AGENDA

Meeting Type:	B
Date:	03/15/1993
SUBJECT	

City of Charlotte, City Clerk's Office

Zoning Meeting
March 15, 1993

Mayor Vincent	✓	Ann McClure	✓
Campbell	✓	John Tabor	✓
Carl Foster	✓	Ken Baker	✓
Hammond	✓	John Jones	✓
Mc Crary	✓	Gloria Fleming	✓
Majeed	✓	Vincent James	✓
Mangum	✓	Don Whitehead	✓
Martin	✓		
Patterson	absent		
Reid	✓		
Scarborough	✓		
Wheeler	absent		

6:05 p.m.

Hammond

Ann McClure

Hammond

Hoyle Martin Invocation

Hammond

#7, #8, #10

Martin / Mangum - Defer

Unan. 30 days

#1 - 93-7	
McCrory/Martin	Case Hrng.
	Usan.
#2 - 93-8	
Walter Fields	
Janet Stilwell	
Vinroot	
Phillip G. Helms	
Vinroot	
Janet Stilwell	
Martin	
Stilwell	
Martin	
Stilwell	
Martin	
Stilwell	
Martin	
Stilwell	
Martin	
Stilwell	
Vinroot	
Hammond/Mangum	Case Hrng.
Vinroot	Usan.

~~[illegible]~~ Clodfelter	
Margaret Cline	- 32 Years
Clodfelter	
Vinroot	
Fields	
#3 Vinroot - 93-9	
Bob Young	
Fields	
Young	
Hammond	
Vinroot	
Mike Hinshaw	
Vinroot	
Bob Young	
Vinroot	
Hammond	
Fields	
Hammond	
Fields	
Martin	
Underhill	
Martin	
Hammond	
Vinroot	

Martin / Campbell Case Hung.
Unan.

#4 - 93-12
Vinroot
N. A. Mathison

Vinroot
Hammond / Martin Case Hung.
Unan.

#5 - 93-13
Vinroot
Hammond / McCrory Case Hung
Unan.

Vinroot
~~#6~~

Mangum
Vinroot
#6
. Martin / Reid App.
No - Clodfelter

Vinroot
~~#6~~
#9 92-74 Hammond / Reid App.
Unan.

Vinroot

#11 93-7 ~~Clod~~ Majed / McCrory App.

Hammond

Martin

Morgan

Majeed

Scarborough

Vinroot

Martin

Majeed

Vinroot

VOTE - NO - Hammond,

Clodfelter + Morgan

93-5

#12 - McCrory / Hammond

App. Unan.

93-6

#13 McCrory / Martin

No - Scarborough

#14 McCrory / ~~Clod~~ Martin app

Unan.

#15 Martin / McCrory - No Clodfelter

#16 Hammond / Reid - Unan.

Freeze Remove # 93-16 from Res.

17 Hammond / Scarborough App

Unan.

Vinroot

Syfert

Vinroot

Syfert

McCrory

Reid

Vinroot

Martin / McCrory

adjourn

7:10 p.m.

CHARLOTTE

Meetings in March '93

THE WEEK OF MARCH 1 - 5

1, Monday

12 00 Noon — **PLANNING COMMISSION** - 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

2, Tuesday

6 30 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

3, Wednesday

3 00 p m — **PLANNING COMMISSION/Infill Housing Subcommittee** - CMGC, 8th Floor Conference Room

4, Thursday

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

2 00 p m — **ADVISORY ENERGY COMMISSION** - CMGC, Room 270

4·30 p m — **CHARLOTTE-MECKLENBURG ART COMMISSION/Social Services Ad Hoc Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF MARCH 8 - 12

8, Monday

7 00 p m — **HISTORIC LANDMARKS COMMISSION** - Thies Building, 500 N Tryon Street, Suite 200

9, 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

10, 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, Room 118

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

11, Thursday

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

THE WEEK OF MARCH 15 - 19

15, Monday

7 45 a m — **ELECTED OFFICIALS QUARTERLY MEETING** - Chamber of Commerce, 129 West Trade Street

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

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

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

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

(CONTINUED ON BACK)

THE WEEK OF MARCH 15 - 19 (Continued)

16, Tuesday

2 00 p m — **HOUSING AUTHORITY** - Red Carpet, 615 E Morehead St

4 30 p m — **COMMUNITY RELATIONS COMMITTEE** - Little Rock AME Zion Church, 401 N McDowell Street

6 30 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

17, Wednesday

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

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

18, Thursday

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

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

19, Friday

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

11 00 a m — **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 119

THE WEEK OF MARCH 22 - 26

22, Monday

3 30 p m — **PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

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

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

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

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

23, Tuesday

1 30 p m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - New Convention Center Office, 2940 One First Union Center

24, Wednesday

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

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

25, Thursday

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

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

MARCH 29 - 31

29, Monday

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

30, Tuesday

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

6 30 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

31, Wednesday

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

These organizations will not meet in March:

Firefighters Retirement Board
Insurance & Risk Mgmt
Parade Permit Committee

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 Monday, March 15, 1993

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

Tom O'Brian, Chairman Planning Commission
Planning Commission Work Program

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

Invocation by The Reverend Derrick Anderson, East Stonewall AME Zion Church

ITEM NO.

PUBLIC HEARINGS

1. (93-7) Hearing on Petition 93-7 by Allison Family Partnership for a change in zoning from O-15(CD) to R-3 for approximately 17.33 acres located on the east side of Wilora Lake Road north of Albemarle Road.

McCrory/Martin Close Hrng unan.

Attachment No. 1

2. (93-8) Hearing on Petition No. 93-8 by Richard Stilwell for a change in zoning from R-3 to I-1 for an approximately 1 acre site located on the south side of Byrum Drive east of Timberly Place. PROTEST IS SUFFICIENT.

Hammond/Mangum Close Hrng unan

Attachment No. 2

3. (93-9) Hearing on Petition No. 93-9 by Withrow Capital for a change in zoning from R-12(CD) and O-15(CD) to O-1(CD) for approximately 75.3 acres located on the northerly side of West Arrowood Road opposite the Arrowpoint Business Park.

Martin/Campbell Close Hrng unan.

Attachment No. 3 PROTEST IS SUFFICIENT

4. (93-12) Hearing on Petition No. 93-12 by N. A. Mathisen for a change in zoning from R-6MF(CD) and R-9(CD) to R-8 for approximately 14.6 acres located along both sides of Faires Farm Road north of McLean Road.

Hammond/Martin Close Hrng unan.

Attachment No. 4

5. (93-13) Hearing on Petition No. 93-13 by Volvo GM Heavy Truck Corporation for a change in zoning from I-2 to I-1 for approximately 4.5 acres located on the southerly side of I-85 at Cottonwood Street.

Hammond/McCrory Close Hrng. unan

Attachment No. 5

BUSINESS AGENDA

6. Recommend approval of an appropriations ordinance appropriating $4.5 million from the General Fund unappropriated fund balance to the Division of Insurance and Risk Management account - Tier 1 Reserves for settlement of the Lonon v. City of Charlotte lawsuit.

Ord. #5 3527-X, BK 41 pg. 496

Martin/Reid App. No-Closed Ses 8-1

At an executive session on February 22, 1993 the City Council authorized settlement of the Lonon v. City of Charlotte lawsuit for $4.5 million. Adoption of the above-referenced appropriations ordinance is necessary to place the required funds in the proper account. In exchange for payment of these funds, the plaintiff completely and fully releases the City from any and all claims and damages that he may have which resulted from an accident which occurred November 9, 1986 on Fairview Road at the entrance to the SouthPark Mall near the Sears Automotive Center. This settlement also satisfies all claims on behalf of medical care providers and other insurance carriers who have previously made claims against the City as a result of this accident. In addition, the plaintiff has taken a voluntary dismissal of his lawsuit with prejudice.

DECISIONS

7. (92-72) Decision on Petition No.92-72 by Christopher Branch for a change in zoning from R-3 to UR-1(CD) and UR-2(CD) for a 2.77 acre site located on the southwesterly corner of Queens Road West and East Boulevard.

Martin/Morgan Defer #7, #8 & #10 for 30 days unan

This petition was deferred for 30 days at the February 15 meeting.

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

Attachment No. 6

Nancy - Mike Shederman
3:20 pm call 536-1164

8. (92-73) Decision on Petition No. 92-73 by James E. Body for a change in zoning from R-3 to R-6(CD) for approximately 6.89 acres located on the north side of Fairview Road west of Wintercrest Road.

Deferred

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

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

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

Attachment No. 7

9. (92-74) Decision on Petition No. 92-74 by Charlotte-Mecklenburg Planning Commission for for a Text Amendment to correct typographical errors and provide numerous technical corrections.

Ord #1 3523 BK. 41, 495

Hammond/Reed app. unan.

This petition was deferred at the January 19 and February 15, 1992 meetings.

The Zoning Committee recommends that this portion of the petition be approved, as modified. (Another portion of this proposed technical text amendment will be submitted for consideration within the next sixty days).

Attachment No. 8

10. (93-1) Decision on Petition No. 93-1 by Charlotte Area Catholic Schools for a change in zoning from R-4 to O-1(CD) for two parcels which total 8.93 acres including 6.7 acres located on the west side of Park Road across from Princeton Avenue (Charlotte Catholic High School Main Campus) and a 2.17 acre site located on the southwesterly corner of the intersection of Park Road and Cambridge Road.

Deferred

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

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

Attachment No. 9

11. (93-4) Decision on Petition No. 93-4 by P.J.J.D. Enterprises for a change in zoning from B-1 to B-2(CD) for a .64 acre site located on the southeast corner of Beatties Ford Road and Gilbert Street.

Ord. #2 3524-Z, BK41 Pg. 486-488

Mayed/McCrory App 6-3 No- Hammond, Clodfelter, Morgan

The Zoning Committee recommends that this petition be approved.

Attachment No. 10

12. (93-5) Decision on Petition No. 93-5 by Kenneth and Jeanne England for a change in zoning from R-3 to R-8MF(CD) for a .48 acre site located on the northwest corner of Providence Road and Edgemont Road.

Ord #3 3525-Z BK,41, Pg 489-491

McCrory/Hammond App. unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 11

13. (93-6) Decision on Petition No. 93-6 by City of Charlotte, Community Development Department, for a change in zoning from R-17MF to I-1 for a .43 acre site located at the end of Spratt Street.

Ord #4 3526-Z, BK 41, Pg. 492-495

McCrory/Martin App 8-1 No- Scarborough

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

14. Recommend adoption of a Resolution calling for a joint public hearing on Monday, April 19, 1993, of the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning designation of the John Price Carr House and the land associated therewith as historic property.

Res #1 BK. 30, Pg. 396

McCrory/Martin App. unan

15. Recommend adoption of a Resolution calling for a joint public hearing on Monday, April 19, 1993, of the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Hawthorne Lane United Methodist Church and the land associated therewith as historic property.

Res #2 BK 30, Pg 398

Martin/McCrory App 8-1 No Clodfelter

16. Recommend adoption of a Resolution calling for a joint public hearing on Monday, April 19, 1993, of the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the John Paul and Alice Craft Lucas House and the land associated therewith as historic property.

Res #3 BK, 30 Pg 400

Hammond/Reed App unan.

Res #4
BK. 30
Pg. 402

17. Recommend adoption of a Resolution calling for public hearings on Monday, April 19, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, on Petitions 93-14 through 93-20 and SUB 93-1 for zoning changes.

REMOVE # 93-16
FROM RESOLUTION
BY PLANNING STAFF

Hammond | Scarborough
app. with the exclusion
of petition # 93-16.
unan.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 3, 1993

Mayor and City Council:

RE: Petitions to be Heard in March

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, March 15, 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
Land Development Manager

WGF:sls

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-7

Petitioner: Allison Family Partnership

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

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

BACKGROUND

1. Existing Zoning. The petitioned property is zoned O-15(CD) as are two nearby properties on Wilora Lake Road. Properties to the north are zoned a combination of R-3, R-12MF(CD) and R-15MF(CD). Properties located to the west and south are zoned a combination of R-3 and R-4. The Eastland Mall tract located to the west is zoned B-1SCD. Properties fronting along Albemarle Road are zoned a combination of B-2 and O-1.

2. Existing Land Use. The petitioned property is vacant with the exception of a single family home. Nearby properties located along Wilora Lake Road are developed with single family residential homes. Further to the north along Wilora Lake Road are several other vacant tracts, other residential development and Wilora Lake Lodge. Eastland Mall is located to the west. Properties fronting along Albemarle Road are developed with a combination of office, retail, and institutional uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the Albemarle Road and Central Avenue corridors as areas of existing employment development, designates Eastland Mall as a major mixed use center and recognizes the existing residential development on surrounding properties.

   2. East District Plan. The East District Plan recognizes the existing office zoning of the subject property.

4. Site Plan. There is no site plan which accompanies this petition due to its conventional, rather than conditional, nature. The O-15(CD) site plan presently in effect for the petitioned property permits 275,000 square feet of office development. The plan limits vehicular access to the site to two driveway connections to Hollyfield Drive.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-40(c)	B-2 & O-9 to B-1, R-9MF & B-1SCD	Approved	07/24/72
2. 77-21(c)	O-15 to B-2	Approved	06/06/77
3. 79-16	R-12 to R-12MF	Denied	10/17/83
4. 82-39	B-2 to B-D(CD)	Denied	09/28/82
5. SUP 83-2	SUP for a Nursing Home	Approved	02/19/83
6. 83-68	R-9 to O-15(CD)	Approved	09/17/84
7. 84-19	R-12 to O-15(CD)	Approved	09/17/84
8. 84-20	R-12 to R-15MF(CD)	Approved	09/17/84
9. 85-38	B-1SCD Site Plan Amendment	Approved	09/16/85
10. 89-81	R-12 w/SUP for a Nursing Home to R-12MF(CD)	Approved	11/20/89
11. 91-46	R-9 to O-15(CD)		09/23/91
12. 92-50	O-1 to R-3	Approved	10/19/92
13. 93-3	B-1SCD to CC	Approved	02/15/93

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

REVIEWS

1. Plan Consistency. This request seeks a rezoning from a conditional office category to a single family residential category. Plans for the area recognize the subject property and residentially zoned properties to the west and south as suitable for office, research, or commercial expansion.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff provided technical assistance to the petitioner prior to the filing of the application and subsequent to its filing.

   2. Departmental Comments. There were few departmental comments on this petition due to its conventional nature. Comments from CDOT are attached.

ISSUES

1. Land Use. There are no land use issues associated with this petition. It proposes a rezoning from an office category to a single family residential category. Over the long term, properties in this area will most likely be devoted to nonresidential purposes. However, the requested residential category is consistent with the land use in the area and will provide a short term tax valuation benefit to the property owners. Therefore, this petition is considered appropriate for approval.

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

CONCLUSION

This application is considered appropriate for approval.

*Subject to further refinement following public hearing.

MARCH 93'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review 1/26 @ 10:00 a.m

Petition No 93-7

Date Filed December 28, 1992

Received By LS

OFFICE USE ONLY

Ownership Information

Property Owner: Allison Family Partnership

Owner's Address: P. O. Box 35628, Charlotte, NC 28235

Date Property Acquired: 1946, 1962 and 1986

Tax Parcel Number: 103-111-17 and 103-111-02

Location of Property (address or description) 6100 - 6200 Wilora Lake Rd.

Description of Property

Size (Sq Ft -Acres): 17.33 A. Street Frontage (ft.): 3200

Current Land Use: vacant - undeveloped - 6135 Wilora Lake Rd.
single family residence

Zoning Request

Existing Zoning: O15-CD Requested Zoning: R12 (R3)

Purpose of Zoning Change: Relief on tax valuation

C. W. Allison, Jr.
Name of Agent

P. O. Box 35628, Charlotte, NC 28235
Agent's Address

376-7535
Telephone Number

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

C. W. Allison Jr.
Signature

Signature of Property Owner
if Other Than Petitioner

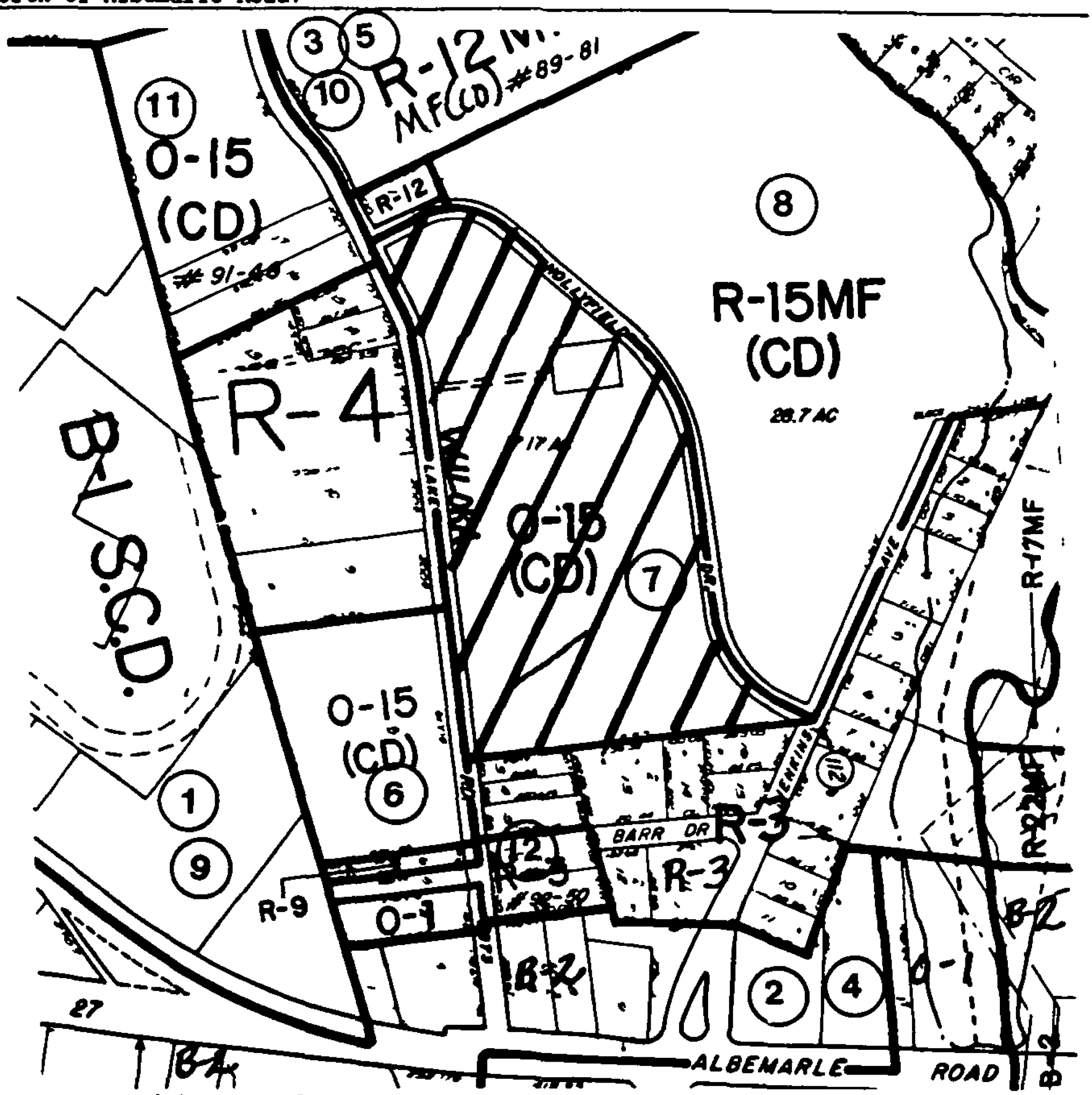
PETITIONER: Allison Family Partnership

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

ZONING CLASSIFICATION, EXISTING: O-15(CD)

ZONING CLASSIFICATION, REQUESTED: R-3

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



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: January 28, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-7: Wilora Lake Road North of Albemarle Road

This site could generate approximately 2,742 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 572 to 624 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

Right-of-way should be provided on Hollyfield Drive (Eastland Mall connector) to accommodate the future four lane cross-section as approved with rezoning petition 85-38. A minimum of 70 feet of right-of-way, 35 feet from centerline of Hollyfield Drive should be dedicated by the developer/ petitioner.

Adequate sight distance triangles must be reserved at any proposed public street connections. Two 35' x 35' sight triangles are required for public street connections to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at any public street connections. 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 on

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
C. W. Allison, Jr.
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-8

Petitioner: Richard Stilwell

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

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-3 as are nearby properties located on the south side of Byrum Drive. Nearby properties located on the north side of Byrum Drive are zoned I-1(CD) as a result of previous rezonings under the County's jurisdiction. To the southwest properties are zoned I-2(CD) as a result of a previous City rezoning petition.

