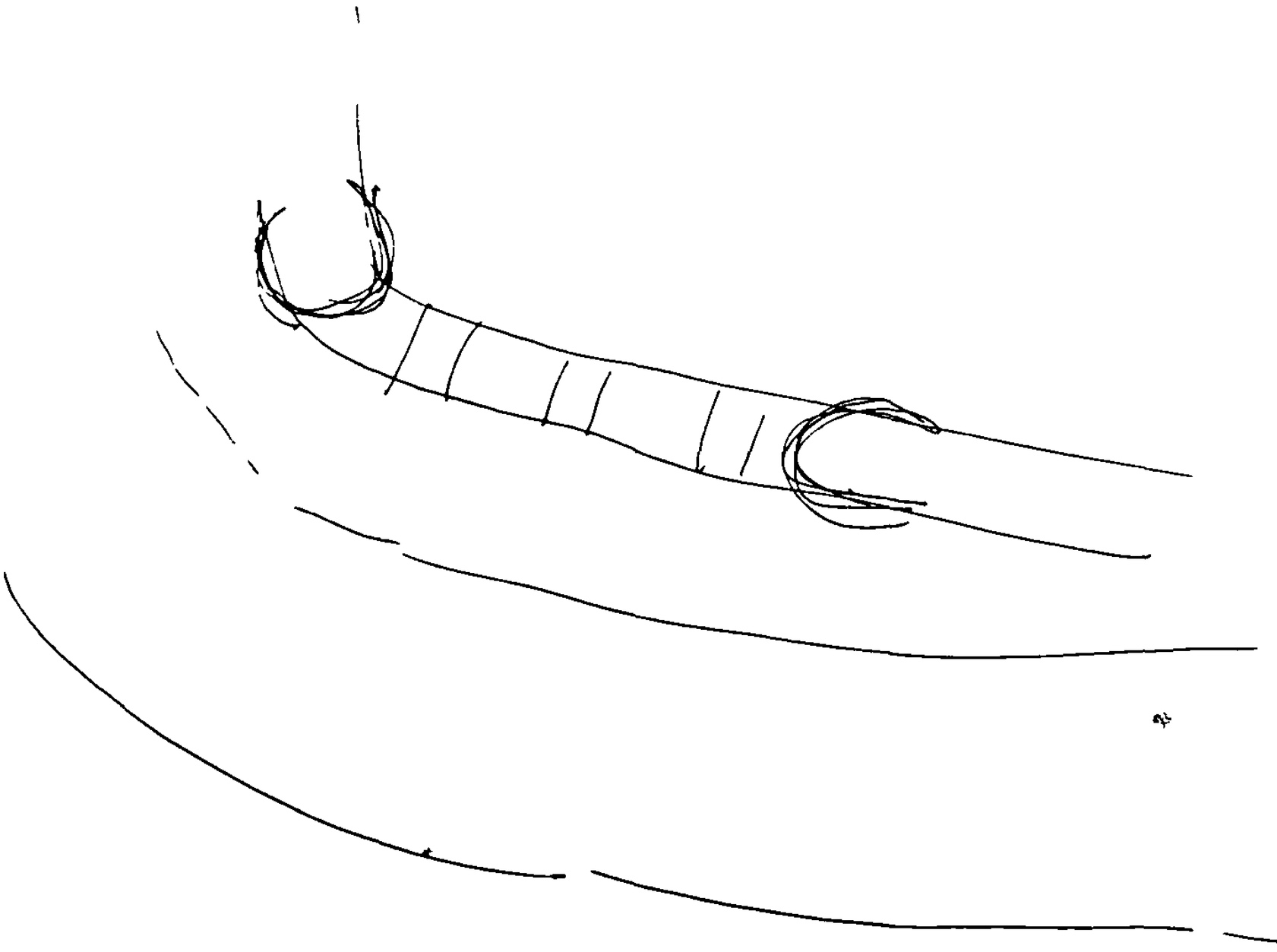


CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 1, 1993

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 March 22, 1993.

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, April 12, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, April 19, 1993.

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

Respectfully submitted,

Don Whelchel (LS)

Don Whelchel
Charlotte-Mecklenburg Planning Commission
Zoning Committee Vice Chairman

Attachments

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

DATE: March 22, 1993

PETITION NO.: 92-72

PETITIONER(S): Christopher Branch

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

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

ACTION: The Zoning Committee recommends that this petition be approved subject to modification to address concerns raised by the Myers Park Homeowners Association (See Reasons below).

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

Nays: Fenning.

Absent: McClure.

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

REASONS

This petition had been deferred previously in order to allow for notification of interested parties regarding a revised site plan. The revised plan eliminates the proposed street parallel to Queens Road West in favor of three cul-de-sacs which would run essentially perpendicular to Queens Road West and re-orients the dwelling units to correspond to the new street pattern. The revised plan proposes 22 units, 15 of which are attached and 6 detached. There was considerable discussion regarding a concern raised by representatives of the Myers Park Homeowner's Association regarding a rear building orientation and a brick wall treatment facing Maryland Avenue. Ultimately, the Zoning Committee viewed the petition as appropriate for approval with the caveat that the petitioner work with the Homeowner's Association to redesign this section of the plan. The petitioner and the Homeowner's Association representative agreed to work towards resolution of the issue.

MINORITY OPINION

The minority opinion expressed concern regarding the utilization of urban residential categories designed for inner city settings in a suburban location. There was concern that such a trend could be the beginning of an erosion of established neighborhoods. It was also noted that the use of UR districts in this fashion is essentially allowing the establishment of a higher density residential use without the edge conditions (buffers) required for multi-family districts.

STAFF OPINION

While the staff shares the concern regarding the use of UR districts in suburban settings, this specific development could only be accommodated by these categories.

