AGENDA

Meeting Type:	B
Date:	02/15/1993
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
February 15, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by

2. Announcements

Wednesday, February 17 - 4:00 p.m. Transportation Committee - Room 270

Monday, February 22 - 3:30 p.m. Personnel and Finance Committee - Room 271

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

(a) Agenda Item No. 1 - Hearing on Petition No. 92-73

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.

ADDITIONS

✓1) Ham Wade, 2 First Union Center - 377-1634 - AGAINST

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

✓3) Frank Summers, 5621 Winter Crest Lane - 553-2462 - AGAINST

✓4) Peter Burlos, 5727 Fairview Road - 553-2403 - AGAINST

b) Agenda Item No. 2 - Hearing on Petition No. 93-4

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

✓2) P. J. Benton, P.O. Box 36918 - 377-5563 - FOR

✓3) Louise Sellers, 118 Martin Street - 377-0048 - FOR

c) Agenda Item No. 5-B - Public Safety Committee recommendation to submit a bill to the legislature making it illegal for anyone under the age of 18 to possess a handgun.

1) James Barnette, 1335 Dean Street - 333-6471 - For

2) Charles Held
5130 Tracewood Ct. - AGAINST
536-6991

Additions:

92 - 73
Bob Young
301 S McDonald 334-9157
For

Dina Collins
5811 Fair View 523-8578
For

93-5 Ken England
3726 Prov: dena 365-8501
For

CHARLOTTE

Meetings in February '93

THE WEEK OF FEBRUARY 1- 6

1, Monday

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

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

3 30 p m — CITY COUNCIL PERSONNEL AND FINANCE COMMITTEE - CMGC, Room 271

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

3, Wednesday

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

THE WEEK OF FEBRUARY 7 - 13

8, Monday

12 00 Noon — INSURANCE & RISK MANAGEMENT ADVISORY BOARD - CMGC, 10th Floor Conference Room

12 15 p m — CITY COUNCIL AGENDA REVIEW - CMGC, 15th Floor Conference Room

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

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

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

7 00 p m — HISTORIC LANDMARKS COMMISSION - Commission Office, 500 N Tryon St , Second Floor

9, Tuesday

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

4 00 p m — CITY COUNCIL PUBLIC SAFETY COMMITTEE - CMGC, Rooms 270 271

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

10, Wednesday

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

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

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

11, Thursday

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

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF FEBRUARY 14-20

15, Monday

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

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

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

16, Tuesday

12 00 Noon — CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON/EDUCATION SUMMIT - Hyatt, SouthPark

17, Wednesday

7 30 a m — CITY COUNCIL/COUNTY COMMISSION/CHAMBER OF COMMERCE BREAKFAST - CMGC, 11th Floor Conference Room

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

2 00 p m — HOUSING AUTHORITY - Administrative Office, 1301 South Boulevard

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

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

18, Thursday

2 00 p m — CMUD ADVISORY COMMITTEE - Vest Treatment Plant, 820 Beatties Ford Road

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

19, Friday

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

THE WEEK OF FEBRUARY 21- 27

22, Monday

12 15 p m — CITY COUNCIL AGENDA REVIEW - CMGC, 15th Floor Conference Room

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

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

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

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

23, Tuesday

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

24, Wednesday

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

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

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

25, Thursday

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

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

-30-

These organizations will not meet in January:

Advisory Energy Commission
Community Relations Committee
Firefighters Retirement Board
Parade Permit Committee
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, February 15, 1993

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

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

ITEM NO.

PUBLIC HEARINGS

1. (92-73) Hearing on Petition No. 92-73 by James E. Body for a change in zoning from R-3 to R-6(CD) for approximately 6.89 acres located on the north side of Fairview Road west of Wintercrest Road.

Excuse Mayor Scar/Patt 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.

Close Hearing Mart/McC unan.

This petition was continued for 60 days at the December 21, 1992 meeting.

Attachment No. 1

2. (93-4) Hearing on Petition No. 93-4 by P.J.J.D. Enterprises for a change in zoning from B-1 to B-2(CD) for a .64 acre site located on the southeast corner of Beatties Ford Road and Gilbert Street.

to Close McC/Mart unan

Attachment No. 2

3. (93-5) Hearing on Petition No. 93-5 by Kenneth and Jeanne England for a change in zoning from R-3 to R-8MF(CD) for a .48 acre site located on the northwest corner of Providence and Edgemont Roads.

to Close Hamm/Patt unan

Attachment No. 3

4. (93-6) Hearing on Petition No. 93-6 by City of Charlotte, Community Development Department, for a change in zoning from R-17MF to I-1 for a .43 acre site located at the end of Spratt Street.

to close Scar/McC unan.

Attachment No. 4

BUSINESS AGENDA

5A to approve Pat/Scar 10-1, No Don Reid

5. Consider adding legislation to the City's Legislative Package.

A. Economic Development Legislation.

Information on this item will be sent to Council in Friday's Memo.

B. Request Council approval of a Public Safety Committee recommendation to submit a bill to the legislature making it illegal for anyone under the age of 18 to possess a handgun.

5B to approve Hamm/Mang unan.

Background

Council's Public Safety Committee met to discuss a proposal by the Rev. James Barnette that a bill be submitted to the legislature making it illegal for anyone under the age of 21 to possess a handgun.

Explanation of Request

The Public Safety Committee recommends that

(a) Council submit a bill in its legislative package making it illegal for anyone under the age of 18 to possess a handgun.

(b) The bill will contain the appropriate exceptions (e.g. a person using a handgun for target shooting while under the supervision of an adult.)

(c) Council work with staff to develop a legislative strategy that includes research documenting the need for the bill, lobbying the legislature, and seeking co-sponsorship of the bill from another major North Carolina municipality.

The Public Safety Committee felt that a bill making handgun possession illegal under the age of 21 had a slim change of passage. Military personnel, private security personnel and police recruits who are in training are issued handguns and are often under the age of 21. The Committee felt that under 18 was a more realistic age and that such a bill would have a better change of gaining the support needed for passage.

The City Manager, Police, and the City Attorney support this recommendation.

(Chairfetter did not vote on 8, 9, 10)

#3512-2 B.41 P.414

DECISIONS

TO APPROVE MANG/WHA 10-2 NO - Reid + Martin

7. (92-45) Decision on Petition No. 92-45 by YMCA of Charlotte-Mecklenburg for a change in zoning from R-12MF with a SUP and R-3 to Institutional (CD) with termination of the Special Use Permit.

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

This petition was deferred at the September 21, October 19, November 16, December 21, 1992 meetings and the January 19, 1993 meeting.

The Zoning Committee recommends that this petition be approved.

Attachment No. 5

TO APPROVE MART/PAH UNAN #3513 B.41 P.417

8. (92-64) Decision on Petition No. 92-64 by The Hahn Company for a change in zoning from B-1(SCD) to CC (Commercial Center) for a 77.7 acre site located on the northeasterly corner of the intersection of I-85 and W. T. Harris Boulevard.

The Zoning Committee recommends that this petition be approved.

Attachment No. 6

#3514-2 B.41 P.420

9. (92-67) Decision on Petition No. 92-67 by The Foundation of the University of North Carolina at Charlotte, Inc., and the Crosland Group for a change in zoning from R-3, R-5 and Institutional to CC (Commercial Center) for approximately 80 acres located on the north side of Highway 49 (University City Boulevard) and extending from Harris Boulevard to U. S. 29 (North Tryon Street).

The Zoning Committee recommends that this petition be approved.

Attachment No. 7

Motion to Excuse Mayor MANG/MART UNAN. to DENY HAM 6-4 FAILS Scar/Ham - MART - MANG 4 aye Scar Sub to APPROVE - PASSES 6-4 Camp/PAH yes - Camp - PAH - Reid - Whe - MAJ - MC

#3515-2 B.41 P.423

10. (92-71) Decision on Petition No. 92-71 by Cambridge Properties for a change in zoning from B-1(SCD) and Institutional (CD) to CC (Commercial Center) and R-22MF(CD) for a 79.3 acre site located along the west side of U. S. 29, adjacent to University Place.

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 8

Motion to Excuse Cynthia Campbell 1st time Reid/Campbell Camp/Reid yes - Reid Hamm Whe - MC - Fails - 5 votes 2nd time Camp/Reid - 6 votes 6 ABOVE plus MAJ Scar/Reid to APPROVE PASSED 6-3

NO - MARTIN HAMMOND MAJ

'Power center' votes

The Hahn site: City council unanimously approved this project on the northeast corner of the intersection of I-85 and W T Harris Boulevard

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UNCC Foundation/Crosland site: Council approved this project between N C 49, W T Harris Boulevard and U S 29

The city's planning staff opposed the plan, saying enough land already has been set aside for retail development Also, staff argued the development would hurt the nearby Hampton Park neighborhood

The zoning committee of the Charlotte-Mecklenburg Planning Commission recommended approving all three petitions, including the Crosland proposal, and letting the market decide which would be developed

☑ Yes ☐ No ☐ Not voting

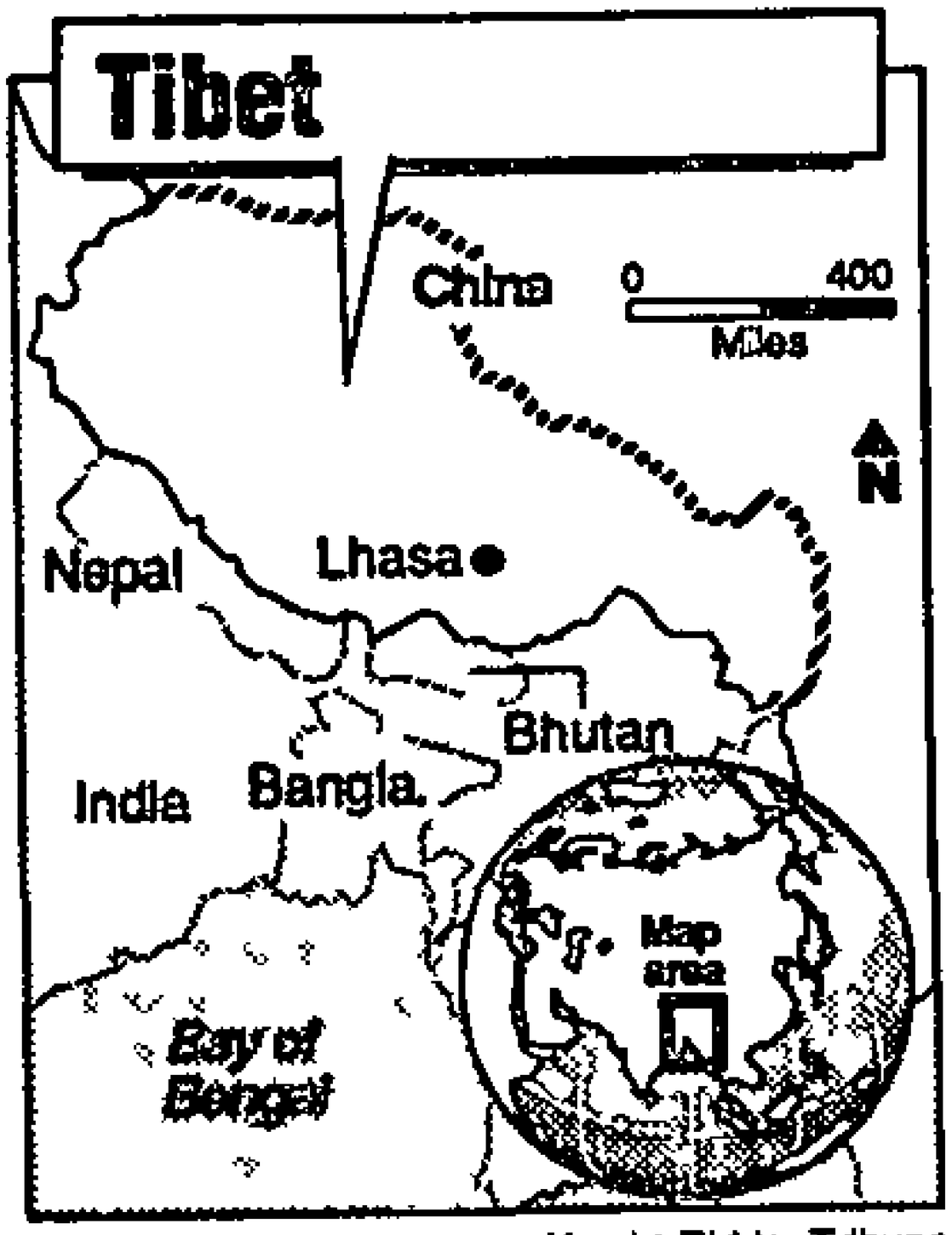
☑ McCrory	☑ Majeed	☐ Hammond	☐ Scarborough
☑ Reid	☑ Patterson	☐ Mangum	☐ Clodfelter
☑ Campbell	☑ Wheeler	☐ Martin	

Cambridge Properties site: Council approved this project of a shopping center and 300 multifamily homes along the west side of U S 29 adjacent to University Place

Planning staff recommended denying this petition because the area land-use plan calls for multifamily housing to be built on this site

☑ Yes ☐ No ☐ Not voting

☑ Campbell	☑ Reid	☐ Majeed	☐ Clodfelter
☑ McCrory	☑ Scarborough	☐ Martin	☐ Patterson
☑ Mangum	☑ Wheeler	☐ Hammond	



Knight Ridder Tribune

Tibetan monks turn many heads

MECKLENBURG COUNTY DEATHS

Mrs. Mae Bass Adams, 89 died Feb 14 1993 in Matthews after a long illness Funeral is 2 p m today at Mount Hope Cemetery, Florence S C Waters Powell Funeral Home of Florence is in charge

Mrs Adams, a native of Florence County, S C, was a member of Central United Methodist Church, in Florence and a 1924 Coker College graduate

Survivors are her daughter, Mrs Audrey Barringer eight grandchildren nine great grandchildren, nephews and a niece

Mrs. Mary Katherine Pearce Beverly, 79, of 824 Yorkmont Rd died Feb 14, 1993 at home Funeral and burial

Deferred

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 U-2(CD) for a 2.77 acre site located on the southwesterly corner of Queens Road West and East Boulevard.

MC/Whe to Defer Unan

The Zoning Committee's motion to approve the petition failed by a vote of 3 - 4.

Attachment No. 9

Deferred

12. (92-74) Decision on Petition No. 92-74 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to correct typographical errors and provide numerous technical corrections.

Scar/Patt to defer unan

This petition was deferred for 30 days at the January 19 meeting.

The Zoning Committee deferred this petition for 30 days.

Attachment No. 10

Deferred

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 Princeton Avenue (Charlotte Catholic High School main campus) and a 2.7 acre site located on the southwest corner of the intersection of Park Road and Cambridge Road.

Scar/Patt to defer 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.

The Zoning Committee deferred action on this petition for 30 days.

Attachment No. 11

#3516-2 B-41 P. 425

14. (93-2) Decision on Petition No. 93-2 by James W. Gager for a change in zoning from R-3 to I-1 for approximately 2.8 acres located on the north side of Byrum Drive, west of Cyrus Lane.

TO APPROVE PAH / MANG UNAN

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

93-3
Mot. on to Exclude Cyndee
Mang / Scar - Unan
Motion to Approve - Mang / Scar
Unan

ITEM NO.

15. (93-3) Decision on Petition No. 93-3 by J. B. Ivey and Company for a change in zoning from B-1(SCD) to CC (Commercial Center, for an 8.89 acre site locate on the north side of Central Avenue between Sharon Amity Road and Albemarle Road ((the Eastland Mall Dillard's site).

-2
P 3517
B 41
P 428

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

Attachment No. 13

16. Recommend adoption of a resolution calling for public hearings on Monday, March 15, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for petitions 93-7 through ~~93-10~~ 93-9 and 93-12 through 93-13 for zoning changes.

Delete # 93-10

Mot on to Adopt Resolution - leave out 93-10
Mang / Scar Unan.

Motion to Adjourn
who / clod
Unan.

AMENDED

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 92-73

Petitioner· James E Body

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

Request· Change from R-3 to R-6(CD).

BACKGROUND

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

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

3. Public Plans and Policies.

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

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

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

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

4 Site Plan The site plan which accompanies this petition proposes the development of 30 single family detached lots and preservation of the existing historic house The overall density is 4 64 dwelling units per acre. The plan indicates a 4,500 square foot minimum lot size, 20 foot building setbacks, 5 foot side yards, 30 foot rear yards and a 40 foot minimum lot width. Access to the site is provided by one public street connection to Fairview Road.