2. Existing Land Use. The petitioned property is developed with a single family residence. Other single family residences are located along Timberly Place and Belle Oaks Drive. 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. 85-11(c)	R-15 to RU(CD)	Approved	04/15/85
2. 87-39(c)	I-1 & R-12 to I-1(CD)	Approved	08/17/87
3. 91-2(c)	R-12 to I-1(CD)	Approved	04/01/91
4. 91-52	Establish zoning on recently annexed property	Approved	09/23/91
5. 91-67	R-15 & R-12 to I-2(CD)	Approved	11/18/91
6. 93-2	R-3 to I-1	Approved	02/15/93

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 and, therefore, appropriate for approval. The one land use issue associated with this petition relates to the incremental nature of rezonings in this area. Although the requested rezoning conforms to adopted land use plans, it would be preferable to deal with the transition from residential land uses and zoning to uses and zoning compatible with the airport in a more comprehensive manner than on a lot by lot basis. The transition is particularly awkward in a situation such as this in which nonresidential zoning, as called for by the adopted plan, is sought on a street

developed with single family residential homes destined to be removed ultimately, but which may be in use for years to come. However, there may be no way to avoid this potentially difficult situation during the long-term transition from residential to nonresidential uses in the airport area.

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 most 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 north of the petitioned property on the north side of Byrum Drive established I-1(CD) categories. A conditional approach was necessary for those properties in that the County has 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. 93-8

Date Filed December 28, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Richard Edwin Stilwell

Owner's Address: 3753 Landmark Drive Sherrills Ford, N.C. 28673

Date Property Acquired: July 1978

Tax Parcel Number: #14105538

Location of Property (address or description): 7611 Byrum Drive Charlotte, N.C. 28217

Description of Property

Size (Sq. Ft.-Acres): Aprox. 1 Acre

Street Frontage (ft.): 175.51

Current Land Use: Residential

Zoning Request

Existing Zoning: R-3

Requested Zoning: I-1

Purpose of Zoning Change: To Become Compatible with the Airport Master Plan for future land use, recognizing residential is to be completely phased out in that area.

Name of Agent

Agent's Address

Telephone Number

Richard E. Stilwell

Name of Petitioner(s)

3753 Landmark Dr. Sherrills Ford, N.C. 28673

Address of Petitioner(s)

704-483 5116

Telephone Number

Richard E Stilwell

Signature

Signature of Property Owner if Other Than Petitioner

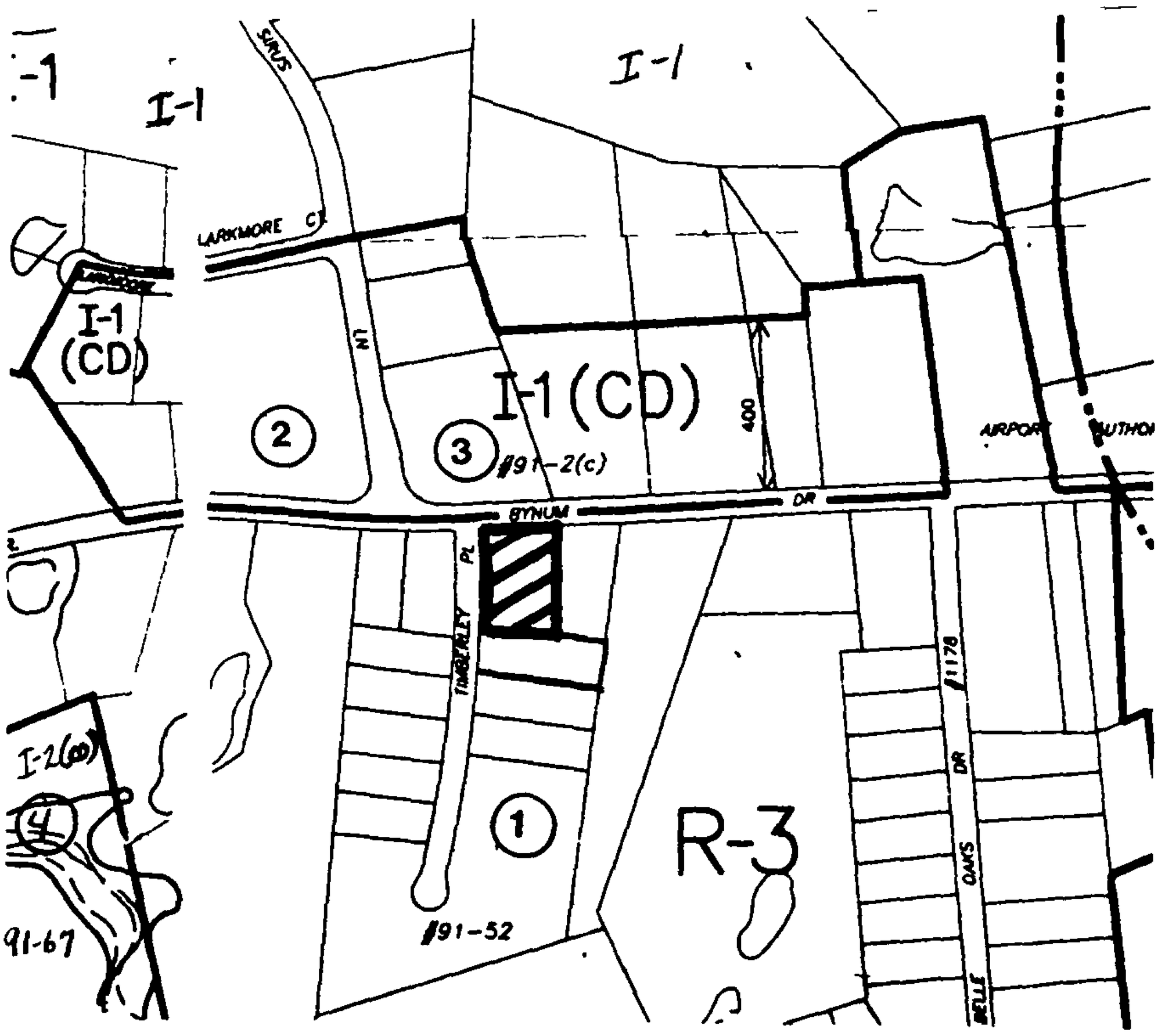
PETITIONER: Richard E. Stilwell

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

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-1

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



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: January 29, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-8: Byrum Drive East of Timberley Place

This site could generate approximately 33 to 36 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 52 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

Any proposed driveway connections to Byrum Drive and Timberley Place will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The location of any driveway(s) are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

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

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard 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 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 reviews 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
Richard E. Stilwell
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-9

Petitioner: Withrow Capital

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of R-12(CD) and O-15(CD) as a result of a 1988 rezoning petition. The majority of the nearby properties north of Arrowood Road in this area are zoned R-3 and R-4. Near the intersection of Arrowood Road and I-77 can be found a concentration of nonresidential classifications including B-1(CD), B-2, and B-D. Virtually all of the property south of Arrowood Road is zoned for nonresidential uses including B-D(CD), I-1, and I-2. There is a small amount of residential zoning on the south side of Arrowood Road near its intersection with N.C. 49.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the east, west, and north of the subject site are developed for single family detached housing. Properties south of the site are used for a variety of office and business park purposes. Properties near the intersection of Arrowood Road and Interstate 77 are also used for a variety of nonresidential purposes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment uses in the area of the subject property. It also indicates a community commercial center at the intersection of N.C. 49 and Beam Road. The 2005 strategies include expansion of the greenway system along Big Sugar Creek, improvements to Arrowood Road and improvements to N.C. 49.

   2. Transportation Improvement Program (TIP). The TIP calls for the widening of York Road (N.C. 49) to four lanes from Tyvola Road Extension to N.C. 160.

   3. Greenway Master Plan. The Greenway Master Plan includes the Big Sugar Creek greenway.

   4. Southwest District Plan (adopted 1991). The Southwest District Plan recognizes the existing zoning of the subject property.

4. Site Plan.

A. Existing Site Plan. The site plan presently in effect on the petitioned property permits 700,000 square feet of office development within the O-15(CD) area in the easterly portion of the site and 10 single family lots within the R-12(CD) area in the westerly portion of the site.

Access is provided by a public street connection on Arrowood Road across from Hanson Road and a second public street connection to Arrowood Road in the easterly portion of the site. The plan indicates a possible median cut on Arrowood Road for the more easterly street connection if approved by CDOT.

The plan provides a 100 foot buffer on the northerly project edge, dedicates approximately 16 acres to the greenway system along Big Sugar Creek on the easterly project edge and provides an interior lake or open space area within the office development.

B. Proposed Site Plan. The proposed site plan would permit 808,000 square feet of office development.

Proposed access to the site is unchanged and the plan retains the indication of a possible median cut for the more easterly public street connection if approved by CDOT.

The plan remains unchanged with respect to the 100 foot buffer on the north edge, approximately 16 acres of greenway dedication on the east edge and the interior lake or open space.

The major changes outlined by the new plan are

- a deletion of the residential component
- an increase in the permitted building area from 700,000 to 808,000 square feet.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 71-18	R-12 to R-9MF	Approved	05/03/71
2. 71-51	R-9MF to R-12	Approved	07/12/71
3. 84-61	R-12 to R-15MF(CD)	Denied	07/18/85
4. 84-28(c)	R-12 to B-D(CD)	Approved	11/29/84
5. 87-9	R-12 to B-1(CD)	Approved	02/23/87
6. 88-95	R-12 to R-12(CD) & O-15(CD)	Approved	01/17/89

7. Neighborhood. This property does not fall within any defined neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes rezoning to accommodate an increase in the scale of development permitted and a deletion of the residential component. Plans for the area ranging from the 2005 Plan to the Southwest District Plan recognize the potential for employment type land uses. Therefore, the petition is generally consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner several times prior to the filing of the application. Subsequent to the filing of the application, the staff met with the petitioner to discuss questions and comments regarding the site plan.

   2. Departmental Comments. Departmental comments that have not been addressed include the need for

      - clarifications related to required buffers and relocation of a fence from the outside of the westerly edge buffer to the inside of the buffer,

      - clarifications related to the greenway dedication, and

      - an update of the previous (1988) traffic impact analysis (see attached CDOT memo).

ISSUES

1. Land Use. This petition proposes to delete the residential component of the overall master plan for this development in favor of a pure office proposal. The incorporation of a residential component was the source of much discussion during the earlier rezoning. It was noted by staff at the time that a more significant residential component would be desirable and the probability of only 10 residential lots being developed was very questionable. (The original pre-hearing staff analysis is attached). While it may be acceptable to now delete the residential portion, the specific site plan will need to provide an adequate buffer treatment between the proposed office development and the existing residential areas to the west.

2. Site Plan. The site plan which accompanies this development proposes an 808,000 square foot office development in favor of the original concept of a 700,000 square foot office development and 10 single family lots. The approved plan's residential component of just over 10 acres essentially created a 170 to 260 foot buffer between the westerly project edge and the office development. The

proposed plan stipulates only to the minimum ordinance requirement of 56.25 feet between the westerly edge and the proposed office area. The plan notes the 75 foot buffer requirement and indicates that a fence will be installed along the southerly portion of the westerly project edge reducing the required buffer to 56.25 feet. The plan indicates the remaining portion of the westerly project edge which requires a 75 foot buffer may also be reduced to 56.25 feet with the incorporation of a fence. The proposed plan is in essence reducing the separation between adjoining residential properties to the proposed office development from 170 feet and up to 56.25 feet.

The other outstanding site plan issues include the need for adequate resolution of any transportation issues and clarification related to greenway dedication.

CONCLUSION

This petition is considered appropriate for approval only with provision of an adequate buffer treatment along the adjoining residential properties and adequate resolution of transportation issues.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 93-9

Date Filed December 28, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Arrowood 77 Associates Limited Partnership

Owner's Address Post Office Box 220325, Charlotte, North Carolina 28222

Date Property Acquired 2/14/89 and 8/25/88

Tax Parcel Number 167-181-04 and 167-181-05

Location of Property (address or description) northerly side of Arrowood Road, generally opposite the ArrowPoint Business Park

Description of Property

Size (Sq Ft -Acres) 75.3 acres Street Frontage (ft) 1,900' ±

Current Land Use vacant

Zoning Request

Existing Zoning O-15(CD) and R-12(CD) Requested Zoning O-1(CD) Site Plan Amendmer and O-1(CD), [redacted]

Purpose of Zoning Change to incorporate a small area of single family zoning, originally set aside as a transitional area, into the overall office park development; the single family site is better suited for office development now that an adjoining tract to the west is developing as a single family subdivision

Name of Agent Robert G. Young

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

Telephone Number
334-9157

Name of Petitioner(s) Withrow Capital, Inc. for Arrowood 77 Associates, Ltd Partnership

Address of Petitioner(s) 1900 Rexford Rd #215
Charlotte, N.C. 28211

Telephone Number
364-5895

Ronald F. Withrow

Signature

General Partner

Signature of Property Owner
if Other Than Petitioner

PETITIONER: Withrow Capital

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

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

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

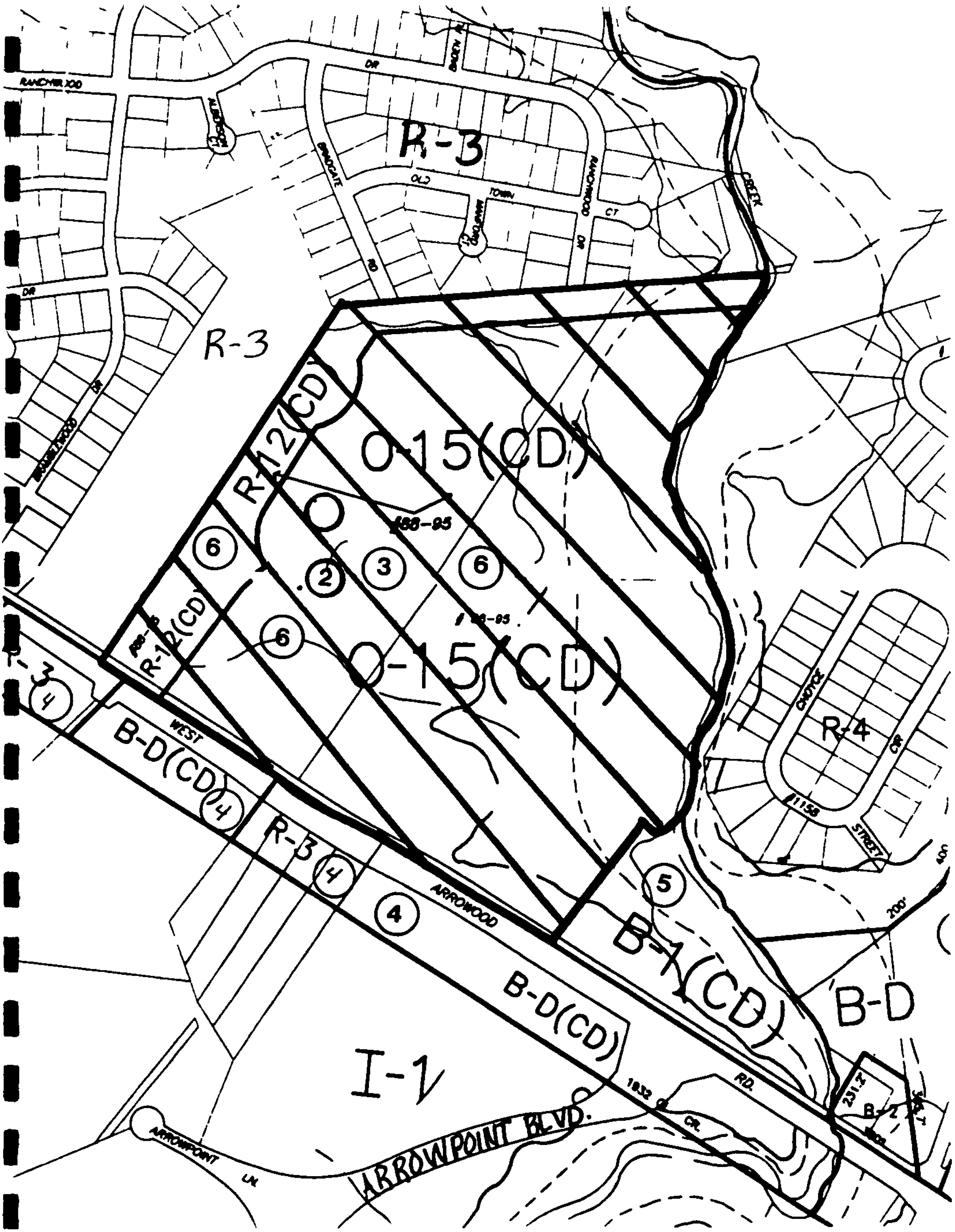
LOCATION: Approximately 75.3 acres located on the northerly side of West Arrowood Road opposite Arrowood Business Park

SEE ATTACHED MAP

ZONING MAP NO(s).: 133, 149

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


RANCHER 100
DR
BRIDGEN
R-3
BRIDGATE
OLD
TOWN
RANCHWOOD
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RD
CREEK
R-3
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R-12(CD)
O
188-95
6
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O-15(CD)
R-12(CD)
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WEST
B-D(CD)
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B-1(CD)
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B-D(CD)
I-1
ARROWPOINT BLVD.
ARROWPOINT
LN
1032
CR.
RD.
231.7
B-2
R-4
CHOICE
CR
1158
STREET
200'

M E M O R A N D U M

DATE: February 19, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-9: West Arrowood Road
Opposite Arrowood
Business Park
(Revised 2/11/93)

This site could generate approximately 6,220-6,230 trips per day as currently zoned. The revised site plan indicates no significant change in proposed land use. Therefore, the trip generation (6,830 trips per day) has remained the same.

This increase in potential daily trips will significantly impact the surrounding thoroughfare system. We are therefore making a <u>second</u> request for the submittal of a Traffic Impact Study (TIS). The TIS is needed to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity. The TIS submitted and reviewed in 1988 for the previous rezoning of this site will not be accepted. The 1988 TIS needs to be revised according to the proposed development and updated to include, but not be limited to, current traffic volumes, transportation improvements, and horizon year (1998) analyses.

CDOT cannot support the petition unless a current TIS is submitted for review/approval and that the developer/ petitioner is responsible for any identified improvements to mitigate the traffic impacts of the proposed development. A traffic study will be required for future driveway permit/ building permit approval.

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.

CDOT cannot agree to Notes I (1) (a-c) at this time. These notes will need to be revised per the required roadway improvements approved by CDOT and documented in the new TIS.

Arrowood Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated on the plan that right-of-way currently exists that meets this requirement, measuring in excess of 50 feet from the centerline of the roadway.

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

The proposed public street connections to Arrowood Road require a driveway permit to be submitted to Charlotte Department of Transportation for North Carolina Department of Transportation review and approval.

All proposed commercial driveway connections to a future public street will 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, adn conflicting use of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other 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.

We have the following specific comments on the site plan:

- The proposed western public street must align with Hanson Road.
- Left-turn lanes must be constructed in both directions on Arrowood Road and comply with minimum CDOT design standards.
- The need for the proposed eastern median opening must be addressed in the TIS. However, we do not feel that it is justified at this time.

Other comments concerning specific roadway improvements required to mitigate the impact of the development will be made after we review the required TIS.

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
Withrow Capital, Inc.
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No 88-95

Petitioner: Withrow Capital Ink

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

Request: Change from R-12 to R-12(CD) and O-15(CD)

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-12. The majority of the properties north of Arrowood Road in this area are zoned for single family use as either R-12 or R-9. Near the intersection of Arrowood Road can be found a concentration of nonresidential classifications including B-1(CD), B-2, and B-D. Virtually all of the property south of Arrowood Road is zoned for nonresidential uses including B-D(CD), I-1, and I-2. There is a small amount of residential zoning on the south side of Arrowood Road near its intersection with N.C. 49.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the west and north of the subject site are developed for single family detached housing. Properties south of the site across Arrowood Boulevard are used for a variety of office and business park purposes. Properties near the intersection of Arrowood Road and Interstate 77 are also used for a variety of nonresidential purposes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment uses in the area of the subject property. It also indicates a community commercial center at the intersection of N.C. 49 and Beam Road. The 2005 strategies include expansion of the greenway system along Sugar Creek, improvements to Arrowood Road, and improvements to N.C. 49.

   2. Transporation Improvement Program. The TIP calls for the widening of York Road (N.C. 49) to four lanes from Tyvola Road Extension to N.C. 160.

   3. Greenway Master Plan. The Greenway Master Plan calls for the improvement of the Sugar Creek flood plain into a major greenway facility.

