AGENDA

Meeting Type:	B
Date:	01-19-1993
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
January 19, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Lewis Howard, Thomasboro Baptist Church.

2. Announcements

   Friday, January 22 - 8:00 a.m. to 5:00 p.m. City Council Retreat - CH-14

   Saturday, January 23 - 8:00 a.m. to 12:00 noon City Council Retreat - CH-14

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

#1 OVER

   (a) Agenda Item No. 2 - Hearing on Petition No. 92-67

      1) J. Ed Robinette, 1375 Lenoir Rhyne Boulevard, Hickory, NC -(704) 327-8481 - FOR - Submitted letter

      2) Bailey Patrick, Jr., 227 West Trade Street - 372-1120 - FOR

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

      4) Rev. Kenneth Stealing, 211 Hampton Church Road - 547-0296 - FOR

      5) Lewis Walker, 1322 Bonnie Lane - 549-1558 - AGAINST

      6) Brad Winter, 1913 Dembrigh Lane - 547-0960 - AGAINST

   b) Agenda Item No. 4 - Hearing on Petition No. 93-1

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

      2) John Lambert, 9250 Dear Springs Lane - 541-6688 - FOR

      3) Joseph Tracy, Jr., 3500 1 First Union Center - 372-9110 - FOR

      4) Will Miller, 2741 Park Road - 334-7383 - AGAINST

      5) Charlie Hartman, 3217 Cambridge Road - 335-0402 - AGAINST

      6) Sandy Turnbull, 1229 Wyndcrofte Place - 527-7113 - AGAINST

      7) Eleanor Barnhardt, 1438 Devon Drive - 527-6415 - AGAINST

      8) Al Nedrich, 3243 Sunset Road - 845-2001 - AGAINST

      9) Peggy Fox, 1015 Habersham Drive

   c) Agenda Item 6 - Hearing on Petition No. 93-3

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

      2) Mark Barkley, 4044 Robinwood Drive AGAINST

Item # 1 [illegible]

(1) Bob Yonis

(2)

Item # 3 9273

(1) Barbara Weilphal

(2) George Maloomian

CHARLOTTE

Meetings in January '93

JANUARY 1

1, Friday

City Holiday/New Year's Day All Offices Closed

THE WEEK OF JANUARY 4 - 9

4, 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

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

5, Tuesday

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

6, Wednesday

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

7, Thursday

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

THE WEEK OF JANUARY 11 - 16

11, Monday

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

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

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

7 00 p m **HISTORIC LANDMARKS COMMISSION** - Commission Office, The Law Bldg , 730 E Trade St , Suite 100

12, Tuesday

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

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

13, Wednesday

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

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

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

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

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

14, Thursday

11 00 a m **CLEAN CITY COMMITTEE/Business Beautification Awards Committee** - CMGC, Room 270

2 00 p m **ADVISORY ENERGY COMMISSION** - CMGC, Room 118

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

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

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JANUARY 11 - 16 (Continued)

15, Friday

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

THE WEEK OF JANUARY 18- 23

18, Monday

City Holiday/Martin Luther King, Jr Birthday All Offices Closed

19, Tuesday

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 — **COMMUNITY RELATIONS COMMITTEE** - Little Rock AME Zion Church, 401 N McDowell Street

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

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

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

20, Wednesday

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

21, Thursday

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

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

22, Friday

8 00 a m - 5 00 p m — **CITY COUNCIL RETREAT** - CMGC, Meeting Chamber Conference Room

23, Saturday

8 00 a m - 12 00 Noon — **CITY COUNCIL RETREAT** - CMGC, Meeting Chamber Conference Room

THE WEEK OF JANUARY 25 - 29

25, Monday

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

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

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

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

26, Tuesday

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

27, Wednesday

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

28, Thursday

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

29, Friday

9 30 a m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - New Convention Center Office, 2940 One First Union Center

-30-

These organizations will not meet in January

Div of Insurance & Risk Management
Mayor's International Cabinet

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Ann Hammond*

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

Council Agenda Tuesday, January 19, 1993

4:30 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Presentation on Central District Plan

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

Invocation by Rev. Lewis Howard, Thomasboro Baptist Church.

ITEM NO.

PUBLIC HEARINGS

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

Hammond/Manger Close Hrng. Unan.

This hearing was continued from the December 21 Meeting.

Attachment No. 1

2. (92-67) Hearing 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 Commercial Center (CC) 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).

Mangum/Wheeler Close Hrng Unan.

This hearing was continued from the December 21 meeting.

Attachment No. 2

3. (92-71) Hearing on Petition No. 92-71 by Cambridge Properties for a change in zoning from B-1SCD and Institutional CD to Commercial Center (CC) and R-22MF(CD) for a 79.3 acre site located along the west side of U. S. 29, adjacent to University Place.

Hammond/Wheeler Clse Hrng unan.

This hearing was continued from the December 21 meeting.

A protest petition was filed, but has now been withdrawn

Attachment No. 3

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

Hammond/Martin Clse Hrng unan

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

Attachment No. 4

5. (93-2) Hearing on Petition No. 93-2 by James W. Gager for a change in zoning from R-3 to I-1 for approximately 2.80 acres located on the north side of Byrum Drive west of Sirus Lane.

Cloffelter/Martin Clse Hrng unan

Attachment No. 5

6. (93-3) Hearing on Petition No. 93-3 by J. B. Ivey and Company for a change in zoning from B-1SCD to Commercial Center (CC) for approximately 8.9 acres located on the northerly side of Central Avenue between Sharon Amity Road and Reddman Road (the Dillard's portion of Eastland Mall).

Hammond/Wheeler Clse Hrng unan.

Attachment No. 6

DECISIONS

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 for a 30.2 acre site bounded by Sharon, Quail Hollow and Sharon Hills Roads.

Cloffelter/Mangum Defer #7-92-45 #10-92-72 & #11-92-74 30 days unan

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

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

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

Attachment No. 7

Ord. #1

8. (92-69) Decision on Petition No. 92-69 by Center Properties for a change in zoning from B-1 and O-1 to B-2(CD) for an 8.5 acre site located on the southwesterly corner of the intersection of Sharon and Fairview Roads.

Mangum/Campbell
app.
No- Reid, Mayeed

The Zoning Committee recommends that this petition be approved.

Attachment No. 8

Ord. #2

9. (92-70) Decision on Petition No. 92-70 by Norwood Plants and Garden Center for a change in zoning from R-3 to B-1(CD) for approximately 3.39 acres located on the northerly side of Albemarle Road east of Hollirose Drive.

Campbell/Mayeed
app
No- Hammond, Cloffelter, + Mangum

The Zoning Committee recommends that this petition be denied.

Attachment No. 9

10. (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 the intersection of Queens Road West and East Boulevard.

Cloffelter/Mangum
Defer for 30 days
unan. *

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

Attachment No. 10

11. (92-74) Decision on Petition No. 92-74 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to correct typographical errors and provide num rous technical corrections.

Cloffelter/Mangum
Defer for 30 days
unan. *

The Zoning Committee deferred this petition for 30 days.

Attachment No. 11

Res #1

12. Recommend approval of a resolution calling for public hearings on Monday, February 15, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petitions 93-4 through 93-6 for zoning changes.

Cloffelter / Manager's app & resume hearing on 92-73

13. Recommend adoption of a motion to hold an executive session following this meeting for the purpose of conferring with the City Attorney about the Simpson v. City and Vulcan Materials lawsuit as permitted by G.S. § 143-318.11(a)(4).

Cloffelter / Hammond adopt motion to go into executive session.
No - Reid

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1993

Mayor and City Council:

RE: Petitions to be Heard in January.

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Tuesday, January 19, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields III (dmh)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-64

Petitioner: The Hahn Company

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

Request: Change from B-1SCD to CC

BACKGROUND

1. Existing Zoning. The subject property is zoned B-1SCD as a result of previous rezonings under the County's jurisdiction which date back to 1982 and 1986. Properties located to the south of the petitioned site across W.T. Harris Boulevard are zoned a combination of B-1(CD) and O-15(CD). Adjoining properties located to the north and east (in University Place) are also zoned B-1SCD. Properties located across U.S. 29 are zoned Institutional.

2. Existing Land Use. The petitioned property comprises most of the remaining vacant nonresidential tracts associated with the University Place Master Plan. The balance of the University Place development contains the Oasis Temple, the Hilton Hotel, retail shops and various offices. Nearby tracts located to the north of Carley Boulevard are developed with apartments and a school. To the south of W.T. Harris Boulevard are office and commercial developments including hotels, restaurants and banks. Across U.S. 29 is University Memorial Hospital.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential land uses and a major mixed use center (University Place) for the subject property. The research park is also recognized as a major land use in the area. 2005 strategies for the area include extension of water lines along U.S. 29 and expansion of the greenway along Mallard Creek. The widening of Harris Boulevard has been completed for this area.

   2. Transportation Improvement Program. The Transportation Improvement Program includes the widening of I-85 and Harris Boulevard for this area. Those projects have now been completed.

   3. Greenway Master Plan. The Greenway Master Plan includes the Mallard Creek and Toby Creek Greenways.

   4. Northeast District Plan. The Northeast District Plan recognizes University Place as an emerging regional commercial center and recommends a mixture of office and commercial uses for the subject property. The district plan recognizes the

high quality of the University Place development to date which is characterized by integrated design and pedestrian orientation.

4. Site Plan. The site plan which presently controls the development of University Place provides for a mixed use development including a 400 room hotel, a 60,000 square foot conference center, a total of 863,000 square feet of retail/entertainment uses, 1,750,000 square feet of office development, a 15,000 square foot school, 990 units of residential development, and a sports facility of 30,000 square feet for a maximum of 4,168,000 square feet of development. The site plan allows two vehicular connections to Harris Boulevard and 100 foot building setbacks along I-85 and Harris Boulevard. A design control manual associated with the site plan provides for a series of additional restrictions on the development outlining requirements for open space, a pedestrian system, a planned public street system, a planned landscaping/planting system, architectural controls, special design elements, coordinated paving, lighting, and signage. The design control manual also provides for a design review board which reviews all phases of the design process prior to the issuance of building permits for the development.

   The proposed site plan which accompanies this petition proposes rezoning of 77.7 acres of the overall 240 acre University Place site from B-1SCD to CC. The proposed site plan would permit 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 eliminating approximately 1 million square feet of office development. The plan proposes three large freestanding anchor tenants along I-85 and a smaller scale shopping center oriented to the lake. The plan realigns Carley Boulevard to the east in order to accommodate the large anchors.

   Generally, the conditional zoning site plan which has represented the University Place Master Plan has changed its retail concept over the years. The original 1982 B-1SCD site plan set up the major retail component of the University Place project as a "town center" with an emphasis on building mass, scale, open space, etc. The town center concept would relate the major shopping area to the pedestrian in an outside, somewhat European, atmosphere. Subsequent plan amendments were approved which shifted the focus to a more typical suburban mall concept. The requested plan amendment seeks to further amend the concept to a "power center" focus with three large freestanding anchor tenants located along I-85 and a separate shopping center along the lake comprising the major retail component.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-2	R-12, B-2 & RE-1 to Inst.	Approved	05/18/70
2. 70-17	R-12 to RE-1	Approved	05/18/70
3. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
4. 85-49(c)	B-1SCD to R-20MF	Approved	11/18/85
5. 86-44(c)	B-1SCD Site Plan Amendment	Approved	12/01/86
6. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/01/86
7. 88-17(c)	RE-1 to O-15(CD), B-1(CD) & B-D	Approved	07/20/88

7. Neighborhood. This petition falls within the area defined as the University City.

REVIEWS

1. Plan Consistency. Publicly adopted plans for this area have long recognized University Place to be a regional commercial center. Recent plans for the area have recognized that University Place has provided an integrated pedestrian oriented regional commercial center providing services for an ever-growing residential population. From this standpoint, the petition is consistent with land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. Staff has worked with the petitioner over a number of months specifically focusing on design aspects of the conditional zoning site plan.

   2. Departmental Comments. Outstanding departmental comments relate to the need for reconfiguration of the J.M. Keynes/Carley Boulevard intersection so that the through movement continues to be J.M. Keynes Boulevard and clarification that the Hilton Hotel parking is not made nonconforming as a result of this rezoning. Staff noted that the plan provides a seemingly excessive amount of parking associated with the power center area, though no parking calculations are actually provided. Staff also noted that the nature of the submission of this rezoning leaves out many properties that were included in the previous rezonings to B-1SCD. The 1986 approved site plan will therefore provide for development rights on a number of properties which will now not be included in that site plan. Staff noted to the petitioner that this results in the need for either an administrative site plan amendment request or for incorporation of the remaining properties in this petition. Although not a major issue it nevertheless has not been resolved. If left unresolved subsequent to the ultimate

decision on this case it will be left to the staff to apply the leftover development rights on the remaining parcels or a separate petition will be required.

ISSUES

1. Land Use. This petition proposes a change from one retail zoning category to another on a site which has long been recognized by publicly adopted plans as providing the regional commercial center focus for the university area. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition basically changes the major retail component of University Place from a "mall" focus to a "power center" focus. The staff and the petitioner have worked together for several months to develop a site plan that retains many of the same design, landscaping, open space, and architectural details as have been associated with the University Place project since its original rezoning. The revised site plan has incorporated many measures to ensure the same high quality level of design will be associated with the project in the future. There are a number of fairly minor site plan issues that need to be addressed prior to the ultimate decision on this petition. Those items include the need for clarification that the Hilton Hotel parking would not be rendered nonconforming by this rezoning (the Hilton meets some of its minimum parking through a temporary parking easement on a portion of the Hahn property) and reconfiguration of the J.M. Keynes/Carley Boulevard intersection to maintain J.M. Keynes as the through movement. The site plan would be considered appropriate for approval with these minor clarifications.

CONCLUSION

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 retail buildings. Although this shift in focus would typically represent a departure from the high design standards associated with University Place, the revised site plan has taken great steps towards ensuring continued attention to details related to architectural design, open space, pedestrian pathways, etc. The petition is considered appropriate for approval contingent upon the site plan changes noted above.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 9

Date Filed

Received F

PETI

P

Ownership Information

Property Owner: THE HAHN COMPANY (agent for University Place Mall, Inc.)

Owner's Address: 4530 La Jolla Village Drive, Suite 700 San Diego, CA 92122-1233

Date Property Acquired: ~~12/31/87, 8/16/90, 12/13/91~~

Tax Parcel Number: 047-201-26, 047-201-27, 29, 39 and 047-201-01

Location of Property (address or description)

northeasterly intersection of I-85 and W.T. Harris Boulevard

Description of Property

Size (Sq Ft Acres): 77.7 ±

Street Frontage (ft): Carley Blvd, I-85, W.T. Harris

Current Land Use: undeveloped

Zoning Request

Existing Zoning: B-1 S.C.D.

Requested Zoning: C.C.(CD)

Purpose of Zoning Change: to develop a major commercial complex, which is consistent with the land use Master Plan for University Place. (The Commercial Cente ~~(CC) district is required because the B-1 S.C.D. district no longer exists~~

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

Agent's Address: 334-9157

Telephone Number

Name of Petitioner(s): THE HAHN COMPANY (agent for Univer Place Mall, Inc.)