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

6. Zoning History (See Attached Map).

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

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

REVIEWS

1. Plan Consistency Publicly adopted plans for the area ranging from the 2005 Plan to the 1988 Southpark Plan to the South Mecklenburg District Plan have evolved from a general indication of existing residential development (2005 Plan) to a specific single family residential focus (1988 Southpark Plan) to an either single family or multi-family residential designation (South Mecklenburg Plan). The proposed use is, therefore, consistent with plans for the area.

2 Technical Consistency

1 Pre-Hearing Staff Input. Staff is currently reviewing the R-6(CD) site plan and working with the petitioner on the necessary revisions.

2. Departmental Comments. Due to the timeframe associated with the filing of the R-6(CD) site plan, departmental review and comment and preparation of revised site plans is ongoing as of the preparation of this report Departmental comments include the need for·

1 provision of screening/landscaping along Fairview Road,

2 provision of larger yards or a visual barrier along the portion of the project with 5 foot side yards,

3 provision of sidewalk along one side of the internal street, and

4. clarifications related to an internal driveway easement.

ISSUES

1. Land Use. This petition proposes rezoning from one single family residential category to another single family residential category to permit the development of a 30 lot subdivision. Public plans for the area recognize the site as suitable for continued residential development. Therefore, the petition is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes a 30 lot subdivision with minimum lot sizes of 4,500 square feet. The outstanding site plan issues as of the preparation of this report relate to the project edges and to the internal street and driveway system. The petition could be considered appropriate for approval subject to submittal of a revised site plan that addresses these issues.

CONCLUSION

This petition could be considered appropriate for approval subject to minor site plan revisions relating to the project edges and the internal street configuration.

*Subject to further refinement following public hearing

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-73

Date Filed 10/5/92

Received By Wm

OFFICE USE ONLY

Ownership Information

Property Owner Body Park 51, Florence O'Neal Starnes

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

Date Property Acquired

Tax Parcel Number ~~177-053-7/8/9/35~~

Location of Property (address or description)

northerly side of Fairview Rd opposite Closeburn Rd

Description of Property

Size (Sq Ft.-Acres) ~~6.82 ±~~ ~~7.45~~ 6.89 Street Frontage (ft) ~~811' ± Fairview Rd~~

Current Land Use ~~single family residence~~ (2)

Zoning Request

R-6(CD) LS

Existing Zoning ~~R-3~~ Requested Zoning [redacted]

Purpose of Zoning Change to permit the development of a ~~townhouse for sale residential~~ community 30 lot subdivision with 45000 square foot lots (LS)

~~Robert G. Young~~
Name of Agent

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

334-9157
Telephone Number

James E. Body
Name of Petitioner(s)

1901 Roxborough Rd
Suite 215, Charlotte, N.C. 28211
Address of Petitioner(s)

384-8811
Telephone Number

Signature

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

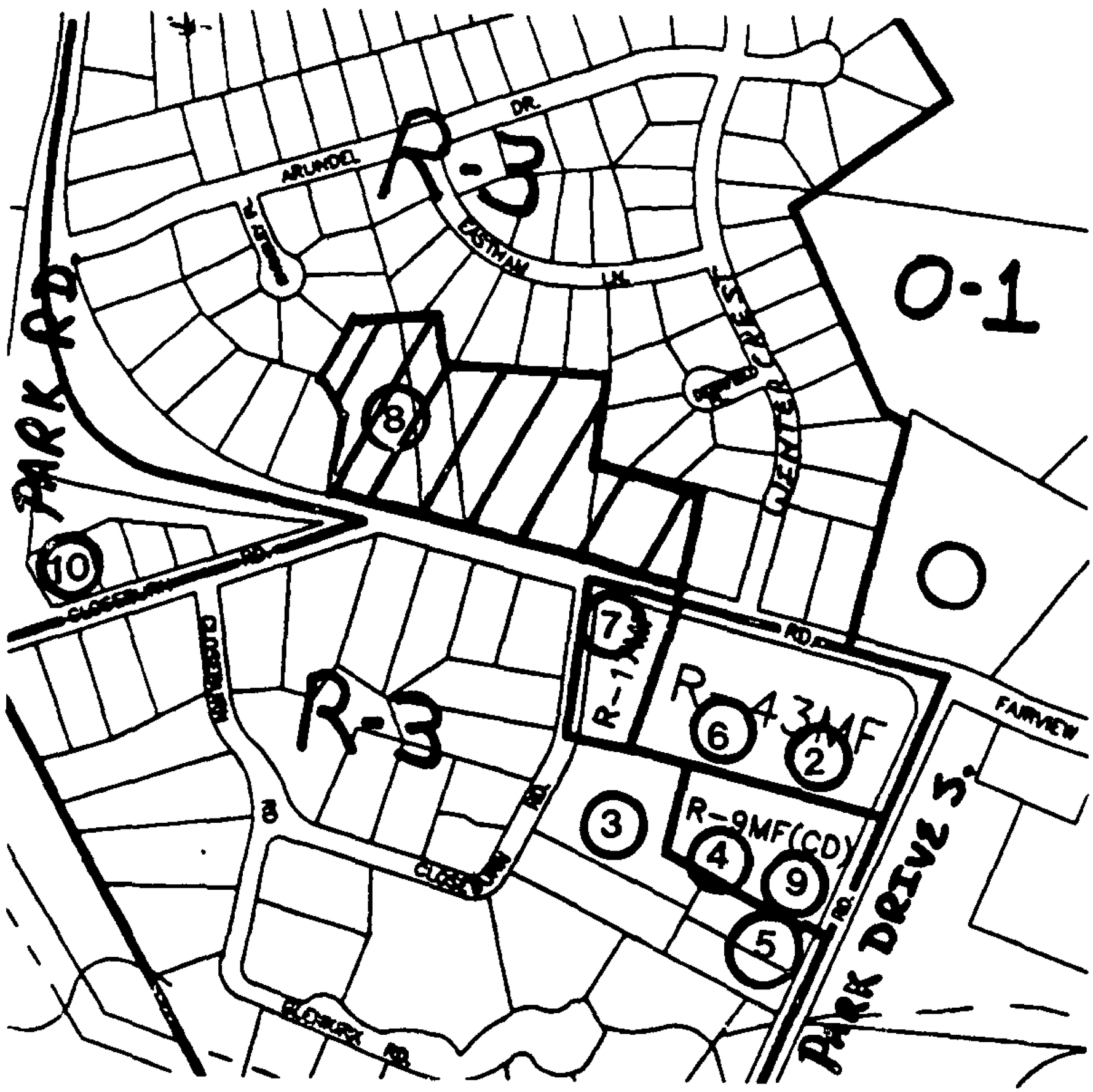
PETITIONER James E Body

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

M E M O R A N D U M

DATE: January 28, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-73: North Side of Fairview Road Opposite Closeburn Road
(Revised 01/19/93)

This site could generate approximately 220-240 trips per day as currently zoned. The revised site plan indicates a change in proposed land use (from 47 to 30 dwelling units). Therefore, the trip generation has been reduced (from 376-470 trips per day to 330-360 trips per day).

The Charlotte Department of Transportation has agreed that the proposed public street may be located opposite Closeburn Road at the existing median opening provided that a left-turn lane is constructed on Fairview Road and that left-turn movements out of the site will be prohibited. The public street must also be designed so that right-turns from the site are channelized beyond the end of the median. These access restrictions must be noted and shown on the site plan.

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

Due to the innovative public street design internal stop sign locations need to be shown on the site plan and approved by CDOT.

We recommend that the two internal private street stubs be removed and replaced with appropriate street radii.

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

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

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

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

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

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

To facilitate subdivision review the site plan must be revised to include the following·

- Indicate the location and width of the existing median/median opening on Fairview Road.
- Indicate the location of Closeburn Road.

If we can be of further assistance, please advise.

RDG/REG:hll

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-4

Petitioner: P.J J.D. Enterprises

Location: A 64 acre site located on the southeast corner of Beatties Ford Road and Gilbert Street

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

BACKGROUND

1. Existing Zoning. The property involved in this request is presently zoned B-1 as are most of the parcels along both the east and west sides of Beatties Ford Road. There are scattered B-2 districts in the area as a result of existing B-2 uses on those sites Beyond these business districts to the east and west the existing zoning is a combination of single family and multi-family residential districts

2 Existing Land Use The petitioned property is presently developed with a nightclub and a barber shop. There are existing neighborhood business uses including restaurants, banks, churches, a day care center and offices along the Beatties Ford Road corridor Behind these business districts are developed single family and multi-family residential areas.

3. Public Plans and Policies

   1 2005 Plan. The 2005 Plan indicates existing employment land uses along Beatties Ford Road between I-85 and LaSalle Street. A community commercial center is indicated at the intersection of LaSalle Street and Beatties Ford Road. 2005 strategies include streetscape improvements along Beatties Ford Road and the widening of I-85

   2. Transportation Improvement Plan The TIP includes the widening of Beatties Ford Road from LaSalle Street to I-85 to provide a continuous left turn lane.

   3. Beatties Ford Road Small Area Plan (adopted 1985). The Beatties Ford Road Plan recommends neighborhood business (B-1) land uses for this section of the Beatties Ford Road corridor.

   4. Central District Plan. The Central District Plan recognizes neighborhood and highway oriented commercial uses on both sides of Beatties Ford Road generally from I-85 to LaSalle Street The plan notes that the Wayne's Shopping Center could be renovated or rebuilt to provide a more attractive neighborhood center and improve the visual image of Beatties Ford Road.

4 Site Plan The site plan which accompanies this application proposes the development of an 800 square foot restaurant with drive through service and no indoor seating as well as all uses permitted in B-1 Access to the site is proposed through one driveway connection to Beatties Ford Road and one driveway connection to Gilbert Street The plan indicates the owner will dedicate 50 feet of right-of-way measured from the centerline along Beatties Ford Road prior to the issuance of any building permits It also states that tree planting shall be in accordance with the tree ordinance and indicates buffers adjoining residential zoning in accordance with the zoning ordinance

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No	Request	Action	Date
1. 65-2	R-6 to R-6MF	Approved	03/01/65
2. 65-11	R-6 to R-6MF & B-2	Approved	06/28/65
3. SUP 80-4	SUP for a Frat Org. in R-6	Denied	01/26/81
4 80-60	R-6 to B-1SCD	Approved	02/02/81
5. 82-22	R-6 to B-1(CD)	Denied	11/21/82
6. 83-49	B-1 to B-2(CD)	Approved	09/19/83
7. 87-2	B-1 & O-6 to R-12MF	Approved	03/16/87
8. 87-11	R-6MF to R-15MF	Approved	04/22/87
9 87-15	R-6MF to R-12MF	Approved	04/22/87
10. 87-16	O-6 to R-12MF	Approved	04/22/87
11 87-17	R-6MF and B-1(CD) to O-6	Approved	04/22/87
12. 87-18	B-1(CD) to R-12MF	Approved	04/22/87
13. 90-32	B-1 to B-2(CD)	Denied	06/18/90

7 Neighborhood. This property falls within the area defined as the Lincoln Heights neighborhood.

REVIEWS

1. Plan Consistency This request seeks rezoning from a neighborhood business district to a conditional general business district with the permitted uses limited to a drive-in restaurant and B-1 uses The Beatties Ford Road Small Area Plan (1985) indicates the section of Beatties Ford Road that includes this tract is to remain zoned B-1 (neighborhood business district). Therefore, this proposal is inconsistent with publicly adopted plans for this area

2 Technical Consistency.

1. Pre-Hearing Staff Input The staff met with the petitioner prior to the filing of this request. Staff noted the proposed B-2 district is inconsistent with plans for the area and

provided technical assistance on the site plan Subsequent to the filing, the staff relayed site plan comments to the petitioner's agent.

2 Departmental Comments. Departmental comments indicated the need for 50 feet of right-of-way to be dedicated along Beatties Ford Road either within 30 days of rezoning approval or during the property acquisition phase (June 1993 - June 1994) of the Beatties Ford Road left turn lane project. Comments also included the need for more information relating to proposed buffering These comments have been incorporated into the revised plan with the exception of the comment relating to the timing of the right-of-way dedication. The plan notes the dedication would occur prior to the issuance of building permits.

ISSUES

1. Land Use. This request seeks rezoning of an existing neighborhood business district to a conditional general business district to allow a drive-in restaurant plus B-1 uses. The Beatties Ford Road Small Area Plan (adopted 1985) clearly indicates this area to remain as a B-1 neighborhood business district In fact, the subject property is in the area of several previous rezonings to less intensive districts as a direct result of the Beatties Ford Road Small Area Plan recommendations. Rezoning of this property to a general business district would set a precedent for the development of "highway" oriented businesses rather than the neighborhood businesses visualized in the publicly adopted plans. This type of drive-in restaurant with limited or no indoor seating was the subject of a recent zoning ordinance text amendment. The effect of the 1990 amendment was to require B-2, I-1 or I-2 zoning for this use The use was viewed as inappropriate in the B-1 (neighborhood business) district due to the intensity of development normally associated with these restaurants. Therefore, this request is considered inappropriate for approval from a land use standpoint.

2. Site Plan The site plan which accompanies this request proposes an 800 square foot drive-in restaurant with no indoor seating and an outdoor patio of 700 square feet. The plan has been amended to generally address the departmental review comments and is therefore technically correct. However, the nature of the proposed use involves intense levels of traffic movement. The site plan depicts a fairly small building with a 25 foot buffer to the rear adjoining residential zoning and almost all of the balance of the site area is devoted to parking spaces, internal vehicular circulation lanes and stacking spaces. While the plan notes compliance with ordinance requirements, it alone does not compel approval of this petition

CONCLUSION

The petition is not appropriate for approval.

*Subject to further refinement following public hearing

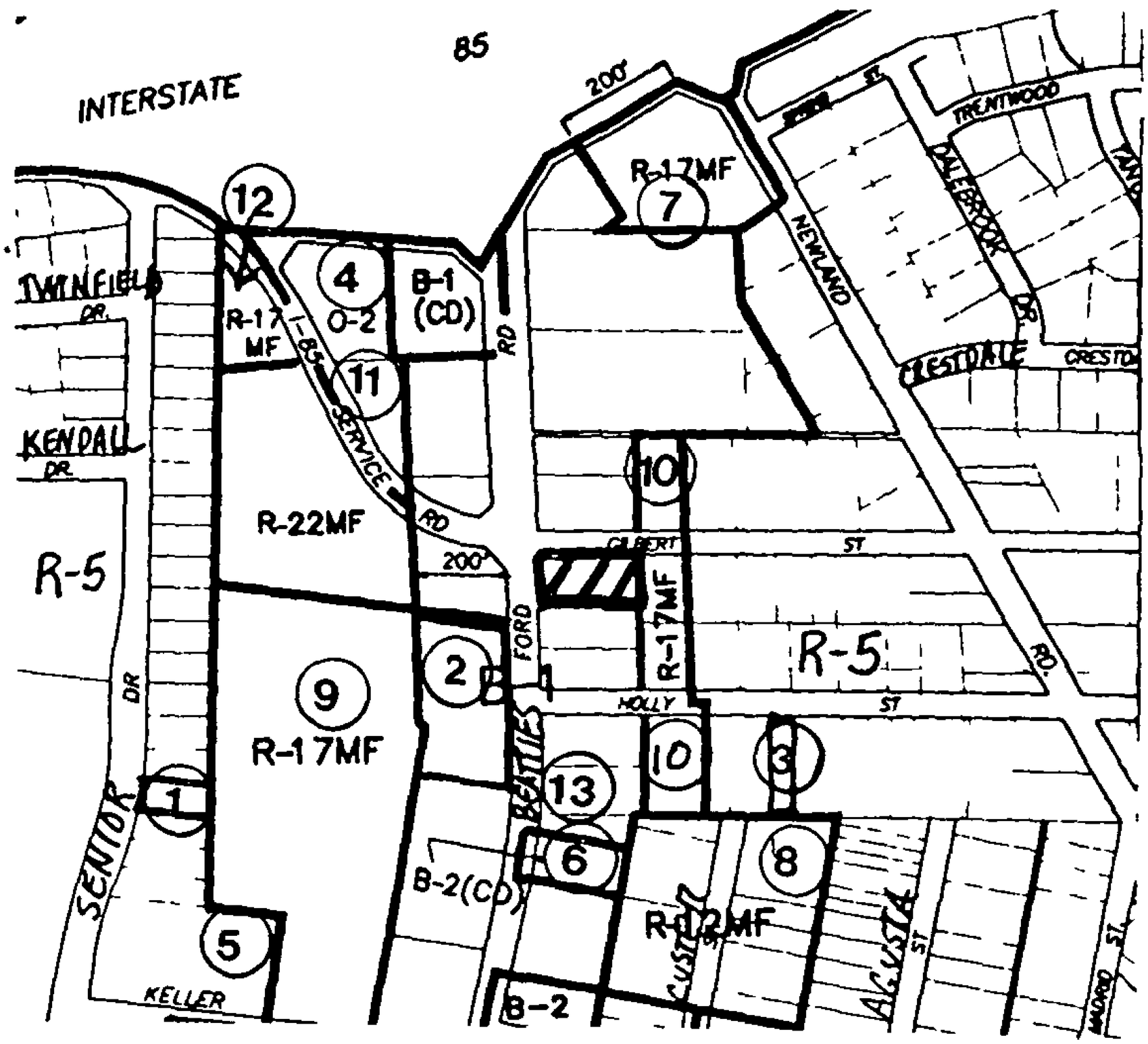
PETITIONER P.J.J.D. Enterprises

PETITION NO.: 93-4 HEARING DATE: February 15, 1993

ZONING CLASSIFICATION, EXISTING: B-1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

LOCATION: Approximately .64 acres located on the southeast corner of Beatties Ford Road and Gilbert Street.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: January 26, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-4: Southeast Corner of Beatties Ford Road and Gilbert Street (Revised-without a date)

This site could generate approximately 347 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (695-1,986 trips per day) has remained the same.