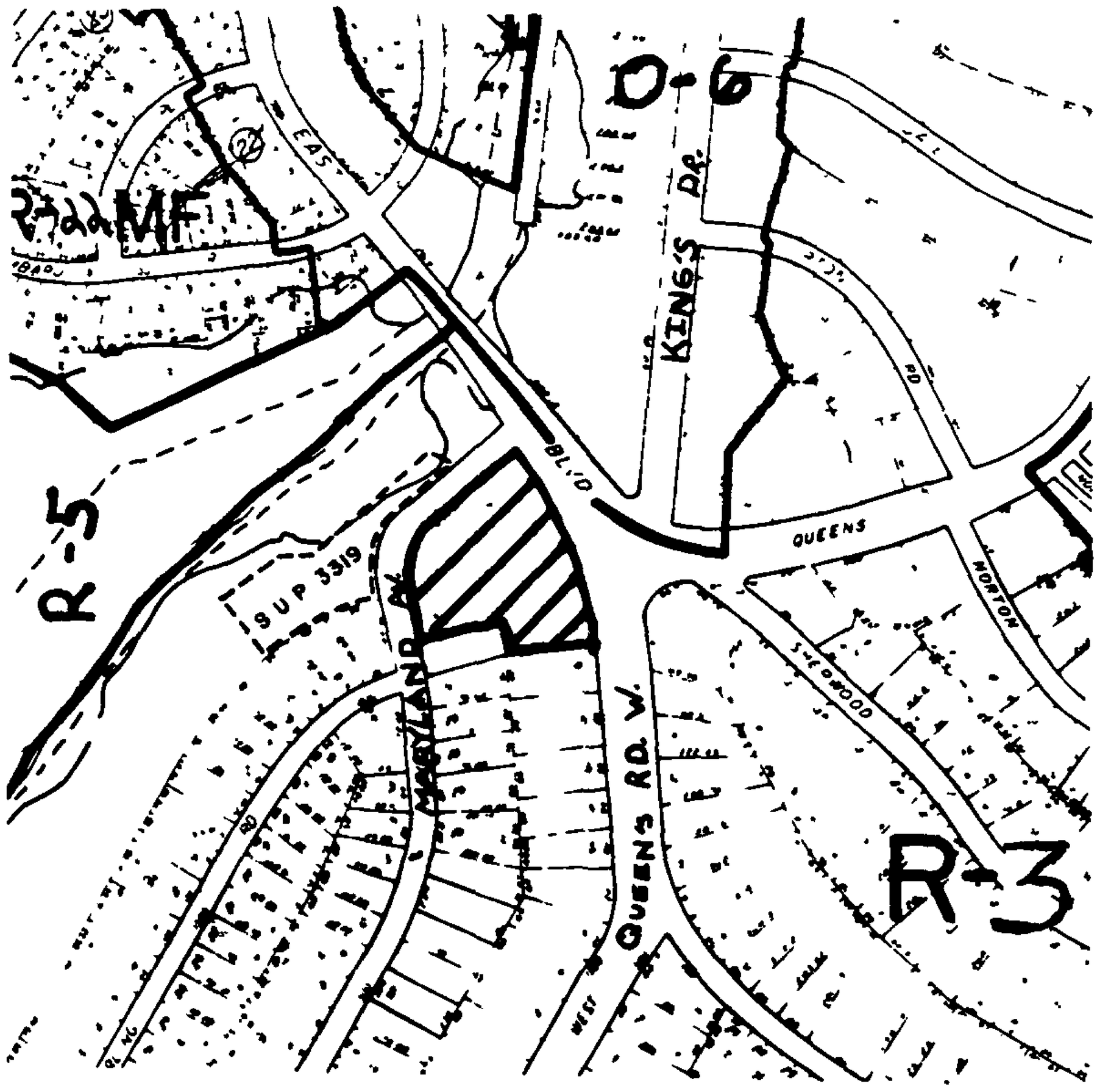
PETITIONER: Christopher J. Branch

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

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: UR-2

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



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

PROPERTY PROPOSED FOR CHANGE

DATE: March 22, 1993

PETITION NO.: 92-73

PETITIONER(S): James E. Body

REQUEST: Change from R-3 to R-6(CD)

LOCATION: A 6.89 acre site located on the north side of Fairview Road west of Wintercrest Road.

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

VOTE: Yeas: Baker, Jones, Tabor, and Whelchel.

Nays: Fenning and James.

Absent: McClure.

REASONS

This petition proposes rezoning from the R-3 category to R-6(CD) to allow a 29 lot subdivision with a minimum lot size of 4,500 square feet. Previously, the Zoning Committee deferred action on this petition to allow time for the petitioner to deal with several outstanding issues. The most recent revised plan has decreased the number of lots from 30 to 29 and incorporated a note regarding a left turn lane on Fairview Road as per CDOT's request. A CDOT representative noted the revised plan adequately resolved their concern. The majority of the Zoning Committee viewed the petition as appropriate for approval as modified.

MINORITY OPINION

The minority opinion viewed the potential inconsistencies between the proposed development and existing deed restrictions as rendering the petition inappropriate for approval. The minority opinion also noted that this site is the subject of a potential upcoming land transaction and the petition should be deferred pending those proceedings.

STAFF OPINION

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

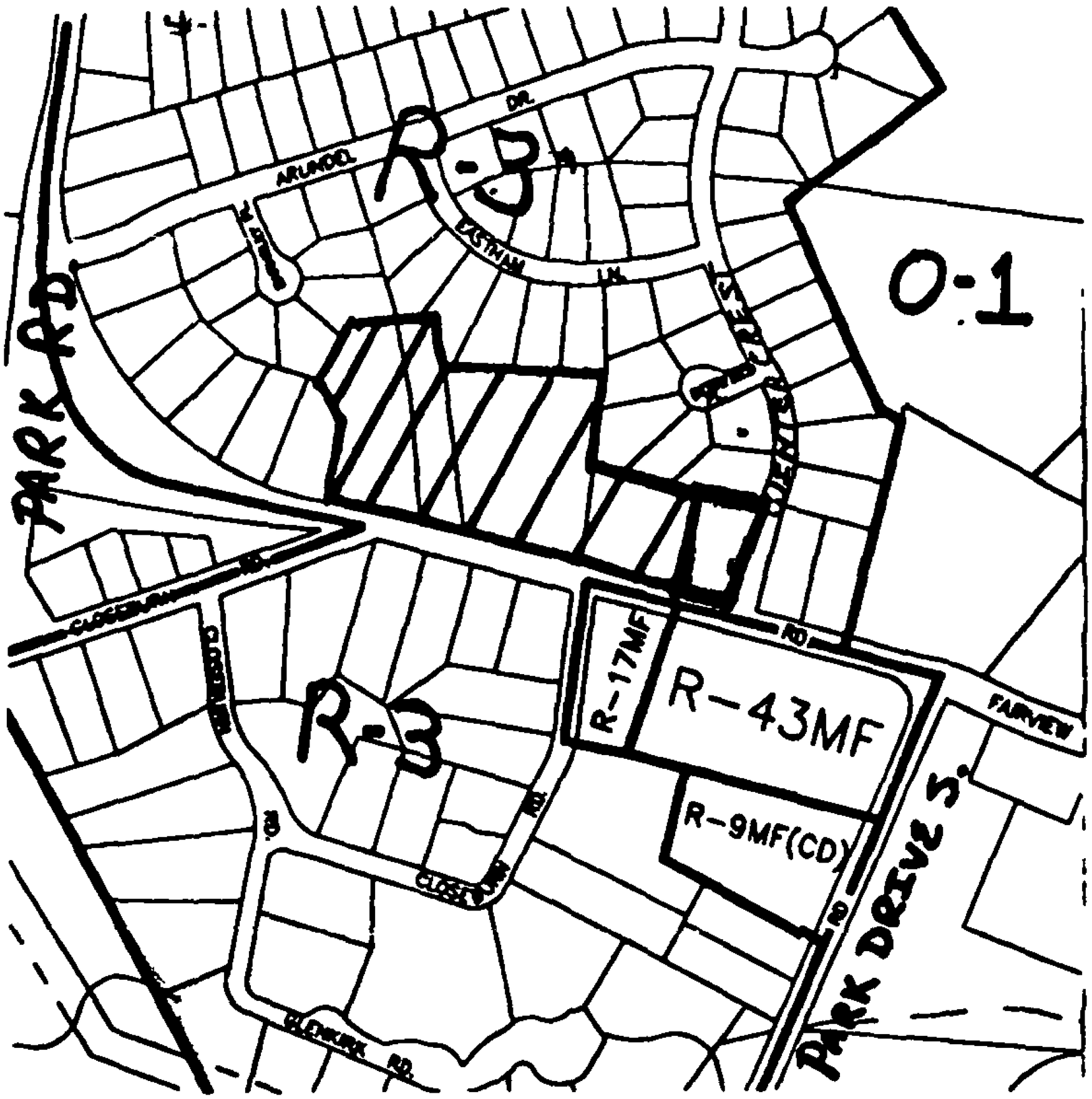
PETITIONER: James E. Body

PETITION NO.: 92-73 HEARING DATE: February 15, 1993

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: R-6(CD)

LOCATION: A 6.89 acre site located along the northerly side of Fairview Road opposite of Closeburn Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: March 22, 1993

PETITION NO.: 93-1

PETITIONER(S): Charlotte Catholic High School

REQUEST: Change from R-4 to O-1(CD).