Address of Petitioner(s): 4530 La Jolla Village Drive, Suite San Diego, California 92122-1233

Telephone Number: 619/546-1001

Signature: VICE PRESIDENT

Signature of Property Owner if Other Than Petitioner

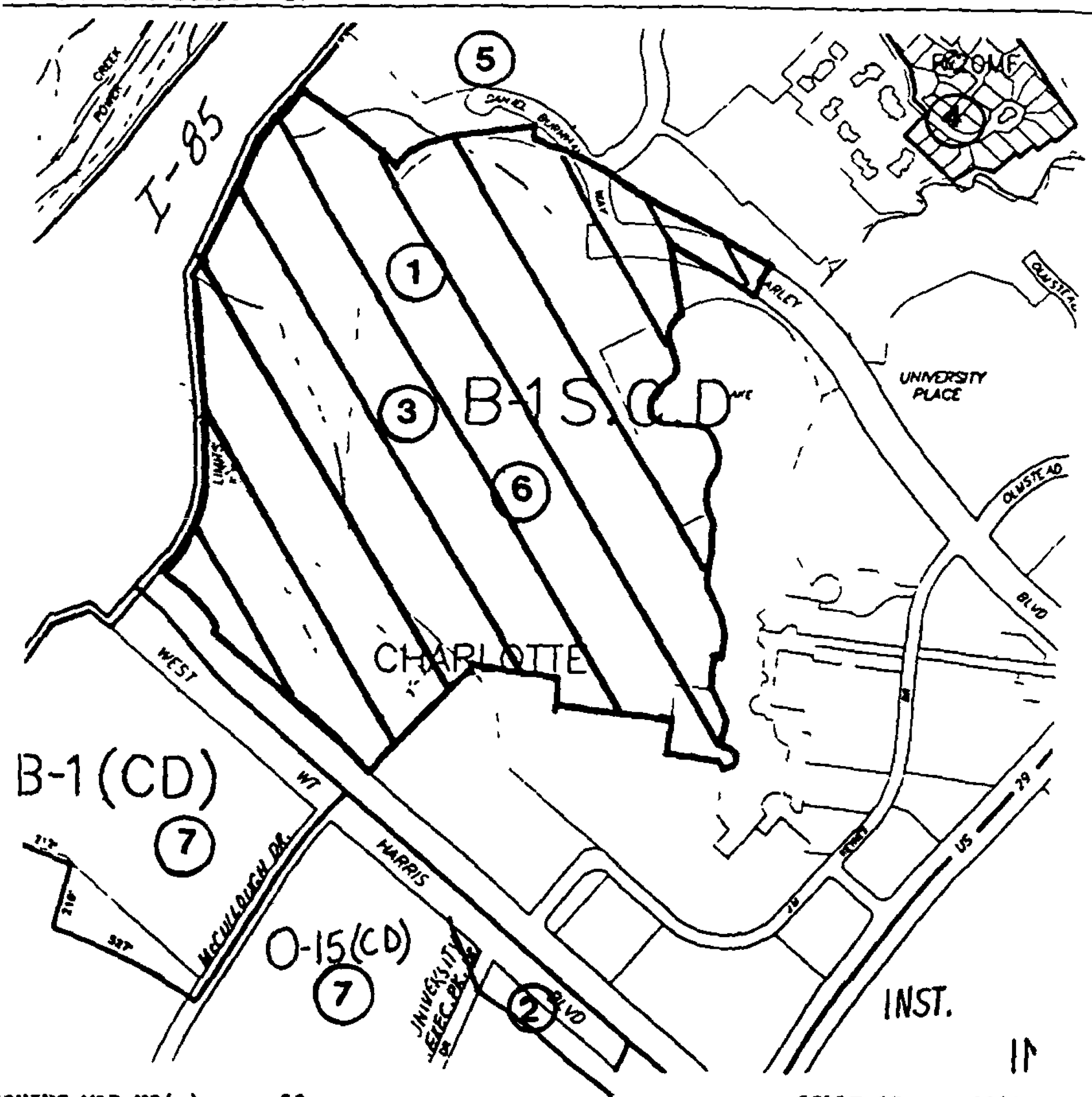
PETITIONER: The Hahn Company

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

M E M O R A N D U M

DATE: October 27, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-64: I-85 and W. T. Harris Boulevard
(Revised 10/15/92)

This site could generate approximately 34,197 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (27,225 trips per day) has remained the same.

We have previously requested that a Traffic Impact Study (TIS) be submitted by the developer to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity. CDOT has not yet received the required TIS.

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

In review of the revised site plan we have the following specific comments:

- Carley Boulevard cannot be extended unless the existing Carley Boulevard is widened/constructed as per the previously approved conditional plans (RP 86-64 (c)).

- Per the previously approved conditional plan, the existing median opening and operating traffic signal will be removed at J. M. Keynes Drive and W. T. Harris Boulevard when Carley Boulevard connects to W. T. Harris Boulevard opposite McCullough Drive (Section 5.5 of the Design Control Manual for RP 86-64(c)).

- Sidewalks should be constructed on <u>both</u> sides of Carley Boulevard.

- We request the reservation of 100 spaces for a Charlotte Transit park-and-ride facility (Needed 7am-6pm weekdays).

- We ask that sites be provided for 2-3 transit shelters to be installed by City once Carley Boulevard is completed. Future location of transit shelters should be shown on plan and noted under Development Note B.

W. T. Harris Boulevard is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated on the plan that there is an existing 200-foot right-of-way.

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

The proposed street connection to W. T. Harris Boulevard requires a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for the North Carolina Department of Transportation review and approval.

All future commercial driveway connections to the proposed public Street (Carley Boulevard) will require a driveway permit to be submitted to CDOT for review and approval.

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

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Robert G. Young, Inc.
The Hahn Company
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-67

Petitioner: The Foundation of the University of North Carolina at Charlotte, Inc. and the Crosland Group.

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).

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

BACKGROUND

1. Existing Zoning. The property involved with this request is composed of three zoning classifications. Portions of the site along Highway 49 (University City Boulevard) are zoned R-3. Portions of the site along Hampton Church Road and Washington Boulevard are zoned R-5. The vast majority of the site is zoned Institutional. To the north of the site in the vicinity of the intersection of U.S. 29 and Harris Boulevard is a mixture of Office and Commercial zoning. To the east of the site across Harris Boulevard the land is zoned for institutional use and a B-1SCD retail site. To the south across N.C. 49 there is also property zoned for institutional and retail uses but there is also a substantial area zoned R-3 single family. To the west of the site along Highway 29 the property is zoned B-2.

   Note. The Institutional portion of this site was proposed for rezoning by the Charlotte-Mecklenburg Planning Commission in early 1992. The purpose of the rezoning was to bring the property into conformance with the recommendations of the Northeast District Plan. Although supported by the residents of the Hampton Church Road area, the owners of the institutional property objected to the petition which was subsequently denied by the City Council.

2. Existing Land Use. The property involved with this request is largely undeveloped but does include a number of existing single family homes as well as subdivided single family lots. To the north and west along Highway 29 is a mixture of commercial and office uses. To the east across Harris Boulevard is the main campus of the University of North Carolina at Charlotte and the Town Center Shopping Center. To the south across University City Boulevard is existing single family development, substantial areas of undeveloped land, and a developing retail center comprising approximately 140,000 square feet of total retail floor area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates that this property would be used for employment type uses as it contemplated the

expansion of the University of North Carolina campus onto this land. The plan indicates the Town Center Shopping Center as a community commercial center for this area and 2005 strategies include improving Harris Boulevard and extending water and sewer lines into the area.

2. *Transportation Improvement Program (TIP).* The TIP calls for the extension of N.C. 49 to North Graham Street via the construction of a new road which would interchange with Interstate 85. This is priority number 7 in the 2005 Transportation Plan for this area. The TIP also calls for the improvements of the existing interchange of N.C. 49 and W.T. Harris Boulevard. The upgrade will include ramps in the southwest quadrant and is predicated upon the projected congestion in the area upon the completion of the N.C. 49/Graham Street Connector.

3. Northeast District Plan. The Northeast District Plan (adopted 1990) recommends multi-family and a mixture of multi-family and office use for the subject property. The office portion of the area would be oriented toward existing office development along the Highway 29 corridor. The vast majority of the remainder site along Harris Boulevard and along 49 is proposed for multi-family use to accommodate the growing student, facility, and staff population of the University of North Carolina at Charlotte and the University Research Park. The district plan also proposes a number of infrastructure improvements including the extension of water and sewer lines and the upgrading of U.S. 29 from four to six lanes within the medium time period.

4. Hampton Park Special Project Plan. The Hampton Park Plan (adopted 1988) does not recommend any zoning changes in the area. The plan recommends extension of water and sewer lines into the Hampton Park community and the improvement of housing conditions in the area. The plan expresses concern as to whether or not this small residential community will be able to survive development pressures in the area. The water and sewer extensions have been completed.

5. UNCC District Plan. The UNCC District Plan (adopted 1984) recognizes the institutional zoning on this property and contemplates the use of the area as an extension of the University of North Carolina at Charlotte campus. It recognizes the existing Town Center Shopping Center at the intersection of Highway 49 and Harris Boulevard and also acknowledges the major mixed use development at the intersection of Harris Boulevard and I-85 known as University Place. The UNCC District Plan was intended as an interim land use plan in place until the 2005 Plan and subsequent district plans could be developed and adopted.

6. Comprehensive Plan 1995. The 1995 Plan (adopted by the City Council in 1975) shows this property as an area for the expansion of the University of North Carolina at Charlotte.

7. University City Plan. The University City Plan prepared in late 1968 was the first significant planning effort in this area after the announcement of incorporation of the Charlotte College campus into the University of North Carolina system. It attempted to establish a basic policy framework to guide the development of an area which was sure to grow as a result of the anticipated growth of the university. Many of the land use features which are present today including the major thoroughfare system in the area, the Town Center Shopping Center, and many of the residential and research areas were contemplated by this plan. University City Plan called for the property involved with this rezoning request to be used for multi-family residential purposes.

4. Site Plan. The site plan which accompanies this application proposes the development of the site for a "Power Center" type shopping center. The project would contain a maximum of 540,908 square feet of retail floor area and proposes approximately 3,000 parking spaces. This amount of parking is over 38% in excess of what is required by ordinance. The plan indicates an access point to U.S. 29, a driveway type access to Harris Boulevard, and two entrances to Highway 49. The northwesterly edge of the site is interrupted by the Hampton Church Road right-of-way and a single lot at the end of Hampton Church Road. The plan indicates substantial grading along the edge of the Hampton Park neighborhood and over the entire site in general. While the existing elevations from west to east drop approximately 70 feet the after grading elevations will drop approximately 90 feet across the site. The plan includes four outparcels along Highway 49 with internal access and indicates that stormwater will be managed at the intersection of Harris Boulevard and N.C. 49 which is the low point of the site. While the plan indicates buffers to meet the minimum City requirements the substantial amount grading which will take place on this site will result in virtually none of the existing substantial tree cover being preserved except along the very extreme margins on the northwesterly side of the site in the vicinity of Hampton Church Road and Washington Boulevard. Although not shown on a site plan the property contains a number of existing public streets which will have to be abandoned by the City Council in order for this project to be developed. The plan contains a number of notes dealing with the development of the site and makes reference to architectural renderings for building elevations which are "attached to this rezoning plan". No such elevations have ever been submitted with the application. The plan does not include any information about transportation improvements at the proposed access points nor does it contain any information about the phasing

of the project if any is to be proposed. A transportation study has been prepared and submitted to the City's Department of Transportation and is being evaluated.

5. School Information. Information from the School Board has been requested but has not been received as of the preparation of this report (11/26/92).

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-5	R-12, R-12MF, B-2 to Inst.	Approved	05/18/70
2. 70-15	R-12 to B-2	Approved	05/18/70
3. 72-62(c)	Inst. to B-2	Approved	10/06/72
4. 72-89(c)	R-12 to O-9	Denied	12/06/72
5. 74-38(c)	Inst. to B-2	Approved	01/06/75
6. 89-12(c)	Inst. to O-15(CD)	Approved	05/15/89
7. 89-43(c)	Inst. to B-1SCD	Denied	12/18/89
8. SUP 91-3	Inst. to SUP to allow fraternal organizations	Denied	11/23/91
9. 92-4	Inst. to R-3	Approved	04/20/92
10. 92-5	Inst. to O-1	Approved	07/20/92
11. 92-23	Inst. to R-5	Approved in Part	06/15/92

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of a large tract of land including land occupied by existing single family residences from institutional and residential to the commercial center district. Starting in 1969 there have been a number of public plans adopted for this area. All of those plans have shown this property to be used only one of two uses: residential including multi-family residential or institutional to provide for the expansion of the University of North Carolina campus. None of them have ever contemplated the use of this property for any commercial use, much less one of this scale. Beginning with the 1969 University City Plan the commercial services in this portion of the community were to be provided for and have been provided by the Town Center Shopping Center located to the east of the subject site. In the early 80's public plans began to recognize the need for additional commercial development in the area and since at least 1984 that commercial area has been defined as the University Place area. Plans have provided for additional commercial opportunities along the Highway 29 corridor inasmuch as commercial

zoning was already present in those areas. Less than two years ago an additional power center site was rezoned by the Board of County Commissioners just prior to the time that the City annexed the property and that site is located directly across Highway 29 from this proposed site. The combination of the existing zoning in the University Place development and the existing zoning across U.S. Highway 29 from this property is more than adequate to accommodate the needs of this portion of the community for centers of this size.

Pursuant to instructions from the City Council the Planning staff has conducted a study of the retail issue in the northeast district. The staff looked at sizes, location, and service areas of a wide variety of shopping center types. The study also includes an evaluation of the amount of shopping provided to residents of Mecklenburg County with the amount of shopping that would be provided by retail development built within accordance with the Northeast District Plan. That information was also compared with state and national averages and tested against three different development scenarios with varying populations. The study reveals that the Northeast District is under served with regard to smaller type shopping centers but is substantially over served with regard to shopping centers in the regional/power center range which is from 300,000 to 750,000 square feet. The study clearly indicates that another shopping center of this size is simply not warranted.

It is also important to recall the recent zoning history in this immediate area with regard to retail development. The Town Center Shopping Center has been long established in the area and is the shopping center which was first noted in the 1969 University City Plan. Since that time public policy has always recognized that center as providing for the shopping needs of the immediate vicinity. However, that center was allowed to grow to large and in doing so began to change in character. Within the last several years a proposal to expand the Town Center Shopping Center was approved although the staff cautioned that the expansion was not in conformance with plans for the area and that it would change the character of retail in the area and likely result in more petitions being requested. In addition a petition to rezone institutional property to the office category directly across Harris Boulevard from the Town Center was approved predicated upon the notion that the institutional district allowed a number of office type uses through the special use permit process and that changing the zoning from institutional to office would be in general conformance with plans for the area. However, a subsequent petition for the property propose to change the office zoning to a commercial classification to provide for 140,000 feet of new retail space in the area. This petition was also opposed by the staff who noted its inconsistency with plans for the area

and warned that it would set the stage for additional zoning requests in the area for retail type uses. That request was also approved.

The magnitude of the present zoning request raises substantial concerns about the future of Highway 49 between Harris Boulevard and its connection with U.S. 29 to the west. The vast majority of the property opposite this site is undeveloped and zoned either institutional or single family. In many cases the tracts are already subdivided into small parcels and in some cases the land is developed for existing single family neighborhoods. The approval of this petition will no doubt result in additional requests for commercial zoning along this major thoroughfare which is a gateway to both the University of North Carolina/University City area as well as a gateway to the North Tryon Corridor and Uptown Charlotte.

This petition is clearly inconsistent with the entire body of public policy and plans for this area dating back over 20 years. More than ample zoning is already in place to accommodate retail development of this type and the approval of this petition would have substantial negative impacts on the overall quality of development in the area as well as trigger additional zoning requests of like type.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has met with the petitioner on a number of occasions prior to the filing of this application. The staff strongly discouraged this request and pointed out its inconsistency with long established policy for this portion of the community. Subsequently the staff has communicated a number of concerns and site plan deficiencies to the petitioner. Many of those deficiencies remain on the revised site plan.

   2. Departmental Comments. As noted above a number of the comments furnished to the petitioner has not been addressed on the site plan. Both the Planning and the Building Standards Department request additional information on buffers and edge treatments and the City Engineering Department requested specific information about existing vegetation within the right-of-way and within the setback along Harris Boulevard and N.C. 49. The petitioner was advised that a minimum submission requirement calls for existing right-of-ways to be shown on the site plan. The City's Department of Transportation is in discussions with the petitioners transportation consultant about the traffic impact for the site inasmuch as the site plan makes no proposal for specific transportation improvements those matters will invariably have to be

addressed prior to any resolution of this case. In addition the site plan shows a "public access drive" from the northeast corner of the site to Harris Boulevard. The petitioners were advised that that would have to be a public street dedicated through the normal subdivision process and not just an access drive. Unless it becomes a public street it would have to be removed from the site or the property over which it runs will have to be rezoned as well. Notes on the site plan make reference to elevations for the various buildings and indicate that those are part of the submission. However, as of the preparation of this report no such elevations have ever been submitted or reviewed as part of this application.