   4. Small Area Plan. This site does not fall within any defined small area plan.

4. Site Plan. The site plan which accompanies this application proposes three components on the property. The first and most significant

component is that of office development which would occupy approximately 45 acres of the site. The second component is comprised of approximately 16 acres of land which would be dedicated to Mecklenburg County as part of the Sugar Creek greenway. The third component of the plan is a narrow strip of R-12(CD) zoning which boarders the western and northwestern side of the site On the western side of the site that zoning would accommodate 10 units of single family detached housing and on the northwestern portion of the site would simply serve as a 100 foot buffer The site would gain access through two connections to Arrowood Road and would maintain a 50 foot landscape buffer area along the entire Arrowood Road frontage. Along the westerly side of the site, a portion of existing vegetation would remain and the office development would be separated from the single family residential development by a 40 foot building and parking set back. The various development parcels of this site would be serviced via public streets which would include a landscape tree planting theme to unify the design of the office park. The plan limits the building height in two of the development areas, parcels E and F, to 100 feet. Petitioner also proposes to make a number of transportation related improvements including the addition of turning and deceleration lanes along Arrowood Road and the dedication of any additional right-of-way which may be required to accommodate these improvements.

5. School Information. Information from the School Board is not available as of the preparation of this report.

6. Zoning History (See Attached Map).

1.	65-57	R-9 to B-2	Approved	06/28/65
2.	71-18	R-12 to R-6MF	Approved - 9MF	05/03/71
3.	71-51	R-9MF to R-12	Approved	07/12/71
4.	72-31(c)	R-9 to B-D, O-15, R-9MF	Approved	07/03/72
5.	73-34(c)	R-9 to B-2, B-D, R-15	AIP (B-1)	06/18/73
6.	84-28(c)	R-12 to B-D(CD)	Approved	11/29/84
7.	84-61	R-12 to R-15MF(CD)	Denied	07/15/85
8.	87-9	R-12 to B-1(CD)	Approved	02/23/87

7. Neighborhood. This property does not fall within any defined neighborhood area.

REVIEWS

1. Plan Consistency. This petition proposes the development for a tract of land for office and residential purposes. The residential component is included in the application to provide some recognition of the substantial residential development pattern already existing in the area. The 2005 Plan indicates that properties in the Arrowood Road/I-77 area should be used for nonresidential purposes. However, Arrowood Road itself has been viewed as the boundary between residential and nonresidential uses, with nonresidential uses to the south and residential uses to the north. Likewise, Sugar Creek is also been viewed as a boundary between residential and nonresidential uses on the north side of Arrowood Road with residential uses to the west of the creek and nonresidential uses to

the east of the creek toward I-77. In view of the fact that this tract of land and one more 15 acre site which is not part of this application represents the last undeveloped land on the north side of Arrowood Road, west of Sugar Creek it is believed that a consistent application of the land use policies of the area would find that this petition is not consistent with plans for the area.

2 Technical Consistency.

1 Pre-Hearing Staff Input. The staff met with the petitioner several times prior to the filing of the application and indicated that the land use policies for the area call for this property to be used for residential purposes. The staff urged the petitioner to consider an application for residential use which would provide a variety of housing styles and densities to support growing employment in the area. Subsequent to the filing of the application, the staff met with the petitioner to discuss questions and comments regarding the site plan.

2. Departmental Comments.

1. C-MUD. Comments from C-MUD were unavailable as of the preparation of this report. However, it is believed that water and sewer service is available to the site.

2. Fire Department. The Fire Department indicated that public or private fire hydrants would have to be installed so that no portion of any structure was greater than 300 feet away from a hydrant location.

3. Building Standards Department. The Building Standards Department had no comments on this application.

4. Engineering Department. The Engineering Department provided a standard list of additional ordinances that the petitioner would be required to comply with. In addition, the Engineering Department strongly urged the applicant to treat their storm water management as a single site issue. That way the entire site could be designed and controlled as a single facility. Otherwise, each individual development site would be required to do a separate storm water management program. The Engineering Department also raised concern about a public street which appeared to utilize a dam for a small lake on the site. The Engineering Department indicated that special means would have to be considered if the street were to pass near the lake proposed on the site plan.

5. C-DOT. The Department of Transportation indicated that the trips generated from this site would increase from the present zoning at approximately 2,700 to 3,500 trips per day to about 5,900 to 7,600 trips per day as proposed. They indicated that they will not recommended any median cuts in this portion of

Arrowood Road as the petitioner has shown on their plan. They also indicated that the westerly most street must line up with Hanson Road.

6 County Parks Department. The County Parks Department indicated interest in the propose dedication of approximately 16 acres of land in the greenway system. However, they indicated that they had originally been considering acquiring up to 26.1 acres of this site for greenway purposes. They also note the need for the greenway dedication as proposed on the plan to be extended through the 100 foot R-12(CD) buffer area on the northwesterly side of the site.

7. Planning Staff. The Planning staff indicated that the petitioner needed a substantial residential component as part of this site. It is believed that a small residential element included on one side of the property is totally inadequately to integrate a nonresidential use into the residential area on the north side of Arrowood Road. In addition, the staff had a number of detailed comments and questions regarding the site plan and the need to clarify some of the conditional notes.

ISSUES

1. Land Use. This petition poses a substantial land use issue. For a number of years, the land use policies for this area of the community have call for this property to be used for residential purposes. Both Arrowood Road to the south and Sugar Creek to the east of this site have been viewed as boundaries between residential and nonresidential development. Indeed, many of the adjoining subdivision streets are stubbed into this property in anticipation of a residential future. While it might be appropriate to consider a mixed use development with a small nonresidential component oriented toward the southeasterly corner of the site at Arrowood Road, the petition as proposed is essentially an office park development which violates the long standing land use policies for the area. Therefore, from a land use standpoint, this petition as presented is not appropriate for approval.

2. Site Plan. The site plan which accompanies this application also contains a number of issues. First is the use of the R-12(CD) category as little more than a buffer between the O-15 portion of the site and existing residential neighborhoods. The zoning ordinance defines residential districts as those to be used for residential purposes and not as buffer districts between nonresidential and other residential uses. In addition, the small R-12 component which include 10 individual lots is included on the plan in an attempt to establish a residential component on this site. The probability of those residential lots actually being developed is very questionable. The plan also contains a potential access problem in view of the fact that there is not median break to accommodate the easterly most street connection to Arrowood Road. This is not a matter in which the petitioner can correct prior to the public hearing unless the plan limits that street connection to a right-in

and right-out turning movements only Unless this site plan can be modified to contain a substantially larger residential component, then this petition should not be considered as appropriate for approval

CONCLUSION

This petition is not appropriate for approval. It violates long standing land use policy for the area which calls for nonresidential development to be located south of Arrowood Road.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 88-95
Date Filed 11/1
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner (1) Arrowood 77 Associates, Ltd. partnership (2) The Executive Building Compa

Owner's Address (1) P. O. Box 220325 P. O. Box 240787
Charlotte, N. C. 28235 Charlotte, N. C. 28224

Date Property Acquired (1) 8/25/88 (2) 12/22/71

Deed Reference (1) 5839-916 (2) 3327-513 Tax Parcel Number (1) 167-181-05 (2) 167-181-04

Location Of Property (address or description) northerly side of Arrowood Road, generally

opposite the Arrowpoint Business Park

Description Of Property

Size (Sq. Ft.-Acres) 75.3 acres Street Frontage (ft.) 1,900'±

Current Land Use Vacant

Zoning Request

Existing Zoning R-12 Requested Zoning R-12 (CD) O-15 (CD)

Purpose of Zoning Change To permit the development of a high quality office park along Arrowood Road between business and single family zoning

Robert G. Young
Robert G. Young, Inc.
Name Of Agent

Withrow Capital, Inc. for
Arrowood 77 Assocaites,
Name of Petitioner(s)

301 S. McDowell Street #1012
Agent's Address

1900 Rexford Road #215
Address of Petitioner(s)

334-9157
Telephone Number

364-5895
Telephone Number

Perry, Patrick, Farmer and Michaux, P.A.
Bailey Patrick
900 Baxter Street
Charlotte, N. C. 28204
372-1120

Signature

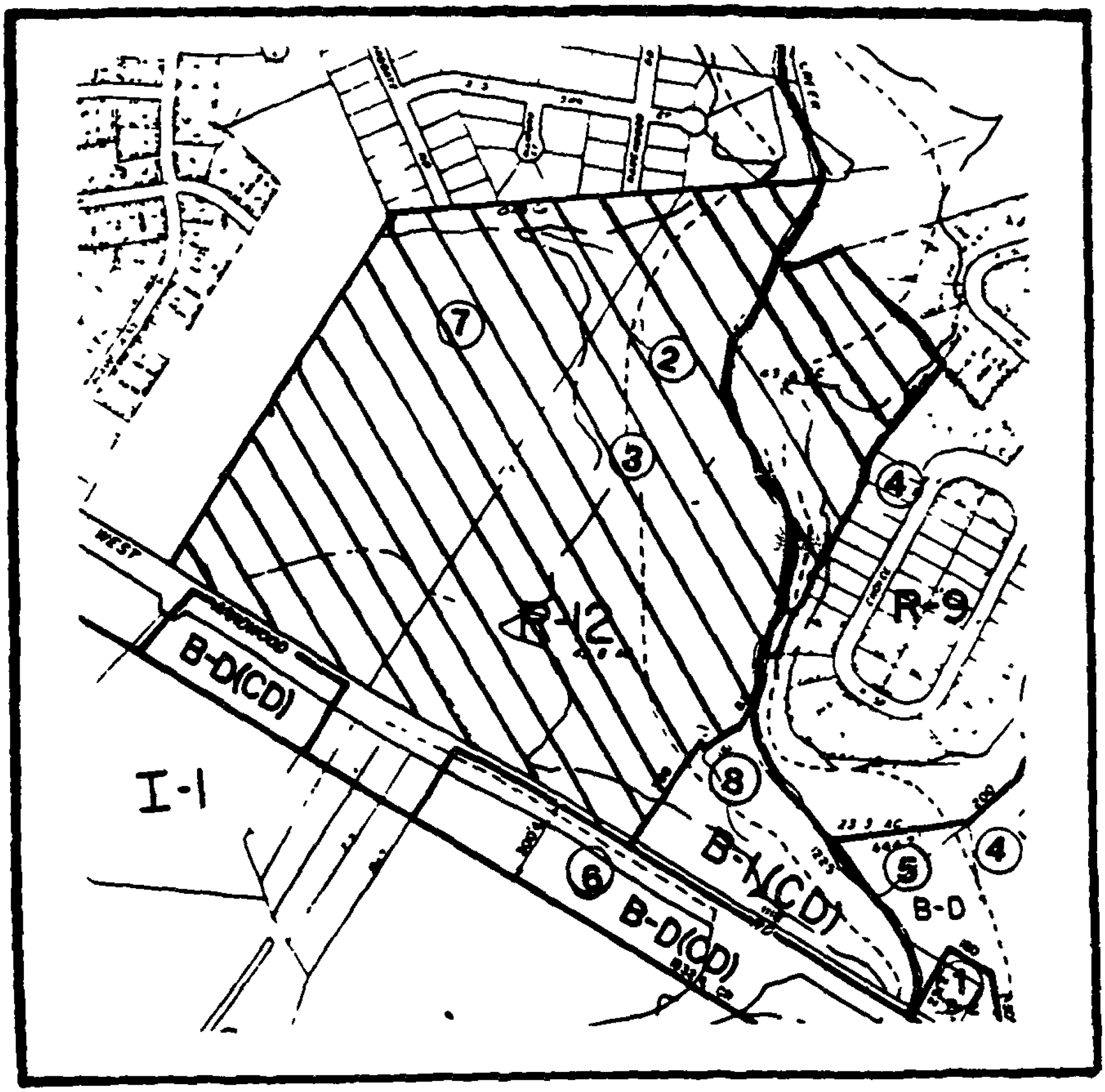
Signature of Property Owner if Other Than Petitioner

PETITIONER Withrow Capital, Inc. for Arrowood 77 Associates

PETITION NO. 88-95 HEARING DATE December 19, 1988

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

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



ZONING MAP NO. 133, 149 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-12

Petitioner: N. A. Mathisen

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

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned a combination of R-6MF(CD) and R-9(CD) and is part of a larger planned residential community known as Faires Farm. That project includes properties zoned R-6MF(CD) and R-12(CD) in addition to the R-6MF(CD) and R-9(CD) which is the subject of this application. Properties surrounding the subject site are generally zoned R-3. However, to the west across Old Concord Road can be found a number of properties zoned R-17MF, Institutional, and R-9MF(CD).

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties elsewhere in the Faires Farm community have developed with single family detached housing. Properties to the west across Old Concord Road are developed for single family housing, multi-family and institutional uses. A church is located south of the petitioned site on McLean Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing residential land uses in the area of the subject property. The plan acknowledges UNCC as a major institutional use nearby and 2005 strategies include a Development Enterprise Area at the intersection of Old Concord Road, Harris Boulevard, and Rocky River Road. The plan also indicates a future light rail station in the area, expansion of the greenway system along Back Creek and numerous road improvements.

   2. Transportation Improvement Program. The TIP calls for the construction of the eastern portion of the Outer Belt. The EIS has been completed and right-of-way acquisition is scheduled to begin in FY93 with construction starting in FY97. The TIP also includes the proposed Eastern Circumferential from Mallard Creek Church Road to Albemarle Road.

   3. Northeast District Plan. The Northeast District Plan recognizes the existing multi-family zoning on the subject property. It also details plans for extension of water lines along Old Concord Road, the extension of sewer in the Back

Creek basin and extension of the greenway system along Back Creek.

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

   A. Existing Site Plan. The site plan currently in effect for this property would permit the development of 153 units on the R-6MF(CD) portion of the petition, all of which could be either multi-family or single family. If developed for single family purposes, the minimum lot size is 6,000 square feet. The R-9(CD) portion allows 15 single family lots of at least 9,000 square feet and a church and church related day care.

   B. Requested Zoning Category. The proposed R-8 district would permit the development of 116 lots on the petitioned 14.6 acres. The minimum lot size in the R-8 category for single family detached development is 3,500 square feet.

5. School Information. This information has been requested but is unavailable as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-94	R-12MF to R-12	Approved	01/20/69
2. 70-12	R-12MF to R-12	Approved	05/18/70
3. 86-36(c)	R-9, R-12 to R-9(CD), R-12(CD), R-6MF(CD), R-15MF(CD)	Approved	07/25/86
4. 89-26(c)	R-15MF(CD) to R-6	Approved	11/06/89

7. Neighborhood. This project falls within the area defined as the Newell community.

REVIEWS

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

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application to discuss the proposal.

   2. Departmental Comments. Due to the conventional nature of the request reviewing agencies had few comments. CDOT comments are attached.

ISSUES

1. Land Use. There are no land use issues which accompany this application. The property is presently zoned multi-family and the requested category would allow the development of a single family subdivision composed of smaller lots than is allowed by the approved plan. Plans for the area call for residential uses for this property. Therefore, from a land use standpoint, this petition is appropriate for approval.

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

CONCLUSION

There are no issues raised by the subject petition. It is consistent with publicly adopted plans for the area and is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-12
Date Filed December 28, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: The Mathisen Company

Owner's Address: P.O. Box 578, Indian Trail, N.C. 28079

Date Property Acquired: February 24, 1986

Tax Parcel Number: 051-292-57 & 051-311-90

Location of Property (address or description)

Corner of McLean Road and Faires Farm Road in northeast Charlotte.

Description of Property

Size (Sq. Ft.-Acres): 14.671 Ac.

Street Frontage (ft.): 2,340

Current Land Use: Vacant

Zoning Request

Existing Zoning: Approx. 4.4 Ac. R-9(CD)
Approx. 10.3 Ac. R-6MF(CD)

Requested Zoning: R-8

Purpose of Zoning Change: See Attached

Name of Agent

Agent's Address

Telephone Number

N. A. Mathisen
Name of Petitioner(s)

P.O. Box 578, Indian Trail, NC 28079
Address of Petitioner(s)

(704) 882-1193
Telephone Number

N. A. Mathisen
Signature

Signature of Property Owner

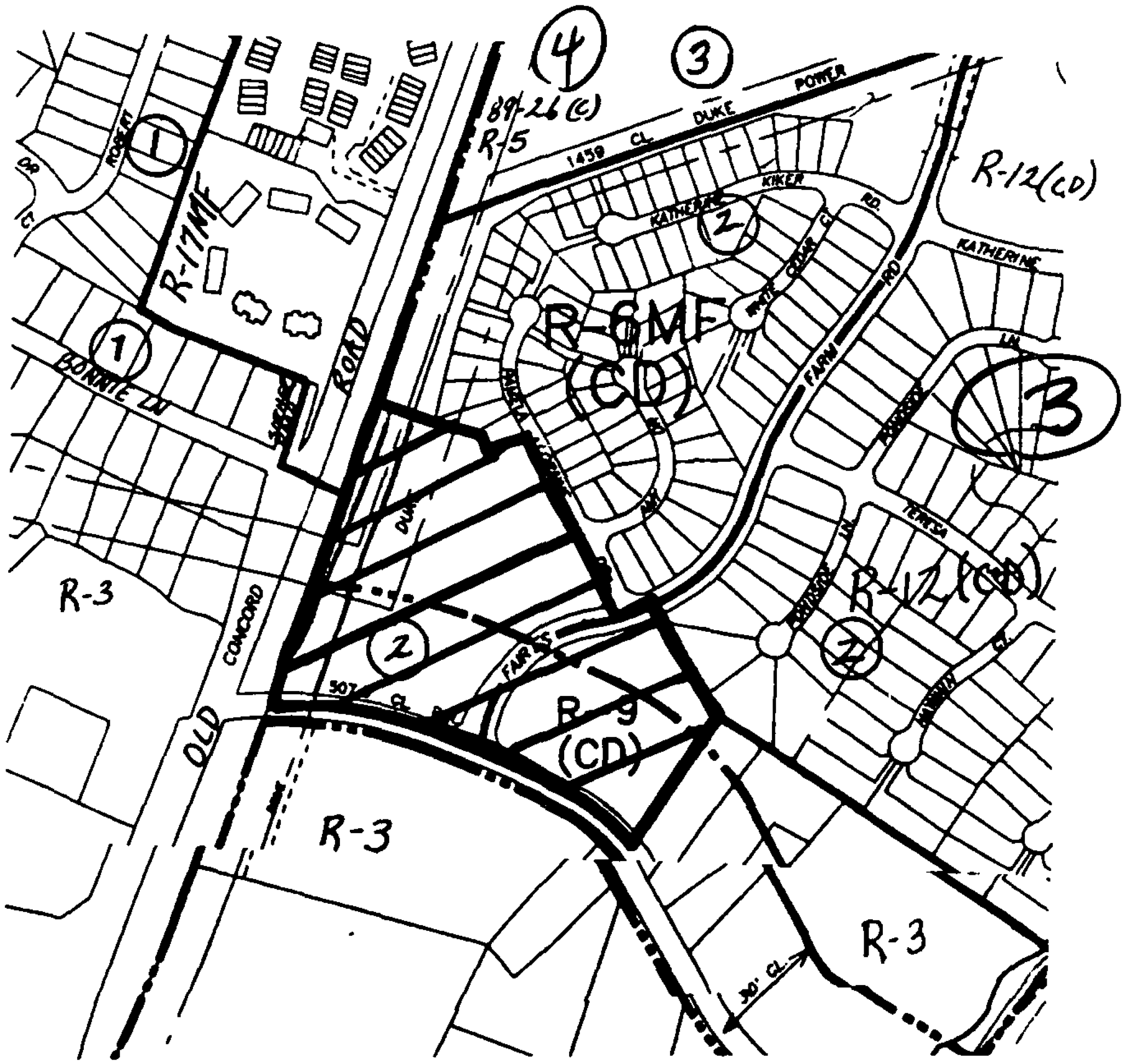
PETITIONER: N. A. Mathisen

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

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

ZONING CLASSIFICATION, REQUESTED: R-8

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



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

PROPERTY PROPOSED FOR CHANGE

ADDENDUM TO REZONING APPLICATION

PURPOSE OF ZONING CHANGE

The application requests rezoning of a small portion of a much larger Planned Development known as Faires Farm. The original concept involved a 226 acre rezoning that provided up to 950 homes, of which 500 could have been multi-family units. However, no multi-family has been developed, nor is it envisioned.

The subject property is the last of the undeveloped land at Faires Farm. It now includes two conditional districts. Tract 2 is the last 10 acres of the R6-MF(CD) district in Faires Farm. This district permitted up to 240 total dwellings of which a maximum of 160 could have been multi-family. To date 87 single family lots have been developed leaving a permitted balance of 153 dwellings, all of which could be multi-family.

Tract 1 is the only portion at Faires Farm zoned R-9(CD), permitting 15 single family lots and a day care center. Hence the combined tracts now permit a total of 168 dwellings.