LOCATION: Two parcels which total 8.93 acres including 6.7 acres located on the west side of Park Road across Princeton Avenue (Charlotte Catholic High School main campus) and a 2.17 acre site located on the southwest corner of the intersection of Park Road and Cambridge Road.

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

VOTE: Yeas: Baker, Fenning, James, Jones, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

Subsequent to a number of deferrals over the past several months, the petitioner requested either a denial of this application or approval of a revised site plan (See attached letter). The Zoning Committee viewed the request for denial of the petition as appropriate under the circumstances and preferable to approval of an unnecessary and unwanted rezoning petition.

STAFF OPINION

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

ADVANCED IMAGING SYSTEMS
Any Document, Anywhere, Anytime - (704) 525 - 4392

The Following Image(s) are...

(Check one of the following)

- [ ] Photocopy
- [x] Poor Quality Original
- [ ] Other_____

FRED E. BRYANT, PLANNER

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

March 17, 1993

Mrs. Anne McClure, Chairperson and
Members, Zoning Committee
Charlotte/Mecklenburg Planning Commission
Charlotte, North Carolina

Dear Committee Members:

As you are well aware, for several months we have been trying to find a solution and the proper answers to the land use and zoning issues pertaining to the Charlotte Catholic High School site. A rezoning petition identified as 93-1 was presented at public hearing in January and, subsequently, two deferrals have been granted by you. The matter is now scheduled for additional discussion by you at your meeting on March 22, and I would like to bring you up to date as to what has happened and present what I hope will be a final request to you.

With the amount of opposition which developed from the surrounding area, this school has continued to look for ways to solve their problems without necessitating a zoning change. They have now been successful in obtaining ownership of two additional lots making the proposed parking lot adjacent to the main campus property. This means that the use of the corner lot for parking would now be permitted without a rezoning.

Over the last several weeks, concentrated discussions have continued with neighborhood and area representatives with the school's objective of having the three-fourths vote protest removed so the petitioner could then request withdrawal of the petition. This has not been successful.

Discussions [illegible] ning between the school officials and the neighborho[illegible] create an atmosphere of greater cooperation in the future in [illegible] the needs and objectives of each of these groups. It is anticipate[illegible] written agreement to this end will be achieved shortly.

With all that has transpired to this point and on behalf of my client, Charlotte Area Catholic Schools, I am requesting that on Monday, March 22, you, in order of preference, do one of the following:

1. Since we are unable to request withdrawal of the rezoning petition, we would now ask you recommend to City Council that it be denied.

2. We will submit to Planning Staff this week a revised site plan taking into consideration future possibilities as to the connectivity of property belonging to the Catholic School and, as a less preferred recourse, would request you recommend approval of this revised site plan.

The first alternative is greatly preferred because it will permit the school to utilize the property it now owns in a manner in which the ordinance basically permits. Additionally, it will prevent future difficulties in terms of administering a site plan which is no longer needed and which can only complicate future administrative processes.

Your consideration of this request is appreciated, and if there are any questions concerning it, please let me know. We will be present at the meeting on Monday to discuss any aspect of this matter.