ISSUES

1. Land Use. This petition raises a significant land use issue. Public policy in this area for over 20 years has recognized this property as being appropriate for either the extension of the University of North Carolina campus or for the establishment of housing to support the growth of the campus and other employment opportunities in the area. No publicly adopted plan has ever called for this site to be used for retail purposes. Even if one argues that the Northeast District Plan would allow some mixture of office and multi-family uses, that mixture is clearly oriented toward the existing office zoning along Highway 29 and does not contemplate the extension of even office uses all the way to the Highway 49 frontage. Existing zoning in the area is already more than adequate to provide for retail opportunities for a center of this size. Indeed there are two existing conditionally zoned sites as well as many acres of straight-up commercial zoning which would accommodate this type of development. A study of the retail needs in this area show a significant over supply of zoning for this type of development and indicate that additional zoning for a power center is unwarranted. Recent retail requests in this immediate area have raised the plan consistency issue in the past. Both the expansion of the Town Center Shopping Center and the conversion of Chancellor Park from office to retail were inconsistent with the adopted plans for the area. In both instances the staff raised concerns that the cumulative effect of these small changes begin to change the character of the retail uses in the area and would no doubt result in additional proposals. In view of the remaining undeveloped land along University City Boulevard and this immediate area the approval of this petition would no doubt have the same result.

   The staff also has concerns with regard to the impact that this petition will have on properties beyond just the immediate area. As City Council struggles to preserve the North Tryon Corridor centers of this type tend to run contrary to the policy of preserving retail where it already exist. Indeed, it is

reasonable to expect that portions of this site would simply transplant uses from North Tryon Street as recent newspaper articles have already indicated for the Chancellor Park site directly across Highway 49. That site will be the site of a Lowe's store and the press indicates that upon the completion of the new store the existing store on North Tryon Street will likely close. In view of the fact that studies reveal a significant over supply of zoning in this area already and the rezoning of this property would likely damage existing retail development in the "City Within A City" area the approval of this rezoning is not only inappropriate but potentially damaging to a fragile portion of the community.

2. Site Plan. The site plan which accompanies this request proposes the development of a 540,000 square foot power center with a number of outparcels along Highway 49. In its present form it does not meet minimum submission requirements and still contains a number of deficiencies with regard to information on transportation improvements, access, and edge treatments. At the very minimum it must show the existing streets which the City Council will be asked to abandon in order to make this development possible. In its present form it does not appear to adhere to the City's ordinance requiring tree preservation and contains a very unusual situation with regard to a single family structure which will be surrounded by this proposed development. While it might be possible for the petitioner to correct these deficiencies prior to approval the vast majority have been noted in advance and have not been corrected to date. In its present form the site plan cannot be approved.

CONCLUSION

This petition should not be approved.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

Petition No 92-67

Date Filed August 27, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See attached list

Owner's Address See attached list

Date Property Acquired Under option by Petitioner

Tax Parcel Number See attached list

Location of Property (address or description) Intersection Hwy 49 (University City Blvd.) and W.T. Harris Blvd.

Description of Property

Size (Sq Ft -Acres) ± 80 Acres Street Frontage (ft) 3500 LF

Current Land Use Undeveloped and Residential

Zoning Request

Existing Zoning R-3 Single Family Residential, Institutional District R-5 Requested Zoning CC Commercial Ce

Purpose of Zoning Change To accomodate a shopping center facility

Name of Agent

Agent's Address

Telephone Number

Foundation of the University at Charlotte, Inc.
The Crosland Group

Name of Petitioner(s)

125 Scaleybark Road, Charlotte

Address of Petitioner(s)

(704) 523-0272

Telephone Number

Signature

See Attached Signatures

Signature of Property Owner if Other Than Petitioner

PETITIONER: The Crosland Group

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

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

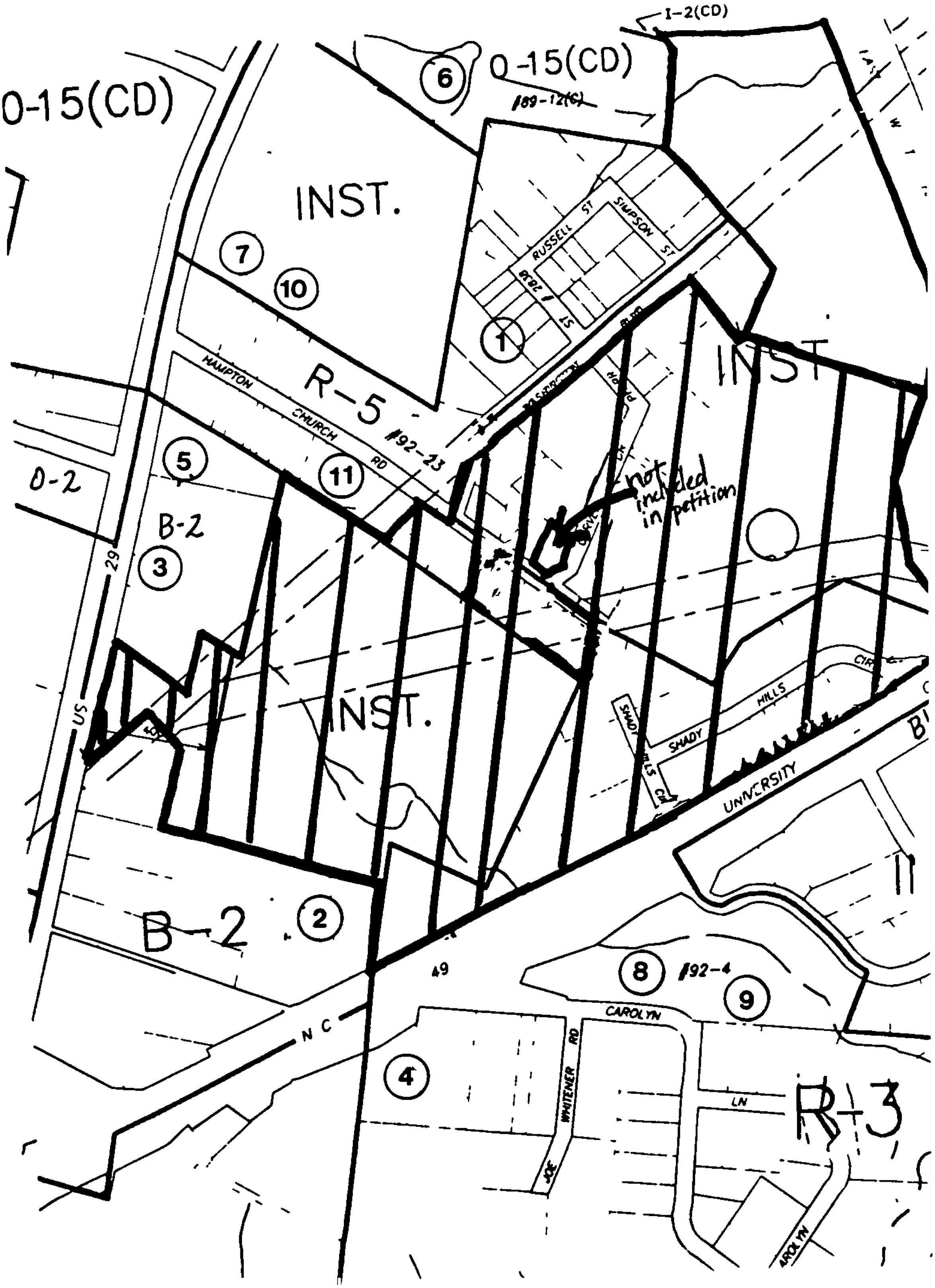
ZONING CLASSIFICATION, REQUESTED: CC

LOCATION: Approximately 60 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


I-2(CD)
O-15(CD)
O-15(CD)
#89-12(C)
INST.
INST.
INST.
INST.
R-5
#92-23
O-2
B-2
B-2
R-3
#92-4
not included in petition
HAMPTON
CHURCH RD
RUSSELL ST
SIMPSON ST
ROBERTSON
PLUM
US 29
SHADY HILLS
SHADY HILLS CIR
UNIVERSITY
N C 49
CAROLYN LN
WHITENER RD
JOE
CAROLYN
1
2
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M E M O R A N D U M

DATE: September 30, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-67: NC 49 at W.T. Harris Boulevard

The trip generation for the existing Institutional zoning was not calculated because of the various land uses that are permitted in this zoning district. Under the proposed zoning the site could generate approximately 20,298 trips per day. This will have a significant impact on the surrounding thoroughfare system.

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

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

Initial site plan review comments are as follows:

- Various public rights-of-way will need to be abandoned.
- The proposed access driveway to W.T. Harris Boulevard will be limited to right-in movements only.
- A minimum of 150 feet of internal channelization at all driveway locations is required.
- If a median opening is approved on NC 49, then left-turn lanes will be required in both directions and not just in the northbound direction.
- We request that the developer reserve 100 Park-N-Ride spaces (6 am -6pm) Monday-Friday within the development.

Additional specific comments will be made by CDOT after our review of the TIS.

US 29, NC 49, and W.T. Harris Boulevard are all major thoroughfares requiring a minimum of 100 feet of right-of-way. If right-of-way does not currently exist to meet this requirement, then the developer/petitioner should dedicate right-of-way, measuring 50 feet from the centerline of each roadway.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35' x 35' and 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 US 29, NC 49 and W.T. Harris Boulevard require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation (NCDOT) for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

If we can be of further assistance, please advise.

RDG/REG:nsk

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-71

Petitioner: Cambridge Properties

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently covered by two separate B-1SCD petitions. The vast majority of the site is covered under a single master plan approved in 1986 for a mixed use development on approximately 62 acres of the petition site. Although zoned B-1SCD, the plan called for a mixture of business, office and residential uses as well as the creation of several open space and greenway areas.

   Two small tracts labeled on the site plan as First Union and Cityfair III Holding, Inc. are part of the University City Master Plan. These two tracts are also zoned B-1SCD but are controlled by the master plan and design guidelines for University City. Only the Cityfair tract has any significant development rights granted under the University City Plan, and those rights include an unspecified amount of retail and/or office development.

   Properties to the south of the subject property are zoned B-1SCD and a mixture of commercial and office zoning near the intersection of Harris Boulevard and U.S 29. Properties to the north of the site are zoned for institutional, retail, office, and multi-family uses. Properties across U.S. 29 from the site are zoned for institutional uses.

2. Existing Land Use. The property involved with this request is presently occupied predominately by the Paradise Valley Golf Course. Portions of the site which are presently part of the University City Master Plan are undeveloped. To the south of the site can be found existing development at University City including approximately 125,000 square feet of retail space as well as additional office space and a hotel. At the intersection of Harris Boulevard and U.S. 29 is a mixture of business, office and institutional uses including a hospital. To the north of the site along U.S. 29 can be found a golf driving range, a restaurant, and one or two small convenience stores. Directly across U.S. 29 from the site are two small nonresidential uses and the undeveloped portion of the University of North Carolina at Charlotte campus area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates a major mixed use center at the intersection of Harris Boulevard and U.S. 29. The plan anticipates this major retail center will be surrounded by and include a significant amount of housing. The plan recognizes developing employment uses adjacent to University Place and existing employment in the University Research Park elsewhere in the immediate vicinity. The University of North Carolina at Charlotte is a major institutional use in the area. 2005 strategies include improvements to Harris Boulevard, the extension of water and sewer lines in the area and the development of the greenway system along Mallard Creek.

   2. Northeast District Plan. The Northeast District Plan (adopted 1990) recommends multi-family land uses in the area of the subject property. University Place is recognized as the regional mixed use center for the area which would accommodate a significant amount of retail and office development.

      Note. In accordance with the recommendations of the Northeast District Plan, the Charlotte-Mecklenburg Planning Commission filed a rezoning petition to remove the existing commercial zoning from the subject site. The petition requested that the property be rezoned from B-1SCD to a multi-family classification in accordance with the adopted Northeast District Plan. Pursuant at least partially, to strenuous objections from the property owners the City Council in June of 1992 rejected the zoning petition thus leaving the existing commercial zoning in place. In view of the fact that the City Council specifically rejected changing the zoning on this site to coordinate with the Northeast District Plan the debatable question arises as to whether the nonresidential portion of the site is or is not consistent with the plan's recommendations and City Council's actions.

   3. Transportation Improvement Program. Long term transportation plans for the area include the widening of Mallard Creek Church Road and the construction of the northeast segment of the Outerbelt Freeway.

4. Site Plan.

   1. Existing Site Plan. The site plan which presently controls the development of the bulk of this property proposes a mixed use development including approximately 135,000 square feet of retail space, 110,000 square feet of office space, a 100 room hotel and 480 units of multifamily housing. In addition the plan committed to pedestrian, vehicular, and open space connections which would tie the Mallard Creek Greenway to the

University Place development to the south. This was accomplished through the extension of Olmstead Drive to the north from University Place, the creation of two open space areas along the center of the property focusing on the natural topography, and the dedication of approximately 6½ acres to the County's greenway system. The property was to be accessed by a loop road with two connection points to U.S. 29 serving the business, office, and multi-family portions of the site. The multi-family portion of the site extended all along the Mallard Creek Greenway area and related to existing similar type development in the University Place Project. The plan limited to two the number of outparcels along the U.S. 29 frontage.

The portions of this site which were part of the University Place plan included an area which was related to residential development and proposed to be used largely for open space and an area with frontage along U.S. 29 with an unspecified amount of retail/offices uses. The sole access to that site (the Cityfair site) was from Olmstead Drive with no connections to U.S. 29. An analysis of the development which has taken place to date on University Place indicates that there is only 37,500 square feet of development remaining as part of the convenience retail portion of that plan. In as much as the plan does not specifically designate development rights to individual parcels and assuming the Cityfair tract included all of the remaining retail development rights, then the maximum that could be built on the Cityfair site is only about 37,500 square feet.

2. Proposed Site Plan. The site plan which accompanies this rezoning petition proposes to rezone the front two thirds of this property to the commercial center classification and the remaining one third to the rear to the R-22MF multifamily classification. With regard to the commercial center area, the plan proposes a total of 435,000 square feet of any use allowed in the commercial center district. The arrangement of buildings on sheet one of the zoning plan suggests a retail development. The plan now contains three access points to U.S. 29 including two driveway entrances to the commercial portions of the site and a public street which connects the multi-family portion of the site to U.S. 29. The plan proposes the development of up to four outparcels along U.S. 29 with possibly a fifth on the Cityfair portion of the site. The plan maintains the existing objective of creating both the vehicular and pedestrian connections to University Place through the extension of Olmstead Drive and the creation of a greenway/buffer area along the central portion of the site separating the rear of commercial center from the multi-family portion of the plan. The plan indicates certain greenway and buffer areas to be established between the commercial and

multi-family areas and suggest that lakes may be included within this area although there is no firm commitment on the plan to establish permanent water features. The plan contains no specific information regarding phasing of the nonresidential development and no commitment toward the actual construction of the multi-family portion tied to the nonresidential development. The configurations of property lines on the site suggest that substantial portion of the commercial development could be built by one property owner or the other and there are no specific provisions for coordinated grading or opens space development which, in view of topography of the site, should most likely be conducted at one time through a master plan proposal. Sheet two of the site plan is devoted to development notes related to among other things provision of the buffer/greenway areas, signage, storm water management and traffic study.

5. School Information. School Information has been requested but has not been received as of the preparation of this report (11/26/92).