The interior island needs to be extended towards the Gilbert Street driveway to control the directional movements of vehicles entering and exiting the site.

Beatties Ford Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/ petitioner has noted on the plan to dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

Left turns into and out of the proposed Beatties Ford driveway may be prohibited if these movements conflict with left-turning vehicles which queue up to turn on the I-85 Service Road.

Left turns may also be restricted from southbound Beatties Ford Road to Gilbert Street if the number of accidents warrant the restriction.

The firm of Presnell Associates (City's consultant) is developing plans for a City project to widen Beatties Ford Road to 5 lanes between LaSalle Street and I-85. Construction is currently scheduled to begin in 1994. The plan improvements will add a left-turn lane on Beatties Ford Road, but not guarantee a separate left-turn lane to serve this site due to the greater need for left-turn storage at the I-85 Service Road. However, southbound left turns from a separate lane into the property would be possible at Gilbert Street since a driveway connection is proposed on Gilbert

Street. Likewise, left turns onto Beatties Ford Road could be made alternatively from the site via Gilbert Street.

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

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

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

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

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

- Show the proposed driveways as standard drop curb ramp Type II drives (without radii).
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate parking module dimensions.
- Include a parking summary with figures for number of parking spaces required and provided.

If we can be of further assistance, please advise.

RDG/REG hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
P. J. D. Enterprises
Rezoning File

FRED E. BRYANT, PLANNER

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

STATEMENT OF SUPPORT FOR REZONING PETITION 93-4

PETITIONER: P.J.J.D. ENTERPRISES

LOCATION: .64 ACRES LOCATED AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND GILBERT STREET

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

This petition proposes to rezone a parcel of land at the corner of Gilbert Street and Beatties Ford Road to permit the establishment of a new commercial enterprise. The property is now zoned a B-1 classification, and the use proposed necessitates a B-2 District. The individual requesting this change has come to the Charlotte area and is proposing several businesses located in the west, north and northeast sections of the City. Obviously, these are areas which could benefit from renewal of business opportunities, and we believe this rezoning will have that effect.

The subject property is presently occupied by two older structures, one of which is occupied by a club or lounge and the second by a barber shop. The property is otherwise unimproved without any planned landscaping or open space, and the proposed project will provide both of these. The specific use is a drive-in restaurant facility occupied by a franchise of a major chain, thus, removing it from the speculative category of many private individual projects. This location is near the interchange of Beatties Ford Road and Interstate 85, and it is questionable that it is a true "neighborhood business" area. In fact, just near the project there is already one fast food facility as well as other uses more oriented to the Interstate relationship than to a pure neighborhood setting.

The Central District Plan in discussing the Beatties Ford Road/LaSalle Street area contains the statement, "Neighborhood and highway oriented commercial uses are concentrated on the east and west side of Beatties Ford generally from I-85 to LaSalle Street." It further states as a recommendation, "Support redevelopment efforts to upgrade the commercial properties in this area; however, limit redevelopment to land already zoned for business." Certainly, this request meets that criteria, and by viewing the proposed site plan, it is evident the proposal upgrades the commercial quality of this location.

The site plan has been prepared to respect the pending widening and improving of Beatties Ford Road through this area by agreeing to dedicate right-of-way necessary for that expansion. The building has been sited in such a manner as to meet all standards and requirements in relation both to the new right-of-way and the expanded setback resulting from that right-of-way. Additionally, the buffer along the rear of the property fully complies with the new requirements of the zoning ordinance for establishing a relationship

between commercial and residential properties. Also, while the Staff Analysis suggests the site is completely occupied by building, parking and circulation, the fact is that 41.6% of the site will be preserved in open space, and this does not include the additional 20 feet of right-of-way along the front proposed for dedication. When it is recognized this type of site plan will be applied to a tract of land which at the present time is completely devoid of these types of features, the improvement to the area should be evident.

The site plan has been completely revised upon the suggestion of the Charlotte Department of Transportation in order to create a better pattern of circulation on the site and, at the same time, create a more satisfactory entry relationship to Beatties Ford Road and Gilbert Street. With the type of circulation plan now presented, it provides a satisfactory opportunity to service the site even if sometime in the future left-turn movements will not be possible from the site onto Beatties Ford Road. Additionally, Gilbert Street intersects Beatties Ford Road opposite the service road entrance to I-85, and it is possible that sometime in the future a signalized intersection will be established which will then provide an even better traffic situation as it relates to this site.

The Staff Analysis indicates that because the Beatties Ford Road Small Area Plan adopted in 1985 says that neighborhood business uses should be established for this corridor, the rezoning to the B-2 would be inappropriate. However, in this instance, we are not proposing to establish a use which is substantially different from other uses in the vicinity and would question whether or not the distinction between B-1 and B-2 is a proper delineation of activities as it relates to judgement of this particular request. There are several other existing B-2 districts in the general vicinity, none of which have been downzoned as a result of the Beatties Ford Road Corridor Plan. In considering a B-1/B-2 relationship for this area, it should be noted that the immediate proximity of the interchange with I-85 and the major thoroughfare status of Beatties Ford Road renders the neighborhood business or B-1 argument extremely tenuous. It is believed that a strong argument can be made that the overall area will benefit from an expanded commercial opportunity, particularly, when it involves an improvement to site conditions.

Finally, the Petitioner would emphasize that not only is this a physical redevelopment project for the Beatties Ford area, but it also provides the opportunity of employment for a substantial number of people. It is estimated that as many as 50 people will be hired on a combination full and part-time basis with most of these jobs being available to teenagers and other segments of the population most in need of additional opportunities.

When all of these factors are considered, it is believed that the change from B-1 to B-2 is a small adjustment to make in order to achieve the positive results which will occur. It should be emphasized that the proposed use is the only one possible under this rezoning and, therefore, no other B-2 type use would be encouraged for the vicinity. Many individuals in the vicinity and persons influential in the life of this general area have been contacted, and many of them have agreed to support this request. As the time for the public hearing draws nearer, we will have available a list of individuals who

would support this request.

Based on all of the above statements, your support of this request for rezoning is urged.

FEB/df

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-5

Petitioner: Kenneth and Jeanne England

Location· A .48 acre site located on the northwest corner of Providence and Edgemont Roads.

Request: Change from R-3 to R-8MF(CD).

BACKGROUND

1. Existing Zoning. The subject property and all surrounding properties are zoned R-3 To the south of the petitioned site properties are zoned R-15MF(CD) and R-12MF.

2. Existing Land Use. The petitioned property is developed with a single family home as are adjoining properties on both the east and west sides of Providence Road in the area. To the south of the petitioned site are the Providence Place condominiums (The existing residence located on the subject property was previously used as a bed and breakfast inn. The use was discontinued prior to the adoption of the new zoning ordinance which established an additional standard for bed and breakfast inns in residential districts.)

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 extension of water lines along Providence Road and expansion of the greenway system along McMullen Creek

   2. South District Plan (Draft) The South District Plan (Draft) recognizes the existing single family residential land uses on the subject property and the existing multi-family development nearby The plan also recognizes expansion of the greenway system along McMullen Creek

4. Site Plan The site plan which accompanies this petition proposes a conditional multi-family classification to allow for the reestablishment of the previous bed and breakfast inn use in conjunction with the existing single family residence. (The zoning ordinance limits this use to no more than four boarders in no more than two bedrooms in single family residential districts and no more than eight boarders in no more than four bedrooms in multi-family residential districts. The previous ordinance limited this use to no more than four boarders per dwelling unit in single family districts.) The site plan indicates that there will be no exterior alterations to the existing house or grounds with the exception of providing a 10 foot Class C buffer along the northerly

and westerly project edges adjoining single family zoning and uses. Parking is to be provided in the existing parking area and access is provided by the one existing driveway connection to Providence Road and the two existing driveways to Edgemont Road. Signage is limited to a 1½ square foot identification sign similar to that which exists on the site

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

6 Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 85-31	R-15 to R-15MF(CD)	Approved	06/17/85

7. Neighborhood. This petition falls within the area defined as Randolph Park/Providence Park.

REVIEWS

1. Plan Consistency. Publicly adopted plans for this area recognize the existing residential development in the area of the subject property with the 2005 Plan recognizing the area as one of existing residential uses and the draft South District Plan recognizing the area as one of existing single family uses Therefore, the proposed multi-family residential category is not entirely consistent with pending plans for the area

2. Technical Consistency.

   1 Pre-Hearing Staff Input. Staff relayed several site plan comments to the petitioner. Those site plan comments have been addressed through the submittal of a revised site plan.

   2. Departmental Comments. Departmental comments included the need for minor technical corrections. Those corrections have been noted on the revised site plan. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes a rezoning from a single family residential category to a conditional multi-family residential category to allow the reestablishment of the previous bed and breakfast inn use (The existing single family residential category limits a bed and breakfast inn to no more than four boarders in no more than two bedrooms while a multi-family residential category limits bed and breakfast inns to no more than eight boarders in no more than four bedrooms) Publicly adopted land use plans for the area range from the 2005 Plan which recognizes the existing residential nature of the area to the South District Plan which more specifically recognizes the

existing single family residential nature of the area. While the proposed multi-family residential zoning category is not entirely consistent with pending land use plans, the proposed land use, as restricted by the site plan noted below, is limited solely to reinstatement of the previous bed and breakfast inn use. Therefore, any consideration of this petition should fall heavily to the associated site plan.

2 Site Plan. The site plan which accompanies this petition proposes reestablishment of the preexisting bed and breakfast inn and the site plan indicates that the reuse will occur with no alterations to the building or grounds with the exception of installation of the required buffer on the northerly and westerly project edges. There will be no expansion of the parking or building in order to accommodate the reuse and access is limited to the existing driveway connections. In essence, this site plan provides for the reinstatement of the previous bed and breakfast inn use such that there should be no noticeable change to the petitioned site and very little, if any, impact on the adjoining single family residential area with the exception of the establishment of the multi-family zoning category Staff would note, however, that any favorable consideration of this petition does not necessarily extend to similarly situated single family residences along Providence Road

CONCLUSION

The site plan associated with this petition represents a proposed reestablishment of the previous bed and breakfast inn use with no exterior alterations to the building and no changes whatsoever to the parking area or grounds. The one change to the site relates to compliance with required buffers. The site plan represents a highly controlled reuse proposal worthy of favorable consideration.

*Subject to further refinement following public hearing.

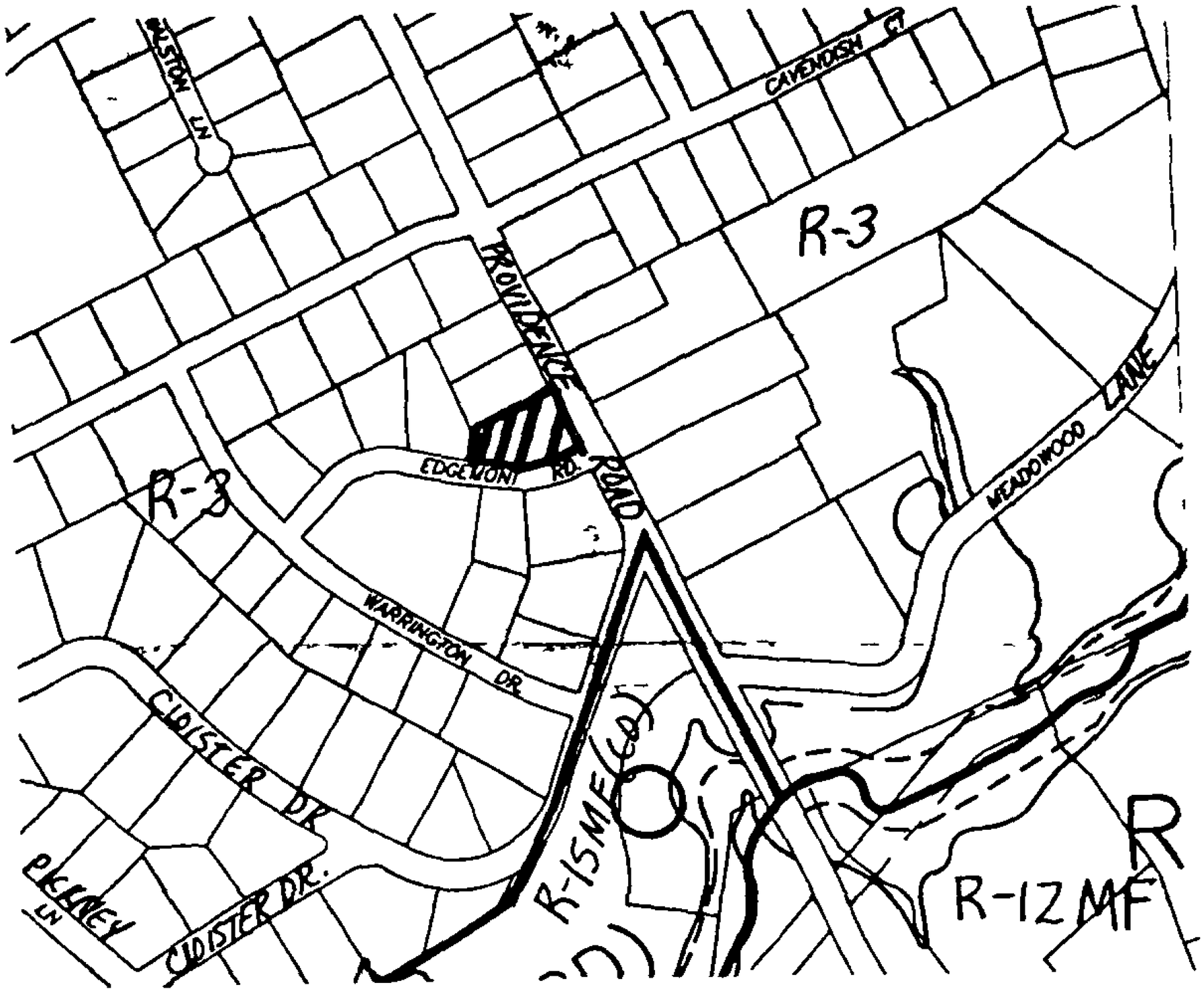
PETITIONER: Kenneth & Jeanne England

PETITION NO.: 93-5 HEARING DATE: February 15, 1993

ZONING CLASSIFICATION, EXISTING: R-3

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

LOCATION: Approximately .48 acres located on the northwest corner of Providence Road and Edgemont Road.



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: January 26, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-5: Northwest Corner of Providence Road and Edgemont Road (Revised 1/15/93)

This site could generate approximately 11-12 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (41 trips per day) has remained the same.

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

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

All three existing driveway connections to Providence Road and Edgemont Road do not meet minimum commercial driveway standards and will be required to be reconstructed or removed. The reconstruction of the driveways will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Tranportation for review and approval.

The minimum width for a one-way commercial driveway is 20 feet. The driveway on Providence Road must also be a minimum of 10 feet off the side property line. One way signing and pavement markings will also be required at all proposed driveways.

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

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

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Lee R. McLaren
Kenneth F. & Jeanne B. England
Rezoning File

M E M O R A N D U M

DATE: February 2, 1993

TO: Laura Simmons
Planning Commission

FROM: R. D. Gillis
Chief Traffic Engineer
Department of Transportation

SUBJECT: Rezoning Petition 93-5: Northwest Corner of Providence Road and Edgemont Road

Mr. Lee McLaren has indicated that if the driveway on Providence Road were offset 10 feet from the side property line, reconstruction of the tie-in to the existing driveway would damage the roots of a dogwood tree on the property. Since we have the authority to vary driveway regulations to preserve trees, we have told Mr McLaren that 5 feet of offset with a 20-foot wide ramp will be acceptable.