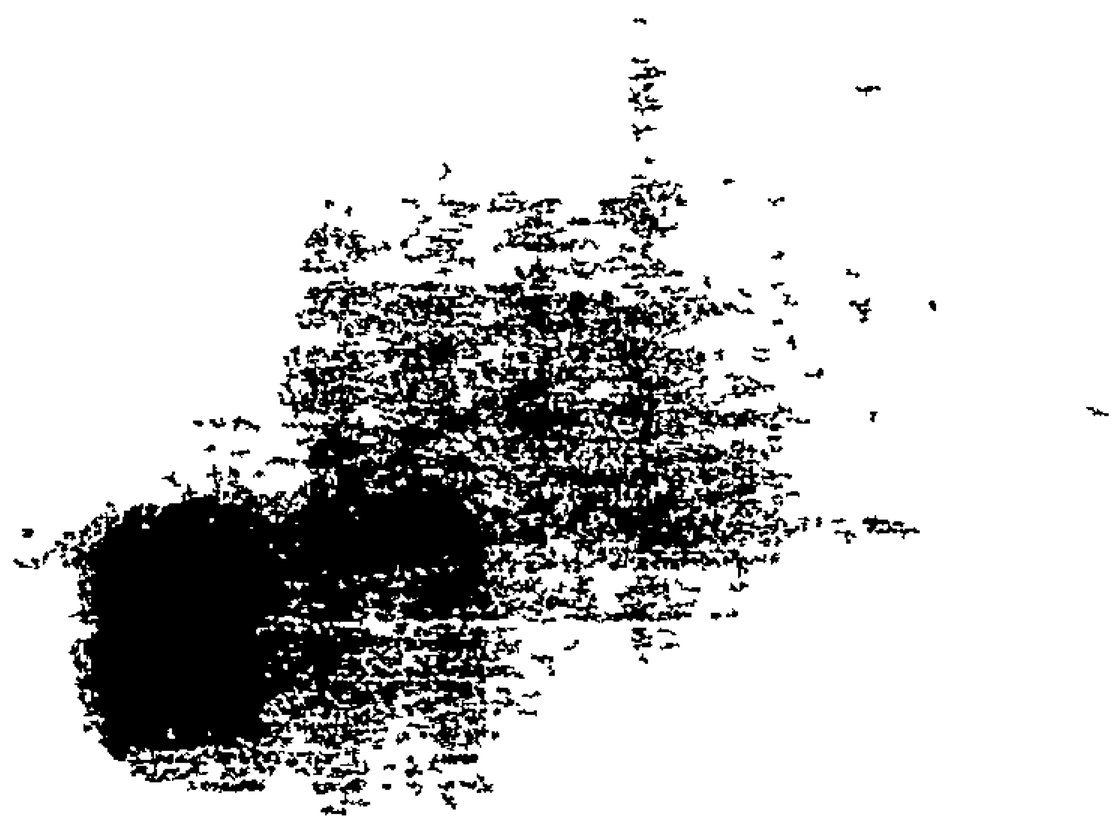
Sincerely,

Fred

Fred E. Bryant, AICP

FEB/df

cc: Mr. Joe Treacy, Jr.
Mr. Walter Fields



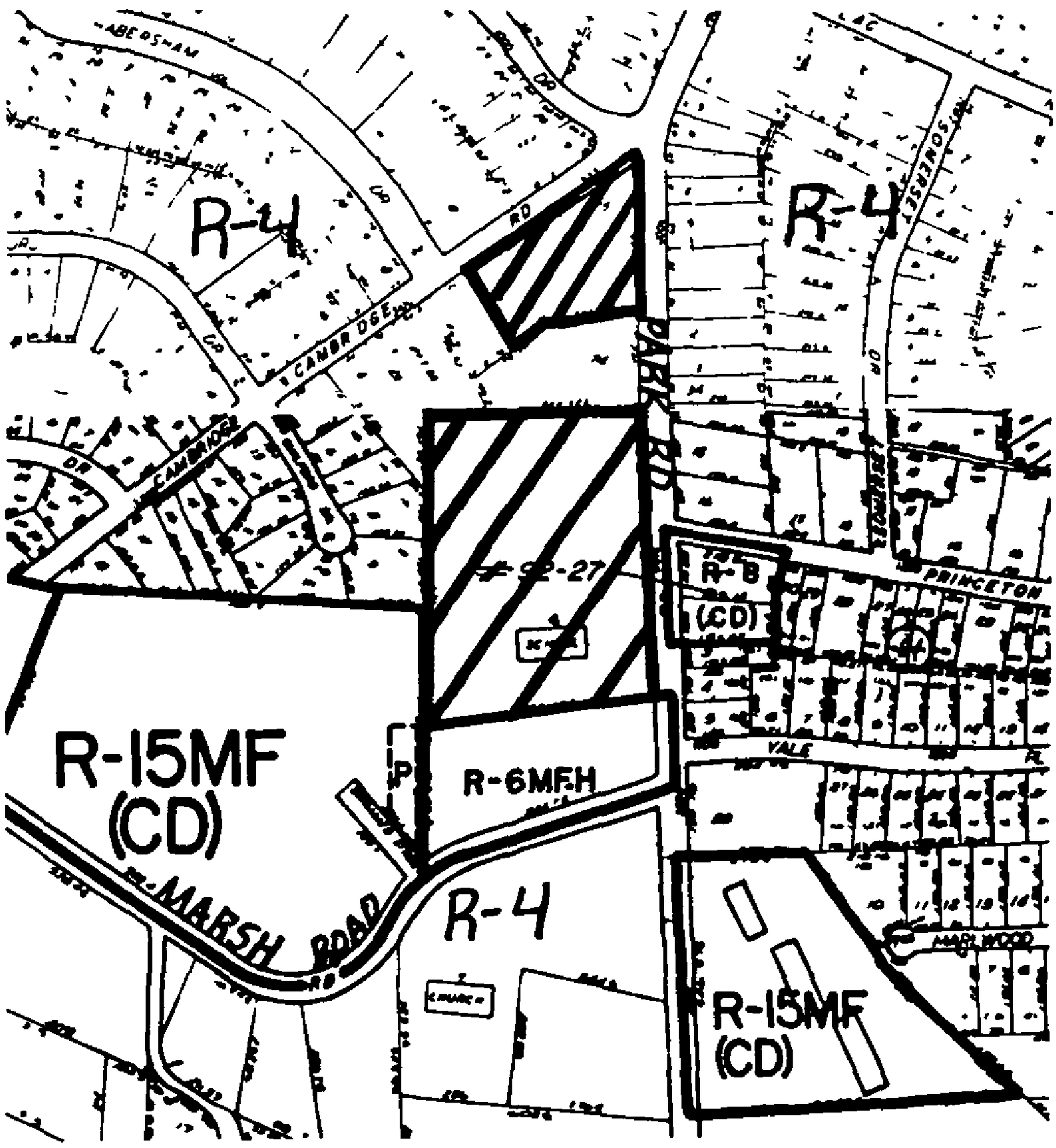
PETITIONER: Charlotte Area Catholic Schools

PETITION NO.: 93-1 HEARING DATE: January 19, 1993

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

LOCATION: 3100 Park Road (Charlotte Catholic High School) and a 2.71 acre lot located on the southwest corner of Park Road and Poindexter Drive.



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

PROPERTY PROPOSED FOR CHANGE

DATE: March 22, 1993

PETITION NO.: 93-7

PETITIONER(S): Allison Family Partnership

REQUEST: Change from O-15(CD) to R-3.

LOCATION: Approximately 17.33 acres located on the east side of Wilora Lake Road north of Albemarle Road.

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

VOTE: Yeas: Baker, Fenning, James, Jones, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This request seeks a rezoning from a conditional office category to a single family residential category. Although plans for the area recognize the subject property as suitable for office, research, or commercial expansion, the requested district is consistent with the land use in the area. Therefore, Zoning Committee recommends that this petition be approved.

STAFF OPINION

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

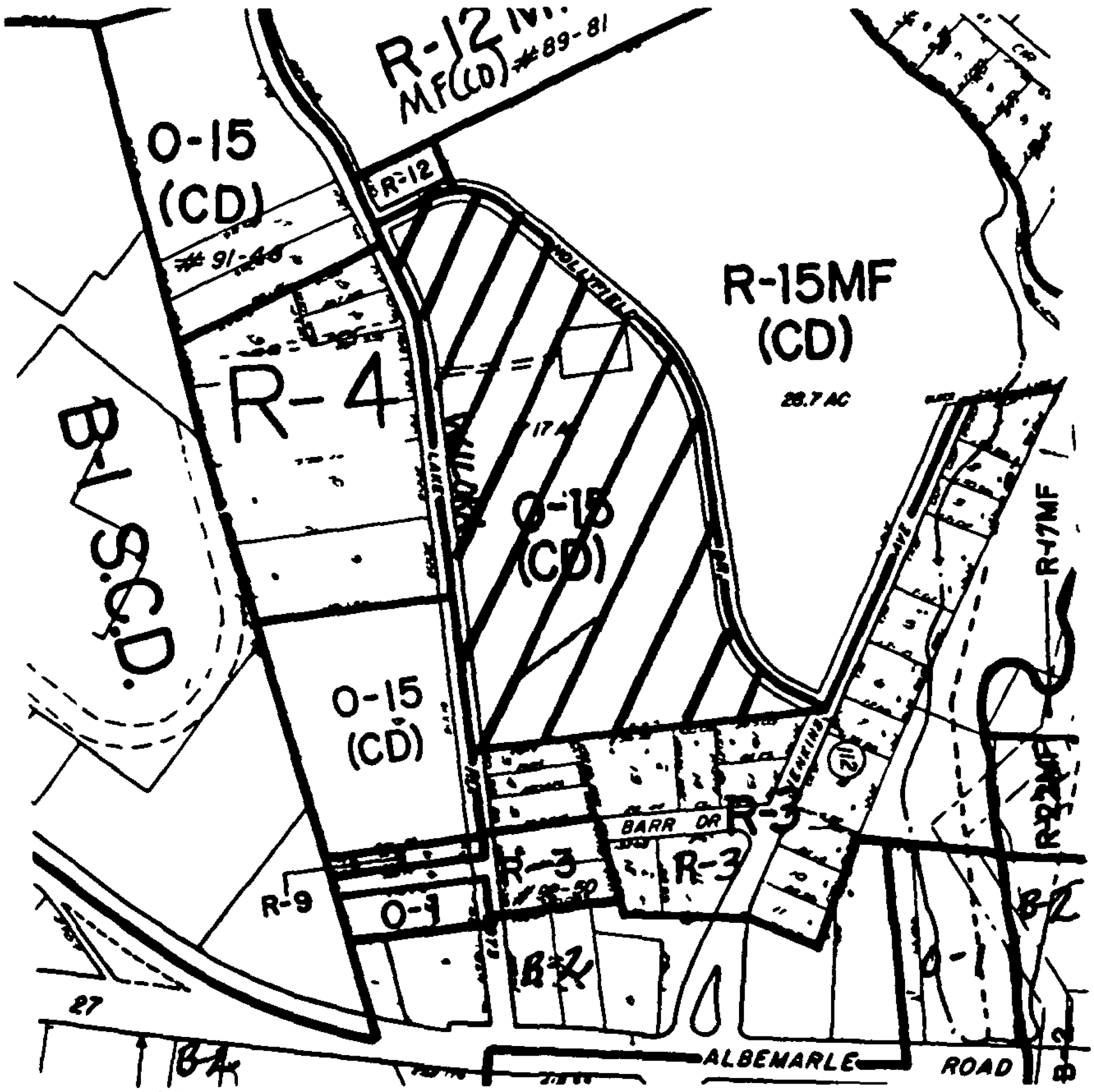
PETITIONER: Allison Family Partnership

PETITION NO.: 93-7 HEARING DATE: March 15, 1993

ZONING CLASSIFICATION, EXISTING: O-15(CD)