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-3	R-12 to B-2	Denied	05/18/70
2. 70-4	R-12, R-12MF, B-2 to B-1 & Institutional	Approved	05/18/70
3. 70-2	R-12, B-2, RE-1 to Inst.	Approved	05/18/70
4. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
5. 84-38(c)	Inst. to B-1SCD	Approved	11/05/84
6. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/12/86
7. 86-47(c)	B-2, R-12, Inst. to B-1SCD & Inst. (CD)	Approved	06/22/88
8. 85-49(c)	B-1SCD to R-20MF	Approved	11/18/85
9. 92-22	B-1SCD & B-2 to R-12MF	Approved	06/15/92

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of properties to provide for 435,000 square feet of nonresidential area and approximately 300 dwelling units of multi-family housing. Plans for this area, and specifically the Northeast District Plan adopted in 1990, call for this property to be used for multi-family housing. The multi-family housing on this site takes advantage of several characteristics. The property has rolling topography as well as a substantial floodplain area and

multi-family housing is more easily integrated into this varied topography than large footprint users found in retail shopping centers. In addition, the location of this site bounding a major thoroughfare as well as adjoining a county greenway and existing multi-family developments makes it desirable for additional multi-family opportunities. In addition the site is directly across the street from the undeveloped portion of the UNCC campus. As this major institution grows in the future it would be appropriate to provide for housing opportunities for both students, faculty, and staff within walking distance of both the campus and of retail services found in University Place.

As noted earlier, however, a zoning case specifically intended to implement the recommendations of the Northeast District Plan by changing the zoning on this property to multi-family was rejected by the City Council in June of this year. Although no formal action has been taken to amend the plan itself, a question may be raised as to the intent of the City Council in the denial of the zoning petition. Was it the Council's intention to maintain the Northeast District Plan policy for multi-family housing even though denying the application or was it the Council's intent by denying the application to amend the Northeast District Plan to memorialize the existing zoning? If the later scenario is correct, then it could be argued that the Northeast District Plan would accommodate a specific amount of commercial development on the site. As noted earlier the existing site plan provides for approximately 240,000 square feet of retail and offices uses as well as an unspecified amount of floor area on the Cityfair portion of the site. If one concludes that the Northeast District Plan supports commercial on this location then the existing zoning is sufficient to accommodate that need. The existing plan provides for an excellent mix of convenience retail as well as small scale office uses and provides for a larger number of multi-family housing units over a larger portion of the site taking advantage of the Mallard Creek Greenway for open space. As noted earlier the existing zoning already accommodates a vehicular as well as a pedestrian/open space connection to University Place and so those characteristics of the proposed zoning plan are not new. Without any specific action to the contrary, the staff must conclude that this petition as proposed cannot be considered consistent with the Northeast District Plan. The increase in the amount of commercial area and the reduction in the amount of multi-family area would not seem to be consistent with either the plans recommendations or the existing zoning for the site if that were to be included in the plan.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff has discussed this petition and variations of this petition for many months with

the property owners prior to the filing of this request. The staff has communicated a number of comments and suggestions to the petitioner since the filing of the application, the majority of which have been addressed on the revised site plan.

2. Departmental Comments. Significant among the departmental comments was a request from the City's Department of Transportation for traffic impact study which has been prepared and is under review. The petitioner also acknowledged the possibility of establishing a park and ride site on a portion of the property as well as addressing many of the staff concerns regarding buffer and open space questions. However, it should be noted that a number of detail comments still need to be addressed on the conditional site plan relating to the buffer, architectural controls, signage, and the results of the traffic impact study. All of these issues can likely be resolved by the petitioner prior to any final action on this request.

ISSUES

1. Land Use. This petition raises a perplexing land use issue. Taken in its simplest form this petition is not consistent with the Northeast District Plan or the 2005 Plan. Both of those plans anticipate this property being used for housing to support the growth of the University as well as the growth of employment in the area. The existing zoning on this site was a compromise reached in 1986 which reduced a substantial area of unregulated B-2 zoning along the front portion of the site in exchange for a conditional site plan providing for convenient retail and small scale office uses as well as multi-family housing. However, when a rezoning request to bring this property into conformance with the Northeast District Plan was proposed, the City Council denied the zoning application leaving the existing zoning in place. No specific actions have been taken to amend the Northeast District Plan to reflect the commercial zoning on the site and the specific intent of the City Council with regard to the action on the zoning case was not declared. If, as the petitioner has suggested, this property is viewed as an extension of University Place then an argument could be made for additional development rights or conversion of existing development rights from office and multi-family towards more retail use. Indeed, the petitioner has maintained the same sort of vehicular and pedestrian connections to University Place that had been established earlier. The existing development rights on the site could be reconfigured to allow for more retail while still preserving an office component and more of the originally approved multi-family housing. However, without a specific action to amend the Northeast District Plan to accommodate the zoning which already exists on this site

much less zoning proposed by this petition, then this request cannot be considered consistent with plans for the area.

In accordance with the request of the City Council the staff has conducted a retail study in the northeast area focusing on specific sizes and types of shopping centers, their service areas and the amount of those centers which are both planned for and zoned in the northeast district. The proposal to rezone this property to accommodate approximately 435,000 square feet of retail space moves this petition into the category called "regional/power centers". The study reveals that there is a significant over supply of zoning already in place for centers of this type in the northeast district. However, the existing zoning on this property places it in the next smaller class of shopping centers known as community shopping centers for which the study reveals an inadequate supply of planned and zoned properties. It would seem then that if the Northeast District Plan did contemplate this site remaining as a commercial site then the more appropriate configuration of the site would be for a community shopping center for which there is not enough land presently zoned instead of a regional/power shopping center for which there is an over abundance of property already planned or zoned.

In view of the Councils action to preserve the existing zoning on the site, the oversupply of zoning for larger power center type shopping centers, and the apparent under supply of appropriately located and zoned sites for convenience centers it would appear that the zoning which presently exists on this site should be preserved and, therefore, the petition should not be approved.

2. Site Plan. The site plan which accompanies this petition combines parcels covered by two existing zoning plans to form a single site. The proposal would establish a retail center over 435,000 square feet and provide for 300 units of multi-family housing. The site plan would allow four or possibly five outparcels along Highway 29 instead of the two which are permitted by the present zoning. While the plan does preserve both pedestrian, open space and vehicular connections to University Place it does not make best use of the existing topography which was more sensitively addressed by the present site plan. There are still several small unresolved site plan issues dealing with park and recreation facilities, signage and the provision of open space amenities which need to be resolved prior to a final decision on this request. In addition the results of the analysis of the traffic study done for the property need to be incorporated as needed prior to any final action. If one accepts the notion that a power center type development is appropriate for this site then the site plan which accompanies the application provides for such a center. However, a reconfiguration on the site by reducing the outparcels and shifting some of the retail uses to the south

toward University Place might free up additional land to be used for small scale office or additional multi-family housing. If, as the petitioner suggests, this property should be viewed as an extension of University Place then clearly the high quality design standards of University Place must be committed to rather than alluded to in this petition. In subjective terms the existing zoning for this property represents a more attractive and thoughtful use of the site than the zoning proposed by this petition. These site plan issues can be addressed by the petitioner prior to a final decision on this case.

CONCLUSION

In its present form this petition is not consistent with the Northeast District Plan which continues to show the future use of this property as one of housing to support growth and development in the area.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-71

Date Filed 10/5/92

Received By wfm

OFFICE USE ONLY

Ownership Information

Property Owner Ronald J. Withrow; Velma C. Ratcliffe; First Union Natinal Bank; Cityfair III Holding, Inc.

Owner's Address Post Office Box 220325, Charlotte, NC 28222

Date Property Acquired September 5, 1984

Tax Parcel Number 047-191-05; 047-191-12; 047-201-33; 047-201-31

Location of Property (address or description) West side of US Highway 29 North, adjacent to University Place.

Description of Property

Size (Sq. Ft.-Acres) 79.3 acres Street Frontage (ft.) 2029.65 feet

Current Land Use 1) Golf Course; 2) Club House; 3) Storage; 4) Vacant

Zoning Request

Existing Zoning B-1 SCD; R-12MF; Inst. (CD) Requested Zoning CC; R-22MF (CD)

Purpose of Zoning Change To balance and unify the usage and development of these tracts with University Place.

Name of Agent

Agent's Address

Telephone Number

Cambridge Properties
Name of Petitioner(s)

2915 Providence Rd., Char., NC 28211
Address of Petitioner(s)

704/364-2393
Telephone Number

George L. Maloomian

Signature

Ronald J. Withrow

Signature of Property Owner if Other Than Petitioner

Velma C. Ratcliffe

PETITIONER: *Cambridge Properties*

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

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

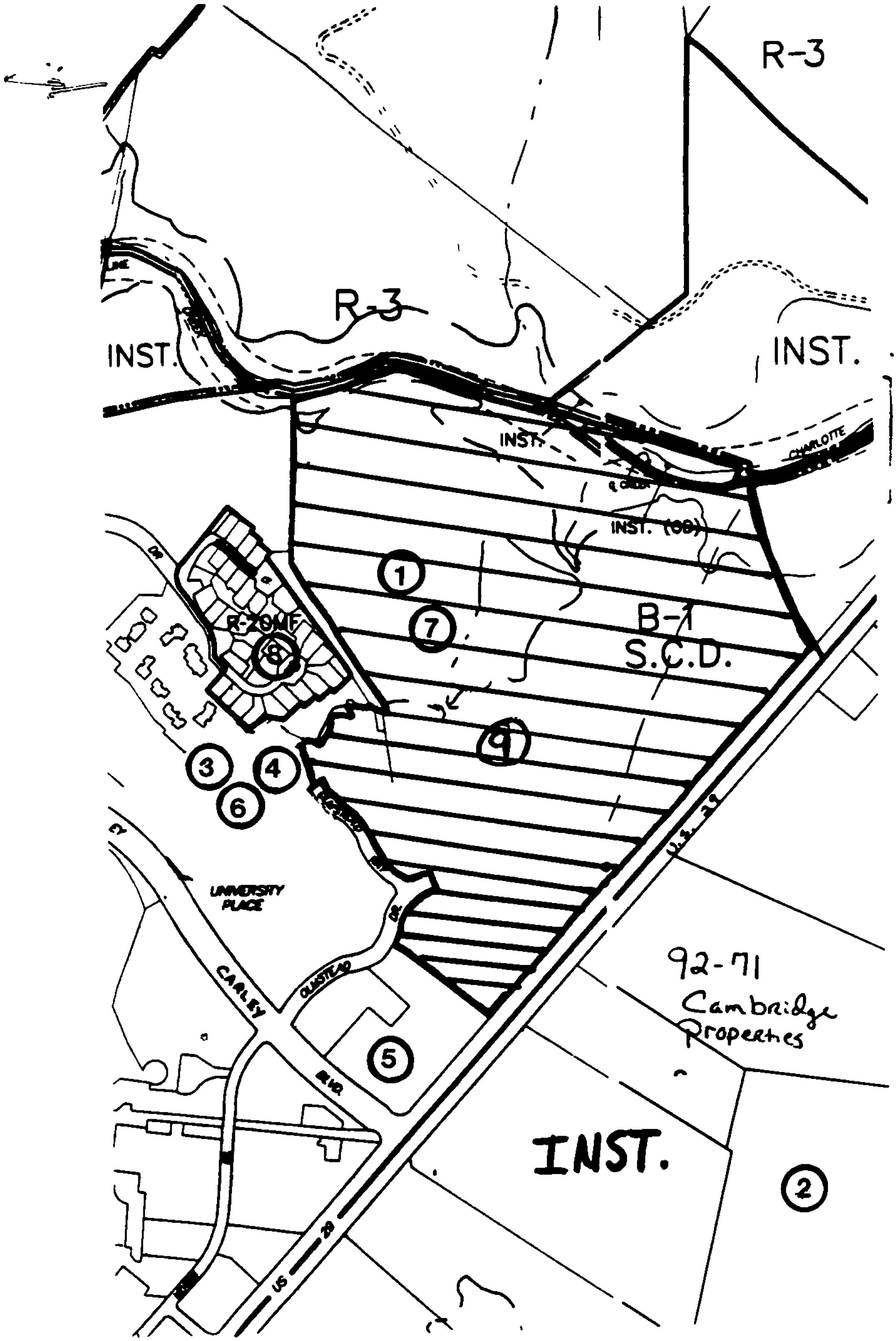
ZONING CLASSIFICATION, REQUESTED: CC and R-22MF

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" = Reduced 400'

PROPERTY PROPOSED FOR CHANGE


R-3
R-3
INST.
INST.
INST.
CHARLOTTE
INST. (OS)
1
7
B-1
S.C.D.
R-70MF
8
9
3
4
6
UNIVERSITY PLACE
CARLEY BLVD.
5
92-71
Cambridge Properties
INST.
2
US 29

M E M O R A N D U M

DATE: December 1, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 92-71: North Tryon Street (US 29) Adjacent to University Place (Revised 11/21/92)

The trip generation was not calculated because of the various land uses permitted in each of the existing zoning districts. The revised site plan indicates a reduction from 400 to 300 multi-family units. Therefore, the trip generation range has been reduced (from 20,514-21,314 to 19,814 - 20,414 trips per day).

The Traffic Impact Study (TIS) that we previously requested has not yet been submitted by the developer. The TIS is required and essential to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity.

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

Initial site plan review comments are as follows:

- A minimum of 150 feet of internal channelization at all driveway locations is required.
- We request the developer reserve 100 Park-N-Ride spaces (6am - 6pm) Monday - Friday within the development. These spaces must be reserved in a location that is convenient to transit users as determined by CDOT.
- If median openings/relocations are approved on US 29, then left-turn lanes will be required in both directions and not just in the northbound direction.

- The internal termination of the main entrance driveway to force right and left-turns should be redesigned to promote a more appropriate circulation pattern.

- We recommend an internal public street connecting to Olmstead Way.

Additional specific comments will be made by CDOT after our review of the TIS.

North Tryon Street (US 29) 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 have been shown to be reserved at the proposed entrances. Two 35'x35' and 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 North Tryon Street require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with the City Driveway Regulations, and the City Tree Ordinance.

All proposed commercial driveway connections to a future public street will also require a driveway permit to be submitted to CDOT for review and approval.

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
Cambridge Properties
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-1

Petitioner: Charlotte Area Catholic Schools

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-4. Properties to the south along Marsh Road are zoned for multi-family residential development. A site located on the east side of Park Road south of Yale Place is also zoned for multi-family development. The southeasterly corner of the intersection of Park Road and Princeton Avenue was recently rezoned to R-8(CD). Otherwise, nearby properties are zoned R-4.

2. Existing Land Use. The portion of the petitioned property located at the intersection of Cambridge and Park Roads is presently vacant. The balance of the petition is devoted to Charlotte Catholic High School. The parcel located in between the two separate portions of the petitioned property is developed with a single family residence. Properties located on the northerly side of Marsh Road and a site located southwest of the intersection of Yale Place and Park Road are developed for multi-family residential purposes. A church is located on the southwest corner of the intersection of Marsh and Park Roads. Otherwise, the area is devoted to single family residential development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing residential land uses in the area of the subject property. No specific strategies are identified for the area.

   2. Park Road/Marsh Road Plan. The Park Road/Marsh Road Plan recognizes the existing school as a significant institutional use in the area and proposes the intersection of Park and Cambridge Roads for single family development.

   3. Central District Plan. The proposed Central District Plan recommends multi-family land uses at the intersection of Park and Cambridge Roads and recognizes Charlotte Catholic School as an existing institutional land use in the area.