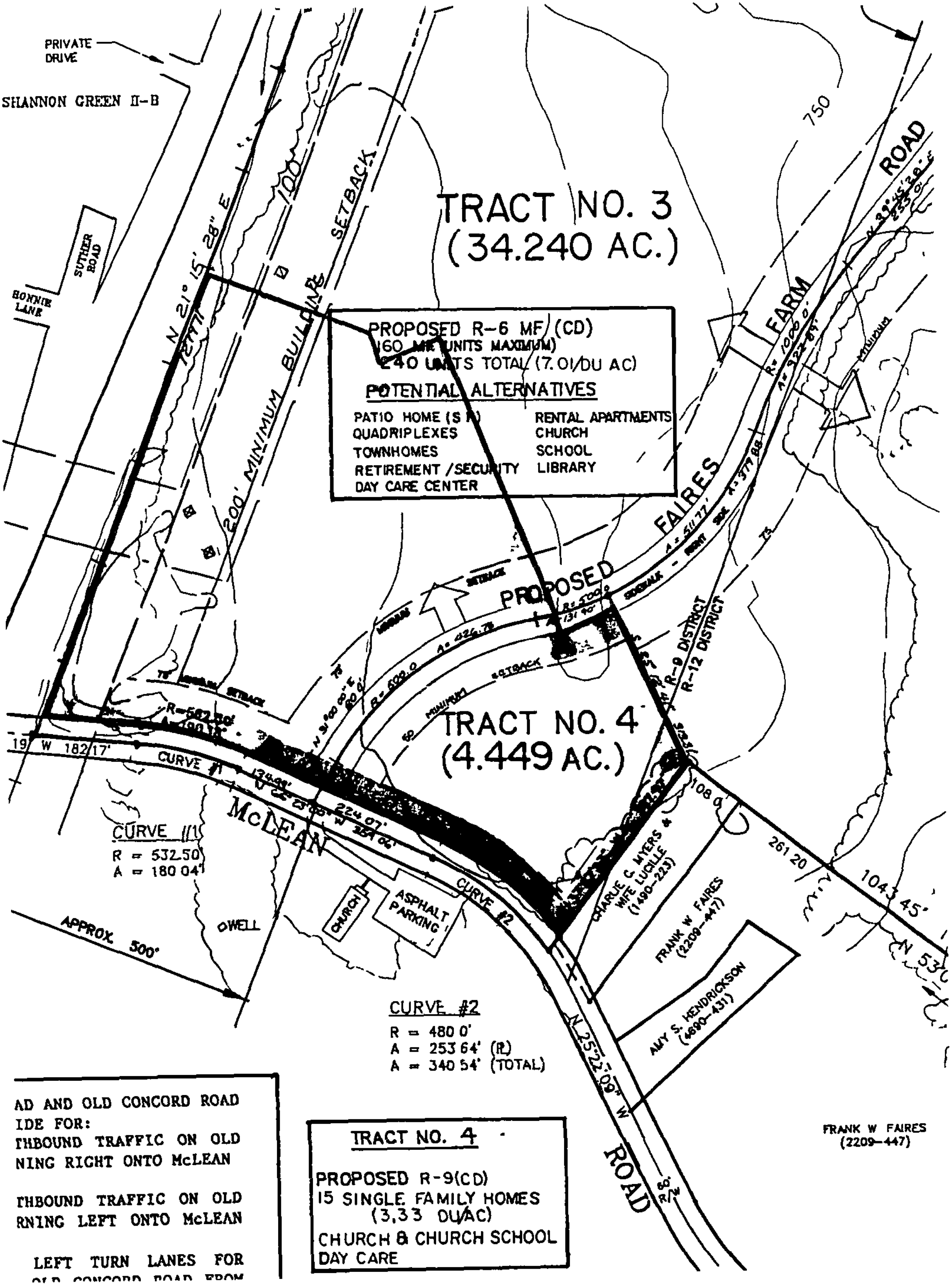
With the advent of new zoning districts that provide for higher density single family housing, the property lends itself well to a third single family market in Faires Farm. This alternative is much preferred by the community in lieu of high density multi-family. If rezoned the combined R-8 district would likely yield some 50 houses and a small tract for a day care center. (While the net acreage would normally accomodate greater numbers, some 3.1 acres are encumbered with railroad, street and transmission line rights-of-way. Further, the remaining geormetry reduces the reasonably useable acreage further.)

The concept now envisioned is of a small, village-type neighborhood with rear yard garages accessed from alleys. The streetscape would incorporate mostly face-type curb, street trees, sidewalks and a combination of waist-high fences, hedges and walls along the street rights-of-way. These would be broken with gates for walkways to front doors. Houses would be primarily two-story, many with porches, ranging from 1200 to 1800 square feet average. Village-style street lights, brick planters and crosswalks would enhance the neighborhood.

The proposed use accomodates limitations intended by most of the existing conditions. Main road setbacks now required for high density multi-family would no longer be necessary. Further, access for homes in Tract 4 will then be provided from Faires Farm Road, while access for a potential day care center would be from McLean Road. Under the present conditional zoning no access from Faires Farm Road is permitted.

A copy of a portion of the existing zoning map with the subject area outlined in yellow is attached for clarification.

Z122392C



AD AND OLD CONCORD ROAD
IDE FOR:
THBOUND TRAFFIC ON OLD
NING RIGHT ONTO McLEAN

THBOUND TRAFFIC ON OLD
RNING LEFT ONTO McLEAN

LEFT TURN LANES FOR
OLD CONCORD ROAD FROM

TRACT NO. 4

PROPOSED R-9(CD)
15 SINGLE FAMILY HOMES
(3.33 DU/AC)
CHURCH & CHURCH SCHOOL
DAY CARE

M E M O R A N D U M

DATE: January 29, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-12: Faires Farm Road
North of McLean Road

This site could generate approximately 1,769-2,238 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,276 to 1,392 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

All proposed access must be internal to Faires Farm Road and Pamela Loraine Drive. Proposed public streets should also align with existing intersections.

There does not appear to be the minimum required intersection sight distance on Faires Farm Road at Pamela Loraine Drive.

Old Concord Road is a minor thoroughfare requiring a minimum of 70 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meets this requirement, measuring 35 feet from the centerline of the roadway.

Adequate sight distance triangle must be reserved at the proposed entrances. Two 35'x35' sight triangles are required for the street connections to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the street connections. 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:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
N. A. Mathison
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-13

Petitioner: Volvo GM Heavy Truck Corporation

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned I-2 as are surrounding properties along the south side of I-85. Properties located along the north side of I-85 are zoned I-1.

2. Existing Land Use. The subject property is developed with an unoccupied truck sales and service facility. Surrounding properties are developed with a variety of commercial and industrial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses along I-85. The 2005 Plan strategies for the area include improvements to I-85.

   2. Derita Small Area Plan. This site lies just outside of the Derita Small Area Plan boundaries.

   3. Central District Plan. The Central District Plan recognizes the industrial zoning and uses in the area.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-95	R-9MF to I-1	Approved	01/03/67

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the general industrial category to the light industrial category in an

area in which publicly adopted plans envision continued employment/industrial type development. Therefore, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed the application with staff prior to the filing. Staff indicated the petition should be considered on a conventional rather conditional basis.

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

ISSUES

1. Land Use. This petition proposes rezoning from I-2 to I-1 in order to allow reuse of the existing unoccupied truck sales and service facility. (The new zoning ordinance requires B-2 or I-1 zoning for automotive sales. There was a recent Board of Adjustment case in which the Board overturned the Zoning Administrator's ruling that "automotive sales" includes truck sales and therefore requires I-1, rather than I-2 zoning. However, the pending technical text amendment to the Zoning Ordinance (Petition No. 92-74) clarifies that automotive sales includes truck sales). This petition raises no land use issues and is considered appropriate for approval.

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

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-13
Date Filed December 28, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Volvo GM Heavy Truck Corporation

Owner's Address: P.O. Box 668325, Charlotte, North Carolina 28266

Date Property Acquired: August, 1992

Tax Parcel Number: 077-151-19

Location of Property (address or description): 3880 North I-85

Description of Property

Size (Sq. Ft.-Acres): 4.557 acres

Street Frontage (ft.): 400 North I-85
919 Cottonwood

Current Land Use: Truck Sales and Service.

Zoning Request

Existing Zoning: I-2 General Industrial

Requested Zoning: I-1

Purpose of Zoning Change: See Attached.

Scott Garner Architect, PA.
Name of Agent

1718 East Boulevard, Charlotte, N.C. 28203
Agent's Address

(704) 333-1051
Telephone Number

Volvo GM Heavy Truck Corporation
H.R. Patton, Jr., General Manager
Name of Petitioner(s)

P.O. Box 668325, Charlotte, N.C. 28266
Address of Petitioner(s)

(704) 392-7351
Telephone Number

H. R. Patton, Jr.
Signature

Signature of Property Owner
if Other Than Petitioner

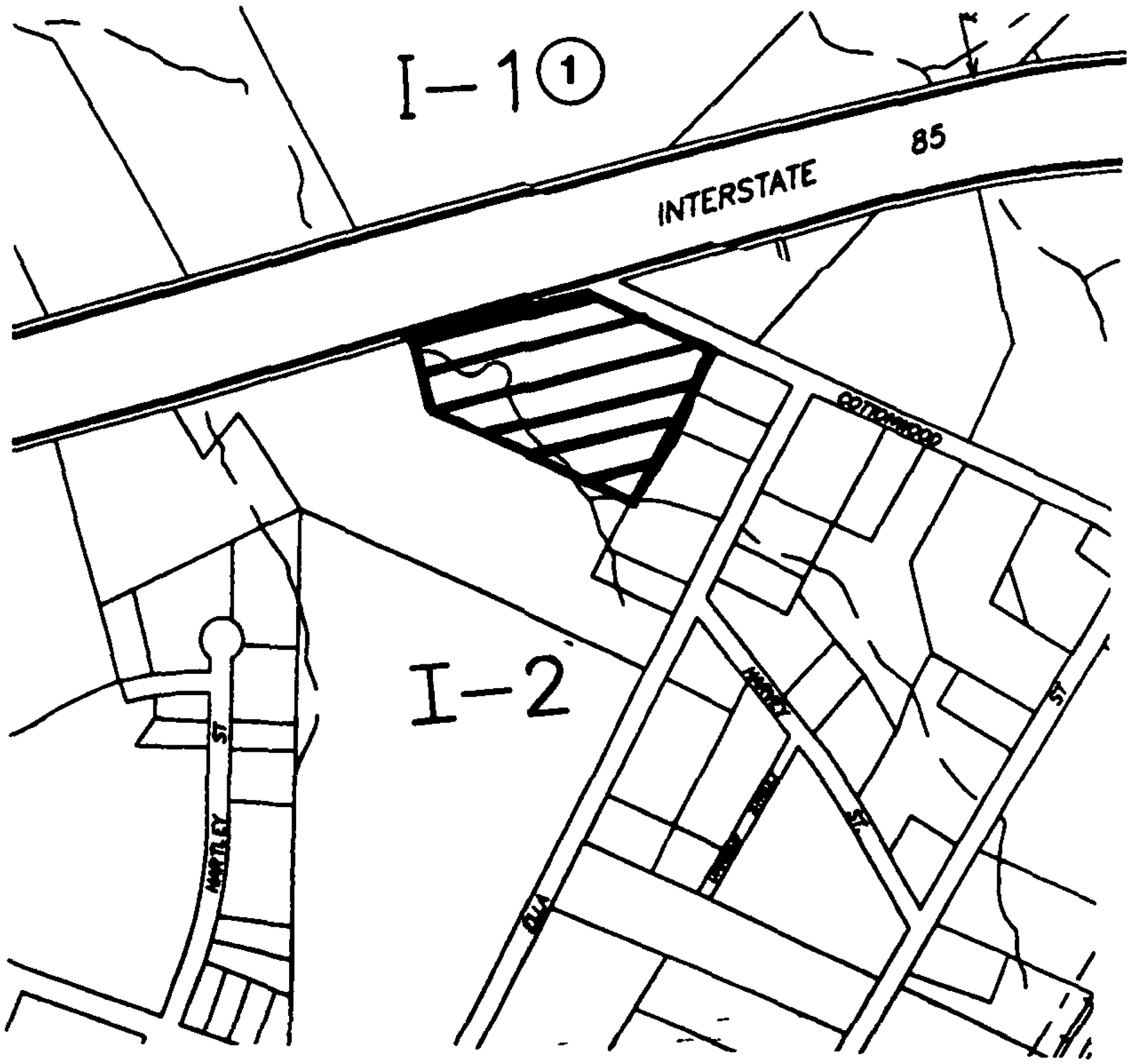
PETITIONER: Volvo GM Heavy Truck Corporation

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

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

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



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

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: January 29, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-13: North I-85 Service Road at Cottonwood Street

This site could generate approximately 31 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 236 trips per day. Although this is a significantly higher number, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

I-85 is classified as a freeway/expressway requiring a minimum of 350 feet of right-of-way. The developer/ petitioner should dedicate right-of-way to meet this requirement, measuring 175 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the existing entrances. Two 10'x70' sight triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must 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:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Scott Garner Architect, PA
Volvo-GM Heavy Truck Corp.
Rezoning File

DATE: February 22, 1993

PETITION NO.: 92-72

PETITIONER(S): Christopher Branch

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

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

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

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

Nays: None.

Absent: None.

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

REASONS

The petitioner for this rezoning presented a revised plan for the Zoning Committee's consideration just prior to the February 22 work session. The revised plan eliminates the proposed street parallel to Queens Road West in favor of three cul-de-sacs which would run essentially perpendicular to Queens Road West and re-orients the dwelling units to correspond to the new street pattern. The revised plan proposes 22 units, 15 of which are attached and 6 detached. The previous plan considered by Zoning Committee proposed 24 units, 20 of which were attached and 4 detached. The Zoning Committee viewed the proposed changes as significant enough to warrant notification of interested parties. Therefore, the petition will be deferred to March 22 to allow time for notification of interested parties.

DATE: February 22, 1993

PETITION NO.: 92-73

PETITIONER(S): James E. Body

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

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

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

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

Nays: None.

Absent: None.

REASONS

This petition proposes rezoning from the R-3 category to R-6(CD) to allow a 30 lot subdivision with a minimum lot size of 4500 square feet. The Zoning Committee noted a number of outstanding issues including the potential inconsistency with the deed restrictions and the need for a left turn lane into the site. Several members also questioned the edge treatment and the proposed density. Ultimately, the Zoning Committee deferred action on this petition to the March 22 work session to allow time for the petitioner to deal with the outstanding issues.

DATE: February 22, 1993

PETITION NO.: 92-74

PETITIONER(S): Charlotte-Mecklenburg Planning Commission.

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

ACTION: The Zoning Committee recommends that this portion of this petition be approved, as modified. (Another portion of this proposed technical text amendment will be submitted for consideration within the next sixty days).

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

Nays: None.

Absent None.

REASONS

This petition proposes a number of modifications to the County Zoning Ordinance which relate both to minor technical inconsistencies and to policy issues that have been identified since the adoption of the new ordinance.

The petition was deferred previously in order to allow time for Planning staff and interested parties to further discuss and potentially resolve issues which arose at the public hearing. Those discussions have now occurred and a general consensus has been reached on the issues. The issues and the agreement reached are as follows:

1) Quarries -
The definition of the term "quarry" presently reads "an operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes." The technical amendment proposed an amended definition to read "An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, dirt, soil or other material or minerals." Several interested parties expressed concern about the concept of incorporating the word "dirt" into the definition and deleting the words "for commercial purposes." There was general consensus that the quarry and related "borrow pit" issue warrants further evaluation. Therefore, the portion of the proposed text amendment regarding quarries was deferred by the Zoning Committee pending further research by staff. Staff will draft a separate definition and /or performance standards regarding borrow pits for consideration within the next two months

2) Fencing for screening purposes.
There was discussion at the public hearing on this petition about the potential benefits of added flexibility on the type of materials that can be used for fencing purposes. The ordinance presently states that "Fences and walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials or wood post and planks or any combination thereof with no more than 25 percent of the fence surface area left open." The proposed language would read "Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, wood posts, planks, or metal or other material specifically designed to be fence materials or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 12.304. "

The Zoning Committee viewed this portion of the proposed technical text amendment as appropriate and recommends its approval. The remaining portion regarding quarries and borrow pits will be submitted for consideration within the next two months.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 92-74

Date Filed 10/5/92

Received By WJM

OFFICE USE ONLY

Section No. Various sections of the City of Charlotte Zoning Ordinance

(Title)

Purpose of Change:

To correct typographical errors, omissions, and make minor corrections or clarifications as a result of ordinance administration.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. Fourth St., Char., N.C. 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

ORDINANCE NO. _____

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

EDITOR'S NOTE: Words that are marked through thusly, ~~WORDS~~, are deletions. Words underlined thusly, WORDS, are additions.

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

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

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

1. Amend Section 1.101. Title as follows:

   These regulations shall be known and may be cited as the Zoning Ordinance of the City of Charlotte, North Carolina.

2. Amend Section 1.104. Zoning Maps as follows:

   The City Council, upon the recommendation of the Planning Commission, ~~shall~~ may adopt a series of Zoning Maps which shall set out and delineate ~~into~~ the zoning districts established in Chapters 9, 10, and 11 for all land within the jurisdiction of these regulations. The Zoning Maps are hereby designated, established, and incorporated as a part of these regulations and the originals thereof which are on file at the offices of the Planning Commission shall be as much a part of these regulations as if they were fully described in these regulations. The Zoning Maps shall be reviewed and may be amended from time to time through the amendment process, as provided in Chapter 6 of these regulations, to be consistent with the objectives and policies of the "Generalized Land Plan", district plans, area plans, and other public policies related to land development adopted by the City Council provided, however, that nothing herein shall limit the authority of the City Council to approve any petition for reclassification of property in accordance with the procedures set out in the "District Plan General Policies", as the same may be amended from time to time.

3. Amend Section 1.105. Exceptions to applicability, number (3) as follows:

   (3) These regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously approved under a parallel conditional district, conditional district or special use permit. Development of these uses will be governed by the previously approved site plans and the accompanying regulations in effect prior to January 1, 1992. Any amendments to these approved uses which cannot be approved administratively will be subject to the requirements of these regulations.

4. Amend Section 2.103. Fractional requirements as follows:

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply. Whenever a density calculation for a lot of record existing prior to January 1, 1992, results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted subject to Section 7.105.

5. Section 2.201. Definitions.

Delete all alphanumerical references in the definition section such as (A1), (A2)...etc. and delete any item shown as [RESERVED].

Abutting.

Having common property boundaries or lot lines which are not separated by a street or alley. For purposes of this ordinance adjoining shall have the same meaning as abutting.

Adjacent.

Having common property boundaries or lot lines or being directly across a street, alley or body of water none of which ~~does not~~ exceeds 100 feet in width.

Airport.

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land, and including the sale of goods or materials to users of such aircraft.

Alley.

A private or public right-of-way or easement which is less than 30 feet in width and runs between two or more lots or located on a single lot, affording primary or secondary vehicular access to the properties which abut it, but not including a street, utility easement, or railroad right-of-way.

Automotive repair. (Also, see Automobile service station.)

A building or area designed and used for the storage, care, and repair of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Buffer. (Also, see Screening.)

A strip of land with natural or planted vegetation located between a use or structure and a side or rear property line intended to separate and partially obstruct the view of two ~~adjacent~~ abutting land uses or properties from one another. A buffer area may include any required screening for the site.

Clinic, veterinary.

A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals or their grooming and indoor boarding, but not including the training of animals or outdoor cages, pens, or runs for animals.

Development.

(ii) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land, but only so long as the increase in the number of such establishments does ~~not~~ materially ~~increase~~ increases the number of persons occupying or employed on the premises.

Dwelling, multi-family.

More than four dwelling units, including modular homes, placed one on top of another or side by side and sharing common walls and or common floors and ceilings.

Dwelling, quadraplex.

Four dwelling units, including modular homes, attached side by side or one on top of another and sharing common walls or common floors and ceilings.

Dwelling, triplex.

Three dwelling units, including modular homes, placed on top of one another or attached side by side and sharing ~~two or more~~ common walls or common floors and ceilings.

Farm.

Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" shall not include agricultural industries.

-----~~Floor.~~

-----~~The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.~~

Government building.

A building, use, or facility owned or operated by a government agency and serving as an agency office, police station, fire station, library, community center, or similar facility, and a building, use or facility serving as a volunteer fire station, but not including a vehicle storage yard, jail, prison, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Health Institution.

A hospital, clinic (not including veterinary), health maintenance organization, or similar use or building, not including a group home, which routinely provides for the care of, treatment of, and testing for physical, emotional, or mental injury, illness, or disability, and for the overnight boarding of patients, either on a for-profit or not-for-profit basis.