RDG:nsk

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Lee R. McLaren
Kenneth F. and Jeanne B. England
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-6

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately .43 acres located at the end of Spratt Street.

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

BACKGROUND

This petition proposes rezoning from a multi-family residential category to the light industrial category on property located within the Spratt Street cul-de-sac. The surrounding properties are zoned a combination of I-1(CD), O-6(CD) and I-1. The City's Special Services facility and the County's Food Bank are located nearby.

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

PLAN CONSISTENCY

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

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 28, 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 January 25, 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, February 8, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, February 15, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

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

DATE: January 25, 1993

PETITION NO.: 92-45

PETITIONER(S): YMCA of Charlotte-Mecklenburg.

REQUEST: Change from R-12MF with a SUP and R-3 to Institutional(CD) with termination of the special use permit.

LOCATION: A 30.2 acre site bounded by Sharon Road, Quail Hollow Road and Sharon Hills Road.

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

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

Nays: Fenning.

(Mr. Tabor abstained from voting due to a conflict of interest.)

REASONS

This petition proposes an expansion of the Harris YMCA. The petition was deferred previously to allow for the storm water impact study requested by Council at the public hearing. The petitioner prepared a storm water study and submitted it to the City Engineering staff for review. The study reveals that the drainage system along Sharon Hills Road is inadequate even if the Harris YMCA property was undeveloped (See attached memo). Subsequent to the storm water study, the petitioner submitted a revised site plan that commits to provision of stormwater detention in accordance with the newly published City standards manual. Detention will be provided so that the rate of runoff is the same as if there were no development on the property based on 10 year and 2 year storm events.

The revised site plan has also been amended to:

1)reduce the maximum allowable building area from 132,000 square feet to 120,000 square feet,
2)prohibit detention in the wooded buffer along Sharon Hills Road,
3)provide additional landscaping and screening along Quail Hollow Road, Sharon Road and Sharon Hills Road.
4)limit project signage to the existing signs,
5)provide a general phasing plan that ties landscaping and detention measures to specific building or parking expansions,
6)incorporate numerous other detailed conditions related to a variety of items.

There were several motions made on this petition. Those motions are as follows:

•An original motion was made to defer to allow additional time for the petitioner to continue working with the neighborhood. This motion resulted in a tied 3-3 vote.
•A subsequent motion was made to approve the petition as modified but died for lack of a second.
•Later in the work session, the Zoning Committee voted to reconsider the petition. A motion was made to approve the petition as modified. The motion was approved with the following vote:

Yeas: Baker, Byrne, James, McClure and Whelchel
Nays: Fenning

(Tabor abstained due to conflict of interest).

MAJORITY OPINION

The majority opinion viewed the petition as appropriate for approval as modified and noted the significant site plan modifications since the hearing.

MINORITY OPINION

The minority opinion viewed the petition as inappropriate for approval. The significant neighborhood opposition and protest petition was noted.

STAFF OPINION

The Staff agrees with the recommendation of the Zoning Committee.

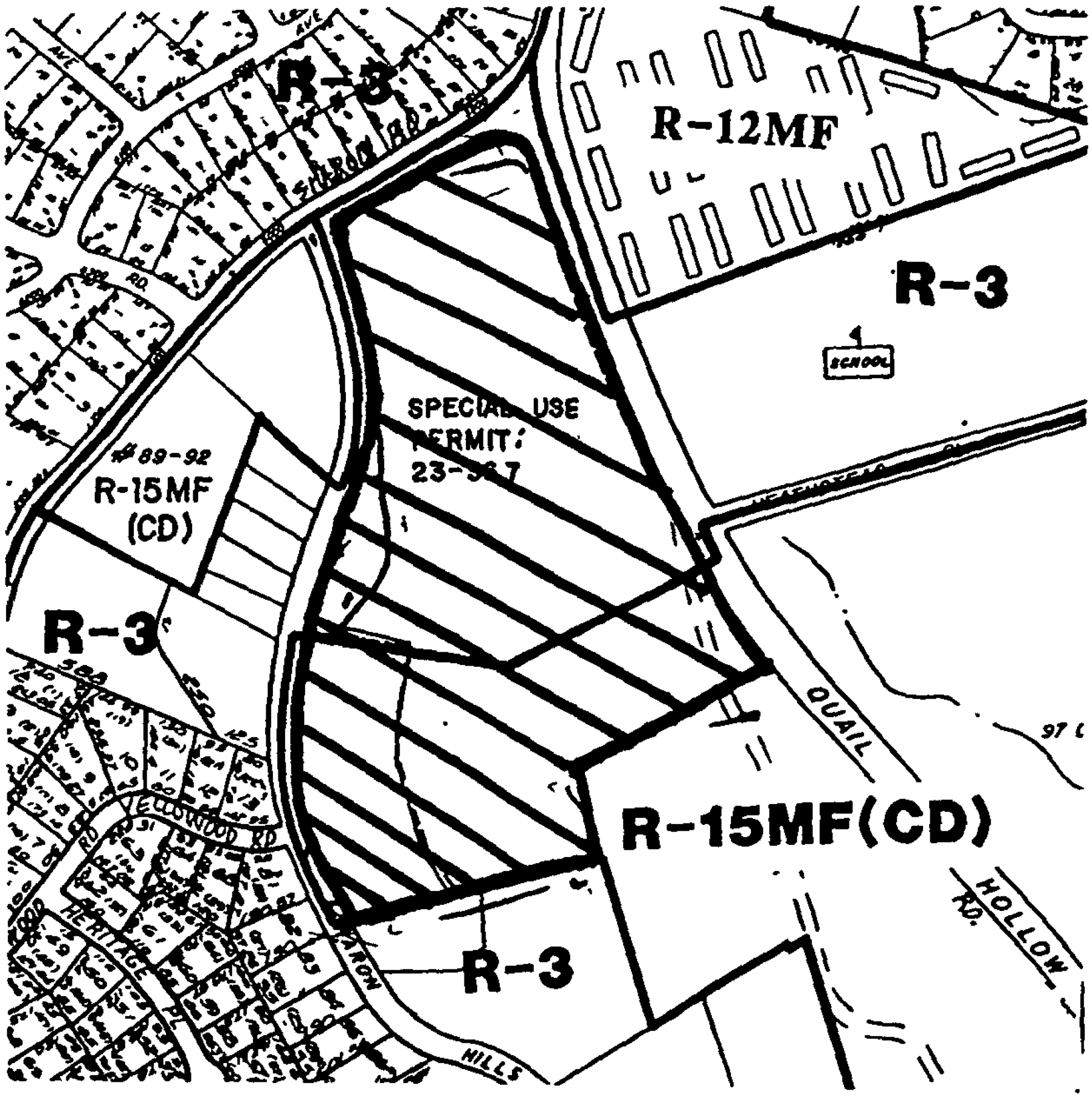
PETITIONER: YMCA of Charlotte-Mecklenburg

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

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

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

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



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

PROPERTY PROPOSED FOR CHANGE

92-45

Rec'd 1/25/93 LS

MEMORANDUM
ENGINEERING DEPARTMENT

DATE: January 21, 1993

TO: Laura Simmons
Planning Department

FROM: Robert E. Wilson
Storm Water Services

SUBJECT: Harris YMCA - Rezoning Petition #9245

As part of the rezoning petition for the Harris YMCA, the Engineering Department has been working with the YMCA's consultant regarding the drainage impacts of development at the YMCA property. The engineering calculations submitted by Terry Cragle of Land Design Engineering Services, Inc. (copy attached) show that the drainage system along Sharon Hills Road is inadequate even if the Harris YMCA property was undeveloped. The Harris YMCA proposes to provide storm water detention in accordance with the newly published City standards contained in the storm water fee Credit Application Instruction Manual. As part of the detention design, runoff from the property will be detained such that the rate of runoff is the same as it would be if there were no development on the property based on the 10-year and 2-year storm events.

Additionally, the YMCA is proposing to redirect approximately 5 acres of runoff from their site so that it will reach the Sharon Hills Road drainage system several lots south of where it currently ties into the drainage system. This will cause the property owners north of Yellowood Road that receive runoff from the Harris YMCA to receive less runoff and benefit from this flow reduction.

The Land Development Services Division has reviewed the existing detention facilities at the YMCA property Although some of the basins have been altered slightly through further construction, it appears that the site is currently in compliance with the City's storm water detention ordinance

Bob Southern, a resident in the neighborhood adjacent to the YMCA property, has contacted me and asked me to speak with him and some of his neighbors regarding the drainage impacts from the YMCA's proposed development. I am waiting for Mr. Southern to schedule the meeting with the affected homeowners. I will advise you of the results of the meeting.

Should you have any questions or need additional information, please call Kelly Keesling at 4248 or me at 3653.

np
SIM.M

cc: Tim Richards
Kelly Keesling
Terry Cragle, Land Design Engineering Services, Inc.

DATE: January 25, 1993

PETITION NO.: 92-64

PETITIONER(S): The Hahn Company

REQUEST: Change from B-1(SCD) to CC (Commercial Center).

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

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

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

Nays: None.

Absent: Tabor.

REASONS

This petition proposes rezoning of a portion of the overall 240 acre University Place site from B-1(SCD) to CC. The site plan which accompanies the petition proposes a total of 700,000 square feet of retail development and 240,000 square feet of office space for a total of 940,000 square feet of development. This site plan would eliminate approximately one million square feet of office development from the University Place Master Plan. Generally, this petition proposes a change in the focus of the major retail component of University Place from a suburban mall concept to a "power center" with three large major anchor tenants plus a smaller scale lake oriented shopping center. The site plan proposes three large freestanding anchor tenants along the I-85 edge and a smaller scale shopping center oriented to the lake to compliment the existing lakefront shopping. The plan also realigns Carley Boulevard to the east in order to accommodate the large anchors. The Zoning Committee discussed a number of relatively minor outstanding issues. It was noted that the discussions between the Hilton Hotel representatives and the petitioner regarding the Hilton's parking arrangements are ongoing. The outstanding issue regarding internal connectivity between the petitioned property and the Home Federal property was noted and staff indicated that the internal connectivity would be required as part of the design review process. It was also noted that the petitioner and CDOT are in the process of finalizing their discussions and reaching consensus on the traffic impact analysis. The Zoning Committee noted that the petition is consistent with the Northeast District Plan and the revised site plan contains a number of improvements related to design issues. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

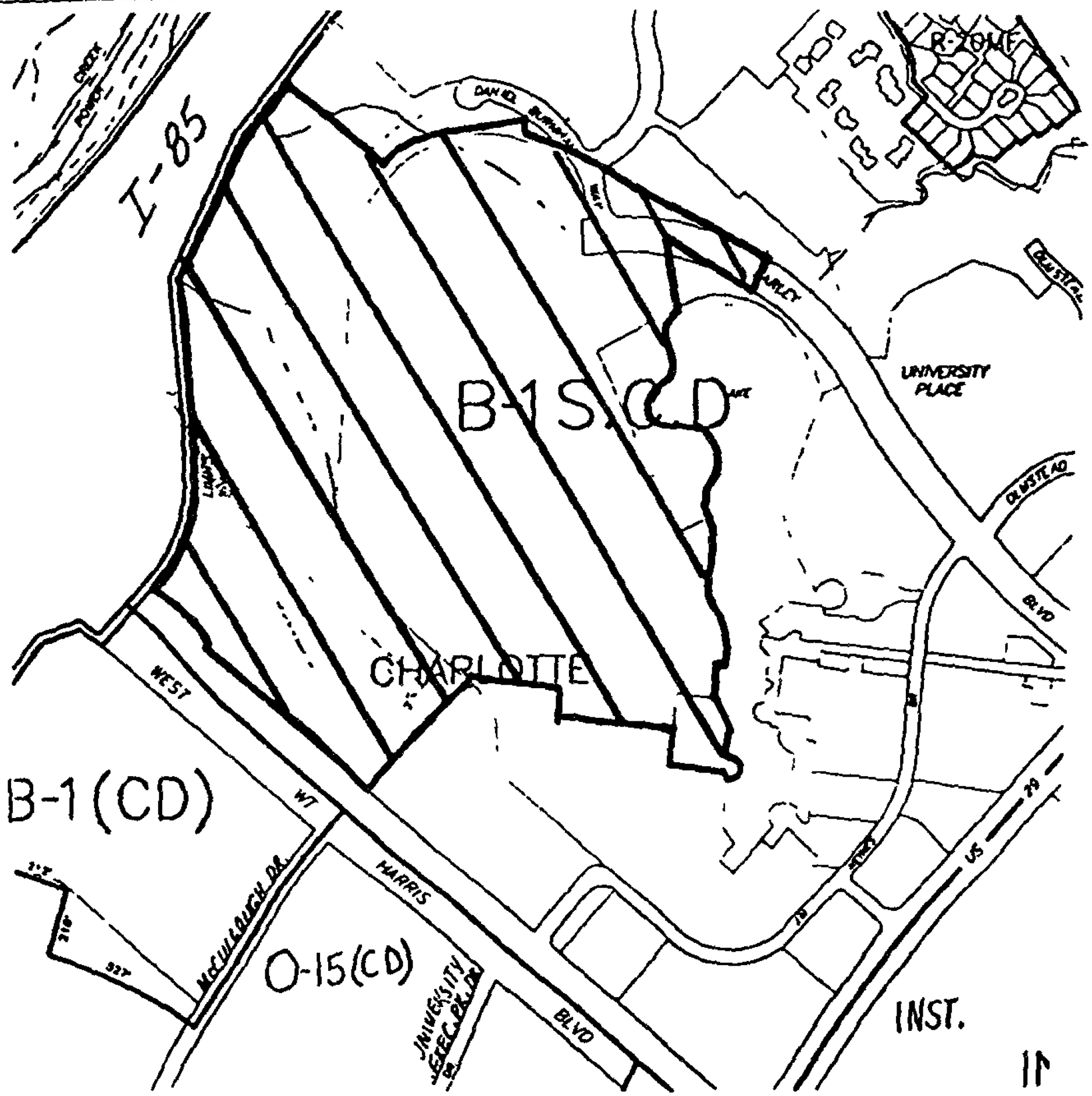
PETITIONER: The Hahn Company

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

ZONING CLASSIFICATION, EXISTING: B-1SCD

ZONING CLASSIFICATION, REQUESTED: CC

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



ZONING MAP NO(s).: 58

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: January 25, 1993

PETITION NO.: 92-67

PETITIONER(S): The Foundation of the University of North Carolina at Charlotte, Inc. and the Crosland Group

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

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

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

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

Nays: Fenning and McClure.

Absent: Tabor.

REASONS

This petition proposes rezoning of approximately 80 acres to the CC category to allow the development of a 540,908 square foot "power center". The Zoning Committee discussed this petition for some time and noted the information obtained from the Tax Office on the difference in tax assessment based on existing zoning versus proposed zoning and information obtained from the Budget Department on the extent of previous investment in the Hampton Park community by the public. (See attached memos). Zoning Committee asked CDOT staff for an update on traffic issues. Transportation staff noted that they are still working with the petitioner and evaluating the traffic impact analysis but that there are outstanding issues. (Subsequently the petitioner indicated that they will agree to any transportation improvements CDOT requests.) The Zoning Committee also asked the petitioner to respond to the issue regarding whether or not the petitioner has the ability to provide for the Harris Boulevard connector road. The petitioner indicated that UNC Charlotte will request an easement from the State of North Carolina over the property in order to provide for the connection. It was also indicated that the petitioner would be willing to designate the road as right turns in only.

MINORITY OPINION

The minority opinion expressed significant concern about the extent to which the proposal violated the Northeast District Plan. It was noted that a lot of time and resources went into the development and adoption of the plan and approval of additional retail beyond that contemplated by the plan necessitated the need for deletion of retail elsewhere. It

was also noted that many dollars have been spent by the public to upgrade the Hampton Park community and that it is adopted City policy that this neighborhood is worthy of saving. The minority opinion was also concerned about outstanding transportation issues in light of City Council's specific direction that those matters be addressed.

MAJORITY OPINION

The majority opinion viewed the proposed power center as an asset for the area that is supported by residents of the Hampton Park community. It was noted that the nature of district plans and other land use plans is that they are subject to change and adjustment over time. The majority opinion noted that the free market should dictate the land use on this site.

STAFF OPINION

The staff disagrees with the Zoning Committee recommendation for all the reasons set forth in the original staff analysis.