4. Site Plan. The site plan which accompanies this petition proposes a 21,000 square foot expansion of the existing 79,400 square foot Charlotte Catholic High School and the development of an accessory parking lot for the high school on the portion of the petition located at the corner of Park and Cambridge Roads. The plan shows compliance with required buffers for the new school construction and access to the school is unchanged. The proposed accessory parking lot includes 131 parking spaces and is accessed by one driveway to Park Road and one driveway to Cambridge Road. The parking lot plan indicates a 30 foot landscaped setback along Park Road, a 25 foot landscaped buffer on the southerly and westerly project edges and a 15 foot landscaped side yard along Cambridge Road. The plan also provides interior parking lot trees in excess of that required by the Tree Ordinance. Landscaping of the parking lot is comprised of a combination of preservation of existing trees and installation of new trees. The plan also provides for the installation of a wall along the southerly and westerly project edges. The wall is a combination of brick columns and wood slats and is 6 feet in height. The plan provides for right-of-way dedication along Park Road equivalent to 50 feet from the centerline to be dedicated at such time as a widening project requires it.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-37	R-9 to Conditional Parking	Approved	04/25/66
2. 66-57	R-9 to R-9MF	Approved	06/27/66
3. 69-31	R-9 to R-9MF	Denied	04/03/69
4. 79-62	R-9 and Conditional Parking to R-15MF(CD)	Approved	02/19/80
5. 80-33	R-9 to R-15MF(CD)	Approved	10/06/80
6. 81-34	R-15MF(CD) Site Plan Amendment	Denied	07/13/81
7. 82-70	R-15MF(CD) Site Plan Amendment	Denied	01/18/83
8. 92-27	R-4 to R-8(CD)	Approved	07/20/92

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

REVIEWS

1. Plan Consistency. This petition proposes an expansion of the existing Charlotte Catholic High School and the creation of a noncontiguous accessory parking lot associated with the school. The 2005 Plan recognizes the area as one of existing residential development and the Park Road/Marsh Road Plan recognizes the school as an existing institutional use and stipulates that the

corner of Park and Cambridge Roads be developed for single family uses. The pending Central District Plan envisions multi-family residential development at the intersection of Park and Cambridge Roads and recognizes the school as an existing institutional use in the area. Therefore, the office zoning classification associated with this rezoning petition is not consistent with publicly adopted and pending plans for the area but is the lowest zoning district which will provide for a free standing parking lot.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff and petitioner's agent met to discuss the petition prior to the filing of this application. Subsequent to the filing staff relayed several departmental comments to the petitioner.

   2. Departmental Comments. The revised site plan addresses the departmental comments. (See attached memo for CDOT comments).

ISSUES

1. Land Use. Pending and adopted plans and policies for this area recognize the high school as a major institutional use in the area and envision the corner of Cambridge and Park Roads as developing with residential uses. The proposed office zoning category is inconsistent with those plans. However, the rezoning petition at hand would have not been required if the proposed parking lot was contiguous to the high school and not separated by an intervening parcel. The rezoning is required due only to the noncontiguous nature of the proposed parking lot. The existing school is allowed to expand as long as the expansion is done in compliance with zoning regulations within the existing zoning category. For these reasons, the land use issue raised by the proposed office zoning category is relatively minor and consideration of this petition should fall heavily to the associated site plan.

2. Site Plan. The site plan which accompanies this petition proposes an expansion of the existing Charlotte Catholic High School and the creation of a noncontiguous accessory parking lot for the school. The parking lot plan provides for landscaping composed of existing and new trees and also provides for the construction of a combination brick columns/wood slats fence around the southerly and westerly project edges. The plan provides for landscaping and screening treatments in excess of that required by the City tree ordinance and zoning ordinance. Access to the parking lot is limited to one driveway to Park Road and one driveway to Cambridge Road. There is some benefit to accommodating the proposed parking lot based on this site plan even though the requested zoning classification raises some concern. For these reasons, the petition is considered appropriate for approval from a site plan standpoint.

CONCLUSION

The requested office zoning classification is inconsistent with adopted and pending land use plans for this portion of the community. However, it should be noted that the office zoning classification is necessitated solely by the noncontiguous nature of the accessory parking lot. (The existing high school is permitted and would be allowed to expand under its existing zoning regulations). The same land use could be accommodated on the portion of the subject property located at the intersection of Cambridge and Park Roads if the intervening parcel was also associated with the high school. Therefore, there is some merit to accommodating the proposed parking lot based on a conditional site plan that stipulates to perimeter and interior parking lot landscaping in excess of minimum ordinance requirements.

*Subject to further refinement following public hearing.

JAN. 93'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Tues. Dec. 1 @10:00am.

Petition No 93-1

Date Filed November 2, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: John F. Donoghue, Bishop of the Roman Catholic Diocese

Owner's Address: P. O. Box 36776, Charlotte, NC 28236

Date Property Acquired: 9/7/72 and 9/20/84

Tax Parcel Number: 147-101-73 and 147-101-75

Location of Property (address or description)

3100 Park Road (Charlotte Catholic High School) and a lot at the southwest corner of Park Road and Poindexter Drive

Description of Property

Size (Sq. Ft.-Acres): _____ Street Frontage (ft.): _____

Current Land Use: Private Senior High School at 3100 Park Road and a vacant lot at Park Road and Poindexter Drive

Zoning Request

Existing Zoning: R-4 Requested Zoning: O-1 (CD)

Purpose of Zoning Change: To allow the development of additional parking for the school and establish a master plan for the main campus

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Charlotte Area Catholic Schools
Name of Petitioner(s)

1524 E. Morehead St., Charlotte, NC 28207
Address of Petitioner(s)

377-6871
Telephone Number

John F. Donoghue
Signature

Richard Lewis, Atty.

Signature of Property Owner
if Other Than Petitioner

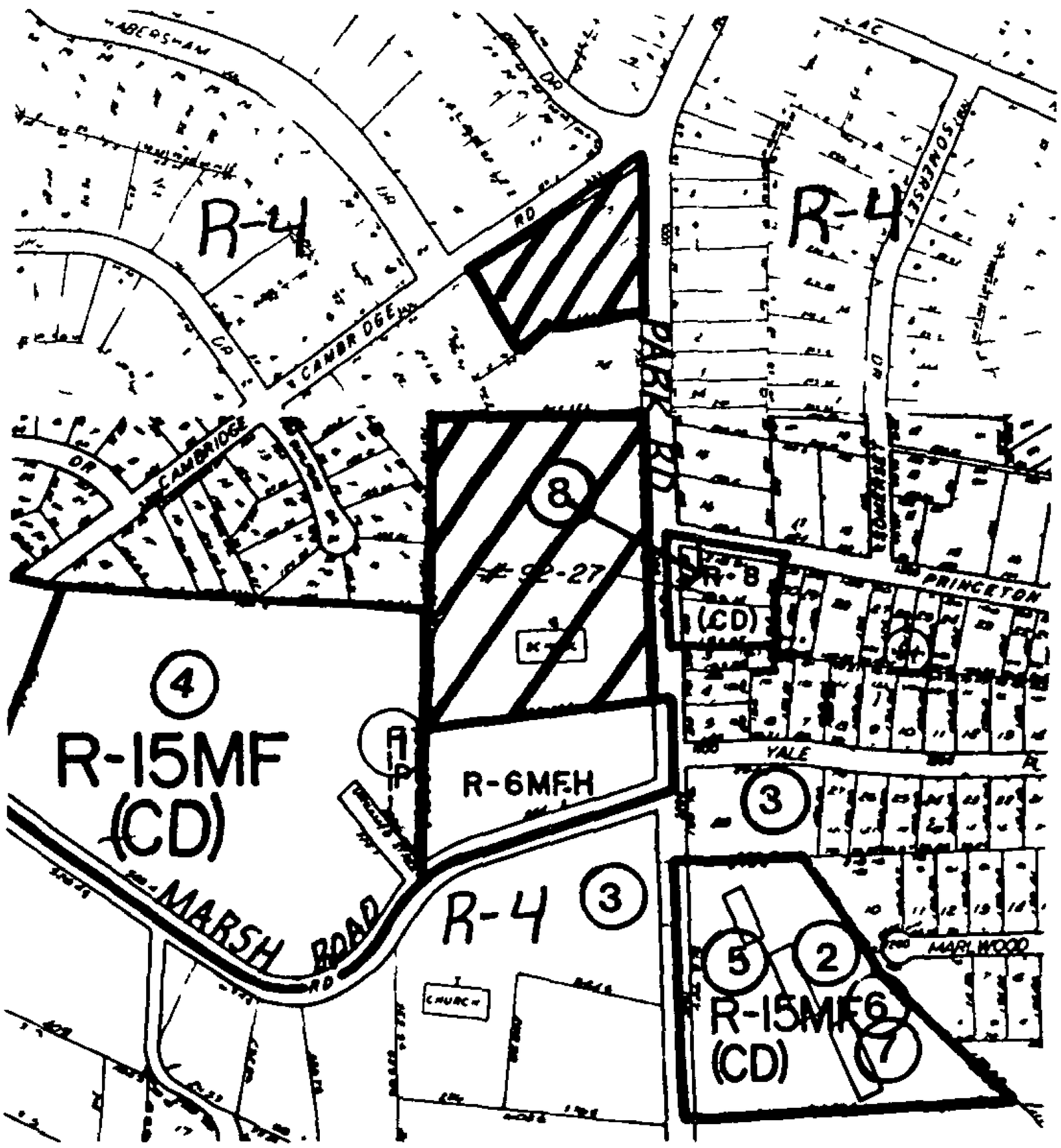
PETITIONER: Charlotte Area Catholic Schools

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

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

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



ZONING MAP NO(s).: 111, 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

FRED E. BRYANT, PLANNER

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

STATEMENT OF SUPPORT FOR REZONING PETITION 93-1

PETITIONER: CHARLOTTE AREA CATHOLIC SCHOOLS

LOCATION: TWO PARCELS TOTALLING 8.93 ACRES LOCATED ON THE WEST SIDE OF PARK ROAD NEAR PRINCETON AVENUE

REQUEST: CHANGE FROM R-4 TO O-1(CD)

This property has been under the ownership of the Charlotte Area Catholic Schools for a considerable period of time with the primary tract being the location of the campus for Charlotte Catholic High School. The second parcel is separated from the main campus by one unowned lot and it is this separation which has caused this rezoning petition to be filed. Charlotte Catholic High School needs to add one additional classroom building to the main campus which will in turn require additional parking proposed to be placed on the smaller of the two parcels owned by the school.

Due to a technicality of the zoning ordinance, the use of the smaller tract for parking for the school requires that both parcels be rezoned to the office classification. This is true in spite of the fact that the school use is permitted under the existing R-4 zoning, and the parking would also be permitted were it not for the fact that it is detached from the main campus and separated by the one previously mentioned lot. While the school has attempted to purchase the intervening lot, it has not been successful in doing so and the only recourse is to file this rezoning action to permit the needed expansion on the main campus area.

The site plan has been prepared with particular attention to the detailing of the parking lot area so that the buffers, screening and overall design far exceeds the basic requirement of the zoning regulations. For example, the amount of buffer separating the parking lot from its adjoining residential lots is supplemented by the addition of a brick wall which will add to the visual and effective separation of the parking area from its residential neighbors. The overall amount of open space and landscaped area in the entire parking lot considerably exceeds that which would be required under normal zoning circumstances. In effect, the fact that the rezoning of this property is being proposed has resulted in a much higher design standard for this parking lot than would have otherwise been required. Additionally, the new building proposed for the main campus area is located at the extreme southerly end of the property adjacent to a high-intensity, multi-family area and not related to its adjoining single-family lots. Again, a buffer and wall will separate this building from even its multi-family neighbors. The building has been designed by the architect to be compatible with the existing buildings on the site and will improve the visual quality of the building group as it appears from the Park Road frontage.

When the new zoning ordinance was drafted, it established certain requirements for the location of different types of educational facilities. In the case of a senior high school, it requires that such a facility be located on a major thoroughfare. Charlotte Catholic's location meets this criteria and, as stated before, there is no conflict between this use and the basic requirement for location of such use in the existing residential district. It is submitted this request actually constitutes a technical adjustment rather than a substantial change in the land use patterns for this area. It should also be noted this portion of Park Road from Hillside northward is already heavily populated with institutional uses ranging from churches to schools to the YWCA to day care centers. In this setting, it is logical to allow an already existing institutional use to expand to meet the continuing needs of the portions of the community it serves.

As the Planning Staff points out in its Prehearing Analysis, this request technically is in non-conformance with the adopted plan for this area since the requested office zoning is not reflected on that plan. However, they also point out there is no conflict between the use proposed here and the uses permitted under the zoning which <u>is</u> envisioned by that plan. We, therefore, contend that this is a technical rezoning which does not violate the thrust of the adopted land use plan and does not purport to permit a use contrary to that plan.

As will be amply demonstrated, support for this petition is widespread in the general community and is necessary to meet a need existing within the private school community of Charlotte/Mecklenburg. Even though it is understood there will be objections from the immediate vicinity, it must be recognized that facilities of this nature are of interest and concern to a much broader segment of the community. The request must be judged on the merits of what it contributes to the needs of the broader segment of the population. It is also, again, pointed out that the design standards which will be imposed by this rezoning would far exceed the base requirements of the ordinance if this rezoning were not being sought. Please listen carefully to the strength and the amount of support of this request in arriving at your decision.

M E M O R A N D U M

DATE: December 29, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-1: 3100 Park Road - Charlotte Catholic High School (Revised 12/21/92)

The existing school and parking lot site could generate approximately 953-961 trips per day as currently zoned. Under the proposed zoning (expanded school and parking lot) the entire site could generate approximately 1,367-1,629 trips per day. This will have an impact on the surrounding thoroughfare system.

With the existing school site included as part of this rezoning, CDOT will review parking/circulation, require non-standard driveways to be rebuilt to current standards, and require a left-turn lane to be constructed on Park Road by the petitioner when the proposed classroom building and expansion are submitted for building permit/driveway permit.

The proposed building expansion will eliminate the primary one-way circulation roadway for pick-up/drop-off activities and reduce the storage of vehicles on-site which now minimizes congestion on Park Road.

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 public street/private driveway connection(s). 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/private driveway connection(s) provided that a left-turn lane is constructed on Park Road. We recommend that the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street/private driveway

connection(s). 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, a 20 1 bay taper and 35.1 through lane tapers. The consultant needs to reference the attached design standards.

Park 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 along the frontage of the proposed parking lot.

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

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

Attachments

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
Charlotte Area Catholic Schools
Rezoning File

GENERAL REQUIREMENTS

A. Street space is at a minimum so no more space should be used for construction or maintenance work than is absolutely necessary. Through barricading and channelization, the remaining street space is to be used to carry the traffic around the work area in the best way possible under prevailing conditions.

B Traffic control devices shall be set up prior to the start of construction or maintenance operations, and shall be removed or relocated as the work is finished or work conditions change The agency doing the work shall patrol the work site as required to ensure that all traffic control devices are in place and operating at all times.

C All traffic control signs for the work area shall be reflectorized The reflective materials used shall be equal to or better than the Type I, Level A reflective sheeting requirements in Section 633 of the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP-74)

D At night, adequate barricades with reflectorized material and lights are required to call attention to and to indicate the actual location of obstructions and hazards.

E. When not in use during work hours or at night, equipment shall not be parked in such manner as to block the motorists view of traffic signs and signals and at least 10 feet away from travel lane

F The minimum width for temporary travel lanes is 10 feet, however, a 12-foot lane is advisable and should be provided whenever possible

G Whenever traffic must be routed across the centerline, the two directions of traffic must be physically separated. Traffic cones can be effectively used for this purpose during daylight hours, reflectorized drums must be used at night.

H Traffic shall not be routed across centerline with cones or drums during non-working hours. Contractor must be on site or change pavement markings appropriately

I The peak flow of traffic occurs in Charlotte between the hours of 7-9 a.m and 4-6 p m During these hours, construction or maintenance work which involves a moving lane of traffic will not be allowed on thoroughfare streets except for emergency conditions or with approval from the Department of Transportation

J The agency doing the work shall provide floggers and/or Police control when required Contractor may also be required to provide a uniformed officer to control traffic when working in and around a signalized intersection

K Every attempt shall be made to schedule and expedite the work to cause the least inconvenience to the traveling public

L In situations not covered in this standard, the protection of the traveling public and the protection of the workers on site will dictate the measures to be taken consistent with the general principles of Chapter 6 of the Manual on Uniform Traffic Control Devices (MUTCD)

M The contractor, utility company or governmental agency involved in the work is resopnsible for notifying the Charlotte Department of Transportation (Rich Clifton at 336-3938) of any major work where the number of travel lanes are reduced from normal conditions or the street is required to be closed Except in emergencies, the following notification is required

1. Closing 1 or more travel lanes - Five (5) working days prior to the scheduled work,
2. Closing a street - Ten (10) working days prior to the scheduled work.

This lead time is necessary for planning and notifying the public of expected changes in the normal traffic conditions.