ZONING CLASSIFICATION, REQUESTED: R-3

LOCATION: Approximately 17.33 acres located on the east side of Wilora Lake Road north of Albemarle Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: March 22, 1993

PETITION NO.: 93-8

PETITIONER(S): Richard Stilwell

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

LOCATION: Approximately 1 acre located on the south side of Byrum Drive east of Timberly Place.

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

VOTE: Yeas: Baker, Fenning, James, Jones, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes rezoning from a single family residential category to the light industrial district. The Southwest District Plan and the Airport Plan both recognize the airport, the airport's expansion needs, and the potential for nearby properties to develop for light industrial, business park, and office uses. The proposed I-1 category is consistent with the light industrial and business park concept. The Zoning Committee discussed the issue which arose at the public hearing regarding the potential need for a privacy wall between the petitioned site and the adjoining site to the east on Byrum Drive. The Zoning Committee noted that this petition is a conventional rather than conditional request and therefore cannot have design (or other) restrictions attached. It was also noted that conventional rezonings are appropriate in this area. The Committee also discussed the potential for outdoor storage on the property. The I-1 zoning does not permit outdoor storage as a principal use and would require screening of accessory outdoor storage. For these reasons, the Zoning Committee viewed the petition as appropriate for approval as requested.

STAFF OPINION

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

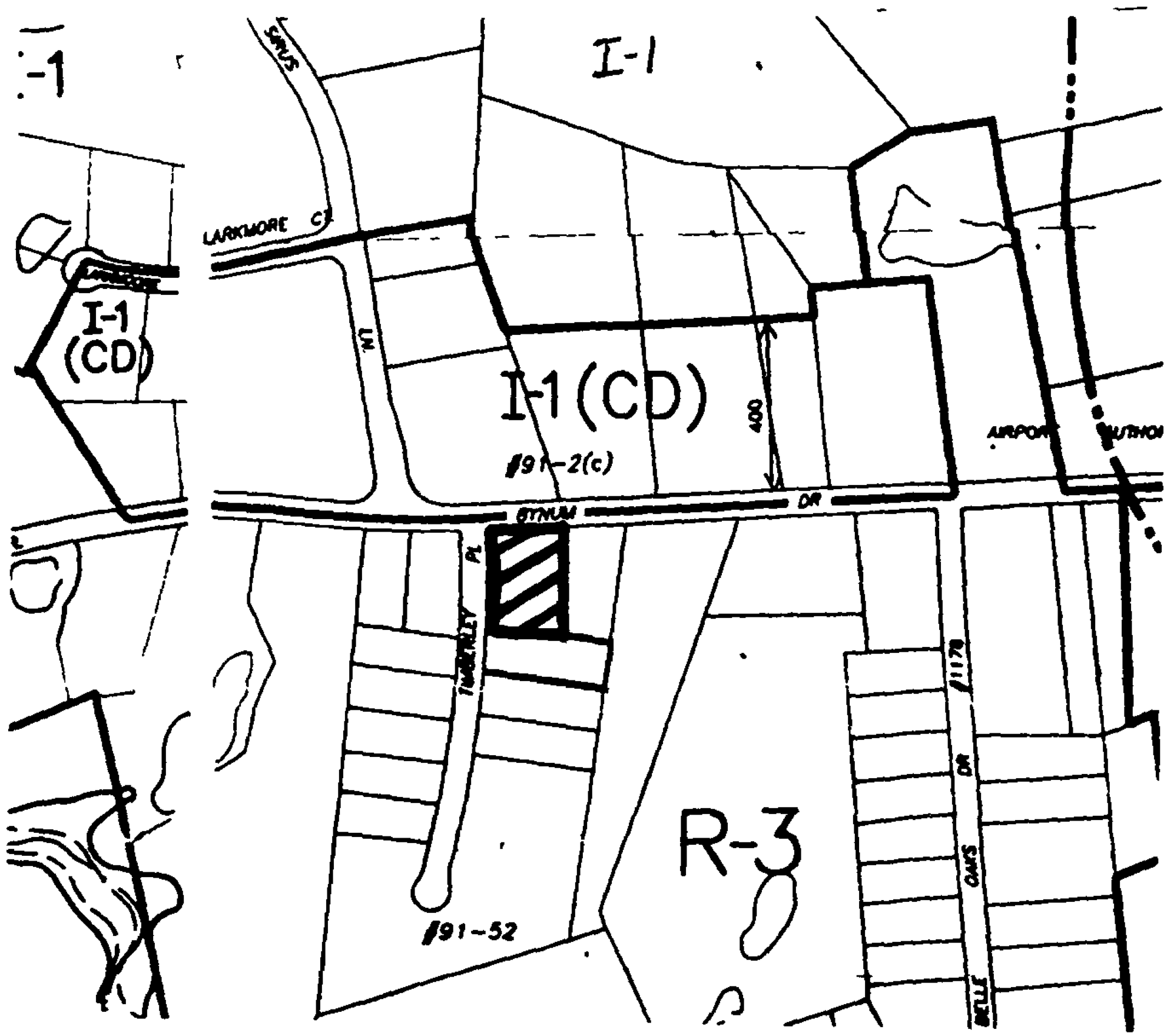
PETITIONER: Richard E. Stilwell

PETITION NO.: 93-8 HEARING DATE: March 15, 1993

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately 1 acre located on the south side of Byrum Drive east of Timberley Place.



ZONING MAP NO(s).: 108, 109 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 22, 1993

PETITION NO.: 93-9

PETITIONER(S): Withrow Capital

REQUEST: Change from R-12(CD) and O-15(CD) to O-1(CD).

LOCATION: Approximately 75.3 acres located on the northerly side of West Arrowood Road opposite the Arrowpoint Business Park.

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

VOTE: Yeas: Baker, James, Jones, Fenning, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes a rezoning to accommodate a deletion of the residential component and an increase in the permitted building area from 700,000 to 808,000 square feet. The Zoning Committee discussed this petition for some time focusing on issues that arose at the public hearing regarding the potential need for a traffic impact analysis and provision of an improved buffer treatment along the westerly project edge adjoining residential zoning. It was noted by CDOT staff that the 1988 traffic study was incomplete and did not meet CDOT standards. The study addressed existing conditions only and did not address the five year horizon. CDOT also expressed concern about the potential impact on the Arrowood Road/Hanson Drive intersection and the proposed median cut out on Arrowood Road. It was noted that a traffic study can be required for driveway permits later and Zoning Committee discussed the advantages and disadvantages of preparation of the study during the rezoning process versus closer to the point of actual construction of the project. Ultimately, there was a general consensus among Zoning Committee that preparation of the study closer to the point of construction is advantageous. In addition, the Zoning Committee noted that this petition increases the office park land area by only 10% and such a minor increase does not necessitate an additional traffic study. The Zoning Committee also discussed the 56.25 foot westerly project edge. The petitioner subsequently agreed to amend the site plan to provide a 100 foot buffer along the west side with the exception of the portion of the buffer near Arrowood Road where a connection across from Hanson Street will occur.