PETITIONER: The Crosland Group

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

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

ZONING CLASSIFICATION, REQUESTED: CC

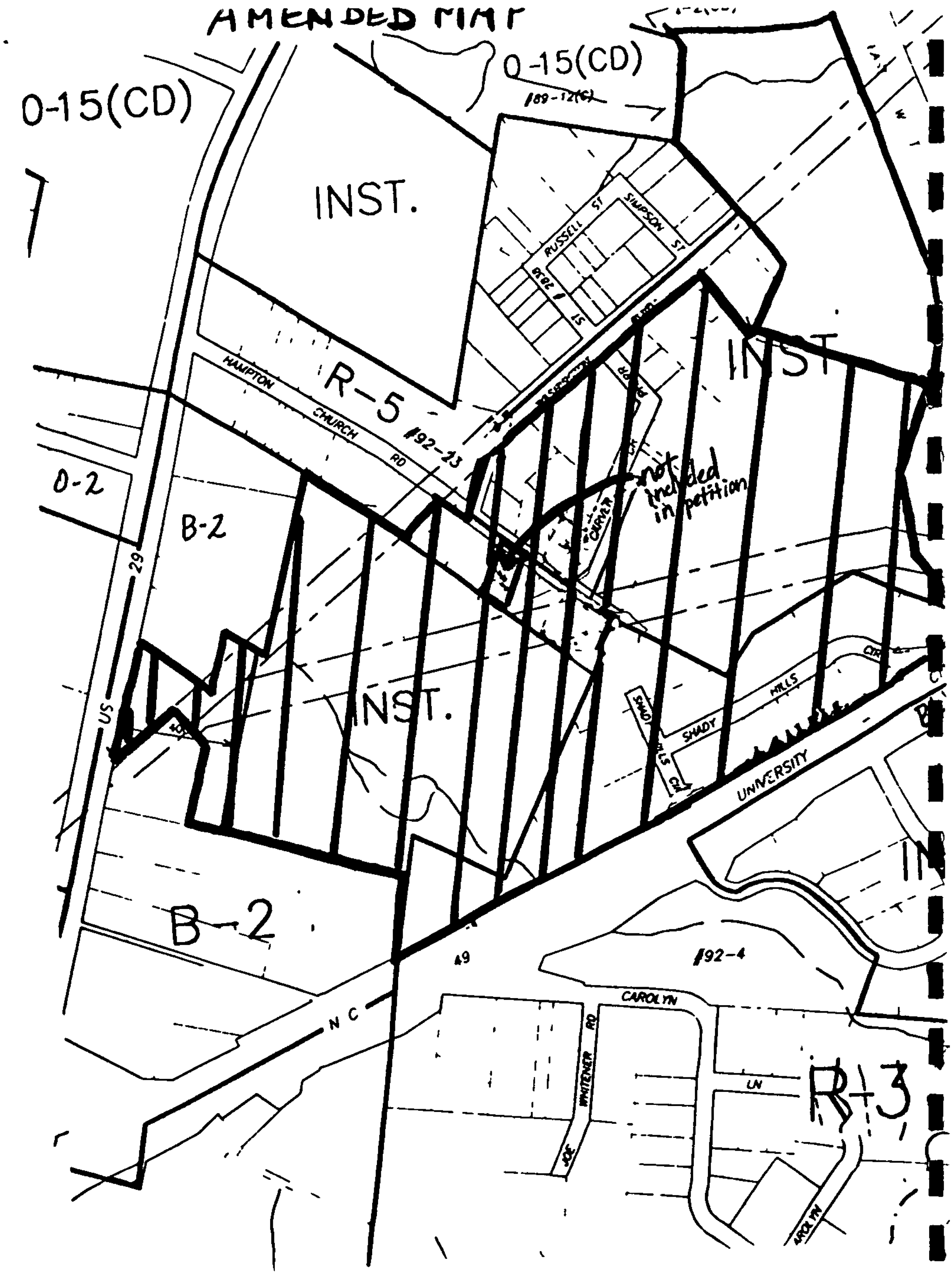
LOCATION: Approximately 80 acres located within the northwest quadrant of N.C. 49 (University City Boulevard) and W. T. Harris Boulevard.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

AMENDED MAP


0-15(CD)
0-15(CD)
#89-12(C)
INST.
RUSSELL ST
SIMPSON ST
ROBB ST
R-5
HAMPTON CHURCH RD
#92-23
INST
not included in petition
0-2
B-2
US 29
INST.
SANDY HILLS RD
SANDY HILLS
UNIVERSITY
B-2
49
#92-4
N C
CAROLYN LN
WHITENER RD
R-3

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE January 25, 1993

TO: Mayor Richard Vinroot
City Council Members
Zoning Committee Members

FROM: Walter G. Fields, III WGF III (MCM)
Land Development Manager

SUBJECT: City Rezoning Public Hearing Discussions

Questions and issues are often raised by City Council or Planning Commission members during the City rezoning public hearing that are not immediately resolved during the course of the related discussion. A synopsis of unresolved questions and issues that arose at the City rezoning hearing on Tuesday, January, 19 is attached.

WGF/MM:jlb

Attachment

MEMORANDUM

TO: Pam Syfert
Deputy City Manager

FROM: Viola T. Alexander, Director
Budget and Evaluation

DATE: January 13, 1993

SUBJECT: Funds Spent in the Hampton Park Area

This memo is in response to Council's inquiry at the December 21st zoning meeting about the nature and amount of funds the City has spent in the Hampton Park Area. As a condition of a contract between the City of Charlotte and Mecklenburg County (at the time of the contract Hampton Park had not been annexed) the City agreed to provide water/sewer extensions into Hampton Park, a Community Development target sector. Under this contract the City spent $42,000 on water extensions and $193,000 for sewer extensions.

Planning staff developed a small area plan for Hampton Park before the area had been annexed by the City. The plan's recommendations include housing rehabilitation, street improvements, sidewalk construction and street lighting.

The Public Service Division of CDOT reports that it has not received a request for street lighting in the Hampton Park area. Because of staffing shortfalls in the neighborhood street lighting program associated with rightsizing, requests for street lighting face a two-year wait. The Street Maintenance Division, however, has applied a sealed gravel surface to the unpaved streets in Hampton Park at a total cost of $186,800. These streets are scheduled to be paved this fall after the foundation has settled

Community Development can find no record of housing rehabilitation assistance (loans/grants etc..) in the area. However, the County's Community Development Department is administering a $581,000 grant to rehabilitate and demolish substandard housing in Hampton Park.

In conclusion, the following itemizes and summarizes how much the City has spent in Hampton Park to date:

Water	$ 42,000
Sewer	193,000
Gravel for Streets	186,800
Total	**$421,800**

Traffic Impact Studies

- In response to questions raised at the January 19, 1993 Zoning Hearing, Traffic Impact Studies (TIS's) submitted either by Charlotte Department of Transportation (CDOT) staff or by engineers in private practice are prepared and reviewed by Professional Engineers registered in North Carolina. The studies recommend actions to mitigate any adverse impacts of proposed development on the surrounding transportation system.

- The three firms (Barton-Aschman, Deaton/Hasty, and W·MA Group represented by Kimley-Horn) that are involved in preparing TIS's for the proposed power center developments in northeast Charlotte have experienced Professional Engineers in charge of the studies. The Charlotte Department of Transportation has Professional Engineers on staff who are working with the firms to develop the studies and to analyze and review the results. Both the public and private sectors use the same recommended practices and data developed by the Institute of Transportation Engineers to conduct the studies.

- The methodology used in performing a TIS is not an exact science. The studies predict how much traffic will be generated by a proposed development, analyze the path that people might use in going to or from the site, and calculate what percentage of the trips are already passing by the facility.

- Professional engineering staffs working for consulting firms and the City must agree on assumptions and other factors necessary to the conduct of the studies. Generally, agreement is reached on these factors, but on occasion the two sides may differ in professional judgment, and both will feel justified in their positions. Should this situation occur, CDOT will advise you of the difference of opinion and explain how the results are affected should the more stringent analysis be followed.

Prepared by: Charlotte Department of Transportation

92-67

The Crosland Group, Inc.
COMMERCIAL DIVISION

January 25, 1993

Mr. Scott Putnam
Charlotte Department of Transportation
600 E. 4th Street
Charlotte, North Carolina 28202

Re: Rezoning
Harris Blvd./Highway 49

Dear Scott:

In accordance with our recent conversation, we as petitioners for Petition 92-67 are willing to make the following commitments regarding road improvements.

1. We agree to revise our plan so that the entrance to the public street off Harris Blvd. will be a "right-in" only. The "right-out" movement will be eliminated from the plan.

2. We agree to provide turn laneage and traffic signalization at the project entrances on U.S. 29, N.C. 49 and Harris Blvd. as deemed necessary by CDOT.

3. We agree to designate up to 100 parking spaces on the parking lot for a "Park and Ride" facility.

4. As discussed, we agree to make every effort to align our entrance off of U.S. 29 with the entrance to the Norcom property.

As we discussed, I am attaching a copy of a letter from UNC-Charlotte which indicates their willingness to request an easement from the State of North Carolina over campus property for the public street.

Please call me if you have any questions.

Very truly yours,

Stephen L. Vermillion
Vice President

125 Scaleybark Road
Charlotte, North Carolina 28203
Telephone (704) 523-0872
Fax (704) 523-4046

Office of the Chancellor
Telephone 704/547-2251
Facsimile 704/547-3219

January 25, 1993

Mr. G. C. Cameron, Chairman
The Foundation of The University
of North Carolina at Charlotte

Mr. Steve Vermillion
The Crosland Group, Inc.

Gentlemen:

Confirming earlier discussions, if the rezoning petition to permit development of a shopping center at the northwest corner of N.C. 49 and Harris Boulevard is approved, The University of North Carolina at Charlotte intends to seek Council of State approval of an easement across adjacent campus property (owned by the State of North Carolina) to permit the construction of a roadway connecting the shopping center to Harris Boulevard. Such a roadway would provide needed access to the 14 acre parcel of campus property and to the shopping center.

Sincerely yours,

J. H. Woodward
Chancellor

JHW/rf

DATE: January 25, 1993

PETITION NO.: 92-71

PETITIONER(S): Cambridge Properties

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

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

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

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

Nays: None.

Absent: Tabor.

REASONS

This petition proposes rezoning of approximately 79 acres to accommodate a 435,000 square foot retail center and 300 multi-family units. The Zoning Committee asked CDOT staff for an update on transportation issues. Transportation staff indicated that they were unable to make comments on the traffic analysis as yet inasmuch as a consensus had not been reached on the analysis between the petitioner and CDOT staff and several members of the Zoning Committee expressed concern about outstanding traffic issues. It was noted that there are problems with median openings, alignments and access to abutting properties. The Zoning Committee viewed the petition as appropriate for the area and noted specifically that the site plan which accompanies the petition ties into the University Place design commitments and represents an improvement over the existing zoning plan. It was also noted that this petition is appropriate inasmuch as the subject property has been the subject of previous downzoning petitions over a several year period of time. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. The additional retail development proposed by this petition is not needed in the area. The existing site plan (which already contains a design standards manual) represents a more needed type of shopping center for this area.

PETITIONER: Cambridge Properties

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

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

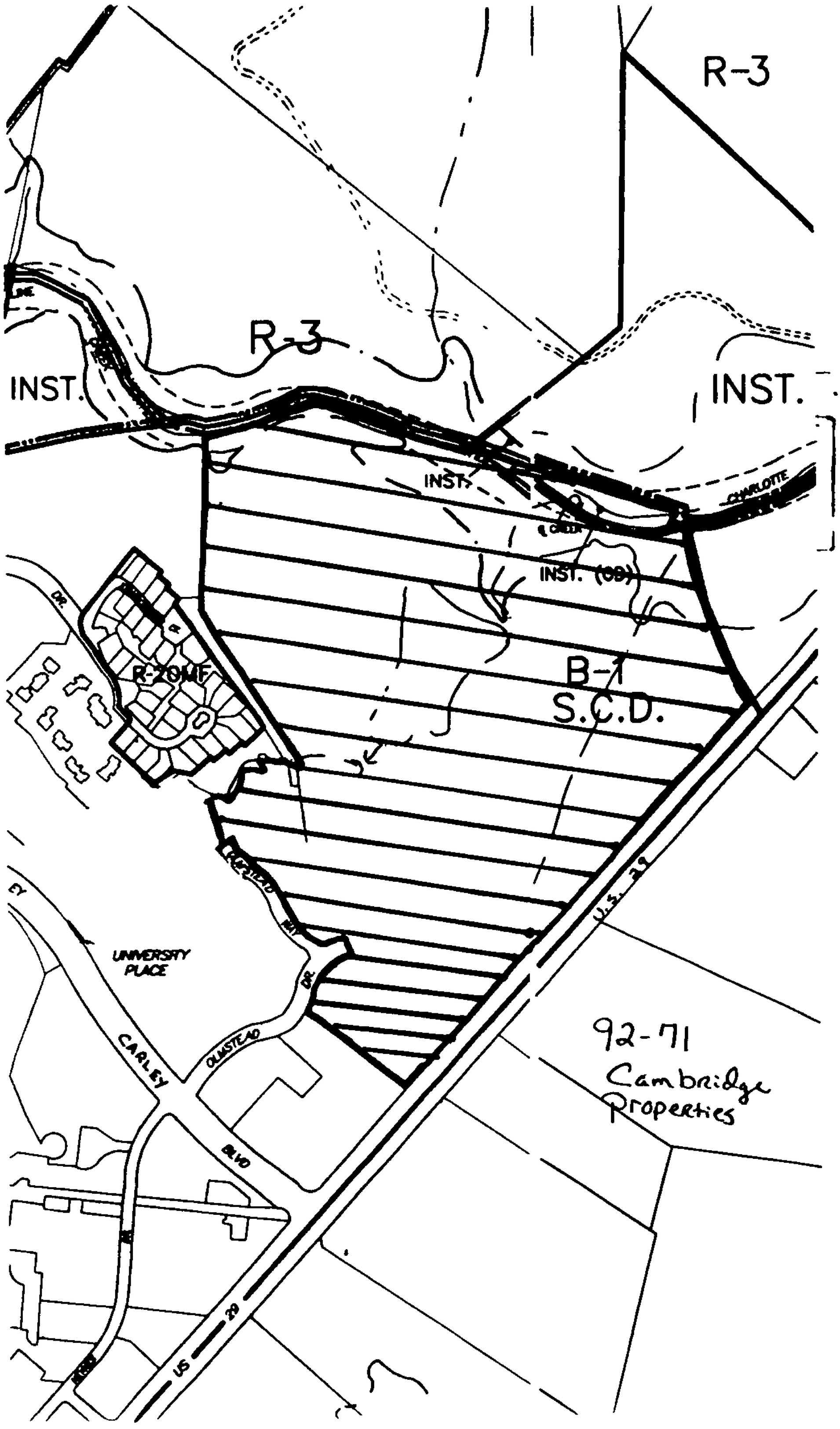
ZONING CLASSIFICATION, REQUESTED: CC and R-22MF

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


R-3
R-3
INST.
INST.
INST.
INST. (OD)
CHARLOTTE
R-20MF
B-1
S.C.D.
U.S. 29
UNIVERSITY PLACE
CARLEY
OLMSTEAD
BLVD
DR.
U.S. 29
92-71
Cambridge Properties

DATE January 25, 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: A motion to approve the petition failed by a vote of 3 - 4.

VOTE: Yeas: Baker, Byrne and Whelchel.

Nays: Fenning, James, McClure and Tabor.

Absent: None.

REASONS

This petition proposes rezoning from single family residential to a combination of conditional urban residential districts. The Zoning Committee deferred the petition previously in order to allow the petitioner time to address several issues including the preservation of existing trees on the site, the "double street" concept, whether the proposed deed restrictions will be part of the conditional site plan and information on the proposed amount of open space.

Subsequently, the petitioner submitted a revised plan that

- reduces the number of units from 25 to 24 (a density of 8.65 units per acre),
- outlines in more detail the tree preservation plan,
- incorporates deed restrictions relating to a number of items including construction materials and screening,
- specifies approximately 45% open space.

The Zoning Committee discussed the petition at length with several members expressing concern over the density, the lack of green space, the traffic, parking and double street configuration, the garages facing Queens Road West and general concern over negative impact on the Myers Park neighborhood and specifically Queens Road West. Other members viewed the petition as appropriate for the area and espressed concern that some of the points of debate were not issues that were discussed at the hearing.

During the course of the lengthy discussion, several motions were made.

- An original motion was made for approval and seconded.
- A substitute motion was made to deny but died for lack of a second.

•A motion was made to defer the petition to address the outstanding issues. This motion resulted in the following vote:

Yeas· James and Tabor

Nays: Baker, Byrne, Fenning, McClure and Whelchel.