N Where complete street closure is necessary, the Department of Transportation will coordinate closure of the street and fully sign a detour route

O The City Engineer or Director of the Department of Transportation or their representatives are authorized to stop any construction or maintenance activity which is not properly signed and barricaded as required by this standard and the MUTCD until such requirements are met

P This design standard cannot be used for all roadway construction situations It is intended only to be used as a guideline Specific situations may require engineering judgement in the placement of traffic control devices because of limited vertical and/or horizontal sight distance

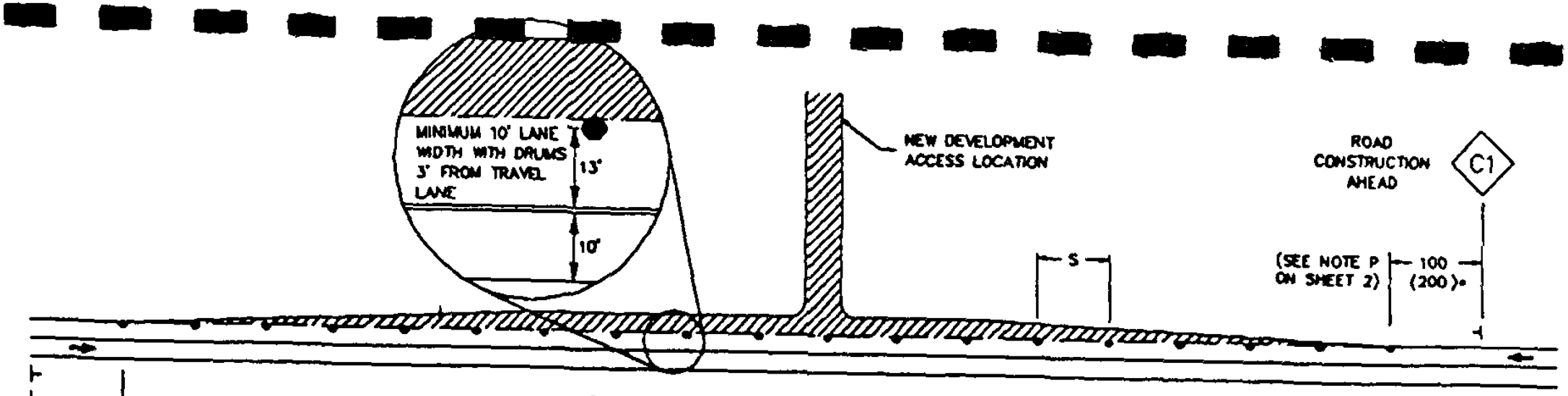
CITY OF CHARLOTTE

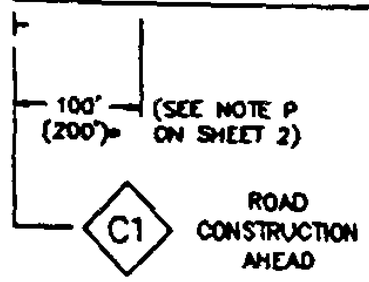
DEPARTMENT OF TRANSPORTATION

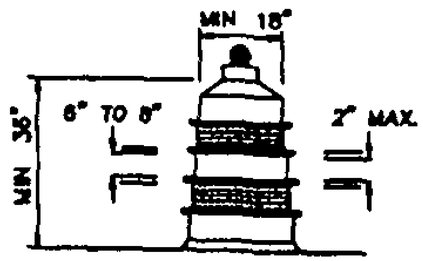
PAVEMENT WIDENING FOR LEFT-TURN CONSTRUCTION TRAFFIC CONTROL STANDARD

DATE 03/03/92

SHEET 2 OF







NON-METALLIC DRUM

CONSTRUCTION AREA

● NON-METALLIC DRUM WITH TYPE C STEADY BURN WARNING LIGHTS

* (200') FOR SPEED LIMIT > 35 MPH

S = The maximum space between channelizing devices should not exceed the legal speed limit in miles per hour For example, if the speed limit is 35 m.p.h., the maximum permitted spacing between these devices is 35 feet However, other conditions may dictate the need for reducing this spacing.

TYPE C STEADY BURN WARNING LIGHTS are most commonly mounted on separate portable supports or on Type I or Type II barricades and are intended to continually warn the driver that he is approaching or adjacent to a hazardous area.

Barricade warning lights are portable, lens directed, enclosed lights. The color of the light emitted shall be yellow

Barricade warning lights shall be in accordance with the requirements of the Institute of Transportation Engineers (ITE) Standard for Flashing and Steady Burn Barricade Warning Lights (1971) (See Table A)

TABLE A
BARRICADE WARNING LIGHTS

	Type A Low Intensity	Type B High Intensity	Type C Steady Burn
Lens Directional Faces	1 or 2	1	1 or 2
Flash Rate/Minute **	55 to 75	55 to 75	Constant
Flash Duration	10%	8%	Constant
Minimum Effective Intensity ***	4 0 Candelas	35 Candelas	–
Minimum Beam Candle Power ***	–	–	2 Candles
Hours of Operation	Dusk to Dawn	24 Hrs/Day	Dusk to Dawn

** Length of time that instantaneous intensity is equal to or greater than effective intensity.

*** These values must be maintained within a full 9 degrees on each side of the vertical axis, and 5 degrees above and 5 degrees below the horizontal axis.

DIMENSIONS FOR CONSTRUCTION SIGNS

STANDARD SIZE

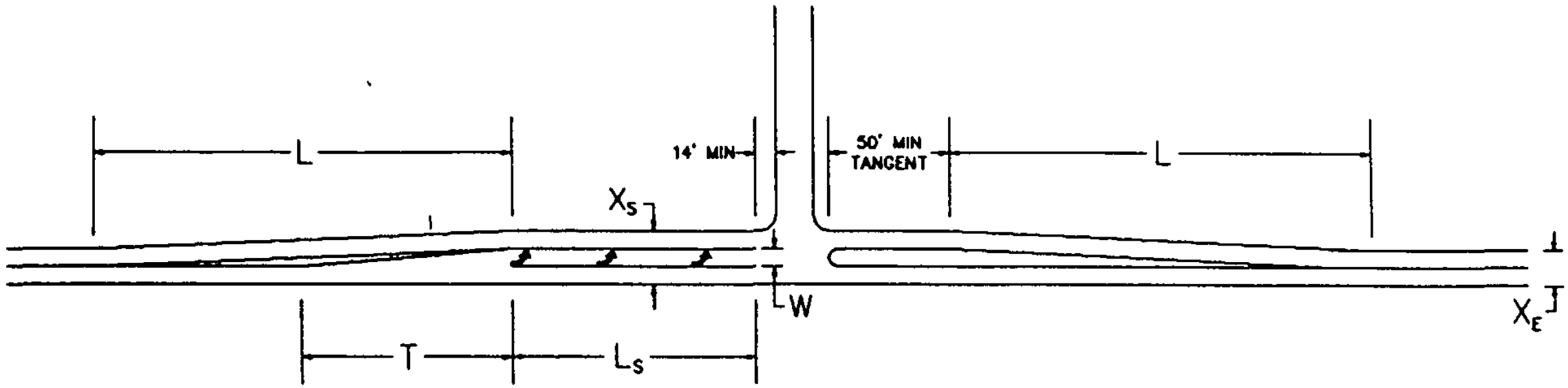
Sign Code	Sign	Letter Height
C1	48" X 48"	7"

CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

PAVEMENT WIDENING FOR LEFT-TURN LANE CONSTRUCTION TRAFFIC CONTROL STANDARD

DATE 03/03/92

SHEET 1 OF 2



L = THROUGH LANE TRANSITION LENGTH (FT)
S = SPEED LIMIT (MPH)
O = THROUGH LANE OFFSET ($X_S - X_E$) (FT)
T = LEFT-TURN LANE BAY TAPER (FT)
W = WIDTH OF LEFT-TURN LANE (11' MIN)
X_S = ROADWAY CROSS-SECTION (37' MIN) - (FC/FC, FC/EP, OR EP/EP)
L_S = LEFT-TURN STORAGE LENGTH (150' MIN)
X_E = EXISTING ROADWAY CROSS-SECTION (FT)

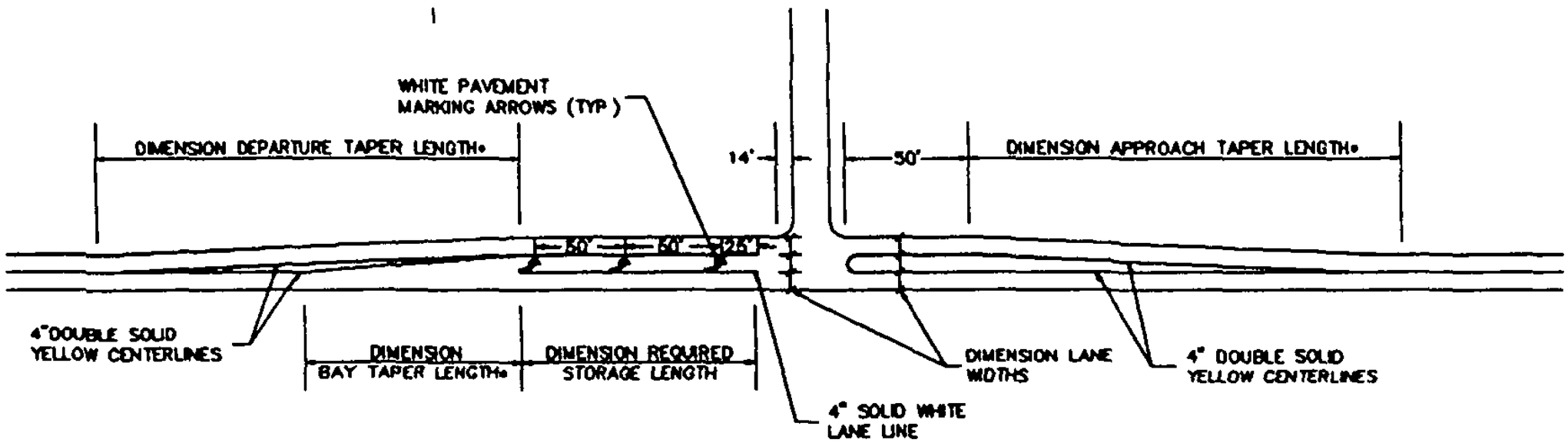
FOR S > 40 MPH:
L = S * O

FOR S < 40 MPH
L = O * (S * S) / 60
T = W * 20

CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

LEFT-TURN LANE DESIGN REQUIREMENTS

12/17/91



*SEE CDOT TAPER DESIGN STANDARDS 12/17/91

CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION

LEFT-TURN LANE PAVEMENT MARKING STANDARD

12/17/91

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-2

Petitioner: James W. Gager

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

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-3 as are abutting properties located on the north side of Byrum Drive to the west of the subject property. To the east of the petitioned site on the north side of Byrum Drive and extending beyond Sirus Lane properties are zoned I-1(CD) as a result of previous rezonings under the County's jurisdiction. Immediately to the south of the petitioned site is an area zoned R-3. To the southwest properties are zoned I-2(CD) as a result of a previous City rezoning petition. To the north properties are zoned I-1.

2. Existing Land Use. The petitioned property is developed with a single family residence. To the south and west along Byrum Drive are scattered single family residences. Sirus Lane is developed with an industrial park.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates the future land use of the subject property is associated with the airport. Strategies for the area include the extension of Paul Brown Boulevard (N.C. 160) to connect with West Boulevard and development of a district park.

   2. Southwest District Plan. The Southwest District Plan indicates the area of the subject property as appropriate for office, business park and industrial uses.

   3. Charlotte Douglas International Airport Master Plan. The petitioned property is located within the 65 Ldn noise contour and identified in the airport's home buyout program. The Airport Master Plan calls for the reduction of noise sensitive land uses in the immediate area of the airport and rezoning of nearby properties to provide for compatible land uses.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 87-39(c)	I-1 and R-12 to I-1(CD)	Approved	08/17/87
2. 91-2(c)	R-12 to I-1(CD)	Approved	04/01/91
3. 91-67	R-12 and R-15 to I-2(CD)	Approved	11/18/91

7. Neighborhood. This petition does not fall within a previously defined neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential category to the light industrial district. The Southwest District Plan and the Airport Plan both recognize the airport, the airport's expansion needs, and the potential for nearby properties to develop for light industrial, business park, and office uses. The proposed I-1 category is consistent with the light industrial and business park concept. Therefore, this petition is considered consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this petition to provide technical assistance.

   2. Departmental Comments. This petition raised no significant departmental comments. (See attached for CDOT comments.)

ISSUES

1. Land Use. Publicly adopted plans for this area of the community recognize the airport as a major factor in the development of properties in this area. Plans recognize the need to locate compatible land uses in the vicinity of the airport such as light industrial, business park, and office development. The proposed I-1 category is considered consistent with that concept. Therefore, from a land use standpoint, this petition is considered appropriate for approval.

2. Site Plan. This petition proposes a conventional rather than conditional rezoning request. As such there is no site plan which accompanies this petition. Although previous rezonings in the Byrum Drive area have been considered on a conditional basis, this petition could be considered appropriate for approval on a conventional basis. The two prior County rezoning petitions located to the east of the petitioned property on the north side of Byrum Drive went to an I-1(CD) category. A conditional approach was necessary for those properties in that the County had no tree ordinance which would ensure provision of a streetscape

treatment. The airport property which is zoned I-2(CD) and located to the west of the petitioned site submitted a conditional zoning site plan due in large part to concerns regarding the I-2 zoning category's potential for unlimited outdoor storage.

The petitioned property is in the City's jurisdiction and will therefore be required to meet the City's tree ordinance for interior parking lot trees as well as perimeter streetscape trees along the Byrum Drive setback. In addition, this petition is seeking the I-1 category as opposed to the I-2 associated with the airport property eliminating concern regarding an extensive amount of outdoor storage. For these reasons, this petition is considered appropriate for approval on a conventional basis.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 93-2
Date Filed November 2, 1992
Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: James W. Gager

Owner's Address: 5707 Rebel Drive, Charlotte, NC 28210

Date Property Acquired: 7/6/88

Tax Parcel Number: 141-011-16

Location of Property (address or description)

8000 Byrum Drive

just west of intersection of Sirus Lane with Byrum Drive

Description of Property

Size (Sq. Ft.-Acres): 2.80 acres (121,968 sf) Street Frontage (ft.): 340 linear feet

Current Land Use: single family residence (rental property)

Zoning Request

Existing Zoning: R-3 Requested Zoning: I-1

Purpose of Zoning Change: to utilize the property for an Industrial/Business Use in the 70 Lda noise contour in compliance with the Southwest District Plan and surrounding properties.