Hotel or motel.

A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations, ~~and~~ cleaning services, combined utilities, and on-site management and reception.

Junkyard.

A parcel of land on which waste material (not including medical or hazardous waste) or inoperative vehicles ~~and~~ or other machinery are collected, stored, salvaged or sold.

Kennel, commercial.

A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the ~~owner~~ occupant of the lot.

Large maturing tree.

A tree whose height is greater than 35 feet at maturity and has a minimum caliper of 2½ inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman. (See Appendix 1)

Lot, types.

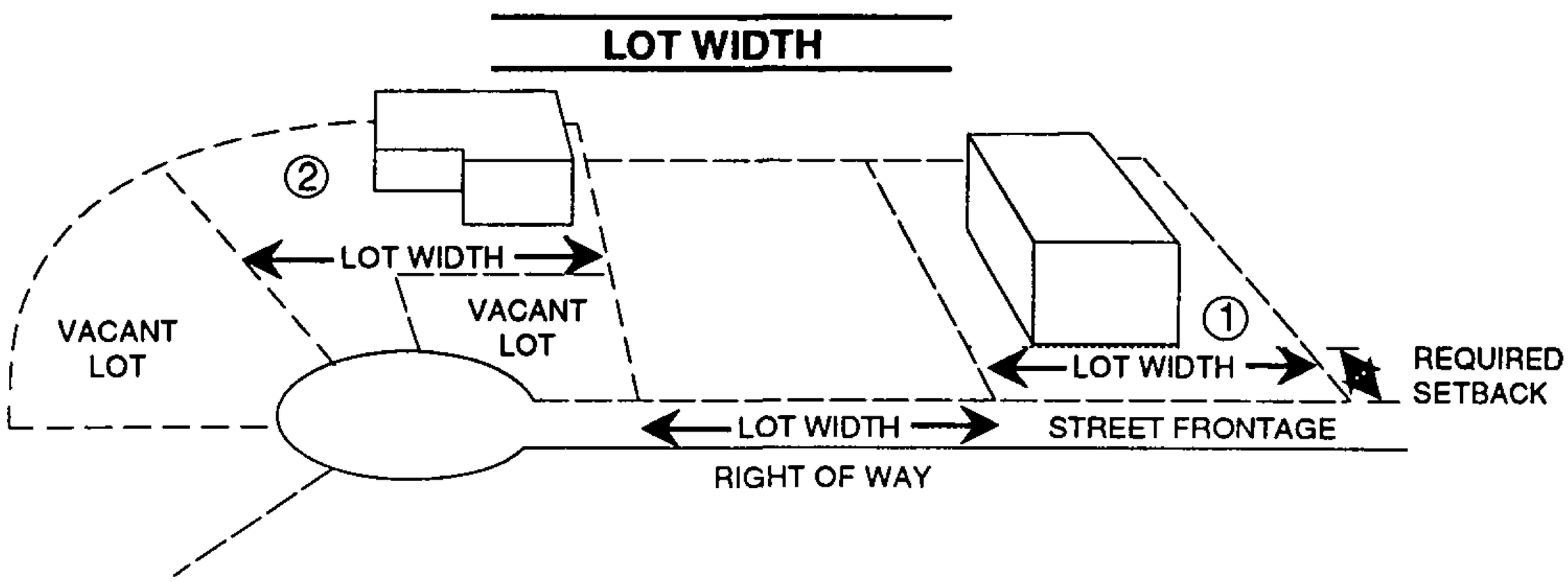
The diagram ~~(below)~~ below illustrates terminology used in these regulations with reference to corner lots, interior lots and through lots~~,~~ ~~in~~. In the diagram a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots.

Lot width.

.1 The continuous distance between the side lot lines measured along the setback line as established by these regulations; or

~~----- .2---If no setback is established by these regulations, the lot width is the distance measured between the side lot lines along the street lines; or~~

.2 The continuous distance between the side lot lines measured along a setback line shown on a duly recorded plat when that line is greater than the setback required by these regulations along the turnaround portion of a cul-de-sac street.



Marina, commercial.

A commercial facility for 10 or more boats with wet or dry storage (or combination thereof), launching and mooring of boats, together with all accessory structures and uses.

Marine railway.

A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Mean sea level.

The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

Outdoor recreation.

Public or private golf courses, swimming pools, tennis courts, ball fields, and ball courts, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use. Outdoor recreation shall not include commercial outdoor amusement or open space recreational uses.

Parking deck.

A multi-level building designed and used for the parking or storage of motor vehicles.

Planned multi-family and attached development.

A group of two or more attached, duplex, triplex, quadraplex, or multi-family buildings, or a single building of more than 12 units constructed on the same lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated common open space and service areas in accordance with the requirements of Chapter 9 for the zoning district in which it is located.

Restaurant.

An establishment designed, in whole or in part, ~~to cater to or~~ to accommodate the consumption of food and/or beverages.

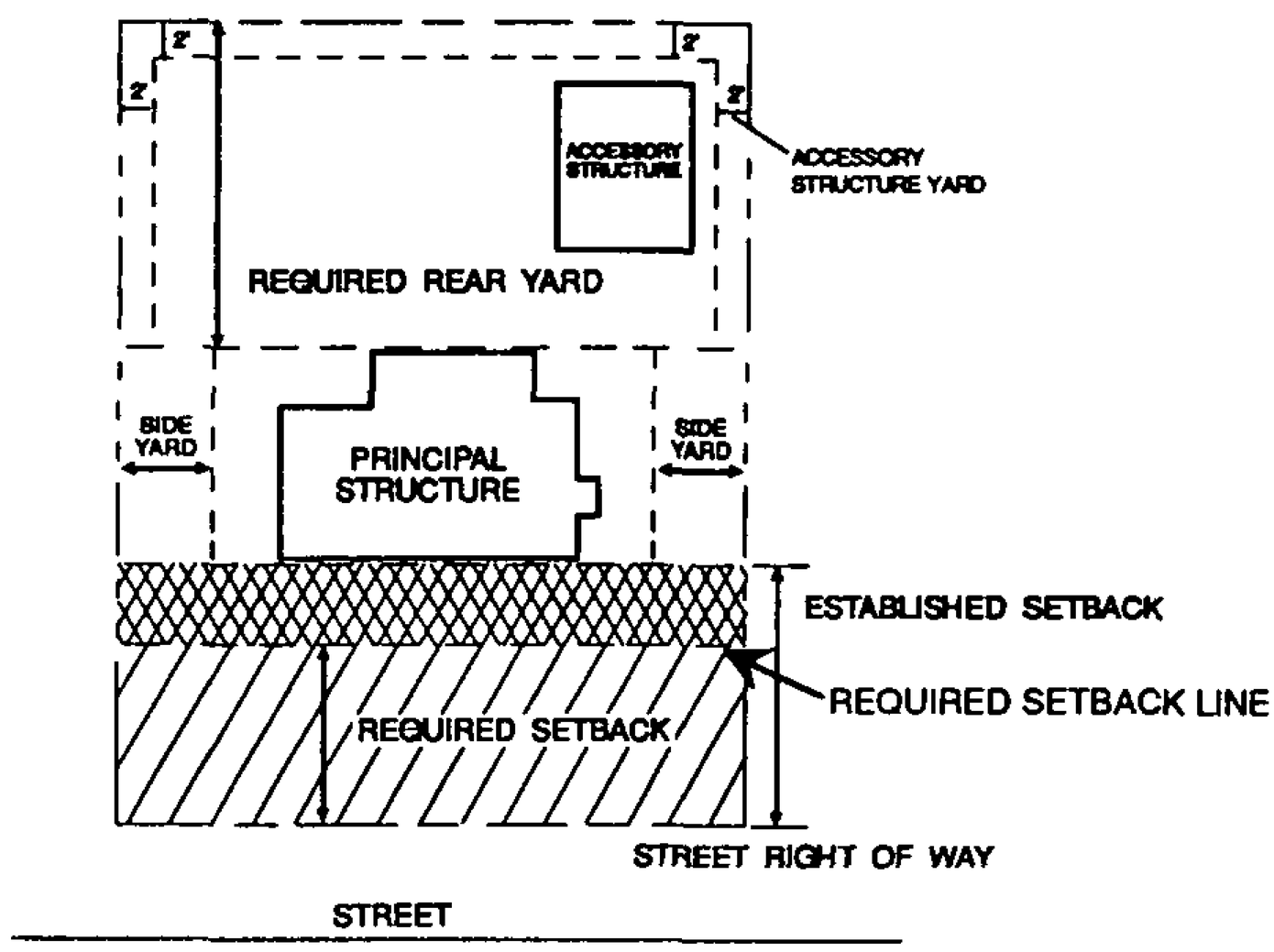
Restaurant, drive-in.

An establishment designed, in whole or part, ~~to cater to or~~ to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

Setback, required.

The minimum distance required by these regulations between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. In the Neighborhood Service district, the setback is measured from the back of the curb to the building line.

SETBACK, Established and Required



Shopping center.

A group of two or more retail establishments or restaurants constructed and planned and developed with a unified design of buildings with associated out parcels and coordinated parking and service areas ~~in accordance with the requirements of Chapter-9 for the zoning district in which it is located.~~

Shrubs.

Woody branching plants of relatively low height. (See Appendix 1)

Street.

A public right-of-way or fee simple tract of land not less than 30 feet in width, set aside for public travel, which has been accepted by or offered for maintenance to the City of Charlotte or the State of North Carolina, has been established as a public street prior to the effective date of these regulations, or has been dedicated or offered for dedication to the City of Charlotte or the State of North Carolina for public travel by the recording of a subdivision plat.

Street line.

The ~~outer~~ boundary of a street right-of-way.

Street, private.

An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private buildings or ~~residences~~ land uses, to parking and service areas and which is not maintained by the public.

Thoroughfare.

Any street designated on the adopted Charlotte-Mecklenburg Thoroughfare Plan, or any street which is an extension of any street on the adopted Thoroughfare Plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designed as Class I, II, III, III-C, or IV.

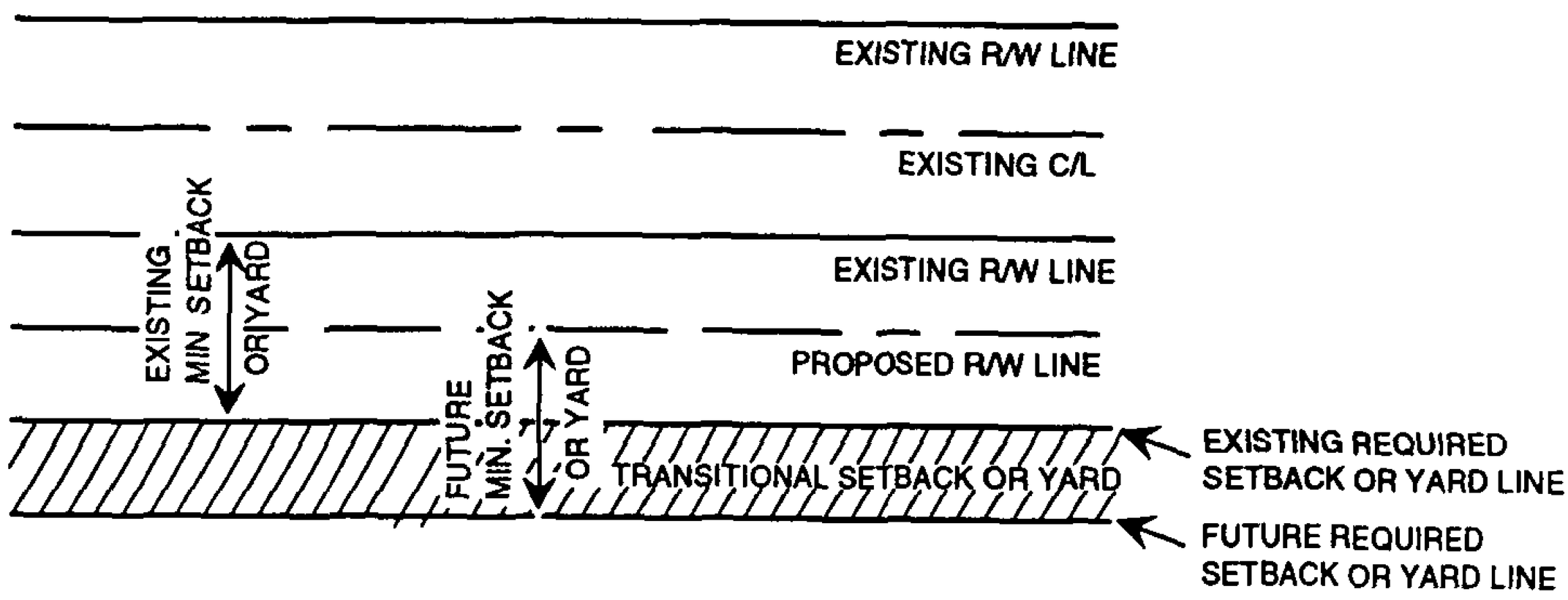
Thoroughfare Plan.

The most recent map approved by the ~~City Council and the Board of County Commissioners~~ local Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. The words thoroughfare plan and arterial street plan are used interchangeably.

Transitional setback or yard.

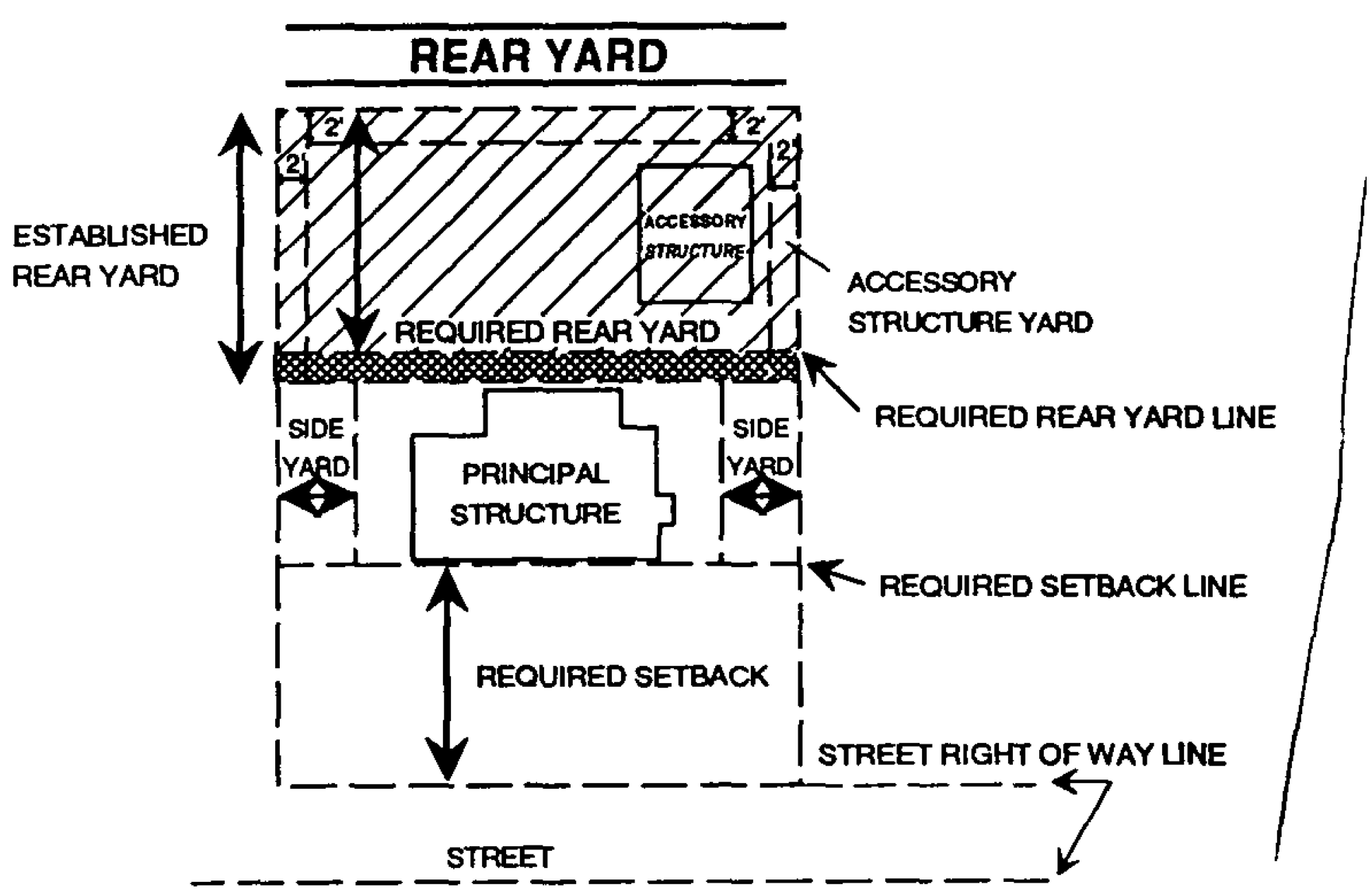
That area, if any, along a thoroughfare which lies between ~~(a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the proposed right-of-way line~~ existing required setback line or yard line and the future required setback or yard line. The future setback or yard is measured from the proposed right-of-way. There will be no transitional setback or yard when the existing street right-of-way line and the proposed right-of-way line are the same or when the existing right-of-way width exceeds the proposed right-of-way width.

TRANSITIONAL SETBACK OR YARD



Yard, rear, established.

The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

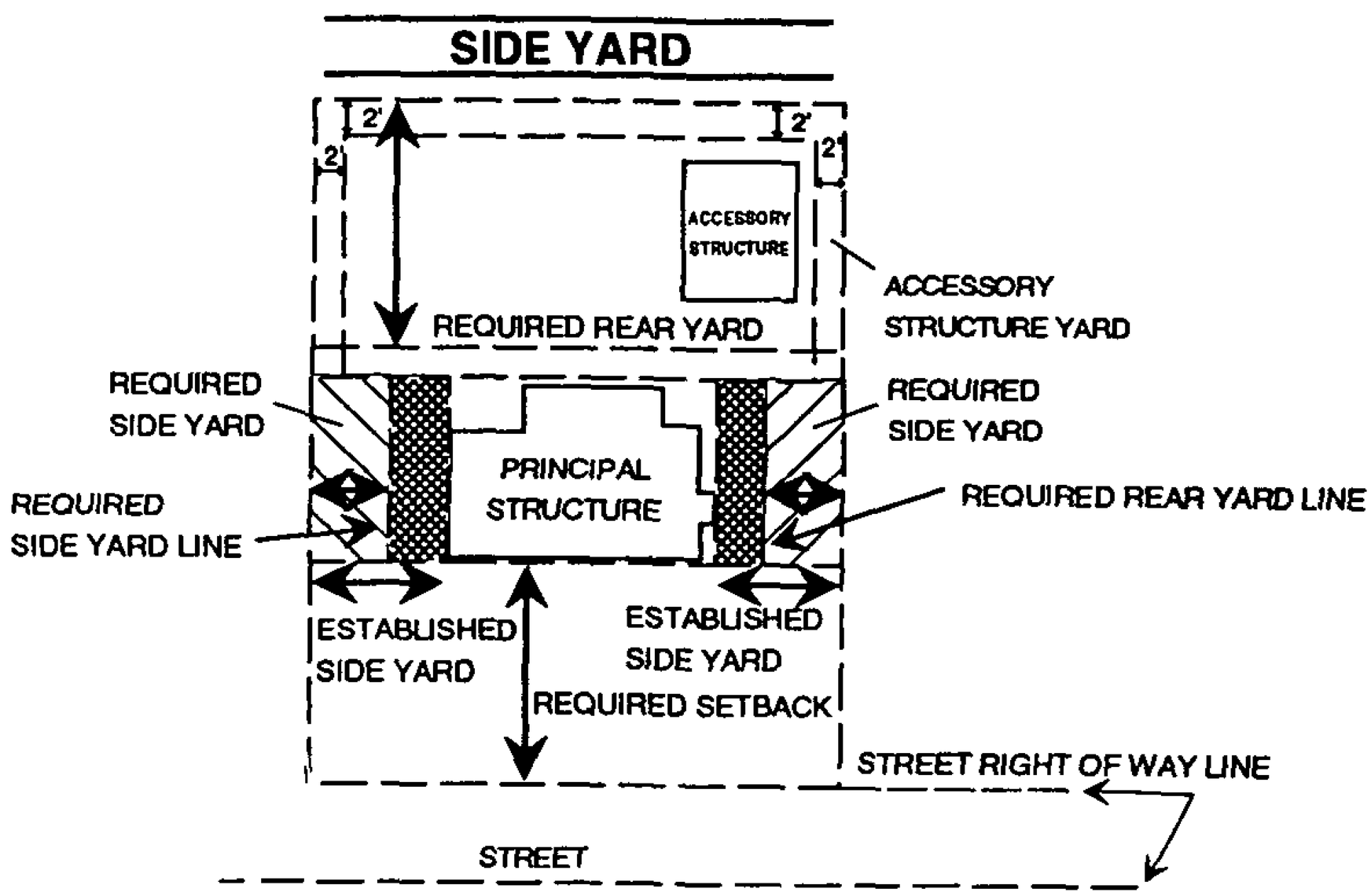


Yard, rear, required.

The minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

Yard, side, required.

The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard.



Zero lot line.

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a side lot line.

Zoning Administrator.

The employee of the Mecklenburg County Building Standards Department charged with ~~overseeing~~ the administration and enforcement of these regulations or his or her designee.

6. Ament Section 3.301. Powers and Duties as follows:

   (5) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as provided in this section. ~~The process identified in Section 6.201 Conditional Districts, is the only process available for any changes or amendments to approve conditional districts.~~ The Board of Adjustment shall ~~only~~ have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional district.

7. Amend Section 3.501. Planning Commission Staff; powers and duties by adding a new number (7) as follows:

   (7) To determine street classifications not otherwise specified on the adopted Charlotte-Mecklenburg Thoroughfare Plan.

8. Amend Section 3.503. Engineering Department; powers and duties (3) by deleting the following wording:

   ----- ~~(3) To determine street classifications not otherwise provided for in the Subdivison Ordinance in conjunction with the Planning Director and the North Carolina Department of Transportation.~~

9. Amend Section 3.510. Department of Transportation: powers and duties (3) by deleting the following wording:

   ----- ~~(3) To determine street classifications not otherwise provided for in the Subdivision Ordinance in conjunction with the Engineering Department and Planning Director.~~

10. Amend Section 5.101. Authority of City of Charlotte Board of Adjustment as follows:

(4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as provided in this section. ~~The process identified in Section 6.201 Conditional Districts is the only process available for any changes or amendments to approved conditional districts.~~ The Board of Adjustment shall ~~only~~ have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional district.

11. Amend Section 5.103. Filing of notice of appeal, (3) by deleting the following wording:

~~----- (3)--Except as provided below, the filing of such notice shall stay all proceedings in furtherance of the action being appealed. The Zoning Administrator may certify in writing to the Board of Adjustment that due to facts stated in the certificate, a stay imposes an imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings. A court of record may also issue a restraining order staying proceedings~~

and replacing it with the following:

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed, that because of facts stated in the certificate a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of these regulations. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from which the appeal is taken and on due cause shown.

12. Amend Section 5.111. Effect of grant of variance or reversal or modification of administrative decision as follows:

After the Board of Adjustment approves a variance, or reverses or modifies an order, requirement, decision, or determination, of the Zoning Administrator, the appellant or petitioner shall be required to follow the

applicable procedures of Chapter 4 for the approval of a building permit and certificate of occupancy in order to proceed with development of the subject property. Unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a building permit or a certificate of occupancy pertaining to the need for the variance is not obtained within one year from the date of the meeting of the Board at which the Board rendered its decision.

13. Amend Section 6.108. Withdrawal and amendment of petition as follows:

(3) The petitioner shall not be allowed to amend the petition after a public hearing has been scheduled for the petition unless such an amendment to the petition is submitted to the Planning Director no later than ~~three~~ four weeks prior to the scheduled public hearing. No changes to the petition shall be accepted in the intervening weeks prior to the hearing. Also, no changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Commission, Board of Commissioners, and other interested parties may be considered by the Board of Commissioners at the time of their hearing, if any changes are offered.

14. Amend Section 7.105. Nonconforming vacant lots as follows:

(1) Except as provided below in subsection (2), a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening, parking, and floor area ~~established~~ required in these regulations for the zoning district in which the lot is located.

15. Amend Section 9.101. Table of Uses, TABLE 9.101, PERMITTED USES, BY DISTRICT as follows:

INSTITUTIONAL USES:

Add the symbol X (Uses permitted by right), to the RE-1 and RE-2 districts for the category, Civic/social/fraternal facilities.

INDUSTRIAL USES:

Add a category entitled, Automotive sales and repair, including tractor-trucks and accompanying trailer units, in proper alphabetical order and place the symbol X (Uses permitted by right), only under the I-1 district.

Add a category entitled, Plastic products, fabricated from previously prepared plastic materials, in proper alphabetical order and place the symbol X (Uses permitted by right), under the I-1 and I-2 districts.

Section 9.101 Continued....

OTHER USES:

Change the symbol PC (Uses permitted under prescribed conditions), to the symbol X (Uses permitted by right), to the INST, RE-1, RE-2, 0-1, 0-2, 0-3 districts for the category, Indoor recreation.

16. Amend Section 9.102. Hierarchy of districts by moving INST from it's present position to between RE-2 and 0-1 as follows:

("highest")	R-3	R-22MF	B-1	
	R-4	R-43MF	MX-2	
	R-5	-----~~INST~~	CC	
	R-6	RE-1	MX-3	
	R-8	RE-2	B-2	
	MX-1	INST	B-D	
	R-MH	0-1	BP	
	R-8MF	0-2	I-1	
	R-12MF	0-3	I-2	("lowest")
	R-17MF	NS		

17. Amend Section 9.203. Uses permitted under prescribed conditions, (6)(c) by deleting the following wording:

~~------(c)--The dwelling must meet the minimum setback for both streets;~~

and replacing it with the following:

(c) The minimum setback requirement must be applied to each of the two different streets.

18. Amend Section 9.205. Development standards for single family districts as follows:

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

	R-3	R-4	R-5	R-6	R-8
(a) Maximum Residential Density (Dwelling (units per acre) 1	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) 2					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000	13,000	10,000	8,000	6,500
- Triplex dwellings					9,500
- Quadraplex dwellings					11,500
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) 3	30	30	20	20	20
(f) Minimum side yard (feet) 4	6	6	6	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) 5	65	65	65	60	50
(i) Maximum height (feet) 6	40	40	40	40	40

* Also, see Section 9.205(2)

Amend Section 9.205. FOOTNOTES TO CHART 9.205(1) as follows:

5. ~~Floor area ratio requirement applies only to nonresidential development.~~ Religious institutions may have a minimum open space of 25%.

Amend Table 9.205(5) as follows:

Zoning Districts	Maximum Dwelling Units Per Acre	Minimum Lot Area (Square feet)	Minimum Lot Width (Feet)	Minimum Rear Yard (Ft.) Interior Lots*
R-3	3.0	8,000	60	30
R-4	4.0	6,000	60	30
R-5	5.0	4,500	40	20
R-6	6.0	3,500	40	20

* Minimum rear yards forming the outer boundary of a cluster must conform to the minimums of subsection 9.205(1)(g) for the district in which the development is located.

19. Amend Section 9.303. Uses permitted under prescribed conditions, (19)(c)(i) as follows:

(i) Adopted ~~major~~ thoroughfare plan;

20. Amend Section 9.305. Development standards for multi-family districts.

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

	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(a) Maximum Residential Density (Dwelling units per acre) 1	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) 2					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
~~------ Attached dwellings~~	~~*~~	~~*~~	~~*~~	~~*~~	~~*~~
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
~~------ Nonresidential buildings~~	~~12,000~~	~~12,000~~	~~12,000~~	~~12,000~~	~~12,000~~
- All other buildings	12,000	12,000	12,000	12,000	12,000

	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
~~- Attached dwellings~~	~~None~~	~~None~~	~~None~~	~~None~~	~~None~~
- Multi-family dwellings	55	55	55	55	55
~~- Nonresidential buildings~~	~~80~~	~~80~~	~~80~~	~~80~~	~~80~~
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) 3	30	30	30	30	30
(f) Minimum side yard (feet) 4					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family and attached developments (except as required below)	10	10	10	5	5
- Planned multi-family ~~or~~ attached developments adjoining single family developed or zoned land 5	20	20	10	10	10
(g) Minimum rear yard (feet)					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family and attached developments (except as required below)	40	40	40	40	40
- Planned multi-family ~~or~~ attached developments adjoining single family developed or zoned land 5	50	50	50	40	40
(h) Minimum open space (%) 6	50	50	45	40	30
(i) Maximum height (feet) 7	40	40	40	40	40

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size must be sufficient to accommodate the dwelling unit and 400 feet of private open space.

5. Side and rear yards determinations in planned multi-family ~~or~~ attached developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

6. ~~Floor area ratio requirement applies only to nonresidential development.~~ Religious institutions may have a minimum open space of 25%.

21. Amend Section 9.502. Uses permitted by right as follows:

(1) Clinics and offices, medical, dental, and optical.

(2) Clinics, veterinary.

(3) Civic, social service and fraternal facilities.

(4) Cultural facilities.

(5) Elementary and secondary schools.

(6) Farms, including retail sale of produce grown on the premises.

(7) Government buildings.

(8) [RESERVED]

(9) Indoor recreation.

(10) Highway and railroad rights-of-way.

(11) Parks, greenways and arboretums.

(12) Religious institutions, any size.

(13) Universities, colleges, and junior colleges.

(14) Vocational schools, within an enclosed building.

22. Amend Section 9.605. Development standards for research districts as follows:

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

	RE-1	RE-2
(a) Maximum floor area ratio (%) 1	.60	.60
(b) Minimum lot area (acres)	2 acres	4 acres
(c) Minimum lot width (feet)	200*	400*
(d) Minimum setbacks (feet)		
- Lots ~~between~~ from 2 ~~and~~ to less than 4 acres	40**	N.A.
- Lots ~~between~~ from 4 ~~and~~ to less than 10 acres	40**	100
- Lots ~~greater than~~ 10 acres or greater	100	150

	RE-1	RE-2
(e) Minimum side and rear yards (feet)		
- Lots between from 2 and to less than 4 acres	25***	N.A.
- Lots between from 4 and to less than 10 acres	25***	35
- Lots greater than 10 acres or greater	25***	50
(f) Minimum street side yard on corner lots		
- Lots between from 2 and to less than 4 acres	40	N.A.
- Lots between from 4 and to less than 10 acres	40	75
- Lots greater than 10 acres or greater	40	100
(g) Maximum height (feet) 2	40	40

23. Amend Section 9.701. Office districts established; purposes as follows:

(13) Funeral homes, embalming and crematories.

24. Amend Section 9.703. Uses permitted under prescribed conditions, (17)(c)(iii) and (iv) as follows:

(17) Offices, financial institutions and government buildings, over 300,000 square feet, provided that:

(c) Submission of traffic impact analysis in accordance with the following provisions to identify any needed on-site transportation improvements.

(iii) Before beginning the traffic impact study, the engineer or planner shall meet with the appropriate staff of the Charlotte Department of Transportation to determine the acceptable area boundaries, ~~target forecasting~~ forecast (horizon) years, background traffic ~~levels~~ percentages, approved developments in the vicinity, imminent transportation projects, data collection needs, and the format of the study report.

(iv) The traffic impact study shall include, but not be limited to, the following information:

25. Amend Section 9.705. Development standards for office districts as follows:

(1) Areas, yard and bulk regulations shall be as follows:

	0-1	0-2	0-3
(a) Maximum Residential Density (Dwelling Units Per Acre) 1	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses 2	.60	1.0	3.0
(c) Minimum lot area (square feet) 3			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500
~~Attached dwellings~~	*	*	*
- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			
- Detached dwellings	40	40	40
- Duplex, triplex & quadraplex dwellings	55	55	55
~~Attached dwellings~~	None	None	None
- Multi-family dwellings and all other residential buildings	55	55	55
- Nonresidential buildings	80	50	50
(e) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20
(f) Minimum side yard (feet) 4			
- Detached dwellings	5	5	5
- Other residential dwelling(s) ~~in a single~~ or buildings ~~up to 12 units~~ except as provided below)	10	5	5
- Planned multi-family ~~and attached~~ development adjoining single family developed or zoned land 5	20	10	10
- Nonresidential development	10	5	5

	0-1	0-2	0-3
(g) Minimum rear yard (feet)			
- Detached dwellings	20	20	20
- Other residential dwelling(s) ~~in a --single~~ or buildings ~~up to 12 units~~ (except as provided below)	30	20	20
- Planned multi-family ~~and planned attached~~ development adjoining single family developed or zoned land 5	50	40	40
- Nonresidential development	20	20	20
(h) Minimum open space for residential development (%)	50	40	30
(i) Maximum height (feet) 6	40	40	40

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

5. Side and rear yards determinations in planned multi-family ~~or attached~~ developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

26. Amend Section 9.801. Business districts established; purposes as follows:

(4) The purpose of the BP (Business Park) district is to provide for a mixture of employment uses of varying types in a single coordinated development. The district might include mixtures of office, retail, distribution, warehouse, manufacturing, and related service uses. It is not intended that this district be used to accommodate single use developments which can be located in other zoning classifications. Development within the district is expected to be of high quality design for buildings, site arrangement, and site amenities. Development will be expected to conform to higher levels of performance standards which are designed to protect adjacent areas, especially residential areas, as well as enhance development within the district. Further, this district provides for substantial flexibility in the internal arrangement of uses on the site while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. In order to assure that any proposal for a BP district can fulfill the objectives of this ordinance and to encourage well planned, mixed use developments, the minimum area necessary to be considered for the BP district is 20 acres.

The BP district is intended for application in select locations throughout the urban and urbanizing area. It's principal use will be for new development on previously undeveloped land, but it may also be applied to areas which are appropriate for redevelopment or conversion and in which all of the regulation standards may be fulfilled.

In order to assure that areas to be considered for a BP district can accommodate the increased activity which can be expected, the following ~~general~~ criteria will be used to establish the district:

27. Amend Section 9.802. Uses permitted by right as follows:

    (1) Amusement, commercial, outdoor ~~limited to par 3 golf courses, golf driving ranges and archery ranges~~ (B-2 only).

    (10) Bakeries, wholesale (BD and BP only).

28. Amend Section 9.803. Uses permitted under prescribed conditions, (15)(a) as follows:

    iii. Prisons - 50 acres~~;~~

29. Amend Section 9.804. Permitted accessory uses and structures as follows:

    (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section ~~12.414~~ 12.413 (B-1, B-2 and BP only).

30. Amend Section 9.805. Development standards for business districts as follows:

    (1) Areas, yard and bulk regulations shall be as follows:

	B-1	B-2	B-D	BP
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) 1	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development 2	.50	1.0	.70	.80
(d) Minimum lot area (square feet) 3				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
~~Attached dwellings~~	~~*~~	~~*~~		
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560

	B-1	B-2	B-D	BP
(e) Minimum lot width (feet)				
- Detached dwellings	40	40	--	--
- Duplex, triplex & quadraplex	50	50	--	--
~~Attached dwellings~~	None	None		
- Multi-family dwellings and all other residential buildings	50	50	--	--
- Nonresidential buildings	50	50	50	--
(f) Minimum project street frontage	--	--	--	100
(g) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20	40
(h) Minimum side yard (feet) 4				
- Residential ~~dwelling(s) in~~ a ~~single~~ building (except as provided below)	5	5	--	--
- Planned multi-family and attached developments adjoining single family developed or zoned land 5	10	10	--	--
- Nonresidential building	None**	None**	10	20
(i) Minimum rear yard (feet)				
- Residential ~~dwellings in~~ a ~~single~~ building (except as provided below)	20	20	--	--
- Planned multi-family and -- ~~attached~~ developments adjoining single family developed or zoned land 5	40	40	--	--
- Nonresidential building	10	10	10	20
(j) Minimum project edge 6	--	--	--	100
(k) Minimum open space for residential development (%)	40	40	--	--
(l) Maximum height (feet) 7	40	40	40	None***

*If land is sold with an attached unit, the minimum ~~lot~~ sublot size must be sufficient to accommodate a dwelling unit and 400 square feet of private open space for each unit.

**In B-1 and B-2 districts, no side yard is required, but if provided, the first one must be a minimum of 8 feet and if a second one is provided, it must be a minimum of 4 feet. However, in any combination, these shall be a minimum of 8 feet building separation at the side yards.

Section 9.805 (continued)

FOOTNOTES TO CHART 9.805(1)

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district.

5. Side and rear yards determinations in planned multi-family or attached developments will be based on the orientation of each proposed building to the adjoining project property line. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

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(2) Maximum floor area. In the B-1 district, no retail establishment or shopping center may exceed 70,000 square feet in floor area and no office establishment may exceed 100,000 square feet in floor area on a lot. In the B-2 and B-D districts, no retail establishment or shopping center may exceed 100,000 square feet in floor area, except in a Commercial Center ~~Special Purpose~~ district as in Chapter 11, Part 4. In the BP district, no retail establishment or shopping center may exceed 10,000 square feet on a lot.

Move existing item (8) to follow item (5) and renumber to item (6) as follows:

(6) Outside Storage. Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot in a business district must be screened from the public right-of-way and adjoining property in accordance with Section 12.303. The street right-of-way screening requirement does not apply to the storage of new and used vehicles which are offered or intended for sale.

Renumber existing item (6) to (7) as follows:

(7) Special Development Requirements for the BP district. Additional development requirements for the BP district are specified below:

(e) Project edge. The protection of the project edge is essential to the proper integration of a business park development into the community, especially when adjoining residential areas. The objective of the standards for the project edge is to provide the appropriate separation, screening, landscaping and transition between the development and the adjoining properties.

The minimum project edge required around the perimeter of the site is 100 feet. However, if the abutting land is zoned and used for business, business park, research or industrial purposes, or if the project adjoins the right-of-way of a railroad, Class I, or Class II thoroughfare, the minimum edge for that part of the project boundary may be reduced to 50 feet. The minimum project edge must remain undisturbed except that utility lines streets and driveways may be installed in this area pursuant to specific site plan approval. If the project edge does not contain sufficient vegetation to adequately screen and buffer, it must be revegetated or screened according to a Class B buffer as per Table 12.302(b). Project identification signs may be permitted in the project edge pursuant to specific site plan approval.

(g) Project entrance. The entrance or entrances to the project should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the public street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential, and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site. Where internal streets are provided within a BP district, individual development sites shall be accessed only from internal streets.

Renumber item (7) to (8) as follows:

(8) Administrative site plan approval required for BP district. Once the BP district has been established all development in the business park district must be built in accordance with an administratively approved site plan. Site planning in proposed developments must provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences within the development. The site plan must be designed giving adequate consideration to the minimum standards of these regulations and to the following factors: the size and shape of the tract; the topography and necessary grading, the reasonable preservation of the natural features of the land and vegetation; the size and relationship of buildings; and the character of relationship to adjoining properties. Consideration should be given to the location and arrangement of parking areas, the nature and extent of screening, the design of and utilization of streets and open spaces. The site plan must be prepared by a registered professional land planner licensed to practice in North Carolina. This registration could include land planners with designations as AICP, ASLA, AIA, PE, or others so long as the designer of record specializes in site design.

31. Amend Section 9.1102. Uses permitted by right as follows:

(4) Amusement, commercial outdoors~~,~~ ~~limited to par 3 golf courses, golf driving ranges and archery ranges~~.

(10) Automotive sales and repair, including tractor-trucks and accompanying trailer units (I-1 only).

(32) Financial institutions, up to 25,000 square feet ~~(I-2 only)~~.

(48) Manufacture (light) of:

Bakery products
Batteries
Beverages, excluding alcoholic beverages
Boat and ship building
Brooms and brushes
Burial caskets
Candy and confectionary products
Cigarettes, cigars and chewing tobacco
Communications equipment
Computer and office equipment
Costume jewelry and notions
Dairy products
Electrical lighting and wiring equipment
Electric components and accessories
Electronic equipment
Fabricated metal products, excluding use of blast furnaces or drop forges
Grain mill products
Household audio and visual equipment
Household appliances
Ice
Jewelry, silverware, and plated ware
Measuring and controlling devices
Meat products, excluding slaughtering and dressing
Medical instruments and supplies
Musical instruments
Ophthalmic goods
Pens, pencils, office and art supplies
Pharmaceuticals
Plastic products, fabricated from previously prepared plastic materials
Preserved fruits and vegetables
Pumps
Search and navigation equipment
Signs
Toys and sporting goods
Watches, clocks, watch cases and parts
Other similar uses

32. Amend Section 9.1103(13)(c). Offices, and government buildings, over 400,000 square feet (I-1 only), as follows:

(c) Submission of traffic impact analysis in accordancd with provisions of subsection 9.703~~(12)(a)~~ 9.703(17)(c) to identify any needed on-site transportation improvements.