STAFF OPINION

The Planning staff generally agrees with the recommendation of the Zoning Committee. However, staff views the issue regarding the submittal of a traffic study as inadequately resolved. It is not overly burdensome to the developer of an office park of this scale to submit a traffic study and identify through a public process the potential transportation impacts and appropriate mitigating improvements.

PETITIONER: Withrow Capital

PETITION NO.: 93-9 HEARING DATE: March 15, 1993

ZONING CLASSIFICATION, EXISTING: O-15(CD) and R-12(CD)

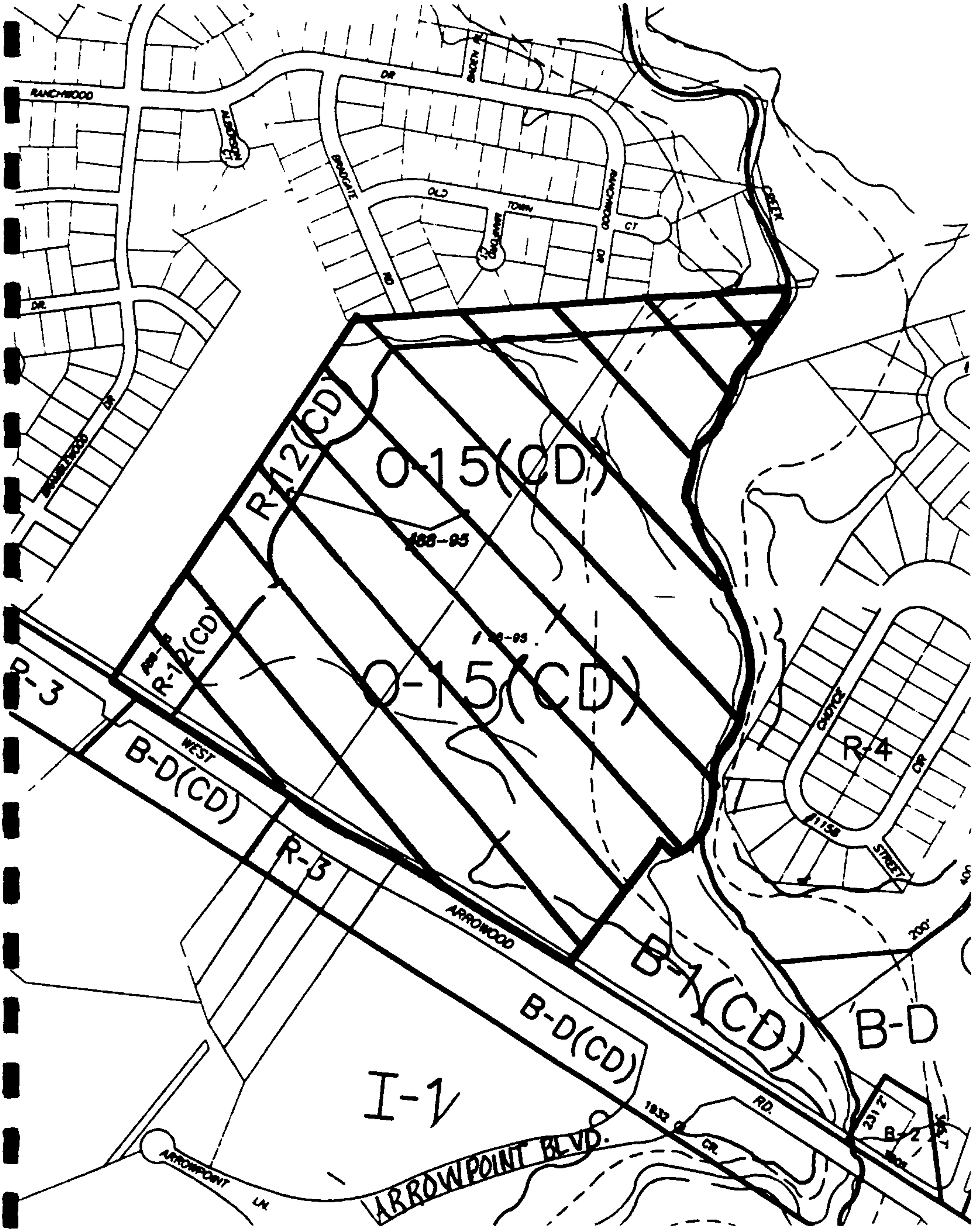
ZONING CLASSIFICATION, REQUESTED: O-1(CD)

LOCATION: Approximately 75.3 acres located on the northerly side of West Arrowood Road opposite Arrowood Business Park

SEE ATTACHED MAP

ZONING MAP NO(s).: 133, 149 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


RANCHWOOD
DR.
ALDERSON CT.
BRIDGEN
DR
BRIDGATE
RD
OLD
TOWN
RANCHWOOD
DR
CT
CREEK
O-15(CD)
R-12(CD)
488-95
R-12(CD)
O-15(CD)
D-3
WEST
B-D(CD)
R-3
ARROWOOD
B-1(CD)
B-D
B-D(CD)
I-1
ARROWPOINT BLVD.
ARROWPOINT
LN.
RD.
CR.
R-4
CHORD
CR.
STREET
200'
231.7
B-2

MEMORANDUM

April 14, 1993

TO: Mayor and City Council

Henry W. Underhill Jr.

FROM: Henry W. Underhill, Jr.
City Attorney

SUBJECT: Rezoning Petition 93-9 -- Withrow Capital, Inc.

The above-referenced zoning petition was the subject of a public hearing at the March 15 Zoning meeting. A substantial portion of the public hearing was devoted to discussion of whether or not a 1988 Traffic Impact Study for the proposed development of the site needed to be updated. During the course of the hearing, Councilmember Martin asked me whether or not the City might be held liable if the City Council failed to require a traffic impact study as part of a rezoning and an accident subsequently occurred after the property was developed. I responded that I did not believe that the failure to require a traffic impact study could form the basis for legal liability on the part of the City unless there could be some clear showing that the proximate cause of the accident was the failure to require the study. I also observed that the issue of liability could possibly be affected by whether or not such a study was a legal requirement of the rezoning process or simply a staff suggestion that the Council could accept or reject in its discretion. This memorandum is a follow-up to those comments I made responding to Mr. Martin's question on March 15.

After further thought and research, my response to the questions raised by Councilmember Martin remains the same. I do not believe that legal liability on the part of the City would be created for subsequent accidents by the City Council's refusal to require an updated traffic study as part of its approval of this zoning petition.

As a matter of information, the City zoning ordinance does <u>not</u> require traffic impact studies as a condition of approval for rezonings. While petitioners are free to conduct such studies as part of their efforts to secure a rezoning, there currently exists no requirement for such studies.