•Subsequently a motion was made to approve the petition with a caveat that the deed restrictions prohibit or regulate on-street parking. This motion was later withdrawn after it was noted that only the petitioner can impose conditions on the property.

•A final motion was made to approve the petition. This motion resulted in the following vote:

Yeas: Baker, Byrne, and Whelchel.

Nays: Fenning, James, McClure and Tabor.

MINORITY OPINION

Members of the minority did not view the proposed density as a significant issue noting that the property is not a single family residential site due to nearby land uses.

MAJORITY OPINION

There was also general consensus among members of the majority that some form of higher density development could be appropriate for this property. However, it was noted that the specific site plan is too dense and raises design issues.

STAFF OPINION

The staff viewed the petition as appropriate for approval, as modified.

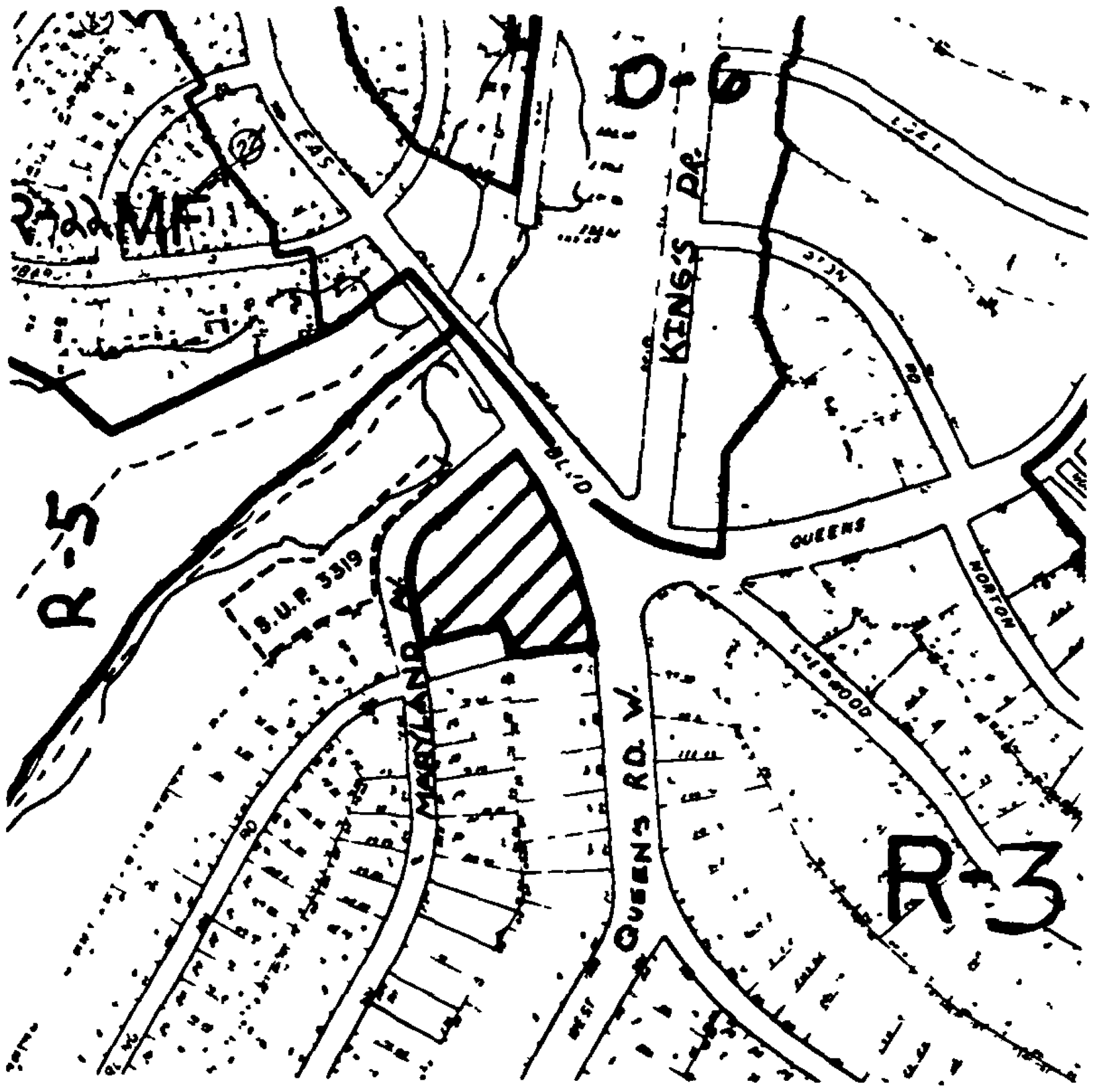
PETITIONER: Christopher J. Branch

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: January 25, 1993

PETITION NO.: 92-74

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

REQUEST: Consideration of a City zoning ordinance text amendment to correct typographical errors and provide numerous technical corrections.

ACTION: The Zoning Committee deferred this petition for 30 days.

VOTE: Yeas: Byrne, Fenning, James, McClure, Tabor and Welchel.

Nays: None

Absent: Baker

REASONS

This petition proposes a number of modifications to the City Zoning Ordinance which relate both to minor technical inconsistencies and to policy issues that have been identified since the adoption of the new ordinance. Planning staff is continuing to work with interested parties on further revisions but has not finalized that process as yet. Therefore, the Zoning Committee deferred action on this petition for an additional 30 days.

DATE: January 25, 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 deferred action on this petition for 30 days.

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning to a conditional office category to allow the development of a accessory parking lot for Charlotte Catholic High School and also notes a proposed expansion of the high school. Subsequent to the public hearing on this petition, the petitioner requested a 30 day deferral in order to address a number of issues which arose at the public hearing. Therefore, Zoning Committee deferred action on this petition for 30 days.

FRED E. BRYANT, PLANNER

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

January 21, 1993

Mr. Walter Fields, Planning Manager-Land Development
Charlotte/ Mecklenburg Planning Commission
Charlotte/Mecklenburg Government Center
600 E. Fourth Street
Charlotte, NC 28202

Dear Walter:

I have been authorized by my client, Charlotte Area Catholic Schools, to request a one-month deferral in the consideration of Rezoning Petition 93-1.

There are a number of issues which have been raised needing further study in order to make available the best possible information to deal with them. It is hoped that this additional time will result in, not only a better understanding of the circumstances surrounding this petition, but, perhaps, will enable the consideration of a less controversial proposal.

If you perceive any difficulty with this request or need additional information, please let me know.

Sincerely,

Fred E. Bryant, AICP

FEB/df

cc: Zoning Committee
Charlotte/Mecklenburg Planning Commission

Mr. Joe Treacy, Jr.

M E M O R A N D U M

DATE: January 28, 1993

TO: Zoning Committee
Charlotte-Mecklenburg Planning Commission

FROM: R. D. Gillis
Chief Traffic Engineer

SUBJECT: High Accident Location Analyses

Atttached is an explanation of how high accident locations are determined. This information was requested by City Council at its January Zoning Hearing.

RDG:nsk

Attachments

High Accident Location
Analyses

Charlotte Department of Transportation

Each year, the Charlotte Department of Transportation (CDOT) identifies intersections in Charlotte that have experienced a high rate of reported traffic accidents during the previous three calendar years. The locations are ranked according to an Equivalent-Property-Damage-Only (EPDO) Rate which considers:

- the degree of injury involved in the accidents,
- the frequency of accident experience, and
- the amount of traffic entering the intersection.

A formula is used to convert all reported accidents into an equivalent number of property damage only accidents. The EPDO Index is calculated as follows:

$$\text{EPDO Index} = 64.0(K+A) + 19.1(B+C) + PDO$$

Where: K = number of fatal injury accidents
A = number of incapacitating injury accidents
B = number of non-incapacitating injury accidents
C = number of accidents with no visible sign of injury, but complaint of pain involved
PDO = number of property damage only accidents (no injury involved)

Examination of the formula shows that fatal (K) and incapacitating injury (A) accidents are equivalent to 64.0 property damage only accidents. Non-incapacitating (B) and complaint of pain (C) type accidents are equivalent to 19.1 property damage only accidents.

To qualify as a High Accident Location, the EPDO Index for the three-year period must equal 360 or more equivalent property damage only accidents.

The EPDO Rate is determined by dividing the EPDO Index by the millions of entering vehicles (MEV) traveling through the intersection during the three year period. The traffic exposure, or MEV, is calculated as follows:

$$MEV = \frac{\text{AADET} \times 3 \text{ years} \times 365 \text{ days/year}}{1{,}000{,}000}$$

Where: AADET = Average annual daily entering traffic

After dividing the EPDO Index by the traffic exposure (MEV), the EPDO Rate is determined:

$$\text{EPDO Rate} = \frac{\text{EPDO Index}}{MEV}$$

To be ranked on the City's High Accident Location List, the EPDO Rate must be 7.0 equivalent property damage only accidents per million entering vehicles

Locations that are ranked are analyzed in priority order to determine the specific accident patterns that occur at the location and the appropriate treatments to reduce the number of and severity of collisions.

The attached brochure lists traffic accident facts for Charlotte and the 20 highest ranked locations from the 1992 High Accident Location list. The graphs show that the total number of reported traffic accidents and rate of occurrence have dropped in recent years. The reduction is a result, in part, to improvements to roadways and intersections and to better traffic control systems in Charlotte.

Accidents by Type

Rearends	6372
Left Turns	3516
Angle	2041
Sideswipe	1650
Run Off Road	1304
Right Turns	804
Backing	735
Run into Parked Vehicle	478
Run into Fixed Object	353
Pedestrian	251
Bicycle	150
Head On	107
Run into Other Objects	103
Non-collision	86
Overturn	52
Animal Struck	18
Train	6
Moped	1
TOTAL	18027
TOTAL COST	$173,667,500

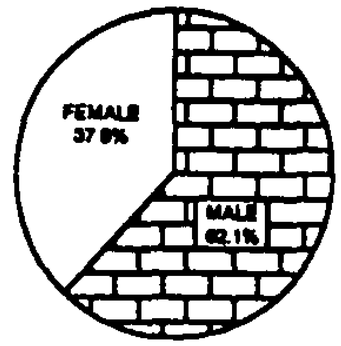
Miscellaneous

Accidents at intersections	12525
Accidents at night	3981
Accidents when wet	4276
Hit and Run accidents	1692
Worst day - Friday	3455
Best day Sunday	1442

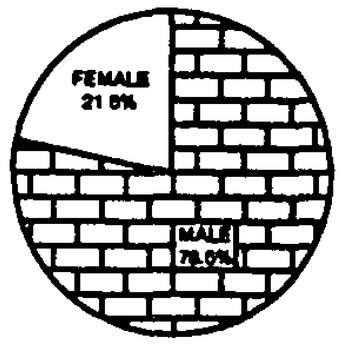
The data in this brochure are from 1991 unless otherwise stated

Accident costs are based on Federal Highway Administration values for cost per accident.

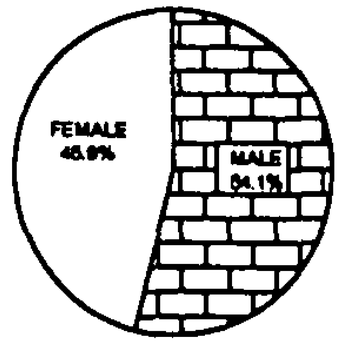
TOTAL ACCIDENTS
by Gender of at-fault driver



ALCOHOL RELATED ACCIDENTS
by Gender of at-fault driver



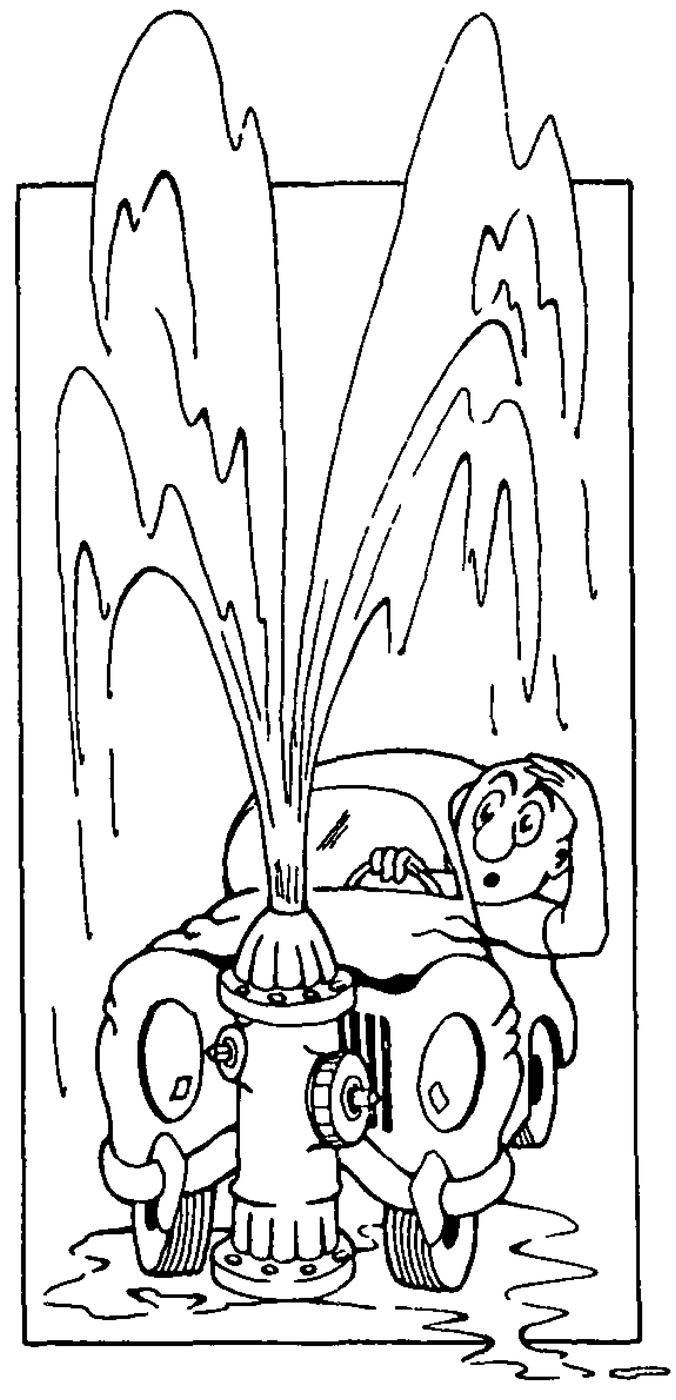
TOTAL MILES DRIVEN
by Gender of driver



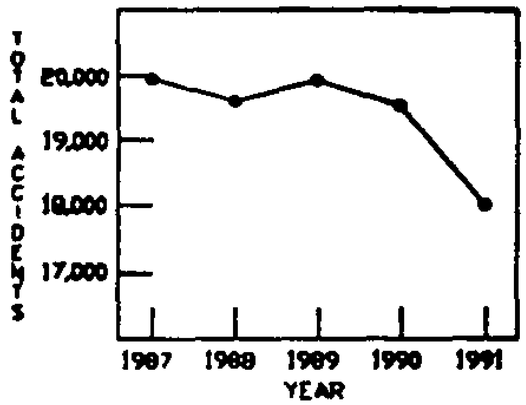
This brochure was developed by the Systems Management Section of the Charlotte Department of Transportation (336-2261)

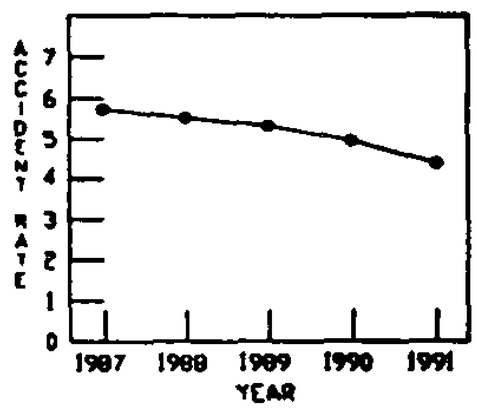
City of Charlotte

Traffic Accident Facts 1992

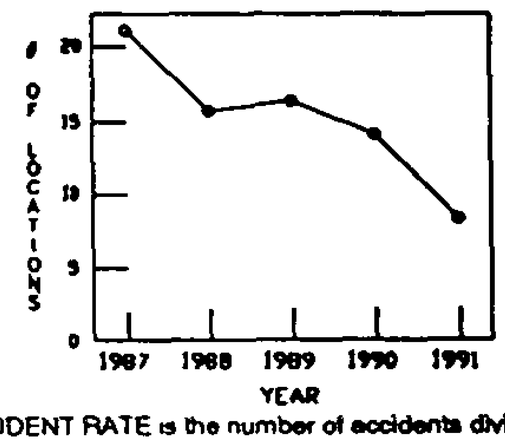


CITY-WIDE TOTALS
1987 - 1991





Intersections with an EPDO Rate > 30



ACCIDENT RATE is the number of accidents divided by traffic volume in millions of miles traveled Because the traffic volume has increased each year the accident rate has dropped even when the total number of accidents has increased (1988 1989)

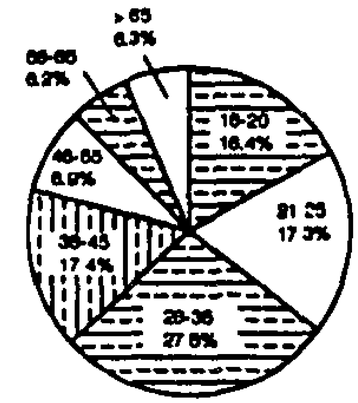
EPDO RATE is a means of identifying and ranking hazardous locations by taking into account the number and severity of accidents and traffic volume

Top Twenty High Accident Locations

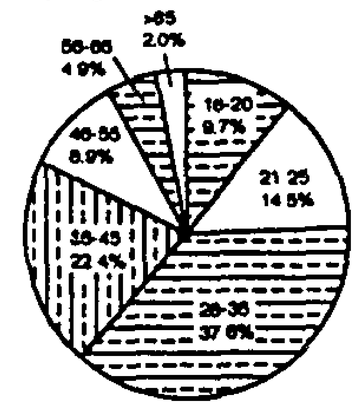
1. Ninth and Brevard
2. Fourth and Poplar
3. Fifth and I-77 Ramp
4. Nations Ford and Tyvola
5. Seventh and Davidson
6. Tenth and Graham
7. Fifth and Beatties Ford and Rozzelle's Ferry
8. Sixteenth/Duls and Tryon
9. Mulberry Church/Old Dowd and Wilkinson Blvd.
10. Eleventh/Brookshire Fwy. and Davidson
11. Eleventh/Brookshire Fwy. and Brevard
12. Seventh and Independence
13. I-85 South Service Rd. and Sugar Creek
14. Beatties Ford and LaSalle
15. Ashley and Triangle and Tuckaseegee
16. Sugar Creek and Tryon
17. Clanton/Donald Ross and West Blvd.
18. Eleventh and Tryon
19. Harris and Milton
20. Central and Morningside

This list was compiled using accident data from the years 1989 - 1991 An intersection is ranked based on its EPDO Rate.