33. Amend Section 9.1105. Development standards for industrial districts as follows:

All uses and structures permitted in the I-1 and I-2 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

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

		I-1	I-2
(a)	Maximum Floor Area Ratio 1	.80	1.00
(b)	Minimum lot area (square feet)	8,000	8,000
(c)	Minimum lot width (feet)	50	50
(d)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20
(e)	Minimum side yard (feet)	0 or 4*	0 or 4*
(f)	Minimum rear yard (feet)	10	10
(g)	Maximum height (feet) 2	40	40

34. Amend Section 10.101. Purpose as follows:

Overlay Districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of a lot. Overlay Districts are applicable on an area wide basis to support specific public policy objectives and should be consistent with the Generalized Land Plan, District Plans and Area Plans. Overlay districts may be applied to general and ~~special purpose~~ conditional districts. An overlay district may be initiated as an amendment by the City Council, Planning Commission or property owner.

35. Amend Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts as follows:

(2) Residential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development and in Section 9.305 for the R-22MF district for attached and multi-family development. Single family dwellings may have a minimum rear yard of twenty feet if the rear yard does not form the outer boundary of an MX district. Residential development within an MX district need not comply with these requirements if it complies with the provisions of subsection 9.205(4).

36. Amend Section 11.306. Foundations, patios and walkways as follows:

(5) The area beneath a home must be fully enclosed with durable skirting within 60 days of placement in the park or subdivision. As a minimum, such skirting must be a product designed and sold for use as skirting or as approved by the Zoning Administrator.

37. Amend Section 11.505. Development standards as follows:

(1) The minimum setback shall be 12 feet from the back of the existing or future curb as established by the "Charlotte-Mecklenburg Thoroughfare Plan" or as prescribed within an approved streetscape plan governing the site, whichever is greater.

38. Amend Section 11.506. Parking requirements as follows:

(1) The minimum parking requirements for the Neighborhood Services District are as follows:

Residential - 1 space per dwelling unit

~~Retail---------- 1 space per 600 square feet~~

All other uses- 1 space per 600 square feet

~~Office---------- 1 space per 600 square feet~~

39. Amend Section 12.101. Every lot must abut a street as follows:

(3) Driveways in a research, institutional, office, business or industrial zoning district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to the effective date ~~of this Ordinance~~ May 20, 1985, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.

40. Amend Section 12.102. Special lot, setback or yard requirements as follows:

(1) Any use, building, or structure in a research, office, business, industrial or institutional zoning district located on a lot abutting a lot in a residential zoning district with setbacks off the same street shall meet the minimum setback requirement for uses permitted by right in the abutting residential zoning district.

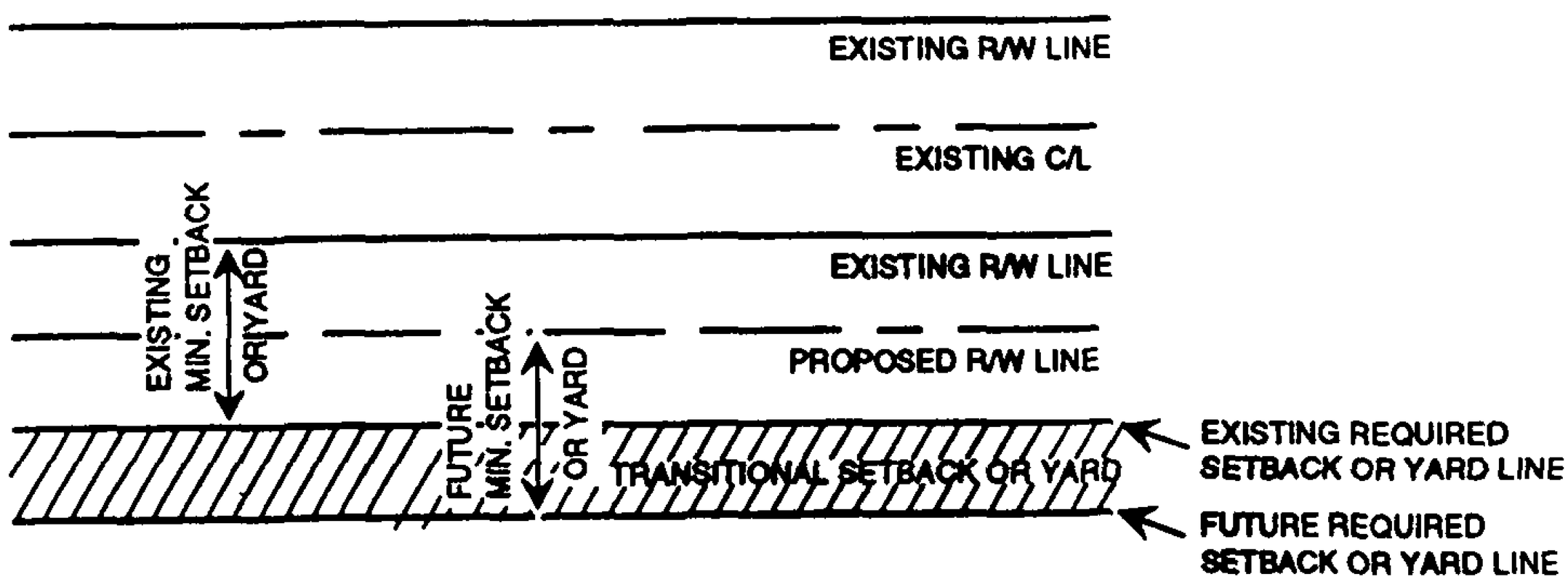
(5) Elevated pedestrian walkways, including those over public rights-of-way, may be located in any required yard or setback area provided they do not create a visual obstruction for motor vehicle traffic and have all other governmental approvals for its location over the public right-of-way. It is the intent of this provision that these walkways be as nearly perpendicular to the required setback or yard as possible.

(8) If a lot is fronted on three sides by streets, the setback requirement for the zoning district shall be applied only on the two opposing street fronts. The required ~~setback~~ side yard on the third street front must be at least one-half the required setback in that zoning district. The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback.

41. Amend Section 12.103. Requirements for lots along thoroughfares as follows:

(2) A transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as illustrated in Figure 12.103. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those permanent uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. However, the transitional setback or yard may be used for parking which exceeds the minimum ordinance parking requirements. The area between the existing right-of-way line and the proposed right-of-way line may not be used to satisfy any minimum parking requirement, any minimum open space requirements, any minimum lot size requirements or any other minimum requirements, imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses constructed after May 1, 1989, from which are within the transitional setback or yard that are not otherwise permitted in the setback or yard by the zoning district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

TRANSITIONAL SETBACK OR YARD



42. Amend Section 12.105. Effect of certain street and public land dedications on computation of density as follows:

-----~~Land dedicated for certain public street purposes and land dedicated for any public community service facility, including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. For street dedications, where the subdivision ordinance requires the dedication of up to 100 feet of right-of-way (50 feet on either side of the center line) for public street purposes, all right-of-way in excess of 100 feet must be reserved and may be offered for dedication at the option of the developer or property owner. Except as provided above, all of the area which is dedicated for any Class-I, Class-II, Class-III, and Class-IV streets, may be used to compute the number of lots or dwelling units allowed on the site.~~

-----~~For public community service facilities, the entire dedicated area may be used to compute the number of lots or dwelling units. However, none of the provisions of this Section shall apply to projects developed under the regulations of Chapter 11, Part 2, Mixed Use Districts and subsection 9.205(5). To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used.~~

Land dedicated for future streets or thoroughfares may be used to compute the number of lots or dwelling units allowed on an entire site. This does not apply to any right-of-way for existing streets, but only to the dedication of additional or new right-of-way.

Land dedicated to the public for any community service facility including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, or other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. However, in the Mixed Use Districts and Cluster developments any land so dedicated may count towards the total site area in computation of the total number of lots or dwelling units, but it shall not be credited towards any additional lots, dwelling units, or further reductions in lot sizes other than those already permitted by the regulations specifically applying to them. To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedicated area, the following method will be used:

(1) For single family districts: Total right-of-way area and dedicated area (in acres) multiplied by the maximum permitted density.

(2) For multi-family districts: Total right-of-way area and dedicated area (in acres) multiplied by the maximum permitted density.

43. Section 12.106(2) Uses and structures prohibited and allowed in required setbacks and yards as follows:

(2) Except as otherwise provided in this subsection, no accessory structure shall be located within any setback or side yard required by these regulations, or within 2 feet of a lot line in the established rear yard. This section notwithstanding, no elderly or disabled housing, guest houses, or employee quarters shall be located within 15 feet of a rear property line or along any side property line within the required side yard dimension. In the RE-1, RE-2 and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots which abut a body of water. A fence, wall, mailbox, powerpole, light-pole, patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stop shelters may be located in any setback or yard which abuts a street in accordance with Section 12.513.

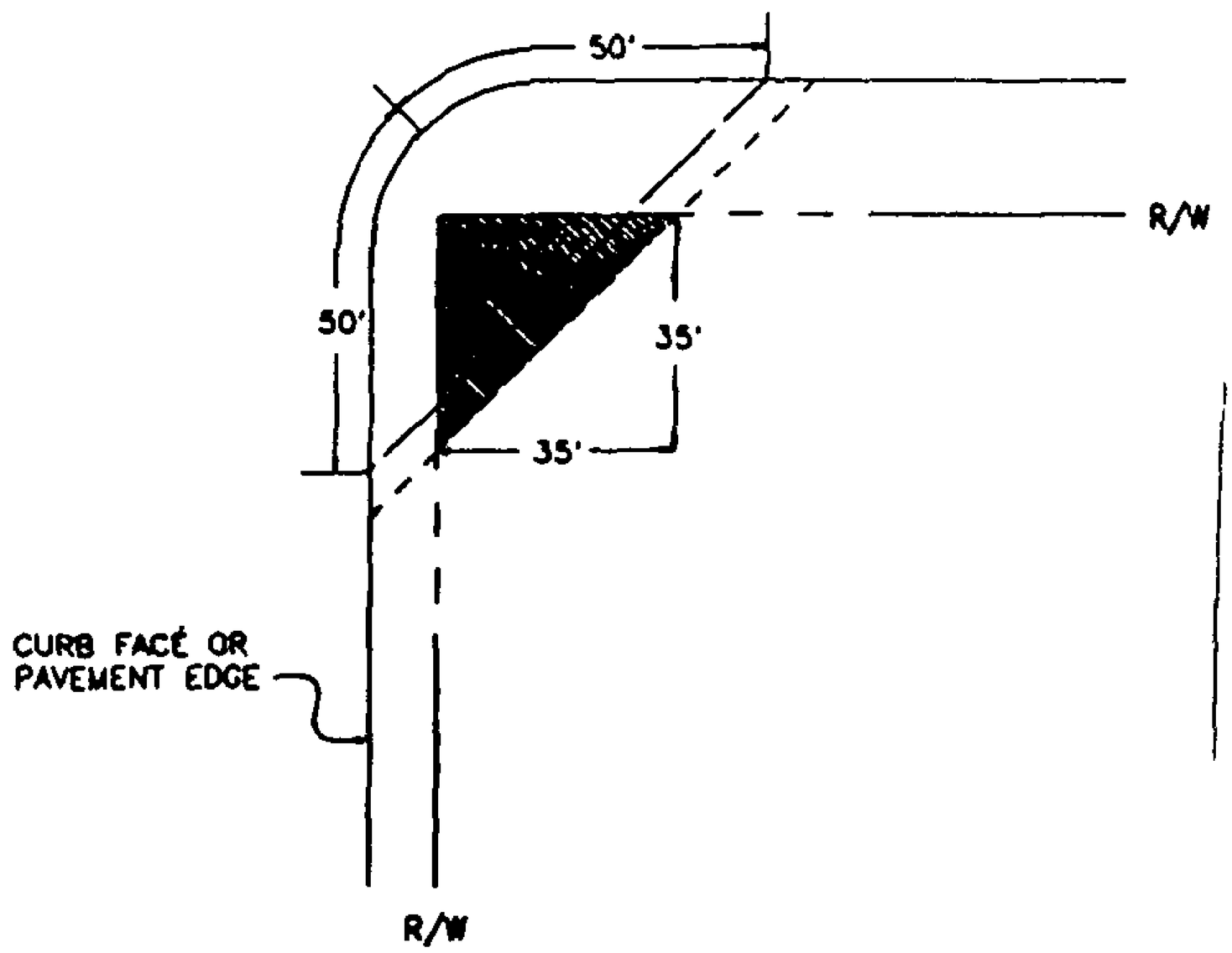
44. Section 12.109. Clear sight triangles at street intersections as follows:

(1) The minimum development standards set forth in this Section shall apply to land abutting street intersections delineated as follows:

(a) The triangle bounded on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb or pavement edge for 50 feet from the midpoint of the radius of the curb or pavement edge, and on the third side by the diagonal line connecting the ends of the 50-foot sides as illustrated in Figure 12.109; and

(b) The triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides, as illustrated in Figure 12.109 ~~(b)~~ ; and

Figure 12 109



(c) On streets maintained by the City of Charlotte or the State of North Carolina, additional sight ~~triangle~~ distance requirements may apply.

45. Amend Section 12.202. Required number of off-street parking spaces, TABLE 12.202, MINIMUM REQUIRED OFF-STREET PARKING SPACES BY USE by adding an item (b) between the existing items (a) and (c) as follows:

OFFICE AND BUSINESS USES:

Hotels/Motels

(a) Per room for rent	1 space per room or suite, plus ~~1 space per 4 seats~~
(b) Per meeting room capacity	1 space per 4 seats, plus
(c) Restaurant/entertainment facility	1 space per 250 square feet

46. Amend Section 12.203. Shared parking as follows:

(1) Joint use of up to 50 percent of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces (See Section 12.206(1)).

47. Section 12.204. Size of required parking spaces and aisles as follows:

(1) Each required parking space shall meet the minimum dimensional requirements as set out in the "Charlotte-Mecklenburg Land Development Standards Manual". ~~The minimum required length of a parking space shall be at least 2 feet longer where there is a wall or fence at the end of the parking space; and may be up to two feet less where a strip of ground at least two feet wide exists at the end of the space and a wheel block or curb is placed at the edge of the space so as to prevent a vehicle from driving onto the strip or hitting any fence or wall at the edge of the parking area.~~

48. Amend Section 12.206. Location of required parking as follows:

(2) No off-street parking ~~is~~ or driveways are permitted in the required setback or within any required side or rear yard which abuts a street in any district nor within 5 feet of any exterior lot line on a lot, except for single family detached, duplex and attached triplex and quadraplex dwellings with individual driveways providing access across the setback, street side yard or perimeter strip except as provided below. The space within the required setback, side or rear yard abutting a street may not be used as maneuvering space for parking or unparking of vehicles, except that driveways providing access to the parking area may be installed across these setback and yard areas. It is the intent of this provision that these driveways be as nearly perpendicular to the street right-of-way as possible.

49. Amend Section 12.214. Number, size, and location of loading spaces, TABLE 12.214, REQUIRED LOADING SPACES BY USE as follows:

Under the category of Office, Restaurant, or Hotel or Motel of gross floor area of 150,000 and over, change the required loading and unloading spaces required for the 10 x 50 feet spaces from 1 to 2.

Under the category of retail establishment, Shopping center, or any industrial use of gross floor area fo 150,000 and over, change the required loading and unloading spaces required for the 10 x 50 feet spaces from 5 to 6. Delete the gross floor area "for each 50,000 over 150,000" and delete the accompanying required spaces of 0 and 1.

50. Section 12.216. Configuration of off-street parking and loading ingress and egress as follows:

(1) Access to and from off-street parking and loading spaces shall be provided by means of clearly limited and defined entrance and exit drives from public rights-of-way or private streets to clearly limited and defined maneuvering lanes which, in turn, provide access to individual off-street parking or loading spaces. Off-street parking and loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on the public right-of-way.

51. Amend Section 12.217. Driveways and street access as follows:

No commercial driveway or street connection to a public street shall be constructed, relocated or altered unless a driveway permit, ~~if required,~~ is obtained from the Charlotte Department of Transportation ~~(~~and the North Carolina Department of Transportation (State System Street) ~~)~~.

52. Amend Section 12.302. Buffer requirements as follows:

(8) The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards:

(a) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials, ~~or~~ wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 12.304. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts;

(e) Shrubs are not required if a fence or wall is built. ~~However,~~ If a berm is constructed, shrubs are required but the number may be reduced by 25%. However, the number of trees is not modified by the reduction of buffer width.

53. Amend Section 12.303. Screening requirements, number (2) as follows:

(a) Any fences ~~and~~ or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, ~~or~~ wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 12.304. ~~thereof with~~ No more than 25 percent of the fence surface ~~area~~ shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when residential uses and districts;

(g) Shrubs used in any screening or landscaping must be evergreen, at least ~~3~~ 2½ feet tall when planted and no further apart than 5 feet. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 4 years of planting_ ~~;~~ ~~and~~ Shrubs and trees shall be on the approved plant list in Appendix 1, and

54. Amend Section 12.406. Fences and walls in residential districts Editor Note: as follows:

[Editor Note: Any fence or wall constructed within the ~~site~~ sight distance triangle at an intersection must conform to the cross visibility requirement regulated in City Code, Section 14-16 and Section 12.109 of these regulations. A fence or wall constructed along the border or bounding on any streets or sidewalks of the City, shall require certification by the Charlotte Department of Transportation (City Code, Section 19-4)]

55. Amend Section 12.407. Elderly and disabled housing as follows:

(7) Detached elderly and disabled housing shall be located in the rear yard and not be any closer than 15 feet to ~~the~~ a rear property line or along any side property line within the required side yard dimension.

56. Amend Section 12.412(7). Guest houses and employee quarters as follows:

(7) Guest houses or employee quarters shall be located in the rear yard and not be any closer than 15 feet to ~~the~~ a rear property line or along any side property line within the required side yard dimension. ~~and adhere to the minimal side yards for the district~~

57. Amend Section 12.413. Drive-in service windows as follows:

Section 12.413. Drive-in service windows and other drive-through uses.

(4) Menu boards and other signage associated with drive-in service windows will be governed by Chapter 13.

Table 12.413
MINIMUM VEHICLE STORAGE REQUIREMENTS*

TYPE OF FACILITY	VEHICLE STORAGE
~~Drive-in~~ Bank	6 spaces per window (1)
~~Drive-in~~ Restaurant	8 spaces per window (2)
Automatic Car Wash	10 spaces per wash line
Self-service Car Wash	3 spaces per wash line
Drive-in Theater	15% of the total parking capacity
~~Hospital (3)~~----------	~~1% of the total parking capacity~~
~~Service Stations~~----------	~~4 spaces per service position~~
Service Stations	4 spaces per service pump island
~~Drive-in~~ Dry Cleaners	3 spaces per window (2)
Other ~~Drive-in~~ Uses	5 spaces per window

*(1 vehicle space equals 20 feet)

FOOTNOTES TO TABLE 12.413:

~~----------(3)--At the main entrance to the hospital.~~

58. Amend Section 12.506. Religious Institutions in residential zoning districts as follows:

Churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential zoning districts subject to the following development approvals based upon size limitations:

	Permitted Districts
Religious Institutions, less than 750 seats in the largest place of assembly	All residential zoning districts
Religious Institutions, 750 to 1200 seats in the largest place of assembly	Multi-family and MX zoning districts

(8) ~~Any structure will be set back from the street no less than any existing dwelling on an abutting lot.~~ [RESERVED]

59. Amend Section 12.516. Open space recreational uses as follows:

(1) Such uses shall not involve the use of motorized vehicles, such as dirt bikes, go carts, motorcycles, ~~etc.~~ and similar uses.

60. Amend Section 13.108. Specifications for permanent signs requiring a permit number (4)(c) as follows:

(c) No ground mounted or monument sign greater than 2½ feet in height as measured from the grade of the road or pole sign having a vertical clearance less than 10 feet between grade and the bottom of the sign face shall be located in the ~~site~~ sight distance triangle;

61. Amend Section 13.109. District regulations for permanent on-premises signs as follows:

(1) Residential Districts

(a) Signs on the premises of single family, detached duplex, group homes, and on the premises of mobile homes shall conform to ~~subsection 13.106(5)~~ subsection 13.106(4) of these regulations.

(4) Business Districts

(d) Detached signs on the premises of business parks shall be regulated in accordance with ~~subdivision 13.109(2)(c)~~ subsection 13.109(2)(b) and business park development signs shall be regulated in accordance with subsection 13.109(2)(d).

(5) Industrial Districts

(a) Detached signs in industrial districts shall be regulated in accordance with subsection 13.109(4) ~~(a)~~.

(b) ~~Industrial Park Development Signs~~ Detached signs on the premises of industrial parks shall be regulated in accordance with ~~subdivision 13.109(2)(d)~~ subsection 13.109(2)(b) and industrial park development signs shall be regulated in accordance with subsection 13.109(2)d.