On the other hand, the City Council has adopted ordinances that regulate the construction of driveway connections to City streets. (Article II, Chapter 19 of the City Code) These ordinances incorporate by reference a manual entitled "Driveway Regulations" and require compliance with the provisions of these regulations. The current regulations provide that for major developments which request

multiple driveways, an applicant must submit a traffic study prepared by a qualified traffic engineer along with the application and site plan. Thus, if City DOT concludes that the 1988 traffic study done on the subject site is no longer sufficient, there is authority in the driveway regulations to require an updated or revised study at the time of application for driveway permits.

HWUjr/ef

c: Walter Fields
Doug Gillis
Bob Young

DATE: March 22, 1993

PETITION NO.: 93-12

PETITIONER(S): N. A. Mathisen

REQUEST: Change from R-6MF(CD) and R-9(CD) to R-8.

LOCATION: Approximately 14.6 acres located along both sides of Faires Farm Road north of McLean Road.

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

VOTE: Yeas: Baker, Fenning, James, Jones, Tabor, and Whelchel.

Nays: None.

Absent: McClure.

REASONS

This petition proposes the rezoning of properties from a conditional multi-family classification to a conventional single family district to permit the development of a single family subdivision with smaller minimum lot sizes than is permitted under the present zoning. Both the 2005 Plan and the Northeast District Plan call for this property to be used for residential purposes. While the Northeast District Plan recognizes this as a multi-family location, the requested R-8 district would permit an appropriate single family residential density. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

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

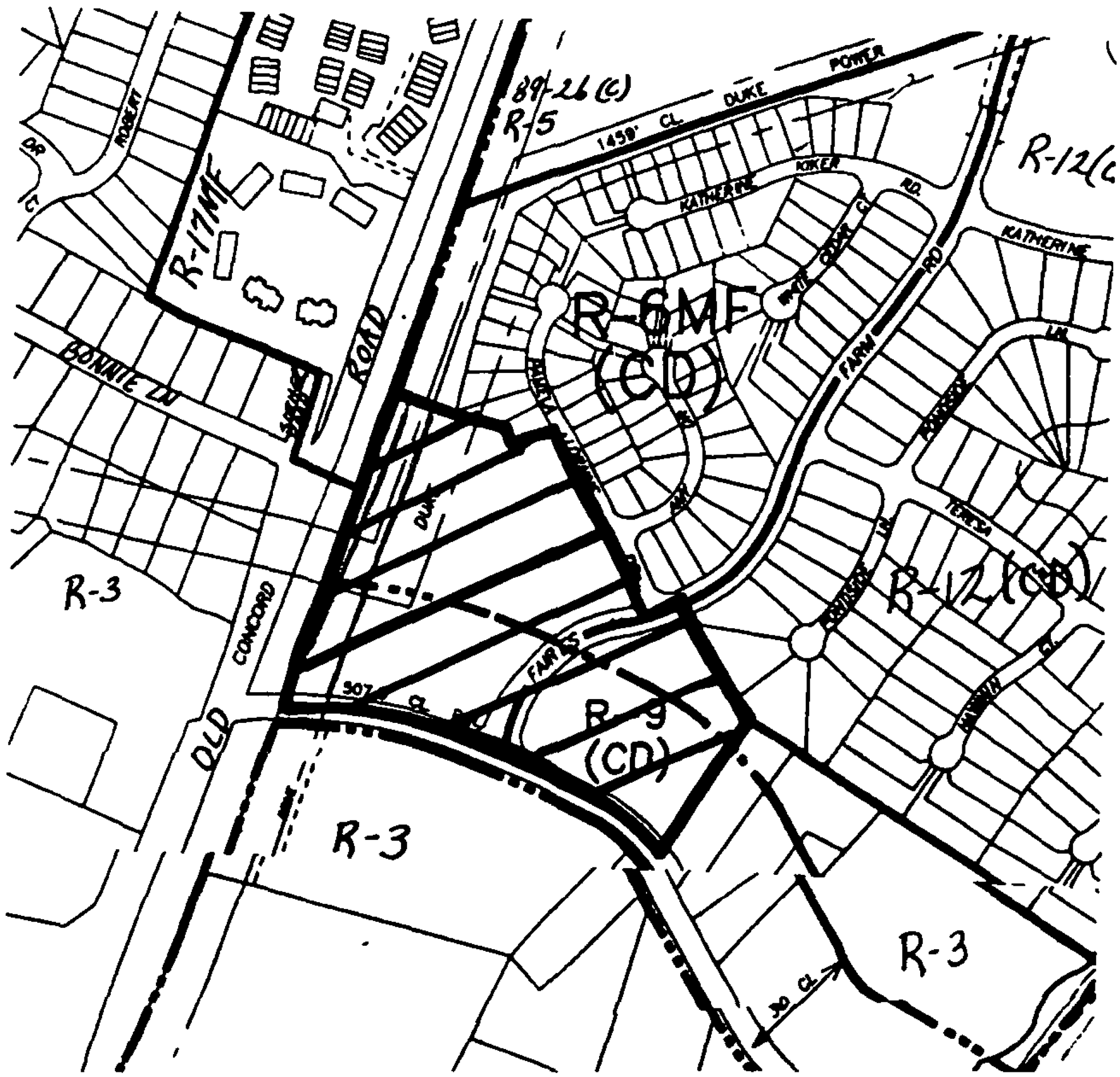
PETITIONER: N. A. Mathisen

PETITION NO.: 93-12 HEARING DATE: March 15, 1993

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

ZONING CLASSIFICATION, REQUESTED: R-8

LOCATION: Approximately 14.6 acres located along both sides of Faires Farm Road north of McLean Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE:	March 22, 1993
PETITION NO.:	93-13
PETITIONER(S):	Volvo GM Heavy Truck Corporation
REQUEST:	Change from I-2 to I-1.
LOCATION:	Approximately 4.5 acres located on the southerly side of I-85 at Cottonwood Street.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baker, Fenning, James, Jones, Tabor, and Whelchel.
Nays:	None.
Absent:	McClure.

REASONS

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 Zoning Committee recommends that this petition be approved.