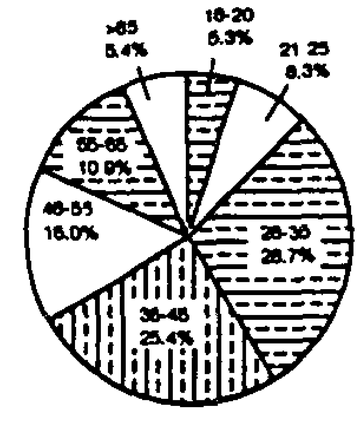
TOTAL ACCIDENTS
by Age of at-fault driver



ALCOHOL RELATED ACCIDENTS
by Age of at-fault driver



TOTAL MILES DRIVEN
by Age of driver



Miles driven based on 1985 Home Survey

Accident Experience
on
Park Road
between
Marsh Road and Poindexter Drive

At the January Zoning Hearing, you requested additional accident data for Park Road between Marsh Road and Poindexter Drive. Last Monday, the Zoning Committee deferred action on the Charlotte Catholic High School's Zoning Petition. Therefore, you may be asked to make a decision on the petition as early as March 15, 1993.

The attached collision diagrams show that for the period January 1, 1989 through October 30, 1992, a total of 125 accidents were reported along the section of Park Road studied. During during the three year, ten month period, an average of 2.7 accidents per month were reported for the one-third of a mile piece of roadway. None of the three signalized intersections within that section were classified as one of the 216 High Accident Locations identified on the City's 1992 High Accident Location list.

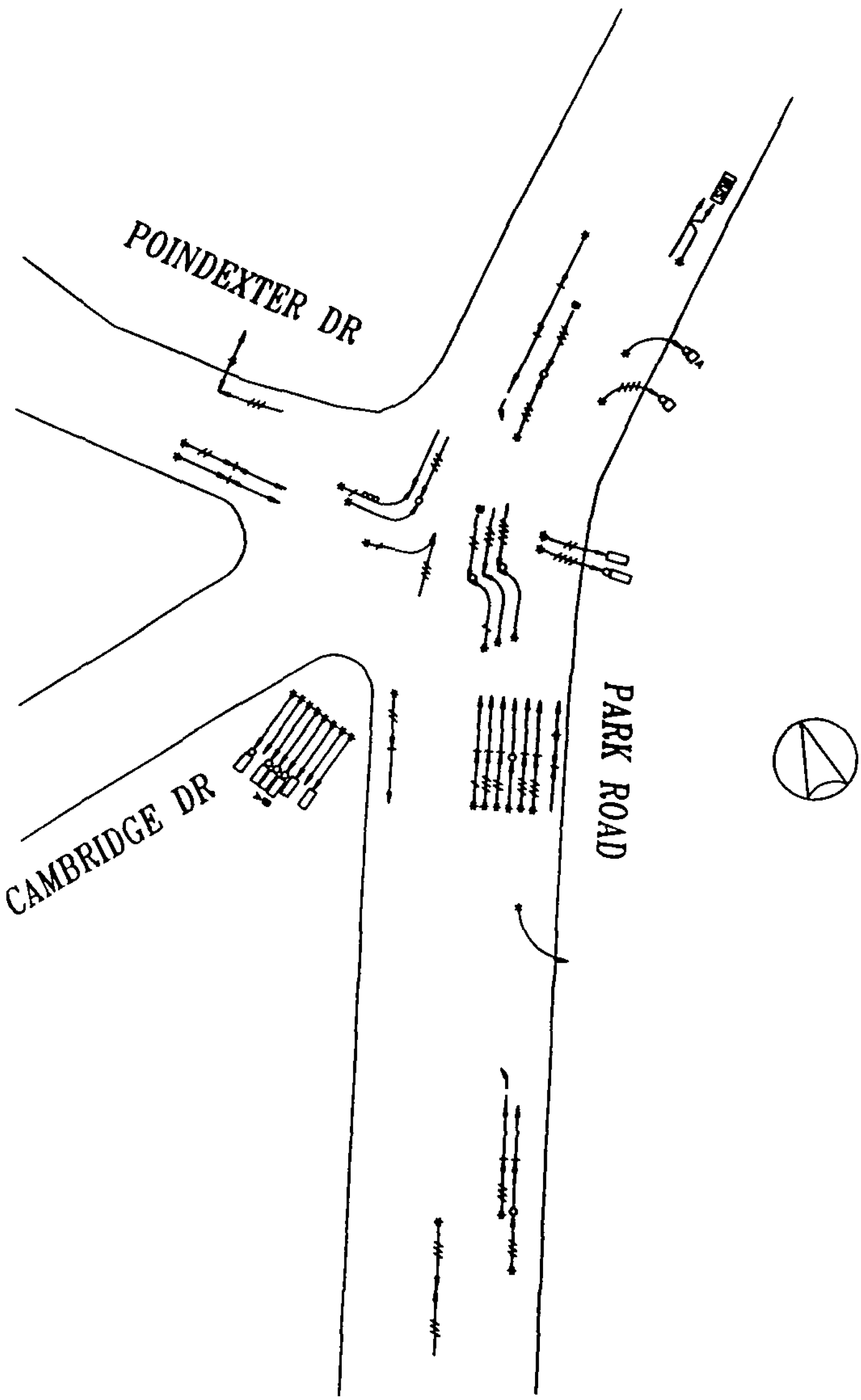
The accident frequency is not unusual for a four lane arterial without left-turn lanes at key intersections or driveways. The accident history represents an average of one accident or less per intersection per month. Accident experience at the existing driveways to Charlotte Catholic High School are depicted on the second and third diagrams. A total of 13 of the reported accidents occurred in the vicinity of the two driveways.

The number of accidents depicted on the first diagram (Cambridge/Park/Poindexter) is 36, or six more than reported at the January Zoning Hearing. The diagram includes two more months of data than previously reported and includes accidents that happened south of the intersection.

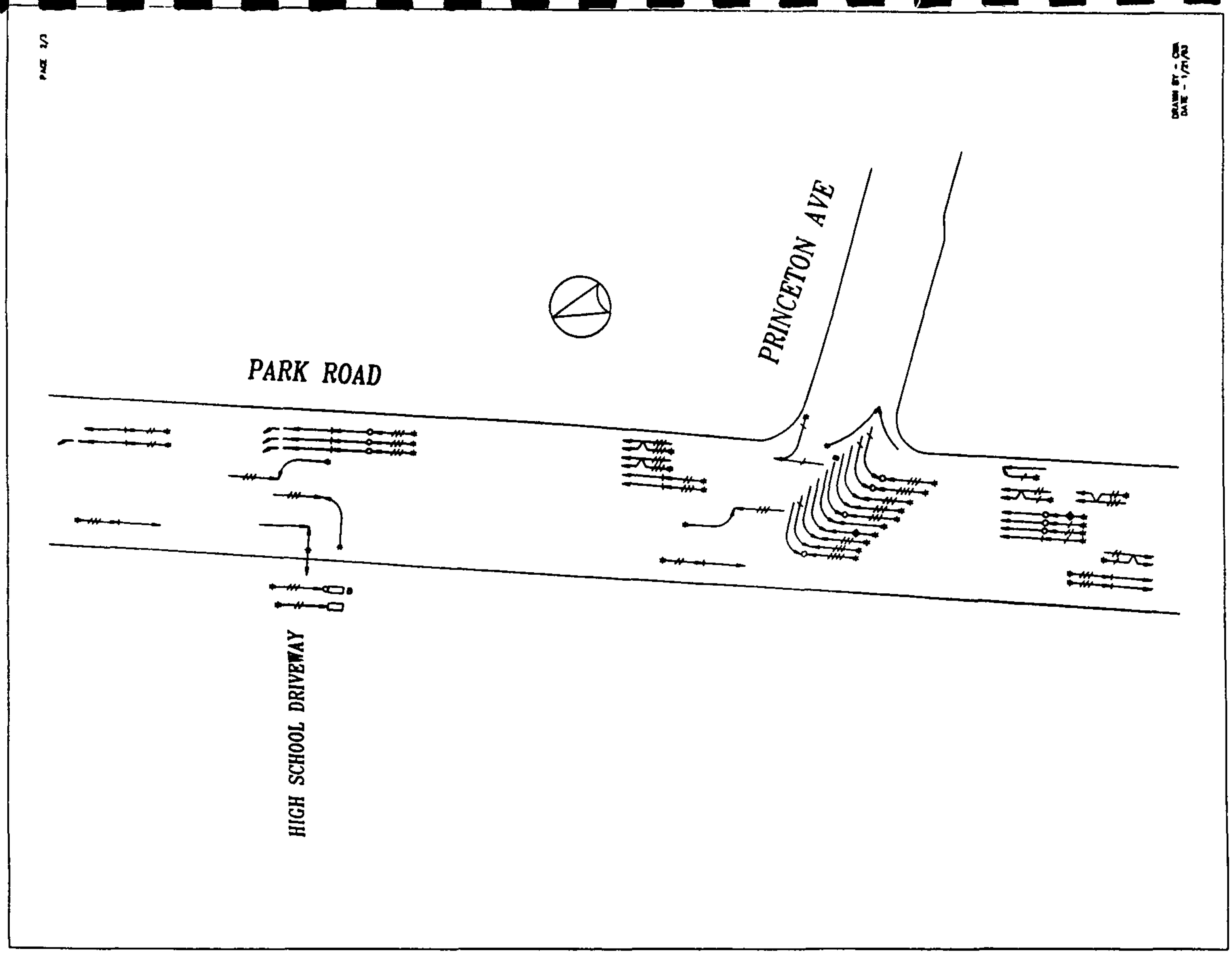
The Charlotte Department of Transportation (CDOT) is unable to predict the number of future accidents that would occur at existing or proposed driveways to the school's facilities. CDOT does not have comparative traffic incident data available for similar high school facilities.

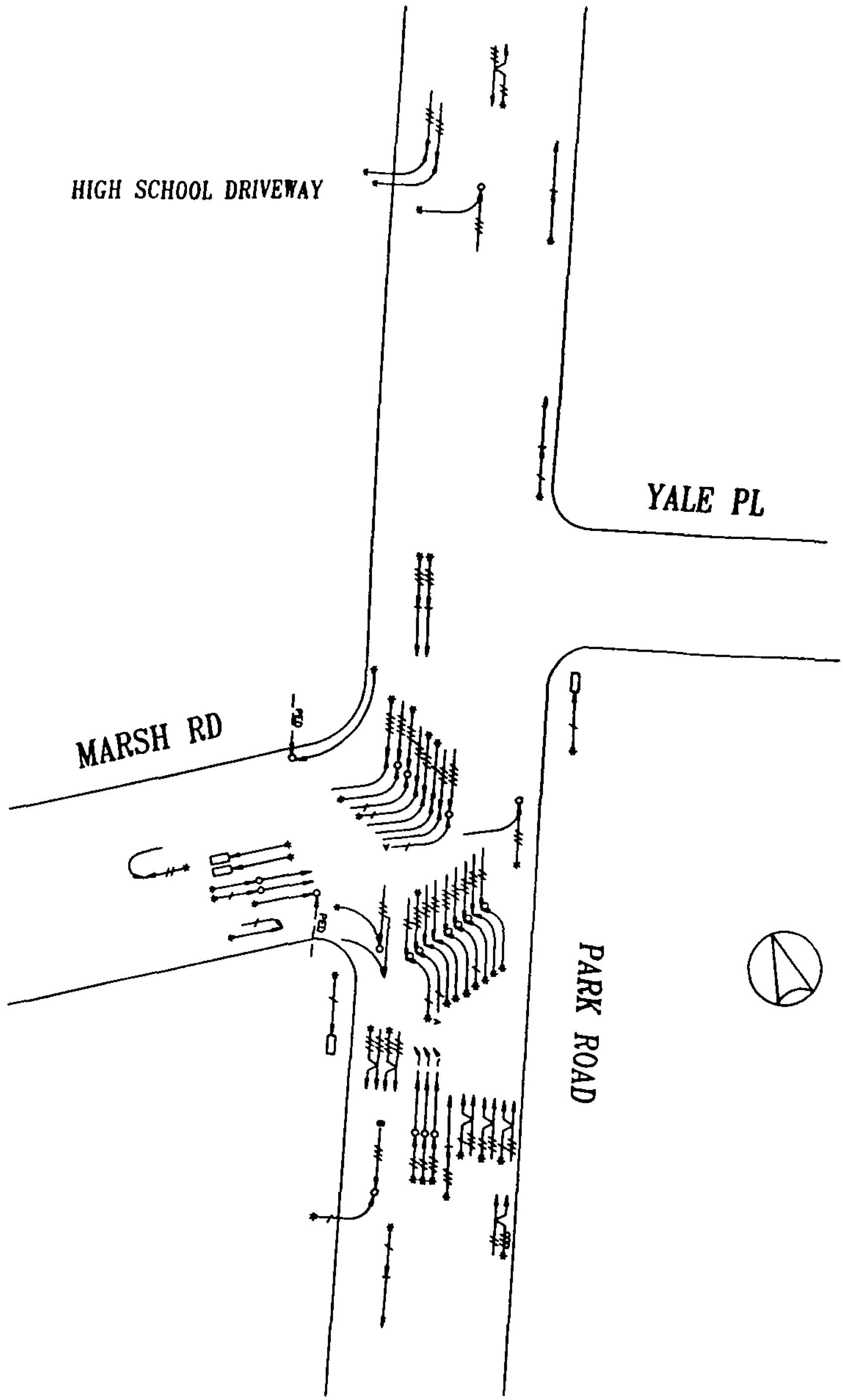
CHARLOTTE DEPARTMENT OF TRANSPORTATION

Collision Diagram & Traffic Accident Analysis



DRAWN BY - CWA
DATE - 1/21/83


PARK ROAD
PRINCETON AVE
HIGH SCHOOL DRIVEWAY



DRAWN BY - CWA
DATE - 1/21/83

ACCIDENT SUMMARIES

PAGE 1

YEAR	Type of Collision									Severity					TOTAL
	RA	RE	LT	HO	SS	BY	FXD OBJ	PED	OTHER	K	A	B	C	Only	
1989		3	2			1	3		2		1	1	5	5	12
1990		2	2		1	1	3		1			1	2	7	10
1991		2	2				2				1		3	2	6
OCT 92		4		1		1	2					2		6	8
TOTAL		11					10								36

PAGE 2

YEAR	Type of Collision									Severity					TOTAL
	RA	RE	LT	HO	SS	BY	FXD OBJ	PED	OTHER	K	A	B	C	Only	
1989		2	2		3		1		1				4	5	9
1990		6	4				1					1	2	8	11
1991		4	2		1				1				1	7	8
OCT 92		3	6		1	1							3	8	11
TOTAL		15	14												39

PAGE 3

YEAR	Type of Collision									Severity					TOTAL
	RA	RE	LT	HO	SS	BY	FXD OBJ	PED	OTHER	K	A	B	C	Only	
1989		1	8		1		1	1				2	4	6	12
1990		3	7		1								4	7	11
1991		4	3		1		2	1	3				4	10	14
OCT 92		3	6		4						2		5	6	13
TOTAL		11	24												50

DATE: January 25, 1993

PETITION NO.: 93-2

PETITIONER(S): James W. Gager

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

LOCATION: A 2.8 acre site located on the north side of Byrum Drive west of Cyrus Lane.