GNA Design Associates, Inc.
Name of Agent

428 E. Fourth Street, Suite 408, Charlotte, NC 28202
Agent's Address

704/373-1907
Telephone Number

James W. Gager
Name of Petitioner(s)

5707 Rebel Dr.Charlotte, NC28210
Address of Petitioner(s)

704/552-2824
Telephone Number

James W Gager
Signature

Signature of Property Owner
if Other Than Petitioner

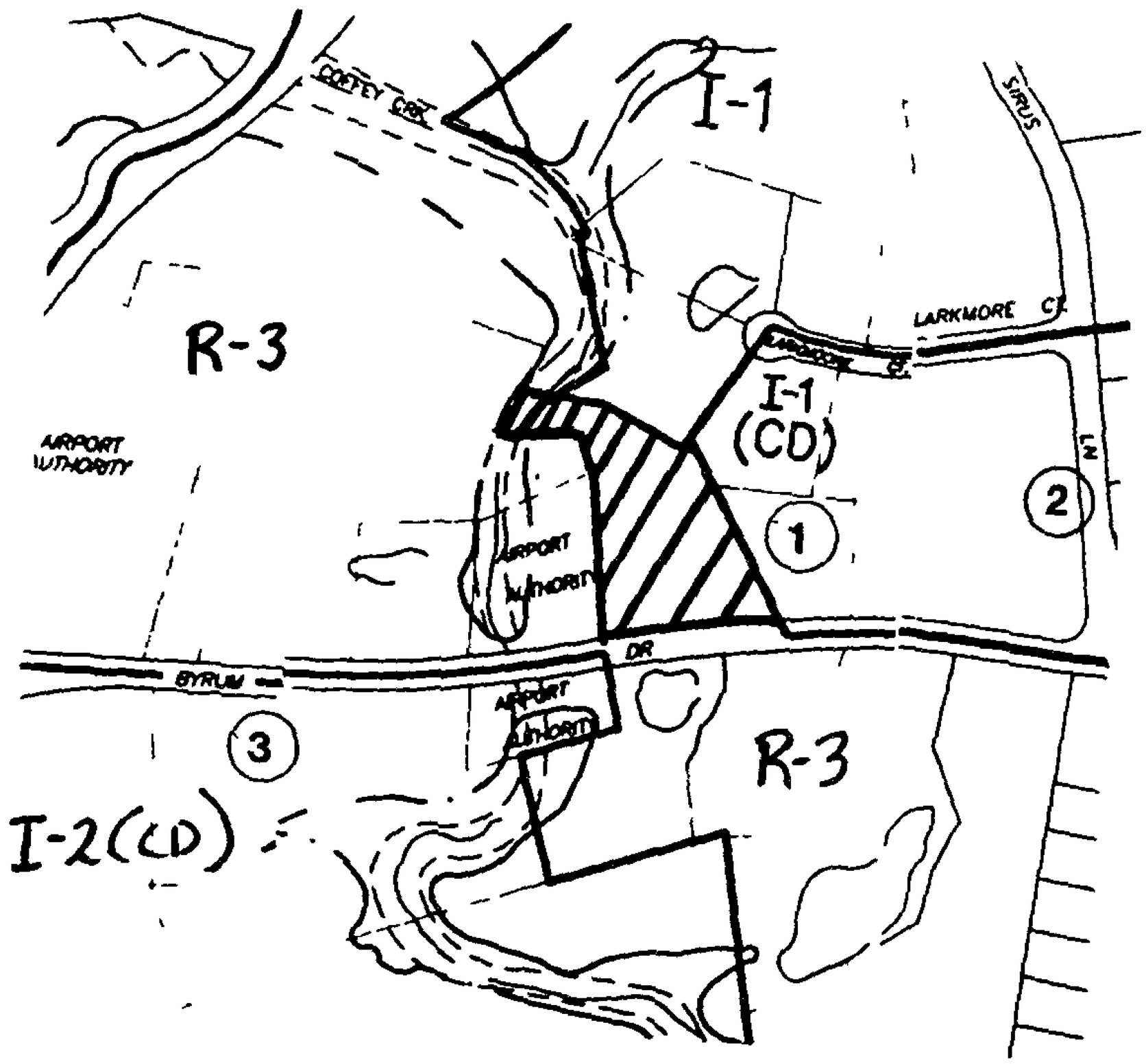
PETITIONER: James W. Gager

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-3

Petitioner: J.B. Ivey and Company

Location: Approximately 8.9 acres located on the northerly side of Central Avenue between Sharon Amity Road and Reddman Road (the Dillard's portion of Eastland Mall).

Request: Change from B-1SCD to CC.

BACKGROUND

1. Existing Zoning. The subject property is zoned B-1SCD and is a part of a larger B-1SCD site plan dating back to a 1972 County rezoning case which was later amended in 1985 under the City's jurisdiction. Nearby properties located across Central Avenue are zoned a combination of B-1, O-3, O-1 and B-2. The nearby intersection of Sharon Amity Road and Central Avenue is zoned B-1 and properties located just to the north of that intersection are zoned O-6.

2. Existing Land Use. The petitioned property is developed with the Dillard's Department Store portion of Eastland Mall. Abutting properties are the remaining portion of Eastland Mall. Nearby properties located at the intersection of Sharon Amity Road and Central Avenue are developed with commercial uses including gasoline stations and restaurants. Across Central Avenue from the petitioned property are a number of office uses including banks and a health club. Properties to the north along Sharon Amity Road, Stillwell Oaks Circle, and Wilora Lake Road are predominantly developed with single family residential. Wilora Lake Lodge is located nearby on Wilora Lake Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes Eastland Mall as a major mixed use center. Existing employment land uses are indicated along the Central Avenue and Albemarle Road corridors. Sharon Amity is recognized as a predominantly residential corridor with the exception of the intersection of Sharon Amity and Albemarle Roads and the intersection of Central Avenue and Sharon Amity Road. There are no specific strategies related to the subject property.

   2. East District Plan. The East District Plan (1990) recognizes Eastland Mall as a regional commercial center of over one million square feet.

4. Site Plan.

   1. Existing Site Plan. The subject property is a part of the overall master plan for Eastland Mall originally approved under the County's jurisdiction as part of a 1972 rezoning. That site plan allowed a total square footage of 1,174,737 square feet to be divided among a Belk's, Penney's, and Ivey's Department Store with a "to be announced Store Number Four" plus a number of smaller shops within the mall. This plan was subsequently amended in 1985 to establish a new public street connection along the easterly edge of the site to Wilora Lake Road which would eventually tie into the Jenkins Drive/Albemarle Road intersection.

   2. Proposed Site Plan. The site plan which accompanies this petition proposes rezoning of the Dillard's parcel of Eastland Mall to accommodate a 40,000 square foot expansion of the existing 120,000 square foot building. No other changes are made to the site.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 64-62	R-9MF to B-1	Approved	09/28/64
2. 68-70	B-1, O-6, R-9MF to B-1SCD & O-6	Approved	09/23/68
3. 68-77	R-9 to R-9MF	Approved	10/28/68
4. 69-70	R-9MF to O-6	Approved	08/04/69
5. 70-139	R-9, R-9MF, O-6 to R-9MF, O-6, B-1SCD	Approved	01/04/71
6. 72-40(c)	B-2, O-9 to B-1, R-9MF, B-1SCD	Approved	07/24/72
7. 74-19	O-15 to B-2	Denied	07/15/74
8. 78-17	B-1 to B-2(CD)	Approved	05/29/78
9. 83-68	R-9 to O-15(CD)	Approved	09/17/84
10. 84-19	R-12 to O-15(CD)	Approved	09/17/84
11. 85-38	B-1SCD Site Plan Amendment	Approved	09/16/85
12. 86-40	O-15 to B-1(CD)	Denied	05/19/86
13. 91-46	R-9 to O-15(CD)	Approved	09/23/91

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning to accommodate a minor expansion of the Dillard's component of Eastland Mall. All publicly adopted plans for the area recognize Eastland Mall as a regional shopping center which provides for the retail needs of

the area. Therefore, this petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of this petition to provide technical assistance.

   2. Departmental Comments. The majority of the departmental comments associated with this request relate to transportation issues. The City's Department of Transportation notes that construction of an additional driveway on Central Avenue between Albemarle Road and Reddman Road would ease traffic congestion at the intersection of Central Avenue and Reddman Road and access to the mall in general would be improved by the construction of a connector to the Albemarle Road/Executive Center Drive/Jenkins Drive intersection. (See attached memo)

ISSUES

1. Land Use. Publicly adopted plans for this area of the community have long recognized Eastland Mall as providing for the regional retail needs in this area. Therefore, from a land use standpoint this petition is considered appropriate for approval.

2. Site Plan. This petition proposes a minor expansion of the Dillard's component of Eastland Mall. The City's Department of Transportation has provided several recommendations that would ease the overall traffic congestion for Eastland Mall. However, the small scale of this petition does not mandate that those improvements be made at this particular time. Therefore, from a site plan standpoint this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

Revised

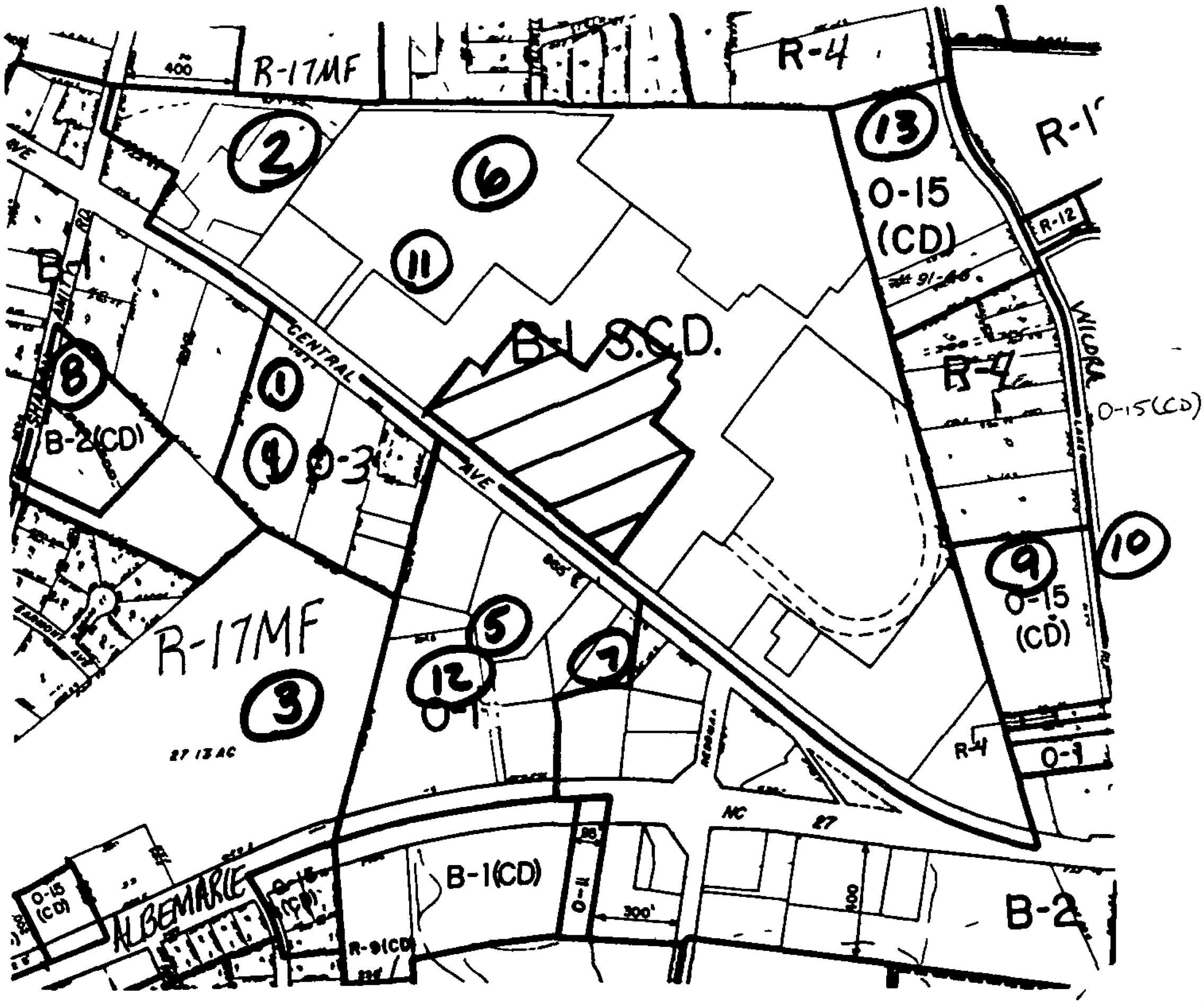
PETITIONER: J. B. Ivey & Company

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

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 93-3

PETITIONER: J. B. IVEY AND COMPANY

LOCATION: APPROXIMATELY 8.9 ACRES LOCATED ON THE NORTHERLY SIDE OF CENTRAL AVENUE BETWEEN SHARON AMITY ROAD AND REDDMAN ROAD AND BEING THE DILLARD'S PORTION OF EASTLAND MALL

REQUEST: CHANGE FROM B-1SCD TO CC

This request for zoning change is necessitated by a need on the part of Dillard's Department Store to expand their building by 40,000 square feet. While the entire Eastland Mall Project is much larger both in land area and building square footage, no other change is proposed for any portion of the remaining property. The change from B-1SCD to CC is requested because of the need to increase the allowable square footage by the proposed 40,000 square feet and because the B-1SCD terminology of the old ordinance has been replaced by the CC District in the new ordinance.

The site plan presented with this request indicates the location of the addition to the building and also reflects that the affected portion of the property will be redesigned and relandscaped to meet current ordinance requirements. The use of the property in this manner is consistent with the adopted East District Plan since this is recognized as a location for a regional shopping facility. Likewise, the site plan meets the technical requirements of the ordinance, and we are not aware of any outstanding issues.

As Planning Staff states in its Prehearing Analysis, this petition is appropriate for approval both from the perspective of the land use issue as well as the site plan. It is, therefore, urged you give favorable consideration to this request permitting a relatively minor expansion of a major retail facility and permit a key retail component to better serve its customer needs.

M E M O R A N D U M

DATE: December 29, 1992

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-3: North Side of Central Avenue Between Sharon Amity Road and Albemarle Road (Revised 12/07/92)

The existing Dillard's Department Store could generate approximately 7,920 trips per day as currently zoned. Under the proposed zoning the site (expanded department store only) could generate approximately 9,480 trips per day. This will not have a significant impact on the surrounding thoroughfare system. The higher trip generation information we gave in our earlier memorandum (11/30/92) was for the entire Eastland Mall development.

Congestion at the signalized intersection of Central Avenue/Reddman Road could be reduced if a driveway were constructed on Central Avenue between Albemarle Road and Reddman Road that would be designed to physically allow right-turn movements only into the shopping center. It is recommended that this improvement be constructed by the petitioner/developer so that right-turns from Central Avenue to the shopping center do not have to be made at the intersection under signalized control.

Overall access to Eastland Mall from Albemarle Road could be greatly improved if the Albemarle Road/Executive Center Drive/Jenkins Drive intersection and streets connecting the mall with that intersection are reconstructed as was proposed by the Eastland Mall management in 1988. The improvements would implement a new "back-door" entrance to the shopping center.

CDOT requests the reservation of 150 parking spaces for a Charlotte Transit System designated park-and-ride facility. Spaces are needed from 6:00am - 6:00pm, Monday - Friday and should be located near the intersections of Albemarle/Central and Central/Sharon Amity.

Any additional rezoning of the mall site may require a Traffic Impact Study to analyze the effect the site generated traffic will have on the thoroughfare system in the vicinity.

Central Avenue and Sharon Amity Road are both thoroughfares 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 each roadway.

Adequate sight distance triangles must be reserved at the existing entrances. Two 35'x 35' and two 10'x 70' sight triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fence and/or identification signs should not interfere with sight distance at the entrances. 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.

If we can be of further assistance, please advise.

RDG/REG:nsk

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fasion & Associates, Inc.
J. B. Ivey & Co.
Rezoning File

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 28, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on December 21, 1992.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, January 11, 1993. This will then permit these matters to be placed on your agenda for consideration on Tuesday, January 19, 1993.

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

Respectfully submitted,

Anne J. McClure (mcm)

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: December 21, 1992

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 deferred action on this petition for 30 days.

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

Nays: None.

Absent: 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 has prepared a storm water study and submitted it to the City Engineering staff this past Friday afternoon (December 18). City Engineering has not had adequate time to review and approve the study. Therefore, the Zoning Committee deferred action on this petition for 30 days.

DATE: December 21, 1992

PETITION NO.: 92-69

PETITIONER(S): Center Properties.

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

LOCATION: An 8.52 acre site located on the southwesterly corner of the intersection of Sharon and Fairview Roads.

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

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

Nays: None.

Absent: Byrne and Fenning.