STAFF OPINION

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

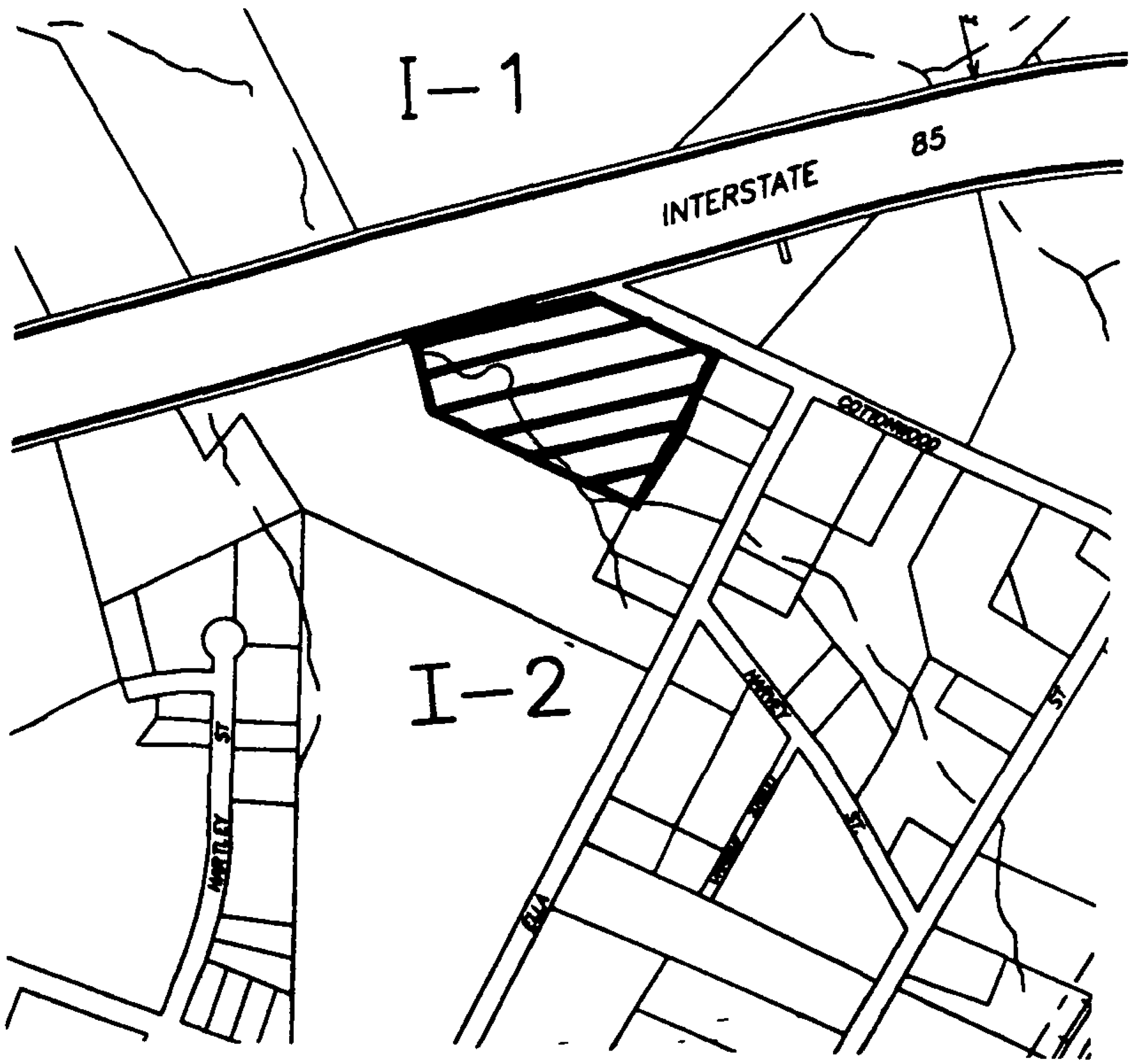
PETITIONER: Volvo GM Heavy Truck Corporation

PETITION NO.: 93-13 HEARING DATE: March 15, 1993

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately 4.5 acres located on the southerly side of I-85 North at Cottonwood Street.



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

PROPERTY PROPOSED FOR CHANGE

Zoning Meeting April 19, 1993

NSG

Mayor Vincent	✓	
Campbell	✓	ANNE McClure
Clark Feeter	✓	Don Wheelchel
Hammond	✓	John Tatar
McCleary	✓	Gloria Fennig
Majeed	✓	John Jones
Mangum	✓	Vincent James
Martin	✓	
Patterson	ABSENT	
Reid	✓	
Scarborough	✓	
Wheeler	✓	6:05

Mayor

Majeed

Mayor

Anna McClure

Mayor - procedures

Deal with defenals -

Home/Scar Lot #4 - text Amendment

Mayor

Upon.

Mayor
Hamm.
Mayor 92-73
Bob Young- deferral OK
Man / Reid
Wade
Mayor
Man. deferred Bys until next mtg
Urman.
May 93-1 - No Action at this time
Bryant
Hamm
Mayor 93-8
Martin / did deferral until next bus. mtg
Urman
Mayor 93-9
Scan
Bob Young- that's fine
Scan / Martin def until May
Back to Planning Co.
address their position
re- Hin show proposal
Urman.

Public Hearing -	Landmarks
#1 - Hawthorne Lane	United Meth.
Louis Bledsoe	
Tommy Landrigan	
Mayor	
mc / wha -	Close
Union	
mc / Scan -	Approved
Martin	
Clerk	
Martin	
Mayor -	
Martin	
Clerk	
Unan	
# 2 - John Paul,	Alice Croft Lucas House
Mayor	
Bledsoe	
Mayor	
Hum / mc	Close P. H.
unanimous	
Scan / mc	Approved
Reid	
Bledsoe	
Reid	

Bledsoe
Reid
? Von Hill (I think)
Bledsoe
Clerk/who sub. not
designate entire property
as in first case
Clerk - to explain
Bledsoe
Clerk
Unan. - def motion passes
3 - John Crider Lane
Mayor
Bledsoe
6:30
Mayor
Bledsoe
Hom/ Mart Close PH
Clerk/ who make as written
Upon
#4 - 93-14 already deferred
5 93-15
Mayor
Scan / Defer - withdrew motion later
93-19, 20, SUB-1
Clerk

Mazon		
Mart		
Mazon -	explained	procedures
Mart		
May		
McC		
May		
Clod		
Scon -	withdrew motion	
Hamm		
Mazon	#5	93-15
Walter Fields		
Fred Bryant		
Mazon		
Mart / Wh		Close QH
Lyman		
Mazon	#6	93-17
Fields		
Mazon		
Bob Young		
Mazon		
Hammond		
Fields		
Hammond		
Fields		

Hammond
Fields
Young
Hammond
Young
Mayor
Martin Wheeler Close PH
Unan
Mayor # 7 93-18
Fields
Mayor
Tony Gray
Mayor
Mayor
Mayor
Wheeler Martin Close PH
Unan
Mayor # 8 93-19
Fields - Watershed Overlay District
Mayor
Scarborough -
Mayor
Dave Smith -
Mayor
Hammond/Scarborough Cont. until 5/17

Unan	
Mayor # 9	93-20
Fields	
Mayor	
Martin	
Mayor	
Bob Cloninger	1111 Tom SADLER RD
Mayor	
Neil Castles	1525 Stonegate Dr
Mayor	
Hammond	
Cloninger	Patty Kinsey + Mr. Reid
failed to	
Hammond	
Mayor - Come on 5/17	
Martin	
Castles	held up a jar showing gas in his water
Clodfelter - CMUD will hook people up - how do we do it?	
Sgt	
Clodfelter	
Cloninger	
Clodfelter	
Mayor	
Cloninger	
Mayor	Continued until May 17
Mart / Unan	
Unan	

McCrory
Fields - These are minimum regulations
Mayor #10 Sub 93-1
Hom / Wher None Cont: need cont: 05-17
Fields
Lman
Mayor - Decisions - 92-72
Ord / Sur - Approve as modified
Mayor Confirmt
Lman.
McCrory
Mayor 93-1
Sur / Mart Denial
Lman.
Mayor 93-9
Sur / Mart Approve
Lman
#17 Mayor 93-12
Ord / Wher App
Lman
#18 Mayor 93-13
Sur / Wher App
Lman

Mayor

Hom/ Mart | # 19

Unan

Mart / Hom | # 20

Unan

Scar/ Whe | # 21

Unan

Mayor -

Mitchel - For the next part, Brenda said just to have a statement saying "At the request of Mayor Vincent, City Council appointed Joe Champion and Rod Autrey to serve on the Voting Equipment Blue Ribbon Committee."

Adjourn | Mart/McC | 7:20

Unan