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

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

Nays: None.

Absent: Tabor.

REASONS

This petition proposes rezoning from a single family residential category to the light industrial district. The Southwest District Plan and the Airport Master Plan recognize the potential for properties located near the airport to development for light industrial, business park and office uses. The proposed I-1 category is consistent with the light industrial and business park concept. Therefore Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

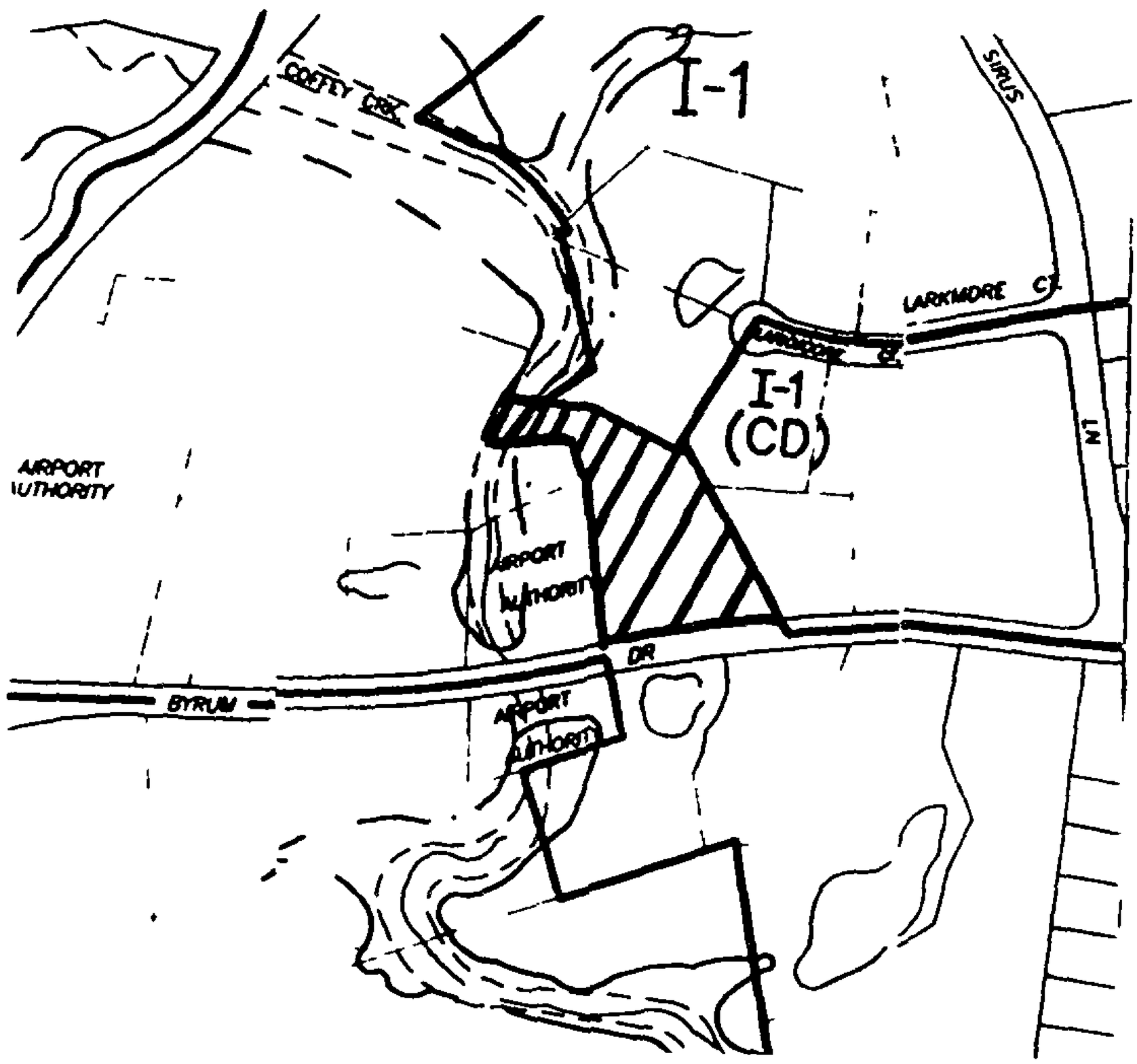
PETITIONER: James W. Gager

PETITION NO.: 93-2 HEARING DATE: January 19, 1993

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately 2.80 acres located on the north side of Byrum Drive west of Sirus Lane.



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

PROPERTY PROPOSED FOR CHANGE

DATE: January 25, 1993

PETITION NO.: 93-3

PETITIONER(S): J.B. Ivey and Company

REQUEST: Change from B-1(SCD) to CC (Commercial Center).

LOCATION: An 8.89 acre site located on the north side of Central Avenue between Sharon Amity Road and Albemarle Road (the Eastland Mall Dillard's site).

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

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

Nays: None.

Absent: Tabor.

REASONS

This petition proposes rezoning of the Dillard's portion of Eastland Mall from B-1(SCD) to CC to accommodate a 41,000 square foot expansion to the existing 120,000 square foot Dillard's building. No other changes are made to the site. The issue which arose at the public hearing regarding the Sharon Amity Road access was noted and the petitioner's agent indicated the mall's representatives will work with City staff on the issue. The Zoning Committee viewed the petition as appropriate and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of Zoning Committee.

Revised

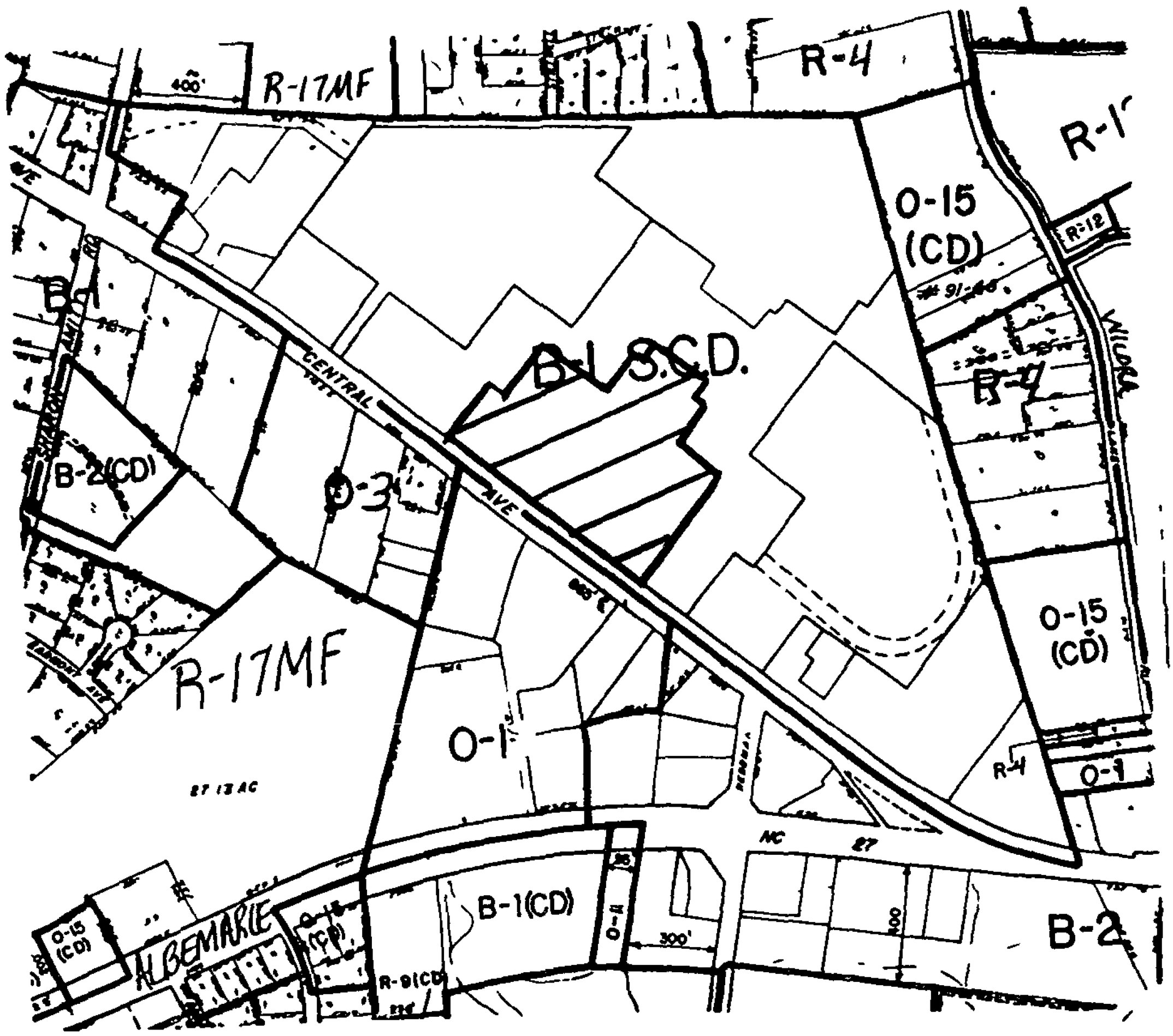
PETITIONER: J. B. Ivey & Company

PETITION NO.: 93-3 HEARING DATE: January 19, 1993

ZONING CLASSIFICATION, EXISTING: B-1SCD

ZONING CLASSIFICATION, REQUESTED: CC

LOCATION: Approximately 8.89 acres located on the north side of Central Avenue between Sharon Amity Road and Albemarle Road.



ZONING MAP NO(s).: 113

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

Zoning Meeting 2-15-93

Mayor Vincent	✓	
Campbell	✓	Vincent Jones
Coldfelter	✓	John Tabor
Hammond	✓	Don Whitehead
McCrary	✓	Olivia Fanning
Majeed	✓	Anne McClure
Morgan	✓	John Jones
Martin	✓	Ken Baker
Patterson	✓	
Reid	✓	
Scarborough	✓	
Wheeler	✓	

6:05

Mayor
Hoyle Martin - Invocation
Mayor - Explained procedures
Anne McClure
Mayor - Announcements
#1 - 92-73
Scar
McCrary / Wh
defer 92-72
Patterson

Reid
Mazor
Mc Clure
Walter Fielder
Patterson
Fielder
Mazor
Gloria Fearing
Mazor
Mc Clure
Hammond
Mc
Unanimous to defer
Scar - #13 93-1
Red - #12 Patt seconded
Mazor
Union to defer 12 + 13 (92-14 + 93-1)

Mazor
92-73 (Continued)
Fielder
Mazor
Underhill
Scar / Patt
ex cure Mazor - Union.

Martin
Underhill
Fields - Presentation
Mayor
Bob Young
Gino Collins
Mangum - Conflict
Mayor - Let's hear from Henry
Mangum
Underhill
Mangum
Mayor
How Wade
Frank Summers
Peter Burlow
Martin - Legal limit of covenants
Underhill
Hammond
Underhill
Hammond
Underhill
Hammond
Mayor
Young - 2 min. rebuttal
Mayor

6:30

McClure -

John Taber - logic between public versus private roads

Young

Taber

Young

Taber

Young

Taber

Young

Taber

Mayer

Mart / mc Close Hearing

union

Mayer

93 - 4

Fielder

Fred Bryant

P. J. Benton

Louise Sellers

Mayer

Mc / Mart - Close hearing

union

Majed

Fielder

Majeed

Mayor

93-5

Kenneth England (mentioned Lee McLaren) 7:00

Mayor

Hammond

Fields.

Hammond

Mayor

Ham / Patt Close hearing

Unan

Mayor

93-6

Mayor

Scan / MC - Close hearing

Unan

Mayor - move to decisions

92-45

Mayor

Mangum

Fields

Mangum

Fields

Mayor

Mangum

Bob Young
Manfrum — no lighting for night playing
(Mildred, I'll tell you what all the ruckus was about)
Mang / whe — move approval
Reid
Hammond — (Clarification to motion — include Bob Young's notes)
Morgan — yes
Martin
Fields
Martin
May or
Scar
Patt
Mayor — 3 points
Majeed
Manfrum (Petition Passes 10-2
No — Reid + Martin)
Scar
Mayor
H 92-64 — Aahr
mart / patt
Mayor

Unain - to	Oppose Hahn (DAV EXCUSED)
Mayor	
92-67	
Uncc -	Cosland Petition
Mayor -	disclosure / conflict
Majeed	
Hahn -	explained conflict of interest
	Tape 2
Mayor	7:30
Henry	
McCrory	
Henry	
Mayor	
	May / Mott -	effective Richard
Reid	
Hahn	
Mayor	Working for Cosland in unrelated matter
Reid	
Henry	
Mayor	
	Patt / Mott - (2 motions to effective Richard)
Hammond -	
Henry U. Patterson	

Underhill

Pat

Morgan

Mayor

Pat - conflict - Campbell - Conflict

Morgan

Martin

Mc Crory

Campbell

Mart - STAY

Wh YAK CAROLINAS INC.

Reid

Mayor - to excuse himself

Mart/Mc to disqualify STAY

Morgan - to disq. STAY STAYS ON

Mayor
Move to Deny - Second Hearing

Wise

Mayor

Wise

Bailey Patrick — Offering to amend plan

Wise - Sub. motion

to approve plan as amended

Majeed - Second

Patterson

Bailey Patrick - retail goes from 540 to 450 SF

Patt - How does this work?

Underhill

Mayor

Underhill

Patrick

Mayor

Majeed 8:00

Mangum

Mayor

Martin

Underhill

Martin

Mc Cray

Hammond
Reid
Patterson — immediacy impugned
Campbell
Henry C.
Campbell
Underhill
Anne McClure
Fields
Scar — withdrew motion to deny
Majed
Mangum — Sub motion to deny / disallowed
Mazon
Underhill
Campbell
Bailey Patrick
Campbell
Patrick
Campbell
Mazon — Vote on Lynn's motion
Henry — motion has to be to refer to Planning to consider amend.
Mazon — Vote to deny — original motion 6-4
yes — Scar — Hamm — Mang — Martin
NO — Camp — Pat — Reid — McC — Maj — White
Sub. motion to approve Campbell / Patt
6-4 yes — Camp — Pat — Reid — White — Maj — McC
NO — H. Hamm — Mart — Mang — Scar

Mayer
#92-71 Combridge
Patt
Morgan - Clarification on last vote
Whe - Statement - Voted to approve
petition w/ reduction in retail
Comp
Mayer - MOTION WAS to approve as stated in agenda
Wheeler NON Binding
Morgan - NON Binding
Patt - Conflict
Underhill
Reid / Campbell - to excuse Cynder
5 - Comp - Wheeler -
Reid - McCrory - HAMM NOT Excused
Majeed
Patterson
Comp / Reid
6 to excuse PATT) Majeed - Wh - Hom - McCrory Reid - Comp

Scarf Reid - to approve
Majeed
Hammond
Passes 6 - 3 Mart - Hom - Majeed NO

Mayor 93-2 | Don Chodfeller
Patt / Morgan | returns
Lemon.

93-3

Morgan / Scar - | move to exclude
Morgan / Scar Move 15 - Unan | Cyprell
Mayor | unan

Move 16 - Resolution | For March
Morgan / Scar
Leave out 93-10 | Unan

Mayor
Back to No. 5 - 5B Handgun legislation
James Barnette
Mayor
Charles Held - opposes proposal
Mayor
Mc Carey
Mayor | APPROVAL
Hom. Mne | 5B / Handgun
Unan

5A
Patt / Scar - Move Approved

Reid
Underhill
Reid
Underhill
Mayer
Hammond
Reid Vote - Motion to approve -
1 no - Reid
Mayer
Wendell White
Ave / None - to Adjourn 9:10

Bhd & Smith