62. Amend Appendix 1: List of Acceptable Plant Species by moving from Small Maturing Trees, Botanical Name: Myrica cerifera, Common Name: Wax myrtle and put in proper alphabetical order under Shrubs, and deleting in it's entirety, Botanical Name: Photinia glabra, Common Name: Red tipped photinia from under Shrubs.

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

Approved as to form:

_____
City Attorney

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

_____
Brenda Freeze, City Clerk

DATE: February 22, 1993

PETITION NO.: 93-1

PETITIONER(S): Charlotte Area Catholic Schools

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

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

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

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

Nays: None.

Absent: Baker and Fenning.

REASONS

The agent for the petitioner for this rezoning requested an additional deferral (see attached letter) to allow time to continue discussions with interested parties. Therefore, the Zoning Committee deferred action to their next work session on March 22.

FRED E. BRYANT, PLANNER

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

February 18, 1993

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

Dear Walter:

As you are now aware, Charlotte Catholic High School has been able to purchase two additional lots now giving it ownership continuity between the main campus on Park Road and the lot on the corner of Park and Cambridge which is the subject of Rezoning Petition 93-1. As a result of this acquisition, the circumstances under which the school would need to have the corner property rezoned has changed drastically.

I am pleased to report that school representatives and neighborhood representatives are continuing to work toward a mutually acceptable proposal for the use of the school property. A meeting was held as late as Tuesday of this week at which time it was agreed that Charlotte Catholic School would request an additional one-month deferral of this matter by the Zoning Committee in order to allow further discussion. It is my understanding that the neighborhood organization completely supports this request.

Therefore, and for the reasons cited above, as representative of Charlotte Catholic High School in Rezoning Petition 93-1, I am requesting the Zoning Committee to continue deferral of this petition until their March meeting.

If there are any questions concerning this matter, please let me know.

Sincerely,

Fred

Fred E. Bryant, AICP

FEB/df

cc: Zoning Committee
Mr. Joe Treacy, Jr.
Mr. Will Miller

DATE: February 22, 1993

PETITION NO.: 93-4

PETITIONER(S): P.J.J.D. Enterprises

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

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

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

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

Nays: None.

Absent: None.

REASONS

This petition proposes rezoning from B-1 to B-2(CD) to accommodate a drive-in restaurant with no indoor seating. The Zoning Committee requested minor clarifications from the petitioner's agent regarding the location of the menu boxes associated with the drive- thru windows. The Zoning Committee viewed the petition as appropriate for approval but one Commissioner did express concern about this location and the petition's nonconformance with publicly adopted plans for the area. It was noted that uses such as this should locate on sites with the appropriate zoning.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee and views the potential approval of this petition as the precedent for additional highway commercial uses along Beatties Ford Road.

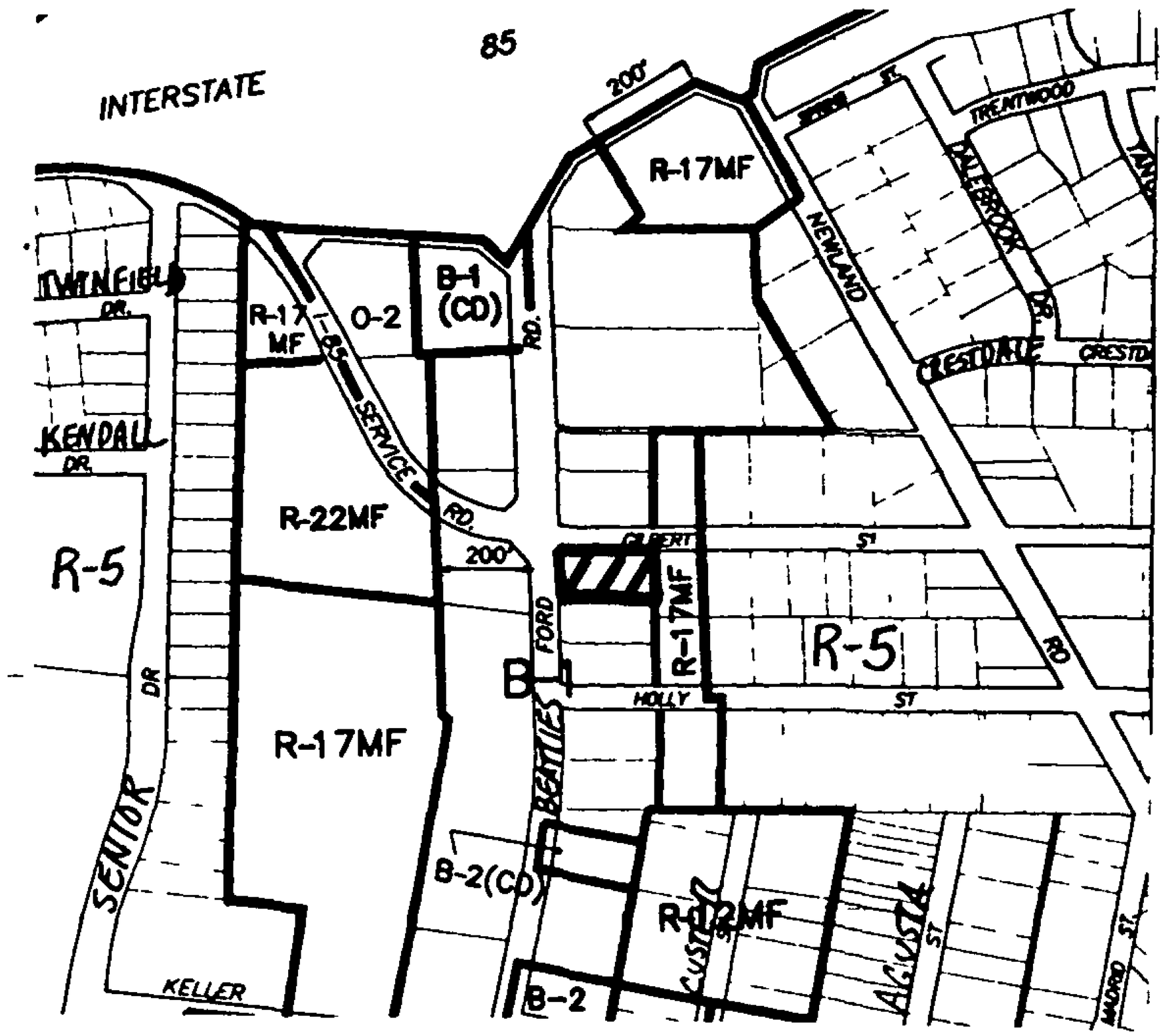
PETITIONER. P.J.J.D. Enterprises

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

ZONING CLASSIFICATION, EXISTING: B-1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

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



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

PROPERTY PROPOSED FOR CHANGE

2473

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. 12/29 @ 10:00

Petition No. 93-4
Date Filed November 30, 1992
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner: Bernice Foster and Lenard and Vashtia F. Robinson

Owner's Address: 1823 Northbrook Drive, Charlotte, NC 28216

Date Property Acquired: July 11, 1978

Tax Parcel Number: 075-012-01, 02

Location of Property (address or description)

Southeast corner of Beatties Ford Road and Gilbert Street

Description of Property

Size (Sq. Ft.-Acres): .64 acres

Street Frontage (ft.): 140 feet on Beatties Ford Road

Current Land Use: Two commercial buildings (a barber shop and a night club)

Zoning Request

Existing Zoning: B-1

Requested Zoning: B-2(CD)

Purpose of Zoning Change: To allow the development of this corner for a drive-in restaurant facility.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Bernice Foster

P.J.J.D. Enterprises
Name of Petitioner(s)

P. O. Box 36918, Charlotte, NC 2823
Address of Petitioner(s)

377-5563
Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

DATE: February 22, 1993

PETITION NO.: 93-5

PETITIONER(S): Kenneth & Jeanne England

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

LOCATION: A .48 acre site located on the northwest corner of Providence Road and Edgemont Road.

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

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

Nays: Fenning.

Absent: None.

REASONS

This petition proposes rezoning from single family residential to conditional multi-family residential to allow the re-establishment of the previous bed and breakfast inn use of the property.

MINORITY OPINION

The minority opinion expressed significant concern about this petition. It was noted that the proposed use which is in essence a rooming house would introduce a commercial use on a residential section of Providence Road. Concern was also expressed about potential catering and service and delivery trucks associated with the use.

MAJORITY OPINION

The majority of the Zoning Committee viewed the petition as appropriate for approval and noted that there would be no changes to the site as a result of the rezoning.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

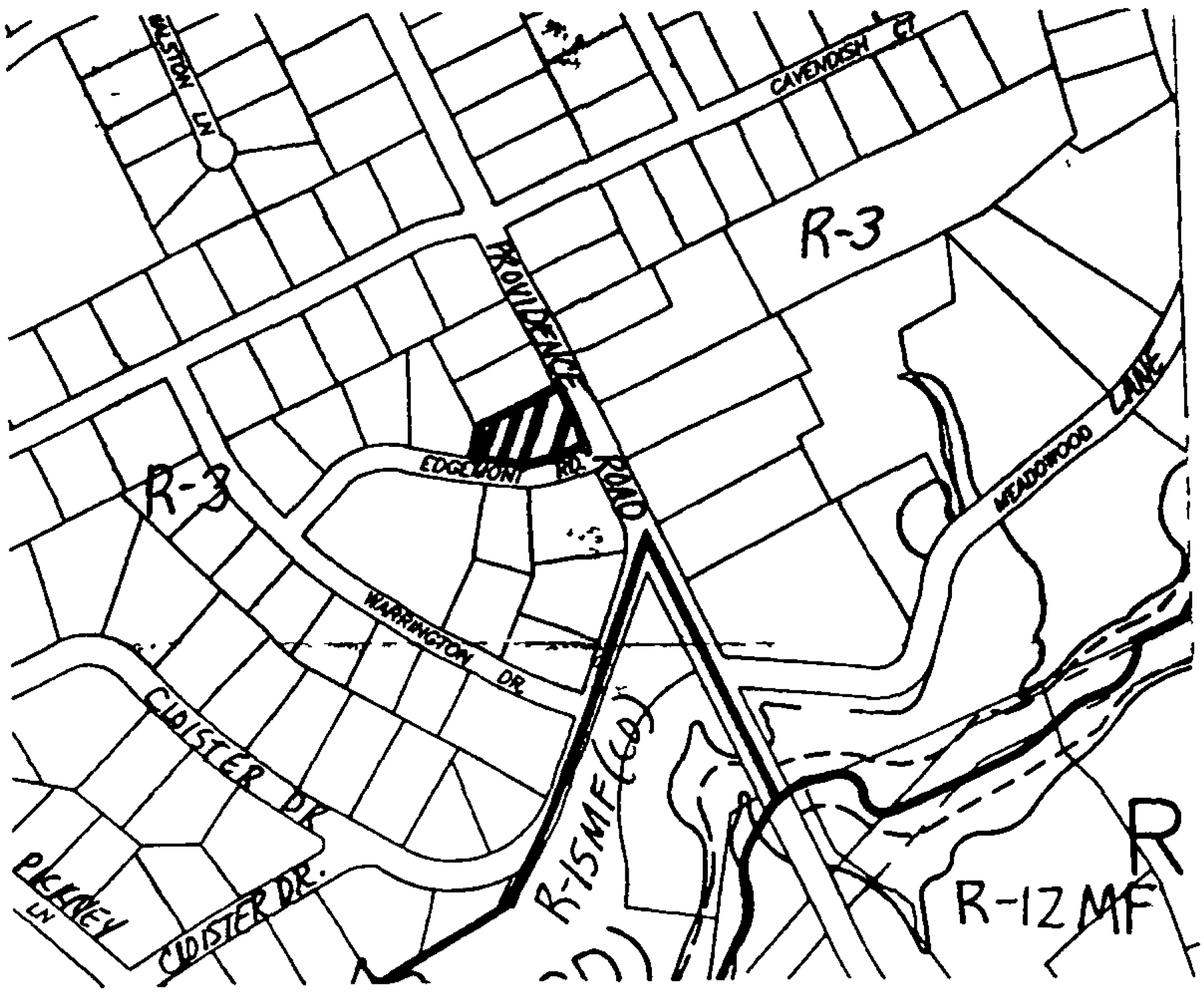
PETITIONER: Kenneth & Jeanne England

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

ZONING CLASSIFICATION, EXISTING: R-3

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

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



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

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 93-5
Date Filed November 30, 1992
Received By YKCM

OFFICE USE ONLY

Ownership Information

Property Owner Kenneth F. and Jeanne B. England

Owner's Address 3726 Providence Road, Charlotte, N. C. 28211

Date Property Acquired November 15, 1988

Tax Parcel Number 183-091-03

Location of Property (address or description) 3726 Providence Road (N.W. corner of Providence Road and Edgemont Road)

Description of Property

Size (Sq. Ft.-Acres) .48 Acre Street Frontage (ft.) 129'

Current Land Use Single family (Previously a Bed and Breakfast until October 1990

Zoning Request

Existing Zoning R-3 Requested Zoning R-8 MF(CD)

Purpose of Zoning Change To accomodate a use which was discontinued due to illness. During that time a new ordinance was adopted which requires multi-family zoning for a Bed and Breakfast.

Lee R. McLaren
Name of Agent

2036 East Seventh Street
Agent's Address

Charlotte, N. C. 28204
Telephone Number

(704) 332-1204

Kenneth F.& Jeanne B. England
Name of Petitioner(s)

3726 Providence Road
Address of Petitioner(s)

Charlotte, N. C. 28211
Telephone Number

(704) 365-8507

Kenneth F. England
Signature

Signature of Property Owner
if Other Than Petitioner

DATE:	February 22, 1993
PETITION NO.:	93-6
PETITIONER(S):	Charlotte-Mecklenburg Planning Commission
REQUEST:	Change from R-17MF to I-1
LOCATION:	Approximately .43 acres located at the end of Spratt Street.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baker, Fenning, James, Jones, McClure, Tabor and Whelchel.
Nays:	None.
Absent:	None.

REASONS

This petition proposes rezoning from a multi-family residential category to the light industrial district on property located within the Spratt Street cul-de-sac. The purpose of the petition is to accommodate plans for the potential expansion of the County's food bank and related parking. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

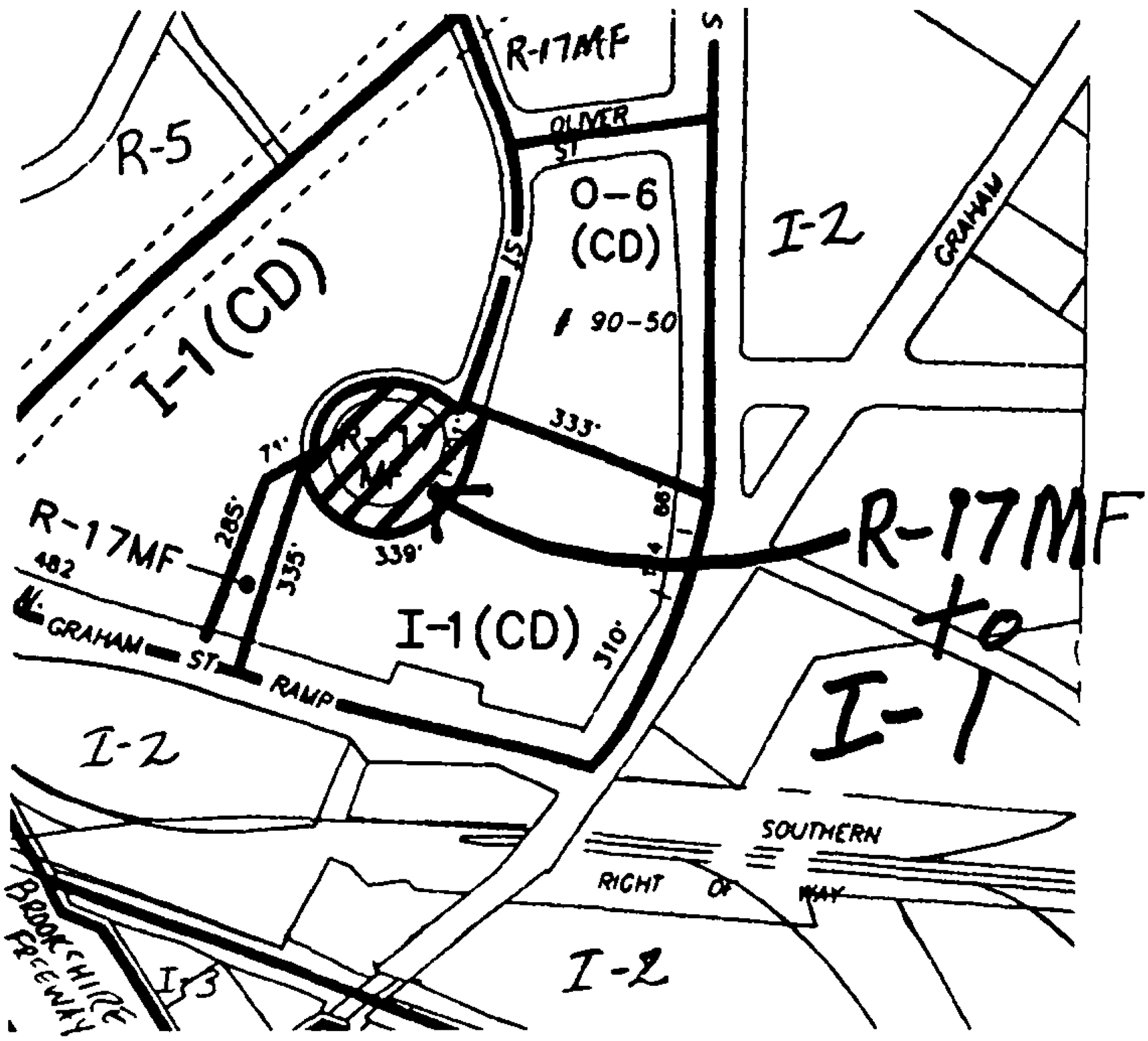
PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 93-6 HEARING DATE: February 15, 1993

ZONING CLASSIFICATION, EXISTING: R-17MF

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: A doughnut shaped lot of approximately .43 acres located at the end of Spratt Street.



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

PROPERTY PROPOSED FOR CHANGE

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-6

Date Filed 11/30/92

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: City of Charlotte (Community Development Dept.)

Owner's Address: 600 East Fourth St., Charlotte,NC

Date Property Acquired:

Tax Parcel Number: 078-455-01

Location of Property (address or description)

at the terminus of Spratt Street in the Greenville neighborhood

Description of Property

Size (Sq. Ft.-Acres): .43 acre

Street Frontage (ft.):

Current Land Use: VACANT

Zoning Request

Existing Zoning: R-17MF

Requested Zoning: I-1

Purpose of Zoning Change: to remove an isolated parcel of residentially-zoned land from an industriaaly-zoned area, thereby facilitating expansion of the Metrolina Food Bank and implementing the Greenville Special Project Plan.

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s)
Charlotte-Mecklenburg Planning Comm.

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

MAYOR'S SCHEDULE
March 15, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by The Reverend Derrick Anderson, East Stonewall AME Zion Church.

2. Announcements

Wednesday, March 17 - 4:00 p.m. Regionalism Committee - Room 270

Thursday, March 18 - 4:00 p.m. Public Service Committee - Room 270

NOTE

There are no speakers signed up to speak on any of the petitions as of 3:00 p.m.

Protest Petitions have been filed and are sufficient to invoke the 20% rule on Petition Nos. 93-8 and 93-9.

#2 - 93-8 ✓ JANET STILWELL - FOR (PETITIONER)
✓ PHILLIP G HELMS - AGAINST

#3 93-9 ✓ BOB YOUNG - FOR
✓ MIKE HINSHAW - AGAINST

#4 - 93-12 ✓ N A MATHISEN - FOR

Dinner Presentation
March 15, 1993

Mayor Vincent	✓	x		Ann McClure	✓
Campbell	✓			Ken Baker	✓
Clodfelter	✓	x		John Tabor	✓
Hammond	✓	x		Vincent Jones	✓
McCoy	✓	x		Gloria Fenning	✓
Majeed	✓	x		John Jones	✓
Morgan	✓	x		Don Wheldel	✓
Martin	✓	x			
Patterson					
Reid	✓	x			
Scarborough	✓	x			
Wheeler					

5
~~6~~:40 p.m.

Hammond
Jim O'Brien - Organization, Land Planning, Development, City Within a City, Specialized Projects, Economic Development, + Transportation - Planning has been working intensely on these areas

Hammond

McCrory - CUPC matters - Do they pay for staff assistance?

O'Brien

McCrory

Cramton - asked to have? repeated

McCrory

Cramton -

O'Brien

McCrory - TAX - District

Hammond - Request to pull 93-16

Adjourn 6 03