REASONS

This petition proposes rezoning from B-1 and O-1 to B-2(CD) to accommodate a minor expansion of the existing Sharon Corners Shopping Center. The B-1 classification limits shopping centers to a maximum of 70,000 square feet while the B-2 category would accommodate up to 100,000 square feet. The request was viewed as consistent with publicly adopted plans and policies for the area and the Zoning Committee recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

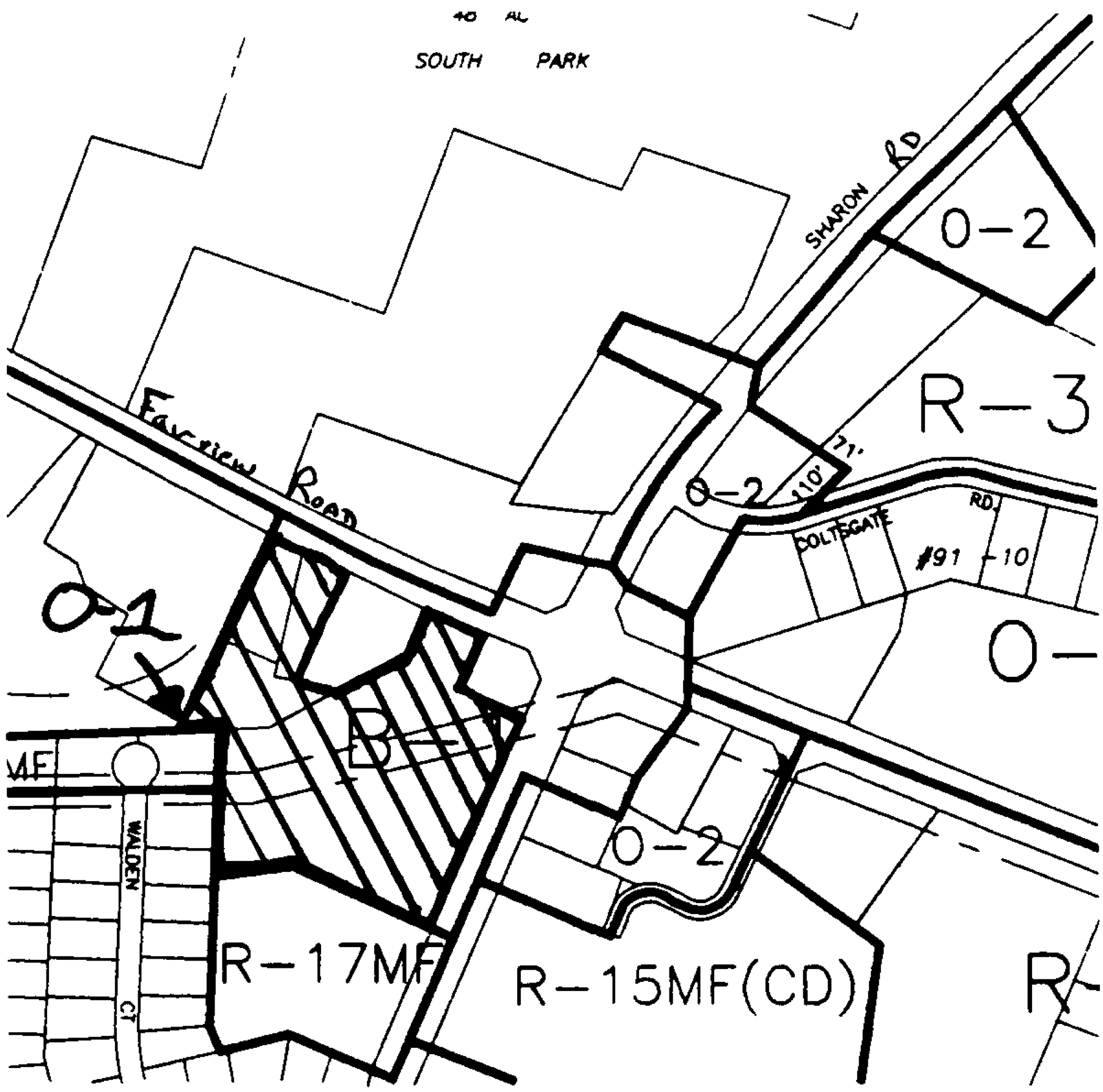
PETITIONER: Center Properties

PETITION NO.: 92-69 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: B-1 & O 1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

LOCATION: A 8.522 acre site located along the south side of Fairview Road and the west side of Sharon Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1992

PETITION NO.: 92-70

PETITIONER(S): Norwood Plants and Garden Center.

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

LOCATION: A 3.39 acre site located on the northerly side of Albemarle Road east of Hollirose Drive.

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

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

Nays: None.

Absent: Byrne and Fenning.

REASONS

This petition proposes rezoning from a single family residential category to a conditional commercial classification to accommodate the development of a 30,000 square foot commercial garden center/plant nursery. Publicly adopted plans and policies for the area recognize the subject property as appropriate for residential, rather than commercial development. The Zoning Committee viewed the proposed land use as more appropriately sited in a shopping center or other property already zoned for commercial development. Therefore, the Zoning Committee recommends that this petition be denied.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

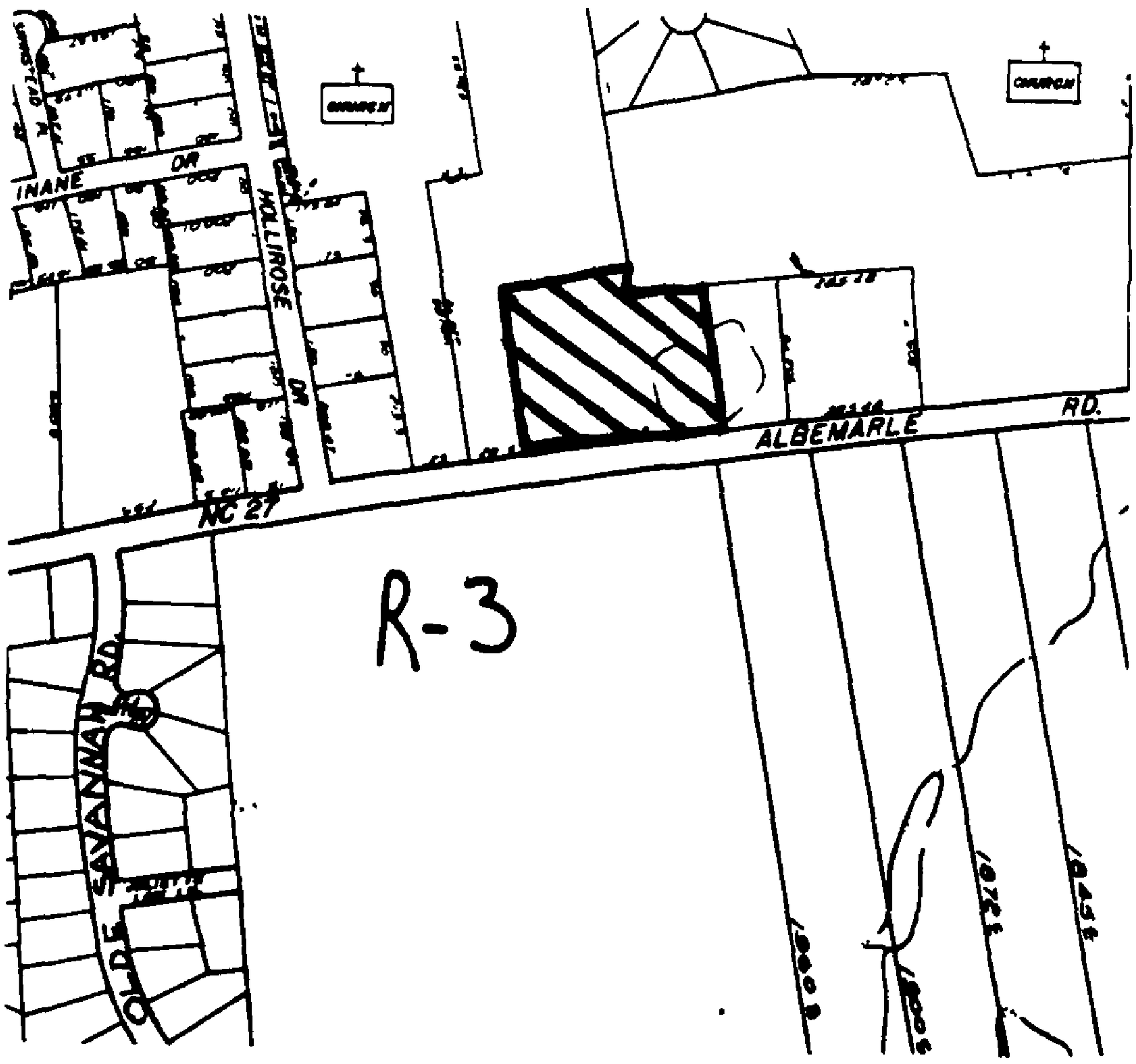
PETITIONER: Norwood Plants & Garden Center

PETITION NO.: 92-70 HEARING DATE: December 21, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

LOCATION: A 3.39 acre site located at 8837 Albemarle Road, north side of Albemarle Road, between Hollirose Drive and Harrisburg Road.



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

PROPERTY PROPOSED FOR CHANGE

DATE: December 21, 1992

PETITION NO. 92-72

PETITIONER(S): Christopher Branch.

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

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

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

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

Nays: None.

Absent: Byrne and Fenning.

REASONS

This petition proposes rezoning from a single family residential category to a combination of conditional urban residential districts to accommodate a mixture of single family detached and attached housing with an overall density of approximately nine dwelling units per acre. The Zoning Committee identified several issues that the petitioner should address through the submittal of a revised site plan. Those issues include better preservation of existing trees on the site, the "double street" concept, whether the proposed deed restrictions will be committed to on the site plan and information on the proposed amount of open space. The Zoning Committee deferred action on the petition for 30 days to allow the petitioner time to submit a revised site plan that addresses these issues.

DATE: December 21, 1992

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

Nays: None.

Absent: Fenning.

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 30 days.

Dinner Briefing 1-15-93

Mayor Urbrook	✓	X	Ann McClure ✓
Campbell	A		Jack Byrne ✓
Clod Peter	✓	X	Don Wheldel ✓
Hammond	✓	X	John Tabor ✓
McCrory	✓		Gloria Fenning ✓
Majeed	✓		
Morgan	✓	X	
Martin	✓	X	
Pattison	absent		
Reid	✓	X	
Scarborough	✓		
Wheeler	✓		

4:50

Urbrook

Planning Goals & Work Comm.:

- Carol Morris - Central District Plan
- City Within a City Relationship
- Corridor Revitalization Correlation
- Promote Industrial Area Redevelopment
- Land Use and Zoning Conflicts
- Cherry Small Area Plan

mtg monday - 1/25/93

1- Adopt Central District Plan

2- Adopt the Area Plans

3- Approve amendments to Park Rd. Plan

Cloodfelter - Explained process planning + Public Work Committee used + congratulated staff on good work

Margum

Cloodfelter - Corridor Zones

Margum

Hammond

Cloodfelter

Hammond

Carol Morris

Margum

Cloodfelter - When touring Druid Hills, literally could not get down on street on bus tour because of storm drainage problem.

Martin

Morris

Vinroot

~~[illegible]~~ Fields

Reid

Clodfelter
Reid
Vinroot
Reid
Clodfelter
Hammond
Clodfelter
Reid
Hammond
Vinroot
Reid
Morgan
Reid
Vinroot
Morgan - Mass Transit discussion in Raleigh - by 1996 all the ~~[illegible]~~ transit systems in the state will be in the ~~[illegible]~~ hole. Need to go after the gasoline tax 1¢ will raise $40 mil.
Vinroot
Morgan
Walter Fields - fin Body - deferred for 90 days

Hammond

Fields

Vinroot

Fields

Vinroot

Fields

Vinroot - Toll Road

Wheeler

Vinroot - have til 3/15 for any legislative issues for the delegation

Underhill

Vinroot

Martin

Vinroot Adjourn

5:30

ZONING MEETING 1/19/93

MAYOR	✓	Ann McClure	✓
CAMPBELL	✓	Ken Baker	✓
CLODFELTER	✓	Jack Byrne	✓
HAMMOND	✓	Gloria Fenning	✓
McCRORY	✓	John Tabor	✓
MAJEED	✓	Vincent Jones	✓
MANGUM	✓		
MARTIN	✓		
PATTERSON	absent		
REID	✓		
SCARBOROUGH	absent		
WHEELER	✓		

6:05 p.m.

Vinroot

Martin - Invocation

Vinroot

McClure

Vinroot

#1-92-64

Vinroot

Bob Young

Vincent		
Hem	Tomang	Clse Hrg.
	Unan.	
#2-92-67		
Vincent		
Fields		
Bryant		
Bailey Patrick		
Fred Bryant		
Morgan		
Bryant		
Rev. Kenneth Stalling		
Vincent		
Martin		
Vincent		
Majed		
~~[illegible]~~ Vincent		
McCrary		
Fields		
McCrary		
Lewis Walker		
Brad Winter		
Vincent		
Morgan / Wheeler	Clse Hrg	
Martin		

Fields

Martin

Fields

Martin

Fields

Martin

Fields

Doug Gillis, CDOT

Martin

Gillis

Mangum

Fields

Mangum

Fields

Mangum

Hammond - Wants to know the level of public investment in Hampton Park

Fields

Hammond

McCrory - is there any investment in the neighborhood that would be stopped by commercial development?

Hammond

Fields
Hammond
Steve Vermillion
Hammond
Vermillion
Hammond
Vermillion
Fields
Hammond
Fields
Vermillion
Hammond
Vinroot
Martin
Morgan
Vinroot
Majeed
Reid
Fields - 2 years ago
Reid
Fields 11/90
Patrick
Wheeler
Don Wheelchel -
Fields

Yes
Hammond / Mangum Close Hearing
Vincent
Patrick
Vincent
Fielde
Vincent
Vote - Unan

#392-71
Vincent
George Maloomian
Barbara Westphal
Maloomian
Vincent
Hammond / Wheeler Close Hearing
Unan
McCrory
Fields
Mangum
Clodfelter / Mangum - Defer #7, #10
+ #11 for 30 days

#4 93-1

Vinroot

Martin -

Vinroot

Mary

Vinroot

Fields

Vinroot

Martin

Fields

Mar

Fields

Martin

Fields

McCrory

Fields

Morgan

Bryant

Morgan

Bryant

Majed

Bryant

Vinroot

Wheeler

Vinroot

Bryant

Joseph Tracy, President Meck Area Catholic School Board

John Lambert

McCrory

Campbell

Vinroot

Will Miller - against

Eleanor Baumhardt

Sandy Turnbull

Al Mulrick

~~[illegible]~~ Peggy Fox

Fred Bryant

Vinroot

Wheeler

Bryant

Tracy

Wheeler

Tracy

Wheeler

Doug Gillis ~~20~~ 30 in 4 years at Cambridge/Poindexter/Park Rd.

Wheeler

Gillis - Not unusual amount for

Wheeler signalized intersection

Dillis

Wheeler

Dillis

Wheeler

Dillis

Wheeler

Fields

Wheeler

Fields

Clodfelter

Bryant

Clodfelter

Bryant

Clodfelter

Bryant

Clodfelter

Bryant

Dillis

Clodfelter

Martin

Dillis

Martin - How many parking spaces?

Bryant 131

Martin How many students per car

Tracy - Mostly carpool - 2 if not 3 per car

Martin

Bryant

Martin

Gillis - Poles can be moved out of

Martin sidewalk

Gillis

Martin

Gillis

Bryant

Vensoot

Hammond

Fields

McCrory - What are other options for parking?

Majeed

Gillis

Majeed

Gillis

Majeed

Gillis

Vensoot

Majeed

John Vinsoot

John Tabor

Vincent James

Hammond / Martin Close Hwy.
Union

#5 93-2
Vinroot
Fields
Vin
Cloodfelter / Martin Close Hwy.
Union

#6- 93-3
Vinroot
Vinroot
Fields
Bryant
Vinroot
Mark Barclay - Wilora Lake Dr. +
Sharon Amity - Landlocked
by Eastland Mall + Verndale
Development
Campbell
Bryant
Campbell
Bryant
Hammond - Mall manager could do
something

Vinroot
Hammond / Wheeler Close Hrng.
Tenan.

#8 - 92-69
Morgan / Campbell App.
Vinroot
Reid
Vinroot
Majeed
Whitehead
Fields -
Vote
No - Reid, Majeed

#9 - 92-70
Vinroot
Campbell
Campbell / Majeed - Approve
Cloodfelter
Morgan
Majeed
Fields
Hammond
Martin

VOTE -
No - Hammond, Clodfelter,
Mangum

#12
Clodfelter / Mangum
resume 92-73
92
unan.

#13
Clodfelter / Hammond
go into spec session
Reid
Vinroot
Reid

No - Reid

Martin / McCrory
adjourn